

STRAND ONE INFORMATION PAPER (23 February 1998)

THE PROPOSED COMMITTEE ARRANGEMENTS FOR THE NATIONAL ASSEMBLY FOR WALES

1. This paper summarises the Government's proposals for a National Assembly for Wales as set out in the White Paper "A Voice for Wales" and in the Government of Wales Bill as originally introduced. The Bill is now in House of Commons Committee, and Ministers have undertaken to give further consideration to particular issues; it is therefore possible that the proposals will be subject to modification.

2. The White Paper and the Bill propose a model of Government combining features from the parliamentary executive and the local government models. The most distinctive aspect of this model is the extensive use of Committees, which would be of four types:

- Subject Committees, with executive powers.
- An Executive Committee, to provide overall direction for the Assembly's work.
- Scrutiny Committees, notably an Audit Committee and a Secondary Legislation Scrutiny Committee.
- Regional Committees, with an advisory function.

3. The Government of Wales Bill specifies that the membership of each committees to reflect the balance of political parties in the Assembly as a whole. This does not apply, however, to the Executive Committee, which could be composed of members of a single party, nor to the Regional Committees; and it is open to the Assembly to set up advisory committees which do not reflect party balance.

4. The detail of the operation of the Assembly and its committees will be set out in Standing Orders, to be drafted by a Commission to be appointed by the Secretary of State.

Subject Committees and Assembly Secretaries

5. The Assembly will assume the powers currently exercised by the Secretary of State for Wales. It must establish Subject Committees, analogous to those through which local authorities exercise their functions. It will be for the Assembly itself to determine the number of Committees it will need, and their size. However, the Government of Wales Bill specifies that the Subject Committees must between them have responsibilities in the following areas of policy:

Agriculture, forestry, fisheries and food.
Ancient monuments and historic buildings.
Culture (including museums, galleries and libraries).
Economic development.
Education and training.

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The environment.
Health and health services.
Highways.
Housing.
Industry
Local government
Social services.
Sport and recreation.
Tourism.
Town and country planning
Transport.
Water and flood defence.
The Welsh language.

6. The precise role of the Subject Committees will be specified in Standing Orders, but they could be responsible for day-to-day work on such matters on developing policies, monitoring the performance of public bodies, preparing secondary legislation and considering Bills going through the UK Parliament which have implications for Wales. These Committees will usually meet in public.

7. The Assembly will appoint a Chairperson for each Committee. Chairpersons will come from all political parties represented in the Assembly, the number from each party reflecting overall party representation in the Assembly. The Chairperson will preside over the Committee's meetings and be responsible for ensuring the orderly handling of all aspects of the Committee's business.

8. The most innovative aspect of these arrangements is the office of Assembly Secretary. In British local government, the practice has developed that the Committee Chairperson provides the principal political direction to the Committee's work, giving general strategic direction to its officers and developing initiatives in conjunction with them. In the Assembly's Subject Committees, however, the Chairperson will be akin to a Presiding Officer. But each Committee will also have its own Committee leader, to be known as an Assembly Secretary, who will provide the principal political leadership for the Committee's work and who will therefore usually be a member of the majority party in the Assembly. No person may be simultaneously an Assembly Secretary and a Committee Chairperson.

9. The staff of the Assembly will remain members of the British Civil Service, and the leading officials working in the sphere for which each Subject Committee is responsible will have a particular responsibility towards the Assembly Secretary of each Committee, in addition to a general responsibility to advise the Committee and support its work. It is recognised that officials' style of working will need to adapt to meet the needs of Committees which contain members of all political parties represented in the Assembly. Subject Committees will be able to employ expert advisers to assist them in their work, on a temporary basis.

The Executive Committee

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10. The Assembly Secretaries of the various Subject Committees will collectively constitute the Executive Committee. This will be chaired by a First Secretary, elected by the whole Assembly, whose function will be to lead the Executive Committee in providing overall political direction to the Assembly's work. The Government of Wales Bill permits the Executive Committee, unlike any other Assembly Committee, to be drawn from members of single party and to meet in private. The Committee's functions will be similar to those of Cabinet in a parliamentary executive. The First Secretary and the Assembly Secretaries will be subject to regular public questioning on matters of political significance across the whole range of the Assembly's work.

Scrutiny Committees

11. The Bill requires the Assembly to establish an Audit Committee to be chaired by a member of a minority political party, its membership reflecting the political balance of the Assembly. The First Secretary and Assembly Secretaries would be debarred from sitting on this Committee. It would operate in a similar way to the Public Accounts Committee of the British House of Commons, with a duty to ensure financial probity and efficiency.

12. While the responsibility for preparing secondary legislation will lie with Subject Committees, the Bill also requires the Assembly to appoint a Secondary Legislation Scrutiny Committee to verify that draft Orders fall within the Assembly powers. This Committee must be chaired by a member of a minority party and its membership must reflect the political balance in the Assembly.

Regional Committees

13. The Bill requires the Assembly to establish Committees for each of the Regions of Wales, to advise the Assembly about matters affecting those Regions. The Assembly is obliged to appoint a Committee for North Wales, but is otherwise free to determine the Committee structure to cover the other Regions. Each Regional Committee shall consist of (a) all the constituency Assembly members within that Region, and (b) such "additional members" (i.e. the Regional "top up" members elected under the AGMs voting system) for the Region as the Assembly may appoint. Each Regional Committee shall elect its own chairperson. Being purely advisory, the memberships of these Committees do not need to reflect party strengths.

Other arrangements for Committees

14. In addition, the Assembly has power to establish any other Committees which it considers appropriate. Any Committee of the Assembly may establish one or more Sub-Committees, and elect their members from amongst members of the Committee, but may not appoint a Sub-Committee consisting solely of Assembly members all representing the same party.

15. The Bill requires the Standing Orders of the Assembly to make provision for decision-making in cases of urgency; to set out which functions may be delegated to Committees and which are reserved to the Assembly; and to allow any function of the Assembly to be delegated to a Committee, a Sub-Committee,

the First Secretary, an Assembly Secretary or to a member of the Assembly's staff.

The Standing Orders Commissioners

16. The Bill requires the Secretary of State to appoint between 5 and 9 Commissioners to prepare draft Standing Orders for the Assembly. These draft Standing Orders must be approved (and may be amended) by the Secretary of State and will apply to the Assembly's business until the Assembly alters them which it may do by a two-thirds majority.

17. The Standing Orders must provide for the keeping of order; open access to proceedings and documents (except in specified circumstances); arrangements for the First Secretary and Assembly Secretaries to be questioned on their responsibilities; and provision for Assembly members to make representations to Committees of which they are not members

18. The Bill also allows the Secretary of State to issue guidance to the Commissioners on the content and form of the draft Standing Orders they are to prepare. As a preparatory measure, the Secretary of State for Wales has set up a National Assembly Advisory Group to carry out preparatory work on this guidance, and to advise him generally on the establishment of the Assembly.

19. This Group has fifteen members, drawn from all political parties and from local government, business, academia, trade unions, the law and the voluntary sector. Its concern is with the internal working arrangements of the Assembly, rather than its policy priorities. The Secretary of State has given the Advisory Group a strong steer to develop proposals which will command a public consensus and will encourage an 'inclusive' style of government in the Assembly. The issues initially examined by the Group have been the number and functions of Subject Committees; the number and function of Regional Committees; and the role of Assembly members. It has established five sub-groups, on subordinate legislation procedures; inclusiveness; public access and new technology; the use of the Welsh and English languages; and a code of practice for Assembly members. It has launched a series of public consultation exercises around Wales.