



# **Cynulliad Cenedlaethol Cymru** **The National Assembly for Wales**

## **Y Pwyllgor Materion Cyfansoddiadol a Deddfwriaethol** **The Constitutional and Legislative Affairs Committee**

**Dydd Llun, 15 Medi 2014**  
**Monday, 15 September 2014**

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Cofnodir y trafodion yn yr iaith y llefarwyd hwy ynddi yn y pwyllgor. Yn ogystal, cynhwysir  
trawsgriafiad o'r cyfieithu ar y pryd.

The proceedings are reported in the language in which they were spoken in the committee. In  
addition, a transcription of the simultaneous interpretation is included.

**Aelodau'r pwyllgor yn bresennol**  
**Committee members in attendance**

Mick Antoniw	Llafur (yn dirprwyo ar ran Julie James) Labour (substitute for Julie James)
Suzy Davies	Ceidwadwyr Cymreig Welsh Conservatives
David Melding	Y Dirprwy Lywydd a Chadeirydd y Pwyllgor The Deputy Presiding Officer and Committee Chair
Eluned Parrott	Democratiaid Rhyddfrydol Cymru Welsh Liberal Democrats
Simon Thomas	Plaid Cymru The Party of Wales

**Swyddogion Cynulliad Cenedlaethol Cymru yn bresennol**  
**National Assembly for Wales officials in attendance**

Stephen Boyce	Y Gwasanaeth Ymchwil Research Service
Gwyn Griffiths	Uwch-gynghorydd Cyfreithiol Senior Legal Adviser
Ruth Hatton	Dirprwy Glerc Deputy Clerk
Gareth Pembridge	Cynghorydd Cyfreithiol Legal Adviser
Dr Alys Thomas	Y Gwasanaeth Ymchwil Research Service
Gareth Williams	Clerc Clerk

*Dechreuodd y cyfarfod am 14:29.*  
*The meeting began at 14:29.*

**Cyflwyniad, Ymddiheuriadau, Dirprwyon a Datgan Buddiannau**  
**Introduction, Apologies, Substitutions and Declarations of Interest**

[1] **David Melding:** Good afternoon, everyone, and welcome to this meeting of the Constitutional and Legislative Affairs Committee. I hope that everyone had a break over the summer. Welcome back. I know that we are all looking forward to a busy term. I have apologies from Julie James—I know that we will all want to extend our best wishes to her, as she has entered the Government. I am delighted to welcome Mick Antoniw as a substitute. We all know that Mick is very familiar with our work. We do not expect a routine fire alarm, so if we hear the bell, please follow the instructions of the ushers, who will help us to leave the building safely. Please turn all mobile devices to 'silent'. These proceedings will be conducted in Welsh and English and, when Welsh is spoken, there is interpretation, or translation, on channel 1, and you can amplify our proceedings on channel 0.

14:30

**Offerynnau nad ydynt yn Cynnwys Materion i Gyflwyno Adroddiad arnynt o dan Reol Sefydlog 21.2 na 21.3**  
**Instruments that Raise no Reporting Issues under Standing Order 21.2 or 21.3**

[2] **David Melding:** The instruments are listed there for you, and there are quite a lot of

them as it is our first meeting of the new term. Are we content?

[3] **Simon Thomas:** A gaf ofyn cwestiwn, jest i atgoffa fy hunan? Cafodd nifer o'r rhain eu gosod ar ddiwrnod olaf, i bob pwrpas, y tymor diwethaf, a dyma'r tro cyntaf, felly, inni gael edrych arnyn nhw. Sut, felly, mae'r cyfnod o alw'r rhain i mewn yn gweithio? Nid oes dim byd o ddiddordeb i'r pwyllgor arbennig yma, ond mae cwpl fan hyn sydd o ddiddordeb o ran polisi i rai o'r pwyllgorau eraill. A allwch chi fy atgoffa i beth yw'r drefn bellach o ran rhywbeth sydd wedi'i osod dros yr haf fel hyn?

**Simon Thomas:** May I ask a question, just to remind myself? A number of these were laid on the final day, effectively, of last term, and this is our first opportunity, therefore, to look at them. How, then, does the period of calling these in work? There is nothing of interest to this particular committee here, but there are a couple here which are of interest in policy terms to other committees. Could you remind me what the system is for something that is laid during the summer months like this?

[4] **Mr Griffiths:** Mae'r Rheolau Sefydlog yn cadarnhau nad yw amser yn rhedeg at ddibenion craffu gan y pwyllgor hwn nac at ddibenion gosod cynnig i ddirymu'r rheoliadau. Felly, os ydyn nhw wedi eu gwneud deufis yn ôl, mae dal yn agored i'r pwyllgor yma adrodd ac i Aelodau gyflwyno cynnig, os ydyn nhw am wneud hynny.

**Mr Griffiths:** Standing Orders confirm that time does not start running for the purposes of scrutiny by this committee or for the purposes of tabling a motion to revoke the regulations. Therefore, if they were made two months ago, it is still open to this committee to report and to Members to table a motion, should they wish to do so.

[5] **Simon Thomas:** Diolch am y cadarnhad.

**Simon Thomas:** Thank you for the confirmation.

[6] **David Melding:** It is an important point, but they do not have the equivalent of the pocket veto in the United States or whatever—they do all sorts of things when Congress is not sitting.

14:32

### **Offerynnau sy'n Cynnwys Materion i Gyflwyno Adroddiad arnynt i'r Cynulliad o dan Reol Sefydlog 21.2 neu 21.3**

#### **Instruments that Raise Issues to be Reported to the Assembly under Standing Order 21.2 or 21.3**

[7] **David Melding:** We move on to item 3, which are instruments that have reporting issues. Again, they are listed. I know that Gwyn has a point on at least one of them, but are there any issues other than what Gwyn wants to bring our attention to? I see that there are not.

[8] **Mr Griffiths:** Os caf, hoffwn dynnu eich sylw chi, Gadeirydd, at y rheoliadau sy'n ymwneud â sylffwr mewn tanwydd hylifol. Fel y gwelwch chi, maen nhw wedi eu gwneud yn Saesneg yn unig, ond y pwynt arwyddocaol, rwy'n meddwl, yw'r ffaith ein bod ni bellach yn ymwybodol bod nodyn sy'n esbonio o ble mae'r deddfwriaeth yma wedi dod a sut mae'n rhoi deddfwriaeth Ewrop ar waith. Mae ymateb y Llywodraeth yn cadarnhau bod Llywodraeth y Deyrnas

**Mr Griffiths:** If I may, I want to draw your attention, Chair, to the regulations relating to sulphur in liquid fuels. As you can see, they have been made in English only, but the significant point, I think, is the fact that we are now aware that there is a note that explains where this legislation has come from and how it puts European legislation into effect. The response of the Government confirms that the UK Government has agreed to present this kind of note to the

wedi cytuno i gyflwyno nodyn o'r fath i Senedd San Steffan pan fydd yn gwneud deddfwriaeth o'r fath. Wrth gwrs, mae hynny'n gwneud y gwaith o graffu ar y rheoliadau i wneud yn siŵr eu bod yn gweithredu deddfwriaeth Ewrop yn gywir lot yn haws. Felly, gwelwch chi ein bod ni wedi tynnu sylw at hynny a gofyn pan fydd yn gwneud rheoliadau ar y cyd â San Steffan a wnaiff hefyd osod nodyn o'r fath gerbron y Cynulliad. Yn yr ymateb i'r adroddiad drafft, mae wedi cytuno y gwnaiff hynny os bydd dogfen yn cael ei pharatoi gan Lywodraeth Llundain.

Westminster Parliament when it makes this kind of legislation. Of course, that makes the work of scrutinising the regulations to ensure that are implementing European legislation accurately much easier. So, you will see that we have drawn attention to that and asked that it makes joint regulations with Westminster, will it also present a note of that kind before the Assembly. In its response to the draft report, it has agreed that it will do that if a document is prepared by the London Government.

[9] **Simon Thomas:** A yw hyn bellach yn drefn, felly, a fydd yn cael ei dilyn bob tro?

**Simon Thomas:** Is this now a protocol, therefore, that will be followed every time?

[10] **Mr Griffiths:** Yn yr ymateb, mae'n dweud y bydd Llywodraeth Cymru, fodd bynnag, wrth drosi ar sail gyfansawdd yn y dyfodol, yn ymdrechu i ddarparu copïau o'r nodiadau trosi i'r pwyllgor pan fyddant ar gael. Cefais i sgwrs gydag un o swyddogion y Llywodraeth a oedd yn esbonio nad yw gweision sifil mewn rhai adrannau yn Llundain mor hapus ag eraill i rannu gwybodaeth o'r fath, ond, wrth gwrs, os ydym yn gwybod bod un ar gael, gallwn edrych ar wefan Senedd San Steffan wedyn i drio dod o hyd i'r ddogfen.

**Mr Griffiths:** In the response, it says that the Welsh Government, however, whilst translating on a composite basis, will attempt to provide a copy of the translation notes to the committee when they are available. I had a conversation with a Government official who explained that civil servants in certain departments in London are not as content as others to share such information, but, of course, if we do know that one is available, we can look at Parliament's website to try to find that information.

[11] **Simon Thomas:** Mae'n berthnasol, Gadeirydd, i drafodaeth yn nes ymlaen ynglŷn â memorandwm ac ati. Diolch.

**Simon Thomas:** It is relevant, Chair, to a discussion later regarding a memorandum, and so on. Thank you.

[12] **David Melding:** We can be persistent and hold them to best practice, so it is an important precedent. Okay, is there anything else under item 3? If not, I take it that we are content with all the points that were in the reporting.

14:35

### **Papurau i'w Nodi Papers to Note**

[13] **David Melding:** We have quite a few papers to note, and some fairly significant ones. The first one is a letter from the First Minister and accompanying reciprocal guidance, in effect, to what the UK Government puts out in devolution guidance notes 9 and 17. I think that it is very helpful that we have this. I have to say that I have not had a chance to study it closely yet. Can I suggest that, after we have all done so, if we do want to, we have a discussion at some point to see how it reflects our report and previous work on how Governments co-operate and Ministers acquire powers et cetera—unless anyone has a burning issue now that they want to raise?

[14] **Mick Antoniw:** Chair, I have read through this and there were one or two bits that I did not quite understand, but I would like to have some time, because it is an important note.

[15] **David Melding:** Yes, okay. We will discuss the need for this during our private session or at some other point.

[16] The next point relates to the exchange of correspondence with the relevant commissioner on the issue of drift nets. Well, it is there and I thought that it was a substantive reply. I mean it does not completely resolve the issue, but the commissioner does emphasise that this is a process that has not been completed yet, and they are trying to liaise and have discussions with smaller scale fishermen—the fishing industry. I do think that at least there has been serious engagement on this issue and it has not just been an off-hand response. You will recall that this is an issue of proportionality, strictly speaking, so they do not really have to engage with us at all, but I think that they have taken us seriously. Do Members have any other points at this stage? I see that Suzy has.

[17] **Suzy Davies:** Yes, just on this one. In the letter that we had back from the commissioner, they say—and I am not sure whether it is a man or a woman—that there is a meeting going on in September. Is the committee diarising anything so that we can chase a response if we do not hear anything, either from the Commission or the UK Government?

[18] **David Melding:** I am sure that we can make inquiries as to how that meeting went and what has happened.

[19] **Suzy Davies:** Well, just to finish it off, that would be great. Thank you.

[20] **Simon Thomas:** Mae gennyf bwynt hefyd. Diolch i'r pwyllgor am ysgrifennu'r llythyr. Mae nifer o bethau defnyddiol iawn o ran polisi yma. Rwy'n gwybod nad mater i'r pwyllgor hwn ydyw, ond mae'n ddefnyddiol. Bythefnos yn ôl, ym Mrwsel, bues yn trafod ag un o staff adran hon y Comisiwn, ac roedd yn amlwg eu bod yn eithaf cadarn, cawn ddweud, eu bod wedi cynnig y ddeddfwriaeth gywir, ond roeddent hefyd yn dweud ei fod yn fater i Senedd Ewrop fynd trwyddi'n fanwl, ac ati. Mae honno'n broses y dylem fod yn rhan ohoni drwy ein Haelodau Seneddol Ewropeaidd ni. Yr hyn sy'n dal i fod yn wir, os cymerwch chi'r ohebiaeth gyda'r comisiynydd a'r ohebiaeth gyda'r Prif Weinidog, yw bod un yn dweud y bu ymgynghori, aeth gwybodaeth allan a holiaduron, a bu trafod, a'r llall, Prif Weinidog Cymru, yn dweud, 'Na, ni chlywsom ddim byd am hwn'. Felly, mae rhywbeth wedi mynd o'i le yn rhywle.

**Simon Thomas:** I have one point, as well. I thank the committee for writing this letter. There are a number of very useful things here in terms of policy. I know that it is not for this committee, but it is useful. A fortnight ago, in Brussels, I was speaking to a member of Commission staff in this department, and it was clear that they were quite firmly of the view, let us say, that they had proposed the correct legislation, but they also said that it was now a matter for the European Parliament to go through the minutiae, and so on. That is a process that we should be a part of through our own MEPs. What continues to be true, if you take the correspondence with the commissioner and that of the First Minister, is that one says that there was consultation, that information was issued and questionnaires, and discussions were held, and the other, the First Minister of Wales says, 'No, we heard nothing about this'. So, something has gone wrong somewhere.

[21] Rydych chi wedi codi adroddiad y pwyllgor hwn yn eich llythyr, ac er ein bod wedi dod at hwn o safbwynt cymesuredd, mae pwynt hefyd ynglŷn â sut mae deddfwriaeth Ewropeaidd yn gweithio, sut

In your letter, you mentioned this committee's report, and although we came at this from the point of view of proportionality, there is also a point here about how European legislation works, how we learn about it, and

ydyd yn dysgu amdani ac yn gallu dylanwadu arni yng Nghymru. Felly, mae hynny'n enghraifft dda a dweud y gwir, achos byddai 70 o bysgotwyr bach wedi cael eu hysgubo ymaith gan gerbyd mawr deddfwriaeth Ewropeaidd oni bai ein bod yn gwneud ein gwaith yn y fan hon o graffu ar y wybodaeth hon a thynnu sylw ati. Felly, fel y dywedodd Suzy, mae'n werth cadw hwn i gau pen y mwddwl, fel petai, ond mae hefyd yn rhywbeth y gall Aelodau ei godi yn eu pleidiau ac yn y Cynulliad i fwrw'r maen i'r wal, achos mae'n amlwg bod rhywbeth wedi mynd o'i le fan hyn.

how we in Wales can have an influence. So, this is a very good example, if truth be told, because 70 small fishermen would have been swept away by the huge machinery of European legislation had we not done our work properly here of scrutinising this information and bringing it to people's attention. So, as Suzy said, it is worth keeping an eye on this to ensure that it is concluded properly, but it is something that Members can now raise in their parties and in the Assembly in order to reach the goal, because something has obviously gone wrong here.

[22] **David Melding:** I completely agree. It is what our work should be about. Seventy people is 70 people and—

[23] **Simon Thomas:** Yes. That is 70 businesses.

[24] **David Melding:** Indeed. For them, it was not a minor matter at all, so I would certainly take those points on board. I do not know whether there is much more we can do. Perhaps we can inform the research team, just to look at this question of how the consultation went. I suspect that the technicalities were followed, but usually there is some process where the attention of national Governments is drawn to certain consultations. I just wonder whether perhaps that softer bit was not done or something. However, you are right that there are two views being expressed here that are difficult to reconcile, really, on what was followed. The First Minister says flatly that the normal procedure was not followed.

[25] **Simon Thomas:** All political institutions try to sneak things out at the end of their lives—

[26] **David Melding:** Yes, it can happen.

[27] **Simon Thomas:** It does not matter whether they are elected or not.

[28] **David Melding:** Okay. We note that, and we will keep a further eye on any further developments.

[29] The next correspondence is on the draft budget from the Presiding Officer. You may have views, but it is not as critical, usually, to this committee. Okay, so we will note that.

[30] The next piece of correspondence is a written statement from the then Deputy Minister for Social Services on the Social Services and Well-being (Wales) Act 2014 and the approach to implementing subordinate legislation. I mean, boy, we did say that it was framework legislation, and now you are seeing the plan of what needs to be rolled out, and some of it will require very extensive scrutiny, potentially. There is going to be a need for a lot of work in this committee and vigilance. I think that we can certainly say that. Are there any other remarks on that?

[31] **Suzy Davies:** Chair, may I just ask how we are likely to do that? Within this framework Bill, there were still a lot of negative procedure things. I appreciate that they will come through as areas that, presumably, do not give the committee much concern, but have you had any indication, Gwyn, of what sort of timetable she is looking at? I know that we have this here, but what about the next layer of detail down?

[32] **Mr Griffiths:** I do not think that we have had anything precise about when they are likely to come through.

[33] **Suzy Davies:** This could run and run really, could it not?

[34] **David Melding:** I think that the sort of issue that we might want to remark on is if a couple of really complicated regulations come very much at the same time, which limits the scope of the relevant committee to scrutinise the policy of all that, and consult or whatever. I think that those are the kinds of issues. Obviously, we have already gone through what we thought should have various types of procedure, and what we said has been largely followed. I cannot remember the detail now but there were probably a couple of points where the Government did not follow our advice, but that is how it is. I think that we want to monitor this. We will want to ensure that proper scrutiny—relevant scrutiny—of the most salient regulations occurs. We will not do that ourselves, because it requires a policy scrutiny now, does it not?

[35] **Suzy Davies:** The reason I ask—

[36] **David Melding:** The timetable will be the key, I think, with regard to the practicalities of that, because you could swamp the committee otherwise, could you not?

[37] **Suzy Davies:** Also, does it have to be finished before the end of this Assembly or could it continue into the next Assembly?

[38] **David Melding:** No, I do not think so. It could go over, I would imagine.

[39] **Suzy Davies:** So, potentially, this could run for years and years, even though we passed an Act in this last Assembly.

[40] **Mr Griffiths:** Well, it could, except that the statement says—

[41] **David Melding:** There is a rough timetable, is there not?

[42] **Mr Griffiths:** Yes. The first tranche should be laid before the Assembly by May of next year, and the second tranche during the winter of 2015.

[43] **David Melding:** Yes. It is not very precise, but—

[44] **Mr Griffiths:** So, I think that the plan is to bring it all into effect before the next Assembly elections.

[45] **Suzy Davies:** That is not the hugest of commitments, if you do not mind my saying so.

[46] **David Melding:** Yes. And to say ‘winter’, I mean, if there were relevant things there that were not getting very thorough scrutiny as we approached the next Assembly elections—. There certainly could be points that we would be uncomfortable with here, in the process.

[47] **Suzy Davies:** Right. Thank you.

[48] **Eluned Parrott:** I was just wondering whether we could write to the Minister to ask for more detail on that timetable, because I share Suzy’s opinion. I am very concerned that there are two dangers here, one of which is that the regulation comes out in dribs and drabs over such a long time period that it undermines the effective implementation of the Act. The

other danger, which from a scrutiny point of view is much more significant, as you say, is that it can come out in lurches all at once in such a way that proper scrutiny is not possible.

[49] **David Melding:** Yes, I do not see any problem with our writing and perhaps suggesting that the Minister work with the committee that is likely to have to do the scrutiny, because some of these details will need to be scrutinised effectively. I think we are all agreed.

14:45

[50] **Suzy Davies:** If the clerk could give us the detail, it would be a salient reminder of the problem with this style of Bill.

[51] **David Melding:** Okay, I think that is appropriate.

[52] The next paper to note is a letter from the First Minister regarding our inquiry into disqualification of membership. There are a couple of things there. I think that it is a very helpful reply and, obviously, our work has been well received. There is the issue of the House of Lords now looking at a possible amendment that will meet some of the issues that we were talking about in terms of having an eight-day period when a disqualifying office could be resigned. So, it would be for a debate on the report to occur after that amendment. I think the Government perhaps thinks that that amendment has a chance of being passed, I sense.

[53] So, first of all, I think it would be appropriate to have the report debated afterwards. While the First Minister says he agrees with the ideal of publishing the Order a year in advance, there are going to be problems with the Privy Council's meetings and the general election, which means that it may be difficult to have that Order ready and before the Privy Council before June or July. I think the circumstances are extraordinary because we are running into a general election there. I would welcome your views on that, but I do not think that he is making any of these objections up as there is a timetabling challenge here, and I do not think it undermines particularly that there would be a good length of time for the Order to be studied. If it is available before the summer recess, that would be very helpful because political parties and candidates can then become aware of it. Are there any other views?

[54] **Suzy Davies:** I would agree, so long as it does not drag on so long that selections are compromised. That is in practical terms, not as a party point.

[55] **David Melding:** Okay, thank you for that.

[56] We have Huw Lewis's reply to our comments on the legislative consent memorandum and the Deregulation Bill, and amendments in relation to farriers and home-school agreements. This basically was the issue of whether you should have had a separate Bill. I do not think that we have got anywhere—our view is our view. I cannot say I was terribly impressed by his reply. I think that trying to resolve some of the issues is obviously going to be a bit of a challenge, but we need to keep an eye on all of this in terms of a culture that tries to use Westminster legislative levers as much. I think he slightly contradicts himself when he says, 'Are these things serious enough?', 'Would a committee be interested?', 'Would Westminster amend?' and 'If the Government here brings in a late amendment, that is not really an appropriate thing', whereas governments amend their own legislation all of the time. So, I thought it was a little difficult to follow some issues in the letter.

[57] **Simon Thomas:** Rwy'n meddwl fod yr agwedd hon ychydig yn fwy difrifol nag, yn syml iawn, defnyddio San Steffan i ddeddfu dros Gymru. Dyna lle dechreuwyd holi'r cwestiwn gan y pwyllgor hwn. Yr hyn **Simon Thomas:** I think this aspect is a bit more serious than simply using Westminster to legislate for Wales. That is where the question started to be asked by this committee. What this response and the



y mae'r ateb a'r drafodaeth yn eu dangos yw bod penderfyniad polisi wedi ei gymryd yn San Steffan sydd wedi newid polisi yng Nghymru, a hynny heb unrhyw fath o ymgynghori na thrafod na dim. Y rheswm dros ddweud hynny yw bod Bil ac wedi mynd drwyddo, ac er bod y Gweinidog yn dweud 'Allwn ni ddim gwella'r Bil addysg yn hwyr', mae'n amlwg nad oedd unrhyw drafod ar y ffaith bod y Gweinidog yn dweud bod y cytundebau cartref-ysgol yn dda i ddim, ddim yn gweithio a ddim yn cael eu gorfodi yng Nghymru beth bynnag. Felly, pam nad oedd y Llywodraeth yn ymwybodol o hyn ac wedi doddi hynny yn y Bil addysg yn y lle cyntaf?

[58] Yr ail ran yw bod y Pwyllgor Plant, Pobl Ifanc ac Addysg wedi bod yn cynnal ymchwiliad i ymwneud rhieni â'r ysgol. Nid yw'r mater hwn wedi cael ei godi gan y Llywodraeth o gwbl ac, i fod yn deg, nid yw wedi cael ei godi gan dystion chwaith. Felly, nid yw hwn yn fater sydd wedi bod yn destun dadl neu gwestiynu yng Nghymru o gwbl. Fodd bynnag, oherwydd bod penderfyniad polisi wedi cael ei gymryd yn arwain at ddeddfwriaeth yn San Steffan, mae'r Llywodraeth yn y fan hon wedi penderfynu, 'Man a man i ni fachu ein cerbyd wrth gwt hwn, felly.' Rwy'n meddwl bod hynny'n ddiffygiol iawn. Gallwch chi ddadlau bod hwn yn rhywbeth bach, ond, os dyna'r agwedd, nid fel hynny y dylem fod yn deddfu. Felly, eto, rwy'n meddwl ei bod yn hynod bwysig ein bod yn codi'r pethau hyn ac yn dal i fynnu bod y Llywodraeth yn defnyddio'r lle hwn i ddeddfu pan fod ganddi bolisi i'w newid ac nad yw'n mynd i lawr y lôn at San Steffan.

[59] **Suzy Davies:** A gaf i ddweud hefyd fod chwe siawns i'r Llywodraeth wneud hynny? Mae chwe Bil addysg y tymor hwn, nid dim ond un.

[60] **David Melding:** I think that we have made our views known. The debate is tomorrow, is that correct? I do not buy this line that you cannot amend a Government Bill late because that affects the scrutiny that can be done at Stage 1. To go and use Westminster instead of having any scrutiny here, it seems to me, is a pale option compared with what a late amendment would be. I know that a late amendment is not ideal, but there are times when it is the best way to proceed, and a late amendment often gets attention, so that in itself can add to scrutiny. However, if people feel forcefully about this, they can raise it in the debate. I think that there is an issue around all this trying to shift the culture to legislate on significant issues ourselves. Something like home-school agreements, which is what this was, is not

discussion show is that a policy decision has been made in Westminster which has changed the policy in Wales, without any kind of consultation or discussion or anything. The reason for saying that is that the education Bill has gone through, and even though the Minister says 'We can't amend the education Bill late', evidently there was no discussion about the fact that the Minister says that the home-school agreements are no good, that they do not work and are not enforced in Wales anyway. So, why was the Government not aware of that and did not put that in the education Bill in the first place?

The second part is that the Children, Young People and Education Committee has been carrying out an inquiry into the involvement of parents with schools. This issue has not been raised by the Government at all and, to be fair, it has not been raised by witnesses either. Therefore, this is not an issue that has been the subject of debate or questioning in Wales at all. However, because a policy decision has been made, leading to legislation, in Westminster, the Government here has decided, 'We might as well hitch our wagon to the back of this.' I think that that is very deficient. You can argue that this is a small thing, but, if that is the attitude, that is not how we should be legislating. Therefore, I again think that it is very important that we raise these issues and continue to insist that the Government uses this place to legislate when it has a policy change to make and does not go down the road to Westminster.

**Suzy Davies:** May I also say that the Government has six opportunities to do that? There are six education Bills this term, not just one.

insignificant.

[61] **Simon Thomas:** At the time, they were sold as the answer to parental involvement. They have not worked, perhaps—

[62] **Suzy Davies:** I refused to sign mine—[*Inaudible.*]

[63] **David Melding:** So, that is noted, and the debate is tomorrow, so you might want to—.

[64] The next paper is a written statement on the Government's legislative programme. I have not jumped ahead, have I? No, that is right. There is an awful lot coming, is there not, right at the end of our session? You expect things to speed up towards the end of a Parliament or an Assembly, compared with the first year, which tends to be fallow. However, there are some big items in this list, and we may want to reflect on that in our inquiry on the law-making process. Are there any other comments on that? I see that there are not.

14:53

**Cynnig o dan Reol Sefydlog 17.42 i Benderfynu Gwahardd y Cyhoedd o'r  
Cyfarfod  
Motion under Standing Order 17.42 to Resolve to Exclude the Public from the  
Meeting**

[65] **David Melding:** I move that

*the committee resolves to exclude the public from the remainder of the meeting in accordance with Standing Order 17.42(ix).*

[66] **David Melding:** I see that no Member objects. Please switch off the broadcasting equipment and clear the public gallery.

*Derbyniwyd y cynnig.  
Motion agreed.*

*Daeth rhan gyhoeddus y cyfarfod i ben am 14:53.  
The public part of the meeting ended at 14:53.*