



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

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

**Dydd Llun, 29 Medi 2014
Monday, 29 September 2014**

**Cynnwys
Contents**

Cynnig i Ethol Cadeirydd Dros Dro
Motion to Elect a Temporary Chair

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

Tystiolaeth mewn perthynas â'r Bil Trais ar sail Rhywedd, Cam-drin Domestig a Thrais Rhywiol (Cymru)
Evidence in relation to the Gender-based Violence, Domestic Abuse and Sexual Violence (Wales) Bill

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

Papurau i'w Nodi
Papers to Note

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#exclude

Cofnodir y trafodion yn yr iaith y llefarwyd hwy ynddi yn y pwyllgor. Yn ogystal, cynhwysir trawsgrifiad 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**

Alun Davies	Llafur Labour
Paul Davies	Ceidwadwyr Cymreig (yn dirprwyo ar ran Suzy Davies) Welsh Conservatives (substitute for Suzy Davies)
Jocelyn Davies	Plaid Cymru (yn dirprwyo ar ran Simon Thomas) The Party of Wales (substitute for Simon Thomas)
Eluned Parrott	Democratiaid Rhyddfrydol Cymru Welsh Liberal Democrats

**Eraill yn bresennol
Others in attendance**

Leighton Andrews	Aelod Cynulliad, Llafur (y Gweinidog Gwasanaethau Cyhoeddus) Assembly Member, Labour (the Minister for Public Services)
Rhys Davies	Gwasanaethau Cyfreithiol, Llywodraeth Cymru Legal Services, Welsh Government
Sarah Rhodes	Rheolwr y Bil, Llywodraeth Cymru Bill Manager, Welsh Government

**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
Francesca Rowley	Dirprwy Glerc Deputy Clerk
Gareth Williams	Clerc Clerk

*Dechreuodd y cyfarfod am 13:29.
The meeting began at 13:29.*

**Cynnig i Ethol Cadeirydd Dros Dro
Motion to Elect a Temporary Chair**

[1] **Mr Williams:** Good afternoon, everyone, and welcome to this meeting of the Constitutional and Legislative Affairs Committee. The committee Chair, David Melding, has submitted his apologies for today's meeting, and the first item of business is therefore the election of a temporary Chair. I invite nominations from committee members for a temporary Chair to be elected under Standing Order 17.22.

[2] **Jocelyn Davies:** I do not want it to seem as if this has been a stitch-up, but I would like to nominate Eluned Parrott, who is sitting in the chair at the moment, if she is prepared to do it. [*Laughter.*]

[3] **Eluned Parrott:** Thank you, Jocelyn, yes.

[4] **Mr Williams:** I see that there are no other nominations. I therefore declare Eluned Parrott elected and invite her to take the chair.

*Penodwyd Eluned Parrott yn Gadeirydd dros dro.
Eluned Parrott was appointed temporary Chair.*

13:30

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

[5] **Eluned Parrott:** Thank you. We have received apologies for this afternoon's meeting from Simon Thomas, and I would like to welcome Jocelyn Davies, who is representing him. We have also received apologies this afternoon from Suzy Davies, and I am delighted to welcome also Paul Davies to the committee. I will make just a few introductory remarks. If there is a fire alarm this afternoon, Members should leave the room by the fire exits marked and follow instructions from ushers and staff. There are no tests planned for today. We request that all mobile devices be switched to silent mode, and, as you will be aware, the Assembly provides simultaneous translation for Welsh into English on the headsets provided. Amplification is also available on channel 0, if you should need it. I should also say welcome to Alun Davies AM as a new member of the committee today, and I thank him for his attendance.

13:31

**Tystiolaeth mewn perthynas â'r Bil Trais ar sail Rhywedd, Cam-drin Domestig a
Thrais Rhywiol (Cymru)**

**Evidence in relation to the Gender-based Violence, Domestic Abuse and Sexual
Violence (Wales) Bill**

[6] **Eluned Parrott:** I would like to welcome Leighton Andrews, the Minister for Public Services, who is here today to give evidence in relation to the Gender-based Violence, Domestic Abuse and Sexual Violence (Wales) Bill. Thank you for the documentation that you have provided for us. If you do not mind, will you introduce yourself and your officials for the Record, please?

[7] **The Minister for Public Services (Leighton Andrews):** I am Leighton Andrews, Minister for Public Services, and I will let my officials introduce themselves.

[8] **Ms Rhodes:** I am Sarah Rhodes. I am the Bill manager.

[9] **Mr Davies:** I am Rhys Davies from the Legal Services department.

[10] **Eluned Parrott:** Thank you very much. As I say, if there are no introductory remarks, perhaps we can go straight into questions. First, I would like to ask you, Minister, why you believe that there is a need for the Bill, and whether or not the Welsh Government perhaps already has sufficient powers to undertake the policy actions that are set out in it.

[11] **Leighton Andrews:** I think that there is a very definite need for the Bill. First of all, there is an overarching issue that we need to address, and then there are very specific duties being introduced by the Bill and, indeed, powers. What the Bill does is provide a consolidated framework for all of our activities related to gender-based violence, domestic abuse and sexual violence. It also provides for specific duties on local authorities and health boards, and it gives specific powers to Ministers and to the ministerial adviser. I think that these are important duties and powers to have, and I think that they will also, as a consequence, elevate public attention to the problems with which this Bill is seeking to grapple.

[12] **Eluned Parrott:** Thank you, Minister. I note that, with respect to other Bills that have recently been brought forward, for example the Bill on financial literacy that is being brought forward as a private Member's Bill, the Welsh Government response is that, as the powers are already vested in the Welsh Government, legislation is not necessary. Can you tell me why this is a different circumstance?

[13] **Leighton Andrews:** I think that I have just answered that question, Chair. I have already said that the Bill creates specific duties and specific powers, which would not otherwise be there in the form that they are drawn. I think that the Bill is necessary, and I think that it will help us to establish a proper framework for the development of both national and local strategies on these issues.

[14] **Eluned Parrott:** Thank you, Minister. Are you confident that the Bill is within the National Assembly's competence, and have you had any discussions on the subject with the UK Government?

[15] **Leighton Andrews:** I am confident that it is within competence, and I think that the Presiding Officer has also signed it off as being within competence. I have not myself, in the last two and a half weeks, had any conversations with the Home Office, the Ministry of Justice or the Wales Office on the Bill, but my officials have over several months had those conversations. We have also now had a letter—and I will supply a copy of it to the committee subsequently—from the Secretary of State confirming the issues around the Minister of the Crown functions. There are no issues as far as the Wales Office is concerned, and therefore that will enable us to tidy up one aspect of the Bill subsequently.

[16] **Eluned Parrott:** Thank you, Minister. That is very helpful.

[17] I would like to move on now to the issue of definitions within the Bill. Section 21 defines a number of the terms that are used. For example, under 'gender-based violence', we have:

[18] 'violence, threats of violence or harassment arising directly or indirectly from values, beliefs or customs relating to gender or sexual orientation'.

[19] The terms in which these definitions are drafted are very broad. Can you tell us what approach you took to considering these definitions?

[20] **Leighton Andrews:** I think that we would not want the local strategies—or, indeed, the national strategy—to be circumscribed by too narrow a definition in these areas. I think that what we have put down in the Bill gives clarity to the organisations with which we will be working, and, I think, gives clarity to us. I think that they are, broadly speaking, definitions that would be understood more widely in the community.

[21] **Eluned Parrott:** Thank you, Minister. I am sure that there is a very delicate balance to be struck between being so narrowly defined that issues that could potentially be within the purview of this area of work might not be captured by it, and a danger that, by being too broadly defined, there is a loss of focus in terms of the policy. Can you tell us whether you are concerned about the definitions being so broad that there is a danger that they would undermine the Bill by, effectively, capturing almost all violence within it?

[22] **Leighton Andrews:** Well, it does not capture almost all violence within it. However, I think that these are issues, it seems to me, that we can explore as the Bill makes progress. If a case is made to me to suggest that the definitions are too broad, I would certainly want to hear that.

[23] **Eluned Parrott:** Thank you. I will bring Jocelyn Davies in here.

[24] **Jocelyn Davies:** I am very pleased to hear that, Minister. In terms of gender-based violence, you said that people would understand what that was anyway. I did wonder whether male-on-male fighting—say, for example, opposing football fans—would be gender-based violence.

[25] **Leighton Andrews:** I do not think that it would be gender-based violence, as such—and I think that you are making a very dangerous assumption that all football fans are male.

[26] **Jocelyn Davies:** No, I did not say ‘all football fans’, I said ‘fighting football fans’, and I think that, if we looked at the statistics, actually, especially for conviction rates, you will find that, overwhelmingly, they are male. What I am asking is whether somebody could assume that gender-based violence could include fighting among male opposing football fans, because of the broadness of the definition.

[27] **Leighton Andrews:** I think not, myself. I would need to be persuaded.

[28] **Jocelyn Davies:** I know that you are a football fan, and I am not accusing you of being a part of—

[29] **Leighton Andrews:** Can I point out at this point that Cardiff City Football Club won the Fair Play award from the Premier League last season, since this is being brought up?

[30] **Jocelyn Davies:** I think that the fact that there needs to be a Fair Play award says it all—even football teams, for example. Perhaps you could consider that—that, because it is so broad, some people might confuse this with things that you do not intend to be included in this definition, because you expect them to be dealt with elsewhere.

[31] I wanted to raise another issue, about financial abuse. The Bill, of course, is intended to cover all ages, and so on. Under ‘financial abuse’, we have:

[32] ‘being put under pressure in relation to money or other property’.

[33] I can see that, if that is an adult to another adult, that definition is fine. However, I can imagine that some parents might be concerned that, yes, they do have to put pressure on their children, perhaps, about money, and you might not want that definition to apply to children.

[34] **Leighton Andrews:** I am happy to reflect on that. I suppose that there are broad policy questions that we will need to consider as we take the Bill through, in relation to whether we have sufficiently reflected in the Bill issues to do with coercive behaviour, for example. Some of these definitions are actually very difficult to draw, as I think you will appreciate. At this stage, I am comfortable with what we have. I am willing to listen to other evidence as the Bill moves forward.

[35] **Jocelyn Davies:** Okay, thank you. I am glad that the Minister does not have a closed mind on that. I am sure that this is something that we will be raising over time.

[36] **Eluned Parrott:** Thank you, Jocelyn. Yes, we are very grateful for that—I am sure that the subject committee will pick up on that issue in more detail. Do you have any questions, Alun Davies?

[37] **Alun Davies:** Thank you.

[38] Un o'r pethau y mae'r Llywodraeth wedi cael problemau yn delio ag ef yn y gorffennol yw'r holl gwestiwn o ddeall canlyniadau deddfwriaeth yn y ffordd mae'n cael ei gweithredu. Rwy'n gweld wrth ddarllen y Bil bod y Llywodraeth yn awgrymu sefydlu *indicators* cenedlaethol yn adran 8, rwy'n meddwl. Nid wyf yn deall a oes unrhyw ffordd y gallai'r Cynulliad chwarae rôl mewn creu a diffinio'r *indicators* hyn. Hoffwn ofyn ichi, a ydych chi'n gweld bod gan y Cynulliad rôl i'w chwarae wrth wneud hynny?

One of the things that the Government has had problems dealing with in the past is the question of understanding the outcomes of legislation from the way in which it has been implemented. In reading this Bill, I see that the Government is suggesting the establishment of national indicators, in section 8, I think. I do not understand whether there is any way for the Assembly to play a role in creating and defining these indicators. I would like to ask the Minister, do you see the Assembly having a role to play in that?

[39] **Leighton Andrews:** There is already a formal process under local government legislation for laying Orders in respect of national indicators, and I think that that is the procedure that we will follow. However, there are a number of places through which the Assembly can make representations on national indicators. I am sure that, in the discussions that we have during the passage of this Bill, there will be suggestions made about those. I think that they will come up, no doubt, in the context of the development of annual reports by the Welsh Government or, indeed, by the ministerial advisers under the legislation. Clearly, national indicators may change from time to time in the light of experience. Finally, of course, the Minister is always under scrutiny, either before a committee or in the Chamber.

[40] **Alun Davies:** As it should be, of course.

[41] In terms of the indicators, what you are saying is that there is no formal role for the Assembly in creating those indicators and that is fine, if it is the Government's wish to ensure that it does come in that direction. The current legislation, as it is framed, requires that the Minister lay a copy at the Assembly. The indication is that the Assembly would have no right, then, to make any amendments to that. That is the indication, but correct me if I am wrong. You have nearly, perhaps, led us to believe that an annual report may be written, so would there be a means by which the Assembly could look in more detail at those indicators on, for argument's sake, an annual basis, to review how the legislation is actually being delivered, and the impact that that legislation is having?

[42] **Leighton Andrews:** Well, I think that there will be ample opportunity. Clearly, in the drawing up of a national strategy, we would want to consult on that. There would be an opportunity there for Assembly committees to scrutinise that, and there would be opportunity for debates on that and, clearly, if we produce an annual report, there will be an opportunity to debate that, as well. I think that I might want to find Government time to discuss an annual report in this area, because part of the important leadership role of Government is to raise awareness of these issues.

[43] **Alun Davies:** I am content with that.

[44] **Eluned Parrott:** Thank you very much. We turn now to Jocelyn.

[45] **Jocelyn Davies:** In relation to section 12, which says that the Welsh Ministers 'may' issue guidance to the relevant authority about how that relevant authority should contribute to the purpose of the Bill, why 'may' rather than 'shall'?

[46] **Leighton Andrews:** I think that this is normal legal terminology that we tend to use in clauses such as this, is it not? It is clear that we will be issuing statutory guidance to

relevant authorities. That was one of the purposes of having the Bill, but I think, in general terms, we have always used the term, 'may'.

[47] **Jocelyn Davies:** Even though you are saying now that it definitely will happen—well, maybe that is something else, because obviously, in section 14, you are giving the relevant authority there the option of opting out if it has a very good reason, so perhaps you would reconsider whether it should be 'may' or 'shall'. I am just making that suggestion.

[48] **Leighton Andrews:** Could I just pick you up on that? I am not sure that I see section 14 as an opt-out clause. I understand why you say that, but what we are talking about there really is that the duty under section 14 is that the relevant authority must follow the course set out in guidance, except where, of course, it might have a strategy in place that is perfectly acceptable to us. So, I think that we need to be careful of giving the implication that there is an opt-out. The relevant word on the guidance, I think, is that a relevant authority 'must' follow.

13:45

[49] **Jocelyn Davies:** I did say 'for a good reason', so, I did not suggest for a minute that it was a matter of saying, 'I don't want to do this, therefore, I won't'. I said, 'if it was for a good reason'. In relation to section 13, 'Consultation and National Assembly for Wales procedures', you have opted for a supernegative procedure. Could you perhaps lay out for us your rationale for doing that?

[50] **Leighton Andrews:** I think that it is principally because these are technical regulations. I think that it is important really—. I am not sure that I recognise the term 'supernegative'.

[51] **Alun Davies:** I do not understand that.

[52] **Leighton Andrews:** I have heard of 'superaffirmative', but I have to say that 'supernegative' is a slightly new one on me. I have certainly heard of 'superaffirmative'.

[53] **Alun Davies:** Can the legal adviser help on that?

[54] **Leighton Andrews:** I think that it is simply 'negative'. However, I think that this is down to these being technical issues.

[55] **Alun Davies:** I have no idea what you are talking about. Is it 'negative'?

[56] **Mr Griffiths:** Yes. The position is that they are laid, but instead of having to be affirmed by the Assembly, the Assembly has an opportunity to tell the Minister that he cannot make them, rather than being required to confirm that he can make them. That is why it is 'negative'.

[57] **Alun Davies:** We have learned something this afternoon.

[58] **Jocelyn Davies:** You learn something new every day. There is a supernegative—well, we are calling it a supernegative, and that is the procedure. [*Laughter.*] It is because they are technical in nature. They will probably be very long as well, will they? They will be lengthy documents.

[59] **Leighton Andrews:** Look, I know that Assembly Members like nothing more than to read long technical briefings on the back of statutory guidance, Jocelyn.

- [60] **Eluned Parrott:** Indeed.
- [61] **Leighton Andrews:** I would not want to suggest anything otherwise.
- [62] **Jocelyn Davies:** Yes, well—
- [63] **Eluned Parrott:** It is the ‘super’ element of this that there is a duty to consult and yet it is a negative procedure, whereas ‘superaffirmative’ would be a duty to consult, and an affirmative procedure. Is that correct, Minister?
- [64] **Leighton Andrews:** I think that you put it very well. [*Laughter.*]
- [65] **Jocelyn Davies:** I know that they are lengthy because we have been sent them, and it is the second time that I have been sent them. It is the second time that I have looked through them, Minister, so I am familiar with them.
- [66] **Leighton Andrews:** You did not have to print them off, though. [*Laughter.*]
- [67] **Jocelyn Davies:** I did not; I am substituting for someone else. There was one other aspect that I wanted to cover. Of course, your duty under the children’s rights Measure is to consider children in all the things that you do. Can you tell us how you have complied with that within this legislation?
- [68] **Leighton Andrews:** I may have to ask officials about that because this will predate my time.
- [69] **Ms Rhodes:** As we have published on our website, we undertook a children’s rights assessment to show how we complied with that. Also, within the Bill you will see that the definitions that we have used are all-encompassing in terms of age. There is no age threshold in there in order to ensure that children are captured within those definitions.
- [70] **Jocelyn Davies:** The only thing that I would say is the point that I made earlier: that I can see how putting someone’s mother under pressure in relation to money, perhaps, is financial abuse, but I am sure that many parents put their children under pressure in relation to money. I wonder whether you would relook at that so that people do not still feel that it might be appropriate to pressurise some children about money and about their property in terms of not disposing of it in an inappropriate way, for example. I just think that perhaps another look at some of that would make it clearer that even though this is meant for all ages, not all of these things can apply to all ages.
- [71] **Leighton Andrews:** I will certainly reflect on the points that you made.
- [72] **Jocelyn Davies:** Thank you.
- [73] **Eluned Parrott:** Before I bring Paul Davies in, I hope that you will forgive me, Minister, if I circle back just to clarify a response to a question that Jocelyn asked regarding the issue of ‘may’ as opposed to ‘must’ as a wording. I wonder whether you could just outline for me what you think the consequences would be of not introducing the guidance when you have an opportunity to do so, as opposed to you having the duty to do so.
- [74] **Leighton Andrews:** I do not have any intention of not introducing the guidance.
- [75] **Eluned Parrott:** Indeed, but, obviously, legislation passes from Minister to Minister from time to time, and I am wondering whether you might reflect on that wording in case a future Minister might have an intention to not introduce the guidance.

[76] **Leighton Andrews:** The policy of the Government is very clear and I do not think that that is going to change.

[77] **Eluned Parrott:** Thank you very much. I will bring in Paul Davies at this point.

[78] **Paul Davies:** Thank you, Chair. I just want to ask you some questions on the appointment of a ministerial adviser in this proposal. However, before I do that, I just want to come back to the purpose of this Bill and whether it is required. Perhaps I should have intervened when the Chair was asking you some of these questions earlier. I understand that the Local Government Act 2000 gives local authorities general wellbeing powers. Why do you therefore think that the powers that are currently in place are insufficient?

[79] **Leighton Andrews:** I think that what this really is about is the preparation of local strategies in relation to gender-based violence, domestic abuse and sexual violence. The wellbeing responsibility is a fairly broadly drawn one. I think we all recognise the need to have a greater focus on this area of public concern. I was in a meeting this morning, for example, with the independent police complaints commissioner, where we were discussing this very issue. Indeed, she has issued a report today, in which she has identified in a particular case that she has investigated—this has a bearing on your question, although I am going to answer it in terms of the police rather than local authorities—in terms of the practices of the police, that the police made similar mistakes to the ones they have made in previous situations. I think that the same could be said to be true in respect of behaviour within other public bodies. What is important is that we ensure that we have a real focus on these issues, and this gives us the power to compel that to happen.

[80] **Paul Davies:** You therefore believe that this Bill would provide consistency across the board.

[81] **Leighton Andrews:** I would like to think that it would provide consistency. It would certainly provide consistency in respect of the Welsh Government in the way that we address things with local authorities. However, at the end of the day, we can hold local authorities and health boards to account, but how they carry out the strategies will, of course, depend on their own local situation and circumstances.

[82] **Paul Davies:** The explanatory memorandum says that the statutory ministerial adviser role is the first of its kind in the UK. Can you tell us what has led the Welsh Government to develop this role and why it is necessary? What is the rationale behind this particular role?

[83] **Leighton Andrews:** Obviously, we had a White Paper that gave considerable scope for people to explore all of these issues. What we are looking for here is someone with experience in the field to provide a real focus on leading on the national and local strategies and providing a context for those local strategies to be drawn up, the power to intervene when necessary—when things are not being carried out in the way that we would wish—and someone who is seen to be independent, to a degree, of Government, which is important too.

[84] **Paul Davies:** I hear what you are saying, but I understand that the Welsh Government actually commissioned a task and finish group to produce a report to inform the content, delivery and enforcement of the Bill, which was, I think, published back in August 2012. Of course, that task and finish group recommended the creation of an independent commissioner. Why are you not going down that line, given that that report actually recommended that?

[85] **Leighton Andrews:** Well, we have a number of roles in Wales that are identified under the title of commissioner—the Children’s Commissioner for Wales and the

Commissioner for Older People in Wales are two good examples. I think that they are broad roles in terms of their definition, and what we want is for the ministerial adviser to be a very focused role. The White Paper, as I referred to earlier, did raise this issue in the context of having a ministerial adviser, and there was broad support for that position.

[86] **Eluned Parrott:** Thank you. The role of ministerial adviser is to specifically advise Government as opposed to being perhaps a more independent role, such as a commissioner. Why do you think that that closer relationship to Government is necessary or desirable in this instance?

[87] **Leighton Andrews:** It is important to understand that the ministerial adviser, under this Bill, will have very significant powers to compel, for example, local authorities or other public bodies to provide information on how they are carrying out their work in this area. I think that that is a power that is an important one. I think it is a power that will be unprecedented, probably, within this field within the UK. From our point of view, what we are trying to do here is create an overall national strategy backed by the Government, and it is therefore very important to us that the ministerial adviser is working closely with Government on the delivery of that across, let me say, the whole of the Government and not just in relation to my portfolio.

[88] **Eluned Parrott:** In terms of those powers, they are, as you say, quite significant, and it is an unusual provision that you make. Why are those powers vested in the adviser and not the Minister?

[89] **Leighton Andrews:** Well, there are powers that the Ministers will have under this Bill. So, I do not see that there is any problem for us in that we will have powers that can run alongside. However, I think that it is valuable that the ministerial adviser has specific powers that will indicate that this strategy is being taken forward in a way that people outside can have confidence in that it is not simply because the Ministers themselves are requesting this information.

[90] **Jocelyn Davies:** Just for clarification—

[91] **Eluned Parrott:** Yes, certainly.

[92] **Jocelyn Davies:** This is a position that is outside of Government. This is not a civil service position. It is outside.

[93] **Leighton Andrews:** Well, I think that how we come to the appointment is something that we may well want to give further consideration to in committee as the Bill goes through.

[94] **Jocelyn Davies:** Okay, thank you.

[95] **Alun Davies:** Sorry—

[96] **Eluned Parrott:** Yes, of course. Alun Davies has a question.

[97] **Alun Davies:** Do you see the appointment being made under the Nolan principles?

[98] **Leighton Andrews:** I certainly see the appointment being made under the Nolan principles.

[99] **Eluned Parrott:** Minister, I think that, in the course of deliberations, committee members, perhaps a subject committee, would appreciate some more guidance on what appears to be a kind of semi-detached role, if you see what I mean, in terms of its relationship

with Government. So, that is something that I am sure we would welcome further clarification on. Finally, Minister, if I may, I would like to turn to commencement provisions for the Bill. Section 21 provides that some sections will be commenced on the day that the Bill receives Royal Assent, a number of other sections will be commenced two months after Royal Assent, and remaining provisions can be brought into force by Order on a date appointed by you, Minister. Those Orders will include transitory and transitional provisions. Can you tell me, given the potential for new material to be introduced in this way, why no procedure is to apply to those commencement Orders?

[100] **Leighton Andrews:** Let me say that, in respect of commencement, we are obviously operating within the terms of the letter that the First Minister has sent to this committee in the past on commencement issues. What we are specifically speaking about here are temporary provisions that may need to apply—. Let me give you an example. As you understand, we are going through a process of local government reform at the present time. Now, it could be that, during the passage of this Bill, we see a move towards voluntary mergers; it may be that we have to stagger the implementation or make changes in implementation. So, it is important for us to get this right as we are coping with a potentially changing landscape.

[101] **Eluned Parrott:** Okay. Thank you, Minister. Do committee members have any further questions? No. In that case, it just remains for me to thank the Minister and his advisers for their attendance today and for the evidence. We will, of course, send you a copy of the transcript to check for matters of accuracy. Our report will be published in the usual way to assist you in the delivery and development of this Bill. Thank you very much for your attendance.

[102] **Leighton Andrews:** Thank you.

13:59

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

[103] **Eluned Parrott:** You have these listed before you. Do Members have questions or comments on those matters? No. Thank you.

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

[104] **Eluned Parrott:** First, we have a written statement from the Deputy Minister for Farming and Food on the issue of dogs. Do Members wish to comment on this?

[105] **Alun Davies:** I would like to state an interest in this matter.

[106] **Eluned Parrott:** Thank you. Are there any other comments or queries on this issue? No. In which case, we move on to a second paper to note, which is a written statement from the First Minister on the outcome of the Scottish referendum and the implications for Wales. Obviously, you are invited to note this at the present time, although I think that it is an issue that will return to this committee on many occasions in the future. Do Members have any comments that they would like to make at the moment? No. Thank you.

14:00

**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**

[107] **Eluned Parrott:** I move that

the committee resolves to exclude the public from the remainder of the meeting in accordance with Standing Order No. 17.42(ix).

[108] Do Members agree? I see that Members are in agreement. Thank you. In that case, we will go into private session at this point.

*Derbyniwyd y cynnig.
Motion agreed.*

*Daeth rhan gyhoeddus y cyfarfod i ben am 14:00.
The public part of the meeting ended at 14:00.*