



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

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

Dydd Llun, 2 Mawrth 2015
Monday, 2 March 2015

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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

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
Suzy Davies	Ceidwadwyr Cymreig Welsh Conservatives
David Melding	Y Dirprwy Lywydd a Chadeirydd y Pwyllgor The Deputy Presiding Officer and Committee Chair
William Powell	Democratiaid Rhyddfrydol Cymru Welsh Liberal Democrats
Simon Thomas	Plaid Cymru The Party of Wales

Eraill yn bresennol
Others in attendance

Leighton Andrews	Aelod Cynulliad, Llafur (y Gweinidog Gwasanaethau Cyhoeddus) Assembly Member, Labour (the Minister for Public Services)
Sharon Barry	Cyfreithiwr, Tîm Llywodraeth Leol, Llywodraeth Cymru Lawyer, Local Government Team, Welsh Government
Elaine Edwards	Ysgrifennydd Cyffredinol, Undeb Cenedlaethol Athrawon Cymru General Secretary, Undeb Cenedlaethol Athrawon Cymru
Gareth Thomas	Cynghorydd Polisi, Diwygio Llywodraeth Leol, Llywodraeth Cymru Policy Adviser, Local Government Reform, Welsh Government

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

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

*Dechreuodd y cyfarfod am 13:31.
The meeting began at 13:31.*

**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 understand that Simon Thomas is delayed because the train he's on has broken down. So, he's likely to be here a little later in the meeting. Can I just make the usual housekeeping announcements? We do not expect a routine fire drill, so, if we hear the alarm, please follow the instructions of the ushers. Please switch all mobile devices to silent. These proceedings will be conducted in Welsh and English. When Welsh is spoken, there is a translation available on channel 1. Channel 0 will amplify our proceedings, should you need that.

13:32

**Tystiolaeth mewn perthynas â'r Bil Llywodraeth Leol (Cymru)
Evidence in relation to the Local Government (Wales) Bill**

[2] **David Melding:** We move to item 2, which is evidence in relation to the Local Government (Wales) Bill. I'm very pleased to welcome Leighton Andrews, the Minister for Public Services, to the committee this afternoon. Minister, do you want to introduce your team?

[3] **The Minister for Public Services (Leighton Andrews):** I'll let them introduce themselves.

[4] **Ms Barry:** I'm Sharon Barry; I'm the legal services representative.

[5] **Mr Thomas:** I'm Gareth Thomas, from the local government policy division.

[6] **Leighton Andrews:** And can I advise you, Mr Melding, that Mr Thomas is the expert on all local government reorganisation of the last 25 plus years?

[7] **David Melding:** Yes, so a very interesting session, potentially then, Minister.

[8] **Leighton Andrews:** Yes.

[9] **David Melding:** Can I start with the usual question relating to competence, and ask whether you are satisfied that the Bill is within competence?

[10] **Leighton Andrews:** Yes.

[11] **David Melding:** And why do you think this legislative vehicle is needed, and why is it the best and most effective way of achieving the policy intentions of the Bill?

[12] **Leighton Andrews:** Well, we want to move to a process of local government reform. In order to do that, we will need to take steps to restructure local government in Wales. That, of course, will require legislation. The Bill before you allows us to make a start on that process in a number of areas.

[13] **David Melding:** Alun.

[14] **Alun Davies:** Thank you very much. It's a very curious thing, isn't it, Minister, to examine a Bill for which the main functions seem to be dependent on the passing of another Bill by another Assembly? I wonder if you could explain to the committee why you felt this process was the best way of achieving the policy objectives.

[15] **Leighton Andrews:** This Bill allows us to start work with and to put in train work for the Boundary Commission for example, which would allow it to begin its programme of work earlier than if we were legislating, say, at the beginning of the next Assembly, with all the measures that are contained within this Bill. So, it gives us an earlier start, I think. I think there's been a debate now around local government reform, which goes back several years. We had the Williams commission proposals over 12 months ago. I've yet to find anyone really in the National Assembly who believes that the current local government structure is optimal, and, as far as I can see, there remains a majority in the Assembly for further reform.

[16] **Alun Davies:** I'd probably agree with that; I think there probably is as well. I think there's certainly a majority in the country for such reform and such reorganisation; I think that's quite clear. But, the process that we are a part of at the moment is that we have this Bill, many of the provisions on which I think there's cross-party agreement, but it is dependent on something that hasn't happened yet. It's quite easy to pass legislation that is dependent on another piece of legislation in the past. It's more difficult to do that when that legislation is in the future. Now, we don't know which Government will be elected in May 2016. I accept the premise that there is widespread agreement on some of these matters, but this Bill is therefore making assumptions, not just on the actions of this Government but on the actions of a Government that is yet to be elected, and I'm interested in what your thinking is in terms of creating those dependencies in statute.

[17] **Leighton Andrews:** Well, some parts of the Bill are dependent on future legislation, but there are other parts, such as the expansion of the role of the Independent Remuneration Panel for Wales, which you could argue, I think, are not. At the end of the day, clearly, the overall programme of local government reform will not be taken forward until after the next Assembly election. I find it hard to visualise any circumstances in which there would not be a majority for going ahead with local government reform.

[18] **Alun Davies:** So, you're taking a bit of a punt on it.

[19] **Leighton Andrews:** Well, I think we're very far from taking a punt on it. I think that what we're doing in this Bill reflects the balance of opinion within the Assembly.

[20] **Alun Davies:** Okay. I don't know if you've caught up yet with the Communities, Equality and Local Government Committee's evidence session from last Thursday morning with a panel of representatives from local government, both elected members and senior officers. They were very positive—far more positive than I think some Members anticipated—in terms of both the process and the outcome and objectives. It was a very good session. They were less concerned than I anticipated they would be about section 29 of this current Bill, which is about not entering into contracts unless a number of criteria have been fulfilled. Do you have any concerns about the process that you are demanding of local government in overcoming the barriers you've placed in their way in order to make contracts over the coming period?

[21] **Leighton Andrews:** I don't, no. I'm happy with the process we've outlined

[22] **Alun Davies:** And the advice you've received, I assume, is that this does not have any human rights implications either.

[23] **Leighton Andrews:** You're correct.

[24] **Alun Davies:** Okay, thank you.

[25] **David Melding:** Can I take you, Minister, just back to section 2(6)(b)? This deals with proposed principal areas, and it seems very widely drafted indeed. I mean, it even allows you in a policy document to define a proposed principal area. I wonder whether you'd like to reflect on the constitutional craftsmanship that is involved there.

[26] **Leighton Andrews:** Well, I don't think there's any problem with the constitutional craftsmanship, Chair, but what we are seeking to do here, obviously, is to allow the development of the proposed mergers. We are keen, of course, as well for the Local Democracy and Boundary Commission for Wales to begin work early, and I think it's important that they have an indication of the direction of travel. I would anticipate that we would be in a position to produce our desired map before the summer recess. I think that will give an indication to Members of the way in which the Government sees things developing. Ultimately, of course, there will be a further Bill, and we will be publishing that draft Bill this autumn, and it will be that draft Bill, or the subsequent legislation, that will determine the overall map.

[27] **David Melding:** And do you think it's appropriate to define a principal area potentially just in a policy document, or, if you've got more time, presumably, in an actual Bill and then, subsequently, in an Act?

[28] **Leighton Andrews:** As you'll appreciate, if we were to legislate in the next Assembly, it is unlikely that the Bill itself would be passed before 2017. Now, we want the boundary commission to get on with its work as soon as possible and to start looking at some of the questions that it would have to do. Otherwise, our timescale for delivery of the final map of local government will probably be towards the very end of the next Assembly; this will allow us to commence the work, which means that the map can be delivered earlier.

[29] **David Melding:** So, the map, in essence, would have to come through some form of White Paper.

[30] **Leighton Andrews:** That's certainly what I anticipate, yes.

[31] **David Melding:** Yes, okay. Well, you've clarified that and it's for others, then, to reflect on the appropriateness, or not, of it. Suzy Davies.

[32] **Suzy Davies:** Yes, thank you. I've got a few questions regarding section 3—the proposals for merger. My first one relates to section 3(4). I'm just wondering if you could take a minute to take me through a worked example of what you mean by this particular subsection.

[33] **Leighton Andrews:** Well, it could be that we would receive—. On the basis of which I have just answered the Chair, given that it is our intention to produce our proposed map before the summer recess, it could be that we might see two local authorities saying, 'Well, we see that map, we understand there is consensus around these proposals, therefore we would like to apply to carry out a voluntary merger'.

[34] **Suzy Davies:** And that would be before this Act were passed, let alone brought into force.

[35] **Leighton Andrews:** They might apply to us during the passage of this Bill, yes.

[36] **Suzy Davies:** Okay. What I'm after, really, is some sort of reassurance that two local authorities in that position wouldn't be open to some sort of retrospective secondary legislation that might affect the process.

[37] **Leighton Andrews:** I'm not sure what you mean by that.

[38] **Suzy Davies:** Well, this particular section and section 6 give you powers to make regulations in connection with the proposals for mergers. Now, if there are a couple of authorities that are already in the process of doing that, they shouldn't really be subject to anything that happens retrospectively. So, it's something, if you're receiving mergers, say, in the summer—

[39] **Leighton Andrews:** Well, we'd still need to make a judgment as to whether we supported those mergers. So, I'm still not sure I have your point, here.

[40] **Suzy Davies:** If someone comes to you before the passing of this Act with a series of proposals based on your draft map, if you like, and then, down the line, under this particular section, you make some new regulations relating to how mergers should be proposed, for example, it would be unfortunate if—

[41] **Leighton Andrews:** I see what you mean. You mean the form of the merger.

[42] **Suzy Davies:** Yes. That would be—

[43] **Leighton Andrews:** I certainly don't think we would want to do that.

[44] **Suzy Davies:** I would hope not, either, because you won't be treating all these people equally. I'm just a little concerned about the order of events on this, which could potentially hijack somebody who thinks they're doing the right thing but then turns out not to be doing that under some new regulations.

[45] **Leighton Andrews:** I think we've put quite a lot of material into the public domain already, if you recall the previous voluntary merger prospectus that was there. That gives some indication of some of the kinds of things that we would expect to see within any proposal for a voluntary merger. I'm not sure why we would depart from that. Clearly, however, any future voluntary mergers will not be under the original timescales.

[46] **Suzy Davies:** Okay. Thank you for clarifying that, anyway. Can you also tell me, under section 3(3), where you say the function of making an application for merger is not to be the responsibility of an executive of the principal local authority, who you have in mind who would be making that? It may well be in the Act and I've missed it, but I'd be grateful for a reply.

[47] **Ms Barry:** It's a legal requirement that the function of making an application has to be a decision of the full council of any authority making the application and can't be delegated to the executive body or any officer.

[48] **Suzy Davies:** Okay, and that's clear from the—

[49] **Ms Barry:** Yes.

[50] **Suzy Davies:** Rather than the, sort of, negative expression of that, there's a positive expression here somewhere, is there?

[51] **Ms Barry:** Yes. Section 101(2) says that it disapplies the decision-making process from officers and committees of the council, and section 3 makes it clear that you can't allow the executive to make the decision, either. It's the way that it is presented in legislation.

[52] **Suzy Davies:** Okay, that's very helpful. Thank you for that. My final question on this relates to section 3(1), where you've explained that local authorities may, by no later than 30 November, make a joint application, but that you will retain the power to make regulations that might alter that date. There's no procedure applied to the introduction of any of those regulations, which are discretionary—I accept that—but it is an amendment to primary legislation. Why do you think no procedure is appropriate to the amendment of primary legislation?

[53] **Leighton Andrews:** It's simply a matter—. Originally, this was drafted because we felt there might be a danger that we might not get, say, Royal Assent, before 30 November, in which case we might have to amend the date. It could be, however, that we might now, if we are in a position to publish the map and we are in a position to get further applications from local authorities, that we might want to extend a deadline beyond 30 November.

13:45

[54] Now, there is no procedure. This would allow us to move swiftly to do that. I think the policy intent, if you like, within the Bill is expressed through the objective of creating the conditions for voluntary mergers. I think it's rather a secondary matter, really, the date and timing, and one that would normally be left to Ministers to determine in any case. There was no procedure, for example, when we suggested that submissions under our voluntary merger prospectus had to be with us by a certain date last autumn. I don't think it's a major point of principle.

[55] **Suzy Davies:** Could I just compare that with evidence that we had for the Qualifications Wales Bill, which is also going through the Assembly at the moment? Section 54 there deals with transitory and consequential powers—quite small powers in the scope of any Bill—and yet the affirmative procedure's being applied to that on the very basis that amending primary legislation deserves that level of scrutiny from this Assembly, regardless of whether the amendment is fairly minor or otherwise. Do you have an answer about why one Minister might be treating this is one way and you in a different way?

[56] **Leighton Andrews:** I'm not sure we are treating it in a different way. You're talking there about regulations rather than the movement of a specific date.

[57] **Suzy Davies:** It's still an amendment to primary legislation.

[58] **Leighton Andrews:** Well, yes, but there are different arrangements for different amendments to primary legislation throughout. Without having—. I'm not familiar with the detail of that Bill, but it doesn't seem to me to be a comparable case.

[59] **Suzy Davies:** As I say, it was about transitory and consequential provisions; it wasn't the main, policy part of the Bill. But thank you for your answer.

[60] **David Melding:** William.

[61] **William Powell:** Diolch, Gadeirydd. Good afternoon, Minister. I have a number of questions around revocation of regulations and associated matters. Firstly, could you please explain why there is no Assembly procedure in respect of regulations made under section 22(1) and section 23(2), or for their revocation under section 22(5) and section 23(5)?

[62] **Leighton Andrews:** Yes. These relate to the making of electoral arrangements by the boundary commission, and I think ever since 1972 these areas have been addressed as local Orders. Obviously, there are local consultations around these, and there have been no provisions since that time.

[63] **William Powell:** Thanks for that. Also, as to how sections 22 and sections 23 mirror the provisions in the Local Government (Democracy) (Wales) Act of 2013—. How do they mirror them? In what respects are they different?

[64] **Leighton Andrews:** I'm going to ask the lawyers to talk about that.

[65] **Ms Barry:** The procedures within 22 and 23 in relation to the manner in which the boundary commission will conduct its review and make its recommendations, et cetera, and also the manner in which the Welsh Ministers make their Orders, are exactly the same. They are presented slightly differently because the 2013 Act deals with more than just electoral arrangements and Orders for principal areas; it also deals with communities. So, they look as though they are slightly different when you read them, but, in fact, the procedures—the substantive elements—remain the same in both instances. In fact, the procedure implemented here was modelled on that presented in the 2013 Act, because it's a procedure that both the boundary commission and everyone who will be required to work with them is very familiar with.

[66] **William Powell:** That's helpful, thanks. Under the relevant provisions in the Local Government (Democracy) (Wales) Act 2013, which I just referred to, the negative procedure does apply in certain defined circumstances. It would be helpful to have some clarification as to why this is not the case in sections 22 and 23.

[67] **Ms Barry:** In the 2013 Act, the boundary commission can make recommendations about principal areas and the movement of principal areas that falls out of the reviews that they conduct. They have no such powers under this Bill—hence the reason why this Bill doesn't require the Welsh Ministers to follow any negative procedure, because the same type of provision can't be made under this Bill.

[68] **William Powell:** Thank you. Finally from me for now, Minister, could you explain why a substantive degree of public consultation should preclude Assembly scrutiny of regulations under section 23?

[69] **Leighton Andrews:** Well, it seems to me that, where you have a substantial amount of public consultation on local electoral matters, that has been the right space for that discussion to have taken place. I'm fully comfortable with the notion that we're allowing the public in those areas to express their concerns. It seems to me that to do anything other than that would be to almost have the National Assembly second-guessing those local consultations.

[70] **David Melding:** And on that point, if the local consultation was—how shall we say—not all sweetness and light regarding your proposals, who is then going to scrutinise you?

[71] **Leighton Andrews:** I don't think there's ever been a problem of being scrutinised by the National Assembly, Chair. I feel regularly scrutinised.

[72] **David Melding:** But it seems odd that if something is worthy of—and, you know, we encourage this sort of consultation; let's have no misunderstanding about that—. If it is a subject that does require a large degree of consultation and encouraging participation in the discussion of proposals, it seems that, if you've given it that weight, then there ought to be

some sort of procedure here in the Assembly to allow the legislature to reflect on that process as well.

[73] **Leighton Andrews:** Well, I think that that would be something of a departure from what we've done historically on issues like this.

[74] **David Melding:** Precedent is important—I don't deny that—but, I mean, it's not a magic trump card either. We do exist here to improve best practice, or develop it. So, on the principle point I've just put to you, do you have anything to say?

[75] **Leighton Andrews:** Well, I think I've answered the point.

[76] **David Melding:** Okay; well, not to my satisfaction, but you have provided an answer, that has to be said. Suzy.

[77] **Suzy Davies:** Thank you. It's broadly the same question applying to three of the sections in the Bill—section 24, section 32(4) and section 36. I go back to my original question, effectively, which is: these three sections allow for amendments to be made to primary legislation. In this case, all are subject to the negative procedure—rather than no procedure, so that is an improvement—but you would normally expect, I think, when you are talking about amendments to primary legislation, to be at least considering the affirmative procedure and giving a good justification as to why it's inappropriate. I am just wondering whether I can give you the opportunity to reply, on those three sections, why you're not introducing an affirmative procedure to amend primary legislation.

[78] **Leighton Andrews:** Well, I mean, there is a procedure, as you say; it is the negative procedure here. I think there are precedents in other legislation where we've done this. Sharon, do you want to comment?

[79] **Ms Barry:** Yes. Perhaps we could look at each of the powers. In section 24, it deals with the 10-yearly review period. What we would actually be looking to do in that instance is reset the time for that 10-year period to begin running again, because it is currently running based on—I think it was September 2013 that the period started. So, the consideration was given as to the nature of that, and it was felt that that was very technical, so it was appropriate for a negative procedure.

[80] Section 32(4) is in relation to the values of the transactions and the amendment to those values. Again, consideration at policy development has been given to what is felt to be the appropriate valuation, and the Bill states what we consider to be appropriate at this point in time. Again, it would be a technical matter whether, in practice, it was found that those values were maybe not pitched at the right level or weren't achieving the policy intent. The facility to change it by way of negative resolution obviously allows you access to that, and in a rather swift manner, which is what is likely to be needed should it be felt that the policy wasn't working in that area at that time.

[81] Finally, 36 is in relation to the independent remuneration panel. The Bill increases the number of panel members from five to six, so it allows them to take on board the additional work that they will be required to do. This is simply a technical change to either allow the number to go back down when the work level recedes, or, alternatively, if the work should prove to be more demanding and more members are required, again, there's easy access via a negative resolution to swiftly deal with the matter of membership, so that timetables of work are not hindered.

[82] **Suzy Davies:** Thank you for that answer, but in respect of all three, you've said the same thing—that these were technical matters and could be dealt with if, perhaps, you'd got

your sums wrong, or whatever it was, in the first place. However, nowhere on the face of the Bill does it say in what circumstances changes to primary legislation would be considered appropriate; you just reserve the powers to make changes. Without anything on the face of the Bill to outline the kinds of circumstances in which you might wish to introduce and exercise powers, the negative procedure can't be appropriate; you would need to have the affirmative procedure to explain those reasons to Members of this Assembly.

[83] **Leighton Andrews:** I'm not entirely sure that I accept that argument. However, if the committee is minded to make a suggestion as to wording it might like to see on the face of the Bill, I would be happy to consider that.

[84] **Suzy Davies:** That's very helpful; thank you, Minister.

[85] **David Melding:** Can we just move on, finally, to guidance, determinations and directions? The first are section 5(1) and section 7(4). There is no Assembly procedure here in terms of the guidance you will be issuing about formulating voluntary merger applications, and then also guidance to shadow authorities and shadow executives. So, why no procedure at all?

[86] **Leighton Andrews:** My starting point on this almost would be 'Why should there be a procedure?' to be frank with you. It seems to me that what we are seeking to do, particularly under 7(4), is simply to issue guidance to those shadow authorities and shadow executives that are moving forward the voluntary merger proposals. That, it seems to me, is entirely within the competence of Ministers to undertake; we issue guidance from time to time under existing legislation to local authorities. I think the precedents are there. Indeed, under 5(1), around merger applications, again, it seems to me a rather bureaucratic procedure to bring that back to the Assembly. We've given, as I've explained already, last year, in the context of the voluntary merger prospectus, a considerable amount of material as to how we would approach these issues. It seems to me the sensible way to proceed with this. Given that what we're talking about here in both instances is examples of voluntary mergers, where we have willing partners, I don't think we need necessarily an extended process.

[87] **Suzy Davies:** Can I ask—

[88] **David Melding:** Yes, sure.

[89] **Suzy Davies:** Apologies if it was something you were going to say then, but I just wanted to mention that I think there's been some very good practice on the part of Welsh Government recently in bringing forward things like draft regulations and draft guidance, on things like the school standards code, for example. Wouldn't this be an ideal opportunity to introduce something similar?

[90] **Leighton Andrews:** But I think, in a sense, we have with voluntary mergers, because we published the voluntary merger prospectus. I can't see why we would want to depart from the principles outlined in that. It's something that we've already published, we've had a statement on it in the Assembly and we've had ample opportunity for discussion. What is likely to change between that prospectus and future voluntary mergers? I think the only thing that is likely to be different, perhaps, might be timescales around submission of business cases.

[91] **Suzy Davies:** Okay; thank you.

[92] **David Melding:** Okay. Let's go on then to powers to determine the number of transition committees, and the power to direct transition committees about their functions and the exercise of their functions, and also issue guidance on the exercise of functions. All these

don't require any procedure either, and they seem to be a bit further advanced than the general point you make that, if voluntary mergers are going ahead, they are voluntary and we don't need a heavy-handed process. But we're getting into the meat of things now, aren't we, about how new authorities in embryo work?

[93] **Leighton Andrews:** Well, we're getting to the point of that movement from existing authorities to the new authorities through the transition committees. We have specified within this section certain kinds of guidance that might be brought forward. Again, I think that we've gone down this approach. In the context of voluntary mergers, we would be dealing with willing partners, as I've said. If we are talking about transition committees that relate to mergers that have formed as a result of the publication of the map, we are then talking about being subject to future legislation in any case. There will be ample opportunity for consideration of all these issues as we move forward.

14:00

[94] **David Melding:** But on the face of it, there seems more of a case to have a procedure for these matters relating to transition committees and their operation. Would you concede that?

[95] **Leighton Andrews:** Well, I'm not sure I would. I mean, we are drawing on past experience. Mr Thomas could write the book on local government reorganisation in Wales, and I hope will one day write a book on it—

[96] **David Melding:** Yes, I mean, we take note of precedent. It is an argument and it's quite a strong one sometimes, but it's not an absolute get-out-of-jail-free card either, as I've indicated. Right, I've tempted you enough. I don't think you're going to give a different reply. On section 16(1), then, and your powers to direct the Local Democracy and Boundary Commission for Wales in terms of electoral arrangements, again, there are no procedures here. Again, this does seem an area that, on the face of it, is worthy of more scrutiny.

[97] **Leighton Andrews:** Well, if there is a proposed principal area, we will have published a map, which will outline what those principal areas might be. Obviously, what we're seeking to do here is to let the local democracy and boundary commission get on with its work swiftly. I wonder whether Mr Thomas might give some background on previous arrangements here.

[98] **David Melding:** He may, but you will take note of what I've said as well in doing that.

[99] **Leighton Andrews:** We will take note of what you're saying—

[100] **David Melding:** We are in search of best practice and improving practice, and context is important. It's not enough to establish that it's been done in a certain way before and say that therefore it will forever be replicated in that manner.

[101] **Mr Thomas:** Well, the directions to the LDBC would cover items like timescale, the order in which they would be requested to deliver their reviews, and give an indication of council size and the number of wards. That's in line with the practice at present. The LDBC, in undertaking its current electoral arrangements reviews, would receive directions of that type. This is a departure from the precedent of the 1972 and 1994 Acts, where the first electoral arrangements were drawn up by officials, and the Secretary of State made Orders on the basis of those recommendations. There was no involvement of the Local Government Boundary Commission, as it was called previously, and there was very limited consultation. The 1994 reorganisation consultation took a matter of weeks on the basis of recommendations

that had been drawn up by officials, me included, in the Welsh Office.

[102] **David Melding:** Minister, let's get really concrete here. There's been a lot of discussion that, at the end of this process, there will be far fewer councils, and there's been a range quoted, which is not for us to comment on, from radically smaller, with perhaps five or six councils, to perhaps up to a maximum number in the order of 12 or so. In that context, the size and the number of wards could be very, very significant in terms of how these new councils are going to operate and exercise their functions. Guidance on that, which you'll give the boundary commission, it seems to me is worthy of some scrutiny here, isn't it?

[103] **Leighton Andrews:** Well, I think there's a policy decision, isn't there? There is a series of policy decisions that follows, isn't there, in that context? The first of them is around the number of councillors for any principal local authority, it seems to me. We have a recommendation from Williams for a maximum of 75, and you're familiar with the recommendation of Williams, which is for 10, 11 or 12 authorities. If we are to come out with a further map, it would be important, I think, at that stage for us to make some general policy statements around the size of authorities, and that itself would provide the context, then, for any further direction to the local democracy and boundary commission.

[104] **David Melding:** So, you would anticipate some form of ministerial statement and scrutiny of that, which would then, subsequently, inform any direction that you give to local authorities?

[105] **Leighton Andrews:** Yes, I would.

[106] **David Melding:** Okay. That's clear. Then, it's the same question, really, in relation to the remuneration panels under sections 27(3) and 25(1).

[107] **Leighton Andrews:** Well, we issue guidance to them at the present time. You know, we have said in the current White Paper, which is out to consultation, some of what we anticipate the panel looking at in the future. I'd be perfectly happy at a subsequent date, when we are closer to this, to look at a further ministerial statement in respect of what our expectations might be for the panel.

[108] **David Melding:** Okay. Thank you for that answer. I think we've finished the questions we wanted to put to you. I don't see any Member trying to attract my eye, so I'll thank you, Minister, for your attendance this afternoon, and also for the attendance of your officials.

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

14:07

**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**

[110] **David Melding:** We're a bit ahead of our schedule, so I'm now going to suggest we go into private session and deal with our response to the evidence.

Cynnig:

Motion:

y pwyllgor yn penderfynu gwahardd y the committee resolves to exclude the public

cyhoedd o weddill y cyfarfod yn unol â Rheol from the remainder of the meeting in Sefydlog 17.42(vi). accordance with Standing Order 17.42(vi).

*Cynigiwyd y cynnig.
Motion moved.*

[111] **David Melding:** I move the relevant Standing Order, unless I see a Member objecting that we now meet in private. I do not see a Member objecting, so please switch off the broadcasting equipment and clear the public gallery.

*Derbyniwyd y cynnig.
Motion agreed.*

*Daeth rhan gyhoeddus y cyfarfod i ben am 14:07.
The public part of the meeting ended at 14:07.*

*Ailymgynullodd y pwyllgor yn gyhoeddus am 14:43.
The committee reconvened in public at 14:43.*

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

[112] **David Melding:** Can I welcome everyone back to this meeting of the Constitutional and Legislative Affairs Committee? We're back in public session. We now move to item 3: instruments that raise no reporting issues under the relevant Standing Order. There are two listed there. We're content?

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

[113] **David Melding:** Item 4, then, is instruments that do raise reporting issues. There's one on sea fishing, and the Government's response is now available and has been provided to you by hard copy. Any comments? Are we content? We are. Thank you very much.

Tystiolaeth mewn perthynas â'r Ymchwiliad i Ddeddfu yn y Pedwerydd Cynulliad

Evidence in relation to the Inquiry into Making Laws in the Fourth Assembly

[114] **David Melding:** We now move, then, to item 5, which is further evidence in relation to our inquiry into making laws in the fourth Assembly. I'm delighted to welcome Elaine Edwards, who is the general secretary of UCAC, this afternoon. Can I first thank you for your very interesting and clear written evidence? We'll now put a series of questions to you, and I will start. I note that you say that the standard of the work drafted in both languages is commendable, and I just wonder whether, by way of introduction, you want to say what you think in terms of the laws' general usability, accessibility and clarity.

[115] **Ms Edwards:** Well, we do feel—.

[116] **Rŷm ni yn credu—sori.** We do feel—sorry.

[117] **David Melding:** Obviously, if you speak in Welsh, we will all get a translation service.

14:45

[118] **Ms Edwards:** Mae UCAC o'r farn bod angen i ddeddfwriaeth yng Nghymru fod yn glir ac yn hygyrch i fwy na dim ond cyfreithwyr. Mae angen iddi fod yn hygyrch ar gyfer pobl fel fi sydd yn gweithio gyda'r gyfraith ond ddim yn arbenigwr yn y gyfraith, a hefyd i bobl Cymru yn gyffredinol. Rydym yn teimlo ar y cyfan bod y pethau rydym wedi dod ar eu traws yn glir ac yn ddarllenadwy. Rydym yn disgwyl y bydd elfen o jargon cyfreithiol, ond nid yw'n ymddangos yn ormodol. Mae'r ffaith bod y ddeddfwriaeth yn cael ei drafftio'n ddwyieithog yn fanteisiol yn ein barn ni o ran gallu cymharu, os oes unrhyw gwestiynau gyda ni am amwysedd. Mae, wrth gwrs, yn fantais i'r bobl sy'n gallu ymdrin ag ef yn ddwyieithog.

Ms Edwards: UCAC is of the opinion that legislation in Wales needs to be clear and accessible to more than just lawyers. It needs to be accessible for people like myself, working with the law without being an expert in law, and also to the people of Wales more generally. We feel that, generally speaking, those things we have come across are clear and readable. We expect an element of legal jargon to be included, but it does not appear to be excessive at present. The fact that legislation is drafted bilingually is beneficial in our view in terms of being able to compare texts, if we have any questions about ambiguity. It is of benefit to those people who can deal with it bilingually.

[119] Mae hefyd yn rhoi cyfle inni graffu ar y fersiwn Gymraeg o'r ddeddfwriaeth o'r cychwyn cyntaf. I ni, mae hynny'n hollbwysig ac yn sicrhau nad cyfieithiad ar ddiwedd y daith sydd gyda ni, ond cyfraith cyfrwng Gymraeg sydd wedi datblygu drwy'r broses fel y fersiwn Saesneg. Rydym yn tyngu bod hynny'n fanteisiol hefyd.

It also gives us an opportunity to scrutinise the Welsh version of legislation from the very outset. For us, that is crucially important and does ensure that what we are dealing with is not a translation at the end of the journey, but Welsh-language legislation that has developed throughout the process as has the English version of course. We believe that that is beneficial too.

[120] Fel arfer, rydym yn teimlo bod y drafftio yn y ddwy iaith o safon uchel. Maen nhw'n glir ar gyfer y gynulleidfa darged a hefyd, rydym yn teimlo, ar gyfer dinasyddion Cymru yn gyffredinol. Efallai bod y cymhlethdodau'n dod yn y pethau byddwn yn sôn amdanynt yn nes ymlaen, sef gweld y ddeddfwriaeth yng Nghymru o fewn deddfwriaeth ehangach y Deyrnas Unedig.

Generally, we feel that the drafting in both languages is of high quality. They are clear for the target audience and, we also believe, that they are clear to the citizens of Wales more generally. The complexities arise around issues that we will be discussing a little later on, in terms of seeing that Welsh legislation within the wider UK context of legislation.

[121] **David Melding:** Thank you; that gets us off to a very positive start. Can I turn immediately to perhaps an issue that is still a work in progress, or is even perhaps disappointing in terms of lack of progress, and that is the aim to consolidate Welsh legislation? This is a difficult task, it has to be said. But, given that it is difficult, would you have expected more to be consolidated, or the principle of consolidation to be more widely applied?

[122] **Ms Edwards:** Rydym yn teimlo ei fod yn bwysig dros ben, achos dyma un ffordd o ddeall sut y mae pethau wedi newid a sut y mae deddfwriaeth ehangach yn cael ei

Ms Edwards: We feel that this is exceptionally important, because this is one way of understanding how things have changed and how wider legislation is

newid oherwydd bod Cymru yn deddfu. Mae'n bosibl y bydd adroddiad Stephen Crabb yr wythnos diwethaf yn arwain at newid eto gan fod yna gytundeb, gan fod yna gonsensws, y bydd hawl i Lywodraeth Cymru awgrymu projectau i Gomisiwn y Gyfraith. Fy nealltwriaeth i yw taw Comisiwn y Gyfraith sy'n mynd ati i wneud y gwaith cyd-gyfnertu—*consolidation*—ar hyn o bryd ar gyfer deddfau yn y Deyrnas Unedig.

[123] Yn bendant, fel rydym yn mynd ati i ddeddfu mwy, ac wrth gwrs mae llawer mwy o ddeddfau gyda ni nawr, bydd angen edrych ar sut rydym yn mynd ati i sicrhau bod pawb yn deall sut bydd y Ddeddf newydd hon yn effeithio ar elfen o Ddeddf arall. Rydym yn teimlo y bydd angen project o waith o bosibl ar hynny.

[124] **David Melding:** Simon.

[125] **Simon Thomas:** Ie, jest ar y pwynt hwnnw, achos rydych yn dweud yn eich tystiolaeth pa mor anodd yw e weithiau i fudiad weddol o fach, wrth gymharu â'r Llywodraeth yn sicr, i edrych ar un Bil, ond hefyd mynd nôl i'r Deddfau eraill sy'n cael eu newid gan y Bil hwnnw ac olrhain yr hanes drwyddi draw. A fedrwch chi esbonio ym mha ffordd fedrwch chi wneud hynny? A oes unrhyw wefan neu adnodd rydych yn ei ddefnyddio'n gyson i'ch helpu yn y broses honno tra ein bod yn symud tuag at sefyllfa lle, gobeithio, yn y pen draw, y bydd mwy o Ddeddfau Cymru i'w cael mewn un lle?

[126] **Ms Edwards:** Mae'n ffaith nawr fod Deddfau'n ymddangos ar wefan y Llywodraeth. Maent yn ymddangos yno fel y maent yn ymddangos i gyfreithwyr. Maen nhw'n hen gyfarwydd â ffeindio a gweld wrth ddarllen pa rannau sy'n addasiadau a pha Ddeddfau sydd wedi, felly, cael eu creu ac ati. Ond, mae hynny'n dod mewn â mwy o jargon cyfreithiol fel arfer. Mae'n anodd i fudiadau. Rwy'n credu, ar y cyfan, heblaw am y Llywodraeth ei hun, mai mudiadau cymharol fach fydd yn ymdrin â'r Deddfau hyn nes eu bod yn cyrraedd y pwynt o fod yn gyfraith. Mae'n gymharol anodd i ni roi'r holl amser fyddai ei angen er mwyn mynd trwy'r prosesau hynny. Mae rhai pethau, o bosibl, fyddai o gymorth.

amended as a result of the fact that Wales is now legislating. It is possible that Stephen Crabb's paper of last week will lead to further changes because there is consensus that the Welsh Government will have the power to put forward projects to the Law Commission. My understanding is that it is the Law Commission that undertakes the consolidation work now in terms of UK-wide legislation.

Certainly, as we do legislate more, and of course we do have far more legislation now, then we will need to look at how we do ensure that everyone understands how a new piece of legislation impacts upon an element of another piece of legislation. We believe that a project may be required in that area.

Simon Thomas: Yes, just on that point, you say in your evidence how difficult it is sometimes for a relatively small group, as compared to the Government certainly, to look at one Bill, but also to go back to the other Acts that are amended by that Bill and to follow and pursue those developments. Could you explain to us how you can do that work? Is there any website or resource that you use on a regular basis to help you in that process whilst we move towards a situation where, ultimately and hopefully, there will be more Welsh legislation in one place?

Ms Edwards: The fact is that legislation now appears on the Government website. It does appear there as it would appear to lawyers. They are well used to identifying in the legislation which sections are amendments and which pieces of legislation have, therefore, been created and so on. But, that actually brings in more legal jargon as a rule. It is difficult for organisations. I think, generally speaking, apart from the Government itself, it is relatively small organisations that will be engaging with this legislation until they became law. It is relatively difficult for us to provide the time required in order to go through those processes. There are certain things that would, perhaps, be of assistance to us.

[127] Yn, dywedwn, y diweddaraf, Deddf Addysg (Cymru) 2014, mae yna drosolwg ar gychwyn y Bil, ond nid yw'n cynnwys cyfeiriad at rannau o Ddeddfau eraill sydd nawr yn cael eu diddymu oherwydd bod y Ddeddf yma wedi cael ei chreu. Rwy'n credu, efallai, wrth gyflwyno Bil, y byddai cael rhyw fath o grynodedb o beth fydd yn cael ei ddisodli, os bydd y Bil yma'n dod yn weithredol fel Deddf, o help.

[128] Achos, mae'n rhaid i ni fod yn realistig. Prif waith fy mudiad i yw cefnogi a chynrychioli unigolion sy'n aelodau, ac rydym yn ymdrin o ddydd i ddydd â chyfraith cyflogaeth. Ond, wrth gwrs, mae'n hollbwysig i ni fod y Deddfau addysg sy'n cael eu creu yng Nghymru yn rhai da. Mae'n rhaid i ni ffeindio'r amser wedi hynny, fel mudiad, i ymdrin â'r rheini, tra ein bod ni hefyd yn gorfod ymdrin ag ymgynghoriadau am bob un o'r rheoliadau sy'n dod o Ddeddfau eraill, a phob ymgynghoriad polisi arall sydd yn dod o Lywodraeth Cymru—gan adran sydd yn fawr iawn—ac, yn ogystal â hynny, ymgynghoriadau gan Lywodraeth San Steffan am gyflog ac amodau gwaith, a phensiynau athrawon.

[129] Felly, mae'r llif enfawr yma o ymgynghoriadau yn dod atom ni, a byddai pethau ymarferol fel yna, o bosibl, yn help i fudiadau fel ni i allu sicrhau ein bod yn ymateb yn drylwyr ac yn briodol i'ch ceisiadau am dystiolaeth.

[130] **David Melding:** William.

[131] **William Powell:** Diolch, Gadeirydd. Good afternoon. You've just referred to the volume and the demands of consultation, and, in your submission to this committee, you also speak of the frustrations that are sometimes felt by yourselves and other stakeholders in terms of the lack of influence that some of your consultation responses can then have in terms of the way in which legislation is subsequently framed. I wonder whether you could expand on those remarks, with regard to policy development, as it applies to legislation in the round.

[132] **Ms Edwards:** Os cymeraf i Fil addysg 2014 fel enghraifft ddiweddar i chi, wedi hynny rhoddaf enghraifft hŷn, efallai. Rydym wedi ymateb i'r ymgynghoriadau wrth i'r Bil ddatblygu, a hefyd yn ymateb nawr i'r rheoliadau sydd yn dod yn sgil sefydlu'r Ddeddf. Ond, wrth edrych eto nawr ar eiriad y Ddeddf, o'i gymharu â geiriad y Bil fel y'i cyflwynwyd—fe wnes i hynny

If we take the latest Education (Wales) Act 2014, there is an overview at the beginning of the Bill, but it doesn't include a reference to the sections of other legislation that are to be revoked or annulled as a result of the creation of this particular piece of legislation. I think, perhaps, in bringing a Bill forward, having some sort of summary or schedule of what's to be replaced if this Bill is implemented as an Act, would be of assistance.

Because, we have to be realistic. The main task of my organisation is to support and represent individual members, and we, on a day-to-day basis, are dealing with employment law. But, of course, it is crucially important to us that the education Acts created in Wales are effective and good pieces of legislation. We then have to find the time, as an organisation, to deal with those, while we must also deal with consultations on all of the regulations emerging from other legislation, and all other policy consultations emerging from Welsh Government—a very large department within Government—and, in addition to that, consultations by the Westminster Government on teachers' pay and conditions and pensions.

So, this huge tidal wave of consultations does come to us, and practical solutions, such as the one I suggested, would assist organisations such as ours to ensure that we can respond thoroughly and appropriately to your requests for evidence.

Ms Edwards: If I take the education Bill 2014 as a recent example, I'll then give you an older example, perhaps. We have responded to the consultations as the Bill has developed, and we are also now responding to the regulations that are following the implementation of the Act. But now, looking again at the wording of the Act, as compared to the wording of the Bill as introduced—I

wrth drïo paratoi at heddiw—nid oedd llawer o gwbl wedi newid. Mae nifer o bethau, rydym ni'n teimlo, fydd yn profi i fod yn gamgymeriad, ond nid oes neb, mae'n amlwg, wedi talu sylw i'r farn yna, neu mae'n nhw wedi anghytuno â'r farn.

did that in trying to prepare for today's meeting—there wasn't a great deal at all that had changed. There are several things that we feel that will prove to be mistakes, but obviously nobody has paid attention to that opinion, or they've disagreed with that opinion.

[133] Wrth gwrs, un o'r pethau i ni yw ein bod yn teimlo bod gormod o rym gan Weinidogion Cymru yn y pwerau ar gyfer cyngor y gweithlu addysg. Nid ydym yn meddwl taw Gweinidogion Cymru ddylai fod yn gyfrifol am apwyntio aelodau'r cyngor, er enghraifft. Nid ydym yn meddwl taw Gweinidogion Cymru ddylai fod yn creu'r cod ymddygiad gwreiddiol. Yr hyn sydd wedi digwydd, wrth edrych ar yr ymateb nawr i'r cod ymddygiad arfaethedig, yw ei fod yn union yr un geiriad â'r cod presennol. Felly, mae colli cyfle i edrych arno fe o safbwynt gweithluoedd newydd a fydd yn ymuno, fel staff cymorth mewn blwyddyn, a'r unig newidiadau yw newid y geiriau 'athrawon' i 'gweithwyr', ac nid wyf yn meddwl bod unrhyw newid sylweddol arall yna o gwbl.

Of course, one of the things for us is that we feel that there is too much power held by Welsh Ministers in the powers for the education workforce council. We don't think that Welsh Ministers should be responsible for appointing members of that council, for example. We don't believe that Welsh Ministers should be creating the original code of practice, or conduct. In looking at the response now to the proposed code of practice, it's exactly the same wording as the current code. So, they've missed an opportunity to look at it in terms of the new workforce that will join, such as support staff in a year's time, and the only change is the change of the word 'teacher' to 'worker', and I don't think that there's been any significant change other than that at all.

[134] Nawr, i ni, dylai hynny fod wedi cael ei ddodi yn nwylo'r bobl sy'n mynd i fod yn creu'r cyngor y gweithlu addysg newydd, a gweithio agos, wedi hynny, gyda'r tri phroffesiwn, i feddwl beth sy'n mynd i fod yn addas nawr ar gyfer pobl sy'n gwneud swyddi gwahanol iawn. Ai yn union yr un cod, neu rywbeth gwahanol?

So, for us, that should have been placed in the hands of the people who are going to be creating the new education workforce council, and working closely, after that, with the three professions, to think what's going to be appropriate now for people who are undertaking very different jobs. Should it be the same code or should it be different?

[135] Rydym ni hefyd yn teimlo bod yna bethau a ddylai, efallai, fod wedi bod ar wyneb y Ddeddf sydd wedi cael eu gadael i reoliadau. Mewn ffordd, amser a ddengys os bydd hyn yn creu problem ai peidio.

We also feel that there are things that should, perhaps, have been on the face of the Act that have been left to regulations. In a way, time will tell whether that will create problems or not.

[136] O ran enghraifft hŷn—Mesur Dysgu a Sgiliau (Cymru) 2009, a oedd yn y trydydd Cynulliad, wrth gwrs—beth roeddem ni'n teimlo fan yna oedd gofid ynglŷn â dealltwriaeth am sut i ddiogelu'r Gymraeg ac addysg cyfrwng Cymraeg. Pan ymddangosodd y Mesur dysgu a sgiliau gwreiddiol, nid oedd cyfeiriad o gwbl at gyrsiau cyfrwng Cymraeg yn y Mesur. Roedd hynny'n ofid mawr inni. Pan godom ni fe gyda'r Llywodraeth, y neges y cawsom ni oedd taw'r cyngor cyfreithiol yr oedd y

In terms of an older example—the Learning and Skills (Wales) Measure 2009, which was in the third Assembly, of course—what we felt there was concern about an understanding about how to safeguard the Welsh language and Welsh-medium education. When the original learning and skills Measure was introduced, there was no reference at all to Welsh-medium courses in the Measure. That was a great concern for us. When we raised it with the Government, the message that we received was that the legal advice that the

Llywodraeth yn ei dderbyn oedd, ‘Gallwch chi ddim enwi’r iaith yn y ddogfen, neu bydd yn rhaid ichi enwi hefyd gyrsiau cyfrwng Saesneg’. Nawr, fe gymerom ni gyngor arbenigol gan fargyfreithiwr a oedd yn arbenigo mewn ieithoedd lleiafrifol, ac roedd ei gyngor e’n hollol wahanol. Oherwydd hynny, aethom ni ati i ymgyrchu a chael mudiadau eraill i gydweithio gyda ni wrth ymgyrchu. Yng Nghyfnod 3, pan aeth drwy’r Senedd, cafodd hyn ei ychwanegu:

Government was receiving was, ‘You can’t name the language in the document, or you will have to name English-medium courses as well’. Now, we took expert advice from a barrister who specialises in minority languages, and his advice was entirely different. Because of that, we campaigned and invited other bodies to collaborate with us in that campaign. In Stage 3 of the Measure’s progress through the Senedd, this was added:

[137] ‘Each local education authority must exercise their functions in relation to local curricula so as to promote access to and availability of courses of study which are taught through the medium of the Welsh language.’

[138] Wrth gwrs, mae yn Saesneg achos hynny nawr sy’n gorfod dod mewn i Ddeddf Addysg 2002. Mae’n rhan o’r busnes *consolidation* rydym ni’n sôn amdano; mae yn y Saesneg yn y Mesur o’r herwydd.

Of course, it is in English because that now has to be inserted in the Education Act 2002. This is part of the consolidation business that we’re talking about; it is in English in the Measure because of that.

[139] Efallai dyna enghraifft ichi o beth ym ni’n teimlo yw gwir werth sicrhau bod mudiadau yn gallu cael llais a bod ystyriaeth yn cael ei roi yn ofalus i beth mae’r mudiadau sy’n mynd i fod yn gweithio gyda’r cyfreithiau yn eu gweld fel problemau posib. Rydym ni’n teimlo bod hynny’n un o’n llwyddiannau mawr ni wrth i Gymru ddechrau deddfu, sydd wedi diogelu addysg cyfrwng Gymraeg ôl-14 a hefyd helpu i ddiogelu hawliau’r Gymraeg. Rŷm ni yn meddwl ei fod e’n gamgymeriad, os ym ni’n ystyried bydd Mesur y Gymraeg (Cymru) 2011 yn ddigon i ddiogelu’r iaith Gymraeg heb fod addysg cyfrwng Cymraeg a’r iaith Gymraeg yn gorfod ymddangos mewn deddfau perthnasol. Rwy’n gwybod bod hynny wedi mynd â fi ar drywydd ychydig yn wahanol, ond maen nhw’n gysylltiedig.

Perhaps that is an example for you of what we feel is the true value of ensuring that organisations can have a voice and that careful consideration is given to what the bodies that are going to be working with these laws see as potential problems. We feel that that is one of our great successes as Wales starts to legislate, which has safeguarded Welsh-medium education after 14 and has also helped to safeguard Welsh-language rights. We do feel that it would be a mistake if we were to consider that the Welsh Language (Wales) Measure 2011 would be sufficient to safeguard the Welsh language without Welsh-medium education and the Welsh language having to appear in relevant legislation. I know that that has taken us off on a bit of a tangent, but they are linked.

[140] **William Powell:** That’s very helpful indeed. Just to go further on to the issue of your comments on the impact assessment process, could you share with us, please, your experiences of using explanatory material such as the impact assessments and how you believe these could be further improved for the betterment of the legislation?

[141] **Ms Edwards:** Nid yw’n ymddangos inni fel petai cysondeb ynglŷn â phryd mae’r rhain yn cael eu defnyddio. Weithiau, mae yna Bapur Gwyn, ac nid yw hynny’n digwydd, o bosib, yn aml. Mae’r diffyg cysondeb yn un peth, ond rŷm ni’n teimlo bod yna botensial—o, sori, rydych chi’n meddwl *impact assessments* am y deddfau.

Ms Edwards: It does not appear to us as if there is consistency about when these are used. Sometimes, there’s a White Paper, and that doesn’t happen often, perhaps. The lack of consistency is one thing, but we believe that there is potential—oh, sorry, you mean the impact assessments in relation to the legislation. I’m sorry; I was thinking about

Rwy'n flin; roeddwn i'n meddwl am rywbeth arall. something else.

[142] **William Powell:** Indeed. Yes.

[143] **Ms Edwards:** Mae e yn bwysig i ystyried yn ofalus sut bydd y deddfau newydd yn cael effaith ar bobl ac ar grwpiau gwahanol, ac, yn ein sefyllfa ni, bydd addysg yn gyffredinol, plant a phobl ifanc, a phobl sydd dan anfantais efallai, hefyd. Rŷm ni'n ei weld e fel rhan bwysig o'r memorandwm esboniadol, hefyd, ein bod ni'n edrych ar yr effaith mae pethau'n gallu eu cael ar unigolion. Un o'r pethau rŷm ni yn eu ffeindio yw bod cymaint o wybodaeth ar gael inni; unwaith eto, mae e'n anodd delio â'r holl wybodaeth.

Ms Edwards: It is important to consider carefully how these new laws will affect different people and different groups, and, in our situation, there will be education in general, children and young people, and people who are under a disadvantage perhaps, also. We see it as an important part of the explanatory memorandum, also, that we look at the impact that things can have on individuals. One of the things that we do find is that there is so much information available to us; once again, it is difficult to deal with all the information.

15:00

[144] **William Powell:** Finally from me, on this point, do you feel that the provision of Keeling Schedules, which show the effect of amendments in respect of other statutes, would be helpful in this regard?

[145] **Ms Edwards:** Nid oedd y term yn gyfarwydd i ni, ond rwy'n deall taw'r ystyr—mae ar ôl Edward Keeling—yw effaith y newidiadau ar Ddeddfau eraill, a bod hwn, mewn ffordd, â chyswllt gyda'r jobyn o waith *consolidation*—cydgyfnerthu. Byddai'n ddefnyddiol i gael rhyw ffordd o ddangos effaith ar Ddeddfau cyfredol a Deddfau o'r gorffennol. Byddai'n gymorth i sicrhau taw nid dim ond pobl fel cyfreithwyr sydd yn gallu dehongli pethau mewn ffordd gymharol hawdd. Wrth iddyn nhw ddelio â Deddfau o ddydd i ddydd, mae'n hawdd iddyn nhw, wrth gwrs. Unwaith eto, rydym yn dod yn ôl at y syniad yma: ydy, mae e ar gael ar ddull electronig i ni, mae'r wybodaeth i gyd allan, ond ei wneud yn hygyrch ac yn hawdd i bobl i ymdrin ag e, dyna beth rydym ni'n teimlo sydd ar goll, efallai, ar hyn o bryd. Byddai rhywbeth tebyg i hynny—. Rwy'n credu mai rhywbeth arall sydd wedi cael ei sôn amdano yw datganiad ysgrifenedig o fwriad gan y Llywodraeth ynglŷn â beth fydd yn cael ei gynnwys mewn Deddf.

Ms Edwards: The term wasn't familiar to us, but I understand that the meaning—it's after Edward Keeling—is the effects of the changes on other legislation, and that this, in a way, links with the consolidation task. It would be useful to have some way of showing the impact on current legislation and past legislation. It would be of help to ensure that it is not just people like lawyers who are able to interpret things in a relatively easy way. As they deal with legislation from day to day, it is easy for them, of course. Once again, we go back to this idea: yes, it is available to us through electronic means, the information is all out there, but it's about making it accessible and easy for people to deal with, that is what we feel is missing, perhaps, at present. Something similar to that—. I think that something else that is mentioned is a written statement of intent by the Government in terms of what will be included in legislation.

[146] Mae'r pethau hyn i gyd, yn eu ffyrdd, yn bethau all wneud deddfu yng Nghymru yn rhywbeth fydd yn agosach at y bobl gyffredin, ac yn agosach hefyd at y bobl fydd yn ei ddefnyddio fe o ddydd i ddydd. Efallai

All of these things, in their way, are things that can make legislating in Wales something that will be closer to the general population, and closer, too, to the people who will be using the legislation from day to day. Perhaps

taw trio penderfynu beth fyddai'r dull gorau sydd yn bwysig, a chael rhyw fath o gysondeb fel bod pawb yn gwybod ble maen nhw'n edrych am y wybodaeth sydd ei hangen, fel y mae'n mynd i edrych, ym mha ddull bydd ar gael, yn hytrach na bod gyda ni ambell waith Keeling *Schedule* am rai pethau, ambell waith datganiad ysgrifenedig o fwriad, ambell waith Bil drafft, ac ambell waith Papur Gwyn. Efallai y byddai cysondeb yn y maes yma yn help i ni wybod beth i ddisgwyl pryd bynnag mae yna Ddeddf newydd ar y gweill.

trying to decide what the best way of doing that would be is what's important, and having some consistency so that people know where to look for the information that they need, what it's going to look like, in what form it will be available, rather than sometimes having Keeling Schedules for some things, sometimes a written statement of intent, sometimes a draft Bill, and sometimes a White Paper. Perhaps having consistency in this area would help us to know what to expect whenever there is new legislation in the pipeline.

[147] **William Powell:** Diolch yn fawr.

William Powell: Thank you.

[148] **David Melding:** Suzy.

[149] **Suzy Davies:** Thank you. That was very interesting. Can I take you back just momentarily, though, to your earlier comments about scrutiny of secondary legislation? You said that you had to go to the whole trouble of getting a barrister and all sorts of things in order to challenge the Government's view on a particular matter. We are probably not going to disagree with you much on the balance between primary and secondary powers, as we've made quite a deal of it on this committee, but who should be scrutinising the secondary legislation?

[150] Perhaps I can make it a bit clearer as to what I'm after here. When you get to secondary legislation, primarily the Government sends it out to the relevant organisations, you have your conversations, shall we say, and the Assembly comes to it quite late, really. It's mean to ask you, because you are only one organisation, but is there a role for the Assembly earlier in the scrutiny of the specifics of the secondary legislation?

[151] **Ms Edwards:** Rwyf wedi bod yn meddwl tipyn am hyn, achos, mewn gwirionedd, unwaith mae'r Ddeddf wedi ei sefydlu, y rheoliadau yw'r pethau sydd yn cael yr impact ar bawb a fel y mae popeth yn cael ei weithredu. Os yw'r rheoliadau'n wael, rwy'n gwybod bod modd eu newid nhw, ond, unwaith eto, mae'n rhaid mynd trwy broses. Pan ydym ni'n mynd trwy ymgynghoriad, wrth gwrs, mae'r cyfnod ymgynghori'n gallu bod yn fyrrach ac mae yna le, rwy'n meddwl, i graffu ar lefel arall, yn ogystal â dim ond ymgynghori yn gyhoeddus, ac efallai wedyn bod pawb yn gallu cael rhyw fynediad i weld crynodeb o ymatebion. Rwy'n gwybod ei fod yn anodd, achos efallai gyda rhai Deddfau mae yna nifer fawr o reoliadau'n dod. Ar hyn o bryd, rydym ni'n ymwybodol iawn bod yn rhaid bod llwyth gwaith trwm iawn gyda phwyllgorau fel hwn sydd yn ymdrin â pholisi—wel, y rhai nawr sydd yn ymdrin â pholisi a deddfwriaeth, a taw nifer cymharol fach o bobl sydd ar gael i wneud y gwaith

Ms Edwards: I've given this quite a bit of thought, because, in reality, once the legislation is in place, it's the regulations that have the impact on people in terms of how things are implemented. If the regulations are poorly drafted, I know they can be amended, but, again, there is a process to be gone through there. When we go through consultations, of course, the consultation period can be shorter and I think there is scope to scrutinise at another level, in addition to the process of public consultation, and perhaps then everyone can have some sort of access to see a summary of responses. I know that it's difficult, because, with some pieces of legislation, there are very many regulations emerging. At the moment, we are highly aware that there must be a very heavy workload for committees such as this one that deal with policy—well, those now that deal with both policy and legislation, and that a relatively small number of people are available to carry out this work. Once again,

yma. Unwaith eto, efallai y bydd hynny'n rhywbeth a fydd yn datblygu ac yn newid yn y dyfodol, achos mae nifer yr Aelodau Cynulliad yn mynd i fod o dan drafodaeth. Ond beth rŷm ni'n dymuno ei weld yn digwydd yw ein bod ni'n defnyddio pob cam posib i sicrhau nad ydym yn creu Deddfau drwg yng Nghymru, ac, i ni'n benodol, fod y Deddfau addysg yn rhai da a bod y rheoliadau yn rhai adeiladol a da, ac yn amddiffyn y bobl gywir ac yn sefydlu beth sydd ei angen ar gyfer ein plant a phobl ifanc a'n gweithlu addysg ni.

that maybe something that develops and changes in the future, because the number of Assembly Members will be a matter for discussion. But what we would want to see happening is that we use all means possible to ensure that we don't make bad legislation in Wales, and, for us particularly, that the education legislation is effective and that the regulations are constructive and good, and protect the right people and do put in place what is needed for our children and young people and our education workforce.

[152] **Suzy Davies:** This committee scrutinises secondary legislation, but from a very specific angle and point of view, really. Would you agree with the statement that, if Bills had more on the face of them, there would be less secondary legislation, and, the enthusiasm that is shown for consultation regarding primary legislation—everyone's happy to pile in on that, but it also tails away by the time you get to secondary legislation, often through resources and often because of shortness of consultation time? What principles would you like to see informing the decisions for activity to happen via primary and secondary legislation? It's a very difficult question, I know, because it depends on each individual Bill, but there must be some central principles you think would encourage more on the face of Bills, and then less secondary legislation.

[153] **Ms Edwards:** Rwy'n credu bod y pwynt rydych chi wedi ei wneud ynglŷn â'r sylw y mae Bil yn ei gael a'r sylw y mae'r rheoliadau ar ôl i'r Bil ddod yn Ddeddf yn ei gael yn wahanol iawn. Os gwnaf i gyfeirio at hynny gyntaf, wedyn fe wna i feddwl am yr egwyddorion.

Ms Edwards: I think the point you made on the scrutiny given to Bills and the scrutiny given to regulations once that Bill is an Act is very different. If I could take that point first, and then I will think about the principles.

[154] **Suzy Davies:** Roeddech chi wedi rhoi cwpwl o enghreifftiau.

Suzy Davies: You've given us some examples.

[155] **Ms Edwards:** Do. Mae nifer o'r rheoliadau yn tyfu allan o Ddeddf Addysg (Cymru) 2014, er enghraifft. Ac y gwirionedd yw, rwy'n credu, eu bod nhw'n cael llai o sylw, nid yn unig o ran sgrwtini, ond efallai hefyd gan y mudiadau sy'n gorfod ymateb iddyn nhw, achos yn aml mae nifer fawr ohonyn nhw yn dod allan ac maen nhw'n gorfod cael ymateb cynt. Unwaith eto, mae llwyth gwaith pobl yn effeithio ar hyn; mae pobl yn trio bod yn ofalus, ond maen nhw'n mynd i gael llai o statws na'r Bil gwreiddiol.

Ms Edwards: Yes. A number of regulations emerged from the Education (Wales) Act 2014, for example. And the truth, I believe, is that they are given less attention, not only in terms of scrutiny, but perhaps also by the organisations that will have to respond to those regulations, because often a number will be produced and they need a quicker response. Again, the workload on people affects this; people try to be careful, but they will be given less status than the original Bill.

[156] O ran yr egwyddorion sylfaenol ar wyneb y Bil, rydym ni'n teimlo efallai y dylai unrhyw fater sydd angen ei ymgorffori fel egwyddor craidd yn y gyfraith, yn bethau rŷm ni'n ragweld na fydd yn newid gydag amser, fod ar wyneb y Bil. Rwy'n gwybod na

In terms of the fundamental principles on the face of the Bill, we do feel that any issue that needs to be incorporated as a core principle in law, as things that we anticipate will not change over time, needs to be on the face of the Bill. I know that we can't anticipate what

allwn ni ragweld 20 mlynedd na 15 mlynedd ymlaen, ond, o fewn y dyfodol rydym ni'n gallu'i ystyried, nid ydym yn gallu gweld yr egwyddor yma yn un a fydd yn newid—pethau sy'n mynd i fod ac angen bod yn hollol sefydlog, pethau sy'n angenrheidiol ar gyfer yr hirdymor, a phethau hefyd rŷm ni yn dymuno iddyn nhw fod yn flaenoriaeth, ond efallai na fydd pobl eraill i gyd yn moyn iddyn nhw fod yn y flaenoriaeth. Ac i ni yn y fan yna, mae'r iaith Gymraeg yn un. Allwch chi ddim meddwl y bydd yr iaith Gymraeg yn bwysig i bawb, felly, os ydym ni'n moyn sicrhau mewn Deddf addysg nad yw'r Ddeddf yn mynd i amddifadu addysg cyfrwng Cymraeg, er enghraifft, mae'n rhaid iddo fod ar wyneb y Ddeddf. Mae aros tan bod ni'n dod i reoliadau neu ganllawiau statudol—allwn ni ddim ei gymryd e'n ganiataol y bydd pobl yn gweithredu'r rheini yn yr un modd ac os ydym yn gallu cyfeirio at Ddeddf benodol. Felly, rwy'n credu, i ni, dyna yw'r egwyddorion: rhywbeth sy'n egwyddor sylfaenol, rhywbeth sy'n mynd i fod yn hollol sefydlog, rhywbeth sy'n mynd i fod yn sefydlog ar gyfer yr hirdymor a rhywbeth rŷm ni—hynny yw, y Cynulliad—yn dymuno i fod yn flaenoriaeth, ond nad ydyw o reidrwydd yn mynd i fod yn flaenoriaeth i bawb. Wedyn, o ran is-ddeddfwriaeth a rheoliadau, y pethau rydym yn ymwybodol ohonynt sy'n debygol o fod angen eu newid.

[157] **Suzy Davies:** Dyna beth mae Gweinidogion yn ei ddweud yn aml, 'Hyblygrwydd; mae'n rhaid i ni gael hyblygrwydd', am bob math o bynciau, mewn ffordd, ond beth rydych chi'n ei feddwl gan 'hyblygrwydd'?

[158] **Ms Edwards:** I roi enghraifft i chi eto—maddeuwch taw'r Bil addysg yw, ond mae hwnnw'n un o'r rhai mwyaf diweddar—rŷm ni'n teimlo ei fod yn gamgymeriad yn fanna i beidio â dweud pwy fydd yn dod i benderfyniad am y ffi. Mae'n dweud y byddai modd gwneud rheoliadau am ffioedd, ond rŷm ni'n teimlo y dylai'r Llywodraeth a'r Cynulliad ddod i benderfyniad ar y ffi, ond dylai'r cyngor y gweithlu addysg yn gorfod gwneud cynllun busnes ac achos busnes da os ydynt yn moyn codi'r ffi. Nid ydym yn meddwl fod unrhyw reswm pam ddylai'r penderfyniad ynglŷn â phwy sy'n

will happen in 20 years' time or 15 years hence, but, within the foreseeable future, we see this as an unchanging principle—it's those things that do need to be entirely concrete, things that are essential for the longer term, and also things that we want to be seen as a priority, but perhaps not everyone will agree with that point of view. For us, the Welsh language is a case in point. You cannot believe that the Welsh language is going to be important to everyone, so, if we do want to ensure in education legislation that that legislation is not going to deprive Welsh-medium education, for example, then it has to be on the face of the Act. Waiting for regulations or statutory guidance—we can't assume that people will implement those in the same way and as they would if we were able to refer to a specific Act. Therefore, I think, for us, those are the principles: something that is a fundamental principle, something that is entirely concrete and something that will be in place for the long term, and that for us—that's to say, the Assembly—is seen as a priority but which isn't necessarily going to be a priority for everyone. Then, in terms of subordinate legislation and regulations, it's those things that we are aware of that are the ones that are likely to need to be changed.

Suzy Davies: Yes, that's why Ministers often say, 'Flexibility; we have to have flexibility', for all kinds of subjects, in a way, but what do you think 'flexibility' means?

Ms Edwards: To give you an example—forgive me for using the education Bill, but it is a very recent piece of legislation—we feel that it was a mistake in that legislation not to actually state who will make a decision on the fee. There is reference to regulations about fees, but we believe that the Government and the Assembly should come to a decision on the fee, but the education workforce council should actually draw up a business plan and a strong business case if they want to increase that fee. We don't think that there's any reason why the decision as to who makes a decision should be left to

dod i benderfyniad fod yn cael ei adael i'r rheoliadau. I ni, roedd hynny'n hollol glir, ond mae wedi mynd i mewn i'r Ddeddf gyda'r geiriad yna.

[159] Hefyd, i roi enghraifft i chi o'r Mesur Dysgu a Sgiliau (Cymru) 2009, i fynd yn ôl ymhellach, i 2009, roedd yn hollol angenrheidiol bod yr angen i greu cwricwlwm lleol yn ymddangos yn y ddeddfwriaeth. Ond, wedyn, roedd yr union nifer o gyrсияu a ddylai fod yn rhan o'r cwricwlwm lleol mewn rheoliadau. Wrth gwrs, beth rydym wedi ei weld yn awr yw bod hynny'n rhoi cyfle i weld a yw'r nifer o 30 yn realistig ac yn gynaliadwy yn yr hirdymor, ac mae yna fwriad nawr i leihau'r nifer, heb orfod newid y ddeddfwriaeth. I ni, mae'r gwahaniaeth yn weddol glir. Un yw ein bod ni, yn bendant, yn moyn cwricwlwm lleol—ac mae'n rhaid inni ei gael ac mae'n rhaid i bawb ei greu ef—a hefyd nodi taw'r awdurdodau lleol sy'n gyfrifol am ddisgyblion 14 i 16, a Llywodraeth Cymru am disgyblion 16 i 19, ond bod nifer y cyrsiau yn cael eu penderfynu mewn rheoliadau, sy'n haws eu hadolygu os oes angen.

[160] **Suzy Davies:** Diolch yn fawr iawn.

[161] **David Melding:** Alun.

[162] **Alun Davies:** Diolch yn fawr. Rydych chi wedi bod yn glir iawn, Mrs Edwards, amboutu eich profiad pan fo'n dod i ymgynghori a chraffu, yn arbennig y craffu yn ystod Cyfnod 1 o'r broses ddeddfu, ond rwyf eisiau cymryd y drafodaeth gam ymhellach. Yn eich tystiolaeth ysgrifenedig, rydych chi hefyd yn dweud bod y cyfnodau deddfu ar ôl Cyfnod 1 yn fwy anodd—bod y broses o wella a chreu gwelliannau at ei gilydd, a chael cyngor ar y math o welliannau y buasech chi fel mudiad yn licio'u gosod, yn gallu bod, o'r hyn roeddwn yn ei ddarllen, yn rhy gymhleth. Ai dyna beth rydych yn ei feddwl?

[163] **Ms Edwards:** Ie, ac rwy'n credu hefyd bod yna berygl, unwaith mae'r cyfnod cyntaf o graffu wedi mynd trwyddo—ac mae'n bosib ein bod wedi cael ein gwahodd i roi tystiolaeth lafar, yn ogystal â thystiolaeth ysgrifenedig—i bob mudiad, fod gwaith arall

regulations. For us, that was entirely clear, but it has gone into the Act with that wording.

Also, to give you an example from the Learning and Skills (Wales) Measure 2009, to go back further, to 2009, it was essential that the need to create a local curriculum should be included in the legislation. But, then, the exact number of courses that should be part of the local curriculum was in regulations. Of course, what we have seen now is that that gave an opportunity to see whether that number of 30 was realistic and sustainable in the long term, and there is now an intention to reduce that number, without having to change the legislation. For us, the difference is relatively clear. One is that we certainly want a local curriculum—we must have it and it must be created everywhere—and also that it's noted that it is local authorities that are responsible for pupils between 14 and 16, and the Welsh Government for pupils between 16 and 19, but the number of courses should be decided in regulations, which are easier to review should the need arise.

Suzy Davies: Thank you very much.

Alun Davies: Thank you very much. You've been very clear, Mrs Edwards, about your experience when it comes to consultation and scrutiny, especially scrutiny during Stage 1 of the legislative process, but I wanted to take the discussion a step further. In your written evidence, you also say that the legislative stages post Stage 1 are more difficult—that the process of amending and putting amendments together, and receiving advice on the kinds of amendments that you as an organisation would like to put forward, can be, from what I've read, too complex. Is that what you meant?

Ms Edwards: Yes, and I think that there's also a risk, once that first stage of scrutiny has been completed—and we may have been invited to give oral evidence, in addition to our written evidence—for every organisation, that other work can become a priority, and

yn dod yn flaenoriaeth fawr hefyd, ac mae'n anodd dilyn hynt a helynt y Bil trwy'r camau nesaf. Gyda'r Mesur Dysgu a Sgiliau (Cymru), roeddwn yn gwybod fod yna broblem enfawr, yn ein barn ni, o'r cam cyntaf, ac felly roedd yn amlwg i ni beth roedd angen inni ei wneud o fanna ymlaen. Roedd cael y cyngor cyfreithiol—mynd at gyfreithwyr ac at y bargyfreithiwr, a oedd, wedyn, yn llunio'r cyngor i ni—gweithio gyda mudiadau eraill, cwrdd â llefarwyr yr holl bleidiau, a thrio dylanwadu ar hynny i gyd, yn swmp enfawr o waith ar gyfer un darn o ddeddfwriaeth, ond roedd yn waith hynod o bwysig. Nid oedd ein llygaid ni wedi mynd o'r ffaith fod rhywbeth pwysig dros ben, a oedd, yn ein barn ni, yn beryglus os nad oedd yno, yn eisiau. Roedd yn glir beth roedd angen inni ei wneud.

15:15

[164] Gyda rhai pethau eraill nad yw, efallai, yn ymddangos mor syfrdanol i ni, rŷch chi'n mynd ati wedyn i ymateb i ddogfennau eraill, i'r swmp o bethau sy'n dod o Lywodraeth Cymru, ac rŷch chi'n colli golwg—neu mae yna berygl eich bod chi'n colli golwg—o ba gam a pha eiriad sydd erbyn hyn yn y Bil. Mae rhai pethau ymarferol, efallai, a allai fod yn helpu'r mudiadau i sicrhau bod modd dilyn yn weddol hawdd ble rŷm ni wedi cyrraedd. Un ohonyn nhw, yn syml, yw bod yna grynodedb o beth sydd wedi newid o gam 1 i gam 2, neu o gam 2 i gam 3. Enghraifft ichi yw: mae tâl ac amodau gwaith athrawon wedi cael eu hymgorffori mewn dogfen statudol—dogfen cyflog ac amodau athrawon ysgol, sy'n cael ei chreu gan yr Adran Addysg yn San Steffan. Mae'n cael ei diwygio bob blwyddyn, yn dilyn Gorchymyn yn San Steffan. Ond, ar y tudalen blaen bob blwyddyn o'r ddogfen, mae yna grynodedb byr o'r prif bethau sydd wedi newid ers fersiwn y llynedd. Rwy'n gwybod taw fersiynau terfynol yw'r rheini, ond rŷm ni'n cael copïau o'r fersiynau drafft o'r fersiynau newydd, ac yn y broses yna hefyd mae yna grynodedb o beth sydd i fod wedi newid. Wedi hynny, mae'n hawdd ichi weld a oes rhywbeth arall wedi ymlwybro i mewn, ar ddamwain neu fel arall—'Wel, doedd hynna ddim i fod yna'—a gallech chi fynd ar ei ôl e. Rwy'n gwybod ei fod yn golygu gwaith i

it's difficult to actually follow the journey of a Bill through the next stages. With the Learning and Skills (Wales) Measure, we knew that there was a huge problem, in our view, from that very first stage, and therefore it was clear to us what needed to be done from there on in. Getting the legal advice—going to lawyers and a barrister, who, then, drew up that advice for us—working with other organisations, meeting with spokespeople from all of the parties, and trying to bring influence to bear, was a huge amount of work for a single piece of legislation, but it was immensely important. Our eye wasn't taken off the ball in the sense that there was something exceptionally important missing, which, in our view, was dangerous if it wasn't included. It was clear to us what we needed to do.

With certain other things, which, perhaps, don't appear to be as shocking or surprising to us, you will then respond to other documents, to that pile of information issued by the Welsh Government, and you can—or there is a risk that you can—lose sight of the wording contained in the Bill by that stage. I think that there are some practical things that could assist organisations to ensure that they are able to track relatively easily where we are with legislation. One of them, quite simply, would be a summary of the changes made between Stage 1 and Stage 2, or between Stage 2 and Stage 3. To give you an example, teachers' pay and conditions are incorporated in a statutory document—the school teachers pay and conditions document, which is drawn up by the Department for Education at Westminster. It is amended annually, as a result of an Order at Westminster. But, on the title page of the document every year, there is a brief summary of the main changes since the previous year's version. I know that those are final versions, but we do receive draft versions of the new versions, and in that process, too, there is a summary of what is deemed to have changed. It is then easy to track whether something else has wended its way in, whether accidentally or otherwise—'Well, that's not supposed to be there'—and you can pursue that issue. I know that it involves work for someone, but it's

rywun, ond mae'n bosibl—wel, ydy, yn ein barn ni—y byddai rhywbeth fel yna yn helpu parhau gyda sgrwtini allanol, gan fudiadau allanol, i allu dilyn hynt a helynt y Bil wrth iddo fe ddatblygu neu newid.

[165] Mae'n rhaid imi ddweud, i fi, roedd yn siom gweld cyn lleied o newid yn fersiwn derfynol y Ddeddf addysg o'i chymharu â'r Bil addysg a ddaeth gerbron yn wreiddiol.

[166] **Alun Davies:** Rwy'n credu bod yn rhaid inni wahaniaethu rhwng y broses a phenderfyniadau'r Llywodraeth.

[167] **Ms Edwards:** Oes.

[168] **Alun Davies:** Beth bynnag am y broses, mae gan y Llywodraeth yr hawl absoliwt i naill ai dderbyn neu beidio â derbyn unrhyw fath o welliant neu unrhyw gynnig gennym ninnau a chan bobl eraill.

[169] **Ms Edwards:** Rwy'n deall hynny, ond gyda jest taflen yn cyhoeddi rhwng pob cyfnod, byddai'n rhwydd dweud, 'A, nid ydyn nhw ddim wedi penderfynu newid hyn; mae angen lobïo'n galetach ar hwn', neu, 'Mae angen mynd ar ei hôl hi'n fwy cadarn nag yr ydym ni wedi gallu gwneud hyd yn hyn; mae'n rhaid bod hwn yn mynd yn flaenoriaeth a gall hwnna aros', yn hytrach na bod pob mudiad yn unigol yn gorfod darllen yr holl ddogfennaeth eto i drïo ffeindio a oes yna wahaniaeth rhwng y fersiwn yma a'r fersiwn nesaf, a mynd trwy hwnna efallai o leiaf dair gwaith. Felly, rwy'n derbyn eich pwyntiau chi.

[170] **Alun Davies:** Ie, ond i wneud y fath o newidiadau yr ydych chi'n eu disgrifio, mae'n rhaid mynd trwy'r broses o benderfynu ar y gwelliannau. Mae'n rhaid i'r Llywodraeth naill ai gynnig gwelliannau'r Llywodraeth neu dderbyn gwelliannau gan y gwrthbleidiau. Felly, mae yna broses i'w dilyn, a beth rwy'n trio ei ddeall yw ble mae'r cymhlethdodau yn dod i mewn i'r broses, achos mae'n amlwg o'r tu fas bod unrhyw broses o ddeddfu yn gallu bod yn gymhleth, ond mae'n amlwg hefyd o'ch trafodaeth y prynhawn yma eich bod chi'n deall y broses yn dda iawn. Felly, beth rwy'n chwilio amdano yw efallai ymateb tipyn bach

possible—well, yes, in our view—that something of that sort would help us to continue with the external scrutiny carried out by external organisations to follow the journey of the Bill as it develops or changes.

I'd have to say that, for me, it was disappointing to see how little change there had been in the final version of the education Act as compared with the education Bill that was initially put forward.

Alun Davies: I think that we have to differentiate between the process and the decisions of Government.

Ms Edwards: Yes.

Alun Davies: Whatever the process is, the Government has the absolute right to accept or refuse any kind of amendment or proposal by us and by others.

Ms Edwards: I understand that, but with just a brief document telling us what has happened between the stages, it would be easy to see, 'Ah, they haven't changed this; we need to lobby harder on that', or, 'We need to pursue this more robustly than we have been able to do in the past; this has to become our priority, and that can wait', rather than having every individual organisation trying to read all of the documentation again and comparing documents to try and find whether there is a difference between one version and the next, and going through that process at least three times. However, I accept your points.

Alun Davies: Yes, but to make the kind of changes that you describe, you have to go through the process of deciding on the amendments. The Government has to either propose Government amendments or accept amendments by the opposition parties. So, there is a process to pursue, and what I'm trying to understand is where the complexities arise in the process, because it's obvious from the outside that any legislative process can be a complex one, but it's also clear from the discussion this afternoon that you understand this process very well. So, what I'm looking for is perhaps a response that is a little clearer. From Stage 2 of the

mwy clir. O Gyfnod 2 o'r broses ddeddfu ymlaen, rydych chi'n deall hynny, ac rydych chi'n gweld hynny'n gweithio, ac wedi cydweithio â'r Llywodraeth ac eraill i gynnig gwelliannau i bob un rhan o'r broses. Rwy'n ffeindio hi'n anodd deall wedi hynny ble mae'r cymhlethodau yr ydych chi'n eu gweld. Rwy'n derbyn y pwynt yr ydych wedi ei wneud amboutu *Keeling schedules*, mae'n swnio i fi, ac rwy'n credu mi fuasai hynny yn help, ond ble yn union y mae'r broses yn mynd yn lot mwy *opaque* yn eich barn chi?

[171] **Ms Edwards:** Mae'n eithaf posib taw nid y broses sydd ar fai, ond y llwyth gwaith sy'n dod o'r broses. Rwy'n credu un o'r pethau y dywedom ni yn ein tystiolaeth am ddeddfu yn y pedwerydd Cynulliad yw ei fod wedi bod yn gymharol dawel i ni o ran addysg a deddfu ym myd addysg ar ddechrau'r pedwerydd Cynulliad, ond, wedyn, bod pethau wedi cyflymu a bod sawl peth pwysig wedi hynny wedi digwydd ar yr un pryd. Mae hynny, wrth gwrs, yn mynd i effeithio ar allu pobl i ymateb i'r broses fel y bydden nhw'n dymuno gwneud. Mae'n bosib taw hynny sy'n rhoi'r argraff yna i ni fod jest popeth yn symud yn rhy gyflym.

[172] Ond, rwy'n credu mai'r mwyaf o wybodaeth glir y mae pobl yn gallu ei chael am beth sy'n digwydd yng nghanau gwahanol y broses, y gorau. Fel y maen nhw'n ei ddweud, *with the best will in the world*, nid yw'r mwyafrif o fudiadau â'r amser efallai i eistedd a gwranddo ar y trafodaethau ar lawr y Cynulliad, ac ati. Mae'n rhywbeth rŷch chi'n ei wneud yn achlysurol pan fydd rhywbeth argyfyngus rŷch chi'n meddwl yn digwydd y byddech chi'n moyn dylanwadu arno.

[173] **David Melding:** It's an interesting area. I think most of the information we're talking about is there in one way or another, but it's not easily accessible in one place and, perhaps, that's something for us to reflect on.

[174] **Alun Davies:** It's the structure of the information.

[175] **David Melding:** We can give this some thought. Simon.

[176] **Simon Thomas:** Ie, nid yw'n helpu Aelodau'r Cynulliad ychwaith i ddeall pa newidiadau sydd wedi digwydd rhwng y pwyllgor a dod i'r Cyfarfod Llawn, weithiau. Felly, byddai'n help i bawb.

legislative process onwards, you understand that, and you see that working, having collaborated with the Government and with others to table amendments at every part of the process. I find it difficult after that to understand where the complexities that you see come in. I accept the point that you have made about what sound to me like Keeling schedules, and I do think that that would be a help, but where exactly does the process become a lot more opaque, in your opinion?

Ms Edwards: It's quite possible that it's not the process that's to blame, but the workload that the process entails. I think that one of the things we said in our evidence on legislating in the fourth Assembly is that it has been relatively quiet for us in terms of education and legislating on education at the beginning of the fourth Assembly, but things then picked up significantly and a number of important issues emerged simultaneously. Of course, that will have an impact on people's capacity to respond to the process as they would like to do. It is possible that that's why we get this impression that everything seems to be moving too quickly.

But, I think that the clearer the information that people can access in terms of what's happening in the various stages of the process, the better. With the best will in the world, as they say, most organisations don't really have the time to actually sit and tune into the debates held on the floor of the Assembly, and so on. It's something that you do from time to time when there is some critical issue that you think you would like to have an influence on.

Simon Thomas: Yes, it doesn't help Assembly Members, either, to understand some of the changes that have happened between committee and coming to Plenary, sometimes. So, it would help everyone.

[177] A gawn ni jest droi at rai o'r dulliau rydym ni wedi'u defnyddio yma i ddeddfu? Hyd yma, rydym ni wedi bod yn trafod y dull arferol, ond, wrth gwrs, mae yna un Bil wedi mynd trwyddo o dan y dull brys—mewn diwrnod i bob pwrpas—ac roedd yna ddau Fil arall wedi mynd trwyddo gan hepgor y Cyfnod 1, sef y cyfnod rŷch chi wedi dweud heddiw ac yn eich tystiolaeth yw'r cyfnod mwyaf defnyddiol. Rwy'n gwybod nad Biliau addysg mo'r rhain, ond, wedi dweud hynny, a oes gennych chi unrhyw bryder neu sylwadau ynglŷn â'r ffaith bod tri Bil wedi mynd trwyddo heb y Cyfnod 1 yna, lle mae yna gyfle i bobl leisio barn mor gryf?

[178] **Ms Edwards:** Pan oeddwn i'n ystyried y mater yma, roeddwn i'n trio dychmygu beth, ym myd addysg, a fyddai mor argyfyngus bod angen cymryd cwrs carlam, fel petai, i ddodi Bil trwyddo mor gyflym fel nad yw'n cael ei graffu arno, ac roeddwn i'n methu â dychmygu'r sefyllfa'n codi. Wedyn, es i i chwilio i weld beth yn union oedd wedi mynd trwy'r broses yna, ac rwy'n ffaelu cofio'r enwau yn union, nawr, ond nid oeddent yn ymddangos i fi fel meysydd brys, neu feysydd lle na fyddai modd wedi bod i'r Llywodraeth weithredu hebddyn nhw.

[179] Wrth ystyried, wedi hynny, beth, yn ein barn fyddai'r egwyddorion ar gyfer y defnydd o bwerau i wthio deddfwriaeth drwyddo ar frys, beth roeddem ni'n teimlo yn gyffredinol oedd y dylai ond fod mewn gwir argyfwng, a lle na fyddai'n bosib gweithredu'n effeithiol heb ddeddfu. Felly, i fod yn wir argyfwng, ni fyddai'r prosesau presennol fod yn ddigonol o gwbl a dylai fod rhaid gweithredu'n syth, syth, syth ar ryw fater, ac yna mewn sefyllfaoedd lle byddai'r Llywodraeth yn ffaelu gweithredu o gwbl heb y deddfu yma. Mae'n rhaid imi ddweud, rwy'n dal i ffaelu meddwl am unrhyw beth o fewn cymhwysedd y Cynulliad i ddeddfu y byddai angen y fath frys arno.

[180] **Simon Thomas:** Beth pe bai Llywodraeth San Steffan yn penderfynu datganoli tâl ac amodau gwaith athrawon dros nos?

[181] **Ms Edwards:** Na. Byddwn i'n

Can we just turn to some of the methods that we've used here to legislate? Up to now, we've been discussing the usual practices, but of course, one Bill has gone through under the emergency procedure—in just one day, to all intents—and there were two other Bills that were passed having bypassed the Stage 1 process, which is the process that you've said today and in your evidence is the most useful. I know that they weren't education Bills, but having said that, do you have any comment about the fact that three Bills have gone through without that Stage 1 procedure, which is when people can voice their opinions strongly?

Ms Edwards: When I was considering this issue, I was trying to imagine what, in education, could be so critical as to require a fast-track procedure in order to get a Bill through so quickly that it wasn't scrutinised, and I couldn't imagine that scenario arising. Then, I searched to see what exactly had gone through that process, and I can't remember the exact names now, but they didn't appear to me to be areas where emergency legislation was required, or where it wouldn't have been possible for the Government to proceed without them.

Then, in considering what, in our view, would be principles for the use of powers to push legislation through urgently, then, what we felt, generally, was that it should only be used in a real emergency where it wouldn't be possible to act effectively without legislating. Therefore, to be a true emergency, the current processes wouldn't be at all adequate and there'd be a need to take immediate action on a particular issue, and then only if there are situations where the Government would not be able to operate at all without legislating. I have to say that I can't think of anything within the Assembly's competence that would actually require that sort of emergency legislation.

Simon Thomas: What if the Westminster Government decided to devolve teachers' pay and conditions overnight?

Ms Edwards: No. I would say again that

dweud eto fod eisiau gofal. Mae eisiau ystyriaeth ofalus, ac mae eisiau ffeindio beth yw'r cyfundrefnau gorau ar gyfer byd addysg Cymru, ac athrawon a phlant Cymru. Y perygl wrth ddeddfu ar frys yw deddfu gwael. Mae'n rhaid, byddwn i'n dweud, fod y perygl o ddeddfu gwael oherwydd na fyddai craffu ac y byddai'n brysio trwyddo, neu bod craffu cyflym a brysio trwyddo, yn gorfod bod yn llai o risg efallai na pheidio deddfu. Rwy'n amheus a oedd hwnnw'n fater yn y pethau sydd wedi mynd trwyddo hyd yma.

[182] **Simon Thomas:** Rydych chi wedi dweud sawl gwaith heddiw pa mor bwysig yw e i fudiadau fel chithau gael dweud eich dweud o leiaf. Nawr, mae'n bosib bod y Llywodraeth yma'n gwranddo. Mae'n bosib na fydd y gwelliannau gan y gwrthbleidiau yn mynd drwyddo neu beth bynnag, ond mae ar gofnod, onid ydy, wedyn, ac mae'n bosib bod yr hyn sy'n cael ei roi mewn tystiolaeth yn cael rhywfaint o effaith ar y ffordd mae'r Llywodraeth yn mynd o gwmpas pethau, er efallai nad yw hynny'n dangos yn y ddeddfwriaeth fel y cyfryw?

[183] **Ms Edwards:** Ond mae e'n rhan o'r broses ddemocrataidd, onid yw e?

[184] **Simon Thomas:** Ydy.

[185] **Ms Edwards:** Ac rwy'n credu bod hynny'n bwysig. Mae e'n egwyddor bwysig wrth greu sylfeini i'r Cynulliad wrth ymwneud â'r gymdeithas sifil sydd ohoni. Mae'r gallu i leisio barn a chael cyfle i lobïo, ac i drïo dylanwadu o leiaf, yn gallu taflu i'r awyr gwestiynau a materion i'w trafod o bosib nad oes neb arall wedi'u hystyried. Efallai taw'r un fydd yr ateb yn y pen draw: 'Wel, na, nid ydym ni'n mynd i newid ac rŷm ni'n dal i feddwl taw dyma'r peth gorau i'w wneud' ond o leiaf y byddai rhywun wedi gorfod ystyried y peth. Ac nid wy'n meddwl y dylai fod llawer i achos ar gyfer deddfu brys, os o gwbl. Rwy'n gallu gweld efallai petasai rhyfel neu rywbeth yn digwydd nawr, o bosib byddai angen rhywbeth o ran diogelwch y wlad, nid wy'n gwybod, ond nid wy'n gweld ei fod yn rhywbeth sy'n debygol o ddigwydd yn fy maes i na'r mwyafrif o feysydd eraill.

care is still needed. Careful consideration is needed, and the best procedures for education in Wales, and for teachers and pupils in Wales, need to be found. The risk in making legislation in haste is of making poor legislation. I would say that the risk of making poor legislation because there would be no scrutiny and it would be rushed through, or very brief scrutiny and rushed through, must be less of a risk perhaps than not legislating at all. I doubt whether that was an issue for those things that have gone through to date.

Simon Thomas: You've said several times today how important it is for organisations such as yours to be able to have your say, at least. Now, it's possible that this Government is listening. It's possible that the opposition amendments won't go through or whatever, but it is on the record then, isn't it, and it's possible that what has been put forward in evidence does have some sort of impact on the way in which the Government goes about things, although perhaps that doesn't show up in the legislation itself as such?

Ms Edwards: But it's a part of the democratic process, isn't it?

Simon Thomas: Yes.

Ms Edwards: And I think that that's important. It's an important principle in putting the foundations for the Assembly in place in engaging with civil society. The ability to have your say and have the opportunity to lobby, and try to bring influence to bear can throw up in the air some questions and issues for discussion that perhaps haven't been considered by others. Perhaps the answer will be the same at the end of the day: 'Well, no, we're not going to change and we still think that this is the best course of action' but at least somebody will have had to consider the matter. And I don't think there should be many occasions requiring emergency legislation, if at all. I can see that if a war broke out or something, something may be needed for national security, I don't know, but I can't see it being likely to happen in my area or in the majority of other areas.

[186] **Simon Thomas:** Wrth roi tystiolaeth heddiw, rydych chi hefyd wedi pwysu cryn dipyn ar ddwy set o ddeddfwriaeth, a dweud y gwir. Un yw Deddf Addysg (Cymru) 2014 a'r llall yw'r Mesur llwybrau dysgu yn y Cynulliad diwethaf. Nawr, mae'r ffordd y mae'r Cynulliad wedi delio â deddfwriaeth yn y ddau Gynulliad yna wedi newid wrth gwrs. Roedd un lle roedd yna bwyllgor penodol i edrych ar Fesurau, a'r tro yma, fel rydych chi eisoes wedi'i nodi hefyd, mae pwyllgorau yn bwyllgorau polisi a deddfu, sy'n golygu os oes yna lot o ddeddfu mewn un maes—dywedwch addysg, achos mae tipyn wedi bod a mwy i ddod—mae'r pwyllgor yna o dan cryn dipyn o bwysau o safbwynt y cydbwysedd rhwng polisi a deddfwriaeth. A oes gyda chi unrhyw farn felly ynglŷn â'r ddwy ffordd yna o drin deddfwriaeth? A ydy un yn rhagori ar y llall, neu oes yna fanteision ac anfanteision i'r ddwy?

[187] **Ms Edwards:** Rwy'n credu mai'r anfantais o ran y system bresennol, y pedwerydd Cynulliad, yw i'r unigolion sy'n gweithio ar y pwyllgorau, byddwn i'n meddwl, o ran y llwyth gwaith, yn enwedig, fel rŷch chi'n dweud: os yw rhywun yn ymdrin â maes sydd yn un o'r meysydd sy'n debygol o greu y mwyaf o waith o ran polisi a datblygu polisi newydd a deddfu. Mae hwnna'n rhywbeth roeddem ni'n ymwybodol ohono wrth inni drafod y dystiolaeth wreiddiol a gafodd ei chyflwyno, gyda nifer y bobl sydd ar gael i wneud y gwaith yn y pwyllgorau. Bydd rhai o'r pwyllgorau yn y meysydd polisi yn cael swmp enfawr o waith, o ran trafod y polisiau, ac wedi hynny hefyd, y deddfu sydd yn dilyn er mwyn gallu cyflwyno'r polisiau newydd yma.

15:30

[188] Ynglŷn â manteision y dull yna, beth rydym ni'n ei weld yw bod yna lawer mwy o debygrwydd o rywun yn datblygu arbenigedd, a'u bod nhw'n deall yn gadarn y maes polisi sydd yn gysylltiedig â'r Ddeddf sydd yn datblygu. Mae hynny'n siŵr o fod yn fantais, byddwn i'n meddwl, i ni fel gwlad—bod gennym ni arbenigwyr yn y maes polisi yn craffu ar Fil sy'n mynd i fod yn Ddeddf yn y maes polisi hwnnw. Rwy'n credu mai dyna'r fantais, ond mae anfantais ynglŷn â

Simon Thomas: In giving evidence today, you've placed great emphasis on two sets of legislation, to be honest. One is the Education (Wales) Act 2014 and the other is the learning pathways Measure from the last Assembly. Now, the way in which the Assembly has dealt with legislation in those two Assemblies has changed, of course. There was one where a specific committee was set up to look at Measures, and this time, as you've already noted also, committees are policy and legislation committees, which means that if there is a lot of legislation in one area—and let us say education, because there has been a great deal and there's more to come—that committee is under a great deal of pressure from the point of view of balancing policy and legislation. Do you have any opinion therefore about those two methods of dealing with legislation? Is one better than the other, or are there advantages and disadvantages to both?

Ms Edwards: I think the disadvantage in terms of the present system, the fourth Assembly, is for the individuals working on those committees, I would think, in terms of the workload, particularly, as you say, if one is dealing with an area which is one of those that's likely to generate the most work in terms of policy and new policy development and legislation. That was something that we were very much aware of as we discussed the original evidence that was submitted, with the number of people available to do the work in the committees. Some of the committees in the policy areas will have a huge amount of work, in terms of discussing policies, and then the legislation that follows to be able to implement these new policies.

As for the advantages of that approach, we see that it's far more likely that someone will develop expertise, and that they have a strong understanding of the policy area that is linked to emerging legislation. That, I'm sure, is a benefit for us as a nation—that we have specialists in the policy area scrutinising a Bill that will, in time, become an Act in that policy area. I think that is the advantage, but a disadvantage in terms of workload that is also bound to have an impact on how much

llwyth gwaith hefyd yn rhywbeth sy'n bownd o gael effaith ar faint o sylw sy'n gallu cael ei roi i bopeth. Rydym ni yn ôl eto, efallai, i drefniadau, o bosibl, ar gyfer y niferoedd a fydd yn gweithio yn y dyfodol fel Aelodau Cynulliad.

attention can be given to these issues. We return once again here, perhaps, to arrangements for the number of Assembly Members that we will have in the future.

[189] **Simon Thomas:** Diolch yn fawr.

Simon Thomas: Thank you.

[190] **David Melding:** Diolch yn fawr.

David Melding: Thank you.

[191] I think that finishes the questions we wish to put to you. Can I just say how grateful we are to you, Elaine, for your very thoughtful evidence? I think both the oral and the written evidence has been very useful. We will reflect on some of the issues—on all of the issues—that you have raised, and I'm sure that many of them will be reflected in our report as well. So, many thanks again.

[192] **Ms Edwards:** Diolch yn fawr i chi i gyd.

Ms Edwards: Thank you very much to all of you.

15:31

Papurau i'w Nodi Papers to Note

[193] **David Melding:** Item 6 is a series of papers to note. The first one is a written statement on microchipping of dogs in Wales—a matter that has involved us in some work. We'll just note what the Government's proposals are now for legislation in this area. The written statement on the Supreme Court judgment; again, I invite Members to note that. There are a couple of letters from Lord Boswell, chair of the European Union Select Committee in the House of Lords; you may remember that we did send a submission to him on some of our issues and concerns. That has now informed, I think, the submission they have made to President Juncker. There's a letter from the Equality and Human Rights Commission. I should say to Simon that—. Well, I'll give you an update in the private session just on some of the lines we may be pursuing in consequence of that.

[194] So, if you're content, we'll note all those items.

15:32

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

Cynnig:

Motion:

bod y pwyllgor yn penderfynu gwahardd y cyhoedd o weddill y cyfarfod yn unol â Rheol Sefydlog 17.42(vi).

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

*Cynigiwyd y cynnig.
Motion moved.*

[195] **David Melding:** I now move that we return for a brief period to private session. I move the relevant Standing Order, unless any Member objects. I don't see a Member objecting. So, please clear the public gallery and switch off the broadcasting equipment.

*Derbyniwyd y cynnig.
Motion agreed.*

*Daeth rhan gyhoeddus y cyfarfod i ben am 15:33.
The public part of the meeting ended at 15:33.*