



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

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

**Dydd Llun, 18 Mai 2015**  
**Monday, 18 May 2015**

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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**

Martin Peters	Swyddfa Archwilio Cymru Wales Audit Office
Huw Vaughan Thomas	Archwilydd Cyffredinol Cymru Auditor General for Wales

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

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

*Dechreuodd y cyfarfod am 14:31.*  
*The meeting began at 14:31.*

**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'll start with the usual housekeeping announcements. We do not expect a routine fire drill, so if you hear the alarm please follow the instructions of the ushers, who'll help us leave the building safely. Please switch all electronic mobile devices to at least silent as they will otherwise interfere with our broadcasting equipment. These proceedings will be conducted in Welsh and English and, when Welsh is spoken, there's a translation on Channel 1. Should you need to amplify proceedings, that's available on Channel 0.

## **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**

[2] **David Melding:** Item 2 is evidence in relation to the inquiry into making laws in the Fourth Assembly. I'm delighted to welcome Huw Vaughan Thomas, the Auditor General for Wales, and also Martin Peters, who is also from the Wales Audit Office. Thank you very much and thank you for the very helpful letter, which will be the basis, really, of the oral evidence session we want to have with you now. Can I just put the first question and ask what function your office has in contributing to the scrutiny of Assembly Bills in terms of their financial content, and why in this case did you feel it necessary to comment on the content of explanatory memoranda?

[3] **Mr Thomas:** Ever since the Wales Audit Office has been established, we've looked at legislation. We look at legislation with two purposes, because, as auditor general, I have to authorise payments from the Welsh consolidated fund. So, that means that we check the Government's request to draw, that means we need to be satisfied the appropriate legislation is in place. Secondly, we're concerned to ensure that, if there are novel provisions, for example where there would be a draw for the first time from the Welsh consolidated fund, the appropriate certificate from me is needed by the Assembly. Lastly, we check all Bills for audit implications to make sure that the appropriate audit provisions are in place. I think partly because we've been doing all of that we also are getting increasing requests from Assembly committees to comment on Bills at Stage 1. With the Well-being of Future Generations (Wales) Bill, which prompted the review of the memorandum itself, we were concerned because the explanatory memorandum set out that there would be a duty on me, but we couldn't actually see that duty. We disagreed with the Government over what the extent of my existing powers were and we sought the insertion of a new and specific audit duty. We also looked at the time at the explanatory memorandum itself—I can go later on, if you like, to talk in more detail about our findings—but, essentially, we came to the conclusion that it didn't adequately represent the costs of legislation. As a result of that, as you know, we did a study on the explanatory memorandum submitted, a study at the request of the subject committee, and finance and the Public Accounts Committee. That, if you like, closed one set of sessions. However, we also felt that there might be lessons from our review of that particular piece of legislation that we would find replicated elsewhere. So, we did a very quick look at the other explanatory memoranda, hence the letter to you.

[4] **David Melding:** That's very helpful, and I think we'd like to follow up on very specific questions now. I'll ask Alun Davies to start that part of the session.

[5] **Alun Davies:** Yes, thank you for that. That is useful. It may be useful if you did perhaps outline some of what your findings were in terms of the future generations Bill for us to understand that particular piece of background.

[6] **Mr Thomas:** With the future generations Bill, what we found was that, if you look at the explanatory memorandum, it made a set of assumptions about costs that we disagreed with. We disagreed with it because it didn't include the normal add-on costs of earnings and

other things. I suppose we spotted it fairly quickly because we had submitted not so long before a memorandum to the Public Accounts Committee on senior salaries. So, reading across the salaries claimed, we saw that there appeared to be a mismatch and we went into more detail. We also felt that the legislation—I'm talking about the first explanatory memorandum, because the Government did revise it in the light of our work—didn't adequately set out the issues of opportunity costs. If a piece of legislation is done, what are the alternatives? Also, later on, after the explanatory memorandum had been published, the Government set out in one of its responses to the subject committee the view that some of the cost was already being incurred, which needed to be taken into the overall costings. So, we felt that there were a number of problems with that explanatory memorandum. We commented, we talked to the civil service as we did our review, and, as a result, you had a revised explanatory memorandum presented to the Assembly.

[7] **Alun Davies:** That's very useful. I think we've all had different experiences on the future generations Bill, and I'm sure Members will recognise much of what you've just said. In terms of your paper, which you've provided to the committee, you use the phrase—with regard to information required by Standing Order 26.6(vi), you describe this as 'not readily apparent' in explanatory memoranda. Now, that's a delightful piece of phraseology and I wonder if you could expand on it, on what you mean by that.

[8] **Mr Thomas:** If I look back to my days with Westminster, the explanatory memoranda were remarkably short then and they have progressively grown longer and longer. In the Standing Orders, we are required to say how much a Bill is going to cost in terms of both the strain, if you like, on the Welsh block and other things—compliance costs for businesses and so on. What are not very clear are the option analyses. If the Bill is to set out a series of options, should it cost every option? In my view, what you're getting is a very confusing set of figures presented in explanatory memoranda and I'd like to perhaps strip it back. I suppose my argument is to say that we need to know what the current state costs—that is, the do-nothing scenario. We need to know what it's going to cost after legislation. Do you need to know every single stage between now and then? Because the more that is set out, the more confusing, sometimes, the presentation is in terms of the figures. Perhaps the easiest way is for the explanatory memorandum itself just to very clearly summarise the information required by Standing Orders but then to put into an annex a whole series of possible other options so that the reader doesn't have, as I point out my paper, sometimes to subtract table A from table B to arrive at a proper cost.

[9] **Alun Davies:** I was glad to hear you preface that answer with a reference to some of the increase in the size and complexity of what we do. Is your point here though about the structure of the information that is being presented or the nature of that information itself?

[10] **Mr Thomas:** I think that there is something to be said for a structure, and I think there is a need, perhaps, to have a very clearly defined structure against which the explanatory memoranda are written. Sometimes, it looks almost as if a train of thought is taken at one point in the explanatory memorandum, you are suddenly going down this road, and it goes back again to what the main purpose of the memorandum is. Clearly, they are growing. Clearly, the Welsh Government is taking steps in order to try to ensure that explanatory memoranda are in a better state. My concern is that the Assembly should have a clearer idea of the cost of legislation at the point in which you consent to the legislation.

[11] **Alun Davies:** So, it is the nature of the information more than the actual structure. You say that the structure makes it less transparent possibly, and more difficult to understand, but the nature of the information itself is also an issue.

[12] **Mr Thomas:** I think that what is needed is that the nature of the information, and therefore the information, is very clear.

[13] **Alun Davies:** Okay. And do you believe that we are over-complexifying things?

[14] **Suzy Davies:** Like with that word?

[15] **Alun Davies:** Sorry. [*Laughter.*]

[16] **Mr Thomas:** The problem, I think, is that the more that you specify that you want in explanatory memoranda, the more complex they will inevitably become, particularly if those drafting legislation feel they have to set out in the explanatory memoranda a whole series of other options. As I said earlier, I think that it would be easier just to home in on the current state and what is proposed by the legislation, with the other options very clearly remitted to an annex or something like that.

[17] **Alun Davies:** Okay. The Assembly has placed a great emphasis on scrutiny through the last few years since it adopted legislative powers. I can't think of a scrutiny system or process that demands less information—almost always the process of scrutiny is that we need more information on this and more information on that. It is arguable whether all of this information is actually necessary in order to reach a reasoned conclusion, and sometimes I think we probably do go far too far on that, but do you think that the process that we use to legislate, the emphasis on scrutiny, creates as many of the difficulties as perhaps the processes within Government?

[18] **Mr Thomas:** I think scrutiny relies on two things: it relies on the information by which you scrutinise, and it relies on time to scrutinise. I think it is the case that the Assembly really could do with more time to scrutinise legislation. That might mean that you need to look perhaps at pre-legislative consultation stages a bit more in order to ensure that the legislation itself—not just the intent behind legislation, but perhaps the draft Bill itself—is exposed to a degree of external scrutiny. Because, with the size of legislature that the Assembly is, it will be hard-pressed to scrutinise. I make the same point that I did when I was a member of the Richard commission: I think that the Assembly needs more Members to do its job properly.

[19] **Mr Peters:** I just wonder whether there's a point about focus in terms of the information that's provided, in that Standing Orders are quite clear as to what cost information should be provided, but, if you look at any of the explanatory memoranda, if you're looking for those particular things that are listed in Standing Order 26.6, it takes a very long time to find them, as you've already heard. But even quite simple things, like signposting those particular terms, so that you could look at a contents page or an index to say, 'Gross administrative costs. Ah, it's on page 24', those things aren't there and I think that makes identifying what the cost of the Bill is quite hard. There is a lot of information about which you could say, 'Well, yes, it's useful context, but is it absolutely necessary?' In Standing Order 26.6(iii) there is a requirement for the explanatory memorandum to set out the alternative policies that have been looked at, but I'm not sure that it's necessary to set out detailed costing of all that consideration of alternatives. That could be summarised more succinctly, I think. Getting a lot of that information out of the way of what really needs to be signposted would help.

14:45

[20] **Alun Davies:** I'm happy with that.

[21] **David Melding:** Did you have a specific supplementary in this particular area of the Standing Order, and how it's met?

[22] **Suzy Davies:** Sorry?

[23] **David Melding:** And how it's met, I said.

[24] **Suzy Davies:** Yes, I do. Thank you very much. I understand what you're saying, and there's nothing we like less than being swamped with information, but details of financial implications of policy decisions are inextricably linked to those policy decisions, and while you have a piece of legislation in draft, it's going to change quite considerably by the end. Certainly, I would say that, from the point of view of scrutiny, actually looking at what alternatives cost can help you scrutinise policy decisions. So, can I ask you, if you were to proceed with an idea where that ancillary information was put into annexes, and sort of tucked out of the way, would that not hinder us with our scrutiny, in putting alternatives to Ministers, and saying, 'Well, actually, in suggestion 7 here, you can get your policy aim done in exactly the same way but for a third of the cost', for example?

[25] **Mr Thomas:** I don't think that simply putting it into the annex tucks it out of the way. I think it actually aids clarity. It's a bit like not seeing the wood for the trees at present: you have to steer your way through a piece of explanatory memorandum. What I'm arguing for is a clearer signposting that says, on the face of it, 'This is why we're going for particular legislation. This is what it would cost. If you turn to the annexes you'll see that there are, perhaps, one or two other options, and they cost that', as opposed to the present kind of journey that is described in the explanatory memorandum.

[26] **Suzy Davies:** So, it is about structure rather than what is taken into consideration, to go back to—

[27] **Mr Thomas:** And clarity, I think. Structure and clarity.

[28] **Suzy Davies:** Okay. We're all for clarity. Thank you.

[29] **David Melding:** You have suggested that it's pared down a bit, that Standing Order, as I recall—

[30] **Mr Thomas:** Yes.

[31] **David Melding:** We specifically focus, then, on that. Simon.

[32] **Simon Thomas:** Diolch. A gaf i ofyn yn Gymraeg? Er mwyn profi pa mor anodd yw hyn, gwnaf gymryd safbwynt cwbl wahanol i Suzy Davies, gan feddwl bod y gwaith o edrych ar y gwahanol opsiynau o gwmpas deddfwriaeth yn rhywbeth y dylid ei wneud cyn bod Bil yn cael ei gyflwyno, yn y bôn, ac yn rhan o'r broses ymgynghori, a'i fod yn bwysig bod Aelodau'r Cynulliad yn gweld yn glir beth yw cost y ddeddfwriaeth fel ag y mae. Byddwn yn gwerthfawrogi bod hynny'n fwy clir. Yn y cyd-destun yna, a jest yn adeiladu ar gwestiwn y Cadeirydd hefyd, rydych chi wedi awgrymu templed yn eich llythyr ynglŷn â'r ffordd mae hyn i gyd yn cael ei osod allan. A ydych chi'n meddwl fod hynny, gyda'r peth arall o roi'r opsiynau rhywle arall, yn y cefn neu beth bynnag—? A

**Simon Thomas:** Thank you. May I ask in Welsh? Just to prove how difficult this is, I'll take a completely different view to Suzy Davies, thinking that the work of looking at the different options around legislation is something that should be done before a Bill is introduced, and is part of the consultation process, and that it's important that Assembly Members see very clearly what the cost of the legislation is as it stands. I would appreciate that that is clearer. In that context, and just to build on the Chair's question as well, you've suggested a template in your letter about how this should all be set out. Do you believe that that, alongside the other thing of putting the options somewhere else, in the back or whatever—? Do you see those two working together to make things clearer for Assembly

ydych chi'n gweld y ddau yna yn gweithio gyda'i gilydd i wneud pethau'n gliriach i Aelodau'r Cynulliad?

[33] **Mr Thomas:** Ydw. Beth rwy'n trio'i wneud yw gwneud y costau yn llawer iawn mwy amlwg wrth i rywun ddarllen y memorandwm. Rwy'n credu, os ydych chi'n edrych ar greu rhyw fath o dabl, fel rwyf wedi awgrymu, a hefyd gweld yn yr atodiadau yr opsiynau eraill, gobeithio y bydd yn haws i bobl ddeall beth sy'n mynd ymlaen. Hefyd, fel rwy'n dweud, os ydych chi'n symleiddio hynny, dylai wneud y gwaith o sgrwtineiddio yn haws.

[34] **Simon Thomas:** Beth yw eich agwedd chi fel archwilydd o ran y ddwy sefyllfa sy'n gallu codi fan hyn? Yn gyntaf oll, os yw'r Llywodraeth yn cyflwyno gwelliant sylweddol i ddeddfwriaeth, does dim gofyniad yn y Rheolau Sefydlog eu bod nhw'n esbonio cost y gwelliant hwnnw, neu, efallai, budd y gwelliant hwnnw. Er enghraifft, rŷm ni newydd dderbyn gwelliant sylweddol iawn i'r Bil addysg sydd i fod i arbed arian—Bil Cymwysterau Cymru—ond does dim byd wedi ysgrifennu i lawr yn yr atodiad i'r memorandwm esboniadol sydd yn gosod hynny allan mewn unrhyw ffordd. Yn yr un modd, mae Aelodau Cynulliad eu hunain yn gallu cyflwyno gwelliant mewn pwyllgor, heb orfod esbonio beth fyddai effaith y gwelliant o ran costau neu arbedion. A ydych chi'n meddwl bod y Rheolau Sefydlog yn ddigon cadarn yn y cyd-destunau hynny?

[35] **Mr Thomas:** Rwy'n credu bod y rheolau'n ddigon cadarn ar hyn o bryd o ran cyflwyno Mesur, os ydych chi'n gwella, fel rwy'n dweud, yr esboniad sydd i'w gael. Rwy'n credu, os ydych yn symud, wedyn, i ddweud bod pawb sydd yn symud rhyw fath o welliant yn gorfod paratoi rhyw femorandwm—. Nid wyf yn credu bod hynny'n mynd i weithio. Ond, rwy'n credu, efallai, yn ysbryd y drafodaeth, y dylai pobl egluro a oes manteision efo'r gwelliant o ran yr arian a fydd yn cael ei wario neu'i arbed. Felly, mae'n rhywbeth a ddylai godi yn sgil y drafodaeth.

[36] **Simon Thomas:** Mae hynny, efallai, yn hytrach na'r Rheolau Sefydlog, yn fater o

Members?

**Mr Thomas:** Yes. What I'm trying to do is to make the costs far more apparent as one reads the memorandum. I think, if you look at creating some sort of table, as I've suggested, and seeing in the appendices the other options, it would hopefully be easier for people to understand what's happening. Also, as I say, if you simplify that, it should make the scrutiny work easier.

**Simon Thomas:** What is your opinion as auditor of the two situations that can arise here? First of all, if the Government introduces a significant amendment to legislation, there's no requirement in the Standing Orders that they explain the cost of that amendment, or, perhaps, the benefit of that amendment. For example, we've just received a very significant amendment to the education Bill that is meant to save money—the Qualifications Wales Bill—but nothing has been written down in the appendix to that explanatory memorandum that sets that out in any way. In the same way, Assembly Members themselves can introduce an amendment at committee stage, without explaining the effect of the amendment in terms of costs or savings. Do you believe that the Standing Orders are sufficiently robust in those contexts?

**Mr Thomas:** I think the Standing Orders are currently sufficiently robust in terms of introducing a Bill, if you improve, as I say, the explanatory material that's available. I think, if you then take that forward and say that everyone introducing some sort of amendment would have to bring forward their own memorandum—. I don't think such a system could work. But I do think that, in the spirit of the debate, people should explain whether there are benefits to the amendment in terms of money spent or savings made. So, it is something that should be introduced into that debate.

**Simon Thomas:** That is, perhaps, rather than the Standing Orders, a matter of good

arfer da, fel petai, yng nghyd-destun y trafod. Ond un o'r pethau mae'ch llythyr yn ei awgrymu i fi—ac rwy'n gyfarwydd ag e, hefyd—yw bod yna rywbeth ynglŷn â chyflawnder y wybodaeth sy'n cael ei chyflwyno. Weithiau, rydych chi'n edrych ar femorandwm esboniadol ac mae'n fanwl iawn, iawn, iawn, hyd at nifer yr aelodau staff a pha raddau maen nhw'n cael eu penodi arnynt, ac ati. Wedyn, mae yna ddarn arall o ddeddfwriaeth lle mae'r impact i fod yn dymor hir, efallai, neu lle rydych i fod i gael hyn a hyn o bobl, dywedwch, yn seiclo yn hytrach na'n mynd yn y car, ac nid oes unrhyw sôn am y buddiannau na'r costau yn y cyd-destun yna. A ydych chi'n gweld, weithiau, ein bod yn cael gormod o fanylder yn ogystal â chyn lleied mewn cyd-destun arall?

[37] **Mr Thomas:** Rwy'n tynnu sylw, yn y nodyn rwyf i wedi anfon i'r pwyllgor, at yr amrywiaeth sydd i'w chael. Rwy'n credu bod hynny'n rhywbeth, efallai, y byddech chi'n disgwyl ym mlynnyddoedd cynnar y Llywodraeth yn paratoi deddfwriaeth, oherwydd bydd rhai rhannau o'r Llywodraeth yn gallu gwneud hyn yn fwy manwl na rhannau eraill. Ond, rwy'n credu bod lle i sicrhau bod adolygiad yn mynd ymlaen y tu fewn i'r Llywodraeth cyn i femorandwm gael ei gyflwyno, i weld bod y wybodaeth sydd i'w chael ar gael. Ar hyn o bryd, mae'n amrywio, fel rydych chi'n dweud.

[38] **Simon Thomas:** Rwyf i weithiau'n cael yr argraff bod ambell i ran o'r Llywodraeth yn gallu cyflwyno gwybodaeth ac mae'n hawdd iawn, felly, maen nhw'n rhoi'r holl wybodaeth i mewn. Mae yna ambell i ran arall o'r Llywodraeth sydd yn methu â chyflwyno, neu'n amcangyfrif ac felly, mae yna wacter. Dyna'r argraff rwy'n ei gael fel Aelod yn trio craffu ar hwn.

[39] Un o'r pethau roeddwn i jest eisiau gofyn yn olaf i chi oedd ynglŷn â'r templed rydych chi wedi'i gyflwyno. Yr oedd o ddiddordeb i fi, achos, mae hwn i gyd, yn nhermau'r costau ariannol, tan y diwedd, pan rydych chi'n sôn hefyd am gostau o ran garbon deuocsid, neu nwyon tŷ gwydr, efallai. A ydych chi'n meddwl y dylai'r ochr yna'n benodol gael ei hadeiladu i mewn i'r Rheolau Sefydlog?

practice, as it were, in the context of the discussions. But one of the things that your letter suggests to me—and I'm familiar with it, also—is that there is something about how complete the information that's tabled is. Sometimes, you look at an explanatory memorandum and it's very, very detailed, down to the number of staff members and their grading and so forth. Yet, another set of legislation, where the impact is long term, could say that you should have a set a number of people cycling rather than driving, but there is no mention made of the benefits or the costs in that context. Do you see, sometimes, that we have too much detail as well as too little in another context?

**Mr Thomas:** I do highlight, in my note to the committee, the disparities that can exist. I think that is something that you would expect, perhaps, in the early years of Government preparing legislation, because, there will be certain departments of Government that will be able to do this in more detail than others. But I do think, perhaps, that there is scope to have some sort of review within Government before a memorandum is tabled, in order to ensure that the information available is actually available in reality. At the moment, it does vary a great deal, as you said.

**Simon Thomas:** I sometimes get the impression that some parts of the Government can put forward this information very easily, so they put all of the information in. There are other parts of Government that can't, or they estimate and so, so there's a bit of a vacuum in terms of information there. That's the impression I get as a Member trying to scrutinise this.

One of the things that I wanted to ask you was about this template that you've put forward. It was of interest to me, because, this is all, in terms of financial costs, until the end, where you've talked about costs in terms of carbon dioxide, or greenhouse gasses, perhaps. Do you think that that, specifically, should be built into Standing Orders as well?



[40] **Mr Thomas:** Wel, rwy'n credu—. **Mr Thomas:** Well, I do believe—. Martin. Martin.

[41] **Mr Peters:** I think it's certainly something to aim for. Clearly, the cost of a Bill is not just what it costs the public purse, necessarily, and where there are significant environmental or social costs, it is appropriate to recognise them in the scrutiny process. I would, however, urge some caution in terms of trying to put values on everything, because—

[42] **Simon Thomas:** Monetary value, you mean, now.

[43] **Mr Peters:** Monetary values. Because, although there are some techniques that are available for doing that, and those are quite useful in terms of giving an overall sense of the worth of a proposal, it can lead to some misperceptions, perhaps, around the administrative costs. If, for example, a benefit is given a monetary value and then deducted from the administrative cost, it's very important to keep in mind that the administrative cost isn't actually reducing. So, in terms of the public purse, the chances are it's still going to cost the gross amount, it's just that that other figure is a benefit—hopefully, it's a benefit, of course; there may be costs in terms of those. So, both need to be recognised. In retrospect, I wish I'd put a sort of heavy, dark line across the two above row F to make it clear that this isn't something that should be added in. But I think it is important to take an overall view, particularly given the future generations Act. Now, I know the Assembly isn't, itself, covered by that as a public body, but—

[44] **Simon Thomas:** But you are now, after the amendment. [*Laughter.*]

[45] **Mr Peters:** Sort of, yes; we have a role, but we're not a public body in terms of the planning aspects. Still, in terms of the wider responsibility, it's appropriate.

[46] **Simon Thomas:** Just a final—. This was the final question I had, in that sense. You have to ask yourself sometimes: what is the purpose of all this? You very much set out your evidence and the oral evidence around the public purse, and I understand that's the primary purpose, but, as Assembly Members, we are also looking, surely, at overall benefits to society, which aren't just—. You know, there can be a cost to the public purse, but if it's a benefit to health or a benefit to the private sector and investment, then it needs to be equated, doesn't it? You need to take those value judgments. So, do you think that the explanatory memorandum as a whole would benefit from that templated approach that you've just set out, albeit, perhaps differentiating between the different levels, rather than the rather more scattergun approach that we've seen to date?

[47] **Mr Peters:** I do tend to think that's the case. I mean, I suppose, that's one of the areas where I think, actually, that the wider environmental, social costs and benefits, if Standing Orders were to specifically require the identification of those, it would be appropriate. I think, yes, it isn't helpful when things get mixed up like that, because I certainly find it very confusing reading through the explanatory memoranda, and I would have thought most people would.

[48] **Simon Thomas:** Diolch.

[49] **David Melding:** Can I just clarify something you said, Mr Thomas—that you thought it would be onerous if, for each amendment, you had to come up with some sort of financial statement? We can all agree with that, but, you know, we do have examples now of whole sections being brought in at a fairly late stage that do compromise the Standing Order. It's the Government that does that, in effect, because if it's a big Bill and it affects public services and the like, it's going to be a Government Bill. So, in that situation, do you think they're under

some sort of obligation, before it's actually scrutinised out of them, almost, to say, 'Well, this does affect how we would calculate that Standing Order now' under that requirement?

[50] **Mr Thomas:** I think that the Assembly would need to define what it regarded as a substantial amendment. I think that it would be onerous if every mover of an amendment—

[51] **David Melding:** Sure, and I think we accept that.

[52] **Mr Thomas:** And you're positing, at the other extreme, if you like, a significant replacement of what has been introduced by an alternative formulation of legislation. There, it might be the case that you would want to ensure that your Standing Orders covered that. But it is a matter, I would have thought, that the Presiding Officer would need to exercise discretion on.

[53] **David Melding:** I just sense that, you know, if all this were more robust in the first place, you'd expect Assembly Members to be more alive to it, when they scrutinise a big change. I mean, is that where the balance should rest, really, do you think, and that perhaps, we're after a perfect system, if we're not careful, in saying, 'Well, you know, if changes are over x per cent of the Bill, then you should restate the financial calculations of costs'?

[54] **Mr Thomas:** The clearer the initial explanatory memorandum is, then I think—

[55] **David Melding:** That's, I think, the focus on—

[56] **Mr Thomas:** That is the focus. That will then guide how the legislation is introduced. There is a provision, and, of course, it was exercised with the future generations Bill, where the Government presented a revision of the explanatory memorandum, and I think that was appropriate, at that particular stage of the legislation, and given the extent of the changes that were taking place.

[57] **David Melding:** Thank you. Suzy.

[58] **Suzy Davies:** Well, that leads perfectly into my next question, actually, because, obviously, the future generations Bill—. There was such a change in that Bill, it certainly needed a new explanatory memorandum. But, at the moment, it's not clear who should decide when that happens. I mean, you mentioned the Presiding Officer. I think we've had a couple of occasions where the subject committee that might be scrutinising some legislation will ask a Minister for a revised explanatory memorandum, because, at Stage 2, the number, or at least the nature, of the amendments have, sort of, required it. But, having spoken very briefly to the Finance Committee clerk, there doesn't seem to be much understanding there that they might be able to, for example, ask for additional financial memoranda.

15:00

[59] In fact, from what I can tell, they've only ever produced, during this Assembly, two reports for consideration within legislation. Bits and pieces are dealt with by correspondence, I think, between committees, but they seem to function primarily on the basis of an initial considerations paper. Do you have any views about that? How good are we, as an Assembly, at picking holes in financial information that's provided to us? Be brutal; it's fine.

[60] **Mr Thomas:** I think the Assembly will face a particular challenge once the treasury functions start to flow to the Welsh Government, and we start to look at tax raising. I think there will be a need to ensure that those provisions are adequately introduced, adequately explained by memoranda, and adequately scrutinised by the Assembly. The other area that I think the Assembly will need to develop—and I'm not saying this in terms of, 'Well, there's a

failure now', as I'm really looking at the journey the Assembly is engaged on as it takes more and more responsibility—is, if you look at Westminster, for example, individual ministries are required to present where they are in their spending plans in the half-yearly stage, and they're scrutinised by select committees in Westminster. Here, we're still very much tied to the whole of Government. We're looking at the whole of the Welsh Government. I think, as we move the goalposts with taxation, that there will be a need to start looking at the individual departments of the Welsh Government and how they're doing on the spending plans in the course of the year. To do that means that you're starting to open the financial scrutiny of what is happening within Government. It does require, though—a point that you made earlier—there to be adequate resources to scrutinise. If you're unable because of numbers to do that properly, then it requires that the information be presented in a very clear manner, which brings me back to my basic point.

[61] **Suzy Davies:** So we're going to need to be able to do better and pretty quickly.

[62] **Mr Thomas:** We need to do better, but I don't think that one should say we're doing a bad job now. What we're looking at is how we develop on what we have, to improve.

[63] **Suzy Davies:** But, generally, going back to the original question, has it surprised you that subject committees looking at legislation perhaps don't concentrate a bit more on the financial implications of the legislation before them? It seems a bit of a cinderella question always.

[64] **Mr Thomas:** I do think that there's a need to look at it. I was reminded earlier that finance by itself is not the sole reason for legislation, but it's an important reason. Particularly at a time of austerity and reducing resources in Wales, we need to ensure they're being deployed to best effect. Therefore, the financial analysis is, to my mind, important, which is why I would look for it, in the explanatory memorandum, to be set out more clearly.

[65] **Suzy Davies:** Okay, thank you. Just a final question on this. You mentioned earlier, actually pre-legislation scrutiny. If we were as an Assembly to become a bit more familiar with that as a way forward, what sort of level of financial information would you expect to be ready before pens even hit paper, as far as the Government's concerned?

[66] **Mr Thomas:** Well, I'd expect as much information as the Government has, including the kind of analysis that we've suggested, to be available at the point at which pre-legislative scrutiny takes place, together, I think, with the basic legislation itself—not just the purpose behind the legislation, but what is the Bill going to say? I think those two things combine for very effective scrutiny, and can be drawn on by the subject committees.

[67] **Suzy Davies:** So, clarity of intention is pretty critical.

[68] **Mr Thomas:** Yes.

[69] **Suzy Davies:** Thank you very much.

[70] **David Melding:** Draft Bills, then, would be your expectation.

[71] **Mr Thomas:** Yes.

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

[73] **William Powell:** Diolch, Gadeirydd. Auditor general, in many ways, I think it's a matter that's well understood that the Well-being of Future Generations (Wales) Act 2015 was brought in with a degree of muddle-headed thinking, and was subject to very significant

change during the legislative process, but one aspect that was regarded as being quite strong was the level of engagement that there was around aspirations for the Bill involving civil society and professional lobby groups, but also membership organisations the length and breadth of Wales, such as the Women's Institute, the young farmers clubs, and others. What observations do you have on the value of such public and stakeholder engagement in the wider legislative process?

[74] **Mr Thomas:** I think that that certainly helps as regards making sure that the legislation is not being conducted in isolation in the Assembly, and has maximum buy-in. It also helped, of course, inform the objectives that are set on the face of the Act, in terms of what the future generations Act requirements are for people, in terms of planning, and so on. I would have preferred, again, that that set of exchanges took place prior to the drafting—sorry, prior to the presenting of the Bill to the Assembly. I think that it would have aided the presentation of a Bill that reflected that degree of external comment that had been received. I also feel that, if we then expose the Bill itself, in a draft form, it aids the scrutiny committees in picking up probably minor changes that they might not otherwise have been aware of.

[75] **William Powell:** So, on balance, you think that the function of the scrutiny process was made very much more difficult by the very significant changes that were built in to the Bill during its passage?

[76] **Mr Thomas:** What I'm arguing for is more clearly defined stages. If you start to bring it together, yes, it then becomes a bit messy—we're changing something because we're being told outside. If you've got a very clear pre-legislation stage, I think it aids the scrutiny process.

[77] **William Powell:** That's helpful. Finally from me, really, on the value of post-legislative scrutiny, as an Environment and Sustainability Committee, we recently carried out a short, focused inquiry on the emergency equine legislation that was brought in, and I think that was felt to be a useful exercise in that particular context. What is your view about the overall value of post-legislative scrutiny, so as to learn lessons and to improve for the future?

[78] **Mr Thomas:** I see that, in terms of the Government, they themselves welcome post-legislative scrutiny. I think that the only one I've really taken any real detailed look at, I'm afraid, is the Mental Health Measure (Wales) 2010, where, as you know, the post-legislative scrutiny identified that a cost was falling in respect of children, as well as the adults, which had been the original subject matter. I'd like to see what the Welsh Government does in terms of response to that before I could draw a real lesson as to whether the post-legislative scrutiny is useful, because that would really just encapsulate it. Here's the Measure introduced, which says it will do this, but the Measure actually does something slightly different. Costs are different. What are we going to do? I think I'm right that the Government has still to respond to the select committee on that.

[79] **William Powell:** I'm grateful, thank you.

[80] **David Melding:** We do have an opportunity to talk about—in fact, you alluded to it—the new structures that will be required when the new fiscal powers come. I understand the Finance Committee is going to look at this comprehensively. I wonder what sort of involvement you have with that. Also, Jane Hutt last week wrote to all Members, quite helpfully, I thought, with an update in terms of implementing what are often called the 'treasury functions'. I wonder, are you involved with the Welsh Government, in terms of how they need to respond, and, from their side of the fence, put in place structures that are going to allow us to exercise these new responsibilities with full accountability and scrutiny?

[81] **Mr Thomas:** Well, perhaps I can outline how I am involved, because, obviously, I

have to preserve a degree of separation, as regards my role. I have a senior director who has been nominated to do two things, but, particularly as regards treasury functions, to liaise with Scotland, in terms of what they are doing because they are ahead of us, obviously; to work with the Welsh Government—and he is an observer on the Welsh Government’s committees that are preparing for this—and he has also briefed the Finance Committee in terms of Scottish experience. So, we are drawing fairly heavily on what our colleagues in Scotland are doing and bringing that information back for use both by the Government and the Finance Committee. I think that actually keeps my responsibility of trying to bring in experience from elsewhere, whilst allowing the Government to clear its decision.

[82] I think that the emergence of a strong treasury function will, in future years, have a real impact on legislation, because if you think of the Westminster model, legislation is looked at very keenly by the Treasury in terms of the implications. Here, with the Welsh Government, yes, the finance department is obviously one of the component parts, but not nearly as strong as a treasury might be.

[83] **Alun Davies:** Of course, it’s the Treasury, not the House of Commons, that looks at those issues.

[84] **Mr Thomas:** No, what I’m saying is that when new legislation is presented to Parliament by the Government, it will have been through a process in which Treasury would have a major part to play in deciding, yes, legislation can go ahead, legislation is affordable, and, indeed, in terms of declaring the costs of legislation.

[85] **Alun Davies:** Sure, and the Treasury is known to be pretty brutal, or as brutal as it can get away with, in terms of some of these matters. My concern is the parliamentary oversight role as well, because there may be cases where the House of Commons in that example, and the National Assembly here, might say ‘Actually, we think this is reasonable, we think this is proper and we would like to see this go ahead’. So, there is also, I think, the need to strengthen potentially the democratic oversight of that internal debate within Government as well. Would you not agree?

[86] **Mr Thomas:** My argument is the involvement of the Treasury leads to a much clearer definition of what the costs are, which, in turn, aids that democratic oversight.

[87] **Mr Peters:** I think there is a distinction between the overall oversight and ensuring that the nuts and bolts of proper costing are done. I don’t think it would be reasonable to expect the National Assembly to check the detailed costings of a Bill line by line. They would reasonably want assurance that whatever’s presented is accurate, but that is very much a role within Government that needs to be performed.

[88] **Alun Davies:** Okay, fine.

[89] **David Melding:** Simon, did you—

[90] **Simon Thomas:** Mae gen i gwestiwn olaf ynglŷn â’r drefn rydym yn ei dilyn o ran Biliau fan hyn. Ar hyn o bryd, wrth gwrs, mae’r Cynulliad yn cymeradwyo gwariant yn dilyn Bil ar *Stage 1* ac felly rydym yn cydsynio i gynnis ariannol wrth gyflwyno’r Bil. Nawr, erbyn bod y Bil yn cyrraedd Cyfnod 4, mae wedi mynd drwy newid helaeth efallai, ac efallai newid sy’n golygu gwario ychwanegol neu arbedion sylweddol.

**Simon Thomas:** I have one final question about the procedure we follow in terms of Bills here. At present, of course, the Assembly approves the expenditure incurred by a Bill at Stage 1, and so we consent to the financial proposal when the Bill is introduced. Now, by the time the Bill gets to Stage 4, it may have gone through significant changes, and perhaps a change that requires additional expenditure or significant savings.

A ydych chi'n credu y dylai fod proses ariannol arall ar ddiwedd y broses o ddeddfu i sicrhau bod y Cynulliad yn hapus bryd hynny hefyd gyda'r hyn sydd wedi cael ei gyflwyno o ran y wybodaeth ariannol a'r memorandwm esboniadol—efallai memorandwm cwbl newydd erbyn hynny, wrth gwrs?

Do you think there should be another financial process at the end of the legislative process to ensure that the Assembly is also content at that point with what's been presented in terms of financial information and explanatory memorandum—perhaps a brand-new memorandum by then, of course?

[91] **Mr Thomas:** Ar hyn o bryd, beth sy'n cael ei gynnig yw cynnig sydd yn dweud ein bod ni'n barod i gymeradwyo gwariant ar bwrpas y Mesur. Mae hwnnw, rwy'n credu, yn aros yn union yr un peth, beth bynnag fydd maint y gwariant. Cwestiwn arall yw a oes yna gofnod yn gosod allan beth yn union yw cost y Mesur, a mater, rwy'n credu, i'r Rheolau Sefydlog efallai yw hynny, os ydych angen fersiwn byr, ond terfynol, o'r *explanatory memorandum* ar ddiwedd taith y Mesur drwy'r tŷ.

**Mr Thomas:** At the moment, what is put forward is a resolution saying that you are content to approve expenditure for the purpose of the Bill. That, I think, remains exactly the same, whatever the scale of the expenditure. It's another matter whether there is some sort of record setting out exactly what the cost of a Bill is, and that is a matter, I think, for Standing Orders perhaps, if you need a brief, but final, version of the explanatory memorandum at the end of a Bill's passage through this place.

[92] **Simon Thomas:** Yn y lle cyntaf, efallai y byddai'r Cynulliad yn cymeradwyo Bil a memorandwm esboniadol ar sail cost o, dywedwch, £50 miliwn, ond, erbyn diwedd y daith, gyda gwelliannau, a phopeth yn newid, a mwy o wybodaeth yn y dystiolaeth y mae'r pwyllgor yn ei derbyn, yn sydyn iawn mae'n edrych fel £70 miliwn, dywedwch. Dylai fod ffordd o gofnodi hynny yn ffurfiol, rwy'n teimlo, yn y broses yna.

**Simon Thomas:** In the first instance, perhaps the Assembly would approve a Bill and an explanatory memorandum on the basis of a cost of £50 million, but, at the end of the legislative journey, with the amendments and additional information in the evidence that committee's received, it looks like £70 million, for example. There should be a way of noting that formally, I feel, in that process.

15:15

[93] **Mr Thomas:** Wel, mae'n bosibl gwneud hyn ac i ddweud ar ddiwedd y Mesur, 'Reit, mae wedi cael cytundeb y Cynulliad; mae'r Mesur mewn siâp ychydig yn wahanol i'r hyn a gafodd ei gyflwyno, a'r costau oherwydd hynny yw hyn a hyn.' Mae'n bosibl gwneud hynny.

**Mr Thomas:** Well, you could, at the end of the journey of any Bill say, 'Well, yes, it has gained the approval of the Assembly; the Bill is slightly different to the Bill originally introduced and, as a result of that, the costs are such and such.' You could set that information out. That could be done.

[94] **Mr Peters:** It does seem sensible that, if a Bill has been significantly amended so that there is going to be significant further expenditure, there is a further resolution to approve that. But, only if it's significant.

[95] **David Melding:** Do we have any other questions? Are there any other salient points you want to put before us that we've not drawn out in questions?

[96] **Mr Thomas:** One of the things that I didn't relish as auditor general was actually having, in the case of the future generations Bill, to actually employ leading counsel to argue with the Welsh Government in a very open manner. I think there is a need to find a different manner of reaching agreement on what essentially are audit clauses. I think that it would be useful if we looked at the pattern of what happens elsewhere and, certainly, I would hope that, if we reach pre-legislation scrutiny that involves the publication of draft Bills, that that kind

of disagreement can actually not be a disagreement, because we would have been submitting evidence at an earlier stage.

[97] **David Melding:** Well, thank you for that. I think that concludes the questions we want to put to you. Again, we do appreciate your involvement in this inquiry, and your helpful letter and very lucid, if I may say, oral evidence as well. So, thank you very much.

[98] **Mr Thomas:** Thank you.

15:17

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

[99] **David Melding:** Item 3 are instruments that raise no reporting issues under our Standing Order, but they are listed there. Are we content? Okay.

**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**

[100] **David Melding:** There is an instrument that does raise reporting issues in item 4, under the Standing Order. This is our old friend the National Assembly for Wales (Disqualification) Order 2015. Are there any comments?

[101] **Alun Davies:** Can I just make a point? I don't know if this is the correct place—I presume it is not, in fact, in terms of the disqualification Order. This seems to read—and I was reading some of the evidence around the committee's inquiry—'offices' rather than elected posts. I think there is widespread agreement that there is a clear conflict of interest between being a councillor in a local authority and being a Member of this place. I don't see how there's any way of justifying that, but that isn't included in here, although there is disqualification for council officers included in this disqualification Order. I presume, therefore, that to disqualify members of local authorities, we'd have to go through a different process.

[102] **David Melding:** I think it required primary legislation, didn't it?

[103] **Mr Griffiths:** Yes, that was it.

[104] **David Melding:** That's why it's not been addressed. In fact, our report indicated what could be done if we had primary powers and what, in our view, should be done, but I think we left that slightly open, as I recall.

[105] **Alun Davies:** It sounded like you didn't reach agreement in the committee. *[Laughter.]*

[106] **David Melding:** At this stage, until—

[107] **Simon Thomas:** Possibly, you might have a majority now.

[108] **Alun Davies:** Oh, right, okay; it's that sort of thing.

[109] **David Melding:** At this stage, the Government is limited in scope as to what it can do. Presumably, in the next Assembly, if the Wales Bill gives us powers over our elections and the procedures here, then those issues that currently require primary legislation would be within our competence.

[110] **Alun Davies:** But, we already do have powers over local government.

[111] **David Melding:** Yes, but we don't have powers to exclude.

[112] **Simon Thomas:** No, not to exclude them from membership of the Assembly.

[113] **Alun Davies:** I'm not sure about that.

[114] **David Melding:** Okay? I'm sure it will get discussed, but it's going to be at that stage.

[115] **Suzy Davies:** I did have one question. It may not actually be appropriate to ask it, really, but in the list of disqualified persons I noticed there was no reference at all to anybody from enterprise zones or city region boards and I'd just like some reassurance really that the Government asked itself a question about those. I don't mind what decision they came to, but local health boards are on there and, actually, the means of deciding who are on boards isn't that dissimilar.

[116] **David Melding:** At the minute, it's boards that are appointed, isn't it?

[117] **William Powell:** Would that also include public service boards?

[118] **Suzy Davies:** There's one coming under the heritage Bill as well you see.

[119] **William Powell:** It's a moving feast.

[120] **Mr Griffiths:** You'll see that the explanatory memorandum does say that they consulted on this and there was only one change in relation to employment tribunals. So, if it's not in there, nobody suggested during the consultation that it should be added.

[121] **David Melding:** A general view is that we should be as light as possible on the restrictions and they've kind of felt that it's difficult to follow that.

[122] **Suzy Davies:** That's not quite the same as saying that we're just going to be not thinking of other things.

[123] **Mr Griffiths:** The problem was that the bulk of the changes that the committee wanted to make couldn't be done using those means, because they were dependent on people being able to resign office between being elected and taking the oath. That would have made a big difference.

[124] **Alun Davies:** And is that somewhat difficult issue resolved by this Order?

[125] **David Melding:** No, and it would require primary legislation. So, we're back, you know, to that.

[126] **Alun Davies:** But, surely, in passing this Order it can be made clear what that process is, because I don't think any of us would want to go through the process again after the next election having gone through that in the last election.



[127] **David Melding:** I think the most powerful part of the report was that it needed to be publicised in plenty of time, so, you know, the Government is getting ahead and doing that.

[128] **Alun Davies:** I accept that.

[129] **David Melding:** But, really, it is solving the problem, if there is a problem—and most people thought there was—that people were getting caught, you know, unawares and that there should be a fairly simple way of resolving the issue and not have this gigantic sanction if you'd not completely met the requirements. Although it is your responsibility to do that, then, you know, we're just holding on to being able to control our procedures and having those powers. I think it was a frustration for all Members that the Government clearly wanted a simple process, but, really, to make it a simpler process you needed a change of primary law and we'd not been able to secure that. Okay, so I think with that we seem content.

15:23

**Gorchymyn Cychwyn: Gorchymyn Deddf Tai (Cymru) 2014 (Cychwyn Rhif 3 a Darpariaethau Darfodol a Throsiannol a Darpariaethau Arbed) 2015  
Commencement Order: The Housing (Wales) Act 2014 (Commencement No. 3 and Transitory, Transitional and Saving Provisions) Order 2015**

[130] **David Melding:** Item 5 is an example of a commencement Order—The Housing (Wales) Act 2014 (Commencement No. 3 and Transitory, Transitional and Saving Provisions) Order 2015, which is more than a commencement Order, and I think, or at least, you could argue that. That is why Gwyn wants to bring it to our attention as an example of a phenomenon that we are a little anxious about. Gwyn.

[131] **Mr Griffiths:** Diolch, Gadeirydd. Ers i'r pwyllgor ddechrau cymryd diddordeb mewn Gorchymynion o'r fath, rydym ni wedi bod yn chwilio am enghraifft i ddod â hi ger eich bron chi ac, ar y cyfan, mae'r Gorchymynion wedi bod yn rhai sydd ddim yn cynnwys y ddarpariaeth atodol o'r math yma. Ond, mae hwn yn un nodweddiadol oherwydd ei fod yn cynnwys y tri math: darpariaethau darfodol; darpariaethau arbed a darpariaethau trosiannol. Nid ydyn nhw'n hawdd eu deall oni bai bod yr holl ddeddfwriaeth y cyfeirir ati ger eich bron chi. Ond, mae'n dangos bod pethau yn parhau am gyfnod arall os ydy'r cais wedi ei wneud cyn y dyddiad a'r dyddiad, lle mae rhan o'r Bil yn dod mewn cyn rhan arall mae yna ddarpariaeth dros dro ac yn y blaen. Felly, buaswn i'n dweud bod hwn, i raddau, yn cefnogi'r hyn y mae'r Llywodraeth wedi bod yn ei ddweud, sef bod y darpariaethau y maen nhw'n eu gwneud yn rhai priodol. Maen nhw'n rhai tymor byr ac nid yn rhai sydd yn gwneud newid o sylwedd yn y ddeddfwriaeth. Ond, mae hynny'n enghraifft er mwyn i chi weld y math o beth y maen nhw yn ei gynnwys pan mae angen dweud

**Mr Griffiths:** Thank you, Chair. Since the committee started to take an interest in Orders such as this, we have been seeking an example to bring to you and, generally speaking, the Orders have been Orders that don't include ancillary provisions of this sort. But, this is characteristic because it does include the three kinds of provision: the transitory provisions; the saving provisions and the transitional provisions. They're not easily understood unless all the legislation referred to is before you. But, it does show that things may remain in place for a certain period if the application is made before a certain date, where a certain part of the Bill is commenced before another then there is transitional provision and so on. Therefore, I would say that this, to a certain extent, supports what the Government has been saying, namely that the provisions that they are making are appropriate. They are short term and not provisions that make significant changes to the legislation. But, this is an example for you to see the kinds of things that they do include, when there is a need to say so.

hynny.

[132] **David Melding:** Okay? I think we'll continue to be vigilant via our lawyers, but, sometimes, there is reason behind the Governments procedures. Actually, there 'usually is reason', I should say, and not 'sometimes'.

15:25

**Senedd yr Alban: Adroddiad y Pwyllgor Datganoli (Pwerau yn y Dyfodol) ar  
y Cymalau Deddfwriaethol Drafft ar gyfer Bil yr Alban Newydd  
Scottish Parliament: Devolution (Future Powers) Committee: Report on the  
Draft Legislative Clauses for the New Scotland Bill**

[133] **David Melding:** If we're content, item 6 is a press release just indicating a report from the Scottish—I'm not quite sure if it's the devolution of powers committee. I think, really, it's there to give context to our own session that we intend to have with the Presiding Officer and the First Minister, but we can talk about this in private session as well, if you want to. But, if you want to say anything in public, now is your chance. It's interesting, because it covers, obviously, some of the issues that we have already indicated are interesting, like the intergovernmental relations, and they talk about the fiscal issues, the permanency of the Scottish Parliament. Okay?

15:26

**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.*

[134] **David Melding:** I move the relevant Standing Order, then, that we hold the rest of the meeting in private, unless any Member disagrees. I don't see any Member disagreeing, 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 15:26.  
The public part of the meeting ended at 15:26.*