

## Second Assembly Plenary Meeting (95)

### Votes and Proceedings for Tuesday, 2nd November 2004

The meeting commenced at 2.00pm

**2.00pm**

**Motion to elect Janet Ryder to the Legislation Committee in place of Elin Jones**

*NDM2136 Karen Sinclair (Clwyd South)*

To propose that the National Assembly for Wales in accordance with Standing Orders 8.3 and 11.1 elects Janet Ryder (Plaid Cymru) to its Legislation Committee in place of Elin Jones (Plaid Cymru).

**A vote was taken on the motion:**

For 43; Abstain 0; Against 0; Total 43

**The motion was carried**

**2.01pm**

**First Minister's Question Time**

The first 10 questions were answered.

**2.54pm**

**Urgent Question**

**Ieuan Wyn Jones (Ynys Mon): Will the Minister make a statement on the recent flooding problems in Ynys Mon and the rest of Wales**

**3.01pm**

**Business Statement**

More than 10 Members objected to the business statement.

A vote was taken on the business statement:

For 31; Abstain 0; Against 28; Total 59

The business statement was agreed.

**3.13pm**

***This item is not subject to debate and will proceed to a vote immediately***

**Motion to approve under Standing Order 24.25**

*NDM2137 Karen Sinclair (Clwyd South)*

To propose that the National Assembly for Wales, acting under Standing Order 24.25:

1. a) Considers the report of the Legislation Committee laid in the Table Office, on 19 October 2004 on the draft Regulations **The Oil and Fibre Plant Seed (Wales) Regulations 2004**; and  
b) Approves The Oil and Fibre Plant Seed (Wales) Regulations 2004 is made in accordance with:
  - i) the draft Regulations laid in the Table Office on 13 October 2004
  - ii) Regulatory Appraisal laid in the Table Office on 20 October 2004
  - iii) the Memorandum of Correction laid in the Table Office on 20 October 2004.
2. a) Considers the report of the Legislation Committee laid in the Table Office, on 19 October 2004 on the draft Regulations **The Care Council for Wales (Specification of Social Care Workers) (Registration) Order 2004**; and  
b) Approves The Care Council for Wales (Specification of Social Care Workers) (Registration) Order 2004 is made in accordance with:
  - i) the draft Regulations laid in the Table Office on 6 October 2004
  - ii) Regulatory Appraisal laid in the Table Office on 20 October 2004
3. a) Considers the report of the Legislation Committee laid in the Table Office, on 19 October 2004 on the draft Regulations **The Local Authorities (Goods and Services) (Public Bodies) (Wales) Order 2004**; and  
b) Approves The Local Authorities (Goods and Services) (Public Bodies) (Wales) Order 2004 is made in accordance with:
  - i) the draft Regulations laid in the Table Office on 6 October 2004
  - ii) Regulatory Appraisal laid in the Table Office on 6 October 2004
4. a) Considers the report of the Legislation Committee laid in the Table Office, on 19 October 2004 on the draft Regulations **The National Assistance (Assessment of Resources) (Amendment No. 2) (Wales) Regulations 2004**; and  
b) Approves The National Assistance (Assessment of Resources) (Amendment No. 2) (Wales) Regulations 2004 is made in accordance with:

- i) the draft Regulations laid in the Table Office on 6 October 2004
- ii) Regulatory Appraisal laid in the Table Office on 6 October 2004.

**A vote was taken on the motion:**

For 56; Abstain 0; Against 1; Total 57

**The motion was carried**

**3.13pm**

**Motion to delegate the functions of the Health Protection Agency Act 2004 to the First Minister**

*NDM2139 Karen Sinclair (Clwyd South)*

1. To propose that the National Assembly, acting under section 62(1)(b) of the Government of Wales Act 1998, resolves to delegate all the functions of the National Assembly contained in or under the Health Protection Agency Act 2004 to the Assembly First Minister, save those which by law cannot be so delegated.
2. Nothing in this motion will have the effect of reducing the pre-eminence of the authority of the full Assembly or of reducing the role of the Assembly Committees in the exercise of the above functions.
3. This delegation will be made in the knowledge that those functions will, as appropriate, be further delegated to the appropriate Assembly Minister and to staff.

**A vote was taken on the motion:**

For 57; Abstain 0; Against 0; Total 57

**The motion was carried**

**3.28pm**

**Motion to delegate the functions of Part 8 of the Anti Social Behaviour Act 2003 to the First Minister**

*NDM2140 Karen Sinclair (Clwyd South)*

1. To propose that the National Assembly for Wales acting under section 62(1)(b) of the Government of Wales Act 1998, resolves to delegate all the functions of the National Assembly contained in Part 8 (sections 68, 71, 72, 73, 74, 81, 82, 83, 93 and 94) of the Anti-Social Behaviour Act 2003 to the Assembly First Minister, save those which by law cannot be so delegated.
2. Nothing in this motion will have the effect of reducing the pre-eminence of the authority of the full Assembly or of reducing the role of the Assembly Committees in the exercise of the

above functions.

3. This delegation will be made in the knowledge that those functions will, as appropriate, be further delegated to the appropriate Assembly Minister and to staff.

**A vote was taken on the motion:**

For 57; Abstain 0; Against 0; Total 57

**The motion was carried**

**3.37pm**

**Motion to delegate the functions of the Higher Education Act 2004 to the First Minister**

*NDM2138 Karen Sinclair (Clwyd South)*

1. To propose that the National Assembly, acting under section 62(1)(b) of the Government of Wales Act 1998, resolves to delegate the functions of the National Assembly contained in and under the Higher Education Act 2004 to the Assembly First Minister, save those which by law cannot be so delegated.

2. Nothing in this motion will have the effect of reducing the pre-eminence of the authority of the full Assembly or of reducing the role of the Assembly Committees in the exercise of the above functions.

3. This delegation will be made in the knowledge that those functions will, as appropriate, be further delegated to the appropriate Assembly Minister and to staff.

**The following amendments were tabled:**

**Amendment 1 - Kirsty Williams (Brecon and Radnorshire)**

Insert the words:

"believes that variable tuition fees are, in principle, wrong and"

between the words "To propose that the National Assembly" and "acting under Section 62".

**Amendment 2 - Kirsty Williams (Brecon and Radnorshire)**

Insert the words

"or which concern tuition fee structure"

after the words "save those which by law cannot be so delegated"

### **Amendment 3 - Jocelyn Davies (South Wales East)**

Add as new bullet point 2 and renumber accordingly:

Calls on the First Minister to show leadership in creating a sustainable funding system for higher education.

### **Amendment 4 - Jocelyn Davies (South Wales East)**

Add as new point at end of motion:

Demands a commitment from the Minister to fully fund the 2006 student cohort.

### **Amendment 5 - Jocelyn Davies (South Wales East)**

Add as new point at end of motion:

Demands that the Minister increases funding for Higher Education to ensure that the costs of bringing in the new pay framework are met.

### **Amendment 6 - Jocelyn Davies (South Wales East)**

Add as new point at end of motion:

Instructs the Minister to bring forward to Plenary, within six months, a strategy and timetable for the implementation and development of a Welsh Federal College.

### **A vote was taken:**

#### **Amendment 1**

For 31; Abstain 0; Against 27; Total 58

**Amendment 1 was carried**

#### **Amendment 2**

For 29; Abstain 0; Against 30; Total 59

**Amendment 2 was defeated**

#### **Amendment 3**

For 29; Abstain 0; Against 30; Total 59

**Amendment 3 was defeated**

#### **Amendment 4**

For 29; Abstain 0; Against 30; Total 59

**Amendment 4 was defeated**

**Amendment 5**

For 29; Abstain 0; Against 30; Total 59

**Amendment 5 was defeated**

**Amendment 6**

For 18; Abstain 11; Against 30; Total 59

**Amendment 6 was defeated**

**A vote was taken on the motion (as amended)**

For 59; Abstain 0; Against 0; Total 59

**The motion, as amended, was carried**

**4.47pm**

**Plaid Cymru Party nominated debate**

*NDM2135 Jocelyn Davies (South Wales East)*

To propose that the the National Assembly for Wales:

Deplores the widening prosperity gap under New Labour.

**The following amendments were tabled:**

**Amendment 1 - Jocelyn Davies (South Wales East)**

Delete all after 'Wales' and replace with

'Recognises that New Labour has failed to close the gap between the rich and the poor.'

**Amendment 2- Kirsty Williams (Brecon and Radnorshire)**

Add as new point at end of motion:

Notes that after 7 years of a Labour government, the poorest 10% still pay over 4 times more of their income in council tax than the richest 10% and believes that to narrow the prosperity gap council tax should be scrapped and replaced with a local income tax linked to ability to pay

**Amendment 3 - David Melding (South Wales Central)**

Add at end of motion:

'and calls for a review of 'A Winning Wales' and its target to achieve 90% of UK GDP per capita by 2010.'

**A vote was taken:**

**Amendment 1**

For 27; Abstain 0; Against 30; Total 57

**Amendment 1 was defeated**

**Amendment 2**

For 17; Abstain 2; Against 38; Total 57

**Amendment 2 was defeated**

**Amendment 3**

For 10; Abstain 0; Against 47; Total 57

**Amendment 3 was defeated**

**A vote was taken on the motion**

For 25; Abstain 0; Against 32; Total 57

**The motion was defeated**

**The meeting concluded at 5.37pm**

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**The Assembly will sit again in Plenary at**

**2.00pm on Wednesday, 3<sup>rd</sup> November 2004**

**E P Silk**

**Clerk to the Assembly**

**DOCUMENTS LAID SINCE THE ASSEMBLY LAST MET**

**Documents Laid on 26 October 2004**

- The Fire and Rescue Services Act 2004 (Commencement) (Wales) Order 2004 - LD3251

- The Fire and Rescue Services Act 2004 (Firefighters' Pension Scheme) (Wales) Order 2004 - LD3252
- The Fire and Rescue Services Act 2004 (Firefighters' Pension Scheme) (Wales) Order 2004 - Regulatory Appraisal - LD3253

### **Documents Laid on 25 October 2004**

- National Council For Education and Training For Wales Council's report and consolidated financial statements 31 March 2004 - LD3249

### **Committee Reports Laid on 19 October 2004**

- LC965 - The Care Council for Wales (Specification of Social Care Workers) (Registration) Order 2004 - LD3243
- LC966 - The Local Authorities (Goods and Services) (Public Bodies) (Wales) Order 2004 - LD3244
- LC968 - The National Assistance (Assessment of Resources) (Amendment No. 2) (Wales) Regulations 2004 - LD3245
- LC970 - The Oil and Fibre Plant Seed (Wales) Regulations 2004 - LD3246
- LC962 - The Care Standards Act 2000 and the Children Act 1989 (Amendment of Miscellaneous Regulations) (Wales) Regulations 2004 - LD3247
- LC969 - The National Health Service (Optical Charges and Payments) (Amendment) (Wales) Regulations 2004 - LD3248