

Votes and Proceedings for Tuesday, 18th November 2003

The meeting commenced at 2.00pm

First Minister's Question Time

The first 11 questions were answered. Question 9 was withdrawn.

2.50pm

Business Statement

More than 10 Members objected to the business statement.

A vote was taken on the business statement:

For 29; Abstain 0; Against 29; Total 58

As there was an equality of votes the Presiding officer used his casting vote in the negative under Standing Order 1.12.

As the business statement was not adopted the Business Minister is required to bring forward a revised business statement under Standing Order 5.5 as soon as is reasonably practicable.

3.03pm

Motion to approve Special Grant Report no 10: Education of Asylum Seekers

NDM1698 Karen Sinclair (Clwyd South)

To propose that the National Assembly for Wales:

Under S88B of the Local Government Finance Act 1988, and in accordance with Standing Order 19.8, approves the Local Government Finance (Wales) Special Grant Report (No 10) (Wales) 2003, which was laid in the Table Office on 10 November 2003.

A vote was taken on the motion:

For 51; Abstain 0; Against 0; Total 51

The motion was carried

3.20pm

Motion to approve The Education (Admission Forums)(Wales) Regulations

NDM1696 Karen Sinclair (Clwyd South)

To propose that the National Assembly for Wales:

Considers the principle of The Education (Admission Forums) (Wales) Regulations 2003, a draft of which was laid in the Table Office on 6 November 2003.

A vote was taken on the principle of the Order

For 51; Abstain 0; Against 0; Total 51

The principle of the order was approved

NDM1697 Karen Sinclair (Clwyd South)

To propose that the National Assembly for Wales:

1. Considers the report of the Legislation Committee laid in the Table Office on 11 November 2003, in relation to the draft order, The Education (Admission Forums) (Wales) Regulations 2003; and
2. Approves that The Education (Admission Forums) (Wales) Regulations 2003 is made in accordance with the draft laid in the Table Office on 6 November 2003 and the Regulatory Appraisal laid in the Table Office on 4 November 2003.

A vote was taken on the Order

For 52; Abstain 0; Against 0; Total 52

The Order was approved

3.26pm

This item was not subject to debate and proceeded to a vote immediately

Motion to approve under Standing Order 22.25

NDM1695 Karen Sinclair (Clwyd South)

To propose that the National Assembly for Wales, acting under Standing Order 22.25:

1.
 - a) Considers the report of the Legislation Committee laid in the Table Office on 11 November 2003, in relation to the draft Order The Education Act 2002 (Transitional Provisions and Consequential Amendments) (No.2) (Wales) Regulations 2003, and
 - b) Approves that The Education Act 2002 (Transitional Provisions and Consequential Amendments) (No.2) (Wales) Regulations 2003 is made in accordance with the draft regulations laid in the Table Office on 4 November 2003 and the Regulatory Appraisal laid in Table Office on 4 November.
2.
 - a) Considers the report of the Legislation Committee laid in the Table Office on 11 November 2003, in relation to the draft Order The Education Act 2002 (Commencement No. 3) (Wales) Order 2003; and
 - b) Approves that The Education Act 2002 (Commencement No. 3) (Wales) Order 2003 is made in accordance with the draft regulations laid in the Table Office on 4 November 2003.

A vote was taken on the motion:

For 52; Abstain 0; Against 0; Total 52

The motion was carried

3.27pm

Motion to approve The Local Authorities (Allowances for Members of County and County Borough Councils)(Pensions)(Wales) Regulations 2003

NDM1693 Karen Sinclair (Clwyd South)

To propose that the National Assembly for Wales:

Considers the principle of The Local Authorities (Allowances for Members of County and County Borough Councils)(Pensions) (Wales) Regulations 2003, a copy of which was laid in the Table Office on 6

November 2003.

The following amendment has been tabled:

Amendment 1 - Jonathan Morgan (South Wales Central)

Add new point at end of motion:

Notes and contrasts the reasonableness of this proposal with The Local Authorities (Allowances for Members of County and County Borough Councils) (Past Service Awards) (Wales) Regulations 2003.

A vote was taken on the amendment to the principle of the Order

For 22; Abstain 0; Against 28; Total 50

The amendment to the principle of the order fell

A vote was taken on the principle of the Order

For 51; Abstain 0; Against 0; Total 51

The principle of the order was approved

NDM1694 Karen Sinclair (Clwyd South)

To propose that the National Assembly for Wales:

1. Notes the report of the Local Government & Public Services Committee laid in the Table Office on 15 July 2003 in relation to the draft order The Local Authorities (Allowances for Members of County and County Borough Councils)(Pensions) (Wales) Regulations 2003
2. Considers the report of the Legislation Committee laid in the Table Office on 11 November in relation to the draft order, The Local Authorities (Allowances for Members of County and County Borough Councils) (Pensions) (Wales) Regulations 2003; and
3. Approves that The Local Authorities (Allowances for Members of County and County Borough Councils) (Pensions) (Wales) Regulations 2003 is made in accordance with the draft laid in the Table Office on 6 November.

A vote was taken on the Order

For 51; Abstain 0; Against 0; Total 51

The Order was approved

3.44pm

Debate on the review of Health and Social Care in Wales (advised by Derek Wanless): the Welsh Assembly Government's Response and Implementation Plan

NDM1699 Karen Sinclair (Clwyd South)

To propose that the National Assembly for Wales:

1. Welcomes the Welsh Assembly Government's response to the Review of Health and Social Care and
2. Supports the steps which the Implementation Plan, contained in the Welsh Assembly Government's response to the Review of Health and Social Care, outlines to deliver the four themes of the Plan - prevention, maximising delivery, involving people and improving performance
3. Endorses the immediate steps taken to focus on urgent priorities in the field of delayed transfers of care, strengthening primary care services, modernising Information Technology and releasing the pressures on

the acute sector to reduce waiting times.

The Welsh Assembly Government's response to the Review of Health and Social Care can be accessed via the hyperlink:

http://www.wales.gov.uk/servlet/HealthAndSocialServicesCommittee?area_code=37D6A89F00087B55000121400000000&document_code=N000000000000000000000000013883&p_arch=post&module=dynamicspages&month_year=

The Review of Health and Social Care can be accessed via the hyperlinks:

English: <http://www.wales.gov.uk/subieconomics/hsc-review-e.htm>

Welsh: <http://www.cymru.gov.uk/subieconomics/hsc-review-w.htm>

The following amendments were tabled:

Amendment 1 - Jocelyn Davies (South Wales East)

Delete the motion and replace with:

'Expresses deep concern that the Labour Assembly Government's response to the Review of Health and Social Care is wholly inadequate to address the unsustainability of the NHS in Wales.'

Amendment 2 - Jonathan Morgan (South Wales Central);

Delete point 1 in its entirety and replace with:

'Condemns the failure of the Welsh Assembly Government to respond swiftly to the Review of Health and Social Care with a strict timetable for implementation.'

Amendment 3 - Jonathan Morgan (South Wales Central);

Delete point 2 in its entirety and replace with:

'Condemns the failure of the of the Welsh Assembly Government to respond in detail to each recommendation with cost implications and a timescale for implementation.'

Amendment 4 - Jonathan Morgan (South Wales Central);

Delete point 3 in its entirety and replace with:

'Recognises that government policy has accentuated delayed transfers of care and waiting lists, and regrets the lack of vision for using medical technologies.'

Amendment 5 - Kirsty Williams (Brecon and Radnorshire)

Add new point at end of motion:

Recognises the serious situation that exists in regard of Health and Social Care in Wales.

Amendment 6 - Kirsty Williams (Brecon and Radnorshire)

Add new point at end of motion:

Calls on the Minister to make clear her vision and blueprint for the reconfiguration of services as called for by the review.

Amendment 7- Kirsty Williams (Brecon and Radnorshire)

Add new point at end of motion:

Regrets the lack of a detailed coherent strategy in the Implementation Plan.

Amendment 8 - Kirsty Williams (Brecon and Radnorshire)

Add new point at end of motion:

Recognises that there are difficult decisions ahead and calls on the Minister to involve public at an early stage in open debate about the configuration of health and social care in Wales.

Amendment 9 - Kirsty Williams (Brecon and Radnorshire)

Add new point at end of motion:

Regrets the lack of use of pooled funds to improve the interface between health and social care and calls for Minister to address this in order to achieve progress in this area.

A vote was taken:

Amendment 1

For 29; Abstain 0; Against 29; Total 58

As there was an equality of votes the Presiding Officer exercised his casting vote in accordance with Standing Order 1.12 (ii) The Amendment was defeated

Amendment 2

For 29; Abstain 0; Against 29; Total 58

As there was an equality of votes the Presiding Officer exercised his casting vote in accordance with Standing Order 1.12 (ii) The Amendment was defeated

Amendment 3

For 29; Abstain 0; Against 29; Total 58

As there was an equality of votes the Presiding Officer exercised his casting vote in accordance with Standing Order 1.12 (ii) The Amendment was defeated

Amendment 4

For 29; Abstain 0; Against 29; Total 58

As there was an equality of votes the Presiding Officer exercised his casting vote in accordance with Standing Order 1.12 (ii) The Amendment was defeated

Amendment 5

For 29; Abstain 0; Against 29; Total 58

As there was an equality of votes the Presiding Officer exercised his casting vote in accordance with Standing Order 1.12 (ii) The Amendment was defeated

Amendment 6

For 29; Abstain 0; Against 29; Total 58

As there was an equality of votes the Presiding Officer exercised his casting vote in accordance with Standing Order 1.12 (ii) The Amendment was defeated

Amendment 7

For 29; Abstain 0; Against 29; Total 58

As there was an equality of votes the Presiding Officer exercised his casting vote in accordance with Standing Order 1.12 (ii) The Amendment was defeated

Amendment 8

For 57; Abstain 0; Against 0; Total 57

Amendment 8 was carried

Amendment 9

For 29; Abstain 0; Against 29; Total 58

As there was an equality of votes the Presiding Officer exercised his casting vote in accordance with Standing Order 1.12 (ii) The Amendment was defeated

The motion, as amended

For 29; Abstain 0; Against 29; Total 58

As there was an equality of votes the Presiding Officer exercised his casting vote in accordance with Standing Order 1.12 (ii) The motion, as amended, was defeated

4.53pm

Revised Business Statement

The Revised Business Statement was adopted.

4:57pm

Plaid Cymru Minority Party Debate

NDM1700 Jocelyn Davies (South Wales East)

The National Assembly for Wales:

1. Acknowledges that workers' rights in Wales were significantly eroded by the Thatcher and Major administrations and regrets that, despite pre-election promises, that the New Labour UK Government has not restored those rights.

2. Calls on the Labour Assembly Government to make representations to the UK Government to:

a) Amend the Employment Relations Act 1999 in relation to the 8 Week Rule, which has mitigated against the workers at Friction Dynamics;

b) Bring forward primary legislation in order to protect pension rights of people working for private and publicly listed companies and ensuring that those whose pensions are currently in the wind up process are included within the remit of the legislation such as ASW steel workers;

c) Implement, without further delay, the EU Information and Consultation Directive which would have assisted the Corus employees.

The Employment Relations Act 1999 is available to Members on the following website: <http://www.hmso.gov.uk/acts/acts1999/19990026.htm>

The EU Information and Consultation Directive is available to Members on the following website: http://europa.eu.int/eurex/pri/en/oj/dat/2002/l_080/l_08020020323en00290033.

The following amendments were tabled:

Amendment 1 - Jonathan Morgan (South Wales Central)

Delete point 1 in its entirety and replace with:

Recognises Plaid Cymru's complete inability to produce a workable employment policy framework that will be of any benefit to the people working in public and privately listed companies in Wales, and that the insular and parochial nature of their employment policies are a sign of a party unfit for governance of any

sort.

Amendment 2 - Karen Sinclair (Clwyd South)

In point 1 delete:

"regrets that, despite pre-election promises, that the New Labour UK Government has not restored those rights"

and replace with:

"welcomes the significant progress that has been made by the UK Labour Government since 1997 in improving individual and collective employment rights."

Amendment 3 - Karen Sinclair (Clwyd South)

In point 2 delete all and replace with:

'Welcomes the actions taken by the partnership between the Labour Administrations in Wales and Westminster to:

a) Establish a legal right to be individually represented by a trade union and a statutory recognition procedure which gives the legal right for collective representation by a trade union;

b) Develop a legal framework which encourages genuine partnership between employers, employees and their unions, and the negotiated resolution of disputes;

c) Make progress towards a framework which protects the pension rights of employees including those whose pensions are jeopardised by company wind up; and

d) Begin the process of transposing the EU Information and Consultation Directive into UK law.'

Amendment 4 - Kirsty Williams (Brecon and Radnorshire)

Insert new point 2 (a) and renumber all other points accordingly:

Review the national minimum wage annually on the basis of recommendations from the Low Pay Commission, ensuring that it is applied at the same rate for all people aged 16 and over.

Amendment 5 - Kirsty Williams (Brecon and Radnorshire)

Insert new point between 2. (b) and 2 (c) and renumber accordingly:

Require that any changes made by employers to employee pension arrangements are subject to the same statutory consultation framework as changes to pay and other conditions.

Amendment 6 - Kirsty Williams (Brecon and Radnorshire)

Insert new point between 2. (b) and 2 (c) and renumber accordingly:

Rectify the major imbalance in the current application of the Transfer of Undertakings Protection of Employment Regulations 1981 to cover occupational pension schemes in relation to employee rights and employer obligations.

A vote was taken:

Amendment 1

For 15; Abstain 29; Against 11; Total 55

Amendment 1 was carried

Amendment 2 fell

Amendment 3

For 28; Abstain 0; Against 26; Total 54

Amendment 4 was carried

Amendment 4 fell

Amendment 5 fell

Amendment 6 fell

The motion, as amended

For 29; Abstain 0; Against 26; Total 55

The motion, as amended, was carried

The meeting concluded at 5.42pm

The Assembly will sit again in Plenary at

2.00pm on Wednesday, 19th November 2003

E P Silk

Clerk to the Assembly

DOCUMENTS LAID SINCE THE ASSEMBLY LAST MET

Documents Laid on 14 November 2003

Audit Committee Report: The Finances of NHS Wales 2003 - LD2411

Documents Laid on 12 November 2003

The Health (Wales) Act 2003 (Commencement No 2) Order 2003 - LD2407

The Local Government Act 2003 (Commencement) (Wales) Order 2003 - LD2408

Report of The Business Committee - LD2409

Committee Reports Laid on 12 November 2003

- LC767 - The Specified Sugar Products (Wales) Regulations 2003 - LD2412
- LC771 - The Honey (Wales) Regulations 2003 - LC2410