

**Votes and Proceedings for Tuesday, 16<sup>th</sup> October 2001**

The Session commenced at 1.00pm

**1.00pm**  
**The Presiding Officer introduced Val Lloyd to the Assembly and the new Member replied**

**1.02pm**  
**Oral Questions to the First Minister**  
The first 12 questions were answered. Question 2 was withdrawn. Questions 3, 9 and 12 were grouped together for answer

**1.38pm**  
**Point of Order: Helen Mary Jones** on language used which would not serve equality of opportunity.

**1.39pm**  
**The First Minister made a statement on the Annual Business Programme**

**2.10pm**  
**The Leader of the Opposition proposed under Standing Order 6.9 that the Assembly consider holding a debate on the international situation as a matter of urgent public importance**

**Under Standing Order 6.21, more than 3 members requested that the Division Bell be rung.**

**A vote was taken on the proposition**  
For 17; Abstain 0; Against 39; Total 56  
**The proposition was defeated**

**2.28pm**  
**The Minister for Assembly Business proposed a Procedural Motion under Standing Order 6.16 to bring forward items 4, 7, 8, 9 and 11 and under Standing Order 34.4 to suspend the provisions of Standing Order 6.11 in order to take the rest of the day's business in the order set out in the agenda published earlier in the day and circulated to Members**

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

For 56; Abstain 1; Against 0; Total 57

**The procedural motion was carried with the required two-thirds majority**

**2.29pm**

**The Deputy Presiding Officer took the Chair**

**Debate on the First Minister's Annual Report**

*NNDM781* - To propose that the National Assembly:

Welcomes the Report of the First Minister 2000-2001, which was laid in the Table Office on 8 October 2001.

***The following amendments were tabled:***

**Amendment 1 - Jocelyn Davies (South Wales Central);**

Delete ' Welcomes' and replace with 'Notes'

**Amendment 2 - Jocelyn Davies (South Wales Central);**

Add at end of motion ', and expresses its deep disappointment that the Labour / Liberal Democrat Government has delivered so little for Wales in its first year. '

**A vote was taken:**

**Amendment 1**

For 25; Abstain 0; Against 32; Total 57

**Amendment 1 was defeated**

**Amendment 2**

For 25; Abstain 0; Against 32; Total 57

**Amendment 2 was defeated**

**The motion**

For 32; Abstain 16; Against 9; Total 57

**The motion was carried**

**The Presiding Officer took the Chair**

**3.37pm**

**Statement: The First Minister made a statement on the International Situation**

**4.46pm**

**Business Statement: the Assembly Business Minister**

The business statement was agreed

**4.50pm**

**Point of Order:**

**Rod Richards** under Standing Order 6.2 on consultation over recalling of the Assembly

**4.53pm**

**Election to the Environment, Planning and Transport Subject Committee**

*NNDM782* - To propose that the National Assembly, acting under section 57(8) of the Government of Wales Act 1998 elects Eleanor Burnham (Liberal Democrat) to its Environment, Planning and Transport Subject Committee in place of Mick Bates (Liberal Democrat)

**A vote was taken**

For 52; Abstain 0; Against 0; Total 52

**The motion was carried**

**Election to the Education and Lifelong Learning Subject Committee**

*NNDM783* - To propose that the National Assembly, acting under section 57(8) of the Government of Wales Act 1998 elects Mick Bates (Liberal Democrat) to its Education and Lifelong Learning Subject Committee in place of Eleanor Burnham (Liberal Democrat).

**A vote was taken**

For 52; Abstain 0; Against 0; Total 52

**The motion was carried**

**4.55pm**

**Approval of the Feeding Stuffs and the Feeding Stuffs (Enforcement) (Amendment) (Wales) Regulations 2001**

**NNDM776** - To propose that the National Assembly, acting under Standing Order 22.25:

1. Approves The Feeding Stuffs and the Feeding Stuffs (Enforcement) (Amendment) (Wales) Regulations 2001 laid in the Table Office on 10 July 2001; and
2. Considers the report of the Legislation Committee which has not identified any matters for concern in the draft order The Feeding Stuffs and the Feeding Stuffs (Enforcement) (Amendment) (Wales) Regulations 2001, laid in the Table Office on 17 July 2001, and the Regulatory Appraisal laid in Table Office on 10 July 2001 and the Memorandum of Corrections laid in the Table Office on 8 October 2001.

**A vote was taken**

For 52; Abstain 0; Against 0; Total 52

**The motion was carried**

**4.56pm**

**Approval of the Children (Protection from Offenders)(Amendment) (Wales) Regulations 2001**

NDM777 - To propose that the National Assembly:  
Considers the principle of The Children (Protection from Offenders) (Amendment) (Wales) Regulations 2001 laid in the Table Office on 26 June 2001.

**A vote was taken:**

For 45; Abstain 3; Against 0; Total 48

**The principle of the Order was agreed**

NDM778 - 1. considers the report of the Legislation Committee which does not draw the special attention of the Assembly to any matter under Standing Order 11.5, in relation to the draft order, The Children (Protection from Offenders) (Amendment) (Wales) Regulations 2001, laid in the Table Office on 3 July 2001; and

2. approves that the Order is made in accordance with the draft laid in the Table Office on 26 June 2001 and the Memorandum Of Corrections laid in the Table Office on 9 July 2001.

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

For 47; Abstain 3; Against 0; Total 50

**The Order was approved**

**5.01pm**

**Delegation of the functions of the Warm Homes and Energy Conservation Act 2000**

**NNDM779** - 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 or under the Warm Homes and Energy Conservation Act 2000 (available on the HMSO web site: <http://www.legislation.hmso.gov.uk/acts/acts2000/20000031.htm> to the Assembly First Minister, save those which by law cannot be so delegated.

*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.*

**A vote was taken**

For 49; Abstain 0; Against 0; Total 49

**The motion was carried**

**Debate on Waste Wales Strategy**

NDM780 - To propose that the National Assembly:

1. Welcomes the consultation paper "*Managing Waste Sustainably*", which was placed on the Intranet on 4 July 2001 and which can be located at:- <http://assembly/aegis/Subject%20Index/Environment/Wales%20Waste%20Strategy.htm> ; and

2. Agrees that the Minister for Environment will issue a new waste strategy for Wales to replace within Wales the current joint Wales and England waste strategy set out in "Waste Strategy 2000", which was laid in Table Office on 8 October 2001, and to take into account comments and considerations since the publication of "Managing Waste Sustainably".

***The following amendments were tabled:***

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

Add as new paragraph at end of motion:

‘Agrees that the ultimate target of the new waste strategy should be zero landfill.’

**Amendment 2 - Jocelyn Davies (South Wales East)**

Add as new paragraph at end of motion:

‘Agrees that within the new waste strategy incineration be permitted only as a last resort, and after the most thorough health impact assessments have been undertaken; and regrets the haste with which some local authority’s are rushing to develop incineration as a way of reducing their use of landfill.’

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

Add as new paragraph at end of motion

‘Calls on the Minister for the Environment to undertake an urgent review of the current developments proposing to use incineration as a means of waste disposal, notably at Crumlyn Burrows and at Wrexham, with a view to revoking planning permissions to prevent unsustainable development if necessary ‘

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

Add as new paragraph at end of motion

‘Acknowledges the immensity of the shift in waste disposal practices that will be required if Wales is to comply with the Landfill Directive and the huge level of sustained funding that will be required to bring that shift about’

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

Add as new paragraph at end of motion

Calls on the Minister for the Environment to :-

a. Secure substantial additional funding for the Waste Strategy in next years and subsequent budgets

b. Negotiate with Westminster Government as a matter of urgency a simpler more effective Primary Legislation framework for the regulations of waste disposal

c. Negotiate with the Westminster Government the transfer of all funds raised from the Landfill Tax in Wales to the National Assembly budget with a view to the Assembly using all landfill tax revenues to promote sustainable waste disposal.

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

Add as new paragraph at end of motion:

'Calls on the Minister for the Environment to ensure that the new Waste Strategy is fully co-ordinated with other Government of Wales strategies and plans, notably the new planing policy framework, and is fully compliant with the Sustainable Development Scheme.'

**The Assembly Business Minister announced that this item would not be moved in view of the time**

**Debate on Audit Committee Annual Report - *This item was not moved***

**Debate on the Annual Reports of the Regional Committee Chairs 2000/01- *This item was not moved***

**The session concluded at 5.04pm**

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

**9.05 am on Thursday, 18<sup>th</sup> October 2001**

**E P Silk**

**Clerk to the Assembly**

**The following petition was received on the 23<sup>rd</sup> August 2001**

Petition: The Local Government Elections (Wales) Order 2001

Principal Petitioner: Mr W Perrett, 22 Malvern Terrace, Swansea

No of Petitioners: 15

Text of Petition:

We the undersigned call upon the National Assembly for Wales to allow the free expression of the opinion of the people of Wales in elections to the Unitary Authorities and Community Councils to go ahead as planned in 2003.

We ask you to take legal note that we as electors, candidates and elected members have in regard to these elections a legitimate expectation that terms of office for councillors is 4 years, terminating in 2003.

We believe that the proposed order before the Assembly on 19 July 2001 violates protocol 1 Article 3 of the European Convention of Human Rights as incorporated into law by the Human Rights Act 1998. We also claim a violation of Article 14 in that Welsh electors are being treated differently to other citizens of the UK in that all other councillors of the UK remain electable for 4 years.

We ask the National Assembly to act compatibly within the convention obligations and in compliance with Strasbourg authority and supervision on the application on the right to free elections. We further ask that you consider decisions of UK courts at common law on the grounds of legitimate expectation and articles for the protection of fundamental human rights as contained in international treaty obligations.

The proposed measure would have a disproportionate adverse impact on individual democratic rights of electors in Wales. We call on the National Assembly to take positive measures to hold elections as planned for principal councils and community councils in the year 2003.

## **DOCUMENTS LAID SINCE THE ASSEMBLY LAST MET**

### **DOCUMENTS LAID ON 10 October 2001**

National Assembly for Wales' Budget 2002-2003 to 2004-2005 - Draft Budget Proposals - LD1005

Welsh National Board for Nursing, Midwifery and Health Visiting - Annual Report 2000-2001 - LD1003

### **DOCUMENTS LAID ON 9 October 2001**

Welsh Administration Ombudsman and Health Service Ombudsman for Wales - Annual Report 2000-01 - LD1004

### **DOCUMENTS LAID ON 8 October 2001**

Memorandum of Corrections Pursuant to Standing Order 22.13 - The Feeding Stuffs and Feeding Stuffs (Enforcement) (Amendment) (Wales) Regulations 2001 - LD1002

Waste Strategy 2000 England and Wales (Part 1 & Part 2) - LD1001 - No electronic version available

Delivering for Wales - Report of the First Minister, the Rt. Hon. Rhodri Morgan AM, April 2000 - July 2001 - LD1000 - No electronic version available

### **DOCUMENTS LAID ON 5 October 2001**

Cabinet Response to Audit Committee Report 05/01: National Assembly for Wales Resource Account 1999-2000 and General Report of the Auditor General for Wales: Financial Audit of 1999-2000 Accounts - LD998

The Sports Council for Wales and Sports Council for Wales Trust Annual Accounts 2000-2001 - LD999

### **DOCUMENTS LAID ON 27 September 2001**

Section 11 Industrial Development Act - Contribution related to the work of the Euro Taskforce for Wales - LD995

Report by the National Audit Office on behalf of the Auditor General for Wales: Procurement in the Further Education Sector in Wales - LD996

Historic Buildings Council for Wales: 45th Annual Report 2000-2001 - LD997

### **DOCUMENTS LAID ON 19 September 2001**

General Teaching Council for Wales - Annual Report 2000-2001 LD994 - No electronic version available

### **DOCUMENTS LAID ON 17 September 2001**

Cabinet Response to the Audit Committee's report on Clinical Negligence in the NHS in Wales - LD993

### **DOCUMENTS LAID ON 13 September 2001**



Annual Report and Accounts of the Welsh National Board for Nursing, Midwifery and Health Visiting -LD992

### **DOCUMENTS LAID ON 06 September 2001**

National Assembly for Wales Resource Account for 1999 - 2000 and General Report of the Auditor General for Wales: Financial Audit of 1999 - 2000 Accounts - LD991

### **DOCUMENTS LAID ON 30 July 2001**

Report on Clinical Negligence in the NHS in Wales - LD988

Accounts of the Office of the Welsh Administration Ombudsman for the period 1 July 1999 to 31 March 2000 - LD964

Accounts of the Office of the Health Service Commissioner for Wales for the period 1 July 1999 to 31 March 2000 - LD965

### **DOCUMENTS LAID ON 27 July 2001**

Arts Council of Wales: Summary General Activities Account for 2000/2001- LD984

Arts Council of Wales: Full General Activities Account for 2000/2001- LD983

### **DOCUMENTS LAID ON 26 July 2001**

Wales Tourist Board - Statement of Accounts for the Year to 31 March 2001 - LD987

### **DOCUMENTS LAID ON 24 July 2001**

Wales Tourist Board Annual Report 2000-2001- LD982 - No electronic version available

### **DOCUMENTS LAID ON 23 July 2001**

Welsh Language Board Annual Report and Accounts 2000-2001 LD980

Welsh Language Board Accounts 2000-2001 LD981

Welsh Development Agency Annual Report 2000/2001 - LD986

### **DOCUMENTS LAID ON 20 July 2001**

Arts Council of Wales: Financial Statements - Lottery Distribution Account for the year ended 31 March 2001 - LD979

Commission for Racial Equality 2000 Annual Report - LD985

### **DOCUMENTS LAID ON 19 July 2001**

Mid Wales Regional Committee - Report to the Assembly - LD977

South East Wales Regional Committee - Report to the Assembly - LD978

### **Legislation Committee Reports**

### **DOCUMENTS LAID ON 3 SEPTEMBER 2001**

LC235 The Foot-and-Mouth Disease (Marking of Meat and Meat Products) (Wales) Regulations 2001- LD990

LC236- The Prescribed Waste (Wales) Regulations 2001 - LD989