

REPORT OF THE BUSINESS COMMITTEE
PROPOSAL TO CHANGE STANDING ORDERS

Introduction

On 15 October 2002 the Business Committee considered a proposal for revisions to Standing Orders to simplify the procedure for the declaration of interests in Plenary proceedings.

Proposal

The following proposal agreed by Members of the Business Committee is now recommended for approval by the Assembly.

MOTION

That the National Assembly, acting under section 46(6) of the Government of Wales Act 1998, and Standing Order No. 34:

i. considers the report of the Business Committee laid in the Table Office on 28 October 2002;

ii. approves the revisions to the Standing Orders listed in the document laid in the Table Office on 28 October 2002.

To: Members of the Business Committee

From: David Melding AM
Chair, Standards of Conduct Committee

Date: 11 October 2002

DECLARATION OF INTERESTS IN PLENARY PROCEEDINGS

1. Concern has previously been expressed in the Business Committee about the current arrangements for declaring interests in Plenary meetings. There is a view that the existing arrangements are not fully understood by Members and can detract from the dignity of the Assembly in Plenary (the so called "Mexican Wave" of declarations).
2. In the light of this, the Standards of Conduct Committee has considered whether the procedures can be simplified to avoid this sort of disruption whilst maintaining the integrity and rigour of the current arrangements.

Proposal

3. Having looked again at Section 72 of the Government of Wales Act, the Standards Committee believe that the Assembly's current requirements may be overly focused on Section 72(1) (registration of interests) and have paid insufficient attention to Section 72(2) (declaration of interests - particularly financial interests).
4. In order to redress the balance, the Committee would like to propose the amendments to Standing Orders set out in Annex A.

Effect of Proposed Amendments to Standing Orders

During Debate

5. Essentially, an oral declaration would only be required prior to making an oral contribution if the matter before the Assembly could lead to a direct financial advantage to the Member (or their partner or dependent children) under the "Registrable Interests" set out in SO 4 Annex. Further, they would not have to make such a declaration unless this advantage was "...greater than that which might accrue to persons affected by the decisions generally". This would seem to be more in keeping with the requirements of Section 72(2) of the Government of Wales Act which makes provision for the declaration of financial matters compulsory while declaration of other matters is left for Assembly decision.
6. All the current registrable interests would remain and their status would not be affected. Members would still be required to register the interests specified in the Annex to Standing Order 4 and would remain subject to the criminal law if they took part in proceedings having failed to register an interest.

7. The proposed amendments would also make SO 4.5 (oral declaration provisions) more consistent with SO 4.7 (prohibition of voting). In doing so, it draws upon the definition of financial interest in the current wording of SO 4.7 (prohibition of voting).

At the Time of Voting

8. The effect of SO 4.7 is that Members with relevant financial interests would not need to make any separate declaration prior to a vote. Where the Member has an interest which comes within SO 4.5, the Member would not vote irrespective of whether or not the Member had already made a declaration before making an oral contribution. This is essentially no change from the current position.

Recommendation

9. The Standards Committee believes that the proposed new arrangements would offer greater clarity and simplicity; they would maintain rigorous standards with no loss of transparency. They would further highlight, to Members and the public, the importance of the Register of Interests and would be less disruptive in Plenary meetings.

10. The Business Committee is invited to agree that a slot should be found for the suggested changes to Standing Orders to be debated in Plenary.

11. The proposed amendments to Standing Orders would also apply to committees. If the changes are agreed, we suggest that the Panel of Chairs should consider the impact of the new arrangements on the declaration of interests by Members before participating in committee proceedings.

David Melding AM
Chair, Standards of Conduct Committee

STANDING ORDER 4 - Financial and Other Interests of Members

Registration of Financial and Other Interests

4.1 The Presiding Officer shall maintain and publish a register of interests of Members and copies shall be available for inspection by Members and by the public.

4.2 The interests set out in the Annex to these~~s~~is standing orders shall be registered in the register of interests by completion of a form prescribed by the Presiding Officer.

4.3 Within eight weeks of a Member taking the oath of allegiance or making the corresponding affirmation, he or she shall complete the form prescribed by the Presiding Officer, setting out all the particulars of the interests required to be registered by this standing order; and shall sign the form and deliver it to the Office of the Presiding Officer.

4.4 Within four weeks of any change occurring, a Member shall notify the Presiding Officer of the change in his or her registered interests by completing the prescribed form; and shall sign the form and deliver it to the Office of the Presiding Officer.

4.4A A Member may deliver the form referred to in paragraph 4.3 or 4.4 by taking it to the table office or arranging for another person to do so or by post but the form shall not be regarded as having been delivered until it is received by the table office.

4.4B Members shall be under a continuing duty to ensure, by inspecting the register of interests from time to time that it correctly contains the particulars notified by them under paragraphs 4.3 or 4.4.

Declaration by a Member of an Interest Before Taking Part in Any Proceedings of the Assembly

4.5 ~~In the circumstances specified in this paragraph, before taking part in any proceedings of the Assembly, a Member shall make an oral declaration of any financial interest which he or she has, or may be expecting to have, or which, to the Member's knowledge, the Member's partner or any dependent child of the Member has, or may be expecting to have in any matter arising in those proceedings. Such an oral declaration shall be made in relation to any interest which is specified in paragraphs 1-10 of the Annex to this Standing Order if a particular decision in those proceedings might result in a direct financial advantage to the Member, or, to the Member's knowledge, the Member's partner or any dependent child of the Member, greater than that which might accrue to persons affected by the decision generally, which is specified in the Annex to these standing orders, if the interest is in any matter to which the proceedings relate.~~

Prohibition of Paid Advocacy

4.6 A Member shall not advocate or initiate any cause or matter on behalf of any body or

individual in any proceedings of the Assembly, or urge any other Member to advocate or initiate any cause or matter in any such proceedings, in return for any payment or benefit in kind, direct or indirect, which the Member, or to the Member's knowledge his or her spouse, has received or expects to receive.

Prohibition of Voting

4.7 Where a Member is required under paragraph 4.5 to declare an interest in a matter before taking part ~~has an interest which is required to be registered or declared under this standing order, he or she shall not vote on a matter~~ in any proceedings of the Assembly, that Member shall not vote on any proposal relating to that matter in those proceedings if, ~~in relation to that interest, a particular decision might result in a direct financial advantage to the Member greater than that which might accrue to persons affected by the decision generally.~~