

National Assembly for Wales

The Welsh Government's Legislative Programme 2011 - 2016

July 2011

The Welsh Government's legislative programme 2011 – 2016 includes details of 21 Bills that will be brought forward during the current five year Assembly term. This paper includes an overview of each Bill's aims and objectives and provides (where possible) an indication of when they will be introduced.

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National Assembly for Wales

The Welsh Government's Legislative Programme 2011 - 2016

July 2011

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The Welsh Government's Legislative Programme 2011 - 2016

1. Introduction

On 12 July 2011 the First Minister, the Rt. Hon. Carwyn Jones AM, made a statement in Plenary on the Welsh Government's legislative programme for the next five years up to the National Assembly elections in May 2016.

This was the first legislative programme set out by a Welsh Government under Part 4 of the *Government of Wales Act 2006*¹ ('the 2006 Act') which enables the National Assembly to pass laws in any of the 20 Subjects outlined in Schedule 7 to that Act.² These powers were conferred on the National Assembly following the YES vote in the referendum held on 3 March 2011.

The legislative programme included details of 21 Bills that the Welsh Government aims to bring forward during the current five year Assembly term. This paper provides an overview of each Bill's aims and objectives and provides an indication (where possible) of when they will be introduced.

1.1. *Five year legislative programme*

The Welsh Government's legislative programme is the first programme to cover a full Assembly term. Previous legislative statements issued by the Welsh Government were made annually, usually during the last week of the Assembly summer term in July.

The change to a five year programme of legislation was supported by the previous Welsh Government towards the end of the third Assembly. On 15 March 2011, the then Counsel General and Leader of the Legislative Programme, John Griffiths AM, stated that the Welsh Government favoured a move towards a rolling programme of legislation:

... we support a move away from the Government's current annual legislative programme towards a four-year programme. The current cycle is based on the Westminster model, where items that have not completed their passage fall at the end of each annual session. That is not the case here, as items can roll from one year to the next within an Assembly. Moving toward a four-year cycle will better reflect the procedures of this Assembly, and better align with the programme of Government.

We recognise the continued need for an annual statement on the Government's legislative programme to be made by the First Minister, outlining those items the Government will introduce over the following year. However, the principle of a four-year cycle will facilitate better forward planning and better stakeholder engagement, through plentiful notice of

¹ [Government of Wales Act 2006 \(c.32\)](#)

² A full list of the National Assembly's legislative powers is available in the Research Paper: Legislative Powers of the National Assembly, July 2011.

intentions and consultation at the development stage, as well as the publication of draft Bills, rather than the shoehorning of items into annual programmes.³

Following the Assembly election in May 2011, the First Minister signalled a move towards a five year programme of legislation in a statement on legislative priorities made to Plenary on 14 June 2011:

A five-year legislative programme should permit greater planning and flexibility in bringing items forward so that they are fully developed and consulted upon prior to introduction.⁴

The First Minister also confirmed that, in addition to an initial statement on the Welsh Government's five year legislative programme, annual oral statements will be issued ahead of each Assembly term to provide details of the Bills that the Welsh Government will bring forward during an Assembly session:

There will continue to be an annual oral statement to the Assembly on the Government's legislative programme, with the initial statement setting out the headline items in the five-year Government programme and the detail of those Government Bills to be brought forward over the next 12 months. Subsequent annual statements will announce which Government Bills will be introduced during the course of that year.⁵

Although the current legislative programme includes a total of 21 Bills, the First Minister also stated that "there is room for further legislation" and "time available during the next five years for legislation from other parties".⁶

1.2. Draft Assembly Bills and White Papers

The legislative programme indicated that a significant number of Bills will be introduced in draft or as White Papers prior to their formal introduction.

The previous Welsh Government indicated their support for greater use of draft Bills and White Papers towards the end of the third Assembly. The then Counsel General and Leader of the Legislative Programme, John Griffiths AM, stated on 15 March 2011 that:

We accept the need to ensure earlier and more innovative stakeholder engagement, including the use of Green and White Papers, to ensure that the Welsh public can influence proposals at the policy development stage, before the decision to legislate has even been taken. When that decision has been taken, whenever possible, the Welsh Assembly Government should seek to publish draft Assembly Bills for consultation. By delivering better engagement with key stakeholders as early as possible in the development of policy and legislation, it will ensure improved, informed and potentially streamlined scrutiny at Stage 1. We also recognise the need to ensure that those affected by legislation are provided with sufficient notice, and this should be achieved by applying a two-month convention to the

³ [RoP, 15 March 2011 \[Accessed 12 July 2011\]](#)

⁴ [RoP, 14 June 2011 \[Accessed 12 July 2011\]](#)

⁵ Ibid

⁶ [RoP, 12 July 2011 \[Accessed 13 July 2011\]](#)

commencement of provisions of Assembly Acts, as happens with UK Parliament Acts. There will be exceptions to this, but only if agreed by the Counsel General.⁷

This approach echoed the following recommendations made by the National Assembly's Constitutional Affairs Committee of the third Assembly in their report on [Drafting Welsh Government Measures: Lessons from the first three years](#):

Recommendation 1: We recommend that in advance of proposing new Welsh laws, the Welsh Government should publish White Papers setting out the policy proposals that the new laws are intended to implement.

Recommendation 2: We recommend that before any new laws are proposed in future, the Government sets out very clearly in a White Paper why the new law is needed and why the policy it seeks to achieve cannot be achieved through other action.⁸

On 14 June 2011, the First Minister also indicated that the Welsh Government would bring forward more legislative proposals in draft form in order to allow greater consultation:

We will work with others in the development of policy and legislation and, where appropriate, will seek to publish draft Assembly Bills for consultation.⁹

Although the First Minister did not state that every Bill in the legislative programme would be published initially in White Paper or draft form, he stated that:

There are some bills that we anticipate being fairly straightforward. We would not anticipate a White Paper being published before such Bills are published. There will be other Bills that will need to be published in draft form because they are substantial.¹⁰

He also added subsequently that:

It is the Government's intention, where a Bill is quite complicated or complete, to introduce a draft Bill in order to allow Members and members of the public to express their views at that time. We will publish White Papers in relation to some Bills—for example, that will happen in October in relation to the organ donation Bill.¹¹

In Westminster, the UK Government sometimes publishes draft Bills to enable consultation and pre-legislative scrutiny on a specific proposal. The UK Parliament website states that:

After consultation and pre-legislative scrutiny has taken place, the Draft Bill may be introduced formally in House of Commons or the House of Lords.

⁷ [RoP, 15 March 2011 \[Accessed 12 July 2011\]](#)

⁸ [Constitutional Affairs Committee, *Inquiry into the Drafting of Welsh Government Measures: Lessons from the first three years*, February 2011 \[Accessed 14 July 2011\]](#)

⁹ Ibid

¹⁰ [RoP, 12 July 2011 \[Accessed 13 July 2011\]](#)

¹¹ [RoP, 12 July 2011 \[Accessed 13 July 2011\]](#)

Most Draft Bills are examined either by select committees in the House of Commons or in the House of Lords or by a joint committee¹² of both Houses of Parliament.¹³

A White Paper by contrast sets out the details of future policy on a particular subject that could be then used as a basis for a Bill. According to the UK Parliament's website, a White Paper "allows the Government an opportunity to gather feedback before it formally presents the policies as a Bill".¹⁴

¹² Note that the committee considering the draft Bill in the House of Commons would not necessarily be the same committee that would consider the introduced Bill at reporting stage.

¹³ [Draft Bills before Parliament: Related information , UK Parliament \[Online\], \[Accessed 14 July 2011\]](#)

¹⁴ [Glossary: White Paper, UK Parliament \[Online\], \[Accessed 14 July 2011\]](#)

2. Legislative Programme 2011 – 2012

The First Minister announced that the following Bills will be introduced during the 2011 – 2012 session.¹⁵

2.1. *Local Government (Byelaws) (Wales) Bill*

A *Local Government (Byelaws) (Wales) Bill* will reform byelaw procedures and include the removal of the Welsh Ministers' role in confirming certain proposed byelaws. The intention is to simplify the process resulting in greater responsibility and ownership for these local laws. The Bill will also provide for alternative enforcement procedures through fixed penalty notices. The aim is to facilitate enforcement through a more direct approach.

The Welsh Government's 2007 policy statement on local government, [A Shared Responsibility](#), contained a commitment to "consider and consult on potential changes to simplify the process for making local government bye-laws in Wales."¹⁶

In 2010 the Welsh Government carried out a [consultation](#)¹⁷ in order to ascertain views on a simplified process for making, confirming and enforcing byelaws. It explained that:

The cornerstone of this simplification is removing the requirement, in certain instances, for confirmation by the Welsh Ministers. This removal will give local authorities greater ownership over the whole process but will also mean that the assessment of need for a byelaw as well as the developmental process will need to be more transparent and inclusive.¹⁸

The National Assembly was granted legislative competence in the *Local Government and Public Involvement in Health Act 2007*¹⁹ regarding the procedure for the making and coming into force of byelaws and the enforcement of byelaws. However, since Part 4 of the 2006 Act is now in force, the legislative competence is now found in subject 12: Local Government in Schedule 7 to the 2006 Act.

2.2. *Local Government (Collaboration Measures) (Wales) Bill*

The Welsh Government also plans to introduce a *Local Government (Collaborative Measures) (Wales) Bill* which will facilitate the process of local authorities making joint appointments; require them to consider doing so for posts of specified seniority, and to create powers for the Auditor General for Wales to inspect and

¹⁵ An 'Assembly session' usually takes place between September and the following July.

¹⁶ [Welsh Government, A Shared Responsibility: Policy Statement on Local Government, March 2007 \[Accessed 19 July 2011\]](#)

¹⁷ [Welsh Government, Consultation on local authority byelaws in Wales - Procedures for making, confirming and enforcing byelaws, June 2010 \[Accessed 19 July 2011\]](#)

¹⁸ Ibid

¹⁹ [Local Government and Public Involvement in Health Act 2007 \(c.28\)](#)

report on compliance with this duty, and for the Welsh Ministers to intervene in cases of failure.

Collaboration between local authorities in the delivery of public services has been on the agenda since the Beecham Commission reported in 2006. More recently the [Simpson report](#) states clearly that change should be through collaboration rather than reorganisation, due to the continuing need for services to be organised locally. The Simpson Report noted that:

The Social Justice and Local Government Minister has consistently put forward his ambition to see greater collaboration between authorities. He has also been clear that replicating every function 22 times is unnecessary, duplicative and wasteful but that wholesale local government reorganisation is not an option either. Collaboration is a significant part of the answer to bridging this gap.²⁰

On 23 June Carl Sargeant AM, the Minister for Social Justice, Communities and Local Government, told the WLGA Conference:²¹

One way to make rapid progress on this[collaboration] is to appoint senior staff jointly. Again, the case for this can be overwhelming. It makes the most of scarce expertise. It saves money, and is a powerful statement of your commitment to working together for service improvement. Most importantly, it can significantly stimulate wider collaboration and service integration across geographical and organisational boundaries.

I am tired of hearing the arguments against joint appointments. They are often no more than a defence of the status quo: a wish to have your own chief executive, director of education or whatever for its own sake. In the last year at least 5 local authorities have lost a Chief Executive and not one has made a joint appointment. That makes no sense at all. I have not been asking you to sack Chief Executives, just to make joint appointments when a vacancy occurs. Let's get real. If every local authority shared its senior officers with just one of its neighbours the saving would be £6 million each year. That is the equivalent of 500 teaching assistants. When you are writing your manifestos for next year will you be promising to keep exclusive use of a Chief Executive or will you be promising better education and better social services?

Joint appointments – and mergers of whole services – are already happening in England, from large London boroughs to small rural districts. If they can do it, so can you. I am expecting much more progress in this area. If I do not see it I will seek to legislate to provide more directive options to force the pace.

However, on 7 July Conwy County Borough Council voted against appointing a joint chief executive when a vacancy occurred.²²

²⁰ [Joe Simpson, *Local, Regional, National? What services are best delivered where? Report to Carl Sargeant AM, Minister for Social Justice and Local Government, March 2011* \[Accessed 19 July 2011\]](#)

²¹ [Speech by Carl Sargeant AM, Minister for Local Government, Communities and Social Justice, to the WLGA Conference 2011, *Wales Home* \[Online\], 22 June 2011 \[Accessed 19 July 2011\]](#)

²² [BBC News, *Conwy Council votes against sharing Chief Executive, 7 July 2007* \[Accessed 19 July 2011\]](#)

2.3. *Wales Audit Office Bill*

The Welsh Government intends to bring forward a *draft Wales Audit Office Bill* after the summer recess which will “strengthen the governance and accountability arrangements of the Wales Audit Office, without restricting the Auditor General’s crucial independence to examine whatever subjects he chooses”. Provisions in the Bill:

- will establish the Wales Audit Office (WAO) as a body corporate with a majority of non-executive members appointed by public appointments procedures, including pre-appointment hearings in the Assembly; and
- set out the relationship between the Wales Audit Office and the Auditor General Wales who will become the Accounting Officer for the WAO.

The Auditor General Wales, whose terms and conditions of service will be set by the Assembly on the recommendation of the Public Accounts Committee independent of the Welsh Government, will become the Chief Executive Officer of the WAO.

Welsh Labour’s manifesto stated:

Welsh Labour believes that scrutiny bodies themselves should also be accountable, we will therefore use our new powers to legislate for the Auditor General for Wales and the Wales Audit Office to be made accountable to the National Assembly for Wales.²³

The *Constitutional Reform and Governance Bill*²⁴, announced in the 2009 - 10 Queen’s Speech, included provisions to put new governance systems in place in respect of the audit regime in the UK which had been requested by the Public Accounts Commission. These clauses were included at the request of the [Public Accounts Commission](#) which published its report on the corporate governance arrangements of the National Audit Office (NAO) in March 2008,²⁵ following a review of the NAO’s corporate services.

The UK Government also put down an amendment to the Bill which would have granted Measure-making powers to the Assembly in respect of the Auditor General for Wales.²⁶ Although the amendment was agreed and the new clause added to the Bill on 4 November 2009, it and the UK clauses, were subsequently removed from the Bill following “wash-up” discussions between parties ahead of dissolution on 12 April 2010. The subsequent Act did not therefore confer

²³ [Welsh Labour party, *Welsh Labour Manifesto 2011 Standing up for Wales*, pp23-24 \[Accessed 19 July 2011\]](#)

²⁴ [Constitutional Reform and Governance Bill](#)

²⁵ [HC Public Accounts Commission, *Fifteenth Report: Corporate Governance of the National Audit Office: Response to John Tiner's Review*, 4 March 2008](#)

²⁶ [Welsh Government, *Constitutional Reform and Governance Bill: Welsh Assembly Government Memorandum on Framework powers conferring Legislative Competence on the National Assembly for Wales*, October 2009.](#)

legislative competence to the National Assembly in respect of Audit. However, the Assembly is now able to legislate as it has powers under subject 14: Public Administration, in Schedule 7 to the *Government of Wales Act 2006*.

In 2009, the Assembly's Public Accounts Committee planned to launch an inquiry into governance arrangements at the Wales Audit Office. However, this was deferred following the former Auditor General's decision to commission his own International Peer Review. This found that there was scope to strengthen and enhance the governance arrangements but its findings were ultimately inconclusive in terms of how this improvement should be made. A 2011 Report by the committee explained the current position and the case for change:

Under the Act, the office of Auditor General for Wales is a "corporation sole". The Wales Audit Office consists of the Auditor General and his/her staff but it is not a body corporate and unlike, say, a health body or an Assembly Government sponsored body does not have an appointed board. In the case of the Wales Audit Office, all of the functions are vested in the Auditor General who is charged with the governance of his office.

This arrangement reflects the well-established fact that audit judgements are best made by an individual rather than a board and that that individual is best placed to decide on how an individual audit assignment should be resourced and executed. Other bodies such as the Ombudsman, Children's Commissioner and Older People's Commissioner are similarly established as corporations" sole for similar reasons.

We fully agree that the Auditor General must be unfettered as to the exercise of his or her statutory functions so that audit judgements are and are seen to be independent and objective. However, recent events have shown that abuse of that position can have disastrous consequences. We therefore conclude that the governance arrangements for the Wales Audit Office and its accountability to the Assembly need to be strengthened.²⁷

2.4. *Schools and Standards (Wales) Bill*

The first education Bill to be brought forward by the Welsh Government during the fourth Assembly will be the *Schools and Standards (Wales) Bill* which is due to be introduced in the early part of 2012. According to the First Minister, the Bill aims to "put in place actions to drive up school improvement".²⁸ In doing so, the Bill will:

- change the way in which schools are organised:
- put in place actions to drive up school improvement;
- make provision for statutory "Welsh in Education Strategic Plans"; and
- streamline the payment of certain grants to Local Authorities.²⁹

²⁷ [Public Accounts Committee, *Accounting, governance and propriety issues at the Wales Audit Office*, March 2011 \[Accessed 19 July 2011\]](#)

²⁸ [RoP, 12 July 2011 \[Accessed 13 July 2011\]](#)

²⁹ [Legislative Programme 2011-2012, *Welsh Government* \[Online\], \[Accessed 13 July 2011\]](#)

School reorganisation

The First Minister stated that the Bill would “make changes to the process of reorganising schools”.³⁰ These changes will be based on the Welsh Government’s consultation, entitled [Consultation on School organisation - Potential change to the process](#), which closed on 18 February 2011. An overview of the consultation document states that:

The Welsh Ministers are considering making changes to the legal processes needed in order to make changes to schools. The Welsh Ministers consider that any changes should help to streamline the process and ensure that most decisions about school organisation are made in the local area.³¹

Welsh in Education Strategic Plans

Placing “Welsh in Education Strategic Plans” on a statutory basis was a commitment included in Welsh Labour’s manifesto which stated that:

We recognise the need to expand Welsh medium provision so that as many people as possible have the opportunity to learn through the language of their choice we will:

- Build on existing Labour achievements such as the expansion of Welsh medium early years provision and we will deliver the Welsh Medium Education Strategy over the course of the next Assembly;
- Put ‘Welsh in Education Strategic Plans’ on a statutory basis.³²

The previous Welsh Government’s [Welsh-medium Education Strategy](#) was published in April 2010. Strategic aim 1 of the strategy states that:

Local authorities will be expected to agree targets for Welsh-medium education, to be submitted as part of their Welsh in Education Strategic Plans to DCELLS³³ for annual monitoring from 2011.³⁴

2.5. Food Hygiene Rating Scheme (Display of Information) (Wales) Bill

The *Food Hygiene Rating Scheme (Display of Information) (Wales) Bill* will be introduced in 2012 following the introduction of a draft Bill in December 2011.

According to the First Minister, the Bill:

Will allow the Welsh Government to make mandatory arrangements for a simple public health measure to give consumers easily understood at-a-glance information on the hygiene standards of a food business so they can make better informed choices about where they eat or shop.³⁵

³⁰ RoP, 12 July 2011 [Accessed 13 July 2011]

³¹ Welsh Government, [School organisation –potential change to the process: Consultation document, 26 November 2010](#) [Accessed 13 July 2011]

³² Welsh Labour Party, [Welsh Labour Manifesto 2011 Standing up for Wales, p. 36](#) [Accessed 19 July 2011]

³³ DCELLS (the then Welsh Government’s Department for Children, Education, Lifelong Learning and Skills) was recently renamed the Department for Education and Skills (DFES)

³⁴ Welsh Government, [Welsh-medium Education Strategy, April 2010, page 22](#) [Accessed 13 July 2011]

³⁵ RoP, 12 July 2011 [Accessed 13 July 2011]

The First Minister also stated that the Bill would build on the Food Standards Agency's current [Food Hygiene Rating Scheme](#), which helps consumers choose where to eat out or shop for food by giving them information about the hygiene standards in restaurants, cafés, takeaways, hotels and food shops. These schemes are currently voluntary in England, Northern Ireland and Wales (Scotland has a separate voluntary Food Hygiene Information Scheme).

Food safety is a particularly emotive subject in Wales following the E-coli outbreak in south Wales in September 2005 which led to the admission of 31 people to hospital and the tragic death of five year old Mason Jones. A [public inquiry](#) into the outbreak, chaired by Professor Hugh Pennington, was subsequently held between 2006 and 2009. The inquiry's [report](#) was published on 19 March 2009.

Calls for the display of hygiene ratings to be mandatory in Wales have previously been made by Consumer Focus Wales in their second annual report on [Protecting Consumers from E-coli O157](#), published in March 2011. The report states that:

Wales is well placed to be the first country in the UK to make display of hygiene ratings mandatory. All 22 Welsh local authorities have committed to take part in the scheme, while many in England and Scotland have not yet signed up. We have taken legal advice which states that, as a result of the referendum on 3 March, the National Assembly for Wales now has the power to change the law to make display mandatory.

The Welsh Assembly Government should introduce an Act of the Assembly to require food businesses to display hygiene ratings on business premises.³⁶

³⁶ [Consumer Focus Wales, *Protecting Consumers from E.coli O157: second annual progress report \(summary version\)*, March 2011 \[Accessed 13 July 2011\]](#)

3. Environment, Sustainability and Planning

In introducing the legislative programme, the First Minister stated that:

Sustainability lies at the heart of the Welsh Government's agenda for Wales and it lies too at the heart of this legislative programme. ... This legislative programme provides new powers, duties and institutional capacity to advance our goals of building a sustainable Wales.³⁷

The legislative programme includes five Bills which relate specifically to environment, planning and sustainability issues. Details about each Bill are included below.

Details of additional legislative proposals relating to fisheries that were not included in the legislative programme announced on 12 July 2011 was provided by the Deputy Minister for Agriculture, Food, Fisheries and European Programmes, Alun Davies AM, in his evidence to a meeting of the Environment and Sustainability Committee on 19 July 2011:

At present, my priority is to protect and to enhance the sustainability of the Welsh inshore fleet. I have met officials and I have asked them to draft legislation that will enable us to do that in the next few months. I intend to legislate to ensure that the Welsh inshore fisheries are protected and are managed in a sustainable fashion. To that end, I will be seeking the Assembly's consent to ban vessels over 12m in the Welsh inshore fisheries over the next year. I will then seek further legislative consent to bring that ban down to 11m in order to protect the fisheries that we have. That is my intention on the legislative front in response to some of those issues.³⁸

The Deputy Minister also stated his intention to introduce other pieces of legislation in relation to Welsh fisheries over the course of the current five year term:

You will also be aware that I announced, some weeks ago, that I would be carrying forward a review of the entire legislative framework governing the Welsh fisheries zone. At present, there are 200 individual pieces of legislation that govern the use of the Welsh zone. This is too complex. It is very difficult for the industry and the regulators; so, we are looking at the consolidation of that legislation. Further pieces of legislation will be brought to the Assembly when we are in a position to do so. I expect this process to take between three and four years. Therefore, it will be an ongoing process over the coming period.³⁹

He added:

We will create a streamlined legislative framework within the Welsh zone; we will protect the inshore fisheries in Wales through legislation this year; and we will then seek to structure and to work with the industry to ensure that it has the structures that enable it to bring its catch to the market.⁴⁰

³⁷ [RoP, 12 July 2011 \[Accessed 13 July 2011\]](#)

³⁸ RoP, *Environment and Sustainability Committee*, 19 July 2011

³⁹ Ibid

⁴⁰ Ibid

3.1. *Highways and Transport (Wales) Bill*

According to the First Minister, the *Highways and Transport (Wales) Bill* will be a “short Bill that will legislate to put a duty on Local Authorities to provide and maintain cycle paths in key areas”.⁴¹ He added that:

The Bill is intended to make walking and cycling a more practical and enjoyable option for people in Wales. Benefits from this will include the promotion of sustainable travel, and the resultant reduction in carbon emissions and improvement in air quality; the health benefits of a more active nation and economic benefits from recreation, tourism, and to the wider rural economy.⁴²

The First Minister also stated that that this Bill would be brought forward “within the next two years”.⁴³

The provisions which will be included in this Bill reflect the following commitment made by Welsh Labour in their manifesto:

Under Welsh Labour there has been a significant investment in cycle routes and other opportunities to improve movement away from cars, for recreation and health and well-being. We will build on this and embed future needs by:

- Legislating to place a duty to provide cycle routes in key areas.⁴⁴

The Welsh Government currently supports a number of initiatives and organisations relating to cycle routes. These include [Safe Routes in Communities](#), and numerous trunk road improvement and transport grant schemes that provide new walking and cycling infrastructure.

The previous Welsh Government also launched a [Walking and Cycling Action Plan 2009-2013](#) in December 2008 which aimed to:

- improve the health and well-being of Wales through increased physical activity;
- improve the local environment for walkers and cyclists;
- encourage sustainable travel to combat climate change;
- increase levels of walking and cycling through promotion of facilities; and
- ensure that walking and cycling are prioritised in policies, guidance and funding.⁴⁵

The issue of the provision of traffic free paths was also the basis of a Committee proposed Legislative Competence Order during the third Assembly which was

⁴¹ Ibid

⁴² Ibid

⁴³ Ibid

⁴⁴ [Welsh Labour Party, *Welsh Labour Manifesto 2011 Standing up for Wales*, p 97 \[Accessed 19 July 2011\]](#)

⁴⁵ [Walking and Cycling Action Plan 2009 - 2013, *Welsh Government* \[Online\], \[Accessed 13 July 2011\]](#)

originally submitted as a petition by [Sustrans Cymru](#). It called on the National Assembly:

... to seek powers to place a duty on the Assembly Government to develop and maintain a network of traffic free shared use paths for walkers, cyclists and disabled people across Wales.⁴⁶

The proposed Legislative Competence Order however fell following the referendum on 3 March 2011, as the powers in relation to the development of traffic free paths was considered to be within the National Assembly's legislative competence as outlined in the 20 Subjects of Schedule 7 to the 2006 Act.

3.2. *Planning Bill*

In announcing the *Planning Bill*, the First Minister told Members that “we cannot underestimate the importance of planning for sustainable economic renewal”.⁴⁷ He stated that the Bill as a result will include provisions to consolidate existing planning legislation, in order to make planning in Wales “more transparent and accessible”.⁴⁸ This, according to the First Minister, will provide an opportunity to “reconsider roles and responsibilities” in order to ensure “a planning system that can help deliver economic renewal”.⁴⁹

The First Minister announced that a White Paper on the content of the Bill will be introduced towards the end of 2012 to allow for consultation and discussion prior to the Bill's formal introduction in 2014.

These proposals will put into effect the commitment in the Welsh Labour's manifesto to “pursue opportunities for consolidating law in areas that are clearly overdue for an overhaul—planning law being an obvious example”.⁵⁰

The [Sustainability Committee](#) of the Third Assembly produced a report on the planning policy system in Wales and recommended that a separate Planning Act for Wales should be developed. The Committee's report stated:

Whilst there was widespread support for the current plan-led system, we believe that there is now a need for a new Planning Act for Wales. This would still provide the framework of a planning system that is based around a plan-led approach, but would consolidate the existing planning legislation and recognise the distinctive needs of a system for Wales.

We recommend that [...] the Welsh Government should bring forward an Assembly Act to consolidate existing land use planning legislation and make it distinct to meet the needs of Wales.⁵¹

⁴⁶ [P-03-077, SUSTRANS: Call on the Welsh Assembly Government to develop and maintain a network of traffic free shared use paths, 17 October 2007 \[Accessed 13 July 2011\]](#)

⁴⁷ [RoP, 12 July 2011 \[Accessed 13 July 2011\]](#)

⁴⁸ *Ibid*

⁴⁹ *Ibid*

⁵⁰ [RoP, 14 June 2011 \[Accessed 12 July 2011\]](#)

3.3. *Heritage Bill*

The *Heritage Bill*, which will be introduced during the fourth year of the legislative programme, aims to streamline and modernise the current wide range of controls available to help protect historic assets in Wales. The Bill as a result aims to be:

... more fitting to modern day issues, which reduces bureaucracy and is specifically geared to the needs of Wales. There is scope to encourage a more positive, engaged approach with owners and specific interest groups, while at the same time addressing issues associated with neglectful owners who might leave aspects of our heritage to deteriorate and decay.⁵²

The Bill will also “provide a clear and simple system which not only protects our heritage, but is also easy to understand by owners”.⁵³

The First Minister also stated his wish to “have a full discussion with a wide range of interested parties” before introducing the Bill in order “to refine initial ideas – [and] perhaps attract new ones”.⁵⁴

The corresponding commitment in the Welsh Labour’s manifesto stated a wish to “introduce a *Heritage Preservation Bill* to strengthen the protection of listed buildings in Wales”.⁵⁵

Similar proposals were included in the [*draft Heritage Protection Bill*](#), which was introduced by the UK Labour Government on 2 April 2008. This followed the publication of a White Paper, [*Heritage Protection for the 21st Century*](#), which was published jointly by the Department for Culture, Media and Sport and the Welsh Government on 8 March 2007.

Information about the draft Bill, and its impact on Wales, was provided at the time by [CADW](#):

The aim of the draft Bill is to establish a unified heritage protection system that is easier to understand than the current separate systems of listing buildings, scheduling ancient monuments, designating wrecks and registering historic parks, gardens and landscapes. It also aims to be more efficient, accountable and transparent, with improved opportunity for public involvement. Although jointly made with England, the provisions allow for different Welsh circumstances and practice.⁵⁶

It was expected that the Bill would be formally introduced by the UK Government during 2008 and 2009 but parliamentary time was not found. No reference was made to the Bill in the [*Coalition Agreement*](#) between the Conservatives and Liberal Democrats and it was not included in the Queen's Speech on 25 May 2010.

⁵¹ [Sustainability Committee, *Sustainability Committee: Inquiry into Planning in Wales*, January 2011, page 51 \[Accessed 17 July 2011\]](#)

⁵² [RoP, 12 July 2011 \[Accessed 13 July 2011\]](#)

⁵³ [Ibid](#)

⁵⁴ [Ibid](#)

⁵⁵ [Welsh Labour Party, *Welsh Labour Manifesto 2011 Standing up for Wales*, p 104 \[Accessed 19 July 2011\]](#)

⁵⁶ [Publication of Draft Bill, CADW \[Online\] \[Accessed 14 July 2011\]](#)

3.4. Sustainable Development Bill

The First Minister announced that this Bill would be introduced during the fourth Assembly but did not provide a specific introduction date and did not state whether its formal introduction will be preceded by a draft Bill or a White Paper.

The Bill aims to “set Wales apart as a sustainable nation”⁵⁷ by:

- embedding sustainable development as “the central organising principle in all ... actions across Government and all public bodies”;⁵⁸ and by
- providing for the establishment of a new independent body “to continue the legacy of the [UK] Sustainable Development Commission in a way that best reflects Welsh interests and needs”.⁵⁹

These aims reflect the following commitments made by Welsh Labour in their manifesto:

Welsh Labour will:

- Legislate to embed sustainable development as the central organising principle in all our actions across government and all public bodies.
- Legislate to put in place a new independent sustainable development body for Wales, following the Tory-led UK Government’s decision to scrap the Sustainable Development Commission.⁶⁰

The UK [Sustainable Development Commission](#) (“SDC”) was abolished on 31 March 2011 after the Conservative-Liberal Democrat UK Government withdrew its funding.⁶¹

On 22 July 2010, the then Minister for Environment, Sustainability and Housing, Jane Davidson AM, expressed disappointment at the announcement about the future of the SDC.⁶² In a subsequent statement on 1 March 2011, the Minister stated that:

We in Wales have always valued the work done by the SDC, and the SDC has made an important contribution to our sustainable development agenda.⁶³

3.5. Environment Bill

This Bill, to be introduced at an unspecified time during the fourth Assembly, aims to reinforce the Welsh Government’s broad aim of ensuring “that Wales has

⁵⁷ Ibid

⁵⁸ Ibid

⁵⁹ Ibid

⁶⁰ [Welsh Labour Party, *Welsh Labour Manifesto 2011 Standing up for Wales*, p 92 \[Accessed 19 July 2011\]](#)

⁶¹ See [Department for Environment, Food and Rural Affairs, *Defra announces changes to arm’s length bodies*, 22 July 2010 \[Accessed 13 July 2011\]](#)

⁶² [Welsh Government, *Written Statement: Sustainable Development Scheme*, 22 July 2010 \[Accessed 13 July 2011\]](#)

⁶³ [Welsh Government, *Written Statement: Commissioner for Sustainable Futures*, 1 March 2011 \[Accessed 13 July 2011\]](#)

increasingly resilient and diverse ecosystems that deliver economic, environmental and social benefits”.⁶⁴ The First Minister did not state whether a draft Bill or a White Paper would be brought forward ahead of its formal introduction.

The First Minister stated that the Bill will:

- enhance “environmental protection and deliver ecological gains whilst easing the regulatory burden”;⁶⁵ and
- set out “the amount of land to be used for allotments”, ensuring “a minimum standard across Wales”.⁶⁶

The First Minister also stated that the content of the Bill would “evolve from the on-going *Living Wales* development work over the next 12 to 18 months”.⁶⁷

This approach reaffirms commitments made in the Welsh Labour manifesto which promises to “reassess the principles which underpin ‘A Living Wales’” and to “look at the environment as a whole and act to secure a more integrated approach to managing the natural environment that improves the health of ecosystems”.⁶⁸

A Natural Environment Framework - A Living Wales was launched in September 2010 by the previous Welsh Government. A **consultation** on the new framework was held between 15 September 2010 and 31 December 2010 and an overview of the then Welsh Government’s approach was included in the accompanying **consultation document**:

We are developing a Natural Environment Framework (NEF). This will have a stronger focus on sustainable land and marine management in Wales and it will adopt an ecosystems approach.

This consultation sets out the principles against which we will together develop this new approach and invites input to help to design how the new approach will be made operational.⁶⁹

In his most recent statement on the development of the Natural Environment Framework, the Minister for Environment and Sustainable Development, John Griffiths AM, stated the main changes that will be brought about by the Framework are:

- A focus on the value of the environment as a whole, delivering positive environmental, social and economic outcomes;
- Opportunities for wider public involvement;

⁶⁴ [RoP, 12 July 2011 \[Accessed 13 July 2011\]](#)

⁶⁵ [Ibid](#)

⁶⁶ [Ibid](#)

⁶⁷ [Ibid](#)

⁶⁸ [Welsh Labour Party, *Welsh Labour Manifesto 2011 Standing up for Wales*, p 94 \[Accessed 19 July 2011\]](#)

⁶⁹ [Welsh Government, *Consultation document: A Living Wales – a new framework for our environment, our countryside and our seas*, 15 September 2011 \[Accessed 13 July 2011\]](#)

- A positive approach for landowners, farmers, fisheries, forestry, developers and regulated industries to reflect the common goal of sustainable development, delivering positive environmental change, not just conserving what we have;
- Changes in the way we deliver policy, make decisions and regulate the environment, to ensure our communities and neighbourhoods have the highest possible standards of health and wellbeing; and
- Ensuring the public bodies, charged with protecting and enhancing the environment are equipped to deliver the new approach.⁷⁰

The work of the Natural Environment Framework includes consideration of the structure and format of the environmental delivery bodies in Wales. They are the [Countryside Council for Wales](#), [Environment Agency Wales](#) and [Forestry Commission Wales](#).

Provision of allotments

A commitment to legislate in relation to the provision of allotments was included in Welsh Labour's manifesto:

Welsh Labour recognises that one effective way for local communities to become more sustainable and healthier is through the provision of local allotments. Yet in many parts of Wales the demand for allotments is not met by supply. Welsh Labour will therefore:

- Legislate on the amount of land to be used for allotments.⁷¹

The issue of allotment provision was also the subject of an inquiry by the [Sustainability Committee](#) during the third Assembly. Their [report](#), published on 15 July 2010, made the following recommendations:

Recommendation 2. The Committee recommends that a standard is established for allotment waiting lists across Local Authorities, to ensure the information which is captured in this area is consistent.

Recommendation 3. The Committee recommends that the Welsh Government carries out a thorough review of the existing legislation, to establish what is relevant and what needs to be updated.

Recommendation 4. The Committee recommends that, following the review of legislation, the Welsh Government seeks the necessary legislative competence to bring forward new legislation for allotments, which includes a time limit for Local Authorities to consider written requests for new sites.⁷²

In response, the Welsh Government agreed to accept all of the three recommendations listed, stating that:

⁷⁰ [Welsh Government, *Written Statement: The Natural Environment Framework 'A Living Wales'*, 15 June 2011 \[Accessed 17 July 2011\]](#)

⁷¹ [Welsh Labour Party, *Welsh Labour Manifesto 2011 Standing up for Wales*, p 96 \[Accessed 19 July 2011\]](#)

⁷² [Sustainability Committee, *Allotment provision in Wales*, 15 July 2010, page 7 \[Accessed 13 July 2011\]](#)

The Welsh Assembly Government agrees with the principle of seeking to confer additional powers on Welsh Ministers [in relation to allotments] and/or amending the Allotments Acts as they apply to Wales.⁷³

⁷³ [Welsh Government, *Written response to the Sustainability Committee's report on Allotment Provision in Wales*, October 2010 \[Accessed 13 July 2011\]](#)

4. Health and Social Care

4.1. *Organ Donation (Wales) Bill*

The First Minister announced that the Welsh Government would be introducing a White Paper on an *Organ Donation (Wales) Bill* before the end of 2011, but did not provide a formal introduction date for the Bill itself.

According to the First Minister, the Bill will “provide for an opt-out system of organ donation, backed up by a comprehensive communication programme”.⁷⁴

A commitment to bring forward such a Bill during the fourth Assembly was included in Welsh Labour’s manifesto:

We will introduce an Assembly Bill in order to move to an ‘opt out’ system of donation, backed up by a comprehensive communication programme. The key benefit would be an increase in the number of organ donors in Wales and the result that a number of lives will be saved and the quality of lives of many more improved.⁷⁵

The issue of presumed consent for organ donation was widely debated during the third Assembly. The [Health, Well-being and Local Government Committee](#) of the third Assembly conducted an [inquiry into presumed consent for organ donation](#) in 2008 and published a [report](#) of its findings and recommendations in July 2008. The Committee made the following recommendations specifically in relation to presumed consent:

Recommendation 12: We⁷⁶ recommend that the Assembly should not at this stage seek a Legislative Competence Order, to allow the introduction of a system of presumed consent in Wales.⁷⁷

Recommendation 6: We recommend that in any future detailed consideration of legislation to introduce presumed consent in Wales or in the UK a “soft” system should be used, where loved ones are consulted and their views taken into account.⁷⁸

In a written response to the Committee’s recommendation, the then Minister for Health and Social Services, Edwina Hart AM, stated that:

The Assembly Government considers that the Committee’s report does not reflect adequately the evidence it received on the strength of opinion in relation to presumed consent nor does the report acknowledge some of the actions already announced in relation to organ donation and transplantation by the Welsh Assembly Government.⁷⁹

⁷⁴ [RoP, 12 July 2011 \[Accessed 13 July 2011\]](#)

⁷⁵ [Welsh Labour Party, *Welsh Labour Manifesto 2011 Standing up for Wales*, p 53 \[Accessed 19 July 2011\]](#)

⁷⁶ This was the majority view on the Committee supported by Jonathan Morgan AM, Lorraine Barrett AM, Irene James AM, Ann Jones AM, Val Lloyd AM and Nick Ramsay AM. A minority view, supported by Helen Mary Jones AM, Dai Lloyd AM and Jenny Randerson AM is available at section 10.4 of the committee’s report.

⁷⁷ [Health, Well-being and Local Government Committee, *Inquiry into Presumed Consent for Organ Donation*, July 2008, Section 10.3 \[Accessed 14 July 2011\]](#)

⁷⁸ *Ibid*, Section 6.17

⁷⁹ [Welsh Government, *Written Response to the Health, Wellbeing and Local Government Committee Inquiry into Presumed Consent for Organ Donation by Edwina Hart, the Minister for Health and Social Care*, September 2008 \[Accessed 14 July 2011\]](#)

Between October 2008 and January 2009 the Minister initiated a public debate to capture opinion on whether Wales should become the first UK country to introduce an opt-out system. The Welsh Government then launched a public consultation on the issue, entitled [Options for Changes to the Organ Donation System in Wales](#), in May 2009 and published a [consultation report](#) based on submissions received in September 2009. The report stated that “the majority of responses supported a change to the organ donation consent system in Wales to a soft opt-out system”.⁸⁰

On 18 December 2009, the Minister made a [Written Cabinet Statement on Organ Donation in Wales](#). In a subsequent statement on the [Welsh Government’s 2010-2011 Legislative Programme](#), the First Minister confirmed his intention to seek the necessary legislative powers in relation to organ donation through a Legislative Competence Order.

The proposed [The National Assembly for Wales \(Legislative Competence\) \(Health and Health Services\) Order 2011](#) (“the proposed Order”), which sought to transfer legislative powers in relation to organ donation from Westminster to the National Assembly, was introduced by the Welsh Government on 10 January 2011. The Explanatory Memorandum which accompanied the proposed Order stated that:

Legislative competence is requested to provide for changes to the system of consent to cadaveric organ and tissue donation for the purposes of transplantation.⁸¹

At the time of the proposed Order’s introduction, concerns were raised by the UK Government’s Attorney General about whether the use of such powers by the National Assembly would raise issues relating to human rights, which are not devolved.⁸² The then Minister for Health and Social Services told Members in Plenary on 13 January 2011 that:

Members will wish to be aware that we have not yet received confirmation from the Attorney General that the proposed Order is within the scope of Schedule 5 to the Government of Wales Act 2006. I apologise to opposition spokespeople that I have just been informed that we were sent an e-mail by the Wales Office at 2.16 p.m. today, which contained details of the UK Government’s concerns.⁸³

Under questioning in a subsequent evidence session to Legislation Committee No.1 on 20 January 2010, the Minister gave an update on the discussions that took place between the UK and Welsh Governments in relation to the proposed

⁸⁰ [Welsh Government, Options for changes to the organ donation system in Wales: Consultation report, September 2009 \[Accessed 14 July 2011\]](#)

⁸¹ [Welsh Government, Memorandum from the Minister for Health and Social Services: The National Assembly for Wales \(Legislative Competence\) \(Health and Health Services\) Order 2011, January 2011 \[Accessed 14 July 2011\]](#)

⁸² [BBC News, Wales’ opt-out organ donor bid ‘may not be legal’, 11 January 2011 \[Accessed 14 July 2011\]](#)

⁸³ [RoP, 13 January 2011 \[Accessed 14 July 2011\]](#)

Order and confirmed that powers in relation to organ donation would be within the scope of the current devolutionary settlement:

Andrew Davies: You mentioned, Minister, that you had had discussions with the Secretary of State for Health, Andrew Lansley. Presumably, the Wales Office would have been informed of those, although, clearly, the Secretary of State has problems with memory loss at the moment. What was the response of the Department of Health at the time? Did it raise any issues regarding the powers of the Assembly, for example, that, in the Attorney-General's judgment, this exceeded what is possible in Schedule 5 to the Government of Wales Act 2006?

Edwina Hart: When I indicated that I had spoken to Andrew Lansley, it was when he was down here on another visit. I made a passing reference to the proposed legislative competence Order, but I did not have a detailed discussion with him, because this is a devolved matter and we are perfectly lawful in how we intend to go ahead with it. I am not aware that the Department of Health raised any concerns whatsoever when the sign-off occurred within the UK Government.

Mr Davies: That is right, and during the process of discussing the LCO proposal with the Department of Health and the Wales Office, no concerns were raised directly about whether or not it was possible to have a matter inserted into Schedule 5 about consent to organ donation. That concern emerged quite late, not that long before the proposed LCO was published.

Andrew Davies: Minister, the legal advice that you have had from the legal services department is clear: you have the powers.

Edwina Hart: Yes, I have the powers through this procedure and I will have the powers if there is a successful 'yes' vote in the referendum.⁸⁴

The proposed Order was considered by Legislation Committee No.1 who published a [report](#) on 4 February 2011 which recommended that "legislative competence in the areas identified within the proposed Order should be conferred on the National Assembly".⁸⁵ The report also called on the Minister to develop "a public education programme as part of the development of the legislation that will arise from this proposed Order".⁸⁶

Following the Yes vote in the referendum on further powers to the National Assembly on 3 March 2011, the proposed Order was withdrawn by the Welsh Government.

⁸⁴ [RoP, 13 January 2011 \[Accessed 14 July 2011\]](#)

⁸⁵ [Legislation Committee No.1, Report on the proposed The National Assembly for Wales \(Legislative Competence\) \(Health and Health Services\) Order 2011, February 2011, page 5 \[Accessed 14 July 2011\]](#)

⁸⁶ *Ibid*

4.2. *Social Services (Wales) Bill*

The First Minister stated that this Bill would provide “for the first time, a coherent Welsh legal framework for social services”.⁸⁷ In particular, the Bill will “set the legal framework and infrastructure to transform services to meet changing social expectations and changing demography”.⁸⁸

This reflects the following commitment contained in Welsh Labour’s manifesto:

Using our new legislative powers we will introduce a Social Services Act to simplify the web of legislation that currently regulates social care in Wales in order to make access to services much easier and more understandable to those who need them. This will be based on a thorough review of the current legislative and regulatory framework for social work and social care services.

Legislate for national eligibility criteria for access to all social care services.⁸⁹

The First Minister also informed Members that the Bill would build on the commitments made in [Sustainable Social Services for Wales: A Framework for Action](#) published on 17 February 2011 by the then Deputy Minister for Social Services, Gwenda Thomas AM.

The accompanying summary document states that the Welsh Government intends to “focus on a limited number of high level ‘game changing’ actions”⁹⁰ to drive the strategic changes required. These are:

- The Welsh Assembly Government will take greater responsibility for driving the direction of services. We will put in place more coherent and focussed improvement arrangements, with robust arrangements for accountability for delivery within a new framework of strong national outcomes.
- We will ensure that everything is not done 22 times and that we use the capacity we have in a more efficient and effective way.
- We will ensure that service users and carers have a much stronger voice and greater control over the services they use.
- We will ensure that the workforce is more confident and is supported in applying its own professional judgement, using evidence of what works as professionals instead of an over-reliance on government guidance.
- We will prioritise integrated services, in particular for families with complex needs; looked after children; transition to adulthood; and frail older people - thereby capitalising on the benefits of our unique Welsh approach of integrated, family-based services.

⁸⁷ [RoP, 12 July 2011 \[Accessed 13 July 2011\]](#)

⁸⁸ [Ibid](#)

⁸⁹ [Welsh Labour Party, *Welsh Labour Manifesto 2011 Standing up for Wales*, p 57 \[Accessed 19 July 2011\]](#)

⁹⁰ [Welsh Government, *Sustainable Social Services for Wales: A Framework for Action: A Summary*, February 2011 \[Accessed 14 July 2011\]](#)

- We will galvanise the strength that comes from social services being at the heart of local government, drawing on its community leadership duties and wide range of services to deliver preventive services.
- We will be clearer that providers and commissioners of services are accountable for quality and safety, and for driving improvement in a more coherent way - thereby allowing an overall reduction in the burden of guidance, regulation and inspection.⁹¹

The document also stated that the Welsh Government would “seek further statutory powers”⁹² in order to ensure that such actions were delivered.

The [Law Commission for England and Wales](#) published a [report](#) in May 2011 on a review of adult social care legislation in which it recommended the simplification of the existing ‘patchwork’ of legislation in separate statutes for England and Wales.

The Commission recommended that there should be separate statutes for social care in England and Wales and that, in view of the new powers introduced under Part 4 of the 2006 Act, “this should be implemented by an Act of the National Assembly for Wales”⁹³.

The Commission also recommended that a new social care statute should establish an overarching purpose for adult social care of promoting or contributing to the well-being of the individual. Local authorities should have a general duty to meet the needs of the wider local community and a duty to provide more targeted help, through the assessment process, to those with specific needs.

The Welsh Government may also use the Bill as an opportunity to put into legislation in Wales recommendations made by the [Dilnot Report](#) in July 2011 on fairer care funding in England.

On 4 July 2011, the Deputy Minister for Children and Social Services welcomed the Dilnot report, stating that the Welsh Government’s Bill:

... could provide an opportunity to legislate in Wales on any relevant elements arising from the Dilnot report, if the Welsh Government so chose.⁹⁴

The First Minister stated that the Welsh Government would consult on the content of the Bill from the winter onwards “with a view to introducing it in October 2012”.⁹⁵

⁹¹ [Welsh Government, *Sustainable Social Services for Wales: A Framework for Action: A Summary*, February 2011, \[Accessed 14 July 2011\]](#)

⁹² [Ibid](#)

⁹³ [Ibid](#), Recommendation 1, paragraph 3.10

⁹⁴ [Welsh Government, *Written Statement: Wales welcomes Dilnot report*, 4 July 2011 \[Accessed 19 July 2011\]](#)

⁹⁵ [RoP](#), 12 July 2011 [Accessed 13 July 2011]

4.3. *Public Health (Wales) Bill*

The First Minister announced plans to consult on a *Public Health (Wales) Bill* sometime in 2012 but did not state whether consultation will take the form of a White Paper or a draft Bill. No formal introduction date for the Bill was provided.

In preparation for the introduction of the Bill, the First Minister told Members that the Welsh Government “will be considering further the legislative basis for delivering improved life expectancy, well-being and reducing health inequality in Wales”.⁹⁶

This reflects commitments made in the Welsh Government’s *Fairer Health Outcomes for All: Reducing Inequities in Health Strategic Action Plan* document and in the Welsh Labour manifesto.

The *Fairer Health Outcomes for All: Reducing Inequities in Health Strategic Action Plan* was published by the Welsh Government in March 2011. The purpose of the document was to set out how greater equity in health in Wales could be achieved. The key action areas of the strategy include:

- building health into all policies and all policies into health;
- giving every child a healthy start;
- developing health assets in communities;
- improving health literacy;
- making health and social services more equitable;
- developing a healthy working Wales; and
- strengthening the evidence base.⁹⁷

The Welsh Labour manifesto also included a number of commitments in relation to public health and to reducing health inequalities. These include the following:

- Establish an annual health campaign to tackle the five biggest public health priorities - alcohol, obesity, smoking, teenage pregnancies, and drug abuse.
- Build on our programme of measures to discourage young people from starting to smoke, support smokers who want to give up, and lobby UK Government on non-devolved issues such as reducing tobacco imagery to young people.

⁹⁶ [RoP, 12 July 2011 \[Accessed 13 July 2011\]](#)

⁹⁷ [Fairer health outcomes for all, Welsh Government \[Online\] \[Accessed 14 July 2011\]](#)

- Consult on legislation to ban smoking in areas of hospital grounds where volumes of smoke may be high and where patients, visitors and staff congregate, including specific designated areas of hospital grounds.
- Require LHBs to target health inequalities within their own areas, including a targeted campaign on the most deprived communities within the populations they serve.
- Require that action is taken to deal with the greatest variation through a clear local programme, backed up by Health, Social Care and Wellbeing strategies.⁹⁸

The First Minister also announced on 14 July 2011, two days after his legislative statement to Plenary, that consideration would be given to pursuing legislative options in order to ban smoking in cars carrying children in Wales:

Wales was the first UK country to vote in favour of a ban on smoking in public places and if necessary we will not shy away from considering the introduction of progressive legislation to further protect children from second-hand smoke ...

Our manifesto committed us to take tough action to tackle inequalities in health, particularly the harm caused by tobacco use and its effect on children.

The law already requires any vehicle that is used by more than one person in the course of paid or voluntary work to be smoke free and an extension is the next logical step.

We will mount a renewed campaign to tackle smoking alongside other interventions such as quit programmes, but will consider pursuing legislative options if children's exposure to second-hand smoke does not start to fall within the next three years.⁹⁹

Such a move has already been applied in much of Australia, Canada and five states in the US but never in Europe.¹⁰⁰

It is currently unclear however if such proposals would require inclusion in this / an additional Bill or if such provisions could be enacted through the existing subordinate legislation making powers of Welsh Ministers.

⁹⁸ [Welsh Labour Party, *Welsh Labour Manifesto 2011 Standing up for Wales*, p 52 \[Accessed 19 July 2011\]](#)

⁹⁹ [Wales could be first in Europe to ban smoking in cars carrying children, *Wales Online* \[Online\], 14 July 2011 \[Accessed 14 July 2011\]](#)

¹⁰⁰ See [Peter Hetherington, *Welsh Assembly takes a new direction on public services*, *The Guardian* \[Online\], 20 July 2011 \[Accessed 20 July 2011\]](#)

5. Children, Young People and Education

5.1. *Structures, Governance and Special Educational Needs (Wales) Bill*

This will be the second Education Bill to be brought forward during the Assembly term (following the *Schools and Standards (Wales) Bill* introduced in early 2012). During his statement to Plenary, the First Minister announced that the Bill will be introduced in the second year of the legislative programme (the 2012 – 2013 session). The First Minister did not state however whether the Bill's formal introduction would be preceded by a draft Bill or a White Paper.

This Bill will encompass four broad objectives across the educational spectrum. It will:

- include provisions in several areas of teaching including performance management and Continuing Professional Development;
- deliver the changes in the law required to reform Wales' Higher Education Sector;
- take forward changes to the governance of Further Education institutions; and
- reform the existing system of statements for children and young people with Special Educational Needs.¹⁰¹

These legislative changes reflect commitments made by Welsh Labour in their manifesto and will bring into force programmes undertaken by the previous Welsh Government in relation to school governance and collaboration between educational institutions.

The Welsh Labour manifesto includes a commitment to “Produce Statutory Guidance” which sets out the best practice currently available in Wales and elsewhere. According to the manifesto:

This will include kite-marked teaching strategies. We will focus on literacy, numeracy and tackling disadvantage. We will expect a strong focus on high reliability teaching practices to ensure that we have the most highly skilled teaching workforce continuously developing capacity.¹⁰²

In relation to Higher Education, the manifesto includes an aim to “develop an increasingly successful higher education sector” by legislating to “... bring coherence and efficiency to HE education in Wales through the establishment of a single strategic planning and funding body”.¹⁰³

¹⁰¹ [RoP, 12 July 2011 \[Accessed 13 July 2011\]](#)

¹⁰² [Welsh Labour Party, *Welsh Labour Manifesto 2011 Standing up for Wales*, p 34 \[Accessed 19 July 2011\]](#)

¹⁰³ *Ibid*, p 38

The manifesto also states Welsh Labour's intention to use the National Assembly's legislative powers to "to ensure that by 2013 no university in Wales is operating on a turnover that is less than 75 per cent of the UK average".¹⁰⁴

The manifesto also includes commitments in relation to school governance. In particular it commits a Welsh Labour Government to:

Give effect to a statutory requirement for governors to be provided with training to enable them to do their work effectively and we will ensure the delivery of an effective system for clerking.¹⁰⁵

In addition, the manifesto makes a commitment to reform the governance of Further Education in Wales "along not-for-profit or social enterprise lines, in order to give a wider range of stakeholders a say in how colleges are run".¹⁰⁶

5.2. *Children and Young Persons (Wales) Bill*

This Bill will be introduced during the second half of the legislative programme. The First Minister did not indicate however if consultation would take place prior to the Bill's formal introduction in the form of either a White Paper or a draft Bill.

In his statement to Plenary, the First Minister announced that the Bill:

Will build on the Children's Rights Measure introduced during the last Assembly, and expand the role of the Children's Commissioner for Wales.¹⁰⁷

In response to questioning during a debate on the Welsh Government's legislative priorities on 14 June 2011, the First Minister stated that the intention of the Bill would be to:

... build on the Rights of Children and Young Persons (Wales) Measure 2011, particularly using powers that we have now but did not have then; that is the important point. In particular, we will see how we can further embed the UN convention into Welsh law.¹⁰⁸

This Bill may enact the numerous legislative proposals in relation to children which appeared in the Welsh Labour manifesto. The manifesto stated that a Welsh Labour Government would introduce a "Wales Children Act" to:

- Introduce a national looked-after children's service to ensure that an adequate placement choice is made available for young people who have to live away from home. The service will operate to common standards that we will set out in legislation. The service will be overseen by a Standards and Compliance Unit, established by the Welsh Assembly Government.
- Subject to the outcome of the UK Government's review of Family Justice, preserve the principle of separate representation for children in relevant family proceedings in Wales.

¹⁰⁴ [Welsh Labour Party, *Welsh Labour Manifesto 2011 Standing up for Wales*, p 38 \[Accessed 19 July 2011\]](#)

¹⁰⁵ [Ibid](#), page 36

¹⁰⁶ [Ibid](#), page 37

¹⁰⁷ [RoP, 12 July 2011 \[Accessed 13 July 2011\]](#)

¹⁰⁸ [RoP, 14 June 2011 \[Accessed 12 July 2011\]](#)

- Consult on the establishment of a single, national adoption agency for Wales.
- Review the law relating to child protection and set national standards to be achieved by every local authority. We will review the current structure of Local Children's Safeguarding Boards with a view to substantially reducing the number of such Boards operating in Wales.
- Consider integrating adult protection reporting and planning processes with those for children and young people.¹⁰⁹

The *Rights of Children and Young Persons (Wales) Measure 2011*¹¹⁰ was passed by the National Assembly on 18 January 2011. Its aims are to:

.. impose a duty upon the Welsh Ministers and the First Minister to have due regard to the rights and obligations in the United Nations Convention on the Rights of the Child (UNCRC) and its Optional Protocols, when making decisions of a strategic nature about how to exercise functions which are exercisable by them.¹¹¹

The general principles of the Measure in its proposed form were considered in the National Assembly by [Legislation Committee No.5](#) who published their Stage 1 [report](#) on 22 October 2010.

The First Minister did not provide details of how the Bill would expand on the role of the [Children's Commissioner for Wales](#). A way in which the remit of the Children's Commissioner for Wales could be expanded was however suggested in an article in the Bevan Foundation Review by Emyr Lewis, partner at Morgan Cole and a specialist in public and administrative law:

... there is no exception (in Schedule 7 to the 2006 Act) for immigration. So it would be quite legitimate for the National Assembly to legislate on a matter which related, for instance, to child welfare, which impinged on the immigration system, such as extending the remit of the Children's Commissioner for Wales to cover the cases of children of asylum seekers.¹¹²

¹⁰⁹ [Welsh Labour Party, Welsh Labour Manifesto 2011 Standing up for Wales, p 38 \[Accessed 19 July 2011\]](#)

¹¹⁰ [Rights of Children and Young Persons \(Wales\) Measure 2011 \(nawm 2\)](#)

¹¹¹ [Rights of Children and Young Persons \(Wales\) Measure 2011, National Assembly for Wales \[Online\] \[Accessed 14 July 2011\]](#)

¹¹² Emyr Lewis, *Bevan Foundation Review: The power of law*, Spring 2011, p 8 – 9

6. Communities, Local Government and Social Policy

6.1. *Prevention of Youth Offending Bill*

The First Minister's statement announced the Welsh Government's intention to consult on a *Prevention of Youth Offending Bill* which would strengthen the delivery of services to children and young people entering and leaving the youth justice system:

... by making clear the vulnerabilities of those within the system and establishing duties on local partnerships to address them. Conferring equivalent entitlements on those entering juvenile custodial detention to those currently looked after.¹¹³

Welsh Labour's manifesto stated:

Maintain local Youth Offending Teams but operating with much more strategic direction across Wales, legislating as appropriate, to require closer co-operation between agencies at every level.¹¹⁴

In February 2010 the [Communities and Culture Committee](#) published its report on [Youth Justice: The experiences of Welsh Children in the Secure Estate](#). Key themes from the inquiry were:

- devolution of the Secure Estate to Wales;
- preventing young people offending;
- responding to young people offending;
- existing provision of secure estate placements in Wales;
- specific issues within the secure estate;
- additional support for specific groups of children and young people in the secure estate;
- staff training;
- resettlement and aftercare.¹¹⁵

Providing an update on the Welsh Government's response to the committee's report, the then Deputy Minister for Children, Huw Lewis AM stated:

Children and young people getting involved in the youth justice system constitutes a real issue for many families, and that is a legitimate and necessary part of the work on how we develop Families First, how we support those families and, most importantly, how we prevent that kind of entanglement with the youth justice system in the first place. There are also wider implications for community-based programmes such as Communities First.

So, a live conversation is going on in the Welsh Government at the moment about how all those arms of support are brought together in a much more rigorous and holistic way, so

¹¹³ [RoP, 12 July 2011 \[Accessed 13 July 2011\]](#)

¹¹⁴ [Welsh Labour Party, *Welsh Labour Manifesto 2011 Standing up for Wales*, p 59 \[Accessed 19 July 2011\]](#)

¹¹⁵ [Communities and Culture Committee, *Third Assembly Legacy Report*, March 2011. p.20 \[Accessed 19 July 2011\]](#)

that young people and families that are hitting these issues are assisted out of the situation, or steered away from it all together, preferably.¹¹⁶

6.2. *Housing Bill*

The First Minister's statement announced that a *Housing Bill* will be introduced in order to implement manifesto commitments including tackling homelessness, improving standards and tenants' rights in the private rented sector.

It stated that the Bill will also build on the three strategic priorities identified in the previous Welsh Government's [National Housing Strategy](#) launched in April 2010:

- increasing the supply of housing;
- improving its quality; and
- improving housing-related services - particularly for those who are vulnerable or homeless.

In speech to the Shelter Cymru conference in June 2011, the Housing, Regeneration and Housing Minister, Huw Lewis AM, set out his priorities for housing. He said:

We are seeking to address supply-side issues to increase the numbers of affordable homes which will assist in addressing homelessness. We have talked about making better use of the planning system and over the next term, I will be working with Ministers to ensure the planning system is fit for purpose in terms of taking account the need to build more affordable homes.

I am currently working with officials to review the land release protocol to see if we can identify additional surplus sites owned by the NHS in Wales, the Forestry Commission, the Ministry of Defence and the Church in Wales so that this land may be able to be used for affordable housing if it is a priority for the local authority.

I am also keen to look at alternative models of homeownership

I am committed to piloting a co-operative or mutual housing scheme that invests differently in housing and where the land is held in perpetuity for the benefit of the local community.¹¹⁷

6.3. *Domestic Abuse (Wales) Bill*

The First Minister announced the intention to introduce, in the next two years, the *Domestic Abuse (Wales) Bill* which will place a duty on relevant public sector bodies to have a domestic abuse and 'violence against women strategy' in place. The statement stressed that the Bill will not seek to address criminal justice issues. Rather the purpose of the provisions will be concerned with social

¹¹⁶ [RoP, Communities and Culture Committee, 10 March 2011, paragraphs 25-26 \[Accessed 19 July 2011\]](#)

¹¹⁷ [Welsh Government, Minister sets out housing priorities to Shelter Cymru Conference, 30 June 2011 \[Accessed 19 July 2011\]](#)

welfare and the prevention, protection and support elements of a domestic abuse and violence against women strategy.

The Labour manifesto stated that the Welsh Government would:

Place a duty on relevant public sector bodies to have a domestic abuse and violence against women strategy in place.¹¹⁸

The Welsh Government's domestic abuse strategy, *Tackling Domestic Abuse; a Partnership Approach*, was launched in 2005. This was replaced in 2010 with a new strategy, *The Right to be Safe*, aimed to ensure that the whole violence against women agenda is tackled effectively.

The Right to be Safe sets out four key priorities:

- prevention and raising awareness of violence against women and domestic abuse;
- providing support for victims and children;
- improving the response of criminal justice agencies; and
- improving the response of health services and other agencies.

In a briefing provided to Assembly Members in advance of a debate in Plenary on 12 July 2011 Welsh Women's Aid outlined the problems it felt were present in local authority approaches to domestic abuse:

We have been heartened by the commitment to tackling violence against women in Wales, notably from the Minister for Communities and Local Government, but also across all parties in the Assembly. However, national policy has not always translated into local delivery. We need local authorities to understand that tackling violence against women is a national priority -- enforced by legislation if needs be.

A particular problem we have faced since the introduction of the Gender Equality Duty in 2007 is a misinterpretation of equalities legislation by local authorities. Local authorities do not understand the notion of "substantive equality" and our member groups have experienced threats to their funding and accusations of "discriminating against men" because they provide specialist, single-sex services. This is despite clear guidance from the Equality and Human Rights Commission and judicial reviews in this area in England. The problem has continued into 2011 with the introduction of the Equality Act (2011) and Public Sector Equality Duties for Wales.

This problem needs to be mitigated to ensure that women and children receive specialist support, and that frontline staff are able to do their jobs without funding threats from local authorities. Unfortunately, in our experience, voluntary guidance for local authorities is not enough. We hope that the Welsh Government will use its new legislative powers to address this worrying development, and to encourage local authorities to take further action to address violence against women on a local level.¹¹⁹

¹¹⁸ [Welsh Labour Party, *Welsh Labour Manifesto 2011 Standing up for Wales*, p 68 \[Accessed 19 July 2011\]](#)

¹¹⁹ Welsh Women's Aid, *The Right to be Safe: One Year On*, Briefing for Assembly Members, 12 July 2011

6.4. *Piercing (Age of Consent) (Wales) Bill*

The First Minister's statement notes that cosmetic piercing has become increasingly popular in recent years. Over a quarter of people who have a cosmetic piercing procedure (other than the earlobes) experience complications. The Welsh Government is of the view that informed parental consent will ensure that parents are aware of their child's desire to have a cosmetic piercing and the possible implications. It is intended to consult on the introduction of a *Cosmetic Piercing (Age of Consent) (Wales) Bill* shortly.

The Labour Manifesto stated that the Welsh Government would:

Consult on whether legislation should be introduced which would require the involvement and consent of parents for cosmetic piercing procedures on a young person below a certain age.¹²⁰

The *Local Government (Miscellaneous Provisions) Act 1982*¹²¹ (as amended by the provisions in section 120 and Schedule 6 of the *Local Government Act 2003*¹²²) provide local authorities with powers to require businesses providing acupuncture, tattooing, cosmetic piercing (piercing of the body including the ear), electrolysis and semi-permanent skin-colouring to register themselves and their premises with the local authority. A local authority may also make byelaws for the purposes of securing the cleanliness and hygiene of such premises, practitioners and equipment.

The *Tattooing of Minors Act 1969*¹²³ makes it an offence to permanently tattoo persons under the age of 18. No such statutory restrictions apply to cosmetic piercing. While there is no requirement for defining age restrictions within byelaws, these have been implemented by some local authorities and are supported by the cosmetic piercing industry.¹²⁴ In 2004 the UK Department of Health stated that:

There are no current plans to introduce legislation to make the cosmetic piercing of minors a criminal offence. Introducing a minimum age of consent might result in children piercing themselves or each other in an unsafe and unhygienic way or going to disreputable businesses.¹²⁵

Scotland has had legislation regulating the age at which people may be cosmetically pierced since 2006. It is currently reviewing the implementation of the legislation.

¹²⁰ [Welsh Labour Party, *Welsh Labour Manifesto 2011 Standing up for Wales*, p 52 \[Accessed 19 July 2011\]](#)

¹²¹ [Local Government \(Miscellaneous Provisions\) Act 1982 \(c.30\)](#)

¹²² [Local Government Act 2003 \(c.26\)](#)

¹²³ [Tattooing of Minors Act 1969 \(c.24\)](#)

¹²⁴ [HC Library, *Regulation of Tattooing and Body Piercing Businesses*, Standard Note SN/SC/5079, May 2010 \[Accessed 19 July 2011\]](#)

¹²⁵ [Department of Health, *Local Government Act 2003; Regulation of Cosmetic Piercing and Skin-Colouring Businesses*, February 2004 \[Accessed 19 July 2011\]](#)

In February 2009 a [petition](#) was submitted to the Assembly's Petitions Committee calling upon the National Assembly for Wales to place restrictions on the age at which a minor can have body piercing and that age for body piercings, other than the ears and nose, should be regulated up to the age of 16 years. The Minister for Health and Social Services wrote to the committee informing it of the establishment of a task and finish group, which met to discuss body piercing in February 2010. The Minister further stated that once the group had reported she would consider whether to seek legislative competence in order to bring forward legislation. Following the referendum in March 2011, the Assembly now has the competence to legislate in this area.

In July 2011 the new Health and Social Services Minister, Lesley Griffiths AM, wrote to William Powell AM, chair of the Petitions Committee. She announced her intention of issuing a consultation paper on the subject "shortly."¹²⁶

6.5. Statutory Third Sector Compacts Bill

The First Minister also announced that the Welsh Government would consult on legislation which would make Third Sector compact arrangements between local authorities and the third sector intermediary bodies, County Voluntary Councils, a statutory requirement. Currently established on a voluntary basis, most local authorities have embraced the ethos of establishing formal relationships with the third sector. The scope and make-up of compacts however differ from area to area, with varying degrees of engagement and effectiveness. If the evidence and consultation suggest that it is necessary to place compacts on a statutory basis, the Welsh Government will bring forward a *Statutory Third Sector Compacts Bill* towards the end of this Assembly.

A compact is a protocol, or code of practice, that sets out the principles which statutory agencies (local authorities, the health service and the police) and their voluntary and community partners (like the county voluntary council, citizens advice bureau, community transport, and volunteer centre) will follow in their dealings with each other. Its purpose is to clarify, develop and embed good relations between the public and voluntary sectors in a specific geographical area. The WCVA states:

¹²⁶ [Letter from the Health and Social Service Minister, Lesley Griffiths AM to William Powell AM, Chair of the Petitions Committee, 5 July 2011 \[Accessed 19 July 2011\]](#)

Most councils have set up a Local Strategic Partnership (LSP) which represents all the statutory and voluntary partners in the two districts. Most LSP's sign up to their respective area's compact, which covers funding, consultation, policy development, and other areas of good practice. It includes commitments for both the public sector partners and the voluntary and community partners. Although normally it is a countywide document, partners usually develop a local compact action plan so that it can be made to work best for their local area.¹²⁷

6.6. *Democracy and Elections (Wales) Bill*

In the second year of the legislative programme the First Minister announced that the *Democracy and Elections (Wales) Bill* will be brought forward which will re-design the rules within which the Local Government Boundary Commission for Wales will operate. The Bill will make reforms to the structure and functions of the [Local Government Boundary Commission for Wales](#) and to the process of appointing and funding Returning Officers.

The Welsh Labour manifesto stated the Welsh Government would:

Issue new instructions to the Local Government Boundary Commission, placing local representation and community interests at the heart of any future boundary reviews.¹²⁸

In December 2010 the then Minister for Local Government and Social Justice, Carl Sargeant AM, announced that he would not implement any of the [electoral reviews](#) recommended by the Commission ahead of the 2012 local elections but that he would establish an independent review of their programme of work. The reason for this is that the electoral reviews were running late and there was concern about the quality of those which had been completed. The Minister's statement said:

In light of these issues, in particular the delays in producing reports for a number of counties I have concluded that I will not make any orders in respect of the boundary reviews for any local authorities in Wales take effect for the 2012 elections. I do not wish to create a situation where some local authorities will conduct elections in 2012 under new arrangements and others under existing arrangements because of the imbalance inherent in such a situation. I am making this announcement now to provide certainty to local government and others concerned with the electoral process.

Clearly the fact that the Boundary Commission has failed to deliver this programme of reviews consistently and within the agreed timescales gives me cause for concern. I have therefore instructed my officials to establish an independent review to identify why these failures have occurred and identify actions that can be taken to ensure that the programme can be delivered efficiently and to a high standard in time for the 2016 elections.¹²⁹

¹²⁷ [Working with Others Compacts, Wales Council for Voluntary Action \[Online\] \[accessed 17 July 2011\]](#)

¹²⁸ [Welsh Labour Party, Welsh Labour Manifesto 2011 Standing up for Wales, p 28 \[Accessed 19 July 2011\]](#)

¹²⁹ [Welsh Government, Written Statement: The Local Government Boundary Commission for Wales – Electoral Review, 8 December 2010 \[Accessed 19 July 2011\]](#)

The review focused on the policies, operational objectives and procedures of the LGBCW and will identify actions to ensure that the electoral review programme is delivered to a high standard in time for the 2016 elections. Glyn Mathias was appointed to conduct the review in March 2011.¹³⁰

On 22 June 2011 the report of the review was published and the Minister made a **statement in Plenary**. He said:

I fully accept the findings of the report; it contains lessons for all of us who are concerned with the process of electoral reviews, including the Welsh Government. The most concerning finding, however, is the conclusion reached that the Local Government Boundary Commission for Wales has lost the confidence of its stakeholders and therefore it is not fit for purpose.

This is a most serious conclusion and I have decided to terminate the appointments of the three existing commissioners. I believe that the taking of this decisive step and the early appointment of suitable replacements is necessary to recover the reputation of the commission in the eyes of the public, local government and other interested parties. I will be seeking to make temporary appointments to the posts until such time as a full and open appointment process can be organised.¹³¹

¹³⁰ [Welsh Government, *Appointment to Review Local Government Boundary Commission*, 3 March 2011 \[Accessed 19 July 2011\]](#)

¹³¹ [RoP, 22 June 2011 \[Accessed 19 July 2011\]](#)

A. Timetable for the introduction of Assembly Bills during the fourth Assembly¹³²

Bill title	White Paper / Draft Bill / Consultation date	Bill introduction date
Wales Audit Office Bill	September 2011	Not specified
Local Government (Byelaws) (Wales) Bill	Not specified	October 2011
Food Hygiene Rating Scheme (Display of Information) (Wales) Bill	December 2011	May 2012
Social Services (Wales) Bill	Winter 2011	October 2012
Organ Donation (Wales) Bill	2011	Not specified
Schools and Standards (Wales) Bill	Not specified	Early 2012
Local Government (Collaboration) (Wales) Bill	Not specified	2011 - 2012 session
Public Health (Wales) Bill	2012	Not specified
Planning Bill	End of 2012	2014
Structures, Governance and Special Educational Needs (Wales) Bill	Not specified	2012 - 2013 session
Domestic Abuse (Wales) Bill	Not specified	2012 - 2013 session
Democracy and Elections (Wales) Bill	Not specified	2012 - 2013 session

¹³² The information included in the attached table is based on information provided by the First Minister during the debate on the Welsh Government's legislative programme 2011 - 2016 no 12 July 2011. See [RoP, 12 July 2011 \[Accessed 13 July 2011\]](#).

Highways and Transport (Wales) Bill	Not specified	“within the next two years” ¹³³ (by the end of the 2012 – 2013 session)
Prevention of Youth Offending Bill	Not specified	“During the course of the next two years” ¹³⁴ (by the end of the 2012 – 2013 session)
Children and Young Persons (Wales) Bill	Not specified	“second half of this legislative programme” ¹³⁵ (from the 2013 – 2014 session onwards)
Housing Bill	“some time in 2013” ¹³⁶	Not specified
Heritage Bill	Not specified	2014 – 2015 session
Piercing (Age of Consent) (Wales) Bill	Not specified (although consultation to take place “shortly” ¹³⁷)	Not specified
Statutory Third Sector Compacts Bill	Not specified	“Towards the end of this Assembly” ¹³⁸
Sustainable Development Bill	Not specified	Not specified
Environment Bill	Not specified	Not specified

¹³³ [RoP, 12 July 2011 \[Accessed 13 July 2011\]](#)

¹³⁴ Ibid

¹³⁵ Ibid

¹³⁶ Ibid

¹³⁷ Ibid

¹³⁸ Ibid