

Plenary Session 2001 – 2002 (20)

Thursday, 19th July 2001

VOTES & PROCEEDINGS

The Session commenced at 9.05am

The Presiding Officer led obituary tributes to Val Feld AM

The Presiding Officer informed the Assembly that a letter of condolence had been received from the Secretary of State for Wales. The text would be added to the end of the votes and proceedings.

The Presiding Officer proposed that the session be suspended until 10.30am

10.30am

Return to Proceedings

The Presiding Officer informed the Assembly that a letter of condolence had been received from the Convenor of the European Committee in the Scottish Parliament. The text would be added to the end of the votes and proceedings.

The Presiding Officer declared a vacancy for the Assembly Constituency of Swansea East under Standing Order 3.6 and Section 8 of the Government of Wales Act.

10.31am

The Minister for Assembly Business moved a NNDM tabled on 18th July under Standing Order 34.4 to suspend Standing Order 6.3 in relation to questions tabled for answer today so that they can be answered at the earliest available opportunity after the Recess

NNDM774 To propose that the National Assembly:

Under Standing Order 34.4, suspends Standing Order 6.3 in relation to questions tabled for answer today such that they will be answered at the earliest available opportunity after the summer recess

A vote was taken

For 44; Abstain 0; Against 0; Total 44

The motion was carried by the required two thirds majority

10.32am

The Minister for Assembly Business proposed a Procedural Motion under Standing Order 6.16 to postpone the following items of business:

Item 9 - Debate on the Queen's Speech

Item 11 - Debate on the handling of the Wales Millennium Centre Contract

A vote was taken on the procedural motion

For 46; Abstain 0; Against 0; Total 46

The procedural motion was carried

Item 1 - *postponed*

Questions to Jenny Randerson, Minister for Culture and Sport

Item 2 *postponed*

Questions to Carwyn Jones, Minister for Rural Affairs

Item 3 *postponed*

Questions to Andrew Davies, Minister for Assembly Business on his responsibilities other than for business

10.34am

Delegation of the function of the National Assembly in section 5(1) of the Children's Commissioner of Wales Act 2001 to the First Minister

A procedural motion was proposed by the Minister for Assembly Business under Standing Order 6.16 to bring forward the following No Named Day Motion which was tabled on the 12th July 2001.

A vote was taken on the procedural motion

For 46; Abstain 0; Against 0; Total 46

The procedural motion was carried

NNDM772 To propose that the National Assembly:

To propose that the National Assembly, acting under section 62(1)(b) of the Government of Wales Act 1998, resolves to delegate the function of the National Assembly in section 5(1) of the Children's Commissioner of Wales Act 2001 to the First Minister, which can be found on the internet at:

<http://www.hmso.gov.uk/acts/acts2001/10018--a.htm#5>

, save those which by law cannot be so delegated.

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

A vote was taken:

For 46; Abstain 0; Against 0; Total 46

The motion was carried

(i) Approval of the Children's Commissioner for Wales Regulations - WITHDRAWN

NDM756 To propose that the National Assembly:

Considers the principle of The Children's Commissioner For Wales Regulations 2001, laid in the Table Office on 26 June 2001.

NDM757 To propose that the National Assembly:

1. considers the report of the Legislation Committee which does not draw the special attention of the Assembly to any matter under Standing Order 11.5, in relation to the draft order, The

Children's Commissioner For Wales Regulations 2001 laid in the Table Office on 3 July 2001; and

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

**(ii) The Children's Commissioner for Wales Act 2000 (Commencement) Order 2001
WITHDRAWN**

NDM758 To propose that the National Assembly:

Considers the principle of The Children's Commissioner for Wales Act 2000 (Commencement) Order 2001, laid in the Table Office on 26 June 2001.

NDM759 To propose that the National Assembly:

1. considers the report of the Legislation Committee which does not draw the special attention of the Assembly to any matter under Standing Order 11.5, in relation to the draft order, The Children's Commissioner For Wales Act 2000 (Commencement) Order 2001 laid in the Table Office on 3 July 2001; and

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

**(iii) The Care Standards Act 2000 (Commencement No 7)(Wales) Order 2001
WITHDRAWN**

NDM760 To propose that the National Assembly:

Considers the principle of The Care Standards Act 2000 (Commencement No 7)(Wales) Order 2001, laid in the Table Office on 26 June 2001.

NDM761 To propose that the National Assembly:

1. considers the report of the Legislation Committee which does not draw the special attention of the Assembly to any matter under Standing Order 11.5, in relation to the draft order, The Care Standards Act 2000 (Commencement No 7) (Wales) Order 2001, laid in the Table Office on 3 July 2001; and

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

Approval of the Transport Act 2000 (Commencement) (No 1) (Wales) Order 2001 - WITHDRAWN

NDM762 To propose that the National Assembly:

Considers the principle of The Transport Act 2000 (Commencement)(No 1) (Wales) Order 2001 laid in the Table Office on 26 June 2001.

NDM763 To propose that the National Assembly:

1. considers the report of the Legislation Committee which does not draw the special attention of the Assembly to any matter under Standing Order 11.5, in relation to the draft order, The Transport Act 2000 (Commencement)(No 1) (Wales) Order 2001 laid in the Table Office on 3 July 2001; and

2. approves that the Order is made in accordance with the draft laid in the Table Office on 26 June 2001 and the Report by the Environment, Planning & Transport Committee laid in Table Office on 14 June 2001.

Approval of the Local Government Elections (Wales) Order 2001 -WITHDRAWN

NDM764 To propose that the National Assembly:

Considers the principle of The Local Government Elections (Wales) Order 2001, laid in the Table Office on 19 June 2001.

The following amendments had been tabled:

1. William Graham (South Wales East);

Add new paragraph at the end of the motion:

Notes the Minister for Finance, Local Government and Communities failed to direct her "consultation on the date of the next local government elections in Wales" to the options allowed under The National Assembly for Wales (Representation of the People) Order 1999 or the Government of Wales Act 1998, Chapter 38, Part 1, Section 3 (3) and (4).

2. William Graham (South Wales East);

Add new paragraph at the end of the motion:

Acknowledges that it is the duty of this Assembly to encourage the widest participation in all elections held in Wales.

3. William Graham (South Wales East);

Add new paragraph at the end of the motion:

Acknowledges that the holding of the elections for the National Assembly for Wales, the Unitary Authorities/Community Councils and the European Parliament on three separate days, will induce voter fatigue and dissuade greater participation of the electorate in these elections.

4. William Graham (South Wales East);

Add new paragraph at the end of the motion:

Condemns the increased disruption to the academic year of the schools used as polling stations and to the SATS assessments.

NDM765 To propose that the National Assembly:

1. considers the report of the Legislation Committee which does not draw the special attention of the Assembly to any matter under Standing Order 11.5, in relation to the draft order, The Local Government Elections (Wales) Order 2001, laid in the Table Office on 3 July 2001; and
2. approves that the Order is made in accordance with the draft laid in the Table Office on 19 June 2001 and the Memorandum of Corrections laid in Table Office on 9 July 2001.

Approval of the Local Authorities (Members Allowances) (Amendment) (Wales) Regulations 2001 - WITHDRAWN

NDM766 To propose that the National Assembly:

Considers the principle of The Local Authorities (Members' Allowances) (Amendment) (Wales) Regulations 2001, laid in the Table Office on 19 June 2001.

NDM767 To propose that the National Assembly:

1. considers the report of the Legislation Committee which has not identified under Standing Order 11.5 any matters for concern in the draft order, The Local Authorities (Members' Allowances)(Amendment)(Wales) Regulations 2001, laid in the Table Office on 3 July 2001; and
2. approves that the Order is made in accordance with the draft laid in the Table Office on 19 June 2001.

Debate on the Queen's Speech - WITHDRAWN

NDM768 To propose that the National Assembly:

1. Notes the content of the UK Government's legislative programme for 2001-2002, as contained in The Queen's Speech, which is available at

http://www.publications.parliament.uk/pa/ld199900/ldhansrd/pdvn/lds01/text/10620-01.htm#10620-01_head1

2. Notes that the following proposed Bills are of particular relevance to the Assembly's responsibilities:

- a. Adoption
- b. Homelessness
- c. Education
- d. NHS Reform
- e. Land Registration
- f. Draft Safety Bill

3. Remits the above Bills to the relevant subject committees for further consideration as to the provisions they should make for Wales and how the Assembly might use its new powers therein, and requests each committee to report to the Assembly by 30 November 2001.

4. Notes also the intention to publish an NHS (Wales) Bill and a Communications Bill in draft, and requests the relevant subject committees to consider these within the period allotted for consultation on them, and to report to the Assembly accordingly.

The following amendments had been tabled:

1. Kirsty Williams (Brecon and Radnorshire);

Add at end of point 1:

"but regrets:

- a) the lack of a commitment to introduce free personal care for the elderly
- b) the lack of a commitment to introduce an early referendum on British entry into the single European currency
- c) the lack of a commitment to democratic reform of the House of Lords
- d) the lack of a commitment to introduce legislation to fulfil the Government's pledge to introduce a licensing scheme for houses in multiple occupation"

2. William Graham (South Wales East);

After "f. Draft Safety Bill" in point 2 insert:

and warmly welcomes, in particular, provisions in the Education Bill to enable a substantial expansion in the number of faith schools, specialist schools and schools run in conjunction with the voluntary and independent sectors. The National Assembly looks forward to the implementation of these excellent education policies at the earliest opportunity in Wales.

3. William Graham (South Wales East);

At end of point 2 add:

and notes the First Minister's prediction in answer to OAQ12467 on 10 July 2001 that specialist schools will be established in Wales.

4. Jocelyn Davies (South Wales East);

In bullet point 3, after "therein," insert:

"calls on the Minister for Business to arrange appropriate training in dealing with draft bills for all Assembly members, as a matter of urgency,"

5. William Graham (South Wales East);

At end of point 3 add:

However, we regret that the UK Government has not acceded to the National Assembly's request (made on 13 March 2001) for a Bill to be included in the Queen's Speech to make St David's Day a public holiday in Wales.

6. William Graham (South Wales East);

Insert new point after point 3 and renumber subsequent points:

Requests that the Liberal Democrat / Labour Administration and the UK Government give consideration to ensuring that the NHS (Wales) Bill reserves in statute at least one place on the executive committees of the new Local Health Partnerships for a nursing representative.

7. William Graham (South Wales East);

After final numbered point, insert:

Calls upon the UK Government to establish in the NHS (Wales) Bill an all-Wales arms length agency named 'Wellbeing Wales' whose functions would preclude undue political interference in service reconfigurations or clinical judgements best made by medical practitioners.

8. Jocelyn Davies (South Wales East);

Add as new point at the end of the motion:

'Regrets the lack of legislative proposals for:

a) Making St David's Day as a Bank Holiday in Wales

b) Allowing the National Assembly to decide in the matter of the Welsh tick box in future census surveys

c) Providing greater cohesion in and between the education, training and careers system for people of all ages '

9. Jocelyn Davies (South Wales East);

Add as new point at the end of the motion:

'Regrets the lack of legislative proposals for the banning of tobacco advertising throughout the UK.'

10. Jocelyn Davies (South Wales East);

Add as new point at the end of the motion:

'Deplores the fact that the Government of Wales has failed to address health inequalities by refusing to press the UK Government to introduce free personal care for the elderly.'

11. Jocelyn Davies (South Wales East);

Add as new point at the end of the motion:

'Regrets the UK Governments proposals to introduce a private element into public services in Wales, particularly in the fields of health and education. '

12. Jocelyn Davies (South Wales East);

Add as new point at the end of the motion:

'Calls for primary legislative and tax varying powers for the National Assembly.'

13. William Graham (South Wales East);

Peter Rogers (North Wales);

Add a new point at the end of the motion:

Regrets the failure of the UK Government to bring forward legislative proposals aimed at addressing the crisis in the countryside.

10.35am

Approval of the Presiding Office budget under Standing Order 19.0 & 19.5A

NDM755

To propose that the National Assembly, acting under Standing Order 19.5A, agrees the change in the level of resources allocated to the main expenditure group established for the Office of the Presiding Officer adopted for the Office for 2001-2002 and, acting under Standing

Order 19.00, adopts the draft budget for the Office for 2002-2003 and provisional allocations for the subsequent two years as set out in Table 1 to this motion laid in the Table Office on 11 July 2001.

A vote was taken:

For 46; Abstain 0; Against 0; Total 46

The motion was carried

Debate on the handling of the Wales Millennium Centre Contract -WITHDRAWN

NDM771 To propose that the National Assembly:

1. Notes with satisfaction the considerable process made by the Wales Millennium Centre towards meeting the milestones set out in the Finance Minister's Statement to Plenary on 5 April, and in particular:

- a) the action taken to reshape and augment the capacities and experience available to the Board and its Executive so as to equip the project with what it needs to manage the construction and subsequent phases effectively;
- b) confirmation from the Chair of the Culture Committee that it is "now reassured of the soundness of the Business Plan" following a full presentation to the Committee from the WMC;
- c) the project's rigorous pursuit of an approach to procurement that will fix the construction price; and

2. Confirms that financial support will be made available to the Wales Millennium Centre Company in line with the Finance Minister's Statement of 5 April.

10.36am

Revision of Standing Order 22

NDM769 To propose that the National Assembly acting under section 46(6) of the Government of Wales Act 1998 and Standing Order 34:

- (i) consider the report of the Business Committee laid in the Table Office on 11 July 2001 ; and
- (ii) approve the following revisions of standing orders;

Standing Order 22

Insert a new section 22.29A:

" A motion tabled under SO22.29 shall be timetabled under SO5 for consideration by the Assembly within the period of forty working days referred to in that paragraph; except that, if it is not possible for the provisions of SO5 to be met within that period because the Assembly is not scheduled to meet, the First Secretary shall request the Presiding Officer to summon the Assembly to consider the motion on a day within that period, and the Presiding Officer shall comply with that request."

A vote was taken on the motion

For 47; Abstain 0; Against 0; Total 47

The motion was carried by the required two thirds majority

10.36am

Short Debate:

NDM770 Ann Jones (Vale of Clwyd); Houses of multiple occupation

Ann Jones proposed a Procedural Motion under Standing order 6.10 to postpone this item

A vote was taken on the procedural motion

For 47; Abstain 0; Against 0; Total 47

The procedural motion was carried

The session concluded at 10.37am

The Assembly will be in recess from 20th July - 12th October

The Assembly will sit again in Plenary at

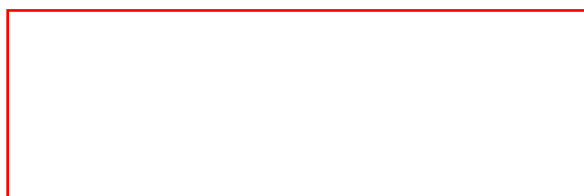
2.00pm on Tuesday, 16th October 2001

E P Silk

Clerk to the Assembly

The Presiding Officer received a letter from the Secretary of State for Wales following the death of Val Feld. The text is as below:

18 July 2001



To mark the sad and untimely death of Val Feld I understand that the Assembly will be marking her contribution in the Plenary session tomorrow. As Secretary of State for Wales and as a friend of Val's I wanted to share my thoughts with you.

As I am sure everyone will agree Val was a hard-working and conscientious AM for her Swansea East constituents. It is a great tribute to Val's commitment that the Assembly, for which she campaigned and which she served with such distinction, is now pressing ahead with so many of the issues which she championed.

Before her election to the Assembly, Val was the founder and first Director of Shelter Cymru and Director of the Equal Opportunities Commission in Wales. She was an outstanding campaigner - not least for devolution - on so many issues of vital importance to us in Wales. Whether her work was in the field of equal opportunities or housing or economic development, d was always motivated by her wish to improve the quality of life for the people of Wales.

I knew Val for a many years as a stalwart member of the Labour Party and I had the greatest respect for her contribution to the party and to Wales in general.

She will be greatly missed.



The Presiding Officer received a letter dated 19th July from Hugh Henry MSP, Convenor of the European Committee at the Scottish Parliament following the death of Val Feld. The text is as below:

It is with great sadness that I hear of the untimely death of Val Feld. I met Val during the launch of the informal European Chairs-UK Group, and her input to that meeting was invaluable. Moreover, her personality and warmth were key to ensuring that all the elected representatives present from Scotland, England, Northern Ireland and Wales became more than just working colleagues. I would be grateful if you could pass on my sincere condolences to her family and colleagues in the Assembly.

DOCUMENTS LAID SINCE THE ASSEMBLY LAST MET

DOCUMENTS LAID ON 18 July 2001

Meat Hygiene Service Annual Report and Accounts 2000/2001 - LD969 - No electronic version available

DOCUMENTS LAID ON 16 July 2001

Report to the National Assembly for Wales Farm Woodland Scheme and Farm Woodland Premium Scheme Payment Review LD968