



Amending Standing Orders: Standing Order 12 – Oral Assembly Questions to the Counsel General

Purpose

1. In accordance with Standing Order 11.7(iv), the Business Committee is responsible for making recommendations on the general practice and procedures of the Assembly, including any proposals for the re-making or revision of Standing Orders.
2. The report recommends amendments to Standing Order 12 to enable different procedures to apply to Oral Assembly Questions (OAQs) to the Counsel General if he or she is answering oral questions on matters relating to any responsibilities he or she holds other than those of the government's law officer. The change agreed by Business Committee is found in Annex A, and the proposal for new Standing Orders is at Annex B.
3. The report also sets out, for information, the proposed approach to scheduling questions to the Counsel General, and to enabling a dedicated

session for oral questions to the Deputy Minister and Chief Whip. These do not require changes to Standing Orders.

Background

4. Following the Welsh Government reshuffle in December 2018, the Counsel General now has additional responsibilities as ‘Brexit Minister’, though not appointed a Welsh Minister under the Government of Wales Act. At the meeting of 15 January 2019, Business Managers suggested that the current procedures for Oral Assembly Questions to the Counsel General were not appropriate given his new role. Specifically, it was suggested that there should be separate opportunities to question him on his law officer and Brexit Minister roles, respectively, and that a ballot should be conducted for the Brexit Minister session as is the case for OAQs to other members of the government.

5. Business Managers also expressed concern that there was no opportunity to question the Deputy Minister and Chief Whip, who reports to the First Minister, regarding her own specific responsibilities.

Counsel General

6. Standing Order 12.56(ii) requires Welsh Ministers and the Counsel General to answer questions *at least once* every four sitting weeks. It is proposed that the government schedule the Counsel General to answer OAQs twice in each four-week rotation: once in relation to his responsibilities as the government’s law officer, and once in relation to his other responsibilities.

7. So that the ‘law officer’ session can continue to operate under the current rules for Counsel General OAQs, while the ‘Brexit Minister’ session mirrors those for Welsh Ministers, it is proposed to amend Standing Orders 12.61 and 12.63A to allow different procedures to apply to each.

8. To ensure transparency, the Ministerial Responsibilities document will need to clearly delineate which are the Counsel General's law officer responsibilities, and which are 'additional' responsibilities.

9. The proposed solution is designed so that it will not need changing if and when there is next a Counsel General who does not have any additional responsibilities. In that situation, it is expected that the government would revert to scheduling only one OAQ session for the Counsel General, to which the existing 'law officer' rules will apply. That could also be the case where the Counsel General has some additional responsibilities, but not enough to warrant a separate OAQ session.

Deputy Minister and Chief Whip

10. The solution proposed in this case does not involve changing Standing Orders. This is in part as it would be difficult to make provision in Standing Orders specific to one Deputy Minister that didn't also apply to the others, and also because it is possible to use the existing provisions to enable a dedicated slot for questions to the Deputy Minister and Chief Whip to take place.

11. Standing Order 12.56(i) requires the First Minister to answer OAQs *once a week for a maximum of one hour*. As the regular First Minister's Questions (FMQs) slot is currently scheduled for 45 minutes a week, the government will now schedule FMQs for 60 minutes once every four weeks. Using Standing Order 12.57, the First Minister will ask the Deputy Minister and Chief Whip to answer questions for the last fifteen minutes of that session on the specific responsibilities she holds within the First Minister's broader portfolio.

12. Table Office will conduct a dedicated ballot for those questions. The Llywydd, in consultation with Business Committee, will need to decide the appropriate number of Members to be selected for a 15 minute session, as that is not set out in Standing Orders. As the Deputy Minister's session will

be conducted under the Standing Orders for FMQs, Standing Orders 12.59 on tabling deadlines (three working days) and 12.63 on number of questions (one per Member) would apply as they do for the First Minister.

13. The Deputy Minister and Chief Whip's responsibilities will need to be clearly set out and distinguishable from those of the First Minister.

Action

14. The Business Committee formally agreed the changes to Standing Order 20 on Tuesday 29 January 2019 and the Assembly is invited to approve the proposal at Annex B, and to note the other information in this report.

Annex A

STANDING ORDER 12 – Business in Plenary Meetings

Oral Questions

12.54	Members may table oral questions to the First Minister, to each Welsh Minister or to the Counsel General, about any matters relating to his or her responsibilities (except that oral questions may be tabled to the Minister with responsibility for government business only about matters relating to his or her responsibilities other than for government business (if any)).	Retain Standing Order
12.55	Members may table oral questions to the Commission about any matter relating to the Commission’s responsibilities.	Retain Standing Order
12.56	Time must be made available in plenary meetings for: (i) the First Minister to answer oral questions once, and for a maximum of 60 minutes, in each week that the Assembly meets in plenary; (ii) each Welsh Minister and the Counsel General to answer	Retain Standing Order

	<p>oral questions in relation to his or her responsibilities, at least once, and for a maximum of 45 minutes, in every four weeks that the Assembly meets in plenary (except that the Minister with responsibility for government business is only to answer questions under Standing Order 12.56(ii) if he or she has responsibilities for matters other than government business); and</p> <p>(iii) the Commission to answer oral questions at least once, and for a maximum of 30 minutes, in every four weeks that the Assembly meets in plenary.</p>	
12.57	<p>A Deputy Welsh Minister may at the request of the First Minister, a Welsh Minister or the Counsel General, answer any oral question on any matter on which he or she assists the First Minister, a Welsh Minister or the Counsel General (as the case may be).</p>	Retain Standing Order
12.58	<p>Where it is not reasonably practicable for the First Minister, a Welsh Minister or the Counsel General to answer oral questions on a day when he or she would normally do so, another Welsh Minister may, after prior notification to the Presiding Officer,</p>	Retain Standing Order

	answer those questions.	
12.59	Questions to the First Minister must be tabled at least three working days before they are to be answered; questions to Welsh Ministers, the Counsel General and the Commission must be tabled at least five working days before they are to be answered.	Retain Standing Order
12.60	Questions are accepted at the discretion of the Presiding Officer, who must have regard to any written guidance issued in accordance with Standing Order 6.17.	Retain Standing Order
12.61	The Presiding Officer must undertake a ballot to select the names of those Members who may table oral questions to the First Minister, and Welsh Ministers, and the Counsel General (<u>if the Counsel General is answering oral questions only on matters relating to any responsibilities he or she holds other than those of the government's law officer</u>).	Amend Standing Order
12.62	A ballot under Standing Order 12.61 must be conducted at least one working day before the last day on which questions	Retain Standing Order

	may be tabled.	
12.63	Each Member may enter their names into the ballot under Standing Order 12.61 no more than twice for oral questions to a particular Welsh Minister <u>or the Counsel General (if the Counsel General is answering oral questions only on matters relating to any responsibilities he or she holds other than those of the government's law officer),</u> and once for oral questions to the First Minister.	Amend Standing Order
12.63A	<u>Subject to Standing Order 12.63B,</u> Any Member may table oral questions to the Counsel General <u>(unless he or she is answering oral questions only on matters relating to any responsibilities he or she holds other than those of the government's law officer, in which case Standing Order 12.61 applies)</u> and the Commission.	Amend Standing Order
12.63B	Each Member may table no more than two oral questions to the Counsel General, and one oral question to the Commission, for any week where they are answering questions.	Retain Standing Order

12.64	For questions accepted before a deadline agreed by the Business Committee, the order of questions must be determined by random means on the last day on which they may be tabled.	Retain Standing Order
12.65	The Presiding Officer must call the Member asking the question to ask a supplementary oral question and may then call other Members to ask related supplementary oral questions.	Retain Standing Order
12.66	Where any oral question is not reached, the Member must receive a written answer on the same day. The written answer must be published in the report of plenary proceedings.	Retain Standing Order

Annex B

Oral Questions

12.54 Members may table oral questions to the First Minister, to each Welsh Minister or to the Counsel General, about any matters relating to his or her responsibilities (except that oral questions may be tabled to the Minister with responsibility for government business only about matters relating to his or her responsibilities other than for government business (if any)).

12.55 Members may table oral questions to the Commission about any matter relating to the Commission's responsibilities.

12.56 Time must be made available in plenary meetings for:

- (i) the First Minister to answer oral questions once, and for a maximum of 60 minutes, in each week that the Assembly meets in plenary;
- (ii) each Welsh Minister and the Counsel General to answer oral questions in relation to his or her responsibilities, at least once, and for a maximum of 45 minutes, in every four weeks that the Assembly meets in plenary (except that the Minister with responsibility for government business is only to answer questions under Standing Order 12.56(ii) if he or she has responsibilities for matters other than government business); and
- (iii) the Commission to answer oral questions at least once, and for a maximum of 30 minutes, in every four weeks that the Assembly meets in plenary.

12.57 A Deputy Welsh Minister may at the request of the First Minister, a Welsh Minister or the Counsel General, answer any oral question on any matter on which he or she assists the First Minister, a Welsh Minister or the Counsel General (as the case may be).

12.58 Where it is not reasonably practicable for the First Minister, a Welsh Minister or the Counsel General to answer oral questions on a day when he or she would normally do so, another Welsh Minister may, after prior notification to the Presiding Officer, answer those questions.

12.59 Questions to the First Minister must be tabled at least three working days before they are to be answered; questions to Welsh Ministers, the Counsel General and the Commission must be tabled at least five working days before they are to be answered.

12.60 Questions are accepted at the discretion of the Presiding Officer, who must have regard to any written guidance issued in accordance with Standing Order 6.17.

12.61 The Presiding Officer must undertake a ballot to select the names of those Members who may table oral questions to the First Minister, and Welsh Ministers, and the Counsel General (if the Counsel General is answering oral questions only on matters relating to any responsibilities he or she holds other than those of the government's law officer).

12.62 A ballot under Standing Order 12.61 must be conducted at least one working day before the last day on which questions may be tabled.

12.63 Each Member may enter their names into the ballot under Standing Order 12.61 no more than twice for oral questions to a particular Welsh Minister or the Counsel General (if the Counsel General is answering oral questions only on matters relating to any responsibilities he or she holds other than those of the government's law officer), and once for oral questions to the First Minister.

12.63A Subject to Standing Order 12.63B, any Member may table oral questions to the Counsel General (unless he or she is answering oral questions only on matters relating to any responsibilities he or she holds other than those of the government's law officer, in which case Standing Order 12.61 applies) and the Commission.

12.63B Each Member may table no more than two oral questions to the Counsel General, and one oral question to the Commission, for any week where they are answering questions.

12.64 For questions accepted before a deadline agreed by the Business Committee, the order of questions must be determined by random means on the last day on which they may be tabled.

12.65 The Presiding Officer must call the Member asking the question to ask a supplementary oral question and may then call other Members to ask related supplementary oral questions.

12.66 Where any oral question is not reached, the Member must receive a written answer on the same day. The written answer must be published in the report of plenary proceedings.