

## National Assembly for Wales

### The Welsh Government's Legislative Programme: 2012 update July 2012

On 14 June 2011, the First Minister announced his intention to provide annual legislative statements to the Assembly about the Government Bills that will be introduced during the course of each year. In anticipation of such a statement, this paper provides a synopsis of the Bills introduced by the Welsh Government during the 2011-2012 session and an indication of the Bills that may be brought forward by the Welsh Government in 2012-2013. A summary of all the consultation documents issued so far which relate to future government Bills has also been included.

The paper relates only to Welsh Government Bills and not Assembly Member, Committee or Commission proposed Bills. Please note also that the information contained in this paper is not exhaustive and that there may be additional proposals added to the legislative programme which the Welsh Government has not yet announced.

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Enquiry no: 12/1674

## **National Assembly for Wales**

The Welsh Government's Legislative  
Programme: 2012 update  
July 2012

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Paper number: 12/034

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# Contents

|   |           |
|---|-----------|
| <b>1. Introduction</b> .....  | <b>5</b>  |
| <b>2. Bills introduced during the 2011-2012 session</b> .....   | <b>6</b>  |
| 2.1. Local Government Byelaws (Wales) Bill .....  | 6         |
| 2.2. School Standards and Organisation (Wales) Bill .....   | 6         |
| 2.3. Food Hygiene Rating Scheme (Display of Information) (Wales) Bill.....                                      | 7         |
| 2.4. Public Audit (Wales) Bill .....  | 7         |
| <b>3. Bills foreshadowed in 2012-2013</b> .....   | <b>9</b>  |
| 3.1. Human Transplantation (Wales) Bill .....   | 9         |
| 3.2. Social Services (Wales) Bill.....  | 10        |
| 3.3. Active Travel (Wales) Bill .....   | 11        |
| 3.4. Democracy and Elections (Wales) Bill.....  | 12        |
| 3.5. Further and Higher Education (Wales) Bill:.....  | 12        |
| <b>4. Other Bills consulted upon</b> .....  | <b>14</b> |
| 4.1. White Paper: Housing Bill.....   | 14        |
| 4.2. Consultation Document: Piercing (Age of Consent) Bill .....  | 15        |
| 4.3. Consultation Document: Sustainable Development Bill .....  | 16        |
| 4.4. Consultation Document: Forward in Partnership for Children and<br>Young People with Additional Needs ..... | 17        |
| 4.5. Independent Advisory Group: Planning Bill.....   | 17        |
| 4.6. Green Paper: Sustaining A Living Wales.....  | 18        |
| 4.7. Green Paper: Working Together for Wales - The Public Service<br>Workforce .....                            | 19        |
| <b>5. Remaining Bills</b> .....   | <b>20</b> |
| <b>6. Other Bills which may be added to the Legislative Programme</b> .....                                     | <b>21</b> |
| 6.1. Smoking ban in cars.....   | 21        |
| 6.2. Fisheries .....  | 22        |
| <b>7. Bills not brought forward</b> .....   | <b>23</b> |
| <b>A. Timetable for the introduction of Assembly Bills during the fourth<br/>Assembly: 2012 update</b> .....    | <b>24</b> |



# The Welsh Government's Legislative Programme: 2012 update

## 1. Introduction

On 12 July 2011 the First Minister, the Rt. Hon. Carwyn Jones AM, made a statement in plenary outlining the Welsh Government's legislative programme for the next five years.<sup>1</sup> The statement included details of 21 Bills that the Welsh Government intended to introduce over the course of the fourth Assembly up until the next Assembly elections in May 2016.<sup>2</sup> In a separate statement made on 14 June 2011, the First Minister stated that:

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** *[RS emphasis]*.<sup>3</sup>

This paper as a result provides a synopsis of the Bills introduced by the Welsh Government during the 2011-2012 session and an indication of the Bills that may be brought forward by the Welsh Government in 2012-2013. A summary of all the consultation documents issued so far which relate to future government Bills has also been included.

Information is also provided about those Bills which have been dropped from the government's legislative programme in addition to information about new Bills which may be added.

**The paper relates only to Welsh Government Bills and not Assembly Member, Committee or Commission proposed Bills. Please note also that the information contained in this paper is not exhaustive and that there may be additional proposals added to the legislative programme which the Welsh Government has not yet announced.**

The information provided in this paper is correct as of 10 July 2012.

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<sup>1</sup> National Assembly for Wales, *RoP: Plenary*, 12 July 2011

<sup>2</sup> Background information about each of the Bills is available in the Research Paper *The Welsh Government's Legislative Programme 2011-2016* published by the Research Service in July 2011.

<sup>3</sup> National Assembly for Wales, *RoP: Plenary*, 14 June 2011

## 2. Bills introduced during the 2011-2012 session

The Welsh Government has introduced a total of four Bills since the First Minister's legislative statement on 12 July 2011. Further information about each of these Bills is included below.

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

This [Bill](#) was introduced by the Minister for Local Government and Communities, Carl Sargeant AM, on **28 November 2011**. It aims to simplify and improve the way in which byelaws are used as a regulatory mechanism for local government in Wales.

The Bill was considered by the [Communities, Local Government and Equalities Committee](#) at Stage 1 and 2 and passed by the Assembly at Stage 4 on 3 July 2012. It is currently the only Bill which has completed its legislative passage so far during the fourth Assembly.

Further information about the Bill (as introduced) is included in a [Bill Summary](#) prepared by the Research Service. Details of changes made by amendments passed at Stage 2 to the Bill can be found in a [Summary of changes made at Stage 2](#).

### 2.2. *School Standards and Organisation (Wales) Bill*

This [Bill](#) was introduced by the Minister for Education and Skills, Leighton Andrews AM, on **23 April 2012**. It contains provisions that seek to address a range of educational issues. The Bill in particular aims to:

- provide a clearer process for school intervention with the aim of driving up school improvement through the introduction of statutory guidance;
- reform the statutory process for school organisation so that decisions are taken locally wherever possible;
- remove the requirement for School Governing Bodies to hold Annual Parents' Meetings and introduce a new right for parents to call meetings with School Governing Bodies;
- give local authorities and schools greater flexibility over the pricing of school meals;
- mainstream several grant-funded programmes to help streamline current processes;
- make local authorities accountable for planning Welsh-medium provision by making Welsh in Education Strategic Plans statutory.<sup>4</sup>

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<sup>4</sup> Welsh Government, News release, [Bill to strengthen schools standards laid by Minister](#), 23 April 2012

The introduction of the Bill follows a Welsh Government consultation on proposals contained in a [White Paper](#) which took place between 10 October 2011 and 5 January 2012.

The Bill is currently at Stage 1 in the legislative process and is being considered by the [Children and Young People Committee](#) who have until 12 October 2012 to prepare a report on its general principles. Further information about the Bill is included in a [Bill Summary](#).

### *2.3. Food Hygiene Rating Scheme (Display of Information) (Wales) Bill*

This [Bill](#) was introduced by the Minister for Health and Social Services, Lesley Griffiths AM, on **28 May 2012**. The Bill's introduction follows a consultation on a [draft version of the Bill](#) which was conducted by the Welsh Government between 14 December 2011 and 7 March 2012.

The Bill will make it compulsory for food businesses in Wales to display information on their hygiene standards (their food hygiene rating) in a position where it can easily be seen by customers. It is currently at Stage 1 in the legislative process and is being considered by the [Health and Social Care Committee](#) who have until 5 October 2012 to prepare a report on its general principles. Further information about the Bill is included in a [Bill Summary](#).

### *2.4. Public Audit (Wales) Bill*

This [Bill](#) was introduced by the Minister for Finance and Leader of the House, Jane Hutt AM, on **9 July 2012**.<sup>5</sup> It was preceded by a Welsh Government [consultation](#) on a [draft version of the Bill](#) which took place between 15 March and 15 May 2012. The Bill aims to strengthen and improve the accountability and governance arrangements relating to the Auditor General for Wales (AGW) and the Wales Audit Office (WAO). In particular, it aims to:

- address concerns relating to accounting, propriety and governance issues at the WAO and in relation to the AGW;
- respond to the recommendations of the PAC report published in March 2011 (entitled [Accountancy, governance and propriety issues at the Wales Audit Office](#)) to enhance oversight over the AGW;
- substantially reduce the prospect of similar difficulties happening again; and
- provide greater assurance to the Assembly and the public.<sup>6</sup>

The Bill is currently at Stage 1 in the legislative process and is being considered by the [Public Accounts Committee](#).

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<sup>5</sup> Welsh Government, Jane Hutt (Minister for Finance and Leader of the House), [The Public Audit \(Wales\) Bill, Cabinet Written Statement](#), 10 July 2012

<sup>6</sup> Welsh Government, [Explanatory Memorandum: Public Audit \(Wales\) Bill](#), 9 July 2012

Background information about the AGW and the WAO is available in the research paper [The Audit Regime in Wales 1999-2011](#) prepared by the Assembly's Research Service. A Bill Summary, which will provide additional details about the Bill will be published in due course by the Research Service.

### 3. Bills foreshadowed in 2012-2013

Included below is an outline of the Bills which the Welsh Government may bring forward during the 2012-13 session. **Please note however that this list is not exhaustive and may not accurately reflect the intentions of the Welsh Government for the forthcoming year.**

#### 3.1. *Human Transplantation (Wales) Bill*

On 18 June 2012, the Minister for Health and Social Services, Lesley Griffiths AM, published a **draft Human Transplantation (Wales) Bill** and an accompanying **consultation document** and **draft explanatory memorandum**. In announcing the Bill, the Minister stated that:

The effect of this Bill will be to change the way in which consent is to be given to deceased organ and tissue donation in Wales for the purposes of transplantation. The main change will be in respect of adults who live and die in Wales, where consent to donation will be deemed to have been given if they had not expressed a wish for or against donation. Deemed consent will not apply to everyone - there will be safeguards for children, people who lack capacity and people who do not live in Wales.

In practice, people will be given the opportunity to either formally make a decision to be a donor (to opt in), or not to be a donor (to opt out), by placing their name on a register. If they choose to do neither, despite having had the opportunity to opt out, they will have effectively made a decision to have their consent deemed, and this will have legal standing. It will be treated as a wish of the deceased to be a donor and a decision which families will be sensitively encouraged to accept.<sup>7</sup>

The consultation will close on 10 September 2012. In terms of timing, the Minister confirmed that:

**I will introduce the Human Transplantation (Wales) Bill into the Assembly within the 2012-13 session after considering consultation responses on the draft Bill [RS *emphasis*].** I envisage the new soft opt-out system will be implemented in 2015, two years following the passage of the legislation through the Assembly, to allow for a comprehensive public awareness and communication campaign to take place.<sup>8</sup>

The publication of the draft Bill follows a consultation on a **White Paper on Proposals for Legislation on organ and tissue donation** which ran from 8 November 2011 to 31 January 2012. A total of 1,234 responses were received to that consultation, and a **summary** of these was published by the Minister on 8 March 2012. Of those responding who gave a view 52 per cent (646) supported the proposals and 39 per cent (478) opposed.<sup>9</sup>

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<sup>7</sup> Welsh Government, Minister for Health and Social Services (Lesley Griffiths), **Consultation on the draft Human Transplantation (Wales) Bill**, Cabinet Written Statement, 18 June 2012

<sup>8</sup> Ibid

<sup>9</sup> Welsh Government, Minister for Health and Social Services (Lesley Griffiths), **Proposals for organ and tissue donation legislation - publication of analysis report following the consultation**, Cabinet Written Statement, 8 March 2012

Additional background in relation to the proposals contained in the White Paper and the draft Bill is available in a research paper on [Organ and Tissue Donation](#) which was published by the Assembly's Research Service in November 2011.

### *3.2. Social Services (Wales) Bill*

On 12 March 2012, the Deputy Minister for Social Services, Gwenda Thomas AM, issued a [White Paper on the Social Services \(Wales\) Bill](#). The public consultation closed on 1 June 2012.

In announcing the White Paper, the Deputy Minister stated that the "Bill has been developed to provide us with the legislative foundation we need to implement the programme of change outlined in our White Paper, 'Sustainable Social Services for Wales: A Framework for Action'".<sup>10</sup> A total of 275 written submissions were received in response to the consultation.<sup>11</sup>

The publication of the White Paper followed an oral statement to plenary on 24 January 2012 where the following outline of the Bill's range and scope was provided by the Deputy Minister:

The Bill will give people the right to access information, advice, and assistance in finding out about services ...

The Bill will extend the range of services for which people have the right to a direct payment where that is their wish, and extend the rights of carers to an assessment by introducing a single duty that will allow us to extend the right for a carer's assessment more widely, when circumstances permit. We will also strengthen the complaints procedure and extend the public services ombudsman's powers to consider complaints ...

The Bill will ... extend the duty on social services and the NHS to collaborate on the delivery of integrated services, including the expectation of the use of pooled budgets and other flexibilities ...

The Bill will set out powers to establish a national outcomes framework and set standards for social services. However, we also want to be clear about local accountability. The Bill will, therefore, establish a duty requiring local authorities to appoint a competent director of social services to lead and manage family-focused social services. This will include powers to share directors of social services.

... we will provide a statutory basis for adult protection, stronger national direction, and establish clearer links between child and adult protection, through the new legal framework. There will be strategic changes to the regulatory system for social care, including clarifying the responsibilities of employers and the regulator's role in checking the financial viability of providers ...

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<sup>10</sup> Welsh Government, Deputy Minister for Social Services (Gwenda Thomas), [Consultation on the Social Services \(Wales\) Bill](#), Cabinet Written Statement, 12 March 2012

<sup>11</sup> Welsh Government, Deputy Minister for Social Services (Gwenda Thomas), [Post-Consultation Update on the Social Services \(Wales\) Bill](#), Cabinet Written Statement, 28 June 2012

Finally, the Bill will simplify arrangements in relation to adoption by placing a duty on the 22 local authorities to require them to come together to establish a single adoption agency.<sup>12</sup>

In an additional statement issued on 28 June 2012 however, the Deputy Minister announced that provisions relating to the regulation and inspection of the social care workforce and social care services in Wales would not be included in the Bill, following comments received by stakeholders at the White Paper stage.<sup>13</sup>

In light of this decision, the Deputy Minister announced plans to introduce a separate social care Bill during the current Assembly. She stated that:

This decision creates the opportunity for us to go beyond the proposals laid out in our consultation paper, and it seems to me from the consultation analysis that there is an appetite for this. I am therefore proposing that a separate piece of primary legislation be introduced during the lifetime of the current Assembly which will address the regulation and inspection of the social care workforce and social care services in Wales. I intend to publish a White Paper during 2013 on the proposed content of this second Bill, and will keep Assembly Members and stakeholders informed of developments as work on this new legislation progresses.<sup>14</sup>

She also confirmed that the original Bill would be introduced in January 2013 rather than in the autumn of 2012 as previously stated in plenary on 24 January 2012.<sup>15</sup>

### 3.3. *Active Travel (Wales) Bill*

The Minister for Local Government and Communities, Carl Sargeant AM, published a [White Paper on Proposals for Legislation on Active Travel \(routes for walking and cycling\)](#) on 9 May 2012. The Bill was included in the Welsh Government's initial legislative programme, but under the different title of the *Highways and Transport (Wales) Bill*.

The White Paper is subject to a public consultation which closes on 14 August 2012. It includes proposals that aim to place requirements on local authorities in Wales to:

- identify and map the network of routes within their areas that are safe and appropriate for walking and cycling;
- identify and map the enhancements that would be required to create a fully integrated network for walking and cycling and develop a prioritised list of schemes to deliver the network;

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<sup>12</sup> National Assembly for Wales, [RoP: Plenary](#), 24 January 2012

<sup>13</sup> Welsh Government, Deputy Minister for Social Services (Gwenda Thomas), [Post-Consultation Update on the Social Services \(Wales\) Bill](#), Cabinet Written Statement, 28 June 2012

<sup>14</sup> Ibid

<sup>15</sup> Ibid

- deliver an enhanced network subject to budget availability and following due process;
- consider the potential for enhancing walking and cycling provision in the development of new road schemes.<sup>16</sup>

The Minister indicated that he was expecting to introduce a Bill into the Assembly in the spring of 2013.<sup>17</sup>

### 3.4. *Democracy and Elections (Wales) Bill*

The Minister for Local Government and Communities, Carl Sargeant AM, published a [White Paper on Promoting Welsh Local Democracy](#) on 17 May 2012. The paper is subject to a public consultation which will close on 3 August 2012.

In launching the paper, the Minister stated that:

The Bill will be intended to redesign the rules within which the Local Government Boundary Commission for Wales operates and make reforms to the structure and functions of the Commission. These changes will address the recommendations from the Mathias review of the Commission's programme of electoral reviews undertaken in 2010, as detailed in my statement on 25 January 2012.<sup>18</sup>

He indicated that the Bill would be introduced "in autumn 2012".<sup>19</sup>

### 3.5. *Further and Higher Education (Wales) Bill:*

On 2 July 2012, the Minister for Education and Skills, Leighton Andrews AM, issued a [White Paper consultation on the Further and Higher Education \(Wales\) Bill 2013](#). The consultation will close on 24 September 2012. Details of a Bill relating to further and higher education was included in the Welsh Government's initial legislative programme, but as part of a larger Bill, entitled the *Education Structures, Governance and Special Educational Needs (Wales) Bill*. The remaining provisions relating to special educational needs and performance management in teaching which were meant to be included in that Bill will now be included in a separate *Education (Wales) Bill* (see paragraph 4.4 below for more details).

In relation to Further Education, the Minister stated that the Bill would:

... increase the freedom of further education (FE) colleges in Wales, following the decision by the Office for National Statistics (ONS) to reclassify FE colleges as part of central government for the purpose of National Accounts. The ONS classification is determined largely by the degree of government control over FE institutions. For financial and operational reasons, the Welsh Government regards the ONS reclassification of FE colleges as undesirable. Through

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<sup>16</sup> Welsh Government, Minister for Local Government and Communities (Carl Sargeant), [White Paper - Proposals for Legislation on Active Travel \(routes for walking and cycling\)](#), Cabinet Written Statement, 9 May 2012

<sup>17</sup> Ibid

<sup>18</sup> Welsh Government, Minister for Local Government and Communities (Carl Sargeant), [Launch of the consultation on the Promoting Local Democracy White Paper](#), Cabinet Written Statement, 17 May 2012

<sup>19</sup> Ibid

legislation I therefore intend to increase college freedoms in the key areas identified above, and to seek to reverse the reclassification and reinstate colleges as non profit institutions serving households (NPISH).

Relaxing these powers means that the recommendations set out in the independent report on FE governance published in March 2011, which promoted a social enterprise model of governance, will now be implemented in colleges on a voluntary basis ... I will also be reinstating protected places for staff on college boards to ensure that college staff maintain a role in governance in any new arrangements that colleges deploy.<sup>20</sup>

#### Provisions relating to Higher Education in the Bill include:

- reform of the functions of the Higher Education Funding Council for Wales including quality assurance and enhancement of higher education provision
- Welsh Minister's powers of direct funding of higher education provision to support partnership and collaborative activity
- funding of student unions and purposeful student charters.<sup>21</sup>

The First Minister announced in his statement on the legislative programme to plenary on 12 July 2011 that this Bill would be introduced in the second year of the legislative programme.<sup>22</sup>

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<sup>20</sup> Welsh Government, Minister for Education and Skills (Leighton Andrews), *White Paper – Further and Higher Education (Wales) Bill 2013*, Cabinet Written Statement, 2 July 2012

<sup>21</sup> Ibid

<sup>22</sup> National Assembly for Wales, *RoP: Plenary*, 12 July 2011

## 4. Other Bills consulted upon

The Welsh Government has so far consulted in relation to a further seven Bills that may be introduced in future sessions. These are summarised below.

### 4.1. *White Paper: Housing Bill*

The Minister for Housing, Regeneration and Heritage, Huw Lewis AM, published [Homes for Wales: A White Paper for Better Lives and Communities](#) on 21 May 2012. The public consultation on the paper will close on 17 August 2012.

The publication of the White Paper followed an earlier consultation issued by the Minister between 8 December 2011 and 17 February 2012 on a document entitled [Meeting the Housing Challenge: Building a consensus for action. A summary of responses](#) to that consultation has since been published by the Welsh Government, which the Minister has indicated will inform the content of the Bill.<sup>23</sup>

In announcing the White Paper, the Minister stated that the document describes “proposals for new legislation and other, non-legislative, action”.<sup>24</sup> He also provided details of those proposals in the White Paper that would require legislation, namely:

- a statutory duty on local authorities to prevent homelessness, and ensure even better help available for those who do become homeless.
- ending family homelessness in Wales by 2019.
- a mandatory registration and accreditation scheme for private sector landlords which will assist individuals and families by regulating the practices of landlords, lettings agents and managing agents. Good private sector landlords will benefit from these changes as it will not allow bad practice to continue.
- tackling the waste and blight of empty properties by giving local authorities discretionary power to increase council tax on properties empty for longer than one year.
- ensuring that Gypsy and Traveller communities are provided with new housing sites by local authorities where there is clear evidence of need.
- providing more housing options for people to meet their needs by defining Community Land Trusts and enabling a new co-operative housing tenure.
- strengthening the strategic role of local authorities to identify and address local housing needs.<sup>25</sup>

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<sup>23</sup> Welsh Government, Huw Lewis (Minister for Housing, Regeneration and Heritage), [Meeting the Housing Challenge - Building a Consensus for Action](#), Cabinet Written Statement, 8 December 2011

<sup>24</sup> Welsh Government, [A White Paper for Better Lives and Communities](#), 21 May 2012

<sup>25</sup> Welsh Government, Huw Lewis (Minister for Housing, Regeneration and Heritage), [Launch of the Housing White Paper](#), Cabinet Written Statement, 21 May 2012

The Minister confirmed that he would be introducing a Housing Bill based on the White Paper's proposals in "autumn 2013".<sup>26</sup>

The White Paper also however included a commitment to "take forward tenancy reform, **via a separate Bill**, within the lifetime of this Assembly".<sup>27</sup> The White Paper states that such a Bill may be based on proposals originally put forward by the Law Commission in their May 2006 report on [Renting Homes](#) and in the [draft Rented Homes Bill](#). The Minister issued a consultation document on [Proposals for a Better Private Rented Sector in Wales](#) on 6 July 2012. The consultation will close on 17 August 2012 and will run simultaneously with the on-going consultation on the housing White Paper. In announcing the publication of the consultation document, the Minister stated that it is the Welsh Government's intention to "introduce a licensing scheme for landlords and letting and management agents" in the private rented sector.<sup>28</sup>

#### 4.2. *Consultation Document: Piercing (Age of Consent) Bill*

The Minister for Health and Social Services, Lesley Griffiths AM, issued a [consultation document on cosmetic piercing of young people](#) on 18 October 2011. In the accompanying statement that was made to plenary on the same day, the Minister emphasised that "A decision on the need to legislate will be taken following a full analysis of the consultation responses".<sup>29</sup>

The consultation closed on 31 January 2012 and [a summary of the 228 responses received](#) was subsequently published by the Welsh Government.

In a written statement issued on 30 May 2012, the Minister confirmed her intention to:

... move forward with proposals to make legislation which will cover issues such as:

- A minimum age of consent for cosmetic piercing. This will require a young person, below 16 years of age, to be accompanied by a parent or guardian when they want to have a cosmetic piercing procedure. This will include more common piercings, such as piercings of the ear lobes.
- A definitive age restriction for intimate cosmetic piercing (a piercing of the nipples or genitalia). This will prohibit cosmetic piercing operators carrying out intimate cosmetic piercings on young people below 18 years of age.
- A requirement for the cosmetic piercing operator to undertake a pre-treatment consultation for all cosmetic piercing procedures, irrespective of the age of the person

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<sup>26</sup> Welsh Government, Huw Lewis (Minister for Housing, Regeneration and Heritage), [Launch of the Housing White Paper](#), Cabinet Written Statement, 21 May 2012

<sup>27</sup> Welsh Government, [A White Paper for Better Lives and Communities](#), 21 May 2012, paragraph 4.117

<sup>28</sup> Welsh Government, Huw Lewis (Minister for Housing, Regeneration and Heritage), [Proposals for a Better Private Rented Sector in Wales – Consultation Paper](#), 6 July 2012

<sup>29</sup> National Assembly for Wales, [RoP: Plenary](#), 18 October 2011

who wants to have the cosmetic piercing. This pre-consultation will cover as a minimum:

- Whether the person being pierced has any health problems that may put them at greater risk if they have the piercing.
- How the piercing will be done, including any possible problems.
- How to look after the piercing to prevent infection.

The purpose of this legislation is to reduce the number of infections and post-procedure complications associated with cosmetic piercings in Wales.<sup>30</sup>

The Minister concluded however that “the appropriate legislative vehicle for this proposed new legislation and timescales for introduction have yet to be determined” and that “It is my intention for further details to be published for full consultation, once finalised”.<sup>31</sup>

#### *4.3. Consultation Document: Sustainable Development Bill*

The Minister for Environment and Sustainability, John Griffiths AM, launched a [consultation document](#) on the Welsh Government’s proposals for a Sustainable Development Bill on 8 May 2012. The consultation will close on 18 July 2012.

The document sets out the Welsh Government’s proposals to develop and strengthen the approach to sustainable development in Wales. These proposals relate to commitments made in the Welsh Government’s programme for government to:

- legislate to make sustainable development the central organising principle of the Welsh Government and public bodies in Wales; and
- create an independent sustainable development body for Wales.

In announcing the consultation document, the Minister stated that:

We want all organisations to speed up the pace of change towards sustainable development, and to get excellent value from our finite resources, delivering on behalf of citizens. This is why we are bringing forward legislation now, to commit government, at local and at national level, along with other organisations delivering devolved public services, to this journey.<sup>32</sup>

He also stated that the responses received to the consultation document would inform a forthcoming Sustainable Development Bill White Paper that will be published in the autumn of 2012.<sup>33</sup>

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<sup>30</sup> Welsh Government, Lesley Griffiths (Minister for Health and Social Services), [Cosmetic Piercing of Young People](#), Cabinet Written Statement, 30 May 2012

<sup>31</sup> Ibid

<sup>32</sup> Welsh Government, John Griffiths (Minister for Environment and Sustainability), [Launch of a consultation on proposals for a Sustainable Development Bill](#), 8 May 2012

<sup>33</sup> Ibid

#### 4.4. *Consultation Document: Forward in Partnership for Children and Young People with Additional Needs*

The Welsh Government's website states that a *Education (Wales) Bill* will be introduced during the current Assembly to "provide for improved performance management in teaching, reform of the existing system of statements for children and young people with Special Educational Needs".<sup>34</sup> These provisions may have initially been intended to form a part of the *Structures, Governance and Special Educational Needs (Wales) Bill* which was included in the Welsh Government's original five year legislative programme announced on 12 July 2011.

The Minister also published a consultation document relating to the [reform of the legislative framework for special educational needs](#) on 26 June 2012 which may inform the Bill.<sup>35</sup> The document states that:

The existing statutory framework is based upon legislation that is over 30 years old and, while subsequent amendments and improvements have been made, there have been a number of other important legislative and policy developments in recent years. It is now time to reframe the legislation to reflect these changes, while affirming the principles underpinning the current arrangements. **We propose to reform the framework, beginning with a Bill, to produce a system that is simpler, less adversarial, more reassuring for parents/carers and based on effective multi-agency working** [RS emphasis].<sup>36</sup>

The consultation closes on 19 October 2012.

#### 4.5. *Independent Advisory Group: Planning Bill*

On 30 September 2011, the Minister for Environment and Sustainability, John Griffiths AM announced the establishment of an [independent advisory group](#) to form an evidence base for the Planning Bill. In particular, it was tasked to:

- identify the key policy objectives that the planning system is required to deliver now and in the future;
- assess existing institutional delivery arrangements, noting areas of good practice and areas in need of improvement; and,
- propose options for the future delivery of the planning system, including plan making and development management services.<sup>37</sup>

The advisory group held a [consultation exercise](#) between 11 November 2011 and 3 February 2012. It also met on seven occasions between October 2011 and

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<sup>34</sup> Welsh Government, *5 year legislative plan*, 2 July 2012

<sup>35</sup> Welsh Government, Minister for Education and Skills (Leighton Andrews), *Launch of Consultation Document: "Forward in Partnership for Children and Young People with Additional Needs": Proposals for Reform of the Legislative Framework for Special Educational Needs*, Cabinet Written Statement, 26 June 2012

<sup>36</sup> Welsh Government, *Consultation document: Forward in partnership for children and young people with additional needs: Proposals for reform of the legislative framework for special educational needs*, 26 June 2012

<sup>37</sup> Welsh Government, John Griffiths (Minister for Environment and Sustainability), *Planning Bill*, Cabinet Written Statement, 30 September 2011

March 2012. It was due to present a report on its findings to the Minister towards the end of May 2012.<sup>38</sup>

The Welsh Government has confirmed that the Bill will be introduced during the 2015-16 session.<sup>39</sup> A White Paper is expected at the end of 2012.<sup>40</sup> It has also published a [document](#) which outlines how the provisions included in the Planning Bill will interact with other Bills included in the legislative programme, namely the Housing, Heritage, Environment, Sustainable Development and Active Travel Bills.<sup>41</sup>

#### 4.6. *Green Paper: Sustaining A Living Wales*

On 30 January 2012, the Minister for Environment and Sustainability, John Griffiths AM, launched [Sustaining A Living Wales: A Green Paper on a new approach to natural resource management in Wales](#).

According to the document, the consultation on the Green Paper “will principally inform the proposed **2014-15 Environment Bill** and the proposed **Planning Bill**”.<sup>42</sup> The paper added that:

The central proposal is to move to an ecosystem approach to environmental regulation and management. This will mean considering and regulating the environment and its health as a whole rather than dealing with individual aspects separately. It will mean weighing up and setting priorities for the many competing demands on our natural resources to provide different services to society – ranging from the value of the environment in itself, to food production to land for construction. And it will result in us taking steps at both local and national level that will help to maximise the environmental, economic and social opportunities available to us as a nation.

Overall we expect the new approach will:

- improve the resilience and diversity of our environment and its supporting biodiversity;
- provide simpler and more cost-effective regulation;
- offer greater certainty for decision-makers.<sup>43</sup>

The public consultation closed on 31 May 2012.

Additional details about the Environment and Planning Bills were included in the Welsh Government’s [consultation document on the creation of a Single Environment Body for Wales](#), issued on 9 February 2012. The document states

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<sup>38</sup> Welsh Government, [Planning Bill independent advisory group: Outputs, timing and measures of success](#), 9 November 2011

<sup>39</sup> Welsh Government, [Planning Bill: timeline](#), 4 April 2012

<sup>40</sup> Welsh Government, [5 year legislative plan](#), 2 July 2012

<sup>41</sup> Welsh Government, [Planning Bill: How it all fits together](#)

<sup>42</sup> Welsh Government, [Sustaining a Living Wales: A Green Paper on a new approach to natural resource management in Wales](#), 30 January 2012, page 1

<sup>43</sup> Ibid

that “the establishment of the new body will provide a genuine opportunity to review priorities and to change processes”.<sup>44</sup> It adds that:

We wish to develop our proposals for the ecosystem approach, environmental planning and future regulation, preferably with input from the new body. These proposals, which would enable us to consolidate and further modernise our legislation, **will form part of our Environment and Planning Bills [RS emphasis].**<sup>45</sup>

The consultation ran from 9 February 2012 to 2 May 2012. A [summary of the responses](#) received to the consultation is available on the Welsh Government’s website.

#### *4.7. Green Paper: Working Together for Wales - The Public Service Workforce*

On 8 May 2012, the Minister for Local Government and Communities, Carl Sargeant AM, issued a [Green Paper consultation on Working Together for Wales: The Public Service Workforce](#). Details of this Bill were not included in the Welsh Government’s original legislative programme issued in July 2011.

In announcing the Green Paper, the Minister stated that the proposals included would deliver the aims of the Welsh Government’s [Strategic Framework for the Public Workforce in Wales](#). The Minister also explained that the Green Paper proposes legislation in the following areas:

- The ability by Welsh Ministers to issue statutory guidance on matters affecting the devolved public service workforce including a process to govern the adoption of agreements which arise out of the Workforce Partnership Council
- A duty on devolved public service organisations to promote and apply partnership working as it affects workforce matters
- A Two-Tier and TUPE (Transfer of Undertakings (Protection of Employment) Regulations) code for devolved public services organisations in Wales.<sup>46</sup>

The Minister also confirmed that he will be considering the responses to the public consultation (which closes on 31 July 2012) before deciding on the next steps.<sup>47</sup>

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<sup>44</sup> Welsh Government, [Consultation Document: Natural Resources Wales](#), 9 February 2012, page 15

<sup>45</sup> Ibid

<sup>46</sup> Welsh Government, Carl Sargeant (Minister for Local Government and Communities), [Green Paper – Working Together for Wales: The Public Service Workforce](#), Cabinet Written Statement, 8 May 2012

<sup>47</sup> Ibid

## 5. Remaining Bills

The Welsh Government has not provided specific details about the introduction dates of the following Bills, which were included in the initial legislative programme. Further information about these is available in the [Welsh Government's Legislative Programme 2011-2016 paper](#) prepared by the Research Service in July 2011:

- **Public Health (Wales) Bill:** to make provisions relating to delivering improved life expectancy, well-being and reducing health inequality.
- **Domestic Abuse (Wales) Bill:** to place a duty on relevant public sector bodies to have a domestic abuse and “violence against women strategy” in place.
- **Prevention of Youth Offending Bill:** to strengthen the delivery of services to children and young people entering and leaving the youth justice system.
- **Children and Young Persons (Wales) Bill:** to build on the *Rights of Children and Young Persons (Wales) Measure 2011* and to expand the role of the Children’s Commissioner for Wales.
- **Heritage Bill:** to streamline the current wide range of controls available to help protect historic assets in Wales.
- **Statutory Third Sector Compacts Bill:** to make Third Sector compact arrangements between local authorities and the Third Sector intermediary bodies, County Voluntary Councils, a statutory requirement.

## 6. Other Bills which may be added to the Legislative Programme

During the course of the year, the Welsh Government has indicated that they may introduce additional Bills to those outlined in their initial legislative programme. These are summarised below.

### 6.1. *Smoking ban in cars*

The First Minister announced in Plenary on 14 July 2011 that the Welsh Government would consider introducing legislation that would ban smoking in cars carrying children in Wales should non-statutory methods prove at first ineffective:

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.<sup>48</sup>

Such a move has already been applied in much of Australia, Canada and five states in the USA but never in mainland Europe (although smoking is banned in private cars carrying passengers under 16 in Cyprus).<sup>49</sup>

The Minister for Health and Social Services, Lesley Griffiths AM, reiterated the Welsh Government's position during a Plaid Cymru opposition plenary debate on 6 December 2011:

The Welsh Government is already committed to launching a three-year media campaign in January to raise awareness of the dangers of smoking in cars carrying children. My officials will be evaluating data on children's exposure to second-hand smoke throughout the campaign to enable me to assess reductions in exposure. We are committed to taking tough action, and if evidence shows the campaign to reduce smoking in cars carrying minors does not achieve a significant reduction in exposure to second-hand smoke, we will consider legislation during the current term.<sup>50</sup>

The Welsh Government's [Tobacco Control Action Plan for Wales](#) was published on 10 February 2012. It contained a section on "Smoke-free cars" and included the following action point:

The Welsh Government will develop a campaign on smoking in cars carrying children and consider pursuing legislative options to ban smoking in cars carrying children if children's exposure to second-hand smoke does not start to fall within three years (Action 4.7).<sup>51</sup>

In launching the Welsh Government's [Fresh Start](#) campaign on 6 February 2012, the First Minister stated that "if necessary we will not shy away from considering

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<sup>48</sup> Wales online, [Wales could be the first in Europe to ban smoking in cars carrying children](#), 14 July 2011

<sup>49</sup> See The Guardian, [Welsh Assembly takes a new direction on health policy](#), 19 July 2011

<sup>50</sup> National Assembly for Wales, [RoP - Plenary](#), 6 December 2011

<sup>51</sup> Welsh Government, [Tobacco Control Action Plan for Wales](#), 10 February 2012, section 5.2

legislation to further protect children from second-hand smoke” and that “A ban on smoking in cars carrying children will be considered later in this five-year term of Government if smoking levels do not reduce as a result of the campaign”.<sup>52</sup>

## 6.2. Fisheries

Details of additional legislative proposals relating to fisheries that were not included in the legislative programme announced on 12 July 2011 were 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 in the Royal Welsh Agricultural Show 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.<sup>53</sup>

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.<sup>54</sup>

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.<sup>55</sup>

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<sup>52</sup> Welsh Government, News release, [Campaign to protect children from smoking in cars](#), 6 February 2012

<sup>53</sup> National Assembly for Wales, [RoP: Environment and Sustainability Committee](#), 19 July 2011

<sup>54</sup> Ibid

<sup>55</sup> Ibid

## 7. Bills not brought forward

In his statement on the Welsh Government's legislative programme on 12 July 2011, the First Minister stated that:

We will also introduce a **local government (collaborative measures) (Wales) Bill**. This will facilitate the process of local authorities making joint appointments, requiring them to consider doing so for posts of specified seniority, and create powers for the Auditor General for Wales to inspect and report on compliance with this duty, and for the Welsh Ministers to intervene in cases of failure.<sup>56</sup>

In an oral statement issued on 24 January 2012 however, the Minister for Local Government and Communities, Carl Sargeant AM, announced that he had reconsidered the need to introduce such a Bill. He stated that:

I am now minded that there is no immediate need for further legislation in the area of collaboration, but I will issue statutory guidance later this year. Through the work of the public service leadership group, I will closely monitor the progress that the various parts of the compact make, and, should it falter or slow, I will reconsider this position on legislation.<sup>57</sup>

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<sup>56</sup> National Assembly for Wales, [RoP: Plenary](#), 12 July 2011

<sup>57</sup> National Assembly for Wales, [RoP: Plenary](#), 24 January 2012

**A. Timetable for the introduction of Assembly Bills during the fourth Assembly: 2012 update**

| <b>Bill title</b> | <b>White Paper / Draft Bill / Consultation date</b> | <b>Introduction date</b> |
|-------------------|---|--------------------------|
|-------------------|---|--------------------------|

**Bills already introduced**

|  |  |                  |
|--|--|------------------|
| Local Government Byelaws (Wales) Bill                            | No consultation                                | 28 November 2011 |
| School Standards and Organisation (Wales) Bill                   | White Paper (10 October 2011 – 5 January 2012) | 23 April 2012    |
| Food Hygiene Rating Scheme (Display of Information) (Wales) Bill | Draft Bill (14 December 2011 – 7 March 2012)   | 28 May 2012      |
| Public Audit (Wales) Bill  | Draft Bill (15 March 2012 – 15 May 2012)       | 9 July 2012      |

**Bills foreshadowed for 2012-2013**

|   |  |                   |
|---|--|-------------------|
| Human Transplantation (Wales) Bill        | White Paper (8 November 2011 – 31 January 2012)<br>Draft Bill (18 June 2012 – 10 September 2012) | 2012-2013 session |
| Social Services (Wales) Bill              | White Paper (12 March 2012 – 1 June 2012)  | January 2013      |
| Active Travel (Wales) Bill                | White Paper (9 May 2012 – 14 August 2012)  | Spring 2013       |
| Democracy and Elections (Wales) Bill      | White Paper (17 May 2012 – 3 August 2012)  | Autumn 2012       |
| Further and Higher Education (Wales) Bill | White Paper (2 July 2012 – 24 September 2012)  | 2012-2013 session |

## Other Bills which have been the subject of consultation exercises

|  |   |                   |
|--|---|-------------------|
| Housing Bill                           | White Paper (21 May 2012 - 17 August 2012)  | Autumn 2013       |
| Piercing (Age of Consent) (Wales) Bill | Consultation Document (18 October 2011 - 31 January 2012)   | Not specified     |
| Sustainable Development Bill           | Consultation Document (8 May 2012 - 18 July 2012)<br>White Paper to be introduced in the Autumn of 2012.          | Not specified     |
| Education (Wales) Bill                 | Consultation Document on special educational needs (26 June - 19 October 2011)                                    | Not specified     |
| Public Service Workforce Bill          | Green Paper (8 May 2012 - 31 July 2012)   | Not specified     |
| Environment Bill                       | Green Paper (30 January 2012 - 31 May 2012)   | 2014-2015 session |
| Planning Bill                          | Green Paper (30 January 2012 - 31 May 2012)<br>White Paper to be published towards the end of 2012. <sup>58</sup> | 2015-2016 session |

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<sup>58</sup> Welsh Government, *5 year legislative plan*, 2 July 2012

## Remaining Bills

|   |   |   |
|---|---|---|
| Public Health (Wales) Bill              | A consultation will be published in 2012. <sup>59</sup>   | The First Minister has stated that this Bill will be introduced sometime during the second half of the legislative programme. <sup>60</sup> |
| Domestic Abuse (Wales) Bill             | Not specified   | The First Minister stated in July 2011 that the Bill would be introduced in the next two years. <sup>61</sup>                               |
| Prevention of Youth Offending Bill      | Not specified, but Welsh Government plan to consult on the Bill sometime in 2012. <sup>62</sup> | Not specified   |
| Children and Young Persons (Wales) Bill | Not specified   | The First Minister has stated that the Bill will be introduced sometime during the second half of the legislative programme. <sup>63</sup>  |
| Heritage Bill                           | Not specified   | 2014-2015   |
| Statutory Third Sector Compacts Bill    | Not specified   | The First Minister has stated that this Bill will be introduced towards the end of the fourth Assembly. <sup>64</sup>                       |

<sup>59</sup> Welsh Government, *5 year legislative plan*, 2 July 2012

<sup>60</sup> National Assembly for Wales, *ROP: Plenary*, 12 July 2012

<sup>61</sup> Ibid

<sup>62</sup> Ibid

<sup>63</sup> Ibid

<sup>64</sup> Ibid

|   |   |               |
|---|---|---------------|
| Regulation of the Social Care Workforce and Services Bill | White Paper to be published sometime in 2013. <sup>65</sup> | Not specified |
| Rented Homes Bill   | Not specified   | Not specified |

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<sup>65</sup> Welsh Government, Deputy Minister for Social Services (Gwenda Thomas), [\*Post-Consultation Update on the Social Services \(Wales\) Bill\*](#), Cabinet Written Statement, 28 June 2012