

Consultation document: The establishment of a new BIPA committee

February 2013



Cynulliad
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Cymru

National
Assembly for
Wales

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Summary

A proposal to establish a new BIPA committee on devolved matters was made by the Deputy Presiding Officer of the National Assembly for Wales, David Melding AM, on behalf of the Welsh delegation, at a meeting of the BIPA Steering Committee on 18 October 2012.

In light of the proposal, the Steering Committee is seeking views from BIPA members on the following issues:

1. Do you believe that a new BIPA committee should be established?
2. Should the proposed committee first be established on a temporary basis and its initial work and operation reviewed after a pilot phase?
3. What types of issues should the proposed committee consider?
4. How would possible overlaps between the remit of the new committee and existing committees be managed within BIPA?
5. What should be the membership of the proposed committee?
6. Should BIPA's Rules of Procedure be amended so that the proposed committee would not be required to have a membership constituting at least one third Members of the Oireachtas and one third Members of the UK Parliament?
7. What should be the quorum of the proposed committee?
8. How should the committee be supported?
9. What should be the name of the proposed committee?
10. Any other comments?

The closing date for submissions is **24 May 2013**.

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1. Introduction

At its meeting on 18 October 2012, the BIPA Steering Committee considered a paper from the Welsh delegation on the establishment of a new committee on devolved matters ('the proposed committee') which was presented at the meeting by the Deputy Presiding Officer of the National Assembly for Wales, David Melding AM.

Following discussions, the Steering Committee agreed to look into the issue further and, following a subsequent meeting between David Melding AM and the Co-Chairs of the Steering Committee in Dublin on 17 January 2013, it was agreed in principle to seek further views from BIPA members and to launch a formal call for evidence on the issue.

Please note however that although this paper is formally presented by the Steering Committee, the suggestions and accompanying commentary included are taken from the original Welsh delegation paper and have not (at this stage) been formally endorsed by the Steering Committee.

1.1. Current BIPA structures

BIPA currently consists of: 25 members each from the Irish and UK Parliaments; five each from the Scottish Parliament, the Northern Ireland Assembly and the National Assembly for Wales; and one each from the Tynwald of the Isle of Man, and the States of Guernsey and Jersey. It conducts its business through bi-annual plenary meetings and the following four committees:

- **Committee A:** Sovereign Matters (exclusive to members from the UK and Irish Sovereign Parliaments)
- **Committee B:** European Affairs
- **Committee C:** Economic
- **Committee D:** Environmental and Social

According to BIPA's Rules for the Conduct of Business, the Steering Committee may appoint up to a maximum of six committees.

2. Issues for consideration

2.1. *The need for a new committee*

The initial proposal put to the Steering Committee by the Welsh delegation in October 2012 suggested that the establishment of a new committee would further BIPA's key principles of enhancing mutual understanding and respect between its participating members, and that it would do this by:

- Providing a new forum for the sovereign parliaments, devolved legislatures and Crown Dependencies to discuss policies that can be developed in a decentralised context at the sub-state level in both the UK and in Ireland;
- Enabling the sharing of common experiences, particularly by looking at the development of landmark policies at the sub-state level in both the UK and Ireland;
- Improving interaction and best practice between the sovereign parliaments, the devolved legislatures and Crown Dependencies.

In turn, it was hoped that the establishment of the proposed committee would:

- Strengthen and modernise BIPA's current structures to reflect recent constitutional changes in the UK, which could lead to an increase in the relevance of BIPA's work amongst its respective members; and
- Provide for the sharing of ideas between national and regional/sub-state tiers with a clear focus on developing practical and innovative outcomes to common issues.

2.2. *Possible inquiries*

It is envisaged that the proposed committee would focus on those areas of policy that are mostly or wholly dealt with at the devolved level in Wales, Scotland and Northern Ireland; at the regional/local authority level in Ireland and England; by the High Court of Tynwald in the Isle of Man and by the States of Jersey and Guernsey. The Steering Committee also expects that the committee will normally choose to inquire into matters within its remit of common concern to all jurisdictions represented within BIPA.

In conducting its work, the proposed committee may wish to consider issues relating to the principle of subsidiarity, particularly whether the views and wishes of the regional and local levels of governance are taken into account when making legislation at the Irish, UK and European Union level. The proposed committee could also choose to look at issues of a regional, local or devolved nature, which are currently discussed between UK and Irish governments at the British-Irish Council.

Examples of possible inquiries for the proposed committee to undertake are included below:

i) Indigenous, minority and lesser used languages

Although responsibility for indigenous and minority languages generally resides with the devolved legislatures and Crown Dependencies in the UK, a number of factors relating to their use and development (such as economic development, broadcasting etc.) remain the preserve of the UK Government.

Language development in Ireland is the responsibility of the Irish Government. However the economic, social and cultural development of the Gaeltacht has been delegated to the Údarás na Gaeltachta – a regional authority consisting of a governing board of 12 members and 82 staff.

The committee could look in particular at the role of the media and broadcasting in relation to minority and indigenous languages and issues relating to best practice in language planning.

ii) Educational qualifications and student flows

As a result of devolution, the way in which qualifications are awarded and regulated is becoming increasingly different in each part of the UK. This includes the possible introduction of a new qualification in England to replace GCSEs; the establishment of a new qualifications body in Wales to regulate and award qualifications in Wales (based on the existing Scottish Qualifications Authority); and the decision of the Northern Ireland Executive to withdraw its qualifications in England due to emerging policy differences.

Although qualifications in Ireland are currently set and regulated on a national level, such an inquiry may be of interest to the Irish delegation, particularly as a means to share experiences and as a way to look at factors that may influence cross-border student flows between Ireland and the UK.

iii) Sporting events

A number of high-profile international sporting events have been held in Ireland and the UK over the past decades and both countries have successfully bid and delivered showpiece events. These include:

- the Commonwealth Games in England (2002) and Scotland (2014);
- the Ryder Cup in Ireland (2006), Wales (2010) and Scotland (2014);
- the London Olympics (2012);
- the Rugby World Cup in Wales (1999) and England (2015); and
- the International Island Games in the Isle of Man (2001), Guernsey (2003) and Shetland (2005).

Ireland and Scotland have also previously presented a joint bid to host the European Football Championships in 2008. Scotland and Wales also considered a joint bid for the 2016 championship. An unsuccessful bid for the 2020 tournament was also made jointly by Scotland, Wales and Ireland. Bristol Airport has also recently supported Cardiff in their bid to host a game during the 2020 European championship.

An inquiry could look at the role of the national/regional/sub-national levels in co-ordinating such bids, the economic and social impact of major sporting events and the way such projects are managed to ensure success and long-lasting benefits.

Questions

1. Do you believe that a new BIPA committee should be established?
2. Should the proposed committee first be established on a temporary basis and its initial work and operation reviewed after a pilot phase?
3. What types of issues should the proposed committee consider?
4. How would possible overlaps between the remit of the new committee and existing committees be managed within BIPA?

2.3. *Membership and quorum*

BIPA's Rules of Procedure state that that:

Up to eighteen Members or Associate Members may be nominated by the Steering Committee to each committee, one third of whom shall be Members of the Oireachtas, one-third Members of Parliament, and one-third Members of the Participating institutions.¹

The Rules also state that the Steering Committee can nominate up to 18 members and 15 alternate members of each committee.

It is suggested that the membership of the proposed committee be as follows, amounting to a total of 18 members:

- 3 Members each from Scotland, Wales and Northern Ireland;
- 3 Members each from the Oireachtas and the UK Parliament;
- 1 Member each from the Isle of Man, Guernsey and Jersey.

Should this approach be adopted, however, the Rules of Procedure would have to be revised so that the proposed committee would not be required to have a membership constituting of at least one third Members of the Oireachtas and one third Members of the UK Parliament.

¹ BIPA, *Rules of Procedure*, Rule 31(a), March 2011

BIPA's Rules of Procedure also enable the Steering Committee to fix the quorum for each committee. The current quorum for BIPA committee meetings is four, which comprises of either two members of each sovereign parliament, or two members of one sovereign parliament, one member of the other sovereign parliament and one member of a devolved body/Crown Dependency. This position may have to change, therefore, to reflect the nature of the proposed committee's remit and membership.

Questions

5. What should be the membership of the proposed committee?
6. Should BIPA's Rules of Procedure be amended so that the proposed committee would not be required to have a membership constituting at least one third Members of the Oireachtas and one third Members of the UK Parliament?
7. What should be the quorum of the proposed committee?

2.4. *Resourcing and costs*

At present, the following costs are associated with each BIPA committee meeting:

- **Travel and hotel costs:** It is currently the responsibility of each legislature to pay for the travel and hotel costs of their respective members for each meeting;
- **Formal dinner and general meeting costs (use of rooms, refreshments etc.):** It is currently the responsibility of the legislature at which the meeting is taking place to organise and pay for a formal dinner the night before the meeting and to provide meeting rooms and refreshments for the duration of the meeting.

It is suggested that the arrangements set out above continue with regard to the work of the proposed committee. It is anticipated that the proposed committee would meet on the same basis as the current BIPA committees (twice to three times a year) with meetings held at different locations.

As is also the case with the current BIPA committees, it is suggested that the proposed committee be supported by two Clerks to allow for flexibility: an 'active Clerk' from one legislature and a 'shadow clerk' from another.

Given the nature of the proposed committee's remit and membership, however, the Chair may, more often than not, be a representative from the devolved legislatures or the Crown Dependencies rather than from either sovereign parliament. It is suggested therefore that the proposed committee's 'active Clerk' be an official from the same legislature as the Chair and that the active Clerking

duties be passed on to the relevant legislature in future, whenever a new Chair is appointed.

Should the proposed committee be supported by a Clerk from a devolved legislature or a Crown Dependency, a degree of liaison with the BIPA secretariats in London and Dublin would also be necessary to avoid duplication of work with other BIPA committees and to ensure that the committee's new output was fed through to the bi-annual plenary sessions.

Question

8. How should the committee be supported?

2.5. The name of the committee

At the meeting between David Melding AM and the Co-Chairs of the Steering Committee in Dublin on 17 January 2013, it was suggested that the name of the new committee be changed from 'Committee E: Devolved Matters' to make it clear that its work would better encompass regional issues in England and Ireland. Suggested alternative names therefore include 'Committee E: Regional Affairs' and 'Committee E: Regional Affairs and Subsidiarity'.

Question

9. What should be the name of the proposed committee?

10. Any other comments?

3. Next steps

It is requested that responses to this consultation be submitted to Owain Roberts at the National Assembly for Wales (email: owain.roberts@wales.gov.uk) by **Friday, 24 May 2013**.

All views expressed by that date will then be considered by the Steering Committee at their meeting in **June 2013**, where a decision on whether or not to establish the proposed committee will be made.

If the Steering Committee decides in favour of setting up a new committee, the necessary changes to BIPA's Rules of Procedure would be made at the forthcoming BIPA Plenary in **October 2013** with an inaugural meeting to take place soon after.

