

Amending Standing Orders

Temporary Standing Orders 12.41A-H on Proxy Voting

July 2022

In accordance with Standing Order 11.7(iv), the Business Committee is responsible for making recommendations on the general practice and procedures of the Senedd, including any proposals for the re-making or revision of Standing Orders.

This report recommends an amendment to Standing Order 12.41H to extend the effect of current temporary Standing Orders 12.41A-H until 1 April 2023, whilst a full review of proxy voting takes place.

The Senedd is invited to approve the proposals to amend the Standing Orders as at Annex A. The amended Standing Orders, if approved, are at Annex B.



1. Background

- 1.** The Senedd currently has Standing Orders relating to Proxy voting for Members on parental leave, set out in Standing Orders 12.41A-H (Annex A). In the absence of a vote by the Senedd to retain, extend or amend the Standing Orders, these provisions will automatically expire on 1 August 2022.

2. Proxy Voting

- 2.** The Fifth Senedd Business Committee agreed to introduce proxy voting for parental leave in two stages. Firstly for parental leave on a temporary, trial basis, and secondly to look at the possibility of extending it to long-term illness and other caring responsibilities in the future.
- 3.** The start of the trial coincided with the onset of the Covid-19 pandemic. The Standing Orders were initially due to expire at the end of the Fifth Senedd, but were subsequently extended until 1 August 2022.
- 4.** To date, two Members have voted by proxy in accordance with Standing Order 12.41A: in the Fifth Senedd, Bethan Sayed MS arranged for Dai Lloyd MS to act as her proxy between 8 July 2020 and 8 January 2021; and in the Sixth Senedd, Adam Price MS arranged for Siân Gwenllian MS to act as his proxy between 7 June and 18 July 2021.

3. Review

- 5.** Business Committee recently conducted a review into the continued availability of remote participation in Senedd Business, including remote voting, as part of a review of the other temporary procedures in Standing Order 34 (Emergency Procedures).
- 6.** In light of the interconnected nature of decisions over future voting arrangements, it was decided that a review of proxy voting would follow this, as any future provision of remote voting could have had a bearing upon decisions over whether to retain or potentially extend the proxy voting scheme.
- 7.** Now that the Business Committee has made recommendations in relation to future voting and participation arrangements, the Committee has agreed to timetable full consideration of proxy voting provisions for autumn 2022 and

spring 2023. To allow for the current arrangements to continue during this time, it is necessary for Standing Order 12.41H to be amended to extend the expiry date from 1 August 2022 to 1 April 2023.

- 8.** Similar reviews of proxy voting provisions are currently being held in other parliaments in the United Kingdom and the new proposed timetable would allow Business Committee to consider their findings as part of their review process.

4. Decision

- 9.** On 5 July 2022, the Business Committee formally agreed to propose changes to Standing Orders relating to proxy voting for parental leave. The Senedd is invited to approve the proposed new Standing Orders at Annex B.

Annex A – Proposed changes to Standing Orders 12.41A-H, and explanatory notes

STANDING ORDER 12 – Business in Plenary Meetings

Decisions on Motions and Amendments	Retain heading
12.41 Subject to Standing Orders 12.41A-H, Members must cast their votes individually and in person (but are not obliged to vote).	Retain Standing Order Standing Order included for information
12.41A A Member may, by reason of absence from the Senedd for parental leave, arrange for their vote to be cast by another Member acting as a proxy (a proxy vote).	Retain Standing Order Standing Order included for information
12.41B Subject to Standing Order 12.41C, a proxy vote may be cast on all business in Plenary (including secret ballots under Standing Order 6 and Standing Order 17) and a Committee of the Whole Senedd.	Retain Standing Order Standing Order included for information
12.41C No proxy vote may be cast where legislation requires a resolution or motion to be passed on a vote in which the number of Members voting in favour of it is at least two-thirds of the total number of Senedd seats.	Retain Standing Order Standing Order included for information
12.41D A proxy vote must not count towards the numbers participating in a vote for the purposes of Standing Order 12.46.	Retain Standing Order Standing Order included for information

<p>12.41E A proxy vote may be cast only if the Presiding Officer has certified that the Member for whom the vote is to be cast is eligible under the terms of Standing Order 12.41A.</p>	<p>Retain Standing Order Standing Order included for information</p>
<p>12.41F A vote cast by a proxy must be clearly indicated as such in the report of plenary proceedings or minutes of the Committee of the Whole Senedd.</p>	<p>Retain Standing Order Standing Order included for information</p>
<p>12.41G The Presiding Officer, having consulted the Business Committee, must issue written guidance to Members under Standing Order 6.17 on the operation of voting by proxy for parental leave.</p>	<p>Retain Standing Order Standing Order included for information</p>
<p>12.41H Standing Orders 12.41A – 12.41H, and the references to them in Standing Orders 12.41 and 17.48, will cease to have effect on 1 August 2022 <u>1 April 2023</u>.</p>	<p>Amend Standing Order The temporary provisions on proxy voting are extended to 1 April 2023, to allow time for the Business Committee to carry out a review of their operation.</p>

Annex B – Standing Orders 12.41A-H, as amended

STANDING ORDER 12 – Business in Plenary Meetings

Decisions on Motions and Amendments

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- 12.41A A Member may, by reason of absence from the Senedd for parental leave, arrange for their vote to be cast by another Member acting as a proxy (a proxy vote).
- 12.41B Subject to Standing Order 12.41C, a proxy vote may be cast on all business in Plenary (including secret ballots under Standing Order 6 and Standing Order 17) and a Committee of the Whole Senedd.
- 12.41C No proxy vote may be cast where legislation requires a resolution or motion to be passed on a vote in which the number of Members voting in favour of it is at least two-thirds of the total number of Senedd seats.
- 12.41D A proxy vote must not count towards the numbers participating in a vote for the purposes of Standing Order 12.46.
- 12.41E A proxy vote may be cast only if the Presiding Officer has certified that the Member for whom the vote is to be cast is eligible under the terms of Standing Order 12.41A.
- 12.41F A vote cast by a proxy must be clearly indicated as such in the report of plenary proceedings or minutes of the Committee of the Whole Senedd.
- 12.41G The Presiding Officer, having consulted the Business Committee, must issue written guidance to Members under Standing Order 6.17 on the operation of voting by proxy for parental leave.
- 12.41H Standing Orders 12.41A – 12.41H, and the references to them in Standing Orders 12.41 and 17.48, will cease to have effect on 1 April 2023.