

Creating a Parliament for Wales: Frequently asked questions

This consultation begins on 12 February 2018 and closes on 6 April 2018



The National Assembly for Wales is the democratically elected body that represents the interests of Wales and its people, makes laws for Wales, agrees Welsh taxes and holds the Welsh Government to account.

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Background

What is this consultation about?

The *Wales Act 2017* marks the start of a new phase of devolution in Wales. It gives the National Assembly for Wales powers over new policy areas, including the Assembly's own size, electoral system and internal arrangements.

The National Assembly for Wales's Commission is leading work to explore how the powers in the *Wales Act 2017* relating to the Assembly's electoral and internal arrangements might be exercised to help make the institution a strong, accessible, inclusive and forward-looking democratic legislature that delivers effectively for the people of Wales.

Fundamental constitutional reform of the nature proposed in the consultation requires broad political consensus within the Assembly and more widely across Wales. This consultation invites people from across Wales to have their say. The Commission is keen to hear from members of the public, political and civic society, academics, organisations and other stakeholders about what they want their legislature to be.

In addition to the recommendations made by the Expert Panel on Assembly Electoral Reform about the size of the Assembly, how Assembly Members are elected, and the minimum voting age for Assembly elections, the consultation also includes potential changes to who can vote in Assembly elections and who can be an Assembly Member, as well as changes to the law relating to electoral administration and the Assembly's internal arrangements.

How can I have my say on the proposals?

There are different ways that you can let the Assembly Commission know what you think about the potential reforms:

- Visit the consultation microsite (www.futuresenedd.wales), and fill in an online survey. You can choose whether to answer questions on all of the proposals, or just the ones which interest you most.
- Visit the consultation website (www.assembly.wales/futuresenedd), where you will find the full consultation document and an easy read version of the consultation document. You can either email your completed consultation form to AssemblyCommission.Consultations@assembly.wales or ComisiwnyCynulliad.Ymgynghori@cynulliad.cymru, or you can post it to us at Freepost, National Assembly for Wales.

The consultation period will last from 12 February 2018 to 6 April 2018.

How many Assembly Members does the Assembly need?

What do Assembly Members do, and why does it matter?

Assembly Members represent the interests of their constituents and communities. They scrutinise government policy, spending, taxation and legislation to improve outcomes for the people of Wales, and they also make laws for Wales. Members take on casework for individuals or groups, and undertake local and national campaigning work. They are active in the constituencies and regions they represent. In particular, recess periods provide an opportunity less available in Assembly term time for Members to attend events and engage with the local community.

In addition, some Assembly Members also carry out specialist roles, including First Minister, Cabinet Secretaries, Counsel General, Llywydd, Deputy Presiding Officer, committee chairs and Assembly Commissioners.

Why does the Expert Panel believe more Members are needed?

The Expert Panel on Assembly Electoral Reform was established to consider a number of issues, including how many Members the Assembly needs to carry out its role. The Panel's report sets out the detail of its deliberation. In summary, it considered the following perspectives:

- the changing role and powers of the Assembly;
- the steps that have been, or could be, taken to increase the capacity of the Assembly without more Members;
- the complex and varied roles Members undertake;
- Members' responsibility for policy, legislative and financial scrutiny and oversight of the Welsh Government and other public bodies in Wales;
- the capacity of the Assembly's committee system; and
- how the Assembly compares to equivalent legislatures elsewhere in the UK and the world.

The Panel states that all of its analysis pointed to the same conclusion: that the appropriate future size for the Assembly is between 80 and 90 Members. It concludes that increasing the Assembly to a size within that range would deliver meaningful benefits for the capacity of the institution and corresponding dividends for the people of Wales.

Within this range, the Panel states that there would be a noticeable difference between the lower and upper ends. It suggests that a figure close to 80 would undoubtedly strengthen the institution and make it better able to fulfil its responsibilities effectively. However, it argues that at the upper end, the benefits would be greater, providing a meaningful difference in the ability of many Members to specialise, with consequent benefits for scrutiny and representation. In addition, it suggests that the upper end of the range would also lessen the risk that the question of capacity would need to be revisited in the foreseeable future, should the responsibilities of the Assembly increase further.

The Panel also concludes that the scrutiny and oversight role of the Assembly, if carried out effectively, positively affects the lives of people in Wales by improving the quality of Welsh legislation, and influencing Welsh Government policy and decision-making. It states that even marginal improvements in the scrutiny of the Welsh Government's expenditure and policy-making would reap significant dividends to the taxpayer.

The consultation invites views on the Expert Panel's proposals. Responses to the consultation will help shape the development of any legislative proposals.

Could Assembly Members work differently, or sit for longer?

The McCormick Commission on Parliamentary Reform recently made recommendations on how the Scottish Parliament could increase its capacity and work more effectively. The Expert Panel considered these, as well as other steps that have been or could be taken to increase capacity.

In recent years the Assembly has increased the number of hours it sits in the day, the number of days it sits in the week and the number of weeks it sits in the year. Further increases in formal meeting time could have a detrimental impact on the time available for Members to undertake research, reading and preparation for committee and Plenary business.

In addition, our system of democratic representation relies on the close connection between Members and the voters they serve. In its report, the Expert Panel details the varied roles of Members, an important element of which is the

work they do outside Cardiff Bay in their constituencies and regions. For instance, attending events, running campaigns and strengthening their understanding of the pressures facing local public service providers. Extending the Assembly working week would reduce the time available for this kind of activity, and for working on the casework Members undertake on behalf of individual constituents and community groups.

The Expert Panel considered steps that have been, or could be, taken to increase the capacity of the Assembly, but concluded that they have not, and cannot, compensate for the fundamental issue of the severely limited time available to just 60 elected Members to carry out their vital roles.

How much will more Assembly Members cost?

The Assembly Commission provided the Expert Panel with estimates of the potential additional annual recurrent costs associated with an Assembly of either 80 or 90 Members. These estimates range from some £6.6 million (for an additional 20 Members) to £9.6 million per annum (for an additional 30).

For context, in 2017-18, the Commission's annual budget was £53.7 million. The additional recurrent costs therefore represent 12 and 18 per cent of that budget respectively.

In addition, there would also be some one-off costs associated, for example, with adjustment of the Siambr and Members' office accommodation. These are estimated to be approximately £2.4 million for 20 additional Members and £3.3 million for 30 additional Members.

These cost estimates are, necessarily based on the services and system of financial support currently in place. Decisions taken by both the Remuneration Board and the Commission in the past, however, have been taken at least partly on the basis of compensating for the lack of Member capacity in an Assembly of only 60 Members.

The costs should be considered in the broader context of democratic representation in Wales and the positive impact of the Assembly's scrutiny and oversight role, improving the quality of Welsh legislation and influencing Welsh Government policy. Even marginal improvements in the scrutiny of the Welsh Government's expenditure could reap significant dividends to the taxpayer through improved legislation, policy and decision-making.

The Expert Panel recommended that both the Assembly Commission and the Remuneration Board should consider carefully how the total staffing support, services and financial resources provided to Members can be altered in the case of a larger Assembly, so that the cost of implementing the recommendations is kept to an absolute minimum.

The Assembly Commission accepts this recommendation, and if the size of the Assembly does increase, it is committed to ensuring that the associated costs are kept to an absolute minimum.

How should Assembly Members be elected?

Why are you considering any changes to the electoral system?

The Expert Panel concluded that as devolution in Wales enters its next phase, the Assembly cannot continue with only 60 Members without risking its ability to deliver for the people and the communities it serves. The *Wales Act 2017* will give the Assembly the powers it needs to determine the number of Members it needs to carry out its work.

If the number of Assembly Members changes, then the electoral system will need to change, as the current system has been designed specifically to elect 60 Members. The Expert Panel was therefore also asked to identify how Assembly Members should be elected with effect from 2021. It suggested that changing the size of the institution also provided an opportunity to reform and revitalise the electoral system so that the Assembly better reflects the communities that it serves.

The consultation invites views on the Expert Panel's proposals. Responses to the consultation will help shape the development of any legislative proposals.

Why are you only consulting on three potential electoral systems?

The Expert Panel on Assembly Electoral Reform was tasked with identifying how Assembly Members should be elected. It considered a wide range of electoral systems, for example First Past The Post; multi-member First Past The Post; a single national list; closed list proportional representation; open list proportional representation; Alternative Vote; Mixed Member Majoritarian and Dual-Member Mixed Proportional systems.

The Panel used a framework of ten principles against which it evaluated these systems: government accountability and effectiveness; proportionality; Member accountability; electing Members with equivalent status; diversity; voter choice; equivalent mandate so that votes have approximately the same value; meaningful boundaries; simplicity, and sustainability and adaptability.

Clearly no single system can fully deliver against every one of these principles. The Panel therefore rejected the systems which it was not confident could adequately deliver against these principles and operate effectively in Wales with effect from 2021.

The consultation invites views on the Expert Panel's proposals. Responses to the consultation will help shape the development of any legislative proposals.

Why has the Panel made recommendations for gender quotas? How would they work?

The National Assembly has a strong reputation in relation to balanced gender representation. For example, in 2003 the Assembly was one of the first parliamentary bodies in the world to achieve equal representation of women and men. The Expert Panel considered how this reputation could be safeguarded.

Women currently constitute 42 per cent of Members. This compares favourably to the international average of 23 per cent, but reform of the electoral system presents an opportunity to protect Wales's achievements on gender representation.

The Expert Panel outlined how gender quotas could work in relation to any of our proposed electoral systems, by requiring parties to put forward balanced slates of male and female candidates.

The consultation invites views on the Expert Panel's proposals. Responses to the consultation will help shape the development of any legislative proposals.

Why has the Panel recommended job sharing for Assembly Members? How would it work?

The Expert Panel said that job sharing could allow people from many walks of life and all backgrounds and identities to become Assembly Members. It suggested that this would be in keeping with modern working practice in most other professions. In particular, the Panel argued that allowing job sharing could help to remove barriers which might otherwise prevent people with disabilities or caring responsibilities from standing for election. It could also enable people to stand for election whilst continuing to maintain their professional skills, or support older Assembly Members to continue to work part-time in their later years.

The Expert Panel stated that the guiding principle for job sharing should be that job sharing partners should be treated as if they were one person. This would mean that job sharing Assembly Members should create no additional costs beyond those of a single Assembly Member.

The consultation invites views on the Expert Panel's proposals. Responses to the consultation will help shape the development of any legislative proposals.

Who should be allowed to vote in Assembly elections?

Why are you considering any change to the minimum voting age?

The Expert Panel was asked to consider what the minimum voting age should be for Assembly elections from 2021. After considering the context in Wales, the UK and internationally, as well as the available evidence and research, it concluded that a reduction in the minimum voting age to 16 could be a powerful way to raise political awareness and participation among young people if accompanied by appropriate, effective and non-partisan political and citizenship education.

The evidence suggests that higher salience elections, such as the Assembly election, are more likely to result in higher turnout and voter participation. The Panel suggested that it would therefore be desirable that if the voting age is to be lowered in Wales, it should first take effect at Assembly elections rather than local elections, which are due in 2022.

The Panel also highlighted the Welsh Government's proposal to lower the voting age to 16 for local government elections in Wales. It stated that if this were to happen, it would be anomalous, and create additional administrative and political issues, if the voting age for Assembly elections from 2021 were not also reduced.

The consultation invites views on the Expert Panel's proposals. Responses to the consultation will help shape the development of any legislative proposals.

Are 16-year-olds mature enough to vote?

The Expert Panel considered the ages at which young people take on different rights and responsibilities. It concluded there is a lack of consistency and coherence in the age thresholds which apply, and that, in reality, there is no single age at which a young person takes on all of the rights and responsibilities of an adult citizen.

The Panel also considered whether 16-year-olds have the political knowledge, maturity and independence of thought to vote. Research by the Electoral Commission found that in the 2017 local elections in Scotland, 16- and 17-year-olds found it easier than 18- to 24-year-olds to access information on how to cast their votes, and were less likely to find it difficult to complete their ballot paper.

On balance, the Expert Panel concluded that a reduction in the minimum voting age to 16 with effect from 2021 could be a powerful way to raise political awareness and participation among young people.

Where else can people vote at 16?

In Scotland, Austria, the Isle of Man, Jersey and Guernsey, the minimum voting age is 16. 16- and 17-year-olds were able to vote in the Scottish independence referendum and can vote from 16 in local elections in Scotland and in Scottish Parliament elections. In addition, the Welsh Government has said that it will legislate to reduce the voting age for local government elections in Wales from 2022.

Malta has recently announced that it intends to reduce its minimum voting age to 16.

Why are you consulting on proposals to allow all legal residents in Wales and/or prisoners in Wales to vote?

The law currently allows the same people to vote in Assembly elections as are allowed to vote in local government elections. Any changes to the law on who can vote in local government elections would also apply to the Assembly franchise.

The Welsh Government has announced that it intends to legislate to change the local government franchise, including lowering the minimum voting age to 16, and extending the right to vote to all legal residents in Wales and to prisoners in Wales who are due for release during the term of office of the council which is to be elected.

The Expert Panel suggested that, as a matter of principle, the Assembly should determine its own franchise in legislation. While there may be good reasons why the right to vote in different elections differs, there are also potential benefits from the right to vote in different elections being the same. For example, it may be easier to administer and simpler for voters. The Assembly Commission is therefore consulting on whether these proposed changes should also apply in relation to Assembly elections.

What happens next?

Would legislation be needed to make any changes?

The reforms outlined in the consultation would require the Assembly to pass a Bill. The necessary powers to introduce such legislation will be conferred on the Assembly from 1 April 2018 by the *Wales Act 2017*.

Any such Bill would be subject to the Assembly's legislative scrutiny processes. In addition, the Bill would require a super-majority at its final legislative stage. This means that at least 40 Members would need to vote in favour of the Bill.

What happens next, and how can I keep up to date?

After the consultation has closed on 6 April, the Commission will consider all of the responses it has received. It will then make decisions on the timing and content of any legislation.

Any Bill the Commission introduces will be subject to scrutiny by the Assembly.

You can keep up to date with the Assembly reform work by:

- Following the Assembly on social media at [**@AssemblyWales**](#)
- Following the Llywydd on social media at [**@yLlywydd**](#)
- Signing up to receive [**Assembly reform update emails**](#).

When would any changes happen?

The Expert Panel on Assembly Electoral Reform was asked to publish its report by autumn 2017. This was so that, provided the required degree of political support is achieved, any legislative changes could be made in time for the National Assembly election in 2021. For this to happen, legislation would need to be passed by the summer of 2019, in order for subsequent secondary legislation to be made, for the Electoral Commission to implement changes in time for the 2021 election, and to give political parties time to select candidates.

