**Devolution in Wales made a tentative start**

The narrow margin in the 1997 Referendum is now only a matter of history, with little or no direct consequence. However, it paralleled divisions among politicians, especially those within the Labour Party and Government. They compromised and adopted a half-hearted approach to Welsh devolution.

The July 1997 White Paper ‘*A Voice for Wales’* announced that a 60-member assembly would take over most of the responsibilities of the Secretary of State for Wales. There would be no legal separation between the new Welsh ministers and the Assembly, which would be one corporate body aiming to work on the basis of ‘consensus’. With more limited legal powers than the proposed Scottish Parliament, it could pass only secondary legislation amending certain existing laws.

Conjecture the size of the Assembly if those divisions within the Labour Party had not existed. Conjecture the number of AMs if the full governmental model found in all ‘normal’ parliamentary democracies had been envisaged from the outset. It would not be unreasonable to express a higher figure than 60 with some certainty. As hard evidence, just look at what was proposed – and decided – for Northern Ireland’s far smaller population, for a start.

But that was only the start. The Assembly now has primary legislative powers. The scope of devolution has widened. Taxation powers are arriving and seem likely to grow. Even the titles have changed and we now have Cabinet Secretaries soon to be sitting in the Welsh Parliament. The nomenclature is significant because it symbolises that the body envisaged when the figure of 60 was conjured from the anterooms of compromise and the body which exists today are indeed as different as chalk and cheese.

There is yet another reason to avoid yet another compromise on size. It is that the opportunities for change are few and far between. The next may be decades away, with powers drip-fed in the meantime to a miserably under-resourced group of individuals. The time to act is *now*! Otherwise, with a lengthening history of increased powers without increased numbers to exercise and scrutinise the use of those powers, acceptance of such second rate democracy will be the norm around which the cement will continue to harden.

**The last attempt**

The Richard Commission (of which I was a Member) reached agreement on the size of the Assembly. We observed and analysed its work, leading us to conclude that it was already barely able to give proper democratic challenge and scrutiny at Committee level. It would certainly need more members when it had primary legislative powers.

We recommended increasing the size to 80 members, linking that to increased powers rather than being explicit about the existing inadequacies we had observed. Likewise, we limited the recommended number to 80 partly to ensure unanimity within the Commission but also because of the risk that the powers aspect of our report would be prejudiced by huge media attention and controversy over the number of AMs.

**Thereafter lost opportunities …. until now**

While the Assembly gained primary legislative powers, the linked proposal of the Richard Commission was ignored – too hot to handle for too many politicians who knew perfectly well that the Assembly was and is too small to achieve its high ambitions.

It is a matter of deep regret that so many subsequent opportunities to give Wales the Assembly which it needs to provide the spur of scrutiny to increase the effectiveness of government have been lost. The increase to 80 was minimal in 2004 and is now clearly inadequate. By international and even UK standards, it should have around 100 members.

The focus should be on the number of members available to perform scrutiny:

* First, those of the governing party/ies should be semi-discounted as unlikely to search hard for the failings of government.
* Next, the division into party groups should be seen as stretching AMs’ capacities to cover all topics in all committees.
* Finally, the numbers when there is a coalition government of parties forming even two-thirds or more of Assembly members should be taken into account.

Only then can a realistic judgment be made of scrutiny capacity.

 **The top team**

Currently, a First Minister must choose an entire Cabinet and other Ministers from around 30 AMs. That means that people are selected ‘faute de mieux’. A wider choice must therefore lead to higher quality in at least some cases. Moreover, an interesting current power might be marginally expanded to widen the choice still further.

The Counsel-General may be ‘an outsider’ chosen for his or her expertise. Though not always used in the past, the concept is appropriate to a relatively small body. If that power was no longer restricted to the Counsel-General and expanded to two such non-voting Cabinet Secretaries or Ministers, it
would offer an opportunity to broaden the expertise within Government.

 **Conclusion**

The people of Wales have much to gain from increased capacity leading to a more effective Assembly. A tiny increase in the effectiveness of government in Wales would pay dividends in multiples of the cost – abundant evidence of effective scrutiny demonstrates that link. This Panel and its recommendations may later be seen as the last chance to grasp the challenge – to recommend the increased capacity which so many members and observers of the Assembly know is needed.