

WRITTEN STATEMENT

Title: The Commission's Assembly Reform priorities following the outcome of the public consultation, "Creating a Parliament for Wales"

Date: 18 July 2018

By: Elin Jones AM, Llywydd, as Chair of the Assembly Commission

The Wales Act 2017 gave the National Assembly the power to make decisions in relation to our size, name and electoral arrangements.

We now have the opportunity to make our parliament a more effective, accessible and diverse legislature; to forge the national parliament that the people of Wales deserve to champion their interests and hold the Welsh Government to account.

Last week, the Assembly Commission met and discussed the [findings of its public consultation on electoral reform, "Creating a Parliament for Wales"](#) and agreed the next steps for this programme of work.

The Commission consulted previously on the name of the institution and Members are already aware of the intention to legislate to change the Assembly's name to the Welsh Parliament/Senedd Cymru.

Assembly Members mandated the Commission to hold a public consultation on matters relating to increasing the size of the Assembly and associated electoral and operational arrangements. The consultation took place between 12 February and 6 April 2018. At the heart of the consultation were the recommendations of the Expert Panel on Assembly Electoral Reform, which provided us with robust, impartial advice on the number of Members the Assembly needs, suitable electoral systems, and the minimum voting age for Assembly elections.

The Panel provided a clear message about this organisation's capacity to deliver for the people of Wales and concluded that with only 60 Members, the Assembly is too small to carry out its functions effectively. Its report proposed suitable voting systems that should be considered in order to deliver that larger, more diverse institution and also recommended that the minimum voting age should be lowered to 16.

The public consultation began a conversation with the people and communities of Wales, about how they should be represented and served by this parliament in future. There was a considerable effort to make that consultation process as accessible as possible. As well as online promotion and more traditional publicity, we held a series of public meetings across Wales which allowed for constructive debate and challenge. I am grateful to all those who participated and those who helped host the meetings. We also engaged directly with over 400 children and young people.

In total, over 3,200 submissions were received to our consultation, including 37 submissions from organisations. I am grateful to everyone who has responded for taking the time to turn their thoughts to the effectiveness, resilience and sustainability of this institution and the opportunity to reform Assembly elections.



We will publish a detailed report on the results of the consultation in the autumn when there will also be an opportunity for Members to make their views known in the Siambwr.

In the meantime, we are today publishing the [summary of the main findings](#) which indicate that of the more than 1,800 responses to questions about the size of the National Assembly, a majority thought that the institution needs more Members to carry out its role effectively.

The Single Transferable Vote system was the clear preference of those who responded to questions about how Assembly Members should be elected. It was supported by 54 per cent of those who responded to questions about the systems recommended by the Expert Panel, compared with 17 per cent for Flexible List Proportional Representation and 16 per cent for the Mixed Member Proportional system currently used. 13 per cent of responses did not support any of the three systems put forward by the Expert Panel.

59 per cent of responses in relation to the minimum voting age for National Assembly elections stated that it should be 16, compared with 39 per cent who said it should be 18 years of age.

The vast majority of those who responded to a question about whether the same people should be allowed to vote in National Assembly elections and in Local Government elections in Wales either agreed or strongly agreed.

Among those who responded to a question on diversity, there was clear support for the proposal that changes to the electoral system should be used to encourage the election of an Assembly that more accurately reflects the diverse nature of society in Wales. 52 per cent of responses to the separate question on job sharing for Members did not agree that people should be able to stand for election on this basis.

During this process, there has been ongoing engagement with political parties. I would like to pay tribute to the way in which they have participated constructively in these discussions. It is to the credit of the political parties that they have given the time and space to work through some of these important issues and to present ideas on how these matters can be taken forward and win the support of at least a two thirds majority of Members of the National Assembly.

I would also like to thank all our other key stakeholders—the electoral community, universities, voluntary organisations, businesses and others—who have not only engaged enthusiastically with the process but who have also helped facilitate a wider debate on these matters.

Ensuring a broad degree of support in each of the reform areas is critical before we, as an Assembly Commission, seek a mandate to legislate on these matters. With all this in mind, the Assembly Commission has agreed to a two-phase approach to Assembly Reform.

On the first key area for reform—the size of the Assembly, how Members should be elected and the approach taken to improve diversity, for example through gender quotas—it is clear that there needs to be more time for discussions to take place. Although I am confident, from conversations to date, and from the response to the public consultation, that there is sufficient support for the proposal to increase the number of Assembly Members, there is not yet consensus on the voting system that should be used to elect that larger institution.



As we cannot make a decision on electing more Members without also deciding how they are to be elected, we have to allow time for those discussions to continue over the coming months. With the ever-increasing pressure and additional responsibilities of this parliament, it is my view that we need to take action as soon as possible. As the Chair of the Expert Panel concludes in the report, the Assembly cannot continue as it is without risking its ability to deliver for the people and communities it serves. I will therefore be continuing my discussions with the parties around these issues and will provide further updates to Members as this work progresses.

We have a great opportunity to bring about the change this Assembly needs. I urge all parties to pour their efforts and courage into making this happen now. The only alternative is to accept that our Welsh parliament will face almost another decade of being underpowered.

The second key area for reform is who can vote in Assembly elections. The Expert Panel's report makes it clear that a reduction of the minimum voting age to 16 for Assembly elections would be "a powerful way to raise political awareness and participation among young people". I am reasonably confident at this time that legislation to implement the Panel's recommendation would secure the support of a comfortable majority of Members in the Assembly.

It is also clear from the public consultation that members of the public want the franchise for National Assembly elections to match the franchise for local government elections.

Members will be aware that it is the intention of the Welsh Government to lower the minimum voting age to 16 for the next local authority elections in 2022.

It is the Commission's view that in order to ensure the highest level of participation possible, that this should be implemented for the elections to our national parliament in the first instance. This reflects the conclusions of the Expert Panel that it is "desirable that if the franchise is to be extended in Wales, it should first take effect at the higher salience Assembly election" in 2021.

In order to ensure young people are encouraged and supported to exercise their right to vote, votes at 16 would have to be accompanied by appropriate, political and citizenship education and public awareness-raising. We will work with the Welsh Government, Youth Parliament and other partners to determine how best to meet this need.

I can therefore announce today our intention to legislate to reduce the minimum voting age, to change the name of the National Assembly to the Welsh Parliament, to address issues around disqualification and to bring about other organisational reforms. In the autumn, the Commission will make a decision on the scope of a Bill with the intention to legislate to implement these changes before the 2021 elections.

In the meantime, the Commission will continue to work with stakeholders and with the Welsh Government in order to deliver a coherent framework for Wales in relation to the franchise for elections. I am grateful to the Cabinet Secretary for Local Government and Public Services and the First Minister for their willingness to work together with us on this.

There are three other areas which were included in the consultation upon which I can outline a decision made by the Commission.



First of all, there is the question of our human rights obligations under international law in relation to votes for prisoners. The legal, ethical, democratic, practical and human rights issues relating to prisoner voting require thorough political consideration and judgement. We believe that further work is needed in this area to consider further evidence and this requires more time than we have to be able to properly consider it for inclusion in the Commission's legislation. As a legislature, we must take our obligations seriously. As such, the Commission believes that the right approach in the first instance is to invite the Equality, Local Government and Communities Committee to consider holding an inquiry to examine the issue of whether prisoners from Wales should be allowed to vote in elections to the National Assembly.

The next matter is in relation to the voting rights of EU citizens. The franchise for the Assembly currently allows a Commonwealth citizen, a citizen of the Republic of Ireland or a relevant citizen of the European Union to vote. While the details of the Brexit deal in relation to voting rights for EU citizens are not yet clear, the European Union (Withdrawal) Act 2018 preserves the entitlement of EU citizens to vote in Assembly and local government elections after exit day. The Assembly Commission is therefore satisfied that no further action is needed at this time to protect EU citizens' right to vote in Assembly elections, although we will continue to monitor the situation. The Welsh Government has previously indicated that it is also considering whether the right to vote in local elections should be extended to all legal residents in Wales, regardless of their citizenship or nationality, with effect from 2022. These are complex matters, engaging fundamental constitutional principles about what it means to be a citizen, as well requiring detailed consideration of the administrative arrangements required to give effect to any such reform. On that basis, the Assembly Commission has decided not to legislate at this time to implement equivalent arrangements for Assembly elections, although we will watch with interest the development of the Welsh Government's proposals.

Finally, the other matter upon which the Assembly Commission feels that it should not legislate at this time is the recommendation of the Expert Panel that individuals should be permitted to stand for election on the basis of job sharing. This hasn't been an easy decision because we accept that there are a number of factors which make this an attractive idea—not least the potential it has to improve diversity within our parliament. We feel that there are several reasons why we cannot proceed to include this proposal in legislation. We believe that there is insufficient support for this idea at the moment within the Assembly and among the public, and that those in favour require more time to make and build their case. This is a complex policy area that requires a good deal more work in order to ensure that it could be implemented effectively. In addition, the legal advice I have received casts doubt on the competence of this Assembly to make the changes needed to implement this policy, specifically in allowing a job sharing Member to become a Minister or a Cabinet Secretary. I would have grave reservations about introducing a system which created two tiers of Assembly Members.

To conclude, I would once again like to thank all those who have engaged so constructively and positively on these matters, knowing that it is in the interest of everyone the National Assembly represents to increase participation in our institution as well as to strengthen scrutiny and representation. I am confident in pursuing this reform strategy that we can continue to build support and confidence in our parliament, whilst fulfilling our responsibilities to the people of Wales.

