

## SR7 Jane Dodds MS, Senedd Member for Mid and West Wales and Leader of Welsh Liberal Democrats, Member of the Senedd

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Senedd Cymru | Welsh Parliament

[Y Pwyllgor Busnes | Business Committee](#)

[Galw am dystiolaeth ar argymhellion a wnaed gan y Pwyllgor Diben Arbennig ar Ddiwygio'r Senedd | Call for evidence on recommendations made by the Special Purpose Committee on Senedd Reform](#)

Ymateb gan Jane Dodds AS, Aelod o'r Senedd dros Ganolbarth a Gorllewin Cymru ac arweinydd Democratiaid Rhyddfrydol Cymru | Evidence from Jane Dodds MS, Senedd Member for Mid and West Wales and Leader of Welsh Liberal Democrats, Member of the Senedd

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The Senedd's Business Committee is inviting views to inform its consideration of four recommendations made by the Special Purpose Committee on Senedd Reform:

### 1. The size of the Welsh Government in a larger Senedd

The Welsh Liberal Democrats believe that there should be greater flexibility in the number of Welsh Government Ministers, in order to meet changing circumstances and political priorities.

The proposed increase in the size of the Senedd does not of itself lead to a change in the Welsh Government's responsibilities. But a central purpose of Senedd reform is to ensure better scrutiny of the Welsh Government, which is likely to lead to greater calls on Ministers' collective time and resources.

We therefore believe that it would be right to use the Bill to remove the cap on the number of Welsh Government Ministers.

Mae Democratiaid Rhyddfrydol Cymru yn credu y dylai fod mwy o hyblygrwydd ynghylch nifer y Gweinidogion yn Llywodraeth Cymru, er mwyn mynd i'r afael ag amgylchiadau a blaenoriaethau gwleidyddol sy'n newid.

Ynndo'i hun, nid yw'r cynnydd arfaethedig ym maint y Senedd yn arwain at newid yng nghyfrifoldebau Llywodraeth Cymru. Ond, un o ddibenion canolog diwygio'r Senedd yw sicrhau gwell craffu ar waith Llywodraeth Cymru, ac mae hynny'n debygol o arwain at fwy o alwadau ar amser ac adnoddau Gweinidogion yn gyffredinol.

Rydym o'r farn, felly, y byddai'n iawn defnyddio'r Bil i ddileu'r cap ar nifer y Gweinidogion yn Llywodraeth Cymru.

## 2. The number of Deputy Presiding Officers in a larger Senedd

## 3. The number of Senedd Commissioners in a larger Senedd

## 4. The consequences of a Member changing their political party if elected through a closed proportional list system

We note that the effect of the Special Purpose Committee's recommendation is to change the nature of the Senedd's election system from one that is a hybrid of voting for parties and constituency representatives into one that is wholly based on party.

We believe that Parliamentary accountability is vested in both parties and individuals. Our principled position is to support voting by the Single Transferrable Vote (STV), which allows voters to choose between candidates on a party list and to express preferences across party lists. Our views on this have not changed since our evidence to the Special Committee on Senedd Reform.

We also note that Senedd groups and political parties are different – though clearly closely-linked – entities.

Under the existing electoral system, Senedd members elected on regional lists changing their party or group affiliation have retained their seats in the Senedd.

However, the clear logic of the closed list system is that voters express a choice for a party. On the basis of that logic, we believe it would be illogical for Members who change parties to retain their seats, and that in those circumstances they have lost their mandate and should be replaced by the next-placed candidate on the Party list. Under our preferred system, with elected Members accountable to the electorate as individuals as well as Party nominees, members who changed their affiliation would retain their seats, and remain accountable as individuals to their electors at future elections.

We note however that this represents a clear shift of power in favour of Party managers, especially in relation to managing political dissent.

Additionally, we understand that this approach has the potential to lead to difficult legal issues in relation to the rights of the individuals concerned. Those questions include the right to freedom of political expression, and questions arising from the fact that political groups in the Senedd are different entities from political parties. We therefore believe that the Government must give careful consideration to the legal questions that these issues raise, so that when it considers the Bill, the Senedd will understand the risk – including reputational risk to the Senedd as an institution - that a person's right to sit in the Senedd might in some circumstances be determined in Court following litigation rather than by the electorate.

A further question arises in the event that legislation is enacted to ensure gender balance on party lists, whose logic would suggest that the replacement for a Member who leaves the Senedd after leaving a group must be of the same gender. We strongly support measures to promote gender balance, but it is also essential to understand whether this approach gives rise to any conflicts with existing rights legislation. Along with the need to ensure that there is a sufficient number of list candidates willing to serve in the event of a vacancy, one consequence could be that parties submit lists at elections that are significantly longer than the number of seats in each constituency.

There is a further question of what happens if a Senedd member is suspended from a group. A member might be suspended from a Group pending disciplinary action arising either from their personal conduct or from a political disagreement. We believe it would be wrong for suspension from a Group to trigger

removal from the Senedd without due process. Further thought must be given to how these circumstances would be managed.

Nodwn mai effaith argymhelliad y Pwyllgor Diben Arbennig fyddai newid natur system etholiadol y Senedd, o system sy'n cyfuno pleidleisio dros bleidiau a chynrychiolwyr etholaethau i system a fyddai'n seiliedig yn llwyr ar bleidiau.

Credwn fod atebolrwydd seneddol wedi'i freinio yn y pleidiau a'r unigolion. Ein safbwynt egwyddorol yw cefnogi defnydd o'r Bleidlais Sengl Dros-glwyddadwy (STV) ar gyfer pleidleisio, gan ei bod yn caniatáu i bleidleiswyr ddewis o blith ymgeiswyr ar restr plaid a mynegi dewis ar draws rhestrau pleidiau. Nid yw ein barn ar hyn wedi newid ers ein tystiolaeth i'r Pwyllgor Diben Arbennig ar Ddiwygio'r Senedd.

Nodwn hefyd fod grwpiau'r Senedd a phleidiau gwleidyddol – er y cysylltiadau agos rhyngddynt – yn endidau gwahanol.

O dan y system etholiadol bresennol, mae Aelodau o'r Senedd a etholwyd ar restrau rhanbarthol wedi cadw eu seddau yn y Senedd ar ôl iddynt newid plaid neu grŵp.

Fodd bynnag, rhesymeg glir y system rhestr gaeedig yw bod pleidleiswyr yn dewis plaid. Ar sail y rhesymeg honno, credwn y byddai'n afresymegol i Aelodau sy'n newid plaid gadw eu seddau, a chredwn, o dan yr amgylchiadau hynny, y byddant wedi colli eu mandad ac y dylent gael eu disodli gan yr ymgeisydd sydd nesaf ar restr y plaid. O dan ein dewis system, gydag Aelodau etholedig yn atebol i'r etholwyr fel unigolion ac fel enwebeion eu plaid, byddai Aelodau sy'n newid eu plaid neu grŵp yn cadw eu seddau, a byddant yn parhau i fod yn atebol fel unigolion i'w hetholwyr mewn etholiadau yn y dyfodol.

Fodd bynnag, nodwn fod hyn yn newid clir mewn grym sy'n ffafrio rheolwyr y Pleidiau, yn enwedig mewn perthynas â rheoli anghytundeb gwleidyddol.

Yn ogystal, deallwn fod gan y dull hwn y potensial i arwain at faterion cyfreithiol anodd mewn perthynas â hawliau'r unigolion dan sylw. Mae'r cwestiynau hynny'n cynnwys yr hawl i ryddid mynegiant gwleidyddol, a chwestiynau sy'n codi o'r ffaith bod grwpiau gwleidyddol yn y Senedd yn endidau gwahanol i bleidiau gwleidyddol. Credwn, felly, fod rhaid i'r Llywodraeth ystyried yn ofalus y cwestiynau cyfreithiol sy'n codi o'r materion hyn, fel y bydd y Senedd, pan fydd yn ystyried y Bil, yn deall y risg – gan gynnwys y risg i enw da'r Senedd fel sefydliad – y gallai hawl person i fod yn Aelod o'r Senedd, o dan rai amgylchiadau, gael ei phenderfynu yn y Llys yn dilyn achos cyfreithiol, yn hytrach na chan yr etholwyr.

Mae cwestiwn arall yn codi os caiff deddfwriaeth ei deddfu i sicrhau cydbwysedd rhwng y rhywiau ar restrau pleidiau, gan y byddai rhesymeg yn awgrymu y byddai'n rhaid i rywun o'r un rhyw gymryd lle'r Aelod sy'n gadael y Senedd ar ôl gadael grŵp. Rydym yn cefnogi'n gryf fesurau i hybu cydbwysedd rhwng y rhywiau, ond mae hefyd yn hanfodol deall a fyddai'r dull hwn yn arwain at unrhyw beth a fyddai'n gwrthdaro â deddfwriaeth hawliau presennol. Ynghyd â'r angen i sicrhau nifer ddigonol o ymgeiswyr rhestr a fyddai'n fodlon gwasanaethu pe bai sedd yn dod yn wag, un canlyniad posibl yw y byddai'r rhestrau y mae pleidiau'n eu cyflwyno mewn etholiadau yn sylweddol hwy na nifer y seddi sydd ar gael ym mhob etholaeth.

Mae cwestiwn pellach yn codi ynghylch beth fydd yn digwydd os caiff Aelod o'r Senedd ei wahardd o grŵp. Gallai Aelod gael ei wahardd o grŵp tra'n aros am broses ddisgyblu sy'n codi o'i ymddygiad personol neu o anghytundeb gwleidyddol. Credwn y byddai'n gamwedd pe bai atal o grŵp yn arwain at ddiarddel o'r Senedd heb fynd drwy'r drefn briodol. Rhaid ystyried ymhellach sut y byddai'r amgylchiadau hyn yn cael eu rheoli.

