

Senedd Cymru | Welsh Parliament

Y Pwyllgor Biliau Diwygio | Reform Bill Committee

Bil Senedd Cymru (Rhestrau Ymgeiswyr Etholiadol) | Senedd Cymru (Electoral Candidate Lists) Bill

Ymateb gan Clr. Brian Kelly | Evidence from Clr. Brian Kelly

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**What are your views on the general principles of the Bill and the need for legislation to deliver the Welsh Government's stated policy objective (to make the Senedd a more effective legislature by ensuring it is broadly representative of the gender make-up of the population)?**

I am male but in no way discriminate against female representatives in local and national government. In my view, adding gender as a criteria for selection at least halves the potential for the optimal candidate to hold a post. I state that without prejudice to either gender. I therefore find it difficult to approve of the general principles of the Bill.

**What are your views on the system of enforcement and potential sanctions for non-compliance proposed in the Bill?**

Hopefully candidates reaching the stage of selection would be sensible enough to state their gender, however I think more clarification may be required to prevent misrepresentation of gender (it will eventually happen). For example should the gender be as stated on their birth certificate or their passport. I can foresee problems with candidates who may state they are transgender or have had medical assistance to change gender.

**Are there any potential barriers to the implementation of the Bill's provisions? If so, what are they, and are they adequately taken into account in the Bill and the accompanying Explanatory Memorandum and Regulatory Impact Assessment?**

I think of primary importance, the ability to adopt the Bill should be clarified before going further. There seems to be dispute over The Senedd's authority to enact the Bill and this must be resolved to avoid further costs and the proposal being abandoned. If it was adopted and later challenged, the consequences could be that some or all Senedd members posts could be invalidated, them being selected by an inappropriate method.

### **Are any unintended consequences likely to arise from the Bill?**

Only the potential that meritorious candidates of either gender may be excluded for sake of attempting equal numbers.

### **What are your views on the Welsh Government's assessment of the financial and other impacts of the Bill?**

I find the notion that nations already adopting gender equality do better than those that do not is hard to believe. Certainly male and female members may have different approaches to solving problems and indeed that should be encouraged but I think it wrong to associate that with national success.

### **What are your views on the balance between the information contained on the face of the Bill and what is left to subordinate legislation? Are the powers for Welsh Ministers to make subordinate legislation appropriate?**

I would rather see a more rigid requirement for information to be correctly presented than subordinate legislation to decide upon its accuracy afterwards.

### **Do you have any views on matters relating to the legislative competence of the Senedd including compatibility with the European Convention on Human Rights?**

### **Do you have any views on matters related to the quality of the legislation, or to the constitutional or other implications of the Bill?**

I believe the most competent person for a Senedd post should be selected regardless of gender or ethnicity. I show no favour to any gender or ethnicity and only in the instance where two equally qualified candidates are presented should gender equality be considered.

### **Are there any other issues that you would like to raise about the Bill and the accompanying Explanatory Memorandum or any related matters?**

### **Anything else?**