

SCECLB318 Individual

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 Unigolyn | Evidence from Individual

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 don't understand why the Senedd is going ahead with a Bill that the Llywydd has stated does not pass the test for legislative competence. Why is the Senedd is going against clear legal advice? This will be challenged in court and will be a waste of taxpayers' money. My main concerns are that the Bill is undemocratic. Closed lists reduce the choice for voters to vote for candidates they prefer and put all the power in the hands of a few party leaders instead of the many voters. The statement on Gender is not clear. Women or Not Women? This is confusing as I take women to mean adult human female and not women to mean Male. But you do not state this clearly in your documentation. Do you mean that anyone who identifies as a woman can stand as a Woman? If so this will mean that quotas will not be achieved as males who 'identify' as women can stand in the place of women.

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

The Bill is not clear on what is a Woman. Do you mean adult human female? Why are you using the term 'not a woman'? Surely this would be male? The legislation wording is so woolly as to be easily misinterpreted. You cannot enforce sanctions for non-compliance when you are introducing a Bill that is worded so badly it will fail in a court of law. Instead of gender quotas, you should use the phrase Sex Quota to mean Male or Female. If any male can identify as a woman and be listed as a women then you will not achieve the stated aim of the Bill. I believe this is a form of Self-ID by the back door. It would not achieve the aim of equality between the sexes.

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?

The Bill appears to be contradictory to the Equality Act 2010. The barriers are that closed lists are anti-democratic. The use of the terms 'woman' 'not a woman' are open to abuse. The language used is unclear and does not seem to match up with legislation wording of the Equality Act and would therefore be open to abuse. The Senedd has achieved 50:50 male:female representation in the past without such legislation which proves that this proposed Bill is unnecessary.

Are any unintended consequences likely to arise from the Bill?

The Equality Impact Assessment indicates that males would be able to self-identify as women to get on the lists of candidates. This is wrong. The Welsh Government appears to be introducing self-ID by the back door against legal advice. The Bill states that candidates would complete a gender statement that says you are a 'woman' or 'not a woman'. That wording is open to interpretation and there doesn't seem to be any way of enforcing or checking that the 'gender statement' is correct. It will be open to abuse and will not achieve the stated aim of 'gender parity'.

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

I consider that at a time of great economic difficulty in Wales the government should be focusing on issues that affect the people of Wales directly, e.g. the dismal state of NHS Wales, the poor educational standards, poor transport links, lack of meaningful jobs and career pathways for young people. This Bill is a waste of money and not legally sound.

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 believe the Welsh Government has not proved itself capable of making sound subordinate legislation, as this Bill indicates.

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

No

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

The Senedd should heed the advice of The Llywydd who has stated that this legislation is not sound. The reputational damage to Wales (and the cost) will be immense and, at a time of great economic hardship, the government should be focusing on sorting out the problems of all the people of Wales not the tiny handful of the population who will benefit greatly from an expansion of the Senedd. It is an expense the country can ill afford.

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?

The Bill does nothing to sort out the barriers to women standing for political office, e.g. if you stand as an independent you have to reveal your home address to voters which is a barrier.