

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 Liz Fahy | Evidence from Liz Fahy

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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 support the intention of the policy objective of making the Senedd a more representative body with an equal representation of biological men and women.

In line with the Equality Act 2010 the word gender would need to be replaced by Sex and I would only support on this basis.

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

In terms of enforcement there would need to be a means of checking and as we live in the UK our birth certificate reflects our biological sex and would be needed for verification purposes when registering as a candidate.

**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 am concerned that persisting in trying to enact poorly drafted legislation will bring the Senedd into disrepute.

Further, unless the Bill is re-drafted so as to ensure that the term "sex", not gender, is used to differentiate between men and women I think there is a real risk of a challenge being made in the courts, which would incur both reputational risk and financial costs for Welsh Government.

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

It could give Wales an opportunity of being at the forefront of the UK in clearly identifying the difference between biological Sex and Gender and implement their correct meanings within policy documents.

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

I am concerned that the confusion between "sex" and "gender", which is evident in the Explanatory Memorandum (e.g. paras 94 and 225) and in the Integrated Impact Assessment means that the proposed Bill is not compliant with the Equality Act 2010.

I believe this means that that Bill, as currently drafted, lies outwith the legislative competence of the Senedd.

### **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?**

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

I am concerned that the confusion between "sex" and "gender", which is evident in the Explanatory Memorandum (e.g. paras 94 and 225) and in the Integrated Impact Assessment means that the proposed Bill is not compliant with the Equality Act 2010.

I believe this means that that Bill, as currently drafted, lies outwith the legislative competence of the Senedd.

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

### **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?**