

SCECLB457 Margot Henery

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 Margot Henery | Evidence from Margot Henery

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)?

Whilst I support the principle of legislation that would seek to ensure proportions of women and men in the Senedd, I believe strongly that this should be clearly stated as being a balance between the sexes; reference to "gender" make-up is inappropriate and will not lead to effective outcomes.

The legislative competence of this particular bill has been called into question and Llywydd has already made a clear statement that it is not competent. It is likely to be squashed when it is considered by the Supreme Court, as has recent legislation passed in the Scottish parliament, which will be a serious blow to others' perception of how we govern in Wales.

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

I believe it is not possible to change sex. It is most important that a person's sex is known, for all sorts of reasons, including accessing healthcare and for policy and planning purposes as well as to ensure that services and spaces are available for one or the other sex. It is also crucial that sex and gender are understood to be different terms, which are applied appropriately.

I note candidates standing for election are asked to make a declaration regarding their sex, which concerns me, given that self ID is fraught with difficulties. The system / process will need to ensure that the declaration is truthful and that an untruthful declaration can be treated appropriately as fraudulent.

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 is discriminatory and does not comply with the Equality Act 2010 and therefore it would be likely to lead to challenges in the courts. It is quite likely that UK government would be first of such challengers, given that equalities legislation is not devolved, but a reserved matter. It would be irresponsible to proceed on that basis and would lead to reasonable accusations that the Welsh government is taking serious risks regarding huge legal costs involved in answering challenges.

Are any unintended consequences likely to arise from the Bill?

Please see comments at 10.above

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

Please see comments at 10 above

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?

Please see previous comments

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

Please see previous comments

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?