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BACKGROUND

Question 1. Why was the Expert Panel established?

Answer:

The fact that the Assembly is undersized and overstretched has been recognised since the earliest days of devolution. The Richard Commission emphasised this thirteen years ago. The Silk Commission repeated the message in 2014. The Assembly Commission highlighted it two years ago.

In February 2017, the Expert Panel on Assembly Electoral Reform was appointed by the Llywydd and Assembly Commission. We were tasked with making recommendations on:

- the number of Members the Assembly needs,
- the system by which they should be elected, and
- the minimum voting age for Assembly elections.

We were asked to report by autumn 2017, and to make recommendations which, provided the required political consensus is achieved, could be implemented in time for the Assembly election in 2021.

Our report was published on 12 December 2017.

Question 2. Who sits on the Panel?

Answer:

The Panel's membership is:

- Professor Laura McAllister (Chair) - Professor of Public Policy and the Governance of Wales at the Wales Governance Centre at Cardiff University
- Professor Rosie Campbell - Professor of Politics at Birkbeck University of London and Professor Sarah Childs – Professor of Politics and Gender at Birkbeck University of London (job sharing)
- Rob Clements – former Director of Service Delivery at the House of Commons



- Professor David Farrell - Chair of Politics at University College Dublin
- Dr Alan Renwick - Deputy Director of the Constitution Unit at University College London
- Sir Paul Silk - Chair of the Commission on Devolution in Wales from 2011 to 2014 and former Clerk of the National Assembly for Wales

Question 3. How was the Panel appointed?

Answer:

Panel members were appointed by the Assembly Commission. They were selected because of their wealth of expertise in the fields of electoral systems, parliamentary work and capacity, the constitutional position of the National Assembly, and wider issues of governance, including equalities, diversity and engagement. Their expertise places them among the very best in Europe in their fields.

Question 4. How much did the Expert Panel's work cost?

Answer:

As Panel members, we are experts in our respective fields. Our report and recommendations are robust, evidence-based and politically neutral, identifying options for reform of some of the most fundamental constitutional arrangements in Wales.

We have been remunerated for our work in line with the rates paid to other similar office holders advising the Assembly. The daily rates are £333 for the Panel chair and £267 for Panel members. The overall costs of our work were some £38,000 and are detailed in our report.



CAPACITY

Question 5. What do Assembly Members do, and why does it matter?

Answer:

Assembly Members represent the interests of their constituents and communities. They scrutinise government policy, spending, taxation and legislation to improve outcomes for the people of Wales, and they also make laws for Wales. Members take on casework for individuals or groups, and undertake local and national campaigning work. They are active in the constituencies and regions they represent. In particular, recess periods provide an opportunity less available in Assembly term time for Members to attend events and engage with the local community.

In addition, some Assembly Members also carry out specialist roles, including First Minister, Cabinet Secretaries, Counsel General, Llywydd, Deputy Presiding Officer, committee chairs and Assembly Commissioners.

Question 6. Why does the Panel believe more Members are needed?

Answer:

We arrived at our conclusions having examined the issue from many perspectives:

- the changing role and powers of the Assembly;
- the steps that have been, or could be, taken to increase the capacity of the Assembly without more Members;
- the complex and varied roles Members undertake;
- Members' responsibility for policy, legislative and financial scrutiny and oversight of the Welsh Government and other public bodies in Wales;
- the capacity of the Assembly's committee system; and
- how the Assembly compares to equivalent legislatures elsewhere in the UK and the world.



All of our analysis pointed to the same conclusion: that the appropriate future size for the Assembly is between 80 and 90 Members. Increasing the Assembly to a size within that range would deliver meaningful benefits for the capacity of the institution and corresponding dividends for the people of Wales.

Within this range, there would be a noticeable difference between the lower and upper ends. A figure close to 80 would undoubtedly strengthen the institution and make it better able to fulfil its responsibilities effectively. At the upper end, the benefits would be greater, providing a meaningful difference in the ability of many Members to specialise, with consequent benefits for scrutiny and representation. The upper end of the range would also lessen the risk that the question of capacity would need to be revisited in the foreseeable future, should the responsibilities of the Assembly increase further. Our preference, therefore, is for the size of the Assembly to be closer to 90 Members.

The scrutiny and oversight role of the Assembly, if carried out effectively, positively affects the lives of people in Wales by improving the quality of Welsh legislation, and influencing Welsh Government policy and decision-making. Even marginal improvements in the scrutiny of the Welsh Government's expenditure and policy-making would reap significant dividends to the taxpayer.

Question 7. Could Assembly Members work differently, or sit for longer?

Answer:

The McCormick Commission on Parliamentary Reform recently made recommendations on how the Scottish Parliament could increase its capacity and work more effectively. We considered these, as well as other steps that have been or could be taken to increase capacity.

In recent years the Assembly has increased the number of hours it sits in the day, the number of days it sits in the week and the number of weeks it sits in the year. Further increases in formal meeting time could have a detrimental impact on the time available for Members to undertake research, reading and preparation for committee and Plenary business.

In addition, our system of democratic representation relies on the close connection between Members and the voters they serve. Our report details the varied roles of Members, an important element of which is the work they do



outside Cardiff Bay in their constituencies and regions. For instance, attending events, running campaigns and strengthening their understanding of the pressures facing local public service providers. Extending the Assembly working week would reduce the time available for this kind of activity, and for working on the casework Members undertake on behalf of individual constituents and community groups.

We considered steps that have been, or could be, taken to increase the capacity of the Assembly, but concluded that they have not, and cannot, compensate for the fundamental issue of the severely limited time available to just 60 elected Members to carry out their vital roles.

Question 8. How much will more Assembly Members cost?

Answer:

The Assembly Commission's estimate of the additional annual recurrent costs associated with our proposals ranges from some £6.6 million (for an additional 20 Members) to £9.6 million per annum (for an additional 30). In 2017–18, the Commission's annual budget was £53.7 million. The additional recurrent costs therefore represent 12 and 18 per cent of that budget respectively.

In addition, there would also be some one-off costs associated, for example, with adjustment of the Siambr and Members' office accommodation. The Commission estimates that these would be approximately £2.4 million for 20 additional Members and £3.3 million for 30 additional Members.

The cost estimates provided to us are, necessarily based on the services and system of financial support currently in place. Decisions taken by both the Remuneration Board and the Commission in the past, however, have been taken at least partly on the basis of compensating for the lack of Member capacity in an Assembly of only 60 Members.

We have made a very clear recommendation that the Assembly's independent Remuneration Board and the Assembly Commission consider how the total staffing support, services and financial resources provided to Members can be altered in the case of a larger Assembly, so that the cost of implementing our recommendations is kept to an absolute minimum.

The costs should be considered in the broader context of democratic representation in Wales and the positive impact of the Assembly's scrutiny and



oversight role, improving the quality of Welsh legislation and influencing Welsh Government policy. Even marginal improvements in the scrutiny of the Welsh Government's expenditure could reap significant dividends to the taxpayer through improved legislation, policy and decision-making.

Question 9. Are there any examples of increasing the number of elected representatives from other countries?

Answer:

It is far from uncommon for Parliaments to alter their size, both up and down. Australian state legislatures, for example, have altered their size over time to reflect their particular circumstances and priorities.

There is no one authoritative method for determining the optimum size of a legislature but our analysis demonstrates that the Assembly is small by any objective local, national or international comparison.



ELECTORAL SYSTEM:

Question 10. Why change the electoral system now?

Answer:

As devolution in Wales enters its next phase, the Assembly cannot continue with only 60 Members without risking its ability to deliver for the people and the communities it serves. The *Wales Act 2017* will give the Assembly the powers it needs to determine the number of Members it needs to carry out its work.

We were also tasked with identifying how Assembly Members should be elected with effect from 2021. This part of our work was driven by our conclusions on the number of members the Assembly needs. However, changing the size of the institution also provides an opportunity to reform and revitalise the electoral system so that the Assembly better reflects the communities that it serves.

The earliest our recommendations could be implemented is 2021. At best, therefore, the Assembly must, for the next four years, attempt to meet the enormous challenges it faces with only 60 Members. If the Assembly accepts the case for change, then the time to act is now.

Question 11. Where else uses the proposed systems?

Answer:

Single Transferable Vote (STV) is used in Ireland, Northern Ireland, Malta, the Australian Senate, and many state parliaments in Australia, as well as to elect local authorities in Scotland. The Welsh Government is consulting on whether local authorities in Wales should have the option to adopt STV for their elections.

Versions of List Proportional Representation electoral systems are among the most commonly used electoral systems across the world, and are used in many European countries. For example, List PR systems with varying degrees of flexibility are in use in Austria, Belgium, Croatia, the Czech Republic, Denmark, Greece, Iceland, Slovakia, Sweden and Norway.

Mixed Member Proportional systems are used in Scotland, Germany, New Zealand and Lithuania.



Question 12. What other systems did you look at and reject?

Answer:

We considered a wide range of electoral systems , for example First Past The Post; multi-member First Past The Post; a single national list; closed list proportional representation; open list proportional representation; Alternative Vote; Mixed Member Majoritarian and Dual-Member Mixed Proportional systems.

We identified a framework of ten principles against which we evaluated these systems: government accountability and effectiveness; proportionality; Member accountability; electing Members with equivalent status; diversity; voter choice; equivalent mandate so that votes have approximately the same value; meaningful boundaries; simplicity, and sustainability and adaptability.

Clearly no single system can fully deliver against every one of these principles. We rejected those systems which we were not confident could adequately deliver against these principles and operate effectively in Wales with effect from 2021.



A MORE DIVERSE ASSEMBLY

Question 13. Why has the Panel recommended job sharing? How would it work?

Answer:

In keeping with modern working practice in most other professions, job sharing could allow people from many walks of life and all backgrounds and identities to become Assembly Members. In particular, it could help to remove barriers which might otherwise prevent people with disabilities or caring responsibilities from standing for election. It could also enable people to stand for election whilst continuing to maintain their professional skills, or support older Assembly Members to continue to work part-time in their later years.

In this way, job sharing could increase the diversity of representation within the Assembly.

The guiding principle underpinning our proposal is that job sharing partners should be treated as if they were one person. This means that job sharing Assembly Members should create no additional costs beyond those of a single Assembly Member.



Question 14. Why has the Panel made recommendations for gender quotas? How would they work?

Answer:

The National Assembly has a strong reputation in relation to balanced gender representation, and we considered how this could be safeguarded. In 2003 the Assembly was one of the first parliamentary bodies in the world to achieve equal representation of women and men.

Women currently constitute 42 per cent of Members. This compares favourably to the international average of 23 per cent, but reform of the electoral system presents an opportunity to protect Wales's achievements on gender representation.

We have outlined how gender quotas could work in relation to any of our proposed electoral systems, by requiring parties to put forward balanced slates of male and female candidates.

While the contexts are not directly comparable (Ireland has a history of low female representation, a low number of TDs (Members of Dail Éireann) returned per constituency, and quotas are enforced through the provision of state funding to political parties), early evidence suggests that the gender quota introduced for the Irish general election in 2016 resulted in a 90 per cent increase in the number of female candidates and a 40 per cent increase in the number of women TDs elected (35 in 2016, compared to 25 in 2011). This is the highest proportion of women TDs in the history of Ireland.



VOTING AGE

Question 15. Why change the minimum voting age now?

Answer:

We were asked to consider what the minimum voting age should be for Assembly elections from 2021. After considering the context in Wales, the UK and internationally, as well as the available evidence and research, we believe a reduction in the minimum voting age to 16 could be a powerful way to raise political awareness and participation among young people if accompanied by appropriate, effective and non-partisan political and citizenship education.

The evidence suggests that higher salience elections, such as the Assembly election, are more likely to result in higher turnout and voter participation. It is therefore desirable that if the voting age is to be lowered in Wales, it should first take effect at Assembly elections rather than local elections, which are due in 2022.

We are aware that the Welsh Government is consulting on proposals to lower the voting age to 16 for local government elections in Wales. If this were to happen, it would be anomalous, and create additional administrative and political issues, if the voting age for Assembly elections from 2021 were not also reduced.

Question 16. Are 16 year-olds mature enough to vote?

Answer:

We considered the ages at which young people take on different rights and responsibilities. We concluded there is a lack of consistency and coherence in the age thresholds which apply, and that, in reality, there is no single age at which a young person takes on all of the rights and responsibilities of an adult citizen.

We also considered whether 16-year-olds have the political knowledge, maturity and independence of thought to vote. Research by the Electoral Commission found that in the 2017 local elections in Scotland, 16- and 17-year-olds found it easier than 18- to 24-year-olds to access information on how to cast their votes, and were less likely to find it difficult to complete their ballot paper.



On balance, the evidence we considered suggests a reduction in the minimum voting age to 16 with effect from 2021 could be a powerful way to raise political awareness and participation among young people.

Question 17. Where else can people vote at 16?

Answer:

In Scotland, Austria, the Isle of Man, Jersey and Guernsey, the minimum voting age is 16. 16- and 17-year-olds were able to vote in the Scottish independence referendum and can vote from 16 in local elections in Scotland and in Scottish Parliament elections.

The Welsh Government is currently considering proposals to legislate to reduce the voting age for local government elections in Wales from 2022.



WHAT HAPPENS NEXT?

Question 18. How have political parties been involved in the Panel's work?

Answer:

As independent experts, our role has been to make robust, impartial, evidence-based recommendations on the matters within our terms of reference.

Nevertheless, fundamental constitutional issues should not be considered wholly in isolation from the political realities of representative democracy. To that end, we welcome the constructive way in which the Llywydd and the Political Reference Group she chairs have engaged with our work. Our conclusions and recommendations are our own, but the Political Reference Group has been a valuable sounding board as our thinking developed.

Question 19. Would legislation be needed to make these changes?

Answer:

Yes. Any changes would require the Assembly to pass a Bill. The powers to introduce legislation to change the number of Members and the electoral system will be conferred on the Assembly from early 2018 by the *Wales Act 2017*.

Any such Bill would be subject to the Assembly's legislative scrutiny processes. In addition, the Bill would require a super-majority at its final legislative stage. This means that at least 40 Members would need to vote in favour of the Bill.

Question 20. When would any changes happen?

Answer:

Our remit was to report by autumn 2017 so that, provided the required degree of political support is achieved, any legislative changes could be made in time for the National Assembly election in 2021. For this to happen, legislation would need to be passed by the summer of 2019, in order for subsequent secondary legislation to be made, for the Electoral Commission to implement changes in time for the 2021 election, and to give political parties time to select candidates.



Question 21. What happens next? How can the public have their say?

Answer:

The Assembly Commission will consider the report's findings and look at how to take forward any reform of the Assembly's electoral arrangements. If the Commission brings forward proposals, it will want to give people opportunities to make their views known. Public consultation is therefore likely to be a significant part of the Commission's development of any legislative proposals. Any Bill would also be subject to scrutiny by Assembly Members as part of the legislative process.

