

Committee on Senedd Electoral Reform

Response from Professor Laura McAllister, Wales Governance Centre, Cardiff University

Legislative mechanisms:

Given the importance of this change to the future effective working of devolution, the Bill should proceed by the most practical and speediest means. The issue of cross-Senedd consensus is key for a recommended constitutional change of such significance clearly, whichever route is chosen. This means that the political arithmetic of the Senedd is a consideration (albeit a political one!).

In view of this, I would advocate whichever mechanism is the most likely to secure such support. Beginning with a position of some degree of cross-Senedd consensus is ideal and avoids amendments that might derail the Bill. This leads me to suppose either the Commission or a committee is best placed. I would assume the Senedd Reform Committee will be deemed to have completed its work by then and so would not still be in existence, meaning it would have to be another committee.

A government Bill would be feasible only if the government supported its contents. However, if there is no cross-Senedd consensus (or at least consensus between more than half of the 60 MSs), then a government Bill would be acceptable for this Bill - with the caveat above.

I think a Member's Bill is too inherently risky in terms of garnering support and therefore should be avoided.

Draft bills:

I have always supported the pre-legislative publication of draft Bills, especially Bills with constitutional import. The Rt Hon Stephen Crabb MP, whilst Secretary of State for Wales, was aware of the risks of not doing so and ensured that the 2017 Wales Bill was published in draft form. A far stronger and better Act was the outcome, in my opinion.

The only three downsides to draft Bills that I can think of are i. that it risks adding time to what has already been a lengthy process in this case, ii. the danger of recycling more arguments over the contents of the Bill after plenty of opportunities to raise these in earlier debates, and iii. therefore, possibly jeopardising whatever degree of consensus may have been achieved.

Therefore, I see no reason not to follow the sensible recommendation of the Legislation, Justice and Constitution Committee, following its scrutiny of the Senedd and Elections (Wales) Bill, to publish the Bill in draft form.

Laura McAllister