

## **PBMB11 Larissa Peixoto Gomes, Research Fellow**

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Senedd Cymru | Welsh Parliament

Y Pwyllgor Busnes | Business Committee

Adolygiad o'r broses ar gyfer Biliau Cyhoeddus a Biliau Aelod | Review of the Public Bill and Member Bill processes

Ymateb gan Larissa Peixoto Gomes, Cymrawd Ymchwil | Evidence from Larissa Peixoto Gomes, Research Fellow

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### **Your experience of the Public Bill and Member Bill processes**

#### **1. Do any of the following apply to you or to the organisation on whose behalf you are responding to this consultation?**

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I have academic or research expertise in parliamentary procedures

#### **Which issues do you want to comment on?**

This consultation covers issues relating to both the Public Bill process and the Member Bill process (more information is available in the consultation document: [https://senedd.wales/RPBMBP/consultation\\_document](https://senedd.wales/RPBMBP/consultation_document)). You can share your views on as many or as few of the issues as you want. If you do not want to share your views on the Public Bill process, you can skip straight to the questions about the Member Bill process.

#### **2. Do you want to share your views on issues relating to the Public Bill process?**

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No, please take me to the questions about the Member Bill process

#### **19. Do you want to share your views on issues relating to the Member Bill process?**

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### **Your opinion on the Member Bill process: overall effectiveness**

Like most parliaments, the Senedd's rules include potential for individual backbench Members (i.e. Members who are not in the Welsh Government) to introduce their own Bills.

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Unless the government supports a Member's Bill, it may be fairly unlikely to become law.

Even if a Member does not succeed in changing the law, the process gives them an opportunity to engage with people with experience and expertise in an issue, develop alternative policy and legal proposals, highlight issues that they think are important, and seek commitments or actions from the government.

More information is available in the consultation document:

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## **20. How effective or ineffective is the Member Bill process?**

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### **21. Please tell us about what you think is working well, what could be improved and whether there are any good examples from other parliaments that we should consider.**

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(We would be grateful if you could keep your answer to around 500 words).

### **22. How do you think the effectiveness or ineffectiveness of Member Bills and the Member Bill process should be assessed?**

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(We would be grateful if you could keep your answer to around 500 words).

Evaluating a process depends on its aims. I evaluated the Member Bill process on the aims of democratic principles, cooperation, public participation, and efficiency and quality. I based this analysis on my knowledge of the Business Committee's reform efforts, the electoral reform that will see proportional representation elect the members of an expanded Senedd, and other work I have done within the context of Wales. Within these aims, the Member Bill process can be reshaped to become more effective and in keeping with the needs of the Senedd and the Welsh public.

I believe that the aims of democratic principles, cooperation, public participation, and efficiency and quality should guide the evaluation of the Member Bill process. I have selected these as I believe they are in line with the reforms that are being

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developed and implemented in the Welsh electoral and political landscape but keep in the frame the challenges posed due to outside constraints.

Democratic principles: the Senedd is a legislative body that does not often legislate. This is common in parliamentary democracies, but it is not a hard-and-fast rule. There is scope for a better distribution of labour among the Welsh branches of government.

Cooperation: politics has recently become increasingly polarised and this has made its way to Wales. Part of adhering to democratic principles is finding a way to cooperate within and outside of the Senedd.

Public participation: since devolution, there are debates on how to ensure that the Welsh public understands the importance of the role of the Senedd. There should be a balance in increasing the relevance of that participation as well as its quality.

Efficiency and quality: the increase in MSs will not be accompanied by an increase in Senedd staff. The Member Bill process needs to be inclusive, but it cannot compromise quality and it cannot further burden the Senedd's staff.

## **Your opinion on how Members are selected for the opportunity to propose a Bill**

Members of the Senedd can only introduce a Bill if they are selected in a Member Bill ballot. The Llywydd decides how often to hold ballots, and how many Members will be selected in each ballot.

Separately, Members who have ideas about laws they would like to make can ask the Business Committee to let them lead a Member's Legislative Proposal debate in Plenary. This gives the Senedd the chance to debate the Member's idea, but it does not give the Member permission to introduce a Bill.

The process works differently in other parliaments.

More information is available in the consultation document:

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## **23. What are your views on the current arrangements for selecting Members for the opportunity to propose a Bill?**

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Please tell us about what you think is working well, what could be improved and whether there are any good examples from other parliaments that we should consider.

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(We would be grateful if you could keep your answer to around 500 words).

The use of a lottery is a rare method of bill proposal. While it is a traditional method in the UK and a few other countries that have a British tradition, it is not commonly found in other democracies. Many MSs propose the same bill in the hope that one of them will be drawn in the lottery. This is a workaround the system, understanding its inefficiency.

It is understandable that the Senedd would aim for a method that would ensure fairness in the face of a large workload due to Public Bills, but other possibilities exist that would enable MSs to participate more fully in the legislative process.

Informational asymmetry is one the main issues that leads to executive branch lawmaking, with the government having more resources to conduct research, negotiate, and write their proposals. By shifting to proportional representation with closed lists, the Senedd will have collective campaigns – and it can be a collective legislature. It is a shift from the current individualistic view, but it could begin a healthy democratic process.

#### Co-authorship

Many countries enable their representatives to co-sponsor or co-author bills. In this case, the Senedd could consider a threshold of signatures for a bill to be submitted or if it is supported by a percentage of members by at least half of the parties. A system like this encourages cooperation among members and parties and an efficient use of resources.

Another possibility is collective proposal by a committee, including amendments to Public and Private Bills, and formal co-authorship with Welsh Government.

These suggestions do not, however, exclude the possibility that an individual MS propose a bill and have it on the docket. However, if Members Bills are to be analysed by order of submission, collective submission could, for lack of a better term, “skip the queue”.

#### Regular schedule

There are countries with regular schedules for submissions from their legislators, such as Sweden. Rather than a lottery, the Senedd could rely on clear and transparent norms of when MSs are expected to make their submissions, which would then enable them to prepare their alliances and documents.

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## **How Members who have been selected in a ballot get agreement to introduce a Bill**

When a Member of the Senedd is selected in a ballot, they have 25 working days to get the Senedd's agreement to introduce their proposed Bill. If more Members vote in favour of the proposed Bill than against, the Member gets 'leave to proceed'.

If a Member gets leave to proceed they have 13 months to develop and introduce their Bill. Usually during that time the Member will consult the public and stakeholders, and work with Senedd officials and others to develop their Bill.

The process works differently in other parliaments.

More information is available in the consultation document:

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## **24. What are your views on the current arrangements for how Members who have won the ballot get agreement to introduce a Bill?**

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Please tell us about what you think is working well, what could be improved and whether there are any good examples from other parliaments that we should consider.

(We would be grateful if you could keep your answer to around 500 words).

## **Your opinion on the information that Members must provide during the process**

The rules provide that Members who want to propose or introduce Bills have to provide certain information at different points in the process:

- When they enter the ballot, the Member must provide the proposed title of their Bill and the policy objectives it would achieve.
- When they ask the Senedd for leave to proceed, the Member must provide the proposed title and policy objectives, and information about any support for the Bill, any consultation they have done and any expected costs or savings.
- When they introduce their Bill, the Member must comply with all of the rules about Explanatory Memorandums and Regulatory Impact Assessments that apply to any other Bill.

The process works differently in other parliaments.

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## **25. What are your views on the requirements for the information that Members have to provide at each stage of the Member Bill process?**

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Please tell us about what you think is working well, what could be improved and whether there are any good examples from other parliaments that we should consider.

(We would be grateful if you could keep your answer to around 500 words).

Explanatory Memorandums, Regulatory Impact Assessments and similar documents are extremely important as reference documents for debate and for the future. One key item is that the Senedd must not lose its rigour and attention to evidence and detail. While these documents may not be easy reading, they are extremely valuable sources of information and ensure that proposed bills are rooted in solid foundation regardless of ideology.

The level of detail is unique to the Senedd, but I would urge that this is not changed and only that the MSs have the adequate level of support at the appropriate time to produce these documents.

### **Your opinion on the ‘scope’ of Member Bills**

The Bill that a Member introduces must give effect to the proposal that they put into the ballot and get the Senedd's agreement to introduce i.e. the Member can't introduce a Bill to do something completely different or on a different topic.

Otherwise, most of the rules about what a Bill can or can't do are the same for Member Bills as for any Bill. The main difference is that Member Bills are not allowed to amend or introduce taxes.

When they are deciding on the scope of their proposal, Members may also want to consider the rules about Financial Resolutions (i.e. the mechanism by which the Senedd is asked to agree in principle to money being spent as a result of a Bill).

A Bill (or amendment) only needs a Financial Resolution if it meets the tests set out in Standing Orders 26.69 to 26.71 (<https://senedd.wales/media/ue1dqdmg/so-eng.pdf>).

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If the Llywydd decides that a Bill (or amendment) needs a Financial Resolution, then the Bill can't be considered beyond Stage 1 until one has been agreed.

If a Financial Resolution is needed, but one is not agreed within six months of the end of Stage 1, the Bill will fall and no further consideration can be given to it.

Only a member of the Welsh Government can move a motion for a Financial Resolution (i.e. formally ask the Senedd to take a decision on it). This means that the Welsh Government can cause a Member Bill which needs a Financial Resolution to fall without explaining why, even if the Senedd has agreed the Bill's general principles.

The process works differently in other parliaments.

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## **26. What are your views on the rules for what Member Bills can and can't do?**

Please tell us about what you think is working well, what could be improved and whether there are any good examples from other parliaments that we should consider.

(We would be grateful if you could keep your answer to around 500 words).

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## **27. What are your views on how the Senedd is asked to agree in principle to the financial implications of Member Bills?**

Please tell us about what you think is working well, what could be improved and whether there are any good examples from other parliaments that we should consider.

(We would be grateful if you could keep your answer to around 500 words).

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## **Your opinion on the support and resources available for Member Bills**

Developing and introducing a Bill takes a significant amount of time and work. There are different ways in which a Member can access support and resources to help them with this.

- Members' and political groups' support staff
  - Office and Constituent Liaison Fund
  - External stakeholder resources
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- Senedd resources
- Welsh Government resources

The process works differently in other parliaments.

More information is available in the consultation document:

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## **28. What are your views on the availability of support and resources for Member Bills**

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Please tell us about what you think is working well, what could be improved and whether there are any good examples from other parliaments that we should consider.

(We would be grateful if you could keep your answer to around 500 words).

There are two important issues regarding support and resources as outlined in the consultation document. The first is related to the Senedd staff and other resources that are funded by the Senedd and/or Welsh Government. It cannot be stressed enough that the increase in MSs, for the time being, does not mean an increase in Senedd staff. Therefore, extra care should be taken that Members are able to rely on the staff without overburdening them. A regular schedule for bill submissions and/or more emphasis on collective work could prove helpful in that regard.

The second is the “external stakeholder resources”. It is unclear if any funding can come from or be given to these external stakeholders and what is the transparency process there. It would be concerning if private lobbying groups are working with MSs under the guise of supporting the development of bills. While public participation is always encouraged and welcomed under democratic principles, the legislature should never be at risk of being coopted by private interests.

### **Any other opinions on the Member Bill process**

We would also welcome any other views you have about the process for Member Bills, including any issues relating to or arising from:

- The increase in the number of Members of the Senedd from 60 to 96 in 2026.
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- The increase in the frequency of Senedd elections from every five years to every four years.
- The Senedd's official languages (Welsh and English).
- The impact on people or groups with different characteristics or from different backgrounds (including different socioeconomic backgrounds and the protected characteristics of age, disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; and sexual orientation specified in the Equality Act 2010).

**29. Do you have any views on the issues listed above, or any other issues relating to the Member Bill process that you have not already covered in your response.**

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(We would be grateful if you could keep your answer to around 500 words).

Not included in this consultation was the public petition system, which I believe is also an area that could be reformulated to be better integrated with the democratic aims of the Senedd and the Member Bill process.

The rules and practices of law and policy making are almost as unique as fingerprints. This is an area where legislatures are truly able to innovate and the Senedd is at the vanguard by having a systematic review of all its processes. It is possible to find examples here and there of different practices and outcomes, but this is also a moment when the Senedd can also craft what works best for its citizens and its members.

In developing this response, I consulted the following bibliography and legislation:

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## **End of the consultation**

Thank you for sharing your views. Before you submit your response, please let us know if you have any other comments.

### **30. Are there any other comments that you would like to make?**

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(We would be grateful if you could keep your answer to around 500 words).

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