



Bill Digest

Citizens' Assemblies Bill 2019

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Abstract

The Citizens' Assemblies Bill 2019 is a short technical Bill which provides for the use of the register of electors to select members for a citizens' assembly on gender equality and a citizens' assembly on local government in Dublin.

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Contents

Summary	1
Table of Provisions	2
Background.....	3
Deliberative democracy and Ireland	3
The Citizens' Assembly 2016 – 2018.....	6
The citizens' assembly on gender equality	9
The citizens' assembly on local government in Dublin	11
Use of the register of electors.....	12
Principal Provisions of the Bill	14
Use of information contained in register of electors	14
Appendix 1: Comparison between the Convention on the Constitution and the Citizens' Assembly	15

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Summary

The Government decided on the 11th of June 2019 to establish a citizens' assembly on gender equality and a citizens' assembly on local government in Dublin.¹ The *Citizens' Assemblies Bill 2019* [the Bill] was published by the Minister for Housing, Planning and Local Government [the Minister] on 2nd July 2019 to enable the establishment of these assemblies. No General Scheme was made publically available in relation to the Bill. No Pre-Legislative Scrutiny was carried out in relation to this Bill.

[Section 13A\(3\)](#) of the [Electoral Act 1992](#) provides that the use of the register of electors is confined to electoral and other statutory purposes. The purpose of the Bill is to allow for the register of electors to be used to select members of the two citizens' assemblies. The establishment of the assemblies also requires the approval by resolutions of both Dáil Éireann and Seanad Éireann.

The assemblies will comprise a chairperson and 99 citizens, with a different selection of 99 citizens for each. The citizens' assembly on gender equality will select its members from all over the country. The citizens' assembly on local government in Dublin will select its members from the four Dublin local authorities' registers of electors.²

The assemblies will run consecutively, with the citizens' assembly on gender equality commencing at the end of October 2019. The citizens' assembly on gender equality is due to spend a maximum of 6 months to complete its work. The citizens' assembly on local government in Dublin will sit for the following six months commencing in April 2020, with a view to a plebiscite taking place at some point in 2021.

Further related Library & Research Service resources

A Bills Tracker page on the Bill is available on the Library & Research Service's internal website accessed [here](#) (available to those with access to the Oireachtas intranet).

¹ Fiach Kelly, "Citizens' Assembly to discuss structure of Dublin Councils" *Irish Times* (12th June, 2019). Available at <https://www.irishtimes.com/news/politics/citizens-assembly-to-discuss-structure-of-dublin-councils-1.3923777>.

² Parliamentary Questions 13 to 18, Dáil Éireann debate, (Tuesday, 18 June 2019). Available at <https://www.oireachtas.ie/en/debates/debate/dail/2019-06-18/8/#s11>.

Table of Provisions

Section	Title	Effect
1.	Use of information contained in register of electors	Provides for the use of information in the register of electors, including a draft register and supplemental register can be used for the purpose of selecting citizens of Ireland to participate in the citizens' assemblies called pursuant to a decision of the Government made on 11 th June 2019 and approved by resolution of each House of the Oireachtas.
2.	Short title and commencement	Standard provision that defines the short title of the Bill and provides for commencement by Ministerial order. Commencement orders may be limited to particular provisions of the Bill or purposes.

Background

This Bill Digest provides general background information in relation to:

- Deliberative democracy and Ireland;
- The Citizens' Assembly 2016 – 2018;
- The citizens' assembly on gender equality;
- The citizens' assembly on local government in Dublin; and the
- The use of the register of electors.

Deliberative democracy and Ireland

Since 2011 there have been a number of exercises in deliberative democracy carried out in Ireland which have contributed to major political changes. Deliberative democracy involves placing citizens at the heart of the decision making process in matters of public interest. Deliberative democracy is carried out in a manner which facilitates informed deliberation in a context of respect and equal recognition among members.³ This involves the use of a “mini-publics” to form proposals for reform which are then approved by the maxi-public,⁴ through legislative or constitutional reform. Goodin and Dryzek describe mini-publics as being:

“... designed to be groups small enough to be genuinely deliberative, and representative enough to be genuinely democratic.”⁵

While citizens' assemblies have been organised in other countries,⁶ the process in Ireland has been uniquely successful in that recommendations from both the Convention on the Constitution and the Citizens' Assembly were later approved through referendum, while the impact of recommendations in other jurisdictions have tended to be more marginal.⁷

'We the Citizens' pilot assembly

The first major political experimentation with deliberative democracy in Ireland was a non-governmental pilot citizens' assembly organised by the We the Citizens political movement in 2011.⁸ This was set up with the objective of showing the political class that direct participation by citizens could have a beneficial impact in relation to constitutional change and reform. The project received funding from Atlantic Philanthropies.⁹

³ Andre Bächtiger, John S. Dryzek, Jane Mansbridge, and Mark Warren, “Deliberative Democracy: An Introduction,” *The Oxford Handbook of Deliberative Democracy* (September 2018, OUP).

⁴ Either Parliament or the people through referenda.

⁵ Robert E. Goodin and John S. Dryzek, (June 2006) “Deliberative Impacts: The Macro-Political Uptake of Mini-Publics” *Politics & Society*, Vol. 34, No. 2, 219-244, at 220.

⁶ Citizens' assemblies have been held in Canada, the Netherlands, Australia, Iceland, Belgium and the United Kingdom.

⁷ See Demitri Courant, “The Curious Institutionalisation of Deliberative Democracy: The Irish Citizens' Assemblies and the Future of Democratic Innovation” ECPR General Conference 2018, Hamburg. Available at <https://ecpr.eu/Events/PaperDetails.aspx?PaperID=40012&EventID=115>.

⁸ More information about the We the Citizens group is available at <http://www.wethecitizens.ie/>.

⁹ Atlantic Philanthropies is an American Foundation which invests in people, programmes and places where they believe there is an opportunity to promote greater fairness and equity for all. For more information about Atlantic Philanthropies see <https://www.atlanticphilanthropies.org/our-story>.

Seven regional participatory citizens' events were held between May and June 2011 to spot recurring topics for political reform, in order to set an agenda. A representative group of 100 individuals was randomly chosen by the polling company Ipsos MRBI using random digit dialling.¹⁰ These individuals were then reunited in Dublin for one weekend to deliberate of three issues:

1. The role of deputies (connection with the constituency, electoral system, size of Parliament);
2. The identity of politicians (women, age, mandate limit, external experts); and
3. The arbitration between tax increases or budget cuts in a time of economic crisis.^{11, 12}

We the Citizens produced a report on the experiment following the conclusion of their pilot assembly.¹³ They suggest that the project improved peoples' attitudes towards politics, resulting in participants becoming more aware of the complex trade-offs that arise in political reform and helped to restore trust in the democratic system of government. Their key recommendation stated:

"We recommend that the government adopt a citizens' assembly mechanism as a complement to our existing representative democracy system. If reform programmes are to be successful, citizens must feel that they have some ownership in the process. A citizens' assembly allows this to happen."¹⁴

The Convention on the Constitution 2012

The Convention on the Constitution [the Convention]¹⁵ was established in 2012 as a hybrid device composed of an independent chairperson, 66 randomly selected citizens and 33 politicians from various political parties. Political parties in Northern Ireland were invited to nominate one representative each. Section 13A of the *Electoral Act 1992* was amended with the introduction of the [Electoral \(Amendment\) Act 2012](#) to allow for the register of electors to be used as a means of

¹⁰ Random digit dialling creates a database of telephone numbers to ensure that ex-directory numbers are included and provision is made for inclusion of mobile numbers too. Quotas are set on demographics such as age, sex, social class and region to ensure that the people the company speak to are representative of all adults aged 18 or over, based on the very latest census statistics.

¹¹ Jane Suiter, David M. Farrell, and Eoin O'Malley (2016) "When Do Deliberative Citizens Change Their Opinions? Evidence from the Irish Citizens' Assembly" *International Political Science Review* Vol. 37, No. 2, 198-212.

¹² At the assembly members were distributed into tables of eight, each having a facilitator and a note-taker. The session commenced with an expert presentation in order to provide background information to inform the discussion. Members then carried out deliberations among themselves with the experts available to answer additional questions. This was followed by a plenary session, where a spokesperson from each table shared their initial recommendations. Members then had another opportunity to deliberate in small groups and finalise their recommendations. These recommendations were collected from each table and formed the basis of a ballot paper from which members voted on recommendations.

¹³ *We The Citizens: Final Report* (December, 2011). Available at <https://www.atlanticphilanthropies.org/research-reports/report-we-citizens-final-report>.

¹⁴ *Ibid*, at 69.

¹⁵ For more information about the Convention see <http://www.constitutionalconvention.ie/>.

selecting Irish citizens for participation in the Convention.¹⁶ A core panel of 66 citizens, along with a back-up panel of 66 citizens were recruited by Behaviour and Attitudes market research group.¹⁷

The Register of Electors

Each local authority is responsible for compiling and publishing a list of the voters in its area. You can use checktheregister.ie to check to see if you are on the Electoral Register. To be eligible to be included in the Register of Electors, you must be at least 18 years old on the day the Register comes into force and have been ordinarily resident in the State on 1 September in the year preceding the coming into force of the Register.

The Convention was established in July 2012 by Resolution of both Houses of the Oireachtas.¹⁸ The Convention was limited to considering the following constitutional topics:

- Reduction of the Presidential term of office to five years;
- Reduction of the voting age to 17;
- Review of the Dáil electoral system;
- Giving Irish citizens resident outside the State the right to vote at Irish Embassies in Presidential elections;
- Provisions for same-sex marriage;
- Amendment to the clause on the role of women in the home and encouraging greater participation of women in public life;
- Increasing the participation of women in politics;
- Removal of the offence of Blasphemy from the Constitution; and
- Upon completion of the above reports, such other relevant constitutional amendments that may be recommended by it.

The Convention received 2,500 public submissions. Members of the public did not have access to the meetings. However, plenary sessions were broadcast live and all documentation was made freely available.¹⁹ The participants attended 10 meetings on separate topics, held one weekend every month in The Grand Hotel, Malahide. The Convention operated according to five principles of openness, fairness, equality of voice, efficiency and collegiality.

A work programme was agreed following a proposal by the Chairperson, Tom Arnold. A Steering Group, made up of the Chairperson, members of the political parties and public members, assisted with planning and operational issues. The Convention was also supported by an advisory panel of academics, political scientists and constitutional lawyers. The meeting benefitted from facilitators and note takers. The members heard from experts and deliberated in small groups. After each small group deliberation the experts were asked questions. Each topic was concluded with a vote on the recommendations that would be transmitted to the government. The [Second Report of the Convention on the Constitution](#) set out a number of recommendations in relation to amending

¹⁶ A Bills Tracker page on the *Electoral (Amendment) (No. 2) Bill 2012* is available on the Library & Research Service's internal website accessed [here](#) (available to those with access to the Oireachtas intranet).

¹⁷ More information about the recruitment process for the Convention on the Constitution is available at <http://www.constitutionalconvention.ie/Documents/BehaviourAndAttitudes.pdf>.

¹⁸ Available at http://www.constitutionalconvention.ie/Documents/Terms_of_Reference.pdf.

¹⁹ This information continues to be accessible from <http://www.constitutionalconvention.ie/>.

[Article 41.2](#) of the Constitution and increasing the participation of women in politics. The final report of the Convention, setting out a summary of all the recommendations was published in March 2014.²⁰

The Citizens' Assembly 2016 – 2018

The Citizens' Assembly was a body formed in 2016 from the citizens of Ireland to conduct deliberations and propose recommendations for reform on five topics.²¹ These topics included:

1. the Eighth Amendment of the Constitution;
2. how we best respond to the challenges and opportunities of an ageing population;
3. how the State can make Ireland a leader in tackling climate change;
4. the manner in which referenda are held; and
5. fixed term parliaments.

Establishment and selection of members

The Citizens' Assembly was established following approval by resolution of both Houses of the Oireachtas in July 2016.²² The [Electoral \(Amendment\) Act 2016](#) was passed amending the [Electoral Act 1992](#), to allow for the register of electors to be used to select citizens of Ireland to participate as members of the Citizens' Assembly.²³ The Chairperson was appointed by the Government and was the former Supreme Court judge, the Honourable Mary Laffoy. There were 99 citizen members of the Assembly who were chosen at random to be broadly representative of Irish society. In order to have been eligible to participate, members were required to have been on the electoral register to vote in a referendum.²⁴ The Citizens' Assembly received over 13,000 public submissions.²⁵

Recruitment of the citizen members was carried out by RED C Research and Marketing Ltd. across 15 broad regional areas throughout the country, taking account of the urban/rural split within the four main regions of Dublin, Rest of Leinster, Munster and Connaught/Ulster. 99 full members and 99 substitutes were recruited in September/October 2016. RED C interviewers recruited participants by cold calling door-to-door to households in their allocated area which was issued to them by RED C. The sampling Members were chosen at random based on demographic variables of gender, age and social class.

Table 1. (below) is a reproduction of the basic definitions used for establishing the social class demographic.

²⁰ Available at <http://www.constitutionalconvention.ie/AttachmentDownload.ashx?mid=55f2ba29-aab8-e311-a7ce-005056a32ee4>.

²¹ For general information about the Citizens' Assembly see <https://www.citizensassembly.ie/en/Home/>.

²² Citizens' Assembly Motion, Dáil Éireann debate, (Wednesday, 13 July 2016). Available at <https://www.oireachtas.ie/en/debates/debate/dail/2016-07-13/33/>.

Citizens' Assembly Motion, Seanad Éireann debate, (Friday, 15 July 2016). Available at <https://www.oireachtas.ie/en/debates/debate/seanad/2016-07-15/3/>.

²³ A Bills Tracker page on the *Electoral (Amendment) (No. 2) Bill 2016* is available on the Library & Research Service's internal website accessed [here](#) (available to those with access to the Oireachtas intranet).

²⁴ More information on the selection of the citizen members of the Citizens' Assembly is available at <https://www.citizensassembly.ie/en/About-the-Citizens-Assembly/Who-are-the-Members/>.

²⁵ These can be accessed at <https://www.citizensassembly.ie/en/Submissions/>.

Table 1. Social Class

Profession	Class
Higher managerial/ professional/administrative (e.g. Established Doctor, Solicitor, Board Director in a large organisation 200+ employees, top level Civil/Public Service/Government employee)	A
Intermediate managerial/ professional/administrative (e.g. Newly qualified (under 3 years) Doctor, Solicitor/Lawyer, Board Director small organisation, Middle manager in large organisation, Principal Officer in civil service/local government)	B
Supervisory or clerical/junior managerial/professional/administrative (e.g. Office worker, Student Doctor/Med Student, Foreman with 25+ employees, Salesperson, Nurse, Teacher etc.) OR Student	C1
Skilled worker (e.g. Skilled Bricklayer, Carpenter, Plumber, Painter, Bus/Ambulance Driver, HGV driver, AA patrolman, Police, Firefighter, Chef, Barman etc.)	C2
Semi or unskilled work (e.g. Manual workers, all apprentices to be skilled trades, Caretaker, Park Keeper, non-HGV Driver, Shop Assistant)	D
Casual worker - not in permanent employment OR Housewife/Homemaker OR Retired and living on state/Government pension OR Unemployed or not working due to long-term sickness OR Full-time carer of other household member	E
Farmer/Agricultural worker	F

Source: [The Citizens' Assembly](#)

Direct applications from members of the public to participate were not accepted. Members of advocacy groups on the topics that were under consideration were also excluded. However, citizen members who had previously expressed views on the topics were not excluded from the Assembly. TDs and Senators, people working in market research and journalists were also excluded from membership of the Assembly. Citizen members were asked to refrain from publically commenting on issues while they were under consideration by the Assembly out of respect for their fellow members and to maintain the integrity of the process.²⁶

Operation of the Citizens' Assembly

The Citizens' Assembly had six key principles: openness, fairness, equality of voice, efficiency, respect and collegiality. 12 meetings took place in The Grand Hotel, Malahide, at weekends between October 2016 and April 2018. A work programme was agreed by the Assembly following a proposal by the Chairperson. A Steering Group was established to support the Assembly to discharge its functions. The Group comprised of the Chairperson and citizen members, and assisted with operational issues associated with the work programme to ensure the smooth conduct of Assembly business.

²⁶ More information of the methodology used is available in RED C, *Recruitment of the 99 Citizen Members and Substitutes of the Citizens' Assembly: Note on Methodology*. Available at <https://www.citizensassembly.ie/en/About-the-Citizens-Assembly/Who-are-the-Members/Red-C-Methodology-Document.pdf>.

Four Expert Advisory Groups²⁷ were established to assist the Assembly in relation to preparing information and advice.²⁸ These groups were comprised of academics and practitioners across a number of relevant fields. The main roles of the Expert Advisory Groups were:

- supporting the Chair and Secretariat in constructing a fair, balanced and comprehensive work programme for the Assembly on each of the topics;
- providing background expert advice on the issues being discussed;
- advising on the criteria for selecting specialists/ experts to appear before the Assembly;
- recommending names for the specialists/ experts to appear before the Assembly, for ratification by the Steering Group; and
- working with the Chair and Secretariat to select speakers from civil society and advocacy groups.

Generally the following format was adopted for the meetings:

1. introductory remarks by the Chairperson;
2. expert presentations;
3. presentations from civil society and advocacy groups;
4. consideration of submissions by members of the public;²⁹
5. question and answer sessions and debates; and
6. roundtable discussions.

Facilitators and note-takers were present at each table during discussions. Members of the public were not allowed access to the meetings of the Citizens' Assembly.³⁰ The plenary sessions were streamed live and continue to be available via the Citizens' Assembly's YouTube channel.³¹ Feedback reports from the Citizens' Assembly meetings were carried out using surveys completed by the members. These assisted in improving the deliberative quality of the Assembly and provided a mechanism for members to contribute towards the development of the process. The report from the previous meeting was shared with the members at the following meeting.³²

Assembly Costs

Table 2. (below) shows a breakdown of the various costs associated with the Assembly. Members were reimbursed for their travel expenses and a contribution towards childcare. No payment was made for attendance or work missed days of work. Travel expenses were also covered for guest speakers.

²⁷ The four Expert Advisory Groups were The Eighth Amendment of the Constitution, How We Best Respond to the Challenges and Opportunities of an Ageing Population, How the State can make Ireland a Leader in Tackling Climate Change and The Manner in Which Referenda are Held & Fixed Term Parliaments.

²⁸ The terms of reference of the Expert Advisory Group are available at <https://www.citizensassembly.ie/en/About-the-Citizens-Assembly/Background/Expert-Advisory-Group/EAG-December-2017.pdf>.

²⁹ These submission can be accessed at <https://www.citizensassembly.ie/en/Submissions/Submissions.html>.

³⁰ Representatives from certain categories of organisations and individuals were permitted to be present during plenary sessions. These included advocacy groups, NGOs, religious groups, embassies, political parties, academics and social partners.

³¹ See https://www.youtube.com/channel/UC2DgyetL9aUTMry_F9B9yUw.

³² These reports are available at <https://www.citizensassembly.ie/en/About-the-Citizens-Assembly/Background/Research/Feedback-Reports-November-2016-January-2018.pdf>.

Table 2. Assembly costs

Category	Total costs to June 2018
Conference/Catering and accommodation	€544,461.43
Reimbursement of Travel and other Expenses	€218,214.56
Irish Translation Services/Provision of Sign Language Services	€69,381.60
Broadcasting/Media Services/Photography	€249,258.01
Recruitment of Members/ Facilitation and Notetaking Services	€244,016.14
Website/Advertising	€65,950.55
Research	€23,746.20
Legal/Advisory/Support Services	€47,274.79
Technical Services	€43,657.62
Total	€1,505,960.90

Source: [The Citizens' Assembly](#)

Publications

The Citizens' Assembly published four reports:

1. First Report and Recommendations of the Citizens' Assembly on *the Eighth Amendment of the Constitution*;³³
2. Second Report and Recommendations of the Citizens' Assembly on *how we best respond to the challenges and opportunities of an ageing population*;³⁴
3. Third Report and Recommendations of the Citizens' Assembly on *how the State can make Ireland a leader in tackling climate change*;³⁵ and
4. Final Report and Recommendations of the Citizens' Assembly on *the manner in which referenda are held and fixed term parliaments*.³⁶

The citizens' assembly on gender equality

The Government decided on the 11th of June 2019 to establish a citizens' assembly on gender equality. The decision follows the recommendation of the Joint Committee on Justice and Equality, as set out in the [Report on pre-legislative scrutiny of the General Scheme of the 38th Amendment](#)

³³ Available at <https://www.citizensassembly.ie/en/The-Eighth-Amendment-of-the-Constitution/Final-Report-on-the-Eighth-Amendment-of-the-Constitution/Final-Report-on-the-Eighth-Amendment-of-the-Constitution.html>.

³⁴ Available at <https://www.citizensassembly.ie/en/How-we-best-respond-to-challenges-and-opportunities-of-an-ageing-population/Final-Report-on-how-we-best-respond-to-the-challenges-and-opportunities-of-an-ageing-population/>.

³⁵ Available at <https://www.citizensassembly.ie/en/How-the-State-can-make-Ireland-a-leader-in-tackling-climate-change/Final-Report-on-how-the-State-can-make-Ireland-a-leader-in-tackling-climate-change/Final-Report-on-how-the-State-can-make-Ireland-a-leader-in-tackling-climate-change.html>.

³⁶ Available at <https://www.citizensassembly.ie/en/Manner-in-which-referenda-are-held/Final-Report-on-the-Manner-in-Which-Referenda-are-Held-and-Fixed-Term-Parliaments/Final-Report-on-the-Manner-in-Which-Referenda-are-Held-and-Fixed-Term-Parliaments.html>.

[of the Constitution \(Role of Women\) Bill](#). The Report examines the recommendations which were made by the Convention on the Constitution in relation to Article 41.2.³⁷ This set out two possible avenues for reform in relation to [Article 41.2](#) of the Constitution.³⁸

Report of Joint Oireachtas Committee on Justice and Equality

Option A

Replace Article 41.2 with "The State recognises that home and family life gives to society a support without which the common good cannot be achieved. The State shall endeavour to support persons caring for others within the home as may be determined by law."

Option B

Prior to proceeding with a referendum in 2019, to establish a citizens' assembly mandated with addressing the issues arising in relation Article 41.2

In support of Option B the Report states:

"Other Members support the view expressed by a number of stakeholders in the course of the hearings that these complex issues require time for public engagement, and a conversation that considers a range of constitutional, legislative and policy options in this area. They believe that the prospect of a referendum on Article 41.2 offers an opportunity for a broader discussion on the role of care work; the rights and needs of carers, including financial supports; whether the value of care work to our society requires recognition in the Constitution; and if so, the form that recognition should take – whether it should be more symbolic in nature, or enshrine concrete socio-economic rights."³⁹

The citizen members will be drawn from the register of electors. The scope of the citizens' assembly on gender equality was recently set out by the Taoiseach, Leo Varadkar, in response to a number of parliamentary questions on the two assemblies. He noted that a citizens' assembly on gender equality would be convened in October 2019 and sit until March 2020. He stated the purpose of this assembly is to:

"... bring forward proposals to advance gender equality that challenge the remaining barriers, social norms and attitudes that facilitate gender discrimination towards girls and boys, women and men; in particular, to seek to ensure women's full and effective participation and equal opportunities for leadership at all levels of decision-making in the workplace, politics and public life; that recognise the importance of early years parental

³⁷

³⁸ Article 41.2.1° states, "In particular, the State recognises that by her life within the home, woman gives to the State a support without which the common good cannot be achieved."

Article 41.2.2° states, "The State shall, therefore, endeavour to ensure that mothers shall not be obliged by economic necessity to engage in labour to the neglect of their duties in the home."

³⁹ Joint Committee on Justice and Equality, (December, 2018) *Report on pre-legislative scrutiny of the General Scheme of the 38th Amendment of the Constitution (Role of Women) Bill* at 36. Available at https://data.oireachtas.ie/ie/oireachtas/committee/dail/32/joint_committee_on_justice_and_equality/reports/2018/2018-12-06_report-on-pre-legislative-scrutiny-of-the-general-scheme-of-the-38th-amendment-of-the-constitution-role-of-women-bill_en.pdf.

care and seek to facilitate greater work-life balance; to examine the social responsibility of care and women and men's co-responsibility for care, especially within the family; and following on from that to prioritise the proposals, which may include policy, legislative or constitutional change, having regard to the legal requirements and the costs versus the potential impact.”⁴⁰

The citizens' assembly on local government in Dublin

The Government also decided on the 11th of June 2019 to establish a citizens' assembly on local government in Dublin. The citizens' assembly on local government in Dublin will consider the issue of local government reform in Dublin, including issues relating to directly electing a mayor for Dublin. Announcing the decision of the Cabinet to establish the citizens' assembly, the Taoiseach stated that the issues to be considered by the citizens' assembly on local government in Dublin will include:

“... the issue of a directly elected mayor but also whether or not we should continue to have four councils for Dublin, and what powers could be transferred from central government to Dublin as well.”⁴¹

The citizens' assembly on local government in Dublin will select a different set of 99 members from the four Dublin local authorities' Registers of Electors. The citizens' assembly on local government in Dublin will take place directly after the citizens' assembly on gender equality.

Further details about the citizens' assembly on local government in Dublin have been outlined by the Taoiseach in response to a number of parliamentary questions on the two assemblies. He stated that:

“Following consideration of the outcome of the plebiscites on directly elected mayors for Limerick, Cork and Waterford on 24 May, a further Dublin Citizens' Assembly will be convened to consider the best model of local government for Dublin and, in particular, the issue, but not exclusively, of a directly elected mayor and his or her powers. This assembly will run subsequent to the assembly on gender equality. When it comes to local government, Dublin is much more complicated than Cork, Limerick and Galway because of the existence in Dublin of four authorities with four mayors. We will need to consider different ideas on an appropriate model for how local government could work given that there are four local authorities to which many people feel a connection, but others do not.”⁴²

In response to An Taoiseach, Deputy Micheál Martin TD sought further clarification on the citizens' assembly on the Dublin mayoralty. He noted that when John Gormley was in Government he put forward detailed plans for a Dublin mayoralty. He also called for the publication of a White Paper setting out the relevant proposals to allow for an informed public debate. In response to these

⁴⁰ Parliamentary Questions 13 to 18, Dáil Éireann debate, (Tuesday, 18 June 2019). Available at <https://www.oireachtas.ie/en/debates/debate/dail/2019-06-18/8/#s11>.

⁴¹ Fiach Kelly, “Citizens' Assembly to discuss structure of Dublin Councils” *Irish Times* (12th June, 2019). Available at <https://www.irishtimes.com/news/politics/citizens-assembly-to-discuss-structure-of-dublin-councils-1.3923777>.

⁴² *Ibid.*

points, and other points raised by Deputies Joan Burton TD and Martin Kenny TD, An Taoiseach stated:

“Dublin has four local authorities with four mayors. The model put forward by former Minister, John Gormley, which I do not think ever became law, having maybe gone through one House but not the other, was to have a fifth mayor, a sort of super-mayor above the four mayors. Maybe that is the best model, although I am not sure that it is. That is why I think it is a good idea to have a Citizens' Assembly to consult with 100 citizens from Dublin, not from around the country, about what they think the best model might be. There are models that can be considered, such as the five-mayor model, keeping the four mayors and having a fifth mayor and super-authority over that. There is potentially the London or Paris model, having a single new assembly for Dublin with borough councils or local councils under that, maybe aligned with the postal districts such as in Paris with its arrondissements or the London boroughs. We also want them to examine the powers because certain powers held by central Government could potentially be transferred to local government in Dublin.

... We need to make an options paper for the Citizens' Assembly so that people have a chance to consider the different options and models but it is not my intention to prescribe it in the way that Deputy Micheál Martin suggests. I think we should put the different models and options that exist around the world to the Citizens' Assembly and see what the people of Dublin have to say about it through the Citizens' Assembly.”⁴³

Previous attempts to introduce a Directly Elected Mayor for Dublin

There have been three attempts to introduce a directly elected Mayor for Dublin. The [Local Government Act 2001](#) provided for directly elected mayors but the relevant sections of the Act were repealed by the [Local Government \(No. 2\) Act 2003](#) before they were to be implemented in 2004. The [Local Government \(Mayor and Regional Authority of Dublin\) Bill 2010](#) provided for a directly elected Mayor of Dublin – this Bill lapsed on the dissolution of the Dáil ahead of the 2011 election. The [Local Government Act Reform 2014](#) provided for the holding of a plebiscite on a directly elected mayor for the Dublin metropolitan area. Before the plebiscite would go ahead, all four Dublin councils were required to adopt a resolution in favour of holding such a plebiscite - one council (Fingal) voted against the plebiscite and therefore it did not go ahead. There are also two Private Members Bills before the Dáil which provide for the direct election of a Dublin mayor.⁴⁴

Use of the register of electors

The Library & Research Service in its [Bill Digest on the Electoral \(Amendment\) \(No.2\) Bill 2012](#) and [Bill Digest on the Electoral \(Amendment\) \(No. 2\) Bill 2016](#) discussed the use of the electoral register, and only those on the electoral register eligible to vote in referendums and Presidential elections (i.e. Irish citizens), as the basis for selecting persons to participate in the Convention on the Constitution and the Citizens' Assembly. This section reproduces some of this discussion.

⁴³ *Ibid.*

⁴⁴ The [Local Government \(Mayor and Regional Authority of Dublin\) Bill 2016](#) and the [Local Government Reform \(Amendment\) \(Directly Elected Mayor of Dublin\) Bill 2016](#).

One of the issues which arises in relation to limiting of the selection of citizen members to Irish citizens (as occurs in section 1 of the Bill) is that non-Irish citizens, who are resident and have registered on the register of electors are excluded from the selection process. Table 3. (below) indicates in which elections persons are entitled to vote based on their citizenship.

Table 3. Citizenship and the right to vote in elections

	Code on the register of electors	Referendum, Presidential Election	Dáil Elections	European Elections	Local Elections
Resident Irish citizens	P	Yes	Yes	Yes	Yes
Resident British citizens	D	No	Yes	Yes	Yes
Resident EU citizens	E	No	No	Yes	Yes
Resident Non-EU citizens	L	No	No	No	Yes
Potential EU citizens	A	No	No	No	Yes

Source: Voter.ie

In 2012, when participants were being selected to take part in the Convention on the Constitution, it was suggested that the Register of Electors for local elections be used as the basis from which to extract the sample.⁴⁵ In response, then Taoiseach, Enda Kenny stated that:

“As the Constitutional Convention will be considering aspects of the Constitution and may make recommendations that would give rise to referendums, the version of the electoral register that will be used in the selection of the 66 citizen members of the Convention will be that used for referendums.”⁴⁶

Results from the 2016 Census indicate that the proportion of the population who were non-Irish nationals stands at 11.6 per cent in 2016, amounting to 535,475 people.⁴⁷ The administrative counties of Dublin City (91,876 persons), Fingal (46,909) and Cork County (42,002) had the highest numbers of non-Irish nationals in 2016.⁴⁸

⁴⁵ Questions to the Taoiseach, 26th June 2012 Deputy Ciara Conway. Available at <https://www.oireachtas.ie/en/debates/debate/dail/2012-06-26/28/#s41>.

⁴⁶ *Ibid.*

⁴⁷ CSO, *Census of Population 2016 – Profile 7 Migration and Diversity*. Available at <https://www.cso.ie/en/releasesandpublications/ep/p-cp7md/p7aniii/>.

⁴⁸ *Ibid.*

Principal Provisions of the Bill

This section of the Digest examines the main provisions of the Bill. The Bill comprises two sections. Section 2 of the Bill relates to the short title and commencement of the Bill. This is a standard provision and for that reason it is not discussed below. A short synopsis of each provision is given in the Table of Provisions (above).

Use of information contained in register of electors

[Section 13A\(3\)](#) of the [Electoral Act 1992](#) provides that the use of the register of electors is confined to electoral and other statutory purposes. Any use of the register of electors for a purpose other than electoral or for another statutory purpose shall result in a criminal offence.

Section 1(1) of the Bill provides for information in the register of electors to be used for the purpose of selecting citizens of Ireland to participate in the citizens' assemblies established pursuant to the decision of the Government made on 11th June 2019 and in accordance with resolutions of both Houses of the Oireachtas. Section 1(2) of the Bill provides that the section 13(A)(3) of the *Electoral Act 1992* shall not apply where the register of electors is used in accordance with Section 1 of the Bill. Section 1(3) provides for a number of definitions in relation to terms used in the Bill.

Previous legislation

The Bill differs from the previous [Electoral \(Amendment\) Act 2012](#) and the [Electoral \(Amendment\) Act 2016](#) in that these Acts introduced amendments to section 13A of the *Electoral Act 1992*, so that the electoral register could be used to select Irish citizens to participate in the Convention on the Constitution and the Citizens' Assembly. By contrast the Bill does not amend the *Electoral Act 1992*.

Appendix 1: Comparison between the Convention on the Constitution and the Citizens' Assembly

Convention on the Constitution 2012-2014	
Issues/Reports	Outcomes
<p>Reducing the Voting Age</p> <p>First Report of the Convention on the Constitution i) Reducing voting age to 17; and ii) Reducing the Presidential term of office to five years and aligning it with the local and European elections</p>	<p>Government accepted the recommendation to reduce the voting age to 16 and there is a Referendum pending.</p> <p>Government Response to Convention report Dáil debate 18 July 2013</p>
<p>Reducing Presidential Term from 7 to 5 years.</p> <p>Note that the Convention recommended that the Presidential term should not be reduced to 5 years</p> <p>First Report of the Convention on the Constitution i) Reducing voting age to 17; and ii) Reducing the Presidential term of office to five years and aligning it with the local and European elections</p>	<p>Government accepted the Convention recommendation and there was no further action</p> <p>Government Response to Convention report Dáil debate 18 July 2013</p>
<p>Role of Women and Women in Politics</p> <p>Second Report of the Convention on the Constitution (i) Amending the clause on the role of women in the home and encouraging greater participation of women in public life; and (ii) Increasing the participation of women in politics.</p>	<p>Citizens' Assembly to be convened on subject of gender equality (Dáil debate 18 June 2019).</p> <p>Joint Committee on Justice and Equality (December 2018) Report on pre-legislative scrutiny of the General Scheme of the 38th Amendment of the Constitution (Role of Women) Bill.</p> <p>The Committee's report proposed two options: to amend article 41.2 to make it gender neutral, or to postpone a referendum until after a citizen-assembly style consideration.</p> <p>Government Response to Convention report Dáil debate 10 October 2013</p>
<p>Same Sex Marriage</p>	<p>Referendum passed 2015</p>

<p>Third Report of the Convention on the Constitution. Amending the Constitution to provide for same-sex marriage</p>	<p>Marriage Act 2015</p>
<p>Electoral Reform</p> <p>Fourth Report of the Convention on the Constitution. Dáil Electoral System</p>	<p>Government Public Consultation on Regulatory Impact Analysis on the Establishment of an Electoral Commission closed March 2019</p> <p>Government Public consultation on reform of Electoral Register closed March 2019</p> <p>Joint Oireachtas Committee on Environment, Culture and the Gaeltacht published a report on the establishment of an electoral commission in January 2016</p> <p>Government Response to Convention report Dáil Debates 18 December 2014</p>
<p>Giving citizens resident outside the State the right to vote in Presidential elections</p> <p>Fifth Report of the Convention on the Constitution. Amending the Constitution to give citizens resident outside the State the right to vote in Presidential elections at Irish embassies, or otherwise</p>	<p>Referendum pending 2019</p> <p>Legislation pending (Legislative programme Summer 2019)</p>
<p>Blasphemy</p> <p>Sixth Report of the Convention on the Constitution. The Removal of the offence of blasphemy from the Constitution</p>	<p>Referendum passed 26 October 2018</p>
<p>Dáil Reform</p> <p>Seventh Report of the Convention on the Constitution. Dáil Reform</p>	<p>Some recommendations taken on board through amendments to Standing Orders 2016.</p> <p>Dáil sub-Committee on Dáil Reform.</p> <p>See reports 2016</p>

	Government Response on the Seventh Report. Dáil Debates 14 January 2016
<p>Economic, Social and Cultural Rights</p> <p>Eighth Report of the Convention on the Constitution. Economic, Social and Cultural (ESC) Rights</p>	Government decided that this report should be referred to an Oireachtas committee for consideration. Dáil Debates 14 January 2016
<p>Membership of the Convention consisted of 100 persons as follows:</p> <ul style="list-style-type: none"> ○ Chairperson appointed by the Government – Tom Arnold; ○ 66 citizens entitled to vote at a referendum, randomly selected so as to be broadly representative of Irish society; ○ 33 politicians including a member of the Northern Ireland Assembly from each of the political parties in the Assembly which accepts an invitation from the Government (four parties did participate the Alliance Party, the Green Party, Sinn Féin, and the SDLP and Members of the Houses of the Oireachtas, so as to be impartially representative of the Houses. ○ A shadow panel of 66 citizens was also recruited. <p>Website gives details of the membership of the Convention and the selection process, see here</p> <ul style="list-style-type: none"> • Behaviour and Attitudes, market research company was chosen to select the participants • Members were not excluded on basis of political/lobbying activities • Members were named 	
<p>Link to Terms of reference</p>	
<p>Website - Convention on the Constitution</p>	

Citizens' Assembly 2016-2018	
Issues/ reports	Outcomes
<p>Eighth Amendment of the Constitution/Prohibition on abortion except where the life of the mother was at risk.</p> <p>First Report and Recommendations of the Citizens' Assembly on the Eighth Amendment of the Constitution (June 2017)</p>	<p>Health (Regulation of Termination of Pregnancy) Act 2018</p> <p>Referendum to repeal the Eighth Amendment passed 25 May 2018.</p> <p>Assembly Report was considered by the Joint Committee on the Eighth Amendment of the Constitution. Report of the Committee (December 2017)</p>
<p>How we best respond to the challenges and opportunities of an ageing population</p> <p>Second Report and Recommendations of the Citizens' Assembly on how we best respond to the challenges and opportunities of an ageing population (December 2017)</p>	<p>Government yet to respond to the report</p>
<p>How the State can make Ireland a leader in tackling climate change</p> <p>Third Report and Recommendations of the Citizens' Assembly on how the State can make Ireland a leader in tackling climate change (April 2018)</p>	<p>Government Climate Action Plan 2019</p> <p>Special Oireachtas Committee on Climate Action (July 2018- March 2019) published its Report 28 March 2019</p>
<p>Fixed term parliaments</p> <p>Final Report and Recommendations of the Citizens' Assembly on the manner in which referenda are held and fixed term parliaments (June 2018)</p>	<p>Government yet to respond to the report</p>
<p>The manner in which referenda are held</p> <p>Final Report and Recommendations of the Citizens' Assembly on the manner in which referenda are held and fixed term parliaments (June 2018)</p>	<p>Government yet to respond to the report</p>
<p>Membership</p> <ul style="list-style-type: none"> • 100 people: • Chairperson - Judge Mary Laffoy 	

- **99 citizens** entitled to vote at a referendum, randomly selected so as to be broadly representative of Irish society.
- Following a public tendering process, RedC Research and Marketing Ltd. was engaged to select the 99 citizen Members and 99 substitutes for the Assembly.
- 53 Members were replaced for a variety of reasons during the life of the Assembly.
- Members were named.
- Members were excluded on the basis of political/lobbying activities

Citizens' Assembly website provides full details about selection of members and changes to membership during the work of the Assembly. See: [Who are the members](#)

Link to [Terms of Reference agreed by Houses of the Oireachtas July 2016](#)

Website [Citizens' Assembly](#)



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