

# Submission Re: Dáil Reform

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This submission sets out to address issues I see as priority for Dáil reform. The main proposals include formation of Technical groups, reform of Dáil agenda and the legislative process, Private Members' Bills and reform of the Committee system among other proposals as set out below.

Coming from the perspective of an Independent I believe it is imperative that crucial changes are made in the operation of our national Parliament. Elected representatives have a mandate to carry out effective reform of the Dáil to enable sufficient oversight over Government activities and hold the government to account.

We need a clearer division between the Executive and Legislature so boundaries of these State functions are observed. Empowering all sides of the House to carry out effective oversight of Government activity will enable this and vice versa. The presence of new political formations was a major feature of the recent General Election and warrants greater focus and attention as part of the discussion of Dáil reform. Reform must focus on empowering smaller groupings in the Dáil including smaller parties and non-aligned Independents which this submission sets out to look at in further detail.

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## **Formation of a Technical Group [S.O. 120]**

Parliament currently prioritises political parties over other entities with regards to granting influence and opportunities to participation in oversight of Government performance. Technical groups in the past have lacked sufficient resources to organise and coordinate. This compromises the individual TD's ability to participate effectively in Government oversight. The points below seek to address this issue:

- Establishing multiple technical groups with a minimum of 5 members.
- Resource technical group(s) on par with political party system – including provision of administrators and coordinators. Resource allocation must be done fairly and proportionately across the board.
- Political Parties should no longer have precedence over technical groups with regard to speaking time. [S.O. 120.5.IV]

- Speaking time should reflect number of TDs in group(s) proportionately and speaking order should be arranged based on size of grouping not on political party status.

## **Dáil Agenda & Legislation**

There is great frustration on behalf of opposition TDs with regards to how the Dáil agenda is organised. It is disempowering to Independents and others when they are given very short notice to respond to legislative developments and complex information. Reform must seek to fill in this information gap while looking into other ways for capacity building of parliamentarians on both sides of the House.

Other stakeholders including NGOs and advocacy groups are also affected by the lack of legislative timeframes which undermines their ability to represent their members effectively. Lack of oversight over legislative developments can make for badly drafted legislation without the full consequences of its enactment known until it's too late. As legislatures it is our duty to prevent legislation negatively impacting on those at the receiving end.

The following points expand on this further:

- Greater allocation of speaking time should not be compensation for lack of influence.
- In response to FG proposals referring to Ministerial Questions time (Section 1), priority should be given to opposition TDs as opposed to backbench TDs. Backbenchers have mechanisms available to them within their own political party to hold Ministers to account. Priority should remain with opposition TDs until clearer division of the Executive from the Legislature is achieved.
- Move fortnightly Friday sittings to Tuesday mornings with vote called by 2pm to maximise use of Dáil time and attendance. [S.O. 117A]
- Greater transparency in selection of Topical Issues and Oral Questions. Clarity sought in relation to definition of what is deemed 'topical' and mandatory presence of relevant Minister should be enforced.
- More time allocated for drafting of amendments and drafting amendments to Government amendments – double the period of time from the current 2 days to four days [S.O. 127 (a) and (b)] – excluding weekends. End last minute submission of Government amendments at 4<sup>th</sup> stage as opposition do not have time for scrutiny of late changes.
- End unnecessary or political use of guillotining legislation – better management of Dáil agenda can prevent this and changes can easily be made to Standing Orders to ensure approval is sought from the Ceann Comhairle including justification for its use.

- Expand capacity of drafting services to cater to all Members of the Oireachtas.
- Availability of training in the area of legislative drafting/amendments etc...

### **Private Members' Bills**

PMBs are not afforded serious consideration in the current Dáil system. Even if passed at Second Stage the Bills are not seen again in the Legislative Programme. Furthermore, Friday sittings were brought in as an attempt to reform the Dáil however attendance is low and meaningful engagement has not resulted from this change. My recommendations are as follows:

- Opposition Private Members' Bills accepted at Second Stage should be introduced at Committee Stage within 3 months unless the Dáil falls for General Election.
- When there is no Dáil business to be taken, use time to debate a Private Members' Bill.
- Make available resources for drafting services to all members of the Oireachtas.

### **Committees**

TDs need increased resources to address complicated subject matters and to potential consequences of policy and legislation. The following are a few points on this issue with the intention to expand further in Sub-Committee discussions.

- Proposal for stronger committees by FG including an Oireachtas Budget and Finance Committee must include members of opposition.
- Resources for TDs attending Committees to increase capacity and scrutiny.
- The EU Affairs Committee should be given the authority to scrutinise the agenda for the EU Council meeting and refer issues of importance to the Dáil for consideration.

### **Attorney General**

The lack of transparency of the AG's advice on the constitutionality of certain Bills has led this to be exploited by the Government as a response to any opposition input. I recommend the following points to be address at Sub-Committee discussions:

- Expand the role of Parliamentary Counsel to non-Government TDs to advise on constitutionality of certain Bills.

- Provide independent advice with respect to legislation alongside AG's decision of constitutionality.

### **Citizens' Assembly**

- Include Economic, Social and Cultural Rights Referendum
- Referendum to keep Water under State ownership
- The Citizens' Assembly must determine how to establish mechanisms and implementation of people-initiated referendums.

### **Budgetary Process**

- Reform budgetary process to include equality-proofing
- FG's proposal for an Independent Fiscal and Budget office must extend services to independents as well as political parties.
- Resources are required to enhance role of Irish Fiscal Advisory Council (IFAC) as proposed by FG.