

Green Party submission to the Dáil sub-committee on Dáil reform

The Green Party believes that this moment at the start of the 32nd Dáil presents a unique opportunity to deliver radical reform of the way our political system works.

Our submission to the sub-committee on Dáil reform takes four themes:

1. Empowering Citizens
2. Empowering Deputies
3. Empowering Equality
4. Empowering Institutions

We believe that each of these are equally important to bringing holistic reform to our republic in its centenary year.

Our proposals

All of our proposals can be implemented through motions of the Dáil or Oireachtas, with the exception of our recommendation for a referendum on a fixed term parliament.

On two other matters that may lead to a referendum, citizen-initiated referendums and Seanad reform, we propose that these issues be directed to a second Constitutional Convention to be established by this Dáil, which will deliberate proposals and make recommendations.

Lastly, in the context of Dáil reform, we make some recommendations that relate to reform of the wider political system. Our constitution vests "sole and exclusive power of making laws for the State" in the Oireachtas. We therefore believe that to truly reform the Dáil, we must acknowledge its place in the Oireachtas. Empowering one branch of the Oireachtas can have an impact on another and any alterations of Dáil power should have due consideration to the interplay of governance between the branches.

Acknowledgements

The Green Party acknowledges the reforms brought through by the Government of the 31st Dáil. In particular, we acknowledge improved pre-legislative scrutiny, the election of the Ceann Comhairle by secret ballot, the allocation of committee chairs by d'Hondt, the restoration of freedom of information, and more time given to Private Members' Bills.

We also want to acknowledge the work of the citizen and parliamentarian members of the Constitutional Convention, who gave up their time freely in the service of their country and produced valuable recommendations for reform. We hope that their recommendations for Dáil reform will be reviewed again as part of this committee's work.

We also recognise the valuable contribution of civil society groups such as Smaointe, The People's Conversation, Second Republic and many more who, in seeking to constructively reform our republic in a time of crisis, have demonstrated values of republicanism.

1. Empowering Citizens

The Green Party believes that citizens and citizenship are at the heart of a republic. Dáil reform must therefore first look to how the Dáil engages with citizens and empowers citizens in the lawmaking process, governance and in understanding how decisions are made.

We propose three priority objectives under this theme:

- A committee to take special responsibility for monitoring and improving citizen engagement and oversight of the Oireachtas.
- A commitment to continue the Open Government Partnership and give oversight of it to an Oireachtas committee.
- A Constitutional Convention to deliberate and make recommendations on procedures and powers for citizen-initiated referendums.

Citizen engagement and oversight

The Green Party proposes that the Joint Committee on Public Service Oversight and Petitions should be given a unique role in liaising and building engagement between citizens and the Oireachtas.

In particular, the committee should take responsibility for examining ways to increase citizen access to the Oireachtas as well as improving citizen engagement and oversight over the legislative process. The committee should prepare an annual report on citizens' sense of engagement and satisfaction with the Oireachtas and of the status of initiatives to improve this.

Recognising the valuable contribution of Oireachtas TV, as well as civil society initiatives such as KildareStreet.com, some ideas for initiatives that the committee could engage in include:

- The development of digital democracy initiatives.
- A citizens' charter on the Oireachtas' duty to consult with citizens, providing for improved citizen oversight and participation in the legislative process.
- Ensuring best practice in use of machine readable formats when publishing Oireachtas transcripts, the open licensing of Oireachtas transcripts and videos, and their speedier publication online.
- Greater transparency in the operation of the Oireachtas petitions service and enhanced opportunities for citizens to have matters raised in parliament or to government.

We believe that initiatives of this sort must plan for genuine engagement with citizens. Platforms for public engagement must be effectively publicised and designed to be user friendly. If not, they will fail to redress the disconnect between citizens and the Oireachtas.

Open Government Partnership

The Green Party seeks a commitment from prospective Taoisigh to continue the programme of reform emerging from the Open Government Partnership and the full implementation of the Open Government Partnership National Action Plan for Ireland.¹

Responsibility for the supervision of the implementation of the Open Government Partnership and the National Action Plan should be given to the Joint Committee on Public Service Oversight and Petitions, while maintaining and deepening a partnership relationship between the public service and civil society.

Citizen-initiated legislation

The Green Party supports the recommendation of the Constitutional Convention for a referendum to add provision for citizen-initiated referendums with adequate safeguards to the constitution. To aid discussion, we have prepared an illustrative document outlining a possible process for citizen initiated referendums in Ireland.²

We propose the convening of a Constitutional Convention to deliberate proposals and make recommendations for the procedures and powers of citizen initiatives in Ireland. These recommendations should be put to referendum, as appropriate, within the lifetime of this Dáil.

¹ The Open Government Partnership National Action Plan for Ireland can be downloaded from here: <http://www.ogpireland.ie/wp-content/uploads/2013/08/Published-Draft-OGP-National-Action-Plan-08-05-2014.pdf>

² The Green Party document illustrating a possible process for citizen initiated referendums in Ireland can be downloaded here: <https://greenparty.ie/wp-content/uploads/2015/12/Green-Party-Citizens-Initiative-Illustrative-Document-2016.pdf>

2. Empowering Deputies

Every deputy elected to Dáil Éireann should have equal opportunity to contribute their intellect and experience to public debate. Empowering deputies across a diversity of views to talk freely and work positively together is crucial to the operation of parliament. The Dáil has suffered from a condensing of power among a small number of deputies and the stifling of debate.

We propose four priority objectives under this theme:

- Reforming speaking rights, including greater freedom to form parliamentary groupings, and for Dáil members to set the Dáil agenda.
- Giving Oireachtas committees more responsibility and resources.
- Relaxing the whip and removing it altogether from committee work.
- Improving the quality of ministerial answers to parliamentary questions, expanding their scope, and involving the Opposition more in oral answers.

Speaking rights and the Dáil agenda

The Green Party proposes that standing orders should be changed so that Dáil members, not the Taoiseach, set the Dáil agenda in a forum chaired by the Ceann Comhairle. This was a recommendation of the Constitutional Convention. We believe that doing so would also greatly reduce the inappropriate application of guillotines.

We propose too that there should be reform of speaking rights and the allocation of committee places by allowing for the formation of European Parliament-style parliamentary groups. This would have the effect of allowing for more than one technical group and would allow smaller parties and TDs to form groups with broadly common agendas and perspectives.

The formation of such groups should be facilitated in an inclusive manner and recognised when applying D'Hondt procedures.

The Green Party also propose that standing orders and Dáil practice should encourage more open and free-flowing debate by providing for speakers to voluntarily “give-way” to questions and comments from other deputies, as in the Scottish Parliament and Northern Ireland Assembly.

If the Ceann Comhairle was also given an enhanced role in deciding who speaks, rather than that being decided almost exclusively by party whips, a greater number of deputies may be further encouraged to attend and participate in debates.

Oireachtas committees

The Green Party propose that the role of Oireachtas committees in developing legislation and overseeing government should be further encouraged and enhanced.

Committees in the 32nd Dáil should assume a more emboldened view of themselves. We call on all committees to be more proactive in exploring their role by each setting out an annual agenda of work. This includes taking a bolder view of their existing functions in initiating legislation, hearing from members of the public, and holding government ministers to account.

Certain committees have already adopted an emboldened attitude. We accept that in the short term some committees will strike a better balance in this effort than others. However, over the medium term, we hope that an emboldened view now will mature into a more robust and balanced Dáil committee culture in future.

Additionally, the Green Party propose that Oireachtas committees should be given some new specific powers:

- Oireachtas committees should oversee Ireland's policy towards the EU and government policy in Europe, along the lines of the model used in the Danish parliament, where parliamentary committees must review Government positions in advance of European Council meetings.
- Half of board appointments should be made by Oireachtas committees, as the Green Party did in legislation appointing board members to RTÉ and other bodies.
- A role for the Oireachtas Committee on Justice in approving nominations for judicial appointments.
- As well as pre-legislative scrutiny, committees should be given an explicit responsibility for post-legislative review.

The Green Party also propose that the timetabling of committee work be examined so that committee time and work in the Dáil chamber do not compete with one another. For example:

- A designated "committee week" during each month, when only Leaders' Questions are taken in the Dáil chamber, as recommended by the Constitutional Convention; or
- Committee work should happen in the morning with plenary sessions of the Dáil taking place in the afternoon, as in the Scottish Parliament.

We suggest that this will improve attendance and participation in Dáil debates in addition to other reforms, such as improved speaking rights.

The Green Party propose too that committees should be provided with more technical and professional resources to do their work. Relevant departmental staff should be seconded to committees to assist committee chairs and members navigate the workings of the departments and build trust.

Relaxing the whip

The Green Party recognises that the application of a whip is a matter for individual parties. However, we recognise too the perception that the Dáil suffers from an over-application of the whip. We therefore propose that political parties voluntarily introduce a more flexible application of the whip, such as the three-line whip used in the UK parliament.

We propose that the whip not apply in committees, in particular where committee decisions are subject to review by the full Dáil.

Additionally, as technical means to weaken the application of the whip, the Green Party propose:

- The portion of public funding that political parties receive for TDs and senators should be reviewed yearly so that it reflects on the actual number of TDs and senators each party had in that year (e.g. if a TD or senator is ejected from a party then the party should stop receiving funding for that TD or senator).
- Political parties should not have the power to remove from an Oireachtas committee a TD who was ejected from the party.

Parliamentary questions

The Green Party propose that there be a thorough review of the procedures around parliamentary questions in order to make it more difficult for ministers to avoid giving full and complete answers to questions. A TD should never have to use freedom of information requests to receive answers to parliamentary questions.

At a minimum, all information that can be accessed under freedom of information requests should be provided by a minister to a deputy asking a parliamentary question. The evading of providing full and complete answers by ministers is costly to the taxpayer and undermines the credibility of our national parliament. There should be a complaints procedure for deputies who believe information is being withheld or answers deliberately opaque.

The Green Party also propose that more time should be allocated for oral answers by ministers in the Dáil and there should be greater time and opportunity for comment and responses from Opposition spokespeople.

3. Empowering Equality

As with any workplace, a culture that respects and appreciates diversity among deputies is important to delivering productive and creative output in the Dáil. A Dáil work culture that suits some more than others will inevitably empower one group of colleagues over all. This

affects the ability of all deputies to collectively contribute at their best and may be off-putting to potential deputies.

We propose three priority objectives under this theme:

- The forming of a Women's Caucus in the Oireachtas to represent women's interests.
- The supporting of family life in the Dáil through maternity and paternity leave, family-friendly hours and other measures.
- Recognising pluralism in daily prayer.

Women's Caucus

In order to help bring about a greater sense of gender equality in the Oireachtas, the Green Party proposes the establishment of a Women's Caucus in the Oireachtas.

We believe that women in a well-organised caucus can bring about real change. This caucus would help foster solidarity among women politicians regardless of party affiliation. The caucus could address concerns regarding the day-to-day running of the Oireachtas which affect women.

The caucus could also provide a vehicle to enhance the visibility of public issues affecting women.

Supporting family life

The Green Party proposes the introduction of more family-friendly sitting times of the Dáil and the introduction of maternity and paternity leave for politicians as part of reducing barriers to political life. We also propose a broader appreciation of the childcare needs of deputies and senators in all Oireachtas practices and procedures.

For example, in Portugal, maternity leave is one of the few grounds for the temporary substitution of a parliamentarian. Australia's House of Representatives allows members to breastfeed or bottle-feed infants in the chamber.

Daily prayer

The Green Party recognises the value of shared moments of reflection to debate, decision making and the human experience.

The Green Party propose that standing orders be changed to reform daily prayer in the Dáil with two minutes private prayer or reflection before the starting of business, as in the Northern Ireland Assembly.

Consideration may be given also to inviting speakers to lead a weekly Time for Reflection, as in the Scottish Parliament.

4. Empowering Institutions

The Dáil operates as part of the wider Oireachtas ecosystem and Dáil reform needs to be seen in that context. This ecosystem includes the Dáil electoral process, the Seanad and the President as well as powers devolved from the national government to local government.

We have identified five objectives for Oireachtas reform affecting the Dáil that should be addressed within the lifetime of this Dáil:

- The establishment of an independent Electoral Commission, with powers to independently determine constituencies and improve access to voting.
- A referendum for a fixed term Dáil.
- A Constitutional Convention to deliberate and make recommendations for Seanad reform.
- An invitation to the President to make greater use of Article 13.7 to address the Oireachtas with a view to fostering a greater sense of common purpose among all members of the Oireachtas.
- A radical democratisation of local government and devolution of powers from the Dáil.

Electoral Commission

The Green Party calls for the establishment of a strong independent Electoral Commission, which will have the power to independently determine constituencies so as to provide the greatest practical level of proportional representation.

In particular, we believe the Electoral Commission should implement the recommendation of the Constitutional Convention that all constituencies have a minimum of five seats.

Other matters we believe the Electoral Commission should be empowered to independently reform include:

- Automatic voter registration and improving the accuracy of the electoral register.
- Provision of an absentee ballot facility for eligible voters working abroad.
- Measures to improve voter turnout, including greater access to postal voting and extended voting hours, as recommended by the Constitutional Convention.
- Enabling Travellers and the homeless to register at an address that is convenient for them.

Referendum for fixed term Dáil

In light of the changed balance of power between political parties in Dáil Éireann and with a view to providing more stable Government, the Green Party propose a referendum for a fixed term Dáil along the lines of recent reforms in the UK.

We propose that the date of the next general election should be agreed five years in advance. An earlier election would only be possible under two conditions:

- A majority of Dáil members vote in favour of a motion of no confidence in the Taoiseach, and the Dáil does not nominate a member for appointment as Taoiseach within 14 days, and the President (at his or her discretion) subsequently decides to dissolve the Dáil; or
- Two-thirds of the members of Dáil Éireann vote in favour of a motion calling for an earlier election.

Seanad reform

The Green Party does not believe that Dáil reform can be considered in isolation from Seanad reform. The two houses of the Oireachtas work together to produce legislation and together perform an essential check and balance to each other work. If one is broken then the other is broken.

The Green Party believes that we need a Seanad that is elected by universal suffrage and provides representation for citizens abroad. We propose a reformed Seanad that is elected using proportional representation through an open list system.

However, we also recognise the contribution of the Working Group on Seanad Reform and of individual senators who have brought forward legislation that would reform the Seanad without a referendum. In particular, we want to highlight the work of Katherine Zappone and her bill for Seanad reform, which is currently at the third stage of passage through the Seanad.³

The Green Party proposes the convening of a Constitutional Convention to deliberate proposals and make recommendations for Seanad reform. These recommendations should be put to referendum, as appropriate, within the lifetime of this Dáil.

Address by the President

To foster a greater sense of common national purpose, the Green Party propose that the Dáil and Seanad should invite the President to make greater use of Article 13.7 to address the Houses of the Oireachtas, perhaps annually.

Local government reform

The Green Party does not believe the dissolution of town council and the merging of city and county councils under the 31st Dáil were positive changes. We believe the 2008 Green Paper on Local Government, prepared by John Gormley when Minister for the Environment,

³ The Seanad Bill 2013, sponsored by Katherine Zappone, can be read here: <http://www.oireachtas.ie/viewdoc.asp?fn=/documents/bills28/bills/2013/4913/document1.htm>

provides a far stronger and much more democratic vision for local government in Ireland.⁴ We ask the committee to review that green paper and the subsequent draft white paper prepared in 2010, as part of the committee's work.

We propose that during its lifetime, in consultation with citizens and local councils, this Dáil should embark on a programme of radical democratisation of local government in Ireland and devolution of powers from the Dáil and national government to local and regional government.

In our view, this includes:

- The restoration of town councils as new district councils that encompass the rural hinterland of large towns in such a way that every rural area is under a district council.
- The establishment of a regional tier of government with significant powers to coordinate transport, planning and other services between counties.
- The introduction of directly elected mayors of cities and regional assemblies with executive functions.
- The devolution of many of the functions of central government and the Dáil to local and regional authorities, including aspects of the administration of health, education and social welfare.

However, we also want to emphasise that small changes in the culture and practice of local government can have a profound effect on the experience of it. We believe that citizens should be engaged directly in decision making at local level. This can be realised simply through a greater willingness by the Minister of the Environment to facilitate local referendums and through the greater use of participatory budgeting, for example, without need for widespread legislative or constitutional change.

⁴ The 2008 Green Paper on Local Government reform can be read online here: https://web.archive.org/web/20141230022103/http://www.environ.ie/en/GreenPaper/html/greenp_minister.html

The 2010 Draft White Paper on Local Government reform can be found here: <https://drive.google.com/file/d/0B9hE2vbQ0q0iY3VQOWIKUkl5ZDA/view?usp=sharing>