

DÁIL ÉIREANN

AN ROGHCHOISTE UM THITHÍOCHT, RIALTAS ÁITIÚIL AGUS OIDHREACTH

SELECT COMMITTEE ON HOUSING, LOCAL GOVERNMENT AND HERI- TAGE

Dé Máirt, 31 Bealtaine 2022

Tuesday, 31 May 2022

Tháinig an Romhchoiste le chéile ag 4 p.m.

The Select Committee met at 4 p.m.

Comhaltaí a bhí i láthair/Members present:

Teachtaí Dála/Deputies	
Francis Noel Duffy,	
Joe Flaherty,	
Thomas Gould,	
Emer Higgins,	
Paul McAuliffe,	
Malcolm Noonan (<i>Minister of State at the Department of Housing, Planning and Heritage</i>),	
Cian O'Callaghan,	
Richard O'Donoghue,	
Eoin Ó Broin.	

I láthair/In attendance: Deputies Ged Nash and Aengus Ó Snodaigh.

Teachta/Deputy Steven Matthews sa Chathaoir/in the Chair.

Electoral Reform Bill 2022: Committee Stage

Deputy Paul McAuliffe took the Chair.

Vice Chairman: Given that we have a quorum, I propose that we defer the start of the meeting for 15 minutes, which will bring us to 4.25 p.m., at which point we will recommence. Is that agreed? Agreed.

Sitting suspended at 4.10 p.m. and resumed at 4.29 p.m.

Deputy Steven Matthews took the Chair.

Chairman: The Select Committee on Housing, Local Government and Heritage is meeting for Committee Stage of the Electoral Reform Bill 2022. I welcome the Minister of State, Deputy Noonan, and his officials, to our meeting. We will proceed with our consideration of the Bill.

Section 1 agreed to.

SECTION 2

Chairman: Amendments Nos. 1 and 4 are related and may be discussed together.

Deputy Aengus Ó Snodaigh: I move amendment No. 1:

In page 10, line 29, to delete “ “Commission” ” and substitute “ “Coimisiún” ”.

This amendment relates to the passage of the Official Languages (Amendment) Act 2021. It was decided that the titles of State companies and institutions would be in Irish in the future. This is the first point where “Coimisiún”, or “Commission” in English, appears in this Bill. Rather than start where we do not mean to be, we should take the opportunity to amend this, so An Coimisiún Toghcháin would be known thereafter as “Coimisiún” in the legislation. It is not a major change but it is in line with the Official Languages (Amendment) Act 2021. Many amendments related to the Irish language are tied to the provisions in that Act.

Minister of State at the Department of Housing, Local Government and Heritage (Deputy Malcolm Noonan): I will address amendments Nos. 1 and 4 together since they both relate to the title of the commission. I thank the Deputies for these proposed amendments. I note that section 9D of the Official Languages Act will require that all new statutory bodies be named in the Irish language. While this legislation is not yet commenced, I will give further consideration to the proposed amendments between now and Report Stage and on that basis I ask if the Deputy might withdraw the amendment.

Deputy Aengus Ó Snodaigh: That is a preferable response to the one which the Minister, Deputy McEntee, gave with regard to another Bill last week. As it is the Government’s intention to commence the Act, I cannot see why it cannot be done. I will happily withdraw them on the basis that we will look at it again. I will submit them again anyway to ensure that there is a debate at that Stage. The delay in commencement is a procedural delay. If this Bill completed Committee Stage this week and came before the Dáil in two weeks’ time, which is technically possible, the Act may not be commenced by then. It would look odd to act contrary to provisions in legislation which was backed by the Government and the whole House, even if it is not commenced. I am happy to withdraw amendments Nos. 1 and 4.

Amendment, by leave, withdrawn.

Section 2 agreed to.

SECTION 3

Chairman: Amendments Nos. 2, 33, 34, 62 to 64, inclusive, 71 to 73, inclusive, 81 and 104 to 109, inclusive, are related and will be discussed together.

Deputy Malcolm Noonan: I move amendment No. 2:

In page 12, to delete line 8 and substitute the following:

“(k) section 25C;

(l) section 85.”.

I will address Government amendments Nos. 2, 33, 34, 62 to 64, inclusive, 71 to 73, inclusive, 81 and 104 to 109, inclusive, which have been grouped as they all relate to provisions for island voting. Amendment No. 2 amends section 3 of the Bill, concerning repeals, to include the repeal of section 85 of the Electoral Act 1992 that provides for early island voting. The repeal of section 85 of the Electoral Act 1992 will remove provisions that currently allow returning officers to take the poll on islands in Dáil elections, presidential elections and referendums up to five days before the polling day appointed by the Minister, if in the opinion of the returning officer it may be impracticable, owing to stress of weather or transport difficulties, to either take the poll on the polling day appointed by the Minister or to deliver the ballot boxes to the count centre by 9 a.m. on the following day, if the poll goes ahead on polling day.

Amendments Nos. 104 to 109, inclusive, insert a new Part 7 into the Bill, which amends the Electoral Act 1992, the Presidential Elections Act 1993, the Referendum Act 1994, the Local Elections Regulations 1995, the Local Government Act 2001 and the European Parliament Elections Act 1997, to provide for same-day island voting at elections and referendums in Ireland. These amendments will ensure that polling at elections and referendums on the islands will take place on the same day as the rest of the country.

In line the repeal of section 85 of the Electoral Act 1992 under amendment No. 2, amendment No. 107 will amend Article 49 of the Local Elections Regulations 1995 and amendment No. 109 will amend rule 48 of the Second Schedule to the European Parliament Elections Act 1997 to remove the provisions that allow for advance island voting at local and European elections and the provisions that prohibit an alteration to the notice of poll.

Amendments Nos. 104 to 109, inclusive, will insert new provisions into the Electoral Acts to provide the Minister with the power to make an order to shorten polling hours on an island for an election or referendum where it would be unnecessary or impracticable to have full polling hours due to local circumstances and taking account of the advice of the returning officer. Such an order must be made no later than seven days before polling day and the amended polling period must not be less than four hours. The returning officer would be required to give public notice in the polling district of the times and date of the poll and as specified in legislation, orders would be published in *Iris Oifigiúil*. The local circumstances to be considered include the size of the electorate on the island, distance between a polling station on an island and the count centre, advance weather forecasts or foreseen transport difficulties.

These new order-making provisions would be inserted as new subsections (1A) to (1D) in section 96 of the Electoral Act 1992; new subsections (2) to (6) in section 7 of the Presidential Act 1993; new subsections (2) to (6) in section 13 of the Referendum Act 1994; new subsections (2A) to (2C) in section 26 of the Local Government Act 2001; and as new subsections (1A) to (1C) in section 10 of the European Parliament Elections Act 1997. Amendments Nos. 104 to 109, inclusive, will also amend the existing provisions of section 86 of the Electoral Act 1992, Article 49 of the Local Elections Regulations 1995, and rule 48 of the Second Schedule to the European Parliament Elections Act 1997. These provisions currently allow for polling hours on islands to be reduced on polling day itself where weather or transport difficulties affect the commencement of the poll or the timely delivery of ballot boxes to the count centre. The amendments would clarify that these are emergency provisions to be used only in the event of unforeseen weather or transport difficulties on polling day itself.

In addition, amendments Nos. 104 to 109, inclusive, will amend the preliminary procedures for the counting of votes in section 114 of the Electoral Act 1992, Article 76 of the Local Elections Regulations 1995 and rule 75 of the Second Schedule to the European Parliament Elections Act 1997.

These amendments would allow returning officers, in the event of weather or transport difficulties at an election or referendum that would give rise to the late arrival of ballot boxes from a polling station on an island, to proceed with the opening of ballot boxes and the verification of ballot paper accounts for each box that has been received. These tasks typically take a number of hours to complete and the proposed amendments would allow these tasks to be commenced pending the late arrival of ballot boxes from a polling station on an island.

The amendments will also delete references in the Electoral Act 1992, the Presidential Act 1993 and the Referendum Act 1994 to section 85 of the Electoral Act 1992, which will be repealed under amendment No. 2.

Finally, I propose to move amendments Nos. 33, 34, 62 to 64, inclusive, 71 to 73, inclusive, and 81, which are technical drafting amendments recommended by the Office of the Attorney General to clarify that these references in the Bill are referring to polling day order provisions under section 96(1) of the Electoral Act 1992, section 10(1) of the European Parliament Elections Act 1997 and section 26(2) of the Local Government Act 2001, and not an order to shorten the poll on an island.

I seek the support of the committee for these amendments. I thank the Chair.

Deputy Paul McAuliffe: I welcome this provision. I put on record the support of Deputy Ó Cuív. He passed related legislation in the previous Dáil. There is broad support across the House for this important change for people who live on the islands. My amendments are Nos. 3, 82, 83 and 84. A few were ruled out of order. I believe the Department found a better way of implementing that. I thank the Department for that, and for the work that has been done in the background to try to ensure that it is part of this Bill. I appreciate it.

Amendment agreed to.

Chairman: Amendment No. 3 has been ruled out of order.

Amendment No. 3 not moved.

Section 3, as amended, agreed to.

Sections 4 to 6, inclusive, agreed to.

SECTION 7

Deputy Aengus Ó Snodaigh: I move amendment No. 4:

In page 14, lines 8 and 9, to delete “or, in the English language, as the Electoral Commission”.

Amendment, by leave, withdrawn.

Section 7 agreed to.

SECTION 8

Chairman: Amendments Nos. 5, 21, 22 and 24 are related and will be discussed together.

Deputy Aengus Ó Snodaigh: I move amendment No. 5:

In page 15, between lines 34 and 35, to insert the following:

“(10) At least 20 per cent of ordinary members appointed to the Commission shall be competent to conduct their functions in the Irish language.”.

This amendment arises out of the discussions we had in the run-up to the enactment of the Official Languages (Amendment) Act 2021. It concerns the need for Government-appointed boards to have a certain number of people on them who have the competency to carry out their functions in the Irish language, given that in this case they will be dealing with the whole country, areas of which are designated Gaeltacht areas. The rights of Irish speakers outside of Gaeltacht areas, as expressed in the Official Languages Acts, also have to be taken on board. There is also a need for those who are in positions of authority to have competency to carry out their functions in the language. With amendment No. 22, we are also seeking to ensure that the chairperson must be able to conduct his or her functions in the Irish language. Amendment No. 21 seeks to require that at least 20% of members of staff appointed in a given year shall be competent to conduct their functions in the Irish language. That is in line with the provisions of the Official Languages (Amendment) Act 2021, which aims to ensure that 20% of new recruits to the public service will be competent in the Irish language by 2030. Given that this will be a new organisation, we are seeking to impose the 20% rule from the start. Rather than starting off with 100% ability to function in the English language only, we want to set an example with the coimisiún.

Deputy Malcolm Noonan: I will address amendments Nos. 5, 21, 22 and 24 together as they all relate to the placement of Irish language proficiency requirements on the ordinary members, staff, chairperson and chief executive of the commission. At the outset, I will say that I appreciate the rationale behind such requirements. However, as highlighted in pre-legislative scrutiny process, the commission requires a wide range of skills and experience in order to carry out a wide array of specialised functions. I am mindful of not wishing to impose overly restrictive conditions in relation to the make-up of the staff and members of the commission.

I wish to make some general points in relation to these amendments. In respect of the commission’s chief executive and ordinary members, the Bill provides avenues for the Minister to agree with the Public Appointments Service general requirements for the candidates in sections 9(3) and 20(8) of the Electoral Reform Bill 2022 for the ordinary members and chief executive,

respectively. This will provide an opportunity for the addition of Irish-language proficiency as a desirable attribute for candidates. It is important to note that the Official Languages Acts apply across public bodies. I can confirm that it is intended that the newly-established electoral commission will come within that legislation. I believe that this is the best approach in this regard. Section 18C of the Official Languages Act 2003, as inserted by the Official Languages (Amendment) Act 2021, targets having at least 20% of staff recruited to public bodies competent in the Irish language as soon as practicable, and no later than 2030. As I have said, this target will apply to the commission. I do not think that it is necessarily a good idea to legislate in isolation outside of the provisions of that Act. For these reasons I do not propose to accept the amendments. I assure the Deputies that our officials will engage with colleagues in the Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media to ensure that the electoral commission comes within the provisions of the Official Languages Acts.

Deputy Aengus Ó Snodaigh: I am not going to take up much more of the committee's time on this issue. We are trying to ensure, for example, that the 20% requirement in respect of staff recruited to the commission in a given year is included in this legislation for the very reason that the Official Languages (Amendment) Act 2021 has not commenced. Staff could be recruited to work for the commission before the date of commencement or the functioning of the Act. The advisory committee has not been put in place yet. It is due to be put in place in a number of weeks. That is one of the reasons for these amendments. The amendments also seek to reflect the intention of Government and the Oireachtas in passing that legislation. As the Minister of State has said, competency to carry out functions in the Irish language is a desirable attribute and the Minister should take cognisance of it while setting out a remit for a chief executive, chairperson or members of boards. However, as we have seen in the history of the Irish language, such competence was always a desirable attribute, but never a requirement as such, which meant that many State boards and bodies did not stick with the original intentions of the State. People will recall that when the State was founded, there was a long tradition of most of the State organisations having Irish language names. There was a huge campaign to ensure that those within the Civil Service learned Irish and spoke in Irish. In the past 30 to 40 years, in particular, we have rolled back on that. That is one of the reasons for the implementation of the Official Languages Acts, and some of the rationale behind the amendments that I have moved here and will introduce in respect of other legislation. I am seeking to ensure that we have the debate at the earliest point, whether successful or not, so that those who come after us understand that in the intentions as set out, we were mindful of the need for all State organisations to reflect that need for language competency and to reflect the fact that they are not operating in a singular vernacular across the State in the future.

Deputy Malcolm Noonan: I thank the Deputy. He is absolutely right to seek to ensure that we meet these Irish language competency requirements. However, I think it would not be a good idea to include the requirements in legislation outside of the provisions of the Official Languages Acts. I can assure the Deputy that our officials will engage with colleagues in the Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media to ensure that the commission comes within the provision of the Official Languages Acts. I hope that the Deputy will accept those assurances.

Deputy Aengus Ó Snodaigh: I accept the Minister of State's assurances. However, I will be pressing amendment No. 21. I will not delay the committee when we reach that point. I am happy with the assurances of the Minister of State.

Chairman: To clarify, the Deputy proposes to withdraw amendments Nos. 22 and 24 but

will be pressing amendment No. 21 when the time comes. Is that correct?

Deputy Aengus Ó Snodaigh: Yes.

Amendment, by leave, withdrawn.

Section 8 agreed to.

Section 9 agreed.

SECTION 10

Chairman: Amendments Nos. 6 to 16, inclusive, are related and will be taken together. The amendments seem to be quite technical in nature.

Deputy Malcolm Noonan: I move amendment No. 6:

In page 17, line 2, to delete “a member” and substitute “an ordinary member”.

Government amendments Nos. 6 to 11, inclusive, clarify, for the avoidance of doubt, that certain terms and conditions set out in section 10, which relate to the length of terms office, reappointments and resignations, apply only to the commission’s ordinary members.

This is because such matters do not apply to *ex officio* members by their very nature. Provisions relating to the chairperson are set out separately in section 18.

Amendments Nos. 12 to 16, inclusive, are technical drafting amendments that allow for amendment No. 17, which I will speak to separately given it is not part of this grouping.

Amendment agreed to.

Deputy Malcolm Noonan: I move amendment No. 7:

In page 17, line 13, to delete “a member” and substitute “an ordinary member”.

Amendment agreed to.

Deputy Malcolm Noonan: I move amendment No. 8:

In page 17, lines 14 and 15, to delete “a member” and substitute “an ordinary member”.

Amendment agreed to.

Deputy Malcolm Noonan: I move amendment No. 9:

In page 17, line 16, to delete “a member” and substitute “an ordinary member”.

Amendment agreed to.

Deputy Malcolm Noonan: I move amendment No. 10:

In page 17, line 22, to delete “a member” and substitute “an ordinary member”.

Amendment agreed to.

Deputy Malcolm Noonan: I move amendment No. 11:

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In page 17, line 25, to delete “A member” and substitute “An ordinary member”.

Amendment agreed to.

Section 10, as amended, agreed to.

SECTION 11

Deputy Malcolm Noonan: I move amendment No. 12:

In page 17, line 35, to delete “if he or she is” and substitute “if he or she”.

Amendment agreed to.

Deputy Malcolm Noonan: I move amendment No. 13:

In page 17, line 36, to delete “a member” and substitute “is a member”.

Amendment agreed to.

Deputy Malcolm Noonan: I move amendment No. 14:

In page 17, line 37, to delete “entitled under” and substitute “is entitled under”.

Amendment agreed to.

Deputy Malcolm Noonan: I move amendment No. 15:

In page 17, line 39, to delete “a member” and substitute “is a member”.

Amendment agreed to.

Deputy Malcolm Noonan: I move amendment No. 16:

In page 17, line 39, to delete “authority.” and substitute “authority;”.

Amendment agreed to.

Deputy Malcolm Noonan: I move amendment No. 17:

In page 17, after line 39, to insert the following:

“(d) does not possess a tax clearance certificate issued to him or her under section 1095 of the Taxes Consolidation Act 1997.”.

This Government amendment will set a requirement that a person must be tax compliant to be eligible for membership of the electoral commission. I believe this is appropriate for membership of any State board, and especially in this case given the centrality of the electoral commission to our democracy. Due to the easy availability of electronic tax clearance certificates, I am confident this will not place an unreasonable burden on persons seeking to become ordinary members of the commission. There is precedent for such a requirement from section 49(j) of the Data Sharing and Governance Act 2019, which relates to membership of the Data Governance Board.

Amendment agreed to.

Deputy Malcolm Noonan: I move amendment No. 18:

In page 18, line 1, to delete “a member” and substitute “an ordinary member”.

This amendment clarifies that provisions for the disqualification of members are with regard to the commission’s ordinary members. The disqualification provisions will not apply to the *ex officio* positions, namely, the Clerk of the Dáil and the Ombudsman, given the nature of such positions is that they attach to holders of particular public offices. I am of the view that introducing further provisions and criteria would not be desirable.

Amendment agreed to.

Section 11, as amended, agreed to.

Sections 12 and 13 agreed to.

Chairman: Amendment No. 19 has been ruled out of order.

Amendment No. 19 not moved.

Sections 14 and 15 agreed to.

SECTION 16

Deputy Ged Nash: I move amendment No. 20:

In page 20, lines 21 and 22, to delete “are civil servants within the meaning of the Civil Service Regulation Act 1956” and substitute “are civil servants (within the meaning of the Civil Service Regulation Acts 1956 to 2005) in the Civil Service of the State”.

This technical amendment seeks to ensure we properly classify the civil servants who will work with the commission. They will not be civil servants engaged by the Department but rather will work for a statutorily independent organisation. There is a difference between what is described in the Bill, which relates to civil servants as defined by the Civil Service Regulation Act 1956, compared with civil servants as defined by the Civil Service Regulation Acts 1956 to 2005, inclusive, in the Civil Service of the State. The classification is important and this is an effort to clarify that properly in the legislation.

Deputy Malcolm Noonan: This is important and I thank the Deputy for the proposed amendment. I will give a commitment that we will give it consideration between now and Report Stage.

Deputy Ged Nash: I am happy to withdraw the amendment on that basis.

Amendment, by leave, withdrawn.

Deputy Aengus Ó Snodaigh: I move amendment No. 21:

In page 20, between lines 25 and 26, to insert the following:

“(5) At least 20 per cent of members of staff appointed in a given year shall be competent to conduct their functions in the Irish language.”.

Amendment put and declared lost.

Section 16 agreed to.

Section 17 agreed to.

SECTION 18

Deputy Aengus Ó Snodaigh: I move amendment No. 22:

In page 21, between lines 9 and 10, to insert the following:

“(5) A person shall not be appointed Chairperson unless that person is competent to conduct their functions in the Irish language.”.

Amendment, by leave, withdrawn.

Deputy Malcolm Noonan: I move amendment No. 23:

In page 21, between lines 9 and 10, to insert the following:

“(5) Where a person who holds judicial office in the Superior Courts is appointed to be the chairperson, the following provisions shall have effect:

(a) where such person, on being appointed, is a judge of the Supreme Court, other than the Chief Justice or a judge who is *ex officio* an additional judge of that Court, then for so long as such person continues to hold that judicial office, the number of ordinary judges of the Supreme Court otherwise provided for under any enactment for the time being in force may be exceeded by one, provided that, in the case of a former Chief Justice to whom section 4(2) of the Courts (No. 2) Act 1997 relates, for so long as such person continues to hold the judicial office held on being so appointed, such person shall not be taken into account for the purposes of subsection (1) of section 6 of that Act and any vacancy consequent on the application of that subsection to such person may be filled but without prejudice to the application of that subsection to that person upon his or her ceasing to be so appointed but remaining a former Chief Justice to whom the said section 4(2) relates;

(b) where such person, on being appointed, is the President of the Court of Appeal or another judge of the Court of Appeal, other than a judge who is *ex officio* an additional judge of that Court, then for so long as such person continues to hold the judicial office held by such person on so being appointed, the number of ordinary judges of the Court of Appeal otherwise provided for under any enactment for the time being in force may be exceeded by one, provided that, in the case of a former President of the Court of Appeal to whom section 4(2) of the Courts (No. 2) Act 1997 relates, for so long as such person continues to hold the judicial office held on being so appointed, such person shall not be taken into account for the purposes of subsection (1A) of section 6 of that Act and any vacancy consequent on the application of that subsection to such person may be filled but without prejudice to the application of that subsection to that person upon his or her ceasing to be so appointed but remaining a former President of the Court of Appeal to whom the said section 4(2) relates;

(c) where such person, on being appointed, is the President of the High Court or another judge of the High Court, other than a judge who is *ex officio* an additional judge of that Court, then for so long as such person continues to hold the judicial

office held by such person on so being appointed the number of ordinary judges of the High Court otherwise provided for under any enactment for the time being in force may be exceeded by one, provided that, in the case of a former President of the High Court to whom section 4(2) of the Courts (No. 2) Act 1997 relates, for so long as such person continues to hold the judicial office held on being so appointed, such person shall not be taken into account for the purposes of subsection (2) of section 6 of that Act and any vacancy consequent on the application of that subsection to such person may be filled but without prejudice to the application of that subsection to that person upon his or her ceasing to be so appointed but remaining a former President of the High Court to whom the said section 4(2) relates.”.

This Government amendment provides that where the chairperson of the commission is a serving senior court judge, an additional judge may be appointed to the court in question or, in the language of the amendment, that the permitted number of judges for that court under any enactment may be exceeded by one. This amendment is being brought forward following consultations between my Department and the Department of Justice. It is a standard provision in other similar legislative codes. The amendment is also a recognition of the broad remit of the commission and the significant workload that will attach to the role of the chairperson, which could impinge on the availability of a judge to the courts.

Amendment agreed to.

Section 18, as amended, agreed to.

Section 19 agreed to.

SECTION 20

Deputy Aengus Ó Snodaigh: I move amendment No. 24:

In page 23, between lines 17 and 18, to insert the following:

“(21) A person shall not be appointed chief executive unless that person is competent to conduct their functions in the Irish language.”.

Amendment, by leave, withdrawn.

Section 20 agreed to.

Sections 21 to 26, inclusive, agreed to.

SECTION 27

Chairman: Amendments Nos. 25, 28 and 29 are related and will be discussed together.

Deputy Aengus Ó Snodaigh: I move amendment No. 25:

In page 26, between lines 36 and 37, to insert the following:

“(c) the objectives, outputs and strategies of the Commission for achieving the aim of increasing the use, visibility, and prominence of Irish, and achieving equal access by Irish speakers to participate, in the electoral and democratic processes.”.

This amendment is born out of frustration experienced over years by many in Gaeltacht areas,

in particular, and outside them, whereby the rights of Irish speakers have not been recognised or have been ignored. They may receive communications in the English language only or, at times, the English language may be the primary means of communication used by the State for election purposes to the detriment of the Irish language because it is then seen as less important in those areas. The amendment will provide that the commission will understand from the start its role in ensuring those rights will be upheld and that the use of the Irish language will be visible in all publications, particularly within Gaeltacht areas, in order that Irish speakers can fully engage and take part in the democratic process without having to alter their names or change their direction because material has not been made available or communications to them are not in the language of their birth, in many cases, and the primary language of the State, the national language as indicated in the Constitution. As I understand it, even with the Official Languages Act, there is a need for this type of provision to be reflected in the duties and objectives of any State organisation. Given this will be a new organisation, it is important that it understands fully from day one that this will be one of its primary functions.

Obviously, the primary function is the electoral register and the election process but that has to be done while recognising other rights.

Chairman: Deputy Ó Snodaigh has spoken to amendments Nos. 28 and 29 there as well.

Deputy Aengus Ó Snodaigh: Yes, I have spoken to all three amendments.

Deputy Malcolm Noonan: I intend to take amendments Nos. 25, 28 and 29 together, as they place responsibilities on the commission in respect of the prominence of the Irish language in the electoral and democratic processes. I again thank Deputy Ó Snodaigh for these amendments and we appreciate the good intent behind them. In respect of amendments Nos. 25 and 28, I am pleased to inform the Deputy that the signage, literature and ballot papers used at electoral events are produced bilingually and given equal prominence. Where polling places are located in Gaeltacht areas, signage is displayed in the Irish language only. These practices will remain in place into the future, notwithstanding the establishment of the electoral commission. Amendment No. 29 proposes assigning an additional regulatory function to the commission. The commission is taking on a significant number of functions from the outset. Being mindful of the need for the commission to get established and build up organisational capacity, it is not intended to add to these functions at the present time. However, it is planned that the commission will take on additional functions after it has been established and has built expertise and capacity. This provides an opportunity to consider assigning it additional functions. For the reasons outlined I am not in a position to accept the amendments. Again, I appreciate where the Deputy is coming from with the amendments. However, I would stress that the functions being assigned to the commission have been carefully considered after many detailed consultation processes around the functions in recent years. It has always been my intention to establish the commission and assign an initial set of functions to it. However, it is also important to note that as the commission builds capacity and expertise, additional functions can be assigned.

Deputy Aengus Ó Snodaigh: I acknowledge what the Minister of State has said. In all of the discussions thus far on the Irish language and the change in tack that has come about since the discussions on the Official Languages Acts, and the Official Languages (Amendment) Act 2021 in particular, there is an acceptance that things had gone awry and that our job is to set the system on a proper course that recognises the rights of Irish speakers. Similar to other amendments, I can take the Minister of State at his word.

The biggest problem I have had is where on election day, people have found a breach and

it is too late to change that. All the apologies thereafter are too late where there is an affront to somebody who is an Irish speaker. We have to find a mechanism for this although I acknowledge that people have worked hard to try to ensure there is no ignoring of those rights, which I have acknowledged, and mistakes happen. People can accept mistakes but sometimes the same mistake is repeated election after election. Material has been produced in the past by the Referendum Commission which has not been the same. Two different messages went out with a more simplified message in Irish or a message that you had to root out. There is a frustration in Irish language circles and in Gaeltacht areas over the years because they will get an apology and the apology will sit there until the next mistake is made.

I am happy enough to accept the Minister of State's bona fides and what he has said and to withdraw these amendments. However, there needs to be some mechanism for when the fault lies with the commission or with one of the agents whereby action must be taken to ensure it does not happen again. This is not about punishing somebody but about ensuring that lessons are learned and that as we grow as a country and nation, we address problems as they arise.

Deputy Malcolm Noonan: I assure the Deputy that the commission will carry out reviews after every electoral event and that lessons will be learned. The opportunity to input to that will be important. There is a good robustness to that so that we ensure that if mistakes are made at an electoral event, lessons will be learned and the commission will be able to make recommendations based on that.

Deputy Aengus Ó Snodaigh: That is one of the assurances I take from the commission because at least it will be the one constant in this, unlike with previous elections. Sometimes it comes down to a new Minister but at least in this case we will have a commission in place that has the duty to deal with complaints if they come or to take the praise if there are no complaints. I am willing to withdraw amendments Nos. 25, 28 and 29.

Amendment, by leave, withdrawn.

Section 27 agreed to.

Section 28 agreed to.

SECTION 29

Chairman: Amendment No. 26 has been ruled out of order.

Amendment No. 26 not moved.

Chairman: Amendments Nos. 27, 31, 40, 42, 45 and 50 are related and may be discussed together.

Deputy Aengus Ó Snodaigh: I move amendment No. 27:

In page 27, line 31, after "information" to insert "equally in both official languages".

Amendments Nos. 27 and 31 have to do with information being published equally in the official languages. English is recognised as an official language and Irish is the national language and an official language. The amendments seek to ensure that material will be published in the Irish language only or bilingually. Being practical I presume that in the vast majority of cases it will be done bilingually but in Gaeltacht areas it should be in the Irish language only unless requested in English.

Amendments Nos. 40 and 42 deal with the titles of constituencies and are a recognition that in the past, the State had a view of using the Irish language first and in most cases the Irish-language names of the constituencies make more sense than the English names of the constituencies, which bear no relationship with any of the areas they reflect. Amendment No. 45 is to do with the titles of constituencies and local electoral areas and seeks to ensure that they are in the Irish language first or only and then in English afterwards if so required, rather than just in the English language as happens in most cases.

Amendment No. 50 seeks to ensure that the programmes are in both languages equally. Sometimes in the past an abbreviation of a document or report has been provided as Gaeilge rather than it being of equal length or size. It is seeking that the equality that is reflected in the Official Languages (Amendment) Act 2021 also be reflected in the publications from the commission or on electoral issues.

Deputy Malcolm Noonan: I am taking amendments Nos. 27, 31, 40, 42, 45 and 50 together. They relate to the use by the commission of the Irish language in its communications and the use of the Irish names of constituencies in electoral events generally. I am satisfied that current electoral events are carried out with equal emphasis on each of the State's official languages. It is current practice that the signage, literature and ballot papers used at electoral events are produced bilingually and are given equal prominence. Where polling places are located in Gaeltacht areas, signage is displayed in the Irish language only. The Referendum Commission has a strong commitment to the use of the Irish language. Its current policy, as set out in its language scheme 2021 to 2024, provides that information material delivered nationwide to the electorate is published in each of the official languages simultaneously; all information published on the commission's website is produced in each of the official languages; all Referendum Commission broadcasts on radio and television are produced in each of the official languages; the Referendum Commission's report to the Minister for Housing, Local Government and Heritage is published in each of the official languages simultaneously; a spokesperson for the commission will be available to the media to provide an Irish service if advance notice is provided; and its website is fully bilingual. I am satisfied that this sets a strong template for the electoral commission's referendum and public engagement functions.

I would also point out that the constituency commission report in recent times has included the names of recommended constituencies in the Irish language. Again, I see no reason this will not be followed on by the electoral commission. On that basis, I do not propose to accept the amendments. I would stress again that the electoral commission will be bound by the provisions of the Official Languages Act. I thank the Deputy for tabling these amendments.

Deputy Aengus Ó Snodaigh: On that basis, I will be withdrawing amendments Nos. 27, 31, 40, 42, 45 and 50.

Amendment, by leave, withdrawn.

Deputy Aengus Ó Snodaigh: I move amendment No. 28:

In page 27, after line 37, to insert the following:

“(i) to promote the increasing use, visibility, and prominence of the Irish language, and equal opportunities for Irish speakers to engage, in the electoral and democratic processes.”.

Amendment, by leave, withdrawn.

Deputy Aengus Ó Snodaigh: I move amendment No. 29:

In page 27, after line 37, to insert the following:

“(i) to regulate to ensure that no communications for electoral purposes in Gaeltacht areas act to promote the use of the English language as the primary language of the community for electoral or democratic processes to the detriment of the Irish language.”.

Amendment, by leave, withdrawn.

Deputy Eoin Ó Broin: I move amendment No. 30:

In page 28, between lines 4 and 5, to insert the following:

“(4) Where the participation of an elector in an election or referendum is facilitated through their inclusion on the special voters list in the case of an illness or disability under section 17 of the Act of 1992, or under section 103 of the Act of 1992 as a result of an inability to vote without assistance, the Commission shall ensure that the elector may avail equally of such facilities or support as may be provided in the official language of their choice.”.

One of the issues that came up during the course of pre-legislative scrutiny and the Second Stage debate was the need to ensure that we facilitate people to vote by way of proxy or other mechanisms where there are legitimate reasons for them otherwise being unable to vote. This particular amendment speaks to issues around illness or disability. Obviously electoral turnout is a big issue and there was quite a lot of discussion about ensuring the maximum level of electoral participation. Clearly if people want to vote but cannot do so for very legitimate reasons, under terms that would be prescribed by the commission and by legislation, then we should move towards the system that many other European jurisdictions have, which is a far less restrictive approach, particularly to postal proxy voting, in this case because of disability or illness. Later on we will look at other areas like people being abroad for holidays or work and so on. Again, a little like my colleague’s amendments, if this is something that the Minister of State is willing to take away and look at with his officials and return to on Report Stage, that would be acceptable to us. Otherwise, I will be pressing the amendment.

Deputy Malcolm Noonan: While I accept the good intent behind this amendment, I do not propose to accept it. By way of information, I wish to point out some features of the Bill which relate to persons with disabilities. Section 67 empowers the commission to conduct *ex-post* reviews of the administration of electoral events. These are mandated to include a description of the assistance provided by presiding officers and returning officers to persons with disabilities under the Electoral Acts. This means that details of where and how assistance is provided are recorded for the first time. This provides an avenue for highlighting best practice and encouraging greater consistency across the country, which is something we all want to achieve.

In addition, Part 3 of this Bill provides for the extension of flexible voting arrangements which are currently available to persons with physical illnesses or disabilities to persons with mental health difficulties through amendments to the Electoral Act 1992. In effect, this will mean that persons with mental health difficulties who are unable to attend a polling station on polling day can apply for a postal vote at the place where they are ordinarily resident or avail of the existing special voting facilities for people who are resident in nursing homes or similar facilities. As the electoral commission is being positioned in a regulatory space, it is important

that it stands apart from involvement in the administration of elections. In that context, I ask the Deputy not to press the amendment.

Deputy Eoin Ó Broin: I thank the Minister of State for his reply and will accept it so long as there is a clear commitment by the Government, and by the commission once it is established, to continue to review these matters. We need to make sure, whether it is in terms of assistance, the language of choice, an extension of postal proxy voting and so on, that there are no barriers put in people's way, unfairly or unduly. I will take the Minister of State at his word but I ask him to ensure this is something that continues to be kept under review after the passing and enactment of the legislation.

Deputy Malcolm Noonan: Absolutely, we give that commitment and it is important that we do so. We have regular meetings with disability organisations in relation to making polling stations and electoral events more accessible, physically and otherwise, for people with disabilities. It is a very important point and the Deputy has our full commitment on that.

Deputy Eoin Ó Broin: On that basis, I am happy to withdraw the amendment.

Amendment, by leave, withdrawn.

Section 29 agreed to.

SECTION 30

Deputy Aengus Ó Snodaigh: I move amendment No. 31:

In page 28, between lines 28 and 29, to insert the following:

“(4) The Commission shall ensure that—

(a) any statement published and distributed in accordance with *section 30(1)(b)* is published simultaneously and distributed equally in both official languages, (b) any brochure, leaflet or pamphlet published and distributed in accordance with *section 30(2)(a)* is bilingual in both official languages, or may be in the Irish language only or bilingual in the case of a brochure, leaflet, or pamphlet distributed to a presidential elector or household located within a Gaeltacht Language Planning Area, and the text in the Irish language in a bilingual brochure, leaflet or pamphlet—

(i) shall be at least as prominent, as visible, and as legible as the text in the English language, (ii) shall not have lettering smaller in size than the lettering in the text in the English language, (iii) shall not be abbreviated unless the word in the corresponding English language text, which is a translation thereof, is likewise abbreviated,

(c) the publication and distribution of posters outside of Gaeltacht Language Planning Areas in accordance with *section 30(2)(a)* shall ensure that no fewer posters are distributed or erected with text in the Irish language than in the English language, and that no greater prominence is given to posters in the English language than posters in the Irish language, and only posters with text in the Irish language shall be distributed or erected within Gaeltacht Language Planning Areas, (d) of the broadcasting time allocated to facilitate the Commission in performing its functions under *section 31*, no more time shall be broadcast on RTÉ

in the English language than in the Irish language, and advertisements broadcast on TG4 in accordance with *section 31* shall be in the Irish language only.”.

Amendment, by leave, withdrawn.

Section 30 agreed to.

Sections 31 to 49, inclusive, agreed to.

SECTION 50

Chairman: Amendments Nos. 32 and 70 are related and may be discussed together.

Deputy Malcolm Noonan: I move amendment No. 32:

In page 37, line 12, to delete “Commission” and substitute “Registrar”

The pairing of this amendment with amendment No. 70 may not quite work but I am happy to speak to the amendments in turn.

Amendment No. 32 is a drafting clarification in respect of appeals against decisions of the chief executive in his or her role as registrar of political parties.

Amendment No. 70 aims to provide for an increase in the number of unique monthly users that an online platform would need to have, for at least seven months over the preceding 12 months, in order to have obligations under Part 4 of the Bill. The purpose of this amendment is to ensure that very small online platforms with a relatively limited circulation would be exempt from the administrative burden of having to comply with the identification and verification checks as set out in Part 4, as well as the record-keeping requirements as they relate to online paid political advertisements during electoral periods.

Deputy Paul McAuliffe: In the context of some of my own amendments which we will be dealing with later, specifically amendment No. 74 where I propose to prohibit online advertising, I ask the Minister of State to take on board the widespread concern expressed by members of this committee. We feel that in many ways, the regulations regarding online political advertising are really a facilitation of it. I do not want to rehearse all of the arguments but I refer to many of the concerns raised during pre-legislative scrutiny process. While I do not want to speak on amendment No. 70 too early, it relates to other amendments so I feel I must explain my position.

One concern is that we are just regulating it for the period of the election. We know that spending on online advertising accrues a benefit well in advance of the election period so the idea of only regulating it during an electoral period is a farce, in many ways. Many members of this committee felt that online political advertising should be, at the very least, regulated for a much greater period. The second issue that arose is the anomaly of the prohibition of advertising on broadcast media, that is, radio and television, and the facilitation under this Bill of online political advertising. It makes no sense to deprive trusted local media outlets, such as local radio stations that providing good quality news, of advertising sources - for good reason, because we do not want to go down that road of advertising - yet facilitate online platforms that, in many cases, withdraw from the idea of even being called a publisher and have quite loose standards in terms of fact checking to circulate content that, as we have seen in other countries, is often detrimental to the democratic process. This is a once-in-a-generation Bill. It is fantastic legis-

lation but the very light touch approach in the context of online advertising is its real weakness. I propose that we ban online advertising, bring it in line with the current ban in broadcast media and actively regulate the space in a very strong way or allow the commission to do so. We are tinkering at the edges of something that strongly impacts the democratic process. We have seen how outside agents in other countries have influenced elections and referendums across the world. We have not come to grips with how online advertising is dealt with in the Bill. I would appreciate it if the Minister of State were to speak to amendment-----

Chairman: Members need to stick to discussing amendments Nos. 32 and 70. The Deputy has gone beyond that.

Deputy Paul McAuliffe: The point is that we have gone beyond it but, in this case, not only are we doing that, even smaller operators are being exempted under this amendment. To be consistent, I have to speak to the broader point.

Chairman: The Deputy can speak to it when we reach amendment No. 74.

Deputy Paul McAuliffe: I will not repeat the points later on.

Chairman: Does the Minister of State wish to respond? I ask him to confine his remarks to amendments Nos. 32 and 70.

Deputy Malcolm Noonan: I have addressed the amendments. Does the Chairman want me to address the points made by Deputy McAuliffe?

Chairman: I would rather move on. The Minister of State can address those points when we reach amendment No. 74.

Deputy Paul McAuliffe: That is fine.

Deputy Eoin Ó Broin: On amendment No. 70, I ask the Minister of State to explain the rationale for moving from 10,000 to 100,000.

Deputy Malcolm Noonan: We are of the view that anything under that is too small in terms of putting a burden of regulation on them.

Deputy Eoin Ó Broin: Does the Minister of State or his officials have certain platforms or sites, or types thereof, in mind?

Deputy Malcolm Noonan: The Elections Modernization Act in Canada has a figure of 100,000 of unique monthly users for content available in a language other than English or French. The population of Canada that does not have either English or French as a first language numbers 4.7 million, while Ireland has a population of approximately 5.1 million. The state of Maryland's Online Electioneering Transparency and Accountability Act requirements apply to online platforms with a figure of 100,000. We have looked to other jurisdictions in this regard.

Deputy Eoin Ó Broin: I am not asking because I have a problem with the amendment; I am just trying to work out what kind of site it will affect. Social media platforms will not be captured by this change. Will it affect party political websites, for example? Was there something concrete in mind that led to the change in the threshold? I am not objecting to it but if there was not something concrete in mind, then it is just a change that makes no material difference on either side, whether it is 10,000 or 100,000.

Deputy Malcolm Noonan: It is probably smaller websites and such.

Deputy Eoin Ó Broin: The intention is not to capture a website such as a very small be-spoke news site, for example.

Deputy Malcolm Noonan: Exactly.

Amendment agreed to.

Deputy Malcolm Noonan: I move amendment No. 33:

In page 38, line 40, to delete “section 10” and substitute “section 10(1)”.

Amendment agreed to.

Deputy Malcolm Noonan: I move amendment No. 34:

In page 39, line 4, to delete “section 26” and substitute “section 26(2)”.

Amendment agreed to.

Section 50, as amended, agreed to.

SECTION 51

Deputy Ged Nash: I move amendment No. 35:

In page 39, lines 15 and 16, to delete all words from and including “(1)” in line 15 down to and including line 16 and substitute the following:

“(1) The Registrar shall maintain the Register of Political Parties and shall cause it to be published on the Commission’s website.

(2) The Registrar shall in addition cause to be published on the Commission’s website, in respect of each political party registered in the Register, a copy of the constitution, memorandum of association or other such document or other written rules that was provided to the Registrar by that party for the purposes of *section 44(c)*.”.

The amendment is self-explanatory. It would simply require the commission to publish on its website all the information it is required to have. We know there is a degree of transparency in respect of how parties operate. My party, for example, publishes its constitution, memorandums and so on in order that everyone knows how decisions are made. The amendment is not necessarily reinventing the wheel. The register of political parties will be required to have party constitutions, memorandums and articles of association and so on. It is not a big step to require the commission to publish all of that information. It is important for it to do so and I hope the Minister of State will consider agreeing to the amendment.

Deputy Malcolm Noonan: The maintenance of the register of political parties is currently the responsibility of the Clerk of the Dáil. As regards the register being available for inspection, the current legislation, that is, section 25C(2) of the Electoral Act 1992, as amended by section 11 of the Electoral (Amendment) Act 2001, only requires that the register be made available for inspection at the registrar’s office. The current practice is that the registrar regularly publishes it on the Oireachtas website. When bringing existing electoral functions over to the commission in the Bill, I have taken the general approach of endeavouring to bring them over intact. In

this instance, I removed the stipulation under the 1992 Act that the register be made available for inspection at the offices of the registrar. The text in section 51 is more general, such that it does not contain an implication that the register is a physical document that must be inspected at the registrar's office.

In respect of the amendment, while I support transparency in terms of how political parties are governed, I am conscious of the burdens on the commission in getting established and building up experience and organisational capacity. I have referenced that previously. On balance, I am of the view that this is not the time to make changes to the content of the register and I am rejecting the amendment. I point out, however, that it is intended to legislate to assign more functions to the commission soon after its establishment. It may be the case that the Deputy's suggestion could be considered at that time.

Deputy Ged Nash: I am disappointed by the response of the Minister of State. If the registrar of political parties is required to have all this information and, from what the Minister of State is telling me, the relevant documents and so on can be made available for inspection and scrutiny, then surely, in the interests of transparency, it would not be a significant ask of the new commission to cater for the publication of that information when the responsibilities shift to it. It is limited information but it is important to have that information relating to the functioning of political parties available on the website of the commission. It is straightforward. Many parties publish that information anyway. People have a right to know how parties operate internally. Those parties may be making big decisions in the context of the future of the party or organisation, as well as the future of the country. This is a reasonably modest ask of the new commission and would not be a significant burden.

Deputy Malcolm Noonan: As I stated, it is important that the commission is established and we then build its function up and give consideration to issues such as this in time. From our perspective, the critical part now is to get the commission established and then look at these other elements in time. I have just given a commitment in that regard.

Deputy Ged Nash: We have a significant amount of business to get through this evening and in the coming days, so I will not press the amendment but I reserve the right to re-enter it on Report Stage.

Amendment, by leave, withdrawn.

Section 51 agreed to.

Sections 52 to 54, inclusive, agreed to.

NEW SECTIONS

Deputy Paul McAuliffe: I move amendment No. 36:

In page 40, between lines 22 and 23, to insert the following:

“55. There will be a requirement for political parties to provide full transparency on their property portfolio including proof of property purchase funds.”.

I welcome the work that has been done in the background by the Minister on this issue, as well as the amendments that have been brought forward that probably, in many ways, replace the provisions I have put forward in the amendment.

I look forward to the Minister of State's response and thank him for his engagement.

Deputy Malcolm Noonan: It is not the function of the registrar to oversee the property portfolios of political parties but to ensure political parties meet the criteria required for registration. Transparency of property portfolios is more appropriate for inclusion in the annual statement of accounts that every political party is required to furnish to the Standards in Public Office Commission, SIPO, under Part IX of the Electoral Act 1997, as amended. In this regard, I am proposing my own amendments to Part IX by way of the insertion of a new Part 6 into the Bill. The new Part 6 will provide for a number of amendments to the 1997 Act that are intended to strengthen our political funding regime against financial resources from outside the State being used to influence our electoral and democratic processes. These amendments will introduce a requirement on each political party to disclose in its annual statement of accounts all property within the ownership or control of the party. Therefore, I will not be supporting amendment No. 36.

Amendment, by leave, withdrawn.

Deputy Cian O'Callaghan: I move amendment No. 37:

In page 40, between lines 24 and 25, to insert the following:

“Voting rights review

55. (1) The Commission shall conduct a review of voting rights and entitlements. This shall include, but not be limited to:

- (a) lowering the voting age to 16;
- (b) extending voting rights to all residents;
- (c) extending voting rights to citizens living in Northern Ireland;
- (d) extending voting rights to recent emigrants.

(2) This review shall include a process of public consultation and expert engagement.

(3) This review shall be provided to the Minister, the Joint Oireachtas Committee and laid before both Houses of the Oireachtas within 18 months of the establishment of the Commission.”.

This amendment seeks a review of voting rights in terms of who is eligible to vote and voting entitlements, to be conducted within 18 months of the commission being established. The review would consider issues such as lowering the voting age to 16 years of age and extending voting rights to citizens living in Northern Ireland, recent emigrants and people who are resident in Ireland but do not currently have a vote. It also calls for an extensive public consultation and engagement process as part of the review.

I will touch on a few of the issues. The call to lower the voting age to 16 years is not new. In 2013, a constitutional convention recommended to the then Government that this question be put to people in a referendum. It has been almost ten years but no Government has acted on it. The National Youth Council of Ireland, the Children's Rights Alliance and the Irish Second-Level Students' Union have called for this. It is worth serious consideration and young people

should be part of the conversation.

There are significant issues affecting young people that are not getting a sufficient response in the political system, for example, mental health and the lack of choice for students and their parents in terms of schools. In my constituency, many students want to attend second level mixed-gender secular schools but there is a lack of choice. The options open to them are largely single-sex religious schools, which do not reflect their wishes. Young people do not have a sufficient voice in this round, yet theirs is an important voice on issues like climate change and housing. Not having their electoral voice is a matter that needs to be examined.

In Austria and Germany, where voting for 16-year-olds and 17-year-olds has been introduced, we have seen equal levels of voter turnout and participation among that age group as among older cohorts. The argument that we would not get the same level of participation or turnout does not hold. Scotland, Austria and seven of Germany's 16 states have lowered their voting ages to 16 years. Countries like Switzerland and Estonia have done so for local elections. There is a strong case for this idea to be considered as part of a review, which is what this amendment is seeking.

I appreciate that all residents have votes in local elections, but the fact that local democracy in Ireland is not as strong as it should be means they do not get the same kind of say. When out campaigning, we explain to them they have a vote in the local elections but not in anything else. I am not suggesting someone who has only been resident in Ireland for a short time should have full voting rights, but extending voting rights to those who have lived here, worked here and contributed to society over many years and who are part of Irish society in the same way as anyone else is at least worth considering, as is extending voting rights to the other cohorts I have mentioned in my amendment.

I am suggesting the commission review these matters within its first 18 months. I look forward to the Minister of State's comments.

Deputy Eoin Ó Broin: I support Deputy O'Callaghan in his amendment, the first part of which relates to an amendment of mine that was ruled out of order. I will speak to that and then to the other elements of the Deputy's amendment.

The case for extending the right to vote to younger people is compelling. We spend a great deal of time speaking of concerns about how the participation rate of people aged 18 to 20 years is far lower than it should be and how our democracy would be greatly enhanced if we found ways to encourage it. The best way to get someone to vote is to start as early as possible. If people start voting at an early age, the likelihood of them continuing increases. Consider the other age restrictions in our society. The age of consent is 17 years, as is the age at which someone can drive a car. Some would say that being able to vote is more dangerous than driving a car, although I am not sure I agree. We allow 14-year-olds and 15-year-olds to work up to 35 hours per week under certain conditions set down in legislation. We allow 16-year-olds and 17-year-olds to work for 40 hours per week. While only a small number of people of that age would work anything close to those hours, they pay tax and there is a core principle that there should be no representation without taxation. Under the reverse of that, if someone is paying tax, surely he or she should have a say in how that tax is allocated and spent.

While this amendment is well crafted in that it asks the commission to review this matter instead of changing the voting age right now, it would send a powerful signal if the Government were willing to indicate it would consider the matter, either by way of accepting the amendment

or returning with its own version of it on Report Stage.

The current situation must be galling for non-citizens. They are living in this country, working hard and paying their taxes, they could be paying mortgages and their kids might have been born in Ireland and be going to school here, yet we give them no say whatsoever in how their taxes are allocated and spent. This makes a mockery of the principle of democracy. There are complex issues as to what point someone who is a resident in the State and not a citizen should be given that entitlement. Obviously, there must be checks and balances and it must be done in an appropriate way, but we have long-settled and valuable new Irish communities. Many of the people in question might not want Irish citizenship because they have an attachment to their countries of origin and want to hold on to that citizenship, but they also want to be full and equal participants in the life of this State.

The value of this amendment is that it is not asking the Government to change policy, only to have the commission examine these issues, which is something the commission is being set up to do. Some of us represent significant parts of the west of Dublin city where there are higher concentrations of people whose original countries of origin are outside the EU. Their engagement with the electoral system is a challenge at the best of times. For those who would like to engage to be denied that right simply because of their citizenship is a problem. Irrespective of what is in the Minister of State's speaking note, I urge him to think long and hard about this amendment and revert at a later stage, if possible. There is no compelling argument for someone with a long residency and long history of paying taxes in this State to be denied the right to have a say in how those taxes are spent and allocated. On that basis, I am happy to support the amendment.

Deputy Paul McAuliffe: Whether the Department is willing to make this commitment or if it needs to be made in legislation, the amendment has the merits the Deputies described, particularly as regards younger people. It is obvious there are many issues affecting young people, for example, mental health, employment and major economic decisions the country makes during periods of growth and contraction. We should not stand over the idea of excluding younger people's voices principally because we established the citizens' assembly and there was a recommendation on this matter. The Government should take one of two steps, those being, act on that recommendation or state that it disagrees with it and has a democratic mandate from over-18s. We should not sit on the fence.

Many British citizens who have been resident in this country for a long time will have seen a reduction in their voting rights as a result of Brexit, in that they can no longer vote for Members of the European Parliament despite living here. They are also excluded from general elections. I would like to see a threshold whereby long-standing residents could vote without necessarily giving up their citizenship. Citizenship is an expensive process and people often have to put other costs ahead of that. Will the Minister of State at least give a commitment that the electoral commission will be asked to do this, if it is not included in the legislation?

Deputy Ged Nash: Far be it from me to put words in Deputy O'Callaghan's mouth. This is a well-presented amendment seeking merely to establish a review of this policy question. Similar amendments were ruled out of order for different reasons but I am glad we can have a discussion about this, brief as it might be.

It seems eminently sensible that this might be the first job, in terms of the research capacity of the commission, that it would be asked to do. There is a live debate on the question of voting age and extending voting rights to others, including people who have made Ireland their home

and who do not have the status that would allow them to vote in general elections but who are engaged in enterprise, society and culture and have enriched our lives, communities, culture and society. Democracy is a delicate flower. It is evolving and it has been a long time since we scrutinised robustly and in an evidence-based way why our voting age should be 18 for general and local elections.

I said in the Dáil recently and others have also said that the levels of maturity 16- and 17-year-olds show now compared with when I was 16 or 17 is incredible. Given their levels of engagement and knowledge, how they assess information and the information sources they use, there is no doubt there is capacity among those aged 16 and over to participate in a democratic system in the way we do in our 30s, 40s, 50s, or whatever the case might be.

We ought to have a proper informed debate about extending voting rights to all residents within certain thresholds. I hope that discussion can be led by the commission. It is important. Our democracy is evolving and it has been a long time since we assessed who should be entitled to vote and the extension of voting rights. Now is the time to do it and the commission is the appropriate vehicle in which to do it.

Deputy Paul McAuliffe took the Chair.

Deputy Joe Flaherty: I congratulate the Minister of State and his officials on their work on this. It is an outstanding piece of work and probably the biggest piece of legislation the Minister of State has brought during this Dáil.

I congratulate Deputy O’Callaghan on bringing this to discussion today. Whether it forms part of the legislation or not, it should inform the first piece of work for the commission and is something we possibly need to review. While reviewing voting rights and entitlements, there is also a need for significant research into the electoral registers and the number of people on the register who do not vote, particularly what some call the new Irish or new communities in Ireland.

This Government has made notable changes to try to empower newcomers to Ireland. The most significant was probably the recent local authority mortgage, whereby we allowed for the first time stamp 4 holders to apply. Previously, they were not able to apply for the Rebuilding Ireland home loan.

We pride ourselves as an inclusive, vibrant and modern country and an intrinsic part of that is extending the voting franchise. There is an important piece of work done there and I would be happy if the Minister of State would give a commitment that it would be part of the workload for the new commission.

Vice Chairman: Persuasive arguments have been made, Minister of State.

Deputy Malcolm Noonan: Absolutely. I thank Deputy O’Callaghan for this important amendment. They are all important but this one is significant. It is important to note there is a commitment. We had this at pre-legislative scrutiny stage as well. I have met with the Irish Second-Level Students’ Union, the National Youth Council of Ireland and others on this. We look at the success in other jurisdictions. I agree it should be reduced but that is my personal view. It would benefit our democracy but it is important the commission be tasked with the research function. We give a commitment to that.

This committee will have an important role in deciding the areas of research the commission

will examine. We are taking on board views today and will continue to do that. It could enrich our democracy. There are wider challenges around participation in our democracy that may not be related to reducing voter age. That promotion aspect of the commission will be novel and unique in terms of engaging with the reasons our democracy is precious and important. We give a commitment to ensuring from early on that the commission will be tasked with looking at reducing the voting age and the success or otherwise of that in other jurisdictions. The modernisation of the electoral register and the pre-registration of 16- and 17-year-olds gives a commitment to engaging young people in our electoral system. That is important.

On the point about all residents, we want to achieve from this, in the bigger picture, a change in our council chambers and our Dáil Chamber in terms of people who are representative of those who live here. That has been said across the debates and discourse on this Bill. I give our commitment on that.

I will outline the provisions in Chapter 9 that set out the research, advisory and voter education functions of the commission. Chapter 9 of Part 2 provides for the commission to take on a new policy research and advisory function. As part of its work, the commission will prepare research programmes, conduct research on electoral policy and procedure and provide advice as required to the Minister and Government on electoral issues. It can make recommendations to Government for changes to electoral legislation. The commission will promote public awareness of, and work to increase public participation in, the State's electoral and democratic processes through education and information programmes. This is an expansion of the work the Referendum Commission carried out as part of its role. The commission may also prepare and publish *ex post* reports on how electoral events were administered.

These provisions in the Bill will ensure we have, for the first time in our electoral system, a dedicated independent research, advisory and education function. This is an important element of what the Bill seeks to achieve. The commission's research programmes will be prepared in consultation with this committee annually, so members will have the opportunity to give their input into the commission's research priorities.

Respecting the electoral commission's independence from Government, I do not intend to legislate to require it to conduct specific pieces of research. Notwithstanding this, guided by the programme for Government, I intend to request that the commission examine the Scottish experience of lowering the voting age to 16, which could be an important element of informing our consideration of the matter.

It is also worth noting that the matter of extending the franchise to Irish citizens outside of the State is under consideration. In particular, there is a commitment in the programme for Government to hold a referendum on extending the franchise to citizens abroad at presidential elections. A constitutional amendment Bill on this matter has been published and, if it is approved by both Houses, a referendum will follow.

Given the general research and advisory role for the electoral commission set out in the Bill, I do not propose to accept the amendment but, again, I give our commitment. This is an important function. Our next scheduled electoral event will be the local European elections in 2024 so I hope recommendations will be brought forward from that piece of research then. I thank Deputy O'Callaghan for bringing the amendment forward.

Deputy Cian O'Callaghan: I thank all members who came in on this and the Minister of State for his comments. I welcome the commitment from the Minister of State that the com-

mission will be tasked early on with looking at this and at the Scottish example in terms of the lower voting age. My point that we are approaching ten years from the constitutional convention and that many of its recommendations still have not been moved on stands. This would be better legislation if it were built into it that this review would take place in the next 18 months.

Amendment put and declared lost.

Section 55 agreed to.

SECTION 56

Deputy Malcolm Noonan: I move amendment No. 38:

“In page 41, to delete lines 22 and 23 and substitute the following:

“(a) the total number of members of Dáil Éireann, subject to Article 16.2.2 of the Constitution, shall be not less than 169 and not more than 179;”.

Article 16.2.2° of the Constitution provides that the number of Members of Dáil Éireann shall from time to time be fixed by law, but that the total number of Members shall not be fixed at less than one Member per each 30,000 of the population, or more than one Member for each 20,000 of the population. This is calculated by reference to the most recent census of population.

Section 56(2)(a) of the Bill provides that when recommending Dáil constituencies, the electoral commission shall make recommendations based on the total Dáil membership, which is between 166 and 172. I am now proposing in this amendment to provide for an update to the terms of reference of the electoral commission in respect of the constituency revision. Following this update the electoral commission will be required following the next census of population to recommend Dáil constituencies based on a total number of Members in Dáil Éireann of not less than 169 and not more than 179. I am bringing forward this amendment in response to the latest estimates of population from the Central Statistics Office, CSO. Last year the CSO published an estimated population of 5.01 million. This would equate to a Dáil membership of at least 168. With further population growth likely since the estimate was made, I believe that the minimum membership of the Dáil permissible under the Constitution will likely be 169 or 170 Members. We will know that for sure when the results of the most recent census will become available. I believe that a membership range of between 169 and 179 will allow the electoral commission a reasonable degree of flexibility to make recommendations on Dáil constituencies that are in line with constitutional provisions.

Deputy Aengus Ó Snodaigh: I have no problem with this. The commission, logically, would have to have that flexibility. I have a question about whether consideration has been given to amending Article 16.2.2°, given that the population is growing at the rate it is. It might need to be changed to reflect that by either a greater number of people per Deputy or an increase beyond that. Otherwise, we could continue to grow the numbers in the Dáil. I do not think that the Chamber will hold many more Members. However, outside of that practical consideration, will it be the case that in 50 years' time we will have a Dáil with 200 Members? In other jurisdictions they have lower numbers per head of population. In some others they have a smaller number. A conversation needs to be had at some stage. Although this does not necessarily have to be at this stage, it should be soon enough.

Deputy Malcolm Noonan: We designed in the amendment a degree of flexibility that is based on what we anticipate the figures might be. We cannot anticipate the exact figures that

will come out from the census. I think the preliminary figures will be due shortly. That range between 169 and 179 gives us a fair degree of flexibility with how we might anticipate what the population growth will be.

Deputy Aengus Ó Snodaigh: For instance, if Ireland takes 30,000 Ukrainian citizens who also stay here for six years, that figure would be the equivalent of one Deputy just on that basis alone. That figure does not include children or whatever else occurs, never mind the rest of the population growth. We may be looking at this at a different time when we have the border poll. It will address the-----

Vice Chairman: Given that the Deputy has raised that discussion, I will now propose that the amendment be made.

Amendment agreed to.

Vice Chairman: Amendments Nos. 39, 41, 43 and 44 are related and may be discussed together.

Deputy Cian O’Callaghan: I move amendment No. 39:

“In page 41, line 24, to delete “3, 4 or 5 members” and substitute “4, 5 or 6 members”.”

This amendment seeks to change and delete the terms around the constituency sizes and the number of Members per constituency. It would delete “3, 4 or 5 members” and substitute it with “4, 5 or 6 members”.

To give some background, there was a very strong public discussion in 2013 in that constitutional convention about how politics operates. It followed a period of crisis in Ireland where in public confidence in political system was knocked following the economic Celtic tiger collapse and all the social challenges and difficulties that arose out of that collapse. Not every idea that was floating around the time has necessarily stood the test of time. However, a considered discussion arose in the citizens’ assembly. One of their recommendations was for all constituencies to have five seats or more. One of the advantages of this would be to improve diversity and to make the Dáil more representative. As the Minister of State has already said, the Dáil and many of our elected chambers across Ireland do not properly reflect and look like our population and the people who live in Ireland. While this amendment alone will not correct that, many of those recommendations from the citizens’ assembly in 2013 have not been implemented and they are not reflected in this Bill. In fact, this particular clause - which I am trying to change - simply copper-fastens the *status quo*. It is hard to understand why almost ten years on, those recommendations are not being addressed.

I have been extremely moderate in my suggested change. The constitutional convention specified five seats or more. I have been very moderate here in the hopes that the Minister of State might agree. I have therefore suggested four, five or six. I am also mindful of the point was raised earlier in the in the Dáil Chamber that there can be issues in rural areas. We do not want to have redrawings of constituencies where parts of a particular county are shoved in with another county where there is no shared identity etc. Therefore, combinations of four, five and six, particularly in rural areas will give us a much better fit than going larger. However, going larger will certainly work in urban areas and cities without a problem. I am mindful that it can be disempowering and alienating for people in rural areas to be taken out of their county and to be put in with another to which they feel no logical attachment. Maybe we need to get

to a situation where we move beyond that, but this would be a good start. It is generally accepted that three-seat constituencies favour larger parties or, as we might say now, some of the medium-sized parties. As a representative of a smaller party, we actually have very good balance between----

Vice Chairman: Not in my constituency, Deputy.

Deputy Cian O’Callaghan: Yes. A third of our representatives in the Dáil come from three-seat constituencies. Another third is from four-seat constituencies. Another third is from five-seat constituencies. We therefore have good balance in that. However, in general, smaller parties or different points of view get squeezed out. In fact, we saw that historically in the Tullyminder, when many three-seat constituencies were brought in. It was not intended but it squeezed out much representation and it gave a disproportionate effect in those election results. Therefore, I do not see the rationale for three-seat constituencies. It is generally recognised that a great strength in our democracy is the proportional nature of it. However, three-seat constituencies go against that. We are all committed to having more diversity. There is strength in our decision-making process. The more diversity you have, the more different perspectives that are listened to and respected, you get better outcomes. This is even the case when there are viewpoints that we all disagree with, because that is healthy in a democracy. That is what this amendment is about. I look forward to the Minister of State’s response.

Deputy Steven Matthews resumed the Chair.

Deputy Eoin Ó Broin: I support Deputy Cian O’Callaghan’s amendments. One of the issues is that members of political parties are probably the last people who should be asked about which size constituencies they would like. If you are in a small party, of course you would prefer larger constituencies. If you are a larger party, for selfish strategic reasons, you might argue that you would like constituencies to be smaller. The great value of having an independent commission is that you can at least set out criteria by which they would then assess the optimum size of constituencies to achieve a particular result. Rather than saying whether we favour this or that size, if we start from the point that we want to have the most representative cross-section of society represented in the Oireachtas and if we also want to make sure larger, less populated rural constituencies do not end up with a significant imbalance where Deputies tend to be from one area rather than another, we can set some reasonable criteria for the most desirable outcome for the commission. It can then do a study, look at the scientific evidence and come back with something much more impartial than anything from elected Members of this House. Our party has always favoured larger constituencies and we continue to do so, despite the fact the party has grown, because we accept the point made by Deputy O’Callaghan that they are generally more representative. The caveats, however, must be about respecting not necessarily county boundaries exclusively but community boundaries and ensuring we do not end up with large constituencies where a significant minority of the population that is geographically located in one area ends up with no representation just because of the vagaries of the proportional representation single transferable vote, PRSTV.

Again, it is a little like Deputy O’Callaghan’s earlier amendment and I can imagine what the Minister of State will say. However, it is one whereby we could have a commission to do a very good piece of work and come up with the right formula for how to deal with this. I will be interested to hear what the Minister of State has to say about it.

Deputy Aengus Ó Snodaigh: Like the other Deputies, I have always favoured larger constituencies. We should approach this and get it right at the lower end, which is to set the local

electoral boundaries and try not to breach them insofar as possible. The reason I say that is there is an affinity to or an identification with local authorities, and there are local authorities where parts of their remit are in other constituencies. For example, in my case in South Dublin County Council, there is a small portion, two wards, that are not serviced by the political representatives in that constituency as much as if they were a lot larger or a larger portion, or if they were in the rest of South Dublin County Council. I understand it is difficult for a commission to try to juggle and move smaller bits of the local electoral areas, LEAs, around to try to ensure we match the figures in the Constitution or in what has been set out here.

The other problem is geographical and county boundaries, as mentioned by Deputy Ó Broin. Every electoral commission is supposed to have heed to the geographical boundaries. I remember when the Liffey was breached - I think it was in 1997 - and suddenly all of Ballyfermot was put with the north inner city for some bizarre reason. There was no connection in any shape or form. Something similar has happened in various areas and we all can probably cite areas that have no relationship. Parts of what is traditionally called Crumlin in my electoral area are in Dublin Bay South. In recognition of that, for a period the returning officer allowed the people there to vote in a polling booth in Dublin South-Central rather than in Dublin South East, as it was known at the time. That was a recognition that they would not have voted otherwise. It has changed since then.

The final point is that while in some ways I understand the reason for the changes and continuous boundary reviews, the constant tinkering interferes with people voting. People grow to understand their areas, so if somebody is not connected with politics and is disaffected with life, it is very difficult to encourage that person to vote if he or she does not know the constituency and does not identify with it. Although it is in the Constitution and in legislation, if one keeps shifting bits in and bits out in each electoral commission or boundary commission report, it can interfere, and has done so, with the turnout in some parts of constituencies.

However, I favour the larger constituencies. Looking back to the founding of the State, larger constituencies were encouraged when proportional representation, PR, was being introduced in the first instance, on the basis that it would reflect society better.

Deputy Ged Nash: This is about ensuring there is proportionality. We know that the PRSTV, multi-seat constituency system is among the most proportionate systems in terms of the outcomes and value, if I can describe it as such, for people's votes. Deputies O'Callaghan and Ó Broin have reaffirmed their commitment to multi-seat constituencies and how that can produce a more proportionate and fairer outcome in the context of the Irish electoral system. My party was committed to that until a small blip in 1977, when James Tully, a previous occupant of the Custom House, decided in his wisdom to take a different approach. That undoubtedly had an impact on smaller parties and the proportionality of the outcome of subsequent elections. Lessons have been learned.

It is important to have as proportionate an outcome as possible. That is why, from our point of view, if amendment No. 41 in the context of general elections and amendment No. 44 in the context of local elections were accepted, a commitment would be hardwired in primary legislation and in the system that there would be multiple seats in the constituencies that would be derived from the work the commission would do. It is important to get that type of diverse outcome from our elections. As Deputy O'Callaghan said, the outcome should reflect our society in a way it does not now. Our society is very diverse and, arguably, we could have the development of additional smaller parties over the next period of time. Who is to know? That is inevitable.

Deputy Eoin Ó Broin: Is the Deputy's party splitting?

Deputy Ged Nash: Certainly not; quite the contrary. My amendments are self-explanatory. If the Minister of State would commit to entertaining them, it would be a good day for democracy, for smaller parties and for the system generally. When my party was larger, it was consistent in respect of the number of seats that should be returned from each constituency.

The issue of county boundaries and so forth was raised earlier. County boundaries are arbitrary. It happens to be how our local government system has been organised. In many ways, it has as much to do with affinity for who we follow in the GAA as with anything else. This should be about the efficient and proper democratic representation of people. County boundaries do not reflect the reality of where people are living or where their centres of interest are these days. We all look at things through the prism of own constituency. My constituency should be properly renamed Louth and east Meath or Louth and the Meath coast because it includes a significant part of east Meath, including south Drogheda, Laytown, Bettystown, Donacarney, Julianstown and so forth. Those areas are contiguous with County Louth and with the town of Drogheda, which is the largest town in the country that is not a city. That is where the centres of interest for people in east Meath are. There is little relationship with the centre of decision-making in County Meath, which is Navan, albeit there is strong representation from Meath county councillors in that area in the county council in Navan. We must be conscious of that and, to be fair, successive boundary commissions have been. The idea of consistency over a period of elections is now hardwired into the work the electoral commission is going to do into the future. Deputy Ó Snodaigh is right. Parts of Dublin, in particular, have been taken in and out of constituencies. There is no affiliation with any particular Deputy, public representative or party. That is fair enough and that is for people to decide. However, people should have consistency of representation. That is important in terms of turnout and the health of our democracy more generally. Consistency is important. We should slay some sacred cows around constituency boundaries unless there are clear geographic barriers. The River Boyne was breached a number of years ago, not just in 1690 but after that on many occasions. The town of Drogheda and its constituency were extended. It makes sense. It is all about the proper representation of people and county boundaries should be secondary. I hope that is now hardwired into the work of the commission and will be, going forward.

Deputy Joe Flaherty: Deputy Nash almost sounded the death knell for Meath GAA that would result from east Meath coming into the Louth constituency. Perhaps we should not push too hard for that.

Deputy Ged Nash: It would just be for the purposes of Dáil elections.

Deputy Eoin Ó Broin: That is how it starts. It is a slippery slope.

Deputy Joe Flaherty: I agree with the spirit of what Deputy O'Callaghan is trying to get at here but the public would think the last people who should have an informed decision-making role as to how we define our constituencies and areas for election are politicians. Whether we want larger or smaller parties to get more votes, the point is we need more people to vote. I echo a lot of what Deputy Ó Snodaigh said. We need to go back to basics and start from the bottom up in terms of local electoral boundaries. There are some horrific examples across the country. We are burdening this new commission with an awful lot of work. It is a seismic piece of work. It feeds back into Deputy O'Callaghan's earlier recommendation on the extension of voting rights to new citizens and young people. The second largest town in the holy land that is Longford is Edgeworthstown. It has been unable to return a local councillor in the past two

elections because the town has been split into two local electoral areas. It has been unable to return a local councillor, which is a source of discontent for the people of the area. It is a heavily industrialised town with a large eastern European community. There are many low-income families in the area, many of whom are not engaging in the electoral process because they cannot see a vision or pathway whereby they can elect somebody locally. The piece of work for the commission must move from the bottom up and must start with the local electoral areas and work upwards. There is more work to do.

Deputy Malcolm Noonan: Before I go to my speaking notes, I will reflect on some of the contributions from members. I thank Deputies O’Callaghan and Nash for bringing forward these amendments. Deputy Flaherty made points about local elections with which I agree wholeheartedly. A considerable amount of work is required in that regard. He is correct to say the commission is going to be burdened with a considerable amount of research. Deputy Ó Broin made a point about the commission’s ability to look at the merit of four-seat, five-seat and six-seat constituencies. We must consider the impacts on communities and the potential for disenfranchisement. Deputy Tóibín made reference in the Dáil to slivers of a county being excluded or cut off. That is an important consideration.

For the local elections of 2014, my own city of Kilkenny was split into Kilkenny city east and west. It had a borough council for hundreds of years prior to that. There is a broader issue, though perhaps not for consideration today, about borough and town councils and the positive impact they had on smaller parties and Independents getting a foothold into the electoral system. That is for another day but all these matters are parts of the broader debate we are having about our democracy.

Valid points have been made about constituencies with more seats. It will be interesting to see what the census will bring forward. I certainly benefited from being in a five-seat constituency and was elected by the skin of my teeth in the 2020 election. There is no doubt a bigger constituency gives added benefit to small and medium-sized parties, which is important in terms of the diversity we are seeking to achieve. As Deputy Flaherty said, it is about a bigger piece of work around participation in our democratic system. The challenge for all of us relates to getting more people out to vote and to allow for greater engagement with the political system.

I will now speak directly to the amendments. I again thank the Deputies for the amendments, which raise interesting points. It might be helpful to the committee if at the outset I outlined the law and practice in the area of Dáil constituency size. Under Article 16.2.6° of the Constitution, no law may be enacted by the Oireachtas providing for fewer than three Members for a Dáil constituency. The relevant Parts of the Electoral Act 1997 are being retained in this Bill and provide that the electoral commission will make recommendations based on three-seat, four-seat or five-seat constituencies.

While in the early years of the State there were seven-seat, eight-seat and even nine-seat constituencies, constituency size in Ireland has been restricted to three-seater, four-seaters and five-seaters since 1947. Currently, the 39 Dáil constituencies comprise 13 five-seat constituencies, 17 four-seat constituencies and nine three-seat constituencies. It is worth noting that we have to go back to 1923 to find a time when we had fewer three-seat constituencies. That was a time when constituencies ranged in size from three seats to nine seats.

In my view, there needs to be a reasonable choice of constituency size to produce constituencies that make sense to people on the ground by, for example, enclosing entire communities or adhering to obvious physical features. I think the three-seat, four-seat and five-seat arrange-

ment has served us well and strikes a reasonable balance.

Turning in particular to amendment No. 41, I am not in favour of placing any further restrictions on an electoral commission along the lines proposed. It is important the commission has a reasonable degree of flexibility when making recommendations on constituency formation. The amendment gives us no guidance on what circumstances would permit three-seaters or indeed enable a larger number of five-seaters. The nature of the task of constituency revision calls for a workable menu of different-sized constituencies and I believe the arrangements proposed in the Bill achieve that.

Amendment No. 44 focuses on the proposed size of local electoral areas and proposes they do not have fewer than five seats and not more than seven seats except where that would result in a disproportionately large electoral area. Section 60 sets out the process for the review of local electoral areas. It should be noted that section 60 does not set out the matters to be considered in any such review. That is a matter for the Minister and this is in line with the current process for reviewing local electoral areas. However, I have now included a further step in the process, and when the Minister is making a request to the commission to review local electoral areas, that request will be laid before the Houses and must be approved by resolution of each House. This will ensure Members will have an opportunity to debate and feed into the matters to be considered by the electoral commission when reviewing local electoral area boundaries. It is at that point that matters such as the size of local electoral areas can be discussed and provided for. Again, I think it is important to retain this flexibility in setting the terms of reference for the review of local electoral areas rather than being prescriptive in this Bill.

Amendment No. 43 is also related to the terms of reference of the electoral commission when it is reviewing Dáil constituency boundaries. Section 56(2)(c) provides that when the electoral commission is reviewing Dáil constituency boundaries, the breaching of county boundaries shall be avoided as far as practicable. However, section 56(4) provides that this requirement will not apply to a boundary of a city or any boundary between any two of the counties of Dún Laoghaire-Rathdown, Fingal and South Dublin. Again, this is in line with the current terms of reference for the Constituency Commission set out in the Electoral Act 1997. The effect of the proposed amendment would require the electoral commission to avoid, as far as practicable, breaching county boundaries, including those boundaries in Dublin, when making recommendations formulating Dáil constituencies. The boundaries of the 32 counties of Ireland have been in existence for centuries. In the past 200 years, these counties have become a well-established focus for community activity and so the requirement generally to align constituency boundaries with county boundaries makes absolute sense. However, the effect of this amendment would be to impose greater restrictions on the electoral commission and would remove the avoidance of doubt type provision that currently exists relating to city boundaries. The current provision will give the electoral commission some flexibility in dealing with our cities, including in Dublin city and county, the most densely populated part of Ireland.

The reality is that urban development around cities has long since spilled over into the adjoining counties. Many people living outside the city bounds feel a strong degree of affinity and loyalty to their city and would prefer to be included in city constituencies. For these reasons, we should not require the commission to avoid, where practicable, breaching city boundaries or administrative boundaries in Dublin. It would be inadvisable at this point to tie the commission's hands in this way and so I do not favour any alteration to the commission's terms of reference in this regard. Given the views I have outlined, I ask the Deputies not to press the amendments.

Deputy Cian O’Callaghan: I thank members because some very good points have been made by everybody, including Deputies Ó Broin, Ó Snodaigh, Flaherty and Nash. I thank the Minister of State for his response. There was a very good point made by Deputies Flaherty and Ó Broin that politicians should not be involved with setting this. That is correct. The problem with the legislation in front of us is that we are, as elected politicians, copper-fastening the *status quo*. We are tying the hands of the commission because the legislation will very clearly do that with constituencies of three, four or five seats.

It is correct that we must focus on greater engagement and participation from the electorate. One of the ways we can do that arises because people participate most when they feel there is efficacy in the vote and their vote really does count and matter. Greater proportionality assists that. We also get greater participation when people feel those who are getting elected reflect society better, the elected bodies are more diverse and they can see people to whom they can easily relate getting elected to local councils or the Dáil. This is about doing that.

By tying our hands and that of the commission on constituencies with three, four or five seats, as this legislation does, we will not allow for greater participation or diversity with which we all seem to agree. I do not understand why we would tie our hands with the legislation on this, especially in the context of the significant population growth. It has happened and this is the ideal time to look at the increased number of representatives who will be elected to the Dáil. It would be the perfect time to look to increase slightly the size of the number of representatives per constituency. There is no better time to do it. I will certainly press my amendment.

Deputy Malcolm Noonan: I accept the valid points made by Deputy O’Callaghan but I do not agree the legislation copper-fastens the *status quo*. This committee has an important role to play with the research function the commission will carry out. We do not anticipate a scheduled general election until 2025, so there is an opportunity to engage on this. I accept the points made by the Deputy nonetheless.

Deputy Cian O’Callaghan: To clarify, I hope we have the same understanding of the legislation. My reading is that on page 41 of the Bill, section 56(2), the wording copper-fastens the *status quo*. The relevant section states:

...the Commission shall, in observing the relevant provisions of the Constitution in relation to Dáil constituencies, have regard to the following:

[...]

(b) each constituency shall return 3, 4 or 5 members;

Will it not copper-fasten the *status quo* that the commission must work within those boundaries? Will it have the flexibility, notwithstanding that section, to consider increasing the size of Dáil constituencies? Will the Minister of State clarify that so we are clear on the meaning of the legislation and we both have the same understanding of it?

Deputy Malcolm Noonan: The Deputy is correct and it is prescriptive around having three, four or five Members. The point I am making about the role of this committee and the commission is that there is an ability to carry out research on future recommendations around extending that further. That is what we can commit to.

Deputy Cian O’Callaghan: That is important. Notwithstanding the research function and looking at voter participation etc., it should not be tied by that wording. The commission should

have the flexibility to consider larger constituencies if it would enhance voter participation. It should be free to look at the research and make recommendations. Is that the understanding?

Deputy Malcolm Noonan: The lines in the legislation are prescriptive. As I stated, once the commission is established, it will have an ability to carry out the research described by the Deputy.

Deputy Cian O’Callaghan: Yes. Could it go beyond being copper-fastened to constituencies of three, four or five Members, specifically?

Deputy Malcolm Noonan: The Bill is prescriptive.

Deputy Cian O’Callaghan: Okay. I will be pressing the amendment.

Amendment put and declared lost.

Amendment No. 40 not moved.

Deputy Ged Nash: I move amendment No. 41:

In page 41, between lines 30 and 31, to insert the following:

“(3) When preparing a report in relation to the constituencies for the election of members to Dáil Éireann, the Commission shall seek to secure that its recommendations taken as a whole would result in as small a number of constituencies returning 3 members, and in as large a number of constituencies returning 5 members, as is reasonably practicable.”.

I may bring this in again on Report Stage.

Amendment, by leave, withdrawn.

Amendments Nos. 42 and 43 not moved.

Section 56, as amended, agreed to.

Sections 57 to 59, inclusive, agreed to.

SECTION 60

Deputy Ged Nash: I move amendment No. 44:

In page 44, between lines 12 and 13, to insert the following:

“(3) For the purposes of preparing a report referred to in *subsection (1)*, the Commission shall have regard to the need to secure that the number of members of a local authority to be elected for each local electoral area should be not less than 5 and not more than 7, provided that a smaller number (but not less than 3) may be recommended if the size of the local electoral area concerned would otherwise be disproportionately large.”.

I will not press the amendment but I may submit it again on Report Stage.

Amendment, by leave, withdrawn.

Section 60 agreed to.

Sections 61 and 62 agreed to.

Amendment No. 45 not moved.

SECTION 63

Chairman: Amendments Nos. 46 to 48, inclusive, and amendment No. 69 are related and may be discussed together.

Deputy Cian O’Callaghan: I move amendment No. 46:

In page 45, between lines 7 and 8, to insert the following:

“(2) The Commission shall research the impact that the alphabetical order of candidates on the ballot paper has on election outcomes. The Commission shall provide a report to the Joint Oireachtas Committee within 24 months and may make such recommendations to the Minister and the Government as it considers appropriate.”.

This requests the commission to research and report back within 24 months on the impact on election outcomes of listing candidates in alphabetical order on ballot papers. Again, I am not bringing forward this amendment because my surname is O’Callaghan and I have not had major issues in electoral contests. When I first heard of the idea, I did not think it much of an issue but it was brought to my attention and I looked into it a bit, and there is clear evidence this can cause an issue in electoral outcomes. In a High Court judgment in Ireland in 1986, the judge stated:

I am satisfied that the evidence adduced proves conclusively that, in Dáil Éireann elections over a period of nearly 40 years, there has been a significant over-representation of candidates whose surnames begin with letters at the commencement of the alphabet.

This has led to some changes in other jurisdictions. For example, last year city councillors in Vancouver voted to scrap the alphabetical listing for municipal election and replace it with a randomised ballot paper. There were ten city councillors holding office at the time and six had surnames beginning with the letters “A” to “D”. The councillors took the view that having the names in alphabetical order discriminated against candidates with surnames of Chinese, south Asian and Latino origin, among others, and candidates from those backgrounds were less likely to have surnames beginning with letters from the top of the alphabet. I know we are all committed to trying to increase our diversity.

An article in the journal *Parliamentary Affairs* looked at this in the UK, specifically with ballot papers in local elections between 1973 and 2011. It found that, in 2011 in England, for example, 161 candidates were elected purely because their names were high in the alphabetical placing at the top of the ballot paper. The review indicates this is more of an issue in what is often referred to as second order elections. These are just as important as other elections but there may be less coverage and scrutiny of them. It may not be as much of a problem in Dáil elections as it would be in European and local elections, for example.

Evidence also indicates that when larger parties run three candidates, for example, there is a much higher chance of the two candidates with surnames beginning with letters closer to the start of the alphabet getting elected rather than the third candidate. There is a view that the alphabetical listing of names could fall foul of Article 14 of the European Convention on Human Rights, which prohibits discrimination. It could be the subject of an application for declaration of incompatibility with the convention under the European Convention of Human Rights Act

2003.

Just to get back to Ireland for a second, looking at the 2016 census, we had 122,515 Polish nationals in Ireland. The top ten most common surnames in Poland begin with the letters K, L, N, S, W and Z. It is hard not to conclude, given that the evidence shows that alphabetical ordering impacts on election results, that it discriminates against different sections of Irish society, given that by virtue of absolute chance their surnames happen to be located towards the end of the alphabet. I do not think that is something any of us would stand over. I have to admit that when I first heard this I did not realise the significance of it. This warrants serious analysis and review. There is probably no good reason it should not just be a randomised order. That certainly does not cost us anything or make anything unfair on anyone, but it produces a fairer outcome. Therefore, that should be considered and there should be a review. I look forward to the Minister's response.

Chairman: I am just looking around and I am noting all of the elected members in the room actually fall in the lower half of the alphabet.

Deputy Cian O'Callaghan: Absolutely.

Chairman: I will go in the order that we will take these amendments. Amendments Nos. 46 and 47 are Deputy O'Callaghan's. We will then move to Deputy Nash for amendment No. 48, which will be followed by Deputy Ó Broin with amendment No. 69.

Deputy Cian O'Callaghan: I will speak on amendment No. 47 now, which is that the commission would research how to make voting more accessible for people with disabilities within two years and report on that. This is a very important area. I think all of us are committed to looking at how we can make voting and voter participation more accessible for everyone, especially people with disabilities. For example, the National Council for the Blind of Ireland, NCBI, raised a number of issues with the Electoral Reform Bill in its submission, including, for example, how voting booths can be unsuitable in terms of inaccessibility. In terms of voter registration, it has called for an online system that is fully accessible and compliant with the EU web accessibility directive. It raised issues about lack of awareness around postal ballots and accessing polling stations due to lack of access to transport. It raised the issue of the need for additional research on the use of technology to assist people with disabilities in voter registration in terms of identity verification and ballot casting to make the process simpler and streamline it, especially for people who are blind and have vision impairment. This is an important area that needs to be researched. It should be a priority for the commission and it should come back within two years after having looked at this.

Deputy Ged Nash: Deputy O'Callaghan tabled two very important amendments. I obviously support the thrust of them. We absolutely have to enable more people with disabilities and those who have difficulty accessing polling stations as they are currently constituted. We need to make it easier and more accessible for people to vote and participate in the democratic process.

Equally, Deputy O'Callaghan's points on the alphabetical order and the presentation of candidates merit further consideration. I do not think we have ever had an Aaron Aardvark on an Irish ballot paper. I hope things do not get that bad that somebody might decide that they want to change their name by deed poll and place themselves higher up the ballot paper by doing so. Deputy O'Callaghan referenced very compelling research. I hope that is something the Minister can take on board and the commission can take a look at. Just because it is always how we

did things does not mean we necessarily have to continue to do that and present the ballot paper in the way that it is currently presented and always has been.

Some of the elements of amendment No. 48 have been discussed to a degree in relation to earlier amendments, especially around the potential lowering of the voting age and the extension of the franchise to others who cannot participate at this point in time in general elections and so on. I want to limit my remarks to subsections (a) and (b), which relate to the taking of opinion polls and the issue to do with the framework for broadcast election debates. They are related in a way because both the taking and publication of opinion polls during an election period and the presentation of and manner in which a broadcast election debate is done have the potential to change the outcome of an election. In the context of broadcast election debates, for example, I do not refer simply to the performance of the individuals who are actually participating, but also to how they are selected. I cannot recall a time in the past 20 or 30 years where there has not been a High Court challenge taken by somebody who felt they should have been included in an election debate and were not. Even the taking of a case or the idea that somebody might be excluded - even though it may be the case that they have a certain amount of Dáil representation or are performing well in opinion polls and may make a challenge on that basis - feeds into the narrative of an election and who has been excluded and who has been included. That can create some momentum behind a candidate or a party.

It would be a good day's work for the commission when it meets - we are loading more work on it, but it is important because of the influence of opinion polls and broadcast debates during an election campaign on the outcome of the election - if it could undertake research on how that works or use research available elsewhere to inform the development of a framework. Perhaps it could agree with the Broadcasting Authority of Ireland about how election debates could be organised in a fair and impartial manner. Perhaps some form of regulatory standards would be imposed on opinion polling companies in terms of how they take opinion polls and how they and the media present those opinion polls, especially during an election campaign because it has an impact on the outcome. At least that is what we believe to be the case, though it may not be. There may very well be evidence to suggest the contrary. However, I am not aware of any evidence that is there, at least in an Irish context, to inform this. Given the substantial research function that the commission will have, this is an important piece of work that the commission should and could undertake.

On opinion polls, I do not believe there are any standards imposed on opinion poll companies outside of the industry standards that they impose on themselves. Opinion polls in Ireland are carried out to a very robust and high degree and high standard. However, especially in the context of elections themselves, we need to look at this idea of best practice standards in the taking of opinion polls in an election period. I would be interested to hear the Minister's view on that.

Deputy Eoin Ó Broin: First of all, I will speak to the three amendments that have been mentioned and then Deputy Ó Snodaigh's final amendment. In some senses, the volume of the work that the commission can or cannot do will ultimately depend on its resources. Therefore, we should not be shy about identifying, as a committee, the kind of things we would like it to do. Obviously it will then have to decide what to prioritise, depending on how generous or not the Minister's colleagues in the Cabinet are when it comes to giving it its budget beyond its first year.

All of the points that Deputies O'Callaghan and Nash raised are important. I am in a constituency where I could have the unique experience in the next general election of having a

candidate with an identical name to my own, namely Eoin Ó Broin of the Social Democrats. It is an interesting dilemma because the first question that is asked is how you decide the order of the ballot. It was a matter of great interest to many people. We never got to the bottom of it. Some people thought it was the drawing of lots and others thought it depended on the middle name. The fact that it generated so much discussion demonstrates that people are preoccupied by the position on the ballot paper. Likewise, I have come across and am aware of cases where people used maiden names and not married names or *vice versa*, or they will use the Irish or English form of their name to see if it gives them some advantage. Having said that, and the Chairman's point is a good one, I come close to the bottom of the ballot and my good party colleague Deputy Ward is at the very bottom, although that was not a difficulty for either of us in recent elections. Nevertheless, Deputy O'Callaghan makes a good case and, in regard to both the issue of a candidate's position on the ballot paper and, equally if not more importantly, the issue of opinion polls, the evidence should determine the policy, which is why the amendments recommending additional research areas for the commission are welcome and I am happy to support them.

On that subject, Deputy Ó Snodaigh's final amendment, amendment No. 69, makes another request for a report. In the spirit of all the amendments he has tabled as our party's Irish language spokesperson, it will provide that after an appropriate period, adequate research will be conducted to ensure the rights of Irish language speakers will be fully vindicated and fully supported within the electoral process. On that basis, we hope the Minister of State will give the amendment a positive hearing and, if not supporting it in being incorporated in the Bill, at least ensure in the spirit in which he has spoken to similar amendments that it will be on the radar of the commission as well as the Government following the passing and enactment of the Bill.

Deputy Joe Flaherty: Amendment No. 48 follows on from much of the intention of Deputy O'Callaghan's amendment No. 37 with the addition of a mandatory voting provision. I do not think that needs to be enshrined in legislation given we are burdening the commission with enough work. Given the way we are going, I fear no one will want to sit on the commission because there will be so much work to be done. Many valid points have been made and Deputy O'Callaghan has put a great deal of work into this. He has pointed to the international research that exists on the issue. While it might be an advantage to be at the top of the voting list, it is probably equally advantageous to be at the bottom given that if there is a list of 30-odd candidates, a voter's eye will scan that list very quickly.

I take on board Deputy Nash's point about standards for opinion polls and broadcast election debates. Nevertheless, we have to acknowledge that even if we might not always agree with the results, the standard of polling in this country is very high. Even though it is self-regulated, it is done very well. We cannot account for how the general public will interpret those results afterwards and that is not an issue for the polling companies. They do a very good job and self-regulate but it is something we need to keep an eye on.

Similarly, the standard of election debates in the context of fairness and equality for all has been especially high, although that does not mean we should not shine a light on the issue and see how it could be done better. We can never account for a bad performance and numerous such examples over the years have influenced elections. No number of prescriptive rules and guidelines can guard against that and any attempt to do so would just involve more work for the commission.

Deputy Ged Nash: To clarify, we accept that a very high standard is applied by professional polling companies. Nevertheless, we have found, whether within our constituencies or in

rogue polls published by media outlets that may not be regulated but may be gaining some traction, that the methods are not robust and the polling can change the outcome of elections. It is those kinds of arrangements that are in my sights in the context of this amendment, not the high standards that are imposed and followed by professional polling companies. If their standards were not high, they would not be re-engaged to do the work they do.

This is an interesting area worth examining. Of course, in the interests of openness, good journalism and proper reporting, we cannot manage or regulate everything, but certain standards should be adhered to, during an election period especially. I wanted to provide that further context for the Minister of State before he responds.

Deputy Emer Higgins: This is a really interesting discussion. I would have loved if we had a session on the issue during our committee deliberations given the many varying views and differing scientific perspectives. I draw members' attention to a book published by Brendan Heneghan in 2018, *Secrets of the Ballot Box: How the Irish Voting System Really Works*. It is based on research of electoral patterns in Ireland from 1981 to 2016, inclusive. It is a very good read, for a start, but as a middle-ballot candidate I was always jealous of people whose surnames began with A or B. I was surprised to learn that the author's statistical analysis of electoral results over that period showed there was no electoral advantage to being higher on the ballot paper. In my constituency, as Deputy Ó Broin said, we will put that to the test if we have, as looks likely, two candidates called Eoin Ó Broin on the ballot paper given there is no clarity as yet as to whose name will come first.

Deputy Malcolm Noonan: That is an interesting point. I have come across that research and I think it bears out the fact that, perhaps, there is no significant advantage to being named higher up on the ballot paper. It raises other issues relating to counting votes under our proportional representation system and it could make that challenging. There may also be accessibility issues with the templates used for the visually impaired, an issue on which I met representatives of the NCBI a number of weeks ago. The commission can examine these issues and give them consideration. As Deputy Flaherty said, it will be quite busy and there is much research we have spoken about, but it is all important and it is welcome this amendment has brought forward a discussion it. It is very significant in respect of people's voting patterns and fairness and transparency in our electoral system.

On the accessibility issue for people with disabilities, this is something we consistently take very seriously, as will the commission. For the 2019 local elections, 53 polling stations were inaccessible and by the general election of 2020, that had been reduced to 23 as a result of direct engagement between our franchise section and returning officers. It is a very good step. Similarly, as I said, we have met representatives of the NCBI in regard to the template ballot papers and trying to improve them. The new registration process will be available online and compliant with web accessibility standards, including screen reading software. We are continuously striving to improve the experience of people with disabilities in our electoral system and that is critical.

Deputy Nash raised issues that relate to his amendment concerning polling and the impartiality of election debates. I agree with the contention that we have a very robust system and broadcasters are generally very responsible, which we should be proud of. That is not the case in every jurisdiction and we can be proud of that. I reiterate these are issues the commission could and will, no doubt, be tasked with examining, so the amendments are important in that they allow us to discuss them.

As I outlined in regard to amendment No. 37, it is worth reflecting on the provisions in Chapter 9, which set out the research, advisory and voter education functions of the commission. Chapter 9 of Part 2 of the Bill provides for the commission to take on a new policy research and advisory function. As part of its work, the commission will prepare research programmes, conduct research on electoral policy and procedure and provide advice as required to the Minister and the Government on electoral issues. It can make recommendations to the Government in regard to proposals for changes to electoral legislation.

The commission will also promote public awareness of, and work to increase public participation in, the State's electoral and democratic processes through education and information programmes. This is an expansion of the work the Referendum Commission carries out. The electoral commission may also prepare or publish *ex post* reports on how electoral events are administered. The provisions in the Bill will ensure that we have, for the first time in our electoral system, a dedicated independent research, advisory and education function, an important element the Bill is seeking to achieve.

The commission's research programme will be prepared in consultation with this committee annually, so members will have an opportunity to give input into the commission's research priorities. Guided by Programme for Government: Our Shared Future, it is intended the commission will be requested to carry out several items of research, including relating to the potential for the expansion of postal voting, the Scottish experience of lowering the voting age to 16, limiting the use of election posters and a review of the Electoral Act 1997 as it relates to political funding.

In the context of amendment No. 47, the matter of maximising the accessibility of voting is a priority for me. Part 3 of the Bill provides for the extension of flexible voting arrangements that are currently available to persons with physical illnesses or disabilities to persons with mental health difficulties through amendments to the Electoral Act 1992. In effect, this will mean that persons with mental health difficulties can apply for a postal vote at the place where they are ordinarily resident. Such voters will also have the option of availing of the existing special voting facilities for people who are resident in nursing homes or similar facilities.

In addition, reports prepared under the electoral commission's post-electoral-event review role in section 67 would be required to include a description of the assistance given by presiding officers or returning officers under the Electoral Acts. These provisions include: the requirement for local authorities, in making polling schemes, to appoint as polling places areas where at least one polling station will be accessible to wheelchair users; the requirement on returning officers, where practicable, to provide polling stations that are accessible to wheelchair users and to give public notice of all polling stations that are inaccessible to wheelchair users not later than eight days before polling day - in guidance to returning officers, my Department has suggested that consideration should be given to providing suitable ramps in the case of polling stations that cannot be reached without negotiating steps; the requirement on returning officers to put in place arrangements to facilitate the marking and placing in ballot boxes of ballot papers by wheelchair users - in guidance to returning officers, my Department has suggested the provision at each polling station of an appropriately located table and chair to facilitate this requirement; and the requirement on returning officers to ensure, where practicable, that the place appointed for the counting of votes is accessible to wheelchair users.

While comprehensive arrangements are in place to assist participation in the electoral process by individuals with physical disabilities, my Department nonetheless continues to seek to improve these arrangements and to have regard to the special needs of such persons. Given the

provisions already included in the Bill, I ask the Deputy not to press the amendments.

Deputy Joe Flaherty: Not to put the hex on my affable committee colleague, Deputy Ó Broin, we had a real example in 2004 of two candidates with the same name. Regrettably, neither was elected in that local election. I expect Deputy Ó Broin to buck that trend comprehensively when the time comes.

(Interruptions).

Deputy Cian O’Callaghan: I thank the Minister for his response. He indicated that returning officers have been asked to ensure, where practicable, that the places where votes are counted are accessible to people with disabilities. It is shocking that, where practicable, we would think it okay in this day and age that count centres in some cases would not be accessible to people with disabilities. Should the instruction simply be that all count centres are accessible to people with disabilities - end of story?

Deputy Malcolm Noonan: The term “where practicable” is important. Significantly, what we have done over the past number of the years, through great work here with the returning officers, is to ensure that we are reducing the level of inaccessibility. I gave the statistics. That is something. We have worked well with the disability organisations to ensure that accessibility issue is addressed. Significant progress has been made, at local level but also from our perspective, to support that.

Deputy Cian O’Callaghan: I appreciate the work that has been done. In terms of polling stations, I appreciate that one could have communities where there simply is not an accessible venue. In terms of count centres, the wording there is “to ensure, where practicable, that the place appointed for the counting of votes”. I do not understand why the term “where practicable” would be included. I do not understand. Surely every county has accessible venues for counting votes. If venues are not accessible, they should not be used.

Deputy Malcolm Noonan: Generally, all count centres would be. The issues would be brought back to us by the disability organisations following electoral events. In general, the feedback is quite good.

Deputy Cian O’Callaghan: I thank the Minister of State for that clarification. Given that the recommendations of the 2013 constitutional convention - many of my amendments fall out of that - are almost ten years old, will the commission be asked to look at those recommendations in terms of its research programme?

Deputy Malcolm Noonan: Absolutely.

Amendment, by leave, withdrawn.

Deputy Cian O’Callaghan: I move amendment No. 47:

In page 45, between lines 7 and 8, to insert the following:

“(2) The Commission shall research the impact that the alphabetical order of candidates on the ballot paper has on election outcomes. The Commission shall provide a report to the Joint Oireachtas Committee within 24 months and may make such recommendations to the Minister and the Government as it considers appropriate.”.

Amendment put and declared lost.

Deputy Ged Nash: I move amendment No. 48:

In page 45, between lines 7 and 8, to insert the following:

“(2) Without prejudice to the generality of *subsection (1)*, research commissioned or conducted under that subsection may include research on—

(a) best practice standards in the taking of opinion polls, and voter education in relation to opinion polls,

(b) best practice standards in relation to a framework for broadcast election debates, including a possible regulatory framework, in order to secure both fairness and impartiality,

(c) mandatory voting,

(d) lowering the voting age,

(e) further extending the franchise in respect of non-citizens in the State, and

(f) further extending the franchise in respect of citizens outside the State.”.

Amendment, by leave, withdrawn.

Section 63 agreed to.

Section 64 agreed to.

SECTION 65

Deputy Joe Flaherty: I move amendment No. 49:

In page 45, between lines 26 and 27, to insert the following:

“(2) The Commission may, and shall when requested by the Minister, create an advisory board to advise the electoral commission on Cyber Threats.”.

Notwithstanding the high level of expertise within the Department, the cyber threat is an evolving threat. At the best of times, no organisation or Department has the technical know-how and skills to countenance such a situation. I appreciate that the term “cyber threats” is broad. As for what Deputy McAuliffe intended by that, it is clear that he is probably looking at outside interference in the run-in to a polling day. It is certainly something that needs to be taken on board by the Commission. Deputy McAuliffe asked me not to press the amendment, but suggested that the matter to which it relates be given consideration in the context of the ever-expanding work of the commission.

Deputy Malcolm Noonan: I thank Deputies McAuliffe and Flaherty for not pressing this amendment. Section 14 empowers the commission to establish committees to advise and assist it in the performance of its functions. Such committees may include persons who are not members of the commission or its staff. This provides an avenue for bringing in external skills where required. Being mindful of the commission’s independence, it is not proposed to legislate for the formation of specific committees but to leave it open to the commission to form committees as it sees fit.

The amendment's intended effect may be achieved through the commission's advisory function, as set out in section 65, where, at the request of the Minister, the commission shall advise him or her on, *inter alia*, any policy matters concerning electoral policy or procedures. It would be open to the commission to form a committee to assist it in the event of such a request from the Minister in respect of cyber threats.

On the matter of cyber threats, at the time of publication of the Bill, the Minister signalled that legislative proposals were being prepared to provide for the protection of the integrity of our electoral processes from certain types of online interference. These have recently been approved by Government and will be published shortly.

Amendment, by leave, withdrawn.

Section 65 agreed to.

SECTION 66

Deputy Eoin Ó Broin: I move amendment No. 50:

In page 45, line 30, after “programmes” to insert “, in both official languages equally,”.

Amendment, by leave, withdrawn.

Chairman: If we did not think the commission had enough to do up to this point, amendment No. 51 contains a substantial suggestion of possible work.

Deputy Cian O’Callaghan: I move amendment No. 51:

In page 45, between lines 32 and 33, to insert the following:

“(2) The Commission shall:

- (a) produce radio, TV and online advertisements to promote participation in electoral events;
- (b) maintain a website and social media platforms dedicated to voter education and awareness;
- (c) provide training and voter education programmes;
- (d) engage with schools, colleges and other educational institutions to enhance voter education and voter participation among young people;
- (e) employ youth advocates to increase voter participation and awareness among young people;
- (f) proactively and regularly engage in outreach to minority communities and under-represented groups to ensure barriers to participation are removed;
- (g) produce educational materials and resources that explain the PRSTV voting system, how to run for election and other relevant matters;
- (h) ensure that all its materials are provided in an accessible and easy to read format;

- (i) ensure that all its materials are translated to Irish Sign Language so that they are accessible to deaf people;
- (j) ensure that all its materials are accessible to people who are blind or vision impaired;
- (k) ensure that all election and educational materials are produced in various languages and formats;
- (l) run targeted awareness campaigns aimed at improving voter engagement among people with disabilities, including but not limited to, promoting options such as postal voting;
- (m) monitor and implement international best practice in terms of voter education and voter participation;
- (n) provide support and resources to other state bodies and non-governmental organisations engaged in voter education;
- (o) after each electoral event provide a detailed report to the Joint Oireachtas Committee and the Minister on the voter education and awareness measures undertaken for that election;
- (p) undertake any other measures and steps that increase awareness and participation.”.

Notwithstanding the Chairman’s introduction to my amendment, which includes a substantial list in terms of voter education, I spoke at some length on Second Stage on the importance of voter education in the 132 pages of this Bill. Voter education is a significant part of the remit for the commission. It is extremely important. Voter participation is also massively important. In the 132 pages of the Bill, voter education is only mentioned twice.

Section 66, which relates to the educational functions of the commission, is very weak. It is just three sentences long. I appreciate that legislation is not all about length or the number of times something is mentioned, and there can be good legislation where particular functions are crisp and short. However, I fear that if we do not spell out in the legislation in some detail what should be done under voter education, this is an area that may not get the resources or the prioritisation that is needed. We have to design the legislation to withstand time so while I fully appreciate the Minister of State is highly committed to electoral reform and the different aspects of the Bill, we have to design the legislation in case he is replaced by someone who has no interest in this. The legislation has to be robust enough to withstand that.

As I said on Second Stage, we all know from election counts of the effect of lack of voter education, information or awareness about how the process works. We can see it when the ballot boxes are opened and, particularly in some parts of constituencies, we see a very high level of unintentionally spoiled votes. While people absolutely have a right to spoil a vote, we see people doing it unintentionally because they are giving three first preferences or making three ticks. They go to vote and feel they are casting a vote and having their say, but they are unaware that having gone to all that effort and gone through all of that process, their vote is invalidated. They are not aware of that at all. It is a significant number of ballot papers. In any given constituency, there can be a few hundred spoiled votes and, out of that, more than 100 can easily be unintentionally spoiled. The lack of strong voter education in Ireland is a big problem.

In New Zealand, which is a very good model in the context of electoral commissions, the electoral commission has youth advocates who drive up voter registration levels among younger people, it has outreach to people who are homeless, it has very accessible social media and easy to follow videos, it has enabled deaf and hard of hearing people to use sign language when voting and facilitated people who are blind to use a telephone dictation voting service, and it has facilitated early voting to increase turnout. It has a range of measures that are really healthy in terms of democracy and that are a good model for our commission.

This amendment seeks to put a bit of flesh on voter education in the Bill so that if there is a Government or Minister in the future who has less interest in this, the electoral commission will be strongly supported through this Bill to carry out very good voter education. Given that voter education has not had the priority and the resources put into it in this country to date that it deserves, and given how important democracy is, I do not think we can assume that will be the case, so we need to make sure this part of the Bill is as strong as possible. If the Minister of State feels changes are needed to the wording I have put forward or that one or two parts of it are objectionable or problematic, I have no issue with that, but I feel this part of the Bill needs to be strengthened. If the Minister of State is not accepting it in full, I ask that he would at least look to bring forward something similar on Report Stage to capture a lot of this.

Chairman: Deputy Ó Broin had indicated.

Deputy Eoin Ó Broin: It was as much a point of order. This is an important amendment with a lot of value. It is good to have a thorough discussion on it. Nonetheless, I am conscious of the time. We have three hours tomorrow and we are more than halfway through the amendments, and we expect the staff to come in early to work through it with us. I would be pretty confident that if we suspend the meeting now, we will finish the Bill tomorrow in the time that we have. I wanted to suggest that because I do not want to us to rush the debate on what is a lengthy and detailed amendment. I am keen to talk to it but I do not want to prolong the debate if it is the Chairman's intention to suspend the meeting.

Chairman: It is not my intention to suspend. I had intended to do the full three hours and as we commenced at 4.30 p.m., that will bring us up to 7.30 p.m. I will not stop the debate in any way. However, I would like to avoid us having to be here on Friday so I hope we can make some progress.

Deputy Eoin Ó Broin: That is fine. My apologies. I had thought it was from 4 p.m. until 7 p.m. The Chairman's intention is to adjourn at 7.30 p.m.

Chairman: We will finish as close to 7.30 p.m. as possible.

Deputy Eoin Ó Broin: On the amendment, the Minister of State already probably has heavy shoulders given all of the additional work we have put on him and the commission, but these are important points. The electorate is actually more sophisticated than people often give them credit for, if we look at the low level of spoils in elections in general. I have always been taken by the fact that when we go through the spoils, there is rarely a significant difference in terms of the geographical location or the demographic location. The one difference, however, is in European elections and local elections. Those of us who do the spoils often see a very clear pattern where people take the two ballots as consecutive and they go right down through the two ballots. I think there are those areas where the electorate understand the system very well and are very sophisticated in how to operate it, but there are those cases where there is clearly anecdotal evidence from those of us who have been around elections for a long time where

increasing knowledge of elections is key.

One of the questions I get asked a lot, often by people who have been around elections longer than I have, is that where people do not go all the way down the ballot, it somehow negatively impacts on their preferences. Of course, I always give the advice to only vote for candidates who the person wants to see elected and to stop at the point at which they do not want to see anybody else elected. The fact people even think that if they do not go all the way down, this means somebody else gets the vote when they have not assigned it, shows there are areas of the system where voter education is very important.

We see with referenda that there is real value in the way the referendum commission runs information campaigns. Those campaigns generate additional awareness of the elections and help push up turnout, although not as much as we would like to see in some referenda. Again, while maybe the level of detail in this amendment is more than what is needed for a Bill, I absolutely think the spirit of what Deputy O’Callaghan is looking for, and to have some legislative provision for this, is very important. I am keen to see what the Minister of State has to say. I certainly support the spirit as well as a fair amount of the content of the amendment.

Deputy Malcolm Noonan: I thank the Deputies for the quality of the amendments in general today. They are very good and have sparked continuing debate about the commission and the legislation.

There is the point around unintentionally spoiled votes and voters voting all the way down a ballot paper. It is not just a commitment from me or the Minister; it will be the commitment of the commission, which will have an independent statutory function. Therefore, the commitment around that voter education and participation function will be ongoing, regardless of who is in the Department. That is an important point to make.

With regard to the New Zealand experience of the use of advocates and the commission there, our commission will be tasked with looking at what works well and what does not work well in other jurisdictions in terms of voter participation. Again, it is back to the members of this committee to participate in that and to direct the commission on what areas of research they would like it to carry out.

It is critical that the voter education part takes place and is an ongoing process, and is not just around electoral cycles or electoral events. It needs to be ongoing, it needs to be immersive and it needs to be right across society, including in schools. Many people of our age - I should say of my age - do not know how to vote correctly at times, so a lot of work needs to be done, which is something the commission will be committed to doing.

As Deputy Ó Broin said in the context of trying to be prescriptive about its research function, we can see the points that Deputy O’Callaghan is trying to bring forward. That is certainly something the franchise section has been doing consistently anyway and the commission will be tasked with doing this when it is established.

Chapter 9 of Part 2 of the Bill provides for the commission to take on a new policy research and advisory function. As part of its work, the commission will promote public awareness of, and work to increase, public participation in the State’s electoral and democratic processes through education and information programmes. This is an expansion of the work which referendum commissions carried out as part of their roles.

Many of the actions set out in the amendment are matters the commission will be minded to

pursue in compliance with its public awareness role. In the main, these are really good ideas. However, it is essential that the commission, as an independent body, have the freedom to decide as to how it goes about fulfilling its public information mandate. Notwithstanding the important role the Referendum Commission played in the past, this is a new role in our electoral landscape, and leaving the decision-making with the commission will give it the flexibility to adjust its approach and emphasis over time. To date, I have avoided the legislation being overly prescriptive in this regard. Members will have gathered that from this afternoon's proceedings. In continuing that approach, I am not in a position to accept the amendments.

Deputy Cian O'Callaghan: The Minister of State and others have made a valid point about the amendment being very prescriptive. I appreciate that this is not the approach that was taken to the drafting of the legislation. That is fair enough. I still have a concern, though, that the commission will ultimately read this legislation and will take its direction from it. Yes, voter education is part of its remit, but I do not think there is anything in a reading of this legislation that would give it or anyone else any sense of the priority of our democratic function. Deputy Ó Broin is correct that in the local and European elections we see people vote 1, 2, 3, 4, 5, 6 and 7 on the local paper and 7, 8, 9, 10 and 11 on the European one, the result being a ballot paper which the voter thinks is correct but which is spoiled. That is quite frequent, and education on those things is really important. That has not been done well enough to date. I hope the commission does that but I want to see that priority reflected in the legislation. Will the Minister of State look at this area and the current wording in advance of Report Stage to see whether it can be strengthened, albeit perhaps not in the prescriptive way I have attempted to do so?

Deputy Malcolm Noonan: First, and importantly, we have already outlined that the commission will be tasked with reviewing electoral events and what is working and what has not worked well in electoral events. That is significant. Second, there is the fact that this committee will continue to have a role in the research and advocacy function of the commission in respect of recommendations and the reports that will be laid before the Houses of the Oireachtas arising from the commission's work. It is very much an interactive process. There will be a constant stream of information coming from the commission in the form of reports and research work, with this committee and Oireachtas Members having an opportunity to feed back into that. I think the commission is strong enough to carry out that work. We have talked this afternoon about a huge range of work we are now tasking the commission to do, which it will do, but it is important too that we have the flexibility I spoke about for it to be able to carry out that work. While wholly accepting the rationale behind this amendment and related amendments, the commission requires that level of flexibility to be able to carry out its work. I reassure the committee that it and Oireachtas Members will have an opportunity to interact continuously with the commission in its work.

Amendment put and declared lost.

Section 66 agreed to.

Sections 67 to 76, inclusive, agreed to.

SECTION 77

Chairman: Amendment No. 52 has been ruled out of order.

Amendment No. 52 not moved.

NEW SECTION

Deputy Malcolm Noonan: I move amendment No. 53:

In page 49, between lines 18 and 19, to insert the following:

“Amendment of Taxes Consolidation Act 1997

77. Schedule 13 to the Taxes Consolidation Act 1997 is amended by the insertion of the following paragraph after paragraph 206:

“207. The Electoral Commission.”.”.

This amendment adds the electoral commission to the list of public bodies or accountable persons that are required to operate professional services withholding tax. It does so by amending Schedule 13 to the Taxes Consolidation Act 1997. This is a standard provision and was requested by the Minister for Finance.

Amendment agreed to.

Section 77 agreed to.

Section 78 agreed to.

SECTION 79

Chairman: Amendment No. 54 has been ruled out of order.

Amendment No. 54 not moved.

Section 79 agreed to.

Sections 80 and 81 agreed to.

SECTION 82

Chairman: Amendment No. 55 has been ruled out of order.

Amendment No. 55 not moved.

Deputy Cian O’Callaghan: I move amendment No. 56:

In page 53, to delete lines 1 to 4.

This is a welcome section of the Bill and relates to voter registration for people who are homeless. I am concerned, however, that the criteria in it are too tight because they require an elector registered in a registration area in accordance with the subsection to renew his or her registration annually. I am concerned that this puts an onerous requirement on people who are homeless, who may face a multitude of challenges, and that it could effectively discriminate against them in respect of registration requirements compared with other electors who do not need to renew their registration annually. I hope this can be looked at. The overall section is very welcome, but I have concerns that this could be discriminatory.

Deputy Eoin Ó Broin: I strongly support Deputy O’Callaghan on this. The Minister of State will know that we have a significant number of people who are in and out of the homeless system for a very long time. That does not mean that they are not politically engaged or that they do not want to be engaged with the process. We have to make it as easy as possible for

those groups of people. The idea of an annual registration seems almost punitive. I completely accept that the nature of the accommodation and of the emergency accommodation system may mean that such people may not be at a given address in subsequent years or may be at multiple addresses. People can be in and out of two, three or four different hostels in the space of 12 months. I can just see no justification for this. I fully accept that the Minister of State is trying to clean the electoral register, but we are talking about a small number of people and, at that, an even smaller number who are likely to be registered and engaged. That is why I urge the Minister of State, if the briefing notes in front of him do not allow him to stifle us this time, to go away and to look at this. There can be no reason why people who want to vote, simply because of circumstances not of their making, would be prevented from doing so by an onerous requirement. I appeal to the Minister of State and the wisdom of his officials to find a fix to this.

Deputy Thomas Gould: I support my colleagues. I was in Cork Penny Dinners, which is a charity in Cork that works with many homeless people and many people in poverty, and I remember engaging with Cairíona Twomey, one of the co-ordinators and volunteers there. I was talking to people who were homeless and who use that service. These are really intelligent people who have political minds of their own and who want to engage in the political system. They are really vulnerable but they want a say, and we should do everything to make that possible. At the end of the day, they are all citizens and they should all have this right. We should reduce barriers if possible.

Deputy Malcolm Noonan: I agree with trying to reduce barriers. Many homeless people I meet are very politically engaged, not only by virtue of their circumstances, and very well-educated and well-read people who are very engaged in our political system and the future of our country. We all want to ensure they can participate fully in that. Perhaps my speaking notes might have something of a stifling effect, as Deputy Ó Broin said. Like all of the other amendments tabled by Deputy O'Callaghan, this is one well intended.

This is a new provision, the objective of which is to enable and facilitate people who are experiencing challenging circumstances to register to vote. The annual re-registration requirement is intended to maximise the potential of people in this cohort to register and remain engaged with the process. We can reasonably expect people availing of this provision to be a more mobile and transient group who will be more likely to have their details change within 12 months than many other voters. As such, in order to keep their registration current, more engagement with their local authorities may be needed. As this is a new provision, careful and considerate treatment will be needed in its implementation.

In respect of electors with no fixed addresses, the Bill requires registration authorities, in so far as is reasonable and practicable, to assist people making applications under this provision. I refer Deputies to section 104, rule 37(2), at lines 3 to 4 on page 87. In terms of renewals, I would expect that this assistance would be in place in good time to avoid people falling off the register. The changes being made as part of the wider modernisation of the electoral registration process will enable a simple online process, including to reconfirm the registration for a further year or to update to a fixed address, where appropriate.

There is also a provision for the Minister to initiate a review of this provision within three years of its operation, ensuring that this annual requirement and any other part of the process can be considered in consultation with all stakeholders. In this regard, I refer Deputies to section 82(8), at lines 16 to 27 on page 53. This strikes the right balance and also creates a critical opportunity to gather information on the operation of this new provision to inform a future review. As a result, I am not in a position to accept the amendment.

Deputy Cian O’Callaghan: Has the Minister of State sought advice as to whether placing a requirement for annual registration on people who are homeless, when that is not being applied to anyone else, is discriminatory? What was the advice given on that matter? How can the Minister of State argue that this is not a form of discrimination against people who, through no fault of their own, are homeless?

I take from what the Minister of State has said that because the local authorities will be able to assist with the registration process, this will mitigate somewhat the onerous requirement to register annually. We all know that local authorities have different priorities in terms of how they allocate resources and how they operate voter registration. Indeed, this is one of reasons the electoral commission is being set up. There is a huge variation in how local authorities interact with, engage and support homeless people with regard to their housing needs. Needless to say, as we all know from our representational work, many people who have become homeless feel deeply disappointed by the level of engagement with them, the lack of support and way they are met with bureaucracy sometimes, notwithstanding the very good work that some people in local authorities do to support them. To suggest that the same local authorities that people feel they are being failed by in the context of their housing needs are best placed to assist them with this onerous requirement for an annual registration is problematic.

As the Minister of State and Deputy Ó Broin both stated, people who have lost their homes are very politically engaged. They are often facing so many different challenges that if they can get to the point of being registered to vote, that is a step forward. It seems unfair that they could potentially lose that because they miss out on the annual registration, which is not being required of anyone else. It seems that we are taking a step forward in one respect in this Bill but then we are taking a step backwards through these onerous requirements.

If the concern is the fact that the person may be changing address or moving to different emergency accommodation, an annual registration is not going to sort that because there could be multiple moves with the year. The provision for an annual registration is not going to address that issue. The rationale for it does not hold up. A person who is homeless could be moving around a lot so if he or she falls off the electoral register as a result of this requirement, that is deeply unfair.

I ask the Minister of State to address that point and to outline any advice he received as to whether this provision is discriminatory. How does he believe it is not discriminatory?

Deputy Eoin Ó Broin: The Minister of State made a very fair case throughout the past few hours about amendments that we have tabled that were, in his view, too prescriptive and argued that there was a better way of doing things. In many cases, his arguments were strong. We may agree or disagree with them but they were strong and credible arguments. I say my next sentence with the greatest respect. I do not believe for one second that the Minister of State believes the script he just read out is an appropriate response to the concern that is being raised. I know that he is going to stick to the script, and that is fine, but I would really urge him, between now and Report Stage, to talk to officials and, as Deputy O’Callaghan suggested, to some of the homeless service providers about this matter.

Think about it for one second. A family that is economically homeless could spend two years in emergency accommodation. That emergency accommodation could change three or four times because of the nature of our system. The family will start off in a hotel and then move to a hub. They might then try to move to a hub that is closer to where the children are in school and then eventually they might get private rental accommodation. That is a very typical

experience because of the way the emergency accommodation system for families is set up. Single homeless people who may have other complex issues going on in their lives could be in an out of a cycle of emergency accommodation including sofa surfing, rough sleeping and so on. Therefore, the complexity of their addresses is very difficult. That is why, for example, particularly in city centre homeless accommodation, we do not require those people to change their social welfare collection point every time they change hostel because it is recognised that there is a level of moving.

All I am asking the Minister of State to do is to think really hard about this one. What Deputies O’Callaghan, Gould and I are saying is that this is a barrier that is unnecessary. I know we have to make sure that the electoral register is clean and modernised but for such a small, albeit growing, cohort of people we can do better than this. I would also say that the Minister of State should not cod himself that our local authorities in those areas with high and rising levels of homelessness have anything close to the resources needed to even deal with the emergency accommodation, HAP and housing needs assessment applications. In most of the large local authorities, a housing needs assessment application when somebody becomes homeless is taking 16 weeks. That is just to get people on the list. HAP applications, if people manage to find HAP accommodation, are taking 12 to 14 weeks in the big local authorities. In that context, I would imagine that if city or county managers or directors of housing were listening in and heard that their staff will be expected to annually register the 3,500 homeless single people and the homeless households, that there is an additional administrative burden, they would say that it is not going to work.

In the spirit in which he has engaged with us this evening, I ask the Minister of State to think long and hard about this. A simple Government amendment on Report Stage could fix what is a significant problem for a small number of people without having any adverse impact on the integrity of the register or the process.

Deputy Malcolm Noonan: I agree with everything that has been said. It is not the intention to be discriminatory. What we are trying to do, and we are making genuine strides here, is to ensure our electoral register is robust and that our electoral system is open to and inclusive of all. That is why we introduced this innovate and novel aspect in the Bill. It is not intended to be discriminatory. It is a new provision and we have made a commitment to reviewing the renewal requirement. There will also be an opportunity, in the context of post-electoral events, to review the effectiveness of these provisions on a county-by-county basis. It is a special arrangement.

An older person can have two or more addresses and we are trying to address that issue. In light of the contributions from Deputies Ó Broin, O’Callaghan and Gould, we will give further consideration to this matter before Report Stage.

Deputy Eoin Ó Broin: I have a practical suggestion. In 2019, An Post launched an address point service for people accessing emergency accommodation. There may be a solution here which involves attaching the address to the post office either at or closest to the social welfare collection point in order that there will at least be some consistency. I urge the Minister of State to consider that or something similar.

Chairman: In light of that does the Deputy wish to withdraw the amendment?

Deputy Cian O’Callaghan: In light of that response, I am happy to withdraw it.

SHLGH

Chairman: That was very constructive.

Amendment, by leave, withdrawn.

Chairman: There are several sections without amendments, but we will adjourn now at 7.30 p.m. as we agreed. I thank the Minister of State and the members for a very constructive engagement.

Progress reported; Committee to sit again.

The select committee adjourned at 7.31 p.m. until 9.30 a.m. on Wednesday, 1 June 2022.