

*Dé Máirt, 9 Samhain, 2010
Tuesday, 9th November, 2010*

2.30 p.m.

**GNÓ COMHALTAÍ PRÍOBHÁIDEACHA
PRIVATE MEMBERS' BUSINESS**

Fógra i dtaobh leasú ar Thairscint : Notice of Amendment to Motion

73. "That Dáil Éireann:

- concerned that the sudden and calamitous change in our economic fortunes, coupled with revelations of waste of public money and resources, has undermined public confidence not alone in the present Government but also in the structures of government;
- recognising that fewer and fewer people feel any sense of ownership of their politics and that we need to bring about a more practical democracy, that empowers citizens and ends the sense of exclusion of so many of our people, and to ensure that individuals have a far greater involvement in the decisions that shape their lives;
- acknowledging that a process of renewal must commence with the Oireachtas itself and with fundamental reforms of our national parliament and its procedures, so as to meet the needs of the Irish people in the 21st century;
- believing that the principles and practices underpinning accountability in government and in public administration also need radical reform and that legislation and constitutional measures guaranteeing the primacy of the public interest must be put in place as a priority; and
- affirming that the abuse of the whip by the parties in Government, as exemplified by the recent dismissal by the Government majority on the Joint Committee on Agriculture, Fisheries and Food of the Ombudsman's Special Report on the 'Lost at Sea' Scheme, is utterly destructive of attempts to secure the accountability of the Government to the Dáil as required by the Constitution;

calls for the introduction of a programme of reform that would include at a minimum the following elements:

- legislation on the issue of cabinet confidentiality, to ensure that it cannot be used to cover up necessary investigations;
- the restoration of the Freedom of Information Act 1997 to its original form and scope and the extension of its remit to the Garda Síochána and other public bodies;
- the introduction of whistleblowers legislation;

- spending limits for local and Presidential elections and the reduction in the ceilings for European and general elections;
- reform of the system of appointments to State boards to ensure that the process is transparent and that those appointed have the requisite knowledge and skills;
- legislation to further restrict contributions to political parties and candidates and to require greater disclosure of donations;
- repeal of the Official Secrets Act 1963, retaining a criminal sanction only for breaches which involve a serious threat to public policy (the international relations of the State, the conduct of a fair trial, national security and the like);
- a statutory register of lobbyists and rules concerning the practice of lobbying;
- rules to ensure that senior public servants (including political appointees) cannot work in the private sector, in an area involving a potential conflict of interest with their former public employment, until at least two years have elapsed;
- a 50 per cent increase in Dáil sitting days, with sittings four days a week, a shorter summer recess and significantly reduced breaks at Christmas and Easter;
- a break-up of the Government monopoly on legislation and its stranglehold over the business of the Dáil;
- a restriction on the use of guillotine motions and other procedural devices that prevent full debate on bills and other measures;
- a petition system for the Dáil, similar to that operating in the European Parliament;
- an independent Fiscal Advisory Council, separated from decision-makers in government, to undertake fiscal macro-economic projections and monitoring, independent of the Government and reporting to the Dáil and the public;
- bring forward the annual Estimates cycle, so that it becomes more timely and relevant, with the Book of Estimates accompanied by a detailed performance report on what the previous year's spending had achieved;
- Oireachtas Committees to be given powers to publish reports on the economy, efficiency and propriety of the Estimates and to give the Dáil an assessment and evaluation of the merits of individual expenditure proposals;
- a role for the Ceann Comhairle in deciding whether a Minister has failed to provide reasonable information in response to a question;
- a repeal of the 'gag' clause that applies to the officers of public bodies and prevents them from expressing an opinion on the merits of Government policy;
- a requirement that the Attorney General's advice to Government be published if it is publicly relied upon as justifying or requiring the passage, defeat or amendment of a bill or the development or amendment of a policy or programme, unless the advice is given in the course of litigation or in relation to pending or contemplated litigation;
- the provision of adequate powers for parliamentary inquiries into matters of public interest and importance, if necessary by an amendment to the Constitution; and
- a reformulated code of laws, replacing both the Ministers and Secretaries Acts 1924 to 2007 and the Public Service Management Act 1997, which would spell out the functions, powers and duties of Ministers in charge of each Department of State; The law that defines the relationship between Ministers and their Departments to enshrine three basic propositions:
 - if the Minister takes a decision personally, he or she should say so and account for it;
 - if the decision is taken by the Department, under a delegated power, then the

relevant, named official should say so and account for it; and

- the Minister would then have to account for the degree of supervision he or she exercised over the Department in relation to the exercise within it of delegated powers;
- legislate for a system of delegation of specified Ministerial powers to specified officers who would, to the extent of the authority delegated to them, be accountable both within the Department and also directly to the Oireachtas for the exercise of those powers;
- ensure that each Minister is responsible for the supervision and oversight of his or her Department to ensure that adequate standards are maintained; outputs are delivered as determined or agreed; and procedures are in place to enable the Minister to respond to problems of administration and to give an account to the Dáil and to the public generally;
- the responsibilities of Secretaries General to be strengthened by assigning to them authority and accountability for ensuring that the Department and its officers perform their functions in a non-political and impartial manner, in accordance with law and with the highest ethical standards of conduct and integrity and in accordance with any prescribed code of conduct;
- the Secretary General to be required to ensure that risk management and other internal controls are in place so that public funds are safeguarded; functions are performed effectively, efficiently and economically; laws, regulations and approved policies are complied with; and records and reports are adequate, reliable and accurate; and
- the Secretary General to be given specific responsibility for ensuring that legal advice or opinion is brought to the personal attention of the Minister if it casts substantial doubt on the constitutionality or validity of a statute, statutory instrument or departmental scheme, practice or course of action.” — *Brendan Howlin, Eamon Gilmore, Joan Burton, Emmet Stagg, Thomas P. Broughan, Joe Costello, Michael D. Higgins, Kathleen Lynch, Ciarán Lynch, Liz McManus, Brian O'Shea, Jan O'Sullivan, Willie Penrose, Ruairí Quinn, Pat Rabbitte, Seán Sherlock, Róisín Shortall, Joanna Tuffy, Mary Upton, Jack Wall.*

Leasú:

Amendment:

1. To delete all words after “Dáil Éireann” and substitute the following:

- “ — welcomes the commitment in the Renewed Programme for Government to increase transparency by putting as much information as possible on appropriate Government websites to inform the public of the workings of Government and State institutions, by expanding the Freedom of Information Acts to include specific administrative matters in An Garda Síochána, and by legislating to prevent employers in the public and private sectors from retaliating against employees who, in the public interest, disclose misconduct;
- recognises that legislation already provides for spending limits for local, general, European and Presidential elections and welcomes the commitment in the Renewed Programme for Government to provide for further controls on political donations;
- welcomes the commitment in the Renewed Programme for Government to provide for regulation of lobbyists and notes the need for appropriate advancement of this based on the studies undertaken and emerging international experience;
- welcomes the commitment in the Renewed Programme for Government to introduce a

- more open and transparent system for appointments to public bodies;
- welcomes the commitment in the Programme for Government to extend the provisions of the Code of Conduct for Civil Servants in relation to the acceptance of outside appointments and of consultancy engagements following resignation or retirement to all public servants in designated posts so as to ensure that they shall not within twelve months of resigning or retiring from the service:
 - accept an offer of appointment from an employer outside the Civil Service where it is deemed to create a conflict of interest; and
 - accept an engagement in a particular consultancy project, where the nature and terms of such appointment or engagement could lead to a conflict of interest, without first obtaining approval from the Outside Appointments Board;
 - welcomes the Government's tabling of a Dáil reform package aimed at improving the efficiency of the Dáil's procedures, the relevance of the Dáil in terms of addressing issues of topicality and concern to Members, and the family-friendly nature of Dáil sitting times, and acknowledges the effort by Government to achieve a consensus on this reform package;
 - highlights the comparative analysis carried out by the Houses of the Oireachtas Commission in its 2009 Annual Report which shows that the Oireachtas 'performs well when benchmarked against other national parliaments in terms of total sitting days and sitting hours';
 - notes that measures have already been put in place to improve the budget process, including the introduction of a unified Budget and the development of Annual Output Statements, and that a range of appropriate structural reform measures will be put in place in the context of the forthcoming Four Year Plan to improve performance budgeting and the Estimates processes; and
 - notes that there are already ample provisions in the Public Service Management Act 1997 to allow a Secretary General or Head of Office to:
 - manage the Department/Office, implement Government policies appropriate to the Department or Office, monitor Government policies that affect the Department/Office and deliver outputs as determined with the Minister of the Government having charge of the Department/Office;
 - provide progress reports to the Minister on the implementation of the Department's Strategy Statement annually or at such intervals as the Government may direct;
 - provide advice to the Minister on any matter affecting or connected with the responsibilities of the Department/Office;
 - ensure that the resources of the Department/Office are used in a manner that is in accordance with the requirements of the Comptroller and Auditor General (Amendment) Act 1993; and
 - assign responsibility to other officers of the Department/Office." — *An Taoiseach*.