



SENATOR  
MICHAEL MCDOWELL

19<sup>th</sup> December, 2018

Dear Taoiseach,

I have pleasure in enclosing the Report of the Seanad Reform Implementation Group which includes the draft Bill to implement the Group's recommendation.

**New Voices And Perspectives In Our Parliament**

The reforms recommended in the Report and embodied in the Bill offer the Irish people a very real opportunity, without any constitutional amendment, to bring new perspectives and transformative voices into our legislature.

The Seanad has important constitutional functions, including acting as a check and balance on the exercise of governmental powers, not least in relation to dilution of Ireland's vetoes at EU level.



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But the original concept of complementing Dáil Éireann, an elected house of representatives elected in multi-seat geographical constituencies, with a Senate comprising members chosen to represent different perspectives on national life – Cultural and Educational, Agriculture and the Natural Environment, Voluntary Social Activity, Labour, and Industry and Commerce – is arguably as valid and important now as it ever was.

Reforming the way in which Senators are chosen so as to bring men and women with expertise and experience in those areas whose voices would otherwise not be likely to be heard in a largely party political parliament is now within our grasp.

### **The Seanad Will Not Be A Rival Dáil**

Seanad Éireann was never intended as a rival chamber to the Dáil.

The very fact that Dáil Éireann can over-ride the Seanad after 90 days on legislative matters itself demonstrates that there is no need for the Seanad to be permanently in the effective control of the Government parties in the Dáil.

Indeed the last two years has demonstrated that the Seanad can and will perform its functions without being under the control of the Dáil and without causing any significant problem for the proper running of our parliament.



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## **The Principle of Voluntary Registration**

The Manning Report, the implementation of which is part of your Government's programme, is based on the proposition that citizens can voluntarily choose to be included as voters on the register for any panel.

Just as NUI and TCD graduates can voluntarily choose to be voters on the two university registers in existence at the moment, all citizens will be able to decide that they wish to be similarly registered as voters on one of the five vocational panels.

Of the 43 senators elected on the vocational panels, the Report recommends that 28 would be directly elected by citizens in this way, while 15 would continue to be indirectly elected by public representatives, namely TDs, outgoing Senators and local authority members.

In this way, the majority of the new Seanad (33 senators, including 28 on the vocational panels and 6 on the higher education panel) would be elected by citizens, while 15 would be chosen by public representatives, and 11 nominated by the Taoiseach

These methods of election have been tried out and work well for the existing university seats and for the existing vocational panel seats.



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## Practicality

Postal voting which is mandated for Seanad elections by the Constitution is entirely practical. Since postal votes will only be sent to voters who have voluntarily registered (as is the case in the existing university seats), there is no question of millions of postal votes being issued to voters having little or no interest in the Seanad election.

As far as expense is concerned, the costs involved in giving a postal vote to those citizens who voluntarily register will be significantly less than the present cumbersome registered post system for the university seats. Ordinary post will be used in future and the cost will be reflected in increased revenue for An Post, a service which can do with such increased activity.

Likewise, since Irish citizens resident outside Ireland will have to voluntarily seek registration as voters on the basis of being passport holders, there is no likelihood of some massive or overwhelming imbalance on the register. International experience, on which the Group took expert advice, shows that voluntary registration by expatriate citizens has a low uptake.



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## **The Higher Education Senators**

As you will see from the Report, there was no unanimity in the Group on the issue as to whether there should be one large higher education 6 seat constituency or three panels representing grouped institutions. A majority favoured a single constituency.

However, I note that you indicated recently in the Dáil your own preference for a number of smaller constituencies. The Group considered alternative texts to enable such an outcome to be implemented which are available.

## **The Next Steps**

As I explained to you before the Group was formed, I believe that the Bill should be introduced in Dáil Éireann rather than in the Seanad.

The reform of the Seanad is not a matter best left to the initiative of the unreformed Seanad but is a matter on which the will of the people as expressed through the Dáil should be ascertained and implemented.

In that way, the long-needed process of reforming and improving the Seanad as a chamber of the Oireachtas will have the greatest chance of speedy implementation.



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As the Bill itself recognises, the full implementation of the reforms will require significant lead-in time in terms of preparing the electoral registers and administrative infrastructure.

That suggests in turn that the Bill should be brought before the Dáil as soon as may be.

Finally, I would like to acknowledge the excellent work undertaken by legislative drafter Dr. Brian Hunt and to thank Síle de Burca and Amanda Reilly of the Secretariat for their immense commitment to the work of the Seanad Reform Implementation Group.

Yours sincerely

Michael McDowell  
Chairman