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Subject Seanad Reform Submission from
Brendan Ryan (Senator
1981-1993, 1997-2007)

Reforming Seanad Eireann

Submission from Brendan Ryan

Senator 1981-1993, 1997-2007

Leader Labour Group Seanad Eireann 2002-2007

The Seanad does not need any further powers. What is needed are operational and other changes to ensure that its existing powers are exercised to the full and cannot be ignored/frustrated by government.

To ensure that, it would be necessary to minimise the opportunities and therefore the inclination to use a position in Seanad Eireann as a stepping stone to the Dail. As long as most members see the Seanad as no more than a necessary transition on the way to the Dail, and as long as successive governments treat it as no more than a breeding ground for TDs the Seanad will not be taken seriously by government. Instead membership of the Seanad should be seen as a valuable participation in the national parliament based on the value of the House and not as a step on the way to the Dail or a consolation prize for lack of success in Dail elections.

I suggest the following:

1. The introduction of legislation to regulate the conditions under which the Taoiseach nominates his/her 11. This would specify that the nominees would be representative of selected elements of society, with a particular emphasis on groups that are under represented in both the Dail and Seanad, and with a requirement of some level of gender balancing. It is impossible to eliminate party political considerations from politics but such legal obligations would force Taoisigh to consider a lot more than party political interest.
2. Legislation to ensure that Dail and Seanad elections be held as closely as possible to each other, sufficiently close to ensure that candidates can only run in one or other of the elections. In that regard a requirement to resign from one House in order to seek election to the other House would be both necessary and constitutional. My view is that elections for Seanad Eireann should coincide with those for Dail Eireann.
3. Article 10.1 makes it clear that the manner of election to the various "panels" is a matter for legislation. Legislation should be introduced to provide that such elections are by universal adult franchise on the basis of the Dail electoral register. Each citizen

would be entitled to identify himself or herself with the "panel" wherein he or she wishes to vote. Voters who choose to identify with Higher Education should not have a vote on any other panel. The argument about the alleged complexity of organising postal votes for all voters is no longer valid, given that upwards of half a million third level graduates will shortly be eligible to vote "by secret postal ballot". Extending that to the entire electorate represents nothing more complex than what already exists. It is a moot point incidentally whether the requirement to use registered post for such voting is, or ever was, necessary.

I believe implementation of the foregoing would transform membership of the Seanad. It would ensure that almost all members were there because they wished to be there not because they wished, or had failed in their ambition, to reach Dail Eireann. And of course party political affiliation would continue not be identified on Seanad ballot papers, so the choice electors would make would clearly be less constrained by party loyalties. This dilution of party loyalties has always been clear in the votes of the Universities electorate.

Parties do, however, exist! Many members will identify with and affiliate to political groups (as they are called in the Seanad). And such groups will seek to impose whips. And while many aspects of the whip system are undesirable it is not possible, in my view, to legislate to regulate the organisation of what is an informal grouping. What can be done however is to ensure that as little as possible of the way the Seanad does its business is regulated by or through such groups. Thus the election of Cathaoirleach should be by secret ballot thus ensuring that no whip can be enforced. Likewise where groups have a leader for procedural or other purposes that leader should be elected by secret ballot of the group. If not he or she should not be eligible for the allowance that goes with the post. Similar rules should apply to selection of members of committees, both membership of Seanad Committees and Joint Committees. Clearly this would apply to membership of the Oireachtas Commission.

Groups do exist in Seanad Eireann. Most, but not all, of those groups are members of one or other of the Parliamentary parties. Such Seanad members add to the numbers upon which the Leaders' Allowance is based and the funds are used overwhelmingly for party political purposes. Legislation should be introduced to ensure that the part of the Leaders' allowance attributable to Seanad members should be retained and controlled by the members of Seanad Eireann. The allowance should be paid to each individual directly and he or she should be free to use that as they wish in accordance with the relevant legislation. They may if they wish sign it over to a party leader, if they have one.

However if they lose the party whip they should be free, if they wish, to reclaim the allowance. This is not the current situation where parties are in receipt of Leaders' Allowance funding attributable to members who have long been deprived of, or resigned, the party whip. The legislative provision which provided for this should never have been enacted and should be immediately repealed. The prospect of losing the Leaders' Allowance would ensure, in my view, quite rapid acceptance of a less rigid view of whips and expulsions.

As it stands there is nobody in Seanad Eireann who knows the mind of the government. The Leader of Seanad Eireann is not party to Government meetings, nor has he or she access to government documents etc. It is impossible to understand why, when one or two Ministers of

State are regular participants in government deliberations, when significant numbers of public servants do likewise why the Leader of Seanad Eireann should not have a similar non voting role. It would facilitate communication and would mean the Seanad's concerns would be conveyed to government.

Finally. The Seanad would be helped enormously by a fundamental rewriting of the rules on members' expenses. Expenses should first of all only be paid in circumstances where other employees are entitled to expenses. It is manifestly unjust that Dublin based Senators are paid an attendance allowance while their Dublin based staff are not. Likewise the expenses regime should ensure that members are no worse off because of travel and other obligations. But neither should they be any better off. This means that all expenses, whether for travel, subsistence, or other expenses should be vouched and verified by the provision of tickets, receipts etc. If members claim a mileage allowance for travel then the presence of the member's car in Leinster House should be recorded independently. Absolute transparency should be the requirement.

I have tried to be brief. My proposals are the product of my experience as a member of the Seanad, both as an independent, and as a member of a party. If my proposals were implemented I believe the Seanad would become an institution capable of and expected to contribute creatively and constructively to Irish political discourse.