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Subject Submission to Working Group -

Submission by James Doyle, Male Aged 32, Party membership (Fianna Fail) - views and content my own.

Observations

The Seanad – in its current form – doesn't do the job of a functional legislature. It doesn't carry a mandate to represent the people, nor does it make laws for them. This is not because it's somehow 'lazy' or merely an elitist 'talking shop' – it's because it can't.

In the past it may have seemed sufficient to rely on the Dail to do the representing and the legislating. We got used to the Seanad being a place where idealists could debate and career politicians could position themselves for a return to the Dail. With the Credit Crisis we realised that the decision making systems of state had, in part if not entirely, caused unprecedented damage to Irish people both economically and socially. Things needed to change and change fundamentally.

National Legislative Function: Represent and Legislate

Coming back to the idea of a legislature its important to remember that it's typical (worldly) function is to make laws - laws that represent the interests (not necessarily the desires) of the people. Two jobs: Make laws and represent. In Ireland there are two chambers: Dail and Seanad.

One, the Dail, (theoretically - in practise the Government at times dictates) makes laws. What the other, the Seanad, does isn't entirely clear to many people. Do either represent the people? If representation is determined by electoral base then yes, the Dail at least represents the voting decisions of the people. Every citizen of voting age can vote directly for one or more candidates to the Dail. The Seanad is a far more complex and indirect representative body. Only Graduates of TCD and NUI have a direct vote on its membership.

Parliamentary Motivations

Let's focus for a moment on interests and desires. Leaving aside the well documented commentary of others on what precisely motivates Dail deputies in voting on legislation let me highlight the following general observations on our primary law making chamber:

- a) Dail's entire membership is voted in on solely geographic constituencies.
 - b) TD's divert great energy into pushing matters of local interest and, on occasion, have voted on national issues in exchange for promises benefiting their local county constituency.
 - c) The Whip system marshals the Government and Opposition into homogenous positions when voting on legislation. Not alone are individual contributions from the floor often washed away by party-lines come voting time, often it transpires that they never see the light of day with TDs being pressured to toe the party line and keep their hopes of promotion within government or party structures alive.
 - d) Government majority ultimately drives the agenda of 'law-making' which reflects democratic principles in theory; however the effect of this approach (if exercised relentlessly by guillotine-ing debate and controlling speaking right allocation) is to stifle debate and weaken opportunities for alternative and bi-partisan solutions to law making.
- By contrast our Senators, those that are elected (not appointed) are elected from non-geographical constituencies: Panels reflective of Irish life (at least at some earlier point in

our history) and graduates.

The positive consequences of this heterogeneous body (the Seanad) is a broad spectrum of views, less obedience to party political priorities and undivided attention on national law-making as opposed to local administration. It's a pity its contribution does not carry nearly as much weight on the statute book.

My proposal:

1. Reduce the number of Senators to 50 (In tandem with a reduction in Dail seats to 100 - outside terms of reference of Working Group I acknowledge - rationale being to balance on 1:2 basis the primarily geographically mandated votes of Dáil Éireann with the primarily national issue mandated votes of Seanad Éireann.)
2. Senators to be elected from a national (or failing that, economic/social panels revised to reflect today's society) constituency. It is crucial that geography (and in particular - local geography) is not the electoral basis.
3. Open the vote to every citizen of voting age in the country. Consider a vote for the diaspora (This could be a feature unique to the Seanad?).
4. Remove the Councillor voted seats, the Graduate 6 and the Taoiseach's 11 nominees.
5. Apply PRSTV (if that system remains for the time being as our constitutional means of voting) with voters capable of voting all the way down the list.
6. Allow Senators a vote (equal in weight under the constitution to those of TD's) on all measures of legislation that come before the Dail.
7. No Whip method shall apply (at least not until such time as the Whip system operating in the Dail is fundamentally reformed and by reformed I would suggest relaxed).

This Citizen's Core Concern

What I am convinced is crucial - and what I attempt to capture with the 7 proposals above - is that:

- i) our country's laws be designed with the nation's (admittedly diverse) interest at the forefront;
- ii) this theory on law making is protected in practise from ulterior and/or alternative considerations of party, parish or personal nature; and
- iii) the maximum opportunity, as is practically realisable, is afforded to not only tolerate (but also promote and engage with) the thoughts, findings and concerns of the traditionally labelled 'dissenter' whether that parliamentary contribution flows from informed concerns on 'figures that don't add up' or some 'issue of social conscious' regarding the rights of patients nationwide suffering from some rare, and unprovided for, physical disability.

Implement through, or Confer with, the People

One final suggestion to the Working Group - if your proposals are a suite of suggested changes, recommend that the Government implement (by referendum or legislation): if they are a useful brainstorm identifying real concerns and possible solutions, recommend to the Dail that a constitutional convention be held with terms of reference you find to be comprehensive.

ENDS..