

## **Green Party/Comhaontas Glas submission of the Working Group on Seanad Reform.**

Submitted on behalf of the party by Dan Boyle, Deputy Leader Seanad Éireann (2007-11)

For the attention of the Chair of the Working Group on Seanad Reform, Dr. Maurice Manning.

Dr. Manning,

The Green Party/Comhaontas Glas is encouraged by the composition of the membership of the Working Group, who collectively represent an impressive collection of experience and wisdom, combined with a shared intent to revitalise and progress the standing and importance of Seanad Éireann. However we are less sanguine about yet another review process, the twelfth initiated by the Oireachtas, the thirteenth when the most recent submission centred around currently serving Senator Katherine Zappone, is included.

While appreciating the Working Group has been given a relatively short time to undertake its review, it seems unlikely that any changes can be made to be put in place for the next General Election. The easiest legislative change, to enact the changes in voting rights for university graduates and changing the representation of University Senators, acting on the 1979 referendum (for which prepared legislation has long existed), would even if immediately enacted by both houses of the Oireachtas be unable to put a new voting register in place in time.

This submission is a compendium of documents that our party has compiled in recent years, ranging from a position paper on keeping The Seanad whilst reforming how it works to help inform the Constitutional Referendum debate in 2013; to written and oral submissions to the Seanad's own committee on reform, chaired by Working Group member then Leader of Seanad Éireann, Mary O'Rourke.

Our views have largely been consistent over the ten year period between submissions. The common themes that inform our beliefs would be

- The need to bring about greater public participation in the processes that elect members to Seanad Éireann;
- The need to bring about greater public involvement in the consultation and decision making processes;
- Making Seanad Éireann the house of the Oireachtas with the responsibility of supervising European Union legislation; and
- Changing the procedures of Seanad Éireann to more fully distinguish its operations from that of Dáil Éireann.

# Green Party Position Paper on Seanad Reform (2013)

## 1 What is the Green Party's position?

The Green Party says "No" to abolition. Given a choice between abolishing the Seanad and keeping the Seanad the Green Party would opt to keep it.

## 2 Why vote "No" to abolition?

The choice in the referendum is difficult because the Seanad as it operates today is in need of reform but the Government is not giving us the choice of reform. We believe that if the people vote "No" to abolition the Government will be forced to rethink its position on reform and reform will follow.

The Government must reform the Seanad. The Seanad cannot reform itself except in a very minor way; the Seanad is actually legally prohibited from reforming itself as it cannot initiate a Bill amending the Constitution.

The Seanad is in need of reform but not abolition.

## 3 What is the Seanad?

The Seanad is one of our two Houses of Parliament. It was created in 1937 by the Constitution. The Constitution provides that the National Parliament (the Oireachtas) shall consist of the President and two houses; a house of representatives to be called Dáil Eireann and a Seanad to be called Seanad Eireann

In other words the Constitution provided that Parliament should consist of two houses; the Dáil and the Seanad. This is known as a Bicameral Parliament or a two chamber parliament.

Bicameralism legislative systems exist all over the world.

The Dáil (or Dáil Eireann) includes the members of the opposition. The legislature is the entire Oireachtas (the Dáil, the Seanad and the President.) The Seanad, like the President, was intended to be one of the checks and balances within the legislature.

In October the Government will hold a referendum on the Seanad. The people will be asked to make one of two choices; to vote

"Yes" to abolish the Seanad or to vote "No" not to abolish the Seanad.

## 4 Why did the Constitution provide for two houses to govern us? Isn't the Dáil enough?

The Seanad was intended originally to do the following:

- To protect the interests of minorities;
- To provide representation for groups or parties not adequately represented in Dáil Eireann.
- To act as a check on the Government;
- To scrutinise legislation initiated by Government
- To bring together experts, knowledge, skills and experience not found in the Dáil
- To provide the people with another opinion; an independent opinion

The Dáil was supposed to watch the Government and the Seanad was supposed to watch the Dáil.

In practice neither the Dáil nor the Seanad function as originally intended. Too many of the Senators recognise party affiliations. The make-up of the Seanad tends to reflect party strengths in the Dáil and this shapes opinions voiced in the Seanad. The fact that the Taoiseach can impose his nominees plus the fact that the whip system imposes party discipline has rendered the Seanad ineffective. Senators will divide into groups supporting and opposing Government business when voting on issues. In practice the Seanad behaves as a mirror image of the Dáil. There is no point in having a Seanad if it is simply a mirror image of the Dáil.

## **5 Why keep the Seanad?**

There are several reasons why we should keep the Seanad. Here are just three of those reasons:

First; Our busy lifestyles

We the people live busy lives; we elect politicians and after that we tend to trust them and hope they will do what they promised us at election time. In the meantime, we go to work, earn a living, pay the bills, rear our children, look after our homes and care for those that need us. Most of us do not have time to keep a check on the Government; to scrutinise legislation and keep track of new laws. In addition many of our new laws and regulations originate in the EU and we the people find it difficult to understand what the EU is up to. Most of us do not want to have to take to protesting in the streets in order to get the Government to listen to us. If the Seanad was functioning properly it would play its part in this oversight function for us.

It would keep us informed and be an active participant in the machinery required to hold the Government to account.

Secondly; the Separation of Powers

Our Constitution recognised that popular political power won by a Government in an election is not enough on its own to constitute a democracy. The Constitution established the following;

- the Executive (or the Government)
- the Legislature (Dáil Eireann which includes the members of the opposition, the Seanad and the President)
- the Judiciary (the Courts)

The Government, the Oireachtas and the Courts are separate organs of the State with separate powers and duties intended to operate as checks on popular political power. Unchecked majority rule can be cavalier, even dangerous; it can become mob rule and crowd out dissenting voices or voices of calm and reason. It can become a dictatorship. A properly constituted Seanad would be an effective check on excessive or abusive power; it would protect the rights and liberties of the people.

Thirdly; Lack of relevant ability and expertise among career politicians

The range of experience of those who enter elected politics is increasingly narrow. At the same time the business of government is increasingly complicated. The interests of the Common Good; the public interest is often in competition with vested private interests and the demands of globalisation. Full time career politicians face powerful lobbying. A properly constituted Seanad would include individuals of distinction from the professions, business, industry, the arts and science and also those whose voices are never heard in the Dáil. They would not be career politicians but they would have significant specialist expertise and speak with authority to full time civil servants.

## **6 So how would the Green Party reform the Seanad?**

We would make four changes namely;

- We would change the mode of election of the Seanad;
- We would change the composition of the Seanad
- We would expand the functions of the Seanad
- We would impose on the Seanad a duty to develop and facilitate participative democracy

## **7 The nomination of candidates and the mode of election of the Seanad**

In order to enable the people (rather than political parties) to take ownership of the Seanad members of the Seanad should be elected by the people in direct elections. The franchise should be extended to the general public. The people are sovereign. However, if you have direct elections by the people to a national constituency the Ballot paper would be very long. We would reduce the size of the ballot paper by dividing the country into, say, four regions; maybe the traditional European Parliament constituencies.

Senators should not be parochial, concerned with their electoral base, sensitive to local electorate pressure. They should focus on the national constituency.

Constituencies that are much larger than those for Dáil elections would help diminish parochialism.

A reformed Seanad will provide for the representation of views other than those of the political parties and professional politics. It must therefore be easy for non-party people to receive a nomination to contest Seanad elections. Voters should be able to choose their representatives from within as well as between parties. The Green Party feels that the system to elect the Seanad should be different from the system used to elect the Dáil. A List system could be structured so as to allow voters to choose their representatives from within as well as between parties

It is likely that regardless of what electoral system is used the professional politicians will be best placed to work it. The Green Party therefore feels we should focus on what else we could do in order to try and ensure that a wholly elected Seanad is independent of party political influence and does not present as a mirror image of the Dáil. We feel there should be strict rules and procedures governing selection of candidates for election to the Seanad, for example;

- a. Elections for the Seanad should take place on the same day as elections for the Dáil.
- b. A candidate cannot be a candidate in both Dáil and Seanad elections on the same day. A candidate must choose between the Seanad and the Dáil.
- c. No outgoing -Senator should be allowed stand in the election for the Dáil that immediately follows the Senator vacating his seat in the Seanad.
- d. The job of the senators should be specific and include important duties, for example the duty to keep themselves informed, to contribute to debates in the Seanad, to sit on Committees and make an independent contribution to the scrutiny and revision of legislation.

## **8 The composition of the Seanad**

The Green Party feels the nomination and selection of candidates for Seanad elections should aim to correct under representation of particular groups in the Dáil, including women and ethnic minorities and lack of specialist knowledge and expertise in the Dáil. The Seanad should have the ability to speak with the authority of expertise and experience when necessary.

The Seanad will not have blocking powers. It will not be a threat to the Dáil's popular mandate. It should therefore be free to include dissentient voices. This is particularly important in Ireland where there is little ideological difference between the three main political parties. A reformed Seanad would aim to remedy the complacency, pervasive assumptions and group think identified by the Nyberg Report as being at the heart of Irish Public policy and discourse.

A reformed Seanad should attract people that are minded to do public service but do not want a career in politics. It would enrich the discourse in Irish society

## **9 The functions of the Seanad**

- The Seanad should retain all its existing constitutional powers; see no. 4 above
- To provide considered and independent revision of legislation.
- To provide considered and independent PREVIEW of legislation using the hearings that took place on Abortion legislation as a template
- The Seanad should not have blocking powers; it should not have an absolute veto over legislation; it should have power to delay only; to give a second opinion; to suggest amendments. The Seanad must not challenge the existing constitutional powers of the Dáil.
- To work with the Dáil to facilitate Scrutiny of European legislation
- MEPs should be encouraged to make regular presentations in the Seanad. The Seanad should be the vehicle that connects the Irish people with the EU.
- To hear members of the public; to give members of the public access to a hearing in the Seanad
- The Seanad should be OBLIGED to facilitate on-going participative democracy between general elections. It could do this by organising citizens' assemblies. The Seanad should be obliged on at least one occasion during its term of office to call an assembly using as a template the Constitutional Convention set up by the government to review provisions in the constitution. These assemblies would focus on the long-term ambitions and plans for our nation and its children. These assemblies would not be defined or confined by political promises or electoral cycles. They would deliberate on big national issues, for example
  - Climate Change
  - Prosperity without Growth
  - Alternative economic policies
  - Globalisation
  - Our Education system
  - Our Social Welfare system

## **Green Party / Comhaontas Glas Written Submission to The Seanad Committee on Procedures and Privileges meeting on Seanad Reform (2003)**

- The Green Party / Comhaontas Glas strongly supports the continuation of Seanad Éireann as a fully functioning House of the Oireachtas. Its role as a revising chamber could be enhanced, but the central constraints restraining the Seanad from dealing with financial resolutions, and being able to amend but not frustrate legislation that has the approval of Dáil Éireann, should in our opinion remain.
- Part of the necessity to enhance powers of the Seanad could be linked to introducing a parallel committee system in the House. Joint Oireachtas Committees meet infrequently and are not successfully examining the numerous issues of public concern that cannot be sufficiently addressed because of the lack of parliamentary time.
- Introducing a strongly based and resourced committee system for the Seanad would involve the House meeting more frequently. While there would not be a need to directly parallel the sittings of the Dáil, Seanad Éireann should meet at least as frequently as the Dáil.
- When the subject of Seanad reform is raised its subtext invariably involves debate on the question of its composition, and more particularly on the method of election/selection of its members. While agreement exists that the multiplicity of mandates (or lack of) that are currently found in the Seanad is unsatisfactory, no consensus has yet been found as to how this selection process can be improved.
- What should be recognised is that as far as the general public is concerned, there is little or no affinity with the workings or indeed the existence of Seanad Éireann. The Green Party / Comhaontas Glas believes that this indifference can be linked to the lack of any large degree of public participation in the Seanad's membership selection process.
- There is no doubt that some logic has accompanied the labyrinthine processes that have evolved surrounding Seanad membership selection procedures. Arguments can be advanced for each of the current methods of selection that will talk of the success in gaining some parliamentarians of high calibre, of helping to provide government stability, and of gaining more widespread vocational representation in a national parliament. However, the means of gaining these fitfully achieved goals has been bought through the failure to bring about real democratic legitimacy and accountability.

- The principle of electing Senators through an electorate of public representatives who themselves have been selected by the people is a valid principle and is in existence in several other countries as a means of electing parliamentarians to a second chamber of parliament. In Ireland difficulties arise because of the limited size of this electorate and the fact that those who are entitled to vote vary widely in terms of the democratic legitimacy that each holds in their own right.
- Outgoing senators, some of whom have been appointed, the rest of whose electorates vary in size from 1,000 to 25,000, have a weight equal to that of members of the Dáil who at least are elected proportionately, and each represent approximately 20,000 people in the general election. The distortion is compounded by the vast bulk of this electorate being made of members of local authorities who are not elected proportionately. The bias of local authority membership towards sparsely populated areas and against large urban authorities has produced a Senate electorate that is far from representative of the nation as a whole.
- A vivid example of this can be seen in the current membership of Seanad Éireann, where four Senators are from the Dáil constituency of Sligo/Leitrim, a variance of threefold of what should apply in population terms. This is matched by an under representation of Senators from the Greater Dublin area.
- The use of vocational electoral panels in which this electorate participates, could be said to be born of a desire to achieve the widest societal participation possible, but more crudely could be said to have been informed by prevailing Corporatist principles that helped to influence Bunreacht na hÉireann. The wish to attract into this process potential Senators more representative of civil society than from the conventional party political system has now to be seen to have been a failure. Candidates for the vocational panels have invariably been party political candidates, and successful candidates have come entirely from the party political system.
- The control of the voting process by political parties on the vocational panels that constantly sees votes being traded in blocks, is surely the closest that the Irish political system gets to having Rotten Boroughs. Any reform of the Seanad electoral process has to involve as much distance as possible between this unacceptable state of affairs and truly democratic system of election.
- Despite the diligence of the office of the Clerk of the Seanad, in ensuring that potential candidates conform to the panel categories, the distinctions are becoming more and more blurred. Whatever logic the weighting of the panel once had now seem lost in the mist of antiquity.

- A method of addressing some of these anomalies would be to establish wider electorates in each of vocational areas, comprised of active participants. While a wider electorate would help in terms of democratic acceptability, modern society is now multi-faceted and multi-skilled, individual voters could justifiably seek a vote on more than one panel, while other citizens could find themselves without a vote. This would dilute any likely democratic benefit.
- Likewise where the existence of the University Senate constituencies may have once had logic, it cannot be denied that Senators elected through these constituencies have been among the most effective that Seanad Éireann has had. That said the Green Party / Comhaontas Glas believes the ability to vote based on educational qualifications can no longer be justified on democratic grounds. Successive governments have shrunk from the challenge of dealing, through legislation, with the contradiction that has followed the 1979 constitutional amendment to allow for an increase in the numbers of third level graduates entitled to vote in Seanad elections, and to re-order the university constituencies accordingly. While non Trinity and NUI graduates may have felt discriminated against since then, the Green Party/Comhaontas Glas believes that addressing this discrimination is less important than working towards creating a Seanad that has the widest possible democratic involvement in its electoral process.
- The ability of the Taoiseach of the day to appoint close on 20% (11 senators) of the membership of the Seanad is the greatest anomaly in its composition. It is an example that isn't repeated in any second house of any other functioning democracy. It is a practice that should be consigned to the dustbin of history at the soonest possible opportunity. Outside of the appointment of one or two Senators after each election, usually to give a Northern Ireland representation, most Taoiseach nominees have been party political appointees. Traditionally these have been those seeking compensation for electoral defeat, coming young hopefuls being given preferment, or increasingly disproportionate places being given to smaller parties who are part of Dáil coalition arrangements.
- Such has been the behaviour of all governments, of all compositions. Any changes in the structures and to the powers of the Seanad would require an appropriate change in political behaviour. All political parties would need to recognise that the Seanad is not some perverse political combination of a crèche and a retirement home.
- There is no need for a contrived majority in a second house that does not deal with financial resolutions, and can only frustrate but not stop government legislation. A second house with a different composition would not damage a government Dáil majority, and may become an additional check and balance within the system.



- The Green Party / Comhaontas Glas would propose that Seanad Éireann should be elected by an election of all Irish citizens voting from a regionally based list system that can possibly coincide with European Parliament constituencies. We believe that list systems would have the advantage of encouraging a wider type of representation, by insisting on the inclusion of younger people, women and representatives of minority groupings in society, in order of priority to be determined by political parties. This would be a mechanism that would at least give such underrepresented groupings better opportunities to become more appropriately represented within the political system.
- Arguments against a list system that such a system would militate against independents and regional groupings, does not hold up with the European experience where lists centred around prominent individuals and regional political parties have operated quite successfully.
- Moving to a broadly based system of election for the Seanad also gives the opportunity of offering electoral rights and participation to two groups of Irish citizens who have been prevented from being able to fully contribute to Irish political life – Irish citizens in Northern Ireland and Irish emigrants elsewhere in the world, who can and should participate in Seanad elections. Constitutionally there is no impediment to allow such participation. The only constitutional requirement is that voting in Seanad elections can only be conducted through postal ballot. Already Irish citizens who live abroad and are entitled to vote in the university constituencies can vote, and do vote by postal ballot. It would require little additional change to apply this principle to all Irish citizens.
- The Green Party / Comhaontas Glas would propose that of the sixty seats in Seanad Éireann; fifty-two seats would be elected from regional lists (European Parliament seats increased by a factor of four); four seats would come from a Northern Ireland list; and the remaining four seats would be voted for by Irish citizens throughout the world.
- Other than constitutional changes abolishing electoral panels, university constituencies and the Taoiseach's right to appoint to the Seanad, the Green Party / Comhaontas Glas would argue that the right to be elected to either House of the Oireachtas should coincide with the right to elect people to either house. In other words citizens, who are eighteen years of age or over who can vote for members of either House should themselves have the right to be elected from the age of eighteen.
- The Green Party / Comhaontas Glas would also argue against elections for Dáil Éireann and Seanad Éireann to be held in close proximity to each other. If elections for Seanad Éireann were held during the mid term of the life of a Dáil term, it could prove another useful check and balance within our political system.

- The further constitutional provision enabling, but restricting to one, a Senator being a member of the Cabinet should be re-examined. An active Seanad could provide a number of cabinet members, but certainly no more than five. More importantly a number of Ministers of State could and should be appointed from the Seanad, in order to oversee the government's legislative programme.
- In summation the Green Party / Comhaontas Glas supports
  - The election of Seanad Éireann through regional lists, that allow for representation for members from Northern Ireland and representatives of the Irish community throughout the world
  - Encourage the establishment of electoral lists with required listing of young people, women, and members of minority groupings
  - Increase number of Seanad only committees
  - Increase number of Seanad sittings
  - Allow for better potential Cabinet membership from the Seanad
  - Directly appoint Minister of State from within the Seanad membership, to oversee government legislative programme
  - Hold Seanad election at mid term of Dáil life
  - Constitutional change to allow those from 18 years of age to be elected to the Houses of the Oireachtas

## **Green Party / Comhaontas Glas Oral Submission to The Seanad Committee on Procedures and Privileges meeting on Seanad Reform – September 17<sup>th</sup> 2003**

Witnesses: Deputy Dan Boyle and Councillor Mary White.

**Chairman:** I welcome the representatives of the Green Party, Deputy Boyle and Councillor White, to the sub-committee. We have a Senator Mary White, but there is only one Mary White in the Chamber today. As Deputy Boyle will be aware, the sub-committee is an all-party committee comprising Senators Dardis, Brian Hayes, Ryan and O'Toole. We have already read the submission. The delegation has half an hour to give us a synopsis. Senators Brian Hayes and O'Toole will then ask questions at the end of the presentation, but we will all chip in. Members of the sub-committee have absolute privilege, but non-Members only have qualified privilege.

**Senator O'Toole:** Deputy Boyle has full privilege.

**Chairman:** Yes, as a Member of the Lower House.

**Senator Ryan:** Deputy Boyle can libel me away.

**Deputy Boyle:** Thank you, Chairman. We appreciate the opportunity to make an oral presentation to the sub-committee. It is our intention to make a short initial presentation and invite questions afterwards. Our submission outlines much of what we want to say. To put a context on our presentation, we represent the Green Party candidates for the past three Seanad elections. The submission is based on personal experience as much as the party's view of the institution of the Seanad. I will go through the main points and Councillor White will then talk about the process of being a candidate for the Seanad, from her perspective of previous Seanad elections, and how effectively Seanad Éireann is fulfilling its role in achieving a gender balance in terms of political participation in the Houses of the Oireachtas.

The Green Party - Comhaontas Glas strongly supports the idea of a bicameral legislative process. As constituted, the Seanad plays a valuable role as a revising Chamber. In whatever manner reforms are put in place, it is important that there is a second Chamber to allow all legislation to be properly considered. In terms of Seanad reform, we identify - it is up to the sub-committee in its deliberations to decide whether it agrees with us - a major problem in public identification with the Seanad as an institution, its role and potential to achieve societal change. The reforms we propose might help to turn this around.

One of the difficulties with the Seanad comes about largely because of its electoral process. We argue that the Seanad represents a combination of how second Chambers are elected throughout the world. There is a nomination approach and the approach of being elected by people who themselves are elected. There is no general public election outside of the universities, which electorate is itself qualified by an educational qualification. For the Seanad to achieve identity with the public, it should be opened up totally or as far as is possible in terms of being a publicly elected and accountable body. There are examples of second Houses that fulfil that principle, the Australian Senate being one.

We are suggesting a particular voting model that would be based on the European Parliament constituencies which are subject to change. Multiplying the 13 seats we have in the European Parliament by four would give 52 of the 60 seats in the Seanad. We further propose that the eight remaining seats would be filled by a combination of four Irish citizens living in Northern Ireland who choose to participate in a direct election and four Irish citizens living outside the island of Ireland to allow wider representation. In general terms, that is how we see the electoral system to the Seanad being changed.

Regarding the manner in which the Seanad does its business, we would like it to achieve a sense of equality in terms of how often it meets, how it structures its internal committees and how those committees participate in processing legislation. By achieving that type of parity, the Seanad would become more effective as a House of the Oireachtas and achieve the public recognition that is currently seriously lacking. These are the bones of our submission.

**Ms White:** It is a great honour as a former candidate in Seanad elections to be here as part of the submission from the Green Party - Comhaontas Glas. I wish to give a personal view of how I feel the Seanad affects a candidate and how it might be reformed.

Apart from seeing the wonders of the Irish countryside, which I did in depth, I really felt being a Seanad candidate was so disconnected from the real world that it had to be changed. This is particularly the case for the smaller parties. Candidates from small parties know they are on a loser from the start as they try to canvass support from the larger parties. That is the reason the Green Party is coming to this issue in terms of reforming the electorate, which is important from a small party's viewpoint. As a former candidate, I found it incredibly interesting to meet all 900 councillors and hear their diverse views. The fact was, however, that they were more interested in getting their party colleagues into the Upper House than in engaging with me as a member of another party. If the electorate could be widened out, it would be much more beneficial to the public.

Yesterday's radio vox pop in which eight people were asked about the Seanad was timely. Six of the eight did not know what the Seanad was and some even went so far as to ask if it was part of folk history.

**Senator O'Toole:** It is part of folk history.

**Ms White:** We will be able to say it is part of folk history if we do not update the manner in which we elect people to this august Chamber.

**Chairman:** It is a mystery.

**Ms White:** We must ask how candidates can engage with the public. The Green Party wants the electorate to be widened. We want the Irish diaspora to have a vote as part of Seanad reform. As a woman candidate, I would like to see more women elected to the Upper House. If anyone read the National Women's Council report on where women are going in Irish public life - be it politics, business or whatever - we are still very low down the pecking order. We would like to see as many women as possible being appointed to public and commercial positions and boards of State bodies. If the reform of the Seanad was to allow disparate groups to be represented and change the form of the electoral panels, it would be a step in the right direction. Before I hand back to Deputy Boyle, I am very sorry that I am not a Member of this Chamber.

**Chairman:** It would be interesting if Councillor White was a Member. I recall the day of the count because there were two Mary Whites. Councillor White did remarkably well. I wondered how much misadventure in the vote giving had arisen because of you both having a similar name. One cannot quantify those things but of course one thinks about them.

Senator Hayes will be the first member of the sub-committee to put a question.

**Senator B. Hayes:** I welcome the representatives of the Green Party. I thank Councillor White and Deputy Boyle for the thought that their party has put into this presentation. Councillor White should not be so hard on herself. She did very well at the last Seanad elections. She actually got twice as many votes as the number of her party councillors would have indicated.

**Deputy Boyle:** Four times as many.

**Senator B. Hayes:** As it was four times as many, that proves that some of the councillors from parties other than her own were listening to her. She should not be so hard on herself.

It must be a matter of significant frustration to the Green Party, which made a significant breakthrough in last year's Dáil election and which has significant popular support in the country, that none of the 60 Senators is a member of the Green Party. The delegation might articulate that frustration further.

Why has the Green Party not made the breakthrough? Democratic Left, a smaller party in terms of total number of votes it received, managed to get one person elected. The Progressive Democrats, a small party, got two people elected in 1992.

One of the Green Party's ideas is the notion of a mid-term election whereby the Seanad election would take place at the same time as the local and European elections. The Green Party is probably aware that the European Parliament has a negative view about holding a number of elections on one day. Does the Green Party think that adding another election would create more confusion, particularly if, in effect, there would be a Seanad election based on the European constituencies?

Deputy Boyle referred to the fact that Irish citizens in Northern Ireland should be entitled to vote but that would preclude over one million Unionists. Is that the Green Party's intention? If so, only Nationalist members would be elected. Has the Green Party any further views on this issue?

**Deputy Boyle:** On the first question, yes, we are frustrated. The fact that in 1992 there was a breakthrough for both the Progressive Democrats and Democratic Left had much to do with the Green Party itself. That was acknowledged by all of the smaller parties at the time.

In terms of our local authority membership, we fish in a very shallow pool. We must appeal to independent local authority members and strengthen the geographical ties of our candidates to maximise our vote.

We have done relatively well in all three elections. In 1997, because I was an inner panel candidate I came quite close to being elected for one of the three seats kept for the inner panel on the Industrial and Commercial Panel. I was the fourth candidate on that particular panel. Given the current configuration, that is the only route we would have into Seanad Éireann, other than the Taoiseach honouring us with a number of nominations after a general election. We will see what will come out of this.

**Senator B. Hayes:** Maybe one day.

**Deputy Boyle:** The idea of a mid-term election will invigorate the political process. It does happen in a number of political systems.

**Senator B. Hayes:** However, the Green Party is not suggesting having three elections on the one day.

**Deputy Boyle:** No. We would argue that the local election should not be held on the same day as the European elections. That was a mistake. However, there could be a tie-in of the Seanad and European elections and the fact that we are proposing a constituency-based list system would fit in with that. It would not cause an overwhelming amount of voter confusion because we would be encouraging people to use-----

**Senator B. Hayes:** What minimum threshold would the Green Party put on such a list system?

**Deputy Boyle:** It has to do with the number of seats in each constituency. There are 12 in one and 16 in the biggest. One is talking about a threshold that would at least be one sixteenth and one twelfth in each of the list areas, which would still be significant. One would still be talking about 3% to 6% of the vote. Therefore, there would be no need for a formal threshold. It would be those who came closest to meeting the requirement of getting one of the 12 or 16 members.

**Senator B. Hayes:** Therefore, the constituency would go from a four seat to a 12 seat constituency and the amount of votes required for an independent or small party to get elected would be significantly smaller than under the current configuration.

**Deputy Boyle:** That would not be a bad thing either. One finds that in second House elections or even Lower House elections where there are regional lists based on regional constituencies, one gets a better representation as a result. People are restricted by needing to be a national political party if there are regional concerns not being addressed by the national parliament. It is not unusual in Irish politics.

**Senator B. Hayes:** Would the party or the individual be on the list?

**Deputy Boyle:** All list systems are based on the fact that there are registered political parties and individuals can form independent lists. It does not change the system one way or the other.

**Senator O'Toole:** What would be on the ballot paper - the names of political parties or of individuals?

**Deputy Boyle:** The lists would be named. There would probably be an Independent Joe O'Toole list as well as ones with the names of the parties.

**Senator B. Hayes:** Would one still vote for a party?

**Deputy Boyle:** One would vote for a list. There is nothing to stop an independent coming up with a list of similar people.

**Senator Dardis:** In the case of registered political parties, the political party name would be on the ballot paper.

**Deputy Boyle:** That is correct.

**Senator B. Hayes:** The parties would select the lists.

**Deputy Boyle:** The parties would have, through their national registration, a right to be on the ballot paper and there would have to be qualification for those who want to go on a regional or constituency list. It is not very restrictive in other systems. I do not see the reason it would be restrictive here.

**Senator O'Toole:** May I tease it out a little? I agree with the thinking that the reason some of us are on University Panel currently is that it is the only way in for independent people. That should be recognised and we should proceed on that basis.

I am not convinced that Deputy Boyle has made an argument for dropping county councillors out of the equation completely. I speak of this as a disinterested party. Is there not also a case for retaining some of that participation in some form or another, and having the geographical list system for this reason? If there is a geographical list system, one is getting a mirror of the second House. It might be a mid-term election but the second House mirrors the first House. It is very much a parallel House. It is a geographical system, it is a party system and the outcome will reflect the configuration to a great extent, although not exactly if it is held at a different time.

Second, is it possible to have a slightly different list system where one would vote for people in the following way: Dan Boyle, Green Party; Joe O'Toole, Independent; Mary White, Independent; etc.? Much of the disconnection to which Deputy Boyle refers is created because of the distance created by large groupings. With such a system, in counting the votes afterwards one could assess how many Green Party members got votes and that would be the process in which the members would be selected. That would be how one would work out the percentages afterwards. The Independent member would be whoever was highest on the Independent list, with the number of Independent Members being determined by the total proportion of votes for Independents.

**Deputy Boyle:** There are list systems which allow one to do that, where one indicates which list one prefers and then the named people within that list. However, one is talking about huge ballot papers where one indicates the order in which one thinks they should be elected. It is a double election as such and it would be complicated.

On the second point of whether elected representatives-county councillors should still be involved, we are arguing against an either/or system. The German system for the Bundesrat is on the basis of regional government being the electorate. The problem with the local authority members largely being the electorate for Seanad Éireann is, as we explained in the submission, that there is such a wide variation in the mandates of the population balance between areas that are largely urban and sparsely populated.

**Senator O'Toole:** One could still manage to have geographical lists for councillors. I am merely teasing this out with Deputy Boyle. I understand the points he made about the fact that there are certain Houses elected by what I call this distilled form of democracy where the first tier elects another higher tier. There must be some argument for it, although I have never been through it. How would Deputy Boyle feel about electing X number that way, also on a regional list but perhaps by the local authority members, and then the remaining in the list system he outlined? Is there a case for such a system? Obviously, we want to hear all the different views on all the different aspects.

**Deputy Boyle:** We definitely think there is a case for it. We think the public should elect the Members of Seanad Éireann totally but recognise that one could come up with a combination where the public element was the largest part. However, our preference is for a totally publicly elected Seanad.

Regarding Senator O'Toole's point about the Seanad reflecting the composition of the Lower House, I do not think that is the experience of Upper Houses in other countries. For instance, the Australian Senate, which is elected on the same day as the other House of Parliament has a vastly different composition from the Lower House.

**Senator B. Hayes:** It has significantly more power.



**Deputy Boyle:** It does. The Australian Lower House is elected on a transferable vote with single seat constituencies. The regional list comes into place for the Senate. Under that system the Greens have more representation in the Senate than in the House of Representatives, although a Green Party Member has recently been elected to the House of Representatives in a by-election.

**Senator O'Toole:** I accept Deputy Boyle's point. Many of the people who vote for me are committed party members. They feel they have done their duty to their parties in the Lower House and do something else in the Seanad. I have looked at this question in other countries. I wanted Deputy Boyle to tell me the reason we should move away and make the argument for doing so. He has done so.

If we took up the Green Party suggestion, we would be moving away completely from the vocational nature of the Seanad. I am not saying that would be a good or a bad thing but I would like to hear the Green Party's view as to the reason it would be a good idea.

**Ms White:** The vocational element is completely out of date now. Our skill base is so much wider than the panels on which we are forced to put our names. The system could be replaced by some form of reaching out to a greater number of groups, including marginalised and disability groups. There are many groups which have not contributed to the existing vocational panels and should be encouraged to participate in some form. I must choose my words carefully and judiciously to express the nature of the current method of getting one's name on a panel. Perhaps not all people on those lists are suited to particular vocational panels. Either the whole notion of vocational panels will have to be scrapped or a whole new system must be introduced in order to reach a wider electorate and to give people a greater chance to elect people to this House. It is up to the sub-committee and the Green Party, in our submission, to come up with ideas. Our submission shows that we want the vocational panels to be reassessed as they are not working. If they do not reach a wider public and are not inclusive of many forms of industry and commerce, they will not bring forward representative people to be elected to the Seanad.

**Chairman:** In the modern sense.

**Ms White:** In the modern sense.

**Senator B. Hayes:** What about the issue of Irish citizens?

**Deputy Boyle:** Whether people living in Ireland consider themselves to be Irish citizens is a question that would have to be asked in drawing up the electorate. Over one million people living in Northern Ireland identify with the idea of Britishness. That does not mean that due to the totality of relationships between these islands and North-South, east-west and internally in Northern Ireland, the vote cannot be offered to everyone living in Northern Ireland who wants to participate.

**Senator Dardis:** Would vacancies which arise be filled from the list rather than by way of by-election?

**Deputy Boyle:** That is how list systems usually work. If one is talking about very large constituencies where one seat might become available, it might not be feasible to have a single by-election. We like to think of ourselves as a party that holds with the idea of having elections as often as possible.

**Senator Dardis:** The Green Party wishes to abolish the Taoiseach's nominees. It does not propose any change in the way we conduct legislation through the House. This raises the question of the Government not having a majority in the Upper House and the difficulties to which that might lead. The Taoiseach's nominees confer an inherent in-built majority on the Government.

**Deputy Boyle:** We do not see that as a problem. Perhaps, as an Opposition party, we would not be expected to. The idea of having Government control of both Houses does not exist in other countries. It does not exist in Germany and I do not believe it exists in Australia. The Seanad is a revising Chamber, not one of veto. It is severely restricted in terms of money Bills, which is what the business of Government is about. Having different complexions in both Houses would add to the political life of the country rather than detract from it.

**Senator Dardis:** Our one experience of having a different complexion on the Upper and Lower Houses did not cause the difficulties many people predicted.

**Deputy Boyle:** No, it worked quite well.

**Senator Dardis:** How would the Green Party propose to address the gender issue?

**Deputy Boyle:** We are not specific in our submission. A guideline should be given to whoever is compiling the list for election that a certain number should be of a set gender and a certain number be of a set age. That should not be prioritised in terms of numbers one, two and three or four, five and six being of a certain gender or age. It has been the Green Party experience in encouraging better participation of women and younger people that it is the opportunity to be candidates that increases representation. We should get away from the idea of forced quotas but one can encourage, through a guideline format, a set number of candidates who are women and a set number who are younger people.

**Senator Ryan:** Deputy Boyle and I have known each other for years. This is a very thoughtful submission although, obviously, I do not agree with some of it. The submission addresses the question of marginalised groups. I am not talking about large groups, such as women, who are under-represented. They have the potential to increase their representation. I am thinking of groups, such as Travellers and the homeless who are, of their nature, marginalised. Has the Green Party any thoughts on how one could institutionalise a way of increasing the chances of such people being involved in politics but which is not at variance with democratic principles? It is my view that the Chamber should remain as powerless as it is. The same degree of democratic proportionality that would be required in the Dáil is not required in the Upper House because it is a secondary Chamber. If one insists on a fundamental system of one person, one vote and each vote being equal, one might end up with the same exclusion of marginalised groups. Has the Green Party thought about this?

**Deputy Boyle:** We have not included anything specific in our submission. However, the same formula that we have suggested for younger people and women could be used, through the auspices of the Equality Authority. We should not get into ghettoising and insisting that one representative should be a Traveller and another should have a disability. One could suggest that one person on a list must be defined as being in one of the groups named in the Equal Status Act. Those putting together party or independent lists could be encouraged to ensure a candidate from each of these groupings is included on the list. This would be a further step along the road of improving that type of representation.

**Chairman:** Deputy Boyle is a little harsh on the system of Taoiseach's nominees and says this system is not repeated in the Upper House of any functioning democracy. He will be aware that Mr. Tony Blair intends to abolish the remaining hereditary peers in the House of Lords and appoint the entire House of Lords, a brazen attempt at what one might call jobbery. I merely point out Deputy Boyle's error.

**Deputy Boyle:** It could be construed as an unfair comment. There is no doubt that members of other second Chambers are nominated. We would say it does not exist to the same degree. We also argue against the House of Lords being considered a democratic Chamber.

**Chairman:** Deputy Boyle did not say that. He said, "functioning democracy", which is incorrect.

Let us assume that the Green Party was part of a package in the not too distant future-----

**Senator B. Hayes:** That is a careful selection of words.

**Senator O'Toole:** I can see it now, Fianna Fáil and the Greens.

**Chairman:** I just said part of a package, I did not say with whom. Let us assume that the Green Party was part of a package which would make up the next Government. Would the Green Party accept nominations to the Seanad from the leader of that Government?

**Deputy Boyle:** I suppose we would be inclined to accept one.

**Chairman:** Fair enough.

**Deputy Boyle:** It is important for all parties which are part of the Government to be represented in both Houses. It is to our disadvantage, as of now, that we cannot oversee all legislation through both Houses. We hope the recommendations of this sub-committee will not need to put us in that position and that we will be elected as of right.

**Senator O'Toole:** The Green Party's submission went into great detail on the importance of getting groups from wider civic society involved in the process. I had expected it to focus more on bridge building to civic society through the workings of the Seanad. The Green Party will have looked at some of the second Chambers around the world and seen that many of them have an in-built system of consultation with groups in civic society as part of the process of legislation. Has the Green Party considered this as a role for the Seanad? In some countries following the First Reading of a Bill, which is discussed in the House, hearings are then held or there is wider consultation with groups from civic society. The Second Stage then comes back into a form of Committee Stage where the issues raised are discussed anew with a view to progressing them. Such a process gives a clear directional input and bridge from some of the groups about which the delegates spoke.

**Ms White:** We would not have any objection to that. If the Senator is talking about focus groups, consultation, think tanks or whatever term he wants to use in order to engage with the greatest number, this is all part of the inclusiveness. Senator Ryan asked how we would envisage engaging with people from disparate backgrounds and the disability movement, asylum seekers etc. We need to be totally inclusive.

I am conscious of the time and want to nail this issue before we go. We are talking about reducing the age at which people are allowed to sit in both Houses of the Oireachtas to 18 years. I know we are talking about young people here, but I want to say clearly that we want to see the age reduced to 18 years. People can get married at that age and drive cars. They can do absolutely anything within the State.

**Senator O'Toole:** That is very clear from the presentation.

**Deputy Boyle:** I have recently returned from a parliamentary delegation visit to Poland. The Senate of the Polish Parliament has exactly that type of system, which I found very interesting. The Committee Stage of legislation involves not only the members of the Senate, but there is also an opportunity for outside groupings to make presentations on Committee Stage.

**Chairman:** Would it not be more valuable to give this input prior to formulation stage?

**Senator O'Toole:** In some countries they have a new stage. For example, in New Zealand they combine both Houses from a bicameral to a single parliament. The process of legislation is not that different from a bicameral one. They have inserted two extra stages, one of which is between Second and Committee Stages when consultation takes place. It is as if there are two consecutive Committee Stages, one involving those groups and the other back in the House.

**Senator B. Hayes:** Following Second Stage, we have the power to conduct hearings, but unfortunately this is not used sufficiently frequently. Many of the problems at the other end of legislation could be teased out were we to find out the response of all of the groups.

**Chairman:** This can take place after Second Stage and before Committee Stage. This would certainly be very valuable because many of the quirks that emerge too late could be considered.

I thank the Green Party for making such a detailed and authoritative submission and thank Deputy Boyle and Councillor White, in particular, who gave us such a vivid account of her visits around the country. Clearly, her points of view and policies had an effect. Getting four times the vote her party's councillor strength would have indicated in the Seanad election, including the transfers she received, was a remarkable achievement. If I may offer a personal viewpoint, I feel she will make it to this Chamber.

**Ms White:** I thank the Chairman.

**Deputy Boyle:** We wish the sub-committee well in its deliberations. We are confident it will come up with the correct proposals.