

Gavan Reilly
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To seanadreformwg@taoiseach.gov.ie
cc
Subject Submission to Working Group on Seanad Reform

To whom it may concern,

Please find below my submission to the Working Group on Seanad Reform. I hope my submission can be accepted as within the deadline of January 30.

With the exception of the first suggestion below (which would require legislative change), I believe each of my submissions could be achieved through reform of the Seanad's standing orders and therefore without need for legislative change.

Please feel free to contact me if I can be of further assistance with regard to the suggestions below.

Kind regards,
Gavan Reilly

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Legislative change:

1. In accordance with Article 18.10.3' of the Constitution, consideration should be given to legislative change so that vacancies in the elected membership of Seanad Éireann may be filled (where applicable) by a candidate nominated by an authorised vocational body, in like manner to the seat so vacated, or through public nomination wherein a citizen can be put forward for candidacy through a public petition requiring a nominal number of signatures.

Change through Standing Orders:

2. Consideration should be given to amending Standing Orders so that the chamber sits for more regular hours on each day of session, but so as to minimise overlap with significant events in Dáil Éireann. For example, attention should be given so that Order of Business is not disposed of at the same time as Leaders' Questions in the Dáil. This would serve multiple purposes, including potential media exposure of the Seanad's Order of Business, but also ensure that members of the Seanad are not left unaware as to the issues that have been raised during appropriate Dáil sessions.

3. Notwithstanding the Constitutional provision that the government be responsible to Dáil Éireann, it is already the practice that Ministers allow themselves to be responsible to Joint Oireachtas Committees which are equally the creation of the Seanad as the Dáil. In this light, consideration should be given to adopting a Dáil-like system of Ministerial Questions - perhaps staggered so that ministers appear in either House once every two or three weeks, rather than the current arrangement which means Ministers are only available for oral question once in every five sitting weeks.

Similarly, consideration should also be given to allowing Senators the right to table written parliamentary questions in the same manner as TDs.

4. Procedures were recently adopted in the Dáil, where a Deputy raising a Topical Issue can opt to defer that issue until an appropriate line minister is available. Similar consideration should be given to the comparable Commencement Matters session in the Seanad so that relevant matters are not simply disposed of by a non-responsible minister who is unable to properly deal with supplementary questions that may be put.

5. Notwithstanding the existing Oireachtas Petitions committee, consideration should be given to allowing Commencement Matters be raised by public petition, perhaps through a

system where a nominal minimum number of members of the public are required to sign any such petition, in tandem with a member of the Seanad to act as its 'sponsor' and to speak on its behalf in putting questions to a minister.

This could increase the relevance of the Seanad to the broader public by allowing issues be raised which might not, otherwise, be given a forum within the Houses of the Oireachtas - and to elicit a response from an appropriate minister.

6. Given the number of motions tabled by members which are never disposed of, and which lapse because they have been on the order paper undisposed of for more than 12 months, consideration should be given to:

(a) Extending the provisions of Standing Order 27 so that motions do not lapse so soon, in particular because sitting hours are regularly so limited

(b) Allowing a second regular weekly session of Private Members Business so that as many motions can be disposed of as possible.

Further, consideration should be given to allowing groups to split their allotted two hours of PMB among multiple issues so that further items can be disposed of.

7. When sitting in Committee of the Whole Seanad, consideration should be given to limits on the time that each member can speak on each amendment (say, 10 or 15 minutes) - perhaps left to their own discretion as to whether this is split across multiple contributions. This would not compromise each member's ability to speak, but would encourage members not to engage in circular or repetitive arguments.

8. Consideration should be given to merging Committee and Report Stages of legislative passage. This would reduce the prospect of circular debates, particularly when virtually all Committee Stage debates are held in Committee of the Whole Seanad, and eliminate the prospect of circular and repetitive debates. If this proves objectionable, consideration may alternatively be given to barring members from moving amendments to bills at Report Stage which are substantively identical to amendments they have already put at Committee Stage.

9. Consideration should be given to renaming the legislative stages by amending Standing Orders. To the lay person 'First stage' would suggest the first point at which the contents of a debate are considered - which is, in fact, currently 'second stage'.

I would suggest the following changes:

- First stage should be renamed 'introduction';
- Second stage should be renamed 'first stage';
- Committee/report stage (if merged, as suggested above) should be renamed 'amendment stage';
- Fifth stage should be renamed 'final stage'.

Similarly, where possible, consideration should be given to revising the titles of other items of business so that the nature of each debate is more immediately obvious to a lay observer. For example, 'Commencement Debates' could be renamed 'Topical Issues', as is the case in the Dáil.

10. Given the Seanad does not generally formally recognise political groupings or parties, consideration should be given to amending or rescinding Standing Orders 40, 41 and 130. SO40 appears somewhat anomalous in referring to "Government amendments" when the House does not formally have a 'government' side; this principle should also extend to SO41 and SO130, which should perhaps be eliminated so that any majority of parliamentarians can choose to amend any proposal that might arise without the concern of financial impact.

It should be noted that this would not apply to Money Bills, which are constitutionally the sole preserve of the Dáil, and over which the Seanad has no power of formal amendment.

However, eliminating SO41 would stop it from being cited in cases where the bill is not substantively 'financial' in nature, but where an amendment might result in extra resources being required of a state Department or agency.

Similar subsequent references of a 'Government' character should also be considered for reference or amendment to make the chamber as unpartisan as possible, and to reflect its status as being complimentary, rather than competitive, to the Dáil.

11. Consideration should be given to amending Standing Orders, so that potential amendments to Standing Orders do not first require consideration by the CPP or other procedural committees. This is because the limited membership of CPP means a member proposing to amend standing orders may not necessarily have a forum through which to raise their proposal.

12. Consideration should be given to amending SO57 so that, in parallel with the rights of cabinet ministers, Members of the European Parliament may be heard at Seanad debates and discussions without requiring the prior need of the CPP or Cathaoirleach. This is intended so that the roles of the national and European legislatures, while each retaining their own specific legal competencies, can be greater united.

13. Consideration should be given to amending Standing Orders so that, unless the House as a whole shall prior authorise for a stated reason, all meetings of the Seanad CPP shall take place in public session. This is so that fundamental decisions on disciplinary issues, or discussions regarding members considering granting further *ex officio* privileges to themselves, should be performed in public.