

Seanad Reform Working Group

Submission

Firstly I could like to commend and thank the members of the working group for being open to such a wide public consultation, particularly in the context of the commitment to taking account of the eleven reports since 1937 and the submissions made during the recent Seanad referendum.

I am motivated to make this submission for two primary reasons. The first is that I voted to retain the Seanad. I did so not because I believe that the Seanad is an institution that is functioning to its greatest potential but rather that I believe in the potential for an upper house to make a valuable contribution to Irish society.

I draw this belief in part from the many excellent Senators that have come from the university panels who have demonstrably made a contribution to Irish society, from those Senators that I would not agree with who might hold minority opinions that Dáil elections and indeed the party political system does not facilitate the expression of. The university electorate have shown that citizens when voting for the Seanad utilise that vote differently, their focus is different perhaps because concerns about constituency issues are not a consideration.

Secondly I believe that given the history of political corruption¹ in Ireland we need an independent, policy driven, evidence based and politically potent upper chamber. Such a configuration of the Seanad I believe, showcasing the best of political endeavour could begin to restore public confidence in the political system.

I believe that the way forward for the Seanad is for it to structurally be distanced from party political tribalism and Dáil constituency based work. The Seanad can make a contribution not in spite of its consultative nature but by embracing and enhancing it. This can only be done by facilitating its independence from the Dáil.

While the main body of this submission deals with funding to provide a more rounded submission I will quickly outline proposals for change which are in line with the direction that I believe the Seanad should take. Most if not all of these have been put forward in previous reports and submissions, some would require constitutional change and therefore are beyond the remit of the working group. I have included them as I hope that they will add clarity to the direction that I am proposing for the Seanad and aid in any consideration of the more detailed proposals below.

Context

As stated above I believe that the way forward for the Seanad is to reorganise the work structure. To this end the election process should be through universal suffrage for all Seanad seats. The elections could be held in tandem with European and Local election ensuring a 5year

¹ Byrne, E (2012) Political Corruption in Ireland 1922-2010, A Crooked Harp?, Manchester University Press

term and this in turn could facilitate a term limit of one full 5 year term. This would help to facilitate a dynamic chamber.

The electorate would not vote for every panel but would rather assign their vote to a panel of their own choosing.

Again as stated above most if not all of these recommendations have been proposed in a number of detailed submissions and reports on the Seanad. Also the proposal for setting a term limit is arguably beyond the scope of the committee. So these are mentioned here as changes that would enhance the independence of the Seanad and work to provide a context where the electorate would have a more clearly differentiated Seanad and Dáil election.

However I firmly believe that the proposals outlined would have minimal impact on the workings of the Seanad if after the elections the systems and proceedings that largely mirror the Dáil are retained. Therefore it is necessary to realign and substantively support the work of senators.

The proposals outlined below are outlined in the context of a largely unchanged Seanad electoral system but could also be utilised in a reconfigured electoral system.

Funding for panels not for Parties.

It is always disheartening to hear senators in the media or in correspondence referring to 'their constituency' meaning of course the constituency in which they hope to run for the Dáil. The main points of this submission set out below outline a restructuring of the working and crucially the funding for members of the Seanad to end the mirroring of the funding structures of the Dáil and reallocating that funding to better reflect the role of the Seanad.

I should say that I have no objection to members of the Oireachtas being well paid and supported financially to meet the cost of fulfilling their constitutional duty. However a funding structure in the Seanad which merely mirrors that of the Dáil is not fit for purpose.

By reallocating the travel and accommodation allowance (TAA) and secretarial allowances to reconfigure 'panels' significant cultural change could be achieved.

Organisation of Panels

Currently the five panels from which the majority of senators are elected exist solely for the purposes of Seanad elections. However they should form the framework for the working of the chamber.

Each panel would have provision for 12 senators to include either 8 or 9 senators elected directly from the panel and the remaining 3 or 4 slots allocated to senators from the university panels and the Taoiseach's nominees.

Currently for each senator elected there is provision for 0.25 of secretarial support, to be assigned to the political party of that senator. This support could be assigned to the panels to provide for a 3 person secretariat for each panel to include a panel co-ordinator, research co-ordinator and a panel administrator.

Each panel would appoint a rapporteur for each piece of legislation that comes before the Seanad. The rapporteur in consultation with the panel members would put forward recommended amendments and then all panels come together to agree compromise amendments as in European parliament committees. This would not interfere with any individual member putting forward an amendment if they felt that was necessary.

The final compromise amendments and others would then be debated and voted on by the Seanad with the relevant Minister in attendance.

Travel and accommodation allowance (TAA)

The TAA is a tax free sum paid to senators and TD's in respect of travel and accommodation needs. While there is a clear case for a TD who must serve her or his constituency both there and in the Dáil should receive such an allowance. The case for a Senator with a remit provided through the panel system or nomination by the Taoiseach is limited. The argument against it is that it encourages and facilitates politicians who see the Seanad as a vehicle to election to the Dáil.

Based on 2013 figures the annual exchequer expenditure on TAA is in excess of €20,000 per annum per senator. This funding could be reassigned to fund independent research for each of the panel groupings and individual Senators. This would support more evidence based policy and legislation and empower Seanad members who can feel at times that they are fodder for interests groups and lobbyists.

A portion of this allocation could be provided by each panel to support an international independent research advisory group that would support all research undertaken by Seanad panels.

A portion would be allocated to the panel and this could support medium or large scale research assigned by the panel group.

A final portion would be assigned to individual members to pay for small or medium scale research or independent advice on issues of interest to that member.

Allowances for additional responsibilities payable to Members of Seanad Éireann

There are a number of additional allowances that are paid to members based on responsibilities. In a Seanad configured as above the leaders and whips would not have a clear role and should not be remunerated through the exchequer.

Conclusion

Many members of the Oireachtas and indeed Local Authorities make all payments and expenses public. However for the purposes of this submission I would like to recognise the work

of Catherine Murphy TD² and the transparency of Senator Jillian Van Turnhout³. They were crucial to the development of this submission.

I wish the working group well in its deliberations and hope that some of the above will be useful to you in your task.

² <http://79.170.44.204/catherinemurphy.ie/wp-content/uploads/2012/01/Political-Funding-in-Ireland-October-2012-Web-Version.pdf>

³ <http://www.jillianvanturnhout.ie/wp-content/uploads/2014/11/Declaration-of-Salaries-and-Allowances-for-2013-by-Senator-Jillian-van-Turnhout.pdf>