

Seanad Éireann— a new approach to passing legislation.

A relatively simple switch of the stages in passing a Bill would enable the Seanad to have its own legislative role distinctive from that of the Dail and more in keeping with its potentially more open role under the Constitution. The change would involve no more than a change to Seanad standing orders .

It is generally accepted that, despite competing interests in the crowded stage of parliamentary politics today , the main business of the Houses of the Oireachtas is as a legislature . In that connection Seanad Éireann's role has been accurately described as "more of a brake ,less of a balance" .

Traditionally the Seanad has been seen as the poor cousin of the Dail and invariably has been lumped together with the Dail whenever the perceived ills of executive dominance over the parliament are being discussed, as they frequently are in the context of reform .

The assimilation of both Houses as being perceived of the classic majoritarian or Westminster model does a dis-service to the Seanad to have its own distinctive role as a legislature . In the classic Westminster model the executive is elected/ potentially sacked by and is directly responsible to the House of Representatives. As a result the executive retains tight control over parliamentary business , not least in how legislation is dealt with .

One of the features throughout Westminster –style parliaments is that relevancy for discussing a Bill is set very early in the debate at second stage when the general principle of the Bill is agreed by the House. Subsequent stages where details of the Bill are debated (third or committee stage; fourth or report stages) , any amendments proposed "*must be relevant to the Bill as read a second time*". Thus the scope of amendments can be very confined by relevancy . In the Washington model it is the other way around , in the US House of Representatives for example, the committee stage debate is taken first, allowing input at hearings from interested parties or bodies and the details of the Bill being open to a broad range of amendments with the principle being decided later at the end of the legislative process .

The government however, are not directly accountable to Seanad Éireann and yet the Seanad has the exact same approach to ordinary legislation(non-money) as the Dail. There is no reason why the Seanad could not have a more open approach to amendments along the lines of the Washington model . A more open approach to amending legislation would also dovetail with the pre-legislative scrutiny which was recently adopted into Dail Standing orders in 2014 (after being first introduced on an experimental basis with a Joint Committee on Legislation in 1983 to disappear for the intervening decades until recently when it surfaced again in the run into the Seanad referendum) . In the Dail however, the select committee 's report on the draft heads on the input from interested parties, goes directly to the Minister sponsoring the Bill and may or may not be reflected in the version of the Bill introduced subsequently .

The proposed change for the Seanad would give the pre-legislative scrutiny role to the Seanad which would naturally flow then on to a committee stage discussion when the Bill has been introduced , and there would be a greater opportunity both to have a more informed debate from the input of interested parties or bodies and to amend a Bill in a more open way not confined by traditional relevancy. **Recommendation Seanad Standing orders be amended to (i) allow for pre-legislative scrutiny and (ii) committee stage with amendments to be taken as the next stage and (iii) principle of Bill being decided at the end of the process .**