

Senator Katherine Zappone

Seanad Reform Bill (Quinn, Zappone) 2013

Wednesday 15th May 2013

Introduction

The Seanad is an integral arm of the governance of this country as laid down in our Constitution.

Bunreacht na hÉireann has served the Irish people well.

Though independent Ireland is one of Europe's newest nations, Ireland still has one of the longest traditions of uninterrupted democratic government on this continent.

Abolishing the Seanad will disturb the essential democratic system of checks and balances upon which our Constitution is founded and which, so far, has resolutely stood test of time and change.

Seventy-five separate amendments would be required to abolish the Seanad. Entire articles would be deleted and other clauses, in which the Seanad is of ancillary importance, would have to be re-written. This may have unforeseen negative consequences into the future.

Everybody should be clear that getting rid of the Seanad will remove a number of significant safeguards or checks and balances which underpin the Irish constitution.

The removal of these safeguards could impact negatively on the Presidency, the independence of the judiciary, the sovereignty of our Constitution in the context of EU law as well as the people's right to be consulted on major decisions either by means of a referendum or general election. It is, of course, sensible that the Seanad provides some checks and balances on the power of a Dáil majority.

In particular, a second chamber is a critical safeguard against rushed legislation and I believe it is vital that Seanad Éireann should continue to play a valuable democratic and constitutional role as a revising chamber.

We also need to have serious debate on whether our democracy is served by allowing a transient Dáil majority to impeach a President or a Judge? This is the uncharted and dangerous territory we will be putting our political structures into if plans to abolish the Seanad materialise.

The Seanad – with its in-built constitutional safeguards for the citizens and the State and vital checks and balances – should not be abolished. Rather it should be transformed to meet the needs of a modern Ireland and a working democracy.

This Bill is not however about simply retaining the old Senate. It is about a reformed Senate – a Seanad nua!

The effectiveness of the old Senate was diminished, because it was under-representative of the people, thereby not serving the best interests of the people – both the majority and the minorities.

The old Senate was part of a system that included the Dail, the Cabinet, government departments, political parties and regulators.

It was a system that did not stand in the way of an economic crisis that took away our sovereignty and our confidence and the jobs and prosperity of countless thousands.

We need to recover and strengthen the Seanad's function as a check and balance to the Dáil and to the work of the Executive. It certainly is not a time to abolish a Seanad that has the responsibility in our Oireachtas to exercise these functions.

This is certainly not the time:

- To cut the number of outside voices and expert views.
- To reduce the amount of scrutiny on the laws that affect your lives and mine.
- To license the civil service an even freer-hand to rule without query.

That's what Seanad abolition means.

Instead we need a transformed Seanad –

Because we need to fix the system.

Our Process / How the bill breaks new ground in several areas and that our reforms are based on the terms of the Consultation Paper

At the last election the Irish people made clear their desire for political reform which would ensure that our democratic structures would be more representative, transparent, accountable and effective. We believe a reformed Seanad to be a central part of achieving that goal.

And let's be clear the current proposal to abolish the Seanad is not reform. It is instead a crude assault on a vital aspect of our constitutional democracy. I accept the Seanad is an arm of our democracy that is not working to its full potential, but the same could be said about the Dáil. It is a flawed strategy to proceed with holding a referendum to abolish the Seanad in splendid isolation from the ratification of broader constitutional proposals to reform the Oireachtas, including Dail Eireann.

On Sunday, I was privileged to listen to Professor Gary Murphy, the Head of the School of Law and Government in Dublin City University, and one of the foremost political scientists in this country. I want to read into the record of the House his wise words on the principles that underpin the Seanad Bill 2013 which we are discussing.

Professor Murphy said and I quote “There is a crisis of legitimacy in the Seanad that can be swiftly resolved by extending the franchise to all the citizens of the state and our emigrants. That would be one way of showing that the Irish state cherishes all its citizens equally. As we face into the coming years of centenary anniversaries of the founding of this state let us honour those who secured both the founding of the state and its stability by opening up democracy, not closing it.”

This Bill is born out of the Open it, Don't Close it consultation document that was published in September 2012. This document was the product of extensive consultation on the future of the Seanad and has given rise to this Bill which recognises that a reformed Seanad need not mean a costly and potentially risky constitutional referendum.

The reform process in this Bill is significantly advanced by means of simple legislation to alter radically the way the Seanad is elected and does its business.

I believe that will have really positive effects of enhancing Irish democratic politics by further empowering citizens. It will ensure politics is not a closed shop and it will give a voice to ordinary people at the highest levels of policy and legislation implementation.

This Bill breaks new ground and it sets out key principles that would underpin a new Seanad.

These are:

- A House made up of half women and half men,
- A House where all of us get a vote not just an elite.
- A House where people in the North and those forced into emigration have a say.
- A House where new voices and new expertise can constructively and positively hold the policies and ideas of the cabinet and the Dail and the parties and the regulators to greater account.
- A House where legislation, both EU & domestic, gets the scrutiny it deserves.

All of this can be done – right now – through legislation not referendum. So why would delay?

The bottom line is this: The Irish system of government is broken. A new Seanad can help reform and re-shape the way we conduct our affairs of the State.

It can provide the accountability, the new ideas and the questions we so urgently need.

What this bill also does is, for the very first time, to confer a very clear and defined role on the Seanad so that it is not simply a mirror image of the Dail. We don't need two Houses trying to fulfil the same role.

So, we have introduced into this bill a set of new powers for the Senate across a range of areas. And we believe that this will supplement and revitalise the place and the role of the Seanad in the history of this State.

A More Open and Inclusive Seanad

Gender Equality

105 years ago, in 1908, the Irish Women's Franchise League was founded by Hanna Sheehy-Skeffington and Margaret Cousins, two remarkable women who deserve a more honoured place in our history.

The quest to ensure gender equality in our politics has been a long one and it remains an unfinished journey.

Today one of the biggest gaps in Irish political life is the under representation of women in the Oireachtas and it is up to our generation to finally set this right.

It has taken over a century, but the measures in Section 7 of this Bill which would provide for a chamber of our national parliament made up of half women and half men is long overdue and heralds a new era of progressive politics.

[[[Women are vastly under-represented across many areas of society, not just here in Ireland. But the degree of under-representation of women in the world of politics is really concerning. This is something which has been improving over the years but at an all too-slow pace. It is clear that we need to recalibrate our policy towards the participation of women in politics. Last year in this House we debated gender quota legislation (the Electoral (Amendment) (Political Funding) Bill 2011) which will incentivise political parties to put forward more

women for election. And more recently the Convention on the Constitution has in its latest report calls for a greater degree of gender equality. I believe that the next step on this journey should see the elected members of the Seanad being comprised of an equal number of males and females.]]]

Opening up the Right to Vote

The Diaspora/Emigrants

Fifty year ago this summer that President Kennedy addressed a special joint sitting of Dáil and Seanad Éireann.

On that historic occasion, President Kennedy spoke about the vast scale of Irish immigration to the United States and he quoted James Joyce who, for this reason, described the Atlantic Ocean as a bitter bowl of tears.

In every generation, emigration has left a scar on our national life and today again we are seeing its worst effects as families are sundered apart by the forced emigration caused by our economic difficulties.

My own family background is rooted in emigration from these shores. I was born in Washington to parents from County xxx.

Though I was raised in the United States, I never felt anything less than Irish and my parents retained a lifelong love and affection for this country. Their story and their pride in their Irishness – whether at home or abroad – is no different than that of countless other members of our diaspora.

It is for that reason that I am especially proud of the measures in Section 31 of this Bill which will give Irish emigrants a vote for the first time in our national parliament.

This is not just a recognition that our diaspora are part of the wider Irish nation, but it is statement of our intent never to forget those Irish people who have had to leave our shores.

[[Emigration has been a strong feature of contemporary Irish history – in the 80's and now again in 2013 workers and their families feel compelled to leave these shores just to find work across the water in the US, Canada, Australia or closer to home – the UK. But the hope always is that the people who feel that they have no choice but to leave will, one day return.

Under the current arrangements, we deny these people the right to participate in a key aspect of our democracy – parliamentary elections. In many cases these are people who were born here, educated here, and started families here.

Are we to deny these people the right to exercise even a limited right to vote by virtue of the fact that they must leave our shores in search of a job to support themselves and their families. People who leave our shores today in search of a job have been let down by the political and economic system not just here in Ireland but have also been let down by the institutions of Europe to which we have ceded much power.

It is for those reasons that I believe that we must extend the right to vote in a Seanad election to holders of Irish passports around the world. The fact that they don't live in Killybeggs or Kinsale or Kilkenny doesn't make these people any less Irish.

Of the 33 members of the Council of Europe, only four countries do not extend voting rights to citizens living abroad. Ireland is one such nation.

In recent years much has been made of the need to harness the talents and expertise of the Irish diaspora around the world. We can begin by giving the Irish abroad a vote in at least one major election in the country. This proposal should lead to the emergence of some candidates who will specifically represent the interests of the Irish abroad.]]]

Those in the North

[[[Turning then to the extension of voting rights for people in Northern Ireland who are entitled to Irish citizenship. There are many people in Northern Ireland who have a strong affinity with the Republic of Ireland. In my view, it is incumbent upon us to facilitate people in Northern Ireland, who wish to avail of the opportunity to participate in Seanad elections and to feel that they have some voice and some level of representation in the democratic structures of the Republic.]]]

This Bill wisely does not specify that people in Northern Ireland who qualify for Irish citizenship actually have to take out such citizenship to vote in a Seanad election.

Section 35 of the Bill ensures that applicants to vote will be required to produce evidence of the applicant's entitlement to Irish citizenship (the type of evidence will be specified in Regulations) and the application must also be accompanied by a document endorsed by the Electoral Commission which confirms that the applicant is ordinarily resident in Northern Ireland and is registered to vote in Northern Ireland elections.

The Bill recognises a fundamental core principle of the Good Friday Agreement whereby it is the birth right of every individual in Northern Ireland to identify themselves and be accepted as Irish or British, or both, as they may so choose.

Nobody in Northern Ireland is being corralled into taking out Irish Citizenship in order to vote in a Seanad election.

That is because a new Seanad must be about empowering and respecting each and every person on this island, irrespective of whether they come from a Nationalist or Unionist background.

A signal of how much times have changed in this county for the better was when the Grand Master of the Orange Order addressed this chamber of the sovereign Irish parliament.

That was a hugely welcome development for all of us.

In a post-conflict Ireland, we need to open up a new space to deepen co-operation, respect and understanding on this island.

This will underpin peace and help to build an island-wide prosperity.

The process of building trust and reconciliation can be assisted by a new Seanad that is in touch with and responsive to the needs of both communities in Northern Ireland.

In particular, we need to listen to the voice of unionism and of loyalism – alienated from this State for so long – if we are serious about a shared future for all the people of this island.

This Bill, with its provisions on voting entitlements for people resident in Northern Ireland, is, to borrow a phrase, about building bridges because a truly

representative Irish parliament must accommodate everyone's interests and everyone's aspirations.