

Discussion Paper by Minister Pat Carey
For MacGill Summer School 2010, Thursday 22nd July
on
“Parliamentary Reform is long overdue”

Exorcising our ghost-written Parliamentary Debate

Any debate on whether or not parliamentary or electoral reform is long overdue should begin by addressing the common misconception that our parliamentary system has been entirely successful in resisting change. Our parliamentary structure has seen fundamental changes over the years. Take, for example, the ending of the ‘dual mandate’. While the notion of a TD moonlighting as a Local Councillor seems almost quaint at this remove the decision met with considerable resistance at the time. It was, however, a decision that led to a radical shift in parliamentary focus, ending the existence of the ‘part-time TD’ and freeing our elected representatives to engage with matters more befitting of a national parliament.

This is not to suggest that further parliamentary reform is not long overdue. On the contrary, the strength of our parliamentary tradition should always be judged on its ability to evolve and absorb change. Almost all political representatives in Dáil Éireann will admit to a deep frustration at various aspects of how our Parliament works.

Much of this frustration is based on a feeling that the public have an unjustly jaundiced view of the work, or lack of work, that is done in Dáil Éireann. While there may be little appetite for the idea that the TD is a misunderstood and undervalued member of civil society, the sentiment is one that should be taken seriously given that it is so genuinely felt by such a majority of elected members. It would be easy to dismiss the public's view of the TD and the work he does in Dáil Éireann as a career hazard of the politician, but to do so would be a mistake.

In this paper I will argue that the public perception of Dáil Éireann is inextricably linked to the way in which our Parliament is structured, and more specifically to the way in which our parliamentary debate is conducted. After all, Dáil Éireann is elected to represent and serve the people of Ireland and any debate on Parliamentary Reform should concern itself with the public's perception, flawed or otherwise, of how Parliament works.

Anyone proposing parliamentary or electoral reform, radical or otherwise, should be mindful of the implications their proposals would have for how Dáil Éireann is perceived. Would, for example, the increasingly popular idea of electing members to the Dáil from a 'list' only serve to exacerbate the public's sense of disconnect from their politicians?

In my experience, and this is not to downplay the need for change in how we operate, Dáil Éireann works a lot better than most people think and rather than rushing headlong into a radical overhaul of our parliamentary structures

we should begin by addressing that sense of disconnect between the public and Dáil Éireann.

In this respect, it is necessary to explore the relationship between public perception of Dáil Éireann and our parliamentary structures. We need to ask to what extent the public's largely negative perception of Dáil Éireann could be altered through parliamentary reform. Parliament is not working well unless it is seen to be working well and parliament is not working well unless those who elect it trust that it is working well. This is not to suggest that public representatives would be showered with bouquets in the street if only the public recognized the magnitude of our efforts on their behalf. Ultimately Dail Eireann will be judged on its legislative achievements and consequently any reform should seek to increase the levels of efficiency with which legislation is prosecuted through the house.

I believe, however, and it is a view shared by the majority of my colleagues, that the public's sense of disconnect from Parliament is, to a large degree, a problem of perception that is linked to various structural problems with how the Dail does its business. I would like to focus on one particular area in order to explore the idea that public perception could be challenged and altered through modest but fundamental structural reform. For the purposes of this paper, I have chosen the area of parliamentary debate as the debates that take place in the Dáil and Seanad are, to a large extent, the 'public face' of our parliamentary democracy. In this regard, our parliamentary democracy

has a serious public relations issue. Appendix 1 outlines potential areas for reform.

Much of what passes for debate in Leinster House is uninspiring and unenlightening. Our debates are often too structured, too formal and too contrived. There is a lack of real engagement and there is little of the fluidity that is the hallmark of real dialogue and well-reasoned and informative debate.

In a word our debates can be dull, and unless we do something about it we may even lose “the drunks and insomniacs” who Pat Rabbitte famously identified as making up the audience for RTÉ’s Oireachtas Report.

There is an over-reliance in the House on the pre-prepared script or speech. In fact, I would contend that a lot our business is conducted under the tyranny of the script, a situation that leads to an overall sense of listening to a ghost-written debate. And as with the ghost-written autobiography of the Premiership soccer star or soap actor we are sometimes left less than convinced by the authenticity of the author’s voice. This begs the question as to whether the public sense of disconnect from Dáil Éireann is in some measure a product of the politicians sense of disconnect from what they are speaking, or rather reading, about. Even when members are debating matters on which they hold passionate and informed views, their passion and understanding is often lost in recitation.

I would argue that the use of scripts in the houses of the Oireachtas should be restricted except in limited circumstances. This would lead to more authentic engagement with issues of importance which would, in turn, lead to greater public engagement with Dáil Éireann. It would also lead to greater efficiency as so much time is wasted on the reading of long-winded, turgid scripts of little relevance.

This is time that should be spent on real debate on the substantive issues surrounding policy and legislation rather than on the more mundane legalese which would be better left to another forum. The Dáil chamber is the proper place for policy debate and as much of this debate as possible should be extemporaneous in nature.

The slavish devotion to the script is also a product of a 'Gotcha' culture within our parliamentary tradition where it is almost a hanging offence if a Minister is unable to provide some obscure statistic on whatever matter is being discussed. Of course, all elected representatives should be required to have a firm understanding of their brief – and this is even more true in the case of a Government Minister - but nobody should have to enter the chamber fearing that they might have to utter the words 'I don't have that information at hand but I will make it available to the Deputy at a later stage.'

The tyranny of the script is also a product of a situation where unreasonable demands are made of members to speak on matters in which they have little interest or expertise. This is often in evidence during Adjournment Debates

which regularly drag on towards the witching hour leaving us with a situation where unfortunate representatives regularly find themselves reading bland scripts to an almost empty chamber. It is said that politicians love the sound of their own voices but this is probably stretching it a bit!

I would argue that the Adjournment Debate should take place earlier in the day and should be restructured so that it becomes an integral part of the Dáil day instead of an afterthought tagged on at the end of business. Our debates should be less rule-bound and should allow for interested Members to come into the chamber and intervene where necessary, with the Minister giving way to take a point of order or suggestion from the opposition. Members should have more freedom to intervene than is currently the case in a system where opportunities to speak are strictly allocated. More freedom would lead to greater engagement and to less of the scripted and largely purposeless, over and back between Government and Opposition.

We also need to examine the political culture of point-scoring that dominates Dáil exchanges. There is an over-emphasis on the prosecution-defence approach to parliamentary debate, whereby the opposition attacks the Government and the Government defends its position and the exercise is repeated ad nauseum.

Of course this is necessary in the interests of accountability in a parliamentary democracy but not to the exclusion of proper, balanced debate on policy. Political point scoring leads to disillusionment with the body politic and with

our parliamentary democracy. If ever an event demanded that we break away from this culture of political point-scoring and gamesmanship, it is our current economic situation. Sadly, we haven't risen to the occasion and it has been 'politics as usual' from some parties since the crisis began.

The media too have a responsibility in this regard. While the media claims to abhor this culture of political point-scoring, it often reduces itself to the role of score-keeper and coverage of the Dáil focuses excessively on whether it was 'good or bad day for the Taoiseach' or 'a good or bad day for Enda Kenny' while neglecting the more serious business of reporting the actual work of the house.

Again, we should admit that we do not always do ourselves many favours. For example, I believe that a situation now exists where the Order of Business has become dysfunctional. In recent weeks, I have heard the Order of Business described by prominent opposition members as a 'farce' and a 'circus'. It is difficult to disagree, and I would add the word 'charade' to the rap sheet. The Order of Business is abused on a daily basis by Members trying to shoehorn 'topical' questions (often local) into a format which was originally designed to allow for a brief and to the point discussion of the upcoming day's business. It is time we brought some order to the Order of Business. To that end we should look at allocating specific time during the week in which Members can briefly and succinctly raise those issues that, while important, have no relevance to the Order of Business.

Dáil debate needs to be less rigidly structured and more interactive. It needs to become more relevant and more focused. If we change the way we go about our business, I see no reason why attitudes to our business shouldn't change. And more importantly, we will have a more efficient and engaging parliamentary democracy.

As a former Chief Whip I am aware that there will always be difficulties in agreeing changes like those I have outlined, but I see no reason why we can't introduce a sensible package of reforms that would radically alter the way Dáil Éireann works and is perceived. To do so will require us to set aside party politics for the good of our nation and democracy. Action is now required as this is one area where more talk will certainly get us nowhere.

Appendix 1 – Potential reforms

1. Restrict the use of scripts during Dáil debates
2. Restrict any one speech to 10 minutes for Cabinet Ministers and Oppositions Spokespersons, and 5 minutes for all other Members
3. Move adjournment debates to the start of the day (at 9.30) with time allocated for real engagement and follow-up questions.
4. Make debates less rule bound, allowing members to intervene more often.
5. End the abuse of the Order of Business and Standing Order 32.
6. Reform Questions to An Taoiseach, allowing for more topical debate and for written answers to be supplied when time allotted elapses.
7. Allocate time for Members to ask brief questions on specific matters
8. Allow Government backbenchers to introduce Private Member Bills to increase level of engagement with issues among all members
9. Initiate a serious debate about how the media report Dáil proceedings and about the Dáil culture of political point-scoring
10. Allow committees to do detailed and technical on legislation, freeing up the Dáil and Seanad to debate ‘big picture’ issues
11. Empower Seanad and Committees to hold hearing’s into matters of national importance, and introduce the power of compellability. Investigations that delivered swift results would improve the public’s perception of our parliamentary democracy