



Agenda

8th Meeting

Monday 6 February 2017

The Commission will meet at 1.00 pm in Committee Room 1.

1. The Commission will discuss Parliamentary scrutiny, engagement and identity with—

The Rt Hon. the Lord McFall of Alcluith, Senior Deputy Speaker, House of Lords; and

Seán Ó Feargháil, Ceann Comhairle, and Peter Finnegan, Clerk, Dáil Éireann.

Paper CPR/8/1 – background paper

Paper CPR/8/2 – note by the Secretariat (private paper)

2. The Commission will consider the discussion held at item 1 (in private).

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Commission on Parliamentary Reform

8th Meeting, Monday 6 February 2017

UK and Irish perspective

Introduction

1. Members agreed it would be helpful to discuss how other UK and Irish legislatures are responding to the challenges raised in the Commission's remit.
2. The Rt Hon. the **Lord McFall** of Alcluith, Senior Deputy Speaker in the House of Lords and **Seán Ó Fearghaíl TD**, Ceann Comhairle of the Dáil Éireann have agreed to give evidence to the Commission.
3. Members will be aware the role of a Speaker or Chair is to chair parliamentary debates. The Chair is a politician who has been elected to this position by other members of parliament and is the highest authority of the legislature. The Chair must be impartial at all times
4. Background information about the role of the Lord Speaker in the House of Lords and the Ceann Comhairle of Dáil Éireann is provided in **Annexe A**.

The Rt Hon. the Lord McFall of Alcluith

5. Lord McFall of Alcluith has been a member of the House of Lords since 17 June 2010. He previously sat in the House of Commons as MP for West Dunbartonshire and Dumbarton (1987-2010).
6. Lord McFall was appointed as the first Senior Deputy Speaker on 21 July 2016 and took up office on 1 September 2016. He is a non-affiliated member.
7. As the Senior Deputy Speaker, Lord McFall deputises for the Lord Speaker and his duties include:
 - Being the spokesperson in the House for the House of Lords Commission. (All parliamentary business relating to the Services Committee and Finance Committee is submitted to the Senior Deputy Speaker who may assign responsibility for answering written questions or debates to the relevant committee chairman.)
 - Acting in the absence of the Lord Speaker, for example to recall the House during a period of adjournment.
 - Chairing a number of committees in the House:
 - Privileges and Conduct Committee
 - Procedure Committee
 - Liaison Committee
 - Committee of Selection

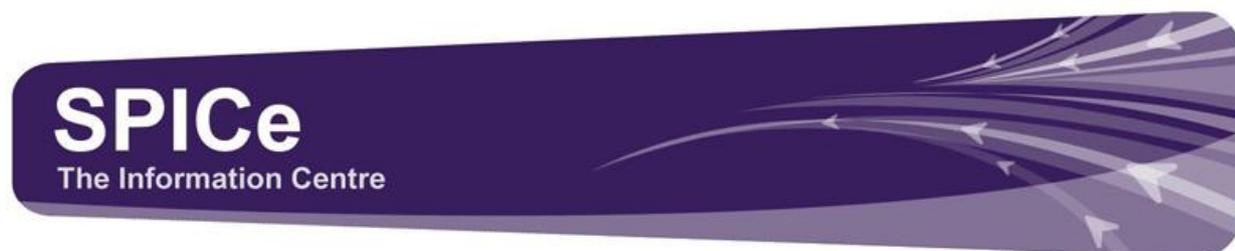
He also chairs the Informal Brexit Liaison Group, which was established by the Liaison Committee on 2 November to help to co-ordinate and oversee committee

activity in the House relating to Brexit and to keep in touch with Brexit scrutiny being carried out in House of Commons Committees.

8. Lord McFall has previously sat on a number of committees in the Lords including the EU Committee and the Economic Affairs Committee.
9. When he was an MP, he chaired the Treasury Select Committee from 2001-2010 and from 1997 was in the Whips Office and occupied ministerial positions.

Seán Ó Fearghaíl, TD, Ceann Comhairle.

10. Seán Ó Fearghaíl is the 19th Ceann Comhairle (Chairman) of Dáil Éireann (lower House of the Irish Parliament), having been elected on 10th March 2016. His election was the first to be conducted by secret ballot of the members of Dáil Éireann.
11. Representing the constituency of South Kildare, the Ceann Comhairle was a Senator from 2000 until his election as a TD (Teachta Dála) in 2002 and he has held his seat in each subsequent general election. In the 31st Dáil (2011-2016), the Ceann Comhairle was Party Whip for Fianna Fáil while also serving at his Party's spokesman for Defence, Arts, Heritage and Culture, and Constitutional Affairs. He served as Chairman of the Oireachtas Health Committee from 2009 to 2011. Prior to his entry into national politics, the Ceann Comhairle served as a councillor on Kildare County Council, including Chairman of the Council, and has been involved in community, educational and housing organisations in his home county for many years. A gaeilgeoir (fluent Irish speaker), the Ceann Comhairle maintains strong links to the farming community in his home town of Kildare.
12. The constituency of South Kildare, established in 1997, is represented by three TDs and lies to the south west of Dublin in the province of Leinster. A predominantly rural constituency, its main towns include Athy, Newbridge and Kildare Town. Prominent landmarks include the Irish National Stud and Japanese Gardens, a number of world class horse racing venues, Newbridge Silverware Visitor Centre, and the Curragh, headquarters of the Irish Defence Forces.



Role of the Senior Deputy Speaker in the House of Lords

The Senior Deputy Speaker has a number of [duties](#):

He is the spokesperson in the House for the House of Lords Commission (see below). All parliamentary business relating to the Services Committee and Finance Committee is submitted to the Senior Deputy Speaker who may assign responsibility for answering written questions or debates to the relevant committee chairman

He is empowered to act in the absence of the Lord Speaker, for example to recall the House during a period of adjournment.

He is chairman of the:

- Privileges and Conduct Committee - oversees the Code of Conduct for members of the House of Lords, the Guide to the Code of Conduct and the Register of Lords' Interests
- Procedure Committee - considers the operation of procedures for parliamentary business in the Lords
- Liaison Committee - coordinates and allocates resources for committee work
- Committee of Selection - proposes to the House members of the Lords to sit on select committees.

By agreement with the Usual Channels, he can propose members of the Lords to fill casual vacancies on select committees.

He has general supervision and control over private bills and hybrid measures.

He chairs the Freedom of Information Panel.

The current Senior Deputy Speaker of the House of Lords is The Rt Hon. the Lord McFall of Alcluith. His biography is available [here](#).

The House of Lords Commission

According to the House of Lords [website](#):

“The House of Lords Commission provides high-level strategic and political direction for the House of Lords Administration on behalf of the House. It agrees the annual Estimate, supervises the arrangements relating to financial support for members and works with the Management Board to develop, sets and approve the strategic business plan, the annual business and financial plans for the Administration and monitors the performance of the Administration against agreed targets.”

Services Committee

The Services Committee agrees day-to-day policy on services for members of the House of Lords, provides advice on strategic policy decisions when sought by the Commission and oversees the delivery and implementation of both.

Finance Committee

The Finance Committee considers expenditure on services from the Estimate for the House of Lords, and with the assistance of the Management Board, prepares the forecast outturn, Estimate and financial plan for submission to the Commission. The Committee also monitors the financial performance of the House Administration and reports to the Commission on the financial implications of significant proposals.

Role of the Ceann Comhairle (Speaker) in the Dáil

The [Ceann Comhairle](#) presides impartially over the business and proceedings of the Dáil (the Irish Parliament) .

The Standing Orders (Rules) of Dáil Éireann prescribe the powers and duties of the Ceann Comhairle in relation to Parliamentary business e.g. the proper conduct of debate, Parliamentary Questions, amendments to Bills and motions, disorderly conduct.

The Ceann Comhairle is Chairperson of the [Committee of Procedure and Privileges](#) which considers matters of procedure generally and recommends any additions or amendments to the Standing Orders that may be considered necessary. The Committee may also consider and report to the House as to Members' privileges.

The Constitution provides that the Ceann Comhairle shall certify any Bill which in his opinion, is a Money Bill to be a Money Bill and subject to certain constitutional safeguards, his certificate is final and conclusive. The importance of this procedure lies in the fact that Seanad Éireann can only make recommendations but not amendments to a Money Bill and must pass it within 21 days (instead of 90 days for a non-money Bill).

The Ceann Comhairle represents Dáil Éireann at international meetings of parliamentarians (Inter Parliamentary Union), Conferences of Speakers of Parliament, the Council of Europe, the European Parliament, and is the official host to visiting parliamentary delegations.

The current Ceann Comhairle is Seán Ó Fearghaíl. His biography is available [here](#).

Sub-Committee on Dáil Reform

At the end of February, the leader of Fianna Fail, Michael Martin suggested “that negotiations to form the next government should not begin for at least another month” to allow for all the parties in Parliament to work together for parliamentary reform¹.

¹ <http://utv.ie/News/2016/02/29/FF-call-for-time-to-plan-Dail-reform-before-coalition-talks-54928>

Though negotiations were not delayed, the fact they took so long allowed the Dáil to implement its own reform measures. On 10th March 2016, the first sitting day of the 32nd Dáil, the House passed an all-party motion to task the sub-Committee on Dáil reform with identifying a package of reforms to strengthen parliament for the people, which members on all sides agreed was necessary².

The sub-committee published its report on 24 May 2016. The report's main recommendations were:

- more power for parliament to plan and make arrangements for its own business, with a new Business Committee comprising of both Government and Opposition TDs, who will together plan the House business on a weekly, sessional and yearly basis;
- better scrutiny of the annual budgetary cycle by a new Budget Oversight Committee, supported in its work by a new Independent Budget Office, which will 'crunch the numbers' for the new Committee;
- an increased role for the Office of the Parliamentary Legal Advisor, to allow that Office assist backbench members in drafting legislation, and give advice on all legislation coming before the House;
- changes to the rules around 'groups', to allow more than one 'technical group' to be formed; this will enable independents and members in small parties to join forces to get a greater share of parliamentary set pieces, for instance, private members' time;
- a rearrangement of the sitting day, so that the House, wherever possible, does not clash with Committee meetings; this will enable members to give more time to both plenary sittings and Committees – members will not have to choose whether to attend one or the other;
- pre-legislative scrutiny will be extended to non-Government Bills (when sufficient resources are in place in the Office of the Parliamentary Legal Advisor), which will increase the possibility of those Bills being enacted;
- a new Irish Language Committee will be established;
- members will have the facility to formally record their abstention from a vote (not previously available), and to put an explanation for their abstention, or for the way they voted, on the record of the House.

According to the final report;

“Other changes are proposed too, for instance, to improve both the Parliamentary Questions process and the way in which the Government answers questions on its promised legislation on the Order of Business. To make the sitting hours more family-friendly, it is proposed to hold a great many of the House's votes in a particular time slot on a Thursday afternoon. This also represents a more efficient use of the House's time.”

The full report is available at:

<http://www.oireachtas.ie/parliament/media/committees/sub-committeeondailreform/Final-Report-of-the-Sub-Committee-on-Dail-Reform.pdf>

² <http://www.oireachtas.ie/parliament/media/committees/sub-committeeondailreform/Final-Report-of-the-Sub-Committee-on-Dail-Reform.pdf>

The Dáil held an all-day [debate](#) on the report on 19 May 2016 and then on 25 May 2016 the Dáil passed a [motion](#) agreeing the required changes to Standing Orders.

A key element of the recommendations and an area which occupied much of the plenary debate on 19 May centred on the Budgetary oversight provisions. According to Regina Doherty, Minister of State at the Department of the Taoiseach:

“The second section of the report proposes a budget oversight committee. This new structure will allow Parliament to play a greater role in the decisions taken by the Government in the preparation of the annual budget. No longer will the budget be a Government only document. Under the new system proposed, each budget will be prepared in partnership between the Parliament and the Executive. This will not dilute the Government's constitutional responsibility in this area but enhance the role of the Oireachtas and address many of the concerns highlighted in the recently published OECD Report on Budget Oversight by Parliament: Ireland. We are adopting best international practice in this area and future budgets will benefit from the changes we are proposing and be more inclusive and rounded.”

As proposed by the sub-committee, the Independent Parliamentary Budget Office will be established on a statutory basis in order to underpin its independence and set out its powers and responsibilities³. This is expected to happen over the next 12 months.

The sub-Committee agreed to review the operation of the new proposals in 6 and 12 months' time.

Iain McIver
SPICe Research

³ <http://www.oireachtas.ie/parliament/media/committees/sub-committeeondailreform/Final-Report-of-the-Sub-Committee-on-Dail-Reform.pdf>