

newpolitics



FINE GAEL



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Introduction

Fine Gael believes that Ireland's broken political system is at the heart of its economic collapse. That is why our *New Politics*, first published in March 2010, commits Fine Gael to the most fundamental reform of politics since the 1930s. In any Republic the people are supposed to be supreme. Judged by that standard Ireland today is a Republic in name only. The expressions "Golden Circle", "Crony Government" and "Crony Capitalism" all describe the same thing: The abduction of our state by both public and private sector vested interests, aided and abetted by Fianna Fail.

Fine Gael's approach to political reform is underpinned by three key principles:

- **Change must start at the top.** The political system cannot ask others to change and make sacrifices if it is not prepared to do the same. Fine Gael will cut the number of politicians by 35% by reducing the number of TDs by 20 and asking the Irish people to abolish the Seanad. We will also change the pay, pensions and expenses regime for politicians, and ban corporate donations to parties.
- **Change must be fundamental and comprehensive.** Modern Ireland cannot be governed by a system of government originally designed for 19th Century Britain.
- **Change must involve the citizens.** The people must be consulted on and involved in the process of political reform..

1. Constitution Day

The *New Politics* will require significant constitutional change. A Fine Gael Government will hold a referendum on CONSTITUTION DAY, within 12 months of assuming office, at which the people will be asked to approve the abolition of the Seanad and changes to other articles of the constitution covering the institutions of the state – principally the Executive, the Dáil, the Presidency and the Judiciary. This referendum will not address the articles dealing with rights/social policy as we want the focus to stay on political reform.

Fine Gael has already proposed that:

- **Presidency:** The term of office of the Presidency should be reduced to five years and that elections to the Presidency should be held on the same day as local and European elections. We also propose that Irish citizens living abroad should be allowed to vote in presidential elections, subject to certain conditions. If this experiment is deemed a success Fine Gael will consider extending this practice to general elections.
- **Dail:** The constitution will be amended to give key committees constitutional recognition, protection and status. The Abbeylara Judgement will be reversed by constitutional amendment to enable committees to carry out full investigations. (see below)
- **Judiciary:** A new Civil Court of Appeal will be created, as will a unified and specialist system of family courts. The state will also be empowered to cut the salaries of judges in restricted circumstances, as part of a general cut across the public sector.
- **Ombudsman:** The office of the Ombudsman will be given constitutional status.

Fine Gael believes that the people must be involved in this process of constitutional change. We will:

- Establish an on-line “Citizens Forum” which will accept submissions from all groups and members of the public on possible changes to the institutional articles of the constitution, and encourage as wide ranging a public debate as possible on these proposed changes.
- Hold an extensive series of “town hall” meetings on constitutional change around the country, focusing on the issues identified above: the Executive, the Dail, etc.
- Establish a separate Citizens Assembly on electoral reform (see below).

2. Abolishing the Seanad

Fine Gael has taken the lead in calling for the abolition of the Seanad. Since Enda Kenny first called for a referendum on the issue in 2009 other parties have either adopted Fine Gael’s proposal or are actively considering doing so. But Fine Gael has always believed that the Seanad’s abolition can only be one part of a wider reform package, including Dail reform and possible changes in the way the Executive functions.

If a new constitution was being drafted today would a second house be included? Fine Gael believes the answer is no. Ireland is the only small, unitary state in Europe with a second house. Other small European countries, such as Sweden and Denmark, have abolished theirs. Globally the great majority of small nations do not have second houses. All of which begs the question:

If other small countries can be governed effectively without a second house why can’t Ireland? Other states have shown that it is perfectly possible to establish effective checks and balances in a single chamber parliament.

Since Fine Gael announced its policy on the Seanad a number of proposals for reform have been made. Some want the Seanad to be popularly elected. Others want it to become a more expert chamber, either appointed or elected by a restricted electorate. Yet others want it to become a citizens’ forum. While each proposal has its merits the fact that they are all, for the most part, mutually incompatible helps explain why Seanad reform is so difficult. While there is almost universal agreement that the current Seanad is not working there is little consensus about the shape of a reformed second house - even among its defenders.

The fundamental problem with reform of the second house is this:

- If a new Seanad is popularly elected and has real power it will be dominated by the political parties and come to resemble the Dail, thereby undermining its role as a second house.
- If a new Seanad is either appointed or elected by special means to try and avoid its politicisation, it will have little legitimacy and therefore little power.

Fine Gael’s conclusion is simple: the Seanad should be abolished.

3. Reforming the Dáil and the Executive

Fine Gael believes that an over-powerful Executive has turned the Dail into an observer of the political process rather than a central player and that this must be changed. Some have argued in favour of a new, more presidential-style system or much greater separation of the Executive from the Legislature. Our view is that these proposed solutions create as many problems as they solve and that fundamental reform of the Dail is the best way forward to hold the Executive to account. We will also examine whether the Taoiseach should have greater flexibility to appoint Ministers from outside the Oireachtas, particularly if the Seanad is abolished. The Constitution currently allows the Taoiseach to appoint two Ministers from the Seanad.

Fine Gael believes that a strong committee system that can hold Government to account is absolutely essential, particularly in a single chamber Oireachtas. We will:

- **Amend the constitution to give Dail committees full powers of investigation.** The Abbeylara Supreme Court decision currently limits the ability of Dáil committees to hold investigations into crucial issues of public concern, such as the banking crisis.
- **Reduce the number of committees and give key committees constitutional standing.** The Dáil needs fewer but stronger committees, resourced properly.
- **De-politicise their work.** Chairs of committees will be assigned on a more proportional basis, while legislation will typically be introduced in a heads of Bill format. We believe that early review by committees will increase the chance of cross-party support. We will also examine whether “weighted majorities” should be used in some committee work to encourage a less-politicised approach to legislation.

The legislative process is currently dominated by the Government. It has a near monopoly on introducing legislation, controls the time of the house, and is able to use guillotines to ram through legislation. Fine Gael’s reforms address all of these issues:

- **Initiation of legislation.** We will give committees the power to introduce legislation, while a new *10 Minute Rule* will allow backbench TDs to introduce their own Bills.
- **Dail timetable.** Fine Gael will give backbench TDs a much bigger role in scheduling all non-Ministerial backbench business. The principle here is very simple: Whenever possible time should belong to the House and not the Government.
- **Guillotines.** Fine Gael will tackle the huge over-use of guillotines to ram through non-emergency legislation. It is deeply undemocratic and makes it much more likely that poorly constructed legislation is placed on the statute book.

Other proposed changes to the legislative process include:

- **The Report stage will become a true plenary stage.** A new Legislative Committee will be established to allow outside parties to provide a broad ranging reassessment of the Bill and to make recommendations for amendments to the Dáil at Report Stage.
- **There will be post-legislative review of Bills after 18 months.** The Minister will be required to report to the relevant committee on the success of individual Bills in

meeting their declared objectives. The committee will then decide whether to proceed with an in-depth examination of the legislation's impact.

- **The Ceann Comhairle will be elected by secret ballot of the members of the Dáil.** We believe that a Ceann Comhairle elected in this way will have greater authority when it comes to managing the Dáil's business.

4. Pay, Pensions and Expenses

The political system must regain the trust of the Irish people by tackling the issues of pay, pensions and party funding. A Fine Gael Government will:

- Further reduce the Taoiseach's salary, in line with our proposals in Reinventing Government, to €200,000. There will be a pro-rata reduction in Ministerial salaries.
- End severance payments for all Ministers leaving office.
- Ensure Ministers only receive their Ministerial pensions when they reach the national retirement age.
- Ensure that no politician or any other individual, private or public, will receive taxpayer subsidies for an annual pension in excess of €60,000.
- Insist that all TD expenses are vouched.

5. Political Funding

Fine Gael believes that a transparent system of political funding is essential if confidence is to be restored in the political system. We will:

- **Ban donations to parties by corporate organisations.** We will also lower the maximum amount that individuals can donate to political parties.
- **Publish annual audited accounts for the Fine Gael party on the Web.** Although fully audited figures are not yet available for 2010, preliminary figures confirm that corporate donations account for a very small part of Fine Gael's funding.
- **Introduce measures in Government to control party spending in the run-up to elections.** At the moment there are no real restrictions on electoral spending during this period.
- **Implement the recommendations from the Council of Europe's Group of States against Corruption (GRECO) in the following areas:**
 - We will consolidate all of the various pieces of legislation on political financing into one piece of legislation.
 - We will ensure that adequate training is provided for those who are subject to legal obligations in the area of political financing, so that they better understand their rights and duties.

- We will introduce legislation to make sure that violations of political funding rules are coupled with sanctions, e.g., there are no sanctions available, at the moment, if there is a failure to comply with a request by SIPO to provide information or documentation; and
- We will give SIPO (Standards in Public Office Commission) greater investigative and sanctioning powers in respect of less serious violations of the political financing rules. At present, SIPO must refer all infringements – even those that are relatively trivial - to the law enforcement agencies for investigation (see also our proposals on Open Government”).

6. A Citizens Assembly on Electoral Reform

Within its first hundred days a Fine Gael Government will establish a *Citizens Assembly*, along the lines of similar assemblies which have been used in Canada and in the Netherlands to consider political and electoral reform. The purpose of the Assembly will be to make recommendations on how the electoral system might be reformed. In particular, the Assembly will be asked to consider the merits or otherwise of a mixed member system where the Dáil has TDs that are directly elected and or where some are elected from a List.

The Assembly will have up to 100 members who will be chosen from the public to reflect the demographic make-up of Ireland. These members will be provided with briefing papers and will have access to research staff and relevant experts. The Assembly will hold meetings throughout the country at which the views of citizens will be actively sought. All of its proceedings will be streamed live on the web and members of the public will be able, through the internet, to question anyone giving a presentation to the Assembly.

Women in Politics

The Citizens’ Assembly will also be asked to consider how the representation of women in politics might best be increased, including some form of quota system for women candidates. Fine Gael believes it is crucial that there are more female TDs and local councilors and will adopt measures to encourage this development, including tackling the Dáil’s “long hours” culture.

7. Open Government

Fine Gael believes that if the Dail and society more generally is to hold Government to account, we also need strong Open Government legislation. We have therefore published an Open Government Bill that will:

1. Significantly strengthen Freedom of Information (FOI);
2. Establish a “whistleblowers charter”;
3. Register all lobbyists; and
4. Create a new Electoral Commission.

In addition a Fine Gael Government will:

- Allow the Criminal Assets Bureau to seize assets derived from political corruption; and
- Include the office of the Ombudsman in the Constitution, in order to allow its independence and powers to be given constitutional standing.

A New Freedom of Information Act

Fine Gael wants to reverse the restrictions that Fianna Fail has placed on Freedom of Information in Ireland. The first Freedom of Information Act was introduced by the Fine Gael led Rainbow Government in 1997 and was considered an example of international best practice. It had two main goals:

- Short term: To provide a mechanism whereby the Citizen could access both personal and non-personal information.
- Long-term: To fundamentally change the relationship between the State and the Citizen as a result of the legislation. It was expected that by making procedures and decisions of public bodies more open, a new relationship of accountability and participation would emerge.

The Freedom of Information (Amendment) Act 2003, introduced by a Fianna Fail-led Government, was a major step backwards. It placed major restrictions on the access of the Citizen to the decisions of public bodies, including significant charges, and increased the distance between the State and its Citizens. Fine Gael's new Freedom of Information Bill will remove these restrictions and will put in place a nominal charging mechanism.

A Whistleblowers' Charter

Fine Gael is determined to introduce strong whistleblowers' legislation. We believe that the unacceptable practices at the banks and other public bodies might well have been uncovered sooner if such legislation had been in place. Although there are limited protections for employees in certain pieces of Irish legislation, there are several problems:

- Not all employees in either the public or private sector are safe from retaliation if they report wrongdoing;
- There is virtually no protection for whistleblowers in the financial services and business sectors; and
- There is very little in the way of whistleblower codes and guidance throughout the public service.

Our proposed legislation will not harm any business that is compliant with the relevant regulations and ethics of their industry.

A Register of Lobbyists

Fine Gael will register all lobbyists and ensure that their activities are overseen by SIPO. While free and open access to Government is a key democratic right, the Mahon Tribunal and the abuses it uncovered makes it clear that lobbyists cannot be left unregulated. Our proposed

system of registration, which is loosely based on the Canadian model, applies only to those individuals that are paid to lobby. People who are lobbying on a voluntary basis are not required to register. The Bill also specifically includes an exemption for charities. Their activities will continue to be regulated by the Charities Act 2009.

Fine Gael will also institute a one-year “cooling-off” for former public officials in both Local and central government, before they can join a private sector company that works for or with the State in a way that relates to the former official’s work.

A New Electoral Commission

Fine Gael will establish a new, independent Electoral Commission whose first priority will be the creation of an accurate Electoral Register. It is estimated that there were roughly 800,000 errors in the 2007 register. This level of inaccuracy is completely unacceptable in a modern democracy.

We will establish the Commission by taking some of the key functions of the franchise section of the Department of the Environment, and merging them into SIPO. In addition to compiling an accurate register of electors, the Commission will be responsible for:

- Electoral administration and oversight, including election spending;
- Revising constituency boundaries when necessary;
- Maintaining the Register of Lobbyists;
- Providing advice to the Minister on non-delegated matters, e.g., fixing of poll dates; and
- Overseeing political funding.

SIPO has, in its annual reports, requested additional powers. Fine Gael’s Open Government Bill implements many of these recommendations and places local councillors, for the first time, under the remit of SIPO and its successor, the Electoral Commission. In particular, our proposals will allow the Commission to launch its own investigations, i.e., without having first received a complaint. We believe that this power will provide a considerable deterrent against any public official seeking to abuse his or her position for personal gain. Investigations by the Commission will, in the first instance, be conducted in private until it has confirmed that there is a genuine case to answer.

Accountability and Transparency in government

Fine Gael believes that a refocused, re-conceptualised public sector will lay the groundwork for delivering real economic growth and real jobs in 21st century Ireland. Fine Gael wants to increase transparency and accountability in the public sector by creating clear reporting lines. Those in administration will be given real power, real authority and be held responsible for their use of state resources. A Fine Gael Government will make a number of key changes.

- **We will reform the Public Services Management Act to introduce real and transparency and accountability.** Secretaries General in Government Departments

will have ultimate responsibility for appointments, management and discipline of staff.

- **Ministers will sign – in public – Public Service Agreements with service delivery bodies, specifying the activities, outputs and long-term outcomes that the Government will promise to the Oireachtas in return for money from the taxpayer.**
- **Consistent with the new Public Service Agreements, the individual annual work-plans of the top 1,300 public servants (Principal Officer Level and above) will be published on-line for public scrutiny.**
- **Performance and progress will be published in new, audited annual Public Service Delivery Reports.** Oireachtas Committees will expose failure to hit milestones and targets. In this sense, every Committee will take on new powers similar to those currently wielded by the Public Accounts Committee to hold Ministers and public servants to account for value for money in their relevant areas. This will then feed into the Oireachtas' consideration of the next Budget.
- **“Golden parachutes” will no longer be automatic but reliant on performance.** They will have in the future to be earned by performance, not merely achieved by longevity in the job.
- **Agencies across the public service will get devolved authority to set their staff levels, recruit staff, automate or outsource routine processes and adapt employment conditions to local staff and customer needs.**
- **The Department of Finance will be restructured to ensure it attracts more specialists with expert knowledge in its areas of responsibility.**
- **Appointment at Principal Officer level and higher will be opened up to external competition.** 1/3rd will be reserved for people outside normal civil service for 5 years to bring in new thinking.
- **Ministers will no longer be the legal personification of a department supposedly responsible for every task** (even ones they are not even aware happen and are purely administrative). Instead authority and responsibility will be spread to all relevant levels within each department.
- **We will establish a *Fiscal Advisory Council* within the Oireachtas to ensure that future Governments respect new, prudent fiscal rules set by the Oireachtas.** This will be a key part of our proposals to completely reform the budget process.
- **Public bodies will be required to openly compete for budget resources** by publishing their pre-budget spending requests, and what they would deliver in return for such allocations to help deliver the Programme for Government.
- **We will publish cost-benefit analyses for proposed major infrastructure projects and “tax expenditures” in advance of Government approval.**
- **Every Purchase Order for more than €20,000 will be published online.**

- **The Comptroller and Auditor General will be given greater powers to carry out value-for-money audits.**

Devolution of power

Fine Gael wants to devolve as much decision-making power as possible to the frontline staff that are responsible for delivering services, and to the citizens that use them.

- **In healthcare Fine Gael's FairCare policy will transfer the governance and management of individual and networks of public hospitals to Hospital Trusts.**
- **In education, we will give school principals more discretion as to how the school's budget is deployed.** We will encourage schools to become more innovative through greater local autonomy. This will reduce the level of administration involved for school managers and will give school leaders more flexibility with regard to the day to day running of schools.
- **We will devolve authority to universities, and ultimately to Institutes of Technology, over investment, staffing, pay and other employment conditions.**
- **High-performing organisations across the public service – such as the IDA – will earn a special designation as “Next Step Agencies” that will allow even greater freedom to improve service delivery.** These could ultimately be given freedom to earn income streams, retain surpluses and invest funds.

Implementation of Reform

- **The Department of the Taoiseach will be converted into a Cabinet office focused on overseeing policy delivery.** Functions added over the years that have caused the Department of An Taoiseach to lose focus will be assigned elsewhere (e.g. European affairs to the Department of Foreign Affairs, Public Services to a new Office of Public Spending & Modernisation—see below).
- **Responsibility for public service modernisation (including the preparation of the annual spending estimates) will be vested in a new Office of Public Spending and Modernisation.** It will also be responsible for expenditure management, and will be represented by a Minister at Cabinet (analogous to the Chief Secretary of the Treasury in the UK).

8. Strengthening Local Government

We believe that the massive over-centralisation of government in our country is not just inefficient. It is also fundamentally incompatible with a healthy Republic. Some have argued that a small country like Ireland doesn't need strong Local Government and, in defence of this position, they point to local corruption and waste. However, this argument ignores two key points:

1. First, while it is clear that Local Government has many problems it is the centralised model of Government that has primarily failed the Irish people.
2. Second, Local Government has been handicapped since Independence by a deliberate

policy of marginalisation by Central Government.

Fine Gael believes that:

- **Local control over local services is essential.** A Fine Gael Government will move many of the functions currently being performed by agencies back to Local Government. This will increase accountability and save up to €65 million in costs.
- **Local Government needs greater financial freedom.** Fine Gael will give local authorities the ability to raise their own funds and ensure that all property-related revenues are part of the income stream of Local Government. We will also give them greater control over how money from Central Government is spent.
- **Local Government needs to be efficient.** Fine Gael will ensure that there is much greater sharing of services and administration between local councils to lower costs.
- **Local citizens should have a greater say.** We will roll-out, on a pilot basis, a system of Participatory Budgets under which local residents will be asked for their views on how local authorities should spend money in their particular communities. As part of this process we will make much greater use of local policing forums to determine, through consultation, policing priorities for each local community. Fine Gael will also establish a website – www.fixmystreet.ie – to allow residents to report local problems with street lighting, graffiti, maintenance etc., with a guarantee that a local official will respond within 2 working days.
- **There should be a directly elected Mayor for Dublin.** But reforms of local government are firstly required to avoid additional costs and bureaucracy. Fine Gael will implement these reforms before creating a directly elected Mayor for Dublin in 2014 to coincide with the local elections.

9. Empowering the Citizen

Fine Gael believes that there must be a fundamental shift in power from the state to the citizen. Ireland, like all western democracies, is suffering from a growing lack of citizen involvement in the democratic process. But Ireland faces an additional challenge – the enforced emigration of many of its citizens because of a lack of work at home. Fine Gael is firmly of the view that concrete action must be taken to facilitate greater involvement by all Irish citizens in the political process – both at home and abroad. In Government we will among other things:

- **Reduce the voting age to 17, automatically register all 17 year olds to vote and give eligible citizens the right to vote at Irish embassies in the Irish Presidential election.** If this experiment is deemed a success Fine Gael will consider extending this practice to general elections.
- **Introduce a petitions system that will allow citizens to have their concerns directly addressed by the Dail.**
- **Protect dissent by making key equality and rights bodies answerable to the Dáil rather than the Government.** This will prevent Government from putting pressure on the relevant body by threatening its budget.

- **Introduce new Social Investment Bonds to finance a new generation of “social entrepreneurs”** to work alongside the state in tackling many of the most difficult social problems, including obesity, illiteracy and criminal recidivism
- **Give citizens much more “Choice and Voice” in how public services are delivered (see above).** We will, for instance, create a “one stop shop” for all entitlements and introduce Personal Budgets for individuals, particularly in health, so that they can choose the services they want and need. We will also require departments to publish “Regulatory Impact Assessments” before decisions are taken, creating a further channel to obtain the views of civic society on new rules and regulations.