

The background of the entire page is a photograph of the Leinster House in Dublin. The building is a grand, light-colored stone structure with a large central dome covered in green copper. A clock face is visible on the facade below the dome. The Irish flag and the European Union flag are flying on poles to the left and right of the dome. The building's entrance features a portico with columns and a pediment containing a statue. The sky is clear and blue.

Open Government and Empowered Citizens

Labour's plan for reforming politics,
the Constitution and the public sector

Our commitments

- Hold a number of referenda on repealing the eighth amendment, modernising the reference to women in the home, and enhancing our democracy. Labour will also reform the Constitutional Convention to make recommendations on further issues and convene an expert group on Economic, Social and Cultural rights.
- Introduce a free and secure digital portal for every citizen. This will dramatically simplify interactions with the state and form a key part of our agenda to make all Government data open and transparent.
- Create an independent Electoral Commission to take the running of elections and maintenance of ethical standards in politics out of the hands of Government ministers.
- Allow 16-year-olds to vote in local and European elections and expand the General Election franchise to long-term European residents and Irish citizens living abroad for less than five years.
- Introduce new town councils for all medium and large urban areas and allow the people of Dublin to decide whether they want a directly-elected Mayor with real powers to serve the city and county.

INTRODUCTION

Labour believes in Open Government – and not just as a slogan. In government we have already done much to reform our system of government, but there is more to be done. We believe in going further to deliver truly transparent governance at all levels.

We destroyed the link between big money and politics by imposing limits for election spending and for political donations. We passed legislation to protect whistleblowers and regulate lobbying, and greatly improved the Freedom of Information and Ombudsman Acts. Critically, we have opened up the system of appointment to State boards by providing for a role for the Public Appointments Service.

Labour wants to see Ireland continue to grow into a modern, thriving country. Central to that is keeping up reform and renewal of our public services. We believe in a strong state with efficient, well-run services that deliver for the citizen. We want to see a country with an open and accountable civil service and a strong, vibrant public sector.

These things can't be delivered by a confrontational approach based around cutting our services to the bone. We need to continue with collaborative management and responsible investment to ensure we build a truly world-class public sector. At the same time, Labour is determined to build on our record in opening up government. We believe all of us are best served by government that is open, transparent, and never slides back into old-style cronyism.

Labour believes in cherishing and strengthening our hard-won democracy. We must champion meaningful reform of our parliamentary institutions and processes that allow for citizens to have their say in government. The most important act of citizens in a democracy is casting their vote, and Labour's plan is to make that easier than ever for voters to be an engaged, active and empowered within our democratic system.

**“LABOUR WANTS TO SEE
IRELAND CONTINUE TO GROW INTO
A MODERN, THRIVING COUNTRY”**

A constitution reflecting modern values

Our constitution must be a living, breathing document, regularly adapted to make sure it reflects our society and our values. Labour will continue to seek the permission of the people to make constitutional changes that will enhance their rights. As Ireland changes, so too must our basic law, Bunreacht na hÉireann.

During the last five years we put a series of referendums before the people of Ireland. The marriage equality referendum will long be remembered as a watershed moment in Irish society, while the people also had their say on the powers of Oireachtas committees, the future of Seanad Éireann, judicial pay, the creation of a new Court of Appeal, the rights of Children, and the age of presidential candidates.

Absolutely core to our constitutional agenda is the need to enhance the rights of women in Bunreacht na hÉireann. In the wake of a number of terrible preventable tragedies in this country, Ireland has made some progress in advancing the rights and protections for pregnant women with the enactment of the Protection of Life during Pregnancy Act in 2013 and the development of the new National Maternity Strategy which is currently underway. However, the current constitutional mess caused by Article 40.3.3, the so-called Eighth Amendment, will continue to hamstring the State's ability to legislate properly for the protection and rights of women in pregnancy.

We will hold a referendum to remove Article 40.3.3 of the Constitution and, if this is successful, we will ensure that comprehensive legislation is put to the Houses of the Oireachtas to sufficiently protect the rights of women in pregnancy; in particular their right to life and to health.

We also propose to amend the current provision dealing with women in the home in line with the recommendations of the Constitutional Convention. Labour will convene an inter-departmental task force to formulate wording for a referendum to amend Article 42.1 that reflects the submissions to the Convention.

We want to replace the existing provision with gender-neutral wording that provides for State recognition and support for all persons caring for others within the family home.

Enhancing our democracy

In government, we asked the people of Ireland to make decisions on Oireachtas committees, the future of the Seanad, and the age of Presidential candidates. In addition to these referenda, we have extended the number of hours the Dáil sits for, changed the role of Oireachtas committees to give them greater powers to hold the Government to account, allowed for the election of the Ceann Comhairle by secret ballot, and ensured that committee chairs will be appointed in an impartial manner through the use of the d'Hondt system. Our democracy can only benefit from an ongoing process of reinvigoration.

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We will hold a number of referendums on one day designed to enhance our democracy. These will include reducing the voting age to 16, enhancing the references to the Ceann Comhairle and including a reference to Oireachtas Committees in the constitution. In addition to these proposals from the Constitutional Convention, we will allow the people to decide on removing the absolute constitutional ban on revealing information about discussions at Cabinet, and allowing for citizen participation in nominating Presidential candidates.

Reinstating the constitutional convention

In 2011, Labour proposed the establishment of a constitutional convention comprising 66 members of the public, 33 members of the Oireachtas and an independent chair. The Convention, established in 2011, produced nine reports with a range of recommendations. In

government, we accepted the case made by the Convention for referendum to be held on the

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following questions: marriage equality, reducing the age threshold for Presidential candidates, reducing the voting age to 16, removing the offence of blasphemy, enhancing the references to the Ceann Comhairle and including a reference to Oireachtas Committees in the constitution.

In 2015, the people voted on the first two of those issues, passing the marriage equality referendum. Labour will hold referendums on three of the four remaining areas which have been accepted within the first two years of the next Government.

We will re-establish the Constitutional Convention, with a mandate to examine in greater detail at least four issues which require careful and sensitive consideration: end of life issues; the place of faith in the constitution (including the issue of religious declarations being required of office holders); allowing for positive discrimination to combat inequality for those with disabilities in society; and the role of the State as custodian of the physical environment, in particular the public water supply.

Labour believes that the State’s role as custodian of the physical environment, on land and sea and in the air, including plant and animal life must be explicitly recognised in the Constitution. Consideration must be given to the appropriate mechanism to ensure that the public water supply remains in public ownership and cannot be sold to private interests. Importantly, the Constitutional Convention has made a positive determination in relation to Economic, Social and Cultural rights. Given the number and complexity of constitutional matters involved, we will establish an independent expert legal panel, with broad membership, to assess the legal and regulatory impact of this before such a question can be put to the people.

Open data and smarter governance

Labour believes in truly open government and is proud to have overseen Ireland’s joining of the international Open Government Partnership. Data held by public bodies is a valuable resource, not only for each body but also for citizens as a whole. It makes it possible to improve access and ease of use in public services. Digital technology offers new opportunities to improve the provision of public services and to improve the interaction between public service providers and consumers. Yet these can be fractured, with duplication of inputs and process.

Labour in Government established an Open Data Governance Board, with industry experts to drive our open data strategy. We agreed an open data technical framework to standardise published data sets and established our national open data portal at data.gov.ie.

We will continue to promote and support the use of open data throughout the public service and welcome private sector adoption and use. We will publish a national Open Data Action Plan on the principle that all data held and managed by public bodies should be made available subject to safeguards in relation to privacy, vulnerable people or commercial and operational considerations. Labour is conscious of the risk of digital exclusion and we will ensure that our digital government agenda

doesn't leave behind any citizens, especially older citizens.

We will introduce a free and secure Digital Portal for every citizen and business, enabling them to communicate with Government Departments and public bodies. The portal will give users a window on their transactions with the State. It will facilitate amendments to basic information by a user and allow a single regulatory check to apply across all the system. We will ensure that the high standards of verification required by Revenue, the Passport Service and the Public Services Card are used across the system.

We will also substantially increase the resources available to the Office of the Government Chief Information Officer to coordinate activity across the public service. We will enact a Data Sharing and Governance Act to ensure that the highest modern standards of data protection apply, with associated transparency and governance obligations, to information sharing between public service bodies. The legislation will include an effective oversight role for the Oireachtas. We will engage with the National Statistics Board on the development of a National Data Infrastructure.

A stronger public sector

Labour in government has driven the reform of public services. Measures to reduce public service numbers, public service pay, and the number of state bodies were all central to the turnaround in our public finances. Reforms also included changes to sick leave and annual leave arrangements, more open competitions for positions within the civil service and the transfer of staff to areas where they were needed most. Additional productivity measures were central to maintaining front line services. These changes were implemented by way of two negotiated public service agreements. Labour will compliment these changes with a new training and development shared service to drive higher performance levels in a positive manner.

Central to our programme has been the creation of a more integrated public administration.

That is why we have introduced shared services in the HR, Procurement and Financial Management functions. A Civil Service Management Board has been established to formalise cooperation between the heads of Government Departments. That Board is responsible to an Accountability Board with private sector membership. Common Governance Standards have been set. Labour will introduce measures to facilitate easier transfer between parts of the public service. We have also responded to criticism about a lack of specialists in the civil service by establishing the Irish Government Economic and Evaluation Service. We will now set up similar specialisms for statistic and data analytics.

If returned to government, Labour will enact the Public Sector Standards Bill, establishing a Public Sector Standards Commissioner, to oversee a new framework, operational at local and national level for the first time, of ethical standards for public representatives and public officials. The Bill imposes statutory prohibitions on the use of insider information and on the seeking by public officials of benefits to further their interests. The Bill also provides for a new statutory board to address conflicts of interest that might arise as public officials take up roles in the private sector.

We recognise the Ombudsman is an essential interlocutor between citizens and the providers of public services, acting as a guarantor of citizens' rights. In government we have extended the remit of the Ombudsman to include a number of bodies not previously covered. We believe that the role should be further extended to include redress for public services, whether provided by public or private bodies, including private bodies in receipt of public funds.

Meaningful electoral reform

Irish people can be rightly proud of our electoral system. It has by-and-large served the people well and remains one of the most proportional systems in the world. Moreover, Labour in government has severed the link between big money and politics by imposing limits for



election spending and for political donations. However, there are still crucial areas of reform to be addressed.

If returned to government, we will establish a powerful and independent Electoral Commission charged with the independent management of elections. The Commission would remove from Ministers and Departments the responsibility for running elections and referendums, take over responsibility for the electoral register and encourage voter registration and turnout. The Commission would also take over the powers of Referendum and Constituency Commissions. The number of people living in Ireland who were born elsewhere is at an unprecedented high. We believe that all EU citizens who have lived in Ireland for five years should be entitled to vote in general elections. This should be extended on a reciprocal basis. We will mount an information campaign to encourage all non-Irish citizens who have the right to vote, including all those who are currently entitled to vote in local elections, to do so. We will enable citizens who emigrate to remain on the electoral register for up to 5 years.

We will change the law to allow 16-year-olds to vote in local and European elections. We will also revise the terms of reference for the revision of constituencies to ensure the fairest and most proportionate distribution of seats possible. This will necessitate the abolition of three-seat constituencies which provide the least proportionate level of representation.

Reforming Dáil Éireann

The Houses of the Oireachtas need to be able to scrutinise legislation, pass the Government programme and hold the Executive to account. It is clear that further reform is needed to guarantee all three functions can be performed effectively.

Labour in government has implemented a number of reforms to make the Dáil more effective and more efficient. We increased the number of sitting days by 33%, increased the time for asking questions of the Government, introduced a right of appeal to the chair where members were dissatisfied with Ministers' answers, opened up the law-making process, with a new pre-legislative stage that encourages engagement with experts, interest groups and

the public, made it easier to debate topical issues and facilitated TDs to bring forward their own legislation.

But we need to go further. Labour will establish a new Dáil Reform committee with a majority of backbench members to undertake a fundamental redrafting of how the Dáil functions in practice. Part of this work would be finding ways to strengthen the ability of the Ceann Comhairle to impartially protect the interests of members and the public interest; to put a stronger obligation on Ministers to answer questions properly and fully (including an obligation to provide redress and correction if the House is misled) plus rules covering the standard of replies, and to ensure more consistently adequate time for debate in the passage of legislation.

We believe that it should be no function of the next Government or of Party leaders to decide who the next Ceann Comhairle should be. We have changed the rules so that the members of the next Dáil will elect their chair by secret ballot. This will reinforce the independence of the office holder, making it clear that he or she has no ties to the Government of the day.

Dáil Business

While the Dáil and its members need a daily opportunity, in the public interest, to raise matters of current interest or controversy with the Taoiseach and Ministers, it does not need to order its business on a daily basis in the present way.

Ministers should be in attendance at the Order of Business, and respond to any questions raised by members of the Dáil in relation to policy that falls within their remit. Questions relating to the scheduling of legislation will be directed to the Chief Whip rather than the Taoiseach.

At present, Ministers answering questions spend much of their time physically facing away from those they are being questioned by. We will examine the feasibility of arranging the Dáil in a manner similar to the Seanad, allowing a more

genuine engagement between Ministers and Deputies.

More Dáil time should be routinely available for debating procedural and business motions without eating into time allocated to debating the business of the nation rather than the internal running of the House.

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Committee chairs in the next Dáil will be allocated between parties and groups according to the d'Hondt system. Labour believes these office holders should be required to make declarations of impartiality and independence. We also support membership of committees being determined using a transparent process supervised by the independent Ceann Comhairle.

The next Dáil should also examine the merits of dedicating one week out of every four primarily to the work of the committees – during this week, Leaders' Questions, Question Time and Topical Issue Debates will take place, but other Dáil business will generally be suspended to allow for a focus on committee work. Committees could still meet as required

in plenary weeks, but the aim would be to concentrate as much business as possible in the committee week

Labour will also introduce a written parliamentary question system for statutory bodies – the HSE, CIE, the ESB, the VHI, and so on. Each body's CEO would be required to reply to a question within a specified time limit, to be published in official Dáil record. In addition, CEOs would be required to attend before Oireachtas committees, to answer oral questions. Ministers will remain responsible for answering questions on public policy.

The Whip

Every major political party, since Charles Stewart Parnell devised it in the 1880s, has operated the party whip. Irish public representatives are more bound by party discipline than their counterparts in the UK, US, or most of the western world.

As long as individuals group together to put a common agenda to the people, they will organise together in our elected assemblies in order to see that agenda advanced. Under our system the Government depends for its survival on retaining the support of a majority in the Dáil. It is constitutionally obliged to resign if it loses that support. There must be some form of parliamentary discipline and cohesion on the part of those who support the Government. But the time has come for a rebalanced approach, which gives greater recognition to the standing of individual members rather than the interests of the party. We cannot bring this change about simply by changing any rules set out in the Constitution or in legislation or standing orders. The issue is one of attitude, across the parties.

If our proposals are accepted and implemented then, under a reformed Dáil, with greater independence and greater power to hold the Government to account, TDs themselves will have greater standing and independence. Inevitably the parties will react to changed circumstances by moving towards a more relaxed, less whipped regime.

Oireachtas TV

A dedicated Oireachtas TV channel should not be confined to broadcasting sessions in the House or in committee. There should be room for much more explanation, interpretation and analysis of, and debate about, the work going on, as with C-SPAN in the United States.

Parliamentary inquiries

We in Labour believe that it must be a function of the Oireachtas to engage in scrutiny and oversight of the Government and the public service.

To assist Oireachtas inquiries, and to make them more efficient and effective, we propose legislation allowing for the appointment of a parliamentary inspector in times when such a post is deemed necessary. The investigator would provide a mechanism for the timely and cost-effective investigation of issues giving rise to significant public concern. The investigator would have power to inquire privately into matters of public interest and, so far as possible, establish the factual position. Where the investigator was unable to establish clear facts, the report would if necessary be followed by a formal parliamentary inquiry. In those situations, the evidence collected by the investigator would be available to the committee or tribunal, thereby reducing time and cost. This would enable the inquiry to hit the ground running, starting work almost immediately.

Public Inquiries

Commissions of investigation were designed to ensure the co-operation of witnesses, without extensive legal representation, through a 'carrot and stick' approach. The carrot element of the investigation is that it is held in private. The stick element was meant to be that, if the commission of investigation could make no progress, a full blown public inquiry could be held.

Commissions of investigation have worked very well in practice – there have been 12 of them to date. But the stick aspect means that setting up a tribunal of inquiry must continue to

be a realistic possibility where no cooperation is being given to a private commission of investigation.

Tribunals of inquiry are unlikely ever again to be routinely employed but they do remain an essential reserve power. We will legislate as recommended by the Law Reform Commission for a reformed tribunal process with targeted terms of reference, limited legal representation – and the ability to end it all if unforeseen or protracted problems arise.

We will also legislate to address in a targeted way the specific concerns raised in the operation of the IBRC commission of investigation. Those concerns do not appear to reflect wider problems with the statutory model itself.

Independent, diverse and quality media

A strong and accountable government needs the external oversight of a strong and thriving media. We will ensure adequate funding for public service broadcasting and implement measures to support Ireland's vibrant commercial broadcasters. In government, Labour has moved to protect media diversity by enhancing the regulation of media mergers. We will replace the TV licence with a public service broadcasting charge (PSBC) and will intensify efforts to combat evasion so that everyone pays a fair and affordable share. This will both place the national broadcaster on a more secure long-term financial footing, and support commercial broadcasters by allowing for the abolition of the Broadcasting Levy.

We further believe that a dedicated Oireachtas TV channel should not be confined to

broadcasting sessions in the House or in committee. There should be room for much more explanation, interpretation and analysis of, and debate about, the work going on, as with C-SPAN in the United States.

Strengthening our local democracy

Labour's vision for local democracy is one that mixes empowerment and effectiveness. We want to see ordinary citizens having more of a say in the management of their communities through direct democratic elections. We will rebuild urban government by legislating to establish directly elected councils in all medium sized towns with a separate budget and mayor.

Continued reform of our systems of local government is essential to meeting the needs of citizens and their communities. The old system of town councils unevenly spread throughout the country has been ended, however a vacuum in local leadership has now opened up across many towns and villages across the country. A new system of urban government is vital for the continued regeneration and growth of our towns and surrounding areas.

Labour has a longstanding commitment to establishing a directly elected Mayor of Dublin. In government, we allowed the four councils to decide whether or not to allow the people of Dublin a vote on this issue. Labour will now give the people of Dublin their say by holding a countywide plebiscite. A directly elected Mayor of Dublin City and County will be supported by a revamped Dublin Regional Assembly so that Dublin has the leadership structures it needs to thrive as a modern capital.

Costings

Policy	Cost
Public service Digital Portal	€20m
Office of Chief Information Officer	€1m
Establishment of Electoral Commission	€1m



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