

C/O The Irish Council for Civil Liberties
Unit 11, 34 Usher's Quay
Dublin 8
D08 CV6X

CC: All Party Leaders

July 15th, 2022

Dear Ceann Comhairle, Cathaoirleach and Members of the Business Committee,

We are writing to you today regarding the approach of the Government to advancing legislation through the Oireachtas over recent weeks. We have serious concerns about the manner in which certain complex Bills have been dealt with, including the Communications (Retention of Data Bill) (2022), The Electoral Reform Bill (2022), The Regulation of Providers of Building Works and Miscellaneous Provisions Bill (2022) and the Planning and Development, Maritime and Valuation (Amendment) Bill (2022).

In recent weeks we have seen what can only be described as a serious and sustained abuse of the legislative process by the Government with respect to the passage of important legislation. In an effort to complete legislation before the summer recess, wholly insufficient time has been allocated for the proper examination of Bills, a function which is the democratic prerogative of the Oireachtas. This was laid bare on Wednesday this week when a drafting error was discovered in the Electoral Reform Bill which could not be amended. This error was not spotted because the Seanad was not afforded adequate time to analyze the government amendments before the debate was guillotined.

This week the Government has scheduled 6 Bills for discussion in the Dáil and 10 in the Seanad. The equivalent figure for last week was 7 and 7 respectively. A number of these Bills have had committee, report and final stages merged into a single, and oftentimes guillotined, session. This renders the legislative process to be little more than a rubber-stamping exercise for Bills which the Government can progress without oversight. The European Commission has highlighted this specific issue as an area of concern in their annual Rule of Law Report for Ireland which was published on July 13th;

“discussions on new bills tend to be concentrated during short periods of time (in particular, during the two weeks before recesses), with negative consequences for proper parliamentary scrutiny.”

Aside from the rushed and truncated nature of the process, even more alarmingly, we have seen the Government table extensive and complex last-minute amendments to legislation which leaves the opposition with no time to engage. We have seen this with the Electoral Reform Bill and the Planning and Development, Maritime and Valuation (Amendment) Bill. It is extremely concerning that the Government sees fit to wave through amendments which have not been scrutinised by parliament or that time has not been allocated to discuss. This makes a mockery of the parliamentary process, side-lines the opposition and general public and as a result is profoundly undemocratic. This is bad for democracy and undermines the ability of citizens and civil society to participate in the legislative process in any meaningful sense. It will also inevitably lead to errors, as has already been demonstrated with difficulties with the text of the Electoral Reform Bill this week.

We ask that the Government gives serious consideration to how this situation can avoid being repeated every December and July as the Government seeks to rush to pass legislation before the recess and that they reflect on the impact that this behavior has on the quality of democracy that they are presiding over.

Yours sincerely,

Adeline Berry- Intersex Ireland

Aisling Micklethwaite- Chairperson, Ireland-Palestine Solidarity Campaign

Bernard Joyce-Director, Irish Traveller Movement

Claire McGettrick- Co-Director, The Clann Project

Daniel Holder- Deputy Director, The Committee for the Administration of Justice

Edel McGinley- Director, Migrants Rights Centre Ireland

Gavin Elliott - Legal Officer, Threshold

Ian Power- CEO, Spunout

Jane O'Sullivan- Managing Solicitor, Community Law and Mediation

Jennifer McCarthy Flynn- Head of Policy, National Women's Council

John Devitt- CEO, Transparency International Ireland

Karen Ciesielski-Coordinator, Environmental Pillar

Karen Kiernan-CEO, One Family

Karen Sugrue & Yvie Murphy- Co-Convenors, Together for Safety

Liam Herrick- CEO, The Irish Council for Civil Liberties

Lilian Ashe-Youth Justice Worker, Foroige

Dr Maeve O'Rourke-School of Law, NUI Galway

Martin Collins-Co Director, Pavee Point Traveller & Roma Centre

Dr Salome Mbugua- CEO, AkiDwA

Saoirse Brady- Executive Director, Irish Penal Reform Trust

Shane O Curry- Director, Irish Network Against Racism

Siobhán O'Donoghue- Director, Uplift

TJ McIntyre- Chair, Digital Rights Ireland