

LAURENCE KELLY

**THE OIREACHTAS: EXAMINATION OF THE
PROCEEDINGS OF TWO COMMITTEES OF THE 27TH
DAIL AND THEIR IMPACT ON THE FUNCTIONS OF
PARLIAMENT**

May, 1998

ABSTRACT

This dissertation set out to review the array of Oireachtas Select and Joint Committees created at the start of the 27th Dáil in 1993 and reestablished following the change of government in 1995 and to explore their impact on the functions of parliament.

To begin with, secondary literature relating to tasks associated with parliaments is discussed drawing on Irish experiences and practices where possible.

The many debates on Oireachtas reform over the past twenty years are examined, primarily with a view to learning the views of parliamentarians regarding the specific use of committees.

A range of factors which it is felt have a critical impact on the operations of parliamentary committees and their members in a number of countries are presented for consideration.

An overview of the Oireachtas committees in existence in 1996 illustrating such features as the role of women, payments to chairpersons and extent of membership by deputies and senators is offered.

Two case studies relating to the operations of the Select Committee on Legislation and Security and the Joint Committee on Foreign Affairs examine the detailed activities of both these committees for the period 1993 - 1996, highlighting the degree of involvement by members, workload, observations of participants and main players over time, difficulties encountered and a number of observations are presented regarding their operations.

The study concludes that the committees offered parliamentarians, government and interest groups a unique opportunity to unleash, enkindle and fuse talents and knowledge from sources hitherto largely removed and uninvolved in detailed public policy formation. The potential benefits available from their employment, however, were severely hampered by the sheer overabundance of committees with consequent strain on all the stakeholders/players involved, the persistence of government domination in parliamentary output, the continuing emphasis on constituency work by members which tended to place those who wished to pursue an energetic, active role in committee operations, possibly at the expense of less well-publicised constituency activity at an electoral disadvantage, the failure by the authorities to provide appropriate resources for effective and dynamic output from the committees and the lack of appropriate media recognition combining to dilute their effectiveness.

The amendments to the committee system, announced for the 28th Dáil are noted, observing that many of the changes flow from the experiences gained from their use in the 27th Dáil which in itself justified their creation and experimentation.

ACKNOWLEDGEMENTS

The completion of this dissertation involved the cooperation of a number of people. I am particularly grateful to my college supervisor, Dr. Eunan O'Halpin for his encouragement, guidance and practical advice over the past two years. The support of my wife and family during this period is also very much appreciated by me.

I commenced this study on a part-time basis in December, 1995, with an expectation of completing it in eighteen months. However, I found that with additional employment duties, I was effectively obliged to place matters "on hold" for a period of six months.

Laurence Kelly, May, 1998.

THE OIREACHTAS: EXAMINATION OF THE PROCEEDINGS OF TWO COMMITTEES OF THE 27TH DAIL AND THEIR IMPACT ON THE FUNCTIONS OF PARLIAMENT

CONTENTS

	Page
Introduction	(v)
Abbreviations	(ix)
List of Tables	(x)
 Chapter 1 Parliaments and Parliamentarians	 1
2 Why the Oireachtas accepted the Status Quo.	20
3 Reform of the Oireachtas: Role for Committees	29
4 Committees as elements of Parliaments' operations	42
5 Oireachtas Committees - 1996	74
6 Select Committee on Legislation and Security - 1993	87
7 Select Committee on Legislation and Security - 1994	105
8 Select Committee on Legislation and Security - 1995	123
9 Select Committee on Legislation and Security - 1996	143
10 Joint Committee on Foreign Affairs - 1993	161
11 Joint Committee on Foreign Affairs - 1994	176
12 Joint Committee on Foreign Affairs - 1995 and 1996	191
13 Summary and Conclusions	204
Appendices	223
Bibliography	263

Introduction

The new role for the Oireachtas as a result of the creation in 1993 of a network of select and joint committees was hailed as an advancement in parliamentary reform in Ireland insofar as it was seen as probably the greatest single change in the way that the Oireachtas conducted its business since the foundation of the state [Noel Dempsey, government chief whip, Dail debates, 18 February 1993]. With a view to examining this development further, I began by compiling an inventory of the perceived functions of parliaments as presented in literature by such academics as Norton (1990, 1992, 1993), Wheare (1968), Laundry (1989) and others. This revealed that parliaments are generally acknowledged as being entrusted with tasks embracing legislative, policy-making, scrutinising, representational, educational, teaching, elective and debating functions. Each of these facets of parliamentary activity are discussed in chapter one. At a later point case studies are presented which examine in detail the activities of two revamped Oireachtas committees which explore the impact, if any, their operations have had on both the functions of the Irish parliament (Oireachtas) and on the parliamentary members themselves.

To this end I studied literature highlighting the many tasks associated with parliaments in a number of jurisdictions and in different constitutional arrangements in order to gain an international view on the subject. With a view to placing the then current new practices in an historical context in terms of the development of the Oireachtas, some of the debates on Irish parliamentary reform over the past twenty years were reviewed in order to elicit the members own

views on the topic with a focus on instances where parliamentary committee utilisation were discussed.

Various forces which might impact on the proceedings of committees and their members were examined in an attempt to identify key factors with a bearing on the fortunes of committees. Secondary literature, discussed in chapter four, presents and considers a range of components such as the degree of specialisation by members, role of the media, powers of committees, provision of facilities and the role of outside bodies which authors such as Shaw (1979), Olson and Norton (1996) and others indicate have consequences for the quality, efficiency and effectiveness of parliamentary committees and are linked to the wider totality of parliamentary activities. Arguments both for and against the use of committees are presented reflecting the views of writers in a number of countries such as Baines (1985) and Donnelly (1997) in Britain, Heidar (1997) and Andeweg (1997) in other parts of Europe and O'Halpin (1986) and Arkins (1990) relating to Ireland.

As it would have proven impossible to realistically examine all the committees of the 27th Dáil/Oireachtas, I decided to present an overview of the committees, existing in 1993 -1996, to highlight a number of common issues such as scale of membership, remuneration and the position of women in Oireachtas committees and to concentrate in greater detail by means of two case studies on one select committee, confined to Dáil members, with a large legislative workload and a joint committee, drawing members from both Houses and concentrating primarily on policy matters. To this end, I selected the Select Committee on Legislation and Security and the Joint Committee on Foreign Affairs.

This dissertation is based primarily on the proceedings of the sample committees from 1993 until the end of 1996, even though the 27th Dáil continued to operate until mid 1997, and a number of changes to the then system have occurred since that time and are noted in the conclusions. The study involved the examination of all the printed and published records of relevant committee proceedings, annual reports, newspaper articles, contact with committee secretariat in Leinster House and correspondence/interviews with some officials of the Houses of the Oireachtas. The case studies entailed the examination of the operations of the two committees on a year-by-year basis from 1993-1996. The reason for adopting this methodology was to conform with the availability of records and reports and also to facilitate the study of changes and trends over the passage of time in such matters as attendance, difficulties, reactions to output, level of expertise of members, commitment and attitudes of members, government and associated forces. Tables are presented which endeavour to illustrate the workload of both committees, the attendance and input/contribution rates over the period of the review and the expenditure considered by the committees in the estimates process. Many of the calculations are purely to demonstrate the scale of operations and commitment to the committees and are in no way an attempt to adopt a score card approach to committee operations as this would serve no useful purpose. Unfortunately, I found that the proceedings of committees, other than the consideration of estimates and the committee stage of legislation, ceased publication after a short time allegedly in order to save expenditure. Furthermore not all committees published annual reports in spite of the requirement that they so do and several that were published arrived late. Whilst this defect had the effect of hampering my study to a certain degree and proved less than satisfactory in some instances, there was still plenty of material available to

permit a realistic portrayal of events during the period 1993 - 1996. Given that so many meetings appeared to go undocumented, at least as far as public scrutiny was concerned, there is a danger that democracy and the principle of public accountability were compromised by the large degree of parliamentary business conducted *de facto* "behind closed doors" insofar as while some meetings may nominally have been held in public, the lack of public records rendered them inaccessible to interested parties in practical terms.

This work follows on the previous study by Audrey Arkins relating to the 24th Dáil, which found that parliamentary committees were largely abandoned upon the dissolution of that Oireachtas. This current experiment with Oireachtas committees appeared to generate a greater enthusiasm among both members, administration and the governments of the 27th Dáil and the recent, positive decision of the Oireachtas to continue with the usage of parliamentary committees in a refined and strengthened manner, is, I submit, as a result of the many lessons learned, by the Oireachtas from the activities of the committees of the 27th Dáil.

LIST OF ABBREVIATIONS

EU - European Union

JCFA - Joint Committee on Foreign Affairs

SCLS - Select Committee on Legislation and Security

TD - Teachta Dála (Member of Parliament)

List of Tables

	Page
2.1 Source of defeat of defeated TDs at elections of 1987, 1989 and 1992.	21
2.2 Proportion of the 1996 membership of the Houses of the Oireachtas having held ministerial rank.	23
4.1 Main occupation of Deputies elected to the 27th Dáil	57
5.1 Allowances for chairpersons of certain Oireachtas committees 1994 - 1997	79
5.2 Women membership of Oireachtas committees - 1996	80
6.1 Number of meetings of SCLS during 1993	87
6.2 Attendance and contributions by members to SCLS during 1993	88
6.3 Summary of attendance - SCLS during 1993	89
7.1 Purpose of meetings of SCLS during 1994	106
7.2 Attendance and contributions by members to SCLS during 1994	107
7.3 Summary of attendance - SCLS during 1994	108
8.1 Purpose of meetings of SCLS during 1995	127
8.2 Attendance and contributions by members to SCLS during 1995	127
8.3 Summary of attendance - SCLS during 1995	129
8.4 Summary of Estimates considered by SCLS - 1995	131
9.1 Attendance and contributions by members to SCLS during 1996	144
9.2 Summary of attendance - SCLS during 1996	146
9.3 Attendance of members of SCLS 1993 - 1996	147
9.4 Purpose of closed, private or unrecorded meetings of SCLS during 1996	157
10.1 Attendance and contributions at JCFA during 1993	167

10.2	Comparison in attendance of government and opposition at JCFA during 1993	169
10.3	Summary of attendance at JCFA during 1993	169
10.4	Analysis of interventions made at JCFA during 1993	170
11.1	Attendance and contributions at JCFA during 1994	177
11.2	Summary of attendance at reported meetings of JCFA during 1994	179
11.3	Summary of participation at reported meetings of JCFA, 1994	181
12.1	Record of attendance and interventions at final meeting of the first JCFA, 19 January 1995	193
12.2	Attendance and contributions of reported meetings of new SCFA and JCFA 1995 and 1996	194
12.3	Summary of attendance at reported meetings of SCFA and JCFA during 1995 and 1996	196

Tables in Appendices

VI	Number of interventions by members/substitutes at 1993 meetings of SCLS	243
VII	Interventions at SCLS - 1994	245
VIII	Interventions at SCLS - 1995	248
IX	Interventions at SCLS - 1996	251
X	Interventions at JCFA - 1993	254
XI	Interventions at JCFA - 1994	257
XII	Interventions at reported meetings of JCFA - 1995/6	260

CHAPTER 1 - PARLIAMENTS AND PARLIAMENTARIANS

Introduction

In considering the issues relating to this subject I have studied the work of several authors who write on the functions of parliament not only in Ireland but in many other countries also. This led to an examination of many of the forms of assembly found throughout the world.

I was struck by the absence of agreement amongst writers on the precise meaning and role of parliament in whatever mode it existed in particular countries. Whilst many commentators agreed on specific functions as being relevant to a parliament, the vast range of activities highlighted by the literature in this field is impressive.

I decided to examine the role of parliament and parliamentarians in a range of states and to establish what both these institutions and their members should do. I propose therefore to review some definitions of parliament and to discuss a range of associated functions of same as suggested by a number of writers. This will lead to a consideration at a later stage of an analysis of and a commentary on the actual performance of the Irish parliament and its members measured against the range of activities which I will outline as being considered proper to parliaments(s)/parliamentarians. The impact of committees on this work will be reviewed later also.

Parliament - Legislature

Laundy (1989, p.30) states that parliaments are central to most systems of government adding that ' 145 countries have Parliaments of one kind or another'. Several authors comment on the interchange between the use of "legislature" and "parliament", finding no difference between these two titles in use as 'such bodies have in common that they are constitutionally designated institutions for giving assent to binding measures of public policy ... on behalf of a political community' (Norton 1990, p.1). Whilst Strom (1997) points out that 'the two terms have different origins, and that there has been a tendency to apply the ... term [legislature] mainly to national assemblies in presidential systems', he also uses 'the terms "parliament" and "legislature"' interchangeably. Laundy (1989, p.65) suggests that the two terms 'are often used synonymously'. Wheare (1968, p.1) agrees but adds that this can be misleading 'for a large part of the time of these bodies is not devoted to law-making at all'. These reservations concerning their law-making role would seem to correspond with Packenham's (1970, p. 81) view 'that the principal function of most of the world's legislatures is not a decisional function'. Indeed Rose referring to the UK parliament (1986, p.15) comments that 'it is wrong to describe parliament as a legislature, for it does not make laws'.

Accepting the misgivings claimed by many writers in this field, I propose to proceed as if there were no basic difference between both types and to adopt the view of Norton (1990, p.1) that these titles (and others) are but a generic name for institutions of this nature.

Functions of Parliament

Turning now to the functions of parliaments. I have made reference earlier to the large volume of tasks attributed to these bodies by various authors. In commenting on these tasks it must be noted that differences will arise depending on whether the parliament operates in a multi-party democracy, a Westminster model scenario, a single party state or a country where the executive (government) is completely separate from the legislature (parliament). I found diverse tasks allocated to parliaments where each of the above exist.

(i) Law - making

Amongst those who proclaim the law making function of parliament are Beer (1992, p.12), Suleimann (1986, p.5), Mann (1986), Laundry (1989, p.65) Wheare (1968, p.3) and Norton (1992, p.3). Indeed "on face value", you would assume it to be one of a legislature's principal tasks. FitzGerald (1997) states that 'the quality of the review and revision of legislation ... is the real test of the quality of parliament's work'. Parliaments are at least theoretically the sovereign body in most countries/constitutions and thus the principle of parliamentary supremacy in the enactment of legislation is present in most democracies in the world. Acceptance of this would lead one to assume that parliaments possess strong powers in both the initiation, consideration and ultimate fate of legislation.

However a study of the literature in this area would suggest that in practice the power of parliaments is often more limited than the theory would suggest. Several authors (Saalfeld, Arkins, Gladdish, Norton, 1990) cite the classification

of legislatures by Mezey (1979) and referred to by Suleimann (1986, p.5) which describes three models used to decipher the proper place of parliaments in democratic societies and label most West European states as belonging to the 'modest policy-making power' category. Suleimann attributes some of the loss of parliamentary sovereignty to government to the emergence of mass political parties although he modifies this in the cases of multiparty coalitions and the instances of undisciplined parties. This is summarised in Figure 1.1:

Party System	Legislature's and Legislator's Independence		
	Strong	Moderate	Weak
Majority Party			X
Multiparty Coalition		X	
Undisciplined Parties	X		

Source Suleimann (1986, p.6)

FIGURE 1.1 : Classification of legislatures by Mezey [1979]

Because parliaments represent the electors who appoint them, it is proper that they should have the right to initiate and ultimately accept, modify or reject proposed legislation. The position as found in many legislatures is that because of party political power and executive dominance the actual role of parliament in the formal passage of legislation is marginalised.

The rise in the power of and the increased professionalism of political parties in most legislative assemblies coupled with the high degree of voting cohesiveness displayed by government supporters witnessed in parliaments have 'served as the

conduits for the transfer of policy-making power from legislatures to executives' (Norton, 1990, p.5).

Many authors qualify the law-making task of parliament by relating to the position of parliament in society to-day, the power of the government to initiate legislation and to control its passage through parliament and the fact that in the main a government's legislation is rarely defeated because of its hold over parliament ("cabinet dictatorship") and the party political "whipped" system which sees a governing party's supporters vote in favour of their government's proposals in almost all cases. In many cases such as Ireland and the UK (Rose, 1986, p.14) this voting cohesion can be because many of the members of parliament aspire to office themselves and would not therefore countenance "rocking the boat" and earning "black marks".

In France, Frears (1990), whilst acknowledging that parliament makes a constructive contribution to the legislative process, concludes that the executive exercises complete supremacy in the matter. Saalfeld (1990) also records that in Germany most legislative proposals are prepared by the government and are rarely defeated. This practice in modern parliaments is repeated in several legislatures.

It should be noted, however, that some countries recognise the efforts of their parliamentarians and endeavour to involve them at an early stage in the proceedings and introduce some element of consensus into the process and we will be introduced to these concepts when the Select Committee on Legislation and Security (SCLS) is considered below. Furlong (1990) indicates how in Italy,

government-introduced legislation often includes measures previously presented in private bills and that this increases the likelihood of consent to the eventual government bill. There was some evidence of this approach at the SCLS as will be outlined in a later chapter.

Sweden has long included MPs, including members of the opposition on commissions empowered to consider issues which often result in legislation. Even in this more relaxed, less autocratic seeming parliament, the government can, at the end of the day, still get its measures through by the numerical strength of its supporters in the *Riksdag*. What is unusual is the strong influence which that parliament exerts both by forming back bench cross party coalition groups to promote regional issues and the substantial use of committees in the legislative process.

A feature of the Swedish system (also found in some other countries) is the practice whereby government proposals usually go direct to the committee before a second reading in the plenary session, thus affording members an opportunity to exert influence at a earlier, critical time before they become major political issues on the floor of the house. All of these result in some erosion of adversarialism according to Arter (1990) and an enhanced perception by Swedish MPs themselves of their role as legislators. This is close to the description of 'classical' or 'genuine legislator' applied to parliamentarians in the United States which Bogdanor (1985, p.5) and Laundy (1989, p.70) suggest are the prime examples of members of a national parliament exercising significant power in the area of law-making. The eventual and welcome introduction of this practice into the Oireachtas will be found when the SCLS and other committees

are discussed below.

Writing about the Norwegian parliament, the *Storting*, Heidar (1997) points to the rise in the occurrence of minority governments in Norway in the 1970s and 1980s and associates this fact with various reports of Olsen (1983) and Rommetvedt (1992) concerning the 'increase in the importance of the *Storting* in Norwegian politics during this period' which tends to confirm the first element in the table above. Similarly, referring to the second component of the same table, it could be argued that O'Halpin (1996) was of a similar mind when he alluded to 'the emergence of coalitions as the dominant model of government' in Ireland coinciding with 'a modest strengthening of the legislature's powers of oversight and enquiry through specialist committees' and this fact is further demonstrated by the same author's attribution of the very formation of the Joint Committee on Foreign Affairs in 1993 to Labour Party insistence as part of the coalition government formation arrangements with Fianna Fáil (despite the latter party's historic resistance to same).

Mann (1986, p.223) refers to 'American exceptionalism in the universe of democratic legislatures' when writing about the US Congress which, as it is completely separate from the executive branch [the government] has 'an independent capacity, frequently exercised, to mould and transform proposals from whatever source into laws' (Polsby, 1975).

In the United Kingdom, which spawned the "Westminster model" of parliament, the adoption of which by Ireland is blamed for much of the perceived weaknesses of the Oireachtas, the formal legislative process is often viewed as merely a

legitimation function and an occasion for political parties to register their views on issues. Norton (1993, pp. 54-55) comments on the role of MPs as facilitators, who accepting that the government dominates the parliamentary time table, introduce groups to Ministers and hope to gain acceptance of amendments in that way. Outlining the formal methods by which MPs and peers may introduce amendments to legislation he adds (p.81) that for many reasons - time; expertise; knowledge - 'in practice the potential far exceeds the practice'. Whilst it is open to private members of both the House of Commons and House of Lords to initiate legislation, the reality is that apart from a few celebrated - often non contentious pieces - such private members bills are usually doomed to failure because of lack of government support and thus parliamentary time. [Witness the commentary by political correspondents regarding the likelihood of the failure, for the very reason above, of the proposed anti-hunting legislation, a private member's measure, despite a huge vote in the House of Commons in favour of the move.]

Because ministers in the UK (and presumably in other similar type parliaments) do not want to alienate their own supporters unnecessarily, back bench influence on legislation is effected "behind the scenes" at parliamentary party meetings such as back bench committees or if negative parliamentary reaction from own backbenchers is anticipated, steps are taken by the executive to address the problem (Norton, 1993, p.69). Therefore the real law-making may be said to occur to some extent in the party rooms outside of the parliamentary chamber. Indeed I suspect that this approach was tactically adopted at the SCLS when an apparent *impasse* concerning the appointment of judges was under consideration as revealed in a later chapter relating to the proceedings of the SCLS in 1995. Patzelt (1997) referring to the position in Germany cites the existence of a "new

dualism" of the executive and the supportive parliament majority and declares that since the parliamentarians would be loathe to jeopardise the stability of their government, this forces consideration by both government and MP of each others view when adopting positions. Damgaard (1997) illustrates the case of Danish MPs with those supporting the government having ready access to ministers to discuss their views on legislation and the opposition having to rely on formal preparation of bills by them in order to advance their proposals.

Ireland

In Ireland, the Constitution acknowledges the legislative role of the Oireachtas in Article 15.2:

The sole and exclusive power of making laws for the State is hereby vested in the Oireachtas:

However the Oireachtas, Dail and Seanad (excluding the President who is sometimes referred to as the third House of the Oireachtas) seem to be as restricted in their legislative deliberations as the parliaments of most other European democracies.

‘The government has an almost exclusive initiative in proposing measures ... [and] controls the passage of business through the two houses’ (Chubb, 1982, p.175). This power over the Oireachtas by the government which illustrates the reality of the situation, whatever the Constitution might say, has eroded the law-making functions of parliament (Arkins, 1990).

This is not to say that parliament and its members have no influence on the

legislation proceeding through parliament, as in most jurisdictions the process involves a number of stages even prior to presentation to parliament at all. Bills go through what Laundy (1989, p.69) refers to as pre-consideration stages before parliament:

They will probably have originated in a government department and will certainly have been considered in cabinet. In many cases there will probably have been an input from outside bodies and experts with an interest in the subject of the legislation.

At this juncture 'the public procedures - that is, the parliamentary stages ... begin' [Chubb, 1982, p.181]. In the main it has been the practice that once a bill has been introduced, the sponsoring minister has been "locked-in" to a specific course of action/policy which was practically sacrosanct and would rarely countenance any change to the measure being formally considered. However the attitude that only the government may be right is slowly being altered especially through the advent of the new legislative committees and deputies have been reported as lauding this new "law-making role".

Amendments appear to be accepted by the government to a greater degree than before as the review of the SCLS later illustrates. However initiation of legislation continues to be thwarted by the government. Mention is still made of the few private members bills passed - some as long ago as the 1930s, Alan Shatter's two bills on family law and adoption, the acceptance by the government of the Eoin Ryan TD, sponsored bill relating to child sexual abuse abroad and the "adoption" by the last cabinet of Fianna Fáil inspired draft anti-crime legislation. The record of Seanad private members bills is worse, with the Protection of Animals [amendment] Act, 1969 being quoted as a rare example [Mc G Smyth, 1972, p.

(ii) Policy - making

Whilst the law making role of parliament is disputed by some people writing in this area, the capacity of parliament to influence policy is alluded to by many writers. Referring to one of the elements of the UK parliament, Rose (1986, p.15) accepts that the House of Commons 'influences the climate' in which laws are enacted and has a task of ratifying the legislation. The point is made by other authors that parliament and its members are but one element in the forces that influence policy in the public arena along with a variety of interest groups and organisations which are adept at getting their point across to the law drafters. Nevertheless it is clear that parliamentarians have varying degrees of success in influencing policy. Arter (1990, p.125) highlights the participation of Swedish MPs, including the opposition, in 'commissions that are routinely engaged in the gestation and formulation of public policy'. As the US Congress possesses very strong independent powers in this area Mann (1986, p.227) acknowledges its ability to shape policy to an extent not enjoyed by many other parliaments throughout the world. The Irish situation in this regard is that most commentators would agree with O'Halpin (1992, p.179) that 'the Oireachtas is conspicuously weak'. Arkins (1990, p.101) would seem to concur when she says that 'backbenchers in Ireland play a subsidiary role in policy formulation [to the executive]'. She concludes that Dail Eireann enjoys modest policy-making power insofar as it is capable of modifying but not rejecting policy proposals' when she "measures" the power of the Dail against the standard set by Mezey

(1979) [also employed by Suleimann above) when classifying legislatures as having "strong", "modest" or "little/none" policy-making power. Therefore in many cases the parliaments only exercise a legitimisation function by giving its "stamp of approval" (Packenham 1992, pp. 88-89) to measures before it. He was in this instance referring to the proceedings of the Brazilian Congress but this could apply to many parliaments in the world especially those following the "Westminster" model.

An apparent air of frustration felt by members of parliaments at their actual plight (contrary to any formal superior status) is given expression in a comment from an organisation entitled Global Legislators Organisation for a Balanced Environment (Globe)

Parliamentarians are thwarted in their work by the inadequacy of their powers to act upon the executive, or otherwise by their inability to use effectively the powers which they do have.

(iii) Talking/debating

The common impression of parliaments and their members is that they seem to involve a lot of talking. While some would condemn this it remains a most important aspect of parliamentary life according to others. The word parliament is partly derived from the French word "parler" - to talk (Laundy 1989, p.1) and if one extends this definition to include 'discuss' (Rose, 1986, p.16) or debate (Laundy 1989, p.63), (Wheare, 1968, p.3), it would seem that this activity is a main feature of most parliaments. Indeed it can allow the members to express the will of the people as Beer, Mann and Wheare suggest and can therefore exist as a "safety valve" to defuse issues of national excitement or outrage (Packenham, 1970, p.89). Mann (1986) talks of the US Congress as being 'especially adept at

expressing public opinion' and Wheare (1968, p.113) cites John Stuart Mill's words:

I know not how a representative assembly can more usefully employ itself than in talk, when the subject of talk is the great public interests of the country, and every sentence of it represents the opinion either of some important body of persons in the nation, or of an individual in whom some such body have their confidence

when he describes 'criticism of Parliaments, that they do nothing but talk' as "misplaced derision".

(iv) Administrative oversight

Many writers on this subject refer to the role of parliament in 'making the government behave' (Wheare, 1968, p.77). This is an important function for parliamentarians as argued by Frears (1990, p.34) when he advocates that one of parliament's main tasks is 'to scrutinise' and 'to warn' and to prevent the executive from 'abusing its powers'. Similarly Pakenham (1970, p.93) suggests that a role of a legislature is the provision of 'administrative oversight'.

A number of authors illustrate the case where governments in recent years have acquired much additional power by delegation of very generous powers, for example the widespread use of "Statutory Instruments", "Orders in Council" or other similar forms of secondary legislation. Whilst there is usually provision for parliaments to annul these, it is necessary for vigilance to be displayed in the monitoring of these often far-reaching powers. In many cases the parliament possesses the ultimate power of forcing the resignation of the government. This could occur in Ireland, Italy or the UK where measures deemed to be of a confidence nature are defeated by the legislature leaving the government with no

option but to resign. This has happened in Ireland in recent years with the defeat of the Bruton budget in 1982; the "no confidence" motion which brought down the Haughey government shortly after and the collapse of the Reynolds government in 1994 following the withdrawal of the Labour party from the then governing coalition. [Indeed this latter dramatic occurrence and the series of events associated with it led in no small way to the further development of the Irish parliamentary committee system as the circumstances surrounding the breakup of the government were the subject of a unique investigative sub-committee of the Dáil.] In Britain the Callaghan government fell in 1979 due to loss of confidence in the administration by the lower house of parliament.

The above action might be somewhat extreme but it can still be the result of a parliament using its powers to show displeasure at government action or inaction. In many other countries such as the US, this can not happen even though the Congress fully utilises its power as 'the overseer of Federal Bureaucracy' (Mann, 1986, p.242) in a very strong fashion. Several countries seem to prevent this threat of early dissolution by not treating every issue as a potential confidence matter and occasionally accepting defeat in specific matters.

Parliamentarians possess a range of possible methods of criticising the executive (Laundy, p.11; Wheare, 1968, pp.79-86). Most parliaments incorporate some form of question period, either written or oral, which allows a member to question the appropriate government minister. This is certainly the norm in countries following the "Westminster" model. Matters critical of the executive may be raised during debates on legislation or by way of specific motion. Even members of parliament who support the government are not to be taken for granted in all

matters. Braine (1987) referring to the House of Commons in the UK advanced the view that 'not being able to take the House for granted helps to keep Ministers on their toes and is essential for Parliamentary democracy'.

(v) Representation

Many would agree with the assertions of Patterson (1966, p.114) and quotes by Wahlke (1992, p.114) that 'a legislature is a symbol of representative, democratic, government'. Indeed this whole issue of representation is confirmed as being of utmost importance by all of the authors whose works I studied. Suleimann (1986, p.3) refers to the 'elected representatives of the people', Rose (1986, p.21) to an MP as, 'a constituency representative, Wahlke (1992, p.107) to the 'behaviour of representatives'. Laundry (1989, p.11) writes that 'the essential function of a popular assembly is the representation of the people as a whole' and further suggests that 'perhaps the true common denominator [of parliaments], regardless of a country's political system, is that of representation!

(vi) Financial control

This representation would lead to the elements of financial control exercised by parliaments (as representatives of the people) over taxation and spending matters by the executive. Closely linked with this issue are the tasks outlined by Beer (1992, p.71) of 'controlling and restraining the executive' and 'presenting grievances'. Parliaments' interest in taxation/financial matters would seem to stem from the accounts written by Laundry (1989, pp. 75-76) of how English parliaments were summoned by kings to advance monies to finance the costs of fighting battles and used the opportunity to raise grievances with the monarch before granting supply of money. This practice is reflected to some extent in the

current position in the UK House of Commons whereby "Opposition days" are provided for the purpose of a free - ranging debate often lasting throughout the night, on a range of grievances raised by members, and the instance of Australian grievance days for similar purposes in the Australian parliament. This control on money matters by the elected chambers of parliament (in bicameral situations) continues in most countries but the introduction of measures to spend money is often a retained function of governments in order, it is said, to prevent members of parliament authorising/promoting the expenditure of funds but vetoing the raising of taxes to cover same.

(vii) Relationship with constituency

When we discuss the representation role of members of parliament we should be very conscious of the relationship between the member and his/her constituency and constituents. The constituency work of a parliamentarian is often derided but is carefully nurtured by the member concerned. Packenham (1970, p.94) referred to it as 'errand - running' whilst Frears (1990, p.44) uses the term 'localism' to refer to the practice of legislators in France 'of spending more time on local issues than being a national legislator'. Wheare (1968, p.47) reflects on the "surgeries" held by British MPs in their constituencies and states that this provides the MP 'with an opportunity of knowing how people in his electorate are thinking and feeling ... discover from his party supporters ... attitudes they take on the issues under discussion'. This closeness to constituents and their "problems" is often raised in Ireland also and is sometimes referred to as "clientism", being viewed 'as a negative phenomenon' (Gallagher and Komito 1992, p.149). Gallagher (1996) in an examination of electoral systems, annexed to the Report of the Constitution Review Group (1996), addresses this point as follows:

No-one has argued that representing the individual and community interests of constituents is not an important part of the responsibilities of a member of parliament. Nor, as far as I know, has anyone suggested that TDs deal with genuine cases purely out of a desire to be re-elected, as if, were the electoral incentives to be removed, TDs would feel free to close their ears to those needing assistance. It can be taken for granted that the great majority of TDs, like parliamentarians in most countries, will always feel obliged to lend their expertise and assistance to constituents who turn to them with a genuine problem, even if resolving this problem will be complicated, time-consuming and perhaps not very fulfilling.

It is clear from the literature that the relationship between the electors and the elected varies depending on the electoral system employed. In multi-seat single transferable vote constituency systems as in Ireland where competition between sitting members is often exacerbated by the need to prevent a candidate from the same party from unseating a TD, extensive constituency work is undertaken in order to maintain a local political profile. This particular feature is noted in the Report of the Constitution Review Group (p.53) where it notes that there is a feeling abroad that the present constituency arrangements are such 'that there is too much competition for the loyalty of constituents between Deputies from the same party'. It can result in a closeness often absent from European parliaments. This can apply even if the member is a government minister [and it must be noted that the practice in many European states and the US Congress is that ministers are not members of the parliament] as related by Gemma Hussey when she referred to her dual role as a TD and a Minister for Education and the demands this put upon her (Hussey, 1990, p.172). The structure of constituencies obviously plays a large part in this relationship with constituents. British voters refer to "my" MP due to the single member constituency, US Congressmen are very close to their district, while it is argued that in Netherlands there is little of such "closeness" as MPs are elected on a country - wide list basis. Germany would appear to have tackled this problem by devoting some seats in parliament

to a single-member constituency system and the balance to a national list system to ensure greater representation.

(viii) Other activities of Parliament

In addition to those tasks outlined above, a review of the literature also reveals a number of other activities relating to legislatures/parliaments which include the whole process of recruiting and training politicians for future positions including membership of governments which in many jurisdictions would require that they surrender their seat in parliament. In those countries which embrace the Westminster model and where cabinet ministers are members of parliament [such as Ireland, the UK and many Commonwealth states] it would be usual for a junior member to "serve his/her time" as a backbencher before appointment to "the bottom rung of the ministerial ladder", thus allowing time for socialisation into the accepted role of ministers and their relationship with parliament and the civil service.

Bagehot [1867, p.37] makes mention of the 'elective function' of [the UK] parliament. This could be extended to refer to the election of a prime minister - either directly as in Dail Eireann or indirectly following submission to a vote of confidence in the appropriate chamber as in Italy. Many parliaments also endorse/confirm a range of appointments such as judges, ambassadors and other public officials as is the case in the United States, Peru, Mexico, Switzerland and Portugal (Laundy, 1989, p.40). Some parliaments/legislatures constitute themselves as an electoral college for the election of a President - head of state. This applies in such countries as Israel, Nauru, Greece, Malta (Laundy 1989,p.38) and in Italy where the members of both chambers of parliament are joined by

regional delegates.

Amongst the most striking and thought provoking functions of parliament that I encountered was their 'teaching function' (Bagehot 1867, p.38). This author emphasised parliament's role in altering society which corresponds with Mann's view (1986, p.242) that the US Congress had a responsibility as a 'mo[u]lder of public opinion' and therefore engaged in a proactive approach to issues of public importance, in effect leading the people on certain matters. It could be argued that committees of parliament undertake this task when they consider matters of public interest, hear witnesses, receive evidence and conclude their deliberations with the issuing of reports on given subjects which usually call for certain action by government and a similar type role for committees may have been alluded to by O'Halpin (1986) when he remarked that there 'is some scope for committees to develop a useful role as informed commentators on policy options'.

I have in this chapter examined the role/operation of parliaments *per se* and intend to examine the role of parliamentary committees in a later chapter.

CHAPTER 2 - WHY THE OIREACHTAS ACCEPTED THE STATUS QUO?

In the first instance the members of the Oireachtas were not completely bypassed in the legislative process. Because governments only get their measures through the Dail on the goodwill of their supporters in parliament, and mindful of the similar situation applying in other parliaments such as Denmark, Britain, USA and Germany as illustrated above, it follows that they will usually have assessed the attitude of the parliamentary party before controversial issues are introduced. One hears many reports of the senate and House of Representatives in the USA being vigorously canvassed by aides of the executive/president in order to facilitate the passage of a particular measure which might be deemed to be controversial. This may result in the withdrawal of proposed legislation. Gallagher (1992) gives an example in Ireland of the proposal to make contraceptives available to 16 and 17 year olds which was not pursued further at that time following back bench pressure within Fianna Fail. Social legislation appears to be fraught with danger in Ireland as it seems to provoke intense controversy as evidenced by the referendums on the "right to life" and divorce. Because of the nature of Irish society, matters affecting agriculture have a sensitivity all of their own and unfavourable measures could well invite defeat at the party level as members of parliament often 'know more than bureaucrats what the public is prepared to put up with' (Laundy 1990, p.75).

The vast majority of TDs spend a huge amount of time involved with 'grossly excessive constituency pressures that are a feature in particular of rural Irish politics' (FitzGerald, 1997) and this results in little time for influencing

legislation. Norton, (1993, p.63) refers to a similar dilemma in the UK. Due to the harsh reality of the Irish political scene - multi seat constituencies, the so-called parish pump politics and the ever present danger of losing one's seat to a fellow party "colleague" - all members, including ministers, devote a lot of their efforts to "tending their patch". The following table in Gallagher's (1996) article, referred to earlier, serves to outline the seriousness with which politicians need to heed this "danger" if they are intent on continuing an active political career.

	Defeated by party running mate			Defeated by candidate of another party			Total defeated		
	1987	1989	1992	1987	'89	'92	1987	'89	'92
Fianna Fáil	3	8	9	1	5	7	4	13	16
Fine Gael	2	5	3	12	3	8	14	8	11
Other parties	0	0	0	6	6	5	6	6	5
Total	5	13	12	19	14	20	24	27	32

Table 2.1: Source of defeat of defeated TDs at elections of 1987, 1989 and 1992.

Source: Report of the Constitution Review Group (1996, p. 510)

Ministers have assistance in their constituency work from civil servants and

others, therefore the back-bencher confronted with this superior "weaponry" has to expend more energy in local activity and thus has less time to devote to consideration of legislation - an exercise which may not generate any publicity for the TD/senator at local level, however laudable the idea may be to parliamentary purists. This point was advanced by John Browne TD of Wexford as the reason for his lack of input into the Committee on Legislation and Security (Dáil Debates, 9 October 1996, Col 1907) and to which I refer in the consideration of the SCLS below. Arkins (1990) concludes that 'clientelist practices undermine the legislative activity of the Dail deputy chiefly robbing him of time necessary to formulate policy'.

Saalfeld (1990) points to the fact that public policy issues are complex matters which require expertise only available to governments. Thus the reality is that many measures are drafted by the civil service (Arkins, 1990; Walkland, 1968, p.23) and demand technical specialisation often not available to the back bench member of parliament who is 'effectively an amateur in the policy-making process' (Gallagher, 1992). Walkland (1968, p.34) advances the view that pressure groups are a more important channel of communication than political parties for the transmission of political ideas from the 'mass of citizenry' to 'the rulers' and this fact is recognised by the authorities. Therefore the interest groups concerned are likely to have been widely consulted when bills are being drafted. Faced with this *fait accompli*, the member of parliament is often forced to realise that there is no useful function to be served in their attempting to alter a provision already agreed with the industry/practitioners/interest groups concerned. There is a lot of evidence in recent years of government departments encouraged by European examples of

consulting widely with non-governmental organisations (NGOs) in the preparatory stages of legislation and this to a large extent renders the backbencher redundant in the legislative process.

Norton (1990, p.17) refers to the role of the European Community in legislation for the member states. Ireland's membership of the EC/EU has necessitated the transposition into Irish law of vast amounts of European Directives and this has removed the freedom for Irish parliamentarians to enact legislation independently in an increasing number of policy areas.

There is also the additional feature in the Oireachtas that all the political parties represented there (during the period under review), except the Green Party, have participated in governments in recent years.

The following table illustrates the number of then current members of the Oireachtas who held ministerial office during or before the 27th Dáil.

HOUSE	MEMBERSHIP	NUMBER WHO HELD MINISTERIAL RANK	AS A PERCENTAGE OF TOTAL MEMBERSHIP
DAIL	166	81 ¹	48.8%
SEANAD	60	4	6.67%

Table 2.2 : Proportion of the 1996 membership of the Houses of the Oireachtas having held ministerial rank. [Sources: Nealon's Guide to the 27th Dáil & Seanad - Election '92; State Directory 1995-96]

This development enhances the possibility (and the dreams) of many members of

¹ Relates to membership at the end of the 27th Dáil. In addition four of the members who died or retired during the lifetime of this Dáil had also served as ministers.

the Dáil of attaining office at some stage and can encourage members to refrain from radically altering the status quo lest it impinge on their own governmental actions in the future. A desire for advancement to high office is not by any means unique to Ireland. Searing (1995) refers to 'ministerial aspirants' among the ranks of British MPs, Patzelt (1997) concludes that German MPs strive for a position in the executive and view it as the 'crowning event of a parliamentary career' and Strom (1997) suggests that securing office, both party and legislative is one of the goals of parliamentarians generally.

A more liberal attitude by the previous Irish government had been detected in the proceedings of the relatively recent select committees. Further generosity in this area was to be expected following the promotion by the new government appointed in 1994 of measures in this area as contained in the Programme for Government (Fine Gael, the Labour Party, Democratic Left 1994, p.15). Extracts such as

- * enhancing the role of members as legislators;
- * encourage Ministers and Ministers of State to discuss with members where practicable, through the Legislation Committees, general proposals for legislation prior to legislation being approved and published by government;
- * give power to the committees to discuss and draft proposals for legislative changes and new legislation for recommendation to Ministers;
- * introduce a new system, whereby individual members could seek leave to prepare legislation for consideration;
- * introduce procedures to allow legislative committees dealing with Bills to receive submissions and hear evidence from persons or organisations

regarding such Bills

indicated an apparent enhancement in the role of Oireachtas members but it remains to be seen if such changes disprove the allegation of being "merely cosmetic".

The comment by Gallagher (1992) on the legitimising role of the Dail in the legislative process is worth noting. He cites Norton (1990, p. 147) in pointing out that parliaments play an important symbolic role, and that for many people the fact that all legislation has to be passed by a parliament consisting of the elected representatives of the people is more important in making them feel that they are ruled democratically than the question of how much real power that parliament wields.

Issues for the Irish parliament

Following my study above of what parliament and parliamentarians "should do", it would be useful to examine the performance by the Oireachtas of the various tasks which are considered to come within the remit of parliaments.

The Irish parliament should be seen as a legislative assembly. Indeed many commentators criticise its members for not concentrating on this aspect of their work more. However, as I have seen, this function is not strictly promoted in countries where cabinet leadership in parliament is the norm as in Ireland. In effect this role is often seen as a formality but it may be argued that the advent of meaningful committees in the Oireachtas can herald a revival of this "legislative" activity in particular the ability of ordinary members to win acceptance of their

amendments by the government. A study of the operations of some Irish committees will reveal more about the actual situation in this regard.

Policy-making or at least policy-influencing is seen as being proper to parliaments. In Ireland this is often seen as emanating from the ruling party (parties) constituting the government. Debates in the Dail have highlighted the deputies' own dissatisfaction with this and repeated calls have been made to remedy this situation. It would therefore be interesting to see if in regard to both the above areas, whether the presence of committees - either presently in operation or those not reformed following elections have played a part perhaps through their in-depth examination of issues and the publication by committees of a myriad of diverse reports during the term of the last Oireachtas.

Members of parliament have a representative role as evident from the literature in this area. However, we are often told that the procedures of the Dail are limiting in this regard and that members either do not know what their constituents feel about certain issues or that they are not articulating the views of the public (witness the controversy about the absence of Dail deputies from the Late Late Show and the argument about "dignity of parliament"). A study of the Dail proceedings provides many examples where individual deputies raise issues of public concern, only to be told by the Ceann Comhairle that it could not be discussed. To be representative deputies must be able to fruitfully examine current matters of interest to the electorate. I intend to examine the operations of committees to see if they afforded the members a greater opportunity to represent their constituents viewpoints on selected topics and if so, to what effect.

Supervision of the executive is seen as one of the most important roles of parliament. In the Oireachtas, there are methods of examining the actions of the government. These can include question time, adjournment debates and specific motions. However the time allocated for each of these activities is very limited and in any case is confined to those periods when the Oireachtas is sitting! As a consequence many deputies and senators are unable to actively pursue the government on a number of issues which they consider important. In addition the houses of the Oireachtas seem to stifle the activities of individual members by allotting most time to "front-bench" members who merely adhere to the official party line in most cases. This often leaves the member with no option but to "go through the formalities" by submitting a question for written answer, which is then copied to his/her local paper for publication or the recourse to the media which is widely regarded as more influential than parliament in achieving results which benefit the ordinary citizen.

For many years government estimates went through the Dail "on the nod". This was recognised as being most unsatisfactory as a check on the government's use of the state's finances. In recent years the practice has developed of examining the estimates in Dail committees. Whilst there existed in the past committees such as the Public Accounts Committee, it was often seen as being less than satisfactory particularly as it functions as an *ex post facto* audit committee.

It therefore remains to be seen whether the creation of recent Dail and Joint committees has allowed the deputies and senators an opportunity to accomplish the task of executive supervision of both policy and financial matters in a suitable manner and therefore the impact (if any) that committees of the Houses of the

Oireachtas had on the performance of the "job description" of parliamentarians indicated in this paper will be further examined.

CHAPTER 3 - REFORM OF THE OIREACHTAS: ROLE FOR COMMITTEES

Both Houses of the Oireachtas have had debates on their role(s) and on the thorny question of "reform". Members of both houses have complained about "their lot" both in parliament and outside. Barry Desmond (then a TD) produced a paper entitled "The Houses of the Oireachtas - a Plea for Reform" in 1975 and advocated reform to counter the 'parliamentary malaise' that 'allowed our parliamentary institutions to atrophy so much so that many deputies and senators are, in the parliamentary sense, politically uninvolved'. He bemoaned the fact that the 'important right' to initiate legislation (by the opposition) 'is virtually nil' as is 'the real power to amend legislation'.

Desmond advocated greater use of committees in the Oireachtas to debate estimates and to consider 'the Committee stage of selected Bills' (p.11). He was even more radical for his time in his suggestion that non-contentious legislation ought to be considered by committees at the second stage as well as at committee and report stage (p.10) and he flagged the need for such committees to have 'qualified expert staff' to assist them in their work. Commenting on the conspicuously slow rate of innovation shown by the then party leaders towards the question of reform, he warned that if the failure to tackle the current problems of that time continued, the Oireachtas would 'ossify into a permanent state of preservation'

Oddly enough, Desmond's bid to develop a comprehensive Oireachtas committee system may well have been stymied by members themselves rather than the executive as O'Halpin (1986) relates the account by John Kelly TD of how 'his

efforts as government chief whip from 1973 to 1977 to develop a committee system was frustrated by the unwillingness of deputies to give the necessary time to an activity which received no public notice' and concludes that for a variety of reasons the 'experience of the Oireachtas with committees prior to 1982 was not very happy'.

The wide-ranging theme of parliamentary reform continued to interest several members of the Dail across the political divide. In a two day debate on Dail reform on 26/27 January 1983 (Vol. 339), Deputies John Bruton (Fine Gael), Bertie Ahern (Fianna Fail) and Michael Bell (Labour) all referred to the unsatisfactory situation pertaining at that time with the latter deputy adding 'I can see no useful function in being a back bencher ...[as the] main policy decisions [are] decided by the government ... I do not know what contribution if any a back bencher can make' (Cols. 439/440).

In a wide ranging debate Alan Shatter (Fine Gael) pointed out that governments dominated the assembly and would not accept amendments to or opposition initiation of legislation as it was perceived as an attack on ministerial responsibility or ability, concluded that this often led to defective legislation (Col. 530). Other speakers referred to the abdication of its function by parliament and one member was of the opinion that there was 'less power in the chamber than... in the party rooms of political parties' (Mc Cartin, Col 929).

Interestingly one Fianna Fail speaker (the late Brian Lenihan) was of the view that the government was the major player in governing the country and parliament in whatever mode had merely a subsidiary or advisory role to play (

Col. 913/4). Insofar as this reflected Fianna Fáil's official position it would seem to confirm Desmond's earlier view expressed in his paper referred to above that Fianna Fáil was stifling parliamentary reform at that time as, even though Desmond's party was one element of the then ruling coalition, any government required the cooperation of the opposition in the introduction of meaningful reforming measures. This apparent unease felt by Fianna Fáil concerning some elements of parliamentary reform including parliamentary committees was reflected in comments by Arkins (1990) when she wrote:

Fianna Fáil, then [1983] and today, view the prospect of an efficient committee system with suspicion, seeing it as a potential threat to the executive supremacy so inherent in the Westminster model of government.

O'Halpin (1996), commenting on the nomination of the same Brian Lenihan to chair the first Joint Committee on Foreign Affairs (JCFA), gave some further credence to this perceived lack of enthusiasm by Fianna Fáil for the committee system by suggesting that Lenihan's 'nomination to chair the new Committee ... probably did something to legitimise the Committee's activities in Fianna Fáil eyes'.

This 1983 review led to an extensive increase in the number of Oireachtas committees, rising from seven at the autumn of 1982 to 16 during the following 24th Dáil. In a review of then current Oireachtas committees in 1986, O'Halpin comments on the above development thus:

So far from creating a committee system comprehensive in its coverage of public business, or at least one which embraces all the major national issues, the Oireachtas has spawned a haphazard collection, some with remits which seem vague or ill-considered.

Arkins (1990) was also critical of the significant increase in the number of

committees describing the enlarged network of committees as 'an uncoordinated mish-mash of ideas and investigations.' She concluded, that for a variety of reasons, including the overwhelming strain placed on members, staff and facilities within Leinster House coupled with the sheer mass of material emanating from such committees, often ignored, 'their potential effectiveness was immediately undermined by their abundance'.

The 25th and 26th Dáil/Oireachtas did not re-establish the large number of committees and Arkins observes that those 'who saw the committees as tools of instant parliamentary reform' seemed 'to be somewhat disillusioned.' Norton (1990) commenting on Arkins' studies, notes that the committees 'largely atrophied', and he concludes that the blame for this failure stemmed 'as much from disinterest on the part of TDs as from asphyxiation by the executive.'

The thirst for reform was to surface again in the Dail especially in 1993 when in another two day debate on 18/19 February, deputies once more decried the situation with regard to the passage of legislation. Even though Fianna Fail were back in government by this time and advocating/promoting reforming measures the situation "on the ground" had not altered. Alan Dukes in this contribution of 19 February 1993 commented [Col. 833]:

Let us look at what happens in practice. In practice legislation passed by the Oireachtas is legislation that is desired by the government and is in a form decided by the government. Amendments that are unacceptable to the government rarely find their way on to the statute books.

It was interesting to read of a new batch of members almost 20 years after the Desmond reform plea and ten years after the Bruton package still caught in the

vicious circle of government domination.

This last debate did lead to some further reform in the area of committee formation both jointly with the Dáil/Seanad and with Dáil select committees to discuss legislation. This had the effect of removing most bills from the whole House after the second reading for a more detailed examination in committee.

The undertaking given by Minister of State, Noel Dempsey - Chief Whip during the debate on the creation of the new committees sums up the then executive's stated approach to reform [Dail Debate, 18 Feb. 1993, Vol 426, No.3, Col 604]:

The new committee system being introduced is probably the greatest single change in the way the House conducts its business since the foundation of the State. The potential for each Deputy to influence legislation and spending by Departments should not be under-estimated ... In general, when special committees considered Bills in the past amendments and ideas from back benchers on all sides of the House were accepted more readily than across the floor of the House, the atmosphere being less confrontational and adversarial, and everybody making a contribution. The Government is anxious to ensure that this approach continues with the new committee system.

It was in the spirit of the above that the latest experiment in committees of the Oireachtas was introduced in 1993 with particular emphasis on legislative committees. The principle committees created to examine legislation [from the Dáil] at that time were:

Select Committee on Social Affairs

Select Committee on Finance and General Affairs

Select Committee on Enterprise and Economic Strategy

Select Committee on Legislation and Security

Joint Committee on Foreign Affairs (includes some members of the

Seanad)

Joint Committee on European Affairs

[State Directory 1995 - 96 pp. 19-20]

Seanad comments on Oireachtas committees.

The senate availed of the opportunity to have a debate on this topic during the consideration of the motion to establish a Joint Committee on Foreign Affairs on 13 May 1993 [Seanad Debates, Thursday, 13 May 1993, Vol. 136, No. 4, Col 359]. Whilst details of this debate are included in the later chapter relating to the formation of the JCFA, some comments by senators on the place of committees in overall Oireachtas reform are appropriate at this point. Senator Maurice Manning, in the course of his contribution, spoke at length about 'the committee system' *per se*. He was of the view that 'the culture underlying the committees must change'. He insisted that ministers and civil servants would have to listen to the views of the committee members and appreciated that this would require a monumental change to the system as practiced heretofore whereby ministers decided issues with backbenchers having little or no input into the decision process [Cols 357/8]. Concluding his optimistic remarks regarding committees in general, he added:

Everyone who wants to see Irish parliamentarianism develop will watch the progress of the committees with great interest, because it is widely accepted that the parliaments which give the highest level of job satisfaction and produce the best legislation with the widest degree of consensus are those with the most developed committee systems.

(Seanad Debates, Thursday, 13 May 1993, Vol. 136, No. 4, Col 359).

His colleague, Dick Roche, also with an interest in this subject admitted to awaiting 'with trepidation what will happen to this [JCFA] committee' (Col 362). He spoke with the benefit of academic and practical experience of parliamentary committee operations in Ireland. He used words such as "rubber stamp", "gladiatorial sparring arena", "sterile" and "stubborn" as appropriate to describe the executive dominated legislative process in Ireland to date. He hoped that this practice might change as 'an appropriate committee system would allow more compromise' (Col 361) in the formulation of Irish public policy. Concluding that particular debate the Minister of State for Foreign Affairs assured the senators that the government intended to take the committee [JCFA] seriously, listen to its views conceding that 'we [the government] do not have all the answers' (Col 377).

Further amendments - 1995

On 1 March, 1995 during another debate on reform of Oireachtas committees, which followed the change of government during the 27th Dáil, amended terms of reference were considered by the Oireachtas. Introducing proposals which the government considered 'far-reaching' the government chief whip, Sean Barrett, TD, spoke of making 'society more democratic' and 'the government more clearly accountable to the Dail and the Dail more accountable to the people'. He continued 'we will also be getting the Dail to work more effectively; all new legislation - and the spending by each Government Department - will be examined more thoroughly and more efficiently' (Dáil Debates, Wednesday, 1 March 1995; Vol. 449, No. 8; Cols 2174 & 2175). He acknowledged that some

Oireachtas reform had taken place in the past but pointed to the need for more fundamental changes in order to make 'it an Oireachtas geared for the 21st century'. The enhancement of the role of members as legislators together with their powers to hold the executive to account were, he claimed, the primary aims of the innovative measures then being proposed by the new government (Dáil Debates, Wednesday, 1 March 1995; Vol. 449, No. 8; Col 2176).

Highlighting the additional powers of committees to invite Ministers to appear before them 'to discuss current policies and their implementation in their Departments', the Chief Whip also emphasised the strengthening of Oireachtas committees resulting from their ability to now call before them 'holders of high office in the state' for discussions. The vital and worthwhile role of the committees in the processing of legislation was acknowledged together with the realisation that Deputies themselves had gained considerable expertise in subject matters relevant to their committees through their involvement in this legislative deliberations.

Proposed new 'empowerment and consultative' roles for the legislative committees 'in relation to preparatory legislation which would offer members an opportunity to make an input to legislation before it commenced the formal process was not considered likely to prejudice the members, either government or opposition when Bills were finally introduced into parliament. The ability of interested organisations to gain access to members of committees considering Bills in order to comment on issues and make submissions was cited by the Minister of State as a method of increasing democratic accountability. Some degree of nervousness at this proposal was voiced by members later in the debate

as (even with the admission that public as distinct from private lobbying was preferable) they foresaw a need to regulate these contacts to some degree lest the system became "bogged down" due to a potential overload arising from the envisaged consultative dialogue.

Most members welcomed the revamped committee system although a succession of speakers listed the various difficulties they considered the new formulation would inevitably attract. In addition to the fear of a procession of interest groups commanding considerable lobbying time, Deputies drew attention to the lack of staff and resources already experienced and the inevitability of these handicaps being exacerbated under the extended system. As these amendments proposed the formation of four new committees (hence the reduction in membership of the legislative committees), some Deputies were concerned at potential clashes of business/engagements, poor attendance by members except for party spokespersons and the prospect of a further reduction in the already poor publicity of the operations of the committees with no consequent media recognition of TDs' work outside the Dail chamber.

Charges were made concerning the manufacture of positions - chairpersons and convenors of committees - as consolation prizes for Deputies not appointed to government positions. The now familiar assertion that backbench members were only "lobby fodder" and that the "true" legislative process and cycle of civil service inspired legislation, approved by the government and presented to the Dail with a "theoretical" but rarely used (in substantial issues) ability to make amendments pertaining in reality. This alleged incapacity of the Dail to exercise its full legislative potential, considered a by-product of the current electoral

process - multiseat constituencies - caused members to devote up to 80% of their time to constituency business at the expense of their legislative role admitted several Deputies.

However even with the many reservations mooted by Deputies, the proposed changes and additions to the terms of reference of committees were approved by the Dail [Dáil Debates, Wednesday, 1 March 1995; Vol. 449, No. 8; Cols 2174-2232].

Dáil debate on reform - 1996

A debate on many areas of Dáil reform was held on 9 October, 1996 and whilst it embraced many aspects of parliamentary business, Deputies availed of the opportunity to voice their concerns at the strain experienced by them in servicing all the committees of the Oireachtas. Consequently some of the comments from members are pertinent to the examination below of the Select Committee on Legislation and Security and the Joint Committee on Foreign Affairs.

The Minister of State at the Department of the Taoiseach and government Chief Whip introduced the motion and no doubt already aware of members' misgivings regarding the operations of committees, indicated a need for some reform of the current system. Announcing the widening of the remit of committees which would provide for ministers to 'address issues relating to policy' with committees and the examination of departmental strategy statements by Oireachtas committees along with minor changes with regard to sub-committees of select committees, he appeared to attempt to pre-empt impending criticism from members by stating that he had invited all committee members for suggestions

on reform of the current system without receiving 'a single reply'. Perhaps aware of the oft repeated claim in the past that members had no real power, he reminded them of the changed circumstances thus:

I am ... aware that we can expect contributions from Members who will probably express themselves on current Oireachtas procedures, particularly relating to the committees. Before they are tempted to do so, the committee [of whips charged with examining Dáil reform] will be most impressed if any such contributions are forthcoming from those Members who use the procedures to the full. All Members are now eligible to attend committee meetings and to contribute to the proceedings. If they fail to do so, they cannot be taken seriously if they deride what is available to them by way of such facility.

[Parliamentary Debates, Wednesday, 9 October 1996, Col 1705-1709].

The then opposition Fianna Fáil whip countered this last piece of criticism by stating that even though they were the largest party in the House, they were 'put to the pin of ... [their] collar to have Members attending all the meetings of the 22 committees of the House' along with all the other demands on their time. He further commented that they 'find fault with the committee system and that is a view shared by sections of the media which find it impossible to cover all the committee meetings' [Parliamentary Debates, Wednesday, 9 October 1996, Col 1715-1716].

A steady stream of deputies, contributing to this debate highlighted the problems of the existing committee practice. One member [Pat Upton] drew 'an analogy between the committee system and the lady or gentleman who decides to go into a restaurant and eat everything on the menu'; his point being that there were too many committees. He also deplored the inability of government backbenchers [the concept of which he humorously likened to 'a lady or a gentleman who has virtually no ideas or proposals and in the event of such backbenchers being contaminated by an idea, they will have the good sense to keep their mouths shut ... [and] sing ... [the] party song... [be it] good, bad or indifferent' (Col 1720)] to promote private member's legislation.

In the course of a forceful contribution, Des O'Malley reflected on the reduction in the power of parliament relative to the executive and the fact that it was the

government which in reality decided what happened in the Oireachtas and that this 'House is here to simply accept and put up with whatever the Government decides' (Col 1723). Describing his endeavours to attend the meetings of the five committees of which he was a member and the difficulty this posed for smaller parties, he remarked, perhaps with great accuracy and foresight,

We are being told by our members and by people on all sides of the House that, electorally at least, we are wasting our time because the public do not give a damn whether I go to my five meetings or whether Deputy O'Donnell goes to hers. We are doing it because we are trying to make the system work in this House. It is not working.

[Parliamentary Debates, Wednesday, 9 October 1996, Col 1721-1724].

Observing that 'the entire committee system ... is little better than a joke', 'a farce, a stunt and a device', Willie O'Dea, who had attended on a frequent basis both as a minister of state and latterly as an opposition member at one of the select committees that I studied, was of the view that it did not make backbenchers more relevant and powerful. 'I have not found any evidence to suggest that because ... [an] amendment is being proposed in the cosy context of a committee, rather than in a full session of the House, it will make any difference to the Government's attitude' (Col 1736).

Others members spoke of meeting 'Deputies wandering the corridors of Leinster House, with a glazed look in their eyes and folders under their arms, searching frantically for the committee room they are required to be in. ... Enormous powers of bilocation or even trilocation are required ... in respect of the committee system as it currently operates' (Col 1739). Deputies on all sides of the House had concerns about the committee regime as it then operated and in addition to the complaints about the plethora of committees, they were also unhappy with their facilities for research, publication of proceedings and resources to operate more effectively.

A number of Deputies admitted that they felt obliged to give priority to constituency duties if they wished to be re-elected. John Browne of Wexford referring to constituency competition (especially with ministers) confessed 'I am a member of the Select Committee on Legislation and Security and I seldom, if ever, attend meetings of that committee other than when a vote is taking place. ... I find it almost impossible to attend committee meetings and carry out my constituency work.' [Col 1907].

The consensus amongst those that spoke was that there were too many committees, that they had the potential to bring the whole parliamentary process into disrepute and that the number should be drastically reduced and their duties reappraised. The Chief Whip, in reply, conceded the point and spoke of the need 'to rationalise them' (Parliamentary Debates, Wednesday, 9 October 1996, Col 1911), which will presumably be reviewed by the 28th Dáil following the 1997 general election.

CHAPTER 4 - COMMITTEES AS ELEMENTS OF PARLIAMENTS' OPERATIONS

Introduction

It seems apparent from earlier consideration of literature on the subject that parliaments have suffered at the hands of the executive in many countries. This stranglehold on parliaments has resulted in their inability to effectively undertake many of the functions outlined in chapter one. The resulting frustration felt by members of parliaments in many parts of the world, the need to process business more efficiently together with the perceived increase in the workload of parliaments are among the reasons for the widespread use of committees in parliaments.

Almost all of the written work that I studied makes reference to the use by parliaments of committees to carry out their work. Laundry (1989, p.72) states that 'committees play an important part in the legislative process in most Parliaments' and adds (p.110) 'in most Parliaments, committees operate as component parts of the parent machine'. He concludes (p.116)

the evidence indicates that the contribution of committees in the parliamentary process is positive and of incalculable value. Few Parliaments, even among the smallest, would be able to operate without them.

Suffice to state at this stage that committees provide parliaments with a greater ability to perform their varied functions and fulfil the many responsibilities

allocated to them in the individual jurisdiction in which they are placed. The specific juncture at which committees are empowered to act is of critical importance in relation to their impact on legislation/events as is their composition and their relationship to the plenary assembly.

Many commentators dwell on the positive effects of committees which they argue contributed to the empowerment of members of parliaments to reclaim some of their ancient functions. Referring to one of the accepted roles of parliaments, namely overseeing the activities of administrations, and the view of Turpin (1989) that the 'enforcement of accountability depends largely on the ability of Parliament to prise information from governments', the 'establishment of the select committees [was seen] as another useful supplement to the armoury of parliamentary scrutiny [in the UK]' (Morris, 1984).

Committees would appear to be a common feature of legislatures attempting to counteract governments' grasp on parliamentary affairs, being employed amongst other reasons, as part of the fightback against the UK government which 'seeks to manage Parliament' (Giddings, 1997) for its own ends, the Irish government which 'exercised unfettered dominance in Dáil and Seanad' (O'Halpin, 1996) and in France where 'they have assumed a new importance since upon them falls the responsibility of protecting the authority of Parliament from further erosion' (Laundy, 1989, p.102).

Arguments in favour of parliamentary committees

Commenting on the situation in Britain, Baines (1985) points to the loss by the

House of Commons of the capacity to 'challenge the government' or 'act as a check on the actions of ministers' and concludes that 'specialized select committees' are 'the best - indeed the only - way' to restore parliament to its proper position.

Donnelly (1997) compares a committee of the whole House (of Commons) and a standing committee and highlights among the advantages of the latter the facts that parliamentary time is saved, more legislation is dealt with and 'there is a greater willingness [by participants] to meet critics half way'. She adds that because proceedings on the floor of the Houses of parliament tend 'to bring out the confrontational and party political characteristics of parliamentary debate', attracting a higher profile and given the hitherto reluctance of governments to accept opposition amendments, the prospect of concessions by governments to other points of view, however laudable, was remote. Continuing on this broad theme I found mention by many authors of the different "roles" adopted by parliamentarians in committees from that found in plenary sessions of parliaments (Heidar, 1997; Andeweg, 1997). Heidar cites Hernes and Nergaard (1989) 'committees [of the Storting] are for compromise, while the open debates in the house are for confrontation'. Andeweg, somewhat similarly views plenary debates of the Dutch parliament as provoking a 'partisan' response from MPs whilst committee meetings afforded members an opportunity to take the 'advocate' role with considerably more 'freedom of manoeuvre'. It is valid I submit, to apply, in this instance, some of the views/experiences above to Ireland and to speculate that a similar response will be encountered in committee proceedings in the Oireachtas. The views expressed at the inauguration of the JCFA in chapter ten reflect these aspirations.

'Committees ... play their part in refining and improving legislation (Laundy, 1989, p.116). In view of the increase in technical and specialist aspects of legislation the generalist skills often associated with the mass of parliamentarians has rapidly proven to be inadequate. It would appear that committees play a major part in the teasing-out of the finer points in legislative proposals and help to prevent the enactment of ill considered or unworkable legislation by allowing a more thorough examination of proposals presented to parliament by a small, perhaps partially specialised group. It will be clear from the later discussion on the somewhat fortified legislative role of Oireachtas committees in both the SCLS and JCFA as outlined in my case studies of both these committees, that many Oireachtas members shared this view. Wheare (1968, p.91) holds that it is through law-making that legislatures find their principal opportunities to control the executive and 'the chief instrument in this work [legislation] is the committee system'. 'Committees play a crucial part in the legislative process in all the Scandinavian Parliaments' (Laundy, 1989, p.107) and their use for the effective division of work in legislatures in USA, South America, China and Central Europe amongst others points to the valuable role played by committees in parliamentary affairs worldwide.

It will be recalled from chapter one that one of the other roles of parliament relates to the training, socialisation and education of parliamentarians. In addition to instructing members of parliament (Drewry, 1985, p.7) in matters pertaining to government and the operations of the civil service (Englefield, 1984, p.xvi) [especially members of the opposition], it permits those members with continuous service to develop expertise in their subject area with benefits both to the members concerned in affording them opportunities for influential and

informed debate (du Cann, 1984) and in respect of their own promotional prospects. The experience gained in this manner has led to the advancement of legislators in the USA, Britain and it is claimed in Ireland. Labour MPs at Westminster allegedly use parliamentary committee membership as a way to their 'front bench' (Irons, 1985) and a comment on the beneficial training gained by committee membership in the Oireachtas was alluded to by the late Brian Lenihan in 1995 upon the formation of the "rainbow" government when he stated at a meeting of the Joint Committee on Foreign Affairs:

This committee must be a good training ground [for ministers and ministers of state] because a substantial number of Members were promoted such as Deputies Nora Owen, Michael Lowry, Proinsias De Rossa, Phil Hogan, Sean Barrett and Bernard Durkan.

[Joint Committee on Foreign Affairs [JCFA], Thursday 19 January 1995, FA5, No. 1, Col 3].

Closely allied to the subject of the education of members of parliaments through their membership of committees is the question of the broadening of the remit of parliamentarians and an associated increase in job satisfaction enjoyed by members as a result of their expanded role in the parliamentary process. This perceived benefit is evidenced by the ability of committee members to make better use of their newly acquired skills and information to ask more pertinent and well briefed parliamentary questions (Heidar, 1997). It could be argued that backbenchers are considerably better informed and educated than in the past and demand a meaningful involvement in the affairs of parliament as highlighted by Mitchell (1997) referring to the strong desire of the new breed of British MPs for a more modern role. Their involvement in committees may provide such an avenue for them.

The fact that in Ireland so many members of parliament have had experience in

recent years of both "gamekeeper" and "poacher" roles due to the varied composition and turnover of recent governments, coupled with the tradition of backbenchers defending their party when in government, should have gone some way towards both ministers and backbenchers being more appreciative of each others position given that the situation where "the boot was on the other foot", in terms of power and influence would be familiar to most. As many members served consecutively as ministers and as members of committees (and vice-versa), you would think that current ministers (of whatever ilk) might show more understanding towards backbenchers given their recent taste of similar position.

Argument against parliamentary committees

Baines (1985) highlights a number of reasons why select committees were frowned upon in some quarters in Britain. She quotes eminent British parliamentarians such as Butler and Kaufman as believing that such committees are more suited to America and 'are incompatible with a system where parliament exists to sustain a government in power'. This view is not very far removed from that already cited by the late Brian Lenihan during a debate on Dáil reform where he clearly viewed parliament (the Oireachtas) as occupying an inferior position to that of the government (Dáil Debate 26/27 January, 1983, Cols 913/4).

The distraction from the activities on the floor of the parliamentary chamber, cited by Baines and the theory that consensus in committees would lead to a 'lack of focus' on issues 'if one dulls the political edge' (du Cann, 1984) have been presented amongst others as arguments against the committee system.

The danger that two classes of members of parliament would be created - those with a great deal of information on given subjects as a result of their committee membership and those without such knowledge - and the accompanying strain that this might generate between parliamentarians is also outlined by Baines.

Another cause for concern could include the danger that decisions might be taken by a small number of members, who could be open to intense personalised pressure from groups and individuals with the potential for abuse to occur if such matters were to be decided in a subset of parliament separated from the plenary body and its broader review of issues. This potential risk is highlighted in the case study below on the SCLS when Deputy Liz O'Donnell expressed concerns at the few members of the committee in attendance when important legislation regarding the reorganisation of the courts was being considered. Whilst O'Halpin (1986) also commented upon this danger, the Oireachtas, however, has addressed this possible cause for concern to some extent, by permitting members of the Oireachtas other than the designated members of committees to participate at committee meetings without voting rights and by conducting the Report stage of bills in the full plenary session of the Houses.

Finally both Arkins (1990) and O'Halpin (1986) point to the nature of the relationship between committees and ministers and departments close to the matters under consideration at any given time, with Arkins observing 'such relationships could shift between antagonism on the one hand or sympathy and fraternity on the other. Both situations would impair a committee's ability to be impartial and exacting.'

I propose to comment in greater detail on aspects of operations of committees in various parliaments and examine their practical application and experience in Ireland.

Factors which impact on committees

A number of factors have an impact on the way in which committees actually operate and I propose to introduce a range of matters which I consider relevant and discuss some of them in greater detail.

Shaw (1979), in the course of an examination of parliamentary committees in a number of countries concluded that the power of such committees is greatly influenced by such factors as the degree of party political control of committee operations, with loose control by parties over committee deliberations resulting in stronger and more independent-minded committees; the parliamentary/constitutional system in place also is alleged to determine the strength of committees with both a presidential and continental-style parliamentary regime being viewed as more conducive to powerful committees than the tighter Westminster model of parliamentary government. Shaw also states that the timing of parliamentary consideration by legislative committees is of great significance given that referral to a committee before debate in plenary sessions gives committees greater opportunities to influence details of legislation before proposals are finalised, confirming a point touched upon earlier in this thesis. Olson and Norton (1996), continuing the same theme, point to the use of committees in the parliaments of the emerging countries of Central/Eastern

Europe and highlight the considerable power exercised by these committees in the earlier and thus more influential stages of the legislative process [before plenary] and, agreeing with other commentators on this topic, conclude that this practice enhances the power of the legislators. As will be shown in the later discussion on amendments to the terms of reference of Oireachtas committees, this procedure was availed of during consideration by the SCLS of the Refugees Bill and was subsequently introduced on a broader and more formal basis by the insertion of a provision into revised terms of reference allowing for consideration by committees of issues and discussions with relevant ministers regarding pertinent matters before eventual drafting of legislation.

It is clear, therefore, that the terms of reference of an individual committee are of crucial importance given that these set the parameters for the operations and deliberations of the members. As will be noted in a consideration of the SCLS below, the terms applied to Irish committees were considered by some members to be too restrictive and, on occasion, provoked much criticism from participants. If, as it appears in many cases, it is the executive's proposals for parliamentary committees' guidelines that are adopted, the potential to be too cautious (perhaps to limit the ceding of power away from the government) can render the committee "toothless" in respect of real meaningful duties. Paniagua Soto (1997) describes the existence of parliamentary committees in Spain 'with complete legislative competence' adding that these types 'of legislative committees are rare' existing also in Japan and Italy. The unique position in the USA is described by Laundry (1989, p.110) and illustrates the legislative strength of US congressional committees which largely determine the fate of legislation. In France, committees 'have had the power to hold public or semi-public hearings ...

call government ministers and civil servants' (Rizzuto, 1997). It could be argued that the terms of reference of the Oireachtas committees created during the Fianna Fáil/Labour government during the first part of the last Dáil were seen as too weak in these areas and the later committees set up following the change of government were able to learn from these mistakes and enjoy a much looser, yet elevated regime.

Directly linked to the above is the importance that plenary sessions of parliaments and governments attach to the outcome of committees' work and how they respond to recommendations, findings and reports of committees. Drewry (1985) highlighted this point by quoting from Robinson's work of 1978 when she concluded that it was difficult to isolate committees' influence on government decisions from a plethora of other factors that may contribute to the bringing about of change. Arkins (1990), in a somewhat similar vein, concluded that the select committees of the 24th Oireachtas 'made some impact on government policy' but 'to suggest a direct causal relationship would be misleading'. She cites acknowledgement by a government department in a policy document of a parliamentary committee's proposals relating to the amalgamation of unemployment and training agencies as some evidence of impact on government policy. Instances will also be illustrated of where the Irish government responded, favourably or otherwise, to Oireachtas committees's submissions on matters ranging from legislation appertaining to refugees, the trade embargo against Cuba and qualifications for appointments of judges.

Committees are affected in many other ways by governments' actions. The impact of ministers' deeds on members own perception of their status needs to be

considered in a sensitive manner in order to foster good relations between a committee and the executive. During the proceedings of the Select Committee on Legislation and Security in 1994 the disquiet felt by some members at the poor degree of respect shown to the committee by ministers who were alleged to have made policy announcements outside parliament regarding issues upon which Deputies had tabled amendments and which were due for imminent discussion was highlighted. This "playing politics" was deemed by some members to have damaged the 'status' of the committee in the eyes of the public and led one Deputy to remark 'Democracy is not helped by announcements made outside the House and its committees when they could well have been made there' (SCLS, 18 May 1994; L2, No. 11, Cols 642, 723, 728 & 730).

Composition of committees

The quality of the work of an individual committee depends greatly on the composition /membership of the committee. In many states, such as France, Israel and Japan places on committees are allocated in proportion to the party strengths in the appropriate house of parliament (Laundy, 1989, pps. 103-109) and this principle applies in the main to committees established in the Irish parliament also. The consistency of membership is very important in terms of the degree of expertise gained by members through persistent and continuous membership of committees. Olson and Norton (1996) referring to the new parliaments of the emerging states of Central and Eastern Europe, highlight this point, stating, 'continuing service by incumbents may build up both a collective expertise and a more independent [from government, party, caucus] ethos', the absence of which would limit the capacity of the committees to act

independently. In states such as the USA membership is considered vital to the apprenticeship of junior members while in Japan every member of the Diet must serve on at least one standing committee (Laundy, 1989, p.109) and in Norway 'each representative is a member of one - and only one - committee [except for the foreign affairs committee] (Heidar, 1997). Similar conditions apply in the Czech Republic, Estonia and the Russian *Duma* (Reschova and Syllova, 1996; Kask, 1996; Remington and Smith, 1996). Because committees in many states are representative of all the elements in parliament, they serve to involve the opposition parties in the formal detailed work of the state. The view outlined earlier regarding the promotion of the better type of committee member is validated by the conclusion of Englefield (1984, p.62) that turnover erodes the quality of membership since it is often the best members who are promoted..

Specialisation by members of parliament/committees

Consequent upon the last paragraph, it is necessary to reflect upon the degree of specialisation by members of parliaments and the impact, if any, this would have on their deliberations. I intend to focus primarily on specialisation by members of the Oireachtas but will refer to examples from other parliaments also.

Specialisation in the Irish parliament

There are 166 TDs and 60 senators in the Oireachtas. 'One trend in recent years has been the increase in full-time deputies, who now make up a strong majority of the Dail' (Gallagher & Komito, 1992). Many senators also describe their occupations as "full-time public representatives". Thus a large number of

Oireachtas members rely on their continued membership of the Dail/Seanad for their sole income (Irish Times, 11 May 1996). This trend is continuing in many parliaments such as the UK and Germany where Saalfeld (1997) observes that membership of parliament is an increasingly full time role although De Winter (1997) states that 'nearly half of the Belgian MPs exercise a private occupation aside with the [parliamentary] mandate'.

Accordingly all the TDs (including the Ministers but possibly excluding the Ceann Comhairle who is returned automatically to the next Dail following an election) and a large proportion of the Seanad, who may be nursing or cultivating a Dail seat for themselves, devote most of their energies to their "constituency case load". This often necessitates the holding of "clinics" or advice centres in various localities in their constituencies in order to build up a supply of political kudos for return at election times. The range of issues which the politician encounters by providing this service often demands that he/she must adopt what Judge (1981, p.12) refers to as a 'generalist role'. This is to say that because of the plethora and range of subjects the Oireachtas member must service, it would be impossible to allocate valuable time to pursue a "specialist role". In addition the "return on investment" on such specialisation might be unattractive to a public representative due to the multiplicity of issues that demand ... attention (Judge, 1981, p.65).

Arkins (1990) considering the situation in Ireland, refers to the number and nature of parliamentary questions in support of her argument that

specialisation is not a common feature of parliamentary life. Deputies cultivate the parliamentary profile most suited to their constituents. Thus

they focus on constituency matters and articulate issues of interest to the local rather than the national community.

Members of the government are precluded by law from membership of local authorities. This ban does not apply to non office holders on both the government and opposition sides of both Houses. It is a feature of Irish political life that many back benchers are and seem determined to remain members of county councils, urban district councils and corporations. The argument has raged for years as to whether TDs/senators should continue such dual membership but it is believed that they prefer to retain local membership as it "keeps them in close touch with local issues". A cynic might say that it also keeps their name before the electorate [at local authority elections] and also affords the TD/senator an opportunity to "keep a wary eye" on any ambitious councillor with aspirations of Dail membership. This feature is by no means confined to the Oireachtas.

Commentators allude to similar type arrangements operating in Germany (Saalfeld, 1997) whilst Patzelt (1997) reports that 29 per cent of German MPs also hold seats on city councils and 22 per cent are also members of district councils, and in Belgium, De Winter (1997) states that 'Belgian MPs cumulate their parliamentary mandate with an office in local government, which constitutes an electoral asset and source of influence and personal satisfaction'

In addition many members of the Dail are required as cabinet ministers [15]; ministers of state [17] and chair duties [2]. The opposition also provides spokespersons and whips and thus a large proportion of the membership is engaged in activities that prevent him/her from self-selected specialisation.

These factors can be presented as impediments to specialisation by TDs. I would

add to the above the feature of cohesiveness of party supporters on most issues that surface in the Oireachtas. The following comment by Judge (1981, p.12) in relation to the UK parliament forgoing the need for any specialisation may also be valid when referring to the Oireachtas

conformity to the party line provides the back bencher with a relatively cost-free mode of decision - making, which allows him to reach a decision on any particular issue without necessarily having a detailed understanding of the subject involved. Adherence to party ideology thus provides another simple and effective partial solution to the problem of decision-making in a complex environment.

However it must be understood that TDs and senators embark on their public representative career "with baggage". All of them will have been members of a profession or have followed a career before entering the house as the table below indicates and indeed many of them will continue to practice their profession on a part-time basis. In addition many of them will have served in local government as indeed was the situation with regard to the new MPs in the British House of Commons [Daniel, 1997] which will have impacted on them.

**MAIN OCCUPATIONS IN WHICH DEPUTIES ARE OR
HAVE BEEN ENGAGED**

Education		38
National teachers	15	
Secondary teachers	12	
Vocational teachers	2	
University and College Lecturers	3	
Other Teachers	6	
Farmers and Farm Owners		23
Clerical and Technical		15
Company Directors and Managers		14
Lawyers		16
Solicitors	11	
Barristers	5	
Accountants		8
Science and Engineering		9
Health Care		5
Business interests		9
Trade Union Officials		5
Economists		4
Insurance		2
Journalists		2

[Source: Nealon's Guide to 27th Dail and Seanad Election '92, p.174]

Table: 4.1 - Main occupations of Deputies elected to the 27th Dáil.

It would be ludicrous to suggest that they could jettison or ignore all of their past experiences when speaking in the House and consequently we find several members of both Houses of the Oireachtas who possess what Walkland (1968, p.25) refers to as 'technical specialisation' and contribute to debates of a specific nature and refer to their own specialised knowledge in the subject area. TDs and senators who have medical qualification frequently were heard in debates in this area - Dr. Jim Mc Daid, TD; Senator Mary Henry; Dr. Rory O' Hanlon. When business matters were discussed in the senate you would expect contributions from Senators Fergal Quinn and Shane Ross. Therefore many who are specialists

before entry to politics often continue to specialise whenever possible.

Arkins (1990) states that some Dail deputies 'have developed strong profiles in areas such as family law reform or women's rights'. A study of past Dail debates would demonstrate the specialist approach of Alan Shatter TD to family law matters. This Deputy, through his contributions to committee proceedings, appeared to confirm the view of Searing (1995) that specialists are attracted to committees which create an incentive for them 'to keep up with ... [their] subject ... [and] provide an unusual opportunity to grill ministers and civil servants'.

Women members of both Houses - such as former Deputy Monica Barnes [since re-elected] were to the forefront in considering issues affecting women. A feature of this policy area was the deliberate decision by many female deputies such as Mary Harney, Maire Geoghegan Quinn and other not to align themselves solely with "female issues" but to address a more general list of concerns affecting their electorate. Michael Woods, at a meeting of the SCLS commented on the advantage of 'practicing TDs' considering matters at that committee as it implied a superior approach to issues under consideration in that the discussion would be undertaken by people with real experience of the subject under review.

Another factor that encourages some elements of specialisation is the fact that many members through their appointments as ministers, ministers of state, shadow minister or opposition spokesperson are obliged to specialise to some extent by the confines of their portfolios. Indeed members of small political parties in the Oireachtas including the Progressive Democrats, Democratic Left, the Labour Party are almost always spokespersons on a range of issues [especially when in opposition] and are thus compelled to specialise to a degree

on more than one policy area.

The advent of select committees and joint committees has also bred an element of specialisation by the membership appointed. Continuity and stabilisation of membership would lead to a continued growth of specialisation as evidenced by the acquisition by British MPs of detailed knowledge of their brief arising from such permanence. Saalfeld (1997), Damgaard (1997) and Heidar (1997) all comment upon the specialisation that is developed by committee assignments in Germany, Denmark and Norway. This desire that specialisation would be cultivated was a key element in the proposal by Desmond (1975, p.11) that committees be formed as part of Dail reform in order that 'those members with specialist knowledge ... [would] engage in the long and detailed analysis ... [of the] committee stage of a Bill' and furthermore that Estimates be considered by committees 'composed of members with special interest or qualifications relating to the Department under debate'. This would go some way to what Judge refers to as division of labour among parliamentarians and would result in a more efficient use of members' time.

The formation in recent years of Select committees to examine estimates and legislation goes a long way to accomplish Desmond's proposal. Some success in this aspect of parliamentary activity is noted by Norton (1990, p.145) in relation to the U.K. and by Arter (1990) in the restructured unicameral Swedish parliament.

It might be added that membership of these committees forces some specialisation amongst members who now must respond to "having their bluff"

called in relation to a worthy role for members of parliament and who frequently have to "perform" under the full glare of the media. Consequently an improvement in the material prepared for delivery at committee meetings is to be expected.

Concluding this segment of my dissertation I find some movement in the area of professionalism rather than specialisation by members of the Dail and Seanad. However the situation "on the ground" remains the same with a "survival of the fittest" scenario existing in relation to constituency politics. Roisin Shorthall, TD [Labour] in a recent Prime Time interview indicated that constituency work was essential for a Dublin TD and estimated this work as being worth an additional 4% on polling day. [If this is accurate then this Deputy's close re-election justified her attention to constituency matters]. As long as this stressful situation continues, deputies may find less time to research and brief themselves adequately on specialist topics as they confront the varied subject matters offered by their constituents. On the other hand concentration on constituency matters is not unknown in many other parliaments also and the practitioners there manage to juggle both their parliamentary, party and constituency/district/electoral duties. Pre-occupation with getting re-elected is to be found in many parliaments in the world. This focus by politicians is noted in the USA (Sowell, 1996) and Strom (1997) includes the desire for re-selection followed by re-election as among the primary goals of most parliamentarians and therefore strategies (which would include considerable attention to constituency matters) are devised to achieve the preferred goals.

Outside bodies

It is evident that committees interact in very many ways with groups, organisations and individuals outside of the parliamentary and civil administration of the country concerned. Countries have different ways of regulating representations from pressure groups and lobbyists with some parliaments insisting that such groups are registered. Whilst there is a danger that a committee considering a measure could be misled into supporting a dubious or undesirable proposition as a result of intense yet skilful lobbying, the push for transparency in the relationship between parliaments and outside forces should reduce such fears and win acceptance that briefings, submissions and evidence from third parties all contribute to a more informed and balanced debate on issues under consideration. Miles (1997) refers to the situation in Sweden where 'public and private organisations considered relevant to ... proposal ... have the right to submit comments to the respective ... parliamentary committee' adding that this 'open system of policy deliberation and formulation' occurs at an earlier stage in Sweden than in most other West European countries' while Heidar (1997) reports that the lobbying activities in the Norwegian *Storting* 'naturally focus on the committees and on the representatives as committee members'. Allowing groups to make representations to members of a legislature is not in itself unhealthy. Indeed it is a feature of pluralist democracy' (Norton, 1997) with benefits for both sides including the acquisition by parliamentarians, including members of committees, of information and advice which might otherwise have been denied to them. This factor played a major part in the education and awareness raising of members regarding a number of major issues at both the SCLS and the Joint Committee on Foreign Affairs (JCFA) as

evidenced in the case studies below. This theme is repeated by Patzelt (1997) who speaks of strong interest groups operating in Germany, viewed as 'role partners of MPs' who supply otherwise unreported information to MPs. This same author also reveals that the close ties between MPs and interest groups is explained by the fact that many German MPs entry into public life arose from their original involvement with a plethora of interest groups. Thomas (1995) recounts efforts to upgrade the somewhat sinister perception of lobbyists, who he claims rank very, very low on the scale of social acceptability, as 'would-be hijackers of the democratic process'. Like other authors above, he speaks of their important service to industry and parliament, keeping politicians 'up to speed on issues that affect both their constituencies and careers' and quotes Michael Portillo's description of them as a "political lubricant".

INTEREST GROUPS

Ireland has no shortage of pressure groups, sometimes referred to as interest groups. They are evident in all sectors of Irish society - agricultural, economic, social, political, environmental and cultural amongst others.

The explosion in the number of such organisations is referred to by Richardson (1993, p.7) when he observes 'new interests are constantly being formed in society, to press for policy change. There are two very spectacular examples of this process in all Western democracies since the 1970s: the rise of environmentalists and of women's groups'.

Interest groups in Ireland 'can be divided into two broad categories: those with a

sectional base, such as trade unions, farmers associations or professional bodies and those that are cause centred, such as Greenpeace or SPUC' (O'Halpin, 1992). Most of these groups have become remarkably robust and professional in pursuit of their cause as witnessed in a range of campaigns in recent years. For decades the "agricultural lobby" has enjoyed a unique relationship with Irish policy makers - at all levels - and as such were seen to exert significant power and influence over all governments in office.

Special interest groups formed to alter some issue in Ireland or to oppose the alteration of the status quo have reaped enormous amounts of publicity in the Irish media with a consequent "knock - on" effect on politicians. Members of parliament in the UK are targeted frequently by interest groups seeking new legislation in their area of interest (Miller, 1987, p.61) and similarly members of the Oireachtas can be expected to be canvassed and those considered sympathetic to a cause by a group would be contacted personally (Chubb, 1982, p.134). During very emotive periods in Irish political life, when matters affecting social or religious concerns are being considered for amendment, advocates both for and against a given proposal can put enormous pressure on TDs and senators. During the "Pro-life" campaign in the 1980s, several TDs gave accounts of people attending their advice clinics and disrupting proceeding by impromptu recitals of the rosary or at public meetings continuously interrupting (in excess of the accepted "heckling") any speaker deemed sympathetic to the cause not finding favour with the protestor. Dr. Jim Mc Daid, TD, gave an account of upsetting articles forwarded to him in the mail during the abortion debate. The very recent divorce campaign witnessed a very effective campaign by forces opposing change who agreed that targeting apparently sympathetic or vulnerable public

representatives formed part of their tactics.

The very holding of the referendum on the "Pro-life" issue is credited with being as a result of pressure group tactics on both Dr. Garret FitzGerald and Mr. Charles Haughey - in effect pitting them against one another and the final wording of the amendment put to the people in the referendum was not that preferred by the government of the day but was amended by the Dail following pressure on selected deputies, sympathetic to the issue.

Whilst these illustrations are very familiar to the public due to the colourful debates that ensued and the publicity generated by the campaigns there are other situations perhaps more mundane in which interest groups also have exerted influence. The incidences in the UK of 'business friendly' (Hollingsworth, 1991, p.21) politicians have been the subject of many articles by commentators and comparable allegations of politicians being similarly found to be associated with events in Irish industrial and commercial life have simmered over the years. In addition the lobbying of MPs in an attempt of use them to influence matters (Berry, 1992; Hollingsworth, 1991, p.22) has long been a cause for concern in Britain. In Ireland the disclosure of interests by deputies and senators following the enactment of "the ethics" act; the controversy over the use of official notepaper for political party fundraising and the aborted Labour party lunch for business people with Minister for Finance, Ruari Quinn TD before he "finalised" the Finance Bill have rekindled interest among the public in this issue. Mc Cann (1993) states that business cannot ignore the reality of 'resource allocation' being a 'political decision' and therefore business must seek to influence political opinion in its favour. The locus of public policy formation is however not

identified with the Irish parliament but with the government and consequently pressure groups tend to address their activities in the direction of the executive and the civil service [Chubb, 1982, p.140/1].

As a consequence politicians have had to realise that as Walkland (1968, p.33/4) indicated some years ago the political parties are not the sole vehicle of political ideas and that pressure groups have developed the contact and expertise to enable them to put their case to the real policy makers. Except for the celebrated social issues in Ireland, most issues are decided upon by the government and formally legitimised by the parliament. Therefore as one commentator has suggested continuing lobbying of members of parliament is merely playing along with this notion of their power (Berry, 1992).

Some exceptions to this rule are evident by the relative success on occasions by certain professions in having legislation amended in their favour. The well publicised intention of the Minister for Justice (in both the previous administrations) to remove "the barrister's wig" from Irish courts was quietly amended to be an option for barristers, not a requirement. This amendment was piloted through by members of the Dail close to the legal profession.

A feature in Ireland related to the current system of multiseat constituencies is the success of interest groups who target TDs on local or constituency issues. Witness the examples in recent years of Willie O'Dea TD in Limerick voting against his government on the Barringtons Hospital closure in Limerick or the Labour TDs who voted against the government with regard to the Team Aer Lingus issue - the number of local TDs of all parties who criticised proposals with

regard to the Phoenix Park casino; the Kill dump or the change in status for Shannon airport. Because of the pressure on local matters and the need for parties to tackle "single issue candidates", some degree of maverick Dail voting is deemed acceptable although it may result in some notional political punishment (eg withdrawal of whip) in order to preserve the illusion of party discipline in the Oireachtas. Shades of this approach to discipline are also recorded by Heidar (1997) when, referring to the dissent by party members in the Norwegian parliament, he notes that party leadership may show a degree of "understanding" towards members, adding 'dissent on local issues are the easiest ... to tolerate ... same applies to strongly held ethical views'. In Ireland the targeting of politicians by local groups in this manner has resulted from purely electoral purposes in some success for pressure groups - examples offered include the Knock airport construction and the prevention of the closure of rural post offices.

Therefore whilst many back bench members of parliament, including members of committees, may have been happy to "make representations" on certain matters and to be seen to do so, the interest groups have included them on their contact list as merely one element in the policy chain involving government, civil service and in recent years, Brussels! with varying degrees of success. It will be concluded when considering the proceedings of the two Oireachtas committees that I studied, that many groups and bodies provided valuable briefing to members.

Other factors

Amongst the many other issues which affect the work of parliamentary

committees are the provision of adequate resources by the administration in terms of secretarial and clerical assistance, travel/consultancy and research budgets, extra remuneration for members, especially officers of committees. In addition there is the question of adequate time being allowed for members to brief themselves correctly, to study documentation often of a technical level. Klug *et al* [1996] refer to a questionnaire recording views of UK MPs relating to standing committees. The conclusions indicated that they felt that 'they were poorly resourced ... required more detailed background information' and a desire that opposition MPs should also be serviced by the civil service. This view corresponds with the frequent and oft repeated comments of Oireachtas members on this same matter. Examples to illustrate this can be found in the records of many of the committee meetings that I studied. During 1993 the members themselves emphasised many of the issues which caused them concern. The main weakness at that time would appear to have been the lack of technical assistance afforded to opposition and backbench members in the preparation of amendments. This restricted the Deputies' abilities to produce wording that was legally satisfactory and acceptable to the parliamentary draftsman. This led Gay Mitchell to propose 'that the clerk be directed to report to the committee on precisely what assistance is available to Opposition spokesmen on drafting of technical amendments. If we are to do our job properly it is a matter which must be addressed' (SCLS, 22 July, 1993; L1 No. 5, Col 405). This defect in the committee system was referred to later by the same Deputy when he spoke on a later Bill admitting 'It is difficult for me, speaking on behalf of 62 Members of the Oireachtas and not having any resources ... amendment may have shortcomings but it sets out to provide [alternative provisions] ...' (SCLS, 9 November, 1993; L1 No. 10, Cols 780,781). Another member - Eamonn Gilmore - alluded to this

handicap when he stated during the debate on his amendment to a Bill 'unfortunately on the Opposition side of the House we have to table ... amendments from the point of view of principle rather than from their technical correctness' (SCLS, 9 November, 1993; L1 No. 10, Col 792). This grievance was noted by the Minister of State, Willie O'Dea, during the debate when he agreed with complaints 'about the lack of resources available to backbenchers and to people who are not in government'. He was familiar with the difficulties this presented to the opposition and was content therefore to 'deal with the principle' (SCLS, 10 November, 1993; L1 No. 11, Col 831) as was the Minister for Justice in other debates.

In 1994 the lack of resources provided to members of the opposition (and presumably to government backbenchers also) to enable them to tackle the technical aspects of legislation was again aired on many occasions by members. This was highlighted most forcefully by Eamonn Gilmore when an opposition amendment had fallen foul of the chair's ruling:

Members of the Opposition, who are trying to perform constructively, labour under a regime where we do not have the panoply of assistance and advice both from the Civil Service and the ministerial office that is available to Government Ministers. I accept that perhaps in the very fine print of an Opposition amendment it is possible that there may be some technical faults but it is not acceptable that this kind of offside trap is being used against Members of the Opposition who are simply trying to improve the legislation.

(SCLS, 27 April 1994; L2, No. 7, Col 374).

Similar complaints featured at further meetings of both this committee and the Joint Committee on Foreign Affairs (as detailed below) during the lifetime of the last Dáil under both administrations as the resulting limitations imposed on the ability of Deputies to function as lawmakers, exacerbated by frequent incidences

of little time elapsing between the tabling of complex amendments by ministers and their consideration by the committee were felt to impose a consequent handicap on members.

Other internal factors include the approach adopted by the chairs of such committees, the perception by backbenchers of their own role in the parliamentary process and the citizens' view of their parliament in general and their awareness (if any) of how these committees contribute to the public administration of their country.

Publicity

Central to the final point in the paragraph above is the degree to which the committees deliberations are covered by the media.

Norton (1997) observes that 'citizens [in the UK] have difficulty perceiving the distinction between government and Parliament'. Whilst he lays much of the blame for this at the door of the British education system, it is clear that the media coverage of parliamentary affairs is less than he would like and recognising the commercial reality that coverage of parliament 'would not increase newspaper sales or viewing figures', he concedes that 'coverage of committees ... would convey a more rounded picture of Parliament'.

He relates the popular view of parliament seen by the public on television with rows of empty seats and those present engaged in 'partisan point-scoring'. The absence of members from the chamber, even if 'attending committees or meeting members of the public' draws a cynical response from the media and likewise the

public who rely on the mainstream press, radio and television to form their opinions of parliamentary business. Franks and Vandermark (1995), in a study of television coverage of the UK parliament, found that backbench MPs welcomed coverage of committees as it was often their only chance of appearing on television given the concentration on front bench action in the chamber and the substantial regional appeal committee coverage provided for members anxious to increase their constituency profile. Norton suggests that one of the advantages that flow from greater coverage of parliamentary proceedings, including committee sessions, is the realisation by the public of the 'extent to which special interests do or do not influence proceedings and thus, it could be argued that, with appropriate media coverage, a less hyped-up and extreme view of the lobbying process such as operates in Ireland at present would be presented to the public at large. On the other hand, Strom (1997), speaking of the different goals and strategies of parliamentarians such as renomination and re-election to their national parliaments, advances the view that 'if committees engage in highly visible and well-publicised hearings or investigations', they may use these venues to wear their "partisan" hat to advance their own position, possibly at the expense of a better, more thoughtful, consensual outcome, a fear which O'Halpin also highlighted when he referred to the danger that members or whole committees, subject to such coverage, 'might play to the gallery at the expense of serious consideration of a question.'

This strive for the ideal balance is not confined to any one country. In Spain, the 'media has exclusive access to sessions of the committees' (Paniagua Soto, 1997) but 'it has been claimed that ... programmes reporting the activities of the Cortes are usually broadcast during odd hours, when audience levels are low, and, at the

same time there is little inclination to watch these programmes'.

As a contrast, media coverage of the Swedish Riksdag is described by Miles (1997) as 'relatively high' and he adds that this fact coupled with the Swedish stress on freedom of information has a linkage to the emphasis by King-Hall 'on the notion that popular awareness of the activities of the country's legislature is a central attribute of a healthy parliamentary democracy'.

Greater accurate and indepth coverage of a parliament's proceedings in all its forms would contribute to a more accurate understanding by the public of the work of their legislators and would perhaps diminish some of the apathy and disillusionment shared by citizens when asked for their views in this area as statistics such as the Eurobarometer indicate. Eurobarometer 44 of late 1995 showed that only forty eight per cent of the general public in the EU had trust in their national parliament. When taken in conjunction with the view of Norton (1997) that popular awareness of the activities of a legislature derives from three principal sources namely, passive observation through watching television news or reading a newspaper, deliberate observation by means of dedicated programmes and newspaper articles on legislative activity and finally through direct contact with members of legislatures, and noting his reference to the later Eurobarometer data for Spring 1996 which showed a mere forty five per cent popular trust in national parliaments across the fifteen member states of the European Union, it can be argued that the media has a pivotal role to play in the formation of the public's perception of parliamentary activities with all the associated responsibilities which FitzGerald (1997) outlines below .

Norton's observation that [in the UK] there 'is a disparity between the work done by MPs and how citizens view that work' is echoed by Irish parliamentarians. Dáil debates in 1993, 1995 and 1996 all contain instances of concern by members regarding media coverage of their activities. Deputies Eamonn Gilmore (Dáil Debates, 18 February 1993, Vol 426, Col 672), Tony Killeen (Col 675), John Browne (*Carlow-Kilkenny*) (Cols 678 & 679) voiced concerns about media coverage with the latter deputy advising the need to 'counteract the rubbish we hear regarding the workings of Dail Eireann' and claiming that 'the public might not understand the system because it has never been explained to them'. Seán Barrett, government chief whip, remarked during a debate in 1995 that the 'reality is that a great deal of work is done here about which the public are not aware and for which credit is not given' (Dáil Debates, 1 March 1995, Vol 449, Col. 2230).

This matter continues to be relevant as the proceedings of the Oireachtas committees that I studied are sprinkled with comments from members about sparse and unsatisfactory media coverage of their proceedings. Oireachtas members such as Alan Shatter (Select Committee on Legislation and Security [SCLS], 21 May 1993, L1, No. 3, Col 229) and Jim Kemmy (SCLS, 22 July 1993, L1, No. 5, Col 372) were critical of the reporting of the committees both in terms of accuracy and of the fact that coverage frequently failed to include backbenchers undertaking tasks such as committee work. Interestingly, O'Halpin (1996) contends that print and broadcast 'media coverage of Oireachtas proceedings has ... increased markedly in scope and depth since the mid-1980s' with a consequent improvement in committee proceedings by members. In contrast with this view FitzGerald (1997) appears to concur with Norton's view

above, writing about the duty owed by journalism to politics, namely 'to inform the public adequately about the legislative ... process' argues that 'for many years, serious coverage of the work of the Dáil and Seanad has virtually been abandoned'. Conceding that much of the output may not be worth reporting and recognising that much of the contentious, "newsworthy" proceedings are covered he complains that much of 'the extensive work of the Dáil and Seanad and their committees' is ill-reported. Allowing for the technical nature of much of this work he claims that the committee and report stages of debates (which is much of the principal work of the new legislative committees) are not referred to in the press at all and this renders the public ignorant of the true law making process and unable to judge the effectiveness of individual members of parliament. Therefore, whether one agrees or not that the current media reporting of parliamentary affairs is satisfactory, there is a clear relationship between publicity/coverage and potential benefits either in the scale of public understanding/appreciation of parliamentary work and the quality of the input from Oireachtas members.

CHAPTER 5 - OIREACHTAS COMMITTEES

There were 23 different committees operating in the Houses of the Oireachtas in the life of the 27th Dáil.

These committees could be grouped on a functional basis as follows:-

committees concerned with the efficient running of the Oireachtas such as the Dáil and Seanad committees on Procedure and Privileges, the two committees of Selection and the Joint Services Committee.

committees concerned with the functions of parliament relating to public spending and the monitoring of state-sponsored bodies. These included the Dáil Committee of Public Accounts and the Joint Committee on Commercial State-sponsored Bodies.

Functions of the Oireachtas in relation to legislation were dealt with by the Select Committees on Social Affairs, Finance and General Affairs, Enterprise and Economic Strategy, Legislation and Security and by the Joint Committee on Foreign Affairs and the Joint Committee on European Affairs.

Furthermore, there were a number of ad hoc committees dealing with specialised subjects such as -

- Joint Committee on Women's Rights,

- Joint Committee on Sustainable Development,
- Joint Committee on Small Business and Services,
- Joint Committee on the Family, and
- Comhchoiste don Ghaeilge.

In addition new committees created during the term of the last Oireachtas included the Dáil and Seanad committees on members' interests and the liaison committee which attempted to draw together the operations of all the various committees in the Oireachtas.

Committees were composed of members of either house, but Joint Committees were composed of members of both houses.

Details of each committee including both its membership during the latter half of the 27th Dáil/Oireachtas and degree of secretarial assistance (where available) are contained in Appendix I.

Membership of Committees

Legislation provides for 166 members of the Dail and 60 members of the Seanad. Analysis of committee membership shows that 124 TDs and 53 Senators were members of at least one committee in the last Oireachtas.

Participation by members of the Dail in committees:

The 124 TDs referred to above who participated in the work of at least one

Oireachtas committee during the second half of the last Oireachtas included the Ceann Comhairle (Chairman of the Dail committee on Procedure and Privileges) and the Chief Whip (Chairman of the Dail committee of Selection). By including the 15 members of the Cabinet and the remaining 16 Ministers of State who may be ex officio members of committees if matters relating to their portfolio are being considered, a total of 155 out of 166 TDs formally engaged themselves in Oireachtas committee work. Two of the remaining 11 deputies -Bertie Ahern (then leader of the opposition) and Joe Jacob (then Leas Ceann Comhairle) could be deemed to have had other pressing duties to occupy them. The 9 remaining non-office holders not listed as participating in the work of Oireachtas committees were:

Bhamjee, Moosajee,	Lab
Clohessy, Peadar	PD
Collins, Gerard	FF
Gallagher, Pat the Cope	FF
Hyland, Liam	FF
Keaveney, Cecilia	FF
Lenihan, Brian	FF
Noonan, Michael J (Limerick West)	FF
Reynolds, Albert	FF

Deputies Collins, Gallagher and Hyland were all FF members with a dual mandate in the European Parliament. Deputies Lenihan and Keaveney won seats at by-elections during the lifetime of the 27th Dáil and were not featured in the records although Brian Lenihan was a member of the non-Oireachtas

Constitutional Review Group^{2, 3}.

Analysis of details supplied by the Houses of the Oireachtas indicate that:

47 TDs were members of one committee only

43 TDs were members of two committees

25 TDs members of three committees

7 TDs were members of four committees

2 TDs. were members of five committees

Given the large number of Dail members involved in government and opposition front bench duties, there would statistically appear to have been a commendable involvement by Dail members in the formal work of the committees.

Participation by members of the Seanad in Committees

53 of the then current 59 members of the Seanad (one vacancy) were listed as being members of at least one Oireachtas committee. These members not appearing on committee membership lists included Senators Joe Doyle, Cathy Honan, Joe Lee, Patrick Mc Gowan, Francis O'Brien and Sam Mc Aughtry.

31 Senators were members of one committee only

18 Senators were members of two committees

3 Senators were members of three committees

² Correspondence with government press office

³ Conversation with Deputy Lenihan's aides

1 Senator was a member of 4 committees.

This showed a formidable involvement by the Upper House parliamentarians in the formal operations of the committees.

Payments to chairpersons

A feature of the committees established during the last Dáil was the fact that chairpersons of certain designated Oireachtas committees were entitled to an allowance. This, it was claimed by some critics, such as Jim O'Keefe (Dail debates, 18 February 1993, Vol. 426, Col 636), Dermot Ahern and Liz O'Donnell (Dail Debates, 1 March 1995, Vol. 449, Col 2188 and Col 2195), Des O'Malley and Willie O'Dea (Dail Debates, 9 October 1996, Vol. 469, Col. 1724 and Col. 1736) was another way to spread the patronage available to the governments to their supporters in parliament as most of the plum positions of chairperson were allocated to government supporters with the occasional exception such as the Committee of Public Accounts which, by tradition, is chaired by a member of the opposition. Seventeen committees were chaired by non-office holders such as the Ceann Comhairle, Cathaoirleach of the Seanad, Chief Whip. Thirteen of these had a government supporter as chair whilst the opposition chaired four. This drew complaints that far from contributing to the meaningful reform of the Oireachtas, the new appointments were merely additional "jobs for the boys" (Michael Martin, Dail Debates, 1 March 1995, Vol 449, Col. 2219). Laundry (1989, pps. 108-110) relates that the chair of a parliamentary committee is in the gift of the government in Israel; in Japan the chairs are appointed by the presiding officer of the relevant house and in the USA the chairs of committees and sub-committees

belong as a right to the majority party in the house concerned.

The additional allowances available to chairpersons were as follows:

The Committee of Public Accounts	£ 10,874
The Joint Committee on the Irish Language	£ 7,213
The Joint Committee on Women's Rights	£ 7,213
The Joint Services Committee	£ 7,213
The Joint Committee on Commercial State Sponsored Bodies	£ 10,874
The Select Committee on Finance and General Affairs	£ 10,874
The Select Committee on Enterprise and Economic Strategy	£ 10,874
The Select Committee on Legislation and Security	£ 10,874
The Select Committee on Social Affairs	£ 10,874
The Joint Committee on Foreign Affairs	£ 10,874
The British- Irish Inter-Parliamentary Body	£ 7,213
The Joint Committee on European Affairs	£ 10,874
The Joint Committee on Small Business and Services	£ 7,213
The Joint Committee on Sustainable Development	£ 7,213
The Joint Committee on the Family	£ 7,213

Source: Public Relations Office - Houses of the Oireachtas

Table 5.1: Allowances for chairpersons of certain Oireachtas committees 1994-1997

Women in committees

At the conclusion of the 27th Dáil/Oireachtas there were twenty two women TDs and eight women senators [State Directory 1995-6]. This represented 13.25 per cent of TDs and 13.33 per cent of senators. The Oireachtas had thirty women members, 13.27 per cent of the total.

Upon examination of twenty of the committees (excluding the liaison and two members' interests committees) the female composition of the committees created following the appointment of the rainbow coalition is as follows:

COMMITTEE	TOTAL NUMBER OF MEMBERS	NUMBER OF WOMEN MEMBERS	PERCENTAGE OF WOMEN MEMBERS
COMMITTEE OF SELECTION - DAIL	13	2	15.38%
COMMITTEE OF SELECTION - SEANAD	11	1	9.09%
COMMITTEE OF PROCEDURE AND PRIVILEGES - DAIL	18	2	11.11%
COMMITTEE OF PROCEDURE AND PRIVILEGES - SEANAD	11	1	9.09%
JOINT COMMITTEE ON STANDING ORDERS - PRIVATE BUSINESS	6	0	0
STANDING JOINT COMMITTEE ON CONSOLIDATION BILLS	6	0	0
COMMITTEE OF PUBLIC ACCOUNTS	12	0	0
JOINT COMMITTEE ON SEMI-STATE BODIES	11	1	9.09%
SELECT COMMITTEE ON SOCIAL AFFAIRS	21	5	23.81%
SELECT COMMITTEE ON FINANCE AND GENERAL AFFAIRS	21	0	0

SELECT COMMITTEE ON ENTERPRISE AND ECONOMIC AFFAIRS	21	2	9.52%
SELECT COMMITTEE ON LEGISLATION AND SECURITY	21	1	4.76%
JOINT COMMITTEE ON FOREIGN AFFAIRS	30	3	10%
JOINT COMMITTEE ON EUROPEAN AFFAIRS	18	2	11.11%
COMHCHOISTE DON GHAEILGE	17	2	11.76%
JOINT SERVICES COMMITTEE	19	1	5.26%
JOINT COMMITTEE ON WOMENS RIGHTS	17	12	70.59%
JOINT COMMITTEE ON THE FAMILY	19	8	42.10%
JOINT COMMITTEE ON SMALL BUSINESSES AND SERVICES	19	3	15.79%
JOINT COMMITTEE ON SUSTAINABLE DEVELOPMENT	19	2	10.53%

Table 5.2: Women membership of Oireachtas committees - 1996

Source: State Directory 1995 -6

The following facts emerge from the examination of the position of women in Oireachtas committees:

- Only one woman occupied a position of chair of an Oireachtas committee
- Mary Wallace, Joint Committee on Womens Rights;
- Women were principally represented on "social affairs" type committees such as Womens Rights (12/17); Family (8/19); Select Committee on Social Affairs (5/21);

- Women had minimal representation (one member) on five committees;
- No women recorded as members of four committees including
 - Select Committee on Finance and General Affairs and
 - Committee on Public Accounts, both of which would have occupied a prime position in Oireachtas affairs;
- All non-ministerial women TDs are recorded as members of at least one committee with the exception of Cecelia Keaveney (returned at a by-election late in the Dáil) and
- Seven of the eight female senators were listed as members of at least one committee, the exception being Cathy Honan.

Case studies

As it would not be possible to realistically examine every Oireachtas committee, a more detailed study of two committees will form part of this thesis - namely the Select Committee on Legislation and Security and the Joint Committee on Foreign Affairs. This afforded me an opportunity to examine a predominantly legislative committee (SCLS) and one which was more policy/issues focused (JCFA) as well as looking at a "deputies only" committee (SCLS) and one which numbered senators among its membership (JCFA). This, I believe is a realistic "sample" of the then Oireachtas committees.

SELECT COMMITTEE ON LEGISLATION AND SECURITY

This committee was first created in the 27th Dail on 7 April 1993. This was during the FF - Lab government and consisted of FF - 12; FG - 8; Lab - 6; PD - 2; DL - 1; Ind - 1. = Gov - 18 Others - 12. The Chairman was a government nominee - Dan Wallace (FF).

Whilst members of all committees were discharged on 24 January 1995 upon the change of government, some members forming the sub-committee of the select committee considering the fall of the previous government were to continue in office until the sub-committee discharged the functions assigned to it.

Following the change in Government, the Dail appointed a new committee on 10 March 1995, consisting of 21 members (9 less than previous).

Composition: FF - 8; FG - 7; Lab - 4; PD - 1; Ind - 1 =
Gov 11; Others 10.

Chairman : Charles Flanagan (FG)

8 of those appointed to this committee were not members of the previous committee

SELECT COMMITTEE ON LEGISLATION AND SECURITY

ORDER APPOINTING	7 April 1993
MEMBERS APPOINTED	10 March 1995
MEMBERSHIP	21 * Deputies and Minister (ex officio)
QUORUM	5 Members
CHAIRMAN	Charles Flanagan
CLERK TO COMMITTEE	John Roycroft
SECOND CONTACT PERSON	to be decided

MEMBERSHIP		
John Browne	John Browne	Jim O'Keeffe
[Carlow-Kilkenny]	[Wexford]	
Brendan Kenneally	Derek Mc Dowell	Alan Shatter
Liam Fitzgerald	Paul Mc Grath	Micheal Smith
Charles Flanagan	John Mulvihill	Godfrey Timmins
Tony Gregory	Willie O'Dea	Dan Wallace
Paddy Harte	Liz O'Donnell	Eamon Walsh
Jim Kemmy	John O'Donoghue	Michael Woods

Note: * The number of members on the Committee was changed from 30 to 21 pursuant to an Order of the Dail of 1 March 1995.

FORMER MEMBERS ON SELECT COMMITTEE ON LEGISLATION AND SECURITY

Michael Ferris (Discharged 05-05-1993)

Mary Harney (Discharged 30-11-1993)

P.J. Morley (Discharged 29-04-1993)

The Deputies listed below were appointed on 28 April 1993 (unless otherwise stated) pursuant to an Order of the Dail of 1 April 1993. All of them were discharged pursuant to an Order of the Dail of 24 January, 1995. The Deputies indicated with the * remained as members of the sub-committee of the Select Committee until it discharged its functions on 28 February, 1995.

Dermot Ahern *	Denis Foley	John O'Donoghue *
Sean Barrett	Eamon Gilmore	Jim O'Keeffe *
Ben Briscoe	Tony Gregory *	Sean Power
John Browne * (Carlow Kilkenny)	Paddy Harte	Eoin Ryan
	Jim Kemmy	John Ryan
Ivor Callely *	Brian Lenihan	Alan Shatter
Donal Carey *	Derek Mc Dowell *	Roisin Shorthall
Peadar Clohessy	Gay Mitchell	Godfrey Timmins
Gerard Collins	John Mulvihill	Dan Wallace * (appointed 29-04-1993)
Sile de Valera	Liz O'Donnell	Eamonn Walsh *
		(appointed (appointed 30-11-1993) 05-05-1993)
Liam Fitzgerald		

Deputies Willie O'Dea * and Desmond J. O'Malley * substituted for a Fianna Fail member of the Select Committee and Deputy Peadar Clohessy respectively and as such became members of the Sub-Committee.

The terms of reference, including amendments made during the lifetime of the 27th Dáil are to be found at Appendix II.

CHAPTER 6 - SELECT COMMITTEE ON LEGISLATION AND SECURITY

Introduction

As indicated above this new committee composed of members of the Dáil only was one of the two Oireachtas committees that I chose to study in more detail.

1993

The committee met on a total of 17 occasions during 1993. The business considered by the committee was as follows:

PURPOSE OF MEETING	NUMBER OF MEETINGS
Inauguration	1
Private	3
Estimates	5
Legislation	8

Table: 6.1 - Number of meetings of SCLS during 1993

Source: Official debates and annual report

Attendance

Excluding the inaugural and three private meetings there was a total of 13 working meetings of the committee during the year.

In considering this workload it should be remembered that the Select Committees were created in April of 1993 and their first meetings were held in May.

Of the 13 meetings the members were present at or were substituted for as follows:-

NAME OF MEMBER	NUMBER OF MEETINGS ATTENDED	NUMBER OF MEETINGS AT WHICH MEMBER WAS SUBSTITUTED	NUMBER OF MEETINGS AT WHICH MEMBER CONTRIBUTED
AHERN D. (FF)	7 (54%)	4 (31%)	6 (46%)
BARRETT S.(FG)	9 (69%)	1 (8%)	9 (69%)
BRISCOE B.(FF)	11 (85%)	1 (8%)	7 (54%)
BROWNE J. (Carlow-Kilkenny) (FG)	13 (100%)	0 (0%)	13 (100%)
CALLELY I. (FF)	10 (77%)	1 (8%)	10 (77%)
CAREY D. (FG)	8 (62%)	2 (15%)	3 (23%)
CLOHESSY P. (PD)	3 (23%)	4 (31%)	1 (8%)
COLLINS G. (FF)	6 (46%)	4 (31%)	3 (23%)
de VALERA S. (FF)	3 (23%)	1 (8%)	0 (0%)
FITZGERALD L. (FF)	12 (92%)	0 (0%)	10 (77%)
FOLEY D. (FF)	10 (77%)	3 (23%)	5 (38%)
GILMORE E. (DL)	7 (54%)	3 (23%)	7 (54%)
GREGORY T. (IND)	7 (54%)	0 (0%)	0 (0%)
HARTE P. (FG)	9 (69%)	0 (0%)	5 (38%)
KEMMY J. (LAB)	9 (69%)	2 (15%)	8 (62%)
LENIHAN B. (FF)	4 (31%)	4 (31%)	4 (31%)
McDOWELL D. (LAB)	9 (69%)	1 (8%)	8 (62%)
MITCHELL G. (FG)	11 (85%)	0 (0%)	9 (69%)
MULVIHILL J. (LAB)	9 (69%)	4 (31%)	1 (8%)
O'DONNELL L. (PD) and HARNEY M. (PD) [switch 12/93]	11 (85%)	2 (15%)	11 (85%)
O'DONOGHUE J. (FF)	6 (46%)	3 (23%)	6 (46%)
O'KEEFE J. (FG)	9 (69%)	2 (15%)	6 (46%)

POWER S. (FF)	6	(46%)	1	(8%)	4	(31%)
RYAN E. (FF)	9	(69%)	0	(0%)	5	(38%)
RYAN J. (LAB)	6	(46%)	3	(23%)	1	(8%)
SHATTER A. (FG)	8	(62%)	3	(23%)	7	(54%)
SHORTHALL R. (LAB)	5	(38%)	3	(23%)	0	(0%)
TIMMINS G. (FG)	7	(54%)	3	(23%)	0	(0%)
WALLACE D. (FF)	13	(100%)	0	(0%)	13	(0%)
WALSH E. (LAB)	13	(100%)	0	(0%)	13	(100%)

Table: 6.2 - Attendance and contributions by members to SCLS during 1993.

Source: Parliamentary Debates- Select Committee on Legislation and Security; 7,14,21, May 1993; 13,22 July 1993; 14,15,20,22 September 1993; 9, 10, 25 November 1993; 15 December 1993 and Report of the Select Committee on Legislation and Security for the period 7 April, 1993 to 31 December, 1994.

As can be seen from the above the attendance rate (either in person or by substitution) was quite high. A number of Deputies were present or represented at almost all meetings. The following statistics emerge:-

PERCENTAGE OF MEETINGS AT WHICH MEMBERS WERE PRESENT OR SUBSTITUTED	NUMBER OF MEMBERS
100%	6
91% - 99%	2
81% - 90%	6
71% - 80%	6
61% - 70%	6
51% - 60%	3
> 50%	1

Table: 6.3 - Summary of attendance - SCLS during 1993

Source: Parliamentary Debates- Select Committee on Legislation and Security; 7,14,21, May 1993; 13,22 July 1993; 14,15,20,22 September 1993; 9, 10, 25

November 1993; 15 December 1993 and Report of the Select Committee on Legislation and Security for the period 7 April, 1993 to 31 December, 1994.

A study of the attendance as extracted from the committee proceedings reveals that the average attendance during this first year of existence was 24 members or 80% which I suggest is a very respectable turnout given members' other duties.

Substitution was permitted under paragraph 9 of the orders of reference. This had a number of advantages; it allowed the work of the committee to continue even if many of the members were unable to attend. This would be a regular feature of Irish political life due to the many commitments of parliamentarians including constituency business, membership of other Oireachtas committees sitting at the same time or even attendance at the plenary session of the Dail. Another practical benefit for political parties was that it enabled parties to maintain their numbers in the event of a division being challenged. During 1993 a total of 3 divisions were called and the use of substitutes was widespread.

Contrary to the perceived advantage gained through consistency of committee membership outlined earlier during the consideration of this feature in the literature, it could be argued that, the provision for substitution in Oireachtas committees actually facilitated an element of specialisation to operate within the Oireachtas as, given the small pool of potentially qualified participants available to committees and parties, situations where an especially technical issue was being considered could be better serviced by appropriately skilled and informed members on the day. An example which clearly illustrates this point occurred during the committee stage of the Criminal Justice (Public Order) Bill, 1993 and the Criminal Procedure Bill, 1993. The Progressive Democrats [a small party]

members were able to substitute Michael McDowell, TD, for Peadar Clohessy, TD, on a number of occasions and enabled him to utilise his expertise in legal matters which resulted in improvements to the Bill. His contribution was acknowledged by the sponsoring minister during the deliberations. Similarly, Democratic Left were able to substitute Liz McManus for Eamonn Gilmore when Equality and Law Reform matters were being discussed and enabled that party to present its policies and views to the committee. Because the committee's remit embraced the portfolio of more than one party spokesperson, both parties were able to send their preferred member in "to bat" depending on the subject matter under discussion although it remains that one danger of widespread and *ad hoc* substitution of membership is that it dilutes the potential expertise which members might develop from dealing with related topics over a period of time and which I referred to in an earlier chapter.

The above factors could be seen as evidence of the ability and commitment of the members and their parties to "work" the committees.

There was also provision under terms of reference for Deputies who were not members or substitutes to attend meetings and participate but without a vote at divisions. During 1993 only one Deputy, Joe Costello, availed of this opportunity to "voluntarily" attend meetings of this select committee. It would be wrong to infer from this that Deputies were not sufficiently interested in participating in this new parliamentary work as evidence presented earlier clearly indicates that many factors could be the cause of their inability to attend.

Contributions at meetings

The first table above indicates the number of contributions by members at this committee during 1993.

The table at appendix VI illustrates the actual number of interventions by Deputies attending each of the 13 committee meetings referred to earlier including those occasions where they functioned as substitutes or attended out of interest. It is included to give an indication of the degree of interest shown by deputies in the operations of this committee insofar as contributions and frequency of interventions could be deemed to be one of the measures (albeit a rather crude one) of such interest.

The figures, which do not include the relevant sponsoring minister, indicate that a distinct core of Deputies contributed to the discussions and "teasing out" of the legislation under consideration. As would be expected the main contributors were the then opposition spokespersons on Justice, Law Reform and Defence matters - Mitchell, Harney, Gilmore, Shatter, O'Donnell and Barrett. However it is significant that the table of regular speakers includes several backbenchers, both government and opposition, with an interest in the areas under consideration.

ESTIMATES

In the main the discussions which centred on estimates for the Departments of Justice, Equality and Law Reform and Defence were availed of by the members as an opportunity for a wide-ranging debate on the affairs of the Department concerned. Attempts by the chair to discipline/ restrict debate to specific

subheads in some order were often frustrated by the speakers.

The views of Deputies on this new select committee mechanism for discussing estimates varied. Deputy G. Mitchell wished 'to put on record that there is much confusion about how these committees will work' (SCLS, Friday, 7 May 1993; L1, No.1 Col.2) at the outset of the committee proceedings. At the same meeting, Proinsais De Rossa welcomed the formation of the committee as it brought 'the Dáil into the 20th if not the 21st century in terms of the way we do our business' (Col. 20). Deputy Alan Shatter welcomed 'the fact that we are dealing with estimates in this way' but wished to reserve his view 'as to how well these committees function' (Col. 51). By the second meeting this Deputy succeeded in irritating some other members who accused him of adopting an 'adversarial ... totally inappropriate' approach. Shatter's response was to agree for the need for 'constructive meetings' but he was 'not going to participate in a politically cosmetic exercise in which ... all come ... and talk blancmange' (SCLS; Friday, 14 May 1993; L1, No. 2 Col. 109). Mary Harney remarked that 'the most useful part of these committee meetings will be the question and answer sessions' (Col. 122).

'Members of Fine Gael ... will ensure that these committees work ... they will not be "love-ins"' was the view of John Browne (*Carlow-Kilkenny*) (SCLS; Friday, 14 May 1993; L1, No. 2 Col. 153). Sean Power of Fianna Fáil asked the committee to 'put party politics aside' and work 'as a unit ... constructively together' (SCLS; Friday, 14 May 1993; L1, No. 2 Col. 158). These comments reflect to a large extent the many positive features associated with the utilisation of parliamentary committees highlighted earlier in the discussion of the literature in this field insofar as there is a view abroad, which can be deduced from the remarks of

several deputies, that a different approach to parliamentary work is expected when the Oireachtas operates in committee with a consequent reduction in partisan, adversarial debate resulting in a more considered, issue-focused attention to proposed legislation.

At the third meeting of the committee Alan Shatter referring to the need for press coverage of committee meetings in order that the public might learn what transpires at these meetings remarked:

This committee covers important issues in going through Estimates for different departments. We tease through matters. On occasions we may be critical of the Minister, at other occasions we may be supportive, or perhaps we may be just looking for information. These committees will not work if they become internal psychotherapy sessions for frustrated members of the Oireachtas raising questions that they want answers to and are not paid attention to by the public.

[SCLS; Friday, 21 May 1993; L1, No. 3 Col. 229].

He was being critical of the fact that any reporting only concentrated on the speeches of the main spokespersons and thus did not truly reflect the work of the entire committee and this view relates very well to commentary in the literature outlined in chapter four regarding publicity for committee proceedings.

In 1993 the committee devoted a total of 15 hours 38 minutes to the consideration of estimates (including supplementary estimates) for the departments within their remit. The Defence estimates for 1993 including army pensions amounted to £406,790,000 [SCLS, Friday, 7 May 1993, L1, No. 1, Col 9, 10]. The record indicates that this estimate was considered by the committee for a period of 4 hours 27 minutes prior to being 'reported to Dail Eireann' (Select Committee on Legislation and Security for the period 7 April, 1993 to 31 December 1994, p. 174). This equates to a sum of £1,523,558 approved per

minute of debate.

1993 estimates for the Department of Equality and Law Reform amounted to £5,795,000 (SCLS, Friday 14 May 1993, L1, No. 2, Col 95) and were debated for a period of 3 hours 17 minutes or £29,416 per minute of consideration. A supplementary estimate amounting to £250,000 for this same department was considered later in the year for a period of 2 hours amounting to £2083 per minute (SCLS, 25th November 1993 L1 No. 12 Col 923). The Department of Justice had estimates for £515 million considered for a period of 5 hours on 21 May 1993 or £1.72 million per minute (SCLS, Friday 21 May, 1993, L1, No. 3, Col 175). A further supplementary estimate amounting to £6,175,000 was examined on 16 December, 1993, L1 No. 13, Col 963 and 964).

The above calculations show the variation in amounts of expenditure of public money in the three departments being monitored by this Select Committee and are for purely indicative purposes only. It must be noted however that the Department of Equality and Law Reform was at that time a new department with a very small budget and staff and this was the first opportunity for detailed consideration of its operations by Deputies.

This trawl through the record of the proceedings which considered the estimates of these three Departments in 1993 would conclude that members were able to air a number of grievances that concerned them. In the main the views of the members who spoke was that the select committee was a positive force in their role as legislators although there was evidence of an element of cynicism to be detected in the contributions of some Deputies.

Legislation

During 1993 the committee completed consideration of two pieces of legislation - the Criminal Justice (Public Order) Bill, 1993 and the Criminal Procedure Bill, 1993. These were two major Bills which attracted lively debate across the parties and whilst much of the cut and thrust of debate involved the main players - the minister and the spokespersons - the nature of the subjects under discussion, various forms of crime, allowed many Deputies an opportunity to contribute as they all appeared to have first hand knowledge of the extent of crime in their constituencies.

The discussions were aided considerably by private briefings given to all members by civil servants before public discussion/debate. This 'was a worthwhile exercise' (Collins, G., SCLS; Tuesday, 13 July 1993; L1, No. 4 Col. 292) as it enabled members to acquaint themselves with the official position and thinking on the legislation, including technical data, as distinct from the political background and thus hopefully permitted a more balanced, realistic debate.

In the main the work of the committee proceeded in a business-like fashion with serious consideration being given to the sections under review. There was much evidence of the minister heeding the views of both the opposition and indeed her own backbenchers in considering amendments to the Criminal Justice (Public Order) Bill, 1993. In reading reports of the parliamentary debates relating to this committee, it is clear that the members adopted the view of Gay Mitchell that their job 'is to examine legislation, to go through each section word by word on Committee Stage' (SCLS; Tuesday, 13 July 1993; L1, No. 4 Col. 338).

During the Committee Stage of the Bills under consideration numerous amendments were proposed, principally by the leading opposition spokespersons - Mitchell, O'Donnell and Gilmore in addition to the Minister/Minister of State.

From an examination of the committee reports there appear to be many instances where the Minister for Justice was prepared to either accept an opposition amendment or at least to sympathetically consider members' suggestions before Report Stage in the Dáil following receipt by the Minister of additional technical or legal advice from officials such as the parliamentary draftsman. In most cases the Deputy proposing a certain course of action was agreeable to deferring final consideration of an amendment until the Report Stage as it ensured that the wording would be technically correct if refined by the officials or draughtsmen. Even if a proposal was likely to be opposed by the minister, this deferral at least gave the member an opportunity for "another bite at the cherry" possibly involving some outside lobbying on the minister and/or Department. There were however, instances where the minister was unable to accept proposals and outlined the reasons for this course of action.

Examples of the complete range of the above outcomes are to be found during the Committee Stage of the Criminal Justice (Public Order) Bill, 1993. In the vast majority of cases the minister held out some hope to members proposing amendments by conceding a review of the issue under discussion prior to the Report Stage. This approach was adopted when replying to amendments proposed by Mary Harney, Eamonn Gilmore (SCLS, 13 July, 1993; L1 No. 4, Cols 296 and 321), Gay Mitchell (SCLS, 22 July, 1993; L1 No. 5, Col 397) and

following numerous interventions by many members, including government Deputies (SCLS, 14 September, 1993; L1 No. 6, Col 502). The minister's agreement to "look again" at a section of the Bill causing concern to Deputies on both sides was warmly welcomed.

The minister acknowledged merit in the arguments of opposition members on many occasions (SCLS, 15 September, 1993; L1 No. 7, Col 595) and interestingly admitted that some of the elements of her Bill had been spawned by an earlier Progressive Democrats Private Member's Bill. This latter fact corresponds to the Italian experience recounted in chapter one where private members legislation was incorporated in revised government proposed legislation and was viewed as a positive move. There were also several instances during the passage of legislation in 1993 where the relevant minister piloting the Bill through the Dail accepted amendments proposed by the opposition (SCLS, 20 September, 1993; L1 No. 8, Cols 655,656,658,659).

During consideration of the Criminal Procedure Bill, 1993 which dealt with alleged miscarriages of justice, the Minister of State at the Department of Justice, Willie O'Dea also responded in a similar manner to the Minister for Justice when considering opposition amendments. He accepted a Progressive Democrat amendment stating:

The amendment proposed by Deputy O'Donnell is excellent. I thank her for bringing this point to our attention and I accept the amendment.

[SCLS, 10 November, 1993; L1 No. 11, Col 918].

He also refused in some cases to accept amendments whilst conceding the strength of opposition arguments advance during the debate (SCLS, 10

November, 1993; L1 No. 11, Col 829). On occasion he also declined to completely veto a particular proposition from an opposition member and promised a review before the Report Stage although he was quite prepared to bluntly decline this approach in instances where he felt it appropriate as illustrated by his following comments when ruling out a particular course of action:

As they [opposition amendments] are being opposed in principle, there is little point in going into the details and looking at any possible drafting shortcomings.

(SCLS, 10 November, 1993; L1 No. 11, Cols 829 and 830).

Due to the fact that there was at this time a Fianna Fail/ Labour government, with a minister and a minister of state from the former party, a certain unease was evident from the contributions of Labour Deputies. Indeed there are numerous examples where intervention by government Labour party Deputies supporting the views of opposition members could be construed as contributing to the decision of the minister to accept some opposition viewpoints and indicate a re-examination of an issue before the Report Stage. The rather unusual situation of the Minister finding herself attracted to the thrust of an opposition amendment which ran contrary to some of the comments uttered by her Labour Party government supporters was resolved following acceptance by all sides of a compromise solution which forced Joe Costello to confess on one occasion:

I am being put in an invidious position because we are supporting the Minister and now find she is not supporting us. It is the Minister's text we are defending.

(SCLS, 20 September, 1993; L1 No. 8, Col 646).

This dilemma recurred later at the Report Stage and the same Deputy remarked:

This is not the first time I have come in to support the Minister's Bill only to find that she has undermined my position ... and has accepted amendments to her Bill [without informing the Labour Party].

(Parliamentary Debates, 20 October, 1993; Vol. 434, No. 9, Col 1781).

However this subtle pressure did not result in any cracks in government solidarity in divisions that were challenged. In all three divisions the Fianna Fáil and Labour members voted together even in cases where strong reservations had been voiced by government members.

Follow-Up to the Committee Stage

A study of the Report Stage of the Criminal Justice (Public Order) Bill, 1993 in the Dail revealed that in many cases the Minister for Justice had honoured her undertaking given at the Committee proceedings to review certain aspects of the Bill and agreed to some further amendments (Parliamentary Debates, 19 October, 1993; Vol. 434, No. 8, Cols 1685,1686). Gay Mitchell, T.D., reflected the views of some of the members of the opposition to the minister's response to one particular concern expressed during the Committee Stage when he commented 'I am pleased with the wording of the Minister's amendment. The Minister is taking into account many of the reservations expressed on Committee Stage' (Col 1688).

Whilst the minister introduced a number of amendments at the Report Stage on foot of commitments given during the Committee Stage (Dáil Debates, 20 October, 1993; Vol. 434, No. 9, Cols 1969,1970) which would accord, to some degree, with the proposition advanced by some commentators in the earlier review of related literature regarding the likelihood of a more flexible stance by ministers in committees rather than plenaries, the records also indicate that there were instances where a re-examination of particular members' concerns by the minister did not lead to acceptance of the proposed course of action by the

minister (Cols 1942-1946). This inevitably disappointed certain members and led to further divisions being called, with the government side winning.

Response of members

During 1993 Deputies responded to this new committee system in a variety of ways. Some agreed with Liam Fitzgerald, TD that 'a fresh approach has been brought to these proceedings on Committee Stage' (SCLS, 22 September, 1993; L1 No. 9, Col 768) and would concur with the views of the then chairman of the committee, Dan Wallace that 'the committee system works and will work' (SCLS, 22 September, 1993; L1 No. 9, Col 772). It is clear that the approach of the minister was of paramount importance in the perceived success of the committee at that time by those members who viewed its operations as fruitful. The Minister for Justice had indicated that she was 'flexible in relation to suggestions that members might have or amendments that they would like to put forward' and referring to possible improvements to the Bill did not mind where (ie which side of the house) they came from (SCLS, 14 September, 1993; L1 No. 6, Cols 439 and 468). This approach pleased many members who complimented the minister on her willingness to proceed where possible on the basis of consensus not confrontation and her acknowledgement that the opposition took their jobs as legislators seriously (SCLS, 20 September, 1993; L1 No. 8, Cols 649 and 650).

Problems and difficulties encountered

During 1993 a number of difficulties in the operations of Select Committees in general and of this committee in particular came to light.

The members themselves highlighted many of the issues which caused them concern. The main weakness at that time would appear to have been the lack of technical assistance afforded to opposition and backbench members in the preparation of amendments. This restricted the Deputies' abilities to produce wording that was legally satisfactory and acceptable to the parliamentary draftsman and was referred to in greater detail earlier in the chapter relating to the provision of resources for committees.

A number of "housekeeping" difficulties surfaced during this first year of committee proceedings. The danger of clashes between committee meetings with some members holding dual membership was articulated on more than one occasion as was the need to delay a committee session if certain Dail business such as the Order of Business was scheduled for the same time (SCLS, 14 May, 1993; L1 No. 2, Col 94). Other problems identified included the venue (Col 115) and the apparent lack of remuneration for Deputies who undertook additional work.

The relationship between the committee and the media was the subject of some disappointment to some members. I have already referred to the comments of Alan Shatter above when he bemoaned the fact that reporting of the proceedings in the media were sparse and failed to present an accurate picture of the contributions of members. This could be linked to the ongoing distorted image abroad of the full and complete workload and role of Oireachtas members. It is often believed to be a fact of political life that politicians need the oxygen of publicity to sustain in the main their constituency profile and thus secure re-election. Therefore it can be argued that this alleged failure by the press to

publish substantial accounts that reflect the inputs of all members militates against those members who actively try to devote considerable energy to their role as legislators rather than their colleagues who give greater priority to constituency business. The sad reality that political kudos is more often gained by "bread and butter" politics attracting local publicity is difficult to counter and therefore one can sympathise with those members such as Jim Kemmy who were concerned at the criterion adopted for measuring their effectiveness as legislators [SCLS, 22 July, 1993; L1 No. 5, Col 372]. The views of Norton, FitzGerald and O'Malley in the earlier review of this matter are pertinent to this issue as is the electoral fate of many of those deputies who could be considered to have devoted much attention to committee matters.

In addition to those comments above, I have also learned from contact with the Houses of the Oireachtas that due to shortage of staff in the Office of the Editor of Debates, the only Committee proceedings that are always published by that office are:

- Committee Stage of Bills and
- Committee consideration of Estimates'⁴

Failure to guarantee publication of other meetings add to the problems referred to in the paragraph above and do the committee members a disservice.

Finally it was evident in my examination of this first year of committee proceedings that government backbenchers rarely formally proposed amendments of their own although they did voice their concerns at certain aspects of the legislation under consideration and could be presumed to have

⁴ Letter from public relations Office of the Houses of the Oireachtas to the author, 12 February 1997.

exerted some influence over the minister which would have been recognised by the minister and particularly the officials in the period between the Committee Stage and the Report Stage of Bills. However, as noted earlier even when there were some misgivings on the part of certain government members at the issue under discussion, the reality of adherence to the government line as evidenced in the divisions triumphed.

This commentary on year one of the committee is based on reports of the proceedings of that year only together with the annual report and as will be observed, circumstances and opinions of the parliamentary practitioners changed over the following few years.

CHAPTER 7 - REVIEW OF THE SELECT COMMITTEE ON LEGISLATION AND SECURITY - 1994.

In 1994 the committee continued its work of consideration of the estimates for the Departments of Justice, Defence and Equality and Law Reform together with the committee stage of several pieces of legislation in both the civil and criminal law fields.

Furthermore the committee entered new territory by

considering its first piece of Private Members legislation - Landlord and Tenant (Amendment) Bill, 1993 sponsored by Alan Shatter, T.D. (SCLS, 11 January 1994; L2, No.1);

debating a Bill - Refugee Bill, 1994 'in advance of Second Stage' debate in the Dail. (SCLS, 27 September 1994; L3, No.1) which the discussion on the literature in previous chapters highlighted as an important capacity for parliaments anxious to make real impact on proposed legislation ; and

creating its own place in Irish parliamentary history in the consideration of the issues surrounding the collapse of the Reynolds government initially by the entire Select Committee and ultimately by a Sub-Committee of the Committee (SCLS, 7 December 1994; L3, No.3,4 and 5).

In addition the committee "flexed its muscles" somewhat in bemoaning its terms of reference and demanding additional powers of consultation and ability to invite interested groups to appear before it. There is evidence that these concerns as voiced by members at several public sittings and repeated at its annual general meeting were successful in the revision in 1995 of the terms of reference of Select Committees in general.

Workload

In 1994 the records show that the Select Committee met in public on 18 occasions and transacted the following business:-

PURPOSE OF MEETING	NUMBER OF MEETINGS
Estimates	3
Legislation - Committee Stage of Bills	13
Consideration of orders of the Dáil relating to the fall of the FF/Lab government	2

Table: 7.1 - Purpose of meetings of SCLs during 1994

Source: Official debates and annual report.

I propose at this stage to concentrate on the 16 meetings relating to the "normal" work of the committee in considering the activities of 1994 although reference will be made later to the unique role played by the committee in examining the sensational fall of the government.

Attendance

In relation to the 16 meetings referred to above the attendance of the 30 members of the

Select Committee as indicated by the official reports is as follows:

Name of member	Present	Substituted	Number of meetings at which contributed
Ahern D.	8 (50%)	4 (25%)	5 (31.25%)
Barrett S.	6 (37.5%)	6 (37.5%)	2 (12.5%)
Briscoe B.	13 (81.25%)	1 (6.25%)	5 (31.25%)
Browne J. [Carlow/Kilkenny]	14 (87.5%)	2 (12.5%)	13 (81.25%)
Callely I.	15 (93.75%)	0	7 (43.75%)
Carey D.	8 (50%)	1 (6.25%)	5 (31.25%)
Clohessy P.	3 (18.75%)	7 (43.75%)	1 (6.25%)
Collins G.	1 (6.25%)	6 (37.5%)	0
de Valera S.	5 (31.25%)	2 (12.5%)	1 (6.25%)
Fitzgerald L.	14 (87.5%)	0	11 (68.75%)
Foley D.	11 (68.75%)	1 (6.25%)	3 (18.75%)
Gilmore E.	8 (50%)	5 (31.25%)	7 (43.75%)
Gregory T.	8 (50%)	0	2 (12.5%)
Harte P.	8 (50%)	1 (6.25%)	3 (18.75%)
Kemmy J.	8 (50%)	2 (12.5%)	4 (25%)
Lenihan B.	3 (18.75%)	3 (18.75%)	3 (18.75%)
McDowell D.	10 (62.5%)	1 (6.25%)	8 (50%)
Mitchell G.	9 (56.25%)	0	8 (50%)
Mulvihill J.	6 (37.5%)	2 (12.5%)	2 (12.5%)
O'Donnell L.	11 (68.75%)	1 (6.25%)	11 (68.75%)
O'Donoghue J.	9 (56.25%)	3 (18.75%)	6 (37.5%)
O'Keefe J.	9 (56.25%)	4 (25%)	6 (37.5%)

Power S.	13 (81.25%)	1 (6.25%)	5 (31.25%)
Ryan E.	11 (68.75%)	0	6 (37.5%)
Ryan J.	1 (6.25%)	1 (6.25%)	0
Shatter A.	9 (56.25%)	1 (6.25%)	8 (50%)
Shorthall R.	6 (37.5%)	1 (6.25%)	0
Timmins G.	3 (18.75%)	5 (31.25%)	0
Wallace D.	14 (87.5%)	1 (6.25%)	14 (87.5%)
Walsh E.	13(81.25%)	0	3 (18.75%)

Table: 7.2 - Attendance and contributions of members of SCLS during 1994.

Source: Official Records and Annual Report.

The average attendance at meetings of the committee was 20 members - 66.67 per cent, which was a decrease on the previous year [80 per cent]

The attendances indicate that the relevant party spokespersons attended most frequently with a fair sprinkling of other members and substitutes.

The attendance can be summarised as follows:

PERCENTAGE OF MEETINGS AT WHICH MEMBERS WERE PRESENT OR SUBSTITUTED	NUMBER OF MEMBERS	CHANGE FROM 1993
100%	1	-5
91-99%	2	-
81-90%	6	-
71-80%	5	-1
61-70%	5	-1
50-60%	6	+3
> 50%	5	+4

Table: 7.3 - Summary of attendance at SCLS during 1994.

Source: Official records and annual report.

This table confirms the trend noted earlier of a decrease in attendance by members during this second year of attendance.

Interventions

In so far as the commitment of members to the committees can be gauged both by their attendance and frequency/number of interventions, the table in appendix VII illustrates both.

A number of deputies attended as substitutes at various meetings throughout the year. Their attendance arose out of their positions such as spokespersons (Keogh and McManus as Equality and Law Reform) or to maintain their party strength in the absence of regular attenders or simply because the particular Deputy wished to make a specific point relating to the debate in question.

Estimates

In 1994 the committee met on three occasions to consider departmental estimates.

On 17 May, 1994 the Minister for Defence presented the estimate for his Department amounting to a total of £407,204,000 which was a 6% increase on the previous year (SCLS, 17 May 1994; L2, No. 10, Col 591). The committee

deliberated for a period of 2 hours and 30 minutes. This afforded little time for any indepth look at the role and performance of the defence forces and permitted only brief statements by the Minister and spokespersons. This debate disposed of the equivalent of £2,714,693 per minute. This cannot be considered a satisfactory examination of the defence estimate and reflects the equally poor level of consideration of this estimate in 1993. This is all the more disturbing when you note the comments of Proinsias de Rossa when he declared that:

the concerns of the Legislation and Security Committee are not only what it costs to run the Defence Forces. We seem to have ... ignored the fact that the Defence Forces were redefined in a manner ... which to say the least ignored the role of this committee ... it is a political question

[SCLS, 17 May 1994; L2, No. 10, Col 605].

Concluding this sorry exercise the author reckons that the estimate for army pensions amounting to £52,975,000, taken at the conclusion of the meeting, enjoyed a debate of 2 minutes.

The Justice group of estimates were considered on 2 June, 1994 for a period of 3 hours 57 minutes. 'The sum involved - nearly £558 million' [SCLS, 2 June 1994; L2, No. 12, Col 743] and the debate provoked some disorderly scenes as the opposition sought to highlight a sensitive political issue of the day, the passports for cash allegations [Col 753]. This served to afford many members an opportunity to reflect critically on the allegedly restrictive terms of reference of the committee and also consumed a significant amount of the time available for discussion of the estimates. [It also reflects on the question posed in chapter two concerning the ability or otherwise of members to truly reflect the "representational role" insofar as topical questions of that time, were not permitted an airing at the committee due, it was alleged, to restrictive terms of

reference.] The length of debate corresponded with a sum of £2,354,430 per minute. Limited though the exercise was, it did generate a full debate over a range of justice related issues without the opportunity to fully tease matters out. It had all the appearances of a frustrating experience for members.

A period of 1 hour 50 minutes was devoted to the consideration of the estimates for the Department of Equality and Law Reform which amounted to £10,647,000 or £96,790 per minute. The poor level of concern by members for this subject was remarked upon by Austin Currie when he noted 'there does not seem to be all that much interest from other [apart from few members present at that stage] Members of the House' (SCLS, 15 June 1994; L2, No. 13, Col 857). Alan Shatter also highlighted the poor attendance remarking that 'there were no Labour or Fianna Fail Deputies for the entire meeting' (Col 861).

Legislation

The Committee Stages of the following bills were completed in 1994:

Landlord and Tenant (Amendment) Bill, 1994

Criminal Justice (No. 3) Bill, 1994

Extradition (Amendment) Bill, 1994

Solicitors (Amendment) Bill, 1994

Family Law Bill, 1994

Maintenance Bill, 1994.

The committee also held meetings on the committee stage of the Refugee Bill,

1994 but had 'not concluded their deliberations' before the end of the year and ultimately the change of government and subsequent discharge of the committee as constituted. [Report of the Select Committee on Legislation and Security for the period 7 April, 1993 to 31 December, 1994, pp. 5,6].

A considerable amount of work went into the committee stage of bills considered by this committee. As in the past, the bulk of the work was carried by the various spokespersons and the sponsoring minister with a host of other Deputies contributing when the issue was of interest to them.

The year commenced with the committee breaking new ground by debating their first Private Members Bill - Landlord and Tenant (Amendment) Bill, 1993 which had been piloted through the Dail by Alan Shatter. It was the view of the Chairman that 'the Select Committee would be ideally placed to tease out the difficult issues involved' [in this Bill] [SCLS, 11 January 1994; L2, No. 1, Col 3]. This hope, echoed by the Bill's sponsor [Col 22] caused the chairman to remark that 'this reflects well on the work already done by the committee on other Bills' [Col 3] and is in accordance with many of the impressions of members as to the potential advantages of committees outlined in Dáil and Seanad debates referred to in previous chapters.

Throughout the year the committee pursued its work with vigour and in most cases it avoided what one member referred to as 'combative debate'. Indeed this outburst of satisfaction with the work of the committee was evident from these remarks by the chairman at the commencement of consideration of the Criminal Justice (No.3) Bill, 1993:

Through the constructive and openminded approach which has characterised the committee's consideration of other measures we have built up a solid track record of legislative achievements.

[SCLS, 18 January 1994; L2, No. 3, Col 99].

Amendments were proposed both by the government and the opposition and the proposals met with a variety of fates. Some opposition amendments were accepted by the relevant minister as evidenced by SCLS, 12 January 1994; L2, No. 2, Col 93; 19 January, 1994; L2, No. 4, Col 165; 10 May, 1994; L2, No. 8, Cols 463,473,482,483; 5 October, 1994; L3, No. 2, Col 91. These reveal that a small few opposition (Fine Gael, Progressive Democrats and Democratic Left) moves to amend various pieces of legislation were accepted by the government. Many amendments were withdrawn with the hope (and often the firm undertaking) that the minister would review matters prior to the Report Stage in the Dail [SCLS, 18 January 1994; L2, No. 3, Col 122; 19 January, 1994; L2, No.4,Col 166;24 February, 1994; L2, No. 6,Col 339]. The possibility of success at Report Stage was in no way guaranteed and the move often fell at this hurdle as the minister in looking at a matter again (and effectively receiving fresh advice) offered no assurance that her 'views ... [would] change substantially' [SCLS, 19 January 1994; L2, No. 4, Col 183].

Other proposals by opposition, sometimes with an element of support from government backbench members [SCLS, 11 January 1994; L2, No. 1, Col 14; 12 January, 1994; L2, No. 2, Cols 79,88] were frequently declined by the minister and subsequently declared lost with those that were pressed to a division defeated even where some vague support had been voiced by crossparty speakers. The reality of the ultimate supremacy of the government/executive was

unshaken.

There are examples, however, dotted throughout the official records where ministers did on occasion respond to the thrust of debate by agreeing to reflect further on an issue 'because of the points raised by ... Deputies' (SCLS, 19 January 1994; L2, No. 4, Col 168) or because of the 'widespread support for [a certain course of action]' (SCLS, 10 May 1994; L2, No. 8, Col 508). Examples can be found where a minister was afforded an opportunity to rethink specific issues following interventions by opposition members. An instance to illustrate this point can be found in the debate on the Family Law Bill, 1994 where the minister initially declined to accept an amendment and later in the debate acknowledged that he might have been in error and agreed to review the matter again (SCLS, 18 May 1994; L2, No. 11, Cols 704/5).

Given the circumstances and the inbuilt government majority this was often the best that could be achieved and reflected favourably on the work of opposition Deputies, a point frequently acknowledged by ministers who expressed themselves as 'grateful' (SCLS, 19 January 1994; L2, No. 4, Cols 185/6) for an opposition amendment or appreciated 'the thinking' behind a certain suggestion and promised further review (SCLS, 19 January 1994; L2, No. 4, Col 156) or saw 'the necessity to amend ... section' following contribution by individual deputies (SCLS, 5 October 1994; L3, No. 2, Col 67).

The reports illustrate many instances where the minister declined to accept proposals and often went to lengths to explain why (SCLS, 24 February 1994; L2,

No. 6, Col 319). Members were not always content with the responses of ministers and sometimes felt that governmental rejection of proposals belittled their 'legislative' mandate (SCLS, 11 January 1994; L2, No. 1, Col 26).

Positive elements noted in the committee operations

It would be fair to say that much common ground existed between government and opposition in the desire to enact "good" legislation. This is evident from the detail of the study of each section and amendment by the committee as the Bills progressed through the system. Whilst each party advanced their own policies, there was in many cases a genuine wish to improve the legislation and, given the paucity of publicity afforded to committee proceedings by the media, there were little political kudos to be reaped by pursuing certain controversial lines. Indeed both sides were frequently generous to each other and often supported the 'principles' of the opponents' amendments and proposals (SCLS, 11 January 1994; L2, No. 1, Col 14; 12 January, 1994; L2 No. 2, Cols 71 & 79; 24 February, 1994; L2, No. 6, Col 292). In addition, the fact that government supporters on occasion were not afraid to criticise elements of legislation that "concerned" them, such as evidenced by the comments of Jim Kemmy on the committee stage of the Extradition (Amendment) Bill, 1994 (SCLS, 24 February 1994; L2, No. 6, Col 292), Ivor Callely during the passage of the Solicitors (Amendment) Bill 1994 (SCLS, 27 April 1994; L2, No. 7, Cols 446, 448 & 449), Derek McDowell, when considering the same legislation (SCLS, 10 May 1994; L2, No. 8, Cols 551/2) and during a debate on the committee stage of the Refugees Bill, 1994 (SCLS, 27 September 1994; L3, No. 1, Cols 55 & 56), represented an abatement of the purely partisan approach by members often exhibited in parliamentary

debates, although, as noted above, this did not lead to defeat for the government in any division challenged during the course of the year. Where this mild form of pressure bore some fruit was in the agreement of ministers, on occasion to review matters further before the next stage of the proposed legislation.

The business-like approach by members in processing legislation was, it could be argued, fostered by the ongoing extensive briefings given to members by officials before the consideration of various measures. Reference to such briefings described in one case as 'informative and helpful' [SCLS, 24 February 1994; L2, No. 6, Col 344] is made at many sittings of the committee [SCLS, 10 May 1994; L2, No. 8, Col 576; 18 May 1994; L2, No. 11, Col 654; 27 September, 1994; L3, No. 1, Col 57].

Evidence of representations having been made to all members of the committee by a plethora of organisations, anxious to have their viewpoint or preferred measure contained in the legislation before the Oireachtas can be found throughout the debates. Representations and comment from a wide range of bodies such as RGDATA relating to the Landlord and Tenant (Amendment) Bill, 1993 [SCLS, 12 January 1994; L2, No. 1, Col 74]; the Irish Banker's Federation and possibly the Revenue Commissioners in connection with the Criminal Justice (No. 3) Bill, 1993 [SCLS, 18 January 1994; L2, No. 3, Cols 102 & 107]; the Law Society and others during debate on the Solicitors (Amendment) Bill, 1994 [SCLS, 27 April 1994; L2, No. 7, Cols 364, 371 & 422]; Association of Pension Lawyers in Ireland, alluded to during the consideration of the Family Law Bill, 1994 [SCLS, 18 May 1994; L2, No. 11, Col 655]; Amnesty International, the Irish Council for Refugees, Rescue Trust and Trocaire during the debate on

the Refugees Bill, 1994. It says much about the belief of these organisations about the locus of power in relation to the measures under consideration that they addressed themselves in many cases not just to the appropriate minister or officials but as can be seen in many cases, to the entire committee membership. This practice was not without its difficulties, however, as comments made during some debates appeared to suggest that these lobbyists might have possessed significant influence over the committee's deliberations and reflects some of the related concerns expressed in extracts from the literature referred to in chapter four. However, input from organisations and the admission by Deputies that it can, when deemed to be of benefit, sway members views with regard to particular measures proves that the legislation is not being processed in a vacuum isolated from citizens and organisations likely to be eventually affected by its enactment and insofar as is practicable is taking place in public.

The breadth of legislation considered by the committee certainly merits the praise which occasionally was directed at the committee. Mention has been earlier of the "solid track record" claimed by the committee chairman for the nature of its work. Others also found some elements of the performance to date laudable and frequent references to 'constructive discussion' (SCLS, 12 January 1994; L2, No. 2, Col 94), conceding that the minister/opposition had shown "flexibility" on certain matters together with the belief that certain proposals contributed to the effectiveness of the legislation in question can be found throughout the official debates.

Hindrances encountered

There were many factors which seemed to hinder the more effective operation of the committee. Members frequently complained about engagements clashing with the consequent frustration this caused Deputies. This was as a result of the large number of other committees meeting and the ordinary business of the Dail continuing together with the ongoing commitments of Deputies to constituency and other matters. Clashes with other meetings on occasion posed a problem amongst others for Jim Kemmy (SCLS, 11 January 1994; L2, No. 1, Col 59); John Browne (*Carlow/Kilkenny*) (SCLS, 12 January 1994; L2, No. 2, Col 82); Jim O'Keefe (SCLS, 25 January 1994; L2, No. 5, Col 215). The need to be in the Dáil chamber for other business at the same time as the committee was sitting is noted from the comments of Pat Rabbitte (SCLS, 24 February 1994; L2, No. 6, Col 264) and Proinsias De Rossa (SCLS, 17 May 1994; L2, No. 10, Col 621). This difficulty was once again voiced by Austin Currie apologising to his colleagues:

My late arrival again underlines the necessity to consider the times for meetings of this and other committees. I was delayed because the Order of Business, which is very important, was ongoing in the House. It is unfortunate that two important events are at the same time.

(SCLS, 15 June 1994; L2, No. 13, Col 847)

The committee had to be adjourned to permit members (including ministers) attend the Dail for parliamentary questions (SCLS, 27 April 1994; L2, No. 7, Cols 347 and 393; 10 May 1994; L2, No. 8, Col 455). In addition the difficulties posed to rural Deputies, engaged on constituency or local authority matters by early Tuesday sittings was highlighted (SCLS, 12 January 1994; L2, No. 2, Cols 94 & 95).

The committee took the unusual step of refusing to continue business with the attendance of a minister other than the sponsoring minister when considering the Family Law Bill, 1994 (SCLS, 11 May 1994; L2, No. 9, Col 588). This arose when the Minister for Equality and Law Reform was delayed following a national Arbour Hill commemoration ceremony even though other Dail members, present at the ceremony had 'rushed back' for the committee meeting (Col 581). Members on both sides were 'not in favour of proceeding because the [appropriate Minister ... [was] not present' (Col 588). Critical comments uttered referred to the committee 'which has been vaunted by this Government as an extension of the democratic process' (Col 583) being 'treated with contempt' (Col 586) and being frustrated in its role 'to facilitate the passage of legislation with proper discussion' (Col 581). Whilst there was an element of traditional party banter the annoyance at this treatment by members from all parties was evident and served to remind the executive that Oireachtas members were serious in their approach to their allotted tasks but expected due respect for their role as legislators. The disquiet felt by some members at the treatment meted out to the committee also embraced such grievances as the poor degree of respect shown to the committee by ministers who were alleged to have made policy announcements outside parliament regarding issues upon which Deputies had tabled amendments for discussion, reference to which was made earlier when discussing factors impacting on committees.

The lack of resources provided to members of the opposition (and presumably to government backbenchers also) to enable them to tackle the technical aspects of legislation continued to be aired on many occasions by members. This mirrors a similar complaint made by MPs in the UK as noted in the study by Klug *et al*

[1996] referred to in the earlier discussion on this matter.

By far the most frequent and outspoken complaint from members of this select committee related to the allegedly restrictive nature of its terms of reference. On a number of occasions Deputies attempted to raise current controversial political matters which were deemed to be outside the terms of reference of the committee. Many calls were made for this situation to be altered by way of amendment but in the interim the chairman was obliged to comply with the current terms of reference although he frequently suggested that the next annual general meeting of the committee could be used as a platform by members to call for revised terms of reference. (SCLS, 27 September 1994; L3, No. 1, Col 57).

The convenor for the government supporters agreeing that restrictions operated, reminded Deputies that the committee was 'in its infancy' with accompanying 'teething problems' when the matter was raised on 12 January, 1994 (SCLS, 12 January 1994; L2, No. 2, Col 65). The committee was 'still in its infancy' five months later according to the same convenor when he faced criticism from members. He was able to indicate some progress on the review of the 'efficacy' of select committees and their operations. (SCLS, 2 June 1994; L2, No. 12, Col 755).

Eoin Ryan, TD, a government Deputy, perhaps articulating the reality of parliamentary business responded to [then opposition deputy] Alan Shatter's allegations that the confined terms of reference rendered the 'security aspect of the brief of this committee ... little short of farcical' with the statement that 'the Government allows Private Members to introduce Bills and Deputy Shatter ... [was] taking advantage of that concession ...' adding that the 'Deputy should be happy that the Government has given him the opportunity to introduce this

[Private Member's] Bill' (SCLS, 12 January 1994; L2, No. 2, Col 63). This seemed to suggest a rather patronising approach by the government, reminiscent of the traditional government dominant approach to parliamentary business, towards members of the Oireachtas and drew the response from Alan Shatter that he would 'not doff [his] hat to the Government for doing my job, a job ... [I was] elected to undertake' (Col 64). Emotive words such as "muzzle", steamroller technique" and "veto" were bandied about when the discussions got overheated. On one occasion Gay Mitchell spoke of seeking a judicial review of the rights of opposition members as the rulings from the chair were 'not the right way to treat a Legislature' (SCLS, 27 April 1994; L2, No. 7, Col 351) and his colleague, Liz O' Donnell thought the lack of flexibility represented 'a slippage in parliamentary democracy and in the role of the Opposition ... in scrutinising legislation' (Col 356). Whilst much of this pique could be taken as traditional adversarial politics between government and opposition, the firm view of members that the terms required revision would appear to have featured in the review of the position of select committees generally some months later.

Other activities of the committee in 1994

Consideration by the committee of the Dáil motion relating to the appointment of Mr. Harry Whelehan as President of the High Court and other matters that led to the fall of the Reynolds government was quite sensational at the time. The committee originally met on 7 December, 1994 and appeared to attract a full complement of members. Given that standing orders permitted all Deputies to attend and speak if they wished and the fact that 49 members contributed to the first day's debate, it quickly became obvious that this format would not be

appropriate to efficiently investigate the matters referred to it by the Dáil. Subsequently a sub-committee was appointed to complete this business and following a delay to permit the urgent passage and enactment of legislation conferring privilege on witnesses, it commenced work on 15 December, 1994. The terms of reference of this sub-committee are at Appendix III. When the members of all Oireachtas committees were discharged upon the change of government, the members of this sub-committee continued in office until the completion of their task in February, 1995.

Conclusion

The range of work undertaken by the committee in 1994 served to instill further confidence in its members as they processed business during the year. Added to the experience of 1993 it also highlighted the strains in the existing system and forced a review of the role and terms of reference of committees and certainly provided a solid, firm foundation for the parliamentary committees created under the new government.

CHAPTER 8 - SELECT COMMITTEE ON LEGISLATION AND SECURITY - 1995

Introduction

This third year of existence saw the introduction of many changes in the operations and workload of the select committee. The highlights of the year as gleaned from both the published official record of proceedings together with the annual report, include the completion of the business of the sub-committee set up to consider the matters relevant to the fall of the FF/Labour government; the installation of the new Fine Gael/Labour/Democratic Left government with a stated commitment to the achievement of parliamentary reform including Oireachtas committees; the consequent discharge of existing committee membership; the decision of the Dail to amend the terms of reference of the committee and the appointment of a new committee with many fresh members consequent upon the change of government.

The revised terms of reference had the effect of conferring substantial additional powers on the Select Committee, as set out below:

- (i) the power to discuss and draft proposals for legislative changes and new legislation for recommendation to Ministers;
- (ii) the power to receive submissions and hear evidence;
- (iii) the power to print minutes of evidence;
- (iv) the power to discuss with ministers general proposals for legislation prior to such legislation being approved and published by Government;

- (v) the power to seek the attendance of appointees to high office at meetings of the committee; and
- (vi) the power to demand the attendance of ministers before the Committee to discuss current policy.

These new powers correspond with and reflect the view of Shaw (1979) and others, outlined in an earlier chapter, as to the necessity for parliamentary committees to have these capabilities if they are to function as bodies with real capacity to effect legislative change. In addition, the Select Committee on Legislation and Security was given specific responsibility for reviewing the Official Secrets Act and all other statutory provisions which restrict access to information and to report thereon to Dail Eireann with recommendations to bring them into line with the best international standards of public information provision.

[Report on the Select Committee on Legislation and Security for the period 1 January, 1995 to 31 December, 1996].

A new streamlined committee with 21 rather than 30 members was constituted in March of this year and the committee quickly began its work with an apparent desire to extend the role of the committee far beyond that witnessed by the previous committee.

The new terms of reference [included in Appendix II] were formally moved in the Dail on 1 March 1995 and were approved following debate referred to in an earlier chapter.

New Committee

The newly appointed committee sat on Thursday, 23 March 1995 for the election of a chairman and other "housekeeping" business. Deputy Charles Flanagan of Fine Gael (a government Deputy) was elected to the chair and instituted what I would consider a more "hands-on" regime which continued, in my view, for the entire year's proceedings. This is not to suggest that he in any way acted improperly, only that he involved himself many times in the substance of the debates concerned in a manner which differed strikingly to his predecessor. On one occasion he struggled with his desire to participate in a discussion on a matter of interest to him but conceded that to do this he might have to vacate the chair for the duration. Reading the debates it is evident that he wished to do more than merely preside over the proceedings and the apparent conflict between the traditional role of a "chair" and a practising TD regularly caused him to intervene in the subject matters of debate which some might find unusual.

The revised terms of reference drew complimentary remarks from Deputies meeting for the first sessions of the reconstituted committee. The new powers afforded to select committees appeared to permit new methods of operation including formation of sub-committees to investigate subjects such as drug abuse and the liquor licensing laws. Mindful of the oft repeated claim that parliamentary standing orders required revision to render them relevant to the present age, one Deputy stated that if the terms of reference were too strict in practice, he would 'have no interest in being on the committee because it would be largely irrelevant in practice' (SCLS, Thursday, 30 March 1995; L4, No. 11;

Col 1443). High hopes regarding initiatives relating to issues not specifically contained in legislation currently before the committee were cherished by many members and concerns were expressed lest the 'rigidity of the terms of reference' stifled the ambitious aspirations of many newly appointed members (SCLS, Thursday, 30 March 1995; L4, No. 11; Col 1438). It was the perceived view of the committee that the terms of reference could and would be interpreted liberally although the chair did caution members that they must first discharge their mandatory obligations before they considered assuming any worthy new obligations (SCLS, Thursday, 30 March 1995; L4, No. 11; Col 1456). The consensus seemed to suggest that by virtue of the committee's role in the consideration of estimates *per se*, issues outside their strict formal remit could be taken on board if deemed related in any fashion to the spending activities of either of the three departments associated with this committee.

Attendance

The report of the committee indicates that it met on a total of 27 occasions in 1995. The business transacted at these meetings is summarised in the tables on the next page:

BUSINESS TRANSACTED	NUMBER OF MEETINGS
Committee business	2
Estimates	3
Legislation	13
Private meetings	2*
Taking of evidence	3*
Joint meeting with another committee	1*
Receiving submissions	2*
Establishing terms of reference for sub-committee	1*

Table: 8.1 - Purpose of meetings of SCLS during 1995

Source: Official records and annual report

- * all of the meetings thus indicated are listed in the official annual report which legislative committees are obliged to produce. Details of all the proceedings are regrettably not available for study as previously indicated.

NAME	PRESENT Max = 27	SUBSTITUTED of 27	CONTRIBUTED (n) (see below)
Browne J [C/K]	23 [85%]	2 [7%]	13 [72%]
Browne J. [Wex]	11 [41%]	3 [11%]	0
Fitzgerald L.	21 [78%]	2 [7%]	10 [56%]
Flanagan C.	24 [89%]	2 [7%]	15 [83%]
Gregory T.	10 [37%]	0	4 [22%]
Harte P.	7 [26%]	6 [22%]	3 [17%]
Kemmy J.	13 [48%]	3 [11%]	6 [33%]
Kenneally B.	22 [81%]	1 [4%]	8 [44%]
Mc Dowell D.	14 [52%]	2 [7%]	8 [44%]

McGrath P.	15 (56%)	4 (15%)	4 (22%)
Mulvihill J.	16 (59%)	3 (11%)	3 (17%)
O'Dea W.	14 (52%)	4 (15%)	11 (61%)
O'Donnell L.	12 (44%)	11 (41%)	8 (44%)
O'Donoghue J.	18 (67%)	0	8 (44%)
O'Keefe J.	16 (59%)	4 (15%)	6 (33%)
Shatter A.	10 (37%)	4 (15%)	6 (33%)
Smith M.	11 (41%)	3 (11%)	4 (22%)
Timmins G.	10 (37%)	3 (11%)	0
Wallace D.	14 (52%)	2 (7%)	6 (33%)
Walsh E.	23 (85%)	2 (7%)	7 (39%)
Woods M.	26 (96%)	0	16 (89%)

[n] Whereas a total of 27 meetings were held during the year and attendance records are available from the annual report, official records of debates which chronicle the detailed contributions of members are only available for 18 as indicated earlier.

Table: 8.2 - Attendance and contributions of members of SCLS during 1995.

Source: Official records and annual report.

Whilst the average attendance at recorded meetings during the year was 16 or 76 per cent - compared to 66.67 per cent the previous year, the attendance ranged from 21 to 8 members. The sparse attendance was commented upon by Deputies during debates with one member (Liz O'Donnell) lamenting the fact that on one occasion a major piece of legislation - Court and Court Officers Bill, 1995 ' went through Committee Stage essentially being scrutinised by about five Deputies' [SCLS, Thursday, 7 December 1995; L5, No. 11; Col 696]. The erratic levels of attendance reflect also to some degree the huge workload imposed upon Deputies which embraces a range of duties and which I have commented upon elsewhere and tend to confirm some of the fears which were alluded to by commentators in

the earlier discussion on the related literature on the possible disadvantages of committees.

PERCENTAGE OF MEMBERS PRESENT OR SUBSTITUTED	NUMBER OF MEMBERS
100	-
91-99	4
81-90	3
71-80	2
61-70	3
50-60	6
> 50	3

Table: 8.3 - Summary of attendance at SCLS during 1995.

Source: Official records and annual report.

[It would not be practical to compare this table with 1993 and 1994 due to the changes in membership and numbers on the committee.]

I realise that in 1995 the committee engaged in many activities other than the formal consideration of Departmental estimates and committee stage of legislation. These new tasks - taking evidence, receiving submissions, sub-committees operations, a joint meeting with another parliamentary committee and briefing sessions engaged the attention of members to a large degree throughout the year and certainly added to the breadth of operations of the committee. However for the purposes of continuity I have indicated [in Appendix VIII] the frequency of interventions by members at "reported" meetings as referred to earlier which it is appreciated do not reflect the true workload of Deputies due to the private and unreported nature of much of their committee

business at this time.

The figures illustrate the point that most of the interventions in debates appear to have been made by spokespersons such as Woods, O'Donnell, Keogh, O'Donoghue and Smith with a sprinkling of contributions from Deputies with particular concerns such as Gregory - drug abuse; Shatter and D. McDowell - law reform. Other members spoke infrequently and two members - Browne (Wexford) and Timmins with reasonable recorded attendance records of 11 and 10 meetings respectively are not credited with any contributions to debates at all.

This bears out to a large degree the criticism voiced by TDs during debate on the committee structure [and commented upon in the Dáil debates referred to above] that the backbenchers would be tempted to leave the discussions in the main to the official spokespersons and to attend only for votes - surely a case of self-imposed consignment to the "lobby fodder" pit.

Estimates

The committee continued to examine the estimates for the Departments of Defence, Justice and Equality and Law Reform. Given that the government placed great emphasis on the ability of the select committees to examine the estimates in great detail coupled with the desire of the committee chairman to ensure that all subheads receive 'due consideration' (SCLS, Tuesday, 16 May 1995; L4, No.14; Col 1567), surely the estimates would have attracted considerable attention from members. The following table illustrates the degree of consideration afforded to the estimates relevant to this committee.

Department	Total Estimate	Time spent under consideration	Amount "approved" per minute	Number of speakers excl. Minister and Chairman
Equality and Law Reform	£12,299,000	2hr 30 mins	£81,993	7
Justice	£589,575,000	5hrs (approx)	£1,965,250	13
Defence	£426,607,000	2hrs 25 mins	£2,942,117	10

Table: 8.4 - Summary of Estimates considered by SCLS - 1995.

Source: Official debates

The table indicates that the estimates received examination by relatively few Deputies. Many of the speakers made a single contribution to the debates. It is questionable if this review of estimates really served to fulfil in any great depth the 'serious obligation ... to consider whether ... sums ... expended in the most efficient and effective way' as intended by the chairman (SCLS, Tuesday, 16 May 1995; L4, No.14; Col 1567). However where it did succeed was in the ability of Deputies to raise a variety of issues pertinent to the estimate/department under review. This opportunity for members to 'tease things out' and give ministers the benefit of their views was cited as part of the job of committee members (SCLS, Wednesday, 7 June 1995; L5, No.1; Col 60) and is often proclaimed as one of the benefits of a committee system. One detrimental (to its status) aspect of the committee's task included its inability to vote on any aspect of the estimates {restricted to the Dail in plenary} (SCLS, Friday, 9 June 1995; L4, No.16; Col 1724) and the little time allocated to the entire estimates examination forcing Deputies to 'rush matters'(Col 1746).

Legislation

The committee processed the committee stage of seven major pieces of legislation during 1995. The subject areas of the Bills before the committee included :

Occupiers' Liability Bill, 1995

Transfer of Sentenced Persons Bill, 1995

Criminal Law (Incest Proceedings) (No. 2) Bill, 1995

Civil Legal Aid Bill, 1995

Fifteenth Amendment of the Constitution (No. 2) Bill, 1995

Domestic Violence Bill, 1995

Courts and Court Officers Bill, 1995.

Most of the Bills above related to very sensitive issues including provisions allied to the then proposed facility for divorce and in the main were considered in a responsible manner by the committee. By and large the opposition parties provided much of the non-ministerial input into the various debates with an occasional flurry of activity from government Deputies [the committee had no Democratic Left representation at all during the year - obviously with only two backbenchers remaining, they were limited in what issues they could cover]. It was evident in relation to the variety of subjects considered that the value of the committee system lay (in the words of Michael Woods referring to an earlier committee of which he was a member) in the fact that the members were 'practising TDs, people who knew what they were talking about' (SCLS, Thursday, 23 March 1995; L4, No.10; Col 1424), a view which corresponds with the point made earlier regarding the practical benefits which flow from the

relationship between members of parliament and their constituents and supporters insofar as it presents them with an ideal opportunity to know how people feel on issues and respond accordingly when framing legislation. Proposed amendments met with a variety of fates - acceptance on some occasions (SCLS, Wednesday, 6 December 1995; L5, No.10; Col 636; Thursday, 7 December 1995; L5, No.11; Col 652) and the standard familiar commitments to consider particular matters further before Report Stage following additional research or consultation with the parliamentary draftsman in order to "tidy things up" (SCLS, Thursday, 1 June 1995; L4, No.15; Col 1657; Friday, 16 June 1995; L5, No. 2; Col 107).

Ministers on occasion felt compelled to concede reconsideration of various sections of Bills following intensive debate as evidenced by 'a strong message from the committee' during the passage of the Occupiers' Liability Bill, 1994 (SCLS, Wednesday, 5 April 1995; L4, No.13 ;Col 1559), the Criminal law (Incest Proceedings) (No. 2) Bill, 1995 (SCLS, Tuesday, 20 June 1995; L5, No.3; Col 135) and the Domestic Violence Bill, 1995 (SCLS, Tuesday, 7 November 1995; L5, No.8; Col 463) amongst others. This course of action albeit often reluctantly undertaken by ministers sometimes forced a rethink on certain provisions of proposed legislation and could be claimed to demonstrate 'the value of Committee Stage ... brings out the various issues' (SCLS, Select Committee on Legislation and Security, Wednesday, 12 July 1995; L5, No.4; Col 257) and justifies, it could be argued, the referral of legislation to committees for intensive yet reflective debate as cited in the consideration of related literature earlier.

As on previous occasions many amendments were not accepted by the relevant minister and were defeated, when pressed, by either a voice vote or by a division of the committee. In the seven divisions in 1995, the government members

present all "supported the line" and no defeats were suffered by the government at any stage.

What was referred to as a 'defining moment in the development of the committee system' (O'Keefe, Jim, TD, SCLS, Tuesday, 5 December 1995; L5, No.9; Col 527) occurred during consideration of the Courts and Court Officers Bill, 1995 on 5, 6 and 7 December 1995. This Bill, which provided for the appointment of additional judges to all the courts, allowed members to consider the position of solicitors for appointment to both the High Court and the Supreme Court - positions hitherto barred to solicitors and confined to members of the Bar. It should be noted that the committee membership included many Deputies with legal backgrounds - O'Donoghue, O'Dea, O'Donnell, Browne, Shatter, McDowell D. amongst others. A proposal from Alan Shatter of Fine Gael - a government backbencher - to allow for the appointment of solicitors to the higher courts received the support of all parties present at the meeting including, it must be noted two of the three government parties (Democratic Left, though absent were believed to be sympathetic to the proposal also). This state of events clearly placed the Minister for Justice (who had intended to provide that solicitors be eligible for appointment to the Circuit Court only) in a dilemma as she acknowledged that

Representatives from Fine Gael, the Progressive Democrats, Fianna Fail and the Labour Party - there is nobody from Democratic left here - have all made an eloquent case. It would be difficult for me, if the committee system is to work, to disregard these views and say I will continue with the Bill in its present form. I am prepared to consider what I have heard but I cannot give a commitment ... In view of the strength of the arguments which have been put, I would not be doing my job properly if I did not consider them before Report Stage.

(SCLS, Tuesday, 5 December 1995; L5, No.9; Col 522).

On reading the official report of the proceedings of 5 December 1995, one can almost sense the drama of the occasion as speaker after speaker referred to the uniqueness of the situation which literally assumed the position of a watershed in the maturing of this committee. The language used by members coupled with the obvious overwhelming of the minister clearly demonstrated that members of parliament could, when so inclined and in accordance their view of the 'common good', contribute constructively to the legislative process and compel the executive to consider the views of backbenchers when framing legislation. It became clear during the debate that if 'the committee system ... to have any meaning' [SCLS, Tuesday, 5 December 1995; L5, No.9; Col 526] and not merely exist to 'rubber stamp all legislation' [Col 524] then the government would have to 'take on board' what was happening at the committee. This 'all party consensus' [Col 514], deemed 'unprecedented' in present circumstances was considered as a litmus test for the future meaningful role of committees and the extension of genuine parliamentary democracy. Failure by the executive to respond favourably to the 'one voice' of the committee on the matter under discussion would have questioned the worthwhile existence of committees. This historic opportunity for members to demonstrate real input into legislation rather than merely go through the motions was seized upon by Deputies all of whom impressed upon the minister that this 'evolution in the committee system' had future implications for the integrity and credibility of the committee system [SCLS, Wednesday, 6 December 1995; L5, No.10; Cols 537-540].

It is clear that this insistence by the committee is a result of the ability of members, including government supporters, to press an issue of importance to them in committees, an option which realistically might not be available to them in plenary, as outlined in the comments of Donnelly (1997), Heidar (1997),

Andeweg (1997) and Hernes and Nergaard (1989) in the review of related literature in chapter four.

In the event the minister returned to the committee on 7 December, 1995 with a revised proposal which went some of the way towards meeting the problems outlined by Deputies. The compromise intended to permit the appointment of solicitors to the higher courts after serving as a Circuit court judge for four years with a further examination of the matter promised. The minister further acknowledged the role of the committee in this amendment describing it as 'a tribute to the work of Dail committees' (SCLS, Thursday, 7 December 1995; L5, No.11; Col 653). Members differed on their reactions to the minister's response. Opposition members whilst recognising some movement in the government's position were critical of the minimalist position adopted dubbing it a 'small consolation'. Government Deputies, clearly consulted in advance and away from the committee meeting [as is the presumed position with many parliaments outlined in chapter one], were more positive in their judgements. The fact that the minister took the steps outlined above following committee debate vindicated the committee system according to Derek McDowell, a Labour government deputy. Quite apart from the substance of the issue which provoked the debate, the outcome of the committee acting *en bloc* on the matter caused Jim O'Keefe of Fine Gael to comment:

I wish to refer to the important principle that has now been established for the committee system. I am of the view that because the Legislature has lost many of its powers while the Executive has gathered more, an appropriate counter balance is the development of the committee system. I was delighted to see the committee system being established and extended in recent years under different Governments. It has now acquired depth, but in order to have a future the system must be effective. This committee has shown that a reasoned debate can have an impact on legislation. The

committee is not merely the rubber-stamp of the Executive whereby legislation is forced through, by vote if necessary. The debate in this committee has had an impact and has caused the Minister, as she promised, to rethink the situation, to confront her colleagues in the Cabinet and to come back with an amendment to take on board the views expressed here. In future I would like committees to adopt this approach to a greater degree. This is good for parliamentary democracy and we have created a precedent. This is a good day's work.

[Parliamentary Debates, Select Committee on Legislation and Security, Thursday, 7 December 1995; L5, No. 11; Col 660].

Resources

The provision of adequate resources to enable committees to operate effectively continued to feature prominently in the concerns voiced by members throughout debates on their operations. This need was recognised during the Dail debate on the motion establishing the revised committees and was repeated at frequent intervals during the year. At the inaugural meeting, Liz O'Donnell spoke of the autonomy and resources required if the committee was to develop with competence (SCLS, Thursday, 23 March 1995; L4, No. 10; Col 1417). Resources identified as essential to the professional workings of the committee included staffing, record of proceedings, independent legal advice, technical assistance with complex matters and the very basic "bread and butter" issue of a room to meet in. All of the above were to feature in the difficulties faced by the committee during 1995. The chairman alluded to the problem regarding meeting rooms at the very first meeting observing 'the fact that we now have 17 committees and three committee rooms is an indication of the difficult task ... in ensuring that we have, first, a room in which to engage in our deliberations, and secondly a time slot within the committee system' (SCLS, Thursday, 23 March 1995; L4, No. 10;

Col 1415). These housekeeping matters surfaced at the next meeting: when considering a proposal to establish a sub-committee to consider drug abuse, the chairman again highlighted the absence of adequate resources concluding there was no point 'to the setting up of a sub-committee unless ... resources [are provided] ... because [there are] no officials to staff it' (SCLS, Thursday, 30 March 1995; L4, No.11; Col 1455). He was joined in his protest by the previous chairman - Dan Wallace - who was obviously familiar with the difficulties encountered in this area and who stated 'we have one clerk to deal with the committee ... there is no point in setting up a committee and expecting it to work properly unless it has the proper resources' (Col 1448). The somewhat farcical position which resulted from the lack of meeting rooms can be illustrated by extracts from the debate on the estimates for the Department of Equality and Law Reform on 7 June, 1995 where the chairman is quoted as announcing 'due to the demand on room space from other committees, we must conclude our discussions by 2.30pm at the latest' (SCLS, Wednesday, 7 June 1995; L5, No.1; Col 3). The position was still causing concern at the end of the year when the committee (considering the Courts and Court Officers Bill) was restricted in the times it could meet due to prior engagements of the sponsoring minister (which was understandable) and the fact that 'the only time a room is available is 2.30pm (SCLS, Tuesday, 5 December 1995; L5, No.9; Col 484).

Other concerns noted included the continuing lack of adequate technical assistance to opposition members in drawing-up legally correct amendments, the limitations this imposed on the ability of Deputies to function as lawmakers and the short time elapsing between the tabling of complex amendments by ministers and their consideration by the committee with the consequent handicap this created for members.

Briefings

It is clear from the debates that outside groups and organisations continued to target the members when issues of interest to them were under consideration. Brendan Kenneally on a debate concerning the Occupiers Liability Bill, 1994 remarked 'I am sure that we have all received literature from these [recreational user] organisations' when considering landowners' liability [SCLS, Tuesday, 4 April 1995; L4, No.12; Col 1475]. Reference is also made in debates to submissions received from the 'Commission on Overseas Prisoners' [SCLS, Friday, 16 June 1995; L5, No.2; Col 94: Tuesday, 20 June 1995; L5, No.3; Col 164]. Further consultations were also made with organisations such as the Law Society, Garda Commissioner, Coolock Law Centre, Women's Aid and the Bar Council on a range of matters. These contacts were fully reported and are to be welcomed as they contribute to the bank of knowledge that lawmakers possess when framing legislation with direct impact on people and as indicated earlier are a common feature of legislatures. The influence that these bodies and agencies can exert on legislation is reflected in the comment of Michael Woods at the conclusion of the debate on the Domestic Violence Bill, 1995 when, in the course of exchanging normal courtesies at the end of a debate he added that he welcomed the way that the views of different bodies directly concerned were taken on board [SCLS, Tuesday, 7 November 1995; L5, No.8; Col 478].

Other parliamentary duties

There are many arguments as to whether Dail Deputies are the authors of their

own very heavy workloads by their intense devotion to constituency matters at the expense of their legislative functions. Referring to constituency work, Gallagher (1996) counters part of this argument commenting 'in fact, it is a more or less universal role for members of parliament'. However given the situation as it exists on the ground and the current culture operating in Ireland in relation to this matter, it is clear that Deputies are frequently pressed for time. Countless occurrences are logged in the records where Deputies were obliged to adjourn for other business or arrived at committee meetings late due to other engagements. I noted instances where clashes of parliamentary business occurred due to the Order of Business (SCLS, Tuesday, 4 April 1995; L4, No.12; Col 1466) and other legislative committees (Col 1526). Other engagements were cited for early departures/adjournments on many occasions (SCLS, Thursday, 1 June 1995; L4, No.15; Col 1623). The allocation of time slots for committee business continued to pose problems for Deputies of all parties. Examples can be found throughout the year - Michael McDowell appeared to vent the frustration felt by many at the bizarre situation many found themselves in:

people were missing this morning because for the first time ever in the history of the State a Bill to amend the Constitution has been sent to a select committee and other Deputies and I were required to speak on the Famine commemoration [in plenary] at the same time. We were told that every Deputy in the House was free to contribute at this committee meeting. With respect, I say to the political parties who fixed the business for today, that it is a bit disingenuous to say, having moved it to a committee, that other people were elsewhere when you fixed other business which brought them elsewhere.

(SCLS, Thursday, 5 October 1995; L5, No.5; Col 373)

In addition this committee occasionally met on Fridays. This arrangement generated further difficulties for rural Deputies anxious to leave for their constituencies and when these were paired valuable expertise was lost as substitutes were not so well informed on matters under discussion. On a few

occasions the chairman had to excuse himself and withdraw in the middle of a meeting to attend to other business with the consequent appointment of an acting chairman (SCLS, Tuesday, 4 April 1995; L4, No. 12; Col 1488; Wednesday, 6 December 1995; L5, No. 10; Col 580). Members had to cope with a profusion of demands on their time and I am of the view that the quality of debate and examination of many of the issues which came before the committee in 1995 is a tribute to those members who took their role as legislators seriously and a justification for the increased parliamentary responsibilities bestowed upon them.

Other activities of the committee in 1995

The Select Committee at its meeting on 18 October, 1995 decided to establish a sub-committee to consider the drugs problem. The orders of reference of the sub-committee on the drugs problem are set out at Appendix IV including details of the membership of the sub-committee.

At the first meeting of the sub-committee held on 18th October, 1995, Deputy John O'Donoghue was elected Chairman of the Sub-committee. The sub-committee on the drugs problem met on three occasions in 1995 (and on ten occasions in 1996).

The sub-committee agreed that its work programme should involve the taking of oral evidence on the drugs problem from interested persons and organisation, including the relevant Department of State. The Sub-committee agreed that the approach to be taken should be area-based, and should concentrate on the practical experience of individuals involved at the coal-face of the drugs problem.

The sub-committee also agreed in principle that it should visit areas affected by the drugs problem and undertook to visit Cork City, Dublin North Inner City, Kilbarrack in Dublin and Waterford. (Report of the Select Committee on Legislation and Security for the period 1 January, 1995 to 31 December, 1996).

CHAPTER 9 - SELECT COMMITTEE ON LEGISLATION AND SECURITY - 1996

In 1996 the committee continued its work of examining the estimates for the Departments of Defence, Equality and Law Reform and Justice in addition to processing the committee stage of legislation sponsored by the above departments. However an examination of the annual report of the committee also indicates that the committee devoted considerable time in 1996, often in private or unreported sessions, to the examination of issues other than those formally assigned to the committee. In this regard I am referring to the taking of evidence on a range of issues relating to the licensing laws, drugs abuse, revision of the courts and the review of the Official Secrets Act and related matters (Report of the Select Committee on Legislation and Security for the period 1 January, 1995 to 31 December, 1996).

A study of the official records of the proceedings of the committee also reveals a number of instances of what one member referred to as the overstretching of Deputies in requiring their attendance throughout the year at so many different meetings relating to various parliamentary matters. This would appear to have had a detrimental impact on the quality of parliamentary work as members scurried from meeting to meeting sometimes giving scant attention to the matter under review as they juggled with their many competing engagements. This weakness in the operations of the Oireachtas featured prominently in the debate on Dáil reform on 9 October, 1996 [referred to in chapter three] when a range of parliamentary ills, including the abundance of committees, were highlighted by

Deputies as being in need of correction and was often complained of by members during the committee proceedings of earlier years.

Attendance

The records and annual report indicate that the committee met on thirty eight occasions during 1996. Twenty meetings were held in public with reports of only these proceedings being published in accordance with the lamentable restriction by the Oireachtas officials highlighted earlier to confine publication to proceedings relating to committee stages of Bills and consideration of estimates.

Whilst the annual report provides the attendance records of members for thirty five meetings, frequency of contributions are only ascertainable for the twenty recorded meetings. The table below illustrates the members' attendance, whilst the frequency and number of interventions by members can be found at

Appendix IX:

NAME	ATTENDED MAX. 35	SUBSTITUTED (OF 35)	CONTRIBUTED - MAXIMUM REPORTED 20
BROWNE J. [C/K]	31 (86%)	2 (6%)	15 (75%)
BROWNE J. [WEX]	8 (23%)	1 (3%)	0
FITZGERALD L.	26 (74%)	1 (3%)	17 (85%)
FLANAGAN C.	33 (94%)	0	chair
GREGORY T.	13 (37%)	0	5 (25%)
HARTE P.	8 (23%)	6 (17%)	2 (10%)

KEMMY J.	13 (37%)	0	4 (20%)
KENNEALLY B.	18 (51%)	2 (6%)	3 (15%)
McDOWELL D.	14 (40%)	1 (3%)	2 (10%)
McGRATH P.	17 (49%)	3 (9%)	2 (10%)
MULVIHILL J.	15 (43%)	0	1 (5%)
O'DEA W.	6 (17%)	2 (6%)	3 (15%)
O'DONNELL L.	19 (54%)	5 (14%)	15 (75%)
O'DONOGHUE J.	16 (46%)	3 (9%)	13 (65%)
O'KEEFE J.	18 (51%)	3 (9%)	3 (15%)
SHATTER A.	4 (11%)	5 (14%)	2 (10%)
SMITH M.	19 (29%)	2 (6%)	2 (10%)
TIMMINS G.	11 (31%)	1 (3%)	0
WALLACE D.	17 (49%)	2 (6%)	3 (15%)
WALSH E.	24 (69%)	2 (6%)	8 (40%)
WOODS M.	25 (71%)	0	14 (70%)

Table: 9.1 - Attendance and contributions by members of SCLS during 1996.

Source: Official records.

The above attendance records can be summarised in the table on the following page:

PERCENTAGE OF MEMBERS WHO ATTENDED OR WERE SUBSTITUTED	NUMBER OF MEMBERS	COMPARISON WITH 1995
100	-	-
91-99	2	-2
81-90	0	-3
71-80	3	+ 1
61-70	1	-2
50-60	5	-1
> 50	10	+ 7

Table: 9.2 - Summary of attendance at SCLS during 1996.

Source: Official records

The figures above would appear to confirm that members were attending less frequently (53.88 per cent compared to 76 per cent a year earlier) and contributing to fewer discussions than was the case at the commencement of the select committee system.

It can be seen from a perusal of the official records that as the work of the committee proceeded the number of members speaking was reducing with the bulk of the contributions coming from official party spokespersons apart from isolated incidents when very topical subjects such as crime or divorce were under discussion. Indeed on reading the official record it appears that on occasion only the chair, minister and principal opposition spokesperson were present. An example of this can be found at the conclusion of the committee stage of the Powers of Attorney Bill, 1995 on 13 March, 1996 when the chairman, intending to deliver some "housekeeping" notes remarked 'I have a number of notices for the committee but because Deputy Woods is the only member present they might be best relayed through the convenors' (SCLS, Wednesday, 13 March 1996; L6,

I propose to indicate the attendance [without any substitution factor] records of those Deputies who were members of the committee from 1993 - 1996. It must be remembered that the membership changed substantially upon the change of government in 1994.

PERCENTAGE ATTENDANCE OF EACH MEMBER 1993 - 1996

NAME	1993	1994	1995	1996
AHERN D.	54%	50%	N/M	N/M
BARRETT S.	69%	37.5%	N/M	N/M
BRISCOE B.	85%	81.25%	N/M	N/M
BROWNE J. (C/K)	100%	87.5%	85%	86%
BROWNE J. (WEX)	N/M	N/M	41%	23%
CALLELY I.	77%	93.75%	N/M	N/M
CAREY D.	62%	50%	N/M	N/M
CLOHESSY P.	23%	18.75%	N/M	N/M
COLLINS G.	46%	6.25%	N/M	N/M
de VALERA S.	23%	31.25%	N/M	N/M
FITZGERALD L.	92%	87.5%	78%	74%
FLANAGAN C.	N/M	N/M	89%	94%
FOLEY D.	77%	68.75%	N/M	N/M
GILMORE E.	54%	50%	N/M	N/M
GREGORY T.	54%	50%	37%	37%
HARTE P.	69%	50%	26%	23%
KEMMY J.	69%	50%	48%	37%
KENNEALLY B.	N/M	N/M	81%	51%
LENIHAN B.	31%	18.75%	N/M	N/M
McDOWELL D.	69%	62.5%	52%	40%

McGRATH P.	N/M	N/M	56%	49%
MITCHELL G.	85%	56.25%	N/M	N/M
MULVIHILL J.	69%	37.5%	59%	43%
O'DEA W.	N/M	N/M	52%	17%
O'DONNELL L.	85%	68.75%	44%	54%
O'DONOGHUE J.	46%	56.25%	67%	46%
O'KEEFE J.	69%	56.25%	59%	51%
POWER S.	46%	81.25%	N/M	N/M
RYAN E.	69%	68.75%	N/M	N/M
RYAN J.	46%	6.25%	N/M	N/M
SHATTER A.	62%	56.25%	37%	11%
SHORTHALL R.	38%	37.5%	N/M	N/M
SMITH M.	N/M	N/M	41%	29%
TIMMINS G.	54%	18.75%	37%	31%
WALLACE D.	100%	87.5%	52%	49%
WALSH E.	100%	81.25%	85%	69%
WOODS M.	N/M	N/M	96%	71%

Table: 9.3 - Attendance of members of SCLS 1993 - 1996

N/M refers to a non-member at that time.

Source: Annual reports 1993-1996.

I have deliberately not made any allowance for substitution, a practice which was widespread and very useful in allowing alternate members attend and participate when subject matters relevant to their portfolios, constituents, expertise or interest were being discussed. The purpose of the above table is merely to illustrate the attendance of the membership assigned to this committee over the duration under examination.

Estimates

The committee considered the estimates for the three departments assigned to it throughout the year. Four meetings were held during the year to consider this aspect of the committee's remit. As on previous occasions the committee appeared to suffer from being confined by their business/time management to a period which may have prevented as full a review of these matters as would be desired. Given that the chairman acknowledged that the Dail had imposed a serious obligation on the committee to consider whether the significant sums were 'being expended in the most efficient and effective way possible' (SCLS, Tuesday, 14 May 1996; L6, No. 6, Col 327), the committee completed consideration of the Defence estimate of £455,632,000 in 2 hours 50 minutes with debate confined to six members apart from the minister, minister of state and chairman. In truth the principal speakers were the Progressive Democrats spokesperson (92 interventions), the Fianna Fáil spokesperson (30 interventions) with a single backbencher, Seán Power of Kildare, a military constituency, being the only other significant speaker with 13 interventions. Thus a handful of Deputies completed a review of an expenditure of £2,680,188 per minute of debate. This having been said, the members present did succeed in reviewing a range of matters relevant to the Defence estimates. This would conform to Deputies' varied views of the committee's role in the estimates consideration process such as the 'exchange [of] views' (Col 345) or the making of 'useful comments on matters of particular interest' (Col 358). This semi-relaxed approach to the task which the then Minister for Defence considered 'an excellent opportunity to look in some depth at the role of the Defence Forces ... good value for the moneys expended under the ... Defence Votes' (Col 328) drew the remark

from the Fianna Fáil spokesperson that 'it is a sign of the times ... primarily dealing with Estimates, the Minister has decided to deal with wider issues. More than three-quarters of his speech dealt with matters outside the Estimates' [SCLS, Tuesday, 14 May 1996; L6, No. 6, Col 341].

The consideration by the committee of the estimates for the Department of Equality and Law Reform amounting to £11,768,000 took 2 hours to complete on 28 May, 1996. This amounted to £98,067 per minute and was undertaken by just two Deputies Helen Keogh of Progressive Democrats (8 interventions) and Michael Woods - Fianna Fáil (5 interventions) both party spokespersons on the subject in addition to the minister and the chairman. [SCLS, Tuesday, 28 May 1996; L6, No. 7, Cols 399-432].

There were two meetings devoted to the estimates for the Department of Justice as a supplementary estimate was required later in the year. The sum in respect of the principal estimate amounted to £614.318 million was debated on 13 June, 1996 and attracted seven deputies in addition to the minister and chairman. Once again the party spokespersons contributed - O'Donnell (11 interventions), Woods (10), O'Donoghue (9) and they were joined by Gregory (4), Fitzgerald L. (3) and Browne (C/K) (12). It was surprising given the high profile afforded to crime issues that the debate was confined to practically a third of the committee membership. The debate lasted three hours and 5 minutes - £3.3206 million per minute - and was completed without consideration of all the subheads (Col 496) and four votes being taken 'as read'. This was in part due to other commitments of the minister and even though the chairman floated the idea of adjourning consideration of the estimates until another day, this was not considered

necessary (SCLS, Thursday, 13 June 1996; L6, No. 8, Cols 435-496).

A supplementary estimate amounting to 'approximately £33.7 million' was considered on 3 December, 1996 for one and a half hours (£374,444 per minute). Five members in addition to the chair and minister participated. A somewhat hurried debate was evident with the minister once more anxious to have 'the Estimates agreed' and resisting a proposal of the opposition to adjourn the matter (albeit with an element of pique). It was strange to read, in the light of the perceived improvement of parliamentary business following reforms, of one deputy (Woods) remarking 'Estimates and supplementary Estimates are not dealt with nowadays with the same thoroughness as in the past' (Col 57) and the weariness of members was further illustrated by the jaundiced reaction of Tony Gregory to the possibility of a further meeting to review these estimates: 'Can we not agree them? There is no point in coming back. Could the Minister send us a note about the various points made?' (SCLS, Tuesday, 3 December 1996; L7, No. 2, Col 59).

Legislation

The committee concluded the committee stage of a number of Bills relating to issues with a high public profile including:

Refugee Bill, 1995

Powers of Attorney Bill, 1995

Criminal Justice (Drug Trafficking) Bill, 1996

Family Law (Divorce) Bill, 1996

Organised Crime (Restraint and Disposal of Illicit Assets) Bill, 1996

Criminal Justice (Miscellaneous Provisions) Bill, 1996

Sexual Offences (Jurisdiction) Bill, 1995

Criminal Law Bill, 1996

Civil Liability (Amendment) Bill, 1996

Garda Síochána Bill, 1996.

Two of the above bills, Organised Crime (Restraint and Disposal of Illicit Assets) Bill, 1996 and Sexual Offences (Jurisdiction) Bill, 1995 originated as private member's legislation having been introduced into the Dáil by Fianna Fáil. The government took the rare step of accepting opposition legislation, a move which was welcomed by Michael Woods of Fianna Fáil:

It is particularly important that this [Organised Crime] Bill has come through this committee from the Opposition. In future I would like to see a more open approach to legislation where Bills could be produced and brought through the Oireachtas, receive the support of the Government and be thrashed out in committee. We are too bound up with a single approach to Government. I would like to see the parliament more directly involved as it has been in this case.

[SCLS, Tuesday, 23 July 1996; L6, No. 13, Col 806].

In the committee's deliberations during the year a number of positive trends were discernible. Several comments made by ministers and members were more complimentary of the members' input than usual courtesies heretofore. The Minister of State at the Department of Justice in presenting the Refugee Bill indicated that 'an opportunity was taken to use the work on Committee Stage of ... [the] earlier [1994] Bill' when preparing the 1995 bill and 'examined all the

submissions and statements which were made then ... when drawing up the revised Bill'. Indeed the committee members of all parties debated the bill with great vigour. Deputies, including government supporters, unhappy with an element of the minister's proposal, forced the minister to revert to the Attorney General with a particular legal problem prompting the chairman to remark 'there is a clear message from the committee, representative of all parties in the House, that we have a problem ... [with the] wording'. The chairman [who it should be remembered was a government deputy] further underlined the message of the committee when he boldly asked the minister:

to convey to the Attorney General and indeed anybody else ... Minister for Justice and Cabinet Ministers, the very strongly held views of this committee, representative of all parties, on this key aspect of the legislation. We hope ... matters can be resolved in favour of the wishes of the members of this committee

[SCLS, Tuesday, 30 January 1996; L6, No. 1, Cols 33 & 42].

It transpired that the Attorney General and the minister were subsequently able to give the members a satisfactory 'comprehensive' reply. This assuaged their earlier fears and justified the 'very thorough examination of the issue' by the committee [SCLS, Tuesday, 6 February 1996; L6, No. 2, Cols 60 & 63] as it forced a complete review of and detailed explanation for the particular section and prevented the matter being forced through on the nod or by the inbuilt government majority.

A similar 'unanimous view of the committee' which was contrary to the position of the government emerged during the debate on the Organised Crime Bill, 1996. The chairman observed that members would be presented with a difficulty in supporting the government if an opposition amendment was pressed to a vote

and asked the minister present to 'convey our strong views' on the matter (SCLS, Tuesday, 23 July 1996; L6, No. 13, Col 784).

During the passage of the various pieces of legislation the sponsoring minister accepted many opposition amendments often with an undertaking to correct some minor technical flaw at a later stage. On occasion the minister undertook to review a specific matter before Report Stage following concerns expressed by opposition members such as occurred during the debate on the Garda Síochána Bill on 17 December, 1996 (SCLS, Tuesday, 17 December 1996; L7, No. 4, Col 96). The government had majorities in all eight divisions called in 1996 with no deputy "breaking ranks". The stances referred to above point to a committee keen to undertake its legislative role and could be said to have confirmed the wishes of legislators as articulated during parliamentary debates on reform as to the value of their creation by the Oireachtas.

The committee was credited with many positive qualities in their deliberations including the positive imparting of knowledge (SCLS, Wednesday, 7 February 1996; L6, No. 3, Col 172) and the claim by Willie O'Dea that 'Legislation is almost invariably improved in some measure as a result of discussion on Committee Stage, which is what this committee is about' (SCLS, Wednesday, 13 March 1996; L6, No. 4, Col 191).

Comments on the operations of the committee.

There is evidence of members briefing themselves on a range of matters both by receiving submissions from groups, hearing testimony from many bodies on the

likely impact of proposed legislation and attending conferences on relevant subject matters. Among the organisations which supplied data and material to members were the Irish Refugee Council, Amnesty, UNHCR, the Law Society, representatives of the Gardaí, the defence forces and the divorce action groups. All of these contacts, which must have utilised a lot of members' time, served to equip deputies with better quality information when considering new legislation, a welcome feature which the earlier discussion on this matter highlighted.

Many of the problems identified with the committee are familiar by now and featured prominently during the debate on Oireachtas reform in October. There were incidences of committee meetings clashing with Dáil plenary sessions [SCLS, Tuesday, 6 February 1996; L6, No. 2, Col 49]. Other Dáil business such as divisions, parliamentary question time, different committee meetings or members having to leave the committee meeting to move a bill in the Dáil also contributed to delays or adjournments in this committee's business. The fact that all members were very busy was further illustrated on a number of occasions by the uncommon need for the chairman to absent himself for part or full sessions of the committee due to other engagements. [SCLS, Tuesday, 23 July 1996; L6, No. 13, Col 792; Tuesday, 26 November, 1996, Col 9; Tuesday, 3 December, 1996, Col 39]. The limitations on the opposition in drafting technically correct amendments and the short advance notice to study proposed government amendments together with the occasional short time limit imposed by the Dáil for consideration of bills contributed to the frustrations experienced by deputies charged with this legislative work.

It became apparent on reading the reports of proceedings that the committee

failed to commence business on many occasions due to the failure of members to provide a quorum for the commencement of business. This was the subject of a stinging political charge by the chairman on Liam Fitzgerald (one of the best attenders according to the records) who attempted to raise current contentious matters (the Judge Lynch letter). The chair alleged that Deputy Fitzgerald 'was not available to attend at the committee on a number of occasions on which we sought a quorum in recent times' (SCLS, Tuesday, 26 November 1996; L7, No. 1, Col 4). This was rejected by the deputy who expressed disappointment at being telephoned in his office and asked 'to run over here and form a quorum' especially since he was in the process of attending anyway. I highlight this incident (for which the chairman later apologised) because allied with the poor attendance records, few speakers in debates and apology by the chair to 'the Minister's officials for attending here diligently on a number of occasions in recent times when we did not get out of the starting blocks' (SCLS, Tuesday, 26 November 1996; L7, No. 1, Col 36) confirm the existence of a problem for the legislature which formed a major part of the complaints of deputies during the Dáil debate.

Other activities of the committee during 1996

The annual report for 1996 indicates that the committee undertook a large volume of business in addition to the public sittings relating to the committee stage of legislation and examination of estimates. Closed, private or unreported sessions to consider the following matters were held as follows:

Draft "Freedom of information" legislation	3 meetings
Taking of evidence - Powers of Attorney Bill	1 meeting
Liquor Licence laws	8 meetings
Defence forces representatives	2 meetings
Law of defamation - newspapers	1 meeting
Other private meetings	3 meetings

Table: 9.4 - Purpose of closed, private or unrecorded meetings of SCLS during 1996.

Source: Annual report

In addition the sub-committee on the drugs problem held ten meetings receiving oral evidence from a range of interested bodies such as the Revenue Commissioners, Departments of Education and the Environment, the Irish Medical Organisation, the Garda commissioner and a number of treatment centres. The chairman reports that the sub-committee will continue this work in 1997 'with a view to producing a report with recommendations for Government' (Report of the Select Committee on Legislation and Security for the period 1 January, 1995 to 31 December, 1996, Volume 1, p.19).

The committee reviewed the Official Secrets Act, 1963 in accordance with its revised mandate in this area. The then impending Freedom Of Information Bill (since enacted) was studied by the committee and evidence taken. The committee subsequently, at a meeting on 28 January, 1997 adopted a report on its review of this act and presented it to the Dáil for debate (Select Committee on Legislation and Security - Report on Review of the Official Secrets Act, 1963).

The committee, following a request from one of its members, devoted a lot of

time to the review of the liquor licensing laws in 1996. A sub-committee was established to take this work forward in 1997 with a desire to be in a position to produce a report with recommendations for the government in 1997 (Report of the Select Committee on Legislation and Security for the period 1 January, 1995 to 31 December, 1996, Volume 1, p.18).

Two reports from the advisory group on charities/fundraising legislation and the working group on a courts commission were referred to the committee by the Minister for Justice in late 1996 for consideration of necessary legislation which was an innovative move. This work to continue in 1997 (Report of the Select Committee on Legislation and Security for the period 1 January, 1995 to 31 December, 1996, Volume 1, p.18).

Debate on Dáil reform

A debate on many areas of Dáil reform was held on 9 October, 1996 and is commented upon in the chapter on Dáil reform.

In the light of the comments made during that debate and the alleged impact of committee work on the electoral fortunes of members, I undertook a cursory examination of the fate of the members of this select committee at the general election of 1997.

The table on the following page gives some indication on the matter:

NAME	PARTY	ELECTORAL RESULT	COMMENT
BROWNE J. (C/K)	FG	Re-elected with some reported difficulty	Regular attender and contributor at committee meetings
BROWNE J. (WEX)	FF	Re-elected	Note comments above regarding constituency competition
FITZGERALD L.	FF	Lost seat to party colleague	Regular attender and contributor at committee meetings
FLANAGAN C.	FG	Re-elected	Outgoing chairman
GREGORY T.	Ind	Re-elected comfortably	Contributed well to specific matters only
HARTE P.	FG	Lost seat to Ind FF	
KEMMY J.	Lab	Re-elected with some difficulty	
KENNEALLY B.	FF	Re-elected	
McDOWELL D.	Lab	Re-elected with difficulty	
McGRATH P.	FG	Re-elected	
MULVIHILL J.	Lab	Lost seat	
O'DEA W.	FF	Re-elected comfortably	
O'DONNELL L.	PD	Re-elected with difficulty	Reported to be suffering in constituency due to lack of presence
O'DONOGHUE J.	FF	Re-elected	

O'KEEFE J.	FG	Re-elected	
SHATTER A.	FG	Re-elected	
SMITH M.	FF	Re-elected	
TIMMINS G.	FG	Retired	
WALLACE D.	FF	Re-elected	
WALSH E.	Lab	Lost seat to FF/FG	Had been a good attender and contributor
WOODS M.	FF	Re-elected comfortably	

It is impossible to draw any conclusions from these facts and comments alone but it is interesting to note Des O'Malley's comments [see chapter three] regarding the Progressive Democrats attention to committee work (which was very impressive throughout the term of this select committee) and the ill-informed perception by the public, based on incomplete facts as indicated in chapter four, and to consider whether that might have been one of the factors impacting on their electoral fortunes given that dedicated attendance at committee meetings to perform duties as legislators was, by admission of deputies, often at the expense of intense constituency activity. Coupled with the fate of some of the members who had been to the fore of committee participation (Fitzgerald, Browne[C/K], Walsh, Keogh [as regular substitute]), it would be difficult to deny the proposition by some Deputies that diligent and dedicated attention to committee tasks posed some danger for backbenchers, especially of the smaller parties, in the existing multi-seat constituencies.

CHAPTER 10 - JOINT COMMITTEE ON FOREIGN AFFAIRS - 1993

The original motion to establish this committee was moved in the Dáil on 28 April, 1993 and in the Seanad on 7 April, 1993. The revised terms of reference agreed by both houses in March, 1995 are contained in Appendix V.

JOINT COMMITTEE ON FOREIGN AFFAIRS

ORDERS APPOINTING	9th March, 1995 (Dail) 13th March 1995 (Seanad)
MEMBERS APPOINTED	Deputies - 10 March 1995 Senators - 13 & 14 March 1995
MEMBERSHIP (1995)	21 Deputies and 10 Senators
QUORUM	8 Members
CHAIRMAN	Alan Shatter
CLERK TO COMMITTEE	Paddy Judge
SECOND CONTACT PERSON	to be decided

DAIL MEMBERSHIP

Theresa Ahearn	Alan Dukes	Rory O'Hanlon
Declan Bree	Michael Ferris	Jim O'Keeffe
Ben Briscoe	Pat Gallagher	Desmond O' Malley
Raphael P. Burke	Tony Gregory	Willie Penrose
	[appointed 07-12-95]	
Ger Connolly	Michael Kitt	Alan Shatter
John Connor	James Mc Daid	Eamon Walsh
		[appointed 06-04-95]
Brian Cowen	P.J. Morley	Austin Deasy
Austin Deasy		

FORMER DAIL MEMBERSHIP OF THE JOINT COMMITTEE ON FOREIGN AFFAIRS

Deputy John Mulvihill (discharged 06-04-95)

Deputy Brian Lenihan (died 01-11-95): Deputy Neil T. Blaney (died 08-11-95)

Introduction

The establishment of this committee was described by the then Tánaiste as 'a landmark' which was a long time coming to fruition as it had first been proposed many years previously [Parliamentary Debates, Dáil Eireann, Wednesday, 28 April 1993, Vol. 429, No. 7, Col 1645]. Indicating an opportunity for the new

committee to promote 'consensus-building on a basis of shared knowledge and measured consideration of options', the Tánaiste (who was also the Minister for Foreign Affairs at that time) stated that the committee would 'have an important role in providing a barometer of concern on the multiplicity of issues..[Ireland] confront[s]' (Col 1648). This accords, in the main with the aspirations articulated by Donnelly and others in the discussion of related literature in chapter four. The Minister acknowledged the expertise in foreign policy matters possessed by deputies and senators and foresaw an expanded role for committee members by the creation of a network of sub-committees to absorb the work of the previous Joint Committee on Secondary Legislation of the European Communities and other matters such as Northern Ireland affairs.

Other deputies contributing to the debate welcomed the creation of the committee and were enthusiastic about several aspects of the committee's potential deliberations . These included the right of members of the European parliament 'elected from constituencies in Ireland (including Northern Ireland)' to attend meetings and participate in proceedings. A range of issues with international connotations were identified as being worthy of consideration by the committee. Among those featuring in the debate were the then impending Maastricht Treaty, the Council of Europe, Eastern European developments, Irish neutrality, the United Nations, human rights, famine relief and overseas aid generally along with other aspects of Irish foreign policy. Eoin Ryan, welcoming the 'setting up of the Foreign Affairs Committee' saw amongst the advantages that:

Not alone will the members of the Dáil and Seanad be better informed, the country as a whole will benefit. Civil servants and members of the Government will benefit when there is a more open framework within which we can discuss our stand on problems around the world and we, as a small country, with a unique history in international affairs can take initiatives and discuss policies.

[Parliamentary Debates, Dáil Eireann, Wednesday, 28 April 1993, Vol. 429, No. 7, Col 1776].

Also welcoming the establishment of this committee Nora Owen argued that the absence until this time of an existing committee of parliament considering foreign affairs was often 'a matter of some embarrassment and amusement to members of parliament from other European countries'. She added that :

The lack of such a Foreign Affairs Committee meant that whoever visited this country with information to impart to us, with expertise to share with us and knowledge about their own country and about troubled spots in the world, had no forum at which they could address members of Parliament here.

[Parliamentary Debates, Dáil Eireann, Wednesday, 28 April 1993, Vol. 429, No. 7, Col 1783].

Members of the Dáil, in agreeing to the creation of the committee, were fully aware of the many burdens that would be placed on the members coping with the wide spectrum of issues likely to be presented to members for discussion, analysis and where appropriate, decision. In this regard many deputies pleaded for adequate resources for the committee to deal with its workload as this continued to be identified as a barrier to the effective working of Oireachtas committees heretofore. In addition the hope of suitable media coverage of committee discussions and briefings was highlighted as a means of dispensing the proceedings to the public at large. These aspirations were typical of the wishes of many members of a wide range of committees established during this Dáil and are noted in the review of Oireachtas debates on this matter in chapter three. Indeed it seemed that they were destined to continue to occupy a prominent place in deputies' complaints list even at the end of the 27th Dáil.

On the following day the report of the committee of Selection nominating Deputies N. Ahern, Bree, Briscoe, J. Browne (Carlow/Kilkenny), Collins, Connor, Cox, Davern, De Rossa, Durkan, Ellis, Ferris, P. Gallagher (Laois/Offaly), Hogan, Lawlor, Lenihan, Lowry, M. McDowell, Morley, O'Hanlon, Owen, Penrose, E. Ryan, S. Ryan and Shatter to the new Joint Committee was approved by the Dáil. (Dáil Debates, Thursday, 29 April 1993, Vol. 429, No. 8, Col 1893).

Deputy J. O'Keefe was appointed to replace John Browne (Carlow/Kilkenny) on 5 May, 1993. (Dáil Debates, Wednesday, 5 May 1993, Vol. 430, No. 3, Col 474).

Whilst the formal motion appointing the select committee was moved in the Seanad on 7 April 1993 (Seanad Debates, Wednesday, 7 April 1993, Vol. 135, No. 13, Col 1472), the debate on the establishment of the committee, with slightly amended terms of reference, took place on 13 May 1993. Senators had been to the 'forefront in pointing to the need for a foreign affairs committee' and had a 'particular perspective...to bear on foreign policy issues' acknowledged the Minister of State at the Department of Foreign Affairs (Seanad Debates, Thursday, 13 May 1993, Vol. 136, No. 4, Col 331). He stressed the positive role that the committee could exert in the consideration and formulation of foreign policy.

Other senators welcomed the creation of this joint committee but outlined specific concerns which included the poor level of senate representation and the by now infamous insufficient provision of resources to the committee. Whilst a number of senators voiced their suggestions for the proposed work of the committee, those members with an academic background were perhaps slightly more revolutionary in their ideas. Senator Lee counselled the committee to 'consider mobilising our intellectual resources in the higher education system more effectively to assist

the committee in its activities' (Col 349). Senator Maurice Manning and his colleague, Dick Roche, both with an interest in this subject spoke at length with the benefit of academic and practical experience of parliamentary committee operations in Ireland and I have referred to their comments earlier when discussing parliamentary reform in general. The hope was that the practice as operated in the Oireachtas to-date might change as 'an appropriate committee system would allow more compromise' (Col 361) in the formulation of Irish public policy. Concluding the debate the Minister of State assured the senators that the government intended to take the committee seriously, listen to its views conceding that 'we [the government] do not have all the answers' (Col 377).

The Seanad later appointed Brendan Daly, Mick Lanigan, Seán Maloney, David Norris and Madeline Taylor-Quinn as members of the joint committee (Joint Committee on Foreign Affairs, Report on the Agricultural Aspects of the General Agreement on Tariffs and Trade, December 1993).

O'Halpin (1996) highlighting the calibre of some of the members appointed to this committee, Lenihan, Owen and De Rossa and associating this with other factors such as the choice of chair, observes 'that, in stark contrast to previous experiments in procedural reform, all the parliamentary parties were genuinely committed to securing the success of the new Committee.'

Attendance

The committee sat formally as a Joint Committee on nine occasions in 1993. In

addition the members of the committee from the Dáil met on two occasions as a Select Committee to consider estimates (which is solely a responsibility of the Dáil) relevant to the Department of Foreign Affairs. As will be outlined later the committee established sub-committees relating to European legislation, United Nations affairs and after a period of time, Northern Ireland. These sub-committees met frequently during the year to conduct business relevant to their brief and mention will be made of them later.

The table below illustrates the attendance record of members as outlined in the records of proceedings:

NAME	TOTAL NO. OF POSSIBLE MEETINGS	ATTENDED	WAS SUBSTITUTED	NO. OF MEETINGS SPOKE
AHERN N.	11	5 (45.45%)	1 (9.09%)	0
BREE	11	11 (100%)	0	8 (72.73%)
BRISCOE	11	6 (54.55%)	0	2 (18.18%)
O'KEEFE	11	8 (72.73%)	2 (18.18%)	6 (54.55%)
COLLINS	11	5 (45.45%)	1 (9.09%)	2 (18.18%)
CONNOR	11	9 (81.82%)	0	9 (81.82%)
COX	11	2 (18.18%)	0	0
DAVERN	11	2 (18.18%)	1 (9.09%)	1 (9.09%)
DE ROSSA	11	10 (90.91%)	0	7 (63.64%)
DURKAN	11	9 (81.82%)	0	8 (72.73%)
ELLIS	11	9 (81.82%)	0	2 (18.18%)
FERRIS	11	11 (100%)	0	5 (45.45%)
GALLAGHER P. (LAOIS/ OFFALY)	11	9 (81.82%)	1 (9.09%)	7 63.64%)
HOGAN	11	2 (18.18%)	3 (27.27%)	0

LAWLOR	11	3 (27.27%)	0	0
LENIHAN	11	10 (90.91%)	0	CHAIR
LOWRY	11	5 (45.45%)	1 (9.09%)	1 (9.09%)
MCDOWELL M.	11	4 (36.36%)	1 (9.09%)	4 (36.36%)
MORLEY	11	5 (45.45%)	2 (18.18%)	0
O'HANLON	11	6 (54.55%)	0	4 (36.36%)
OWEN	11	8 (72.73%)	2 (18.18%)	8 (72.73%)
PENROSE	11	7 (63.64%)	1 (9.09%)	0
RYAN E.	11	6 (54.55%)	0	4 (36.36%)
RYAN S.	11	3 (27.27%)	1 (9.09%)	0
SHATTER	11	0	1 (9.09%)	0
SENATORS DALY	9	5 (55.56%)	0	3 (33.33%)
LANIGAN	9	7 (77.78%)	0	7 (77.78%)
MALONEY	9	8 (88.89%)	0	5 (55.56%)
NORRIS	9	4 (44.44%)	0	4 (44.44%)
TAYLOR- QUINN	9	6 (66.67%)	1 (11.11%)	6 (66.67%)

Table: 10.1 - Attendance at contributions at JCFA during 1993
(Source: Parliamentary Debates - official reports 1993)

In addition to the provision for all members of the Oireachtas to attend committee meetings, the terms of reference also allow for members of the European Parliament (MEP) and of the Council of Europe to attend and participate without the right to vote. Two MEPs, Mary Banotti and Patrick Lalor, each attended one meeting of the committee as did one member of the Irish delegation to the Council of Europe - Austin Deasy. Ms. Banotti, the only one of these to speak, made one contribution.

Deputies were present on 155 occasions out of a possible maximum of 275 -

56.36% [arrived at by counting the number of meetings attended by each deputy and comparing it with the number of deputies (25) and the total number of meetings (11)].

Senators attended a gross total of 32 meetings out of a possible 45 [5 senators x 9 meetings] which equates to 71.11%.

Comparing the attendance (including substitution) rate of government supporters and opposition members the following details emerge:

GOVERNMENT	OPPOSITION
DEPUTIES-----64.24%	DEPUTIES-----60.91%
SENATORS-----74.07%	SENATORS-----61.11%

Table: 10.2 - Comparison in attendance of government and opposition at JCFA during 1993.

Source: Official records

The attendance can be further summarised as follows:

PERCENTAGE OF MEETINGS AT WHICH MEMBERS WERE PRESENT OR SUBSTITUTED	NUMBER OF MEMBERS
100%	2
> 90- < 100%	5
> 80-90%	4
> 70-80%	3
> 60-70%	1
50-60%	7
< 50%	8

Table: 10.3 - Summary of attendance at JCFA during 1993.

Source: Official records

Interventions

The table at APPENDIX X illustrates the number of interventions of members at reported meetings of the joint committee. Excluding the chair, ministers, substitutes and visitors, a total of 404 interventions are recorded at full meetings of the committee and are presented in the following tabular form.

	Government	Opposition
Total percentage of interventions	36.39%	63.61%
Percentage of interventions made by Deputies	23.02%	57.18%
Percentage of interventions made by senators**	13.37%	6.43%
Number of members who made no interventions during 1993	6	2

Table: 10.4 - Analysis of interventions made at JCFA during 1993

Source: Official records

** As indicated above, senators were eligible to attend only nine meetings whereas TDs could attend a maximum of 11.

Estimates

The Select Committee (members of the Dáil only) met on two occasions in 1993 to consider estimates proper to the Department of Foreign Affairs. On 18 June

1993 the committee considered the 'Vote for Foreign Affairs' [Parliamentary Debates, Dáil Eireann, Select Committee on Foreign Affairs [SCFA], Friday, 18 June 1993; FA1, No. 1, Col 3] amounting to £40.417 million [Col 34] and the 'Vote for International Co-operation' totalling £38.8 million [Col 62]. On 16 December, 1993 the select committee was further presented with a supplementary estimate 'of £1,904,000 arising on the International Co-operation Vote' [SCFA, Thursday, 16 December 1993; FA2, No. 5, Col 168].

In addition to the chairman (the late Brian Lenihan) and two ministers, the debate on 18 June 1993 attracted a total of fifteen speakers and lasted for four hours and twenty five minutes. This amounted to a sum of £298,932 per minute of debate or £5.28 million per speaker. The business relating to the supplementary estimate was concluded in one hour with five speakers excluding the chair and minister. This equated to £31,733 per minute and £380,800 per speaker. As indicated in my consideration of the SCLS, these figures are for illustrative purposes only, as a scorecard-type approach would serve little purpose in this study.

Whilst the full range of international matters current at that time tended to be drawn into the debate, members used the occasion to 'consider the effectiveness of Irish foreign policy over the ...[previous] 12 months' [Col 21]. In addition Nora Owen welcomed in particular the large number of officials from the Department of Foreign Affairs present as she hoped

their involvement in this debate will be as useful to them as it will be to us. It is very important that the staff of the Department of Foreign Affairs get an opportunity to interact with parliamentarians, an interaction which was not available prior to the setting up of this committee.

[SCFA, Friday, 18 June 1993; FA1, No. 1, Cols 13 & 14], which underpins the socialisation-enhancing potential of committees as claimed by commentators in chapter four.

Thanking the committee at the conclusion of the debate on the main estimates, the Tanaiste referred to 'input from the committee in relation to decisions made by Irish Ministers and representatives at foreign international bodies and fora'. He confirmed that he welcomed such input by the committee 'in the context of the ongoing development of foreign policy' (Col 104). This constructive and positive attitude was still evident six months later during consideration of the supplementary estimate when the Tanaiste stated that he valued 'the contribution to be made in discussions with the committee in relation to all our [overseas aid] programmes' (SCFA, Thursday, 16 December 1993; FA2, No. 5, Col 188).

Legislation

The only piece of legislation brought before the joint committee in 1993 was the committee stage of the Diplomatic and Consular Officers (Provision of Services) Bill, 1993. The records indicate that 19 deputies (76% of possible Dáil representation) and two senators (40% of possible Seanad representation) were listed as present. Seven TDs (37% of those shown as present) and two senators (100% of those present) contributed to the debate.

Three amendments were proposed and all were withdrawn as the proposer was happy with the minister's response which was to reconsider the matter before

Report Stage in two instances and to refer the remaining issue to the Minister for Justice for early action [SCFA, Thursday, 11 November 1993; FA2, No. 1, Cols 8,9 & 28]. This latter item which related to the great delay in granting Irish citizenship to eligible applicants who had paid the appropriate fees for this service in embassies and missions abroad attracted cross-party support. One deputy [Enda Kenny], supporting an amendment commented that 'one of the values of the committee system ... is highlighted by an issue such as this. The extent and detail of discussion on this amendment would not have been possible during a Committee Stage debate in plenary session' [Col 18]. It transpired that the matter was really the responsibility of another minister and not relevant to the particular piece of legislation under consideration. However the committee mandated the Minister of State at the Department of Foreign Affairs who was "piloting" this Bill through the Oireachtas to 'write to the Minister [for Justice] with the full weight of this committee behind ... [the] suggestion that this matter be dealt with very quickly' [Col 22].

Other activities of the committee

Apart from consideration of the estimates and the single piece of legislation referred to it at Committee Stage, the joint committee engaged in a number of meetings of both the full committee and several meetings of sub-committees relating to the United Nations and the European Community.

A feature of all these meetings was the attendance of many non-parliamentarians with expertise of a number of areas who appeared before the committee [and sub-committees] to brief the members on a large range of issues.

In 1993 the committee debated developments in Liberia, Bosnia and East Timor [14 July 1993]; the Opsahl Report relating to Northern Ireland and "Third World Debt" [22 September 1993]; Somalia and nuclear weapons [20 October 1993]; Angola and Sudan [5 November 1993]; GATT negotiations, South Africa and the Middle East [24 November 1993]; Cambodia and Vietnam [8 December 1993]. In addition the United Nations sub-committee discussed the role of the UN in many parts of the globe and in particular Ireland's participation in UN projects.

A sub-committee dealing with EC affairs was created during this year which studied EC legislation and received submissions from many sources particularly agricultural and trade related (including the former Irish EU Commissioner Ray MacSharry) as the GATT negotiations were of critical importance to Ireland at that time. O'Halpin (1996) records that this latter sub-committee 'was confronted with the familiar problem of an immense backlog of documents to consider - 217.' He adds that the members resolved to adopt a proactive approach and commence business with pending legislation where the members would 'have a meaningful input' (JCFA, 14 July, 1993, Cols 151-64).

Members of the committee formed part of delegations to Brussels, Copenhagen, Israel, Palestine, New York in pursuit of their duties and also heard first-hand reports from witnesses familiar with Angola, South East Asia, Somalia and many other places.

Comment

It might be easy to criticise members of the committee undertaking some of the

foreign trips indicated above. However this aspect of their work must be coupled with the many hours devoted to committees and the then two sub-committees by a relatively small pool of nominated parliamentarians. Most of the members would have had other parliamentary duties to perform in addition to the constituency demands placed upon them. It would be reasonable to assume that there would be little local kudos to be gained from investing huge amounts of energy and interest in some of the issues pursued by the committee and credit must therefore be bestowed upon them for so doing.

In addition to the work outlined above the committee produced a report entitled "Report on the Agricultural Aspects of the General Agreement on Tariffs and Trade" in December 1993. This report was the culmination of a year's work involving consultation with all the relevant interested parties. The joint committee proposed a series of eleven proposals for consideration by the government in relation to this matter.

From a study of the reports of proceedings during the year, it is clear that the committee faced the usual handicaps associated with Oireachtas committees. These include lack of resources including staffing, clashes of parliamentary business and poor media attention. Whilst this committee operated in the main in a less adversarial fashion than other committees I have examined, the instinctive political prejudices surfaced on occasion and the terms of reference, perhaps wisely stifled members' attempts to transfer elements of traditional political interaction to this committee which by and large acted as an information gathering body in 1993, its first year of existence.

CHAPTER 11 - JOINT COMMITTEE ON FOREIGN AFFAIRS - 1994

The committee continued the work began in 1993 in the area of foreign affairs. The members afforded much time to the full committee, the four sub-committees, the bureau, various informal (and unrecorded) meetings, foreign travel in addition to the study of documentation, submissions and briefing notes supplied relating to the issues under discussion. The formal consideration by the Select Committee (members of the Dáil only) of the estimates for the Department of Foreign Affairs and the processing of the committee stage of one piece of legislation was also undertaken. Given that this was not primarily a legislative committee, much attention was devoted to a range of international issues and Irish foreign policy.

Attendance

Official records are available for many of the meetings of the committee and sub-committees. It is clear however from a study of the records that many other informal meetings took place in addition to several instances where the committee decided to consider certain sensitive matters in private session. Examples of this included consideration of security matters in Northern Ireland and some discussions with ambassadors of a number of countries.

My examination of the attendance records of the individual members at meetings of the committee indicate that there were twenty one meetings of the full

committee in 1994. Of these senators were eligible to attend and participate in twenty meetings as the Dáil members had supremacy in financial/estimates matters. Attendances were recorded as follows:-

NAME	TOTAL OF POSSIBLE MEETINGS	NUMBER RECORDED AS PRESENT	NUMBER SUBSTITUTED	NUMBER AT WHICH MEMBER SPOKE
AHERN N.	21	18 [85.71%]	0	1 [4.76%]
BARRETT S.	21	11 [52.38%]	2 [9.52%]	5 [23.81%]
BREE D.	21	17 [80.95%]	0	9 [42.86%]
BRISCOE B.	21	17 [80.95%]	0	11 [52.38%]
COLLINS G.	21	1 [4.76%]	1 [4.76%]	0
CONNOR J.	21	17 [80.95%]	0	17 [80.95%]
COX P.	21 see note	2 [9.52%]	0	2 [9.52%]
DAVERN N.	21	0	1 [4.76%]	0
DE ROSSA P.	21	11 [52.38%]	1 [4.76%]	10 [47.62%]
DURKAN B.	21	16 [76.19%]	1 [4.76%]	12 [57.14%]
ELLIS J.	21	14 [66.67%]	1 [4.76%]	1 [4.76%]
FERRIS M.	21	10 [47.62%]	1 [4.76%]	6 [28.57%]
GALLAGHER P. [L/O]	21	13 [61.90%]	1 [4.76%]	10 [47.62%]
HOGAN P.	21	5 [23.81%]	2 [9.52%]	1 [4.76%]
LAWLOR L.	21	3 [14.29%]	2 [9.52%]	1 [4.76%]
LENIHAN B.	21	13 [61.90%]	1 [4.76%]	CHAIR
LOWRY M.	21	7 [33.33%]	1 [4.76%]	0
McDOWELL M.	21	6 [28.57%]	2 [9.52%]	5 [23.81%]

MORLEY P. J.	21	13 (61.90%)	1 (4.76%)	0
O'HANLON R.	21	15 (71.43%)	1 (4.76%)	9 (42.86%)
O'KEEFE J.	21	14 (66.67%)	3 (14.29%)	10 (47.62%)
OWEN N.	21	17 (80.95%)	2 (9.52%)	17 (80.95%)
PENROSE W.	21	10 (47.62%)	0	0
RYAN E.	21	10 (47.62%)	0	1 (4.76%)
RYAN S.	21	8 (38.10%)	0	0
SENATORS DALY B.	20	15 (75%)	0	4 (20%)
LANIGAN M.	20	16 (80%)	0	12 (60%)
MALONEY S.	20	13 (65%)	1 (5%)	3 (15%)
NORRIS D.	20	13 (65%)	1 (5%)	10 (50%)
TAYLOR-QUINN M.	20	15 (75%)	0	10 (50%)

Table: 11.1 - Attendance and contributions by members at JCFA during 1994

Source: Parliamentary debates - official records.

Note -in the course of the year Deputy Pat Cox resigned as a member of Dáil Eireann following his election to the European parliament. He was replaced mid-year by Des O'Malley.

The attendance rate can be summarised as follows:

Percentage of meetings at which members attended or were substituted	Number of members	Comparison with 1993
100%	-	-2
> 90 < 100%	1	-4
> 80 -90%	6	+ 2
> 70 -80%	5	+ 2
> 60 -70%	6	+ 5
50 -60%	2	-5
< 50%	10	+ 2

Table: 11.2 - Summary of attendance at reported meetings of JCFA during 1994

Source: Official records

The table shows a decrease in the higher level of attendance in this second year compared to year one.

Members of the Dáil recorded a 51.05% attendance rate [arrived at by multiplying the number of deputies (25) by the number of possible meetings (21) and comparing the result to the actual total of attendances by members], whilst senators managed a 72% rate.

Government supporters (Fianna Fáil and Labour) registered a 54.93% attendance rate as compared to opposition members with a 53.6% record.

It should be stressed that these figures above refer only to the meetings of the full committee during the year and attendance at other sub-committee meetings, private sessions and bureau meetings are not included.

An examination of the list of those who attended committee meetings during the year indicates that a number of the Irish members of both the European parliament (MEPs) and the parliamentary assembly of the Council of Europe

availed of their right to attend and participate (without voting rights) at meetings of the committee. The following MEPs attended at least once during 1994 - Cooney, Lalor, Hume, McKenna, Killilea and Ahern (Nuala). Other MEPs - Andrews, Fitzsimons and Pat the Cope Gallagher attended some of the sub-committee meetings relating to EC legislation throughout the year notwithstanding the reference made to the difficulties imposed on MEPs in attending Irish parliamentary meetings during the week when the European parliament was in session (Parliamentary Debates, Joint Committee on Foreign Affairs [JCFA], Wednesday, 2 November 1994; Vol. FA4, No.8; Col 209). Members of the Irish delegation to the parliamentary assembly of the Council of Europe who attended meetings included Mattie Brennan, Michael Kitt and Austin Deasy.

Participation

The table at APPENDIX XI illustrates the number of interventions by individual members at full meetings of the committee.

Excluding the interventions of substitutes, visitors and the chair (Linehan, Owen and O'Hanlon) there were a total of 488 contributions to the full meetings of the committee during the year. The government parties - Fianna Fáil and Labour - can be credited with 144 interventions (29.5%) and the combined opposition with 344 (70.5%).

The above data can be summarised as follows

	GOVERNMENT	OPPOSITION
MEMBERSHIP	60%	40%
ATTENDANCE	54.93%	53.6%
PARTICIPATION	29.5%	70.5%
MEMBERS WITH NO CONTRIBUTIONS RECORDED IN 1994	5	0
PARTICIPATION BY SENATORS ONLY	8.8%	8.8%

Table: 11.3 - Summary of participation at reported meetings of the JCFA, 1994.

Source: Official records

Estimates

The Select committee examined the estimates for the Department of Foreign Affairs on 12 May, 1994. Amounts of £41,018,000 for the office of the Minister for Foreign Affairs and £57,797,000 for international co-operation were required for the year ending 31 December, 1994 [1994 revised estimates for Public Services, pp. 184-188]. Thus the grand total for the estimate relating to this department and which was considered by the Select committee was £98,815,000. The debate which lasted for four hours and twenty five minutes attracted a total of seven speakers [three government and four opposition] excluding the chair and attending ministers. A total of seventy interventions were recorded during the debate of which the government members made seven (10%) and the opposition 63 (90%). This study of the estimates by the committee indicates that a sum of £372,887 per minute of debate and £14,116,428 per speaker was approved.

The Tánaiste [who was also Minister for Foreign Affairs] in his statement to the committee referred to the key role of the committee which had 'helped to ensure

that important foreign policy issues receive[d] the attention and informed debate they deserve[d] (SCFA, Thursday, 12 May 1994, Vol. FA3, No. 17, Col 592). The debate ranged over the expected variety of international matters and were in the main non-controversial. Speaking for the Progressive Democrats, Michael McDowell was complimentary of the committee and the manner of its chairing

This committee is the one which is least divided on party lines, the most constructive in its procedures and the most open to participation by all of its members. The manner in which the committee functions is a model for other committees of the Oireachtas ... [we] welcome the openness and success with which its activities have been met in the various fields it has investigated

(SCFA, Thursday, 12 May 1994, Vol. FA3, No. 17, Col 604).

This speaker however went on to deplore the fact that at that time there was no examination of any delegated European legislation as envisaged would be the case when the committee was initially established. [This defect was rectified later in the year when a sub-committee commenced work in this area.]

Legislation

As indicated above the committee considered and completed the committee stage of just one piece of legislation during 1994. The European Communities (Amendment) Bill, 1994 related to matters pertaining to the then enlargement of the EU through the accession of Austria, Finland, Sweden and (as then anticipated) Norway.

Sub-committees

Much of the detailed work fell to the sub-committees created to consider areas of

concern to the committee. There were four such sub-committees - Northern Ireland chaired by Jim O'Keefe, Development Co-operation chaired by Pat Gallagher [Laois/Offaly], European legislation chaired by Rory O'Hanlon and United Nations chaired by Nora Owen. Those records that are available indicate that these sub-committees met on five, ten, two and two occasions respectively. A feature of these sub-committees which struck me on perusal of the official records was the dedication of the small band of legislators, particularly the chairpersons to the allotted tasks and subject areas. The interest and commitment of members evident from the debates would appear to be far superior to that observed in either other committees or plenary sessions of either house. This, I conclude must stem from the non-adversarial nature of the business of the sub-committees coupled with the apparent interest of members in their deliberations.

The sub-committees scored a number of "firsts" during 1994. The British ambassador's appearance before the Northern Ireland sub-committee was described as 'historic' by many members as it was 'the first time a British Ambassador has spoken to the Oireachtas or a committee thereof' (JCFA, Wednesday, 13 April 1994, Vol. FA3, No. 13, Cols 431,463,472). This same sub-committee afforded John Hume 'the first formal opportunity ... to talk to a committee of ... [a] House' (JCFA, Friday, 1 July 1994, Vol. FA3, No. 21, Col 849).

The sub-committees discussed a number of issues and received many visitors from overseas and Ireland to discuss matters of interest. These included Department of Foreign Affairs personnel who briefed members extensively, in private on many occasions, on the current issues under consideration. Many

activists working in the area of third world development appeared before both the Development and UN sub-committees whilst the Northern Ireland sub-committee met with a range of political leaders from a number of parties in Northern Ireland to discuss matters of mutual interest.

Activities of the full committee

The committee considered a number of matters and received many witnesses from a wide range of organisations. In many case deliberations by the committee resulted in resolutions being forwarded to the Department of Foreign Affairs and the cabinet. Reports were also published by the committee relating to third world debt (April) and the enlargement of the European Union (September), both of which contained several succinct recommendations. These reports were the culmination of work undertaken by the committee, with the support of a consultant in the latter case, and followed the receipt of contributions from a range of interested and qualified contributors in the fields under examination. Other subjects considered by the committee were the Opsahl report (relating to Northern Ireland), events in Hungary, European security developments, European ethnic conflicts, political developments in Northern Ireland, Former Yugoslavia, Cuba, Austrian accession to the EU, EU affairs, US foreign policy, Rwanda, Burundi, developments in Poland, Pakistan, Mozambique, East Timor, Portuguese matters, American/Cuba relations, bombings in Tel Aviv and the white paper on foreign policy. I list these subjects in order to illustrate the great breadth of expertise required to be possessed by members in order to manage the consideration of each of the above matters in a professional and productive

manner.

As indicated above, the committee regularly forwarded resolutions to ministers concerning items considered. In addition the committee made submissions to the Minister for Foreign Affairs during the receipt of submissions relating to the then forthcoming white paper on foreign policy (Department of Foreign Affairs, 1996, p.342).

A clash with the government was observed over the matter of the Cuban embargo. The committee had devoted some considerable time to hearing evidence from both the American authorities, when officials from the US embassy attended to explain and defend US policy 'for which there ... little support on this committee' (JCFA, Wednesday, 12 October 1994, Vol. FA4, No. 6, Col 174) and the Cuban ambassador to the UK (JCFA, Wednesday, 19 October 1994, Vol. FA4, No. 7, Col 180). The committee had 'recommended that Ireland vote in favour of the motion to withdraw the embargo' when a motion relating to Cuba was being considered at the UN in November, 1994 (JCFA, Wednesday, 23 November 1994, Vol. FA4, No.10, Col 300). Members had given careful consideration to the issues involved, heard both sides and engaged in long and detailed discussion of the pros and cons of the matter before issuing their unanimous recommendation outlined above (Cols 300, 301 & 302).

It transpired that Ireland abstained on the motion at the UN and this drew the anger of the committee. One deputy, Jim O'Keefe of Fine Gael, recorded his 'disappointment that the recommendation, the first of its kind since the formation of the committee, was not acted on by the Government' (Col 301). Other

members also expressed their anger at the situation and the potential damage this could cause to the relevance of Oireachtas committees. This was stated by the acting chair - Nora Owen when she stated:

My biggest disappointment on this matter is in respect of these committees and their efficacy, and in respect of the importance of all of us working together as multi-party committees where we reach this kind of unanimous decision ... we hope that whoever is Minister for Foreign Affairs ... will be prepared as far as possible to listen to a properly elected committee of the two Houses of the Oireachtas

(JCFA, Wednesday, 23 November 1994, Vol. FA4, No.10, Col 304).

The unsatisfactory situation as far as the committee was concerned drew the following caustic comments from Declan Bree of the Labour party (which at that stage had just pulled out of government with Fianna Fáil):

the views of the Joint Committee have been treated with contempt by the outgoing Cabinet. In the light of this débacle, we must ask what is the future role of the Joint Committee.

(Col 305)

The committee resolved to write to the Minister for Foreign Affairs to convey their disappointment in the matter.

This episode would appear to illustrate the fact that regardless of the stated views (in this case unanimous) of a committee of the legislature, the harsh reality remained that a final decision in the matter, taken by the executive, was in contrast to the wishes of the committee. This tends to confirm that the real power in these instances lies with the executive and not the legislators.

The disappointment felt by the committee members at the action of the government in ignoring their views in relation to Cuba was perhaps

understandable given their somewhat inflated sense of their role. Throughout the debates during 1994 references were made to the perceived relationship with the government. It may be that the committee "overstepped the mark" in assuming that their will would prevail. There were occasions where members had misgivings concerning certain aspects of government performance and wished to voice their concerns as instanced by a wish to discuss 'recent speeches of the Tánaiste and the Taoiseach on the security aspects of European Union and policy in respect of that' (JCFA, Thursday, 20 January 1994, Vol. FA3, No.2, Col 91). Although ministers who appeared before the committee undertook to consider members' views, the commitment, in the main, was to convey views expressed by the committee to the relevant ministers (JCFA, Wednesday, 27 July 1994, Vol. FA3, No.24, Col 1007). Certainly the committee appeared to accept on many occasions that the correct avenue for it was 'to report formally ... to the Houses of the Oireachtas and the Ministers for ... ' (JCFA, Thursday, 1 February 1994, Vol. FA3, No.3, Col 103) when seeking urgent action on third world debt and later when discussing the Rwandan crisis and appreciating the urgency of the matter, it agreed to pass its resolution 'to the Tánaiste' presumably for action (JCFA, Wednesday, 25 May 1994, Vol. FA3, No.18, Col 703). The committee was of the belief that it had some influence with the government and examples of how it proposed to exercise it were evident during a sub-committee debate on 1 February, 1994 when Deputy Ferris seemed to advance the notion of an 'opinion of the Oireachtas as opposed to the Government's opinion' (Col 119) and implied that this could then be used to pressure ministers into a course of action favoured by the committee. In a similar vein Nora Owen asserted (whilst chairing a meeting of the sub-committee on the United Nations) that pressure 'from this committee would ensure' that a convention on land mines 'would be ratified in

the next Dáil session' (JCFA, Wednesday, 6 July 1994, Vol. FA3, No.22, Col 910).

This apparent flexing of the legislature's muscles was vividly illustrated by the same deputy at another meeting when, introducing the President of the European Affairs committee of the Portuguese parliament, she alluded to a recently enacted Portuguese 'law which will require ministers to come to the parliament before decisions are made at [European] council meetings. That does not happen here, but members have suggested it ... Did your committee ... stress the need for that legislation' (JCFA, Friday, 7 October 1994, Vol. FA4, No.5, Col 118).

Observations on committee activities during 1994

A feature of the work of this committee was the extensive amount of foreign travel undertaken by its members. Reference was made in the official records of 1994 to travel to Lebanon, Somalia, South Africa, Athens, New York, Cyprus, Cairo, Brussels, China, Bonn, Washington, Paris, Lisbon and also to meetings of the Western European Union. From a study of the committee proceedings, it is clear that this travel together with a wide range of "good briefing" supplied by officials and witnesses (Cols 108,684) contributed to a professional understanding of the issues by the members and was clearly of benefit to those members anxious to increase their expertise in selected foreign affairs matters. In addition there would appear to be an element of feedback from these visits to Department of Foreign Affairs officials - an example of which was a request by that department to 'arrange a debriefing of the people who were in South Africa for the elections' (JCFA, Wednesday, 11 May 1994, Vol. FA3, No.16, Col 568). On a more mundane yet practical level the nomination of Senator Brendan Daly to

attend a pan-European transport conference drew laughter at a meeting of the committee on 2 February, 1994 causing the acting chairman to comment by way of explanation to a visiting Hungarian delegation:

I do not know whether you understood the slight air of laughter there, but Senator Daly has been recommended to attend a conference abroad and his colleague from a different party in his constituency was very willing to let him go and leave her free to work the constituency. I am sure that as politicians you will understand the dynamics of that.

[JCFA, Wednesday, 2 February 1994, Vol. FA3, No.4, Col 132]

This served as a reminder that in the midst of worthy debates on international topics, the "bread and butter" politics is never far below the surface.

The committee continued to be dogged by the ongoing handicap of inferior resources [Cols 3, 622], pressure of other parliamentary business leading to time restrictions [Col 106] and difficulties on occasion with the formation of a quorum to conduct business and the usual plethora of housekeeping problems. A classic example of the above was highlighted by Pat Gallagher of Laois/Offaly when pressing the need for an early decision in order to influence a particular matter referred to a sub-committee which had finalised a report on GATT too late as 'the decisions [in relation to GATT] had [already] been taken' (JCFA, Tuesday, 1 February 1994, Vol. FA3, No.3, Col 119).

On a more positive note the committee engaged in much dialogue which can only have proved educational for its members, witnesses and attending officials. The non-adversarial, somewhat consensual approach adopted by members [which mirrors the expectations highlighted in the discussion in chapter four] was rarely shaken except for hints of disagreements over issues such as neutrality, an example of which can be found in the exchanges between Deputy Nora Owen and

Senator Michael Lanigan during a debate on European security developments (JCFA, 9 February 1994, FA3, No.6, Cols 225/6). The attendance of a range of contributors with contrasting views on matters such as Northern Ireland, Cuba and the EU continued to be a useful forum for legislators to hear and advance ideas thereby helping members get another perspective on issues other than the officially advanced position and aided the maturing and independently forming process of Irish foreign policy consideration by the legislature albeit with the occasional painful reminder of the seat of real power. Thus the year's work should be viewed as a segment of the evolving role of the Oireachtas in Irish public affairs.

CHAPTER 12 -JOINT COMMITTEE ON FOREIGN AFFAIRS 1995 AND 1996

1995 witnessed the fallout following the change of government as a result of the collapse of the Reynolds administration in late 1994. With the consequent changes in Oireachtas operations the committee had but one formal meeting with its original composition, terms of reference and chairman before changes in personnel were organised by the new regime in Leinster House.

New terms of reference were approved by the Dáil (Dáil Debates, Thursday 9 March 1995, Vol. 450, No. 4, Cols 772-792) and by the Seanad (Seanad Debates, Monday 13 March 1995, Vol. 142, No. 7, Cols 789-794). This had the effect of altering the membership composition of the joint committee to twenty one deputies (previously twenty five) and ten senators (previously five). These changes can be seen as a consequence to the oft repeated complaints that deputies were overstretched in attempting to service so many committees and a view that senators had been under represented on joint committees in the past.

The committees of selection of both Houses nominated the various members to the committee on 10 March 1995 (Dáil Debates, Friday 10 March 1995, Vol. 450, No. 5, Col 1077), 13 March 1995 (Seanad Debates, Monday 13 March 1995, Vol. 142, No. 7, Col 956) and 14 March 1995. Amendments to the membership occurred later in the year following the deaths of Deputies Lenihan and Blaney.

The newly constituted committee met for the first time on 15 March 1995 and

elected a government backbencher, Alan Dukes as chairman and an opposition deputy, Ray Burke as vice-chairman (JCFA, Wednesday 15 March 1995, FA5, No. 2, Cols 67 & 68).

Attendance

Following a decision by the administration in Leinster House, with the concurrence of the committee, to cease publication of the official records of committee meetings (apart from the processing of legislation and consideration of estimates) on the grounds that this practice was not "cost effective"¹, it has proven impossible to establish a realistic record of attendance by the members. A total of nine records were published in 1995 (one of which related to the outgoing committee and one solely devoted to an address by the President of the Republic of Hungary) and three in 1996. However, notwithstanding the lack of adequate information coupled with the failure of the committee to publish annual reports² containing these details, I propose to outline such attendance records as are available for 1995 and 1996 purely for the sake of consistency in my methodology.

In 1995 one final meeting of the "first" JCFA was held on 19 January with the following attendance and contributions outlined in the table on the following page:

¹ Discussion with committee secretariat - Leinster House

² as 1 above

Name	Present	Substituted	Number of interventions
Ahern N.	P		
Barrett S.		S	
Bree D.		S	
Briscoe B.	P		3
Collins G.			
Connor J.	P		7
Cox P.			
Davern N.			
De Rossa P.		S	
Durkan B.		S	
Ellis J.	P		8
Ferris M.			
Gallagher P. (L/O)	P		4
Hogan P.			
Lawlor L.			
Lenihan B.	P		Chair
Lowry M.			
McDowell M.			
Morley P.J.			
O'Hanlon R.	P		1
O'Keefe J.	P		
Owen N.		S	
Penrose W.	P		
Ryan E.			
Ryan S.			
Senators Daly B.	P		1
Lanigan M.	P		12
Maloney S.	P		4
Norris D.	P		5

Taylor-Quinn M.	P		11
<i>Costello J.</i>			1
<i>Lynch K.</i>			3

Table: 12.1 - Record of attendance and interventions at final meeting of the first JCFA, 19 January 1995.

Note - (i) the many substitutes above arose in the main from the appointment of members as ministers and ministers of state following the change of government and to which I referred earlier during the discussion on the role of parliament as an educator of members and (ii) the names in italics contributed to the meeting as substitutes.

The remaining records of the proceedings of six joint and one select committee meetings in 1995 and the three reported meetings of the select committee in 1996 reveal the following attendances and contributions:

Name	Maximum	Present	Substituted	Number at which contributed
Ahearn T.	10	6 (60%)	1 (10%)	1 (10%)
Blaney N. ³	10	4 (40%)	0	3 (30%)
Bree D.	10	9 (90%)	0	4 (40%)
Briscoe B.	10	9 (90%)	1 (10%)	7 (70%)
Burke R.	10	9 (90%)	0	8 (80%)
Connolly G.	10	7 (70%)	0	2 (20%)
Connor J.	10	6 (60%)	0	5 (50%)
Deasy A.	10	7 (70%)	0	4 (40%)
Dukes A.	10 ⁴	9 (90%)	1 (10%)	Chair
Ferris M.	10	8 (80%)	1 (10%)	6 (60%)
Gallagher P. [L/O]	10	9 (90%)	1 (10%)	7 (70%)
Kitt M.	10	7 (70%)	0	4 (40%)

³ Deceased in November 1995 and replaced by T. Gregory

⁴ Resigned December 1996

Lenihan B. ⁵	10	5 (50%)	1 (10%)	3 (30%)
McDaid J.	10	4 (40%)	2 (20%)	0
Morley P. J.	10	7 (70%)	0	0
Mulvihill J. ⁶	10	8 (80%)	0	2 (20%)
O'Hanlon R.	10	6 (60%)	0	3 (30%)
O'Keefe J.	10	8 (80%)	0	6 (60%)
O'Malley D.	10	7 (70%)	0	2 (20%)
Penrose W.	10	8 (80%)	0	3 (30%)
Shatter A.	10	6 (60%)	0	3 (30%)
Senators Daly B.	6	5 (83.33%)	0	2 (33.33%)
Enright T.	6	4 (66.67%)	0	2 (33.33%)
Gallagher A.	6	2 (33.33%)	1 (16.67%)	1 (16.67%)
Howard M.	6	4 (66.67%)	0	3 (50%)
Lanigan M.	6	4 (66.67%)	2 (33.33%)	4 (66.67%)
Maloney S.	6	4 (66.67%)	0	2 (33.33%)
Mooney P.	6	4 (66.67%)	1 (16.67%)	2 (33.33%)
Norris D.	6	4 (66.67%)	0	4 (66.67%)
O'Kennedy M.	6	6 (100%)	0	5 (83.33%)
Taylor-Quinn M.	6	6 (100%)	0	5 (83.33%)

Table:12.2 - Attendance and contributions of reported meetings of new SCFA and JCFA 1995 and 1996.

The above attendance (including substitution) can be summarised as follows:

⁵ Deceased in November 1995 and replaced by B. Cowen (not on record)

⁶ Discharged and replaced by E. Walsh on 6/4/95

Percentage of meetings at which members attended or were substituted	Number of members
100%	6
> 90 - < 100%	-
> 80 - 90%	5
> 70 - 80%	3
> 60 - 70%	10
50 - 60%	6
< 50%	1

Table: 12.3 - Summary of attendance at reported meetings of SCFA and JCFA during 1995 and 1996.

Source: Official records

Insofar as these represent a snapshot of the attendance pattern of members at meetings of the JCFA during 1995 and 1996 and assuming that they were reciprocated at other unreported meetings during that period, they present a favourable attendance rate. The figures indicate a 75.56 per cent attendance rate overall including a 74.76 per cent attendance by TDs and 78.33 per cent attendance from senators. The government supporters recorded a 77.86 per cent attendance whilst the opposition members are credited with a 73.08 per cent overall attendance. During this period one MEP (Patricia McKenna) attended twice and one delegate to the Council of Europe (Mattie Brennan) paid one visit to the committee. It should be remembered that others may have attended meetings of sub-committees or other unreported meetings during this period.

Interventions

The table at Appendix XII indicates the number of interventions by all speakers excluding the chairs and ministers for those published records of meetings.

Estimates

Given that the authorities were obliged to publish the proceedings considering departmental estimates, it is possible to comment on the committee's consideration of same in both 1995 and 1996.

The 1995 estimates were examined by the select committee (deputies only) on 7 June, 1995. The two votes relating to this committee. Foreign Affairs and International Co-operation amounted to £121,238 million [1996 Revised Estimates for the Public Service, p.ix]. The debate lasted for a period of four hours and thirty minutes and attracted a total of ten speakers apart from the chairman and attending ministers and twenty three interventions. This pans out at £449,030 per minute, £12,123,800 per speaker and £5,271,217 per intervention.

The 1996 estimates were considered on 15 and 16 May 1996 with a supplementary estimate examined on 4 December, 1996. The total amount of both votes considered by the committee was £143,765,000 [1996 Revised Estimates for the Public Service, pp. 189 & 193] and [SCFA, Wednesday 4 December 1996, FA7, No. 1, Col 3]. Excluding the chair and relevant ministers the debate on the principal estimates drew eight speakers and eighteen interventions which equals £17,845,625 per speaker, £7,931,389 per intervention and £634,511 per minute of debate as the total time allocated to this task was three hours and forty five minutes [SCFA, Wednesday 15 May 1996, FA6, No. 1] and [SCFA, Thursday 16 May 1996, FA6, No. 2].

Members' Role

The Tánaiste in his contribution to one of the reported sessions of the committee continued to praise the work of the members and their input into the examination of Irish foreign policy. He described their work as 'a welcome contribution' to the informed and inclusive debate on issues and saw the committee with 'a vital role' in the harnessing of public confidence and support for future Irish policy (JCFA, 7 June 1995, FA5, No. 9, Cols 313 & 317) [which it could be argued is one of the functions of parliament- referred to by Bagehot in the literature as its 'teaching function']. This, if brought to its logical conclusion, would correspond, to a certain extent, with the policy-influencing function of parliament outlined in chapter one.

It is clear from the limited published record of proceedings that the committee saw as part of its role the acquisition of knowledge and information concerning matters falling within its brief prior to the submission of reports and recommendations to the Oireachtas and government. Quite a lot of time was devoted by the committee to hearing witnesses and being informed about a range of matters. One deputy (John Connor) was of the view that this committee was well served by the appearance of 'eye witnesses to certain events in the world' (JCFA, Wednesday 15 March 1995, FA5, No. 2, Col 72). Being 'informed about ... situations' was deemed to be 'a vital part of our work as members of the Oireachtas' according to the chairman (JCFA, Wednesday 3 May 1995, FA5, No. 8, Col 300). This same speaker described its work as 'a Joint Committee on Foreign Affairs which wishes to inform itself as closely as possible on all of the relevant factors on ... issue[s]' (JCFA, Tuesday 28 March 1995, FA5, No. 4, Col

164) before coming to conclusions.

One way of increasing knowledge about issues in different regions in the world was to travel to the areas concerned. The records indicate that some members visited Paris, Russia, Taiwan, Tanzania, Uganda and Rwanda with a visit to Nigeria banned by the authorities there. It is likely that other foreign journeys were undertaken by members in 1995 and 1996. These journeys were defended by the committee, one member of which (Ben Briscoe) stated 'we are not going on junkets: we are going out to inform ourselves and to be informed so that we can make worthwhile contributions' (JCFA, Wednesday 7 June 1995, FA5, No. 9, Col 352).

In addition to travelling to key regions of the world and interviewing witnesses, or receiving submissions, the primary source of information for members was to be found in the briefing documentation supplied in the main by the Department of Foreign Affairs. This briefing was usually gratefully received by the members being described quite often as "very good", "up to date" and "excellent". One deputy, Alan Shatter, linked his cross-examination of officials supplying briefing with the declaration of his view of the committee's role as 'trying to make a constructive contribution to the development of foreign policy, which is something the Dáil and Seanad was never able to do until ... [the creation of] a committee of this nature' (JCFA, Wednesday 7 June 1995, FA5, No. 9, Col 346). [It will be recalled from chapter one that this is also one of the stated purposes of a parliament - development/formation/enunciation of public policy]

Observations

If the executive wished to show proof of its declared support for parliamentary

committees, one tangible method of so doing would be the provision of sufficient resources to committees to function effectively. Once again in 1995 and 1996 the familiar spectacle of committees complaining about the provision of inadequate resources by the authorities was repeated. Given the international context of much of this committee's work and the claim by the chairman (which was challenged) that this committee 'is the primary committee in these areas and should be catered for properly, at the expense of other committees if necessary' (JCFA, Wednesday 5 April 1995, FA5, No. 5, Col 167), the persistent problem of providing sufficient staff, facilities and budget continued to be raised at meetings.

The clash of other aspects of parliamentary business with sittings of this committee continued to be an obstacle to the full participation by all members in the operations and deliberations of the committee. The somewhat farcical situation of the committee adjourning in order that other committees could use the same room might have appeared amusing to some visitors but was hardly appropriate to professional legislators in 1995. (JCFA, Tuesday 28 March 1995, FA5, No. 4, Cols 149 & 159). The productive participation by members of the European parliament continued to be thwarted by unsuitable times of committee meetings (from the MEPs' point of view) (Cols 83 & 293). Instances of members leaving for parliamentary questions (Col 131), a ban by the chief whip on any committee meetings during the plenary sessions of the Dáil considering the Finance Bill (Col 293) and a plethora of parliamentary engagements were among the difficulties encountered by members. It frequently proved impossible for representatives of small parties and the independents to attend meetings and their colleagues were not slow to comment on this. This problem seemed magnified after the change of government when a substitute from any of the

government parties could attend in place of another government backbencher irrespective of the party of the absent member. The dilemma faced by parliamentarians was highlighted by Ray Burke on the occasion of the appointment of sub-committees when he stated:

I am dubious about having too many subcommittees. We now have 17 or 18 committees and these, with parliamentary duties and party and front bench meetings, mean that the demands on 166 members will be intolerable.

[JCFA, Wednesday 15 March 1995, FA5, No. 2, Col 72]

Senators

The role of senators in the committee was very positive. All of the senator members contributed to the debates and senators formed part of delegations travelling abroad. Their attendance record, insofar as it can be established, was praiseworthy. Senators on occasion were subjected to some bizarre comment and treatment such as an observation by a chair on one occasion that two senators share speaking time when all deputies had not been so restricted, or a somewhat patronising remark that a senator's contribution to a debate showed that there was no shortage of knowledge on a particular subject amongst senate nominees to the committee.

Senator David Norris had on a number of occasions requested permission to attend meetings of the select committee (Dáil members only). Whilst there were constitutional reasons why senators could not participate in such meetings, the response from the chair that the senator 'would probably be more comfortable observing on the monitor' [JCFA, Wednesday 15 March 1995, FA5, No. 2, Col 74] bordered on the insulting.

For some strange reason the proceedings of select committees were televised in Leinster House 'but not joint committees which comprise Members of both

Houses' (Col 76). This could be deemed to be discourteous to senators and their parliamentary role.

The conduct of the chair

The occupier of the chair of this and similar non-legislation dominated committees was considered free to participate in debates, ask questions and generally play an active, full role in proceedings. The previous chair - Brian Lenihan - with substitution by Nora Owen and Rory O'Hanlon frequently aired views and sought information from witnesses. However their tenure did not appear to generate antagonism between the chair and members as did that of Alan Dukes. The reports of 1995 contain instances of the chair clashing with members, many of which from a perusal of the records arose from Deputy Dukes occasional abrasive style and tendency to utter caustic comments which offended some members. Dotted throughout the debates can be found charges against the chair of being 'condescending', of wishing 'to score points', of making comments that were 'totally unnecessary and invalid ... deviant'. The frustration of one senator member with the chair led him to ask 'Do you know anything about chairing meetings? Presumably, you do not.' (JCFA, Tuesday 28 March 1995, FA5, No. 4, Col 149). It may well be that some of this unpleasantness arose from purely standard political interaction and was a byproduct of the change in administration in Leinster House and the subsequent loss of positions by Fianna Fáil.

In late 1996 Alan Dukes resigned as chairman consequent upon his appointment to the cabinet following the resignation of Michael Lowry. His successor was Alan

Shatter [JCFA, Wednesday 4 December 1996, FA7, No. 1, Col 3].

Conclusion

1995 and 1996 continued the work began by the previous committee in many areas of foreign affairs. As mentioned above it is difficult to comment comprehensively on the activities of the committee due to the absence of published records. It is clear from reports that were published, such as the Report on European Union Security and Defence (pp.2 & 3) that much discussion of issues took place, often of necessity in private. Other reports published in 1995 related to the situation in Rwanda and Tibet together with a revised report on third world debt.

Clearly most of the general population would be unfamiliar with this aspect of Irish parliamentarians' work. The acknowledgement by the then minister of state, Joan Burton, during consideration of the estimates for international development, of the 'personal commitment' of members to the question of overseas development [JCFA, Thursday 16 May 1996, FA6, No. 2, Col 63] is perhaps all the recognition they will receive. [Indeed some of the most active members in this field were later to suffer at the polls in 1997 - Pat Gallagher of Laois/Offaly and John Connor - two of the most committed members to the plight of the third world were to lose their seats together with Declan Bree and Eamonn Walsh. Clearly their involvement in this committee cannot be solely blamed for their defeat but membership of a more media friendly, Irish focused committee might have aided their political fortunes.]

CHAPTER 13 - SUMMARY AND CONCLUSIONS

Introduction

As both the overview of committees presented in chapter five and the case studies relating to the SCLS and the JCFA clearly indicate, the employment by Ireland of parliamentary committees is consistent with similar-type procedures found in other legislatures throughout the world as the comments of Laundry [1989] in chapter four clearly illustrate and furthermore, an examination of their track record can be said, in the main, to suggest a performance that complies with his assertion regarding the positive contribution that such committees make to parliaments globally. Given the historical background to their use by the Oireachtas in the past and mindful of the comments of Arkins [1990] and others of earlier experiments in this field, it was to be expected that Oireachtas committees would not yet have reached the same degree of maturity as found in many other parliaments. There is evidence, however, that exposure to similar type arrangements in inter-parliamentary contacts and the European parliament has contributed to the actual as distinct from cosmetic development of their use in Ireland. The tight party political grip on committee operations, however, serves to stifle the potential that such committees possess when compared to some of their counterparts abroad.

In this chapter I intend to comment upon the operations of the two committees that I studied in chapters six to twelve, identifying links and comparisons with the secondary literature reviewed in the earlier chapters, highlighting trends over the four years including the change over time, where possible, in the views of the

Oireachtas members.

In addition I will comment on how the committees impacted on the ability of the Oireachtas to carry out the many tasks associated with parliaments which were discussed in detail in chapter one and the effects the creation of these committees had on Oireachtas members and their role within parliament.

General conclusions

These committees came into being in a spirit of some enthusiasm from members coupled with some generous concessions from government which hitherto had been reluctant to permit parliament such freedom. Review of the Oireachtas debates on the formation of the committees shows that members were, in the main, positive in their approach to their formation although there was also evidence of scepticism from some speakers. There is some evidence of the intention of both the government and political parties to treat the committees seriously, manifested both by the calibre of members nominated to the JCFA [O'Halpin, 1996] and the declaration by the Minister of State at the Department of Foreign Affairs [Seanad debates, 13 May 1993, Col 377] that the government intended to listen to the views of the (JCFA) committee and take it seriously.

Increase in power of parliament

The fact that, for the first time, a coalition government involving both Fianna Fáil and Labour together was formed with the latter Party's apparent greater eagerness for reform a factor in negotiations on the government formation [which

is clear from the debates referred to in earlier chapters and comments such as those of O'Halpin [1996] on the new JCFA] was instrumental in their creation. The often repeated calls by members of the Oireachtas for effective legislative committees to enhance their role as legislators [harking back at least to the Desmond paper on the subject referred to in chapter three] and in particular for the Joint/Select Committee on Foreign Affairs ("a long time coming") bore fruit on the formation of the coalition government and gives some credence to and corresponds with Mezey's [1979] and others assertion, discussed in chapter one, that coalition arrangements are more likely to lead to a modest increase in power for legislatures than is the case in a strong single party government such as witnessed by allegedly anti-committee Fianna Fáil governments (Arkins, 1990) of the recent past. The subsequent enhancing amendments sponsored by the three party rainbow coalition in 1995, which culminated [as seen in the review of parliamentary debates on the matter and in particular the consideration of the SCLS following the change of government and detailed in chapter eight] in revised terms of reference for committees, gives further evidence of this feature.

Related to this point is the assertion by many authors such as Shaw [1979], Arter [1990], Olson and Norton [1996], referred to earlier, writing about parliamentary affairs that the earlier in the legislative process that a committee is empowered to act on a given project or proposal, the greater the opportunity for that committee to exert real influence on the matter. As was seen in the consideration of related literature, in many parliaments bills are referred to committees before the second reading in plenary, a practice unknown in Ireland until the Refugees Bill was referred to the SCLS prior to second reading in the Dáil (SCLS, 27 September 1994; L3, No.1) and this small step for meaningful parliamentary input into

legislation was commented upon further in chapter seven. Furthermore the second draft of the bill (which had been withdrawn upon the change of government) considered by the committee in 1996 (SCLS, 30 January 1996; L6, No. 1) reflected some of the concerns of members as expressed during the earlier aborted committee stage. This was a solid move as it gave impetus to the committee to continue detailed work on the subject and signalled to it that its consideration of legislation was taken into account. Further positive strengthening moves included the acceptance by the government of a selection of opposition amendments, examples of which can be found in chapters six to nine, the acknowledgement by the Fianna Fáil Minister for Justice that she was incorporating provisions previously presented in a Progressive Democrats opposition bill, which was a mature development in Irish parliamentary proceedings and as detailed in chapter six, corresponds, albeit to a limited degree, with a documented Italian approach to private members legislation. The acceptance by both governments in office during the 27th Dáil/Oireachtas that they were accepting a few opposition bills before the committee also contributed to this improvement.

These actions served to reinforce the committees' role as legislators and were given greater impetus later in the 27th Dáil when revised term of reference made provision for ministers to discuss matters of policy and proposals for future legislation with members before drafting along with the referral to the committee by the Minister for Justice of two reports relating to charities/fundraising and court operations for consideration and resulting recommendations as detailed in chapter nine above. As was seen in many legislatures, particularly those considered advanced such as Sweden and interestingly a practice which Olson

and Norton (1996) claim is being adopted by the reformed parliaments of Central and Eastern Europe, this facility is considered central to the goal of meaningful roles not only for parliamentary committees but for parliament itself and its members. Another welcome development introduced during this Oireachtas was the access afforded to interest groups to members of committees through briefing or direct evidence, which is considered the norm in Scandinavian parliaments (Miles, 1997; Heidar, 1997). Thus Ireland can be seen to have adopted progressive procedures in this area in line with current global parliamentary "best practices". The operations of Oireachtas committees, together with inter-parliamentary communication by members can be credited with this advancement.

Positive developments

Many positive developments emerge from the use of committees during the last Oireachtas. There were numerous instances where members exercised their right to amend legislation, often with opposition and government supporters uniting to put pressure on the government to take a particular course of action. Examples include the amendments to the Solicitors Bill (discussed in detail in chapter eight), described as the defining moment in the history of Oireachtas committees where the Minister for Justice was forced to make concessions by the united action of the TDs of all parties; sections of both the Refugees Bill and the Organised Crime Bill were reexamined following determined action by the committee (as outlined in chapter nine) and in the JCFA, that committee impressed its collective view on the government with an insistence of action on a particular issue and may also have been a factor in the government eventually

altering its traditional stance on Cuba, as the extracts from the proceedings of the JCFA highlighted in chapter eleven suggest. Several other amendments were noted during the consideration of the Committee Stage of many bills as the case studies in chapters six to nine illustrate, and whilst some would have been accepted in any event and the acceptance of others tend to confirm the incidences of some pressure "behind the scenes", it is clear that the more reflective consideration of issues by legislative committees aided this process greatly, even though some members were not convinced of this. In the main the comments from members (and on occasion from ministers) indicate that the committee stage in legislative committees was useful and beneficial, particularly in the SCLS as that case study reveals at Chapters six to nine, as it permitted a more thorough examination of issues than would have been possible in plenary sessions although it has to be conceded that the government's will triumphed in most cases. The fact that whilst many members, including government supporters, on occasions voiced views contrary to the administration [illustrated by such sabre-rattling comments as the difficulties posed to government deputies in supporting the government line 'if opposition amendment pressed to a vote' (SCLS, 23 July 1996, Col 784)], the government's wish still triumphed at each division called in both sample committees is proof positive of the assertion by Shaw (1979) that tight party political control of committee operations (which is a feature of Irish parliamentary affairs generally) dilutes the effective power of committees as, regardless of any personal views of members, the whip was obeyed in all cases.

Attendance

Insofar as attendances can be monitored, given the lack of complete records, the attendance at the principal legislative committee in this study (SCLS) suffered over time, particularly in the second year of both SCLS committees of this Oireachtas, falling on average from a high of 80% in 1993, to 53.8% in 1996. This reflects both the reduction in interest by backbenchers in the work of the committee and a reliance on spokespersons to make contributions (as the case studies confirm), a fear which had been highlighted during the discussions on the committees' creation and evidenced by the review of the committees in chapter three and is a potential flaw in the current committee system insofar as it could permit a small group of members take decisions with national implications, a danger that had been signalled in the case study and in the discussion in chapter four. The erratic attendance rates at the SCLS (reference the meeting of 13 March 1996 when at one point the record suggests that only one deputy was present along with the minister and chair) may have limited the fostering of the type of specialisation among members which it is said flows from consistency of membership as is the norm in Germany, Denmark and Norway (Saalfeld, Damgaard, Heidar, 1997). Evidence of the development of such expertise was clearly evident from the deliberations of the JCFA where a core of members, by consistent involvement and study of third world issues mastered their brief admirably. The fact that the SCLS interacted with three departments, all with different party political spokespersons necessitated the smaller parties alternating attendance at meetings and this added to the problems of the SCLS in this regard. It is quite clear also that the sheer number of committees, often involving dual (or greater) membership, coupled with the pressure of other parliamentary

and party business such as plenary sittings, meetings, question time, party political business placed a tremendous strain on members, particularly if they wanted to study/debate issues in depth. The feature of Irish parliamentarians being members of more than one committee is at variance with that found in such countries as Norway (Heidar, 1997 - see chapter four above). In addition, the perceived acknowledgement by many of the ongoing relentless workload involved in constituency business, visits, telephone calls, correspondence, local authority membership, which pose particular additional burdens for rural members has had an impact on members' ability to effectively operate as full time legislators. This concentration on either constituency work or local authority membership and eventual re-election, which I have shown is by no means peculiar to Ireland (Frears, 1990; Gallagher, 1996 in chapter one and Saalfeld, 1997; Patzelt, 1997 and De Winter, 1997; Sowell, 1996; Strom, 1997 in chapter four), was often evident from the poor attendances at meetings such as the Estimates consideration of the Department of Equality and Law Reform, an example of which can be found at chapter seven. This is further exacerbated by the demanding electoral arrangements in Ireland which, it could be claimed, promoted constituency activities by members with at least one saving grace in that it endorsed the claim made by Wheare (1968) on the feature of constituency work in the UK facilitates members of parliament in learning of both the electorate's and supporters' thinking on issues. It continues, however, to attract criticism from commentators such as the recent Constitutional Review Group regarding the excessive degree of constituency loyalty/following pursued by TDs, including ministers.

Comments of members

Tracing the views of members over the four years, it is clear that the initial enthusiasm, which was reflected in comments at various meetings regarding perceived "flexibility" and "constructive discussions" and fully outlined in the case studies above, gave way over time to a weariness with the procedure. Falling attendances, apparent membership fatigue, fewer contributions and difficulties with forming a quorum all provided evidence of a strain on the system and are illustrated in the case studies above.

Members were afforded many opportunities over the period to discuss committees and reform in general; 1993 on their formation; 1995 on their revamping following a change in government and 1996 when many Deputies spoke of their disappointment with the then current system. The main concerns which came to light over the period of my study and which are extensively logged in each of the years of the committees' proceedings in chapters six to twelve included; the lack of suitable resources including technical assistance and research facilities to committees and their members, unhappiness at the degree of media coverage given to committees and the large number of committees to be serviced by a relatively small pool of parliamentarians. The fact that Fianna Fáil, the largest political party in the Oireachtas were put to the 'pin of [their] ... collar' (R.Burke, Parliamentary Debates, 9 October 1996, Cols 175/6) illustrates how grave a problem this was and the exhausting impact it must have had on smaller parties. The principal complaint incorporates also the effect on parliamentarians' other duties and the strongest complaint, voiced at great length during the Dáil debate of 9 October, 1996 and with which I agree, is that there were simply too many

committees, often meeting at the same time, with the consequent strain on all the players in parliament, members, officials, media and other services.

Faults

If, as is claimed, the committee system fell into some disuse following the 24th Dáil [see references to work of both O'Halpin (1986) and Arkins (1990) noted in the earlier discussion of previous Oireachtas committees] due in part to the over abundance of poorly focused committees, then it must be asked why the proponents of the new legislative committees had not made a greater effort to apply all the lessons learned from the mistakes of the past and devised a leaner, better system. Whilst the committees were more focused, faults such as poor resources, unsatisfactory reporting and dual membership had been exposed in the past and appear to have been overlooked on the formation of these new committees. The failure to provide an adequate secretariat with a capacity to service parliamentary committees adequately through the acquisition and accumulation of expertise, experience and knowledge which could be imparted to new members to any significant degree was a striking weakness in the new system. As the details in Appendix I illustrate, the secretarial backup provided to the committees was at a minimal level and this defect is further highlighted by the comments of Deputies Wallace and Flanagan (SCLS, 30 March 1995; L4, No.11) regretting the inability of the SCLS to create a particular sub-committee as there were 'no officials to staff it', a comment echoed in the JCFA especially in relation to perceived administrative difficulties. This would not seem to compare favourably with such bodies as the US Congress with its vast numbers of staff allocated to both members and committees although both sets of

parliamentarians would be equally expected to transact business in a professional and well briefed manner at international fora.

It has been claimed that adequate media reporting of committee proceedings was itself hampered by the plethora of meetings and the inability of the media to service them also and it has been asserted that this alleged defect is one of the reasons for slack attendances and performances by any members who abandoned committee proceedings in favour of constituency chores, particularly in the run-up to the 1997 election. As I have suggested elsewhere in both the consideration of this topic in the earlier discussion and in comments on committee proceedings, there is a valid argument that consistent, committed committee activity by members, which subsequently reduced the time available for the type of intensive constituency activities considered the norm in Ireland, in the absence of associated appropriate and satisfactory media recognition which parliamentarians and public both deserve, was one factor in the electoral fate of many Deputies at the last election. The comments of both John Browne (*Wexford*) on his low level of activity in the SCLS [chapter two and chapter three] and Des O'Malley regarding the public's misconception of committee activities [chapter three], underscored by the comments of FitzGerald (1997) regarding the duty of journalists to report the full parliamentary picture, give further credence to this observation. This dissatisfaction with media parliamentary coverage, which, as the discussion in chapter three disclosed, has been documented since the efforts of John Kelly to develop effective parliamentary committees in 1973, is mirrored to some degree by the experiences of parliaments of the UK (Norton, 1997) and Spain (Panigua Soto, 1997) but is not reflected in the experiences noted of Sweden (Miles, 1997) with its emphasis on freedom of information.

Committees impact on functions of parliament/Oireachtas

Referring to the catalogue of tasks associated with parliaments outlined in chapter one and considering the inability/failure, as asserted by many commentators, of legislatures to undertake these functions in practice, my study of these two committees suggest the following.

The law-making function of the Irish parliament was enhanced to a certain extent by the operations of these committees, as Laundy (1989) claimed was the position globally and is in line with their employment in Scandinavia, U.S.A., South America, China and Central Europe, a point developed in chapter four. This was demonstrated through the volume of amendments accepted and in particular the number conceded by the government following pressure from all sides and outlined particularly in the various chapters of the case study on the SCLS. It is unlikely that the government would have experienced such resistance from its own supporters on occasions if the proceedings had been in the parliamentary chamber as they would not have felt free to criticise to such a degree as occurred lest it be misconstrued as a confidence/discipline issue. There was some evidence of the committees impacting on the quality of legislation in particular aided by the absence, in most cases, of the time limits experienced in the chambers of the Oireachtas (with the range of other matters considered there) and further improved by the quality of the reflection in committees. The comments of Enda Kenny at the JCFA (11 November 1993, FA2, No. 1) commenting favourably on the extent and detail of discussion afforded by committee procedures as noted in chapter ten, give weight to this argument.

Ministers appeared to either be more acceptable to amendments than hitherto or at least review matters following requests from a range of members, not just supporters. There were comments noted elsewhere of members acknowledging this fact (Parliamentary Debates, 19 October, 1993; Vol 434, No. 8, Col 1685/6 is an example) which should be read in conjunction with the remark of the Minister for Justice that she did not mind which side of the house worthwhile and progressive amendments came from. Whilst it is impossible to identify a definite trend in this matter, I detected at least a realisation by ministers that a case had to be made when opposing backbench/opposition proposals apart from the traditional stark rejection of same as often evidenced in the past. These developments still leave the Oireachtas committees in an inferior position to that of Spain, Japan and Italy (Panigua Soto, 1997) and the U.S.A. (Laundy, 1989) as regards legislative impact.

It is fair to say that committees commenced, marginally, to reverse the hitherto absence of a genuine input in the public policy arena and can be credited with influencing the climate of policy making in several ways. The number of reports by both committees that I studied reveal quite an in-depth review of issues, often without the party ideological factors being overplayed. The reports of the SCLS and JCFA relating to the Official Secrets Act, third world issues, European Union matters when combined with the deliberations of the JCFA often involving other parliamentarians, including sitting Irish members of the European parliament and delegates to the parliamentary assembly of the Council of Europe or experts in various fields and the close relationship that committee enjoyed with officials of the Department of Foreign Affairs brought sustained yet considered pressure on governments on a number of complementary fronts. The comments reported

at the early sittings of the JCFA in 1993 regarding potential advantages flowing from such interaction appear to have been validated. In addition, the relationship between the two committees and the plethora of interest groups in communication with them was beneficial to both sides, as acknowledged on many occasions such as in the examination of the JCFA in chapter twelve, and contributed to the increase in knowledge by TDs and senators in a fashion that would not have proved possible in the absence of committees, thus confirming one of the expected benefits of a parliamentary committee system as outlined in the earlier discussion. This modest development is at least a movement by the Irish parliamentarians towards the participative role attributed in chapter one to their colleagues in Sweden and the U.S.A.

Administrative oversight and financial control were exercised by committees through the estimates process. This feature of the committees' work had mixed results, fading in significance and intensity as the Oireachtas headed towards a general election and drew a variety of responses from members, including satisfaction, disappointment (Michael Woods - 3 December 1996) and an element of despair/fatigue with the system was evident from comments made by Tony Gregory (3 December 1996 - Col 59) at the possibility of the committee being reconvened to further consider estimates. The figures quoted in the chapters relating to the case studies indicate that the amount of time allocated to this work tended primarily to decrease over time even though the monetary amounts increased. By and large those members interested enough had the facility to attend estimates meetings and contribute to debate or ask questions. There were plenty of examples where this happened and ministers were obliged (with help from their officials) to provide answers and justification for certain actions

following criticisms from members, often including their own backbenchers. The sections of chapters six to twelve relating to "estimates" indicate that many members used this branch of parliamentary activity, with all its unsatisfactory limitations, to exercise this function of parliament, the importance and resulting benefits of which had been claimed in the UK by Morris (1984).

The representational function of parliament was found in the points raised during estimates debates or when topical amendments were being pressed especially during the passage of the many crime bills and in the questioning of witnesses at committee meetings. Members frequently cited the alleged views of their constituents when debating measures/proposals/reports. Furthermore, when undertaking the tasks above, members, elected by the citizens, represented the people in their various endeavours, a practice which helped to copperfasten the traditional symbolic role of parliament. The above features tend to direct the mandate of deputies towards that promoted by Rose (1986) earlier of members of parliament numbering among their tasks that of being "constituency representatives".

Similarly the functions of parliament outlined earlier which included talking and debating about current issues were undertaken by committees to a certain extent although their ability to raise topical and current issues was thwarted on occasion as certain attempts to discuss politically sensitive issues of the day (such as the passports for sale and letter from Judge Lynch referred to earlier) were ruled out of order. The marked absence of adversarialism in most instances, which was a feature in the committees was encouraged by these restrictions and mirrors the position found in other parliaments as suggested in the related

literature whereby different roles are adopted by members in committee as distinct from plenary sittings (Heidar, 1997). Where committees excelled was in the opportunities they afforded backbenchers to involve themselves in issues, which is often absent in the main chamber due to the over concentration there on the utterances of spokespersons stating official party positions.

I have given examples earlier of the educational, recruitment and socialisation functions of parliament being assisted to a large extent through membership of committees (Brian Lenihan, JCFA, 19 January 1995, FA5, No. 1, Col 3 and Heidar, 1997). In the last Oireachtas there was the unique situation of almost all members being a government supporter at some stage during the lifetime of that parliament and in fact many members enjoyed, as outlined earlier, an opportunity to serve in government. Whilst continuity of service is often cited as being essential for strong committees, the above scenario unleashed many talents on both government and committees at various stages as it exposed most members to both an executive approach and alternatively a legislative view and introduced members into more direct contact with civil servants to explore their role in public affairs. The education of members was further enhanced by the non-legislative work of the committees, when members heard/questioned witnesses, received representations, made visits abroad and obtained a variety of briefings from both officials and others on a range of subjects including such sensitive issues as criminal law, freedom of information, Northern Ireland, EU affairs and overseas aid.

The teaching function of a parliament was found in much of the above also. What was disappointing to some extent, was the inability of parliament to mould public

opinion which, as I indicated in an early chapter, some commentators see as a role of parliament. Whilst the Oireachtas undertook some of these tasks when considering reports and preparing proposals which afforded them with an opportunity to promote 'consensus-building' according to the Tánaiste (Dáil Debates, 28 April 1993) the lack of publicity of these matters may have sullied their efforts in this regard.

Conclusion

When I commenced my study of the reformed Oireachtas committees, I expected to find "worthy" and "aspirational" labels to apply to their usage rather than practical and actual performances. What I encountered was a system with great potential for deputies and senators to comment upon and engage in public policy development together with a useful and valuable vehicle for governments to avail of the expertise of "working" politicians, with their "ears close to the ground" and a vast number of interested, committed and knowledgeable organisations content to provide material, research and analysis on a range of issues at little or no cost to the exchequer, provided all the participating parties were resolved to productively engage in the process. Unfortunately, for reasons which are highlighted throughout this dissertation, golden opportunities have been lost for a myriad of reasons. It is hoped that the potential benefits, which should flow from the apparent incremental improvement in the expertise of committees and members will be reaped in the future following the expected upgrading and refinement of the system. Members, political parties and the government will all have to play their part through personal commitment, effort and genuine partnership if the process is to operate successfully

The advent of these legislative committees were certainly a positive stage in the development of the power of ordinary members of parliament although it would be incorrect to describe them as a revolution. The change of government afforded members of all parties an exceptional opportunity to push for changes in procedure which, by and large, governments were willing to advance. The faults and problems discovered during their existence and outlined by members in the various debates, when addressed, contribute to the development of the parliamentary committee system in Ireland which will need frequent honing and refining to improve it. There is evidence from the creation of the most recent committees in this 28th Dáil, which assembled following the general election of 1997, that a number of the problems will be remedied, such as the decision to amend standing orders to ensure that 'not more than two Select Committees shall meet to consider a Bill on any given day' (Dáil Debates, 13 November 1997, Col 1358) unless some critical circumstances exist. This should reduce the pressure on members to service too many committees at one time. Similarly, the recommendations of the new Standing Committee on Dáil Reform on Establishment of Committees in the 28th Dáil relating to refined joint and standing committees, will improve matters considerably by reducing the numbers of both committees and their membership when taken together with the revision of related standing orders. The fact that the Irish parliamentary committee system is to continue, of necessity in a reformed mode, is to be welcomed especially when compared to the previous experiment with a range of Oireachtas committees which were largely abandoned by both the government and parliament. There is clear evidence that 'the lot' of the individual member of parliament has been greatly enhanced by the ongoing developments in the committee system following upon the experiences of the last Oireachtas. In

addition there is plenty of scope for deputies and senators to participate in both legislative and policy deliberations through such mechanisms as the review of strategy statements for each department which now must be referred to the appropriate "marking" joint committee. Many of the benefits to the country, Oireachtas, parliamentarians and diverse interest groups which are highlighted in this study should continue, albeit to a modest degree, although it will be necessary to revisit the issues of media attention and constituency arrangements if the benefits of the revised arrangements are to be maximised.

APPENDIX I - OIREACHTAS COMMITTEES - 1996

Committees of Selection

Nominates members to serve on select or special committees, with power to discharge such members from time to time for non-attendance or at their own request, and in the case of the Dail Committee, at the request of their Party Leader, and to appoint other to replace those discharged. There is a Committee of Selection for each House.

Committee of Selection (Dail Eireann)

Deputy Jim Higgins (Minister of State at the Department of the Taoiseach) (Chairman), Deputies Dermot Ahern, Michael Bell, Andrew Boylan, Eric Byrne, Ivor Callely, Michael Creed, Brian Fitzgerald, Tony Gregory, Seamus Hughes, P.J. Morley, Liz O'Donnell and Roisin Shortall.

Dail Committee Clerk: Marie Kennedy

Committee of Selection (Seanad Eireann)

An Leas-Chathaoirleach, (Chairman), Senators Michael Calnan, Bill Cashin, Liam T. Cosgrave, Michael Finneran, Rory Kiely, Maurice Manning, Brian Mullooly, Ann Ormonde, Joe O'Toole and G.V. Wright.

Seanad Committee Clerk: Jody Blake

Committees on Procedure and Privileges

Consider matters of procedure, recommend any additions or amendments to the Standing Orders and consider and report as and when requested to do so on Members' privileges. There is a Committee on Procedure and Privileges for each House.

Dail Committee: Deputy Sean Treacy, Ceann Comhairle (Chairman), Deputies Dermot Ahern, Jim Higgins (Minister of State at the Department of the Taoiseach), Peter Barry, Michael Bell, Eric Byrne, Ivor Callely, Ger Connolly, Noel Dempsey, Alan Dukes, Michael Ferris, Brian Fitzgerald, Mary Flaherty, Charles Flanagan, Tony Killeen, Tom Moffat, Liz O'Donnell and Brendan Smith.

Dail Committee Clerk: Elaine Gunn

Seanad Committee

Senator Liam Cosgrave, Cathaoirleach (Chairman), Senators Donie Cassidy, Tom Fitzgerald, John Dardis, Mick Lanigan, Pat Magner, Maurice Manning, Brian Mullooly, Jan O'Sullivan, Joe O'Toole and G.V. Wright.

Seanad Committee Clerk: Deirdre Lane

Joint Committee on Standing Order (Private Business)

Deputies Andrew Boylan, Michael Ferris and M.J. Nolan; Senators Dan Kiely, Jarlath Mc Donagh and Jim Townsend
Committee Clerk: Jody Blake

Standing Joint Committee on Consolidation Bills

Senator Dick Roche (Chairman), Deputies Andrew Boylan, John O'Donoghue and Sean Ryan; Senators Bill Cashin and Tom Enright

Committee of Public Accounts

Examine and report to the Dail upon the accounts, showing the appropriation of the sums granted by the Dail to meet public expenditure with the report of Comptroller and Auditor General, and suggest alterations and improvements in the form of the Estimates submitted to the Dail.

Committee: Deputy Denis Foley (Chairman), Deputies Tommy Broughan, Eric Byrne, Sean Doherty, John Ellis, Michael Finucane, Phil Hogan, John Connor, Batt O'Keeffe, Ned O'Keeffe, Desmond J. O'Malley and Pat Upton
Contact in Secretariat: Cliona O'Rourke

Joint Committee on Commercial State-Sponsored Bodies

Examine the reports, accounts and overall operational results of specified state-sponsored bodies engaged in trading or commercial activities and report thereon to both Houses of the Oireachtas.

Committee: Deputy Liam Kavanagh (Chairman), Deputies Seamus Brennan, Martin Cullen, Frances Fitzgerald, Seamus Kirk, Jim O'Keeffe and Sean Ryan; Senators Dick Roche, Michael Finneran, Feargal Quinn and Shane Ross.

Contact: Conan McKenna

Select Committee on Social Affairs

Examine legislation and estimates for Public Services relating to Social Welfare, Health, Education, Labour Law, the Gaeltacht and Equality.

Committee: Deputies Seamus Pattison (Chairman), Frank Crowley, Paul Bradford, Matt Brennan, Joe Costello, Frances Fitzgerald, Mary Flaherty, Chris Flood, Tom Foxe, Maire Geoghegan - Quinn, Phil Hogan, Seamus Hughes, Jim Kemmy, Sean Kenny, Helen Keogh, Kathleen Lynch, Dinny Mc Ginley, Michael Martin, Tom Moffat, Joe Walsh and Michael Woods.

Contact: Jane Mathews

Select Committee on Finance and General Affairs

Examine legislation and estimates for Public services relating to arts, culture and broadcasting and the Departments of the Taoiseach, Finance and the Environment.

Committee: Deputy Jim Mitchell (Chairman), Deputies Michael Ahern, Noel Ahern, Tommy Broughan, Paul Connaughton, John Connor, Michael Creed, Martin Cullen, Sean Kenny, Liam Lawlor, Padraic Mc Cormack, Charlie Mc Creevy, Derek Mc Dowell, Michael Mc Dowell, Ted Nealon, Rory O'Hanlon, John O' Leary, Willie Penrose, John Ryan, Trevor Sargent and Dan Wallace.
Contact in Secretariat: Tom Malone

Select Committee on Enterprise and Economic Strategy

Examine legislation and estimates for Public Services relating to agriculture, food, forestry, enterprise, employment, marine, transport, communications, energy, tourism and trade.

Committee: Deputy Michael Bell (Chairman), Deputies Andrew Boylan, Tommy Broughan, Eric Byrne, Hugh Byrne, Joe Costello, Seymour Crawford, Mildred Fox, Michael Finucane, Brian Fitzgerald, Tom Kitt, Jimmy Leonard, Robert Molloy, M.J. Nolan, Eamon O'Cuiv, Ned O'Keeffe, Mary O'Rourke, Sean Power, Michael Ring and P.J. Sheehan
Contact in Secretariat: Una Nic Giolla Choille

Select Committee on Legislation and Security

Examine legislation and estimates for Public Services relating to justice, law reform and defence.

Committee: Deputy Charles Flanagan (Chairman) Deputies John Browne (Carlow-Kilkenny), John Browne (Wexford), Liam Fitzgerald, Tony Gregory, Paddy Harte, Jim Kemmy, Brendan Kenneally, Derek Mc Dowell, Paul Mc Grath, John Mulvihill, Willie O'Dea, Liz O'Donnell, John O'Donoghue, Jim O'Keeffe, Alan Shatter, Michael Smith, Godfrey Timmins, Dan Wallace, Eamon Walsh, Michael Woods.

Contact in Secretariat: John Roycroft

Joint Committee on Foreign Affairs

Examine legislation and estimates for Public Services relating to Foreign Affairs and International Co-operation.

Dail Committee: Deputy Alan Shatter (Chairman), Deputies Theresa Ahern, Tony Gregory, Declan Bree, Ben Briscoe, Raphael P. Burke, Ger Connolly, John Connor, Austin Deasy, Michael Ferris, Pat Gallagher, Michael P. Kitt, Brian Cowan, James Mc Daid, P.J. Morley, Rory O'Hanlon, Jim O'Keeffe, Desmond J. O'Malley, Willie Penrose, Eamon Walsh; Senators Brendan Daly, Thomas W. Enright, Ann Gallagher, Michael Howard, Mick Lanigan, Sean Maloney, Paschal Mooney, David Norris, Michael O' Kennedy and Madeleine Taylor-Quinn.
Contact in Secretariat: Patrick Judge

Joint Committee on European Affairs

Processes primary legislation, scrutinize secondary legislation and examines policy relative to European Affairs.

Committee: Deputy Michael Ferris (Chairman), Deputies David Andrews, Andrew Boylan, John Browne (Carlow/Kilkenny), Raphael P. Burke, Noel Davern, Michael Ferris, Mary Flaherty, Sean Haughey, Derek Mc Dowell, Desmond J. O'Malley, Pat Upton; Senators Michael Calnan, Michael D'Arcy, Dan Kiely, Joe O'Toole, Ann Ormonde and Gerry Reynolds.

Contact in Secretariat: Liam Conniffe

Comhchoiste don Ghaeilge [Joint Committee on the Irish Language]

Examine matters concerning the Irish Language both within the Houses of the Oireachtas and in the country in general.

Committee: Deputy Dinny Mc Ginley (Chairman), Deputies Tommy Broughan, John Browne (Carlow/Kilkenny), Joe Costello, Mary Coughlan, Michael Martin, Padraic Mc Cormack, Robert Molloy, Donal Moynihan, Eamon O'Cuiv and Pat Upton; Senators Paddy Burke, Willie Farrell, Tom Fitzgerald, Mary Kelly, Jarlath Mc Donagh and Joe O'Toole.

Contact in Secretariat: Padraig O'hAilin

Joint Services Committee

Senator Pat Magner, (Chairman), Deputies Ben Briscoe, Liam Burke, Colm Hilliard, Padraic Mc Cormack, P.J. Morley, Breeda Moynihan-Cronin, John Mulvihill, John O'Leary and Michael Ring; Senators Louis Belton, Eddie Bohan, Rory Kiely, Denis (Dino) Cregan, John V. Farrelly, Don Lydon, Pat Magner, Francis O'Brien and Jim Townsend.

Contact in Secretariat: David Brennan and Jim Mulkerrins

Joint Committee on Women's Rights

Deputy Mary Wallace (Chairwoman), Deputies Theresa Ahearn, Michael Ring, Mary Coughlan, Sile De Valera, Charles Flanagan, Helen Keogh, Kathleen Lynch, Breeda Moynihan-Cronin, Eoin Ryan and Roisin Shortall; Senators Ann Gallagher, Mary Henry, Billy Kelleher, Marian Mc Gennis, Dan Neville and Ann Ormonde.

Contact in Secretariat: Patrick Timmins and Paddy Judge

Joint Committee on the Family

Committee: Deputy Paul Mc Grath (Chairman), Deputies Liam Aylward, Paul Connaughton, Mary Coughlan, Frances Fitzgerald, Chris Flood, Seamus Hughes, Breeda Moynihan-Cronin, Liz O'Donnell, Alan Shatter, Roisin Shortall, Brendan Smith, Godfrey Timmins, Mary Wallace, Eamon Walsh; Senators Paddy Burke, Sean Byrne, Mary Kelly, Marian Mc Gennis

Contact in Secretariat: Patrick Timmins

Joint Committee on Small Business and Services

Committee: Deputy Michael Creed (Chairman), Deputies Declan Breen, Seamus Brennan, Ivor Callely, Seymour Crawford, Theresa Ahern, Michael Creed, Mary Harney, Colm Hilliard, Seamus Hughes, Liam Kavanagh, Sean Kenny, Dinny McGinley, M.J.Nolan and Mary O'Rourke; Senators Bill Cotter, Edward Haughey, Dick Roche and Jack Wall.

Contact in Secretariat: Una Connolly

Joint Committee on Sustainable Development

Committee: Deputy Batt O'Keeffe (Chairman), Deputies Noel Ahern, Michael Bell, Eric Byrne, Joe Costello, Noel Dempsey, John Ellis, Mary Flaherty, Brendan McGahon, Liam Burke, Mairin Quill, Eoin Ryan, Sean Ryan, P.J. Sheehan and Noel Treacy; Senators Bill Cashin, Donie Cassidy, Michael Mulcahy and Joe Sherlock

Contact in Secretariat: Conan Mc Kenna

Liaison Committee

Senator Pat Magner (Chairman)

Membership: Chairpersons of Select, Special and Joint Committees of both Houses.

Contact: Jim Mulkerrins

Sources: Houses of the Oireachtas - Public Relations Office, Committee Secretariat and State Directory 1995 - 6

**APPENDIX II - SELECT COMMITTEE ON LEGISLATION AND SECURITY -
TERMS OF REFERENCE [Order of 7 April 1993]**

- (1) That a Select Committee, which shall be called the Select Committee on Legislation and Security, be appointed consisting of 30 members of Dail Eireann, in addition to the *ex officio* members of the Committee referred to in paragraph (3), to consider the following matters relating to justice, law reform and defence, namely -
 - (i) the Estimates for Public Services relevant to the above-mentioned subjects;
 - (ii) the impact on equality of policy and legislation relevant to the above-mentioned subjects;
 - (iii) the Committee Stages of such Bills initiated in relation to those subjects as may be referred to the Select Committee under Standing Order 70 of the Standing Orders relative to Public Business;
 - (iv) such reports relevant to those subjects as Dail Eireann may refer to the Select Committee for discussion, observations and recommendationsand shall report thereon to Dail Eireann.
- (2) That the Select Committee shall have power to appoint sub-Committees and to delegate any matter comprehended by paragraph (1) to a sub-Committee.
- (3) That the member of the Government in charge of the Department the statute law in respect of which is dealt with in a Bill which is referred to the Select Committee or a sub-Committee thereof or the Estimates for Public Services for which are considered by the Select Committee or a sub-Committee thereof shall be an *ex officio* member of such Committee or sub-Committee but such member of the Government may nominate a Minister or Minister of State to be such *ex officio* member in his stead.
- (4) That the report of the Select Committee upon every Bill referred to it shall be set down for Report Stage in Dail Eireann.
- (5) That the Select Committee shall make an annual report to Dail Eireann which shall detail
 - (i) the work carried out by the committee;
 - (ii) the work in progress by the committee;
 - (iii) the attendance and voting records at meeting of the Committee;
 - (iv) its future work programme, and

- (v) such other matters as the Committee deems appropriate.
- [6] That, subject to the consent of the Minister for Finance, the Select Committee shall have the power to engage the services of persons with specialist or technical knowledge to assist it or any of its sub-Committees in their consideration of any matters comprehended by paragraph (1).
- [7] That the Select Committee may invite submissions in writing, if considered necessary by the Committee, from interested persons or bodies on any matter comprehended by paragraph(1).
- [8] That, previous to the consideration of the Committee Stage of a Bill by the Select Committee, a briefing session or sessions shall be held between the officials of the relevant Department and members of the Select Committee (or sub-Committee as the case may be) and that such briefing session shall be held in private.
- [9] That, in the absence from a particular meeting of the Select Committee (or of a sub-Committee) of a member, another member of Dail Eireann, nominated by the Party or group within the meaning of Standing Order 89 to which the absent member belongs, may take part in the proceedings and vote in his stead.
- [10] That the Select Committee and each sub-Committee, previous to the commencement of business, shall elect one of its members to be Chairman, who shall have only one vote.
- [11] That all questions in the Select Committee and in each sub-Committee shall be determined by a majority of votes of the members present and voting and in the event of these being an equality of votes, the question shall be decided in the negative.
- [12] That every report which the Select Committee proposes to make shall, on adoption by the Select Committee, be laid before Dail Eireann forthwith, together with any document relating thereto which the Select Committee proposed to publish, whereupon the Select Committee shall be empowered to print and publish such report and the said document, or documents, as the case may be.
- [13] That notwithstanding paragraph (12), where the Select Committee has completed Committee Stage of a Bill, it shall be empowered to print and publish the said Bill as amended, where appropriate.
- [14] That the quorum of the Select Committee shall be 11, and the quorum of each sub-Committee shall be a number to be decided by the sub-Committee when such sub-Committee is appointed.
- [15] That no document received by the Clerk to the Select Committee or a sub-Committee thereof shall be withheld, withdrawn or altered without the knowledge and approval of the Committee or sub-Committee, as may be appropriate."

Order of 11 May 1993

That notwithstanding paragraphs (1) of the Orders of Reference of the Select Committees on Legislation and Security, Finance and General Affairs, Social Affairs and Enterprise and Economic Strategy, the Estimates for the Public Services for the following Departments be referred to the Select Committees for consideration in accordance with the following table, and that where the estimate for a Department is referred to a Select Committee, all other estimates relevant to that Department shall also be referred to that Committee:

TABLE

Select Committee on Legislation and Security

Defence
Equality and Law Reform
Justice

Select Committee on Finance and General Affairs

Taoiseach
Tánaiste
Environment
Finance

Select Committee on Social Affairs

Arts, Culture and the Gaeltacht
Health
Education
Social Welfare

Select Committee on Enterprise and Economic Strategy

Agriculture, Food and Forestry
Enterprise and Employment
Transport, Energy and Communications
Tourism and Trade
Marine

Order of 29 June 1993

That the Orders of Reference of the Select Committees on Legislation and Security, Enterprise and Economic Strategy, Finance and General Affairs, and Social Affairs be amended by the addition of the following paragraph after paragraph (15) in all cases

(16) That Members of Dail Eireann, not being members of the Select

Committee, may attend meetings and take part in the proceedings of the Select Committee and of its sub-committees without having a right to vote.

Order of 22 February 1994

That notwithstanding paragraphs (14) of the Orders of Reference of the Select Committees on Legislation and Security, Finance and General Affairs, Social Affairs, and Enterprise and Economic Strategy, the quorum of each Select Committee shall be eight".

Order of Dail of 24th January, 1995

"That notwithstanding anything in the Standing Orders of Dail Eireann:

- (1) All members serving on Select Committees of the 27th Dail, including Joint Committees and the Committee of Selection, be discharged from membership of those committees with the exception of the members of the sub-Committee of the Select Committee on Legislation and Security appointed to consider the matters referred to that Committee by order of Dail Eireann on 6th December 1994, who shall continue as members of that sub-Committee until the sub-Committee has discharged the functions assigned to it by orders of Dail Eireann.
- (2) Any matter in the course of consideration by a Committee referred to in paragraph (1) above, including the committee stage of a Bill, shall be deemed to be unaffected by the discharge of the members of the Committee and
- (3) The following members be appointed to serve on the Committee of Selection:

Dermot Ahern, Sean Barrett [Minister of State at the Department of the Taoiseach], Michael Bell, Andrew Boylan, Eric Byrne, Ivor Callely, Michael Creed, Michael Ferris, Tony Gregory, Seamus Hughes, P.J. Morley, Liz O'Donnell and Roisin Shortall".

Order of the Dail of 1 March 1995

- (1) That the Order of Reference of the Select Committees on Finance and General Affairs, Social Affairs, Enterprise and Economic Strategy, and Legislation and Security be amended as follows:
 - (i) in paragraph (1) in all cases, by the deletion of "30" and the

Legislation and Security be amended as follows:

- (i) in paragraph (1) in all cases, by the deletion of "30" and the substitution therefor of "21".
- (ii) in paragraph (9) in all cases, by the addition of the following:

Provided that in the case of a substitute nominated by a Party which is a Government Party, such substitute may be a member of another Government Party", and
- (iii) by the addition of the following paragraphs after paragraph (16) in all cases:
 - (17) That the Select Committee shall have the power to discuss and draft proposals for legislative changes and new legislation for recommendation to Ministers which are relevant to the matters comprehended by paragraph (1).
 - (18) That the Select Committee shall have the power to receive submissions and hear evidence from interested persons and organisations.
 - (19) That the Select Committee shall have power to print and publish from time to time minutes of evidence taken before it together with such related documents as it thinks fit.
 - (20) That Ministers and Ministers of State shall discuss with the Select Committee, where practicable, general proposals for legislation relevant to the matters comprehended by paragraph (1) prior to such legislation being approved and published by Government.
 - (21) That all appointees to high office in the State shall attend meetings of the Select Committee, as appropriate, and subject to the legal constraints of their office, to discuss issues which are relevant to the matters comprehended by paragraph (1).
 - (22) That Ministers and Ministers of State shall appear before the Select Committee to discuss current policies relevant to the matters comprehended by paragraph (1) and the implementation of such policies in their Departments. A Minister or Minister of State may request the Select Committee to convene to enable him or her to explain current or proposed policy or to initiate a debate thereon".
- (2) That notwithstanding paragraphs (14) of the Orders of Reference of the Select Committees specified in paragraph (1), the quorum of each Select Committee shall be five; and
- (3) That the Orders of Reference of the Select Committee on Legislation and

Security be further amended by the addition of the following paragraph after paragraph (1):

- (1A) That the Select Committee shall review, on a regular basis, the Official Secrets Acts and all other statutory provisions which restrict access to information and shall report thereon to Dail Eireann with recommendations to bring them into line with the best international standards of public information provision".

**APPENDIX III - ORDER OF DAIL EIREANN OF 15/12/94 SETTING UP
SUB-COMMITTEE OF THE SELECT COMMITTEE ON LEGISLATION
AND SECURITY**

- [1] That a sub-Committee of the Select Committee on Legislation and Security consisting of the Chairman and 11 other members of that Committee be appointed to consider the matters referred to that Committee by order of Dail Eireann on 6th December, 1994 and to report thereon directly to Dail Eireann not later than 24th January, 1994.
- [2] That the membership of the sub-Committee shall consist of 5 representatives of the Fianna Fail Party, 3 representatives of the Fine Gael Party, 2 representatives of the Labour Party, 1 representative of the Progressive Democrat Party and 1 representative of the Democratic Left Party.
- [3] The Chairperson of the Select Committee on Legislation and Security shall be the Chairperson of the sub-Committee.
- [4] That each party referred in paragraph (2) shall, before the commencement of the consideration by the Committee at any meeting of the matter referred to it, furnish the Chairperson of the sub-Committee with the name of the member of the sub-Committee nominated by that party to question witnesses attending before the sub-Committee.
- [5] That all questions of procedure in the sub-Committee shall, subject to consultation with the Legal Adviser, be determined by a majority of votes of the members present and voting and in the event of there being an equality of votes, the question shall be decided in the negative.
- [6] That the quorum of the sub-Committee shall be 6.
- [7] That, in the absence from a particular meeting of the sub-Committee of a member, another member of Dail Eireann, nominated by the Party or group within the meaning of Standing Order 89 to which the absent member belongs, may take part in the proceedings. Any member of Dail Eireann so substituted may be nominated by his Party for the purposes set out in paragraph (4).
- [8] That the sub-Committee shall have power to send for persons, papers and records and, subject to the consent of the Minister for Finance, to engage the services of persons with specialist or technical knowledge to assist it in its consideration of the matters referred to it.
- [9] That the sub-Committee shall appoint a Legal Adviser nominated by the Clerk of the Dail to advise on all legal matters and procedures for the sub-Committee and to ensure that all Constitutional rights are protected.

- (10) That the sub-Committee shall have power to take evidence in public and to publish this evidence in its report.
- (11) Witnesses attending before the sub-Committee shall have the right to cross-examine other witnesses in person or through a legal representative, to the extent that the sub-Committee is of the opinion that such cross-examination is necessary to defend and vindicate the Constitutional rights of such witness.

ORDER OF DAIL EIREANN OF 15/12/94 AMENDING ORDERS OF REFERENCE OF THE SUB-COMMITTEE ON LEGISLATION AND SECURITY

"That the order of the Dail of this day in relation to the appointment of a sub-Committee of the Select Committee on Legislation and Security be amended as follows:

- (1) In paragraph (1), by the deletion of '11' and the substitution therefor of '12'.
- (2) In paragraph (2), by the addition of 'and 1 representative of the independent members'.
- (3) In paragraph (4), by the addition of the following:

 'An independent member of the Committee shall be entitled to question witnesses attending before the sub-Committee'; and
- (4) In paragraph (7), by the addition of the following:

 'An independent member of the sub-Committee may nominate another independent member of Dail Eireann to take part in the proceedings in his absence, and such substitute may be nominated by him for the purposes set out in paragraph (4)''.

APPENDIX IV

Sub-committee on the drugs problem - orders of reference

- [1] That a sub-committee, which shall be called the Drugs sub-Committee of the Select Committee on Legislation and Security, be appointed consisting of 13 members of Dail Eireann, in addition to the *ex officio* members of the Committee referred to in paragraph (2), to consider all matters comprehended by Paragraph 1(i) of the Orders of Reference of the Select Committee on Legislation and Security in relation to the drugs problem and shall report thereon to the Select Committee from time to time.
- [2] That a member of the Government in charge of (the) Department concerned with the drugs' problem shall be an *ex-officio* member of such sub-Committee but such member of the Government may nominate a Minister or Minister of State to be such *ex-officio* member in his stead.
- [3] That, subject to the consent of the Minister for Finance and the Select Committee on Legislation and Security, the sub-Committee shall have the power to engage the services of persons with specialist or technical knowledge to assist it in its consideration of any matters comprehended by paragraph (1).
- [4] That the sub-Committee may invite submissions in writing, if considered necessary by the sub-Committee, from interested persons or bodies on any matter comprehended by paragraph (1).
- [5] That, in the absence from a particular meeting of the sub-Committee of a member, another member of Dail Eireann, nominated by the party or Group within the meaning of Standing Order 90 to which the absent member belongs, may take part in the proceedings and vote in his stead. provided that in the case of a substitute nominated by a party which is a Government Party, such substitute may be a member of another Government Party.
- [6] That the sub-Committee, previous to the commencement of business, shall elect one of its members to be Chairman, who shall have only one vote.
- [7] That all questions in the sub-Committee shall be determined by a majority of votes of the members present and voting and in the event of there being an equality of votes, the question shall be decided in the negative.
- [8] That every report which the sub-Committee proposes to make shall, on adoption by the Select Committee, be laid before Dail Eireann forthwith, together with any document relating thereto which the Select Committee proposes to publish, whereupon the Select Committee shall be empowered to print and publish such report and the said document, or documents as the case may be.

- [9] That the quorum of the sub-Committee shall be four.
- [10] That no document received by the clerk to the sub-Committee shall be with-held, withdrawn or altered without the knowledge and approval of the sub-Committee.
- [11] That Members of Dail Eireann, not being members of the sub-Committee, may attend meetings and take part in proceedings of the sub-Committee without having a right to vote.
- [12] That the sub-Committee shall have the power to discuss and draft proposals for legislative changes and new legislation for recommendation to Ministers which are relevant to the matters comprehended by paragraph [1].
- [13] That the sub-Committee shall have the power to receive submissions and hear evidence from interested persons and organisations.
- [14] That Ministers and Ministers of State shall discuss with the sub-Committee, where practicable, general proposals for legislation relevant to the matters comprehended by paragraph [1] prior to such legislation being approved and published by Government.
- [15] That all appointees to high office in the State shall attend meetings of the sub-Committee, as appropriate, and subject to the legal constraints of their office, to discuss issues which are relevant to the matters comprehended by paragraph [1].
- [16] That Ministers and Ministers of State shall appear before the sub-Committee to discuss current policies relevant to the matters comprehended by paragraph [1] and the implementation of such policies in their Departments. A Minister or Minister of State may request the sub-Committee to convene to enable him or her to explain current or proposed policy or to initiate a debate thereon.

Members of the Sub-Committee on the Drugs Problem

O'Donoghue, John [Chairman]

Browne, John [Carlow-Kilkenny]

Flanagan, Charles

Gregory, Tony

Kenneally, Brendan

McDowell, Derek

McGrath, Paul

Mulvihill, John

O'Donnell, Liz

O'Keefe, Jim

Wallace, Dan

Walsh, Eamon

Woods, Michael J.

APPENDIX V - TERMS OF REFERENCE OF THE JOINT COMMITTEE ON FOREIGN AFFAIRS - 1995

Orders of reference 1 March 1995

- (1) That the Orders of Reference of the Joint Committee on Foreign Affairs are hereby rescinded and that a Select Committee of Dail Eireann consisting of 21 members of Dail Eireann, excluding the *ex officio* members of the Committee referred to in paragraph (7), be appointed to be joined with a Select Committee of Seanad Eireann to form the Joint Committee on Foreign Affairs.
- (2) That the Joint Committee shall have power to appoint sub-Committees and to delegate any matter comprehended by paragraphs (4), (8), (9) and (11) to a sub-Committee.
- (3) That the Select Committee of Dail Eireann shall consider the Estimates for Public Services submitted to Dail Eireann in respect of Foreign Affairs and International Cooperation and report thereon to Dail Eireann and the Select Committee shall have power to appoint a sub-Committee for this purpose.
- (4) That a Bill initiated by the Minister for Foreign Affairs or a Minister of State at the Department of Foreign Affairs having passed its Second Stage may on motion made in Dail Eireann by a member of the Government or a Minister of State be referred, with the concurrence of Seanad Eireann, to the Joint Committee.
- (5) That in the case of a Bill originating in Seanad Eireann, the motion of referral in Dail Eireann shall constitute a Second Reading of the Bill and the debate thereon shall be confined to the general principle of the Bill and where the Third Stage has been dealt with in the Joint Committee, the Bill shall on its receipt in Dail Eireann after being passed by Seanad Eireann be set down for Report Stage, the First, Second and Third Stages being waived.
- (6) That the report of the Joint Committee upon every Bill originating in Dail Eireann which is referred to it shall be set down for Report Stage in Dail Eireann.
- (7) That the Minister for Foreign Affairs shall be an *ex officio* member of a Committee or sub-Committee which is considering-
 - (i) a Bill referred to it, or
 - (ii) Estimates for Public Services

and may nominate a Minister or Minister of State to be such *ex officio* member in his or her stead.

- [8] That the Joint Committee shall consider the impact on equality of policy and legislation in respect of the Department of Foreign Affairs and report thereon to both Houses of the Oireachtas.
- [9] That the Joint Committee shall consider such aspects of Ireland's international relations as the Joint Committee may select and report thereon to both Houses of the Oireachtas.
- [10] That any consideration by the Select Committee, the Joint Committee or a sub-Committee of security issues relating to Northern Ireland shall be in private session.
- [11] That Dail Eireann may refer reports relevant to the Department of Foreign Affairs to the Joint Committee for discussion, observations and recommendations and the Joint Committee shall report thereon to both Houses of the Oireachtas.
- [12] That the Joint Committee shall make an annual report to both Houses of the Oireachtas which shall detail
- (i) the work carried out by the Committee,
 - (ii) the work in progress by the Committee,
 - (iii) the attendance and voting records at meetings of the Committee,
 - (iv) its future work programme, and
 - (v) such other matters as the Committee deems appropriate.
- [13] That the Select Committee, the Joint Committee and each sub-Committee shall have power to send for persons, but information need not be provided to a Committee or a sub-Committee if a member of the Government certifies in writing that such information is confidential or that its disclosure would be prejudicial to the State's international relations.
- [14] That the Select Committee and the Joint Committee shall have power, subject to the consent of the Minister for Finance, to engage the services of persons with specialist or technical knowledge to assist them or a sub-Committee for the purpose of particular enquiries.
- [15] That in the absence from a particular meeting of the Select Committee, of the Joint Committee or of a sub-Committee of a member who is a member of Dail Eireann, another member of Dail Eireann nominated by the Party or group within the meaning of Standing Order 90 to which the absent member belongs may take part in the proceedings and vote in his or her stead. Provided that in the case of a substitute nominated by a Party which is a Government Party, such substitute may be a member of another Government Party and that members of Dail Eireann, not being members of the Joint Committee, may attend meetings and take part in the proceeding of the Select Committee, the Joint Committee and each sub-

Committee without having a right to vote.

- [16] That Members of the European Parliament elected from constituencies in Ireland (including Northern Ireland) and Members of the Irish delegation to the Parliamentary Assembly of the Council of Europe may attend meetings of the Joint Committee and of its sub-Committees; and that other Members of the European Parliament may, at the invitation of the Joint Committee or of a sub-Committee attend particular meetings. Members of the European Parliament and Members of the Irish delegation to the Parliamentary Assembly of the Council of Europe attending on such occasions may take part in proceedings without having a right to vote or to table amendments to Bills referred to the Committee under paragraph (4).
- [17] That the Select Committee, the Joint Committee and each sub-Committee previous to the commencement of business, shall elect one of its members to be Chairperson, who shall have only one vote.
- [18] That all questions in the Select Committee, the Joint Committee and each sub-Committee shall be determined by a majority of votes of the members present and voting and in the event of there being an equality of votes, the question shall be decided in the negative.
- [19] That every report which the Select Committee or the Joint Committee proposes to make shall, on adoption by the Committee be laid before Dail Eireann or in the case of a report by the Joint Committee both Houses of the Oireachtas forthwith together with any document relating thereto which the Committee proposes to publish whereupon the Committee shall be empowered to print and publish such report and the said document, or documents, as the case may be.
- [20] That notwithstanding paragraph (19), where the Joint Committee has completed Committee Stage of a Bill, it shall be empowered to print and publish the said Bill as amended, where appropriate.
- [21] That the Joint Committee shall have the power to discuss and draft proposals for legislative changes and new legislation for recommendation to Ministers which are relevant to the matters comprehended by paragraph (9).
- [22] That the Joint Committee shall have the power to receive submissions and hear evidence from interested persons and organisations.
- [23] That the Joint Committee shall have power to print and publish from time to time minutes of evidence taken before it together with such related documents as it thinks fit.
- [24] That Ministers and Ministers of State shall discuss with the Joint Committee, where practicable, general proposals for legislation relevant to the matters comprehended by paragraph (9) prior to such legislation being approved and published by Government.

- [25] That Ministers and Ministers of State shall appear before the Joint Committee to discuss current policies relevant to paragraph (9) and the implementation of such policies in their Departments. A Minister or Minister of State may request the Joint Committee to convene to enable him or her to explain current or proposed policy or to initiate a debate thereon.
- [26] That the quorum of the Joint Committee shall be 8, the quorum of the Select Committee shall be 5 and the quorum of each sub-Committee shall be a number to be decided by the sub-Committee when such sub-Committee is appointed.
- [27] That no document received by the Clerk to the Select Committee, the Joint Committee or a sub-Committee shall be withheld, withdrawn or altered without the knowledge and approval of such Committee.
- [28] That the Joint Committee shall have power to liaise and consult, as it deems necessary, with the Joint Committee on European Affairs to ensure co-ordination and co-operation between both Committees in relation to areas of common activities as provided in the respective Orders of reference.
- [29] That the Joint Committee shall have power to request, as it deems appropriate, of the Joint Committee on European Affairs, that a joint meeting of both Committees be held to consider a specific matter or matters of common activity.
- [30] That in the case of any joint meeting held with the Joint Committee on European Affairs the following shall apply:
- (i) the Chairperson of the Joint Committee on Foreign Affairs shall also act as the Chairperson of any such joint meeting and in the event of his or her unavoidable absence from a joint meeting, a temporary Chairperson shall be elected from among the members present and voting;
 - (ii) the quorum for the joint meeting shall be 9, of whom at least 2 shall be members of the Joint Committee on Foreign Affairs and at least 2 shall be members of the Joint Committee on European Affairs; and
 - (iii) the Orders of Reference, as set out herein, shall otherwise continue to apply
- [31] That all appointees to high office in the State shall attend meetings of the Joint Committee, as appropriate, and subject to the legal constraints of their office, to discuss issues which are relevant to the matters comprehended by paragraph (9).

APPENDIX VI

**TABLE INDICATING NUMBER OF INTERVENTIONS BY
MEMBERS/SUBSTITUTES AT 1993 MEETINGS OF SELECT COMMITTEE
ON LEGISLATION AND SECURITY**

Date	7	14	21	13	22	14	15	20	22	9	10	25	10
Month	5	5	5	7	7	9	9	9	9	11	11	11	12
Ahern D	5		2	2	2	5	3						
Barrett S	8	1	5	5		2	1	3	18	1			
Briscoe B	4	4	3	2			4	1	13	3			
Browne J (C/K)	9	4	7	7	5	9	14	22	9	3	5	2	2
Callely I	4	1	8			7	6		3	4	3	1	
Carey D	1	1						1	1				
Clohessey P	8											1	
Collins G	3	3		6									
de Valera S													
Fitzgerald L	5	5	2		2	18	5		11	4	3	1	
Foley D	1	3	1			1							5
Gilmore E			7	8	10	4	5			1	7		
Gregory T													
Harte P			3	3	3		2		16				
Kemmy J	7	1		2	4	4	1	2		1			
Lenihan B	3	4	2		2								
McDowell D	1			5	4	3		8	2	1	1		
Mitchell G				7	13	55	26	15	27	5	30		11
Mulvihill J				1									
O'Donnell L.		3								3	29		1
O'Donoghue J		3			3	4		1			6		
Date	7	14	21	13	22	14	15	20	22	9	10	25	10
O'Keefe J	2			1		1		3	13	1	1	1	
Power S	6	4		2						1			

Ryan E	5		2		3	4		11					
Ryan J	3		3										
Shatter A	2	20	1		11	2				3		5	
Shorthall R													
Timmins G													
Wallace D	C	H	A	I	R	M	A	N					
Walsh E	2	1	4	1	2	4	2	2	4	1	1	2	1
<i>de Rossa P.</i>	8												
<i>Harney M.</i>		11	7	13	10	9	11	20	7				
<i>McManus L.</i>		12										1	
<i>Costello J.</i>		3			3	2	6	4		1	3		
<i>Ahern N.</i>			1	1									
<i>McDowell M.</i>						20	8		1				
<i>O'Keefe E.</i>						1							
<i>Mitchell J.</i>						4		1					
<i>Ahern M.</i>							2						
<i>Flaherty M.</i>							1						
<i>Finucane M.</i>									2				
<i>Keogh H.</i>												1	
<i>Fitzgerald B.</i>												1	
<i>Rabbitte P.</i>												1	

Source: Official records

Those members listed in italics operated as substitutes at some of the 1993 meetings.

APPENDIX VII

Interventions made at sittings of the Select Committee on Legislation and Security - 1994

Date	1 1/ 1	1 2/ 1	1 8/ 1	1 9/ 1	2 5/ 1	2 4/ 2	2 7/ 4	1 0/ 5	1 1/ 5	1 7/ 5	1 8/ 5	2/ 6	1 5/ 6	2 1/ 7	2 7/ 9	5 / 1 0
Ahern	5		1			1								3		1
Barrett		2			2											
Briscoe					3		1	3	1		1					
Browne	4	4			1 2		3	6 0	1	1 0	7	2 4	1	1 5	1	1 9
Callely		1	3	1	3		3	5				1 4				
Carey			4		1					3					2	7
Clohessy										1						
Collins																
de Valera															1	
Fitzgerald		2	3		5	4	1	1 8	1		6	1 9			1	3
Foley	C	C												1		
Gilmore			3		1	1 1	3 2	2				9			1 1	
Gregory			2	1												
Harte					4							1 7		2		
Kemmy	1 0	1	5			1										
Lenihan										1		3			1	
McDowell D.	1 0	1	3					2			3			1	2	
Mitchell G.			1 2	3 6	6 3	2 5	6 0					3 6			1 2	2 6
Mulvihill			1							2						

O'Donnell	6	6	8	6	1 9	4	2 8	6 0				3 2			2	1 0
O'Donoghue	3	3	1	1		1								2		
O'Keefe					2		8		4	4	1 0		6			
Power			2							4	1	2		1		
Ryan E.	7	6						2			5	7				3
Ryan J.																
Shatter	3 0	1 7		4			1 3		5		1 1		1 2			4
Shorthall																
Timmins																
Wallace			c	c	c	c	c	c	c	c	c	c	c	c	c	c
Walsh <i>Bradford</i>			1	2		1					1 4					
Currie									6		2 6		1 9			
Deasy		2														
de Rossa										2						
Doyle		2														
Durkan			2													
Fitzgerald F.												1				
Hilliard															1	
Keogh									1		2 4		1	8		
Lawlor												9				
McDowell M.	2 6					3 8		6				1 8				
McManus									1		1 9			7		
Rabbitte						4										2 0

Source Dáil Debates 1994 - SCLS

The members listed in italics attended as substitutes at various meetings throughout the year. Their

attendance arose out of their positions such as spokespersons (Keogh and McManus as Equality and Law Reform) or to maintain their party strength in the absence of regular attenders or simply because the particular Deputy wished to make a specific point relating to the debate in question.

APPENDIX VIII

Interventions by members - Select Committee on Legislation and Security - 1995

Name	23/ 3	30/ 3	4/4	5/4	16/ 5	1/6	7/6	9/6	16/ 6	20/ 6	12/7	5/1 0	6/1 0	1/11	7/1 1	5/1 2	6/1 2	7/1 2
Browne J. [C/K]	3	3	8	6	5	2	4		3	4		5	3		7	1	C	C
Browne J. [Wex]																		
Fitzgerald L.	3		8	4	4	2	1	2				11	4	4				
Flanagan C.	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
Gregory T.	1	3						1			1							
Harte P.								6	7					1				
Kenneally B.			4	2		3	9	3			10	1		3				
McDowell D.	2		3			3			6		1		1			1	10	1
McGrath P.	1				9						2			3				
Mulvihill J.	1	1			11													
O'Dea W.	1		18	13		5					30	3		8	2	9	21	13
O'Donnell L.	4					5			21	15						14	30	16
Kemmy J.	1	1					1			1	1							
O'Donoghue J.		1				19		9	13	12						8	26	23
O'Keefe J.	1	1										2				5	1	13

Shatter A.											6	1		1		5	14	21
Smith M.	1				34							1	2					
Timmins G.																		
Wallace D.	2	1			5											4	15	
Walsh E.	1	1			2	2	1	2				3						
Woods M.	3	5	38	22		12	49	20	9	9	82	9	5	19	23	2		3
Ahern N.								3				3						
Bell M.														3				
Clohessy P.					3													
Connaughton			9															
Costello J.									9	3								
Crawford S.								1										
Creed M.														1				
Deasy A.								5	2									
Doherty S.								7										
Fitzgerald F.												2						
Ferris M.																2		
Keogh H.			16	7			17				28	21	36	15	15			
McDowell M.								4				11						
O'Malley D.												9						

<i>Power S.</i>					12													

Names in italics indicate substitutes or Deputies who exercised the rights of non-members to attend and participate without a vote. During the year two Deputies, Michael McDowell and Des O'Malley are recorded as having so attended. Other Dail Deputies with an interest in or a portfolio to "shadow" which was the subject of committee business frequently substituted for members of their own parties.

Source: SCLS - Dáil Debates 1995

APPENDIX IX -

Interventions by members of Select Committee on Legislation and Security - 1996

NAME	3 0/ 1	6/ 2	7/ 2	1 3/ 3	2/ 5	1 4/ 5	2 8/ 5	1 3/ 6	1 8/ 6	2 0/ 6	2 5/ 6	1 6/ 7	1 7/ 7	2 3/ 7	2/ 1 0	8/ 1 0	2 6/ 1 1	3/ 1 2	1 0/ 1 2	1 7 / 1 2
BROWNE J.(C/K)	4	1 3	1		3	4		1 2	6			8	6	8		4	7	1 6	2	8
BROWNE J. (WEX)																				
FITZGERALD L.	5	1	5	2	7	3		3	1	1	3	2	2	2	5	1	1 0		1	
FLANAGAN C.	C H	C H	C H	C H	C H	C H	C H	C H	C H	C H	C H	C H	C H	C H	C H	C H	C H		C H	C H
GREGORY T.					1 5			4	5					2				3		
HARTE P.													2	3						
KEMMY J.									3			1	2							5
KENNEALLY B.					1							1					1			
McDOWELL D.	7													1 5						

McGRATH P.			3											2					
MULVIHILL J.														1					
O'DEA W.				1 9									8						6
O'DONNELL L.	1 1	3 8	2 4		1 3			1 1	1 5	1	4	4	1 8	1 3	3 4		1 6	4	3
O'DONOGHUE J.	6	2 2	1 8					9	5	1	8			1 3	1 8	1 6	2 5	9	2 2
O'KEEFE J.					1												2		2
SHATTER A.	5											4							
SMITH M.						3 0						1							
TIMMINS G.																			
WALLACE D.												6					2	1	
WALSH E.	2	2	3		3			2	2				2	3					
WOODS M.	4	2		4 8	5	1	5	1 0	2		2	4 3	3 1	9				1 9	2 3
BYRNE E.									1										
KEOGH H.							8												5
LYNCH K.	2																		
MOLLOY R.						9 2										2			

<i>O'CUIV E.</i>												1 8								
<i>POWER S.</i>						1 3														
<i>RYAN E.</i>																5				

(Source: Official parliamentary debates)

Names in italics operated as substitutes at certain committee meetings.

APPENDIX X**Interventions - Joint Committee on Foreign Affairs - 1993**

NAME/DATE	18/6	14/7	22/9	6/10	20/10	5/11	11/11	24/11	8/12	16/12a	16/12b
AHERN N.											
BREE D.	1		5	5	2	4		3	1	2	
BRISCOE B.	4		2								
COLLINS G.	1	3									
CONNOR J.	13	8	5		5	12	2	3		2	1
COX P.											
DAVERN N.				2							
DE ROSSA P.	13	27	5	3	3			2	3		
DURKAN B.	6	3	6	3		2	5		2	2	
ELLIS J.		4		1							
FERRIS M.		6	4			3	4	2			
GALLAGHER P. (L/O)	4	2			2			1	2	1	1
HOGAN P.											
LAWLOR L.											
LENIHAN B.	CH	CH	CH	CH	CH	CH		CH	CH	CH	CH
LOWRY M.	3										

McDOWELL M.	3		7					5			1
MORLEY P.J.											
O'HANLON R.	3	3	1				4 (+CH)				
O'KEEFE J.	5		3	1	2		17				1
OWEN N.	24	5		10	2			11	12	5	7
PENROSE W.											
RYAN E.		1	1			7			1		
RYAN S.											
SHATTER A. ¹											
SENATORS DALY B.	SEL	6	1			2				SEL	
LANIGAN M.	SEL	7	6	8	2	6			7	SEL	1
MALONEY S.	SEL		1	2		2	2			SEL	1
NORRIS D.	SEL	10						4	1	SEL	1
TAYLOR-QUINN M.	SEL	3			1	1	2		2	SEL	1

¹ Probably replaced by S. Barrett -no record found and therefore not included in calculations

<i>BANOTTI M.</i>					1						
<i>BARRETT S.²</i>	1	5		2	4	8		1			
<i>DEASY A.</i>		4	5								
<i>FLAHERTY M.</i>	5					2					
<i>KENNY E.</i>	1						6				
<i>KEOGH H.</i>							4				
<i>MITCHELL G.</i>						1					
<i>MITCHELL J.</i>						2					
<i>O'KEEFE E.</i>		1									
<i>UPTON P.</i>							2				

Source: Official records [Note CH denotes chair and SEL denotes a meeting of the Select committee (TDs only)]

² See footnote on previous page

APPENDIX XI

Interventions - Joint Committee on Foreign Affairs - 1994

NAME /DATE	2 0/ 1	2/ 2	9/ 2	2 3/ 2	9/ 3	2 3/ 3	1 2/ 4	3/ 5	1 1/ 5	1 2/ 5	2 5/ 5	2 9/ 6	1/7	27/ 7	14/ 9	28/ 9	7/ 10	12/ 10	19/ 10	3/ 11	23 /1 1
AHERN N.																					3
BARRETT S.	2				3		5	3									1				
BREE D.	2		2		3	2				1					7			2	1		4
BRISCOE B.					2	4		9	2	5				1	1	3		2	1	1	
COLLINS G.																					
CONNOR J.	3	2	2	1		3	2		2	1 8	2	2		1	15	3	2	3	1		4
COX P.							3		2												
DAVERN N.																					
DE ROSSA P.	5		1	2				7	1	9				2		3		2			2
DURKAN B.	3	2	2	1	1		1	2						1			2	1	1	3	
ELLIS J.									1												
FERRIS M.		1		1	4													1		3	3
GALLAGHER P. [L/O]	1	2					4		2				1	1				1	1		4

HOGAN P.																					1
LAWLOR L.	1																				
LENIHAN B.	C		C	C	C	C	C			C	C	C	C	C	C	C					
LOWRY M.																					
MCDOWELL M.	2				2 7					1 1					3	4					
MORLEY P.J.																					
O'HANLON R.								C	1	1	2	1	1	1						C	3
O'KEEFE J.			1	2	4				3		2	2			4			3	1		1
OWEN N.		C	7	4	6	1 5	1 1		C	2 5		6	1	2	9	5	C	C	C		C
PENROSE W.																					
RYAN E.						1															
RYAN S.																					
SENATORS DALY B.								5	2		1				1						
LANIGAN M.	7	1	4		1	3		3	1					1		2		3		1	4
MALONEY S.					1	1		1													
NORRIS D.	2	2		1	7			4	2				1	1			2	4			
TAYLOR-QUINN M.		1	1		3	1		2				2						1	1	1	4

<i>ALLEN B.</i>																					1
<i>BLANEY N.</i>																		1			
<i>BOYLAN A.</i>									1												
<i>BYRNE E.</i>																		1			
<i>COONEY P.</i>			2																		
<i>DEASY A.</i>									1			1						2			
<i>LALOR P.</i>									1												
<i>MCKENNA P.</i>													2								
<i>MITCHELL G.</i>										1											
<i>O'MALLEY D.</i>																			5		

Source: Parliamentary debates - official records.

Note - those listed in italics attended as substitutes, MEPs, Council of Europe delegates or availed of the opportunity of all Oireachtas members to attend committee meetings.

APPENDIX XII

Interventions at reported meetings of the Joint Committee on Foreign Affairs - 1995 and 1996

Name/ Date	15/3/ 95	22/ 3 95	28/ 3 95	5/4 95	12/ 4 95	3/5 95	7/6 95	15/ 5 96	16/ 5 96	4/ 12 96
Ahearn T.			1							
Blaney N.	3	1	4							
Bree D.	1	2					2	1		
Briscoe B.	3		3		1	2	1		2	2
Burke R.	3	6	4	24 ³	4	1	5	2		
Connolly G.		1	1							
Connor J.	1	3				1		2	1	
Deasy A.	1	10		8			7			
Dukes A.	Ch	Ch	Ch	Ch	Ch	Ch	Ch	Ch	Ch	
Ferris M.	1			6	1		2		8 ⁴	1
Gallagher P. (L/O)	1	1	4			1		2	3	1

³ Acting as chair - figures discounted

⁴ As 9 above

BIBLIOGRAPHY

Andeweg, Rudy B., 1997. 'Role Specialisation or Role Switching? - Dutch MPs between Electorate and Executive'. The Journal of Legislative Studies, Spring 1997, Volume 3, Number 1, pps. 110-127.

Arkins, Audrey, 1990. 'Legislative and Executive Relations in the Republic of Ireland' in Parliaments in Western Europe ed. Philip Norton. London: Frank Cass & Co. Ltd., pp 90 - 102.

Arter, David, 1990. 'The Swedish Riksdag: The Case of a Strong Policy-Influencing Assembly' in Parliaments in Western Europe ed. Philip Norton. London: Frank Cass & Co. Ltd., pp 120 - 142.

Bagehot, Walter, 1867. 'The House of Commons' in Legislatures ed. Philip Norton, 1992. New York: Oxford University Press, pp 36 - 46.

Baines, Priscilla, 1985. 'History and Rationale of the 1979 Reforms' in Gavin Drewry (ed.) The New Select Committees. Oxford: Oxford University Press, pps. 13-36.

Beer, Samuel H., 1966. 'The British Legislature and the Problem of Mobilising Consent' in Legislatures ed. Philip Norton, 1992. New York: Oxford University Press, pp 62-80.

Berry, Sebastian, 1992. 'Lobbyists: Techniques of the Political 'insiders'' Parliamentary Affairs, Vol 45, No. 2 (April 1992)

Bogdanor, Vernon, 1985. Representatives of the People? Parliamentarians and Constituents in Western Democracies. England: Gower.

Braine, Sir Bernard, M.P., 1987. Article in The House Magazine, British Houses of Parliament.

Bunreacht na hEireann.

Chubb, Basil, 1982. The Government and Politics of Ireland. Stanford: Stanford University Press.

Dail Debate 26/27 January, 1983, Vol 339

Dail Debate 18/19 February, 1993, Vol. 426

Dail Debate 20/22 September, 1993. Select Committee on Legislation and Security

Damgaard, Erik, 1997. 'The Political Roles of Danish MPs'. The Journal of Legislative Studies, Spring 1997, Volume 3, Number 1, pps. 79-90.

Daniel, Caroline, 1997. 'The class of 97.' in New Statesman, May 1997, v126, n4332, pps. 102-114.

Department of Foreign Affairs, 1996. Challenges and Opportunities Abroad - White Paper on Foreign Policy. Dublin: Stationery Office.

Desmond, Barry, TD, 1975. 'The Houses of the Oireachtas - A Plea for Reform'. Administration, Winter 1975.

De Winter, Lieven, 1997. 'Intra- and Extra-Parliamentary Role Attitudes and Behaviour of Belgian MPs.' in The Journal of Legislative Studies, Spring 1997, Volume 3, Number 1, pps. 128-154.

Donnelly, Katy, 1997. 'Parliamentary Reform: Paving the Way for Constitutional Reform'. Parliamentary Affairs, April 1997, Vol. 50, No. 2, pps. 246-262.

Drewry, Gavin, 1985. The New Select Committees. Oxford: Oxford University Press.

du Cann, Edward, 1984. 'The Chairman's View-3' in Commons Select Committees - Catalysts for Progress? ed. Dermot Englefield. Harlow: Longman Group Limited, pps. 36-40.

Englefield, Dermot, 1984. Commons Select Committees - Catalysts for Progress? Harlow: Longman Group Limited.

Eurobarometer 44, Commission of the European Union/Eurostat - <http://www.za.unikoein.de/data/en/eurobarometer>.

Fine Gael, the Labour Party, Democratic Left, 1994. Programme for Government

FitzGerald, Garret, 1997. 'Distortion of parliamentary politics must be corrected'. Irish Times, 8/2/1997.

Franks, Suzanne and Adam Vandermark, 1995. 'Televising Parliament: Five Years On'. Parliamentary Affairs, January, 1995, Vol. 48, No. 1, pps. 57-71.

Frears, John, 1990. 'The French Parliament: Loyal Workhouse, Poor Watchdog' in Parliaments in Western Europe ed. Philip Norton. London: Frank Cass & Co. Ltd., pp 32 - 51.

Furlong, Paul, 1990. 'Parliament in Italian Politics'. Parliaments in Western Europe, ed. Philip Norton, pp 52 - 67. London: Cass & Co. Ltd.

Gallagher, Michael, 1992. 'Parliament'. Politics in the Republic of Ireland ed. John Coakley and Michael Gallagher, pp 112 - 134. Galway: PSAI Press.

Gallagher, Michael, 1996. 'Electoral Systems'. Attached to Report of the Constitution Review Group, 1996. Dublin: Stationery Office.

Gallagher, Michael and Lee Komito, 1992. 'Dail Deputies and their Constituency Work' in Politics in the Republic of Ireland ed. John Coakley and Michael Gallagher. Galway: PSAI Press pp 135 - 150

Giddings, Philip, 1997. 'Parliament and the Executive'. Parliamentary Affairs, January 1997, Vol. 50, No. 1, pps. 84-96.

Gladdish, Ken, 1990. 'Parliamentary Activism and Legitimacy in the Netherlands'. Parliaments in Western Europe, ed. Philip Norton, pp 103 - 119. London: Cass & Co. Ltd.

Global - European Network, 1996. Global Legislators Organisation for a Balanced Environment - GLOBE - article published in February, 1996.

Heidar, Knut, 1997. 'Roles, Structures and Behaviour: Norwegian Parliamentarians in the Nineties'. The Journal of Legislative Studies, Spring 1997, Volume 3, Number 1, pps.91-109.

Hernes, G. & K. Nergaard, 1989. Oss i mellom. Oslo: FAFO, p.192.

Hollingsworth, Mark, 1991. MPs for Hire - The Secret Works of Political Lobbying. London: Bloomsbury Publishing Ltd.

Hussey, Gemma, 1990. At the Cutting Edge. Dublin: Gill and Mac Millan

Irish Times, 11 May 1996.

Irons, Keith, 1984. Participant in 'Discussion' in Commons Select Committees - Catalysts for Progress? ed. Dermot Englefield. Harlow: Longman Group Limited, pps. 33-35.

Judge, David, 1981. Backbench specialisation in the House of Commons. London: Heinemann Educational Books Ltd.

Kask, Peet, 1996. 'Institutional Development of the Parliament of Estonia' in (ed.) David M. Olson and Philip Norton, The New Parliaments of Central and Eastern Europe. London: Frank Cass & Company, pps. 193-212.

Klug, Francesca, Keir Starmer and Stuart Weir, 1996. 'Civil Liberties and the Parliamentary watchdog: The Passage of the Criminal Justice and Public Order Act 1994'. Parliamentary Affairs, October 1996, Vol. 49, No. 4, pps. 536-549.

Laundy, Philip, 1989. Parliaments in the Modern World. Aldershot: Dartmouth Publishing Company Limited.

Mann, Thomas E., 1986. 'United States Congressmen in Comparative Perspective' in Parliaments & Parliamentarians in Democratic Politics, ed. Ezra N. Suleiman. New York: Holmes & Meier, pp 223 - 248.

Mc Cann, Dermot, 1993. 'Business Power and Collective Action: The State and the Confederation of Irish Industry 1970 - 1990'. Irish Political Studies, 8, 1993. pp 37 - 53.

Mc G Smyth, John, 1972. The Theory and Practice of the Irish Senate. Dublin: Institute of Public Administration.

Mezey, M.L., 1979. Comparative Legislatures. Durham NC: Duke University Press.

Miles, Lee, 1997. 'Sweden: A Relevant or Redundant Parliament?' Parliamentary Affairs, July 1997, Volume 50, No. 3, pps. 423-437.

Miller, Charles, 1987. Lobbying Government. Oxford: Basil Blackwell Ltd.

Mitchell, Austin, 1997. 'Performing seals: fight back!' in New Statesman. July 25 1997, V126, n4344, p 171.

Morris, Charles, 1984. 'The Opposition's View' in Commons Select Committees - Catalysts for Progress? ed. Dermot Englefield. Harlow: Longman Group Limited, pps. 41-44.

Nealon, Ted, 1993. Nealon's Guide to 27th Dail and Seanad Election'92. Dublin: Gill & MacMillan.

Norton, Philip, 1990. Parliaments in Western Europe. London: Frank Cass & Co. Ltd.

Norton, Philip, 1992. Legislatures. New York: Oxford University Press.

Norton, Philip, 1993. Does Parliament Matter? Hemel Hempstead: Harvester Wheatsheaf.

Norton, Philip, 1997. 'The United Kingdom: Restoring Confidence'. Parliamentary Affairs, July 1997, Vol. 50, No. 3. pps. 357-372.

O'Halpin, Eunan, 1986. 'Oireachtas Committees: Experience and Prospects'. Seirbhís Phoibli, Vol 7, No. 2, Meitheamh 1986, pps. 3-9.

O'Halpin, Eunan, 1992. 'Policy Making' in Politics in the Republic of Ireland, ed. John Coakley and Michael Gallagher. Galway: PSAI Press, pp 167 - 181.

O'Halpin, Eunan, 1996. 'Irish Parliamentary Culture and the European Union: Formalities to be Observed' in National Parliaments and the European Union, ed. Philip Norton. London: Frank Cass & Company Limited, pps. 124-135.

Olsen, David and Philip Norton, 1996. The New Parliaments of Central and Eastern Europe. London: Frank Cass & Company.

Olsen, J.P., 1983. Organised Democracy. Oslo: Universitetsforlaget.

Packenham, Robert A., 1970. 'Legislatures and Political Development' in Legislatures ed. Philip Norton, 1992. New York: Oxford University Press, pp 81 - 96.

Paniagua Soto, Juan L., 1997. 'Spain: A Fledgling Parliament 1977-1997.' in Parliamentary Affairs, July 1997, Vol. 50, No. 3. pps. 410-422.

Patterson, S.C., 1966. 'Midwest Legislative Politics', paper presented at Mid-American Assembly on State Legislatures.

Patzelt, Werner J., 1997. 'German MPs and Their Roles'. The Journal of Legislative Studies, Spring 1997, Volume 3, Number 1, pps. 55-78.

Polsby, Nelson W., 1975. 'Legislatures' in Fred I. Greenstein and Polsby, eds., Handbook of Political Science. Reading, Mass.: Addison-Wesley, Vol 5, p 277.

Reschova, Janica and Jindraska Syollova, 1996. 'The Legislature of the Czech Republic' in (ed.) David M. Olson and Philip Norton, The New Parliaments of Central and Eastern Europe. London: Frank Cass & Company, pps. 82-107.

Remington, Thomas and Steven S. Smith, 1996. 'The Early Legislative Process in the Russian Federal Assembly' in (ed.) David M. Olson and Philip Norton, The New Parliaments of Central and Eastern Europe. London: Frank Cass & Company, pps. 161-192.

Richardson, Jeremy J., 1993. Pressure Groups ed. New York: Oxford University Press.

Rizzuto, Franco, 1997. 'France: Something of a Rehabilitation.' in Parliamentary Affairs, July 1997, Vol. 50, No. 3. pps. 373-379.

Rommetvedt, H., 1992. 'Norway from Consensual Majority Parliamentarism to Dissensual Minority Parliamentarism' in E. Damgaard (ed.), Parliamentary Change in the Nordic Countries. Oslo: Scandanavian University Press.

Rose, Richard, 1986. 'British MPs: More bark than Bite?' in Parliaments & Parliamentarians in Democratic Politics. ed. Ezra N. Suleiman. New York: Holmes & Meier, pp 8 - 40.

Saalfeld, Thomas, 1990. 'The West German Bundestag after 40 years: The Role of Parliament in a 'Party Democracy''. Parliaments in Western Europe, ed. Philip Norton, pp 68 - 89. London: Cass & Co.Ltd.

Saalfeld, Thomas, 1997. 'Professionalisation of Parliamentary Roles in Germany: An Aggregate-Level Analysis, 1949-94'. The Journal of Legislative Studies, Spring 1997, Volume 3, Number 1, pps. 32-54.

Searing, Donald D., 1995. 'Backbench and Leadership Roles in the House of Commons'. Parliamentary Affairs, July 1995, Volume 48, No. 3, pps. 419-438.

Shaw, Malcolm, 1979. 'Committees in Legislatures' in Legislatures ed. Philip Norton, 1992. New York: Oxford University Press, pps. 237-267.

Sowell, Thomas, 1996. 'Reflections on term limits'. Forbes, September 23 1996, v158, n7, p. 80.

State Directory 1995 - 96. Dublin: Government Publications Office.

Strom, Kaare, 1997. 'Rules, Reasons and Routines: Legislative Roles in Parliamentary Democracies'. The Journal of Legislative Studies, Spring 1997, Volume 3, Number 1, pps. 155-174.

Suleiman, Ezra N., 1986. Parliaments & Parliamentarians in Democratic Politics. New York: Holmes & Meier.

Thomas, Alex, 1995. 'Cries and whispers' in Marketing, February 16, 1995, pps. XIII-XVI.

Turpin, C., 1989. 'Ministerial Responsibility: Myth or Reality?' in J. Jowell and D.

Oliver, The Changing Constitution. Clarendon Press.

Wahlke, John C., 1971. 'Policy Demands and System Support: The Role of the Represented' in Legislatures ed. Philip Norton, 1992. New York: Oxford University Press, pp 97 - 126.

Wakland, S.A., 1968. The Legislative Process in Great Britain. London: George Allen and Unwin Ltd.

Wheare, K.C., 1968. Legislatures. London: Oxford University Press.

Dáil Debates

26 January 1983
27 January 1993
18 February 1993
19 February 1993
28 April 1993
29 April 1993
5 May 1993
19 October 1993
20 October 1993
1 March 1995
9 March 1995
10 March 1995
9 October 1996
13 November 1997

Seanad Debates

7 April 1993
13 May 1993
13 March 1995
14 March 1995

Select Committee on Legislation and Security - Parliamentary Debates

7 May 1993	14 May 1993	21 May 1993
13 July 1993	22 July 1993	14 September 1993
15 September 1993	20 September 1993	22 September 1993
9 November 1993	10 November 1993	25 November 1993
15 December 1993	16 December 1993	11 January 1994
12 January 1994	18 January 1994	19 January 1994
25 January 1994	24 February 1994	27 April 1994
10 May 1994	11 May 1994	17 May 1994
18 May 1994	2 June 1994	15 June 1994
27 September 1994	5 October 1994	7 December 1994
23 March 1995	30 March 1995	4 April 1995
5 April 1995	16 May 1995	1 June 1995
7 June 1995	9 June 1995	16 June 1995
20 June 1995	12 July 1995	5 October 1995
18 October 1995	7 November 1995	5 December 1995
6 December 1995	7 December 1995	30 January 1996
6 February 1996	7 February 1996	13 March 1996
14 May 1996	28 May 1996	13 June 1996
23 July 1996	26 November 1996	3 December 1996
17 December 1996		

Select/Joint Committee on Foreign Affairs - Parliamentary Debates

18 June 1993	14 July 1993	22 September 1993
20 October 1993	5 November 1993	11 November 1993
24 November 1993	8 December 1993	16 December 1993
20 January 1994	1 February 1994	2 February 1994
9 February 1994		
13 April 1994	11 May 1994	12 May 1994
25 May 1994	1 July 1994	6 July 1994
27 July 1994	7 October 1994	12 October 1994
19 October 1994	2 November 1994	23 November 1994
19 January 1995	15 March 1995	28 March 1995
5 April 1995	25 April 1995 (i)	25 April 1995 (ii)
3 May 1995	7 June 1995	15 May 1996
16 May 1996	4 December 1996	

Dáil Eireann. Report of the Select Committee on Legislation and Security for the period 7 April, 1993 to 31 December, 1994. Dublin: Stationery Office.

Dáil Eireann. Report of the Select Committee on Legislation and Security for the period 1 January, 1995 to 31 December, 1996. Volume I. Dublin: Stationery Office.

Dáil Eireann. First Report of the Standing Sub-Committee on Dáil Reform on Establishment of Committees in the 28th Dáil. 6th November, 1997. Dublin: Stationery Office. T. 295.

1994 Revised Estimates for the Public Services. Dublin: Government Publications Office.

1996 Revised Estimates for the Public Services. Dublin: Government Publications Office.

Report of the Constitution Review Group. 1996. Dublin: Stationery Office.

Joint Committee on Foreign Affairs, 1993. Report on the Agricultural Aspects of the General Agreement on Tariffs and Trade. December, 1993.

Joint Committee on Foreign Affairs, 1994. Report on Third World Debt with Particular Reference to the Role of the IMF and the World Bank. April 1994.

Joint Committee on Foreign Affairs, 1994. Report on the Enlargement of the European Union. 28 September 1994.

Joint Committee on Foreign Affairs, 1995. Report on European Union Security and Defence. 23 May, 1995.

Joint Committee on Foreign Affairs, 1995. Report on the Situation in Rwanda. 5 July, 1995.

Joint Committee on Foreign Affairs, 1995. Report on the Second World Parliamentarians Conference on Tibet. 5 July, 1995.

Joint Committee on Foreign Affairs, 1995. Second Report on Third World Debt with Particular Reference to the Roles of the IMF and the World Bank. 4 October, 1995.

Joint Committee on Foreign Affairs, 1996. Report on Visit to Israel and Gaza, 9-11 December 1996. January 1997.

Material supplied by Houses of the Oireachtas, Public Relations Office.

Correspondence with Government Press Office

Correspondence with Houses of the Oireachtas, Public Relations Office.

Conversations/interviews with Houses of the Oireachtas, Public Relations Office.

Discussions/conversations/interviews with Committee Secretariat, Houses of the Oireachtas.

Discussion with Deputy Brian Lenihan's (junior) aides.