

**Social
Democrats**

Honest Politics

*Restoring trust in politics
and public life*

*Hope for better.
Vote for better.
Vote Social Democrats.*

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Honest Politics – Open Government

Trust is vital for a healthy democracy.

If the public are to have trust in our politics and government, then **transparency** and **integrity** must be the defining features of all decision-making.

Accountability should not just be a buzz word, but a meaningful component of all our systems of governance and oversight. Individuals and organisations must pay the price for malpractice, corruption and reckless behaviour. We must develop a culture that is focused on serving the people of Ireland, not powerful interests who have the ear of ministers and officials.

It is clear that our government and our political system have not fully embraced transparent decision making or a culture of open government and good governance. The all too cosy nexus between business and politics is alive and well.

Too often, decisions on the **allocation of significant state resources** are influenced by the interests of well-connected individuals and organisations without proper recourse to evidence-based analysis, equality proofing, poverty proofing or regulatory impact.

Inadequate governance and accountability systems are at the heart of cost overruns involving massive amounts of public resources that could be spent elsewhere. Repeatedly, we see that questions are asked after the fact and answers are hard to find, particularly when paper trails run out and memories falter.

In addition, Ireland does **not have an effective means of preventing, detecting and prosecuting corruption and white-collar crime**. Various Tribunals and Commissions of Inquiry have come and gone with little consequences for corrupt and illegal behaviour.

The Social Democrats have a plan to open up government and improve accountability whilst also tackling corruption in politics and public life. We believe this can restore confidence and trust in our politics and our democracy while encouraging civic participation.

Honest Politics – Open Government sets out a number of proposed measures under the following headings:

1. Establish an **Independent Anti-Corruption Agency**:
2. Strengthen **Transparency and Accountability** in Decision Making
3. Establish an **Irish Electoral Commission**
4. Institute Meaningful **Oireachtas Reform**
5. Rebalance **Political Funding**

Establish an Independent Anti-Corruption Agency

Ireland does not have an effective means of preventing, detecting, and prosecuting corruption and white-collar crime. Various Tribunals, Commissions and Oireachtas inquiries have come and gone with **little consequences for corrupt and reckless behaviour**.

More than ten years on from the banking collapse, serious questions remain about the capacity of our criminal justice system when it comes to detecting and successfully prosecuting **white collar crime**. Anti-corruption law is spread across a range of legislation, and responsibility for preventing and prosecuting corruption is spread across a multitude of agencies. Piece-meal reforms in recent years have fallen short of what is needed to protect government decision-making from being unduly influenced by vested interests.

More laws are not enough without the drive and resources to vigorously and proactively police them.

The Social Democrats first proposed the setting up of an independent anti-corruption agency in a motion brought to the Dáil in December 2015. Our detailed proposals are based on best-practice internationally and cover corruption in both the public and the private sphere. Without a dedicated and properly resourced agency, we will continue to see a range of laws on our statute books which meet international standards, but which lead to few actual consequences for corrupt behaviour.

We propose to **establish a new Independent Anti-Corruption Agency (IACA)** to:

- Tackle white collar crime and corruption in the corporate world and political sphere;
- Operate as a **standing Commission of Investigation**
- ending the need for expensive ad hoc Tribunals;
- Assume the **anti-corruption remit** of the Standards in Public Office Commission, Office of the

Director of Corporate Enforcement, Registrar of Lobbyists and the Competition and Consumer Protection Commission;

- Act as an advisory body to several other public bodies;
- Monitor and investigate **public procurement** activities;
- Conduct sectoral reviews and initiate **investigations** as and when necessary;
- Work with a newly established Dáil oversight committee, (the

Public Interest Committee) to oversee IACA and Ministerial resource allocation decisions;

- Propose updates to anti-corruption legislation, including setting minimum standards for eligibility to hold public office, require serving politicians to declare significant liabilities as well as assets, further reforming the law on lobbying, and strengthening gift and hospitality rules for public servants.

The Social Democrats' full proposals for an Independent Anti-Corruption Agency are set out in a detailed policy document, Independent Anti-Corruption Agency, available at: www.socialdemocrats.ie/IACA

Strengthen Transparency in Decision-Making

Public monies and resources have too often been used as **political slush funds** where the needs of insiders or the electoral interests of governing parties are favoured over genuine public need.

In recent years there have been revelations of **unfettered access for bidders for large state contracts to the corridors of power**. Time and time again, when state contracts were being awarded, the right questions have not been asked. And time and time again, the public has paid the price for **shoddy governance and poor administration** which has led to cost over-runs and delays, including the National Broadband Plan and the National Children's Hospital.

The Social Democrats aim to bring about an end to "Golden Circle" politics by introducing meaningful changes to the culture, practices and oversight of publicly-funded bodies.

To achieve this, we will:

- Introduce an **Oireachtas Committee vetting procedure for all senior appointments to public bodies**. This would have the effect of introducing objectivity and oversight into the process and would ensure that appointments are made on the basis of merit, suitability and qualification rather than political connection.
- **Remove all political involvement from judicial appointments** and promotions by establishing an independent body
- **Poverty-proof all legislative, policy and budgetary decisions** and introduce an **evidence-based system of resource allocation**.

By limiting ministerial discretion in this way, consistency and openness could be achieved and efforts made to bring about inclusivity and diversity in respect of the profiles of appointees.

This would be conducted in line with the new Anti-Poverty Strategy we propose to introduce within 6 months of election, and would involve working within clearly defined targets, timeframes and lines of responsibility that prioritise the

welfare of the people of Ireland in all government decisions.

- **Equality-proof all legislative, policy and budgetary decisions.**
- **Replace the Official Secrets Act 1963** with legislation that strikes a better balance between maintaining state security and protecting whistle-blowers in reporting wrongdoing.

The Act was written in very broad terms and has been misused as a means of blocking public-interest led disclosures. Such broad reaching restrictions are no longer necessary.

- **End ‘no minutes’ practices** by requiring public officials to make accurate records of key government decisions and actions – and to keep these for as long as they are needed for accountability purposes. If records of important government discussions and decisions do not exist, there should be a presumption that they have been destroyed or there was negligence or maladministration.
- Reform the Ministers and Secretaries Act, to **make senior civil servants accountable for their actions.**

- **Introduce a clear and transparent system of resource allocation**, where allocations are based on objective, pre-constructed and evidence-based criteria
- Actively and enthusiastically participate in the **Open Government Partnership** initiative by prioritising reforms which have the strong backing of civil society and which have the potential to be truly transformative.
- Introduce an **e-governance platform and publish more extensive data in open source** to bring about a more open and transparent form of governance and a general presumption of openness in relation to State-held data.
- Improve and urgently enact the long-delayed **Public Sector Standards Bill 2015** which would go some way towards implementing the recommendations of the Mahon Tribunal and address future conflicts of interest by TDs, Ministers and office-holders. The Bill has not progressed beyond committee stage in almost three years.

- Create a **'legislative footprint'** for all Acts of the Oireachtas to ensure full transparency in how our laws are influenced. A comprehensive digital footprint would allow the public to see in one place the input of different groups and individuals in shaping legislation at different stages in its legislative journey. It would summarise all external input, including submissions received by public officials and representatives.
- **Make lobbying activities more open** by reforming the Regulation of Lobbying Act 2015, including the recommendations of the Standards in Public Office Commission (SIPO) which administers and enforces this law. SIPO should be resourced to conduct thorough spot checks of a proportion of all lobbying returns filed and to 'name and shame' lobbyists who contravene the law by publishing its investigation reports.

Establish an Irish Electoral Commission

The Irish electoral process enjoys a consistently high level of trust on the part of the Irish electorate; but we can do better. In particular, the mechanisms of our electoral process are disjointed and are under-performing, the inaccuracy of the electoral register is a prime example of how lack of coordination can lead to duplication and inaccuracy.

At present we depend on a combination of bodies to operate our electoral process – this includes the Department of the Environment, Community and Local Government, individual local authorities and Referendum Commissions established to administer individual referendums. The Social Democrats aim to change this by establishing a new Irish Electoral Commission to be headed up by a Chief Electoral Officer of Ireland.

We believe that **Irish electoral politics must instead be administered by an overarching independent statutory body**, an Irish Electoral Commission.

This body would take full responsibility for overseeing and regulating all facets of the electoral process would strengthen existing levels of trust in the electoral process, streamline its administration, and provide a **transparent one stop-shop for citizens to interact with on all matters electoral**.

Remit of the Irish Electoral Commission

The remit of the Irish Electoral Commission ('the Commission') would extend to all areas of the electoral process, including **voter registration; boundary divisions; campaign oversight; political financing; voter education and political online advertising**.

The Commission would also assume the electoral and referendum related functions of the Referendum Commissions formed to take responsibility for individual referendums, the Standards in Public Office Commission (SIPO) and local authorities around the country.

In addition to its responsibility for direct electoral engagement, the Commission would also conduct research and explore options to enhance and

improve all aspects of the electoral process. The electoral commissions of other jurisdictions regularly trial and implement new options to increase mobilisation and make voting more accessible, the Irish Electoral Commission would operate in a similar way to identify and implement best practice initiatives aimed at continually strengthening the electoral process in Ireland.

The Commission would be a permanent statutory body with financial accountability to the Comptroller & Auditor General. This is to be distinguished from the temporary, albeit highly successful and respected, Referendum Commissions founded to take responsibility for specific referendum campaigns.

Full powers of regulation, sanction and enforcement regarding matters of electoral politics would rest with the Commission and this includes taking responsibility for administering a **single unified electoral register** for the Irish state. This would replace the 31 separate electoral registers maintained at present.

It is intended that the **Commission would promote increased awareness, understanding and engagement with the electoral process**. This would be brought about through:

- **Centralised management of the electoral register** to ensure more accurate measures of voter turnout and better strategies to increase voter participation;
- Overseeing the **selection of voting locations** to ensure the needs of the electorate rather than the needs of government institutions are central to such decisions;
- Providing **wider access to postal voting**;
- Improving **voting rights for recent emigrants**;
- Rollout of on-going and thorough **voter education initiatives** aimed at mobilising citizens, increasing participation in the democratic process and educating voters as to how the system works and how they can maximise their electoral choices.

Institute Meaningful Oireachtas Reform

The Irish Oireachtas is one of the weaker parliaments in liberal democracy.

While much needed reform has happened over the last number of years in the Oireachtas to strengthen the ability of members and the institution itself in carrying out the fundamental functions of parliament, we believe there is still much to be done.

We will:

- **Redistribute power to a reformed local government system** to remove localism from national politics.
- **Reform the whip system** to rebalance the power dynamic between Parties and members of parliament

We would investigate the introduction of a lined whipping system similar to the British Houses of Parliament. This system helps parties and government to distinguish between policy positions that members are absolutely bound to support, issues they are strongly advised to support and issues the party would prefer they support.

In adopting such a tiered approach, it may be possible to maintain the stability of parliament on urgent matters of confidence and supply, while

also respecting the voting rights of individual members.

These potential reforms could have the effect of increasing the accountability of individual parliamentarians for their voting choices and is aimed at strengthening the role of the Dáil and Seanad as deliberative forums.

This will only improve the workings of the Oireachtas as a whole, if these measures are adopted on a cross party basis.

- **Strengthen Oireachtas Committees and place them at the centre of the legislative process.**
- Require that **public representatives declare significant liabilities as well as assets**. This would be introduced as part of improvements to the Public Sector Standards Bill 2015.

- **Eliminate salary top-up payments** made to committee chairpersons, whips, and members of the Houses of the Oireachtas Commission.
- **Reform and make appropriate, accountable and transparent all expenses and allowances paid to members of parliament.**
- The legislative process should not end with enactment. legislation must be subject to **post-enactment scrutiny** to ensure it operates as originally intended.

This is to be achieved by attaching a brief outcome report to all new legislation setting out the precise intention of the legislation and identifying an appropriate Oireachtas Committee to conduct the assessment.

Reviews would take place approximately one year after enactment and, where amendments are identified as necessary, committees would appropriate action.

Rebalance Political Funding

Politics is currently funded in such a way as to protect the established Parties and this makes it extremely difficult for new alternatives to emerge.

Our political funding model therefore acts as a barrier to the on-going development and evolution of our political system, making the system less responsive to the needs and wishes of the voters of Ireland.

It is vital that this problem be addressed. We propose to **reform the two streams of political funding** - parliamentary and electorally-based - as follows:

- Change the distribution mechanism for **parliamentary funding and resourcing to be much more transparent and accountable** in in how resources are used. give members better access to and control over how such resources are used. This would safeguard the equal capacity of members to do their jobs and would rebalance the power dynamic between Parties and members of parliament;

- **Change the distribution mechanism for funding provided**

under the Electoral Acts to prevent qualifying parties from receiving a proportion of the shared fund that is larger than the proportion of 1st preference votes received in the preceding general election. This proposed reform would divert political funding to the Irish Electoral Commission to fund political education and outreach work aimed at providing support and voter engagement for small parties, new parties and under-represented groups.

For full details of our proposals in these areas see our policy document Towards Open and Transparent Government: Reforming Politics, Tackling Corruption at www.socialdemocrats.ie/transparent



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