

Expert Advisory Group Terms of Reference

Background

*“An Expert Advisory Group will be established to assist the work of the Assembly in terms of preparing information and advice” – **extract from the Oireachtas resolution establishing the Assembly***

The Citizens’ Assembly has been tasked with the consideration of five discrete topics; the Eighth Amendment of the Constitution; how we best respond to the challenges and opportunities of an aging population; fixed term parliaments; the manner in which referenda are held; and how the State can make Ireland a leader in tackling climate change.

The Oireachtas resolution establishing the Assembly states that an Expert Advisory Group will be established to assist the work of the Assembly in terms of preparing information and advice.

The Expert Advisory Group will be comprised of academics/practitioners across a number of specific fields of interest.

For the *Eighth Amendment of the Constitution* the fields of interest included:

- Political/ Social Science;
- Constitutional Law and Theory;
- Medical Law and Ethics;
- Medicine and Obstetrics.

For *how we best respond to the challenges and opportunities of an ageing population* the fields of interest included:

- Political/ Social Science;
- Health Policy/ Medical Gerontology;
- Participation including Social and Economic Aspects of Ageing;
- Legal issues including elder abuse and neglect;
- Social Work/ Social Justice.

For *how the State can make Ireland a leader in tackling climate change* the fields of interest included:

- Political Science, with a particular focus on the politics of climate change;



- Environmental Governance and Sustainable Development;
- Environmental Law;
- Climate Science;
- Adaptation.

On the topic of the *manner in which referenda are held and fixed term parliaments*, the Expert Advisory Group is comprised of academics/practitioners across a number of specific fields of interest including:

- Constitutional Law;
- Political Science, including but not limited to deliberative democracy, electoral behaviour, and political institutions;
- political communication.

The members of the Expert Group will be chosen by applying the following criteria:

- Relevant expertise and experience;
- Impartiality/ objectivity on the topics before the Assembly about which they are assisting;
- Willingness/ availability to participate.

The composition and focus of the Expert Advisory Group may change during the lifetime of the Assembly.

Terms of Reference

The main roles of the Expert Advisory Group include the following:

- Supporting the Chair and Secretariat in constructing a fair, balanced and comprehensive work programme for the Assembly on each of the topics;
- Providing background expert advice on the issues being discussed;
- Advising on the criteria for selecting specialists/ experts to appear before the Assembly;
- Recommending names for the specialists/ experts to appear before the Assembly, for ratification by the Steering Group;
- Working with the Chair and Secretariat to select speakers from civil society and advocacy groups.

The Expert Advisory Group will make no public comment on their work for the Citizens' Assembly while that work is ongoing.

Selection of specialists/ experts to appear before the Assembly

For each topic, one or more experts/ specialists should be retained to make presentations directly to the Assembly, the objective being to provide informed, fair and balanced information to Assembly members.

In the case of the first matter to be considered by the Assembly; the *Eighth Amendment of the Constitution*, the discussion took place over a series of weekends. The Expert Advisory Group assisted the Chairperson in devising a structure for those weekends, so that the composite discussion was balanced and covered all of the key issues which allowed for a thorough and comprehensive analysis of the issues.

In the case of the second matter to be considered; *how we best respond to the challenges and opportunities of an ageing population*, the discussion took place over two weekends. The Expert Advisory Group assisted the Chairperson in devising a structure for those weekends so that the composite discussion was balanced and covered all of the key issues to allow for a thorough and comprehensive analysis of the issues.

In the case of the third matter to be considered; *how the State can make Ireland a leader in tackling climate change*, the discussion will take place over two weekends. The Expert Advisory Group assisted the Chairperson in devising a structure for those weekends so that the discussion will be balanced and cover all of the key issues to allow for a thorough and comprehensive analysis of the issues in an efficient manner.

In the case of the fourth and fifth matters to be considered; the *manner in which referenda are held* and *fixed term parliaments* respectively, the discussions will take place over one weekend for each individual topic (i.e. there will be two further weekend meetings). The Expert Advisory Group will assist the Chairperson in devising a structure for those topics so that the discussion will be balanced and cover all of the key issues to allow for a thorough and comprehensive analysis of the issues in an efficient manner, cognisant of the limited time available to cover each topic.

The Expert Advisory Group will use the following criteria as the basis for proposing the names of experts/ specialists for consideration by the Steering Group and, where appropriate, the wider Assembly.

Criteria for selecting specialists/ experts to appear before the Assembly

- Demonstrated expertise in the field, e.g. university academics, members of the legal or medical profession or other subject specialists;

- Good communicators, capable of expressing themselves clearly to a diverse audience;
- People who are not seen primarily as advocates on one side or another of the issue at hand;
- In the case of issues where expert views are contested (i.e. where experts can make credible arguments that directly conflict with one another,) the Expert Advisory Group will ensure that both sides of the argument will be represented.

Role of Expert Advisory Group at Assembly Meetings

In order to best allow the Group to provide this support, where possible, members of the Group will attend the Assembly meetings in the Grand Hotel in Malahide. Their role at those meetings will be as follows:

- To observe proceedings and reflect on how the material being presented is received by the Members;
- To consider how best any feedback coming from roundtable discussions could be incorporated into the assembly work Programme at future weekends;
- Where appropriate, and at the discretion of the Chairperson, the group may also provide clarification on questions from the members, with answers being provided in plenary session.

Expert Advisory Group Members*

Topic: The Eighth Amendment of the Constitution

Elizabeth Dunn MRCOG, FRCOG, MD is a Consultant Obstetrician in Wexford General Hospital.

Oran Doyle is an associate professor and Head of the School of Law in Trinity College Dublin and his principal research interest lies at the intersection of constitutional law and legal theory.

Adrienne Foran is a neonatal consultant post at the Rotunda and Children's University Hospitals. She is also an Honorary Senior Lecturer with RCSI and has been the Clinical Director at The Children's University Hospital Temple Street since October 2015.

John Garry is Professor of Political Behaviour at Queen's University Belfast and one of his principal research interests is in the area of deliberative democracy and the design of Citizens' Assemblies.

Declan Keane is a consultant obstetrician in Holles St and formerly served as the Master of Holles St.

Deirdre Madden BCL, LL.M, BL, PhD, is Professor of Law at University College Cork, specialising in medical law and ethics. She is the author of ***Medicine, Ethics and the Law*** (3rd ed. 2016), former Chair of the Ethics Committee of the Medical Council, and a member of the National Advisory Committee on Bioethics.

Tom Walker is senior lecturer in ethics and director of the Centre for the Study of Risk and Inequality at Queen's University Belfast. His principal research interests are in medical ethics.

Rachael Walsh LLB, LL.M, PhD, BL, is Assistant Professor at the School of Law in Trinity College Dublin, teaching and researching in the areas of constitutional law and theory and property law. She is co-editor on the fifth edition of ***Kelly: The Irish Constitution***, forthcoming in 2018 with Bloomsbury Professional Publishing.

Topic: How we Best Respond to the Challenges and Opportunities of an Ageing Population

Susan Cliffe is Deputy Chief Inspector, HIQA. Susan has senior regulatory responsibility for older people living in residential care.

John Garry is Professor of Political Behaviour at Queen's University Belfast and one of his principal research interests is in the area of deliberative democracy and the design of Citizens' Assemblies.

Professor Rose Anne Kenny is Professor of Medical Gerontology at Trinity College Dublin where she is Head of the academic Discipline of Medical Gerontology, Director of the Falls and Blackout Unit at St. James's Hospital Dublin and Director of the new Mercer's Institute for Successful Ageing.

Eamon O'Shea is a Personal Professor in the School of Business & Economics and was inaugural Director of the Irish Centre for Social Gerontology (ICSG) at the National University of Ireland, Galway. He was Chair of the National Economic and Social Forum Expert Group on *Care of the Elderly* in 2005/06 and co-authored the influential *Creating Excellence in Dementia Care* report in 2012. He is currently a member of the Implementation Group for the Irish National Dementia Strategy.

Amanda Phelan is Co-Director of the National Centre for the Protection of Older People. She was a co-applicant on the tender to establish the National Centre for the Protection of Older People, which focuses on Irish based research into the area of elder abuse (see www.ncpop.ie). She is passionate about equality and social justice for older people and have acted as an Irish representative for Action on Elder Abuse and am the Irish representative for the International Network for the Protection of Older People. She has contributed to the Irish HIQA revised standards for care (2015) of older people and sit on the Policies and Procedures sub group of SAGE (Third Age) as well as SAGE's National Advisory Committee. She is also a member of the EU COST project on Ageism.

Patricia Rickard-Clarke is a solicitor and former Commissioner of the Law Reform Commission. She was the lead Commissioner with regard to the Commission's work on Vulnerable Adults and the Law (which includes the reform of the law on Capacity). She is the Independent Chair of the National Safeguarding Committee and chairs its sub Group studying issues of financial risk and vulnerability, a Board Member of Third Age, Chair of the Third AGE's National Advisory Committee, SAGE, Support and Advocacy Service for Older People, and Chair of the Law Society's Mental Health and Capacity Task Force. She is a member of the Council of the Royal College of Physicians of Ireland, a member of the HSE's National Assisted Decision-Making (Capacity) Act Steering Group preparing for the implementation of the *Assisted Decision-Making (Capacity) Act 2015* and a member of the National

Disability Authority's Expert Group on progressing the development of non-health care codes of practice on the 2015 Act.

From 2012 to 2016 she was a member of the Council of the Irish Hospice Foundation and a member of its Think Ahead Project Advisory Group of the Forum on End of Life.

Topic: How the State Can Make Ireland a Leader in Tackling Climate Change

Professor Anna Davies is a professor at the School of Nature Sciences in Trinity College Dublin and Chair of Geography, Environment and Society. She is the Chair of Future Earth Ireland and Secretary of the European Roundtable for Sustainable Consumption and Production and a member of the Royal Irish Academy. She holds an MA and PhD in Geography from Cambridge University as well as an MSc in planning and environmental impact assessment from Oxford Brookes University. She is an expert in environmental governance, specifically focusing on consumption, sustainability transitions and public participation in environmental decision making.

She is a member of the Climate Change Advisory Council.

Dr. Margaret Desmond is a Senior Research Fellow in climate change impacts and adaptation in UCC. Her research is focused on the themes of climate change impacts, vulnerability and adaptation decision making.

She is a member of the Royal Irish Academy's Climate Change and Environmental Sciences Committee, is the Co-Lead on the JPI Climate Action Group on the Social Sciences and Humanities, an expert participant in the National Adaptation Steering Group and represents Ireland at EU DG Climate Adaptation Steering Group and the EEA Impacts and Adaptation group. She also provides expert support at the sectoral and local government level.

John Garry will continue as the Assembly's advisor on Deliberative Democracy. John is Professor of Political Behaviour at Queen's University Belfast and one of his principal research interests is in the area of deliberative democracy and the design of Citizens' Assemblies.

Dr. Áine Ryall is a Senior Lecturer in environmental law at UCC. Her research focuses on environmental assessment, access to justice, climate law and governance, environmental law enforcement and implementation of the Aarhus Convention.

A qualified barrister (called to the Irish Bar in 1995), she is a member of the UN ECE Aarhus Convention Compliance Committee, the Advisory Committee of the Environmental Protection Agency and the Royal Irish Academy's Climate Change and Environmental Sciences Committee. She was a member of the Environmental Protection Agency Review Group which reported in May 2011 and, more recently, served as Vice Chair of the An Bord Pleanála Review Group which reported in February 2016. She is a member of the board of the Irish Centre for European Law.

Prof. Peter Thorne is Centre Director of the Irish Climate Analysis and Research

Unit and is Professor of Physical Geography (Climate Science) at Maynooth University.

He has worked in a mix of government, academia and research SMEs across 4 countries (UK, USA, Norway and Ireland) including at the UK Met Office and the national Oceanographic and Atmospheric Administration in the United States. His PhD was awarded by University of East Anglia. He was a Lead Author on 5th Assessment report of the Intergovernmental Panel on Climate Change (IPCC) and the 2014 US National Climate Assessment. He was involved as the sole Irish representative in the recent scoping meeting for the 6th Assessment Report of the working group 1 (physical science basis) contribution to IPCC. He chairs working groups and panels for the Global Climate Observing System and the World Meteorological Organization's Commission for Climatology.

Dr. Diarmuid Torney is a lecturer in environmental politics in the School of Law and Government at DCU. He holds an MPhil and DPhil (PhD) in International Relations from the University of Oxford, as well as BA and MA degrees from University College Dublin. His research focuses on the comparative and global politics of climate change, particularly in the EU, China, and India, as well as in Ireland and other small European states. He is author of *European Climate Leadership in Question: Policies toward China and India* (MIT Press, 2015). He is a member of the Royal Irish Academy's Climate Change and Environmental Sciences Committee, and a member of Future Earth Ireland.

Topic: The Manner in Which Referenda are Held and Fixed Term Parliaments

Oran Doyle is an associate professor and Head of the School of Law in Trinity College Dublin and his principal research interest lies at the intersection of constitutional law and legal theory.

Robert Elgie is Paddy Moriarty Professor of Government and International Studies at Dublin City University, Ireland and a Member of the Royal Irish Academy (MRIA). He has published extensively on political leadership. He has a particular specialism in French politics. His research focuses on how institutions can be designed so as to deliver better governance. In January 2013 he was asked to give an expert presentation to the Convention on the Constitution for the proposed reforms to the Presidency of Ireland.

John Garry will continue as the Assembly's advisor on Deliberative Democracy. John is Professor of Political Behaviour at Queen's University Belfast and one of his principal research interests is in the area of deliberative democracy and the design of Citizens' Assemblies.

Professor Kevin Rafter is Head of the School of Communications at Dublin City University. He is also Chairperson of the Compliance Committee of the Broadcasting Authority of Ireland and a board member at Dublin Bus. His academic research interests are in the areas of Irish politics and political communication. Recent co-edited books include *Political Advertising in the 2014 European Parliament Elections* (London, 2017), *The State in Transition* (Dublin, 2015) and *The Irish Presidency: Power, Ceremony and Politics* (Dublin, 2014). Prior to 2008, he worked as a senior political journalist with the *Irish Times*, the *Sunday Times* and the *Sunday Tribune* as well as editor of *Magill* magazine (editor), while for RTÉ, he presented several radio programmes including *This Week*, *Morning Ireland* and the *News at One*, as well as working as a correspondent for *Prime Time*.

Dr Theresa Reidy is a political scientist in the Department of Government and Politics at University College Cork. Her research interests lie in the areas of electoral behaviour, party politics and political institutions.

Rachael Walsh LLB, LLM, PhD, BL, is Assistant Professor at the School of Law in Trinity College Dublin, teaching and researching in the areas of constitutional law and theory and property law. She is co-editor on the fifth edition of ***Kelly: The Irish Constitution***, forthcoming in 2018 with Bloomsbury Professional Publishing.

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“Go ndéanann Dáil Éireann:

a cheadú go ndéanfar Tionól Saoránach a ghairm chun breithniú a dhéanamh ar na nithe seo a leanas agus chun cibé moltaí a dhéanamh is cuí leis agus chun tuairisciú do Thithe an Oireachtais:

- (i) an tOchtú Leasú ar an mBunreacht;
- (ii) conas is fearr is féidir linn tabhairt faoi na dúshláin agus na deiseanna a bhaineann le daonra atá ag dul in aois;
- (iii) parlaimintí ar théarma seasta;
- (iv) an modh ina seoltar reifrinn; agus
- (v) conas is féidir leis an Stát a chinntiú go mbeidh Éire ina ceannródaí maidir le dul i ngleic leis an athrú aeráide; agus

a thabhairt dá aire:

- gur 100 duine mar a leanas a bheidh i gcomhaltas an Tionóil:
 - Cathaoirleach a bheidh le ceapadh ag an Rialtas; agus
 - 99 saoránach atá i dteideal vótáil i reifreann, arna roghnú go hamasach sa chaoi go mbeidh siad ionadaitheach do shochaí na hÉireann i gcoitinne;
- féadfar ionadaithe a cheapadh faoi réir na gcritéar roghnóireachta thuas, agus beidh na hionadaithe sin in ann páirt a ghlacadh sna himeachtaí agus vótáil faoina n-ainm féin;
- comhaontóidh an Tionól a rialacha nóis imeachta féin d’fhonn a ghnó a sheoladh go héifeachtach ar shlí a bheidh chomh heacnamúil agus is

That Dáil Éireann

approves the calling of a Citizens’ Assembly to consider the following matters and to make such recommendations as it sees fit and report to the Houses of the Oireachtas:

- (i) the Eighth Amendment of the Constitution;
- (ii) how we best respond to the challenges and opportunities of an ageing population;
- (iii) fixed term parliaments;
- (iv) the manner in which referenda are held; and
- (v) how the State can make Ireland a leader in tackling climate change; and

notes that:

- membership of the Assembly will consist of 100 persons as follows:
 - a Chairperson to be appointed by the Government; and
 - 99 citizens entitled to vote at a referendum, randomly selected so as to be broadly representative of Irish society;
- substitutes may be appointed subject to the selection criteria above, who will be entitled to contribute to the proceedings and vote in their own name;
- the Assembly will agree its own rules of procedure for the effective conduct of its business in as economical a manner as possible;

féidir;

- sa chéad ásc, tabharfaidh an tionól tuarascáil, agus déanfaidh sé moladh, do Thithe an Oireachtais ar an ní a leagtar amach ag (i) thuas, agus ar an méid sin a fháil tarchuirfidh Tithe an Oireachtais an Tuarascáil lena breithniú chuig Coiste den Dá Theach, ar Coiste é a dhéanfaidh a chuid táta a chur faoi bhráid na dTithe chun díospóireacht a dhéanamh orthu;
 - tuairisceoidh an Tionól do Thithe an Oireachtais agus déanfaidh sé moltaí dóibh ar gach ní eile a luaithe a bheidh a phléití críochnaithe aige agus, in aon chás, tráth nach déanaí ná bliain amháin ó dháta an chéad chruinnithe den Tionól;
 - iarrfar ar an Tionól freisin breithniú a dhéanamh ar cibé nithe eile a tharchuirfear chuige;
 - bunófar Gasra Comhairleach Saineolaithe chun cabhrú le hobair an Tionóil, ó thaobh faisnéis agus comhairle a ullmhú;
 - féadfaidh an Tionól aighneachtaí a iarraidh ó chomhlachtaí leasmhara agus glacadh leo agus lorgóidh sé cibé comhairle shaineolaíoch is dóigh leis is inmhianaithe;
 - déanfar gach ní a bheidh os comhair an Tionóil a chinneadh trí thromlach de vótaí na gcomhaltaí a bheidh i láthair agus a vótálfaidh, seachas an Cathaoirleach a mbeidh vóta cinniúna aige nó aici i gcás comhionannas vótaí; agus
 - tabharfaidh an Rialtas freagra i dTithe na Oireachtais ar gach moladh a dhéanfaidh an Tionól agus, má tá sé chun glacadh leis an moladh, cuirfidh sé an creat ama in iúl ar lena linn atá sé ag brath aon reifreann gaolmhar a sheoladh;
- the Assembly will first make a report and recommendation on the matter set out at (i) above to the Houses of the Oireachtas, which on receipt will refer the report for consideration to a Committee of both Houses which will in turn bring its conclusions to the Houses for debate;
 - the Assembly will report and make recommendations to the Houses of the Oireachtas on each remaining matter as soon as it has completed its deliberations, but in any event not later than one year from the date of the first Assembly meeting;
 - the Assembly will also be asked to consider such other matters as may be referred to it;
 - an Expert Advisory Group will be established to assist the work of the Assembly in terms of preparing information and advice;
 - the Assembly may invite and accept submissions from interested bodies and will seek such expert advice as it considers desirable;
 - all matters before the Assembly will be determined by a majority of the votes of members present and voting, other than the Chairperson who will have a casting vote in the case of an equality of votes; and
 - the Government will provide in the Houses of the Oireachtas a response to each recommendation of the Assembly and, if accepting the recommendation, will indicate the timeframe it envisages for the holding of any related referendum.”

July 2016