



Opening Speech by Chairperson, The Honourable Ms Mary Laffoy,

at the Meeting of the Citizens' Assembly on

The Manner in Which Referenda are Held

13 January 2018

Good morning everyone and welcome back to the Grand Hotel in Malahide for what is the tenth meeting of the Citizens' Assembly. I would like to welcome all of you joining us online, the large numbers of observers present with us today and of course the Members themselves.

We are joined today by a number of new members, who have kindly agreed to join the Assembly for our final two topics. You are very welcome and I hope you enjoy the experience. I would also like to take this opportunity to express my gratitude those Members they are replacing, who gave so generously of their time over the last 12 months.

This weekend we turn our attentions to the fourth topic assigned to us by the Houses of the Oireachtas: *the manner in which referenda are held*. This is a very topical issue given the number of referendums the Government has committed to holding in the coming years.

Members will recall that this topic was originally listed as the final item on our work programme. However, at the September meeting I outlined my view to the Members that it would be preferable if we had concluded our

deliberations on *the manner in which referendums are held* before any referendum campaign commenced.

It is important that this Assembly, which will consider how referendums are conducted generally, does not in any way confuse a national discussion on a referendum campaign on a specific matter to be put before the people. The change in scheduling, which was agreed by the Members last September, is designed to avoid any such confusion.

This weekend, we will experience a new way of carrying out our business, as we will both consider and make recommendations on this topic by the conclusion of proceedings tomorrow afternoon.

This is a significant departure from the way in which we considered the previous three topics. This is primarily how our predecessor – the Convention on the Constitution – structured its meetings.

We have a busy weekend ahead of us but in developing the work programme I have been conscious of this alternative structure and sought to balance informing the Members to a degree that allows them to formulate sensible recommendations with not overburdening the Members with substantial volumes of very detailed material.

Coupled with this is the fact that this is a more difficult topic than its title might initially indicate. The title of the topic is very broad and wide ranging.

The holding of a referendum is a fundamental component of our democracy. A referendum is the only manner by which our Constitution can be amended and Irish people are most familiar with voting in

constitutional referendums as this is the only type we have held in Ireland.

Referendums, both the way in which they have been held and their results, have been the subject of complex constitutional case law. The law as laid down by the Superior Courts, and supplemented by legislation, regulations and guidelines, has a significant impact on the way in which referendums in Ireland occur.

Ballot Paper

I would like to briefly make reference to the Ballot Paper which will dominate tomorrow's proceedings and is the mechanism by which we formulate recommendations.

In consultation with the Expert Advisory Group, the secretariat will be preparing a draft Ballot Paper based on the discussions throughout today.

To assist with this task and to focus the Members minds as to the types of things they would like to see expressed on a draft Ballot Paper, time has been allocated in the agenda at the roundtable discussions after Sessions 3 & 4 and Sessions 5 & 6 to seek feedback from the Members on possible issues arising for the Assembly's recommendations. This feedback will be given in public during the questions and answers sessions.

I will provide a detailed explanation of the draft Ballot Paper, which then emerges, tomorrow morning. The Members will then have the opportunity to critically discuss its contents in their roundtables and the wording will be finalised in public session.

Expert Advisory Group

As I have just referred to, we are extremely fortunate to have had the benefit of a new Expert Advisory Group that will serve for both this and the next topic, *fixed-term parliaments*, given the similar fields of specialisation required for both topics.

Our resident political scientist John Garry from Queens University Belfast continues to sit on the Expert Advisory Group.

He is joined by two former EAG members - constitutional lawyers Dr Oran Doyle and Dr Rachael Walsh from Trinity College Dublin who worked on the Eighth Amendment with us. I would like to thank them for agreeing to rejoin us for these last two topics.

Our new members are Robert Elgie, Paddy Moriarty Professor of Government and International Studies from DCU; Kevin Rafter, Head of the School of Communications in DCU; and Theresa Reidy, political scientist from UCC.

I would like to thank all of the members of the EAG for their work to date on the formulation of the work programme for this topic and for the work they will be carrying out throughout today's proceedings in assisting the secretariat in producing a logical and coherent draft Ballot Paper to present to the Members in the morning, that reflects the Members' input.

Submissions

I want to say something about the submissions the Assembly received on this topic.

Throughout the process we received approximately 210 submissions. A broad range of issues were raised from a wide variety of individuals and groups. As was the case with other topics considered by the Assembly, submissions were received from representative groups and professionals and academics with experience and expertise on the topic, with submissions also being received from individual members of the public.

The Secretariat began publication of the submissions received on 15 November 2017 and all of the submissions published have been available online since 2 January 2018.

In order to make the best possible use of these submissions, the Secretariat has prepared a signpost document to give an overview of the key issues, topics and themes presented in the submissions. They are grouped into broad thematic areas and present a selection of the perspectives which were received.

The Members received the document earlier this week in order to read and consider it before coming here today. But I also know that many of the Members have already read many of the submissions in full.

Our work programme for the weekend reflects a number of the issues that emerged from the submissions.

The signpost document is available to view on our website www.citizensassembly.ie from this morning. I would encourage the public with an interest in this topic to both read the signpost document and the longer individual submissions as they are a fascinating source of information and opinion on this area.

Focus of this weekend's discussions

Finally, I do not propose to describe in detail this weekend's agenda and what each speaker will cover as I will provide those explanations as the day progresses.

However, it should be noted that with just one day to provide information to the Members, in deciding on the work programme, regrettably not all possible issues are included on the agenda. As can be seen from the signpost document on the submissions, the number of issues which this topic gives rise to are numerous. Nonetheless, I believe that the work programme covers the most important issues to be considered in this context and I hope that the conclusions of the members will be of assistance to the Oireachtas.

Briefly – we will start the day with an overview of the history of referendums held in Ireland and the legal background and process. Professor Gary Murphy from Dublin City University and Niamh Hyland Senior Counsel, present on the stage, will give these presentations respectively.

We will be joined later this morning by Conor O'Mahony from University College Cork and Mark Brennock from consultancy firm Murray to consider the legal regulation of a referendum campaign and the impact the law has on the media in providing information to the public.

After lunch we will have a session focused on voter turnout, super referendums and repeat referendums, where we will hear from Michael Marsh. This session is important, as, when the motion approving the establishment of the Assembly was considered in the Dáil and Seanad, Minister of State Damien English T.D., on behalf of the Government,

when referring to this topic, provided some further context as an example as to what was intended to be looked at during our considerations, specifically:

“whether super referendum days, whereby a significant number of referenda take place on the same day, should be held.”

As such, I believed it was important we considered this aspect as part of our deliberations.

We will conclude today’s sessions with one on citizens initiatives. This session will be presented by a member of our EAG, Theresa Reidy.

We have an excellent selection of speakers presenting this weekend, all experts in their field with extensive experience regarding referendums.

They have all prepared very informative papers to accompany their oral presentations. The Members received these papers earlier this week in anticipation of the weekend’s proceedings. The papers will become available on our website throughout the course of today.

Tomorrow will solely be focussed on ballot paper formation, finalisation and voting.

Conclusion

Returning to today’s proceedings, I would like to invite Professor Gary Murphy from Dublin City University to commence today’s presentations.

ENDS