

INFORMATION NOTE

Functional Representation in Ireland and Slovenia

1. Introduction

1.1 The Panel on Constitutional Affairs, at its meeting on 20 March 2006, requested the Research and Library Services Division to provide updated information regarding the information note on "Functional Representation in Ireland, Slovenia and France"¹ issued in July 2004. In particular, the Panel requested information about the recent developments of functional representation in Ireland and Slovenia.

2. Ireland: The Senate

2.1 Ireland has a bicameral parliament. While Deputies of the House of Representatives are all directly elected by universal suffrage, the Senate (Seanad) has representatives of functional interests. The Senate is composed of 60 members, with 11 appointed by the Prime Minister (Taoiseach), six elected by graduates of the two major universities in Ireland and 43 elected from five panels of candidates representing specified vocational interests. The five panels are:

- (a) Cultural and educational;
- (b) Agricultural;
- (c) Labour;
- (d) Industrial and commercial; and
- (e) Administrative (including public administration and social services).

2.2 The functional interest groups whose interests are represented by the Senators have a right to nominate candidates but not the right to vote in the Senate election.² The Senators are elected by an electorate consisting of Deputies of the newly elected House of Representatives, outgoing Senators and local councillors.

¹ Legislative Council Secretariat (2004).

² For details on the nomination of candidates and the method of election, see Legislative Council Secretariat (2004).

2.3 More than 10 reports have been published on the reform of the Senate since 1928.³ The All-Party Oireachtas Committee on the Constitution (All-Party Committee)⁴ published two reports in 1997⁵ and 2002⁶ respectively. In the reports, the All-Party Committee did not support any attempt to revive the vocational element in a modernized form and proposed to banish the concept of functional representation. It took the view that *"interest groups already have ample opportunity to make their views known in other fora and in direct dialogue with the government"*. Furthermore, it considered that it was virtually impossible to define fair and objective criteria for the selection of those groups and organizations which might be entitled to nominate representatives to an elected Senate.

2.4 The most recent official report on the Seanad reform was published in April 2004 by a Senate sub-committee.⁷ The report, entitled "Report on Seanad Reform", recommended that the vocational panels should be abolished and 32 seats should be filled by direct elections.⁸ The sub-committee took the view that *"introducing a substantial element of direct popular election to the Seanad is probably the single most significant step that can be taken both to increase the Senate's legitimacy as well as to involve and interest the general public much more in what the Seanad is doing."*⁹

2.5 The Report on Seanad Reform also recommended that the franchise for electing university senators should be extended to all university graduates, and that the Taoiseach should be formally required to use his nominees to represent Northern Ireland, the diaspora and marginalized groups¹⁰. In addition, the report suggested that the Senate should be given new functions, such as a greater role in scrutinizing the Irish government and the European Union legislation.

³ Sub-committee on Seanad Reform (2004), Appendix A.

⁴ The All-Party Oireachtas Committee on the Constitution consists of both Deputies of the House of Representatives and Senators. It was established in July 1996 to undertake a full review of the Constitution.

⁵ The All-Party Oireachtas Committee on the Constitution (1997).

⁶ The All-Party Oireachtas Committee on the Constitution (2002).

⁷ Sub-committee on Seanad Reform (2004). The Sub-committee is established under the Committee on Procedure and Privileges of Seanad Éireann (Senate of Ireland) to review and make recommendations on the composition and functions of the Seanad.

⁸ The report suggested that the reformed Seanad should have 65 members, of whom 32 should be directly elected, 20 should be indirectly elected (by county councillors, Deputies of the House of Representatives and Senators) and 12 nominated by the Taoiseach. The remaining seat should be filled by the Cathaoirleach (the Speaker of the Senate).

⁹ Sub-committee on Seanad Reform (2004), p. 43.

¹⁰ The marginalized groups may include under-represented groups or people who can represent the interests and perspectives of both emigrants and immigrants.

2.6 In response to the Report on Seanad Reform, the Irish government has established an informal All-Party Parliamentary Group which is chaired by the Minister for the Environment, Heritage and Local Government. The Group aims to establish the extent of cross-party agreement on the recommendations within the Report and to advance its proposals. The informal All-Party Parliamentary Group has not yet concluded its deliberations. There is no current agreement or decision on implementing any of the Report's proposals before or for the next general election to the Senate.

3. Slovenia: the National Council

3.1 The bicameral Slovenian parliament consists of the National Assembly and the National Council. The National Assembly has 90 seats, which are directly elected by universal suffrage.

3.2 The National Council is the upper house of the Slovenian parliament and is the representative body for social, economic, professional and local interests. The National Council has 40 members, with 22 representatives of local interests, six representatives of non-commercial activities, four representatives of employers, four representatives of employees, and four representatives of farmers, crafts and trades and independent professionals.

3.3 Members of the National Council are indirectly elected by an electoral college formed in each of the functional interest constituencies and local interest constituencies.

3.4 For the functional constituencies, each interest group may nominate one or more members for the National Council election in compliance with its internal rules. For the local interest constituencies, each local interest constituency covers more than one municipal council and each of the municipal councils may nominate one candidate. The candidate with a simple majority vote wins the seat. If two or more candidates receive the same number of votes, a draw is used to settle the outcome.

3.5 The composition of the National Council and its election are set out in the Constitution of the Republic of Slovenia. No information indicates that the electoral arrangement of the National Council is going to change in the near future.

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8 May 2006
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References

1. Legislative Council Secretariat. (2004) *Information Note on Functional Representation in Ireland, Slovenia and France*. LC Paper No. IN16/03-04.
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4. The All-Party Oireachtas Committee on the Constitution. (1997) *Second Progress Report: Senand Éireann*. Available from: <http://www.constitution.ie/reports/2nd-Report-Seamad.pdf> [Accessed 10 April 2006].
5. The All-Party Oireachtas Committee on the Constitution. (2002) *Seventh Progress Report: Parliament*. Available from: <http://www.constitution.ie/reports/7th-Report-Parliament.pdf> [Accessed 10 April 2006].