

2 Establishment and procedure of Commission

2.1 Establishment and terms of reference

Following publication by the Central Statistics Office on 30 June 2011 of “Census of Population 2011 Preliminary Results”, the Constituency Commission was established. The Establishment Order (S.I. No. 396 of 2011) was made by the Minister for the Environment, Community and Local Government on 27 July 2011 under Part II of the Electoral Act 1997 (“the 1997 Act”).

The Commission is required to report in relation to the constituencies for the election of members to Dáil Éireann and the election of members of the European Parliament on the basis of the population ascertained in Census 2011.

This Constituency Commission is the fourth commission established under the 1997 Act and is the first statutory Commission established with authority to commence work upon the publication of preliminary census results. In the event, no material differences emerged as between the preliminary and final results but this ability to begin the preparatory work greatly facilitated the Commission’s timely completion of its mandate. As described in paragraph 3.3 below, the initial work of analysis of the effects of population changes and the reduction in membership was undertaken by reference to the preliminary results. The recommendations were then formulated and confirmed on the basis of the definitive census outcome.

The Commission’s terms of reference, set out in section 6 of the 1997 Act (as amended), are as follows:

“ . . . a Constituency Commission shall, in observing the relevant provisions of the Constitution in relation to Dáil constituencies, have regard to the following:

- (a) the total number of members of the Dáil, subject to Article 16.2.2° of the Constitution, shall be not less than 153 and not more than 160;
- (b) each constituency shall return 3, 4 or 5 members;
- (c) the breaching of county boundaries shall be avoided as far as practicable;
- (d) each constituency shall be composed of contiguous areas;
- (e) there shall be regard to geographic considerations including significant physical features and the extent of and the density of population in each constituency; and
- (f) subject to the provisions of this section, the Commission shall endeavour to maintain continuity in relation to the arrangement of constituencies.”.

The reference in (c) above to county boundaries is deemed not to include a reference to the boundary of a city or any boundary between any two of the counties of Dún Laoghaire-Rathdown, Fingal and South Dublin.

In relation to European Parliament constituencies, the Commission shall have regard to the following:

- the total number of members of the European Parliament to be elected in the State shall be 12;
- there shall be reasonable equality of representation as between constituencies; and
- the matters specified at (b) to (f) above.

2.2 Commission membership and meetings

Mr. Justice John D. Cooke, of the High Court, was nominated by the Chief Justice to be chairman of the Commission. The other members are: Mr. Kieran Coughlan, Clerk of the Dáil; Ms. Deirdre Lane, Clerk of the Seanad; Ms. Emily O'Reilly, the Ombudsman; Ms. Geraldine Tallon, Secretary General of the Department of the Environment, Community and Local Government. The Commission held 11 meetings.

2.3 Status of the Commission's recommendations

In accordance with section 9 of the 1997 Act, the Commission is required to present its report to the Chairman of the Dáil as soon as may be and not later than 3 months after publication by the Central Statistics Office of the Census Report setting out the final result of the Census in respect of the total population of the State. The final results were published by the Central Statistics Office on 29 March 2012.

The Constitution provides that the number of members of Dáil Éireann be fixed from time to time by law and that the constituencies for which the members are elected be determined by law. The final determination of the constituencies for both Dáil Éireann and the European Parliament is a matter for the Oireachtas to prescribe in legislation: the Commission's role is advisory.

2.4 Submissions and statement

The Commission invited written submissions in relation to both Dáil and European Parliament constituencies by way of notices in both official languages published in newspapers in September 2011. Copies of these notices are in Appendix 4. Reminder notices were published in newspapers in December 2011, six weeks in advance of the closing date for submissions on 10 January 2012. In addition, submissions were invited from each member of the Dáil, the Seanad and the European Parliament, from registered political parties and from Returning Officers.

In accordance with section 10 of the 1997 Act, the Commission prepared a statement setting out the constitutional provisions relating to Dáil constituencies. The statement also included population statistics as set out in "Census of Population 2011 Preliminary Results" relating to existing Dáil and European Parliament constituencies. A copy of the statement is in Appendix 5. This statement was published on the Commission's website and was available for issue to interested parties on request.

A list of the 533 organisations and persons who made submissions in response to the public notice is in Appendix 6. Most submissions related to particular constituencies or issues but some presented schemes for constituencies covering the whole country or particular regions. The Commission considered each of the submissions in drawing up its recommendations. The submissions were published on the Commission's website as they were received. They were also available for public inspection at the Custom House, Dublin 1 until the conclusion of the Commission's work.

2.5 Website — www.constituency-commission.ie

The Commission's website was used to facilitate public access to materials relating to its work. These included the text of the 1997 Act as amended, the Commission's Establishment Order and the associated press release; the Commission's statement setting out the constitutional provisions relating to Dáil constituencies together with population statistics relating to Dáil and European Parliament constituencies, as well as the public notice inviting submissions and the 533 submissions received. This report will also be made available on the website.

2.6 Support services

Section 11 of the 1997 Act provides for staff of and assistance to the Commission. The Franchise Section of the Department of the Environment, Community and Local Government provided support services to the Commission. The members of the Commission are immensely grateful to Ríona Ní Fhlanghaile, Barry Ryan, Mary Lane and Eva Callaghan of the secretariat whose thoroughness, precision and expertise in the preparation of papers and the execution of exercises of statistical analysis and comparison have been indispensable to the timely accomplishment of the Commission's work. The members also wish to express their appreciation for the assistance received from the Director General of the Central Statistics Office and the Chief Executive Officer of Ordnance Survey Ireland, and from their staff.

2.7 Expenses of the Commission

No travel or other expenses or fees were paid to members of the Commission. Costs relating to setting up and maintaining the website and printing the report were met by the Department of the Environment, Community and Local Government. Costs relating to the assistance provided by the Central Statistics Office and Ordnance Survey Ireland were met by those organisations.