

DÁIL ÉIREANN

AN COISTE UM ACHAINÍOCHA ÓN BPOBAL

COMMITTEE ON PUBLIC PETITIONS

Dé Céadaoin, 3 Bealtaine 2017

Wednesday, 3 May 2017

The Joint Committee met at 1.30 p.m.

MEMBERS PRESENT:

Deputy Denise Mitchell,	Senator Colette Kelleher.
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In attendance: Deputy Michael Harty.

DEPUTY SEAN SHERLOCK IN THE CHAIR.

Business of Joint Committee

Chairman: Apologies have been received from Deputy Shane Cassells, Senator Jerry Buttimer and Senator Diarmuid Wilson. I thank Deputy Harty for attending. I will return the favour. The usual rules apply in relation to phones. I am just checking my own now. It is on airplane plane. I propose that we go into private session to deal with some housekeeping matters. Is that agreed? Agreed.

The joint committee went into private session at 1.34 p.m. and resumed in public session at 1.57 p.m.

Decisions on Public Petitions Received

Chairman: The first petition for consideration is petition No. P00034/16 from Mr. Joseph O'Shea entitled, Lack of Appeal Opportunity for Pension Assessment. The petitioner is seeking an appeals mechanism to appeal decisions of the Minister for Justice and Equality on the determination of the level of disablement under the Garda Pensions Order 1925. He also claims the Pensions Ombudsman does not have the same powers as his counterpart in the United Kingdom when examining decisions of the Minister in relation to the awarding of this pension. The Pensions Ombudsman cannot ensure that the level of disablement assessment carried out by the Department of Justice and Equality is conducted in a proper and fair manner. Also, the Pensions Ombudsman cannot determine if the medical practitioner was given incorrect information or if the medical practitioner erred in conducting the assessment. It is proposed that we correspond once again with the Department to seek clarification on whether the Minister has responsibility for approving all applications to the scheme, or only cases where the initial decision has been appealed. That is the first recommendation.

The next recommendation is that we ask the Department to correspond with the petitioner, outlining the policy elements as opposed to the personal elements of the issue at hand. Third, we will correspond with the Pensions Ombudsman to ascertain his view on an appeals mechanism to appeal decisions to the Minister for Justice and Equality on the determination of the level of disablement under the Garda Pensions Order 1925. We will also seek to examine the procedures followed by the Defence Forces when processing applications for a special pension where the applicant was injured in the line of duty. Is that agreed? Agreed.

The next petition for consideration is petition No. P00002/17 from Mr. Thomas Geraghty entitled, Civil rights for Civil Servants. This petition has been resubmitted by the general secretary of the Public Service Executive Union on behalf of the PSEU. It is in regard to the restrictions placed on civil servants in relation to running for election to public office and membership of a political party. Governed by circular 9/2009 and in particular paragraph 14, civil servants, other than those in the exempted categories in paragraph 13 must not speak in public on matters of local or national political controversy or express views on such matters in the media, including electronic media and the press, or in books, academic papers, articles or leaflets. In effect, certain categories of civil servants are restricted from making comments on matters whether or not such matters have relevance or not to their jobs. The petitioners agree that there needs to be some restrictions, but this should not involve the removal of basic civil rights for all civil servants. The Department of Public Expenditure and Reform responded to the previous Administration confirming that it had no intention of amending the current terms and conditions

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of employment for civil servants. The committee considered responses from the Irish Human Rights and Equality Commission and the Department. It is proposed to correspond with the Department to ascertain the following: first, its views on amending the Civil Service Code of Standards and Behaviour, to provide an explanation as to the political activity that is prohibited under the code, and the disciplinary action that is applicable when civil servants take part in political activity; and second, whether the Department would consider the drafting of legislation to deal with this. It is further proposed to forward a copy of the response from the Irish Human Rights and Equality Commission to the petitioner and the petition will remain open. Is that agreed? Agreed.

The next petition for consideration is No. P00005/17 from Ms Christine Cullen, entitled, Make Co-operation with Trump Administration Conditional on Human Rights. We have previously gone through the outline of the petition. I propose to forward the response from the Department of Foreign Affairs, along with a copy of the Taoiseach's speech, to the petitioner and close the petition. The Taoiseach stated: "The European Union is, above all else, a community of nations built on shared values – these values include human dignity, freedom and democracy, equality, and the rule of law. Values that I know are shared on this side of the Atlantic." Is the recommendation agreed? Agreed.

The next petition for consideration is No. P00016/17, from Mr. Norman Wilson, entitled, The Cost of Irish Passports. I do not propose to go into the petition in greater detail and I suggest that we forward a copy of the response received from the Department of Foreign Affairs and Trade to the petitioner and close the petition. Is that agreed? Agreed.

The joint committee adjourned at 2.05 p.m. until 1.30 p.m. on Wednesday, 17 May 2017.