

DÁIL ÉIREANN

AN COISTE UM ACHAINÍOCHA ÓN BPOBAL

COMMITTEE ON PUBLIC PETITIONS

Dé Céadaoin, 6 Nollaig 2017

Wednesday, 6 December 2017

Tháinig an Comhchoiste le chéile ag 1.30 p.m.

The Joint Committee met at 1.30 p.m.

Comhaltaí a bhí i láthair/Members present:

Teachtaí Dála/Deputies	Seanadóirí/Senators
Shane Cassells,	Gerry Horkan.*
Denise Mitchell,	
Eugene Murphy.	

* In éagmais/In the absence of Senator Diarmuid Wilson.

I láthair/In attendance: Senator Catherine Ardagh.

Seanadóir/Senator Colette Kelleher sa Chathaoir/in the Chair.

Business of Joint Committee

Vice Chairman: Apologies have been received from the Chairman, Deputy Sherlock. As set out under Standing Orders 93(3) of Dáil Éireann and 81(2) of Seanad Éireann, in the unavoidable absence of the Chairman, the Vice Chairman shall perform the duties devolved upon and exercise the authority conferred upon the Chairman by Standing Orders. I am, therefore, proposing that as Vice Chairman of this committee I will chair this meeting. Is that agreed? Agreed.

Apologies have been also received from Deputy Dara Murphy and Senator Jerry Buttimer. Members are requested to ensure that for the duration of the meeting their mobile phones are turned off or switched to safe, or flight mode, depending on their device. It is not sufficient for members to only put their phones on silent mode as they still maintain a level of interference in the broadcasting system. I propose that we go into private session now to deal with some housekeeping matters.

The joint committee went into private session at 1.38 p.m and resumed in public session at 1.45 p.m.

Sitting suspended at 1.45 p.m. and resumed at 2.10 p.m. in private session until 3.06 p.m.

Decisions on Public Petitions Received

Vice Chairman: The first petition for consideration is petition No. P00021/16 from Mr. Michael Callanan entitled, Investigate circumstances relating to flawed implementation of fishing legislation. The committee initially agreed this petition at its meeting on 22 February. It was agreed to inform the petitioner that the committee is satisfied with the response from the Department in regard to all aspects of the issues raised in this petition, except the decision in regard to one of the cases provided. Therefore, it was agreed to correspond with the Department requesting that it confirm that all 490 successful applicants fully met the qualifying criteria as follows - demonstrated track record in commercial sea fishing by means of pots in the Irish inshore and were not in full-time employment outside of the fishing industry. It is proposed to inform the petitioner that the committee is satisfied with the eligibility criteria of both schemes and how they were administered and to forward a copy of the response from the Department of Agriculture, Food and the Marine to the petitioner and to close this petition. Is that agreed? Agreed.

The next petition for consideration is petition No. P000013/17 from Ms Tara O'Sullivan entitled, How to make the new junior certificate exam fairer by adding 30 minutes extra. The petitioner is seeking to have an additional 30 minutes added to the higher level English examination for the junior certificate examination which was scheduled to take place in June 2017. At present, the written examination accounts for 90% of the overall mark and 10% is allocated for continuous classroom based assessment. During the petitioner's appearance before the committee the issues raised were: stakeholders taking ownership of the original complaint by the students; the philosophy underpinning the new junior certificate cycle examination issues, with the official sample papers not being consistent in structure, which, in turn, meant

that mock examination papers were not reflective of the final examination; and the marking scheme on the sample papers. The petitioner would like to see the introduction of guidelines on future sample papers for new subjects being introduced to the new junior certificate cycle. The CPSE curriculum should include information on parliamentary committees and there is a potential disconnect between those setting examinations and those sitting them and there is no representation by students on the State Examinations Commission board. The committee's recommendations were that we would correspond with the Department of Education and Skills and the State Examinations Commission, forwarding a copy of the transcript of the meeting with the petitioner, a copy of the presentation provided and request that they address the issues raised during the meeting. It was also recommended that we would invite officials from the Department of Education and Skills to appear once again before the committee with the State Examinations Commission board in early 2018 to provide an update on the issues outlined, and to correspond with the petitioner informing her of the further steps agreed by the committee in regard to the petition and to request her to provide a copy of the sample papers issued to her and a copy of the mock examination papers, if possible.

The final petition for consideration is petition No. P00028/17 from Mr. Kieran McMahon entitled, Stop Bill restricting freedom of speech on the Internet social media. The petitioner is opposing a specific piece of legislation, the contempt of court Bill. The rationale behind the petitioner's opposition is that it is an attack on people's freedom of speech on social media platforms as traditional media differs from social media and should not be treated the same, legally. The petitioner has created this petition online through *change.org*. The Minister for Culture, Heritage and the Gaeltacht, Deputy Madigan, is the sponsor of this Private Members' Bill, and in response has outlined that the Bill seeks to protect the judicial system from the challenges raised by social media and ensure that everyone gets a fair hearing, and that there should be laws to address the differences between social and traditional media, which is what this Bill aims to address. She also outlined that the Bill, under section 7, seeks to protect freedom of speech, and introduces a number of defences, including innocent publication.

It is proposed to forward a copy of the response from the Minister for Culture, Heritage and the Gaeltacht, Deputy Madigan, to the petitioner. In addition we have also suggested that the petitioner correspond and communicate directly with the Minister and that the petitioner is advised as to the timetable of the Private Members' Bill as it arises.

The general point is that there will be legislative challenges for us in adapting our laws to the realities of social media, and that is something that we as a committee wish to note.

Deputy Eugene Murphy: The Deputy is now a Minister, so does her Bill now fall, and does that have any consequences for us?

Vice Chairman: That is an inquiry we can make.

Deputy Eugene Murphy: It would be good to clarify that. Previously some Bills could not progress when a Deputy became a Minister.

I agree with the comment that social media is going to be a challenge for us all. It is already a challenge for us all.

On the junior certificate issue, I want to say that our young petitioner has made a very good case. It is only right that we should pursue this further. I welcome the course of action that is proposed, on the basis that there are many students out there who work hard and try hard but

who just cannot face into exams and have a difficulty with the time given to them now. There obviously must be some time limit on exams, but I accept that there is probably a disconnect between some people who set the exams and students, and even parents as well. Inviting the officials back in before this committee is the proper course of action.

Vice Chairman: All of those responses and recommendations have been agreed. There is no further business.

The joint committee adjourned at 3.12 p.m. until 1.30 p.m. on Wednesday, 24 January 2018.