

DÁIL ÉIREANN

AN COISTE UM ACHAINÍOCHA ÓN BPOBAL

COMMITTEE ON PUBLIC PETITIONS

Déardaoin, 17 Samhain 2022

Thursday, 17 November 2022

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
Pat Buckley,	Eugene Murphy.
Cormac Devlin,	
Emer Higgins.	

Teachta / Deputy Martin Browne sa Chathaoir / in the Chair.

Business of Joint Committee

Chairman: I wish everyone a good afternoon and welcome them to our public meeting. We have no apologies. All present in the committee room are asked to exercise personal responsibility to protect themselves and others from the risk of contracting Covid-19.

The minutes of the private and public meetings of 26 and 27 October 2022 have already been approved in a virtual private meeting but we must approve them again for procedural reasons. Are the minutes agreed? Agreed.

I remind members of the constitutional requirement that members must be physically present within the confines of the place in which Parliament has chosen to sit, namely, Leinster House, in order to participate in public meetings. I will not permit members to participate where they are not adhering to this constitutional requirement. Therefore, any member who attempts to participate from outside the precincts of Leinster House will be asked to leave the meeting.

Decisions on Public Petitions Received

Chairman: We have eight petitions for consideration at this meeting. Petition No. 12 of 2022 is titled “Unfair law against legal residents” from Mr. Prince Kumar. This petition relates to a request for support from the Department of Justice for those legally residing in Ireland but unable to renew their visas due to the impact of Covid-19 on the job market here. The secretariat corresponded with the Department on the petitioner’s behalf and its Secretary General, Ms Oonagh McPhillips, replied on 21 September 2022. Her reply was sent to the petitioner for comment and he responded on 26 October 2022.

The committee recommends the response from the petitioner is not substantial enough to warrant a further reply from the Department of Justice. It is advised Mr. Kumar be thanked for his correspondence and informed that unless there is anything further he wishes to add, the petition will be closed, pending his response within 14 days. Do members have any views or is this agreed?

Deputy Pat Buckley: It is agreed.

Deputy Emer Higgins: Agreed.

Chairman: Petition No. 20 of 2021 is titled “Why we need to dispel old illogical lunacy laws in Ireland and which have been amended and repealed. This is not enough. They need to be put beyond use by being dispelled. They are the epitome of injustice.” from Ms Philomena Geoghegan. This petition relates to a request to dispel old lunacy laws in Ireland. The secretariat corresponded with the Department of Health on behalf of the petitioner. The Department responded and stated its support for the replacement of the wardship system. It advised the Assisted Decision-Making (Capacity) Act 2015 provides a statutory framework for people who need assistance in making decisions about their welfare and their property and affairs. This Act is the responsibility of the Department of Children, Equality, Disability, Integration and Youth and the Department of Health advised the committee should correspond with it on this petition. This correspondence from the Department of Health was sent to the petitioner. The petitioner replied to the secretariat advising that while she supports the 2015 Act, she feels it does not go

far enough and continues to seek that old lunacy laws be dispelled.

The secretariat corresponded with the Joint Committee on Children, Equality, Disability, Integration and Youth on the petitioner's behalf. The clerk to the committee acknowledged the correspondence, noting that it was considered at the meeting of 25 October 2022 and the matter will not be pursued. The clerk requested permission to forward the correspondence to the Joint Sub-Committee on Mental Health. The secretariat also corresponded with the Department of Children, Equality, Disability, Integration and Youth on the petitioner's behalf and a response was received on 14 November 2022 which stated, among other things, that once amended and commenced in full, the Assisted Decision-Making (Capacity) (Amendment) Act 2022 will abolish the wards of court system for adults and repeal the Lunacy Regulation (Ireland) Act 1871.

The committee recommends the correspondence from the Joint Committee on Children, Equality, Disability, Integration and Youth and the correspondence from the Department of Children, Equality, Disability, Integration and Youth be forwarded to the petitioner for consideration and reply within 14 days. Pending a response from the petitioner further action, if any, will then be decided by the Committee. Do members have any views or is this agreed?

Deputy Pat Buckley: It is agreed.

Chairman: Petition No. 21 of 2021 is "Taking in charge" from Mr. Terence Coskeran. This petition relates to the request that the local authority take in charge a residential development of five houses at Rocksprings, Kilross, County Tipperary. This petition has been before this committee a few times and last month the petitioner presented to us on his petition at our public meeting of 12 October 2022. Tipperary County Council presented on the petition at our public meeting of 27 October 2022. At the request of the committee Tipperary County Council has since submitted a set of documents relating to the planning and taking in charge processes as they relate to this petition.

The committee recommends the Joint Committee on Public Petitions write to Tipperary County Council to thank them for supplying information requested and that this petition be considered again during spring 2023, as agreed by the committee at its meeting of 27 October 2022. Do members have any views?

Deputy Pat Buckley: No, Chair. I agree with that. I look forward to revisiting it.

Chairman: Having looked at the planning documents provided by the council, I note much of the reference to taking in charge was around the need to have a polyvinyl chloride, PVC, pipe provided for connection to the public water connection when one became available. That seems to be available now in the estate beside Mr. Coskeran's. Again, it is evident Mr. Coskeran carried out works that were demanded of him to make provision for that outlet that could be used for future connection to the public system. There is also a reference to the lodgement of a cash bond until the council agrees upon a request to take the estate in charge. Of course, since Irish Water was set up, the waters have been kind of muddled. The nature of the transfer of responsibility that effectively brought to an end the council's ability to act on its own volition on the taking in charge in question has left many housing estates in limbo all over the country. We all know them because people are contacting our offices. It points to the need for this committee to continue and question Irish Water and the Department of Housing, Local Government and Heritage about where their responsibilities lie towards individuals like Mr. Coskeran who have complied and delivered on the demands every side has placed on them. I thank Tipperary County Council for its quick response to what was asked of it when it appeared before us. That

a county council or Department got back to us quickly is not something we can say is the case all the time.

Petition No. 30 of 2022 is titled “Apology for those abused in the State homes and foster homes” from Corwyn Bertrand-Fuchs. This petition requests the leader of the Government make a formal apology to those abused in the State-run homes and foster homes. The secretariat corresponded with the Minister for Children, Equality, Disability, Integration and Youth, Deputy O’Gorman, on behalf of the petitioner. The Minister replied, questioning the admissibility of the petition and advising that, if the petition is deemed admissible, the petitioner be asked to provide more detail so that the Minister could then make a substantive response. Despite the petition’s lack of detail, the secretariat is of the view it is admissible as per Dáil Standing Order 126(1), “Lodging of Petitions”, which states “A petition may be addressed to the Houses of the Oireachtas on a matter of general public concern or interest in relation to their legislative powers or an issue of public policy”.

The committee recommends that the correspondence from the Minister for Children, Equality, Disability, Integration and Youth, Deputy Roderic O’Gorman, be sent to the petitioner and advises the petitioner that, should they wish to pursue this petition further, more detail will be required. Do members have any views?

Deputy Pat Buckley: I agree with that.

Chairman: Is that agreed? Agreed.

Petition No. 36 of 2022 is titled “Re-open Ennis, Nenagh and St. John’s Emergency Departments” from Ms Noeleen Moran. This petition is submitted on behalf of the Mid-West Hospital Campaign Group and demands the upgrading of the three hospitals to model 3, as well as the re-opening of the emergency departments. It was before the committee on 13 October 2022. The petitions case manager corresponded with Mr. Ray Mitchell, national assistant director, parliamentary affairs division, HSE, on 29 June 2022, and received a reply on 4 August 2022 from Ms Pamela Jensen enclosing a response from University of Limerick Hospitals Group, which was then forwarded to the petitioner for information. The petitioner further corresponded on 12 September 2022 with documentation which has been sent to mid-west public representatives in support of her petition. The secretariat also sent the petition and the correspondence from UL Hospitals Group to the Minister for Health, Deputy Stephen Donnelly, and advised the HSE of same. The Committee on Health was also consulted, and the Committee on Health advised the Committee on Public Petitions that this topic is not on its work programme.

The committee recommends that the correspondence from acute operations, HSE, be forwarded to the petitioner for consideration and reply within 14 days, and that this petition be considered again once a response has been received from the Minister for Health, Deputy Donnelly. Do members have any views or is it agreed?

Deputy Pat Buckley: That is agreed. I note there was a substantial response to that. I acknowledge the work the secretariat has put into this. I agree it and look forward to seeing what happens.

Chairman: Is that agreed? Agreed.

Petition No. 42 of 2022 is titled “Project Morrigan” from Mr. Chris Gaffney. This petition relates to a proposed approach for the Houses of the Oireachtas to consider the establishment of an institution or institutions dedicated to the scientific study of unidentified aerial phenomena,

SSUAP, with the aim of alleviating the climate crisis by encouraging research at national, European and United Nations level. According to Wikipedia, an unidentified flying object, more recently renamed by US officials as unidentified aerial phenomena, UAP, is any perceived aerial phenomenon that cannot be immediately identified or explained. The secretariat corresponded with the Department of the Environment, Climate and Communications on behalf of the petitioner and the Department replied advising that the matter is more appropriate for the Department of Defence and-or the Department of Transport. The secretariat then corresponded with the Departments of Defence and Transport and forwarded the response from the Department of the Environment, Climate and Communications to the petitioner. The petitioner corresponded with the committee on 26 October 2022 with additional material relating to legislative proposals for UAP in America.

The committee recommends that the additional correspondence from the petitioner be forwarded to the Departments of Defence and Transport and that the petition be considered again once responses have been received and that the petitioner be notified of same. Is that agreed? Agreed.

Petition No. 52 of 2022 is titled “Lil Reds Legacy Sepsis Awareness Campaign” from Mr. Joseph Hughes. This petition requests that the Minister for Health, Deputy Stephen Donnelly, and the national sepsis programme of the HSE develop a sepsis awareness campaign for TV and radio explaining to the public how to recognise the signs and symptoms of sepsis. The secretariat corresponded with the Minister for Health and the HSE on behalf of the petitioner. The HSE responded advising that, among other things, the national clinical programme is applying for additional funding to develop a national TV campaign to raise awareness about sepsis which it aims to run in 2023. This was forwarded to the petitioner for comment, as agreed at the committee’s public meeting of 27 October 2022. Since then, the National Patient Safety Office in the Department of Health corresponded with the committee, stating that, following correspondence it received from our committee, it is reviewing its position on this petition and has advised the Minister for Health in that regard.

The committee recommends that this petition be considered again, once a response has been received from the Minister for Health, Deputy Donnelly. Do members have any views?

Deputy Pat Buckley: I agree with that.

Chairman: They are looking for additional funding. We might find out what kind of funding has been in place and what has been used for so far. Offhand, I cannot remember any TV or media outlet highlighting the dangers of sepsis in this country. If there has been funding, I do not know what has been used for and how much additional funding they are looking for. Sepsis has awful consequences for many families and there have been some high profile cases. It is something this committee should stay on top of. We should try to get that awareness campaign up and running as quickly as possible. Is that agreed? Agreed.

Petition No. 61 of 2022 is “Freedom 4 Sean” from Ms Andrea Terry on behalf of Mr. Mario De Sa Freire. This petition requests freedom for an individual in Australia and raises concerns about alleged apartheid in Australia. The secretariat is of the view that this petition is inadmissible as per Dáil Standing Order 127(1) on admissibility of petitions, which states that a petition is admissible unless it, among other things, does not comply with standing orders or is otherwise not in proper form, or contains language which is offensive or in the nature of being defamatory. This petition, while purporting to be from an individual, has used the address of the Irish Human Rights and Equality Commission in Dublin and contains language which is in

the nature of being defamatory.

The committee recommends that the petitioner be informed that the petition is inadmissible as per Dáil Standing Order 127(1) on admissibility of petitions, which states that a petition is admissible unless it, among other things, contains language which is offensive or in the nature of being defamatory, and is not in its proper form as the address of the individual petitioner is not provided. Do Members have any views or is that agreed?

Deputy Pat Buckley: That is agreed.

Chairman: That concludes our consideration of public petitions this afternoon. I invite members of the public to submit petitions via our online portal, which is available at: *petitions.oireachtas.ie*. A petition may be addressed to the Houses of the Oireachtas on a matter of general public concern or interest or an issue of public policy.

Next on the agenda is any other business. Would members like to make any final comments?

Deputy Pat Buckley: I thank the secretariat and all the staff on the committee. A lot of work goes into these responses and it is not all plain sailing. As we can see, some of what comes into the committee is defamatory and so on. I want to note that. I am conscious that the staff do a fabulous job.

Deputy Emer Higgins: Hear, hear. I concur with that and thank everybody for making this meeting happen.

Chairman: I concur also. The amount of work that Maggie Semple, Barbara Hughes and Susan Moran get through on our behalf needs to be recognised at every meeting. I thank all of the secretariat staff. As there is no further business, we will adjourn until Wednesday, 23 November 2022, when we will have a private meeting at 11.30 a.m.

The joint committee adjourned at 1.48 p.m. until 1.30 p.m. on Thursday, 24 November 2022.