

DÁIL ÉIREANN

AN COMHCHOISTE UM FHORMHAOIRSIÚ AR AN TSEIRBHÍS PHOIBLÍ AGUS ACHAINÍOCHA

JOINT COMMITTEE ON PUBLIC SERVICE OVERSIGHT AND PETITIONS

Dé Céadaoin, 01 Bealtaine 2013

Wednesday, 01 May 2013

The Joint Committee met at 16.10 p.m.

MEMBERS PRESENT:

Deputy Alan Farrell,	Senator Jimmy Harte,
Deputy Noel Harrington,	Senator Susan O’Keeffe.
Deputy Michael Healy-Rae,	
Deputy Peter Mathews,	
Deputy Aengus Ó Snodaigh,	

DEPUTY DEREK NOLAN IN THE CHAIR.

DECISIONS ON PUBLIC PETITIONS RECEIVED

The joint committee met in private session until 5 p.m.

Decisions on Public Petitions Received

Vice Chairman: We are in public session. The joint committee met in private session to consider the petitions and I propose to read the recommendations that the committee has agreed to and to open it to members to comment thereon.

The committee has deliberated on petition No. P00044/12 from Mr. Daniel Donovan on revising postal ballot rules. The petition is related to petition No. P00069/12 which we will consider after this. The petitioner mentioned a number of issues in his petition regarding the difficulty in registering for postal votes, namely, the timescale involved. The committee secretariat corresponded with the Department and the Minister for the Environment, Community and Local Government, Deputy Hogan, on this issue. The recommendation is that the joint committee forward the Department's response to the petitioner, informing him that the Minister has no proposals at present to extend the categories of persons entitled to seek the postal vote or to change the arrangements for the return of the completed application forms.

The committee notes that the Constitutional Convention is expected to consult and publish a report in the coming months on reform of the Dáil electoral system and giving citizens outside the State the right to vote in Presidential elections at Irish embassies. The committee suggests that the petitioner may wish to make a submission to the convention, supporting the view that voting rights should be extended to Irish citizens living abroad. The view of the committee is that publication of the report will present an opportunity for informed debate on public policy in this area. The committee considers that in the interim it would be premature for this or any other committee to consider the issue of electoral reform, given that it is before the Constitutional Convention. In the circumstances the committee has decided to close the petition. Is that agreed?

Senator Susan O'Keeffe: Given that the convention on the constitution will discuss the idea of people voting in Presidential elections at Irish embassies in the future, perhaps we would encourage the petitioner to make a submission to the convention. As an alternative member of the convention, I can assure the petitioner that any submission he might chose to make would be read carefully and would be considered carefully at the Constitutional Convention. That would be a suitable place for him to raise the matter.

Vice Chairman: Thank you, Senator. Is that agreed? Agreed.

The next petition for consideration is petition No. P00069/12 from Mr. Daire Queenan on allowing Irish people overseas to vote. The petitioner proposes that provision should be made in law for Irish citizens who are overseas temporarily to vote by post from their overseas address.

The recommendation is the same as for the last petition in that the committee forwarded the Department's response to the petitioner, informing him that the Minister has no proposals to extend the categories of persons entitled to vote from overseas, that the committee notes that the Constitutional Convention is expected to consult and to publish a report on reform of the Dáil electoral system which may very well include those voting overseas and giving citizens outside of the State the right to vote in Presidential elections at Irish embassies. The committee

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suggests that the petitioner may wish to make a submission to the Constitutional Convention, supporting the view that voting rights should be extended to Irish citizens living abroad. The view of the committee is that publication of the report will present an opportunity for informed debate on public policy in this area. The committee considers that in the interim it would be premature for this or any other committee to consider the issue of electoral reform, given that it is before the Constitutional Convention. In the circumstances the committee has decided to close the petition. Is that agreed?

Senator Susan O’Keeffe: I would like to give the same encouragement to this petitioner as to the previous one. All the submissions are read and noted. The petitions to the Constitutional Convention are very welcome.

Vice Chairman: Is that agreed? Agreed. The next petition for consideration is petition No. P00029/12 from Dr. Ciarán McMahon regarding open access to publicly-funded research. This petition concerns research and science funding in Ireland. The petitioner would like research which is funded by the taxpayer to be provided free of charge to the public. The secretariat and the committee consulted with the Departments of Education and Skills and Jobs, Enterprise and Innovation. It is the Department of Jobs, Enterprise and Innovation, and in particular, the Minister of State, Deputy Seán Sherlock, who is responsible for innovation and research who deal with this issue. The recommendation is to forward the Department’s response to the petitioner, informing him of the national principles for open access policy which was launched after the petition was received. The statement on that matter last October shows the Minister is committed to making outputs from State-funded research publicly available to potential users across Ireland’s research community, be they in the education, business, charitable and public sectors.

The view of the committee is that the national open access policy will increase the visibility and improve access to the outputs of publicly-funded research and that the national steering committee on open access policy is working towards a sustainable national infrastructure for open access. The committee notes that the policy document shows that 20 State-supported research funders and entities in Ireland have signed up to the open access policy already. The committee notes that the national steering committee on open access policy will operate transparently and plans to issue regular statements on its progress in exploring and developing a sustainable national infrastructure incentives and rewards system to achieve its goals. The committee considers that the principles contained in the national principles on open access policy statement will be effective. However, due to the existing variations in access to open access infrastructure and the different maturity of open access policies and practices, the committee accepts that a phased approach to implementation will be necessary to broaden the coverage of the open access infrastructure beyond Irish universities to include provision for all publicly-funded research in Ireland. In view of the fact that open access to publicly-funded research already exists in Ireland and its development is ongoing, the committee has decided to close the petition after communicating its findings to the petitioner. Is that agreed? Agreed.

Petition No. P00049/12 is from Mr. Frank Cullinane on the under-reporting of road traffic accidents in Ireland. The petitioner has written to the committee and asked that the petition be withdrawn. Therefore, the committee will no longer pursue the petition and will close it. Is that agreed? Agreed.

The final petition for consideration is petition No. P00063/12 from Ms Christine Oman entitled clean air and clean streets. The petitioner would like to see an extension of the smoking ban to all public areas, including parks, beaches, streets and public squares. The petition is deemed to be admissible.

DECISIONS ON PUBLIC PETITIONS RECEIVED

The recommendation is that as a preliminary step, before making any further decisions or a weighting as to the value or merit of the consideration, the committee should refer the petition to the Department of Health for its consideration and ask it to report to the joint committee on whether it has any plans to extend the smoking ban or has conducted any research on proposals to extend the smoking ban to public areas. Is that agreed?

Senator Susan O’Keeffe: This is a particularly welcome petition because it is a matter of public health in public space. I think the petitioner has great foresight. Given that the Department of Health has recently launched the Healthy Ireland document, a joined-up strategy for a healthy Ireland. This is the kind of area that the Healthy Ireland document would seek to include, so the recommendation that we seek a response from the Department of Health is a good first step. I look forward to seeing this petition in the future.

Senator Jimmy Harte: I agree that we would listen to the case the petitioner would make if she were to come before the committee. I think all State bodies, including local authorities, should encourage non-smoking. If we get to the stage in the future that nobody smokes that would be great. We have to educate people about this. There are two issues involved, one is the public health issue and the other is the visual aspect. It does not look good to see people smoking in amenities and areas of our towns or, for example, on our beaches. It sends out the wrong signal to children in the area that smoking is acceptable. The policing of it is another issue but educating people about the health risks involved is important. If we were sitting here 50 years ago I am sure this room would be full of smoke and no one would even consider asking somebody to put out a cigarette. At that time if one flew from London to Los Angeles, one could smoke and subsequently smokers said that they would find it very difficult to take a ten-hour flight without being able to have a cigarette. We have moved on in terms of smoking.

Deputy Mathews and I visited Taiwan in January. We met representatives of its health authority and they said that smoking is a big issue there because cigarettes are very cheap. It will be a massive problem for them down the line.

We are dealing with the issue here very well. If children aged six or seven are not exposed to cigarette smoking as being a fashionable thing to do or to it being in their face and if that is lessened all the time, eventually smoking will become a thing of the past. I encourage people with these types of petitions to bring them forward for consideration.

Deputy Peter Mathews: I would like to be associated with both sets of preceding remarks. The public health issue is more heightened in recent times and that is for the good of individual and public health. The visibility of people smoking, whether it be cigarettes, cigars or pipes, in public places is not the best example for young people who are not even of smoking age. It could look attractive and glamorous in public places where people are relaxing and enjoying themselves and be a temptation to young people to start smoking. I would encourage people to consider restraining their habits and their visibility in the best interests of not giving bad example, or in the best interests of giving good example by not smoking, to young people. People will say that this is a sign of our becoming a nanny state but it is a valid petition and it deserves to be treated in the context of the best up-to-date information which, I believe, we will get from the Department of Health.

Deputy Alan Farrell: I want to touch on the matters I briefly mentioned during our initial deliberations on the matter. As Senator Harte mentioned, a decade or two ago it would never have been considered that smoking in a public place was not appropriate. People smoked because of their need to fuel their addiction. I was a smoker for 15 years and I have been off

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them now for over three years. I was recently in Spain for a long weekend and while I was in an outside section of a restaurant a person lit up a cigarette. That would not be permitted in Ireland but it is acceptable there. I found it terrible to have somebody smoking nearby while I was eating.

Society moves forward. Sometimes it is a little slow to do so and other times it takes innovation and innovators to take a bold step, as we have done in this country on a number of issues. The introduction of the smoking ban in pubs was one such step. In 15 or 20 years time it may be the case that smoking in public areas would be socially unacceptable. It is getting that way as we speak. Senator Crown attempted to bring legislation forward on this matter previously or there was a discussion about banning smoking in the Houses of the Oireachtas. I would not advocate it at this time but I might in the future. When I walk past smokers, particularly outside Leinster House 2000, I take a deep breath and exhale when I get past them because I do not like the smell of it.

Society moves on and this petition has merit. It would be interesting to get the Department's response to it. My personal preference is that we would wait a few years before introducing a complete ban on smoking. It is something society will request. One or two people do not make a society. However, in 15 years time when we start to get hundreds of people calling for it, advocacy groups writing regularly to the newspapers calling for it, or people going on air to "talk to Joe" about it, I am sure we will then be ready to take that step together as a society. I would be interested to learn what the Minister, Deputy Reilly, and the HSE have to say on the matter.

Deputy Noel Harrington: I support the committee in referring the petition to the Department of Health. Ultimately, it will become a public policy issue and like most policy issues, there will be people who will agree it and those who will strongly disagree with it. This issue will invoke a great deal of public interest. However, as a first step, the reasonable action to take is to get the opinion of the Department of Health on the implications of carrying this petition through or on any studies it has carried out on the implications of carrying it through.

Vice Chairman: We have agreed that we will ask the Department of Health for its feedback on this petition. That concludes the petitions we have to consider today. I propose that the joint committee stands adjourned *sine die*.

The joint committee adjourned at 5.15 p.m. *sine die*.