

# DÁIL ÉIREANN

## SELECT SUB-COMMITTEE ON HEALTH

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*Dé Máirt, 11 Samhain 2014*

*Tuesday, 11 November 2014*

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The Select Sub-Committee met at 5.30 p.m.

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### MEMBERS PRESENT:

Deputy Robert Dowds,	Deputy Mary Mitchell O'Connor,
Deputy Seamus Healy,	Deputy James Reilly ( <i>Minister for Children and Youth Affairs</i> ).
Deputy Caoimhghín Ó Caoláin,	

In attendance: Deputy Robert Troy.

DEPUTY JERRY BUTTIMER IN THE CHAIR.

**Protection of Children's Health (Tobacco Smoke in Mechanically Propelled Vehicles)  
Bill 2012: Committee Stage**

**Chairman:** We are meeting to deal with Committee Stage of the Protection of Children's Health (Tobacco Smoke in Mechanically Propelled Vehicles) Bill 2012, changed from the Protection of Children's Health from Tobacco Smoke Bill 2012. I welcome the Minister for Children and Youth Affairs, Deputy James Reilly, and Ms Geraldine Luddy from the Department of Health. I acknowledge the presence in the Visitors Gallery of Senator Jillian van Turnhout, one of the co-sponsors of the Bill, and compliment her on her work on it. She is most welcome. I invite the Minister to make his opening remarks.

**Minister for Children and Youth Affairs (Deputy James Reilly):** Protecting children from harmful tobacco products has long been a priority for me, both as Minister for Health and in my current role as Minister for Children and Youth Affairs. I supported this legislation when it was introduced as a Private Member's Bill, developed and introduced by Senator Jillian van Turnhout, whom the Chairman has welcomed and whose presence in the Visitors Gallery is welcome, as well as by Senators John Crown and Mark Daly. In June 2012 I received Government approval for the principle of prohibiting smoking in cars with children present and the drafting of amendments to the Private Member's Bill. The Department of Health worked in consultation with the Senators, the Office of the Attorney General, the Department of Justice and Equality, the Department of Transport, Tourism and Sport and An Garda Síochána on amendments to the legislation. This is evidence of a joined up coherent Government approach to an issue that has a significant effect on children, but it needs the input of several other Departments to make it a successful Bill that will be implemented by An Garda Síochána. All of the amendments were accepted on Report Stage in the Seanad on 17 April.

The purpose of the Bill is to prohibit smoking in cars where children are present. Let me repeat that it will be enforced by An Garda Síochána. Environmental tobacco smoke is a carcinogen and contains the same cancer causing substances and toxic agents that are inhaled by the smoker. The key point is that there is no safe level of exposure to second-hand smoke. The exposure of children to second-hand tobacco smoke is a recognised risk factor for the development of asthmatic symptoms and increased risk of other illnesses such as pneumonia, bronchitis and middle ear infections. Compared to adults, children breathe more rapidly and have a less developed immune system. They are, therefore, more susceptible to the effects of second-hand smoke. They are unable to remove themselves from risk if people smoke around them. Their exposure to second-hand smoke in cars is involuntary and particularly harmful to them in an enclosed space such as in a car. Parents and others with responsibility for the welfare of children have an obligation to ensure such exposure does not take place. The introduction of this legislation is a way of reminding those who care about the welfare of children not to light up in a car when children are present. It will also serve as a punitive measure for those who knowingly continue to disregard the welfare of children by exposing them to second-hand smoke in cars.

A number of other countries have introduced similar legislation. Australia, Canada, some states in the USA, Cyprus and France are some of the countries that are tackling the problem of second-hand smoke in cars. The United Kingdom is in the process of introducing similar legislation and I have no doubt that many other countries will follow suit.

I again thank the Senators and all other parties involved in bringing the Bill to this point, including the Department of Justice and Equality, the Department of Transport, Tourism and Sport and An Garda Síochána. I thank members of the committee for their cross-party support

the Bill has received from the beginning. I note that no amendments to the Bill have been submitted.

**Deputy Caoimhghín Ó Caoláin:** It is welcome that we have reached Committee Stage of the Bill. I join the Minister and the Chairman in commending the Senators involved, in particular Senator Jillian van Turnhout who is present, for their work on the content of the proposed legislation. I also note that amendments were tabled and accepted in the course of the debate in the Seanad. The fact that no amendments have been tabled for this Committee Stage debate represents an endorsement of the content of the Bill and an acceptance of the work done.

I hope the Minister's reference to enforcement being a responsibility of An Garda Síochána will prove to be unnecessary. My own sense is that people in general but especially parents, older siblings and extended family members, if they are not already of a mind to do so, will self-police to meet the requirements of this legislation and ensure no child will be exposed to the risks of passive smoking in a relatively small enclosed space. We are talking about mechanically propelled vehicles which are relatively small enclosed spaces. As a consequence, the risk factors of so-called passive smoking are multiplied significantly. Journey times vary; not only are children in the car during the quick run to school but oftentimes are exposed to passive smoking on very significant journeys.

This is a very sensible Bill and I hope the media will give it the public attention it deserves and that there will be 100% compliance for all the right reasons. I endorse and fully support its passage.

**Deputy Seamus Healy:** I welcome the Minister and his official. I compliment Senators John Crown, Mark Daly and, in particular, Jillian van Turnhout who developed the Bill. This common-sense Bill is important because it will ensure the protection of children. It is non-controversial and has been accepted across the political divide. I hope it will have a speedy passage.

**Deputy Mary Mitchell O'Connor:** I welcome the Bill and I am delighted that it will be enacted. I congratulate the Minister for Children and Youth Affairs who, as Minister for Health, worked on legislation to combat cigarette smoking, as well as the plain packaging of cigarettes. As he sits at the Cabinet table, I wish to raise the issue of e-cigarettes. What can we do to ensure advertisements for e-cigarettes are not aired on our television and radio stations? We do not know what we are dealing with.

**Chairman:** That is a different issue.

**Deputy Mary Mitchell O'Connor:** The advertising of e-cigarettes is very dangerous. It will happen across the water and what happens there trickles down to here. This committee will make sure it does not happen.

**Deputy Robert Dowds:** As a child, I was a passive smoker. I was also a passive smoker at many party political meetings and in pubs. Therefore, I very much welcome the Bill.

**Chairman:** We will now deal with the sections of the Bill.

Sections 1 to 6, inclusive, agreed to.

Title agreed to.

**Chairman:** As legislators, we have a duty of care to all citizens but, in particular, children

## MESSAGE TO DÁIL

and minors. The Bill will be a significant stepping stone to achieving a smoke free Ireland. I thank Senators Jillian van Turnhout, John Crown and Mark Daly for their work on it. Both Senators John Crown and Jillian van Turnhout are members of the committee, of which Senator Jillian van Turnhout has been an active member. I commend the Minister and his officials for their steadfast determination to tackle the issue of smoking, both passive smoking and the threat posed by tobacco consumption to the health of the nation.

**Deputy James Reilly:** I thank the Chairman and members for their support. There are some things on which we agree, as well as the things on which we do not. Let me assure members that when the Bill is enacted, there will be a public information campaign to make people aware of its provisions. I again thank everybody involved but, in particular, Senator Jillian van Turnhout, who is with us in the gallery.

Bill reported without amendment.

## Message to Dáil

**Chairman:** In accordance with Standing Order 87, the following message will be sent to the Dáil:

The Select sub-Committee on Health has completed its consideration of the Protection of Children's Health (Tobacco Smoke in Mechanically Propelled Vehicles) Bill 2012 [Seanad] and has made no amendment thereto.

The select sub-committee adjourned at 5.40 p.m. until 5.30 p.m. on Wednesday, 3 December 2014.