SEANAD ÉIREANN

AN BILLE UM SHLÁINTE AGUS LEAS AINMHITHE, 2012
—AN COISTE

ANIMAL HEALTH AND WELFARE BILL 2012
—COMMITTEE STAGE

Leasuithe
Amendments

[*Government amendments are denoted by an asterisk.]

SECTION 8

1. In page 11, subsection (1), lines 10 and 11, to delete “necessary” and substitute “reasonable”.
   —Senators Brian Ó Domhnaill, Averil Power, Thomas Byrne, Mark Daly, Terry Leyden, Marc Mac Sharry, Paschal Mooney, Denis O'Donovan, Labhras Ó Murchú, Darragh O'Brien, Ned O'Sullivan, Jim Walsh, Mary M. White and Diarmuid Wilson.

2. In page 11, subsection (1)(b)(ii), line 19, after “kept” to insert the following:
   “having regard to the potential of wind borne spread of disease or of protected or other species of wildlife spreading disease”.
   —Senators Brian Ó Domhnaill, Averil Power, Thomas Byrne, Mark Daly, Terry Leyden, Marc Mac Sharry, Paschal Mooney, Denis O'Donovan, Labhras Ó Murchú, Darragh O'Brien, Ned O'Sullivan, Jim Walsh, Mary M. White and Diarmuid Wilson.

3. In page 11, subsection (2), line 20, after “excuse,” to insert “or without right of way”.
   —Senators Trevor Ó Clochartaigh, Kathryn Reilly and David Cullinane.

SECTION 10

4. In page 12, lines 19 to 21, to delete subsection (4) and substitute the following:
   “(4) The Minister may for the purposed of subsection (3) issue a permit and may attach such terms and conditions to it as he or she considers appropriate.”.
   —Senators Brian Ó Domhnaill, Averil Power, Thomas Byrne, Mark Daly, Terry Leyden, Marc Mac Sharry, Paschal Mooney, Denis O'Donovan, Labhras Ó Murchú, Darragh O'Brien, Ned O'Sullivan, Jim Walsh, Mary M. White and Diarmuid Wilson.

*5. In page 12, subsection (5), line 22, to delete “This section does” and substitute “This section and section 12 do”.

SECTION 11

6. In page 13, subsection (1), line 5, to delete “necessary” and substitute “reasonable”.

[No. 31 of 2012] [22 May, 2012]
7. In page 13, subsection (1)(b), lines 23 and 24, to delete all words from and including “that” in line 23 down to and including “suffering” in line 24 and substitute “appropriate to the animal species”.

SECTION 12

8. In page 13, subsection (1)(a), line 35, before “do,” where it firstly occurs to insert “intentionally”.

9. In page 14, subsection (2), lines 4 to 7, to delete paragraph (b).

10. In page 14, subsection (5)(b), line 21, to delete “or a code of practice”.

11. In page 14, subsection (6), line 30, to delete “reasonable grounds” and substitute “evidence”.

12. In page 14, subsection (8), line 37, to delete “reasonable grounds” and substitute “evidence”.

13. In page 14, lines 42 to 46, to delete subsection (9).

14. In page 15, subsection (12), between lines 12 and 13, to insert the following:
“(d) normal farming or agricultural practices.”
——Senators Brian Ó Domhnaill, Averil Power, Thomas Byrne, Mark Daly, Terry Leyden, Marc Mac Sharry, Paschal Mooney, Denis O’Donovan, Labhrás Ó Murchú, Darragh O’Brien, Ned O’Sullivan, Jim Walsh, Mary M. White and Diarmuid Wilson.

SECTION 13
15. In page 15, subsection (1), lines 22 to 25, to delete paragraph (c).
——Senators Brian Ó Domhnaill, Averil Power, Thomas Byrne, Mark Daly, Terry Leyden, Marc Mac Sharry, Paschal Mooney, Denis O’Donovan, Labhrás Ó Murchú, Darragh O’Brien, Ned O’Sullivan, Jim Walsh, Mary M. White and Diarmuid Wilson.

SECTION 14
——Senators Brian Ó Domhnaill, Averil Power, Thomas Byrne, Mark Daly, Terry Leyden, Marc Mac Sharry, Paschal Mooney, Denis O’Donovan, Labhrás Ó Murchú, Darragh O’Brien, Ned O’Sullivan, Jim Walsh, Mary M. White and Diarmuid Wilson.

*17. In page 16, between lines 36 and 37, to insert the following subsection:

“(6) In this section abandonment does not include—

(a) release into the wild of an animal—

(i) normally found in a wild state in Ireland, or

(ii) formerly found in a wild state in Ireland, as part of a programme to reintroduce animals of that species,

or

(b) stocking land with game birds,

if the animal, having regard to its type, species, breed and development is able to survive and to fulfil its normal needs.”.

SECTION 15
18. In page 16, subsection (1)(a), line 39, after “animal” to insert “, save for normal, necessary farm practices”.
——Senators Brian Ó Domhnaill, Averil Power, Thomas Byrne, Mark Daly, Terry Leyden, Marc Mac Sharry, Paschal Mooney, Denis O’Donovan, Labhrás Ó Murchú, Darragh O’Brien, Ned O’Sullivan, Jim Walsh, Mary M. White and Diarmuid Wilson.

19. In page 17, subsection (1)(e), line 2, after “bull” to insert “save for normal, necessary farm practices”.
——Senators Brian Ó Domhnaill, Averil Power, Thomas Byrne, Mark Daly, Terry Leyden, Marc Mac Sharry, Paschal Mooney, Denis O’Donovan, Labhrás Ó Murchú, Darragh O’Brien, Ned O’Sullivan, Jim Walsh, Mary M. White and Diarmuid Wilson.
SECTION 15

20. In page 17, subsection (1)(g), line 8, after “regulations” to insert the following:

“and to outline that normal and necessary acceptable farm practices are excluded.”.

Senators Brian Ó Domhnaill, Averil Power, Thomas Byrne, Mark Daly, Terry Leyden, Marc Mac Sharry, Paschal Mooney, Denis O'Donovan, Labhrás Ó Murchú, Darragh O'Brien, Ned O'Sullivan, Jim Walsh, Mary M. White and Diarmuid Wilson.

SECTION 16

*21. In page 18, lines 33 to 36, to delete subsection (2) and substitute the following:

“(2) Nothing in subsection (1) prevents a registered veterinary practitioner acting as such from performing, in accordance with animal health and welfare regulations (if any), an operation or procedure for therapeutic purposes if the operation or procedure is necessary for the health and welfare of an individual animal.”.

SECTION 18

22. In page 19, lines 15 to 17, to delete subsection (1).

Senators Brian Ó Domhnaill, Averil Power, Thomas Byrne, Mark Daly, Terry Leyden, Marc Mac Sharry, Paschal Mooney, Denis O'Donovan, Labhrás Ó Murchú, Darragh O'Brien, Ned O'Sullivan, Jim Walsh, Mary M. White and Diarmuid Wilson.

SECTION 19

23. In page 20, subsection (1), lines 12 to 29, to delete all words from and including “and—” in line 12 down to and including “animal.” in line 29 and substitute “and its health and welfare needs are being met.”.

Senators Brian Ó Domhnaill, Averil Power, Thomas Byrne, Mark Daly, Terry Leyden, Marc Mac Sharry, Paschal Mooney, Denis O'Donovan, Labhrás Ó Murchú, Darragh O'Brien, Ned O'Sullivan, Jim Walsh, Mary M. White and Diarmuid Wilson.

SECTION 20

Section opposed.

Senators Brian Ó Domhnaill, Averil Power, Thomas Byrne, Mark Daly, Terry Leyden, Marc Mac Sharry, Paschal Mooney, Denis O'Donovan, Labhrás Ó Murchú, Darragh O'Brien, Ned O'Sullivan, Jim Walsh, Mary M. White and Diarmuid Wilson.

SECTION 22

24. In page 22, subsection (1), line 26, after “animal” to insert “or award an animal as a prize”.

Senators Trevor O’Clochartaigh, David Cullinane and Kathryn Reilly.

25. In page 22, subsection (1), line 27, after “years” to insert the following:

“unless the purchaser/recipient is accompanied by an adult”.

4
SECTION 23

26. In page 22, lines 29 to 31, to delete subsection (1) and substitute the following:

“23.—(1) A person shall not kill a protected animal or cause or permit another person to kill a protected animal unless the person killing the animal is competent to kill it and does so in such manner as to inflict as little suffering as possible in the circumstances.”.

27. In page 22, subsection (2), lines 32 and 33, to delete “acting as such” and substitute “, competent knackery personnel”.

28. In page 23, lines 8 to 11, to delete subsection (4).

SECTION 24

29. In page 23, lines 37 to 41, to delete subsection (4).

SECTION 25

30. In page 24, subsection (1), lines 5 and 6, to delete paragraph (b).

SECTION 30

31. In page 28, subsection (1)(h), line 5, to delete “identified” and substitute “possible to identify”.

32. In page 28, subsection (1)(k), line 15, to delete “is not accompanied by” and substitute “it is not possible to provide”.
33. In page 28, lines 23 to 30, to delete subsection (3).

—Senators Brian Ó Domhnaill, Averil Power, Thomas Byrne, Mark Daly, Terry Leyden, Marc Mac Sharry, Paschal Mooney, Denis O’Donovan, Labhrás Ó Murchú, Darragh O’Brien, Ned O’Sullivan, Jim Walsh, Mary M. White and Diarmuid Wilson.

34. In page 28, subsection (1), line 35, to delete “may, subject to this Part” and substitute “shall”.

—Senators Brian Ó Domhnaill, Averil Power, Thomas Byrne, Mark Daly, Terry Leyden, Marc Mac Sharry, Paschal Mooney, Denis O’Donovan, Labhrás Ó Murchú, Darragh O’Brien, Ned O’Sullivan, Jim Walsh, Mary M. White and Diarmuid Wilson.

35. In page 29, between lines 19 and 20, to insert the following subsection:

“(5) Where the replacement of the removed animal/product is prevented by the Minister or not feasible to allow return to normal production levels payment for consequential losses to the value of the income foregone shall be payable.”.

—Senators Brian Ó Domhnaill, Averil Power, Thomas Byrne, Mark Daly, Terry Leyden, Marc Mac Sharry, Paschal Mooney, Denis O’Donovan, Labhrás Ó Murchú, Darragh O’Brien, Ned O’Sullivan, Jim Walsh, Mary M. White and Diarmuid Wilson.

36. In page 29, subsection (1), line 22, to delete “one or more persons as valuers” and substitute “a panel of valuers”.

—Senators Brian Ó Domhnaill, Averil Power, Thomas Byrne, Mark Daly, Terry Leyden, Marc Mac Sharry, Paschal Mooney, Denis O’Donovan, Labhrás Ó Murchú, Darragh O’Brien, Ned O’Sullivan, Jim Walsh, Mary M. White and Diarmuid Wilson.

37. In page 29, subsection (1), between lines 25 and 26, to insert the following:

“(c) the applicant for compensation will select a suitably qualified valuer to carry out their valuation from this panel,”.

—Senators Brian Ó Domhnaill, Averil Power, Thomas Byrne, Mark Daly, Terry Leyden, Marc Mac Sharry, Paschal Mooney, Denis O’Donovan, Labhrás Ó Murchú, Darragh O’Brien, Ned O’Sullivan, Jim Walsh, Mary M. White and Diarmuid Wilson.

38. In page 29, subsection (4), lines 41 to 46, to delete paragraphs (b) and (c).

—Senators Brian Ó Domhnaill, Averil Power, Thomas Byrne, Mark Daly, Terry Leyden, Marc Mac Sharry, Paschal Mooney, Denis O’Donovan, Labhrás Ó Murchú, Darragh O’Brien, Ned O’Sullivan, Jim Walsh, Mary M. White and Diarmuid Wilson.

*39. In page 30, subsection (7), line 13, to delete “14 days” and substitute “5 working days”.

40. In page 30, lines 17 to 21, to delete subsection (9).
SECTION 33
41. In page 30, line 37, to delete “arbitration” and substitute the following:

“an arbitration panel which includes a representative of the applicant and”.

SECTION 34
*42. In page 31, to delete lines 5 to 18 and substitute the following:

“he or she may by regulations provide—

(i) that compensation or a portion of it is not payable—

(I) in respect of animals of a particular breed, species, class or type, animal product, animal feed or other thing,

(II) where the killing or destruction related to a particular disease or diseases,

(III) for particular activities, including dealing in animals or agistment, or

(IV) for particular methods of husbandry specified in the regulations,

or

(ii) for the limitation of the eligibility of a person for compensation in whole or in part in respect of an animal, animal product, animal feed or other thing relating to a farm animal to which the regulations relate.”.

SECTION 35
43. In page 32, between lines 26 and 27, to insert the following paragraph:

“(d) shall inform the owner of the independent appeals process to the decision and the associated timeframe.”.

SECTION 36
44. In page 32, subsection (1), line 29, after “regulations” to insert the following:

“based on sound scientific information and the cost benefit of such”.

——Senators Brian Ó Domhnaill, Averil Power, Thomas Byrne, Mark Daly, Terry Leyden, Marc Mac Sharry, Paschal Mooney, Denis O'Donovan, Labhrás Ó Murchú, Darragh O'Brien, Ned O'Sullivan, Jim Walsh, Mary M. White and Diarmuid Wilson.
SECTION 37

45. In page 33, lines 36 to 40, to delete subsection (1).

—Senators Brian Ó Domhnaill, Averil Power, Thomas Byrne, Mark Daly, Terry Leyden, Marc Mac Sharry, Paschal Mooney, Denis O’Donovan, Labhrás Ó Murchú, Darragh O’Brien, Ned O’Sullivan, Jim Walsh, Mary M. White and Diarmuid Wilson.

SECTION 38

46. In page 34, subsection (1)(a), line 45, to delete “reasonable grounds” and substitute “evidence”.

—Senators Brian Ó Domhnaill, Averil Power, Thomas Byrne, Mark Daly, Terry Leyden, Marc Mac Sharry, Paschal Mooney, Denis O’Donovan, Labhrás Ó Murchú, Darragh O’Brien, Ned O’Sullivan, Jim Walsh, Mary M. White and Diarmuid Wilson.

47. In page 35, subsection (4), line 43, to delete “reasonable grounds” and substitute “evidence”.

—Senators Brian Ó Domhnaill, Averil Power, Thomas Byrne, Mark Daly, Terry Leyden, Marc Mac Sharry, Paschal Mooney, Denis O’Donovan, Labhrás Ó Murchú, Darragh O’Brien, Ned O’Sullivan, Jim Walsh, Mary M. White and Diarmuid Wilson.

SECTION 43

48. In page 41, subsection (1), line 23, after “district” to insert “or notify the Independent appeals process”.

—Senators Brian Ó Domhnaill, Averil Power, Thomas Byrne, Mark Daly, Terry Leyden, Marc Mac Sharry, Paschal Mooney, Denis O’Donovan, Labhrás Ó Murchú, Darragh O’Brien, Ned O’Sullivan, Jim Walsh, Mary M. White and Diarmuid Wilson.

49. In page 42, lines 1 to 7, to delete subsection (4) and substitute the following:

“(4) An animal health and welfare notice in respect of which an appeal is brought under this section shall have effect pending the making of an order under subsection (5).”.

SECTION 44

50. In page 43, lines 11 to 21, to delete subsection (4).

—Senators Brian Ó Domhnaill, Averil Power, Thomas Byrne, Mark Daly, Terry Leyden, Marc Mac Sharry, Paschal Mooney, Denis O’Donovan, Labhrás Ó Murchú, Darragh O’Brien, Ned O’Sullivan, Jim Walsh, Mary M. White and Diarmuid Wilson.

SECTION 52

51. In page 47, subsection (2), line 50, to delete “23(5)” and substitute “23(4)”.

8
SECTION 56
52. In page 48, before section 56, to insert the following new section:

56.—In proceedings for an offence under this Act an animal, animal product, animal feed or other thing, the owner of the animal shall be held responsible.”.

—Senators Trevor O’Clochartaigh, David Cullinane and Kathryn Reilly.

[Acceptance of this amendment involves the deletion of section 56 of the Bill.]

SECTION 65
*53. In page 56, line 8, to delete “pigs.” and substitute the following:

“pigs;

“other activity or event” means an activity or event involving the sale of animals, which is not the business of an animal mart, prescribed under section 66(1)(b).”.

SECTION 67
*54. In page 56, subsection (1), line 25, to delete “prescribed under section 66(1)(b)”.

*55. In page 56, lines 30 to 32, to delete subsection (2) and substitute the following:

“(2) The Minister may attach such terms or conditions, as he or she considers appropriate to the licence.”.

*56. In page 56, between lines 38 and 39, to insert the following subsection:

“(5) If a holder of a licence breaches a term or condition attached to the licence or causes another to breach a condition of it, the Minister may suspend the licence for such period or periods as the Minister considers necessary for the licence holder to remedy the breach.”.

SECTION 68
*57. In page 57, subsection (1)(b), line 8, after “mart” to insert “or other activity or event”.

*58. In page 57, subsection (3)(c), line 31, after “mart” to insert “or other activity or event”.

SECTION 69
*59. In page 57, subsection (2), line 38, after “mart” to insert “or other activity or event”.

*60. In page 57, subsection (3), line 45, after “mart” to insert “or other activity or event”.

Presumption of ownership in relation to animals.
SECTION 70

*61. In page 58, subsection (1), lines 18 to 20, to delete paragraph (a) and substitute the following:

“(a) the proper conduct of—

(i) places where the business of an animal mart or other activity or event is carried on, and

(ii) such business or persons at such marts or other activities or events,”.

*62. In page 59, subsection (2)(g), line 8, after “marts” to insert the following:

“or the places where such other activities or events are held”.

SECTION 71

*63. In page 59, lines 24 and 25, to delete subsection (2) and substitute the following:

“(2) The Minister may by regulations—

(a) provide for the approval and registration of dealers and dealers’ premises, and

(b) require dealers to provide such information specified in the regulations regarding the sale, supply or movement of an animal.”.

SCHEDULE 3

*64. In page 70, line 17, to delete “killing.”.

*65. In page 72, to delete lines 36 to 38 and substitute the following:

“40. The granting of licences, permits, approvals or authorisations, certificates or other documents in respect of any matter or activity referred to in this Act and the attachment of conditions to such and the limitation or restriction of them should any conditions not be met.”.