



SEANAD ÉIREANN

AN BILLE UM SHLÁINTE AGUS LEAS AINMHITHE, 2012 ANIMAL HEALTH AND WELFARE BILL 2012

LEASUITHE TUARASCÁLA REPORT AMENDMENTS

SEANAD ÉIREANN

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

ANIMAL HEALTH AND WELFARE BILL 2012 —REPORT

Leasuithe Amendments

1. In page 11, 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, Labhrás Ó Murchú, Darragh O'Brien, Ned O'Sullivan, Jim Walsh, Mary M. White, Diarmuid Wilson.*
2. In page 11, 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, Labhrás Ó Murchú, Darragh O'Brien, Ned O'Sullivan, Jim Walsh, Mary M. White, Diarmuid Wilson.*
3. In page 12, lines 20 and 21, to delete “he or she considers appropriate” and substitute “set out by the Minister”.
—*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, Diarmuid Wilson.*
4. In page 13, line 5, 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, Labhrás Ó Murchú, Darragh O'Brien, Ned O'Sullivan, Jim Walsh, Mary M. White, Diarmuid Wilson.*
5. In page 13, 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”.
—*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, Diarmuid Wilson.*
6. In page 13, line 35, before “do,” where it firstly occurs to insert “intentionally”.
—*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, Diarmuid Wilson.*
7. In page 14, line 7, after “terrified” to insert the following:

“unless accepted as a normal farming activity/method”.

—*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, Diarmuid Wilson.*

8. In page 14, line 21, to delete “or a code of practice”.

—*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, Diarmuid Wilson.*

9. In page 14, line 30, 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, Diarmuid Wilson.*

10. In page 14, line 37, 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, Diarmuid Wilson.*

11. In page 15, 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, Diarmuid Wilson.*

12. In page 15, to delete lines 22 to 25.

—*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, Diarmuid Wilson.*

13. In page 16, to delete line 28.

—*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, Diarmuid Wilson.*

14. In page 17, line 5, 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, Diarmuid Wilson.*

15. In page 17, line 10, 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, Diarmuid Wilson.*

16. In page 17, line 16, 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, Diarmuid Wilson.*

17. In page 23, lines 12 and 13, to delete “acting as such” and substitute “, competent knackery personnel”.

—*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, Diarmuid Wilson.*

18. In page 23, line 36, after “injured” to insert “or diseased”.

—*Senators Colm Burke, Michael Comiskey.*

19. In page 26, to delete lines 3 to 26.

—*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, Diarmuid Wilson.*

20. In page 26, to delete line 42 and in page 27, to delete lines 1 to 35.

—*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, Diarmuid Wilson.*

21. In page 28, line 26, to delete “identified” and substitute “possible to identify”.

—*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, Diarmuid Wilson.*

22. In page 28, line 36, to delete “is not accompanied by” and substitute “it is not possible to provide”.

—*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, Diarmuid Wilson.*

23. In page 29, line 13, to delete “may” 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, Diarmuid Wilson.*

24. In page 29, between lines 43 and 44, to insert the following:

“(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,
Diarmuid Wilson.*

25. In page 29, line 46, 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, Diarmuid Wilson.*

26. In page 30, between lines 2 and 3, 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, Diarmuid Wilson.*

27. In page 30, to delete lines 40 to 44.

—*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, Diarmuid Wilson.*

28. In page 31, line 12, to delete “arbitration” and substitute the following:

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

—*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, Diarmuid Wilson.*

29. In page 32, lines 3 and 4, to delete “if in his or her opinion, the owner” and substitute the following:

“but only if absolute proof can be demonstrated by the Minister, which shows that the owner”.

—*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, Diarmuid Wilson.*

30. In page 33, between lines 3 and 4, to insert the following:

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

—*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, Diarmuid Wilson.*

31. In page 33, line 6, 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,*

- 32.** In page 35, line 23, 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, Diarmuid Wilson.*
- 33.** In page 36, line 19, 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, Diarmuid Wilson.*
- 34.** In page 39, line 42, to delete “District Court” and substitute “Minister”.
—*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, Diarmuid Wilson.*
- 35.** In page 41, lines 46 and 47, to delete all words from and including “judge” in line 46 down to and including “district” in line 47 and substitute “Minister”.
—*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, Diarmuid Wilson.*
- 36.** In page 43, to delete lines 6 to 9.
—*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, Diarmuid Wilson.*
- 37.** In page 43, to delete lines 32 to 42.
—*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, Diarmuid Wilson.*
- 38.** In page 61, to delete lines 22 to 39.
—*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, Diarmuid Wilson.*