

DÁIL ÉIREANN

AN COMHCHOISTE UM THALMHAÍOCHT, BIA AGUS MUIR

JOINT COMMITTEE ON AGRICULTURE, FOOD AND THE MARINE

Dé Máirt, 24 Meán Fómhair 2019

Tuesday, 24 September 2019

The Joint Committee met at 3.30 p.m.

Comhaltaí a bhí i láthair / Members present:

Teachtaí Dála / Deputies

Seanadóirí / Senators

Jackie Cahill,	Rose Conway-Walsh,
Marcella Corcoran Kennedy,	Paul Daly,
Charlie McConalogue,	Tim Lombard,
Thomas Pringle,	Michelle Mulherin.
Brian Stanley.	

I láthair / In attendance: Deputy Michael Fitzmaurice.

Teachta / Deputy Pat Deering sa Chathaoir / in the Chair.

Business of Joint Committee

Chairman: As we have a quorum, we can commence the meeting. Apologies have been received from Deputy Penrose. I remind members to ensure all mobile phones are turned off. I propose we now go into private session to deal with some housekeeping matters.

The joint committee went into private session at 3.40 p.m. and resumed in public session at 4.40 p.m.

Veterinary Council of Ireland Report: Discussion

Chairman: The meeting is now resumed in public session. I remind members, witnesses and those in the Public Gallery to ensure their mobile phones are turned off. We are here to discuss the Veterinary Council of Ireland report entitled “Analysis of the VCI Consultation on Corporate Ownership of Veterinary Practices,” which was published last July. From the Veterinary Council of Ireland, I welcome Ms Niamh Muldoon, CEO and registrar, and Mr. Peadar Ó Scanaill, president. I thank them for coming before the committee today. We have been discussing this matter for the last period.

I draw the attention of witnesses to the fact that by virtue of section 17(2)(l) of the Defamation Act 2009, witnesses are protected by absolute privilege in respect of their evidence to the committee. However, if they are directed by the committee to cease giving evidence on a particular matter and they continue to do so, they are entitled thereafter only to a qualified privilege in respect of their evidence. They are directed that only evidence connected with the subject matter of these proceedings is to be given and they are asked to respect the parliamentary practice to the effect that, where possible, they should not criticise or make charges against any person, persons or entity by name or in such a way as to make him, her or it identifiable.

Members are reminded of the long-standing parliamentary practice to the effect that they should not comment on, criticise or make charges against a person outside the House or an official either by name or in such a way as to make him or her identifiable.

I invite Ms Muldoon to make her opening statement.

Ms Niamh Muldoon: I thank the Chairman, Deputies and Senators for inviting us to appear before them today. I am joined today by Mr. Peadar Ó Scanaill, president of the Veterinary Council of Ireland. We welcome the opportunity to appear before the Joint Oireachtas Committee on Agriculture, Food and the Marine for the second time, to discuss the important issue of corporate ownership of veterinary practices. We look forward to continuing this discussion on an area of great relevance and importance to the veterinary sector.

The Veterinary Council of Ireland is the statutory body responsible for the regulation and management of the practice of veterinary medicine and veterinary nursing. The principal function of the veterinary council is to regulate the practice of veterinary medicine and veterinary nursing in the Republic of Ireland, in the interest of animal health and welfare and in the interest of veterinary public health. The functions of the veterinary council include protection of the public through the supervision of veterinary education, the maintenance of the register of veterinary practitioners and nurses, the registration of veterinary premises, and through disciplinary action in cases of professional misconduct. In order to legally practice veterinary medicine in

the Republic of Ireland, a veterinary practitioner or veterinary nurse must be registered with the council. The practitioner or nurse must also carry out the practice of veterinary medicine at and from a premises registered with the veterinary council. There are currently 2,933 veterinary practitioners and 966 veterinary nurses registered with the Veterinary Council of Ireland. We also have 752 veterinary premises registered under the council's statutory premises accreditation scheme, at and from which veterinary services are provided to the public. These include veterinary clinics, veterinary practices and veterinary hospitals.

As the committee will be aware, the topic of corporate ownership of veterinary practices is a challenging one and has been the subject of much debate. Further to our appearance before the committee in May of this year, the veterinary council has since clarified the position with regards to ownership and the provision of veterinary services to the public, having benefited from a period of extensive consultation on the matter. It remains the role and remit of the council to continue to ensure the highest standards of veterinary medicine in the regulation and management of the professions.

I will briefly recap the history and experience of the veterinary council as it relates to this issue. Historically, section 54(2) of the Veterinary Practice Act 2005 was interpreted to prevent a body corporate from owning a veterinary practice, and this understanding was reflected in the veterinary council's code of professional conduct. However, legal advice received by the veterinary council advised that the legislation does not speak to the ownership of practices, and thus the council has no legal authority in determining such issues. The parameters of our powers as established under the Veterinary Practice Act 2005 involve the regulation of veterinary services to the public and the practice of veterinary medicine within that service. They do not extend to the area of ownership of practices. In light of this, the veterinary council initially amended its code of professional conduct in December 2017, explicitly stating that there was no prohibition on a non-registered person or body corporate owning a veterinary practice, provided that the practice of veterinary medicine was carried out by a veterinary professional registered with the council. This amendment was then put on hold in January 2018 to allow for a period of comprehensive consultation with the public, stakeholders and members of the veterinary professions. The results of this consultation have been compiled in a report by Grant Thornton offering an analysis of the VCI consultation on corporate ownership of veterinary practices, which was shared with members of this committee along with the clerk of the committee in July of this year.

The council commenced the public consultation in early 2018 which concluded in summer of this year, culminating in the report by Grant Thornton. The consultations conducted, which are reflected in the report, included a survey of the general public conducted by market research company Behaviour & Attitudes; a consultation process whereby any interested parties could submit their views; a survey of the veterinary professions conducted by market research company Behaviour & Attitudes; research and analysis of other veterinary regulators internationally; and research and analysis of other regulated professions in Ireland. The veterinary council has also benefited from legal advice on the matter and all of these inputs, together with the results of a consultation process and survey of the public, have been consolidated into this report. Overall, the responses to the introduction of corporate ownership of veterinary practices in Ireland were divided. Some were opposed, while some were in favour of the idea. Industry perspectives on corporate ownership can sway dependent on the circumstance.

Analysis of other professions in Ireland, in addition to veterinary professions in other jurisdictions is also reflected in the report. Consultations were held with different jurisdictions

globally to understand the issue of corporate ownership. It was apparent from the consultations that corporate ownership is prevalent internationally, but how it is regulated varies across the jurisdictions. The majority of other professions examined allow corporate ownership to exist with the exception of the legal profession. The council sought independent legal advice on the issue of corporate ownership with regards to the Veterinary Practice Act 2005. This advice highlighted that the governing legislation does not provide for a role for the veterinary council in the ownership of veterinary practices. The council's role lies in the regulation of the practice of veterinary medicine in the public interest. Our focus therefore is on the regulation of veterinary services to the public, the licensing of the veterinary premises and the registrants who provide that service, at and from those premises.

Following the period of consultation with stakeholders, the Veterinary Council of Ireland updated its code of professional conduct in respect of the matter of the provision of veterinary services to the public and the ownership of veterinary practices. The council provides guidance to veterinary registrants on matters relating to conduct and ethics through their code of professional conduct for registered veterinary practitioners and veterinary nurses. The code of professional conduct consists of the rules and principles which govern veterinary practitioners and veterinary nurses in the exercise of their profession. The Veterinary Council also regulates and licenses veterinary premises at and from which veterinary services to the public are provided. Registrants are bound by the code and the regulations relating to the veterinary premises where the practice of veterinary medicine occurs.

The council continues, as always, to use its statutory powers to ensure the highest standards of clinical governance are employed in veterinary medicine within the State. Those standards are to be found in the council's code of professional conduct and the regulations which underpin certificates of suitability. A certificate of suitability is the licence issued by the council to persons registered with it who wish to provide veterinary services at and from the premises to which the certificate relates. A certificate of suitability for the veterinary premises is required before any veterinary service to the public may begin from that premises, and the certificate is renewed on a four-year-cycle. Only individuals registered with the council may apply for and be granted a certificate to provide veterinary services to the public at and from a veterinary premises. For example, a veterinary practitioner cannot provide veterinary services from a premises without such a certificate in place.

The regulations relating to that certificate are one of the means by which the council regulates veterinary services to the public. The certificate of suitability for veterinary services involving the practice of veterinary medicine may only be held in the name of a registered person. The code of professional conduct is another means by which the Veterinary Council regulates the practice of veterinary medicine and nursing in the State. The code of professional conduct and the council regulations underpin veterinary services to the public. The Veterinary Council issues the code and regulations, and determines the issuing of the certificates required to enable veterinary services to be delivered at and from a veterinary premises.

The update by the council to the code on 11 July 2019 reaffirms that veterinary services to the public, the performance of which forms part of the practice of veterinary medicine, must at all times be provided by the veterinary practitioners who usually practice veterinary medicine at and from the registered veterinary premises. The clinical discretion of the veterinary practitioner is paramount, acting at all times in the interest of animal health, welfare and public health. This decision brings clarity to the matter.

The council's words updating the code clearly state that the veterinary practitioner provides

the veterinary medicine service to the public at and from a premises, certified and licensed by the council. The code of professional conduct and the regulations relating to the veterinary premises are the means by which the Veterinary Council regulates that service in the public interest. Ownership bears no influence on the provision of veterinary services.

The Veterinary Council's updating of the code of conduct of veterinary practitioners clarifies that only veterinary practitioners may provide veterinary services, the performance of which constitute the practice of veterinary medicine, to the public and also strengthens the clinical discretion and autonomy of registered veterinary professionals in discharging clinical duties.

The Veterinary Council recently began its period of public consultation for its strategy for 2019 to 2023, which is to be published later this year. The strategy will seek to work with partner bodies to shape the professional lives of veterinary registrants and to ensure the development and oversight of the veterinary profession continues to foster best professional practice, in the best interest of animal welfare and the public.

Its proposed strategic objectives are leading animal health and welfare in line with one health, one welfare initiatives; maintaining the confidence of the public and veterinary professions in the Veterinary Council of Ireland processes; enabling good professional practice and professionalism through education; supporting the health and well-being of registrants; supporting and developing the role of the veterinary nurse; and enhancing and influencing and informing policy through insightful research and meaningful engagement.

While a number of different challenges face veterinary practitioners and nurses in Ireland today, the council will continue to work to ensure that registrants continue to provide best in class services, and that registrants are supported in their provision of veterinary medicine services, in their development as professionals and in their own personal well-being. We will continue to work to ensure the high standards expected in the veterinary industry are upheld, and that quality of veterinary care enjoyed in this country continuously improves.

I thank the Chairman and the committee for the invitation to address them today. The president of the Veterinary Council, Mr. Ó Scanaill, and I are happy to address any questions the committee may have.

Chairman: I thank Ms Muldoon for her opening statement.

Deputy Jackie Cahill: I thank Ms Muldoon for her presentation. This is a most serious issue for the sector and many questions must be asked. There is a lot of unease. I received phone calls from eight vets over the weekend who were unanimous in their view this is not good progress for the sector and that it is a retrograde step. My Fianna Fáil colleagues and I met the vets' union, which put forward a number of questions. With the Chairman's permission we will ask them. We all have copies of them as they met all of the parliamentary parties represented here. If we will get answers to the questions we can see where the debate goes.

Chairman: When Deputy Cahill has finished asking his questions we will get the answers and then we will go to the next questioner.

Deputy Jackie Cahill: That is fine. At our meeting on 21 May, the Veterinary Council assured the committee that it received specific legal advice prior to announcing in December 2017 the amendments to the code of professional conduct relating to the ownership of veterinary practice. This is not substantiated by the findings of the Grant Thornton report. Will the witnesses clarify this discrepancy?

Ms Niamh Muldoon: The Grant Thornton report includes the dates all of the legal advice received to assist the council in considering this matter. They are all cited. Some advice was received in 2014 and further advice was received in 2018 and 2019. In 2014, advice was received from McDowell Purcell Solicitors in association with Mr. Tom Hogan. Two senior counsel opinions were received in 2018 and March 2019 and a junior counsel opinion was received in 2018.

Deputy Jackie Cahill: What advice was received prior to December 2017, when the amendments of the code of practice relating to the ownership were made?

Ms Niamh Muldoon: Advice provided to the council in December 2014 is cited in the report.

Deputy Jackie Cahill: It was three years before the advice was acted on.

Mr. Peadar Ó Scanail: It is probably more appropriate if I were to answer that. In fairness to our registrar, she was not around at the time. She could have prepared for such questions but she was not there. Mr. Hogan's advice was given initially in my presence and that of two other council members in his room. It was followed by written advice. It was the subject of continued discussion from then until 2017. It was always referred to as the advice we had. I do not know whether this clarifies it.

Deputy Jackie Cahill: Someone else can ask the next question.

Deputy Brian Stanley: I would like clarification on asking questions outside of those supplied.

Chairman: Deputy Stanley is next and can ask whatever questions-----

Deputy Brian Stanley: Are all of the questions on the list being taken together?

Chairman: Deputy Stanley is next to speak and it is up to him as to whether he wants to ask questions from the list or other questions.

Deputy Brian Stanley: The provision in the code that requires a veterinary practitioner to ensure arrangements are made for a 24 hour on-call service is not binding on an unregistered body or corporate body. This is a big issue. We have been contacted by veterinary practitioners who are very concerned about the changes. The issue of 24-hour cover is a key issue for the farming community.

Ms Niamh Muldoon: The requirement to provide 24-hour care is linked to the licence, the certificate of suitability referenced in the opening statement, that attaches to a premises from which veterinary services can be supplied. Only a member of the register of veterinary practitioners or nurses can apply for such a licence or certificate. It is tied in with the licence to the premises and required for every practice, clinic or hospital.

Deputy Brian Stanley: If a practice with three, four or five vets is taken over by a corporate body, an employer-employee relationship is created but the employer is not a professionally qualified person. The employer may make decisions that are not in the interest of the veterinary profession or, indeed, of animal health. These decisions may concern drugs, medicines or other veterinary practices. There are reports from other jurisdictions of companies putting time limits on vets making calls. I do not know how this would work in rural areas here. When the council changed the code of conduct, did it have regard to this issue? I have been an employee, as I am

sure many in this room have been, and whether in the case of a factory, workshop or office floor it is always the owners who make the decision. The decision would be binding and if a person did not like it, he or she could make his or her way out. It is a case of “My way or the highway”.

I have received various items of feedback but I have never received or heard of a complaint from farmers about the overall veterinary profession. We have a network of veterinary practitioners who have served the country, and the agricultural community in particular, very well. If the profession is corporatised, the nature, culture and practices will change and the relationship between the farming community and the vets, such as those who serve Laois-Offaly and other areas, will break down. The quality of the service will diminish because vets will not be their own masters - that will be the owner of the corporate body. That is what we have a concern over. Their professional qualifications and years of experience, built over generations and handed down from father to son or father to daughter, will be lost. The council should have looked into this before changing the code of conduct to facilitate it.

Ms Niamh Muldoon: We see that ownership bears no influence to the practice of veterinary medicine. To be able to practice veterinary medicine a person has to be on the register of practitioners and apply for a certificate or a licence for that practice from the Veterinary Council. In part, it is through that licence that we can be absolutely confident will have no influence on the provision of those services. The standards enjoyed by our agricultural sector across the country will be maintained and it is the role of the council to make sure standards are upheld. We are fortunate to have the quality and standards we enjoy. The Veterinary Council will not allow any diminution of them.

Deputy Brian Stanley: A lot of people would disagree with Ms Muldoon about that. There is no pressure from competition law to change the code of practice and there have been no rulings from the European Court of Justice in respect of other jurisdictions to compel them to allow corporate interests to take over practices. Does Ms Muldoon agree with my interpretation?

Ms Niamh Muldoon: As referenced in the report, the Competition Authority made a recommendation relating to the ownership of veterinary practices in 2008. The position of the council is that it does not have, and never has had, the legal remit to make a comment on ownership. It does not collect data and does not ask any veterinary practitioner or nurse around the country who owns the practice in which they work. The focus of the council is on the effective regulation of the service and on ensuring that standards are high. Our vets and nurses are educated to a high degree and they get continuous professional development throughout their careers. We also deal with disciplinary matters.

Deputy Brian Stanley: Ireland is part of the European Union and previous judgments from other jurisdictions are clear that there is no onus on anybody to change the code of practice to allow for the corporatisation of veterinary practices. Was it not put to the Competition Authority that the supreme body was the European Court of Justice and not the Irish authority or that of any particular member state? The European Court of Justice is the final arbiter.

Ms Niamh Muldoon: Yes. The question of whether restricting ownership could be anti-competitive has been discussed but the advices received by the council are that it has no legal or statutory role relating to ownership.

Deputy Charlie McConalogue: I will take up where Deputy Cahill left off. There is a lot of concern regarding the impact of the decision to open up ownership to laypersons. In my county, practices have closed down having moved into lay ownership. Many concerns were

raised about this in advance by both vets and Veterinary Ireland, which is the representative body for the vast majority of practice vets and which represents 1,200 out of 2,000 practitioners. It is the only such representative body. The council flagged concerns it had, having done a lot of research, and it has outstanding questions on behalf of vets that it would like to be answered. They presented members of the committee with these questions and we feel the best way to get answers is to go through those questions. This is important in order to understand the rationale for this decision and the impact it is going to have if it is not addressed, whether that is by the Veterinary Council or through legislative change.

In a submission to this committee of 24 January 2018, the then registrar stated that legal advice was obtained on the issue. Does the Veterinary Council have documentary evidence to substantiate this statement? Was the legal advice in writing? Did it deal with the issue of lay ownership or did it just deal with incorporating veterinary practices? Incorporating veterinary practices could be done by vets, while lay ownership is a different issue. Was that advice in writing and did it concern the issue of lay ownership specifically?

Ms Niamh Muldoon: I thank Deputy McConalogue for his question. He will see in the Grant Thornton report that the council received four sets of legal advices in writing. In December 2014, the council received legal advice on whether a non-registered veterinary practitioner could have an interest in a veterinary practice. That probably answers the Deputy's question.

Deputy Charlie McConalogue: That was in writing.

Ms Niamh Muldoon: That was in writing.

Deputy Charlie McConalogue: If the council had sought specific relevant legal advice prior to the changes in the code in 2017, does Ms Muldoon think we would be in the situation we are in, whereby non-registered persons are operating veterinary practices outside of the regulation of the council and in contravention of the Veterinary Practice Act 2005?

Ms Niamh Muldoon: I will refer back to my opening statement. All aspects of the practice of veterinary medicine come under the remit of the Veterinary Council. We are the regulator. There is no aspect that we cannot get to. Ownership is not within our legal remit or our focus, but the practice of veterinary medicine is. There is, therefore, no question that a non-registered person would practise veterinary medicine. One must be on our registers and be a qualified vet or veterinary nurse to be able to practise. Equally, to be able to practise in this country one operates from a premises. That premises is licensed by us so we know its size, all the details of the premises and all the individuals linked and working with it. There is, therefore, no question but that all aspects of veterinary practice are within our control and we are the oversight body. There will be no diminution in standards. We are absolutely confident that the council is in a position to regulate effectively, and it is important that this committee has confidence in the council.

Deputy Charlie McConalogue: If I may, I will delve further into the legal advice the council received on lay ownership prior to the decision to change the code in December 2017. Ms Muldoon stated previously that that legal advice indicated that the council did not have any specific role in legal ownership, but the legislation is silent on the matter. What did the legal advice say to the council about its capacity, given the fact that the Act was silent, to continue with the code it had previously as it related to prohibiting lay ownership? That option was open to the council. Can Ms Muldoon elaborate on the nature of the legal advice the council got that indicated that it did not have that capacity to continue as before?

Ms Niamh Muldoon: Certainly. In December 2014, the legal advice received concerned whether a non-registered veterinary practitioner could have an interest in a veterinary practice. Further advices, specifically on ownership, were received subsequently, in 2018 and 2019.

Deputy Charlie McConalogue: Yes, but I am asking for the detail of that advice. What was so solid about the advice that the council could not continue with its previous code, which prohibited lay ownership? The Act is silent on the matter. Did that legal advice not then leave it open and give the council discretion to continue to prohibit lay ownership on the basis that it could have an impact on the operation of practices?

Ms Niamh Muldoon: The Deputy is querying the advice received in 2018, so we have-----

Deputy Charlie McConalogue: No. I refer to the initial advice given prior to the decision to change the code in December 2017.

Ms Niamh Muldoon: That advice concerned whether a non-registered practitioner could have an interest in a practice. It did not concern ownership specifically or whether the council had a role in that regard. The advices were more focused on that matter in 2018 and 2019. As I noted, a decision was taken in December 2017 in the absence of a period of consultation, so those amendments were stayed in the code to allow for further advices and a period of consultation. It was that 18-month period of consultation which culminated in the Grant Thornton report and the decision of the council in July of this year.

Deputy Charlie McConalogue: Regarding the advice the council received prior to the initial decision to change the code, which allowed for lay ownership, the decision to change the code was later paused and the council carried wider consultation. However, in advance of the initial decision to change the code to allow for lay ownership in the future, as I hear it here, the advice on the specifics of the legality of allowing lay ownership was not very comprehensive. Can Ms Muldoon elaborate on that? The advice seemed to concern the opportunity for somebody to have an interest. I am not sure what having an interest might mean and what the difference is between that and ownership.

Ms Niamh Muldoon: As set out in the report, the legal advice from Mr. JP McDowell of McDowell Purcell solicitors and Mr. Tom Hogan, barrister-at-law, stated: "There is no prohibition on an unregistered sole trader or a partnership comprising of one or more unregistered persons or a corporate body, with one or more shareholders being unregistered persons, employing a registered person to apply for and, granted, hold a certificate of suitability in respect of a veterinary premises." That is the nature of the advices received in December 2014.

Mr. Peadar Ó Scanail: If I may add, this must also be taken in the context of very regular questioning, such as whether a corporate body can buy a practice. A corporatisation was occurring in other jurisdictions worldwide, as mentioned earlier, so the pressure was on at all times for the council to come up with an answer, and we kept saying, "No, get your own legal advice." It became clear, however, that we would have to come up with some answer on the matter, and it came from those legal advices we were using in December 2017.

Deputy Charlie McConalogue: That legal advice is not particularly directional though in that it stated there was no legal impediment. It does not specifically require the council to change its code of conduct either in that it does not say there is a legal impediment. It states that lay ownership should be allowed, so it strikes me that it left it very much in the Veterinary Council's court as to how it might proceed.

Mr. Peadar Ó Scanaill: It also came at a time when we were very much aware that lay-persons were involved in practices, even though our code had two views that could be read as contradicting each other. I do not have the former code with me, but there were things taken out of it in 2017 and then that statement went in in 2017, when almost immediately we realised we really needed to have done an awful lot more consultation and to have widened this, which we did. That is what we are presenting before the committee today.

Deputy Charlie McConalogue: Can Mr. Ó Scanaill elaborate a little on that? What does he mean when he says there was lay involvement previously? Was that in contradiction of the code?

Mr. Peadar Ó Scanaill: There was lay ownership. The spouse of any married vet owned 50%. In fairness, a retired vet whose son is continuing with the practice may still actually own the premises. We were aware of the existence of many such cases. They were not creating the issue though. What was creating the issue was registered and non-registered people asking us what our view of section 54(2)(c) was, which states a body corporate cannot offer the service. It hinged really on how a corporate body could offer the service. A corporate body is not a person but a vet who carries out the Act. It was quite unclear, and even on the legal side one could ask a range of barristers and solicitors and get a range of answers.

Senator Tim Lombard: The debate has been very interesting. I thank the council for its presentation, which was very informative. I wish to ask about when the council made the decision and about conflict of interest and how that was determined by the council. What protocols were in place for conflict of interest and are they in line with the 2005 Act, taking into consideration that a conflict of interest at local authority level or in our kind of work would require us to declare it and have it minuted and then to leave the meeting? Does that apply to the council, taking into consideration the 2005 Act?

Ms Niamh Muldoon: Yes. As with any regulatory body, we have lots of procedures around conflicts and standing orders concerning the conduct of council and committee meetings. Any member who has a conflict is requested to declare it in advance of the relevant agenda item to either the chair of the committee, the chair of the council or the registrar. That member would then usually be expected to absent himself or herself from the discussion and-or the decision.

Senator Tim Lombard: Would he or she physically leave the meeting?

Ms Niamh Muldoon: Yes. Usual practice is that if somebody declares a conflict, he or she leaves the meeting.

Senator Tim Lombard: Is Ms Muldoon satisfied that, in regard to the December 2017 meeting and the subsequent meeting, all those conflicts of interest were dealt with appropriately?

Ms Niamh Muldoon: Yes, any decision of the council is a valid decision and the council is satisfied that all matters are in order.

Senator Tim Lombard: It was declared, minuted and anyone who had a conflict of interest left the meeting. I understand Ms Muldoon was not at these meetings.

Ms Niamh Muldoon: I am reluctant to get into specifics because I was not present at the meeting and I am not sure of the level of detail required in these matters. The decision of the council was taken in the usual course and it is a full and valid decision of the council.

Mr. Peadar Ó Scanaill: I can add to that as I was present at the meeting. Again, I would be very reluctant to go down the avenue the Senator wishes to bring us down. We will look at the report tomorrow as there is a council meeting tomorrow. There may be something we will erase from it but, in fairness, we will always check that what was recorded as having been said was correct. If there is any conflict of interest or even the perception of a conflict of interest, one is always asked to declare it and remove oneself from the room. Looking back, and going back to any past presidents, these issues are minuted and there were some very short removals from the room in 2017 and 2018. In fairness, with regard to December 2017 and digging into the specifics, we will deal with it tomorrow and perhaps at future meetings down the line.

This particular corporate issue we brought to the committee today was described by me as coming from a council member sucking the oxygen out of the room. From the time of December 2017 and January 2018, a huge amount of effort by the 19 council members has gone into all of that stakeholder work. In fairness, looking back is something we may have a privilege to do now but we would not have had that privilege then. We had a change in registrar, the second registrar was hardly in a handful of weeks when some issue arose and we had to have another registrar, and that registrar could only attend for one day a week but we were not aware of that at the time. That rolled on for a while and then we had another registrar. We then recruited and we now have a full-time registrar. In fairness, the privilege of looking back is something we will be doing in the future.

Senator Tim Lombard: Is this meeting tomorrow a council meeting?

Mr. Peadar Ó Scanaill: It is a full council meeting. There are many issues on the agenda.

Senator Tim Lombard: Which items are on the agenda?

Mr. Peadar Ó Scanaill: The Senator was asking about December 2017 and whether there was a conflict of interest.

Deputy Thomas Pringle: I apologise that I was not here for the start of the meeting. In regard to the certificate of suitability and the fact there has to be a registered vet who manages the company on behalf of the other bodies, from the point of view of the Veterinary Council, if the company goes against the views of the registered person, is that desirable or is it something the council would agree with? To answer my own question, the company would have its own set of rules and it is a question of whether the individual complies with this or not. Would the council look at the set of rules the company has to see if it is compatible with veterinary practice? I am thinking of the recent case in Donegal where the person responsible - the vet - wanted to do evening cases, but the company did not want that and the company ended up closing and relocating, and cherry-picking customers and so on. Is that something the council would take a role in or responsibility for?

Ms Niamh Muldoon: If the Deputy does not mind, we will not talk about specifics in Donegal and we will talk about an abstract or imaginary case in Athlone, Ashbourne or County Louth. As was referenced, any veterinary practice has to hold a particular licence granted by the council and one has to be a registrant to apply for that licence. The form of words approved by the council in July of this year references the clinical discretion of the registrant being paramount. That is where we see the role of the certificate holder or the licence holder. We would see that the role of the licence holder includes having full power and control over all matters relating to the practice of veterinary medicine and all clinical matters. We will not be getting into the devil of the detail in terms of company structures and it is not our concern how any business

is structured. Our concern is how the practice operates, how veterinary medicine is delivered and how that service is provided. As a regulator, we have a very strong focus on making sure the service provided to the public and to the benefit of society is of a particular standard and a safe standard.

Deputy Thomas Pringle: The standard is set by the certificate of suitability holder, not by the company.

Ms Niamh Muldoon: Yes.

Deputy Thomas Pringle: How would the council police that if the company is breaching what the certificate of suitability holder wants?

Ms Niamh Muldoon: In theory, if one has a premises in Drogheda, Tullyallen, Athlone or Ashbourne, the council has a whole range of regulatory powers on which it can act. Arguably, it might send in an authorised officer to conduct an inspection of that premises or practice and the authorised officer might sample the medical records of all the various clients or look to make sure that all of the controlled drugs are validly scheduled, documented and secured. Equally, if there were particular findings, the council would take action based on those findings.

Deputy Thomas Pringle: Would the standard of service to the customers or clients be part of the remit of that investigation?

Ms Niamh Muldoon: Absolutely, because the standards and the delivery of veterinary medicine are exactly our area of focus. For example, the provision of 24-hour care is linked to the licence to each veterinary premises licensed by the council around the country, all 752 of them. The provision of 24-hour care is linked to that licence, as other matters can be. It is absolutely the case that the standard of the service delivered is something we would be interested in.

Deputy Thomas Pringle: Therefore, the 24-hour care would be a condition of the licence. If an imaginary person or corporate body breached that, what would be the outcome and how would that be pursued?

Ms Niamh Muldoon: No corporate body can hold that licence. One must be a registrant; one must be registered with the Veterinary Council to be able to hold that licence.

Deputy Thomas Pringle: Let us say, for example, I am the registrant and I am registered by the Veterinary Council and am working for a body. If I say I want it to be a 24-hour service and that body says it is not making that available, how is that resolved?

Ms Niamh Muldoon: If that scenario were to arise in a given situation, the council would probably look to conduct an investigation, send out an authorised officer to carry out an inspection and then take whatever actions were required arising from any report.

Deputy Thomas Pringle: If my employer was saying I should not be doing an out-of-hours service, that would be in breach of the council's standards.

Ms Niamh Muldoon: Yes.

Mr. Peadar Ó Scanail: One of the benefits of the in-depth look at the Act is the encouragement to the council to do a lot more to strengthen the role, which is something we will do much more going forward. This Act is one to envy. This particular certificate of suitability, which is the certificate for the premises, is not in many other Acts or in any other professions across

many other jurisdictions, as we found when we went looking. If we pull back a little, before ever we talk about an owner or a corporate body laying down rules and regulations, there is no service to the public until a registrant applies to us to open a service to the public at and from a certain premises. That is the first step. That is the hands on the wheel. As we said when we were here last, it would be very important for us that there would only be three parties on the playing field. The hands on the wheel would be the vet's hands only - the registrant's hands only - and that is on the certificate.

In fairness, there will be contracts between the registrants and the owners but that contract can never come across the provision of the service, which is in the hands of the veterinary practitioners, who apply to us for that certificate. The certificate is only for four years. If any issue arises during those four years, and he or she applies for the next four years, we can refuse it, revoke it, re-grant it or grant it with conditions. This is all in the primary legislation. It is a very strong Act and it gives us fantastic control over the provision of service, which is a huge step forward. It means that, as we said in our opening statement, while the Deputy has referred to the owner or the employer saying one thing or the other, the first person to speak is the certificate of suitability holder. The power is in the hands of the registrant who opens that service, provides it to the public and four years later applies to renew and continue that service. If an issue arises that concerns that registrant enough, he or she can move next door, apply for a certificate there and continue the service.

Deputy Thomas Pringle: Mr. Ó Scanaill is putting too much power in the hands of the-----

Mr. Peadar Ó Scanaill: I am talking about the registrant who applied to open the service.

Deputy Thomas Pringle: In this situation, he or she is employed by the body that owns the building. He or she is working for that body, implementing the rules of the Veterinary Council of Ireland, VCI, at that body's discretion.

Mr. Peadar Ó Scanaill: To clarify, we put four items in the code in this regard. One of them stipulates that a registrant must not enter any contract, partnership or arrangement of any type that in any way affects his or her ability to uphold the code, the regulations related to suitability, the Veterinary Practice Act 2005 or any regulations laid down by the Veterinary Council of Ireland. The provisions that went into the code following the stakeholder consultation are very powerful. For these purposes, the service is the veterinary practitioner providing the service, the user is the public and we are the regulator. There is nobody else on the pitch.

Deputy Thomas Pringle: In the mind of the VCI there might not be, but I contend there is.

Mr. Peadar Ó Scanaill: If an issue arose and was made known to us, we would be concerned because we have given a licence to open that veterinary service to the public. We have laid down codes, rules and regulations. If they are not upheld, as we asked of the licenceholder, we can add stipulations or we can consider advising the registrant to move and continue that service from elsewhere.

Deputy Thomas Pringle: As such, the licence to provide the service is in the name of Joe Bloggs, rather than in the name of a company?

Mr. Peadar Ó Scanaill: It cannot be in the name of a company. Primary legislation specifically says that it can only be in the name of a registrant who practices veterinary medicine or veterinary nursing at that premises.

Chairman: I think the point Deputy Pringle was making is that while Mr. Ó Scanail said there are three parties to the whole equation, effectively there are really four parties. The potential owner, who may not be the veterinary practitioner, can determine the hours of work or the prices of the different procedures undertaken by the veterinary practitioner. Those prices could be substantially higher than the normal prices. How will that be regulated? There is effectively a fourth party on the pitch who was not there previously. Am I interpreting that correctly?

Mr. Peadar Ó Scanail: If the holder of the certificate, that is, the person responsible for the provision of the services at and from that premises, is in contract, part-contract or partnership with a fourth party or rents from them, he or she will have insisted on clinical autonomy before entering that relationship. We included that requirement in the code, which they must uphold. If the certificate holder has some difficulty, he or she must draw the attention of the other party to their requirements as guaranteed in their contract. If the licenceholder finds he or she does not have the power to do so, he or she can alert us. We would immediately have concerns about the certificate applying to that premises as somebody, a fourth party, would be coming onto the pitch. We would strongly advise that either they sort it out, or the registrant, who applied for the certificate, applies to another premises and continues with the service.

Chairman: In theory this mythical fourth party could effectively put the main player out of the market.

Mr. Peadar Ó Scanail: Not necessarily, because the main player would apply for another premises. There is no restriction on what premises he or she practices on once they reach the standards we have set. The licenceholder could open in 2 Upper Drumcondra Road as opposed to 3 Upper Drumcondra Road. He or she could still provide the service.

Deputy Charlie McConalogue: Companies buying out practices put non-compete clauses into vets' contracts so that if they leave, they cannot set up in the same area. Would that not be the expected practice of businesses coming into this market? They could therefore completely impede this and put a burden on the vet's freedom of movement and his or her capacity to properly meet their responsibilities.

Ms Niamh Muldoon: I am sure non-compete clauses will be a feature, as they are in any legal arrangement but they are specific provisions between two parties entering a legal arrangement in which the council can have no hand. Deputy McConalogue could be right. However, to come back to the Chair's point, there is no owner or company-----

Deputy Charlie McConalogue: A fourth party is very much in the equation then, because the company has-----

Mr. Peadar Ó Scanail: That is a separate contract.

Ms Niamh Muldoon: We must bear in mind that any veterinary practice can only deliver services from a premises licensed by the council. The holder of that licence is not the owner of the premises and cannot be a company. He or she must be on our register. Regardless of ownership, the service is delivered through somebody on our register. That person controls the licence to deliver the service and we require that they must have full clinical discretion in delivering that service. It is imperative for public health.

Senator Paul Daly: I do not wish to move on from this subject. I cannot believe what I am hearing. What I have been hearing for the last ten minutes is akin to a bouncer outside a nightclub who watches a 16 year old get an ID from an 18 year old, says that is fine and tells them to

go on in, it will be all right on the night. I have worked in companies as both a manager and an employee. I have never been asked to sign on behalf of management or on behalf of the owner. If I was, I do not think my signature could have been accepted. I was always answerable to the manager or owner. The witnesses are basically saying that I can buy a veterinary practice in the morning and ask any qualified vet who is prepared to put his or her letters behind it to sign my application for me. There are not even checks and balances to find out if the vet is an employee of the person who owns the practice or the building.

Suppose the vet is an employee. If that vet decides to live by what he or she has signed and provide a 24-hour service, and if I as the employer decide it is not economically viable to send him or her out at 4 a.m. to deliver lambs, we might part company by the end of the week. Do I still have certification for the next four years? The witnesses have given me no indication, in their report or anywhere else, that the VCI checks what the vet's role in the company is, apart from verifying that he or she is a qualified vet and signed the application. The VCI has been ignoring the fact that there is a fourth party in the relationship. Is it not the case that in the context of the TB eradication scheme, the Department of Agriculture, Food and the Marine recently stated that the service provider cannot be an employee of the practice? If that is correct, and I am led to believe it is, can the witnesses provide an answer? The VCI has allowed this relationship to develop by totally ignoring the fourth party because it suits the VCI to do so. It undermines its own role in policing this code by turning its back on the fact that it will accept a signature from anybody, on anybody else's behalf, once the signatory has gone to UCD or wherever to get the right letters after his or her name. The VCI is not even interested in what the vet's role within that organisation is, other than to note that he or she has the qualification. A week later he or she might not be working under the licence the VCI grants or in the building for which it has granted a licence.

Ms Niamh Muldoon: I cannot comment on the TB matter so I will not stray into that. I note that we are dealing with members of a profession. One cannot buy the signature of a solicitor, a pharmacist or a doctor. They are members of a profession and are bound by a code of professional conduct. It is not the case that a company is going to come in here and buy the signature and buy the name-----

Senator Paul Daly: The practitioner may also be bound by a contract of employment under the new circumstances, if they are working for a fourth party.

Ms Niamh Muldoon: He or she may be, but in applying for this licence the clinical discretion rests with the registrant. The registrants are members of a profession. No member of any profession will sell his or her signature for cheap use by another. Society expects higher standards of all professions. Practitioners of veterinary nursing are no different. I do not foresee the circumstances Senator Paul Daly outlines as being problematic. That said, if individual nuances within the area of veterinary practice prove to be problematic, the VCI will not be found wanting in playing its role. Our job is to make sure that there is effective regulation. Our concern is for society and the public interest. It is not the case that we are going to turn a blind eye to substandard or poor practice. It simply will not be allowed.

Senator Paul Daly: Does Ms Muldoon have confidence in the role of the VCI in policing this?

Ms Niamh Muldoon: Yes, absolutely.

Senator Paul Daly: The VCI is policing employees. It is not a case of it not having contact

with the employer but of actually denying that the employer exists. How can the VCI have confidence in its role within the sector? The VCI is adamantly arguing that the fourth party does not exist in this scenario and that it is a three-way street. How can the VCI have confidence in its role in evaluating or policing the sector?

Ms Niamh Muldoon: I am the first to acknowledge that this has been a really challenging matter for the Veterinary Council of Ireland, the profession and for all of our stakeholders. It is a changing environment so change, updates and reform will be required by the council in different areas. All of that is in train and is being developed. We are absolutely confident that we can effectively regulate the practice of veterinary medicine. We would not be appearing before this committee today if that was not the case; we would be beating down the door seeking legislative change and amendments. We would not be discharging our statutory duties under the Act if we were not effectively regulating the sector. We confidently believe we can do that but if that position changes and if, over the passage of time, we discover that there are gaps or difficulties with which we cannot deal effectively, we will not be found wanting in terms of coming forward. The standards will remain high and we are absolutely confident of that.

Senator Paul Daly: Ms Muldoon said that the VCI will regulate if practices are not fulfilling their duties. It is well documented, without mentioning specifics, that services have been withdrawn because of corporate ownership. Has the VCI imposed any sanctions on practices or on the relevant individuals who are on the council's register in response to that?

Ms Niamh Muldoon: I hope Senator Paul Daly understands that we cannot comment on specific cases because they may involve matters that will be considered by the council in due course. It would not be fair for us to comment-----

Senator Paul Daly: These issues are in the public domain and are well documented.

Ms Niamh Muldoon: -----on any specific matter. There has been media coverage around some practices, which the council understands-----

Senator Paul Daly: Ms Muldoon can tell me if the council has sanctioned any individuals-----

Ms Niamh Muldoon: We understand that some practices in the country have been closed. It is not the case that there were poor standards of care but rather that the practices have been closed. I am reluctant to comment any further because it would be unfair to do so, given that these may be matters that will come before the council for consideration in due course.

Mr. Peadar Ó Scanail: Senator Paul Daly suggested that someone would sign the form and then be gone again but it is written in primary legislation that the certificate of suitability is granted to the veterinary practitioner who carries on the practice of veterinary medicine at the premises. It goes further and outlines reasons for restricting or revoking the certificate, one of which is that the veterinary practitioner is no longer practising veterinary medicine at the premises. What the Senator described, in terms of someone signing a form and then being gone two days later, means that automatically, the certificate is gone. The entire control of the practice is in the hands of the veterinary practitioners. That is very important for us because we cannot regulate non-veterinary practitioners. We can only regulate veterinary practitioners or veterinary nurses who are members of the profession and registered with us. It was very important for us, in terms of the code, that it meant the veterinary practitioners and veterinary nurses, that is, the registrants, had full and ultimate control over the provision of the service to the public.

If there was any issue from the public's perspective, they could come to the council. If there was any issue from the perspective of the providers of the service, they could also come to the council or sort it out among themselves on the ground. Obviously there are certain contractual issues in the context of the practices to which the Senator refers and we would need to have all of the relevant information on that before we could comment.

Senator Paul Daly: Is Mr. Ó Scanaill familiar with what I mentioned with regard to the Department and the TB eradication scheme?

Mr. Peadar Ó Scanaill: Yes, I am familiar with it. The issue related to payment and withholding tax. Heretofore, the Department was paying anyone who was an employee of the practice carrying out the TB test, whereas it was the practice that was asked to conduct the TB test. The Revenue Commissioners clarified the matter for the Department and the Department then clarified it for us. It asked veterinary practitioners to sign a document saying whether they were employees or employers. It said that to be the service provider that was to be paid the money for the TB test, a practitioner had to be the employer and not the employee.

Senator Paul Daly: To be the service provider-----

Mr. Peadar Ó Scanaill: To be the service provider who was to be paid for the test, and therefore to have the retention tax deducted, one had to be the employer. That is what the letter said.

Senator Paul Daly: So if someone was a non-registered veterinary officer but was the employer or owner of the practice, how would he or she get paid in those circumstances?

Mr. Peadar Ó Scanaill: According to the Revenue Commissioners, such a person could not get paid for the TB test. That was according to the Department, which wrote to us. We had to sign the form to clarify whether we were an employee or an employer of the practice.

Senator Paul Daly: Does the council not have a role to play in regard to issues of the ownership of practices?

Mr. Peadar Ó Scanaill: In fairness, the Department of Agriculture, Food and the Marine has clarified the issue and all practitioners who carry out TB testing have signed a document stating whether they are an employee or an employer. It is something that may develop further in the context of the certificate. If we felt it was required, we could ask on our certificate of suitability application, which comes in every four years, or on the application for registration, which is filled and signed every year. If this was something that we thought we needed to delve into more, we could do so. The Department made it very clear that the service provider who was to receive the money had to be the employer. It made that very clear and we signed it.

Senator Paul Daly: In layman's terms, if the council is to represent its people, it has to have an input into ownership because this means that non-veterinary-owned practices will not be doing TB testing. We all know where that will lead so the council must have a role in that regard.

Mr. Peadar Ó Scanaill: That is not how I would see it. In a marginally flippant manner, I could ask the Senator if he knows who owns my practice. I may be the employer but I may not be the owner. I may not actually be the owner and definitely in the bad times, I was not the owner. AIB owned me.

Senator Paul Daly: That is a different ball game altogether. That is a very flippant answer.

Mr. Peadar Ó Scanaill: It is not. I am trying to explain-----

Senator Paul Daly: We are all answerable to banks in different scenarios. We could all say that somebody else owns our car or our house. That is a very flippant answer to what was a very serious question. It is an unacceptable answer.

Mr. Peadar Ó Scanaill: I was loaned to the point that the bank could have sold me out. It did not do so-----

Senator Paul Daly: The bank was not doing Mr. Ó Scanaill's invoicing or his testing. It was not providing the service.

Mr. Peadar Ó Scanaill: That is exactly my point I am making. I am the employer in the practice in that particular instance and I signed that piece of paper so that I could be paid for it. There would have to be an employer if the TB test is to be supplied. That is my reading of the Department of Agriculture, Food and the Marine's clarification, that there must be an employer if we are doing TB testing in order to be paid for that testing.

Senator Paul Daly: One would have to be the employer.

Mr. Peadar Ó Scanaill: Yes.

Senator Paul Daly: If one is employed by a corporate, one is not the employer so how does one get paid for doing TB testing?

Mr. Peadar Ó Scanaill: One sorts it out at one's own level. It would not be an issue in which the Veterinary Council of Ireland would get involved. Perhaps the Department of Agriculture, Food and the Marine could clarify this further for the Senator but my understanding of the letter it sent to registrants - I do not believe it wrote to the council on this matter - is that when it wishes to pay for TB testing, it will only pay an employer and it will only pay a veterinary practitioner.

Senator Paul Daly: I rest my case. A corporate-owned practice cannot carry out TB testing so the large animal will be dropped. Such practices will not provide the service in an area because they cannot draw down wages for doing TB testing.

Chairman: Perhaps Ms Muldoon could provide clarification.

Ms Niamh Muldoon: This is a matter on which the Department is best placed to answer. It does not involve the VCI.

Senator Paul Daly: We do not need clarification from the Department. What the Department is doing is black and white. The clarification must come from the Veterinary Council of Ireland. How is the council going to get over this hurdle? The Department is very clear that it will only pay an employer and it will only pay a veterinary practitioner. I am asking the Veterinary Council of Ireland how corporate-owned practices draw down payment for TB testing and whether this means that such practices will not be providing TB testing services in future. If the VCI has no role in terms of ownership issues, then that is a major stumbling block which must be overcome. The council will have to find some way around it.

Chairman: Is it Mr. Ó Scanaill's understanding that the Department will only pay a veteri-

nary practitioner?

Mr. Peadar Ó Scanail: That is my understanding of the letter.

Chairman: If the veterinary practitioner is not the owner-----

Senator Paul Daly: He or she must be the employer-----

Mr. Peadar Ó Scanail: He or she could have a partnership arrangement with an owner, could be the employer of two veterinary practitioners in a practice or could be a sole trader working with a company under some sort of contract----

Chairman: Yes, but using the corporate entity example, where the veterinary practitioner is the employee rather than the employer, who will get paid?

Mr. Peadar Ó Scanail: Again, the Department of Agriculture, Food and the Marine would be best placed to clarify that. It is my understanding that-----

Chairman: Are there examples of this around the country at the moment?

Mr. Peadar Ó Scanail: No, I do not think it is an issue at all.

Ms Niamh Muldoon: It is certainly not a matter that has come to the attention of the Veterinary Council of Ireland and has not been on the council's agenda to date.

Deputy Michael Fitzmaurice: When a farmer pays a vet who comes out to him or her, is that vet - or some other vet who got a licence to practice from the council - the person who has to get the money? No more than the TB thing, this is what I-----

Ms Niamh Muldoon: As a regulator, the council has never been involved in pricing or payment, no more than the pharmaceutical-----

Deputy Michael Fitzmaurice: I did not ask that. I asked about circumstances in which a licence is issued by the council to a practitioner who has the certification and everything.

Ms Niamh Muldoon: Yes.

Deputy Michael Fitzmaurice: In such circumstances, the council is saying that the practitioner, as the only person who has the licence, is the only one who can charge. Alternatively, someone who is working for a vet might be a vet. Is the council stating that a vet who is working for someone who is not a vet should not be paid?

Ms Niamh Muldoon: No. We are not stating that. We have no control over who bills and who gets paid. That is just not-----

Deputy Michael Fitzmaurice: Just one second. Ms Muldoon said earlier that when the council gives out a licence, there are provisions relating to service.

Ms Niamh Muldoon: Yes.

Deputy Michael Fitzmaurice: What are the hours of service? It has been suggested that there is a 24-hour service. What is the mandatory time during which a vet must come to a farmer?

Ms Niamh Muldoon: As part of the licence-----

Deputy Michael Fitzmaurice: I am just asking in general.

Ms Niamh Muldoon: -----arrangements must be made for the provision of 24-hour care for emergencies. A vet who is away for the weekend might ask a neighbouring practice to be on call for his or her clients during that time. Equally, practices in Leinster might refer matters to UCD Veterinary Hospital to ensure arrangements are in place for the provision of emergency care around the clock. That is linked to the licence and the certificate of suitability.

Deputy Michael Fitzmaurice: If someone 40 miles away says that he or she will cover three vets in an area who have decided to go away for a lovely weekend, is the price charged the subject of any regulation under the licence?

Ms Niamh Muldoon: No.

Deputy Michael Fitzmaurice: Under this system, it is being left wide open for a whole county to be left with one vet over a weekend. If everybody takes the weekend off, one person might say he or she will cover it. Does the Veterinary Council of Ireland think that is a good service for farmers?

Ms Niamh Muldoon: There has been no change in the requirement for 24-hour provision of care. We do not, and cannot, control every facet of every practice around the country.

Deputy Michael Fitzmaurice: I will elaborate. We are dancing around here. We are trying to be careful from a legal perspective, etc. I want to put out in the open what is happening at the moment. Corporate entities are coming in and trying to buy out practices to control areas. They will dictate the pace and the whole lot. We might as well have all of this out in the open. The council is trying to dance around it. I know they are under certain legal restrictions. In certain rural parts of the country - I will not name them, although there are members here from some of them - farmers are being charged scandalous prices for the service they are getting. Are we going down a road that involves letting English corporates in to destroy the industry? Are we going to bring in legislation to nail this down in whatever way that is required?

Can the witnesses name the people who made the decision at the December 2017 meeting? How many people were at the meeting? Do they think that anyone had a conflict of interest?

Ms Niamh Muldoon: The Deputy has spoken about the service being provided in different remote parts of the country, such as Donegal, Mayo or Kerry.

Deputy Michael Fitzmaurice: I am not talking about any specific area.

Ms Niamh Muldoon: There is no question that the potential exists for shortages of vets to arise around the country. That has nothing to do with ownership. There are many challenges for the profession. We hope that in time, the council will be able to assist in this area by providing an analysis of the research data we hold. This is referenced in our strategy.

The Deputy also asked about the members of the council who were present at a meeting when a decision was taken. I do not have the list of members with me.

Deputy Michael Fitzmaurice: Can Ms Muldoon forward the list to the Chairman after this meeting?

Ms Niamh Muldoon: I can certainly do that. Any decision of the council is binding regardless of who sits at the table, as long as the meeting is quorate. All members of the council wear

public interest hats when they sit at the table. They do not carry their own interests. They do not peddle their own vested interests. They sit there as a regulator wearing public interest hats. They bring their particular expertise and experience to bear.

Deputy Michael Fitzmaurice: If there was a conflict of interest, they would have to acknowledge that to the others.

Ms Niamh Muldoon: Absolutely. Members of the council frequently absent themselves after declaring a conflict.

Chairman: That was mentioned earlier as well.

Deputy Michael Fitzmaurice: Can Ms Muldoon send the list in question to the Chairman?

Ms Niamh Muldoon: I certainly can.

Deputy Michael Fitzmaurice: Could we get it as soon as possible?

Ms Niamh Muldoon: Just to confirm-----

Deputy Michael Fitzmaurice: Can something be done through legislation or otherwise? We are dancing around. The fourth party here is nearly the invisible man. To be quite frank, he is the most important person. I am talking about the new person in the game. Everyone is saying he does not exist, but he is there. It is a question of whether we want to admit it. Can we use legislation or something else to make sure the system that exists is protected? In many parts of this country, the service provided by vets is second to none. In most areas, one can get a vet quicker than one can get a doctor for someone who is sick.

Ms Niamh Muldoon: That is a fact.

Deputy Michael Fitzmaurice: Regardless of whether we want to shy away from this invisible man, we must appreciate that we are in danger of allowing conglomerates to come into this country to mop up these services. They have the money to do so. If we allow this to happen, the farmer will pay the price. Sadly, animals will pay the price as well because these services will not be as widely available. Can something be done through the Department of Agriculture, Food and the Marine, the Government, this committee or the Veterinary Council of Ireland to block the type of loophole that is in the system and ensure the system that has worked for so long is protected?

Ms Niamh Muldoon: It is not sustainable for ownership to be restricted to the profession. It is not the case for medics, pharmacists or dentists. It would not be sustainable or wise to make such a provision in the case of the veterinary profession. I am not sure that the esteemed Houses of the Oireachtas would be enabled to pass legislation to that effect. I am not sure any member of the High Court would approve of such legislation. Ultimately, the passage of legislation is a matter for this committee and for the Houses. Oireachtas Members are charged with that honour. There is a role for the Veterinary Council of Ireland. I accept that the potential exists for vet shortages in certain parts of the country. This is something that the council has on its radar. It is an area in which we want to take action and be involved. The council has access to a significant quantity of data. No great analysis of that data has been carried out to date. One of the strategic objectives that have been identified by the council involves seeking to influence and inform partner bodies and to engage with them. It is open to the council to carry out some research on all the information it has. The council is currently sitting on data for all registrants

relating to what age they are, where they are physically or geographically in practice and what area of practice they are in. In theory, it is open to the council to foresee potential shortages around the country ten, 15 or 20 years down the tracks. The council is looking at the potential to carry out some research. I hope we can work with the Department to influence policies in these kinds of areas. The Deputy is correct that the potential exists for practice in remote areas to come under threat. All of society needs to be concerned about this. I believe there is a role for the council in this regard. However, I do not believe there is a legislative basis for getting involved in that.

Deputy Michael Fitzmaurice: Can it not be made mandatory that a practice has to be owned by a certified veterinary inspector or vet? It is fine if it is the bank or whoever. We are not talking about that. We are talking about hidden money coming in from overseas conglomerates. Can we not make sure the person who is paid is either an employee of a vet, or a vet who owns a practice? If we do not provide for such a requirement, we will place much of the country in danger. Big business is big business, whether we like it or not. We are going to see people in some areas of this country having to travel 50 miles to access a vet.

Mr. Peadar Ó Scanaill: In fairness, we have never had as many registrants on our register as we currently have. As a registrar has pointed out, it is nothing to do with ownership. For ten years or more, it has been quite difficult to get vets to work in large animal practices, which is the tougher end of the game with longer hours and tougher work. Often, the remuneration does not match expectations. The money is simply not in it. We need only look at what the beef industry is saying about the cost of beef being below the cost of production. If the person who is involved in that has to pay for a veterinary service, members can see how the pressure is always be on to keep those costs down. It is very hard to get vets to work in rural parts, even on the east coast, the north-east coast and in the centre of the country.

Deputy Michael Fitzmaurice: I beg to differ. I am from the west, which is generally the poor relation, and we have a very good veterinary service in many areas. Youngsters who want to go into veterinary medicine generally have to have 570 or 580 leaving certificate points. Many a person who might have 520 or 530 points and would never get in will head off to some other country to become a vet through another door. I advise the council to look at that situation as well. Many a person might be damn glad to handle those bigger animals, although I know there is a lot going for the smaller ones. We have a great service in my own neck of the woods. If we keep going down the road of conglomerates coming in, we will probably have one vet in the west.

Mr. Peadar Ó Scanaill: I thank the Deputy. I agree with him completely; the provision of the education is something we are looking at. In fairness, there are many more now going abroad than are going to our own college when we look at the numbers. Perhaps it is time that we had a second college. That is definitely the case. We are extraordinarily proud of the veterinary service that is in every parish. However, any employer of vets will tell us that when they advertise for a vet to perform those sort of duties, it is very hard to get them.

Deputy Jackie Cahill: There are an awful lot of inconsistencies in what we are hearing from the veterinary council today. I am disappointed. We have a model in this country that has worked well. The welfare of the animal has to be paramount. I have noted a few statements from the presentation. For example, "Ownership bears no influence on the provision of veterinary services." I am not going to swallow that pill. Unfortunately, we have an example where a corporate buying a practice has had an influence on the provision of veterinary services and an area has been left without it. That has been blown out of the water already. Ms Muldoon stated:

The clinical discretion of the veterinary practitioner is paramount, acting at all times in the interest of animal health, welfare and public health. This decision brings clarity to the matter.

In my mind it does, because the welfare of the animal often involves an uneconomical call, perhaps going to a call where the vet knows there is not an earthly hope of getting paid. Vets do that on a regular basis. This corporate structure has gained ground in other countries and the service provided to farmers is not like the service we have grown accustomed to in this country. As Deputy Fitzmaurice said, if a farmer picks up the phone and rings for a vet, he will be in the farmer's yard within half an hour no matter what hour of the day it is. That is a tremendous service. I take issue with the veterinary council's statement that it has no remit in regard to ownership. Unless there is a remit and strong ethics, the welfare of the animal is going to be put at risk. I do not question the ethics of vets because they have the track record to show that they put animal welfare at the top of the list. A corporate ownership will not put it at the top of the list. They may say they will ensure there is a 24-hour service. There might be a 24-hour service but in other jurisdictions a call-out can attract such an exorbitant fee that it is just not economically viable to bring a vet to an animal. That would result in animal welfare issues.

The question of testing has not arisen yet because the corporates are only cherry-picking the specialised practices or the lucrative small animal practices in large urban centres. However, they will go into the dairy areas where there are large herds and cherry-pick the large practices and form a massive practice in that area. We have seen this model in the UK. Farmers will have the vet come to their yard once a year and engage in a programme for preventative medicine rather than provide a service to them.

I am disappointed that the veterinary council is abdicating its role in regard to ownership. It can say that the legislation says so but for 13 or 14 years the legislation said different. I just cannot understand how the interpretation of the legislation can change after 12 or 13 years. We will discuss this as a committee after the witnesses leave. If the legislation does not allow ownership of a practice to stay in veterinary hands, the legislation has to be amended. We have a veterinary practice system that is working well. There are no welfare issues in veterinary practice in this country. Now we are going to go down a road where corporates are going to have their say. We have seen it already where a practice has been closed for whatever reason and the vets who were working in that practice arrived to a locked door. The service we have known in rural Ireland could not be provided by corporate structures going forward. I had a lot of vets talking to me over the weekend. For many of them economically, it would be a good decision if corporates could buy them out because they would be in a position to sell their practice and retire, but to a man and woman they were opposed to this. They feel that the service they pride themselves on will not remain and that the fabric and structure of veterinary practice that we have in Ireland will be seriously undermined.

To regulate all the aspects of delivering a veterinary service to the public, would it be beneficial to the veterinary council if there was an amendment to the Veterinary Practice Act 2015 confining ownership of practices to veterinary practitioners only?

Ms Niamh Muldoon: I thank the Deputy. The council is confident that it can effectively regulate the practice of veterinary medicine under the current legislation. We have a range of regulatory tools that we will use as required. If it is a case over the coming years that we feel that there is a vacuum or lacuna, we will seek legislative change but at the moment we have absolute confidence that we can effectively regulate under the current legislation.

Deputy Thomas Pringle: Going back to this hypothetical situation again, the council is licensing a veterinarian and a third party in respect of which it has no role, employs the veterinarian and then decides to get rid of him and open up somewhere else, so it has to employ another veterinarian. Who oversees the conditions under which that veterinarian is employed? Does the council do so? They have pursued a practice.

Ms Niamh Muldoon: The council is not, and never has been, involved in terms of employment between a vet and-----

Deputy Thomas Pringle: The council regulate and oversees the conditions of the practice of being a vet - basically the hours of service.

Ms Niamh Muldoon: Yes.

Deputy Thomas Pringle: Basically, I could get rid of one vet and take on another so long as he is registered with the council.

Ms Niamh Muldoon: Yes, in theory, but the registrant seeking to become the licence holder for the premises would have to apply to the council. He or she would have to undertake to provide a 24-hour service or whatever the council would request in time. Therefore, it is not as easy as taking one vet in the door and pushing another out. That is not the case. The council will always have oversight because the clinical discretion sits with the licence holder. The licence holder will be asked to be responsible for all matters relating to the practice of veterinary medicine within the practice. Regardless of who owns a premises or practice, the power sits with the licence holder, who must be a registrant with the council.

Mr. Peadar Ó Scanaill: May I add a point that might help? Certification is non-transferable. One cannot remove one vet and put in another. If the certificate is issued to the vet one wishes to remove, it goes back to the council, ending the practice and service. Another practitioner applies for a certificate to open a veterinary service to the public at and from 1 Drumcondra Road again. We visit to ensure the standards are adhered to.

Deputy Charlie McConalogue: Who owns the practice?

Deputy Thomas Pringle: What if the third party decides he or she does not want that anymore and is going to 1 O'Connell Street?

Mr. Peadar Ó Scanaill: Would the vet be moving?

Deputy Thomas Pringle: The practice would be moving and another vet would be employed.

Mr. Peadar Ó Scanaill: Operating from a new premises. That would require new certificate entirely.

Deputy Thomas Pringle: Would the council grant a new certificate in that case?

Mr. Peadar Ó Scanaill: Absolutely.

Deputy Thomas Pringle: Can the original vet continue to practice because he has a certificate from the council?

Mr. Peadar Ó Scanaill: Absolutely, but, as I said, there could be other contracts over which we have no control that he might have entered into. People enter into-----

Deputy Thomas Pringle: A third party could have taken the customers.

Mr. Peadar Ó Scanaill: They would sort that themselves. The holder of the certificate of suitability is the person providing the service. It is to that person, that vet, and his or her registrant partners that the public are coming to. Deputy McConalogue asked about the clinical records. They relate to the certificate of suitability, which has a named vet. The medicines are attached in that way also. Animal remedies regulations apply to the medicines. Other regulations and legislation also cover them.

Deputy Thomas Pringle: What is the position if one's practice is based on the northern side of the Border but the services the southern side? How does the regulatory regime work in such circumstances?

Ms Niamh Muldoon: Any practitioner seeking to practice must be associated with the premises licensed by the council.

Mr. Peadar Ó Scanaill: There is cross-Border practice recognition so animals from one side can be treated on the other. It is restricted in terms of medicine usage, medicines carried and prescribed. There is an allowance for cross-Border practices but, in fairness, as the registrar has said, by the letter of the law — we do not want to refer to boats coming into harbours north of the Border or south of the Border — to practice veterinary medicine in this State one must be practising either with one's own certificate of suitability attached to a premises in the Republic or one's name must be on the certificate. The certificate would have the certificate holder's name in addition to all the other vets and nurses attached. One would have to be attached or be the holder.

Deputy Thomas Pringle: A separate question has just occurred to me. If I have a complaint about a veterinary practice, to the effect that it is not providing the 24-hour service, can I make a complaint to the council?

Mr. Peadar Ó Scanaill: Absolutely. Not that we would want that to be done every day. We usually find that the service is quite good.

Ms Niamh Muldoon: We do have complaints against individual registrants and if there are issues of concern in a particular practice, they can be directed to us.

Deputy Thomas Pringle: And they would be dealt with in a timely manner?

Ms Niamh Muldoon: The council would consider them and, depending on the circumstances, take appropriate action.

Deputy Charlie McConalogue: Where there is lay ownership, is the client list owned by the lay ownership?

Mr. Peadar Ó Scanaill: I understand from where the question is coming. It will obviously burn the minds of registrants. It should be brought back to first principles. The provision of the service for the very first client of the practice relates to the named person on the certificate we grant to allow the door to open in the first instance. If one follows first principles, it is a client of that registrant. I believe the client actually owns the record if there is a legal issue.

Deputy Charlie McConalogue: If there is a four or five-man practice with one certificate of suitability for clinical oversight of the practice, meaning there is one vet in charge, and all are employees of a lay company with a premises, who has the clients?

Ms Niamh Muldoon: Arguably the client list is an asset. On the question of where the ownership sits, has it been purchased or sold?

Deputy Charlie McConalogue: So the lay owner could own the client list.

Mr. Peadar Ó Scanail: I would imagine it would depend on the local contract or whatever arrangement the certificate holder has entered. As we have clarified, he or she must not enter any arrangement that is likely to affect the ability to uphold the code and provide the service.

Deputy Charlie McConalogue: Is it the case that a lay owner can decide to close a practice even if the person who holds the certificate of suitability does not wish to do so? Informing the decision by the council to permit lay ownership is the fact that it is the council's belief the ownership has no influence on the provision of veterinary services. If a lay owner can close a practice against the wish of the vet who holds the certificate of suitability, it patently shows, even in such an extreme example, that the lay owner does have control and can exert influence on the practice of veterinary medicine.

Ms Niamh Muldoon: In that scenario, it is probably a matter of the contractual relations in place. In theory there might be two vets based in Kildare Street and one might decide to lock the door after a legal dispute. These are legal matters and we cannot control-----

Deputy Charlie McConalogue: If it is not a dispute between two vets subject to the code of conduct but one between lay owners, the latter do not have any responsibility regarding the code or the welfare of animals, yet it appears they can make a decision to close down a practice and prevent veterinary medicine from being provided.

Ms Niamh Muldoon: All of that turns on the specifics of the legal relations in question. It would be the same if Mr. Ó Scanail fell out with his landlord. There are legal matters that we just cannot control. It is regrettable very often when legal disputes arise.

Deputy Charlie McConalogue: That is fair enough.

Ms Niamh Muldoon: We cannot control every factor.

Deputy Charlie McConalogue: I take the point but ownership certainly has an influence on the provision of veterinary services whenever laypersons are involved. We have seen it come into play already that lay ownership has an influence. That goes against the grain of what the council is trying to achieve and oversee. Only vets should have control. With the change that has been made, allowing lay ownership to come into play, there is now a level of lay control over veterinary practice. I know the law was silent on the matter, but it would have been appropriate to bear in mind the VCI's rules of conduct specifying that only veterinary practitioners should own practices because only veterinary practitioners should have control and influence over the provision of veterinary medicine. Whenever lay ownership is allowed, those owners interfere and take on a level of control. These lay owners do not have responsibilities for animal welfare under the code of conduct for veterinary medicine practitioners. Allowing lay owners in the industry allows non-veterinary influence on the conduct of medicine in Ireland. That is why we see veterinary practitioners throughout the country being so opposed to this. A Veterinary Ireland survey showed that 86% of practitioners opposed such ownership. There is widespread concern about it and a lack of support for it.

The other point I will make relates to cost. There is some evidence of cherry-picking. Practices are sold and the company taking over only wants to keep the big clients and small animal

practice. They want to keep the profitable parts and cut the rest adrift. The primary motive of a lay owner is not to look after the animals or to follow the veterinary code of conduct, but to make a profit. That is their driver when they come in. That is at loggerheads with the veterinary practitioners' obligation to keep their code of care for animals at the centre of what they do. These two things are in conflict. If the lay ownership had no control and no influence, there could be a way forward. The concern is always that such owners would have influence. Only a very small number of practices have been sold, but we have already seen that, in practice, such owners do have control, get on top of things, and interfere with the vets' operation and ability to conform to their code of conduct.

Another thing that comes into play is pricing. A vet is supposed to care for animals, respond to emergencies, and keep caring at the centre of what they do. Big clients, however, can be cherry-picked and smaller clients let go. There is a sense that they can fend for themselves however they like. It is not the practice's responsibility. A charge of €500 can be put on unprofitable calls the practice does not want, which is far more than the actual cost of responding to such calls. These calls will never pass the vets' desk. They will not get the call if it costs €500. That does not interfere with the code of ethics in care in theory, because the call will not come as a result of the €500 fee. Where is the animal in this? What happens to the sheep or the animal that is worth less than €500? They will not be looked after. They are left to their own devices and can die on their own accord. There certainly will not be a vet looking after them. Despite this, vets throughout the country want to ensure that all of this is looked after in the carrying out of their duties, even in unprofitable cases.

Where lay ownership occurs, we are now seeing evidence of profit beginning to rule the roost and of farmers, especially those who are not profitable customers for vets, not getting service. Vets are very disturbed by this interference in their ability to carry out their job, to which they are all very committed. That is why the decision that has been made needs to be revisited. If it is not possible for the Veterinary Council of Ireland to overturn this decision, the legislation needs to be revisited by the Department of Agriculture, Food and the Marine and the Oireachtas. It is clear, and there is no doubt, that lay ownership means lay control, lay interference, and profit ruling the roost rather the duty of care. We have seen it internationally. It is going to happen here very rapidly if this is not addressed. We need to address it.

Ms Niamh Muldoon: I thank Deputy McConalogue. He has given us many points to return to. There has been a lot of debate about corporate ownership. It has been challenging for the profession and for the council. The council did not take this decision lightly. In the consultation, just shy of 60% of those surveyed were against corporate ownership, with 40% in favour. It is entirely contextual. One sees vets being more open to corporate ownership at certain stages in their careers. For example, veterinary nurses tend to be in favour. It varies depending on the context. This committee will take its own legal advice as to what is sustainable. The council acknowledges that it is a changing environment. There will be challenges and the nuances of these decisions will be played out throughout the country over the coming years. The council will keep an eye on all of this. It is not going to undermine its own function by allowing something to come in that it cannot regulate. The council is confident that it can regulate the practice of veterinary medicine. It will be revisiting, reforming and revising certain aspects of the procedures over the coming months. All of this will be kept under review. The council will not be found wanting in playing its role in all of this. The council is not requesting legislative change or amendment at this time. It is, of course, open to this great House to introduce whatever laws it deems appropriate, but the council has not arrived at the conclusion that any such legislative amendment is required.

With regard to pricing, this is just outside the role of a regulator. It is just not within our gift. Life might be a lot easier if it were. The Medical Council cannot set the fees for doctors and the Pharmaceutical Society of Ireland cannot set the fees and charges that pharmacists levy. It is the same for the Dental Council. We are a regulator. We have a public interest focus on the regulation of the practice but we cannot control every facet. We acknowledge that there will be many challenges in the years to come, but the council will not be found wanting and will rise to meet those challenges to ensure effective regulation in the public interest.

Deputy Charlie McConalogue: If the council cannot control matters such as price and yet allows owners who will be driven by profit, it cannot have control. I have seen it in my own county. The fees for out-of-hours calls increase to €500. Vets cannot feasibly be available to carry out their duties in that situation. The council does not have control over ensuring veterinary services are available whenever they are needed. It does not have control over that particular aspect.

I will make one final point with regard to the cherry-picking of customers and letting non-profitable customers go. What obligations fall on individual practices? In my own county I am well aware of a situation in which a large practice was closed after being bought by lay owners. This removed a very significant veterinary service for large parts of the county. There is real difficulty and challenges as to how these areas will now be served. Will the witnesses comment on that particular issue? How can it be ensured, from the Veterinary Council of Ireland's point of view, that there will be service in that area, in which there is no practice? That is important. On cherry-picking customers and leaving small customers adrift, what obligations fall on vets in scenarios where a person is no longer a customer of the practice? What obligations are on a vet to provide service to such a person, particularly where it may not be profitable to do so?

Mr. Peadar Ó Scanail: I concur completely with the registrar's reply to Deputy McConalogue. Every one of his concerns formed part of our debate, discussion and thought on this issue. We are quite confident, and I stand firmly with my registrar on this, about putting provision of the service into the hands of the vet only and about specifying only the registrant on the certificate of suitability provided for in primary legislation. If the registrant wishes to close a practice, open one, move it or change it, it will be the registrant's decision to do so. If there are issues of control with which the registrant is unhappy or which in any way affect his or her ability to provide service, the registrant has the ability to move next door.

The Deputy asked about after-hours service. The council does oblige veterinary practitioners not to turn away animals that are in need of succour or emergency treatment, but in fairness, the vet would usually try to come to an arrangement with somebody who is close enough to provide that service. It is not the case that somebody in County Kildare must answer a phone call at any hour from someone in Donegal and then go to the farmer's assistance. If an animal is in need of veterinary attention, we would be asked to go. I do not know if that answers the Deputy's question. The Veterinary Council of Ireland would not, however, say that a given vet must provide a service for Mr. Riordan, a farmer who has only ten animals, if he or she is providing it for Mr. Jones next door, who has 100. We do not get involved in that way.

Deputy Charlie McConalogue: Does that apply even where the customer is not a client of the practice in question?

Mr. Peadar Ó Scanail: Even if the person is not a customer of a particular practice, it would be expected that where there is an animal requiring veterinary first aid to carry it through the middle of the night and into the morning when the local practice can deal with it, then that

care will be provided.

Deputy Charlie McConalogue: Where a veterinary practice decides to drop customers who are not profitable, where do those people go to get a service?

Mr. Peadar Ó Scanaill: It is not exactly the answer to the question the Deputy is asking, but it is the case that practices might refuse to continue offering equine services, for instance, or, where an individual practitioner within a practice offered a particular service but then retires, the practice might choose not to offer that service anymore. In such cases, the VCI would not insist that the practice provide X, Y or Z service. It is a concern that small farmers might have difficulties accessing a service but larger farmers would not. However, the market usually finds its own level. If people are being left behind, someone will have to provide a service. Where a large practice is dealing with larger clients, it may be able to offer better prices and it might be in its interest to take the smaller clients as well as the larger ones. That is the way the market works.

Deputy Charlie McConalogue: The danger with lay ownership, which we are starting to see, is that smaller clients are being dropped while larger customers are retained. In that scenario, only the unprofitable clients are available to a new practice. In a situation where there is not an oversupply of vets, we will not see vets setting up in areas where the pickings are slim. The movement towards lay ownership is creating a problem in that regard and it should not be allowed to continue.

Chairman: The Deputy has made his point well.

Mr. Peadar Ó Scanaill: We will be monitoring the roll-out of the changes as they proceed.

Senator Tim Lombard: My question relates to the 2005 Act. Many commentators have noted that it is silent on several major issues, including ownership. I am somewhat surprised, therefore, by the delegates' view that it does not need to be reviewed or amended. Was a decision taken by the council that the 2005 Act is sustainable into the future or has there been much debate about it?

Ms Niamh Muldoon: There has been an immense deal of debate about it. The council has not arrived at a decision to the effect that legislative amendment is required. In 12, 18 or 24 months or later, depending on circumstances and the environment, the council may seek such amendment. However, at this time the council has not made a decision to seek legislative change.

Senator Tim Lombard: Has the issue been debated at a high level in recent months and years?

Ms Niamh Muldoon: The council has examined the Act in great detail in recent years.

Mr. Peadar Ó Scanaill: There are certain parts of the Act to which we would like to see additions, although not specifically in regard to the issue to which the Senator referred.

Senator Tim Lombard: My question relates to the Act in general.

Mr. Peadar Ó Scanaill: We have a to-do list that includes some changes to the Act. There are issues, for example, on which we would like to do something, but we have received advice that the Act does not give us enough cover to proceed and it would require additional legislative provisions. They are relatively minor issues, which is why we have not pursued them, but there

JAFM

are several of them into which we may look further.

Chairman: I thank the delegates and members for their contributions to what has been an informative debate. We will deal with a few matters in private session before adjourning.

The joint committee went into private session at 6.35 p.m. and adjourned at 6.45 p.m. until 2 p.m. on Tuesday, 1 October 2019.