



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

SEANAD ÉIREANN

TU AIRISC OIFIGIÚIL—*Neamhcheartaithe*
(OFFICIAL REPORT—*Unrevised*)

Thursday, 4 November 2004.

[illegible]

SEANAD ÉIREANN

*Déardaoin, 4 Samhain 2004.
Thursday, 4 November 2004.*

Chuaigh an Cathaoirleach i gceannas ar 10.30 a.m.

*Paidir.
Prayer.*

Business of Seanad.

An Cathaoirleach: I have received notice from Senator Moylan that, on the motion for the Adjournment of the House today, he proposes to raise the following matter:

The need for the Minister for Community, Rural and Gaeltacht Affairs as a matter of urgency to expand West Offaly Integrated Development Partnership's area of operation as part of the LDSIP to include Birr and south Offaly.

I have also received notice from Senator Brian Hayes of the following matter:

The need for the Minister for Education and Science to make a positive decision in the case of a person (details supplied) in Dublin 24 concerning the granting of third level maintenance support to a mature student; the need to radically re-assess the existing scheme which works against single parents; and if he will make a statement on the matter.

I have also received notice from Senator McCarthy of the following matter:

The need for the Minister for Health and Children to provide funding for a much-needed extension to Schull Community Hospital, County Cork.

I have also received notice from Senator Bannon of the following matter:

The need for the Minister for Enterprise, Trade and Employment to clarify the position regarding funding for Longford County Council's community employment scheme to maintain Longford County Council's burial grounds under a cemetery maintenance programme.

I have also received notice from Senator Kenneally of the following matter:

The need for the Minister for Health and Children to provide radiotherapy facilities for the south east at Waterford Regional Hospital

in view of the recommendations of the Irish Society of Medical Oncologists.

I have also received notice from Senator Dooley of the following matter:

The need for the Minister for Agriculture and Food to clarify the current situation regarding live cattle exports to continental Europe in light of the announcement by P&O Ferries of its decision to end its service on the Rosslare to Cherbourg route from 19 December 2004, and if she will make a statement on the matter.

I have also received notice from Senator Kitt of the following matter:

The need for the Minister for Transport to introduce by-laws to move Eircom and ESB poles as they are a danger to users of county and regional roads.

I regard the matters raised by Senators as suitable for discussion on the Adjournment. I have selected the matters raised by Senators Moylan, Brian Hayes and McCarthy and they will be taken at the conclusion of business. The other Senators may give notice on another day of the matters they wish to raise.

Standing Order 30.

An Cathaoirleach: I have received notice of a matter of concern from Senator Brian Hayes raised under Standing Order 30, namely, given that persons in the United Kingdom will vote on the new European Union constitution, this State should consider granting to British passport holders living in the Republic of Ireland a similar entitlement when a referendum is held on the EU constitution and that the matter be discussed. The matter will be taken at 12.50 p.m.

Order of Business.

Ms O'Rourke: The Order of Business is No. 1, Veterinary Practice Bill 2004 — Order for Second Stage and Second Stage, to be taken on conclusion of the Order of Business until 1.30 p.m. Spokespersons have 15 minutes and other Senators have ten minutes. The Minister will be called upon to reply no later than five minutes before the conclusion of Second Stage.

Mr. B. Hayes: The Order of Business is agreed. Over the last two weeks, during Private Members' business, Ministers have not attended at the designated time of 5 p.m. Yesterday's transgression was minor compared with the previous Wednesday but the Leader said she would raise the matter with the Taoiseach and I would be grateful if she could report any progress in the matter. It is an important two hours for the dignity of the House and the Members who contribute in that time and it is for all groups, not just the Opposition. The rule that Ministers should be

[Mr. B. Hayes.]

five or ten minutes in advance is important and should be upheld.

Will the Leader organise a debate on Dublin transport in light of the controversy surrounding the future of a metro, the Luas light rail system and a possible plan suggested by Iarnród Éireann? In 1998, the Leader rejected the findings of the Atkins report, which favoured a surface connection between the two Luas lines against the underground option. The Minister for Transport has put that option back on the agenda. Why was it not supported five years ago, presumably for much less than it will cost now? The Minister for Transport should come to the House to outline the Government view on the area and bring clarity to the two Luas lines. It is crazy that the two lines bring hundreds of thousands of commuters in and out of Dublin city centre but are not linked. It should have been done from the start and the Government should outline its thinking in this area.

Mr. O'Toole: The House should take this opportunity to congratulate and thank the authorities in Trinity College, Dublin, who have indicated that they will co-operate with the Railway Procurement Agency and allow Dublin to get back some of the land Trinity has taken from it in the last 400 years to facilitate the Luas, and who are co-operating with the moving of the railings and walls of the college along Nassau Street.

Mr. Ross: Does Senator O'Toole have a question for the Leader?

Mr. Norris: He is Tweedledee and I am Tweedledum.

An Cathaoirleach: Senator O'Toole, without interruption.

Mr. O'Toole: It is a serious issue. I ask the Leader to convey our thanks to the authorities in Trinity College and to ask the Railway Procurement Agency to be extraordinarily sensitive architecturally in the movement of the walls and railings around Trinity College and that it be done in good taste and with due respect and dignity. I know we dare not touch Trinity College, but it is taking a broad view on this occasion.

I would like to pick up with the Leader a debate on class size we both began in 1986 and which is still very current. It is appalling to note that 25 years later and after our best efforts, there are still 350,000 primary school children in classes of more than 20 pupils, with many in classes of more than 30 or even 40 pupils. I ask that the Minister for Education and Science come to the House to outline her plans for the implementation of Government policy, as set out in the programme for Government, to reduce to 20 junior classes in primary schools. The teachers are not available to do that at present and it will require a huge increase in the number of

teachers, space and definite political will and decisions. The policy won votes, so let us see it being implemented. I would like to hear how the new Minister will do that. It would be a very good project for her to take on board in her first couple of months in office.

Ms O'Meara: I am always amused that when the issue of transport is discussed, it seems to be centred on the problems of transport in the Dublin city and county areas. I know there are problems of congestion in the Dublin area but the need for investment in public transport in the regions is becoming more urgent. I point to the need for an integrated transport plan for the mid-west region, particularly to support Shannon Airport and tourism in the mid-west and to link that to the western rail corridor and so on. If we have a debate on transport, which I hope we will, could it be broadened to include the need for State investment in public transport systems in the regions not simply to be connected to the Dublin system, but to be self-standing in the regions and as a way of encouraging investment in those areas?

The Leader facilitated a very good debate on child care and we noted how demands and needs have changed. Another issue is elderly care and how it has changed because of the changing social patterns in our economy, society and families and the lack of State provision for the care of the elderly which, in turn, is causing a difficulty in our hospitals. Will the Leader put that issue on the agenda as a priority? We need to provide further supports not only in the private sector, but in the public sector specifically for care of the elderly.

Mr. Dooley: I support Senator Brian Hayes's call for a debate on Luas and the metro project. There is an element of rewriting history going on by some members of the Opposition here and in other places. It would be useful to clarify some of the matters. In particular, I ask the Leader to consider discussing a matter raised recently, namely, the loss of €114 million in European Union funding when she was Minister. It is a matter which needs to be clarified because a statement made elsewhere is not correct and it is important to correct the record.

In regard to Senator O'Meara's request, it would be very useful to have a debate on transport matters in the mid-west. Will the Leader consider having such a debate on a separate occasion because there are many issues concerning transportation in the mid-west not only in regard to roads and rail, but particularly in regard to the airport.

Mr. O'Toole: The bridge in Killaloe.

Mr. Dooley: Certainly, the bridge in Killaloe. Perhaps the Bodyke bypass could be discussed as well. There are serious matters relating to the mid-west and if we could have a separate debate on them, it would be very helpful.

Mr. Finucane: Like many others, I was appalled to learn that during the tenure of the previous Minister for Health and Children, Deputy Martin, 115 consultants' reports were produced costing €30 million. Often the decision to appoint a consultant to produce a report is to take action on a matter. No action has been taken on foot of most of those reports. The Hanly report cost approximately €750,000 and we know the Fianna Fáil backbenchers went into a spin as a result of its findings. Almost €700,000 was spent on a life-style report to tell us how fat and inactive we are.

I would like to think the professionalism exists within the Department of Health and Children to produce reports rather than have consultants making a fortune producing reports, the recommendations of which will never be implemented which would prove the consultants' findings. This spending was done at a time when hospital wards were being closed and patients were on trolleys. We would want to cop ourselves on in regard to consultants' reports and how funding is spent.

Mr. Norris: I support the calls for a debate on transport. I echo what Senator Dooley said about the Leader when she was Minister for Transport. She was the only Minister in living memory who had the courage to keep an open mind on the metro project. I appreciated that very much, as did all sides of the Houses, and she did a good day's work. It is important we have a debate on the metro. This does not exclude consideration of the rest of the country but I think it is natural that we spend some time considering Dublin's transport problems because it is the capital city, one third of the population lives here and many country people come to Dublin, use the transport system and are frustrated by it. It is unwise to create that false urban-rural divide. We should consider the problems of the country on an integrated basis.

I welcome that on "Questions and Answers" last Monday, the Minister for Transport, Deputy Cullen, made it clear the metro project is still under active consideration and that yesterday the Taoiseach made the same point in the other House when, for some obscure reason, the Labour Party tried to suggest the metro was a dead duck. The Taoiseach made it quite clear it was under active consideration and could come on stream in a comparatively short space of time. This House would help the process by having a debate on the matter.

Mr. Coghlan: I invite the Leader to comment on the sale of a major national asset, namely, the Irish Petroleum Corporation.

An Cathaoirleach: I wonder is it her role to comment; it might be someone else's.

Mr. Coghlan: I will leave that up to the Leader. I am concerned about value for the taxpayer in that this sale included the oil refinery at

Whitegate and the storage depot at Whiddy Island. It was sold to Conoco — perhaps there was another company involved before it, or which it took over. The company's name sounded like an opera. I think the name I was given was Tosco. I do not know if the Leader was Minister at the time but the headline consideration was £100 million. In answer to a question in the other House last week, the Minister stated the State had received, or was likely to receive, only €20 million. That is hardly value for the taxpayer. Are there shades of Irish ISPAT here?

Mr. McCarthy: I raise the issue of media ownership, particularly newspaper ownership, following on from a recent high profile documentary on RTE. Will the Leader facilitate a debate on that issue to establish the involvement of families, particularly in newspaper ownership which is a very powerful organ of the media?

I disagree fundamentally with Senator Norris on the issue of transport. There is a real issue involving the use of the word, with a Dublin mindset instantaneously creeping into the debate. If there is a debate on transport it should be conducted in terms of the regions just as much as urban areas. I would also like to hear about the assistance and co-operation of the authorities of Trinity College, Dublin, in terms of developing and facilitating the expansion of the Luas project. It is incumbent on them and on the TCD Senators to commit to transport policy in general.

Mr. B. Hayes: I am not sure they said that.

Dr. Mansergh: I would like to support several colleagues on the subject of a transport debate and would recommend having it in two parts, namely, national transport and transport in the greater Dublin area. We should express appreciation for the amount of investment that is coming on stream. This year we had the two Luas lines, the extension to the M50, which is opening today, the opening of the Monasterevin bypass on Monday, the Cashel bypass, the re-opening of the Tipperary-Waterford line with a viaduct and so on. Much progress has been made and there will be more.

I am not over-critical about the fact that Luas lines were not joined up at the first stage. The basic lines are now in place and are extremely successful. I was on one of the lines no later than yesterday and there is great demand for them. The point is that once the basics are in place they can be added to and extended and that is what we should be doing.

Mr. Bannon: Senator Mansergh spoke about the amount of investment that is coming on stream. I have a different story because much public concern has been expressed by finance officers and public representatives throughout the country with regard to the clawback in funding for various programmes and schemes that were to come on stream this year and next. These include

[Mr. Bannon.]
water and sewerage schemes and infrastructural development programmes. This was all promised last year and money was being thrown around like confetti at a wedding.

Dr. Mansergh: It is coming on stream.

Mr. Finucane: It was the local elections.

Mr. Bannon: It never happened and I believe——

An Cathaoirleach: Has the Senator a question?

Mr. Bannon: I am asking the Leader to invite the Minister for the Environment, Heritage and Local Government into the House to debate what he intends to do to address the serious concerns about funding and the ever-growing deficits being faced this year by local authorities when they are preparing their budgets. This is a matter of serious concern to many people because of the slowdown of infrastructural development, not alone in the capital but throughout rural Ireland.

Dr. Mansergh: We are speeding up, not slowing down.

An Cathaoirleach: The points the Senator is making may all be raised in the debate.

Mr. Bannon: I support the calls for a debate on transport. It is important that the transport debate should be broadened out to include all of Ireland. We have serious concerns with the Dublin-Sligo rail line. Only last week a number of patients coming to Dublin for cancer treatment missed their appointments because of train delays in the midlands. It is annoying for a large number of people and I hope it will be addressed.

An Cathaoirleach: This is another matter for the debate.

Mr. Moylan: Will the Leader request the Minister of State with responsibility for health and safety matters, Deputy Killeen, to investigate the safety of quad bikes? A number of deaths have occurred this year involving quad bikes and many people have been seriously injured. Twenty years ago, tractors, which travel slowly, had to have safety devices such as roll bars and cabs fixed.

Mr. B. Hayes: They have to be taxed.

Mr. Moylan: Quad bikes should and must have safety devices on them and I would ask the Leader to request Deputy Killeen to deal with this issue through the Health and Safety Authority.

Mr. Ross: I rise to resist the provocation regarding Trinity College, which came from the left.

Mr. Dardis: That is a first for Trinity.

Mr. Ross: I do not intend to respond to that——

An Cathaoirleach: The Senator need not respond. He should speak on the Order of Business.

Mr. Ross: ——except to anticipate a responsible and public spirited attitude of co-operation from the powers that be, if that is necessary. I do not believe there is any doubt about that.

Mr. O'Toole: May we have that in writing?

Mr. Ross: When one realises that UCD has only been open for 150 years we will do what we can for it.

An Cathaoirleach: The Senator should speak on the Order of Business.

Mr. Ross: A debate on transport is a fine idea and absolutely necessary. However, the Minister for Transport, Deputy Cullen, could be occupied in this House for a long time. We should not restrict the debate to the Luas. Some serious questions have to be answered but there has been a continuous failure to do so. They concern the other two major problems in this area, namely, Aer Rianta and Aer Lingus.

Whereas the change of Minister may or may not make a difference, Deputy Cullen has not only inherited the problems which his predecessor was struggling with, he has also got the boards, particularly of Aer Rianta, appointed by the former Minister for Transport, Deputy Brennan. We must ask a serious question, not about State appointments to boards but whether it is awkward for Deputy Cullen that people who were hand-picked by one person to do a particular job are now being employed by him for a different role. We must face the fact that they have loyalties to a particular Minister. We must ask whether these boards are now suitable for the current Minister and whether he is happy with them.

We should have a debate on transport in this House but not just on the Luas. Such a debate would allow Deputy Cullen to debate Aer Rianta in light of the fact that he has taken over as Minister.

Ms Terry: I support Senator O'Meara's call for a debate on the care of the elderly and on child care, which I have asked for before. Specifically I am asking for a debate on the care of the elderly, which I believe has reached crisis point. Many hospital beds are occupied by elderly people who either cannot afford to go into nursing homes or the State is not caring for them in the manner in which it should or in the way in which we would aspire to care for them. That debate should focus on community care, particularly given that most health centres are not in a position to provide a

home help to enable elderly people to stay in their homes. Will the Leader arrange a debate on this issue as soon as possible?

Mr. Quinn: Yesterday, I attended the launch by the Minister for Transport, Deputy Cullen, of the National Safety Council's booklet and campaign on child safety in cars. I was amazed to learn that we in Ireland use child safety seats only 50% of the time they are used in either Sweden or the United Kingdom. This is not just a question of educating the driving public. We have a full rate of VAT on these safety artefacts. In the North of Ireland and in Britain there is a reduced rate of VAT, equivalent to only 5%. I suggest one of the things we can do, if the Minister of Transport is coming to the House, is to urge him to use his influence to reduce or eliminate VAT on child safety equipment because we have such a low level of usage compared with other countries.

Mr. Browne: The US presidential election and its results concerned us yesterday and the day before. There was a major increase in voter turnout and that was great news. One reason for this, as far as I am aware, is that in America the presidential election day is a national holiday. That is something we should look at in Ireland in respect of general elections. A national holiday might encourage people to come out and vote in large numbers on the day, which would be good for democracy.

If the Minister for Health and Children is shortly to come into the House could we raise with her the issue of the sale of lands around hospitals and where the moneys realised will go? It would give us the opportunity to ask the Minister if the money is to be kept in the region where the land is being sold or disappear to some other place. While most people have no difficulty with options being considered, they would prefer to see money raised from the sale of land being reinvested locally in hospitals or the environment.

Ms O'Rourke: The Leader of the Opposition, Senator Brian Hayes, asked what developments there had been on the breach of courtesy over a week ago. I wrote to the Taoiseach as I felt that was the best way to record the matter. While there was a delay yesterday, Senator Hayes acknowledged that it was nothing like as long as the one a week ago. I am very conscious that Private Members' time is a very useful mechanism for all sides in the House and the debates which have been held during it have been excellent. Yesterday's debate was particularly fine with useful contributions from across the House. It is proper that Ministers scheduled to attend such debates arrive punctually.

Senator Brian Hayes also requested that time be made available for a debate on the Luas and a Dublin metro. Transport seemed to be this morning's theme and we will seek to facilitate a debate.

Senator O'Toole was a little previous in saying Trinity College would accommodate the Luas line. I did not read that the college said it would, though we would like to think so.

Mr. Coghlan: It was forward thinking.

Mr. O'Toole: I cannot imagine the college opposing the common good of the citizenry.

Ms O'Rourke: Indeed. The matter will come to the surface very quickly, if Members will pardon the pun, when the debate gets up to speed. I am using all the wrong metaphors. Senator O'Toole is stirring the pot early on this issue on behalf of his fellow Senators. I am quite sure that in line with its long tradition of goodwill, acceptance and knitting into the city, Trinity will facilitate the Luas.

Senator O'Toole also raised the matter of class sizes and indicated that 350,000 school children are in classes with too high a pupil-teacher ratio. He called on the Minister for Education and Science to reduce junior class sizes as laid out in the programme for Government. Deputy Hanafin has made a great start on the provision of special needs assistants on which I have heard great compliments. The INTO made a significant input into the decision-making process and I hope it will continue to do so.

Senator O'Meara made the very valid point that there is a mindset which considers transport issues to relate only to Dublin. While one third of the population live here, there is a whole world outside the city. The Senator made particular reference to the mid-west. The Senator suggested we should have two debates and I agree with her. The point was echoed by other speakers. Senator O'Meara was also keen that time be provided for a debate on care of the elderly.

Senator Dooley spoke about transport also and pointed to a tendency among some to attempt to rewrite history when the matter is raised. The Senator asked me to clarify a matter relating to my time as Minister. Not one punt was wasted of the £114 million EU funding to which he referred. We sent a fine civil servant, Mr. John Fearon, to Brussels where he negotiated to allow us to keep the money which was used to replace Dublin's awful, belching buses. It was the first time a member state was able to keep such funding and transfer it to public transport and roads. I intend to obtain a full explanation of the matter. It is highly mischievous for an eminent person to suggest the £114 million had to be returned to Brussels when we kept every single punt in Ireland and invested the money in transport. While I intend to make a separate statement on the matter, I thank Senator Dooley for raising it.

Senator Finucane referred to the €30 million the last Minister for Health and Children, Deputy Martin, spent on reports. He made the point that there is professionalism within Departments, which I have always found to be true, and suggested we should cop ourselves on and produce

[Ms O'Rourke.] reports internally. The Hanly report was mentioned. One cannot have it every way. Whether one attempts to implement the recommendations of reports or fails to do so, one is subjected to negative criticism. One often considers that we must cop ourselves on in every sense.

I thank Senator Norris for his comment. I have always enjoyed hearing his observations on the metro. It appears the metro is back on the agenda which pleases us all. Senator Norris said a false urban-rural divide was being created in the context of transport, but this is not so. The point other Senators sought to make was that another world of transport needs exists outside those of Dublin. Those needs must also be discussed and debated.

Senator McCarthy raised a very interesting point about media ownership, which is of interest to the Minister for Justice, Equality and Law Reform who has been quite open about discussing it. The Senator also echoed the call for a debate on transport.

Senator Mansergh said there were many positive stories to tell of financial injections in transport and agreed that there was a need for a general debate on the matter.

Senator Bannon referred to water and sewerage schemes and the concerns of local authorities regarding their forthcoming budgets. We can endeavour to secure the attendance of the Minister with responsibility for that area.

Senator Moylan referred to quad bikes on one of which the president of the IFA had a very serious accident. He asked that the Minister of State at the Department of Enterprise, Trade and Employment, Deputy Killeen, be invited to the House to address the matter from a health and safety perspective.

Representing the voice of Trinity College, Senator Ross said he was sure the college would do the right thing. The Senator expressed concern about State boards which appeared to maintain loyalty to a particular Minister rather than to the Government in general. The Senator asked me to arrange for the Minister for Transport, Deputy Cullen, to come to the House to discuss the boards of Aer Rianta and Aer Lingus, which I will attempt to do.

Senator Terry referred to the care of the elderly. "Bed-block" is an utterly distasteful word which people use now. Who wants to stay in hospital? The difficulties seem to lie in the areas of community care, changes of housing, adaptation of domestic dwellings and the various other steps which can be taken to ease people back into a home environment. We will seek the Tánaiste's presence in the House to discuss the matter.

Senator Quinn attended yesterday's launch of the National Safety Council's booklet and campaign on child safety in cars and referred to the poor level of use of children's safety seats.

Senator Browne called for a national holiday on polling days, but I am not sure it would

improve turnout. People might take a trip or go shopping instead.

Mr. Browne: They could vote first and go shopping later.

Ms O'Rourke: I note that the Senator appears to be getting into a political mood. I saw an article in the *Carlow Nationalist* about him recently. Good for the Senator. He could place his suggestion on his manifesto.

Mr. B. Hayes: In *Pravda*.

Ms O'Rourke: The Senator was on the front page.

Mr. Dardis: It was not circulated.

Ms O'Rourke: The paper was sent to me for another reason.

An Cathaoirleach: Order, please. We cannot discuss the contents of the *Carlow Nationalist* on the Order of Business.

Ms O'Rourke: Or, indeed, Senator Browne's electoral chances. Senator Browne asked if money raised from the sale of land at a medical facility would be reinvested locally or placed in a national fund. It is a fair point. When the Tánaiste comes to the House, the issue can be among those raised with her.

Senator Coghlan referred to the sale of INPC. The name of the opera is "Tosca", but the name of the firm which purchased the company is Tosco. We will get the details of that because it will show a good bargain was struck on the matter. It was a far better bargain than was struck with ISPAT for £1.

Order of Business agreed to.

Veterinary Practice Bill 2004: Order for Second Stage.

Bill entitled an Act to establish a body known as Comhairle Tréidlianna na hÉireann or, in the English language, the Veterinary Council of Ireland to regulate and manage the veterinary professions and to provide for its other functions, to provide for establishment of a body known as Bord Altraí Tréidliachta na hÉireann or, in the English language, the Veterinary Nurses Board of Ireland, to dissolve the Veterinary Council established under the Veterinary Surgeons Act 1931, to repeal the Veterinary Surgeons Acts 1931 to 1960 and certain other enactments and to provide for related matters.

Mrs. O'Rourke: I move: "That Second Stage be taken today."

Question put and agreed to.

Veterinary Practice Bill 2004: Second Stage.

Question proposed: "That the Bill be now read a Second Time."

Minister for Agriculture and Food (Mary Coughlan): Tá áthas orm bheith ar ais arís sa Seanad agus Bille úr os bhur gcomhair. Cé go bhfuil an Bille seo tábhachtach, tá sé fada. Tá súil agam go mbeidh díospóireacht bhreá againn agus go mbeidh an dlí is fearr ar fáil ág éirí as an díospóireacht sa Seanad.

The veterinary profession has long played a pivotal role in the development of our agriculture and food sectors. Its expertise and commitment in the area of animal diseases has enabled our livestock sector to progress and improve, and by doing so to provide a safe raw material for our developing food industry. With developments in the area of veterinary medicine and treatment techniques, considerable progress has been made in combating a range of animal diseases which otherwise would threaten the stable food supply we now take for granted. These developments also contribute to the protection of consumers from diseases which are transmissible from animals to man.

While veterinary practice has traditionally been focused on combating animal diseases, in more recent years food safety and animal welfare have also become extremely important issues. Veterinary practitioners now fulfil a pivotal role, including within the State veterinary service, in carrying out inspection and certification functions at various stages in the food chain in order to verify both the standard of animals entering the food chain and the standards of the processing operations.

In recent years society has, quite rightly, become more concerned about the welfare of animals and this is reflected in a growing body of legislation in this area. Veterinary practitioners necessarily carry important responsibilities in ensuring that requisite standards are complied with. Care of a growing number and range of pet species has also become an increasing concern of society and veterinary practitioners play a pivotal role.

Given the role played by the veterinary profession and the responsibility placed on individual practitioners, from a public policy perspective it is important that regulation of the profession accords to the highest standards and meets current requirements in terms of openness and fairness and also facilitates the further development of the profession and its individual members. The earliest elements of the existing legislative foundations governing the profession have been on the Statute Book for over 70 years. While these were appropriate to their time, this can no longer be said to be the case. Consequently, my predecessor had accepted the need to sponsor replacement legislation and had brought this project a considerable distance during his period in office.

It is also important to place on record that this is not a matter of imposing a new regime on an

unwilling profession. The Veterinary Council, which is the body charged under the legislation with day-to-day regulation of the profession, has drawn to the attention of my Department a number of shortcomings in the existing code, particularly in regard to disciplinary aspects, continuing professional development and standards of premises.

Against the foregoing background, I am bringing forward a comprehensive Bill which is designed to bring regulation of the veterinary profession fully up to date, taking account of the many developments in the environment within which the profession operates since the original legislation was enacted and which will also serve the needs of the profession in the years ahead.

It is appropriate in the public interest that greater transparency should be introduced into regulation of the profession and that broader legal developments, including in regard to human rights, should be reflected particularly regarding disciplinary proceedings. Among the principal features of the Bill are: the provision for the first time in Irish legislation of a legal definition of veterinary medicine; a broader membership of a reconstituted Veterinary Council to reflect interests such as education, consumers, food safety and animal welfare and to provide a better balance as between veterinary practitioners and others; an updating of the provisions dealing with registration and for recognition of specialties in particular areas in veterinary practice; provision for continuing professional development which would be a pre-requisite for retention on the relevant register; a new model to deal with complaints and a broader range of proportionate sanctions; statutory recognition of veterinary nurses for the first time; the establishment and monitoring by the Veterinary Council of standards of veterinary premises; and the Veterinary Council to be given investigative powers commensurate with its regulatory role in relation to the profession.

The Bill giving effect to the foregoing is extensive, running to 138 sections and four Schedules. I propose to outline to the House in greater detail the principal elements of each part of the Bill.

Part 1 contains a number of standard provisions, including definitions and repeals. In regard to the latter, the Bill provides for continuation of the residual aspects of joint recognition arrangements with the United Kingdom under which practitioners registered before 1978 can retain membership of the Royal College of Veterinary Surgeons, the UK regulatory body.

Part 2 deals with the former council. It is obviously necessary to provide for an orderly transfer from the existing Veterinary Council to the body which is to be established under the draft legislation. Among other things, this will ensure that existing staff are not disadvantaged in any way by the abolition of the existing council and that all rights and liabilities are properly transferred to the new council.

[Mary Coughlan.]

Part 3 deals with the Veterinary Council of Ireland. It is important to stress that the Veterinary Council has and will remain a self-funding body which does not receive any moneys from the Exchequer. I am proposing a fundamental restructuring of the council. The current membership of the council is fixed at 17, of whom 12 are practitioners elected by the profession. The remaining five places are filled by nominees of the Minister for Agriculture and Food and UCD, as the sole provider currently of veterinary degrees in the State.

While I consider that it would not be appropriate from the point of view of efficient operation to increase the overall size of the council, it is appropriate that its make-up should be rebalanced to avoid an inbuilt majority of members of the profession and to provide for representation by nominees of other stakeholders. This is not in any way an implied criticism of past councils or the current council. However, as a self-regulating profession operating under statute, in order to continue to command the confidence of society at large, a significant degree of external representation is required. Apart from any other consideration, the increasing complexity of the issues which the council is likely to encounter in the future means that it will benefit from the range of perspectives and expertise being brought to bear on any particular issue by such an approach.

Accordingly, I propose to provide for the following make-up for the council: seven members elected by veterinary practitioners; one member elected by veterinary nurses, to whom recognition is being given for the first time and on which group I will comment further at a later stage in my remarks; four members appointed by me of whom two will represent animal welfare and consumers of veterinary services interests; two members nominated by providers of veterinary education; one member will be nominated by my colleague, the Minister for Education and Science, one by the Food Safety Authority of Ireland and one by the Director of Consumer Affairs.

The composition as outlined is balanced in terms of the veterinary profession and broader society interests and will enable the council to carry out its functions effectively in the public interest. While the Bill does not provide for an inbuilt majority for the profession on the council, a majority of the profession on the council is not precluded.

The Bill specifies clearly the range of functions to be carried out by that body. These include the keeping of registers, establishing codes of professional conduct, approving programmes of education and further education and conducting inquiries and imposing sanctions on errant members of the profession. While it is appropriate that the council is being given all the necessary powers to carry out its role, including in respect of staffing and financial matters, provision is made for the Minister to give general policy

directions to the council and ultimately remove it after due process should it fail to carry out the functions assigned to it under the legislation.

Part 4 provides the mechanisms which enable the council to function in its central role of registering and maintaining registers of practitioners. Provision is also made to safeguard the position of those registered on the existing register who, as of right, will be brought on to the new register. In terms of the categories of persons who may be registered, provision is made for those trained in the State as well as ensuring that we are in a position to fulfil our obligations under the EU mutual recognition regime. I also propose to make better provision for the council to register persons trained in third countries as under the existing legislation this was limited to countries with which the council had mutual recognition arrangements.

Experience of the 2001 foot and mouth disease episode gave ample demonstration of the potentially devastating effects of disease outbreaks in the national herd and the potential for damage to the economy as a whole. The veterinary profession played a pivotal role in dealing with the 2001 outbreak and it has been widely recognised that our effective and timely interventions ensured we were spared the large scale economic and social damage which would have arisen from a failure to deal with the outbreak.

However, there are ongoing threats of disease outbreaks and we need to ensure that, if necessary and at short notice, we can call on an adequate supply of veterinary expertise from outside the State. Accordingly, I propose to provide for a category of limited registration to make this possible. Limited registration could also be granted, where the council considers it desirable, to suitably qualified persons whose particular expertise would be required for the teaching of trainee practitioners.

The Bill makes provision for the first time in legislation for a definition of the practice of veterinary medicine. This will give greater legal certainty to the council in the execution of its functions. The Bill will make it an offence for a person other than a veterinary practitioner to practise veterinary medicine or to use a title which implies that he or she is so qualified. Stringent penalties, which can range up to €130,000 and-or five years imprisonment, are provided in the case of a first offence or €320,000 and-or ten years imprisonment in the case of a second or subsequent offence. Bodies corporate will continue under this Bill to be precluded from engaging in the practice of veterinary medicine.

However, it is also necessary to recognise situations which can occur on the ground when a veterinary practitioner might not be available. Accordingly, I propose to make provision for treatment of animals in an emergency situation by a non-qualified person and for farmers to be enabled to continue to carry out treatments or procedures which were possible under the existing legislation. Furthermore, I propose to enable

the Minister, following consultation with the council, to provide by regulations for non-qualified persons to carry out a very limited range of procedures. Such regulations would be required to be laid before the Houses of the Oireachtas.

The importance the Government attaches to the standard of veterinary education is evidenced by the significant funding provided for the construction of a state-of-the-art veterinary college on the UCD campus which opened in 2002. This impressive facility provides the infrastructure and facilities to enable our veterinary graduates to be trained to the highest internationally recognised standards. Bricks and mortar are only part of the story and people of the highest calibre are required to ensure that courses of study match best international practice. As I already mentioned, I have provided that recruitment of such people would be facilitated by this legislation.

The Veterinary Council has always carried a crucial responsibility in respect of the prescription of courses required for registration as a veterinary practitioner and I propose to continue to enforce this role. As the House no doubt recognises, we live in an era of accelerating change which requires a lifelong learning approach. This is particularly true in the case of the veterinary profession in which scientific progress and advances in treatments are a constant. Accordingly, I propose to enable the council to prescribe by regulation programmes of education which will be a prerequisite for remaining registered as well as optional courses.

In order to ensure that there is sufficient focus on educational aspects, I am providing that a dedicated education committee will be one of three committees which the council will be required to establish. Furthermore, I am providing for the make-up of this committee to draw particularly from the educational expertise on council and, where appropriate, to consult external expertise. The education committee, as part of its role of evaluating standards, will be charged with inspecting providers of education or of further education and reporting to council. Among the other functions which this committee will carry out is a role in advising the council in regard to specialities in veterinary medicine and on qualifications in veterinary medicine obtained outside the State.

Disciplinary procedures and sanctions are among the areas in which shortcomings in the existing legislation have been most pronounced. This has been due mainly to the lack of proportionality in the range of sanctions which could be imposed on those found guilty of wrongdoing. This Bill provides for a comprehensive reformulation of the fitness to practise provisions to take account of the proportionality aspect. In drafting the replacement provisions, it was also appropriate to provide for a greater degree of transparency in the disciplinary procedures. In addition, my Department has had to take particular account of advice from the Office of the Attorney General on developments in regard to

human rights and, in particular, the European Convention on Human Rights.

The procedures provided for under this Bill are designed to ensure that complaints are fully investigated expeditiously and in a fair manner which safeguards the legitimate rights and interests of the complainant and of the person complained against. Two mandatory committees of the council are provided for, namely a preliminary investigation committee and a fitness to practise committee. As its name suggests, the role of the former committee is to examine complaints and reach a view on whether a full inquiry, to be carried out by the latter, is warranted. The procedures have been constructed so that where there is a doubt, the dynamic is in favour of a substantive inquiry taking place. Provision is also made that the council itself is kept advised of developments in respect of a complaint, while ensuring that its view of the case is not prejudiced.

The composition of both committees is prescribed in the Bill to ensure balance and that outcomes can command confidence. In the case of both committees, provision is made for equal representation of practitioners and non-practitioners. In addition, in the case of the fitness to practise committee, an external chairperson, nominated by either the Bar Council or the Law Society, is stipulated. For the purposes of an inquiry, the fitness to practise committee will have the same powers, rights and privileges as are vested in the High Court in terms of enforcing attendance of witnesses, production of documents and administration of oaths. Penalties are provided for in respect of persons who commit offences regarding appearance before the fitness to practise committee.

The Bill provides for a wide range of proportionate sanctions which may be imposed by the council itself following a fitness to practise procedure. These are removal or suspension from the relevant register; attachment of conditions to continuing registration, which could include undergoing specified medical treatment; and giving of advice, warning or censure by the council, requiring the person complained against to make a contribution of up to the €5,000 to the complainant or towards the costs of the council in investigating the complaint.

Due process is provided for in terms of notification of a decision and appeal, including appeal to the High Court by the person who is the subject of an adverse finding. The council is also to be empowered under the Bill to decide to remove from the relevant register a person who has been found guilty of an indictable offence in this State or equivalent offence in another state in respect of which due process is again provided for. In terms of transparency, it is important that the public has access to the outcomes of fitness proceedings. Consequently, the council will be required to publish all relevant details in its annual report.

[Mary Coughlan.]

While veterinary nurses have long been a feature of a significant number of veterinary practices, they have not, unlike their counterparts in the human field, enjoyed any separate legal personality under the existing statutes. The growing popularity of veterinary nursing is evidenced by the fact that a specific three year diploma course in veterinary nursing is now available in Ireland from UCD. Consider the 2003 INDECON report that examined this area on behalf of the Competition Authority. It stated, "The fifth key restriction operating in the veterinary surgeons profession that we believe is likely to be harmful to competition concerns the absence of legal status for veterinary nurses and the demarcation restrictions on the scope of practice of such professionals."

Against this background, I propose in this Bill to provide for the first time formal recognition of veterinary nurses. Responsibility in the first instance for establishing a register of veterinary nurses will rest with the Veterinary Council, which will be required to establish such a register within two years of establishment day. The Bill also provides that the then Minister may establish a veterinary nurses board of Ireland to take over from the Veterinary Council its functions regarding veterinary nurses. These arrangements reflect my Department's view that, given the organisation's current state of development, it would not yet be appropriate to establish a separate board of this kind.

I am proposing in the Bill to designate the limited range of functions that it would be appropriate for veterinary nurses to carry out, including certain functions they could carry out other than in the presence of a veterinary practitioner. Provision is also made so that in light of technological developments, for example, additional functions could be assigned to veterinary nurses.

I am anxious that those who are currently working as veterinary nurses and who do not have a formal qualification in this regard should not be unduly disadvantaged under this legislation. Accordingly, I am providing that those working as veterinary nurses on 27 October 2004, the date of publication of this Bill, may apply for provisional registration that could last for up to five years on the basis that they complete an approved course of education within that period. The arrangements outlined provide an appropriate framework for the development of the discipline of veterinary nursing within veterinary medicine and that these arrangements are in the interests of consumers and of the profession overall.

The existing Veterinary Council has, on the basis of a voluntary scheme, already done considerable work with the profession in improving veterinary premises. I now propose under this Bill to put these arrangements on a statutory basis. This provides that the council will make binding regulations relating to veterinary premises within one year of establishment day. These regulations

will cover aspects such as the classification of types of premises, standards to apply to different categories of veterinary premises and signage. Practitioners will have four years from the date of the council making its regulations to bring their premises fully into line with the requirements.

There is currently a wide variance in the standard of veterinary premises across the country and what might have been acceptable a generation ago is no longer acceptable. In addition, the lack of standardisation in signage can lead to confusion on the part of the public over the standard of facilities to be expected. The arrangements outlined provide a reasonable basis for practitioners to progressively bring their premises up to a required minimum standard.

By definition, the Veterinary Council's role in the regulation of the veterinary profession is central. It must, therefore, be given the necessary enforcement tools to carry out this role and, where appropriate, to be pro-active. Accordingly, it is proposed to give the council the power to appoint authorised officers to carry out inspections at veterinary premises and also investigations where it is believed that an offence is being committed or where a registered person is acting in a manner that constitutes professional misconduct. Provision is made for the powers enjoyed by authorised officers in the ordinary course and when operating under a search warrant issued by the District Court. Provision is also made for penalties where a person falsely represents himself or herself to be an authorised officer or obstructs an authorised officer.

The foregoing represents an overview of the main provisions of the Veterinary Practice Bill. It is comprehensive and well balanced legislation and takes account of both the needs of the profession and the public interest. It is designed to create a regulatory framework suited to modern circumstances.

I commend this important Bill to the House and certainly look forward to hearing the views on the Senators thereon.

Mr. Coonan: Cuirim fáilte roimh an Aire. She is certainly keeping us busy.

Mary Coughlan: And *vice versa*.

Mr. Coonan: She has introduced two Bills in less than two months and she is correct that this Bill is long and detailed. I welcome the use of the phrase "Veterinary Practice" in the title of the Bill, instead of "Veterinary Surgeons", as used in the titles of previous Bills. This recognises the expanding nature of the profession and those who are employed in this area. I acknowledge the role played by veterinary surgeons in animal welfare and food safety. They have made a magnificent contribution over the years.

The Minister expressed concern about the welfare of animals. Animals are better cared for in this State than humans, as is evidenced from the fact that there is no waiting list for animals that

require treatment. It must also be recognised that veterinary surgeons provide a 24-hour service every day of the year, including Christmas Day.

The Bill is intended to update the Veterinary Surgeons Act 1931 and it is long overdue, given that we have had no reforming legislation in this area since 1960. It is also welcome that the Bill is striving to better regulate veterinary practice. There are many reasons we need modernising legislation, including the following: the fact that veterinary medicine is impacted upon increasingly by EU directives on animal health and welfare; modern advances, be they in science or technology; medical advances; education and training; and broader social and regulatory changes. It is vital that the Bill recognises that the veterinary profession has diversified in its structure, particularly because of the significant expansion in veterinary nursing. I welcome the Minister's initiative in this area, to which I will return.

Regulation is also a key element of this legislation, particularly in terms of the changes the Minister has announced in the make-up of the Veterinary Council and its related role in setting standards and imposing sanctions on its members, a reformed structure for dealing with complaints, investigative powers and regulations on the conditions of veterinary practices and premises.

Will the Minister outline the consultation that was undertaken in the drafting of this legislation and its extent in the run-up to its publication? I am informed that veterinary practitioners were not even consulted on it and that they were led to believe the details contained therein would be largely inconsequential. The opposite is the case. There is no doubt this is major legislation and it is very hard to believe that the representative body was not even consulted. By way of comparison, it would be very hard to imagine a scenario in which the unions would not have been consulted during the break-up of Aer Rianta. Were the direct users, that is, the farming and equine sectors, consulted? Was the Animal and Plant Health Association, the representative body for researchers and developers and manufacturers of veterinary products, consulted? Its help would have been invaluable.

The Bill will allow for the establishment of a new self-regulating council for veterinary practice, the key function of which will be the regulation of the practice of both veterinary medicine and veterinary nursing. The Minister may believe I am rushing but the Bill covers many issues and I want to address as many as possible in the limited time available to me.

The council will also create and, if necessary, update regularly all codes of practice and conduct of the profession. Obviously, this is necessary but I urge the council to ensure it continues to move with the times and reflect the changes occurring in the profession. The council will also be tasked with allowing for information to flow fully and freely between those in the veterinary practice and those who avail of their services. This is a crucial function of the new council as the industry

has a duty to interact with its clients and the wider public.

Under section 16 of the Bill, which provides for membership of the Veterinary Council of Ireland, it is proposed that the veterinary presence on the council be reduced to seven veterinarians from 12, despite the fact that council membership will increase by three members to 17. I fully accept that there is a need for greater representation by outside interests, such as those involved in consumer affairs, and food and health safety. This Bill suggests that the Minister for Education and Science could nominate a representative. So too could the Food Safety Authority of Ireland and the Director of Consumer Affairs. I have no problem with such appointments, by and large. However, I am concerned about the reduction in the number of members who are veterinarians. The reduction may not be in the interest of the public or veterinary practice. The presence of veterinarians on the council is vital given that they are at the coalface of the practice. They have much worthwhile technical knowledge and experience to contribute to the work of the council. The Minister should reconsider this aspect of the legislation and perhaps reach a compromise by increasing their representation on the board.

While the Bill does not exclude the presence of a member or representative of the farming community on the board, neither does it declare that such a person would be present on the board. Will the Minister consider this aspect given that the vast majority of users of veterinary medicine and veterinary services, and the largest financial contributors to the sector, are members of the farming and equine community.

The Bill is a comprehensive document, most of which is broadly welcome. However, section 46 appears to set off alarm bells. This section provides for the limited registration of persons whose services would be required for disease eradication or for education programmes. The Minister stated in a press release that maintenance of the highest standards within the veterinary profession is a matter of great social and economic importance. Obviously everyone would support these sentiments. However, such sentiments are not reflected in the current wording of section 46. This section, in effect, goes some way to undermine veterinary practice. The opt out clause of limited registration appears to permit a less qualified veterinary practitioner to practise. I am not arguing that in certain circumstances there will be a need for personnel who are not necessarily fully qualified veterinary practitioners. However, in terms of disease control and eradication, the involvement of such personnel should only be in emergencies such as the foot and mouth disease outbreak, swine fever or Newcastle disease and various poultry diseases, to name but a few. Matters can be resolved by altering the legislation to allow for participation of those who have limited registration status in cases involving only class A diseases such as those I mentioned.

[Mr. Coonan.]

Section 60 raises similar concerns to those I mentioned. It is ironic that as we try to better regulate veterinary practice, we are almost deregulating it under section 60. It is odd that we try to ensure more strict regulation and performance of duties from veterinary practitioners while under this section we appear to be allowing for back door practitioners. Veterinary practitioners in Ireland must undergo a comprehensive training and education programme, not least in veterinary medicine and pharmacology. There is a real danger that this section could undermine the profession.

The administration of certain pharmaceuticals and anaesthetics in particular is an area particularly open to abuse. As things stand currently, the administration of anaesthetics are classified as veterinary surgeons only, VSO animal remedies. This means that, according to the decree of the Irish Medicines Board, veterinary practitioners only can legally give anaesthetics. This legislation would open the way for non-veterinary practitioners to perform this duty, which would run totally contrary to the rules of the Irish Medicines Board. The Minister must address urgently this considerable difficulty. It is difficult to see if this section can remain. I am not convinced either that the provisions in section 60 will protect farmers.

While section 54 sets out for the first time the definition of veterinary medicine, the legal definition used is comprehensive so that it would render illegal common practices currently carried out by farmers and other animal keepers and owners. Section 54 specifically provides that all existing common practices for the care and husbandry of farm livestock by a farmer or his or her employee be excluded from the definition of veterinary procedure. I am concerned that the total prohibition of persons other than veterinary practitioners performing a surgical procedure would criminalise current normal procedures such as dehorning and castration of young cattle. Equally, there is no reason services such as hoof paring and pregnancy scanning should be made unlawful. They should be exempt under section 60 by order of the Minister.

I welcome the statutory recognition given to veterinary nurses in the Bill. It is clear that the contribution of veterinary practice has grown significantly in recent years and it is fitting that it is finally getting its full recognition. There has been significant progress in recent years to formalise this recognition and improve the training and developmental education for veterinary nurses. I encourage their progression in line with development in the wider veterinary profession. However, the formal advancement of veterinary nurses in this legislation comes with a warning to the Minister about one aspect of the new functions assigned to veterinary nurses.

While section 92 sets out two groupings of procedures which can be undertaken by veterinary nurses, paragraph (a) lists the procedures which

veterinary nurses can assist or carry out in the presence of a veterinary practitioner, and there does not appear to be a problem with this. Paragraph (b) is more problematic. This lists the procedures a veterinary nurse can carry out independent of any input by a veterinary practitioner, which is not acceptable. The measure goes too far, given that it allows for significant surgical procedures, which should only be carried out following direction by a fully qualified veterinary practitioner. We cannot give free reign to individuals who lack adequate training and qualification to carry out such treatments. An extension of this provides a scenario whereby a veterinary nurse could possibly set up an independent veterinary practice offering numerous surgical and animal health procedures. I hope this is an oversight on the part of the Minister and her departmental colleagues. I do not intend a slight on the important contribution and work done by the veterinary nursing profession, but they are two differently qualified and trained professions and it is vital this distinction is maintained. I am sure the Minister would agree with this, if one were to apply the contrast to human health and the distinction between nurses and doctors.

The Bill appears to be a replica of the New Zealand Animal Welfare Act 1999. As a consequence of the Act, a debate is currently raging in New Zealand as to whether veterinary nurses should be allowed to castrate cats, which they currently do.

The legislation appears to pave the way for a process of inspection of veterinary premises. How does the Minister envisage this will happen? Who will carry out inspections and what will be the likely cost of such regulation? This is very unclear from the wording of the legislation. It appears that consumers, particularly farmers, will have to bear the cost of all these regulations.

By and large, I welcome the Bill. I have serious reservations about a number of the sections and I have had serious discussions on the matter with the Irish Veterinary Council. It expressed concern about a number of the sections to which I referred. I am indicating to the Minister that Fine Gael will table amendments on Committee Stage when we will probably have an opportunity to deal in a broader way with the issues concerned.

Mr. Callanan: I join Senator Coonan in welcoming the Minister, Deputy Coughlan, to the Seanad to carry out the business of the State. I welcome the presentation of the Bill and I commend the Minister for bringing forward this important legislation. I commend her predecessor, the former Minister, Deputy Walsh, for the work he did in preparing the Bill, which has taken some time to produce. Given that it is produced, I hope it will be passed as quickly as possible and that it will not hang around for a considerable time.

It is self-evident that the 1931 Act needed to be upgraded. It is not revolutionary in the sense that it is not totally new legislation. The functions

of the new body are to continue, update, improve and upgrade existing structures.

The Minister referred to the provision for the first time in legislation of a legal definition of veterinary medicine. This is essential as it is not included in the 1931 Act or any amendments made since. The Minister also mentioned a broader membership of the reconstituted Veterinary Council to reflect interests such as education, consumers, food safety and animal welfare and to provide a better balance as between veterinary practitioners and others. I will have something further to say about this. It is essential that we have a broader spectrum on the council as it is time consumers had a direct role in food safety and animal welfare matters because they and what is available to them as food are our concerns.

The Minister went on to say the legislation would provide for an updating of the provisions dealing with registration and recognition of particular specialties in veterinary practice. The world has moved on, science has advanced and new technologies and techniques are in practice. It is, therefore, essential that this area be modernised and upgraded. The Bill will also provide for continuing professional development, a prerequisite for retention on the relevant register. This, too, is essential. It will provide for a new model to deal with complaints and a broader range of proportionate sanctions.

We are conscious and aware of consumers and users of services. We also realise that people complain, for whatever reason, valid or invalid, to relevant bodies and authorities. They also write to Ministers and the media, for example, RTE. Dr. Charlie Bird, whom I congratulate, gets involved too from time to time.

The Bill will provide for the first time for statutory recognition of veterinary nurses. This is welcome and a matter on which I will have more to say. The Bill also provides for the establishment and monitoring by the Veterinary Council of standards for veterinary premises. This is essential. The Minister, Senator Coonan and I come from rural Ireland and know there has been substantial investment in veterinary premises in recent years. While many premises are sophisticated and modern, some still need upgrading. The Minister has allowed a specific period of time for this to be done.

The Bill provides that the Veterinary Council will be given investigative powers commensurate with its regulatory role with regard to the profession. This is hugely important as we have seen what has happened in other professions. We heard in the Seanad recently about people offering relief and cancer treatment. While I know the veterinary area is not related, the regulation of both sectors is similar. It is essential that the Veterinary Council is given the proper powers to regulate the profession. The Minister referred to persons who should not be engaged in veterinary practice and mentioned penalties ranging up to €130,000. A line should be drawn through the

words "up to". This should be should mandatory as it is time such activities were weeded out of all professions. The penalty must be written firmly into the legislation.

I would never underestimate the importance of the role played by the veterinary profession in the agriculture and food industries. Vets are active in a range of areas, for example, in the provision of advice for their farmer clients on how best to manage a myriad of diseases on their farms, as inspectors on behalf of the State in meat factories, and in research in public and private bodies. We must also recognise the significant role played by local authority vets. It took some time for local authorities to appoint these vets who do exceptional work, never more evident than during the BSE and foot and mouth disease crises. We must recognise the role they and general practitioners played. We should also recognise the leadership given by the chief veterinary officer, Mr. Rogan.

Veterinary practitioners generally and in the Department and council play a pivotal role in the control of the spread of disease and in ensuring the quality of the product available to the consumer. The central issue concerns consumers and what is available to them. We must recognise that vets have done their duty well. When the call to arms came, as with Senator Kerry who said he was "here to serve", they were ready and did their duty.

By virtue of their status, vets enjoy a privileged position, particularly when it comes to the prescription of medicines administered to animals. Not least because of this, it is crucial that their actions are open to scrutiny and, where appropriate, effective sanction to ensure high standards are maintained. For this reason, I welcome the new disciplinary procedures provided in Part 7 of the Bill. I fully accept that the code of practice contained in the Veterinary Surgeons Act 1931 no longer meets current requirements in regard to proportionality, transparency and so on. Clearly, the provisions involved need to be updated in line with developments in this area in recent years, particularly with regard to the principles of natural justice which must receive serious consideration as people make complaints for any reason nowadays. It is easy to blame "X", "Y" or "Z" and write a letter of complaint but we must be conscious that this could take a person's good name.

The revised model of fitness to practise provided for in the Bill will serve the profession well in the years ahead. The procedures provided for will enable the Veterinary Council to facilitate those who wish to do so to present complaints in a correct fashion. The composition of both the preliminary investigation committee and the fitness to practise committee, being composed of equal numbers of vets and non-vets, will help to guard against allegations of professionals closing ranks against ordinary members of the public. I also welcome the inclusion of an external chairperson with legal expertise on the fitness to practise committee. In an increasingly litigious era, I

[Mr. Callanan.]

expect the inclusion of such expertise will lessen the tendency for expensive court actions following a decision.

As I am dealing with the preliminary investigation and fitness to practise committees, I will comment on the composition of the council. The Bill introduces a balanced membership with an independent chairperson. It will comprise two vets and two others. Like Senator Coonan, I am concerned by the reduction in the number of vets on the council. I had some knowledge of the organisation for a period of time and know how it functions. Council members make a significant input. I never saw it as a case of "them and us". The predominant factor in and overall interest of its function and role were to do the right thing.

The previous council had a total membership of 17, 12 of whom were vets. The provision in the Bill creates space. I agree with this and commend the Department on including this provision. However, reducing the number of places to seven places an enormous workload and burden on its members. This burden will not be borne well if vets have to leave their practice without recompense, other than expenses, to come to Dublin for meetings. For example, if a fitness to practice or preliminary investigation committee meeting is taking place, two vets will have to give a significant amount of time to it. The issues of not attending, leaving or changing dates of meetings are covered in the Bill. They create problems for vets. There is scope for more generosity. I would throw in my hat and say "*Nein*". While I will not submit an amendment, I urge the Minister to return to the Department and in her common sense and intelligent manner examine what I have suggested. Veterinary surgeons have work to do. They must leave their places of work and attend various meetings where they give good service to the totality of the community. I am not asking for majorities on the council but for possibilities where work can be well done. This is not the first time I have mentioned this matter. I have been saying it for a considerable period of time.

It is also vital, given the potentially serious consequences to the livelihood of the person complained against, that his or her rights be fully protected. Every person is entitled to his or her good name until the contrary is proved. The processes and procedures provided for in the Bill strike an appropriate balance in this regard and, in the final analysis, the person who is subject to the inquiry has access to the High Court. However, the regime will ensure justice is done and seen to be done and litigation will be the exception rather than the rule.

On another issue, I believe Senator Coonan was guilty of a misunderstanding and I cannot agree with what he said. I am afraid I did not make a note of precisely what he said so that I could expand on what I wish to say on the matter and I apologise for that. However, we will have another opportunity to debate the point.

I welcome the statutory recognition of veterinary nurses, as I am sure everyone does. The Government has spent between €20 million and €30 million on the new veterinary college in Belfield. This is a significant investment by the State. However, as the Minister has said, it is education and not bricks and mortar which achieves results. We must ensure high-quality people are available to us, from abroad if necessary.

Our first batch of approximately 20 veterinary nurses qualified this year. Establishing them in an independent role may not be to their best advantage or to the advantage of the profession and the community. A veterinary surgeon certifies the health status of cattle being exported. He or she is legally responsible for the health of an animal in his or her care. A veterinary nurse who is practising independently of a veterinary practice could be brought onto a farm for a specific reason totally unknown to the veterinary surgeon who will be charged with the responsibility of signing his or her name to a certificate. The best way for this to operate is for veterinary nurses to be linked with existing veterinary practices. A veterinary surgeon need not be present for all procedures but someone must be responsible.

Does existing law allow a veterinary nurse to administer an anaesthetic? Currently, all anaesthetics are classified VSO, for use by a veterinary surgeon only. Furthermore, the Radiological Protection Institution of Ireland code of practice lays down specific guidelines for the licensing and use of X-ray equipment in veterinary medicine which is at variance with section 92.

I have raised issues which are of concern to me. With some common sense and a slightly different approach, the Bill will be enacted very smoothly. I thank the Minister for coming to the House.

Mr. O'Toole: The Department of Agriculture and Food is to be congratulated on bringing forward this legislation. I welcome the Minister to the House. This is my first time to engage in debate with her in the House since her appointment and I wish her well in her new responsibilities. I know she will discharge them with energy and commitment, as did her predecessor. In the past ten or 15 years we have been very lucky in the quality of Ministers for agriculture from both ends of the political spectrum. They have done extraordinary work for the country and this should be recognised.

I have two reservations regarding the Bill, which I ask the Minister to consider. Section 29 precludes Members of the Oireachtas from membership of the Veterinary Council of Ireland. Why is this? This measure is offensive. On two recent occasions the Tánaiste has removed similar offensive sections from legislation, as have two other Ministers during the previous four years. These sections are included in legislation by draftsmen as a protection against double jeopardy in situations where statutory councils must come back to the Oireachtas. There is no reason for the provision in the Bill. I know of no one

12 o'clock

who wishes to be a member of the veterinary council and that is not the reason for my objection. I simply find the section offensive. Are Members of the Oireachtas lesser beings who cannot be appointed to the council? I ask the Minister to remove the section.

I am concerned at the lack of consultation with the veterinary profession. A few moments ago I telephoned the Irish Veterinary Union to ask how much consultation took place between the union and the Department. I read the Minister's speech and saw her reference to the perspective of the veterinary council. However, I have been around long enough to realise no consultation took place. The Minister says the veterinary council has drawn attention to shortcomings in the existing code. I am sure it has. Can the Minister tell the House how many meetings took place with representatives of the veterinary profession before the Bill was drafted and who represented the profession in that process?

I have been through similar processes on two previous occasions. I was involved for many years in the development of the legislation which led to the establishment of the Teaching Council. At every step there was consultation with representatives of the teaching profession. The Minister wanted to know what the profession thought and every proposed measure was examined. More recently, I was involved with the Department of Enterprise, Trade and Employment in the establishment of the Irish Auditing and Accounting Supervisory Authority. For ten months before the authority was put together, representatives of the accountancy and auditing bodies were consulted, their views sought and the issues discussed. This omission can be corrected. The Minister should consult with representatives of the Irish Veterinary Union, the Veterinary Council of Ireland and Veterinary Ireland about their proposals for the Bill.

The Minister has stressed the importance of the veterinary profession to the public, as consumers of food. We have a vested interest in the work of the veterinary profession. The job it does is astonishingly important and will become more so. As food legislation becomes more important to the public they will ask more and more questions. I support everything the Minister has said on this matter. Veterinary surgeons are the forgotten heroes and heroines of the food chain. They do a superb job in very difficult conditions.

Mary Coughlan: Are they like the teaching profession?

Mr. O'Toole: A current television advertisement for one of the pension companies which shows a vet out in the middle of the night captures my image of friends who are veterinary surgeons. It is superb.

The Minister should recognise the issue that was missing from her speech, namely, that we have a duty to win the trust and confidence of the veterinary profession in this legislation. We need

ordinary members of the veterinary profession around the country to accept the legislation and make it work. I am sure they will. I want them to buy into it. The Minister should meet representatives of the profession before Committee Stage to listen to their views and to see how many of them we can take on board.

I have looked closely at the membership of the board and I know the intuitive response is that there should not be a majority of vets — or people elected by the veterinary profession — on the board. I do not know if that is the case, however. In this type of situation where they want to keep their profession as a high-profile and well-regarded one, I would trust them absolutely.

I welcome the movement to extend the register in a controlled fashion to limited registration in some cases, as well as including the organisation of veterinary nurses. That is crucially important. The examples provided in the Minister's speech are very effective. Senator Coonan raised important points as to the various functions in which veterinary nurses can become involved. That issue is one of concern. I am not sure if it can be covered word for word in the legislation. The Bill refers to the administration of anaesthetics but does that include putting down a seriously ill animal that is in pain? Is that giving an anaesthetic or is it humane killing?

Mr. Dardis: It is covered.

Mr. O'Toole: Is that in the Bill?

Mary Coughlan: Yes.

Mr. O'Toole: If so, I probably missed that section. Whatever about the membership of the board, the Minister should consider the membership of the board's education committee. I firmly believe that committee should have a majority of members of the profession. The Minister should amend the Bill to allow for that. Such people should be there to work out the relevant educational processes, qualifications and courses involved.

I recall that on my first day working as a primary teacher, I was discussing with the school principal the book list for the second class I was to take the following year. He said, "Always remember, you've been through your college course and what you learned there is what to select to teach your pupils." The same applies here. There is a consumer interest on the board but I am not sure if it extends to having more than the number of vets on the education sub-committee. The Minister should examine that matter.

I welcome enthusiastically section 55, which, while it does not protect the title "veterinary surgeon", makes it illegal for anyone to represent themselves as being qualified in veterinary medicine. That is a major advance. It is something that the accountancy profession failed to have included in the relevant legislation. Senator

[Mr. O'Toole.]

Coghlan proposed that but we could not find a suitable form of words. The form of words is very effective in this Bill and it will be welcomed by the profession to stop shysters getting involved who would drag the profession down.

The question of a preliminary investigation committee is a fraught one that will be tested every step of the way in the courts. I recognise the difficulty the draftsman had in putting that provision together. I have been through this matter in a number of different ways and I know that, every time, domestic procedure, which includes redress, will be tested in court. I see one minor flaw in it, however, which concerns the preliminary investigation committee. That committee should immediately inform the person on the register who is being considered for an investigation. There is an issue of natural justice there. Some may ask why it is necessary to bother somebody, as it might prove to be a mischievous complaint and he or she should be protected but it does not work like that. The person should be told immediately that the preliminary investigation committee is considering whether or not to initiate an investigation.

The Bill provides that the fitness to practise committee may ask the person being investigated to respond or give views. The word "may" should be changed rapidly to "shall". We should be seen to inform people that they are being investigated and to want to give them every opportunity to defend themselves.

There is another flaw in the investigation process itself. The Bill, quite correctly, states that the person being investigated may nominate somebody to represent him or her at the fitness to practise committee's hearings. The Bill should go one step further, however. Unless there is advice from the Attorney General that proves me wrong, such a person must be afforded an opportunity to see all the evidence, not just a summary. As currently framed, the Bill qualifies a person's access to the evidence but he or she must be able to see everything. A person should also have an opportunity to cross examine and test the evidence. It is not nice and it makes the process cumbersome but the tenets of natural justice are clear in this respect. A judge will look at this legislation and say: "There is a veterinary surgeon in good standing with a large practice. His career, reputation, family and place in the community is at stake in this investigation and, therefore, no stone should be left unturned to ensure justice."

It is not just that a practitioner would be entitled to have somebody representing him or her there but we also need to state in the Bill that a practitioner is entitled to ask questions and test the evidence. The legislation should make it clear, which currently it does not, that a practitioner would have access to all the evidence. Such a reference should be included.

Section 78(3) states:

The registered person to whom the inquiry relates shall be given notice, in writing, by the

Fitness to Practise Committee, sent to the address of that person as stated in the Register or the Register of Veterinary Nurses, as appropriate, of the nature of the evidence proposed to be considered at the inquiry and that person, any person representing him or her, or any person whom they wish to call to give evidence in relation to the matter on his or her behalf shall be given the opportunity of being present at the inquiry.

That subsection does not go far enough. I know why the Minister, the Department and the draftsman framed it as such. It sounds like a neat way of doing it and we would probably all find it attractive. However, the person must have access not just to the nature of the evidence, but to every scrap of it, on which his or her reputation will be determined.

Mary Coughlan: Is the Senator saying that the words "as appropriate" should be deleted?

Mr. O'Toole: The subsection refers to "the nature of the evidence", rather than the evidence. The person should be given the absolute evidence against him or her. The practitioner should not just be entitled to have somebody there representing him or her or be present at the inquiry, but should also be entitled to question the people giving evidence against him or her and to test the evidence. If not, the practitioner will go to the High Court afterwards and the case will be lost. The Attorney General should examine that point. I am talking about the tenets of natural justice with which I am familiar. In all such situations a High Court judge will ask what is the nature of the domestic hearing or system that was used. Was it fair, judicially sound and did it recognise and respond to the tenets of natural justice? If so, a judge would tend not to go against it. If not, however, the lawyers will say that this evidence was never tested. The Minister should consider that carefully.

I will go through the Bill in more detail on Committee Stage. It is crucially important that the legislation works. I support its objectives, which are first class and nobody should dare to object to them. We have a responsibility to ensure that we win the trust and confidence of the members of the veterinary profession. We must also ensure that whatever legislation we enact will stand up to any test. On five occasions this year we have had to amend legislation that was passed only in the past two years, although not from the Minister's Department. That is because the Bills were not tested at this point. The necessity for amendments arose because lawyers tested the legislation once enacted. The Minister knows what will happen. If I were a vet under investigation who stood to lose everything because I could no longer practise if the decision went against me, I would fight, scramble and use every possible way to defend myself. I would go to a lawyer in the first place. The first thing a lawyer will do is ask whether it complies with the

tenets of natural justice, whether it is a safe procedure, whether the person's reputation is being properly defended and represented, and whether the person under investigation is being given due process. The Bill as drafted does not expand on due process. This may be implied and perhaps it would be given. As a basic right they need access to all the evidence and should have an entitlement to question. While I accept this would make it like a court hearing, this is the way the world is and it is no fault of the Minister's.

The Bill is important. I appeal to the Minister to meet representatives of the veterinary profession to get their views on it. The offensive reference to Members of the Oireachtas needs to be removed. The Bill needs to be made safe from testing in the courts by lawyers to ensure it will work.

As I said at the beginning, the work of the veterinary profession is crucial to the health of future generations. The work of veterinary practitioners in fields, farmyards and surgeries is crucially important. They need every possible opportunity. The proposal to expand their educational opportunities is crucial. I notice the throwaway phrase about the mutual recognition of qualifications and I wish the Minister well in this regard. Her predecessors have failed to do this for 25 years. It would be great if it could happen. We often see newspaper reports of a vet in north County Dublin looking after seals or a vet in County Kildare treating a snake. They are involved in many ways and veterinary practice is a broad area, perhaps more extensive than human medicine.

Vets deserve our full support and the greatest recognition for the work they do. I ask the Minister to reach out to them and get their views to ensure that if they make reasonable suggestions we incorporate them as best we can. I wish the Minister well and I will be supporting the Bill.

Mr. Dardis: Curaim fáilte riomh an Aire. I join the general congratulations to the Minister on her appointment and I belatedly formally congratulate her. I wish her well in her onerous job. I had the opportunity to pay tribute here to her predecessor, Deputy Walsh, who guided Irish agriculture through some very difficult times. Apart from his work in Brussels, he deserves enormous credit for what he did to address the issues of foot and mouth disease and BSE. I do not wish that she should stay as long in the job as he did; I hope other alternatives beckon.

Mr. O'Toole: She would settle for two and a half years.

Mr. Coonan: The Taoiseach's job is next.

Mr. Dardis: I am sure she will do a very good job and she is well qualified for the post.

I pick up on the point with which Senator O'Toole concluded regarding the very significant jobs vets are called to do in our society, which

they have done very well for a long period. The practice of veterinary medicine has changed dramatically in recent years and not just since I started farming some 30 years ago. Many vets have moved from practices catering for large animals to also treating small animals. They play a crucial role in food safety. Some 30 years ago in Kildare where I live, the norm was for the vet to be on-call 24 hours a day for large animals. That has now changed dramatically and many of them are located in towns with very good facilities to look after pets and small animals. They also cater for the bloodstock industry at the Curragh and do a fine job for the greyhound racing industry.

We have had a clear need for the Bill for some time. While it is a long Bill, as the Minister said, it is quite straightforward in its intent and in the regulations and structures it imposes on the profession. While high professional standards are important in any profession, in the past we have had a tendency to be very exclusive. In other words, unless one had the designated qualification from the desired university one was not regarded as competent to do the job, which is not the case any more. In any event it is addressed in the Bill. Under EU law regarding the movement of capital goods and services, we must allow others to come and practice here, which is good.

We need an input from outside. If the profession is closed, over time abuses and lethargy creep in, which are not in the interests of the profession or of its clients. I know provision is made for people coming from third countries, with which I agree. Senator O'Toole is correct in saying this is a fraught issue, with which the Minister will have difficulties. Nevertheless it is important to try to go in that direction. It should be open for people who are properly qualified to come and work. There should also be opportunities for people who are less well qualified, such as veterinary nurses, to participate in the profession. They should have the protection the profession affords and the disciplines it requires.

Technology has also changed dramatically, which has placed an increasing burden on the profession. I agree with the Minister's views on the composition of the board. It is obviously desirable to avoid having a large board, which would become unwieldy and cumbersome. I accept that a board of 17 members is large.

I agree with Senator O'Toole on the issue of disqualification. I do not believe local authority members should be disqualified. I can see a justification for disqualifying Oireachtas Members, not because of a conflict of interest but because their exclusive focus should be here. In the past, I succeeded in amending Bills to allow local authority members become members of State boards. Some local authority members are very well qualified, including some very capable vets who would bring experience to bear, which would be useful to the board. Members of county councils and regional authorities should not be excluded from membership of the board. I ask the Minister to consider this matter.

[Mr. Dardis.]

We may have a difficulty fitting everybody into a 17-member board. I will argue for certain people as others have done. Consumers will be represented through the nominee of the Director of Consumer Affairs, which is correct. However, the farmer is a primary and very interested consumer. On all the food boards and most of the other boards under the auspices of the Department of Agriculture and Food, it has been standard practice to have farming representation. I believe we should find a vehicle to allow farming representation.

Senator Coonan mentioned the Animal and Plant Health Association, which is the body with primary responsibility for animal medication and remedies. Representatives of that association have an expertise that could be usefully employed on the board. These matters can be considered in more detail on Committee Stage.

Senator O'Toole made a point about consultation. It is the nature of such Bills that those who are primarily affected only become truly engaged when the Bill is published. It is difficult to get them to engage beforehand. I do not know the background in the case of the veterinary profession. However, I am sure its members will want to make an input on the Bill to the Minister. Some meaningful engagement with the profession should take place at this stage.

Some Ministers have a very good record of significantly amending Seanad Bills. In particular, I remember the Environmental Protection Agency Bill, which was very substantial legislation. It was amended considerably in the House. I do not suggest this Bill needs major amendment. However, this is the place to address any areas with gaps or confusion. Senators may have more time to make such amendments than would be the case in the other House and I commend that to the Minister.

Bearing in mind the size and composition of the council, the Minister is right in saying the profession should not have a majority because vested interests look after themselves, irrespective of the profession. If there is a majority of that profession at the council in a negligence case, it will give an edge that might not otherwise be given.

I am uncomfortable with the powers conferred on the Minister in section 14. We always say the current Minister would never be vindictive but under section 14 the Minister may confer on the council such additional functions connected with its functions for the time being as the Minister considers appropriate. That is different from the general policy direction provision contained in section 15.

The veterinary profession cannot be excluded from the raising of standards of corporate governance and members should not be able to continue on boards *ad infinitum*. There is nothing in the Bill to prevent a person from sitting on a board in perpetuity. The veterinary profession representatives are elected by ballot which confers a certain legitimacy, but it is unhealthy for individuals to sit on boards for 20 or more years. The rigours

of corporate governance that apply in business should apply to the professions.

The council is entitled to establish committees other than the education committee which is defined. However, the Bill is silent on the numbers and composition of these committees, allowing them wide powers. Such flexibility is appropriate.

The registrar is not a member of the council and can be excluded from meetings. He or she should attend meetings other than those where his or her employment conditions are being discussed. It is unreasonable to expect a chief executive not to attend board meetings. There is also a provision for members not being counted in the quorum in the event of a conflict of interest. What does this mean? Can a person who arrives late vote? Persons should not have a vote or should withdraw from the meeting if they have a conflict of interest.

The Minister can appoint one person to the board who is not eligible to be registered but who performs functions of animal welfare. Would that be a person from the animal rescue centre or the cats' home?

Section 29 excludes members of the local authorities from membership, bringing political correctness to an absurd level. Persons who might have professional qualities will be excluded by virtue of membership of a local authority. Such membership could be useful. People should not be discouraged from running for election.

There is a fee to be removed from the register or to have additional qualifications included. If someone gets a PhD, he or she should not have to pay a fee to have it included.

I agree with the Minister about the need for transparency in disciplinary procedures. The General Medical Council appeared before the All-Party Committee on the Constitution when it was considering the issue of abortion and it would not even discuss general areas, let alone individuals who might have been disciplined.

I assume the granting of titles has to do with specialisation. As the profession becomes more specialised, it will be possible to accommodate persons other than veterinary surgeons who are doing similar work.

If the registrar makes a determination and a person appeals, it is standard practice to go to the High Court but that sets the bar high. Could it be done through the Circuit Court instead?

It is important to include veterinary nurses because they are an essential part of the service being provided. When will the Minister establish the separate regulatory body for veterinary nurses provided for in section 99?

Mary Coughlan: The board will be established if it is necessary.

Mr. Dardis: Is it being considered?

Mary Coughlan: No.

Mr. Dardis: Under section 80, the penalty for non-payment of fees is disproportionate; it is almost the same as the penalty for being unfit to practice. I know they want the money but it does not seem fair.

I wonder about being able to issue a direction that a person should obtain specified medical treatment. The Minister mentioned human rights. A professional body would not have the legal competence to instruct someone to receive treatment.

It is reasonable that premises should be defined and that there should be standards in place that conform to certain criteria. Under section 107, however, a veterinary premises can be a farm. Does this create a loophole? A person could say a premises was a farm and practice without having to conform to the standards required in buildings not surrounded by land.

An authorised officer can only enter other premises with the consent of the occupier. This is provided for under section 127(1)(a)(ii). Under the Animal Remedies Act, where hormones were being used in cattle, the State conferred enormous powers of entry. There was much debate in the House about the human rights aspect of this in that one could enter a premises without a warrant. This was correct as it had a positive effect. It seems in this case, however, the power is delimited. Perhaps the Act covering the use of hormones could be used where necessary. When dealing with land which does not belong to a vet, one must get the permission of the occupier. This is an area which might bear examination.

I welcome this important Bill, parts of which we can examine on Committee Stage. Perhaps the Minister will examine some of the matters I have raised beforehand because it could save time and avoid the need for me to vote with the Opposition which I would hate to have to do. The profession has served us well, although there have been a few notable high profile exceptions, as is the case with every profession.

The areas of food safety and animal health have changed dramatically, as has the old image of the country vet who, like the country doctor, was available 24 hours a day and come out in the middle of the night for a difficult calving. There are still vets who will do this — fair play to them — but, like everybody else, the vet is entitled to a reasonable quality of life. This has led to the creation of group practices and so on.

It is important that the legislation in place is brought up to date and that the profession has defined guidelines within which it can operate. It is also important that it is self-regulating.

Mr. McCarthy: I welcome the Minister. Generally, this is good legislation which is both long and detailed. It is significant in what it aspires to do. On that note, I concur with previous speakers in regard to the level of consultation. I appreciate it is almost impossible to gain full approval for any legislation, particularly from the groups affected, but for the sake of this legislation and its passage

through the House, if there has not been reasonable consultation up to now, perhaps there should be before Committee Stage. We need the goodwill of everybody affected by the Bill.

Section 29 has been referred to by two or three previous speakers. I see no reason members of local authorities should not be considered for appointment to the council. Nobody should be disqualified because of his or her position. There is expertise available among the members of local authorities who could play a valuable role on the council which might benefit from their presence. Their involvement on boards has been mentioned in previous legislation. Obviously, it is the Minister's prerogative to appoint whoever he or she wishes. However, it is important we do not penalise individuals. There could have been a good intake of persons with particular expertise or knowledge following the June local elections but who cannot be considered for membership of the council. Similarly, members of the council who aspire to be members of local authorities cannot do so.

I wish to raise a number of points about the veterinary medicine course in UCD. There are approximately 80 places available per annum for which the number of points required is very high. I do not believe the points system is absolute in selecting the finest candidates. Looking at the entry requirements for the nursing profession in recent years, there is an argument that those with a good bedside manner do not come through the process used, namely, aptitude tests and the points system. Some 80% of entrants to the veterinary medicine course are female.

There is the significant issue of the traditional role of vets as it affects younger women entering the profession, particularly in regard to maternity leave and the fact that vets must contend with large animals. Until now the profession has been male dominated and involves work which I do not believe is appropriate for a young woman. For example, dealing with very large and cross animals is a daunting task. This issue must be examined in the context of the entry qualifications required and the candidates the profession seeks to attract.

There is a very high suicide rate among members of the profession. This is a sensitive topic into which I do not wish to enter too much, although there are data which support this statement. One needs to consider the reasons, including the pressure exerted on vets. Some graduates are working in excess of 78 hours per weeks, which is criminal. I know it depends on the practice involved, who employs them and their conditions of employment, but there is an issue relating to contracts of employment. It is not fair that persons who slog away for three or four years to get an excellent leaving certificate result, who work hard for the five years in which they are in veterinary college and who work just as hard for a number of years to establish themselves in their profession and earn a reputation that they are sufficiently experienced do not enjoy the fruits of

[Mr. McCarthy.]

their labour until they are in their 30s. I do not know what the magic solution is to that issue, but providing for an interview as part of the entry requirements for the course might be good.

When they leave college, some graduates do not have practical experience in a number of critical areas, for example, caesarean sections in cattle which I witnessed once. It is a huge task which requires much skill and expertise, yet graduates leave veterinary college without undertaking an internship and are expected to conduct such a major operation. If I owned an animal or was to undertake such a task, I would think there should be a procedure in place whereby graduates would undertake an internship for one year during which they could develop these skills and expertise in order that they would not have to perform such procedures on their own when they leave college. It is unreasonable to expect somebody to be able to perform a procedure requiring such detailed expertise when starting out in the profession.

Students who obtain the MVB here are automatically accredited with the MRCVS. If American students who graduate from UCD want to work in the United Kingdom, they must undergo a host of examinations and assessment. There should be uniformity and consistency. Such students should not be penalised because they are American or some other nationality. If Irish vets are good enough to obtain the MVB and be accredited with the MRCVS, they should be.

Licences for drugs is another highly contentious issue, of which I am sure the Minister is well aware. A meeting was held last night and attended by many interested parties. I was not present but all and sundry were told to get their uncles, aunts, neighbours, parents and so on to lobby politicians on the issue. The Department issues the licences in question.

Debate adjourned.

Matter raised under Standing Order 30.

Mr. B. Hayes: I thank the Leas-Chathaoirleach for selecting this matter and also the Leader of the House for coming in to listen to the point I wish to raise.

As the House is aware, the EU constitutional debate is now well and truly under way. A commitment has been given to hold a referendum in a large number of EU countries. The British have already indicated that at some point in the future this commitment will be honoured, as it will be in this country. There are more than 36,000 holders of British passports in this jurisdiction who are included in our electoral registers. While they can vote in local and European elections, they cannot vote in Dáil elections or constitutional referendums. I ask the Leader of the House to request the Government to grant this group the right to vote in the forthcoming EU constitutional referendum because their fellow nationals living in the

United Kingdom will be entitled to vote. Prime Minister Blair has already given a commitment that a referendum will be held. I do not believe we should exclude any group when it comes to endorsing the EU constitution which is not just a matter for each individual state within the European Union, but for all. If an EU member state wants to hold a referendum, all of its citizens should be entitled to have their say, regardless of which member state they live in.

Irish citizens who hold Irish passports and live in the United Kingdom are entitled to vote in all Westminster elections as well as referendums, although the tradition for the latter is not as strong within the United Kingdom as in Ireland. I ask the Government to consider this issue in advance of the EU constitutional referendum and debate. It would be an inclusive measure, extending to British passport holders who live and pay taxes in this State and are committed to it, the same rights enjoyed by Irish passport holders and nationals in the British jurisdiction. It is a matter of parity of esteem. No EU citizen who wants to participate in ratifying, or not as the case may be, the EU constitution should be excluded.

Ms O'Rourke: In accordance with the procedures laid down, I thank the Senator for raising this matter. I will relay what he said to the Minister of Foreign Affairs, Deputy Dermot Ahern, whose Department has responsibility in this area. It is a fair point as this is an EU-wide debate. Referendums will be held in all but four countries. The matter is worth raising.

Veterinary Practice Bill 2004: Second Stage (Resumed).

Question again proposed: "That the Bill be now read a Second Time."

Mr. McCarthy: I mentioned the issuing of licences for drugs, in respect of which enormous costs are involved in terms of manpower and expertise. However, the issue of co-operation as between the Republic of Ireland and the United Kingdom needs to be addressed. For example, some drugs are designed for occasional use only. This might mean that while a veterinarian in Newry could use a medicine, his or her counterpart in Dundalk could not because it has not gone through the same process. Significant expertise and resources have been used in the United Kingdom. This has been the criterion employed here for years in shaping and developing the profession. It should also be the model through which we measure uniformity and develop a direct link between the United Kingdom and the Republic of Ireland in the licensing of such drugs. It is a lengthy process that requires significant inputs. I am not suggesting that if something is good enough for the United Kingdom, it should be good enough for here. However, in practical terms, we should be able to apply the same stan-

dards. To a lesser degree, the broader principle applies to the issuing of the MRCVS.

One of the many provisions that I welcome in the Bill is the one that veterinary nurses are to be recognised for the first time. I appreciate there is now a three-year diploma course available in UCD. Vets are no different from GPs. They also need the assistance of professional nurses who bring a unique set of skills to the profession. Current working conditions might not be appreciated but there is a good level of remuneration. I hope this augurs well for the conditions of employment of veterinary nurses and the level of remuneration they will enjoy when they qualify and join practices. I hope veterinary nursing skills will be looked at in the same light as those of general health nurses.

I welcome the intention to broaden the membership of the VCI. I again stress that it is important no one is precluded because of their participation, chiefly, in the local authorities. It is appropriate that this matter is being raised in the House because local authorities represent the electoral college that elected some of us to the Seanad.

Mary Coughlan: The Senator has nothing to learn. He is right, too.

Mr. McCarthy: There are vested interests, but I believe there is a serious issue to be considered. The legislation is long and detailed and obviously I will be tabling amendments where I believe it needs improvement.

I welcome the thrust of the Bill and appreciate what it aspires to do. I know the former Minister for Agriculture and Food, Deputy Walsh, first proposed it in 2001. There was a press release from the Department at the time to this effect. Finally, it is on track.

I reiterate that there is a need for broad consultation on the legislation. It would be a pity if the Bill was to meet with needless opposition owing to the lack of consultation but I know the Minister will take account of this. I look forward to the debate on the remaining Stages.

Dr. Mansergh: I welcome the Minister and the Bill. As regards that last point made by Senator McCarthy, I have the impression, which perhaps the Minister will deal with, that the Bill is based on substantial consultation, as it would have to be. That is not to say, however, that every particular detail is necessarily agreed. However, I got the impression from the Minister and the tenor of the Bill that it is based on much discussion with the veterinary profession during the year. I am not aware that there was much opposition to it from any quarter.

A point I would like to emphasise is the sheer importance of the veterinary profession. Farming in all its facets would not be possible without access to vets. The veterinary practice is one of its most important adjuncts. However, there is another side to the importance of the veterinary

profession which was brought home to me about ten years ago or more when I was brought in by the then Taoiseach, Deputy Haughey, to meet some Libyan vets.

The question of whether the live export trade to Libya was going to be reopened appeared to hinge, at least on the face of it, on a veterinary judgment in Libya. I forget what the precise veterinary problem was at the time, but we have had a few since — BSE, foot and mouth disease and so on. The question of exports and the livelihoods of farmers hinges on veterinary advice and the view of the state of animal health in particular countries. It is probably true that sometimes exports to particular countries are cut off on flimsy grounds. I dare say a certain amount of protectionism takes place for which veterinary reasons are provided as the excuse. As we know, the 100 years war between England and France has probably been going on for many hundreds of years. It happens in this field as well as others. What is underlined is the vital importance to the livelihoods and prosperity of people across the entire agricultural industry of a veterinary profession which is soundly regulated to the highest standards. It is a point worth stressing.

I took particular note of the definition of “veterinary medicine” in the Bill which seems to be a very accurate description from my experience of the veterinary profession. There are a couple of points to make, one of which was partly alluded to by Senator McCarthy. We now have women farmers and are privileged to have a woman as Minister for Agriculture and Food. As we have heard, we will have many female veterinarians. There is no point in disguising the fact that a certain amount of prejudice continues to be encountered among farmers *vis-à-vis* the idea of women veterinarians. Modern equipment and utensils make false the assumption that one requires brute force to practice as a veterinarian. Indeed, the assumption that many young males possess brute strength is also false.

This is a changing aspect of the profession and cultural changes are taking place in tandem. Perhaps the Minister will give a leg up during her term of office to the women veterinarians on whom we will inevitably have to rely much more in the future to aid their wider acceptance. Among their functions will be night visits, to which another speaker referred. I cannot speak for other counties, but during the calving season in Tipperary veterinarians are out at all hours of the day and night. I appreciated Senator Coonan’s observation that there are no waiting lists for animals. It is a tribute to the profession that one can obtain prompt service the vast majority of the time provided one does not abuse the facilities and goodwill of veterinarians.

Prohibited substances do not seem to be covered by the Bill. While the subject of prohibited substances has recently arisen in the context of the Olympic success of one of our competitors, it can be an issue in a wide variety of

[Dr. Mansergh.]

circumstances. I ask the Minister to reassure me that stringent regulations on the administration and supply of such substances under veterinary supervision is contained in other legislation. I welcome the Bill.

Mr. Quinn: I welcome the Minister and the Bill to the House. I was reminded of the importance of veterinary practice when the Minister said it was not simply a question of animal care, but also one of food safety. I met an American some time back who planned to come to Ireland on business but expressed fear about eating beef while here. I asked him what he meant, to discover he was thinking of BSE and its human form. It is not just the beef industry but tourism and the other aspects of our economy which depend on confidence in food safety.

In 1989, my company began to hear from customers, mainly from Dublin, who were worried about what they were eating. The source of their worry was advertising on radio for the products of pharmaceutical companies which were calling on farmers to inject them into animals to protect them from various diseases. Customers were concerned about what was happening to our beef. One does not hear such advertisements now though I am sure they exist in some form or other. The work of protecting the nation in this context has been carried out by professionals in veterinary practice. Given the importance of animals to our economy and the technological changes which have taken place in the last 70 years, it is almost incredible that we continue to regulate the veterinary profession on the basis of legislation which dates from 1931. Since then, a need has arisen to provide a legal basis for the recognition of veterinary specialists and veterinary nursing qualifications.

Changes in EU law make it easier to move animals internationally. Inevitably, this leads to the importation of new diseases which were previously considered exotic. I was amazed recently to disembark from a plane which had come from Ireland to the United States of America and see a dog being taken off which had travelled with a passenger. I expressed my surprise that she could bring a dog into the United States of America from Ireland and she told me it was not a problem. She had taken the dog to Ireland three years previously but had to keep it in quarantine for six months. I realised the extent to which animal travel was taking place. With the advent in Europe of passports for pets, we require the professional skills of veterinarians to a greater extent.

The standard of animal care must continue to be as high as we can make it if we are to identify and treat new problems. When we have asked customers in our business what influenced them in the food they eat, they have always said taste and food safety. Recently, customers have begun

to point to animal care, especially with regard to eggs, but also beef and pork. In this regard, BSE comes to mind first. It is largely due to our veterinary controls that we managed to maintain our beef markets in the European Union. We were alone among those countries with BSE to achieve such a success. Our successful containment of the foot and mouth disease outbreak three years ago was largely due to the efficiency of our veterinary controls and the diligence of our State and private veterinarians. As a nation, we owe a great deal to our veterinary professionals who have served us well.

Individual animal owners, whether farmers or pet owners, have a right to expect members of the veterinary profession to be well educated, up to date and capable of providing the best care to animals placed with them. Until now, responsibility for professional standards has been in the hands of the Irish Veterinary Council, which has done an excellent job. One change proposed in the Bill involves the membership profile of the new council. Whereas the membership of the existing council consists entirely of veterinarians, the Bill recognises the modern realisation that the regulation of any profession is too important to be left entirely in the hands of the professionals themselves. It is right to provide for a lay or non-professional component in this council as one would in any other. Lay people bring a sense of independence to the deliberations of a council. They come without baggage and the bonds that can result from professional associations or friendships. As a result, regulation by a council that includes lay people is likely to be welcome to the public, who can have greater confidence in it. That does not apply to only one profession. I wonder whether the Minister has not gone too far in this direction and over-egged the pudding as a result. I am not a great cook but that was the problem I had when I tried to make pudding some years ago. As I understand the Bill, the membership of the council would consist of a majority of people who are not veterinary practitioners. The total membership is to number 17, of whom only eight will be practising veterinary practitioners, including the chief veterinary officer who will be nominated by the Minister.

Contacts I have had with some veterinary practitioners in recent days suggest to me that many members of the profession are disturbed by the idea of being regulated by a council on which their peers will be in a minority. To put non-professionals in a majority on a council that is ostensibly meant to be a profession's self-regulating body appears to be a contradiction in terms. It results from a misunderstanding of the role that lay members should play in a such a situation. They are there to provide the balance of an outside view. To leaven the lump, as it were, but surely not to become the lump itself.

I remember a few years back proposals were put forward to regulate the Judiciary, proposals that so far, to the best of my knowledge, have come to nothing. One of the elements of those proposals that received much praise, and was considered even to be revolutionary in some circles, was the idea of including a lay element in the overseeing bodies. There was no suggestion that those lay members would be in the majority, and if there had been such a suggestion, I am sure the Judiciary and the entire legal profession would have erupted in revolt.

I urge the Minister, therefore, before Committee Stage to consider altering the balance of the membership of the proposed new council. I am not arguing for a wholesale reduction in the number of lay members — but just enough to leave the professional veterinary practitioners in a majority in their own council. That would involve increasing the number of elected veterinary practitioners by two and reducing the number of lay members by two. It is a retrograde step to provide for completely changing the membership all at one time. Members will be aware that in the American Senate every six years one third of the members are changed and, therefore, there is not a total change. On the present council there is a system whereby only half the members are replaced at the one time. That guarantees an element of continuity from council to council. As a principle, I thought it had been accepted as a good practice. The recent ArtsAct, for instance, provides for the replacement of members of the Arts Council in stages rather than all at the one time and this was generally hailed as a useful step forward.

Moving to another aspect of the Bill, the role of veterinary nurse requires clarification in terms of what procedures they may carry out, and the degree of veterinary supervision required. In the Bill, it would appear that a veterinary nurse would be able to initiate the taking of X-rays and administer medication, including anaesthetics, without prior examination by a veterinarian, and without veterinary supervision. That kind of procedure impacts profoundly on animal health and in some cases on human health. I would question whether they should be performed without direction based on veterinary diagnosis.

Another ambiguous provision appears to allow the Minister to enable non-veterinary practitioners, or nurses, to carry out procedures defined as acts of veterinary medicine, including an undefined means of administering euthanasia. This area should be clarified now, rather than wait for a crisis in public confidence to develop in time. In the long term the public will not be best served by people who over estimate their expertise, no matter how well intentioned.

Apart from details such as this, the Bill is a welcome and overdue step forward, and I am happy to support it on Second Stage. I hope the

Minister will give thought to some of the points I have raised before Committee Stage.

Mr. P. Burke: I welcome the Minister to the House and wish her well with the Bill. At this stage it is still not too late to have consultation with various groups as it appears some groups have not been consulted. The farming organisations have a major role to play as they are the main users of veterinary practices. Also the Irish Veterinary Union is disappointed there has been no consultation with it.

On the issue of the make-up of the board, why is it that members of local authorities have been excluded? It is ridiculous that a veterinary member of a local authority would be precluded from being a member of the board. As Senator Dardis and others have pointed out this would be a person with vast experience whom one would wish to have on a board. There could be the farcical situation whereby a veterinary person working for a local authority could be a member of the board while a veterinary person who is a member of a local authority would be precluded from being a member of the board.

In regard to setting of fees for the registration of members, is it up to the board to set the registration fee, and, if so, will the same fee be charged across the board whether one is the owner of a large practice or an employee?

TB testing and blood testing is contracted out to veterinary surgeons who have a temporary contract with the Department. Will they pay the same fee as the owner of a large practice or an employee, or, will there be different rates for different categories of veterinary surgeons?

The Bill should specifically state that members of the farming organisations should have representation on the board. While they may not be precluded under the provisions of the Bill as drafted they may not be represented. The large farming organisations should be specifically named in the Bill, whether the Irish Farmers' Association or the Irish Creamery Milk Suppliers Association or whoever, and should have specific representation on the board as they have a huge role to play in farming practices, beef, milk and lamb production and so on. It is only right that the farming organisations — and the veterinary profession — should be one of the first groups to be represented on the board as they represent thousands of farm families and have a direct interest. I support my colleague Senator Coonan who said the farming organisations should be represented on the board.

Minister for Agriculture and Food (Mary Coughlan): I thank Senators for their participation in the debate and I note the general support for the legislation. Contrary to what people think, there was consultation, some of which was informal. I met the council late on Tuesday night.

[Mary Coughlan.]

This Bill has been in gestation for ten years. It has been with the Attorney General for three years and we spoke and thought about it for a considerable number of years prior to that. It is often the case that only when a Bill comes to the floor of the House, organisations begin to see what is in it. That is when they make representations to Oireachtas Members. I assume some of the issues raised by Senators have come from such organisations because they are exactly those which have already been brought to my attention. I have no problem with that process. If further consultation must be engaged in, we will do so. However, I want to carry it out in a structured manner so that ten years do not pass before the legislation is completed.

There is some cross-over in the Senators' comments about the make-up of the council and the number of veterinary practitioners represented. Senator Paddy Burke is correct that farmers can be involved with the council, however, I will not put a member of each farming organisation on the new veterinary council. The Bill provides for an exception whereby two persons who are not eligible to be registered but one at least of whom avails of veterinary services in the course of business, trade or his or her profession, may become members. This covers farming but I take on board the Senator's views. However, I do not want to be specific in suggesting that the representatives should be from the ICMSA, ICOS or the IFA because I must be fair to them all. Nevertheless, as the Senator pointed out, they are recipients of veterinary practice and are equally entitled to be involved as the Food Safety Authority, as referred to by Senator Quinn.

Senators have re-enforced the fact that a tremendous veterinary profession exists in Ireland and there is recognition of veterinary nurses. The supervision of veterinary practice has been raised as has the issue of emergency attention about which one must be practical. For example, as a former Minister with responsibility for the islands, I am aware that it is not possible to get a vet to an island in the middle of the night. The issue of the fitness to practise and education committees has been raised in which respect I acknowledge Senator O'Toole's experience and will take his views into consideration.

The diagnostic aspect of veterinary medicine will not change in that the only person who can make a diagnosis and prescribe treatment is a registered veterinary practitioner. However, the interpretation of the legislation may include veterinary nurses and their practice, an issue which I will examine further. Given the concerns raised by Senators and because I want to review the issues, I respectfully request that we put back Committee Stage of the Bill for some time in order to perhaps reconfigure some aspects to ensure it is as effective as possible.

The organisation is self-financing and it sets its own fees but I acknowledge Senators' points about additional qualifications about which we can perhaps have further discussions with it. I do not want to be seen to be issuing diktats to a self-financing regulatory organisation because it would be beyond my competence to interfere. However, given that we propose to change the ethos of the council, the issues raised in regard to accountability and so on are very important. Some very constructive points have been raised, many of which concur with mine, and the issues are not insurmountable. Therefore, it is important to have more time to reflect upon them. In reply to a Senator's specific question, there is a two-term limit to a person's entitlement to remain on the council.

I reflected upon Senator O'Toole's question as to why Oireachtas Members were not allowed to sit on these boards and I acknowledge that, when I was a backbencher, I wholeheartedly agreed with him. The Leader of the House also had problems with the VEC Bill when this same issue was debated *ad infinitum*. The electorate, represented by the House, will examine the council. Other Senators mentioned that there had been some changes in this regard to other Bills, an issue which I wish to examine further.

Thank goodness people wish to participate on the veterinary council because one will often receive no credit, less thanks and much bother for being a member of such an organisation and it is often not worth it. I appreciate that Senators have read the Bill and, like me, have had an opportunity to consult with the representative organisations. I would like to reflect further on these issues, some of which are legal questions about which I will have to take further advice from the Attorney General. On that basis, we may have to review some of the issues raised by Senators and I may contemplate introducing amendments.

I thank the Seanad for affording me the opportunity of getting a first taste of what people want from the Bill and for Senators' sincere comments. I hope we will have an excellent Bill when we conclude Committee, Report and Final Stages.

Question put and agreed to.

An Cathaoirleach: When is it proposed to take Committee Stage?

Ms O'Rourke: Not before next Tuesday, 9 November 2004.

Committee Stage ordered for Tuesday, 9 November 2004.

An Cathaoirleach: When is it proposed to sit again?

Ms O'Rourke: At 2.30 p.m. on Tuesday, 9 November 2004.

Adjournment Matters.

Community Development.

Mr. Moylan: I welcome the Minister to the House and wish him well in his Department. A number of people have expressed their concern to me about the expansion of the West Offaly Integrated Development Partnership's area of operation as part of the LDSIP, to include Birr and south Offaly. The West Offaly Integrated Development Partnership became operational in 1996 as one of the three local development operations in Offaly, the others being Tullamore Wider Options and the Offaly and Kildare Partnership or OAK.

As the name suggests, the area of operation under the local development was to the west of the county while OAK primarily served the northern part of the county and Tullamore Wider Options became operational within the town of Tullamore. Sections of the county, most notably Meath-Offaly and south Offaly, were not covered by the local development programme.

Offaly is divided into four electoral areas. The area about which I am concerned is south-west Offaly. In 2000, ADM, with the sanction of the Department of Tourism, Sport and Recreation, agreed to the extension of the partnership's boundaries to encompass the remainder of the Ferbane electoral area. This meant an increase in the size of the area from 22 DEDs to 29, and an increase in the population base from approximately 10,500 to almost 14,000, based on 1996 statistics. The inclusion of the remainder of the Birr electoral area was not approved at that time as ADM's view was that the extension to cover the complete Birr electoral area would need detailed consultation and have further financial implications.

In 2001, an informal multi-agency group began working in partnership to identify options for addressing the lack of local development infrastructure in the south Offaly area. With funding secured from FÁS, this group has succeeded in putting in place a one-year pre-development initiative in the Birr area of south Offaly. The once-off funding from FÁS has enabled the appointment of a full-time development worker whose brief entails community needs analysis and strategic planning. As such, the detailed consultation referred to as a pre-requisite of further boundary extension can be regarded as under way.

My proposals set out a case for the inclusion of the remaining 83% of the Birr electoral area as part of the local development social inclusion programme, which inclusion would involve an extension to the boundaries of the development partnership's area of operation.

The people who will benefit most from the extension and those who benefited most from the west Offaly development include lone parents, long-term unemployed, disadvantaged women, people with low levels of educational attainment, families living in local authority housing or housing provided through other public housing schemes, people living in isolated rural areas, rural smallholders, disadvantaged children and young people, older people, early school leavers, Travellers and disabled people. The work being done by West Offaly Integrated Development Partnership with rural smallholders has been outstanding. Quite a number of small farmers have said to me that they would have sold out were it not for this work.

I thank the Cathaoirleach for affording me the opportunity to raise this matter on the Adjournment and I look forward to a favourable reply from the Minister.

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): I thank Senator Moylan for raising this matter which touched upon a number of issues that we need to resolve. First, partnerships do not cover the whole territory. In rural areas in particular, disadvantage is not concentrated in spatial units. It tends to be dispersed across the board. Nobody could argue that south Offaly, to which Senator Moylan referred, is less disadvantaged than the rest of the county. One could argue that it is at least equally disadvantaged, if not more so.

The second issue is that we need to recognise that the funding was not exactly increasing in the past few years. There is no point in widening the area for which funding can be provided if one cannot finance it. However, we know many of the relevant groups have sought to expand their areas and I have great sympathy for this approach. There is much that they could do to help their own case.

This year, we asked the county development boards to bring together all the agencies in their counties to see how we could establish better synergies and thereby provide cover for areas that, until now, did not have the services of a partnership, for example. Offaly has the OAK partnership, Leader companies and the west Offaly local development social inclusion programme.

Ideally, I would like to see a county partnership or Leader company with its offices in the different regions of the county, but with only one centre of bureaucracy engaged in accounting and with all the focus on providing the services on the ground. That is a development that must come from the ground up. I will certainly not lay down the law to any group because I want to try to get groups to ascertain the best way to provide an integrated, comprehensive, one-stop shop service to all the people of the county.

[Éamon Ó Cuív.]

If I included south Offaly, there would still be an area around Tullamore that would not be covered by a partnership. As sure as I am standing here, those concerned would say to me, quite legitimately, that there are disadvantaged people in the area. Therefore, I would rather develop, on a county-by-county basis, a comprehensive structure that would cover the whole of each county. We should examine the existing resources to create the efficient synergies so we can give more effect over a wider area right across County Offaly.

If many bodies are operating on the ground, people get confused, although we might believe we all know what they are doing. I agree with the Senator's sentiments but obviously I must make all my decisions with two considerations in mind, the first of which concerns money. This will always be a consideration. No matter how much money one has, one can always find more ways to spend it, as even the richest person can prove. The second consideration pertains to the creation of rational structures that are friendly to the people on the ground and which would cover the whole of County Offaly. It would be fair to say that there are probably no great differences in the mix of the people of any two rural areas in the county.

I thank the Senator for raising this issue which I will consider very seriously over the coming months, subject to finance being available and the willingness of the various players on the ground to co-operate in creating the synergies needed to bring about the radical change to which the Senator referred.

Grant Payments.

Mr. B. Hayes: I welcome the Minister to the House. The matter I am raising pertains to the Department of Education and Science. It is rare that I raise a specific constituent's query as a single matter on the Adjournment but I do so today to highlight an anomaly that exists in the third level maintenance grant structure. It involves a 28 year old lone parent from my constituency who, some years ago, managed to get support from South Dublin County Council to build an extension to her parents' house in which she and her two children could live. Prior to that, she had been on the waiting list for a council house. Public money was used to fund the extension.

When this very brave woman resat her leaving certificate, she decided to go to college and obtained a place in a university in Dublin. She applied for a maintenance grant and was informed that, because she was living a dwelling of the kind in question, all of the income in that house would determine whether she was entitled to such a grant. She was living in an extension, which was an entirely separate unit within the

house. Had she obtained a council house or a corporation house, it would have cost the State substantially more to house her and she would have been automatically entitled to a maintenance grant as a single mother in that circumstance.

The woman was trying to do the best for her children and family and trying to educate herself and afford to herself a certain opportunity. The State is standing in the way of her getting an important grant that would make all the difference because it will not recognise that this single mother is living in an entirely separate dwelling to that of her parents' house, although it is an extension thereof. She pays separate telephone bills and pays rent to the local authority. I appeal to the Department of Education and Science to re-examine the case and amend the rules on third level grants in order that we can help those who need help. As a result of the bureaucratic mess and mindset, the person in question is being excluded. If she lived ten doors away in a council house, she would get everything, but because she built an extension with public funds and pays rent to the local authority, she gets nothing. That is appalling. This issue must be addressed.

Éamon Ó Cuív: While I have sympathy for the Senator, equally, I hope he has sympathy for us in the problems we face in drawing up rules. Those of us who draw up rules think we have come up with a fair, compassionate and equitable system. However, perhaps three weeks later, when a case crops up that no one dreamed of, all one can do is scratch one's head and say it was not what was intended. The problem is we have become a rule bound society. We have to meet demands all the time for which we must have clear and written criteria. One of the problems in getting rid of flexibility is that one becomes more rule bound. While I have sympathy for the Senator in the case he is raising, I hope he has sympathy for us in the rules created because of the demands of various Opposition parties.

Financial assistance is available to eligible students under the higher education grants scheme which is administered by the local authorities under the aegis of the Department of Education and Science. The position is that, generally, students entering approved courses for the first time are eligible for grants, including maintenance and tuition fees, where they satisfy the relevant conditions as to age, residence, means, nationality and previous academic attainment.

The higher education grants scheme operates under the Local Authorities (Higher Education Grants) Acts 1968 to 1992 which define a mature student to mean a person of not less than 23 years of age, or such other age as may stand specified for the time being in regulations made by the Minister with the consent of the Minister for Finance, who has secured a place in an approved institution and has reached that age on 1 January,

or such other date as may be prescribed from time to time by the Minister with the consent of the Minister of Finance in the year of entry to such institution.

Mature students are categorised as either independent mature students or mature students dependent on parents. An independent mature student is defined to mean a mature student who was not ordinarily resident at home with his or her parents from the October preceding his or her entry to an approved course. Independent mature students are assessed without reference to either their parents' income or address.

When assessing the means of students other than independent mature students, the Acts specify that the students' means and those of their parents or guardians must be below a prescribed limit. This provision requires parental income be taken into account, irrespective of the individual circumstances in any case where the student is not an independent mature student. The Department of Education and Science has received additional information in the case in question from the relevant local authority. Given the complexity of the case, further consideration is being given to the appeal. When the Department has completed its review of the case, it will be in a position to determine whether the candidate may be assessed as an independent mature candidate for the purpose of her grant application under the terms of the higher education grants scheme.

Apart from the funding provided through the student support maintenance grant schemes, financial assistance is also available from the Department through the student assistance fund, the objective of which is to assist students — this brings us back to the need for flexibility — in a sensitive and compassionate manner who, due to their financial circumstances, might otherwise be unable to continue their third level studies. Further information on this fund is available from the student access officer at the relevant college.

I thank the Senator for raising this issue in the House.

Hospital Services.

Mr. McCarthy: I thank the Cathaoirleach for allowing me to raise this issue on the Adjournment. I welcome the Minister, Deputy Ó Cuív, and congratulate him on his reappointment.

I raise the issue of the proposed 14-bed extension to Schull Community Hospital. The hospital was opened in 1942 and serves the people of Schull, Ballydehob and Goleen. It has 21 beds for providing continuing care, including respite care, convalescent rehabilitation and terminal care services for the elderly. It provides care for the young chronically sick in the area. Physiotherapy, chiropody and hairdressing services are available to inpatients. Schull Health Centre is located in the hospital grounds and provides a dental clinic,

GP services, community welfare officer services, public health nurse services and a psychiatric clinic.

Plans for the 14-bed extension have been known for some time. A draft design brief for the proposed development was recently prepared by a project team and submitted to the Department in conjunction with the Southern Health Board. This community hospital serves a densely populated area. It covers a large geographical area for which it provides an invaluable service. The current services available are being used to the optimum. Therefore, the 14-bed extension is crucial.

I do not intend to lecture the Minister on the benefits of the service. Coming from a rural constituency, he is well aware of the benefits of a community hospital. In the current economic climate significant funds are available to Departments. I appeal to the Minister's good nature to examine this case on its merits and the service the hospital provides. In the overall budgetary context, the amount needed would not be huge. I appeal to the Minister to look very favourably on this request.

Éamon Ó Cuív: I thank the Senator for his good wishes and for raising this matter. He is correct that one project might be insignificant but this always reminds me of the problem associated with the school transport system. It might appear easy for the State to extend the service for a child living 0.1 of a mile too near the school to qualify for school transport. The problem is that if the State provides transport for one child in this situation, it will have to multiply the figure by the number of children in the same position throughout the country. That is where the issue of cost comes in. One must always keep in mind the multiplier effect. That is the nub of the matter.

The Government has made services for older people a priority and is fully committed to the development of a comprehensive health service which is capable of responding quickly, fully and effectively to the health service needs of older people for whom a significant amount has been done for in hospitals and the community. The level of funding, both capital and revenue, in respect of services for older people has been increased. For example, in excess of €280 million in additional revenue funding has been allocated to such services from 1997 to date. This indicates we are putting money into the services, but more is required. Significant capital funding for the health sector has been provided. Total expenditure in the years 2000-03 was approximately €1.7 billion. It is recognised that historical deficits are being addressed.

The national development plan is providing considerable capital funding for services for older people. On a national basis, this will enable comprehensive infrastructure of community nursing units and day care facilities to be put in place, as

[Éamon Ó Cuív.]

well as the refurbishment of existing extended care facilities and the replacement of old workhouse-type accommodation — always a sore point with rural people. If they could avoid it, people from Connemara would not send their older relatives to an excellent home in Loughrea because at one time it was the workhouse. Older people deserve first class facilities which we intend to provide at appropriate locations.

As the Deputy is aware, the provision of health services in Cork is a matter for the Southern Health Board. A project team established by the board developed and prepared a draft design brief and submitted it to the Department of Health and Children. The proposal to provide an extension to the community hospital in Schull can only be considered by the Department, in conjunction with the Southern Health Board, in the

context of prioritising new capital commitments under the health capital investment framework 2004-08. This will have to take account of the funding resources, both capital and non-capital, required for the project, in line with the overall resources available to the Department. In the period since the draft brief was submitted, various other capital priorities have been progressed for the board, including the community hospital at Bandon. In the circumstances, it is not yet possible to give a time scale for completion of this proposed development. The Department fully appreciates the need for improved infrastructural works at the hospital and will continue to liaise closely with the Southern Health Board on the matter.

The Seanad adjourned at 1.55 p.m. until 2.30 p.m. on Tuesday, 9 November 2004.