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SEANAD ÉIREANN

Déardaoín, 3 Bealtaine 2012.
Thursday, 3 May 2012.

Chuaigh an Cathaoirleach i gceannas ar 10.30 a.m.

Machnamh agus Paidir.

Reflection and Prayer.

Business of Seanad

An Cathaoirleach: I have received notice from Senator Mary Ann O'Brien that, on the motion for the Adjournment of the House today, she proposes to raise the following matter:

The need for the Minister for Social Protection to outline the reasons for the lengthy delays being experienced in the processing of domiciliary care allowance and to explain why the families of Jack & Jill Children's Foundation babies are required to complete renewal forms given the fact that their children's medical condition will not improve.

I regard the matter raised by the Senator as suitable for discussion on the Adjournment and it will be taken at the conclusion of business.

Order of Business

Senator Maurice Cummins: The Order of Business is No. 1, Animal Health and Welfare Bill 2012, Order for Second Stage and Second Stage, to be taken on the conclusion of the Order of Business and to conclude no later than 1.45 p.m., with the contributions of group spokespersons not to exceed ten minutes and those of all other Senators not to exceed six minutes, and with the Minister to be called on to reply no later than 1.35 p.m.

Senator Paschal Mooney: The unemployment crisis is ongoing despite the efforts of the Government to present a scenario whereby it stimulates the jobs market and is effective in creating new jobs. While I fully accept the foreign direct investment dimension is very healthy looking with many announcements in recent months and a number of others in the pipeline — we have announcements on a weekly basis which is exceptionally welcome — the reality is that the unemployment rate remains stubbornly high and has not changed from month to month. However, it has changed on a year to year basis and since the Government took over it has increased. What is of most concern is that the number of long-term unemployed, those on the live register for more than a year, has increased by 15,000 people on a month to month basis. These are the statistics which remain stubbornly high. In this context it is incumbent on the Minister for Jobs, Enterprise and Innovation, Deputy Bruton, to attend the House on a more regular basis. I appreciate he has been here and I know the Leader does his best to ensure Ministers attend the House, but I believe this is the most important issue facing people. In the context of the fiscal treaty it is also important that the Government continues to send out a message of hope and confidence to people, particularly those who are unemployed.

[Senator Paschal Mooney.]

I would like to link this to the revelation made in the past 24 hours by the Minister for Communications, Energy and Natural Resources, Deputy Pat Rabbitte, that it is unlikely high-speed broadband will be distributed to rural parts of Ireland by 2015 because of the cost. What is revealing in the figures mentioned in the report yesterday is that 22,000 companies do not have Internet access. I find it astonishing in the modern era, when Ireland presents itself at the cutting edge of technology, that 22,000 companies have no Internet access. I am concerned the Government will take its eye off the ball in terms of examining these parts of the country which will now not only be at a disadvantage with regard to other parts of the country but because we are an export-led country they will suffer from international competition. Broadband is now as important as rural electrification was. This is its relevance. Admittedly it is the responsibility of a different Department but it is allied to the question of creating more jobs and confidence and in the context of the jobs initiative the Government continues to roll out, I call on the relevant Minister to come to the House.

Today is Alzheimer's day and I commend those who established an Alzheimer's tea day in the House. I commend to Members on all sides of the House that they contribute in their own way. It is significant that in today's newspapers another significant breakthrough has been announced by a University in the United States and I am sure the Leader will join me in encouraging everybody to acknowledge how serious this condition is. We should continue to highlight it.

Senator Ivana Bacik: I echo Senator Mooney's words of praise for those who organised the Alzheimer's day coffee morning. I thank Senator O'Keeffe and others on the cross-party mental health working group in the Oireachtas.

Senator David Norris: And Deputy O'Sullivan.

Senator Ivana Bacik: I agree more must be done in this regard. During the previous session of the Seanad, the Alzheimer Society of Ireland was one group that made oral submissions to the Seanad Public Consultation Committee on the rights of older people. However, the Seanad can seek to do more on this in the future.

On jobs, I welcome the announcement of the creation of 250 jobs in Dublin and Galway by SAP firm. This follows on from a series of job announcements, arising mainly from foreign direct investment, which is a sign of continued confidence in the Irish economy despite the great difficulties through which we are going and all Members will welcome that. In the same light, I welcome the resolution of the Vita Cortex dispute and pay tribute to the workers there, who have been trying to achieve resolution in this regard for such a long time.

Finally, the Seanad has held various debates on child sex abuse and institutional abuse, particularly within Catholic Church-run institutions. In this vein, Members might usefully have a further debate on what the State should be doing to ensure this does not happen again. There has been a great deal of focus in the last couple of days on Cardinal Brady's personal responsibility and on what he should do personally. While that debate is going on, Members also should consider, in light of the BBC revelations, what the State can do to prevent this from happening again. I am delighted to note that next week, the Second Stage debate on the Criminal Justice (Withholding of Information on Offences Against Children and Vulnerable Persons) Bill 2012 will take place in the Seanad. The Bill is part of the package of Government measures to try to guard against this terrible evil of child sex abuse and to ensure that children are much better protected in our legal system in the future.

Senator Sean D. Barrett: I raise the issue of the Revised Estimate for the Office of the Attorney General, about which Members have received papers in the recent past. Its budget will increase by 12%, with increases of 11% and 9% on administration and pay, respectively, as well as provision for 5% more employees. I speak in the context of the difficulties being experienced by all offices at present and the worrying point concerns the comprehensive spending review on that office. The output statements state the office will endeavour to deliver in 2012 a level of output and quality of service similar to that in 2011. It also undertakes that the office will maintain the panels of counsel from which it will brief counsel on behalf of the State to provide advice and litigation services, as well as maintaining and updating of the electronic Irish Statute Book. There also are two references to the office's role in the IMF agreement but that agreement states legal costs in Ireland are excessive and are part of the sheltered service sector.

Senator David Norris: Hear, hear.

Senator Sean D. Barrett: Moreover, the Minister for Justice and Equality, Deputy Shatter, is working to reduce such costs. I also note material is available that in the last review, the office created 13% fewer files and 53% fewer amendments, while Bills had 60% fewer sections. However, in the context of the comprehensive public expenditure review, the attempts to get value for money and the advice from the IMF that Irish legal costs are excessive, it seems strange that the State's own legal bills are rising so rapidly. The comprehensive public expenditure review should examine urgently the rapid increase in the budget for legal services at a time when it is urgent for the country to reduce the cost of such services.

Senator Deirdre Clune: I paid tribute to the Vita Cortex workers, as I am sure will all Members, as their dignified but determined campaign appears to have come to an end. When light was shone on this issue, it revealed that despite all the employment legislation that is in place, one cannot legislate for respect. I refer to the respect an employer should have for his or her employees, particularly those who have turned up for more than 40 years, daily in many cases, and who had a major part to play in the successful company that was Vita Cortex. I also wish to acknowledge the fast-tracking by the Minister for Social Protection, Deputy Burton, of the statutory redundancy payments to the aforementioned workers and how the Minister for Jobs, Enterprise and Innovation, Deputy Bruton, made available the services of the Labour Relations Commission. I am led to believe its services were instrumental in reaching this resolution. All Members will agree the dignified and determined campaign carried out by those workers has won them enormous respect and everyone wishes them well as they and their families attempt to return to a normal life.

Senator Ivana Bacik: Hear, hear.

Senator Thomas Byrne: I wish to raise the issue of the treaty referendum as I am greatly concerned by how the Government parties in particular are dealing with it. The Seanad must hold further discussions on the referendum in respect of the debate that is under way. There is a lack of information and the old adage, which I will not repeat, in respect of not knowing may well apply to some people. I note some newspapers have begun to fill this gap and while they may be good newspapers, some of them have an historical record of being on one side of the argument. The Seanad needs to do more in this regard. For example, I am not aware whether a report was ever produced or published on foot of Members' long debate in this Chamber. It certainly has not been brought to my attention and I ask whether it will become available before the referendum date.

[Senator Thomas Byrne.]

People are crying out for information and both the Taoiseach and the Tánaiste must take the lead in this regard. It was highly unfortunate that they did not take part in the television debate hosted by Vincent Browne on Tuesday night. My own party has stepped into the leadership vacuum but I urge the Government parties to stop the rhetoric about Fianna Fáil as this referendum will only be passed with its support. I do not refer to support from the parliamentary party but from its voters nationwide and in this context, I refer to how Ministers persist in nonsensical attacks on my party. I single out the Minister for Education and Skills, Deputy Quinn, in particular in this regard. Almost all replies to parliamentary questions that he issues in the Dáil refer to some political matter relating to Fianna Fáil and the last Government. He must stop doing this because Fianna Fáil voters will not take it. While Fianna Fáil wishes to do what is in the best interests of the country, I believe our voters are being provoked continually. I hope the Government has had a change of heart since Deputy Martin's performance on television the other night. He has shown the leadership that is necessary——

Senator Paul Coghlan: He was very good. We appreciate it.

Senator Thomas Byrne: He was. However, he is doing this in the best interests of our country and it is about time——

Senator Paul Coghlan: As I stated, that is appreciated.

An Cathaoirleach: Senator Byrne, without interruption.

Senator Thomas Byrne: He is not doing this for Fine Gael but is doing it for Ireland. It is about time each member of the Cabinet did the same and put aside their party political views for the duration of this campaign to do what is in the best interests of Ireland.

Senator David Norris: The best interests of Ireland are being put forward by the “No” side.

Senator Paul Coghlan: I think those points are taken and I would not get upset. The Government and Fianna Fáil is playing on the same team in this regard and the matter is being taken very seriously.

I wish to refer to an entirely different item, which is that yesterday, my friend and colleague, Senator Daly, made a serious and unwarranted charge with regard to NAMA. He spoke of approximately 450 acres of agricultural land, and so zoned, in a part of Cork. I understand he mentioned a figure of €100 million and how it was sold for €7 million.

An Cathaoirleach: Does the Senator seek a debate on this issue?

Senator Paul Coghlan: I do not.

Senator Mark Daly: I think he does.

Senator Paul Coghlan: I am rebutting something that was stated seriously in this Chamber yesterday. I put on record that two independent valuations of approximately €10,000 an acre were carried out by reputable firms in that regard. When NAMA acquired that loan, it reflected the state of the market at that time. It was sold in one lot at a price significantly above what the agency paid for it and consequently, a profit was made for the taxpayer.

Senator Thomas Byrne: Members were not meant to know the details.

Senator Paul Coghlan: This is the important bottom line.

An Cathaoirleach: Does the Senator seek a debate on this issue?

Senator Paul Coghlan: Savills, which is a highly reputable firm, acted on its behalf. It had checked the market and was in touch with all interested parties. I can only conclude that someone who did not get his or her own way——

An Cathaoirleach: Does the Senator seek a debate on this issue?

Senator Paul Coghlan: ——got in touch with Senator Daly about the matter to give vent to his or her upset.

Senator Mark Daly: In fairness, as the Government Whip seeks to provoke me——

An Cathaoirleach: Senator Daly, please.

Senator Paul Coghlan: The point is——

Senator Mark Daly: ——I had better give in.

An Cathaoirleach: Senator Daly, please.

Senator Paul Coghlan: He did not pay up or shut up in the past when raising this issue.

Senator Mark Daly: A Chathaoirligh, Senator Coghlan already has mentioned me about ten times, which is against Standing Orders.

An Cathaoirleach: Senator Daly——

Senator Paul Coghlan: Senator Daly should sit down. He will be called in due course.

Senator Mark Daly: In response to Senator Coghlan, no one was in touch with me on this issue, other than the fact——

An Cathaoirleach: Senator Daly, can you please respect the Chair?

Senator Mark Daly: I will sit down if Senator Coghlan stops provoking me.

An Cathaoirleach: Senator Daly, can you respect the Chair?

Senator Mark Daly: I can indeed. The Cathaoirleach should ask him if he seeks a debate.

An Cathaoirleach: Senator Daly, please resume your seat.

Senator Mark Daly: He can have one if he wishes but he must stop referring to me specifically in this Chamber.

An Cathaoirleach: Senator Daly, please resume your seat. Does Senator Coghlan seek a debate on this issue?

Senator Paul Coghlan: I appreciate what the Cathaoirleach is saying and always have obeyed his rulings. I will await the Bill that Senator Daly has promised to sponsor and then I will comment further.

Senator David Norris: I join with Senator Bacik in suggesting a debate on State involvement in the institutional care of children and so on. I understand a Bill relating to the trust fund for

[Senator David Norris.]

survivors of institutional abuse is forthcoming. Perhaps the Leader will tell us when it will come before the Seanad?

I would like to comment briefly on a matter raised by Senator Bacik, namely, the current tragic situation regarding the children in the North of Ireland. It is clear that Cardinal Brady is under enormous pressure. No one can gloat over that. I certainly do not.

Senator Paul Coughlan: Hear, hear.

Senator David Norris: I regard myself as a Protestant Catholic because the Church to which I belong, the Anglican Church, never left the universal Catholic Church but protested against what it saw as abuses. I would like to put on the record——

Senator Jim Walsh: Senator Norris is overlooking Henry VIII——

Senator David Norris: ——if I am allowed to do so by Senator Walsh——

Senator Jim Walsh: ——whose libido was the motivation——

An Cathaoirleach: Senator Norris without interruption, please.

Senator David Norris: I would like to put my view on the record. I had not intended to say anything——

An Cathaoirleach: Is Senator Norris looking for a debate?

Senator David Norris: Yes. I am looking for a debate on all these issues. To hear on the radio that a 14 year old boy who had been abused was separated from his parents and interrogated by three adult males asking about intimate details of his bodily functions, erections and whether he had relations with other boys was shocking.

An Cathaoirleach: Does Senator Norris have a question for the Leader?

Senator David Norris: Yes. Will the Leader permit a debate which will allow us includes these matters? I am not involved in the politics of personal condemnation or victimisation of anyone. It is a tragic situation for everyone involved. However, that was the last straw.

Senator Lorraine Higgins: I ask that the Leader invite the Minister for Agriculture, Food and the Marine, Deputy Coveney, to the House for a debate on the ongoing situation in relation to farm inspections. I understand that in east Galway in particular inspectors are arriving on farms to conduct inspections without giving prior notice to farmers. While in normal circumstances this would be illegal the inspectors are arriving under the guise of the animal feed and hygiene regulations, in respect of which no notice is required under EU law. The problem is that inspectors are then purporting to carry out tagging inspections on cattle and sheep in respect of which by law a farmer is entitled to 48 hours notice and in respect of land eligibility in respect of which 14 days notice is by law required.

There is huge fear among the farming community in east Galway in particular in relation to inspections. Farmers are afraid to stand up for their rights for fear of detrimental action being taken against them by the Department. This is wrong. It is an unacceptable reign of terror on farmers. I ask that the Minister, Deputy Coveney, come to the House to outline the steps he will take to alleviate this totally unacceptable situation.

Senator Mark Daly: Senator Coghlan — my colleague, friend and fellow Kerryman — that Bill has been published. I can provide the Senator with a copy of the Bill, which is the NAMA and Irish Bank Resolution Corporation Transparency Bill 2011. There is no transparency in the manner in which NAMA or its agents are doing their business. No one in Cork knew the land was for sale.

Senator Paul Coghlan: Incorrect.

Senator Mark Daly: I am sure Senator Coghlan, as an auctioneer, is aware that the market gets its best price when land is put up for sale on the open market.

An Cathaoirleach: Does Senator Daly have a question for the Leader?

Senator Mark Daly: I am asking that the Leader allow time for the introduction of the NAMA and Irish Bank Resolution Corporation Transparency Bill 2011. We are asking NAMA to sell everything on the open market in accordance with legislation enacted by the Dáil and Seanad. I halved state on numerous occasions that NAMA is, under section 35 of that legislation, supposed to sell land in accordance with the sale of State assets. The loans and lands are State assets and should be sold by tender or public auction. That is not happening.

Senator Paul Coghlan: And treated as such.

Senator Mark Daly: Yes, but that is not happening.

Senator Paul Coghlan: That is disputed.

Senator Mark Daly: The record shows——

An Cathaoirleach: Senators cannot engage in a row on the matter in the Chamber.

Senator Paul Coghlan: I am doing my best.

An Cathaoirleach: Does Senator Daly have a question for the Leader?

Senator Mark Daly: Senator Coghlan directed his comments towards me and I would not like to insult him by not replying.

Senator Marie-Louise O'Donnell: On a point of order——

An Cathaoirleach: I call Senator Marie-Louise O'Donnell on a point of order.

Senator Marie-Louise O'Donnell: Is this a conversation for a restaurant?

Senator Mark Daly: It is not.

Senator Paul Coghlan: This is a matter of national importance.

An Cathaoirleach: Senator Coghlan, please.

Senator Mark Daly: I thank Senator Coghlan.

An Cathaoirleach: Does Senator Daly have a question for the Leader?

Senator Mark Daly: Yes. Will the Leader allow Government time in relation to this issue? I have previously put that request to the Leader. I have also asked that the Attorney General

[Senator Mark Daly.]

be brought before the House to explain the reason NAMA is not selling these assets in accordance with the law laid down by this House?

Senator Paul Coghlan: The Senator should move his Bill and we will deal with the matter.

Senator Mark Daly: We know what happened to the Employment Equality (Amendment) Bill 2011 last night and what happens to all Bills introduced in this House, including by the Labour Party Members.

(Interruptions).

An Cathaoirleach: Senator Daly without interruption, please.

Senator Mark Daly: There is no problem with NAMA selling assets at any price so long as it is done in an open and transparent manner. It is quite obvious that is not happening.

Senator Paul Coghlan: It is getting very good value for the taxpayer.

Senator Martin Conway: As a practising Catholic I stand here today in utter amazement that the Primate of All Ireland, Cardinal Seán Brady, has not tendered his resignation for the sake of all Catholics in this country, including me, who believe that the Catholic Church has a future.

11 o'clock It is regrettable that Cardinal Brady, who no longer retains the moral authority of practising Catholics in Ireland, has not moved on to allow someone new, who is untainted in any shape or form by what happened in the past, to take over. If the church is to survive and continue to play its important role in education and other areas, we need a complete and fundamental clean out at the top in terms of the senior management structures of the Catholic Church.

An Cathaoirleach: Is Senator Conway seeking a debate on the matter?

Senator Martin Conway: I call on the Leader to provide time for a debate, similar to the successful debate in this House developed by my colleague, Senator Michael Mullins, on jobs, on jobs in the IT sector. I agree with Senator Mooney's comments in regard to the importance of broadband. I know of a gentleman in County Clare who, because his village is well serviced by broadband, works only two days a month in Dublin and the rest of the time at home. There is a need for a proper broadband service in rural Ireland to ensure it has the same job opportunities as the cities.

Senator Paschal Mooney: Hear, hear.

Senator Martin Conway: With a proper broadband service, we will be able to ensure that the brains, intelligence and ability based in rural Ireland can compete on the national and international stage.

An Cathaoirleach: The Senator can make those points during the debate.

Senator Martin Conway: Yes but I——

An Cathaoirleach: The Senator is over time.

Senator Martin Conway: This House can lead the charge on the global village, cloud computing and IT sector in terms of addressing our economic difficulties.

Senator Jim Walsh: I was pleased that the Leader accepted full responsibility the other day for the ordering of business in this House. It gives me no pleasure to have to criticise this on a regular basis. Yesterday, we had a two and a half hour sos and the House adjourned at 6 p.m. Today we are adjourning at 1.45 p.m. and the House will not sit next Tuesday because Monday is a bank holiday. This is appalling. It is not what the Seanad should be about. We are making the case for abolition of the Seanad. I urge the Leader to bring about change in the Seanad and can provide him with some suggestions in this regard. Perhaps people are going to play golf in Faithlegg or somewhere else. A previous Leader was criticised for engaging in such activities.

Senator Ivana Bacik: That is an outrageous comment.

Senator Jim Walsh: I would ask——

Senator Ivana Bacik: Senator Walsh should withdraw that comment.

Senator Jim Walsh: I sincerely urge the Leader——

Senator Ivana Bacik: On a point of order, Senator Walsh should be asked to withdraw that remark.

Senator Jim Walsh: ——to make time for serious debates. There are a whole range of issues. The growth rates——

Senator Ivana Bacik: On a point of order——

An Cathaoirleach: I call Senator Bacik on a point of order.

Senator Jim Walsh: I will not give way.

An Cathaoirleach: Senator Walsh, I have called Senator Bacik on a point of order.

Senator Ivana Bacik: On a point of order, Senator Walsh has made a personal aspersion and should withdraw it.

Senator Jim Walsh: I made no personal aspersion which I need to withdraw. I am suggesting to the Leader that there are important issues——

An Cathaoirleach: Is there a point which the Senator should withdraw?

Senator Jim Walsh: No. There is nothing that I have said that I need to withdraw. The growth forecasts have been halved. Earlier this year, I told the Minister for Public Expenditure and Reform, Deputy Howlin, that we would not, between 2011 and 2015, achieve an increase in GDP of more than an average of 1% per annum. Our GDP now stands at 0.7% and was double that when the forecasts were made. The Government has forecasted growth of 2.2% for next year, increasing to 3%, which is unachievable. This has implications for growth, employment and our sovereign debt.

An Cathaoirleach: Does Senator Walsh have a question for the Leader?

Senator Jim Walsh: I am asking that the Leader allow time to debate this issues next Tuesday. I propose that we meet next Tuesday to discuss these issues, including public expenditure, over which there is currently no control, and public service reform.

An Cathaoirleach: Are you proposing an amendment to the Order of Business?

Senator Jim Walsh: Yes, I am proposing an amendment to the Order of Business. I refer to an issue in today's newspaper. A voluntary organisation had to bring to our attention the fact that we have failed to tackle the bias in RTE.

An Cathaoirleach: Senator, you cannot propose an amendment to the Order of Business in regard to sitting next Tuesday until we have finished the business of the House.

Senator Jim Walsh: Fine.

An Cathaoirleach: You are over time, so I have to call the next speaker.

Senator Jim Walsh: I am also calling for a debate on RTE and the bias in it. It is censoring women who regret their abortions.

An Cathaoirleach: Senator, you are way over time.

Senator Jim Walsh: It is taking one side in that argument, as it does politically. It is the same as the Labour Party. The Stickies have taken control of the Labour Party.

An Cathaoirleach: Senator Walsh, resume your seat.

Senator Jim Walsh: There is a residue still left in RTE and it is driving the agenda. It is driving the country in the direction it should not be going.

An Cathaoirleach: Senator, resume your seat and respect the Chair.

Senator Cáit Keane: We have discussed obesity in the House for some time and Senator Eamonn Coghlan is doing much work on it. I bring to the attention of the House a study which has found that children who are breast-fed for the first six months are less likely to be obese when they reach nine years of age. Growing Up in Ireland was a wide-ranging study of 8,500 nine year olds and 11,000 nine month olds. The study also showed that children who are weaned on to solids later have less chance of becoming obese.

We know what obesity is costing the State in health terms in later life and it would save the State money if it afforded the likes of the La Leche League, a voluntary body promoting and helping first-time mothers — I know men do not breast-feed, so this concerns women——

Senator Terry Brennan: Some men do.

Senator Cáit Keane: Do they? I thank Senator Brennan for that information.

I ask the Minister for Health to consider setting up some facility in hospitals to educate first-time mothers. Some time ago, formula manufacturers could go into hospitals to promote their wares in little bags and hand them out to first-time mothers to disincentivise them from breast-feeding. That no longer goes on but what was not put in its place was an education facility to educate people.

One in four three year olds is overweight and one in 17 four year olds qualify as obese. This is a very serious problem in Ireland. A study carried out in Essex——

An Cathaoirleach: Have you a question for the Leader?

Senator Cáit Keane: I have one question. Less-educated and poorer mothers are particularly at risk of not knowing the benefits of breast-feeding. I am not calling for a debate but for a report from the Minister for Health on what action he will take to ensure information is made

available in hospitals and in schools and that the La Leche League, a voluntary body, is consulted and asked for its expertise, which it has offered.

An Cathaoirleach: Senator, you are way over time.

Senator Cáit Keane: One more minute.

An Cathaoirleach: You cannot have one more minute.

Senator Cáit Keane: One second. The Minister for Children and Youth Affairs has set up a new group on child care and this should be part of its remit because it will be dealing with preschool and will be making recommendations. I ask that it consider this issue.

Senator Colm Burke: I need to correct the record in regard to something I said on the Order of Business on 23 April. I quoted a figure of 4,000 instead of 400 and €32 million instead of €3.2 million. At my request, the Leader corrected it on the day but I understand that to correct the record, I need to do so myself.

I refer to the management companies of apartment complexes. Reading a report in the *Irish Independent* yesterday, I understand a number of companies are having difficulty collecting the standard charge each apartment owner must pay to maintain services in the common areas. In some apartment complexes, lights have been turned off because ESB bills have not been paid and major problems are arising. In some cases, there are genuine problems where apartment owners are in financial difficulty but in other cases, I understand landlords are paying these charges at the last minute.

Will the Leader consider inviting the Minister to the House for a debate on whether there is a need to bring in new legislation to deal with this issue? Where people buy an apartment in a complex, they have a legal obligation to pay the charge to facilitate all of the occupiers of the complex. Some people who are paying those charges are being disadvantaged. If one goes to sell one's apartment, one will not be able to do so if there are difficulties in regard to managing the common areas. It is a serious problem which requires urgent debate and, if necessary, new legislation.

Senator Michael Mullins: I very much welcome the significant jobs announcement at SAP in Galway which is an indication of great confidence returning to our economy. We need to maintain that confidence and the best way to do so is for a resounding "Yes" vote on 31 May. I welcome Fianna Fáil's support for the treaty but I am very disappointed that some of my former Fianna Fáil colleagues on Galway County Council have decided to come out against it and I ask them to reconsider.

I support the call for a debate and an update on child protection measures. I am sure the Minister for Children and Youth Affairs would be pleased to come to the House for such a debate. I feel a certain element of sympathy for Cardinal Seán Brady who is under enormous pressure because of incompetence and the fact people at a much higher rank than he was at the time did not do their duty.

What is really making me angry is that as far back as 1964, Brendan Smyth could have been stopped in his tracks if a young priest from my parish, a young novice, Fr. Bruno Mulvihill, had been listened to when he alerted the abbot of Kilnacrott about the behaviour of Brendan Smyth. He raised very serious concerns but when he got no joy or no action from the abbot——

An Cathaoirleach: Are you looking for a debate?

Senator Michael Mullins: —he wrote to the then bishop, Bishop McKiernan.

I am calling for a debate but I want to put on the record that this whole Brendan Smyth affair could have been stopped if a young east Galway novice had been listened to. He was a fine young man. He was rewarded by being shipped off to serve in Germany where, unfortunately, he lost his life in a road traffic accident. There is an element of sadness around this whole sordid Brendan Smyth affair. I wish the authorities in the church had listened to good people who wanted to do the right thing.

Senator Jim D'Arcy: I was delighted to hear, as reported on RTE radio this morning, that Chinese culture and language will now be offered on the transition year course, in particular in the week when An Bord Pleanála has granted permission for the first phase of an enormous Chinese trading hub on the edge of Athlone in County Westmeath. I urge students to continue to study a second language at secondary school. It is very important for them and for this country. We are at a disadvantage in the employment market as we do not have a strong tradition of fluency in a second language. I look forward to the day when Irish students are able to speak Chinese and other languages fluently as a second language. The first Chinese firm, SATIR, to locate its manufacturing base in Ireland, located it in Dundalk on the edges of my area. I look forward to the day when I hear Chinese being spoken in Haggardstown.

Senator Paul Coughlan: That will be the day.

Senator Mary Moran: It is already being spoken there. I have heard it on many a day.

Senator Catherine Noone: Senators need to be as quick to point out the positive contributions and changes being made in the House as we are to point out the negatives. In fairness to the Leader, we have had a radical rearrangement of the way in which business is conducted, given the constraints we are under.

I will single out no individual or party, but it is often the case that only two Members are present during debates requested by certain Senators. It is all well and good calling for debates, but people must be present and contribute when they are held. We were not meant to have such a long sos yesterday, but the matter before—

Senator Jim Walsh: This is week in, week out. It was not just yesterday. I have been raising this critical matter for a long time and it should have been tackled by now.

An Cathaoirleach: Senator Noone without interruption.

Senator Catherine Noone: Senator Walsh mentioned yesterday and I am merely responding to him.

Senator Jim Walsh: It is wrong and the Senator knows that.

An Cathaoirleach: Senator Walsh made his contribution.

Senator Catherine Noone: I just want to make a general point. When we call for debates, we should be present when they are held.

I welcome Fianna Fáil's support for the upcoming referendum. We need to work together on this issue. I am puzzled and concerned by certain Opposition posters' mention of water charges and other unrelated matters.

Senator Paschal Mooney: Surprise, surprise.

Senator Catherine Noone: It is outrageous. People have called it an austerity treaty, but we must get the point across that we are voting on a stability treaty. I would welcome a debate on the referendum.

Senator Aideen Hayden: This week has seen some excellent debates in the House. Sometimes, it is not about quantity, but quality. The debate on the Social Welfare and Pensions Bill 2012 was excellent. The quality of debate on Fianna Fáil's Private Members' Bill was also excellent. To be fair to the House, Senators enter the Chamber well briefed and make their best efforts to hold a healthy and worthy debate.

Will the Leader intervene in a matter that relates to the one raised by Senators Barrett and Bradford this week, that is, the housing market? The Central Statistics Office, CSO, has reported that property prices have overcorrected by as much as 26%. Doctors differ and patients die, but everyone in the real world is well aware that property prices have overcorrected. We have reverted to the situation that obtained in 1985, in that it is cheaper to buy a house on a piece of land than it is to build it. Anyone with a toe in the real world knows that this is a symptom of a market that has overcorrected.

It is just as wrong to overheat a market on the way up through the use of tax incentives as it is to allow it to fall below its natural level on the way down. As a matter of urgency, we must hold a debate with the Minister for Finance and ask him what measures he intends to take to "encourage" the two pillar banks to lend to the ordinary person on the street. The people who bought their properties at the height of the boom will be the greatest losers when they are forced into fire sales. This is an issue for them. What is more, 19% of people are renting from private landlords, an increase of almost 7%. This is a significant change in Irish culture. The bulk of the 19% are renting because they have no other option. Economists differ, but the facts on the ground are as we know them. Will the Leader invite the Minister for Finance to attend the House, please?

Senator John Crown: With the House's blessing, I propose an amendment to the Order of Business so that No. 15 can be taken before No. 1.

Senator Marie-Louise O'Donnell: I second the amendment.

Senator Mary Moran: I will continue Senator Jim D'Arcy's points about the teaching of Chinese in Haggardstown. This morning, I attended a breakfast meeting at which it was highlighted that there were more Chinese students studying in Dundalk Institute of Technology, DIT, than Northern Irish students. More students travel from the South to the North to study than vice versa and I would welcome moves to encourage greater cross-Border connectivity to turn the flow in the opposite direction.

I wish to highlight a charity event that took place in Dublin City University, DCU, yesterday. Two students, Colin Brennan and Ronan Ó Dalaigh, organised a successful 12-hour charity broadcast in the aid of the young people's mental health charity Walk in My Shoes. They did this in conjunction with the St. Patrick's Hospital Foundation on the campus radio station, DCUfm. I congratulate the young people involved for adding their voices to the debate, trying to end the stigma attached to mental health issues and encouraging people to discuss the matter. Their aim was to raise awareness among young people, particularly men, about mental health and the availability of services that provide a listening ear. A host of special guests took part. I commend a fellow Dundalk person, the DCU president Briain Mac Craith, on his support for the endeavour. The charity raised €803.69—

An Cathaoirleach: Has the Senator a question for the Leader?

Senator Mary Moran: —smashing its target of €500. I congratulate the young people involved and encourage others to play an active role in promoting mental health awareness.

Senator David Norris: Hear, hear.

Senator Mary Ann O'Brien: I draw the House's attention to new plans unveiled yesterday by the Department of the Environment, Community and Local Government that drew little or no attention from the media. I send a note of caution to Government officials to the effect that, while chasing big business and investment is important, it must not be done to the detriment of small local businesses.

Under the Department's new planning guidelines, larger supermarkets and superstores will be allowed to be built in Dublin and the country's largest cities. The new guidelines relax the caps on shop spaces imposed by the 2005 guidelines. The new floor space rules mean that new shops and extensions on existing premises can avail of the increased limits. The guidelines state that the cap on floor space in the four Dublin local authority areas is being raised from 3,500 sq. m, the size of a large factory, to 4,000 sq. m. In the cities of Cork, Galway, Waterford and Limerick, the cap will increase from 3,000 sq. m to 3,500 sq. m.

It is widely rumoured that the aim of the changes is to attract American hypermarkets such as Walmart and Costco. It is more likely to attract UK retailers like Asda, which is owned by Walmart. Sainsbury's could now establish itself in Ireland.

Despite the relaxation, the new guidelines state that there should be a presumption against the further development of retail parks outside towns. The number of retail parks has grown substantially in the past decade. For example, little England exists outside Portlaoise. Senator O'Donnell did a radio piece on the subject. This could result in the closure of additional small, independent, Irish, local retailers, which are often run by families. These businesses are the heart and soul of our country.

Senator David Norris: Absolutely.

Senator Mary Ann O'Brien: I draw the House's attention to a statistic from the RGDATA report by Mr. Jim Power, which was published in November 2011. I thank the Cathaoirleach for bearing with me. Were the UK multiplier effect applied to the Irish situation, the report reads:

An extra €100 euro spent in a locally owned would result in an injection of €250 into the local economy. The same €100 spent in a large multiple would result in an injection of just €140 into the local economy. Consequently, if 10 per cent of spending in the two largest multiples were to switch to locally owned retailers, it would result in an injection of an extra €670 million.

An Cathaoirleach: Does the Senator have a question for the Leader?

Senator Mary Ann O'Brien: Yes. This statistic highlights the value of the local economy to Irish society. At the Leader's convenience, will he arrange for a debate during the coming weeks on the value of the local economy? Let us forget the word "globalisation" and think of "localisation" with a view to enhancing Government strategy in an effort to create jobs.

Senator David Norris: Well said.

Senator Maurice Cummins: Senator Mooney rightly raised the issue of unemployment rates because they are certainly higher than any government would wish. Job creation remains the Government's primary objective. The Minister for Jobs, Enterprise and Innovation will be

bringing several Bills before the House prior to the summer recess dealing with key elements in restructuring the jobs and enterprise area of the economy. We will, therefore, have several opportunities to debate all aspects of unemployment. I agree with Senator Mooney on the importance of high-speed broadband to small companies. It is essential that all parts of the country have access to high-speed broadband at the earliest opportunity.

Senators Mooney and Bacik spoke about Alzheimer's day. We should commend the people who organised tea mornings in Leinster House and throughout the country. They are doing an excellent job for a wonderful organisation.

Senators Bacik and Mullins referred to the creation of 200 jobs at SAP. This is one of a number of job announcements that were made in recent months. In view of the stability that now exists in the economy, I hope we will see a recovery and further job announcements.

Senator Barrett raised a question about the comprehensive public expenditure review. I understand the increase resulted from the additional legislation required on the part of the State as a result of the EU-IMF agreement. There was a knock-on effect on the Office of the Attorney General in terms of extra charges. I agree with the Senator that legal costs should be examined. The Government is committed to reducing legal charges and the legal services Bill is expected to come before the House in early course.

Senator Clune referred to the plight of Vita Cortex workers and welcomed the co-operation between the Ministers for Jobs, Enterprise and Innovation and Social Protection in addressing the issue. The Senator also commended the workers' dignity. All of us wish them well and welcome that the situation has at last been remedied.

Senator Byrne raised the issue of the stability treaty. Every household in the country should have received a copy of the treaty by next Tuesday. The Government will be devoting all its efforts to getting a "Yes" vote from the people. We will be providing more information on this treaty than was the case in any other referendum. Decisions will not be made on the basis of a lack of information because everybody will be sufficiently informed to make the appropriate decision. We welcome the support of any party, including Fianna Fáil, in seeking a "Yes" vote.

Senators Paul Coughlan and Daly raised a specific issue regarding NAMA. I do not intend to discuss the specific case to which the Senators referred. Senator Daly raised the same issue several months ago and he has had ample opportunity since then to table a Bill during Fianna Fáil Private Members' Business. It is up to his party to decide whether to treat the issue as a priority. Given that it has not yet been prioritised, perhaps he might take it up with Senator Walsh.

Senator Jim Walsh: It is worrying that the Government is not giving priority to NAMA.

An Cathaoirleach: The Leader, without interruption.

Senator Thomas Byrne: As there are two Independent groupings, it is difficult to table matters on Private Member's business.

Senator Maurice Cummins: In regard to Senator Norris's question, I understand the Residential Institutions Statutory Fund Bill 2012 was only published on 13 April. It will be debated first in the Dáil and we will consider it once it passes through that House.

Senator Higgins raised the issue of farm inspections. We can discuss this issue with the Minister for Agriculture, Food and the Marine. I will revert to the Senator in that regard.

Senator Conway offered his opinion on Cardinal Brady. I mentioned this issue on the Order of Business yesterday and I watched the programmes which aired last night and the previous evening. The names of children who were being abused were revealed to the investigation but

[Senator Maurice Cummins.]

nothing was done to protect the children or those who were abused subsequently. Many more children were abused because of the lack of action subsequent to the investigation. That was the most damning revelation on the programme but I am sure there will be further developments.

The Senator also raised the issue of jobs in the IT area. As I have noted, the Minister for Jobs, Enterprise and Innovation will be in the House on several occasions to discuss job creation in the IT sector and elsewhere in the economy.

Senator Walsh appears to have a bee in his bonnet about the ordering of business. The business of the House depends on the availability of Ministers and other factors but we have sat on Fridays and Mondays and have organised our business in conjunction with the leaders of the various parties. I will not rise to the Senator's reference to playing golf in Faithlegg. For the Senator's information, I do not play golf.

Senator Jim Walsh: I thought the Leader might be caddying.

An Cathaoirleach: Allow the Leader to speak without interruption.

Senator Jim Walsh: Why are we not sitting next Tuesday?

Senator Maurice Cummins: If Senator Walsh——

Senator Jim Walsh: Why are we not sitting the day after the bank holiday?

Senator Maurice Cummins: ——wants to involve himself in personal attacks——

An Cathaoirleach: The Leader to speak without interruption.

Senator Catherine Noone: Why did we sit last Friday and Monday?

Senator Maurice Cummins: Senator Walsh could have attended some of the meetings of the Seanad over the past several months. He has been conspicuous by his absence on many of the days in question.

Senator Jim Walsh: I ask the Leader——

Senator Maurice Cummins: May I say——

Senator Jim Walsh: That is untrue. The only occasions I have not been here——

Senator Maurice Cummins: I do not want to know why the Senator has not been here.

Senator Jim Walsh: ——were when I was away on parliamentary business——

An Cathaoirleach: We are on the Order of Business. Allow the Leader to continue.

Senator Jim Walsh: ——and a family wedding last week.

Senator Catherine Noone: He can give it but he cannot take it.

Senator Jim Walsh: The Leader has not answered the question of why we are not sitting next Tuesday.

An Cathaoirleach: The Senator should resume his seat.

Senator Jim Walsh: There is no reason we should not sit the day after a bank holiday. He does not have a credible answer.

Senator Maurice Cummins: I will treat Senator Walsh's remarks with the contempt they deserve. He seems to involve himself in personal attacks. If they are not personal attacks against the Leader they are against civil servants but that is par for the course for Senator Walsh.

Senator Keane raised the issue of obesity.

Senator Jim Walsh: Is the Leader going to give us an answer on why we are not sitting on Tuesday?

An Cathaoirleach: Resume your seat.

Senator Jim Walsh: Can I ask him the question?

An Cathaoirleach: Senator, resume your seat.

Senator Maurice Cummins: There certainly is a need for education in this regard. I agree that we should educate young mothers about the benefits of breast-feeding. The La Leché League should be consulted in this regard. I will bring the issue to the attention of the Minister for Health.

Senator Burke corrected the record regarding figures he mentioned on a previous occasion and outlined the problems that have arisen for apartment complexes and the payment of charges. He questioned the need for legislation in that area. We could possibly arrange a debate with the Minister, Deputy Hogan, or probably with the Minister of State, Deputy Jan O'Sullivan, who might be the most appropriate person to deal with the matter. Senator Mullins called for a debate on child protection matters. I note his comments on the Brendan Smyth affair and a young priest in his diocese who brought these matters to the attention of the abbot in question, but they were not acted upon.

Senators Jim D'Arcy and Moran welcomed that Chinese culture and language was now on the transition year course, which will be welcomed by all. The need for fluency in a second language is important in allowing our children to advance their future careers. I thank Senator Noone for her support. She rightly pointed out that many people who call for debates end up not being present in the Chamber when those debates are subsequently held. We have had to conclude debates on a number of matters that were requested because Members were not here.

Senator Hayden pointed out that the quality of debates is more important than the quantity of debates, with which I agree. She mentioned property prices. I agree with her that it is very important for us to encourage the pillar banks to lend to first-time house buyers, and indeed all house buyers at this stage. She pointed out that 19% are now renting from the private sector which is significantly higher than in previous times.

Senator Crown moved an amendment to the Order of Business and I have no problem in acceding to his request to allow him to publish his Bill and have it on the Order Paper for next week. Hopefully we can deal with the matter at that time.

Senator Moran congratulated the many young people promoting mental health issues, which is a very important issue for young people in particular. Senator Mary Ann O'Brien spoke about the new planning guidelines, which were raised at the Oireachtas Joint Committee on the Environment, Transport, Culture and the Gaeltacht. I understand she had a debate on that issue. The value of the local economy is also very important. I will try to have a debate with the Minister on that matter before the summer recess.

An Cathaoirleach: Senator Crown has proposed an amendment to the Order of Business, “That No. 15 be taken before No. 1”. The Leader has indicated that he is prepared to accept the amendment.

Amendment put and agreed to.

Order of Business, as amended, agreed to.

Protection of Children’s Health from Tobacco Smoke Bill 2012: First Stage

Senator John Crown: I move:

That leave be given to introduce Bill entitled an Act to amend the Public Health (Tobacco) Act 2002 in order to prohibit the smoking of tobacco products in vehicles where children are present and to provide for the investigation and prosecution of such offences by members of An Garda Síochána.

Question put and agreed.

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

Senator John Crown: On Wednesday, 9 May 2012.

Business of Seanad

Senator Maurice Cummins: As the Minister is not available, I propose we suspend until 11.50 a.m.

Sitting suspended at 11.35 a.m. and resumed at 11.50 a.m.

Animal Health and Welfare Bill 2012: Order for Second Stage

Bill entitled an Act to revise the law relating to the health and welfare of animals and their protection and identification; to provide for the regulation of certain activities relating to animals; to prevent cruelty to animals; to make provision for the licensing of animal marts and for levies for the purposes of animal health and the control of animal diseases; to repeal various enactments relating to animals; to amend the Animal Remedies Act 1993 and to provide for related matters.

Senator Maurice Cummins: I move: “That Second Stage be taken today.”

Question put and agreed to.

Animal Health and Welfare Bill 2012: Second Stage

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

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): I am pleased to introduce the Bill into the Seanad. We have had a number of discussions on agriculture, animal health issues and veterinary practice. As the engagement from Senators has been hugely positive, I considered it appropriate to introduce the Bill in the Seanad before taking it to the other House as there are many Members here who want to get engaged in the detail of the legislation. That is important because this is important legislation. The Bill is the largest piece of legislation in which I have been involved as Minister and has been a long time in gestation. I hope Members will engage. After the Second Stage debate, if members have questions on aspects of the Bill, the experts who compiled the Bill are available in the room next door.

I am pleased to bring the Animal Health and Welfare Bill before the House. I look forward to constructive, informed debate during its passage through this House. The Bill represents a significant step forward in the areas of animal health and welfare law. The Bill is a priority for me. It will lead to a consolidation and modernisation of much of the primary legislation in this area such as the Diseases of Animals Acts 1966 and the Protection of Animals Act 1911, which, as has been pointed out, is more than 100 years old. While in the past animal welfare and animal health may have been seen as two distinct issues, they are closely related and synergy is to be gained by bringing them together under one legislative roof. Where either health or welfare breaks down it often has consequences for the other. This separation stems from the fact that in the past the focus was merely on outlawing animal cruelty rather than the fuller measure of welfare for which the Bill provides.

The Government has shown that it has a strong commitment to improving animal welfare legislation. In the first 12 months in office, several pieces of legislation have been enacted, notably the Welfare of Greyhounds Bill 2011 which was the first piece of legislation signed by President Michael D. Higgins. This paved the way for the commencement of the Dog Breeding Establishment Act. At Christmas I introduced a code of practice for welfare organisations as part of the *ex gratia* payments arrangements which placed particular emphasis on the issues of re-homing animals that had been abandoned. We launched a free telephone number, based in my Department, for people who have animal welfare concerns. The Farm Animal Welfare Advisory Council and the associated early warning system continues to work well. The latter arrangement has seen my Department officials working in conjunction with farm organisations, welfare groups and the Garda to head off welfare problems when and where possible.

The Bill is a continuation of this agenda and will ultimately significantly improve and safeguard the welfare of animals. In terms of animal health, the legislation is important not only nationally, but globally for Ireland from the perspective of a food producing Island. The proposed legislation will play a key role in protecting Ireland's image as a country which not only respects the welfare of its animals, but also accords critical importance to its high animal health status. Therefore, the Animal Health and Welfare Bill is vital to exploiting opportunities that exist for our food exports. Ireland has been successful in dealing with, avoiding and minimising animal health problems. The Bill will build on this success. The risks of animal disease have grown significantly since the Diseases of Animals Act 1966. There is far greater movement of animals, animal products and people involved with farming activities and animals. Therefore, Ireland needs to ensure it has robust biosecurity procedures and that the State can act not just when there is a disease outbreak, but in a preventative way, focused on risk and reducing those risks. Nevertheless, the Bill also foresees strong action where it is necessary with fines and imprisonment being prescribed where disease is spread intentionally.

The ability to increase our exports of food products will play a vital role in ensuring the improvement in Ireland's economic well being. Our aims are set out in the Food Harvest 2020 strategy. The export figures announced recently by Bord Bia show that our farmers and food companies are developing new products and opening new markets even during a time of global financial crisis. Last year, the value of Irish food and drink exports increased by 12%, or, in value terms, by €1 billion. Food Harvest 2020 has given the sector a vision of the future and clear targets for the next decade. I am determined, in leading the drive towards achieving the 2020 export target to reach a value of €12 billion per annum. To do this the sector will need to minimise losses from animal health issues. This means not just avoiding high profile exotic diseases, but continued progress against domestic diseases and certain lower profile diseases and health issues which reduce animals' condition and drain the potential of the sector.

[Deputy Simon Coveney.]

However, health is a concern for all, not only those who earn their livelihood from animals. As should be clear, the Bill is not only about farming or rural areas, but is of concern to the whole country. While animals may be less central to urban life, ownership, involvement with and interest in animals is hugely important to many urban dwellers.

Furthermore, while not the direct focus of the Bill, animal health can have implications for human health. Some 60% of human infectious diseases can be contracted from animals whether domestic or wild and 75% of emerging human diseases have their sources in animals. Therefore, the control of animal disease is an important factor in ensuring human health.

As I mentioned, the Bill applies across the board, both to rural and urban areas and to all animals whether they are commercial, domestic or other and whatever species. The protection offered by the bill is for all animals. The only major distinction it draws is between those animals classed as “protected”, that is any animal under the ownership or being kept by humans. Protected animals are accorded greater rights than animals living in the wild as an obligation is put on the owner or person in charge to ensure they are fed, sheltered and so on. Cruel acts are forbidden in respect of all animals.

Farm animals are defined in the Bill as they are connected to agricultural legislation being included in the consolidation process in this Act. Any farm animal is by definition also a protected animal and owed the same duty of protection by their keepers.

I have sought a balance between the differing demands placed on me during the drafting of the Bill. As I am sure some Members will realise, the Animal Health and Welfare Bill is one where views between differing interest groups vary and resolving the suggestions requested by farming bodies, welfare groups, breeders, trainers, other commercial owners and veterinary professionals has been a balancing act. My key objectives in the process has been to create a legislative framework that offers a greater protection for the welfare of animals while also reducing the risks posed by animal diseases in terms of commercial output and so on.

The passage of the Dog Breeding Establishments Act last year showed how divisive and impassioned the subject can be. The debates around this Bill also showed the need for well thought out and adequately worded legislative proposals. While I am fully aware that the Animal Health and Welfare Bill is more complex legislation it shows that there is good and broad support for sensible action in the area of animal welfare.

I shall move from the reasons and general principles behind the Bill to some of its content. Current legislation requires modernisation because it focuses only on cruelty whereas this Bill, as I have said from the outset, will make improvements in what is legally required of owners, ensuring that their animals are fed and watered, provided with adequate shelter and have their welfare protected to a reasonable extend. These are basic common sense requirements. Intensive units need greater checks as temperature controls, mechanical feeding and watering systems must be carefully monitored.

In order to combat the threat posed by serious disease outbreaks, as witnessed during the foot and mouth disease scare and to deal with welfare compromised animals, authorised officers must have adequate powers with appropriate checks and balances in place. Much care and attention has gone into ensuring that the powers of authorised officers are appropriate, balanced and proportional. Officers cannot enter premises without reason. There needs to be a sound reason to do so and the courts will demand that officers justify their actions in the event that prosecutions follow.

Gardaí and customs officers are automatically considered authorised officers. I may appoint officers from my Department and local authorities to carry out certain tasks under the Bill. For example, temporary veterinary inspectors may be authorised to conduct meat factory checks as is the case at present. I take this opportunity to make it clear that I have no intention of

appointing anyone under the proposed legislation who has not been adequately trained and not qualified to act in a professional manner in respect of the duties undertaken under this legislation. I state that in case there is a concern that inappropriate people are given powers.

I have been keen to ensure that penalties are strengthened for such abuses and have made sure that all of the significant offences under the Bill, meaning those where animals are injured or where disease problems are spread intentionally, attract the severest possible penalties. For major cases taken on indictment the maximum penalty has been increased from €100,000 to €250,000. Over the years judges who have heard some of the most unpleasant animal cruelty cases have asked for powers to restrict the ownership of animals by those convicted of animal cruelty, particularly repeat offenders. These powers cannot be used lightly and are only considered where an individual has been convicted of repeated or more serious animal welfare offences. Not only could such an individual be potentially prevented from owning animals, they could also be prevented from working with them. Unfortunately, there are people unsuited to working with animals and in such cases we need to protect the animals.

In some instances animals have been abused by people suffering mental difficulties rather than malice. In taking account of this scenario the powers I outlined can limit the ownership of animals. Caring for animals can be therapeutic for disturbed individuals and it may be appropriate that they are allowed care for one or two animals and not a large number beyond their coping capacity. There is a separate procedure based on the Mental Health Acts that can be invoked for those whose problems mean that therapy and help is required rather than courts and potential imprisonment. I remind members that while these powers exist their use cannot be invoked without appropriate procedures and the courts will provide oversight and review for obvious reasons.

The Animal Health and Welfare Bill will improve animal health. There will be a greater emphasis on bio-security. Much of the existing powers of authorised officers are focused on a disease outbreak but the Bill also allows for appropriate action to be taken to reduce the risk or spread of disease.

The Bill sets out detailed arrangements for compensation to apply where animals are slaughtered to control a specific disease outbreak. It includes a process of expert valuation and arbitration to apply in law in a manner consistent with the Constitution and case law.

The laws on animal baiting and dog fighting will be strengthened and not before time. At present dogfighting is illegal but it is very difficult to take a case against those involved. In the most significant case that was taken many of those convicted got off on appeal after claiming that they had not been involved in organising the fight but had merely been present. Therefore, I am making it illegal to attend a dogfight. I want a law in place that allows gardai to prosecute people engaging in what is a significant hidden problem across the country. Some people choose to breed, buy and sell, train and bait dogs for the purpose of fighting. It is a despicable practice and I shall stamp it out.

Senators: Hear, hear.

Deputy Simon Coveney: An important element in drafting the Bill has been to reduce bureaucracy. One development in line with this aim is the introduction of an on-the-spot penalty for minor offences and has advantages for the individual and the State. It avoids the time and costs of court proceedings. There is recourse to the courts for individuals who do not wish to pay an on-the-spot penalty and to contest an offence.

I now turn to the provisions of the Bill. Part I comprises standard form provisions relating to expenses, costs and the laying of documents. It also sets out the purpose and definitions in the Bill and the provision for commencement which is standard practice. The part largely comprises standard form provisions relating to expenses, costs and laying of documents. It also

[Deputy Simon Coveney.]

sets out the purpose and definitions within the Bill and the provision for commencement, which is standard practice.

Part 2 deals with the prevention and control of animal diseases and contains some key biosecurity measures. Section 8 prohibits the straying of farm animals and requires that fences and farm buildings be kept secure. The mingling of animals presents a serious risk of disease spread. In any case, most farmers would wish their animals to be protected from wandering onto roads or into other fields and the requirements of this provision are not greater than what the vast majority would consider good practice. Section 9 provides for disease eradication areas. The provisions of section 10 outlaw deliberate interference with a test or giving a false result to a disease test that takes place on a farm.

Part 3, covering animal welfare, provides for general provisions that cover all animals and confers a greater level of protection to animals which are owned or under the control of people. An individual is not allowed to harm any animal. Furthermore, any animal that an individual owns or is in control of must be provided with adequate food, water and shelter and must have its general welfare provided for. Cruelty is expressly forbidden in section 12. This includes any unnecessary suffering whether caused by direct physical abuse, recklessness or negligence. For the sake of clarity, this section is noted as not applying to activity occurring during the normal course of hunting, fishing and coursing. However, the cruelty provisions may apply if an animal is hunted after being released, when exhausted, mutilated or injured, or, in the case of a hare, if it is coursed without having a reasonable chance of escape.

Section 13 provides that keepers must provide protected animals with adequate quantities of suitable food. Obviously, it would be impossible to provide detailed and precise measures of food and other requirements for all animals and it would not be desirable to lay down such detail in primary legislation. Therefore, greater detail can be laid down either via codes of practice or in secondary legislation, which are dealt with in Parts 4 and 7, respectively.

Section 16 bans operations resulting in the mutilation of animals, for example, castration, disbudding, tail docking and so on, except where there is a good reason to allow these. In the latter case, I will have power to make regulations which will allow such procedures. My intention is not to interfere with commercial farming. In the farming context these practices are generally done to the animals concerned for health and safety reasons and, when done properly, they occur at a very young age before tissues become hardened and before the operation would cause a significant degree of pain. Where these conditions are met I do not intend to change current farming practice. There was a recent piece of legislation in regard to veterinary practice that clarified who was responsible for what, which is very useful.

This part also bans the sale of animals to minors and requires that animals be inspected by their keepers at regular intervals to ensure their well-being. It requires the use of anaesthetics when an animal is operated on, requires that animals be protected from poison and gives emergency powers for authorised officers and veterinarians who encounter animals in distress or suffering injuries that would require their immediate destruction on humane grounds. This section also provides for emergency killing of an animal by an owner or, on his or her behalf, by for example, knackery personnel.

Part 4 deals with codes of practice. Although common internationally, including at ED level, codes of practice on a legislative basis are relatively new in Ireland. They are primarily to educate and assist the person involved in the various activities relating to keeping animals. A breach of a code of practice is not of itself an offence but a relevant code may be considered by a judge as a form of best practice and may indicate in more detail where an offence has occurred. In other words, when there is a code of practice in place it will be seen as the acceptable benchmark in the event of a court case or court hearing although not to abide by such code of conduct will not be an offence in itself

Part 5 concerns animal health levies and is based on the Bovine Diseases Levies Acts 1979 and 1996. There is provision to allow the charging of animal health levies on a wider range of species and diseases than is currently the case, where levies are only paid in respect of cattle and milk and are intended for the control of TB and brucellosis.

Part 6 deals with the destruction and disposal of animals. The part deals with the slaughter of animals for disease control purposes and also with consequent compensation, with the overall aim of making the compensation provisions more explicit. There is an independent valuation and arbitration system to ensure that where this is done owners are treated fairly.

Part 7 lists the various activities in respect of which secondary legislation may be introduced. Key among these are measures to prevent the risk of spread of disease, the control or eradication of disease, matters relating to animal welfare, animal transport and identification, and to give effect to the acts and institutions of the EU. The extensive list of detailed issues for which regulations can be made is set out in Schedule 3 to the Bill.

Part 8, on enforcement, provides the necessary powers for authorised officers and for a system of notices which I discussed in some detail earlier. Section 42 provides for authorised officers to serve welfare notices upon animal keepers. These notices can require the keeper to undertake a variety of actions for the purposes of protecting animal health and-or safeguarding welfare. These notices are circumscribed by the right to appeal in section 43. In other words, instead of an authorised officer having to wait for cruelty to occur in order to act and take a resulting prosecution, if there is suspicion that cruelty is taking place or if such has been reported, an authorised officer can serve a notice on the person. In sporting terms that is like offering him or her a yellow card, telling the person he or she needs to change a practice because if, when the officer calls again, there has been no change, prosecution will be considered. It is a sensible practical way of giving people a warning. In many cases, people do not behave deliberately to cause cruelty but may need to improve their practices. This part also contains provisions in regard to search warrants, obstruction and false statements and requires that in some instances animal keepers may be required to give assistance or provide information.

Part 9 refers to the involvement of local authorities. Part 10 concerns proceedings and sanctions. I do not believe I need to go into the detail of all of these.

Part 11 refers to animal tracing systems. This is really important in terms of quality control, safety and disease control and, in particular, for the reputation of our food industry.

Part 12 deals with animal marts and largely concerns the licensing of same. Again, this is based on the existing Livestock Marts Act 1967.

Part 13 contains miscellaneous matters such as forgery, payment of fees, service agreements with other agencies, and so on..

Part 14 is an amendment to the Animal Remedies Act 1993, about which I need not go into much detail. That is more or less everything, in respect of content.

This legislation is good news for anybody who cares about animals or is involved in making a livelihood from raising animals, whether for food, sport or pleasure. It is good for any person who has a pet at home and wishes to ensure that companion animals, if one wants to use that term, are treated with the level of respect they deserve and receive the protection of law. We have modernised and consolidated all legislation that deals with animals in Ireland in a way that is easy to understand. We can improve the legislation, which is why we must go through this process. If people have concerns, ideas and amendments, we will be open to taking them on board. This is not about party politics or getting something passed for the Government. We are trying to get animal welfare legislation that will stand the test of time.

I do not want us to get distracted by individual campaigns on certain animal welfare concerns. I must strike a balance. I cannot give certain welfare organisations everything they want, just

[Deputy Simon Coveney.]

as I cannot give commercial representative organisations everything they want. This is about a balance to pass practical, sensible legislation that can be implemented to treat animals in a way appropriate to modern Ireland. We got the balance right in the drafting to date and I look forward to the comments and amendments of Senators. We will try to improve the legislation if possible. If I can, I will accept amendments and if I cannot, I will explain why. In that spirit, we can improve the legislation.

Acting Chairman (Senator Michael Mullins): I thank the Minister for a comprehensive outline of the proposed legislation. It is proposed to conclude at 1.45 p.m. and the Minister will be called on to respond to the debate at 1.35 p.m. Leaders of various groupings have ten minutes and all other Senators have six minutes.

Senator Paschal Mooney: I welcome the Minister to the House and I commend him on this comprehensive item of legislation. It is the largest Bill he has introduced in his tenure as Minister for Agriculture, Food and the Marine. It comprises 76 sections and is a consolidation Bill that will repeal a range of legislation going back to 1851. The core element is the updating of two specific items of legislation, one of which is the Animals Welfare Act 1911, which must have seemed enlightened legislation at the time because it dealt with animal cruelty. Looking at it through the prism of history, people were not as focused on those matters as they are now. The fact that it has lasted this long, with amendment in 1965, is a credit to those who drafted the Bill. We welcome the ambition behind the Bill to update the existing legislation and to create a new onus on animal owners of positive responsibility for animal welfare.

The important issue is the impact the Bill will have on the ground. There are serious concerns about a variety of aspects of the Bill, including the appointment of inspectors, changes in compensation arrangements, a ramped-up code of practice, levies and practical issues for farmers. These areas must be addressed to ensure the Bill has a positive impact for farmers. The IFA is already out of the traps. The Minister has consulted widely but it is recognised that farmers operate to the highest animal welfare standards and are already heavily regulated by the Department of Agriculture, Food and the Marine. The broad thrust of the Bill, which is where it will be vitally important, is the message it sends out through its national and international implementation. If there is one bright shining light in the economic gloom, it is the major advances and the economic success of the agrifood sector over the past two years.

Harvest 2020 was initiated by the Minister's predecessor, Deputy Brendan Smith, and he does not receive the recognition he deserves in bringing this from concept to completion. The Government has quite rightly identified the agrifood sector as a key component of economic policy, the creation of jobs, increasing competitiveness in that area and increasing exports. I compliment the Government and the Minister on the manner in which they have taken up the challenge and reaped positive responses internationally with the opening of new markets and the reopening of markets that had been closed to us. In that respect, it is vitally important to continue to support the agrifood industry.

The views of the largest farming organisation in the country should be taken on board in this regard. The IFA makes the point that the Bill should not impose any unnecessary or additional costs or bureaucracy on farmers. The IFA is also concerned that proposals under the Bill to introduce codes of practice in the animal welfare area and the manner in which these could be used against the best interests of farmers. Any time a Government introduces levies, it creates a reaction. The Bill will extend the disease levy on agricultural produce to the animal health levy, which implies additional charges on farmers to fund animal welfare and related areas. I am sure the Minister will clarify this point. I am conscious that any lobby group will present its case and this will not necessarily coincide with reality.

The obligation on the Minister to pay compensation under the current Disease of Animals Act when animals are removed for disease or other purposes is being removed. The appointment and power of authorised officers is also an issue. With regard to the humane destruction of animals, it is important that knackery personnel continue to be allowed to slaughter animals.

The overarching goal of the Bill is to consolidate disparate elements of existing legislation and to modernise the legal framework. It draws together the health and welfare of animals. These had previously been viewed as separate concerns and the change is welcome. Animal welfare officers will be able to issue animal health and welfare notices requiring an improvement in the animal's condition. Regarding disease, the Bill allows enhanced action to improve biosecurity and reduce the prospect of disease outbreak. It also ramps up the powers of authorised officers. It takes a broad approach to specifying rules for various species and aims to expand the code of practice model used by the Farm Animal Welfare Advisory Council to other groups, including animal welfare groups. It also introduces heavy fines and, considering the fines under the 1911 Act, it makes for a stark reading. The sum of £5 was a lot of money at that time. The Minister is sending a strong message by introducing on the spot fines to reduce the bureaucratic burden of the court system. This is welcome. The maximum allowable penalty will be €5,000 but for major indictments, the penalty has been raised from €100,000 to €250,000, which is welcome. It also extends powers concerning people's right to own animals in response to a court request that it be given the power to stop serial animal welfare offenders' right to purchase animals in the future.

The Bill does not affect fishing, hunting or hare coursing. I cannot allow the occasion to pass without reminding the House of the commitment during the election campaign to reverse the stag hunting ban. This has not happened and it is unlikely to happen. Senator Thomas Byrne has been animated about this because he believes he lost his seat as a direct result of supporting the Government at that time. The incumbent in government gained with the electorate by claiming his party, when in government, would rescind the legislation. We can put it down to politics — Seán Lemass said that once elections were over all bets on election promises were off.

The Bill runs to 76 sections. Section 11 imposes a positive duty on a person who has a protected animal in his possession or control and he must ensure the health and welfare of the animal is safeguarded. A protected animal is not just one normally kept for farming, but also for recreation, domestic or sporting purposes on the island of Ireland. Perhaps the Minister might deal with this in his reply. I was curious regarding the comparative UK legislation for domestic animals, pet animals and the obligations placed on people. There have been some horrific examples of pets being mutilated or treated in an inhumane fashion.

According to the Royal Society for the Prevention of Cruelty to Animals, under UK law, pet owners are now legally obliged to care properly for their pets, which is what most owners do. The UK legislation states that owners must provide five basic needs. I could not find anything in the legislation covering all the five basic needs but some of them are listed, including somewhere suitable to live, a proper diet, including fresh water — this is included under the feeding of animals — the ability to express normal behaviour, to be housed with or apart from other animals where necessary, and protection from and treatment of illness and injury.

The broadening of offences involving animal fighting is to be welcomed. The Protection of Animals Act contained a prohibition on animal fighting but section 15 of the Bill seeks to ensure that convictions can be secured as this often proved a difficulty in the past.

The Bill amends a rule providing that an animal may not be sold to a minor who is apparently under the age of 16 years, although this does not prevent them from owning an animal, and this is to be welcomed. One of the more significant aspects of the Bill is the extent to which enforcement provisions in the older legislation have been extended and amended. I ask the Minister to focus on the person appointed as an authorised officer by the Minister under section

[Senator Paschal Mooney.]

37, other than those of a member of the Garda Síochána or a member of the Customs and Excise service. This area needs to be clarified in order to reassure those in the farming sector that these will not be third parties with a particular agenda.

This Bill contains 76 sections and it covers a large range, the full gamut of animal welfare, disease eradication and enforcement levies. In the short time available to me it would be impossible to deal with all the details. I have raised some general issues which I hope we can tease out on Committee Stage. The Fianna Fáil group enthusiastically supports this Bill and we welcome the fact that the Minister is amenable to amendments as he sees fit.

Senator Michael Comiskey: I welcome the Minister to the House and I thank him for introducing this legislation as a Seanad Bill. As the Seanad spokesperson on agriculture I am pleased to speak on Second Stage today. I commend the Minister and the staff in the Department on their work on this Bill.

The Animal Health and Welfare Bill is multifaceted in its aim and scope. It reflects a significant departure from previous legislation in this area in that it combines, in one piece of legislation, the two distinct areas of animal health and animal welfare, both of which are inextricably linked when raising or caring for animals. However, the Bill should not be viewed in isolation as it aims to work in tandem and supplement existing legislation while providing clarity in a number of areas.

In modernising the laws governing animal health and welfare, the Bill reflects a number of changes in society, including greater movement of people, animals and feed, causing an increased capacity for disease to spread. This Bill aims to strengthen preventative and disease containment measures. Society now demands far higher standards in food production and traceability of food products, another issue addressed in the Bill. This is very important for Ireland as a food-producing nation. In addition, the Bill takes into account recent scientific improvements in this area. It contains wide definitions for animal and disease and a wide range of farming and domestic animal issues will come within its scope.

Part 2 introduces important disease prevention and control measures, collectively referred to as biosecurity. Section 7 allows the Minister to apply the provisions of the Bill to a wide spectrum of animals and diseases, including agents of a disease. Section 8 places responsibility on each animal owner to keep farm fencing and buildings in good repair to prevent animals from straying and thereby preventing the possible spread of disease. Section 10 creates a new offence of interfering, spreading or causing a disease to be spread and specifically prohibits any interference with a test. It thereby places a substantial onus on animal owners to be cognisant of the presence and potential for disease to spread. A person in breach of this section is deemed to have committed an offence.

Part 3 of the Bill deals specifically with animal welfare and consolidates earlier legislation in this area. This part contains general welfare provisions in respect of all animals, but greater standards of protection in respect of animals owned or under the control of people. Section 12 is a substantial provision which expressly prohibits animal cruelty by direct physical abuse, recklessness or negligence. A breach of this section may amount to criminal sanctions as well as heavy financial penalties to be used as a contribution towards the animals care. The welfare provisions in the Bill take into account the whole life of the animal from feeding at section 13, requiring the use of anaesthetics at section 17, the protection of animals during sale at section 22 and to the humane destruction of animals governed by section 23 of the Bill. Another important provision of this section is set out in sections 18 and 19, requiring regular inspections of animals by their keepers and in cases of intensive production, regular checks on equipment must also be made. Intensive units must keep proper records of these inspections under section 20. Section 24 contains emergency provisions for authorised officers where an animal is in distress.

Under section 22 the sale of animals to children under 16 years of age will be specifically prohibited. This section does not seek to inhibit a child's engagement with animals and where a child younger than 16 is in possession of an animal, the care and welfare for that animal will be vested in a parent or legal guardian of the minor. Part 4 of the Bill introduces a relatively new practice into Irish legislation, the inclusion of codes of practice. The introduction of such codes must be welcomed as a means of generally promoting good animal health and welfare, while allowing for a greater degree of flexibility. These codes should be viewed as a means of assistance by animal owners. The codes are formulated on a 30-day consultative basis, to facilitate a genuine discussion and formulation of a practical code. Although these codes are non-binding, where an animal owner is summoned to court on an animal welfare or health issue, breaches of the relevant code may be brought into evidence.

Part 5 deals with animal health levies and allows for the application of levies for the purposes of disease prevention, control and eradication. Part 6 of the Bill aims to deal with the situation when the slaughter of animals is necessary for the control of disease and introduces more detailed provisions in respect of any compensation should such a measure be directed by the Minister. The Bill provides for an independent valuation and an arbitration system aimed at producing a fairer outcome for the animal owner at sections 32 and 33, respectively. Clarity is provided where compensation may be reduced or refused. The Bill aims to balance the cost to the public purse with any requirement to pay compensation.

Part 7 sets out the Minister's power to supplement or strengthen provisions through the introduction of regulations as set out in section 36, thereby providing the Minister with a mechanism to bolster the provisions of the Bill. The influence of this provision is broad and a full list of areas which may be regulated upon is set out in Schedule 3. Having a more significant effect than codes of practice, contravention of a regulation enacted under this Bill would be an offence. From the foregoing, it is clear that the Animal Welfare and Health Bill 2012 aims to modernise the care and treatment of animals in Ireland.

Part 8 specifically deals with enforcement. These provisions mark a departure from the previous legislation in this area as it furnishes authorised officers with pre-emptive powers, which are vital in the protection of animal welfare and ensuring good animal health. Authorised officers, appointed by the Minister and the local authorities under section 37, will now be equipped with powers allowing them to intervene where they believe an animal is at risk or where welfare is compromised. Prior to this a major welfare breakdown must have been in evidence before the officer could intervene.

In addition, by linking the areas of animal health and welfare under this Bill, an authorised officer is now in a position to carry out an inspection on a more effective basis. Enactment of this Bill will provide an authorised officer with an option to issue an animal health and welfare notice upon an animal owner. Those notices will place the onus on the animal owner to improve the conditions of the animals in their care. Any consequent failure to comply with such notice is an offence under the legislation and, ultimately, may lead to the seizure and detention of the animal for non-compliance. An appeals process is set out under section 20. The introduction of this measure must be seen as positive in promoting the welfare of animals and a direct method of influencing the health of the animal. Intervening at an earlier stage may lead to a parallel reduction in costs and future veterinary care bills for the State and the animal owner.

The powers of authorised officers are set out in the Bill on a hierarchal basis, with limited rights to inspect and greater powers to search a premises. The enforcement measures are broad enough to cover a wide range of circumstances. Furthermore, under Part 9, the local authority will also have powers of enforcement. In addition, to strengthen the powers of enforcement, Part 10 sets out the broad range of sanctions ranging from on the spot fines to indictable offences to disqualification to class A fines, the highest under the Fines Act 2011.

[Senator Michael Comiskey.]

These are a wide range of measures which demonstrate the Government's over-arching commitment to protecting animal health and welfare while equally providing a broad range of sanctions to deal with the facts of the matter in hand. An important aspect of modern public policy is addressed in Part 11 which deals with animal tracing systems. If Ireland aims to promote itself on the national stage as a producer of quality livestock and food, these systems must be beyond repute. The sanctions for not complying with the terms of a tracing system are significant and therefore reflect the importance of compliance.

Part 12 sets out the provision for the licensing of marts. Part 13 deals with miscellaneous matters, including the offence of forgery of animal permits or altering an animal's welfare notice, as provided for in section 72.

Part 14 provides for a number of amendments to the Animal Remedies Act 1993. It provides for the amendment of section 8 of the 1993 Act, a change necessitated by a judgment of the Supreme Court, which held that the regulation under the 1993 Act could only be amended by the Houses of the Oireachtas. Section 76 now provides that any regulation made under any aforementioned Act may in future be amended by further regulation. Further amendments are made to the 1993 Act in respect of calculation of fines and fees payable with licence applications.

I thank the Minister and his Department for their work on this area and the Minister for bringing the Bill before the Seanad. I look forward to the Bill being made law at an early date. I firmly believe this legislative proposal will strengthen and enhance the health and welfare of animals in Ireland.

Senator Sean D. Barrett: I join Senators Mooney and Comiskey in welcoming the Minister. I thank him for initiating the Bill and welcome his openness to considering amendments Members may put forward.

The reference to 1911 in the Bill must date back to the era of Horace Plunkett, one of the great figures in public life then. Given that we will commemorate so much in the next few years, it occurred to me that the contribution of Horace Plunkett — who had a position equivalent to that of the Secretary General of the Department of Agriculture — to agriculture and the development of the co-operative movement makes him one of the great figures in Irish agriculture.

I wish to deal with some of the points in the Minister's speech. There is a reference on page 2 to how animals are fed, sheltered and so on. I am not an expert in this field compared with the Minister but there is a view that sometimes we over-invested in sheltering. I wonder how much of it is needed and was some of it an unnecessary expense and grant driven. That is a point of referral for the Minister to which he might reply. Some people are of the view that we have invested excessively in the sheltering of animals, that much of it was grant driven and they would question whether it was strictly necessary and whether animals being in the open constitutes cruelty. We all share the Minister's opposition to animal cruelty. The regulations he mentioned on how they are fed would have the unanimous agreement of all of us here.

Page 5 of his speech refers to the legislation making it illegal to attend a dog fight. I presume that covers cock fighting as well. It was not mentioned in his speech but I presume he would regard that as equally an undesirable activity as dog fighting. It is a practice in certain parts of the country — in Border areas where those events still take place.

The protection of an animal who is hunted, exhausted, mutilated and injured or a hare coursed without reasonable chance of escape is referenced in page 6 of the Minister's speech. That brings to mind the late former Deputy Tony Gregory who laboured in these Houses on that front for such a long time and he will be remembered with affection for his interest in animal rights.

Section 16 deals with the mutilation of animals, castration and so on. Some of that is done for agricultural purposes. I presume when we come to deal with the body of the legislation it will be set out what is done traditionally and humanely as part of the normal practice of agriculture. Those were my thoughts on the Minister's speech.

The explanatory memorandum refers to dog fighting and goes back to 1911; I presume that refers to other attempts to make animals fight each other as well and that this will be covered.

The legislation provides that the sale of an animal to a young person under the age of 16 is prohibited. A point that arises here is that some people may be very kindly disposed towards animals. The irresponsible purchase of pets at Christmas leads to problems afterwards. It is just a thought and I will not going to table an amendment on this but I wonder if any qualification might be considered on that. That is referenced on page 2 of the exploration memorandum.

On page 17 of the Bill there is a reference to "throwing or casting with ropes or other appliances any unbroken horse or untrained bull" and I wonder how that would be interpreted in court. I am sure we will deal with this on Committee Stage. I do not think anybody could throw a bull or a horse and I wonder what is intended by the Minister in that provision. We support him in dealing with cruelty but it may be physically impossible for a person to do that. I do not know what a judge would make of that if it came before him or her.

The following paragraph (f) states "riding or attempting ride an animal which, by the use of any appliance or treatment, is or has been stimulated with the intention of making it buck". Does that provision prohibit rodeo? I do not believe there is any of it in Ireland. What is the Minister's intention in terms of that provision?

The Minister referred to the development of agriculture and how this legislation will protect our clean image. We probably did have an unfair image of ill-treating animals. It is interesting that the latest Central Bank quarterly bulletin indicates that this has been a very good period for Ireland agriculture, but to some degree we are getting back to where we were in 2007. Do we make the breakthrough now and continue to grow or do we drift back to the previous peak of 2007? The attempts made by Brendan Smith to develop agriculture for the 2020 plan were mentioned and they require this to be the crucial period when we do not just make up the losses since the previous peak but go on and develop, as the Government seeks to do, in China and the new markets.

There was genuine distress about the horse that had to be put down during the Aintree Grand National. It is not in our jurisdiction but we can reflect on it. I am grateful that at Irish race meetings we do not have what appears to be the cruelty and distress caused to animals associated with the Aintree Grand National. Will the Minister's provision apply to race meetings with a record of horses being killed?

There is a generational change here in that younger people are much more sensitive to the rights of animals than we are and some find much of what goes on in circuses somewhat distressful. Are circuses covered by the Bill? Close to the Minister's home, I saw children who were quite distressed at the cheetah racing in Fota. It seems that carved up pieces of hares and rabbits were strung overhead and the cheetahs went after them. What distressed the children was that the winning cheetah got to eat the prey. I should have written to the people in Fota afterwards. Inadvertent cruelty or events which cause distress to children should merit our attention.

Is badger baiting covered? I am not sure whether it is still practised very much. What goes on in Smithfield in this city has rightly been targeted by animal health people and the Garda. Racing and trotting horses on city streets and roads is a form of cruelty and moving the horse fair out of the city to somewhere in the country would at least reduce the cruelty involved in getting the animals there and is something that should be kept under review.

[Senator Sean D. Barrett.]

With regard to animal health in general, distress to the wider public, particularly in the United Kingdom on the previous occasion of disease outbreak, was caused by the widespread killing of animals and the incineration of their carcasses. What is the Department's view on the development of vaccines as an alternative to this? It did extreme damage to the international image of the United Kingdom during the summer those killings had to take place.

These are my thoughts in support of the Minister's wider objective in introducing this legislation. I am sure he will enjoy wide support throughout the House. It is very good for the country, particularly for the younger generation, to see animals being looked after and treated well and kindly as the Minister intends in the Bill and I commend him on this.

Senator Susan O'Keeffe: It is a pleasure to welcome the Minister back to the House for the introduction of the Animal Health and Welfare Bill 2012. I hope and trust the officials and the Minister, who must have worked very hard on this, were fed and watered appropriately because obviously it has been a labour of love as much as a labour of some difficulty I am sure. I acknowledge the hard work and dedication shown by the Minister with regard to the Bill. I have heard him speak on many occasions and I know these are matters in which he has a deep personal interest.

The Bill is certainly thorough and all embracing. It consolidates and modernises existing legislation some of which, as we heard from Senator Mooney, dates back to the 19th century. It does so in the face of many changes in the way we keep and manage animals, not to mention the changes in the type of animals we keep.

Before we proceed I must confess the fact that my ten year old daughter, in a moment of great madness or perhaps ingenuity on her part, decided having lost the cockerel to the fox that she would buy a cockerel from one of the lads in her class at school. The princely sum of €6 was exchanged for the purchase of a white bantam cockerel which now struts around the yard and has various nicknames, none of which is repeatable here. There is a culture among rural children, particularly those growing up on farms, of assisting their fathers and mothers and getting involved in a small amount of buying animals to try to raise some money or get involved themselves. I understand the spirit of the legislation in terms of those under 16 but I raise this with the Minister on foot of my personal experience and because I know of families where this happens when children are being encouraged into farming. I would hate to see the legislation discourage this type of entrepreneurial skill and interest in animal husbandry at an early age.

Before I speak about the substance of the Bill I wish to acknowledge, as did Senator Mooney, the concerns of farmers with regard to the potential increased costs to them arising from the legislation. As we know, farmers do not operate with high margins and it is unlikely they ever will. Increasingly they are being asked to operate to higher standards, which are appropriate, but a balance must be struck so they can maintain and pursue these standards while also being able to earn an appropriate income and standard of living. The only reason the food industry in Ireland has prospered and continues to do so and holds such promise for the future is because it is rooted in past traditions and skills all provided by farmers long before it was either profitable or popular to do so. We owe much to Irish farmers and how they have helped to build our modern food industry, an industry which is important domestically and internationally. This did not happen by accident. In creating modern forward-looking legislation that ensures the welfare of animals, we must not sacrifice the welfare of farmers to this end. I know the Minister has consulted widely and I know this is a thorough Bill but concerns are still being raised. Perhaps some of these may be addressed today and perhaps we need to go away and consider others. The purpose of Second Stage is to air these concerns. I know the Minister will take them back to his officials and he has made this abundantly clear.

I entirely agree with the Minister that this is not a political matter. We are working together across party lines to try to find legislation that will deal with the matters held dear by us all. Specific concerns related to the need for a vet for the humane destruction of animals have been raised time and again. It seems many of the powers to be invested in appointed authorised officers will be wide-ranging. I take the Minister's reassurances that these people will be trained but perhaps we need to take another look at these powers. Clarity must also be afforded with regard to the proposals for animal health levies, their imposition and collection.

As other speakers pointed out, the Bill encompasses two main areas, namely, the welfare of farmed animals in the food chain and the welfare and health of other animals. I propose to speak about the importance of animal welfare to the ever-lengthening food chain. Throughout

1 o'clock Europe livestock farming alone is valued at €149 billion, accounting for 334 million animals and 2 billion birds. I do not know who did the counting but they must have been blind by the end of it. There are also an estimated further 120 million cats and dogs. We are not speaking about a small amount of animals; this is a huge amount of four legged and two legged creatures to take care of. The recent European report on animal welfare concluded there is a lack of knowledge of what animal welfare means among stakeholders dealing with animals. It also concluded there is a lack of enforcement by member states of the EU with regard to legislation. This is a serious statement given the number of animals we have identified in the system and the reliance consumers increasingly have on healthy and safe food. It is the backdrop to this legislation and demonstrates its need at this time.

The nature of the current export market for food and food products means animal welfare standards must be imposed and universal, particularly within the EU, so consumers can expect to eat and buy uniformly safe food. On foot of this report, the EU has pledged to improve the status of welfare and I know the Bill being introduced today forms part of our response to this pledge. Given that so much of it was outdated, it is indeed very timely.

I appreciate the legislation is aimed at driving down the incidence of disease, with all the advantages that accrue therefrom, not least that animals themselves are in better health and the status of our food and food exports is enhanced. However, the potential removal of compensation payments for diseased animals clearly is of concern to farmers and must be a point of further negotiation. Since disease-free herds are of such importance to farming, could a reduction or removal of compensation cause an increase in disease among herds, were farmers not so keen to come forward or acknowledge the presence of such diseases?

It is the Minister's aim that Irish farmers will pursue farm management and farm production that is top-class and world-class. Ultimately, healthy livestock will provide healthy, top-quality food and a reduction in the incidence of disease will reduce the presence of medicinal residues, among other benefits. Veterinary Ireland specifically referred to this point in its submission to the food harvest strategy and all Members support this aim. The Department and Teagasc must continue to encourage and support farmers to pursue disease-free herds and this emphasis must continue in years to come. Legislation that penalises farmers and other animal owners is only one part of the game, albeit a necessary part. However, what really is needed is increasing education and awareness, as well as a positive encouragement towards building what Veterinary Ireland described as "Ireland — the food island". I do not know how Members can legislate for that or where their role might be but I at least wish to put on record that while one can and must legislate against certain things, given that certain ways of doing things become habit-forming over the years, it will be very important to drive a public campaign to increase education and awareness. Ultimately, the trend is towards a form of food labelling familiar in the United States, whereby food is identified with labels such as "animal welfare approved" or "certified humane raised and handled". Education and training will assist in making possible such a system, as Irish farmers strive to ensure that the Farm Animal Welfare Council's defini-

[Senator Susan O’Keeffe.]

tion of basic welfare for animals is complied with. I refer to freedom from hunger and thirst, freedom from discomfort, pain, injury and disease, freedom from fear and distress and the freedom to express normal behaviour. This must be the norm. I specifically welcome the provisions on traceability and the census of animals. My point is as the Minister has embarked with such enthusiasm on this particular Bill, I hope that in tandem, there will be a major public campaign down the line in respect of education, understanding and training. While I acknowledge much of this already goes on, more is needed.

In respect of the part of the Bill dealing with cruelty to animals, I welcome the changes in legislation that will provide for pre-emptive action in respect of cruelty to animals, rather than the existing provision, which prohibits cruelty without real powers of prevention. I welcome the broadening of offences involving animal fighting through the prohibition of the organisation or recording of, or participation in, a lengthy list of animal fighting, including animal baiting, dog fighting and cock fighting. Much useless and appalling cruelty is perpetrated on animals. I refer to a kind of mindless cruelty, including acts that have occurred in more urban settings, such as animals being set alight or being thrown into vats of oil. It is extremely difficult to legislate for all that but certainly, public awareness exists that such acts are not acceptable. I will conclude by noting that the telephone line allowing members of the public to contact the Department is a strong action that demonstrates the Minister’s intent to get on top of the problem.

I greatly welcome this legislation and recognise the need for it to show care for animals and to strengthen the capacity of Irish farmers to produce top-quality food safely and disease-free. Ultimately, this will provide a premium for Irish food products and will build and develop the food industry.

Senator Kathryn Reilly: I welcome the Minister and his officials to the House. Deputy Coveney, with his great grasp of his portfolio, is one of the Ministers to whom I enjoy listening to most in this Chamber and I welcome him back. Sinn Féin welcomes this Bill, which is of great importance to the economy and in particular, to the rural way of life, which has taken some severe hits in these times of economic crisis. It is important to get this legislation right and Sinn Féin will approach the Bill with a mind to improve on what constitutes a good basis. Its introduction is to be welcomed and as other Members have noted, the current legislation is outdated and it is clear the health and welfare of animals must be brought in line. Moreover, improvements in technology, communications and animal welfare science mean this overhaul is overdue. The manner in which Ireland’s agricultural industry is viewed internationally is extremely important to the economy and, therefore, it is essential that the highest standard of animal health and welfare is maintained to protect the name of Irish agriculture abroad. In addition, the brand of Irish food must be promoted and guaranteed at all costs. It is one of our major industries and has a huge role to play in creating economic growth.

Animal health and welfare are inextricably linked. All Members have heard the expression, “Healthy cows are happy cows”. It is also important that the public image of animal welfare and animal farming is looked after. Citizens must have confidence in our meat and dairy products and therefore, it is critical that any breaches are dealt with in a manner that includes an element of reassurance to citizens. However, it is important not to place too great a level of bureaucracy on farmers. It is in the interests of both the farmer and the State that the health and welfare of animals are catered for. This is the reason a genuine, mutually respectful relationship must be established and maintained between the State, its agents and farmers on the ground. It is essential that farmers who lose livestock due to disease receive proper and adequate compensation for this loss. Everyone is aware that the loss of livestock can have a severe impact on the financial position of farmers and because the policy is to keep as many farmers on the land as possible, the absence of an adequate compensation system would make

it difficult for farmers to re-establish a footing in the agricultural industry. This is the reason such compensation should be provided on a systematic basis and not necessarily in an *ad hoc* fashion.

There are also concerns regarding the powers that are to be granted in this legislation to authorised officers, for example, to search premises and gather information. The constitutional rights of farmers and animal owners should not be breached. In addressing this Bill, I must point out there is widespread concern at the manner in which the Department's special investigations unit has carried out some — I emphasise some — of its work, indicating that in a range of cases, it has abused some of the extensive powers given to it under legislation. I know of one case in my home county of Cavan that is highly distressing and in which an injustice has been done. I believe we need stronger safeguards for the rights of citizens, including an avenue of appeal other than the courts.

The Minister stated, in respect of the authorised officer, that he had no intention of appointing anyone under the proposed legislation who has not been adequately trained and who was not qualified to act in a professional manner in respect of the duties undertaken under this legislation. Similarly, the explanatory memorandum states that such people will be appointed with powers related to only limited parts of the Bill. In this respect, it is important that the position should not be given to private companies. Members have spoken of how critical this industry is to Ireland's economy and culture and it is too important to be left to what could be perceived as middlemen. I also wish to avail of the opportunity after this debate to engage with the departmental officials on section 37, which provides for authorised officers, with a view to considering it on Committee Stage. I thank the Minister for offering the facility. In addition, a stronger regime must be put in place with reference to education, information and prevention to balance the strong emphasis on prosecution as perceived by the special investigations unit.

It is imperative that there be co-operation between the Six Counties and the Twenty-six Counties with regard to animal health and welfare. Harmonising legislation between the jurisdictions would help with disease eradication and would prevent those who abuse animals from having legal impunity on either side of the Border. The Minister of Agriculture and Rural Development in the North, Ms Michelle O'Neill, is working diligently to improve animal welfare in the North and consequently, the maximum level of co-operation is required. I again thank the Minister for introducing this legislation. Sinn Féin will support it although I will seek further advice from his officials in respect of Committee Stage.

Senator Pat O'Neill: I welcome the Minister and am delighted he has initiated the Bill in the Seanad. As 11 of its Members were elected on the agricultural panel, there is deep interest in this Bill. The issues of food safety and food security are tied into the Animal Health and Welfare Bill 2012. Enactment of this Bill will help to enhance Ireland's excellent reputation around the world in terms of food safety and security.

I congratulate the Minister, Deputy Coveney, on this initiative which is a substantial modernisation and overhaul of the law on animal health and welfare. A cursory glance at the Bill reveals it contains 76 sections and refers to almost 60 other pieces of legislation, some dating back to the 1800s. The consolidation of legislation is welcome in that it clarifies the obligations of those who own animals. Coming from a farming background, I know that keeping animals in the best health and caring for their welfare is essential for a number of reasons. An unhealthy or distressed animal will have reduced or no value from an economic point of view. There is a moral obligation on us to care for the animals we own. In Ireland, perhaps for cultural and economic reasons, animals tend to be well cared for. Farm animals generally have freedom in fields and intensive farming is, by and large, not a feature of life in Ireland, which, I imagine, is what the Chinese Vice-President found attractive about Irish produce on his recent visit to this country.

[Senator Pat O'Neill.]

As a farmer, I am concerned about some aspects of the Bill, which perhaps the Minister will clarify. For example, the Bill makes several references to inspections, the very mention of which to farmers raises their antennae. While I recognise that inspections are necessary to ensure that this legislation is properly enforced, I would welcome clarification as to the nature, scope and extent of inspection envisaged under the Bill. Section 23 deals with humane destruction of animals where, in the opinion of an authorised officer or veterinary practitioner an animal is fatally injured; so severely injured, diseased or in such pain or distress that, for the alleviation of its suffering it should be killed; to prevent further suffering or is a danger to life and property. In these limited circumstances, the animal may be put down in a manner that would inflict as little suffering as possible. I welcome the Minister's clarification in his speech that knackeries can continue to carry out this work. There was concern that if only veterinary officers could do so the costs involved might lead to further suffering of animals.

I would welcome further clarification in the Bill of whom shall be an "authorised officer". Section 2 defines an "authorised officer" as a member of the Garda Síochána; an officer of Customs and Excise or a person appointed under section 37. It is the third category that I am particularly interested in. There is a need for further clarification in this regard. Section 37 provides that the Minister may for the purposes of enforcing this Act or an EU measure, appoint in writing such persons or classes of persons as he or she considers appropriate to be authorised officers for the exercise of all or any of the functions conferred on an authorised officer under this Act. What type of person does the Minister have in mind in the context of "authorised officers"? It is hoped that personnel from approved knackeries would qualify in this regard. As I stated, I am concerned that if there is a tightening of restrictions on whom a farmer could call in to put down a sick or suffering animal farmers would, in effect, be reliant on expensive veterinary services, which might result in a delay resulting in animal suffering. As knackeries are subject to regulation by the Department of Agriculture, Food and the Marine, they should be allowed to continue to do this work.

I am not sure if the Bill deals with exotic pets. Concern has been expressed in recent years about people keeping exotic pets such as snakes and their failure to ensure these pets do not escape. Three years ago the owner of a reptile zoo in Kilkenny expressed concern about the number of people coming to him to rehouse crocodiles and poisonous snakes, for which the zoo did not have capacity. Mr. James Hennessy, who runs the Reptile Village Zoo in Co Kilkenny, said he had been inundated with calls requesting him to rehouse crocodiles, poisonous snakes and turtles because their owners cannot look after them and that he had to turn away people with such animals because the zoo was full. He also said that the Internet has made it easier for people to order almost anything they want, pet-wise, and that it is the nature of wild animals to escape if they can. This may cause a danger to public health and safety and result in cruelty to the animals. Snakes and crocodiles may also pose a threat to animal welfare. There is no legislation in Ireland to cover exotic pets. Perhaps this falls outside the Minister's area of responsibility but it is an issue of concern, one which he might discuss with his colleagues at Cabinet.

I would also like to address the issue of bureaucracy and on the spot fines. We are all aware that if we park illegally we will get a parking ticket or be clamped, in respect of which emotions often run high. There is a need for caution in terms of the designation of "authorised officers" given they will be the people required to impose on the spot fines on farmers, in respect of which emotions may run high. This issue needs further consideration given the problems that could arise in certain rural areas.

I welcome this Bill and commend the Minister, Deputy Coveney, on its introduction. I look forward to hearing his response to the issues I have raised.

Senator Mary Ann O'Brien: I welcome the Minister, Deputy Coveney, to the House and congratulate him and his officials on the introduction of this detailed Bill, which updates existing legislation. It is long overdue.

We are all aware that we are in a space where thankfully commercial agribusiness has become central to our growth and survival. It is an area of great hope for our future. While the balance achieved by the Minister in this legislation is welcomed it is important we do not bury people in bureaucracy while seeking to put in place controls in respect of animals.

I attended this morning's meeting of the Oireachtas Joint Committee on Communications, Natural Resources and Agriculture. None of us, including the Minister, would want to live in an Ireland which had large factory farms. We love our Ireland of small farms and hedgerows and are managing to be commercial, productive and grow our exports. I never want to be in an Ireland where family farms are a thing of the past. To this end, I ask that the Minister take a look at a 94 minute documentary, which he will enjoy, entitled "Food Inc.", which is an American documentary made in 2008. It is an incredibly unflattering documentary in regard to the American corporate controlled food industry. It shows how animals are raised, handled, altered, transported, sold and killed and the appalling conditions in which they are kept. I raise this by way of highlighting how quickly things can happen. For example, the Chinese could buy five or six farms in a county following which we could end up with a farm the size of County Kildare. I know I am dreaming. However, it could happen and has happened in New Zealand.

The documentary shows chickens hanging like pieces of laundry on conveyor cables above fast moving assembly lines waiting to be dipped into boiling oil and beautiful cows standing knee-high in their own faeces being fed genetically modified grain so as to be fattened as speedily as possible in order to ensure the greatest commercial return for their owners. This is happening on large farms. The Minister will be aware of what this does in environmental terms to surrounding areas. I ask that the Minister and his officials view that documentary, which I think they will enjoy. They have got a lot wrong in America. I hope the Minister, having viewed that documentary, will be encouraged to review this legislation. If we get this right, all of the brilliant work done by him, Bord Bia and the previous Government, will ensure Ireland remains a green island.

As I stated earlier, Ireland is the food island with one of the greatest food safety records in the world. This Bill will help to increase that image. I am not involved in marketing. The Minister is in regular contact with Bord Bia, representatives of which I met recently at Enterprise Ireland's Food Works programme on the trends in this area from consumers around the world. I regret to inform the Minister Ireland is not involved as it is an old story in this regard. Younger people are interested in from where they food comes and how it is produced. Younger people are interested in where their food comes from and how it is produced. They are also interested in eco-sustainability. We know all businesses must be corporately responsible. All of this ties into this area of animal welfare, how we present ourselves as a country and how we do business. I hope I am making sense because I am a little bit all over the place.

I have not read every sentence in the Bill but I ask the Minister to ensure circuses can no longer have animals. Officers or agents of the Department and the Garda should prosecute farmers who have ragwort on their premises. In case any Members do not know, horses who eat ragwort will have a very slow and painful death. It affects their livers. I drive through counties all the time and I was driving up from Limerick yesterday and saw ragwort coming up even though there were horses on the land. I do not know whether it is ignorance. I know I am picking out one animal and should not do so because this is a general Bill but can we legislate so that anyone who keeps horses cannot have ragwort on their land.

In regard to coursing and hares, an area which causes much political unrest, this is left a little soft in the legislation. Section 12(12) refers to hares who are injured, mutilated or an exhausted condition and to hares who are coursed without reasonable chance of escape. The same applies

[Senator Mary Ann O'Brien.]

to the foxes even though foxes can be terrible and have killed all my chickens on a few occasions. We should tighten up the legislation a little and provide greater clarity in this area.

Senator Cáit Keane: I thank the Minister for bringing the Bill to the Seanad first. I raise the issue of circuses. The Minister said they may not come under this legislation but I do not know what legislation they will come under. For years, there have been calls to ban elephants and some other large exotic animals in circuses. Four years ago, Cork City Council, the Minister's county council, voted to ban elephants in circuses in public places in Cork but it was never implemented. I do not know whether officialdom got in its way in Cork but the councillors there voted against the use of elephants in circuses.

Elephants in circuses are not trained by positive enforcement. I am going by what I have read from the experts. They are trained by prodding or poking them or by sometimes making them bleed. This is a cruelty issue and I bring it up under cruelty to animals. The argument is put forward that they are an endangered species. I am only referring to circuses because there is elephant conservation in zoos and in Florida there are elephant conservation places. Will the Minister look at this issue?

Senator Pat O'Neill mentioned inspectors. Some inspectors are visiting without notice. Perhaps the Minister will look into that. I refer section 63 on traceability. If only we had the same traceability in place for humans in the Department of Health. Tracing meat and bio-security are so important. We could all learn much from this Bill in regard to traceability and making sure all the systems are in place. I come from a rural area but work in an urban area, although as a Member of the Seanad, one works all over the country.

I refer to educating people about the diseases which can be picked up from animals. Local authorities could play a big role in regard to families with small children who have dogs and birds, in particular. They get them as pets but they do not realise what diseases they bring with them.

Sections 47 to 49, inclusive, deal with local authorities. When a fine is imposed it will be paid to the Minister or the local authority. The legislation states that any further expenses on local authorities will be paid by funds from the local authority. When I was on a local authority, I always said Ministers were great at bringing in regulations and placing further onuses on local authorities with no further funding. I am sure fines will stay in the local authority if it collects them. It would be an incentive to ensure the collection of fees, because different licence fees and so on are being brought in, if the local authority retained the fees. I commend the Minister on this extensive Bill.

Senator Paul Bradford: I welcome the Minister and his officials. Once again we are having a very interesting debate on agri- and food related matters. The priority of the Minister's Department is to develop, enhance and expand our food industry and the jobs that flow from it. The whole question of animal husbandry and the care of animals physically and psychologically are very much part of that project. The more people we convince at home and abroad about the quality of Irish food, the better. The care of animals and the maintenance of our farming stock is very much part of what the Minister is working towards. Some of the Bill is perhaps tidying up previous legislation and regulations but it is very helpful.

I did not hear the Minister's contribution but I will get the opportunity to read it. I listened to my colleagues' contributions and to what Senator Mary Ann O'Brien said in regard to the film "Food, Inc". I have not seen it but recall seeing films on the same sort of topics. One film related to poultry production. I came from the very traditionalist view that poultry and chicken meat is healthy, fat free and good for one but then I saw some of the television programmes on chickens being produced in 28 days or 30 days and I got an entirely different picture of that side of the market. We need to keep spreading the message that animals produced in Ireland

are produced properly, that the regulations are up to date and that the meat produced here, whether beef, lamb, chicken or otherwise, is produced to the highest possible standard because that is very important in the selling of our agri-industry.

I listened also to what Senator Mary Ann O'Brien said about ragwort, although perhaps it is not part of the Bill. I know the local authorities have a particular responsibility in that regard. I recall a time when every Garda station and every second public building had big signs up about the dangers of ragwort, its illegality and the obligations on the land owners. The same local authorities were probably the biggest offenders. Council lands, including vacant council lands, are often full of ragwort, so they had better start to practice what they preach.

The explanatory memorandum states that the legislation will provide for the protection of all animals, whether farm animals, sport animals, pets or otherwise. I have two brief questions in that regard. Perhaps if I had been here for the Minister's contribution, I might not have to ask them. I refer to the continuing difficulty with the sale of pups and puppy farming. Perhaps the Minister will give us an update on that. It was very much a page one story for a number of months 18 months ago or two years ago. Has progress been made? Perhaps the economic trends and the down cycle has resulted in puppy farming not being the exceptionally lucrative trade it was but there were major difficulties. Can the Minister report any progress in that regard?

On the equine side, the Minister's performance as Minister with responsibility for the horse racing industry has been very much lauded. Problems arose 12 or 24 months ago because of the overproduction of horses that were being sold cheaply and not receiving proper care. Has progress been made on this issue?

I welcome what the Minister is doing in this area. He has achieved the right balance and people involved in hunting and country sports have in general welcomed this legislation and his overall approach. I listened with interest to Senator O'Neill when he informed us that Kilkenny is a centre for reptiles and snakes. Perhaps a word to St. Patrick would be opportune.

Senator Maurice Cummins: I thank the Minister for initiating this important Bill in the Seanad. This comprehensive legislation demonstrates the Government's commitment to proper animal health and welfare practices. The Government has already introduced legislation governing greyhound welfare and dog breeding establishments.

As the Bill before us strikes a balance in the proper treatment of animals, most right thinking people will welcome its provisions. It is important that animal health and welfare issues are dealt with in a single Bill rather than separately through the Protection of Animals Act 1911 and Diseases of Animals Act 1966. The Minister noted that the latter Acts were drafted in an era which was very different from today and they have become incompatible with today's needs. One of the major areas in which the 1911 Act was inadequate was its failure to allow pre-emptive action where an animal is at risk of suffering. Under the current regime, authorised officers can only act where suffering is taking place but this Bill will allow for a more proactive approach, as well a duty of care on the part of a keeper to look after his or her animal's welfare. I welcome the increased powers that are being given to authorised officers because they are balanced and fair.

The Bill will prohibit the sale of animals to children under the age of 16. Responsibility for an animal will be vested in the child's parent or guardian. Senator O'Keeffe will, therefore, be responsible for the cockerel she described earlier.

Section 12 prohibits people from allowing animals to suffer unnecessarily, whether through direct physical abuse, recklessness or negligence. This section does not apply to activity occurring during the normal course of hunting, fishing or coursing. No decent person who is involved in coursing would have a problem with the provisions specifying that the cruelty provisions may apply if an animal is hunted after being released in an exhausted, mutilated or injured

[Senator Maurice Cummins.]

condition or if a hare is coursed without reasonable chance of escape. Some people may be enjoy such practices but 99% of coursing clubs would welcome this provision.

This country has been sullied by the instances of dog fighting which have been reported in television programmes. It is a despicable practice and I support the Minister in his quest to stamp it out. I welcome that the penalties in this area are to be increased.

I was the first Senator to raise the issue of puppy farms in this House. I hope the Dog Breeding Establishments Act 2010 and other legislation have helped to eliminate bad practices. Perhaps the Minister can elaborate on the issue.

Senator Barrett raised the issue of sulky carts and horses trotting on concrete or tarmac roads. I regard this as a form of cruelty which should be addressed. However, I differ with the Senator regarding the horse racing industry. The Grand National is a very important race and horses are put down at race meetings all over the world. They can also be injured when they are exercising or training but horse owners and trainers have a vested interest in the health and welfare of their animals.

I am disappointed that we did not hear more contributions from Senators but perhaps that will improve on Committee Stage. I thank the Minister and his officials for preparing this Bill and for initiating it in the Seanad.

Acting Chairman (Senator Cáit Keane): As there are no other speakers I invite the Minister to make his concluding remarks.

Deputy Simon Coveney: I understand I only have five or six minutes.

Acting Chairman (Senator Cáit Keane): Yes, we are due to adjourn at 1.45 p.m.

Senator Maurice Cummins: I propose that we amend the Order of Business to adjourn at 1.55 p.m. in order to allow the Minister ample time to respond.

Acting Chairman (Senator Cáit Keane): Is that agreed? Agreed.

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): I will be as comprehensive as I can in answering Senators' questions. Puppy farms have given rise to ongoing issues and this why the Dog Breeding Establishments Act 2010 has been commenced. It was necessary to delay that legislation until we finalised the Welfare of Greyhounds Act 2011 because there was crossover between general dog breeding and greyhound breeding, which was already regulated. These are different activities which required separate legislation. We needed to bring clarity to the legislation governing the greyhound breeding industry before we could commence the 2010 Act. Both Acts are now in force and I hope we will now be able to see a common standard on what is regarded as acceptable practice in dog breeding.

Poultry and pork is produced to a high standard in Ireland through intensive farming methods. The poultry and chicken meat industry has been very frustrated by the perception of that industry which has been exacerbated by certain programmes suggesting, for example, that water is added to chicken breasts to make them look bigger than they are — a practice that does not happen in Ireland.

Consumers are often deceived as to the origin of chicken and pork. Meat that is potentially sourced outside Ireland and outside the European Union can be repackaged here and then relabelled as Irish food, which it is not. I wish to reassure the Senators on the matter. I have taken some interest in this because of the accusations that have been made. Poultry is produced to a very high standard, but it is intensive production — there is no point pretending otherwise. European legislation has also been introduced, setting minimum space requirements for laying hens. Battery hen production no longer takes place and our industry is required to abide by

new regulations which have been in force since January. My Department has provided grant aid to help the industry make that expensive alteration. We are now doing the same for the pig industry. The tethering of sows will become illegal from January 2013. Again we will need to work with the industry to finance the change, as people will be required to move to an open-housing system for pigs.

Even though people have expressed concerns over certain programmes and reports they have seen and read, a transition is taking place in Ireland and other parts of Europe requiring higher standards of animal welfare. Ireland has a pretty good record in the quality of food being produced and how it is being produced in terms of the intensive farming that takes place. It is unrealistic to expect that every chicken that ends up on a plate in Ireland would have run around the farmyard. We need to be practical while at the same time imposing appropriate standards for the quality of production. It is important for the industry that this point be made.

Legislation for the control of ragwort is already in place and there is an obligation on land-owners or land managers to keep ragwort under control. If there are examples of it not being enforced as it should be, the Department needs to get reports of such cases and we will try to act on it because it is an important issue.

Senator Bradford spoke about horses. The economy collapsed from a boom period when many people entered the horse industry with every second person wanting to own the leg of a racehorse. There was a dramatic increase in the number of horses produced over a relatively short time. All of a sudden many of those people can no longer afford to keep horses. There was big concern over the potential number of abandoned horses and I asked the equine centre to prepare a detailed report in order to get a handle on the numbers. We are collecting a considerable amount of data and are trying to get on top of the issue.

We have done a lot on equine management and health care in the past 12 months. Horses are required to have passports and microchips. Horse owners are required to register the address at which they keep horses. We are building a database that will allow my Department to know where all the horses in the country are located, who owns them and who is responsible for them. A horse running along the road that has been released is likely to have a microchip or a passport that can connect it back to an owner. People will abuse these things and during a transition period many horses will not be microchipped and will not have passports because there has been a fairly blasé attitude to this in the past and a considerable amount of — literally — horse trading goes on in Ireland. We are in that transition period but people understand we are taking the issue seriously.

We are legally obliged to ensure that horses that do not have a full record of their history cannot go into the food chain. This means that a person wanting to put a horse down cannot do so at a factory that would pay him or her because we need to keep non-registered horses out of the food chain for good reason. Some have suggested the system is not working as well as it should in ensuring that horses without full traceability do not end up in the food chain. My Department is seriously reviewing that matter to ensure factories, horse owners and animal welfare organisations looking after abandoned horses act responsibly. Much is happening in the equine management and welfare area showing that my Department is behaving in as responsible way as it can, which will continue. I have a great personal interest in equine welfare.

One of the driving forces behind increases in fines and penalties for cruelty are some of the wanton examples of appalling cruelty to horses that are being kept in poor conditions but also horses that are being used as targets — for example taking a slash hook to the tendons of horses. That type of activity must be stamped out and we need to introduce very tough penalties to make examples of people who behave in such a totally unacceptable way. We need to send a very strong signal that the Government will not tolerate activities such as dog fighting and wanton cruelty and we will give the Garda and authorised officers the legislative structure to be able to deal with it in a very tough way.

[Deputy Simon Coveney.]

That brings me on to the issue of forcing animals to fight each other — mainly dog fighting but also cock fighting. The bating and training elements of that disgust me. That garages in urban areas are being prepared for audiences to come and watch two animals rip each other apart is from another era and even then it was not acceptable. That is why it is important to give the Garda the capacity to be able to get convictions. I will request the Garda to make an example of people and send out a very strong signal in order to try to undermine this underground industry, which is much more active throughout the country than many of us might realise. My views on dog fighting are clear.

We will not insert a section in this legislation to ban animals from circuses. The responsibility for caring for animals applies to a circus as it applies to a household or anywhere else. A person who owns an animal has the obligation to provide the protection and resources required to look after it. If we get credible reports of cruelty to animals at circuses, we will send authorised officers to investigate and make a judgment. Nobody is immune from the law.

This brings me on to the concerns of farmers and farming organisations. There will not be an army of people waiting to catch out farmers. In fact, I do not see any new authorised officers entering farmyards at all. We are talking about existing authorised officers who are already entitled to inspect farms for reasons such as disease control and to take proactive measures to prevent disease outbreaks. By and large, these are veterinarians from my Department or from local authorities who understand the practicalities of farming. This is not going to be a case of somebody from an animal welfare organisation going into a farmyard as an authorised officer and demanding a whole series of things that are not reasonable. We have worked with farming organisations in putting this legislation together. There is no question of undermining or adding to the bureaucracy of existing farm management. That is not what is intended here. Obviously, if there are cases of cruelty that need to be followed up, I do not think any farming organisation would have a problem with our dealing with that, and we will deal with it. The people who care for animals in the most responsible manner, by and large, are farmers, who understand animals and in many cases love their herds and live for them. They look after them night and day, in circumstances that are often difficult, through calving periods and everything else. We should be supporting that and encouraging the kind of responsible activity that takes place on 99% of our farms. If there are exceptions to that, we need to isolate them and deal with them in a way that is appropriate.

In terms of new levies, the first thing to say is that we are not talking about any levies for welfare. The only levies that we may have to consider at some stage in the future are to deal with specific disease or animal health issues, just as we have done for TB. For example, we have just launched a new bovine viral diarrhoea programme, which I think will be very successful. I do not think farmers need to concern themselves with the idea that there will be a whole new series of levies coming down the track. That is not case. We will continue to talk to farming organisations to reassure them on that. The provision in question is being introduced so that if at some stage in the future we need to establish a system to deal with a significant disease outbreak, we will have the capacity to finance that response through a levy. That is a perfectly sensible thing to do. Of course, we would not do that without consultation with farming organisations. My remit is to make this sector as competitive as I possibly can, rather than the opposite.

I would like to comment on some of the remarks made by Senator Barrett. I agree with some of what he said, but there were other things I do not want to let go unanswered, such as his comments about Fota Wildlife Park and the management of cheetahs, including cheetah racing. Of all of the wildlife parks or facilities that allow the public to interact with wild animals, Fota is the best I have ever been to in terms of animal welfare and how the staff care for the animals they are responsible for. I am a regular visitor there with my family and I would not like a message to go out that there is irresponsible management of any of the animals in Fota,

because the opposite is the case. I encourage people, particularly those who have young children, to visit Fota, which is a phenomenal facility. It is growing and expanding, and it now has plans to introduce new species in an environment that is as close to their natural environment as could ever be achieved in that type of facility. I do not want to spend too much time responding to that comment, but it is important to provide balance. I do not want to allow a message to go out that there is a problem with the management of cheetahs in Fota, because I do not think there is.

I agree with some of the other comments made by the Senator. With regard to the definition of throwing a horse, my understanding is that it refers to the use of ropes to force the submission of horses when they are being broken. They are tripped with ropes, essentially, and forced to the ground, or made to submit through the physical force of ropes tied around their necks or legs. I do not know whether people are familiar with horse-breaking, but there are lots of ways of doing it, including some that are unacceptable. We are trying to outlaw that. Many horses are broken in Ireland, and most of the time it is done in a responsible way, but if it is not we need to stamp these practices out.

With regard to the mutilation of animals, we are trying to get the balance right between necessary operations to avoid the spread of infection, for example, and the wanton mutilation of certain animals. I cannot remember who raised the issue of cats being thrown onto bonfires. That type of activity is mindless, but it needs to have consequences if it is going to stop.

The Smithfield horse fair was mentioned. This is a complex issue, because there are historical legal rights for a horse fair to be held in Smithfield that we cannot just set aside, unfortunately. The issue is not the cruelty of transporting horses to Smithfield. Horse boxes are part of normal horse management and are used for moving them between competitions, to sales and so on. The problem is the appropriateness of the setting for a large-scale horse fair. We have tried to deal with that by requiring all horses that are brought to such horse fairs to have proper identification and so on. Checks have been introduced on the outskirts of Dublin for horses that are being brought to Smithfield to try to deal with that issue. We have made a reasonable fist of it within the legal parameters in which we must operate. I have dealt with the issue of circus animals.

Senator Barrett also mentioned over-investment in shelters for animals. Maybe he was talking about grant aid for developments within farmyards and so on. With regard to codes of practice, what we are talking about here is less about farming activity, because there are already a series of acceptable codes of practice within commercial farming, and more about activities of welfare organisations, for example. Many well-meaning people take in an awful lot of animals that have been abandoned or treated cruelly or cannot be sold from puppy farms, and some of them take on more than they can actually deal with. We need codes of conduct for acceptable norms within welfare organisations as well as any other place where animals are kept. That is why we have linked an existing code of conduct, which is based around the five freedoms of animals, with the funding of welfare organisations — which, by the way, I have increased, at a time when we have had to cut back practically every area of departmental expenditure. I hope this sends out a message. This is small money in the greater scheme of things, but it is a signal that we are trying to take this issue seriously even in difficult times.

I hope I have touched on people's concerns. If Senators have specific issues, my officials will be in the room next door to answer specific questions. One thing I have not dealt with is authorised officers and who they will be. In the area of farming activity and the commercial management of animals, authorised officers will more or less remain as they are; in other words, they will be vets, at both local authority level and Department level. Any additional authorised officers are more likely to be needed in an urban setting, for purposes such as dealing with

[Deputy Simon Coveney.]

pets in homes and responding to complaints that come in through the freefone number for animal welfare.

If there is a need for authorised officers to go to people's homes to investigate complaints regarding the conditions of their dogs and inquire as to whether assistance might be provided, that type of follow-up activity may require the services of more personnel than are available to us at present. If I am obliged to appoint such authorised officers, I will primarily be looking to vets and veterinary nurses in this regard. Those who work for welfare organisations cannot proactively engage in such activity unless they are properly qualified to do so. Such individuals may be very well meaning but they may not possess the kind of knowledge or experience required to make the kind of judgments which might be appropriate. I wish to reassure Senators by stating that there will not just be a long list of authorised officers who will have all sorts of powers available to them. We will be quite restrictive in respect of any group of people we will target to carry out the work involved. Primarily, it is vets and veterinary nurses who are qualified to make the appropriate decisions.

I look forward to the amendments that will be tabled for Committee Stage. Senators will find the officials from the Department very open in the context of seeking to answer any questions they may wish to pose. I look forward to the debate on Committee Stage.

Question put and agreed to.

Committee Stage ordered for Wednesday, 9 May 2012.

An Cathaoirleach: When is it proposed to sit again?

Senator Maurice Cummins: At 12.30 p.m. on Wednesday, 9 May 2012.

Adjournment Matters

Social Welfare Benefits

Senator Mary Ann O'Brien: This matter relates to the need for the Minister for Social Protection to outline the reasons for the lengthy delays being experienced in the processing of domiciliary care allowance and to explain why the families of Jack & Jill Children's Foundation babies and others are required to complete renewal forms in light of the fact that their children's medical conditions will not improve and might be terminal.

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): I have been asked to deliver the reply in respect of this matter. I do not claim detailed knowledge of the brief to which it relates but I will certainly read into the record the information supplied to me. If the Senator so desires, I can pursue this matter further on her behalf with the Minister.

Domiciliary care allowance is currently paid to over 24,000 parents-guardians in respect of 26,000 children. The approximate cost in this regard in 2011 was €100 million and the accompanying respite care grant cost a further €45 million. In addition, the Department makes an extensive range of payments to support families with children. In 2011, some €2.08 billion was paid out in child benefit in respect of 1.13 million children. Qualified child increases were also paid to people on social welfare payments in respect of some 495,000 children. — 369,000 at the full rate and 126,000 at the half rate.

Domiciliary care allowance can be paid in respect of children under 16 years of age who have disabilities so severe that it is necessary for them to receive care and attention and/or supervision substantially in excess of that required by other children of the same age. This care and attention must be given by another person — effectively on a full-time basis — in order that the child can deal with the activities of daily living. The child must be likely to require this level of care and attention for at least 12 months.

Eligibility for the domiciliary care allowance is not based primarily on the medical or psychological condition but on the resulting lack of function of body or mind which necessitates the degree of extra care and attention required. Each application is assessed on an individual basis, taking account of the evidence submitted. No specific condition or disability rules a child in or out of qualifying for the allowance. There are no undue delays in the processing of claims at present. The Department aims to process domiciliary care allowance claims within seven weeks. At present, however, it can take up to eight weeks to process claims as a result of the volume of work in the medical assessment area.

An expert medical group was established in advance of the transfer of the scheme from the HSE to the Department of Social Protection in 2009. This group recommended that the most appropriate way for the Department to conduct assessments in respect of medical eligibility would be by way of desk assessment of the evidence submitted by the claimant, as provided by themselves and the medical staff who regularly see the child. It was considered that it would not be necessary for a child to be physically examined by the Department's medical assessors because the diagnosis of his or her condition by his or her GP is accepted. What is being assessed is the level of additional care and attention that the child requires as a result of that condition-disability and whether this is substantially in excess of that required by a child of the same age without the condition.

A review policy is an integral part of all social welfare schemes and is necessary to ensure that payments continue to be made only to those customers who meet the qualifying conditions. Domiciliary care allowance cases are routinely reviewed to ensure that all the conditions for receipt of the payment continue to be met. Cases are reviewed on the basis of either a scheduled review on the recommendation of the medical assessor when the claim is initially processed or on information received regarding a change of circumstances which potentially affects the continued entitlement in respect of a case already in payment. Scheduled reviews, on the recommendation of the medical assessor, are based on the prognosis of a child's disability and how his or her care needs may change over time. In circumstances where a child has a lifelong disability which is unlikely to improve by any significant degree, a "do not review again" status may be used by the medical assessor. Customers who are reviewed are asked to provide relevant up-to-date medical evidence and details of the additional care needs of their child. This information is assessed by a medical adviser and a decision is made, based on the medical opinion the latter provides. Where payment is stopped as a result of a review, the customer is invited to submit any further information they may wish to have considered and that information is further examined and/or they may appeal the decision directly to the social welfare appeals office.

The effective and efficient operation of the scheme is monitored regularly and any improvements in respect of the delivery of service that are identified are implemented. I assure the Senator that the Department is committed to ensuring that those children who meet the conditions for the scheme will continue to receive the payment.

Senator Mary Ann O'Brien: I thank the Minister for the reply. I am very familiar with the individual families that have highlighted this problem and I wish it was the case that in circumstances where a child has a lifelong disability which is unlikely to improve, a "do not review

[Senator Mary Ann O'Brien.]

again” status is conferred. The children of the families to which I refer are very young and they have brain damage. They cannot swallow, they probably cannot hear and they experience epileptic fits every hour. These children will never throw a ball, make marmalade or visit a day centre. They are profoundly ill and they will probably not live very long lives. Most of them will die while they are young and they have no hope of ever getting well. Regardless of how much money their parents have, there is no miracle cure for these children. All I know for sure is that the families of these babies and children are having to reapply for the domiciliary care allowance, DCA. From speaking to them directly they have been affected by delays of up to eight months in their application for the DCA and, furthermore, for the granting of carer’s allowance and medical cards. It will shock the Minister to hear that payments are stopped while the review is being carried out by the Department. If one’s child is sick and one has to reapply for the DCA and it takes five or six months then one will not get any payments during that period. I will stop now because as the Minister can see I am on my soapbox. I ask him to pass on the details to the Minister for Social Protection, Deputy Joan Burton. Perhaps her officials are not properly briefed.

Deputy Simon Coveney: I will take the message back to the Minister. It is clear from the reply that there is a mechanism that can essentially put a stamp on a file which says that it should not be reviewed again if it is clear that a child does not have an opportunity to recover. Such a child and his or her parents or guardians have enough to do to look after each other and try to accommodate the challenges with which they may have to deal without having to go through a long process of review and assessment. It is the Minister’s intention to ensure that such cases do not have to go through unnecessary review mechanisms that are clogging up the system, take a long time and stress out everyone. I will pass the message on the Minister.

Senator Mary Ann O'Brien: That is much appreciated.

The Seanad adjourned at 2.15 p.m. until 12.30 p.m. on Wednesday, 9 May 2012.