

DÁIL ÉIREANN

AN ROGHCHOISTE UM THALMHAÍOCHT, BIA AGUS MUIR

SELECT COMMITTEE ON AGRICULTURE, FOOD AND THE MARINE

Déardaoin, 8 Samhain 2012

Thursday, 8 November 2012

The Select Committee met at 9.30 a.m.

MEMBERS PRESENT:

Deputy Simon Coveney (Minister for Agriculture, Food and the Marine),	Deputy Michael McNamara,
Deputy Pat Deering,	Deputy Éamon Ó Cuív,
Deputy Martin Heydon,	Deputy Maureen O'Sullivan,*
	Deputy Thomas Pringle.

* In the absence of Deputy Thomas Pringle, for part of meeting.

In attendance: Deputy Clare Daly.

DEPUTY ANDREW DOYLE IN THE CHAIR.

Animal Health and Welfare Bill 2012: Committee Stage

Chairman: The meeting is now in session as we have a quorum. I ask Members to switch off their mobile telephones.

The purpose of today's meeting is to consider the Animal Health and Welfare Bill 2012. I thank the Minister and his officials for attending. As I understand it, the Minister has another engagement later so we will proceed until 11.15 a.m. and will resume on Thursday, 22 November, with a further meeting on Tuesday, 27 November. A grouping list has been circulated to Members. I wish to remind Members that the Bill must be considered section by section.

Section 1 agreed to.

SECTION 2

Chairman: Amendments Nos. 1, 4, 40 to 45 inclusive, 69, 70, 72, 74 and 75 are related and will be taken together. Amendments Nos. 41 to 43, inclusive, are alternatives to No. 40. Amendments Nos. 45 and 46 are alternatives to No. 44 and amendment No. 75 is an alternative to No. 74.

Deputy Thomas Pringle: I move amendment No. 1:

In page 8, subsection (1), between lines 23 and 24, to insert the following:

“(d) an inspector of the Minister;”.

Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney): I will read a general speaking note on all the amendments first. There is a general thrust that has some validity and I wish to propose a compromise that members might consider favourably.

The operation of the Animal Health and Welfare Bill will provide a central role for the veterinary profession. The Bill consolidates a wide variety of legislation. Establishing different classes and hierarchies of authorised officers and inspectors with different powers and different responsibilities runs counter to the aim of reducing bureaucracy. Authorised officers under the Animal Health and Welfare Bill have a wide range of functions and different classes of duties may be assigned to different officers by management. This will be done as appropriate depending on the task in question and is best dealt with on an administrative basis rather than creating rigid legal structures. Resources are finite and in some instances it may be more appropriate to use an officer other than a vet.

Under section 23 the Bill does envisage a situation where an authorised officer may put down a badly injured animal where a vet is not available. A number of points should be made in that regard. It reflects the existing legal situation where an authorised officer can kill if he or she comes across an animal and it is appropriate to put it down. The Veterinary Practices Act allows a non-vet to kill an animal. The previous subsection will apply and specifies that anyone killing must be competent to do so, that is, someone from a knackery yard, for example. A number of members insisted that to save farmers costs knackery personnel should be allowed to kill an animal. Therefore it is inconsistent to deprive an authorised officer of the same power. The

provisions of section 23 reflect the current law where a fatally injured animal may be put down. Similarly, the Veterinary Practices Act allows a non-vet to kill an animal in an emergency situation. Furthermore, veterinary expertise is not required to kill an animal but competence is. A variety of persons are permitted to kill animals, for example slaughterhouse operatives and knackery staff. However, section 23(1) of the Animal Health and Welfare Bill will apply, requiring that anyone who kills an animal be competent to do so.

In any event, the concerns expressed relate to an unusual case. A significant number of authorised officers who are Department staff are qualified vets and those who are not will, in the normal course of events and where it can quickly be done, seek veterinary advice. They are unlikely to use this power lightly because they must satisfy themselves, and potentially the courts, that the animal falls under one of the headings 23(2)(a) to (d). However, it may need to be used urgently such that veterinary advice cannot be reached, for example in dealing with rabid animals. The allowance to perform this act is currently and will remain available to persons without veterinary training. Therefore, it would be an oversight not to allow an authorised officer to do so.

Deputy McNamara outlined a specific concern which I will deal with in due course. What Deputies are trying to do is to create a separate category for vets and for other authorised officers, including inspectors. I understand the reason. I presume they want to do that because there is a concern that the two people who can appoint authorised officers, namely, a county manager or a Minister, may appoint people who do not have the appropriate qualifications to carry out inspections on farms or in other places where there may be animals. Given the concern that has been expressed by veterinary practitioners, farming organisations and members, I suggest that Deputies might consider that we would do two things to improve the Bill in terms of the appointment of authorised officers. Currently, county managers can only appoint authorised officers from within their local authority. A county manager cannot, for example, go to an animal welfare organisation with the intention of appointing an authorised officer from the organisation. That is not allowed in the legislation, although a Minister could do that. There are instances where we should consider doing that. We will talk about them later. If a county manager is to appoint a new authorised officer that is not a veterinary practitioner he or she must seek approval from the Minister to do so. The Minister for Agriculture, Food and the Marine must sanction the appointment of an authorised officer that is not a vet in order that we would try to get over the concern that county managers may, for whatever reason, appoint someone that is not suitable for reasons of their level of knowledge to carry out inspections.

The second point we must address in the legislation in order to put an onus on the Minister to ensure that the right type of person is appointed as an authorised officer is to insert a provision on Report Stage, if members consider it a good idea, to the effect that a Minister must have regard to the expertise and qualification of the person before he or she is appointed as an authorised officer. The notion that every authorised officer must be a vet does not make sense when one looks at the practicalities of the current situation. For example, many of the agricultural inspectors in the Department are not qualified vets but they are people who have been trained in agricultural colleges and who carry out many other inspections on farms in terms of control and compliance. They understand farming very well. It makes sense for those people to also be authorised officers in respect of this legislation. If they have a serious animal welfare concern they can call a vet to come and deal with the matter should a complication arise. The notion that all inspections by authorised officers would have to be undertaken by vets would have a huge resource implication. For example, if we had an outbreak of foot and mouth disease or any other disease that requires me to authorise a large number of authorised officers to respond to it

in a comprehensive way, we would not be able to solely rely on vets for such a service. In addition, there is a limited role outside of farming for a Minister to consider authorising someone who clearly has qualifications and experience and who may have been working with an animal welfare organisation to act as an authorised officer, for the keeping of domestic animals, for example. We should be using the pool of resources that is already there to try to add to the existing pool of authorised officers that I have at my disposal. However, there is a distinction to be made when it comes to agriculture because a different level of knowledge is required, in terms of understanding farm practices and so forth. As I said in the Seanad and on Second Stage in the Dáil, it is my intention to ensure that there is no change in terms of the types of inspectors who are going on to farms at the moment. However, we must insert that into the legislation. Deputy McNamara raised this issue with me yesterday and there must be some recognition in the legislation and in the wording so that a Minister at any stage in the future will be obliged to have regard for experience and qualification when appointing authorised officers. That may not go far enough for some Deputies in terms of the concerns they have tried to address with these amendments but I am trying to capture the spirit of them by inserting an extra level of checking on county managers if they propose that people other than vets are appointed as authorised officers. Such a proposal would have to be given departmental or ministerial approval. Furthermore, when a Minister or a county manager is appointing an authorised officer he or she must have regard to experience and qualifications. I would like feedback from Deputies as to whether they regard this as helpful.

Chairman: I thank the Minister. The amendments are listed in the names of Deputies Pringle, Ó Cuív and McNamara and I will call the Deputies in that order.

Deputy Thomas Pringle: I thank the Minister for his proposal. One of my concerns is that authorised officers could be allowed to carry out tasks currently carried out by veterinary officers or by personnel with veterinary qualifications. In the current budgetary climate, that might seem attractive to the Department in terms of changing the roles and functions. The proposal just outlined by the Minister could be an acceptable solution but it appears to me that section 37 already provides those powers to the Minister *vis-à-vis* authorised officers. Amendment No. 1, which seeks to add veterinary practitioners to the definition of authorised officers, would not really have any negative impact on what the Minister has referred to but would give recognition to the fact that veterinary officers are people who can be considered authorised officers as well as veterinary officers.

Deputy Simon Coveney: Can I respond individually to Deputies?

Chairman: No, I would prefer the Minister to respond when all three Deputies have spoken.

Deputy Éamon Ó Cuív: It is unusual to hear the response before we have even made our case. What happens outside this House is of no relevance at committee. A case is being put forward by the movers of the amendments and what the Minister thinks we think is of no relevance. The way Committee Stage always worked when I was a Minister was that the movers of an amendment made a case for that amendment, explained why they proposed the amendment and then, when the Minister knew the reasoning behind the amendment, he or she replied to the case made by the Deputy. Let us now deal with the actual amendments, as put forward.

Amendment No 1 seeks to insert into the Bill a clear distinction between an inspector of the Minister and an authorised officer. The purpose of that is to clarify that there are certain functions that can be carried out by an authorised officer who need not be a vet but that there are other, specified functions where veterinary expertise is needed. I will draw the analogy of a

hospital, where nurses are highly trained but where it is recognised that doctors have particular functions that only they can carry out. In proposing this amendment, I believe that there are certain functions that should be reserved for veterinary officers or people acting on veterinary advice and that there are other functions that an authorised officer can carry out without veterinary advice or without a person with a qualification in veterinary medicine being involved in the function. To allow that differentiation throughout the Act, amendment No. 4 must be accepted. We must have a definition of an inspector as being a person with veterinary qualifications. Otherwise it is not possible to follow through in the Act on the rest of its provisions.

We then move to amendments Nos. 40 to 45, inclusive, of which my amendment is No. 41. The question that arises in amendment No 41, which deals with page 23, subsection (2) is very simple. The Bill at present states:

(2) If an authorised officer, a veterinary practitioner acting as such or a person specified in animal health and welfare regulations

is of the opinion that—

(a) an animal is fatally injured,

(b) an animal is so severely injured or diseased or in such pain or distress that, for the alleviation of its suffering, it

should be killed,

(c) to prevent further suffering to an animal, it is necessary or expedient, or

(d) an animal is a danger to life or property,

he or she may, without having to seek the consent of its owner or the person in control of it, kill the animal or cause the animal to be killed or destroyed in such manner as to inflict as little suffering as possible in the circumstances and may destroy or dispose of the carcass or cause the destruction or disposal of the carcass.

The issue here is not the killing of the animal, because there are many people who have the skills to carry out that function. The issue is who is to decide that the animal is so fatally injured that it has to be killed. The issue is not the killing itself but the decision on the killing. I have no problem with a person from a knackery yard doing the actual killing. The thrust of the proposed amendment is very simple, namely, that if an authorised officer is making such a decision and does not have veterinary skills, he or she should consult with a veterinary officer. There are many ways, in the modern world, of consulting with a veterinary officer, lest the Minister respond that the officer might not have a vet to hand. There are gadgets known as mobile phones and a lot of consultation, even from vet to vet, is done on mobile phones. One veterinary practitioner, for example, rings another, describes symptoms and asks for the other's opinion. Obviously, it is not an on-the-ground opinion as the vet has not seen the animal but he or she can give advice. Advice can be given without the need to be physically present and the amendment would ensure that the decision to put down an animal was made with the involvement of someone with the requisite veterinary skills. It has nothing to do with the act of putting the animal down. The amendment is worthy of consideration.

Amendments Nos. 69, 70, 72, 74 and 75, which are also in the group of amendments we are discussing, are more or less in the same vein. What is being proposed in amendment No. 69 is reasonable. The amendment reads as follows:

In page 34, subsection (3), lines 29 to 32, to delete all words from and including “appoint” in line 29 down to and including “agreement.” in line 32 and substitute the following:

“submit the names of persons he or she considers appropriately qualified to be authorised officers for the purpose of all or any of the functions that the person may exercise under the service agreement to the Minister who may appoint in writing any or all such person to be authorised officers”.

That is a reasonable amendment.

Section 37(3) states: “A person with whom the Minister enters into a service agreement under *section 74* may for the purposes of enforcing this Act, appoint in writing, with the consent of the Minister, such persons as he or she considers appropriate to be authorised officers for the purpose of all or any of the functions that the person may exercise under the service agreement”. Amendment No. 69 seeks to insert the words “submit the names of persons he or she considers appropriately qualified to be authorised officers for the purpose of all or any of the functions that the person may exercise under the service agreement to the Minister who may appoint in writing any or all such person to be authorised officers.” It is a minor amendment.

In amendment No. 70 we are saying the people appointed as authorised officers should have the experience, technical competence and other qualifications required to undertake the functions of an authorised officer. One could say that goes without saying, but there is a significant concern that persons without these qualifications might be appointed as authorised officers. Section 38(4) states:

Where an authorised officer has reasonable grounds for believing that—

- (a) there is a risk of disease,
- (b) a disease or disease agent is or may be present on any land or premises...

That brings us back to the basic premise. Will people without veterinary skills decide these two grounds? We are not arguing about paragraphs (c) and (d) which refer to where an offence is being or has been committed under the Bill, but we are asking how someone who is non-qualified can decide there is a risk of disease. The Bill states a disease or a disease agent may be present on any land or premises. Surely one would need veterinary advice to decide if that was the case. The proposal is that these subsections should be subject to the obtaining of expert advice.

Similarly, in subsection (1), on page 39, line 13, we are saying there is a need to obtain veterinary advice. Section 42(1) states:

Where an authorised officer is of the opinion that—

- (a) a contravention of this Act, an EU measure or animal 35 health and welfare regulations may have taken place or may be taking place,

It appears there is a reasonable case to be made to try to ensure that, under paragraphs (a), (b), (c) and (d), the person concerned has technical knowledge or will obtain the advice of people with particular expertise.

Deputy Michael McNamara: I disagree with Deputy Éamon Ó Cuív and commend the

Minister for his approach. We tabled amendments to allow them to be considered by the Minister and his Department and I am glad that he has come back following detailed consideration to tell us where he stands-----

Deputy Éamon Ó Cuív: On a point of order, is it not normal procedure for the proposers of an amendment to speak first, explain their reasons for tabling it and the Minister then to reply?

Chairman: Is that not what Deputy Michael McNamara is doing? He is explaining the reason he brought forward-----

Deputy Éamon Ó Cuív: No. He said the Minister was right to reply first-----

Chairman: No. Procedurally, that may have been my mistake.

Deputy Simon Coveney: Let us not get involved in such a process. I was asked by the Chairman to respond to the group of amendments tabled. I did so. That is not to suggest I am proposing we somehow shorten the debate and not get feedback.

Deputy Éamon Ó Cuív: The normal procedure-----

Deputy Simon Coveney: Let us not be overly precious about it.

Chairman: That is fine. If the error was mine, I regret it. The point is that the Minister can respond.

Deputy Éamon Ó Cuív: Yes, absolutely.

Deputy Michael McNamara: All I was seeking to do was to thank the Minister for his inclusive approach and having considered the amendments before he came to the House, which is not always the case with Ministers.

I agree with the Minister that not every authorised officer carrying out inspections should be a veterinarian. That would be a huge waste of money. The great majority of farmyard visits could be carried out by a non-veterinarian, but some training in animal husbandry or veterinary practice is required before a person can order the destruction of an animal. Some of our colleagues will discuss the rights of animals, but aside from that, in some instances, they can be a very valuable and essential piece of property, for example, a pedigree cow or bull, on which a farmer's entire breeding system is based, or a racehorse. If a person with no training was able to go onto a farm and order the destruction of a farmyard animal against the wishes of the farmer, I would be very concerned. I declare a conflict of interest, as I am a farmer. I have also received some legal training and would have grave reservations about the ability of somebody with no animal husbandry or veterinary training to come onto my farm and order me to destroy an animal. I accept that he or she could honestly believe that that animal requires to be destroyed, but if a farmer believes otherwise, a degree of training or veterinary experience is required before a person could order the destruction of an animal. I, therefore, urge the Minister to consider how these property rights could be protected. I acknowledge such rights give way to the common good. However, I am not arguing that a farmer's property rights in terms of his or her farmyard animals should trump everything else, but they should be considered.

Chairman: Does Deputy Éamon Ó Cuív want to clarify a matter?

Deputy Éamon Ó Cuív: Yes. In amendment No. 69 I give the wrong reference. It is section 37(3) which states: "A person with whom the Minister enters into a service agreement

under section 74 may for the purposes of enforcing this Act, appoint in writing, with the consent of the Minister, such persons as he or she considers appropriate to be authorised officers for the purpose of all or any of the functions that the person may exercise under the service agreement.” It is totally at the Minister’s discretion whether the person has such competencies. The amendment seeks to insert the words “submit the names of persons he or she considers appropriately qualified to be authorised officers for the purpose of all or any of the functions that the person may exercise under the service agreement to the Minister who may appoint in writing any or all such person to be authorised officers.” The Minister should do the appointing.

Deputy Simon Coveney: On the procedural issue, just because things were done one way in the past does not necessarily mean it is the way we should always do them. Deputy Éamon Ó Cuív was a Minister for a long time and I am entitled to try to respond as best I can to the queries being raised.

Deputy Éamon Ó Cuív: How can you respond to what you do not know?

Deputy Simon Coveney: I would prefer not take a lecture, if that is all right.

Deputy Éamon Ó Cuív: In terms of procedure, it has always been the case that when I table an amendment-----

Chairman: It was the Chairman who called the Minister

Deputy Éamon Ó Cuív: The Minister was responding to points we had not made. He cannot presume we will make a point-----

Deputy Simon Coveney: I do not need to be told how to respond.

Deputy Éamon Ó Cuív: You seem to-----

Chairman: The Deputy should speak through the Chair.

Deputy Éamon Ó Cuív: If we are not going to follow the normal procedure, I am leaving because there is no point in us being here. If the normal rights given to members of the Opposition who table amendments to a Bill to outline their reasons for tabling them are not adhered to, I am not taking part in the proceedings because it is not the correct procedure to follow.

Chairman: If there was an error in following procedure, it was on my part.

Deputy Éamon Ó Cuív: The Chairman has accepted the error.

Chairman: The Minister was trying to make a point in good faith. We are all interested in trying to get the Animal Health and Welfare Bill agreed by consensus as far as possible. He made what would be regarded in other meetings of the House as an opening statement. For as long as it takes to go through Committee Stage the movers of the amendments will be called first.

Deputy Éamon Ó Cuív: If it is the Minister’s amendment he speaks first.

Chairman: Absolutely.

Deputy Simon Coveney: I am trying to be non-party political on the legislation. That was the approach in the Seanad, where I took on board amendments, and I intend to take on board amendments on Committee Stage where appropriate. I have no problem with spending as long

as it takes to go through the Bill, section by section, and listening to what Members have to say. In an effort to be helpful I will say that I do not think I was, in my opening statement, proposing compromises without listening to what Deputies had to say.

On the issue of a separate definition of what vets do versus what authorised officers do, clearly there is a different function for vets in a whole range of ways in terms of veterinary legislation and so on. In regard to much of the work that needs to be done either by vets, as authorised officers, or other authorised officers who are not vets but who will have to call in vets to carry out detailed work because they are not qualified to do it, a clear distinction will be made. We are trying to decide who will be given the limited powers of authorised officers in respect of inspections and the issuing of welfare notices, which is similar to handing a yellow card to a person. It means that one is making a welfare mistake in terms of the animals for which one is responsible. One can accept a fine and a welfare notice to change that practice and avoid going to court or, if one is concerned that one is being treated unfairly, one can still go to court and not pay the appropriate fine. The concern of some farming organisations is that non-veterinary personnel will go onto a farm and fine a farmer without the same level of evidence or proof that would be required in court. The whole point is that we are trying to keep people out of court, where appropriate, for relatively minor welfare offences that can be corrected quickly. This is a warning system that does not have the same burden of proof as a court. That is a good thing for farmers and for other people who keep animals. If a farm inspector takes a case, he or she must go to court in respect of imposing fines and so on. I would like to keep people out of court as much as possible and have a practical discussion about welfare notices. In the event of a complex case there will be a need for a fully qualified vet, because a person who is not a qualified vet would have to rely on the knowledge of a vet to make a complex welfare notice. I am not suggesting that vets are not in a separate category to other authorised officers; clearly, they are, in respect of their qualifications. If we want to outline in law the difference between the powers of authorised officers, be they vets or otherwise, we are getting into more complex requirements to respond to a case. If a person reports a serious welfare case to the Department I would rather be able to send out an authorised officer, whether a vet or a non-vet, to investigate the matter. If it is a complex case a vet would be called in to do that work. We want to have the flexibility to use authorised officers in a way that is as efficient as possible.

This is not a cost-saving measure. Vets may be concerned that under the legislation a number of vets who are authorised officers will be replaced by cheaper substitutes. That is not the intention. My preference is that as many authorised officers as possible will be veterinary practitioners. There are a large number of agricultural inspectors in the Department, who are inspecting in any event. Large numbers of people will have to be found to respond to welfare calls, such as domestic pet cases. I would like to see veterinary nurses involved. If someone has to knock on a person's door, say there is a report that a dog has been screeching in pain for the past two or three nights and ask for an explanation of what is going on, the credibility of a veterinary nurse is sufficient. If the case is complex, the veterinary nurse will call in a qualified vet to examine the issue. The idea that we could not have authorised officers who are not fully qualified vets limits our options in respect of these choices.

There is a distinction in the Bill between farm animals and other animals because, in dealing with compensation cases, farm animals are part of a commercial operation.

I am seeking the flexibility for a Minister to appoint appropriate people as authorised officers. What I said before Deputies had an opportunity to make the case for their individual amendments was that I am open to improving the wording to reassure people that in appointing

a person as a veterinary officer we would have to have regard to the level of experience and qualifications. That is not unreasonable.

I want to deal with the issue of cost savings. This legislation has been in preparation for a number of years. To the credit of the previous Government, it happened under its watch initially. We have tried to improve it.

Deputy Ó Cuív asked who decides when an animal should be put down or destroyed. Essentially, there are two issues. We need to ensure that anybody who is putting an animal down because it is in pain as a result of an accident knows what he or she is doing. We do not want an amateur trying to put a large animal down and causing much more distress for the animal and for everybody present. That is totally unacceptable. There may be instances in which an animal is injured - it may have broken a leg in a slatted shed or fallen through a transportation box - and it is difficult to get a vet on site quickly, but there are experienced personnel present, perhaps the farmer or a person from a knackery yard or slaughterhouse. There can be extreme animal welfare cases in which an animal needs to be put down quickly for its own good. We need to ensure that a competent person can do that. Obviously, we would like that person to be a vet, but it is not always possible to get a vet there quickly. It does not have to be a farmer; it could be anybody else. When an animal is in significant pain and distress an authorised officer can make a judgment call as to whether the animal should be put down, and that can be done by a person who is competent to do so. In the vast majority of circumstances, this will involve input from a veterinary practitioner, either by telephone or on site. I am trying to provide for authorised officers to make decisions in extreme situations, such as road traffic accidents, if it is not possible to get a vet on the other end of the telephone. I am talking about circumstances in which there is a matter of minutes to make a decision, and an authorised officer will have the power to make that decision. If we decide that such a decision can only be made with the input of a vet, there are instances - although they would be rare because, as the Deputy says, one can get a vet on the telephone most of the time - for which we need to ensure flexibility in legislation whereby somebody is not breaking the law if he or she decides that an animal should be put down quickly because of whatever set of circumstances arise, whether animals are being transported, are in the field or anywhere else. If one cannot get a vet on Christmas Day, Easter Sunday or whenever, an authorised officer can make that decision. We had this discussion in the Seanad as well. My view is that an authorised officer should have the power to make that judgment call, although, under the guidelines for authorised officers and in their training, we should make it clear that they should seek the advice of a vet when appropriate.

On the legal point Deputy McNamara raised, we are looking into property rights. If a farmer owns a bull worth a couple of hundred thousand euros and it has suffered a fracture, contracted a disease or whatever, there is a valid question over whether we want somebody to come in and make a decision to put that animal down, which would have significant commercial consequences for the farmer. We must also ensure that animal welfare legislation is consistent. I have agreed with my officials to take legal advice on the appropriate response from a property rights point of view and inform Deputy McNamara.

Ultimately, this brings us back to the amendments on which Deputy Ó Cuív spoke. He spoke about whether there should be a requirement to get a veterinary opinion before that decision is taken. In the vast majority of cases, the answer is yes, but in certain extreme cases I certainly would not like to see an animal suffering unnecessarily. It is a matter of getting that balance right. I will consider the suggestions. On amendments Nos. 40 to 42, inclusive, on which Deputy Ó Cuív spoke, inserting a requirement to obtain veterinary input into that deci-

sion introduces a limitation that could result in animals suffering unnecessarily, and that is my concern.

I think I have answered most of the questions on the amendments. If members want to reply on any of them, I will happily try to deal with them.

Deputy Éamon Ó Cuív: There are a number of amendments. Let us go back over it again.

I believe amendments Nos. 1 and 4 are needed because some of the other amendments that hinge on them are necessary. In other words, we need to differentiate legally between an inspector and an authorised officer. I still believe there are some functions that should only be carried out by persons with the competent veterinary qualification.

I will wait for Report Stage in the case of the amendment on the qualifications of those who become authorised officers. It is important, and I accept the Minister's good faith in this. We will table the amendment again on Report Stage, when we look forward to getting an amendment to deal with the basic issue we have raised regarding the qualifications of authorised officers. I will not press that amendment today and I look forward to the Minister's addressing that valid issue.

I do not accept what the Minister stated about the decision as to whether an animal should be put down. It is amazing, in the situation he cited, that an authorised officer could be found and got on site, yet one could not get a vet even on the telephone. I can assure the Minister that vets are available on Christmas Day. I cannot envisage a situation in which a vet could not be contacted by an authorised officer, who, presumably, would have mobile phone numbers for many veterinary surgeons. I accept, for the purpose of clarity, that it should be made explicit that such consultation or advice could be given by electronic means without the veterinary surgeon being on site. If the Minister undertakes to consider that issue - I will submit a slightly different amendment on Report Stage - and agrees to provide that there be consultation with a veterinary surgeon but that it may be done by electronic means, by the use of mobile telephones, by e-mail or whatever, and that there need not necessarily be an on-site inspection, I will accept that.

Where the Bill, in section 38, refers to determining whether there is a disease, it states:

- (4) Where an authorised officer has reasonable grounds for believing that—
 - (a) there is a risk of disease,
 - (b) a disease or disease agent is or may be present on any land or premises[.]

That is a reasonable position, allowing that there are no specific qualifications laid down for authorised officers and that this is a rather specialised job.

On the amendments that I have proposed to section 42, the Minister has a point. I will not press those amendments.

Deputy Michael McNamara: I welcome the Minister's statement that in the great majority of cases the advice of a vet will be sought. I also acknowledge that sometimes it simply will not be possible to get the advice of a vet. However, in rural areas in these times it is easier to get a vet out than a doctor. In the middle of the night or at weekends, when one calls a vet, in my experience, he or she attends. When one calls a doctor, one is put onto an answering machine. That is the horrible reality.

Deputy Simon Coveney: I am not responsible for doctors.

Deputy Michael McNamara: I am not claiming the Minister is.

Deputy Éamon Ó Cuív: If he was, he would get rid of the crisis in the health service.

Deputy Michael McNamara: I am asking the Minister, in the interests of animal rights and farmers' rights, to take legal advice on the matter and to consider introducing an amendment at a later stage providing that an authorised officer will at least have to seek veterinary advice. There will be instances in which it is not possible to get advice but, as the Minister pointed out, these are rare. In the great majority of cases, one will be able to get the veterinary advice sought. I am anxious not to be part of a committee that allows a law to go through under which authorised officers with few qualifications may come onto my farm or that of my neighbour - or, indeed, that of any of the many farmers who sit on this committee - and order the destruction of an animal without the owner's consent in a case in which it is unnecessary. The Minister would want to preclude that possibility. It is a small requirement that somebody seek veterinary advice. If one seeks advice and it is not possible to get it, then a decision must be made on the spot. Perhaps the Minister would take legal advice on that.

Deputy Simon Coveney: There is something in there being an onus on a person to seek advice. My fear is about what would happen if a cattle truck were involved in a crash and a decision to put down animals had to be made quickly because animals had lost limbs or whatever. I have seen that happen when I was on a train that ran into a herd of cattle. The animals must be put down quickly, but one needs also an authorised officer or somebody competent to carry out the job.

Deputy Éamon Ó Cuív: Quickly.

Deputy Simon Coveney: I do not want for it to be said in a couple of years that animals could not be put down because a vet could not be contacted for a half hour or more. The provision does not intend to downgrade the advice of vets - quite the opposite. Perhaps we should examine the situation of an authorised officer having to seek the advice of a vet and, where he or she cannot contact a vet, the authorised officer can make a decision and explain that later. I do not have a problem with that. Perhaps we will examine the matter.

Deputy Éamon Ó Cuív: If a train ran into cattle and someone thought the animals should be put down, I would put a pound to a penny that the person would know where to get a vet a hell of a lot quicker than to get an authorised officer. The vet would reach the scene or be on the end of a telephone line to authorise the killing a long time before an authorised officer would be.

Deputy Simon Coveney: The Deputy is right that it would happen like that in 99 cases out of 100.

Deputy Éamon Ó Cuív: The answer to the question should be that if a person is in that much of a rush, any veterinary surgeon should be allowed to order the killing of the animals, or do the killing themselves, rather than an authorised officer because they would be much more likely to reach the scene quickly.

Deputy Simon Coveney: Which they can do. They do not have to be an authorised officer. There is a clear distinction between an authorised officer and a vet, not necessarily in this legislation but in the Veterinary Practice (Amendment) Act, which upgraded the legislation in this area in recent months. There is a clear distinction between what vets and veterinary nurses can and cannot do in terms of treatments, operations and putting animals down. The legislation is very clear. The role of vets is and can be distinguished from that of authorised officers. The

only matter that is being dealt with in this legislation is the role of authorised officers and what they can and cannot do. Many authorised officers are also vets and they will have extra legal power to do all manner of other things. That is why I do not believe there is a need to make a distinction in this legislation between the roles of an authorised officer who happens to be a vet and one who is not. The legal determination of the decisions and operations that can be undertaken by a vet, a veterinary nurse or someone in a knackery yard is distinguished in legislation already. The issue we are discussing is whether we should make a distinction in this legislation between authorised officers who are vets and those who are not and give different powers to them. I think that would complicate the matter unnecessarily.

In practically all the cases that I can envisage where an animal needs to be put down, the Deputies are right that a vet will reach the scene as quickly as someone from a knackery yard. We must take into account an extreme situation where, for whatever reason, a vet may not be on site. The compromise, which seems sensible, is that before an animal is put down, one would at least seek the advice of a vet. If one cannot get it, one must go ahead and make a decision. That is something to which I would be open.

Deputy Éamon Ó Cuív: My colleagues and I have suggested that section 23(2), which states: “If an authorised officer, a veterinary practitioner acting as such” should read: “If an authorised officer acting on the advice of a veterinary surgeon”. There is always a get out of jail clause that Ministers can cater for extreme situations by using in legislation the terms “where practicable” or “as far as is practicable”. The Minister knows the clause that is used.

Deputy Simon Coveney: Yes.

Deputy Éamon Ó Cuív: We must move this issue into the 21st century. I have no problem with an additional clause being inserted indicating that advice can be given on site by telephone or electronic means. One could ring up a vet, he or she asks a few questions and then issues advice. As the Minister knows, that happens all the time in extreme and urgent situations. If a vet does not know the answer, he or she rings a colleague.

Deputy Simon Coveney: Yes.

Deputy Éamon Ó Cuív: The same happens in medicine when doctors are not on site. An X-ray can now be viewed online. There are all sorts of ways these things are done. Perhaps the Minister would be willing to re-examine the issue. We will leave the amendment on the list and return to the issue on Report Stage.

Deputy Simon Coveney: I will examine it. I want to leave the option open in case one cannot get a vet on the end of telephone line. What if a problem arose at 2 a.m.?

Deputy Michael McNamara: One can still get a vet on site at that time faster than a GP.

Deputy Simon Coveney: At that time one is not going to text images of an animal and wait for an assessment. One must make a decision in a pretty messy and difficult situation.

Deputy Éamon Ó Cuív: We should make an allowance for an authorised officer knowing the vets in his or her area and having their mobile telephone numbers. That is basic information for them to have. Vets are on call 24-7, year round.

Deputy Simon Coveney: Yes.

Deputy Éamon Ó Cuív: That is 365 days of the year, not for 364 days.

Chairman: The debate is going around in circles.

Deputy Éamon Ó Cuív: I raised another issue about a risk of disease. The legislation states that an authorised officer, for whom no particular technical qualifications or at least only very general specifications are laid down in the legislation, can decide there is a risk of disease and without that officer seeking any technical advice.

Deputy Simon Coveney: Is the Deputy referring to amendment No. 72?

Deputy Éamon Ó Cuív: Yes.

Deputy Simon Coveney: This refers to where there is a risk of disease or a disease agent that may be present on land or premises. The amendment requires that: “The power conferred on an authorised officer under *subsection (4)(a) and (b)* may only be exercised by an inspector of the Minister.” The Deputies want to ensure that it is someone from the Department rather than someone from a local authority. Is that the distinction intended?

Deputy Éamon Ó Cuív: How can somebody without a technical qualification say there is a risk of a disease?

Deputy Simon Coveney: The amendment is linked to the Deputy’s previous amendment that an inspector of the Minister would be a vet. Is that correct?

Deputy Éamon Ó Cuív: Yes.

Deputy Simon Coveney: In most instances this concern will arise where there is an inspection on a farm regarding cross-compliance or single farm payment or whatever. Where the authorised officer who is inspecting sees something in a herd that suggests there may be a significant disease problem, the legislation enables that officer to act on that. That is a practical and likely scenario. If an authorised officer finds evidence of disease in a herd, that is likely to happen when they are looking for something else. Undoubtedly, in terms of the assessment of that disease, one would need a veterinary practitioner to go to the farm to make an assessment as to what it is, how we should respond to it, how we should support the farmer to deal with it, how we should confine it and so on. There is a requirement under the veterinary practitioners Acts to do that in terms of stopping the movements of animals and all the other things we have to do when we are trying to deal with a disease outbreak.

I shall give another example, namely, an agricultural inspector that does not, lest we forget, have training on farming, farm practices and all of the basics of animal husbandry. If he or she, during the course of a farm inspection, discusses with the farmer that there is a visible disease outbreak in the herd then he or she should be allowed to act on same as the authorised officer. In terms of follow-up, there will need to be a proper veterinary assessment made to determine the appropriate response. The provision is about the practicality of inspections and the interaction between inspectors and farmers which, for the most part, tries to support farmers in what they are doing and to give advice if needed. I understand what the Deputy is getting at.

With regard to the power of an authorised officer to undertake their power as an authorised officer, it states in section 38(4):

Where an authorised officer has reasonable grounds for believing that-

(a)there is a risk of disease,

(b)a disease agent is or may be present on any land or premises.

I want them to have the power to go along with that work and that is what we are examining.

Deputy Éamon Ó Cuív: Our suggestion is quite simple. A disease could be highly contagious. It might be something else altogether and might not be contagious in any way.

Deputy Simon Coveney: Yes.

Deputy Éamon Ó Cuív: Authorised officers do not carry out farm inspections outside of their normal working hours. They do not do them in the middle of the night.

Deputy Simon Coveney: That is correct.

Deputy Éamon Ó Cuív: What happens if an authorised officer went out and saw a farmer but thought there was a disease on the farm? All farmers know that if they see something in an animal the first thing they will do is contact their vet. The idea that one would not put a call through to a veterinary officer, to state that there are significant symptoms and to ask what he or she should do, is farcical. I am willing to resubmit my amendment on Report Stage and to make it explicit that a consultation does not have to be on site because, as the Minister has said, with mobile telephones and gadgetry it is easy to conduct a preliminary consultation by electronic means and then follow it with a more detailed consultation. An authorised officer, according to the Act, can come from a wide range of people. It is outrageous to say that people without veterinary skills can make a decision about a disease. We live in the 21st century and if mobile telephone numbers have been made available then one can get a vet or veterinary practitioner on the line. I ask the Minister to examine my proposal and I do not seek an affirmative answer from him today. If he is willing to examine the matter then I will not press my amendment today. I shall table it again for the next day so that we can move on.

Deputy Michael McNamara: In view of the Minister's undertaking to consider a requirement to seek legal advice I will not press amendments Nos. 42 and 43. As I must step out of the committee for a couple of minutes, and for the ease of the committee, I wish to notify that I withdraw amendment No. 2. I also withdraw my amendment No. 34 in view of the Minister's comments.

Chairman: A member must be present in order to table his or her amendment.

Deputy Michael McNamara: I will not be here.

Chairman: That is okay. I ask the Minister to clarify one matter on amendments Nos. 70 and 72. Is there a distinction between a final action and one that is a preliminary initiation of some action? Can somebody say that there is a need for an inspection by a veterinary officer? Is that the purpose of the provision?

Deputy Simon Coveney: They can do more than that and it is important to clarify that. A large element of the legislation is about preventing the spread of disease, which is in everybody's interest, particularly the agricultural sector. Section 38(4) states:

Where an authorised officer has reasonable grounds for believing that-

the officer may, in addition to the powers exercisable by him or her under *subsection (1)*:

- (i) search the land or premises;
- (ii) search the vehicle, vessel, aircraft, railway wagon ...
- (iii) require a person in charge to control the vehicle, vessel
 - (I) refrain from moving it, .
 - (II) give information regarding its place of departure.

That provision refers to when animals are being transported and if there is evidence. To be clear, the authorised officers are gardaí, customs officers and people who are appointed either by county managers or the Minister.

The legislation must take account of the customs officers and the animals that are being transported. If animals are crossing the Border or coming into the country through a port and there is reason to believe that there is a disease risk associated with them, we must give authorised officers the power to stop the movement of the truck, bring in a vet and assess the situation. The provision is not all about farm inspections. An issue on a farm is likely to be discovered following another form of inspection. In many cases the provision caters for animals that are being moved and there is evidence of disease such as scabs on sheep or symptoms that cattle or calves may have. In such instances the authorised officer must have the power to address the situation and bring in the expertise that is needed because a customs officers is not a vet.

I do not want to belittle the other powers that we are giving to authorised officers in section 38(4) which states:

- (iv) take, without making a payment, samples from an animal, animal product, animal feed, land, water, flora;
- (v) seize and detain an animal, animal product or animal feed;
- (vi) detain a vehicle, vessel, aircraft;
- (vii) remove any equipment or machinery or books, documents or records and detain them for such reasonable period necessary for the purpose of his or her functions under this Act.

The provision tries to give an authorised officer powers. It means that if they come across a situation that raises a reasonable concern - in terms of disease, a disease outbreak or the potential for a disease spread - they will be able to deal with that situation comprehensively and quickly. Of course that will involve bringing in a veterinary practitioner to make a judgment in terms of what the disease is and so on. Perhaps Deputies can suggest how we can improve on that. Clearly, their amendment is one suggestion. Amendment No. 72 states that only authorised officers that are vets would be able to detain a vehicle if he or she thinks that there is a serious threat of disease.

Deputy Éamon Ó Cuív: No, it does not.

Deputy Simon Coveney: Amendment No. 72 states, “The power conferred on an authorised officer under subsection (4)(a) and (b)” which refers to the reasonable grounds for believing that there is a risk of disease-----

Deputy Éamon Ó Cuív: Yes.

Deputy Simon Coveney: Amendment No. 72 continues. “...may only be exercised by an inspector of the Minister” which the Deputies propose to be a vet. I can understand why the Deputies have tabled the amendment but it would have a knock-on consequence for ports and inspectors who are on a farm when they come across a matter that needs to be addressed. I do not suggest that a vet will not be involved in putting in place a medium or permanent solution. Of course a vet will have to be involved to identify the disease and the veterinary Acts will deal with the powers of a vet in those circumstances. I am trying to deal with the initial powers that an authorised officer will need in order to detain a vehicle or animals because he or she has reasonable grounds to believe that there is a significant disease risk.

Deputy Éamon Ó Cuív: That is a fair point and I accept what the Minister has said except that sections 38(4)(a) and (b) should include the requirement to seek veterinary advice immediately. In other words, it should be absolutely clear that this is a temporary solution until veterinary advice is available. I do not want it to be in any way decisive.

Deputy Simon Coveney: We could examine adding a subsection to indicate that veterinary advice must be sought in the case of a disease outbreak. I will formulate the correct wording for that.

Deputy Éamon Ó Cuív: I appreciate that.

Chairman: I think we have dealt with all of the amendments discussed with amendment No. 1.

Amendment put and declared lost.

Chairman: As Deputy Michael McNamara is not in attendance, amendment No. 2 cannot be moved. It had been intended to discuss it with amendment No. 6, in the name of the Minister, but that is not now possible.

Deputy Simon Coveney: Will I speak to amendment No. 6 at this point?

Chairman: We will discuss that amendment when we reach it.

Deputy Simon Coveney: It is not a big issue in any event.

Amendment No. 2 not moved.

Chairman: As amendments Nos. 3, 13, 25, 26, 57, 67, 73, 92, 98, 101 and 102 are related, they may be discussed together.

Deputy Thomas Pringle: I move amendment No. 3:

In page 9, subsection (1), between lines 8 and 9, to insert the following:

“ “fur” means animal skin including its hair cover;

“fur farming” means the act of keeping, breeding, selling or slaughter of animals solely or primarily for the value of their fur;

“fur product” means a product made of, or containing, fur used as a garment, fashion accessory, toy, decoration or any other use;”.

As I have to step outside the room for one moment, Deputy Maureen O'Sullivan will make the case for this amendment on my behalf.

Deputy Maureen O'Sullivan: There are 11 amendments in this group. While some of them have a direct relationship with each other, they are diverse. As such, I do not think they should all be discussed together. As amendment No. 26 is the central amendment in this context, I suggest it be discussed on its own. We can decide after that discussion whether the other amendments need to be discussed separately. Amendment No. 93, which has been ruled out of order because it supposedly involves a potential charge on the Exchequer, proposes that the Irish Greyhound Board, rather than the Irish Coursing Club, should deal with the registration of greyhounds. I do not know how that can be said to involve a charge on the Exchequer.

Chairman: We are on amendment No. 3.

Deputy Maureen O'Sullivan: I am making this point now because I will be unable to do so when we reach the amendment. Can the matter be checked?

Chairman: We will do so when we reach the amendment.

Deputy Maureen O'Sullivan: Okay. I will return to amendment No. 26.

Chairman: We are discussing amendment No. 3

Deputy Maureen O'Sullivan: Will we have a chance to make a point about the amendments that have been ruled out of order at a later stage?

Chairman: When we get to them, I will read the explanatory note. I do not imagine that we will reach them today. Does the Deputy have anything further to say on amendment No. 3?

Deputy Maureen O'Sullivan: I would like the Chair to respond to my suggestion amendment No. 26 should be discussed first. Many of the other amendments in this group hinge on that amendment. If we consider it first, it might make the discussion move more easily.

Deputy Simon Coveney: Perhaps the Deputy should focus on amendment No. 26 in her comments on this group of amendments. I have no input into how they are grouped together. I have no problem taking-----

Deputy Clare Daly: It is a practical question. If the Minister were to accept amendment No. 26 which I know is highly unlikely, we would not have to make the case for some of our fall-back amendments as they would no longer be necessary.

Chairman: I remind the Deputies that amendments are grouped by the Bills Office. All of the amendments, including amendment No. 26 in the name of Deputy Thomas Pringle, can be discussed together.

Deputy Maureen O'Sullivan: They are too diverse.

Chairman: They are not. They are all related. The Deputies can discuss amendment No. 26 during the committee's consideration of amendment No. 3.

Deputy Clare Daly: I would like to be helpful. The point we are making is that amendment No. 26 proposes the prohibition of many activities, whereas many of the other amendments in this group relate to how these activities might be controlled. Amendment No. 26 would prohibit

fur farming, whereas one of the others suggests how it might be controlled. It is obvious that if amendment No. 26 were to be accepted, we would not need to make the case for some of the other amendments. Everything else hinges on that amendment.

Chairman: If the Deputies want to make some general points about the knock-on effects of amendment No. 26, as outlined by Deputy Clare Daly, the Minister can respond to their arguments when he speaks about the amendments in this group. Are the Deputies suggesting amendment No. 3 and other amendments will be irrelevant if amendment No. 26 is accepted?

Deputy Clare Daly: Basically, yes.

Chairman: Do they want the Minister to respond at this stage to their point that amendment No. 3 and other amendments hinge on amendment No. 26?

Deputy Maureen O'Sullivan: I would like to hear what the Minister has to say.

Chairman: I was criticised earlier for asking the Minister to speak first.

Deputy Maureen O'Sullivan: I would be interested to hear what he has to say on this matter at this stage.

Chairman: I am under pressure to allow the Minister to speak. I will take it that the official contribution by the-----

Deputy Simon Coveney: I will speak in a spirit of trying to address the Deputies' concerns. It will not be a huge surprise to them that I am not likely to accept amendment No. 26, as there are technical problems with it. In addition, I do not agree with what is being proposed. The Deputies are proposing to amend the section of the Bill governing performances involving animals. Clearly, the section in question is not technically the right place in which to provide for a ban on fur farming. I would like to address the bigger question of whether a series of practices, including hare coursing, badger baiting and fur farming, should be outlawed, but the problem is that we do not have enough time for a substantial debate on the matter in the time remaining in this morning's session. I will deal with one aspect of the matter and we can move on to deal with some of the others the next day.

Deputy Maureen O'Sullivan: Okay. If we are going to take each of them as they come along, that is fair enough. We will go with that.

Chairman: No. The reason they are grouped is the exact point the Deputy has made. They are collectively related. One can speak about one or all of them. Deputy Éamhán Ó Cuív spoke separately about all the amendments grouped with amendment No. 1 and the Minister responded. I do not want to run down the clock. If a Deputy decides at the end of the discussion to press amendment No. 3, there will be a vote. All of the other amendments will have been discussed.

Deputy Clare Daly: If amendment No. 26 is passed, the others will fall automatically because they will no longer be relevant. We should deal with that amendment first.

Chairman: The Deputies are dealing with it and getting a clear response. I do not think the discussion on amendment No. 3 and all related amendments will conclude by 11.15 a.m. We will have to postpone our decision until 22 November.

Deputy Simon Coveney: I have proposed a way to deal with this, but I am in the hands

of the committee. Unfortunately, we got off to the wrong start. I said I would deal with the essence of what was sought in amendment No. 26, the outlawing of a series of practices that the Deputies consider unacceptable. I was going to explain that I did not agree with such an approach and set out my reasons. For example, I was going to speak about the circumstances in which the snaring of badgers was legal and the circumstances in which it was illegal, with reference to its role in the eradication of TB. I was going to point out that I hoped to move to a badger vaccination programme, rather than a badger culling programme, in the not too distant future. I wanted to indicate the reason the badger culling programme had been such a significant factor in the reduction of the incidence of TB in Ireland.

In the case of fur farming, about which some people are concerned because they think it is cruel, I wanted to remind the committee that I had asked officials in my Department to compile a report on the issue. I was going to read some of the recommendations made in the report in order that the Deputies would understand where I was coming from.

In the case of hare coursing, I had planned to set out a series of reassurances. I appreciate that no reassurances are acceptable to the Deputies who think it should be banned. While they are entitled to their view, the committee is entitled to hear the details of the Government's approach to hare coursing and the other issues raised in the amendments, but we will not have a chance to do all of that now.

I have some sympathy for one or two of the amendments on the list. For example, amendment No. 92, in the name of Deputy Pringle, concerns the requirement for the gathering and collection of data and making data available to the public. He is seeking to add to that a number of categories that the Minister could consider in regard to the future data collection. I am not saying I agree with everything he is seeking but I can understand the spirit of what he has said and perhaps we can try to accommodate that in an amendment on Report Stage.

It is important for me to be upfront. Amendment No. 26 seeks to ban hare coursing and the use of animals in sporting events which may result in physical suffering. I believe that is included in the performance section already in regard to ensuring animals are not on display or performing in a way that is cruel. In the section on cruelty we have made a specific distinction in regard to hunting and so on. The Deputy also seeks a ban on hunting, a ban on the shooting of wild birds, except for the purposes of disease control, a ban on the use of certain traps, a ban on the use of ferrets for the hunting of animals, a ban on badger culling, a ban on farming of mink or foxes for their fur and the use of wild animals in circus performances. Some of his concerns are being addressed in other parts of the Bill around general animal welfare standards, what is prohibited in terms of animal cruelty and obligations in terms of looking after one's animals but an outright ban for all these sectors is not in place. Badger culling and the use of wire snares to capture badgers is absolutely illegal. The culling of badgers happens in as controlled a way as we can make it. The types of snares used are specifically designed to ensure damage to the animal is minimised when it is being caught in order that it can be put down in as acceptable a way as possible.

I would like to move on to a vaccination programme when I get advice that it makes sense to do it. Ultimately, there are broader issues around TB that need to be dealt with. Likewise, in regard to fox hunting, there are lines in the legislation around acceptable codes of conduct. We will get to those when we move to the various sections.

I am not accepting amendment No. 26. Many of the other amendments are linked to amendment No. 26, amendment No. 92 concerns a different issue and, perhaps, one or two of the oth-

ers are different. My initial reaction to amendment No. 26, which is the heart of this group of amendments, is that I cannot accept it but I want to read into the record what the Government is doing in trying to improve or support standards already in place or that have been put in place in the various areas. I hope to get a chance to do that on the next day.

Chairman: On 22 November.

Deputy Simon Coveney: That is as upfront as I can be at this stage.

Deputy Éamon Ó Cuív: On amendment No. 26, it would be useful if the Minister could outline to the committee that hare coursing is legally permissible and there is no proposal to ban it. The use of animals in sporting events, in other words hunting, is legally permissible. Will he explain whether the use of canines for the hunting of any animal, digging out of any wild mammal gone to ground and the use of terriers to attack and extract the wild mammal above or below ground, is legally permissible? The Bill provides that unnecessary cruelty is not permitted. Is that issue covered in the Bill? I do not agree with that particular procedure but I do not have a problem with normal hunting. Nature can be quite cruel but that appears to be going too far. If the Bill is passed, will the digging out of foxes be legally permissible, given the other terms about cruelty to animals? I thought stag hunting was banned already.

Deputy Simon Coveney: My understanding is that the only stag hunt in the country has not got a licence renewal, therefore, it is not happening. That is different from outlawing it. So far as I am aware there is no intention to renew that licence.

Deputy Éamon Ó Cuív: It would be very useful if we could get a briefing note before the next meeting on the various points in amendment No. 26. The Minister has pointed out that badger culling and the use of wire snares to capture badgers is not legally permissible.

Deputy Simon Coveney: Yes. That might be useful. I can provide a briefing note to members of the committee on the various areas in order that we can have a discussion on the issue the next day. I do not want to raise people's expectations that I will start banning a series of practices that I do not believe should be banned. However people need to know the actual position in terms of what is legally permissible, the codes of conduct and whether they are being adhered to and the powers I have under this legislation to introduce new codes of conduct, if that is appropriate. For example, people who use working terriers have asked that I introduce a mandatory code of conduct to ensure a distinction is made between the people who know what they are doing and behave in a reasonable way in that area and those who do not. Those issues need to be examined.

In regard to prohibition of animal cruelty, section 12(12) states:

Nothing in this section applies in relation to anything which occurs in the ordinary course of-

(a) fishing,

(b) lawfully hunting an animal, unless the animal is released in an injured, mutilated or exhausted condition, or

(c) lawfully coursing a hare, unless the hare is hunted or coursed in a space from which it does not have a reasonable chance of escape.

We have put some qualifications in place and I am sure we will have a long discussion on that

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section. I do not have an opportunity to get into that debate now.

Deputy Éamon Ó Cuív: Two other issues arise. There is an entire section on the use of hares for blooding greyhounds for greyhound racing. May we have a briefing note on the current state of play and what is allowed in respect of hares? The other issue is the killing of mink in fur farms. I do not have enough information on it to make a judgement. That appears to be a major issue. I am not an expert in this area. I would like to know what is the practice and how humane is it compared to killing other animals, such as, a cow, a pig, or a sheep. What is the method used, how humane is it and is it environmentally sensitive? I would appreciate a note to help the committee to make a more informed decision.

Deputy Simon Coveney: That would be very useful and it will be done before the next meeting.

Deputy Clare Daly: Can the report be circulated beforehand?

Deputy Simon Coveney: We will put the report on the Department's website in the next couple of days. People will be able to see the full report and the recommendations on fur farming. It is just a report. I am not required to take all the recommendations on board, but I would like people to see the recommendations made by the group. We will put the report up within the next couple of days.

Chairman: It is now 11.20 a.m. I presume we will agree to suspend the discussion on amendment No. 3 for today. Is that agreed? Agreed. I thank the Minister and his officials for attending.

Progress reported; Committee to sit again.

Business of Select Committee

Chairman: Our next meeting is scheduled for Thursday, 22 November at 11.30 a.m. Members will be notified in the usual way. I remind members of this committee that a briefing by Mr. Tom Malone on the budgetary process is being held now.

Deputy Éamon Ó Cuív: Will we have a long session the next day?

Minister for Agriculture, Marine and Food (Deputy Simon Coveney): I would say we will need a long session the next day.

Chairman: No. The next one is limited, but we will have a longer session on 27 November.

Deputy Simon Coveney: It would be great if we could try to get this completed before the end of the session.

Deputy Clare Daly: How much time will the meeting on 22 November take? It starts at 11.30 a.m., but when does it finish?

Chairman: It will take approximately an hour and a half. Room space and the availability of the Minister are the issues. However, we have an extended period available on 27 November.

Deputy Simon Coveney: I am in the committee's hands.

SELECT COMMITTEE ON AGRICULTURE, FOOD AND THE MARINE

The select committee adjourned at 11.25 a.m. until 11.30 a.m. on Thursday, 22 November 2012.