

DÁIL ÉIREANN

AN ROGHCHOISTE UM THALMHAÍOCHT, BIA AGUS MUIR

SELECT COMMITTEE ON AGRICULTURE, FOOD AND THE MARINE

Déardaoin, 22 Samhain 2012

Thursday, 22 November 2012

The Select Committee met at 11.30 a.m.

MEMBERS PRESENT:

Deputy Tom Barry,	Deputy Michael McCarthy, +
Deputy Michael Colreavy,*	Deputy Michael McNamara,
Deputy Simon Coveney (Minister for Agriculture, Food and the Marine),	Deputy Éamon Ó Cuív,
Deputy Noel Harrington,*	Deputy Maureen O'Sullivan,+
Deputy Martin Heydon,	Deputy Thomas Pringle.

* In the absence of Deputies Martin Ferris and Pat Deering, respectively.

+ In the absence of Deputies Michael McNamara and Thomas Pringle, respectively, for part of meeting.

In attendance: Deputies Clare Daly and Mattie McGrath.

DEPUTY ANDREW DOYLE IN THE CHAIR.

Business of Select Committee

Chairman: I ask that all mobile phones be switched off. If there is interference with the recording, there will be no media coverage.

Apologies have been received from Deputy Martin Ferris. Deputy Michael Colreavy has been nominated to substitute for him. As Deputy Pat Deering cannot attend, Deputy Noel Harrington has been nominated to substitute for him. Deputy Thomas Pringle wishes to indicate something.

Deputy Thomas Pringle: Deputy Maureen O’Sullivan will also need to deputise for me.

Chairman: Deputy Michael McNamara has not yet identified someone to deputise for him, but he will.

Animal Health and Welfare Bill 2012: Committee Stage (Resumed)

SECTION 2

Debate resumed on 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;”.

- (Deputy Thomas Pringle).

Chairman: This meeting has been convened to resume consideration of the Animal Health and Welfare Bill 2012. I welcome the Minister for Agriculture, Food and the Marine and his officials. I understand the Minister must leave at 1 p.m. The date scheduled for a resumption of our consideration of the Bill is next Tuesday.

Before we resume the discussion of amendment No. 3, I bring to members’ attention the fact that there are two additional lists of amendments, the second of which contains substitute amendments. A new grouping list has been circulated for their information. I remind them that amendment No. 3 is the first of a large grouping. The Minister was in possession when we adjourned the debate. He promised us a briefing document which has been received and was circulated this morning. Does he wish to continue on the document?

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): I am in the Chairman’s hands as to what we should do.

Chairman: If I am correct, Deputies Maureen O’Sullivan and Éamon Ó Cuív requested the briefing document.

Deputy Simon Coveney: Yes. On the previous occasion on which we met, I stated that I would provide briefing notes on hunting, on the way in which badger culling is approached by the Department, and on fur farming. The report I asked my officials to prepare - with outside assistance - on fur farming can be found on the Department's website. I also have some briefing notes on hare coursing. This is despite the fact that my Department is not responsible for the licensing or running of these various activities. It is obvious, however, that there is a connection between them all. I refer, in particular, to amendment No. 26 in this regard. We have approximately 80 minutes for our deliberations and if members are in agreement, I suggest we use this time to try to deal with all the issues around blood sports and fur farming and also the matters to which amendment No. 26 relates. I suggest this would allow members to air their concerns on this matter and would also permit us to tease out some of the issues in the context of where the Government is coming from in this respect.

There are some amendments in this group with which I have a great deal of sympathy. I refer, for example, to amendment No. 92, which was tabled by Deputy Pringle. I do not believe we should proceed in the way outlined in the amendment but I accept the principle of being able to use technology to identify animals. I would be happy to introduce an alternative amendment on this matter on Report Stage. The Dog Breeding Establishments Act 2010 contains a requirement to the effect that establishments which have in excess of a certain number of breeding bitches must microchip dogs over a certain age. In my view, all dogs being sold or purchased should be microchipped and I would be happy to legislate in this regard. There should be a proper implementation process in this regard and we should not, if members will excuse the pun, hound people who have had dogs for many years, who are looking after them very well and who may not have got around to having them microchipped. We need to introduce this on a phased basis and in a way that is consistent with the Dog Breeding Establishments Act in order that it will become normal practice that any dog which is being purchased or which someone is taking from an animal welfare organisation should have identification mechanisms fitted in order that they might be traced. In such circumstances, it would be possible to identify and trace puppies which are being exported to the UK or which are being abused in any way and also those who are supposed to be responsible for them.

If, for technical or legal reasons, an amendment does not make sense, then I am not going to accept it. However, this does not mean that I do not agree with the spirit of such an amendment. I will try to accommodate members in respect of amendments of this nature. It will not surprise colleagues that there are other amendments which I simply do not propose to accept. I am sure they will not be happy about that but I would at least like to provide a description of the way in which the Department is treating some of the issues to which those amendments relate. This will clarify the position and ensure our debate will not be based on rumour or on individual examples of cruelty which may be extreme and which should not be happening. We might then discuss my view, on behalf of the Government, in respect of some of the issues relating to hunting in order that we might tease out, from a legal perspective, what we should and should not be doing.

I will now read into the record some of the briefing notes that were circulated to members.

Chairman: Before the Minister does so, I wish to point out that most, if not all, the amendments in this group are in Deputy Pringle's name. Is the Deputy happy for the Minister to read the briefing notes into the record?

Deputy Thomas Pringle: Yes, I am happy with that.

Chairman: I am conscious of procedure here and I want to ensure we do things right. As all the amendments appear to be in the Deputy Pringle's name, and as has been pointed out to me previously, he or Deputy Maureen O'Sullivan, who will be deputising for him for part of the meeting will have the right to be the first member to respond to what the Minister says in respect of them. For the record, the Deputy has requested that the Minister read the briefing document into the record. Is that correct?

Deputy Thomas Pringle: Yes.

Deputy Simon Coveney: I will first deal with some of the broader issues. In that context, I will read into the record the briefing material that has been provided and also some additional information on approved traps, snares and nets which emanates from the Wildlife Acts. I am of the view that it would be interesting for people to know the legal position in respect of the latter. When I have read all the information into the record, perhaps we might then discuss the amendments individually and I will indicate why I can or cannot accept them.

The first matter with which I will deal is badgers. This is an extremely controversial issue in the UK and also for some people in Ireland. A considerable amount of research, conducted over a period by the Department of Agriculture, Food and the Marine and other entities, has shown that the eradication of TB in cattle is not a practicable proposition in the short to medium term because of the reservoir of infection in wildlife, particularly badgers. In view of this research and to limit the spread of TB from badgers to cattle, the bovine TB eradication programme implemented by the Department contains a wildlife strategy involving the removal of badgers by culling when an epidemiological investigation associates a TB herd breakdown with the presence of badgers. In other words, this is a targeted programme and we are not concerned here with a widespread culling of badgers. I will provide the actual numbers involved towards the end of my contribution.

The Department continually monitors damage and injury to badgers captured under the badger removal programme to ensure the programme is as humane as possible. Badgers are captured by trained farm relief service contractors who use a particular restraint. Those contractors are monitored and supervised by my Department. The restraints used in the capture of badgers are constructed and approved to comply with the Wildlife Act 1976 and the 2003 regulations made thereunder. They are specifically designed to include a "stop" in order that they will not tighten beyond a predetermined point and will not, therefore, cause death by strangulation. All restraints are monitored daily and badgers are removed within a maximum of 24 hours of capture. A condition of the licence is that restraints are checked before noon the next day. Capturing of badgers is not permitted during the months of January to March, inclusive, in new capture areas. Research undertaken by Denise Murphy at the centre for veterinary epidemiology and risk analysis, CVERA, in UCD in 2009 has shown that damage or injury to captured badgers is none or minimal while they are in stopped restraints.

The Department is satisfied that the badger culling strategy has contributed to a significant reduction in the incidence of TB in recent years. TB reactor numbers have fallen significantly in the past three years, and it is anticipated that numbers for 2012 will be similar to those for 2011, when there were 18,500 reactors. The latter is the lowest recorded number in any year since the commencement of the eradication programme in the 1950s. The number of badgers captured in recent years is less than half the number captured in 2000. In other words, we are making significant progress. If members consider the position in the UK and Northern Ireland, they will discover that such progress is not being made in the context of reducing TB reactor numbers. In my opinion, this is partly because they do not have a badger removal programme

such as that which obtains in this jurisdiction. If we are serious about eradicating TB over time, then I am strongly of the view that it is impossible to avoid the issue of badgers.

It is the Department's intention to replace badger culling with a vaccination programme as soon as research demonstrates that vaccination of badgers is proven to be as effective as the current wildlife programme. I am very anxious that we should move to a vaccination programme as soon as possible. Nobody likes killing animals. I certainly do not like killing them. If we can establish a link between TB outbreaks and the presence of badgers and move from culling to a targeted vaccination programme, that will be a very good development for badgers. If we can continue the progress with our broader TB objectives to try to eradicate this disease that we have had for 70 years, we will do that. The eradication of TB must be my first priority for many reasons, including animal welfare. That is the reason we are doing what is necessary and we are trying to put parameters around how we do that to minimise the suffering of animals and to reduce the number of animals we have to cull in the first place by being as targeted as we can be. We will move to a vaccination programme when it is appropriate to do that and hopefully that time is not too far away.

With regard to fur farming, the farming of mink in Ireland is currently regulated by the Musk Rats Act 1933. Section 9 of that Act prohibits the keeping of musk rats in Ireland unless the keeper is licensed by the Minister. It also provides that the animals must be kept at the premises specified in the licence and that the keeper must comply with conditions attached to such a licence. The Act empowers the Minister to attach any conditions as he or she may think proper to a licence and, in particular, conditions regarding (a) the nature of the premises where the animals are kept, (b) the manner in which they are to be kept, (c) the precautions to be taken to prevent their escape, (d) the duration of the licence and (e) returns to be made by the licensee.

The methods authorised for slaughtering fur animals on fur farms are set out in the European Communities (Welfare of Farmed Animals) Regulations 2010 and it is detailed how that can be done to ensure there is consistency with the provisions of the regulations.

Methods outlined in the Council regulation, the number of which is outlined in the briefing material, on the protection of animals at the time of killing, which comes into effect on 1 January next year, and which is a new regulation, will be based on scientific references and the EU Commission has performed very detailed research on all the scientific literature on the subject. This new legislation will require any person involved in the killing of animals to take the necessary measures to avoid pain and minimise the distress and suffering of animals during the killing process, taking into account best practices in the field and the methods permitted under the regulation. The new regulation will also require people supervising the seasonal killing of fur animals to have a certificate of competence relevant to the operations they perform. This new EU regulation driven by the Commission will come into effect to deal with welfare issues around the killing of animals generally and also in regard to fur farming.

The report on fur farming undertaken by my Department in 2012, which is available on the Department's website for anyone who might want to read it, made a number of recommendations regarding fur farming. They include recognising that fur farming is a lawful farming activity undertaken in many areas of the world, including in a number of EU member states, and having considered all the submissions made, the legislative controls that currently exist and having evaluated the data assembled, the review group, on balance, did not find the arguments in favour of banning the farming of fur animals in Ireland compelling. For this reason the group recommended that fur farming be allowed to continue under licence and subject to enhanced official controls. The group recommended that all fur farming should be subject to licence by the

Department of Agriculture, Food and the Marine and it is noted that there are extensive powers available to the Minister in legislation to enable him to revoke licences where welfare standards are not met. It further recommended that the new Animal Health and Welfare Bill should include a provision requiring new entrants to fur farming to hold a licence, as well as existing licence holders. It recommended that the Department's veterinary and agricultural inspections should be doubled from the current level to allow for enhanced controls in order that additional confidence can be gained in respect of compliance with animal health, animal welfare, environmental requirements, greater security on the farms and contingency planning. Veterinary controls should include a review of the checks carried out by the private veterinary practitioner engaged by the licence holders. The Department's programme of inspections should also include some unannounced inspections. The group also recommended that in order to ensure that the health and welfare of the animals is protected, licences should require increased direct engagement of private veterinary practitioners on the part of fur farmers to provide professional input into operational practices. Private veterinary practitioners engaged by fur farmers should be requested to provide written verification of the effectiveness of the operational systems in this regard. The group recommended that operators should adopt best practice and embrace developments with respect to improved methods and systems for the killing of mink. It also recommended that codes of practice should be established to promote sound welfare and management practices for the care of fur animals.

It is proposed to repeal the Musk Rats Act 1933 under the Animal Health and Welfare Bill. The new Animal Health and Welfare Bill should include a provision requiring new entrants to fur farming to hold a licence as well as existing licence holders. It is not proposed to ban fur farming under the Bill. What is proposed is that we would examine both regulation and codes of practice in this respect in order that we can stand over everything that is taking place on fur farms and that we would significantly increase the levels of inspections taking place.

With regard to hare coursing, under the provisions of the Greyhound Industry Act 1958, the regulation of coursing is chiefly a matter for the Irish Coursing Club, ICC, subject to the general control and direction of Bord na gCon, which is the statutory body with responsibility for the improvement and development of the greyhound industry, greyhound racing and coursing. Coursing meetings can only take place during the open season, namely, between 26 September and 28 February of the following year.

The Minister for Arts, Heritage and the Gaeltacht has responsibility under national and EU wildlife legislation to ensure the conservation of the populations of certain species, including the hare. In December 2007, Ireland submitted the first baseline assessments, under the habitats directive, to the European Commission, on the conservation status for all 59 habitats and some 100 species that occur in Ireland. It was reported at that time that the range and future prospects of the hare were considered favourable. The hare is not regarded as an endangered species. The Minister for Arts, Heritage and the Gaeltacht, under section 34 of the Wildlife Act 1976, has responsibility for the issue of an annual licence to the Irish Coursing Club and its affiliated clubs to capture live hares in accordance with the conditions of the licence granted. The licence conditions are set out in the briefing material and there are some 26, which I do not need to read out as the members have them set out in front of them.

With regard to hare numbers, the coursing clubs affiliated to the Irish Coursing Club catch in the region of 5,500 hares each coursing season. To put these numbers in some context, the report, Status of Hares in Ireland - Hare Survey of Ireland 2006/07, estimates that the population of Irish hares in the Republic of Ireland was approximately 233,000 hares in early 2006

and 535,000 in early 2007. Therefore, hare population is significantly increasing. It should be stated that an extremely high proportion of the hares captured for hare coursing are returned to the wild each year; an average of 98% of the hares used at hare coursing meetings have been returned to the wild over the past four coursing seasons. There is no current evidence that hare coursing has a significant adverse effect on total hare populations. I know people's objections to hare coursing are different from being merely about the hare population and I will hear those shortly but it is important to read these figures into the record.

With regard to the monitoring of hare coursing, a monitoring committee on coursing was established in 1993-94 comprising officials from the Department and representatives from both the National Parks and Wildlife Service and the ICC to monitor developments in coursing. The position in that regard is kept under constant review to ensure coursing is run in a well controlled and responsible manner in the interests of both animal welfare and standards. Veterinary inspectors from the Department of Agriculture, Food and the Marine will attend and monitor a minimum of eight coursing events in 2013.

Anything done in the ordinary course of hunting does not fall within the remit of the Animal Health and Welfare Bill. If, however, a hunted animal is released in an injured, mutilated or exhausted condition, that is an offence under section 12(3) of the proposed legislation. In order to properly regulate hunting, there will be a strict application of codes of practice which will be established under section 25. Again, the approach I am taking is not to ban this activity but to ensure that when hunting, hare coursing or fur farming, which is a separate category, takes place, we have standards that are imposed in terms of codes of conduct that can be implemented and enforced. The purpose of amendment No. 26 is to ensure we have a political discussion as there is some legal difficulty with elements of it.

Section 34 of the Wildlife Act is the primary source of legislation applicable to the use of traps, snares and nets. Among other things, this section of the Act gives the Minister the power to make regulations to declare traps, snares and nets to be approved under section 34(4). The Minister has done this and the resulting regulations are SI 620 of the Wildlife Act 1976 (Approved Traps, Snares and Nets). One of the key components of the regulations is Regulation 3 which describes the types of traps, snares and nets that are legally approved. It goes through them in some detail. The priority is to try to reduce, minimise or eliminate unnecessary suffering when one is capturing an animal for the purposes of either pest control, disease control or other purpose.

It is unusual for me to read a long dissertation on anything, but it is important that people understand that on this issue we are not proceeding in the way we always have on blood sports, fur farming or hare coursing. Codes of practice are being implemented. If we need to add to them by introducing new codes of conduct and make them mandatory, or even if we need to consider introducing regulations under the Bill, I am willing to do this, but what I am not willing to do is to introduce legislation to ban activities that provide many people across the country with a livelihood, and also are traditional in rural areas and have been for generations. I will not wipe them out with the stroke of a pen, but I will insist on standards being imposed and we will act when people behave in a totally irresponsible way in regard to these standards. We will ensure we have the power under the legislation to act. That is a balanced approach in dealing with these issues. I am happy to speak to people who are involved in hunting or coursing and have already done so, as well as people who have concerns about these issues. I will endeavour to accommodate their concerns as best I can, but, ultimately, we will have a difference of opinion on what we should do with the legislation. It is important people understand the perspective

from which I am coming.

Deputy Michael McNamara: In the event of a vote being called, I wish to nominate Deputy Michael McCarthy as my substitute.

Deputy Maureen O'Sullivan: First, I acknowledge the work of Deputy Thomas Pringle in allowing the amendments to be tabled because he had difficulties with some of them. I am conscious that the amendments tabled by Deputy Clare Daly and I presented difficulties for him.

At the previous meeting I listened to the debate on whether vets or authorised persons were the best people to be present when an animal had to be put down for whatever reason. The Minister referred to reducing, minimising and eliminating the suffering of animals. The purpose of the amendments we have tabled is to ensure no animal suffers unnecessarily in the first place. That is the common thread working through all of the amendments we have tabled. Procedurally, do I speak to each amendment now or in sequence?

Chairman: They are being discussed together.

Deputy Maureen O'Sullivan: I will start with coursing, an issue on which we have tabled questions to the Minister. We have had reports on the number of hares injured, mauled and killed during coursing events. Greyhounds also suffer injuries because of the muzzles they wear. I do not advocate for one minute that the muzzles should be taken off, but there are situations where a greyhound is affected. Greyhounds are gentle animals. I was involved with a greyhound group when the issue of them being taken to China arose. We know what might have happened to them. Coursing involves the deliberate hunting and targeting of the hare, which is also a gentle creature. Before a coursing meeting, greyhounds are blooded and nobody need tell me that does not happen. There is no way greyhounds will run after a hare unless there is a reason to do so. Hares are netted in order that greyhounds can be blooded. Therefore, a greyhound thinks it is going after a hare to kill it because that is what it has been bred to do in coursing meetings. There is huge cruelty in the two aspects I have described before a coursing meeting and inherent cruelty during it.

Coursing clubs are monitored by coursing officials, which is completely illogical. The Minister made a point about countries in Europe allowing various practices, but only three countries in Europe allow coursing, of which Ireland is one. There is a very profitable drag coursing industry in Australia and betting takes place at such events. The hare is not a pest species. Various animal welfare organisations tell us what goes on at coursing meetings. There is no doubt that there is cruelty to animals, particularly the hare but also the greyhound.

I accept what the Minister said about the eradication of TB. Is there independent peer-reviewed scientific evidence on the efficiency of badger culling as opposed to pursuing a vaccination programme? Is it true that €70 million of our money went on the TB eradication programme in 2011, which involved the culling of badgers? I am not aware of a current survey of the badger population. Badgers are being caught in traps and left to starve to death. The young badger population is also suffering as a result. I welcome the positive statement by the Minister that there will be a vaccination programme which I hope comes sooner rather than later. I accept that TB in cattle must be eradicated and nobody wants to see it continue. However, I have grave issues about the culling of badgers.

Many countries in Europe are banning fur farming, including the Netherlands, the third largest mink breeder after China and Denmark. Other countries have examined the phasing-out of

fur farms. I ask that it also be considered here. In the meantime, there are serious issues about the welfare of mink on fur farms. I refer to the way they are kept in cages and what happens in these cages.

Issues also arise regarding the manner in which mink are gassed with carbon dioxide. Various reports from a variety of veterinary associations discuss the effects of carbon dioxide, including the stress caused, the manner in which it impairs welfare and the amount of pain caused.

An environmental study shows that, by comparison with textiles, fur has a higher impact in respect of 17 of 18 environmental themes, including climate change and toxic emissions. The climate change impact of 1 kg of mink fur is five times greater than that of the highest scoring textile, wool, owing to feeding requirements and the nitrous oxide emissions from mink manure. Significant issues associated with fur farming have not been considered. Obviously, I would like to see the practice banned.

I cannot understand why, in this day and age, anybody would want to wear fur because there are so many alternatives. Irrespective of my sympathy for past generations of hunters who needed fur in extremely cold climates for a variety of reasons, in this day and age, in a so-called developed world, killing animals for their fur is just appalling.

I welcome what the Minister said about codes of practice. We know, however, that regulations and rules are not worth the paper they are written on unless they are implemented and seen to be implemented. While there may be some rules on animal welfare, they are not being implemented.

I welcome what was said about the chipping of dogs. Feral cats present a major problem. There are many cat lovers in the country, but a very simple programme could solve the problem. We spoke about the cost of accepting some of the amendments that were ruled out of order, but if we spent a small amount in addressing the problem presented by feral cats, it would be much more cost-effective than having to allocate resources when the problem grows to major proportions.

Deputy Michael Colreavy: I apologise on behalf of Deputy Martin Ferris who had to attend a funeral unexpectedly. He asked me to deputise for him.

I thank the Minister for the outline. There is compelling logic behind badger culling, as mentioned in the report thereon. I have no issue with it.

With regard to fur farming and hare coursing, the review group found that, on balance, there were no compelling arguments in favour of banning the farming of fur animals in Ireland. The only question to be addressed is probably not one in respect of which numeric logic is required; it is simply a question of whether it is right to put animals at risk of death, serious injury or serious stress for reasons other than disease control or food production. We need to examine this issue. Many argue that it is not necessary to kill an animal to create an overcoat and that it is not necessary to put hares under stress or at serious risk of death or injury for sporting purposes. I am not sure a review group can present a mathematical equation to show whether the practices are right or wrong; it is a moral question.

Badgers are to be captured using restraints which are monitored by departmental staff. It is recommended that fur farming be allowed to continue under licence and subject to enhanced official controls. The third recommendation is that the frequency of the Department's veterinary and agricultural inspections be doubled. The fourth is that veterinary inspectors from the

Department of Agriculture, Food and the Marine attend and monitor a minimum of eight coursing events in 2013. There will have to be a total reversal of the capping of public service staff numbers. We will soon be instigating a job creation programme if we are to have supervision and monitoring at the desired level. Who will pay for it?

Deputy Clare Daly: I apologise to the Minister as I must leave shortly. If I leave before he responds, it will not be because of disrespect, as I have a double booking.

I appreciate the efforts of the Minister and recognise that improvements are being made. However, the essence of the discussion is whether we should proceed in a piecemeal manner. Can we not make some really radical improvements that would alter circumstances dramatically?

While the Minister has spoken about addressing welfare issues and dealing with cruelty and while some measures are, undoubtedly, being put in place in this regard, some of the activities about which we are talking are inherently cruel. In this sense, regulation is only minimising the damage. The root cause of the problem is the actual activities. I refer to digging for foxes, hare coursing, fur farming, etc. This must be recognised up-front.

There are 11 amendments to the section. One, on the tracing of dogs, has been accepted in principle, which we welcome. We accept that there will probably be some form of amendment on Report Stage; we accept the Minister's bona fides in this regard. Of the ten remaining amendments, four deal with fur farming. The Minister has stated this practice is lawful in a number of jurisdictions and that, as a consequence, we will keep it lawful here. He did not say it was banned in more countries than in which it was actually legal. We should not be following the countries that permit the activity. The industry is very small in Ireland and one of the five registered mink farms is probably in jeopardy. While we accept the Minister's point that he will increase regulation and double the inspection frequency, will he, if he is not going to ban the practice and accept an amendment in this regard, address amendment No. 73 which calls for an independent inspectorate? Would this fit in with his idea of increasing the frequency of inspections? Could we have an independent animal welfare inspectorate?

Humane eradication could be achieved. Is there a contradiction between our amendment, No. 57, and the Minister's opening statement? All we seek in this regard is a more humane method of killing the animals. If the Minister is not going to ban the activity, will he, please, agree to the animals not being gassed and being disposed of humanely? If we are to have enhanced codes of practice and better regulation, the Minister could, through the Bill, regulate the manner in which animals are exterminated. There could also be a facility, by enhancing the Bill, to deal with the conditions of the animals. If animals are to live in horrendous conditions and, ultimately, to die for their fur, we could at least upgrade their housing, increase the height of cages, improve nest boxes, ban wire mesh floors, provide enrichment toys, etc., as happens in Germany, in order that there would at least be some semblance of decency where animals are interned and, ultimately, destroyed. We could make the process as painless as possible.

There is no contradiction between amendments Nos. 57 and 73 in terms of the Minister's provision in this regard if he is not going to accept our points on providing for a ban. A large number of citizens in Ireland believe fur farming should be banned. We do not really accept that it should not be. The industry is not a significant employer and does not engage in a worthy activity in this day and age. We, therefore, ask the Minister to reconsider his position on the issue. As he seems adamant, we will not waste members' time. However, I appeal to him to consider amendments Nos. 57 and 73 as they could incorporate some of his desires to better

regulate this area, while, at the same time, moving to appease our concerns.

The foundation amendments are Nos. 25 and 26 which deal with activities which in and of themselves are inherently cruel to animals. Dealing with animal welfare while allowing these activities to continue is a contradiction. It would be preferable to remove the exclusion of hare coursing from the Bill's protection. The very fact that it is excluded means the activity is recognised as cruel and hares are not getting the benefit of the legislation's protection. I disagree fundamentally with the Minister when he says he will not get rid of this activity because it provides many people with a livelihood and is a tradition. I thought he was a little more enlightened than this. Both counts really do not stand up. On the one hand, there is definitive evidence that the number of coursing clubs is in rapid decline and that the number of people following this appalling activity is, thankfully, falling. It is confined to a minority of counties. There are some who may make a living from coursing. However, other jurisdictions have proved these jobs can be maintained by switching to drag coursing. It does not make the activity any more appealing, but it does remove the cruelty aspect. In fact, the introduction of drag coursing may actually see a rebirth of the activity with more participants. Those who are appalled by the bloodlust attached to coursing may follow drag coursing. The idea that coursing is a tradition is just too bad. It was a tradition to throw people to the lions in the Colosseum on a Friday night in downtown Rome, but that did not mean it was a worthy activity. Traditionally, there were freak shows at which people with abnormalities were put on display for public ridicule and some form of entertainment. In a modern society, getting entertainment out of the pain and degradation of animals is not a worthy tradition and is an activity from which an enlightened society would move away. To protect cruelty and barbarity in the name of tradition does not add up. All the statistics from the National Parks and Wildlife Service about the cruelty caused to hares in the run-up to coursing events, how they are terrorised and released to be captured again are unacceptable. I will be pressing this amendment as many in society find it reprehensible.

For similar reasons, I will be pressing on some of the other activities highlighted, most particularly the digging out of foxes. The Minister has said he has been engaged with some organisations to regulate this activity. Allowing dogs to go underground to dig out foxes is in no way acceptable. These points need to be taken on board.

I know the Minister does not agree with the principles in these two amendments. However, it is important to highlight them in order that he knows from where we are coming. The issue will not go away. If it is not addressed in this Animal Health and Welfare Bill, I am sure we will be discussing it in the next one. Why will he not address the issues involved as enlightened society is moving towards our view?

Amendment No. 67 concerns monitoring greyhounds and coursing. I cannot see why the Minister would have a problem with this. While I do not agree with animals being involved in any form of entertainment, amendment No. 13 concerns the care of animals before and after certain activities. Does the Minister have an objection to this provision which could be incorporated in the legislation?

The remaining amendments concern the use of animals in circuses and the protection of wild birds. Fingal County Council was the first local authority to move to prohibit circuses. Many will not go to a circus if it has performing animals. I have no problems with trapeze artists and other performers – I do not really like clowns, to be honest – but I do have a problem with exploiting animals, particularly wild ones. It is not natural for an elephant to put its foot on a ball, stand on a stool dancing to a whip or raise its leg on demand. Getting an elephant to do this requires barbaric cruelty. To have them transported as they are in inhumane conditions

in an unnatural terrain to them in the name of entertainment is appalling. We have circuses with performing penguins, which is abhorrent. The argument that a child would never have seen a tiger or an elephant years ago except at a circus may have some merit to it. However, in this day and age of enhanced travel, Internet access and better education, people can see animals in their natural environment. In many countries the use of animals, particularly wild ones, in performing circuses is outlawed and a growing number of local authorities is taking up this call. When Fingal County Council moved on it several years ago, we were inundated with support. I would like to take my children to a circus, but I am not going to one in which an animal is exploited. Some circus providers have stopped using animals because of this. In this day and age when funds are tight and we have all been lobbied by community arts projects to protect the Arts Council budget from further cuts, the idea that the council still funds circuses with performing animals is appalling. We are hoping the Minister will take on board our amendment.

We also want to limit the hunting of birds. BirdWatch Ireland has pinpointed several concerns about putting in place protocols for reporting on the species hunted and their numbers to allow us to monitor the levels of hunting on a national level. There is a need to ensure changes in hunting pressures can be monitored by the Department. What mechanisms are in place to monitor them, as well as the number of licences awarded? We need to review the list of bird species which are allowed to be hunted. Protecting our natural environment is important for its tourism potential. I agree with Deputy Michael Colreavy that if we are talking about serious regulation, we must remove the public sector recruitment embargo in this area. Otherwise, many of these measures will be unsustainable.

Deputy Mattie McGrath: I am delighted to be able to attend the select committee. It is nice to be able to compliment the Minister and his officials on dealing with the Bill in the sensible way they have, using a realistic and practical approach. The public might believe the Technical Group is against hunting and sport, but it is not. The system for tabling amendments means that Deputy Thomas Pringle's name is used, as he is the Technical Group's member of the select committee. However, he is somewhat embarrassed by them. They do not reflect his views, especially given the number of industries and fur farms in his own constituency. One has to live in the real world to understand what goes on in rural Ireland. I am sick and tired of listening to the Dublin 4 clan telling us in rural Ireland how to live. I invited Deputies Maureen O'Sullivan and Clare Daly to visit one of our coursing meetings in Clonmel but they refused. There are none so blind as those who cannot see.

Chairman: Will the Deputy speak to the amendment?

Deputy Mattie McGrath: I am speaking to the amendment.

Chairman: To be fair to Deputies Clare Daly and Maureen O'Sullivan, they spoke directly to the amendments. I have given Deputy Mattie McGrath latitude to make a broad comment but perhaps he will speak to the amendment rather than take an in-house cut at his colleagues.

Deputy Mattie McGrath: I am not cutting anyone. I am just standing up for a practice that existed in real Ireland since God's time.

Chairman: On the amendment.

Deputy Mattie McGrath: We can agree on many of these amendments. We all support animal welfare. Farmers and pet owners are custodians of their animals and want to look after them. The notion that some of us are not interested in animal welfare is disturbing because

anyone who was reared on a farm or lived in rural Ireland understands that. The rural hare is a very intelligent animal. We all know about the March hare. He observes everything and is totally aware of what goes on around him. He is well able to mind himself. That is his inherent breeding.

I did not table amendments to the Bill, although perhaps I should have done so. I knew from my discussions with the Minister and his officials that the legislation is in safe hands. The Government is doing its best to strike a balance between sensible legislation and permitting sporting and leisure activities. The impact on industry and employment is also important. I do not know how much it costs to eradicate TB but it is epidemic among livestock and we have to cull animals to ensure it does not spread.

I have spoken previously about coursing meetings and so-called ill treatment of hares. Two and a half years ago a coursing meeting in my county was disturbed by so-called anti-blood sport people who released the hares and let them escape onto the motorway where they were slaughtered by traffic. They could have caused accidents. I do not know how that can be described as animal welfare.

I pay tribute to a local gun club which does great work across four parishes to promote animal husbandry and restocking grouse and other species of bird that might otherwise go extinct. I commend the Minister and offer him my support.

Deputy Éamon Ó Cuív: The approach we have taken to debating these amendments has been reasonable. I thank the Minister for providing us with the detailed briefing we requested. I do not think we will reach agreement on fur farming, coursing and hunting, where fundamental differences of opinion apply. I indicated on Second Stage that I am not in favour of an outright ban on these activities. However, they must be governed by codes of practice that ensure people do not abuse their rights in a way that is disagreeable to the vast number of people.

I agree completely with the Minister's approach on badgers. As science evolves, trapping reduces and vaccination increases. On fur farming, I can never get my head around the logic that it is all right to farm for food but not to farm for clothes. The vegetarian would argue that we do not need to kill animals for food or clothing. I take the view that the production of animals for food is a reasonable activity and that it is also reasonable to choose to eat meat. I cannot understand why the same logic does not apply to clothes. The question around fur farming is whether the standards applied are as high as we would expect among animals farmed for food. Are the methods of killing the animals humane and are the farming practices fair? Our standards for intensive farming of fowl and pigs have evolved and improved over time. I was interested in hearing the Minister's recommendations on improving standards in fur farming. Leaving aside the end use, which I do not regard as an issue, it is important the sector is well regulated.

I have one brief question on hunting and hare coursing. The codes of practice under the Bill are enforceable in that they will have to be taken into consideration by a court when making a judgment on a prosecution. The people who carry out these activities want to operate to high standards and, therefore, the development and enforcement of strict codes are important. I agree with the approach that the Minister has taken because it allows him to protect against any abuse that may occur among a small minority.

Deputy Simon Coveney: I thank members for the spirit with which they are approaching these issues. I appreciate that people have strong opinions in this area but I am glad the discus-

sion has not turned into a slanging match.

I do not like fur farming. I would rather it was not practised but the issue is whether we should make it illegal. As a Minister and a legislator, I have to take account of the impact of the decisions I make on livelihoods, industries and acceptable standards internationally.

With regard to Deputy Ó Cuív's comments, whether somebody should be allowed to produce fur on a farm legally should not necessarily be determined by whether I find that a tasteful method of farming. The issue is whether we are applying the same standards we apply to the production of food and farming practices. The legislation proposes to provide a higher level of inspection of fur farming because many people have more concerns about that type of farming than about other types. Through a voluntary code of practice and-or regulation to make the code enforceable in law, which could be taken into account in a court of law but not necessarily used to determine a legal outcome, we will examine making sure Ireland represents best practice in stocking rates in cages, the size of cages and the way in which animals are killed. If the Deputy considers pig or poultry killing, there is nothing pleasant about killing an animal whether or not it is for food. Rules, regulations and codes must be implemented to minimise pain and suffering but it is still a gruesome business for anyone who has visited an abattoir or a factory. This is about imposing standards to ensure we reduce unnecessary pain and suffering while, at the same time, allowing an industry to be maintained.

I will examine the ways in which mink are killed. My understand is they are gassed. If there are more humane ways to do this, we will consider that and, if necessary, we will require that. That is happening under EU legislation anyway. For example, at European and domestic level, battery cages have been done away with on poultry farms. Provision has been made for more space and perches for chickens to create a more humane environment. We are doing the same in pig farming as we do away with the tethering of breeding sows. Significant money has been put into grant aiding pig farmers to meet the new regulations next January to have loose housing for breeding sows. I strongly stand over the Department's standard setting and implementation of the rules for animal welfare and farming generally and we will do the same for fur farming. If fur farming is an exception, we will watch it even more closely because of the concerns many people have with the sector. Should we just ban it because people will not buy fur products as they do not want to support the industry? That is their entitlement. It is a consumer decision but I do not agree that should result in the banning of the industry. That is where I am coming from.

We will move to a vaccination programme for badgers as soon as we can. It will be a positive story when it happens. It was stated this would cost the taxpayer €70 million. What is costing the taxpayer is the incidence of TB and every time we take a reactor out of a herd or shut down a herd preventing a farmer from taking cattle to the market because of a TB outbreak, including the clampdown on neighbouring herds, it costs the farming sector and the national purse a great deal of money every year. It will cost approximately €40 million to compensate farmers for taking reactors out of their herds and to run the eradication scheme this year. Four years ago, the figure was €60 million. We have, therefore, saved in excess of €20 million over the past four years because we have been successful in reducing the incidence of TB in our herds and we will continue to do that. By taking a targeted approach on the basis of independent advice from UCD, which recommends this approach because it works, and constant monitoring both inside and outside the Department confirming year after year that it works, we are saving the taxpayer significant amounts and we are also improving the reputation of the quality of food production in Ireland. That is an important target, to which we should be committed. As soon as we can switch from the culling of badgers, albeit as humanely as possible because

it still involves suffering, to a vaccination programme, we will. The programmes in the UK are not working. If members can provide evidence to the contrary, I will happily examine it. I am not closed to this but I will go on the advice of officials and the independent assessments and numbers I am seeing regarding the incidence of TB. I have a responsibility to farmers and to the food industry to continue along the road we are on.

I have never attended a coursing meeting. I did not grow up in the tradition of coursing but I would like to go to Clonmel to see it for myself.

Deputy Mattie McGrath: The Minister would be welcome.

Deputy Simon Coveney: I have attended many greyhound meetings and Bord na gCon does a great job linking a good night out with the sport of greyhound racing. I have read a great deal about hare coursing and I have spoken to many people involved in it. We have made huge strides over the past decade to deal with welfare issues. There will be exceptions, as there will be in any sport that involves animals competing against each other and being aggressive. Our job is to manage that by putting codes of conduct in place regarding how the meets are run in order that everything reasonable is done to reduce pain, suffering and unnecessary welfare problems. It is also our job to put inspections in place to back that up and that is what we are doing.

Deputy Colreavy referred to fur farm inspections and the eight inspections of coursing meetings next year by our authorised officers. That does not require significant resources. The number of fur farms in Ireland is in single figures and doubling the number of inspections will not be a big deal in terms of resources but it will send a strong message to those engaged in this activity that they need to abide by the standards we insist upon. I will think about whether we should include someone who has a background in animal welfare independent of the Department on the inspection team but I would not like to undermine my own officials. They have a balanced view on what is acceptable or not. We have good authorised officers, inspectors and veterinary staff who are capable of determining what is acceptable. They do not necessarily have to have a so-called animal welfare specialist looking over their shoulders. I would argue that we have the best animal welfare specialists in the State in my Department and if did not, we should have. I will think about that; I will not rule it out.

With regard to the shooting of wild birds, my understanding is the Minister for the Arts, Heritage and the Gaeltacht is examining the Wildlife Acts against next year. I have sympathy for the argument that we need to ensure we have a list of protected birds that cannot be shot for sport. We should be working with BirdWatch Ireland and many other NGOs which put a great deal of work into this area. We have a responsibility to protect species that are in trouble, and many bird species in Ireland are under severe pressure. Whether it is under the AEOS programme on conservation and biodiversity that we implement or whether it is under lists of protected species, my Department and the NPWS have a responsibility to work together on that, and we will.

If the Deputy has suggestions as to how we should deal with feral cats, I would very interested to hear them. In case Members think I am a bluffer, one of the few areas in which we increased expenditure last year in the budget - there are those in the audience here who might find this difficult to hear because we had to cut budgets in other areas - which is not large but which we increased significantly in percentage terms, was the amount of *ex-gratia* payments to animal welfare organisations across the country, and we will do the same in the budget this year. Unfortunately, one of the casualties of recession is animals and pets that people cannot afford to keep any longer and place into the care of animal welfare organisations. Many such

organisations are set up by well-meaning persons who put all of their resources into looking after animals. We have taken two actions. We have put a code of conduct in place for the welfare of animals in welfare organisations and we have stated that we will fund welfare organisations as long as they apply that code of conduct. We have linked the two. We have significantly increased the level of *ex-gratia* payments to animal welfare organisations. We have also been quite supportive of local authorities in the case of abandoned horses because that has been a big problem of the recession to which we have a responsibility to respond. We are putting our money where our mouth is. I am not saying it is a vast sum but it represents a significant increase in percentage terms which is contrary to our expenditure programmes in almost every other area.

I have probably answered Deputy Colreavy's arguments on whether fur-farming and coursing are absolutely necessary. They are not. When something is not necessary for people to live and eat, it is a judgment call whether that means one should ban activities such as coursing and fur-farming, whether or not one likes them. It is my judgment that we should regulate rather than ban them.

I would share some of the concerns that have been expressed about animals in circuses. Under the present Act, we can do a great deal to ensure that animals that are part of a circus are being looked after in a way that requires significant responsibility on the part of their owners. Animals in circuses must be looked after in accordance with the welfare provisions of section 12 of this Bill. Circuses are also subject to regulation at an EU level.

Other countries have had a political debate on whether to ban circus animals. It is something into which I want to put a little more thought before we make a final decision. My sense is that probably we should be trying to deal with this through regulation as in other areas but I do not want to rule that out entirely. Let me think about it between now and Report Stage. If Deputy Pringle wishes to press the amendment in the meantime, that is a decision for him. I have some sympathy with the argument that animals should not be on tour for the purposes of entertainment but my sense is that, like in other areas, we should probably be dealing with this through animal welfare regulation rather than an outright ban.

On Deputy Ó Cuív's comments, he is correct that there are essentially two principled approaches here. One is that we opt for an outright ban and deal with its implications and the other is that we put in place standards that will evolve and improve over time. The latter is the approach that we are taking and I thank him for his support on that.

On codes of practice, in order that members are clear because I do not want to pretend that we are doing something that we are not, there is a clear provision in the Bill on codes. I can put in place codes of conduct for almost anything that deals with animals, including coursing, hunting and fur-farming. There is a difference between a voluntary code of conduct and a mandatory code of conduct. There is a difference even between a mandatory code of conduct and a regulation which is a legally enforceable instrument that changes the law, and there is a legal definition that differentiates between the two. My understanding is that a code of practice, even if it is mandatory, cannot be the basis for changing the law but that a regulation can be. That is why we may need to use a combination of both ministerial regulation and codes of practice to ensure that we can stand over the implementation and the practical reality of the effectiveness of codes of practice.

I have looked at the codes of practice that are currently in place, and enforced in the vast majority of cases, particularly around hunting and the use of terriers, etc., in Ireland. It is also worth noting that in the United Kingdom, even after they banned fox hunting, they did not ban

the use of terrier work. The code of conduct on terrier work being applied in Ireland is the code of conduct that has been taken from the United Kingdom, where there has been a high level of political focus on animal welfare standards, etc. There is a pragmatic reason for the use of terrier work, in vermin control and in controlling fox numbers. What is not often spoken of is the impact of foxes, in particular, on sheep and poultry farmers where, for example, there can be dozens of lambs with their throats ripped out and a farmer looking for a professional to deal with an expensive fox population problem causing animal welfare concerns on a farm. We must allow for that and at the same time ensure that when there is terrier work used as part of fox hunting, for example, with the use of horses and dogs, there is a code of conduct that is used in reality. In the vast majority of cases, it is so used. I have spoken to many involved to get a sense of what is happening on the ground. The codes of conduct being implemented on a voluntary basis are fairly good. The question is whether we want to ensure that they will be legally enforceable in the future under this Bill. That is something I will have the capacity to do at a later stage by introducing regulations or codes of conduct. There is a subtle difference in that regard between mandatory codes of conduct and regulations or statutory instruments. I have probably answered most of the questions. If members want to come back on anything, I will happily try to answer.

Deputy Maureen O’Sullivan: I welcome all that the Minister has said but it is still disappointing that we are looking at further regulation rather than an outright ban on practices that bring about suffering and cruelty to animals. The Minister used examples from some countries to support that but there are examples from other countries, for instance, England has banned fur-farming and coursing. Therefore, there is good practice on these matters in other countries as well. Other countries have developed good practice in these matters but we have more to do. I welcome what the Minister had to say about regulations, although I am disappointed with his response to the elements which would eliminate suffering in the first place. We will continue the debate.

Chairman: For clarity, amendments Nos. 3, 13, 25, 26, 57, 67, 73, 92, 98, 101 and 102 have been discussed. Is amendment No. 3 being pressed?

Deputy Maureen O’Sullivan: Yes.

Chairman: As fewer than nine members are present, pursuant to Standing Orders we are obliged to wait eight minutes or until a full membership is present before proceeding to take the division. For the purpose of the division, Deputies Colreavy, Maureen O’Sullivan, Harrington and McCarthy will substitute for members who are not present.

The Committee divided: Tá, 2; Níl, 7.	
Tá;	Níl;
Colreavy, Michael.	Barry, Tom.
O’Sullivan, Maureen.	Coveney, Simon.
	Doyle, Andrew.
	Harrington, Noel.
	Heydon, Martin.
	McCarthy, Michael.
	Ó Cuív, Éamon.

Amendment declared lost.

Chairman: As we have passed the time allocated, I will adjourn the meeting. I thank the Minister and his officials for attending. We have scheduled our resumption for 2.30 p.m. next Tuesday, 27 November 2012, when we will move on to amendment No. 4. I thank members.

Progress reported; Committee to sit again.

The select committee adjourned at 1.10 p.m. until 2.30 p.m. on Tuesday, 27 November 2012.