

# Update Report for Public Accounts Committee

# Annex C

Department	Agriculture & Rural Development
PAC Hearing (NI Assembly)	Control of Bovine Tuberculosis in Northern Ireland
Date of Report / Hearing	29/06/2009
Date of MOR to PAC	16/09/2009
Report Criteria	Current Commitments
Date of Update Report	16/4/2012

Public Accounts Committee Recommendations	Departmental Commitment as outlined in Memorandum of Reply	Subsequent Actions and Progress to Date	Status
<p><b>PAC Recommendation 1</b></p> <p>Spending hundreds of millions of pounds on a programme that is not explicitly aimed at the eradication of bovine TB seems an extremely poor use of taxpayers' money. In the Committee's view, there needs to be a fundamental change in mindset within the Department, with a renewed focus on eradication, not merely containment. The Committee recommends that there must be a marked and sustained reduction in the prevalence of bovine TB and expects to see a much greater sense of urgency within the Department to achieve this.</p>	<p>DARD fully accepts the importance of having a renewed focus on eradication, and not merely the containment of this disease.</p> <p>DARD has been working closely with stakeholders and all those who have an interest in reducing the level of bovine TB in NI. In December 2008, the DARD Minister announced an agreed joint industry/Government strategic approach for dealing with bovine TB. The overall aim is to move towards the ultimate eradication of bovine TB through a phased approach, in a realistic timeframe and in the most cost-effective way. The aim in the first five year phase of the strategy, is to lay the foundations for the eventual eradication of the disease. In this phase, the goals are to maintain trade and to produce more effective and efficient ways of reducing transmission of bovine TB from cattle to cattle and between wildlife and cattle. Whilst the longer term objective is to reduce and eradicate the disease, in the shorter term it is expected that measures taken to improve the detection of</p>	<p>DARD remains committed to the eradication of this disease and will continue to work towards this end.</p> <p>DARD has been successful in securing the EU Commission's approval of NI's 2010, 2011 and 2012 TB Eradication Plans. This means we have been eligible to secure some €5 million per annum co-funding from the EU Veterinary Fund for TB. A draft 2013 TB Eradication Plan will be submitted to the Commission.</p> <p>The EU Commission approved NI TB Eradication Plan is a comprehensive document containing a full explanation of the historical, statutory and policy context as well as a detailed description of all the measures contained in the programme, including the regime of testing, herd and animal movement controls, and actions appropriate in the case of positive or inconclusive test results, etc. This is subject to annual review by the EU Commission and represents their acceptance that actions detailed therein are consistent with the aim of TB eradication.</p> <p>EU approval of the 2010 TB Eradication Plan</p>	<p>Ongoing to 2014</p>

	disease will initially increase the reported disease levels, as the intended effect of enhanced measures will be the earlier detection of infected animals.	required that from 1 January 2010 animals that give an inconclusive result to a second consecutive bovine TB test are removed as reactors (rather than after a third such test as previously).	
<b>PAC Recommendation 2</b>			
The Committee recommends that the Department re-examines its bovine TB performance targets. While allowing for a possible increase in incidence in the short-term, targets should be much more challenging in the medium to longer-term than currently and must include a target date for eradication. The Committee accepts that this end date may require revision as the programme develops, but considers it vitally important that the Department has a clear sense of its ultimate objective.	Bovine TB performance targets will be reviewed and challenging targets set, based on the evidence gathered during each phase of the strategy and in line with disease trends.	EU approval of the 2010 TB Eradication Plan required that from 1 January 2010 animals that give an inconclusive result to a second consecutive bovine TB test are removed as reactors (rather than after a third such test as previously). This fundamental change meant that existing disease predictions were no longer valid. On 22 July 2010 the NI Executive therefore agreed a new PSA indicator to remove the existing measurement and create a new target for TB. This new TB target was to implement the NI section of the 2010 UK Bovine TB Eradication Plan and to maintain eligibility for the co-funding of the plan.  Whilst the period of this target ended in March 2011, DARD continues to have an objective to achieve and maintain annual EU Commission approval for our TB Eradication Plan.  DARD continues to closely monitor disease levels and disease incidence figures are published each month on the DARD website.	Ongoing to 2014
<b>PAC Recommendation 3</b>			
The Committee cannot accept as reasonable that a policy review process that began in 1999 is still incomplete some 10 years later. The Committee recommends that the Department ensure that, in future, policy reviews are carried out at the appropriate time and that the recommendations arising from those reviews are considered and implemented on a timely basis.	DARD will ensure that future policy reviews are carried out in a timely manner and that any recommendations arising from these are considered and implemented as appropriate.	DARD has a procedure in place for dealing with the outcome of future policy reviews. A detailed inventory of recommendations will be compiled, and a forward action plan and progress monitoring arrangements will be drawn up for approval by the DARD Top Management Group within 6 months of the publication of the outcome of future policy reviews.  This recommendation has been achieved	Completed

<p><b>PAC Recommendation 4</b></p> <p>The Committee recommends that the Department ensures that its supervision of PVPs is more effective than it has been in the past and that lapses in standards are dealt with on a timely basis. In particular, it must ensure 100 per cent compliance with the requirement to report test results within one working day. The Committee recommends that the veterinary Associations and practice principals help bring this about, as a matter of urgency. The Department must also take steps to improve its partnership arrangements with private vets – for example, through more frequent and regular liaison meetings at a local level.</p>	<p>DARD is committed to the monitoring and continuous improvement of its system for the quality control of testing by PVPs and will take all appropriate steps to make its supervision more effective. This includes establishing clear delivery standards, protocols for identifying lapses from these standards, and a clear system to rectify any lapses on a timely basis. DARD will continue to work with the Veterinary Organisations and PVPs to improve partnership arrangements, performance and communications.</p> <p>DARD will continue to work closely with PVPs to resolve issues that arise in preventing 100 per cent compliance with the requirement to report test results within one working day.</p>	<p>DARD has procedures in place to ensure effective supervision of PVPs.</p> <p>The TB Testing Group, which comprises DARD officials and representatives of the NI veterinary profession, continues to meet to discuss TB test related issues. Work is on-going to deliver key messages to reinforce testing procedures for the PVPs. To date actions include a DVD, leaflet, displays at the 2009, 2010 and 2011 AVSPNI conferences, CVO letters, sending relevant statistics to individual practices, meetings held in DVOs across NI, CVO meetings and TB Testing Group meetings. The veterinary profession convened a well attended TB seminar on 1 February 2012.</p> <p>DARD has procedures in place and will continue to monitor compliance and to identify and resolve where possible any issues that prevent compliance.</p>	<p>Completed</p>
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<p><b>PAC Recommendation 5</b></p> <p>The Committee finds it worrying that significant differences in bovine TB detection rates, between DARD staff and PVPs, have existed over the past 20 years and yet the Department still cannot explain why. The Committee recommends that the issue be resolved and action taken to address the underlying problems as a matter of urgency. In future, test results should be monitored on an ongoing basis, with any anomalies quickly investigated and resolved.</p>	<p>DARD will continue to monitor and analyse the results produced by both DARD staff and those produced by PVPs in order to ensure that like for like comparisons can be made of the respective detection rates.</p> <p>DARD will use the information to identify the reasons for any differences and will implement solutions to this issue as a matter of urgency.</p> <p>DARD will also provide test statistics to monitor test results on an ongoing basis to each Veterinary Practice and to the TB Testing Group which was established in February 2009.</p>	<p>DARD and PVP representatives discuss the most recent detection rate comparative reports at meetings of the TB Testing Group.</p> <p>The detection rate statistics are provided to each practice twice a year and are now available to view at any time on the APHIS system. Detection rate reports were issued to all Practices in August 2010, January 2011, September 2011 and January 2012.</p> <p>Comparisons were conducted in May 2010. DARD has undertaken a number of actions to improve the efficiency of TB testing. Comparison reports will continue to be produced and monitored on an annual basis. Any issues arising will be dealt with as a matter of urgency. The most recent comparison was completed in March 2011.</p>	<p>Completed</p>
<p><b>PAC Recommendation 6</b></p> <p>While it is a matter for the Department's Monitoring Panel to decide on the appropriate penalty, the Committee expects a firm line to be taken in all cases warranting suspension. It is important to make clear to the small number of vets whose performance falls below the acceptable level that the Department is serious about enforcement of standards. Penalties should include the withholding or recovery of fees, as appropriate. The Committee recommends that the Department consider introducing sanctions against veterinary practices, in addition to individual practitioners, for cases involving serious or repeated breaches of procedures.</p>	<p>DARD is currently undertaking a review of its long-standing contractual arrangements, which will include both the revision of sanctions including those that apply to practices and any requirement to recover testing fees. This is due to be completed in summer 2010.</p>	<p>The review of the existing contractual arrangements was conducted in parallel with a report considering the allocation of testing between PVPs and in-house staff.</p> <p>The review of the contractual arrangements was completed in August 2010 and discussions with PVPs have taken place. DARD have also during 2011 discussed extensively with colleagues in England and Wales because this has become a UK wide issue. More certainty in relation to programme funding and the outcome of the ongoing England/Wales tender process is needed. Following further discussions with AHVLA, DARD is currently seeking legal advice on the way forward.</p>	<p>Completed</p>

<p><b>PAC Recommendation 7</b></p> <p>The Committee has major concerns about one particular case outlined in the C&amp;AG's report, involving a private vet who falsely signed for tests performed by an unauthorised vet. Not only did the Department fail to terminate his contract and fail to report him to his professional body, but it allowed him to resume working for the Department a year later. The Committee was told that, in making this decision, the Department considered legal advice from the Royal College of Veterinary Surgeons and the finding of the Office of the Director of Public Prosecutions that there was insufficient evidence to prosecute. The Committee notes that this is not consistent with paragraph 2.27 of the C&amp;AG's agreed report. The Committee requires the Department to clarify which of these versions in respect of legal advice is correct.</p>	<p>DARD had referred the case to the Director of Public Prosecutions who considered there was insufficient evidence to support a prosecution. DARD also considered reporting the PVP to the Royal College of Veterinary Surgeons and sought legal advice on this course of action but, on the basis of the legal advice given, did not pursue the referral.</p> <p>The appropriate sanctions will be imposed for any future fraudulent activity and serious breaches of the testing procedures.</p>	<p>This recommendation relates to a specific case.</p> <p>Breaches of testing procedures may lead to sanctions such as withholding of fees, the suspension or withdrawal of approval to carry out testing, and the requirement to attend further training, etc depending on the nature of the breach. Should the breach be exceptionally serious, the severity of the sanctions would extend beyond the normal range and may include referral to the Royal College of Veterinary Surgeons.</p> <p>If an approved tester is suspected of fraud, the case is referred for investigation to DARD's Central Investigation Service and, if a case is established, it will be referred to the Public Prosecution Service. If an approved tester is found guilty in any subsequent Court proceedings, criminal conviction normally results in suspension from the Register of Veterinary Surgeons. Hence, the tester will not be able to perform any tuberculin testing, as they are required to remain on the Register to do so.</p>	<p>Completed</p>
<p><b>PAC Recommendation 8</b></p> <p>The Committee strongly recommends that any vet who is found guilty of fraudulent behaviour should have their contract terminated, be reported to their professional body and, where possible, be prosecuted. Moreover, any vet who has previously been found guilty of fraudulent behaviour should not subsequently be engaged by the Department.</p>	<p>DARD accepts the Committee's recommendation on action regarding a vet who is found guilty of fraudulent behaviour. In respect of any future employment of a vet who has previously been found guilty of fraudulent behaviour, DARD will seek legal advice on a case by case basis in determining the outcome.</p>	<p>The Department must act lawfully when applying sanctions to an individual, even if they have been found guilty of previous fraudulent activity or if they have been subject to any sanction imposed by the Courts. For this reason, the Department cannot guarantee absolutely that anyone in those circumstances could not subsequently be re-engaged. However, the Department does not actively wish to re-engage such individuals and if application is made the Department would seek legal advice.</p>	<p>Completed</p>

<p><b>PAC Recommendation 9</b></p> <p>Given the high level of testing in the bovine TB programme, even a relatively small difference in the unit cost of tests can have a significant impact on overall programme expenditure. The Committee recommends that the Department closely monitors the relative costs of in-house and PVP testing on an ongoing basis, to ensure that best value for taxpayers' money is consistently achieved.</p>	<p>DARD will continue to monitor and to review its in-house costs in comparison to the PVP rates in order to facilitate assessments and identify action to improve value for money.</p>	<p>Costs have been produced for in house staff in August 2010 and the figures and methodology have been validated by an Agricultural Economist. A paper on the comparative costs of in-house and PVP rates was completed in March 2011. Monitoring will continue and annual reports produced. A follow up exercise is currently underway.</p> <p>The Committee's recommendation for DARD to closely monitor relevant costs, on an ongoing basis to ensure value for money has been met. Work will continue to ensure compliance with the commitment.</p>	<p>Completed</p>
<p><b>PAC Recommendation 10</b></p> <p>The use of lay testers has the potential to provide a useful new resource, while achieving substantial cost savings over current arrangements. The Committee recommends that the Department reviews the outcome of the Defra trial and its discussions with the European Commission. If Defra is successful in obtaining approval to lay testing, the Committee recommends that the Department gives full consideration to adopting a similar approach in Northern Ireland.</p>	<p>After reviewing the outcome of the ongoing DEFRA trial on lay testers, and the discussions with the Commission, DARD will consider adopting a similar approach in NI which will be informed by an assessment of the relevant costs and benefits.</p>	<p>DEFRA submitted an explanation paper to the Commission in December 2010 and met with the Commission in February 2011 to further discuss the use of lay testers. This has clarified that lay testers can be used for most TB testing. DARD commenced a lay testing pilot project in June 2011. The objective of the pilot is to train and deploy a small number of lay testers and use the information gained to inform a wider consultation in 2012. The pilot ended on 31 December 2011 and is currently being evaluated. A consultation exercise will commence later this year on the future possible approach.</p>	<p>Ongoing. Pilot use of lay testers ended 31 December 2011</p>

<p><b>PAC Recommendation 11</b></p> <p>The Committee recommends that the Department reconsider the current allocation of testing between PVPs and in-house staff, with a view to increasing the proportion of routine tests conducted in-house. This would also provide a better benchmark for the quality review of PVP routine testing, about which the Department has previously expressed concerns.</p>	<p>DARD will reconsider the current allocation of testing between PVPs and in-house staff. Consideration will also be given to the Committee's comments on increasing in-house tests and benchmarking.</p>	<p>A paper on in-house testing regarding staff numbers, deployment and allocation of tests was discussed and agreed at Veterinary Service Board level. A report on the allocation of testing and the review of the contractual arrangements with PVPs has now been completed and the recommendations agreed by the TB Steering Group.</p>	<p>Completed</p>
<p><b>PAC Recommendation 12</b></p> <p>The Committee recommends that, as a general principle, Departments should never delay taking action on what should be urgent issues, pending completion of an Audit Office report. In this particular case, the length of time the Department is taking to put the findings of its review of testing arrangements into practice is unacceptable. It must finalise its position on each of the issues involved and begin implementation as soon as possible.</p>	<p>DARD will finalise its position on the findings of the review of TB testing arrangements and implement whatever action is necessary as soon as possible. As part of those actions, DARD is currently carrying out a review of its contractual arrangements with PVPs.</p>	<p>The review of the contractual arrangements was completed in August 2010 and preliminary discussions with PVPs have taken place. We have also discussed extensively with colleagues in England and Wales because this has become a UK wide issue. More certainty in relation to programme funding and the outcome of the England/Wales tender is needed before proceeding.</p>	<p>Completed</p>
<p><b>PAC Recommendation 13</b></p> <p>It appears to the Committee that there is a strong case for introducing compulsory blood tests in problem and high risk herds. In view of the cost implications, the Committee recommends that the Department considers conducting a trial, in a high incidence area, as a basis for a cost-benefit assessment. Given the need for more research into the efficacy of the blood test, the Committee urges the Department to ensure that sufficient resources are applied to ensure that this work receives a high priority.</p>	<p>DARD, as part of its new TB strategic approach, intends to review the use of the supplementary blood test in the TB programme and to carry out an assessment of the costs and benefits of making the test compulsory, including the feasibility of a trial. The review will be completed as soon as possible.</p>	<p>Following the DARD Evidence and Innovation Call 2010/11 DARD has commissioned the Agri-Food and Biosciences Institute (AFBI) to undertake an evaluation of interferon-gamma (IFN-g) testing for bovine TB in NI. AFBI will review the considerable data that has been acquired as a result of their expertise in using the gamma-interferon test. It is anticipated that the results of this data analysis will enable DARD to determine how best to achieve maximum benefit from its deployment in disease control and cost benefit terms in relation to the TB Eradication Programme.</p>	<p>Approval for AFBI to proceed with the IFN-g project was formally granted on 9 May 2011. This is a major project. First outputs are expected by early 2012 with the project continuing until 2013/14</p>

			with scientific papers submitted for publication in peer reviewed journals.
<b>PAC Recommendation 14</b>			
<p>Given that poor boundary fencing appears to have played a significant role in the spread of bovine TB, the Committee is disappointed that the Department does not have a firm grip on this issue. In the Committee's view, there is merit in obtaining a clear view of the real extent of the problem and the Department needs to consider how this can be tackled. As regards the enforcement of fencing requirements, the Committee recommends that the Department acts on its intention to link non-compliance with bio-security codes to the level of compensation awarded and expects this to be taken forward as a priority issue.</p>	<p>In October 2004, DARD introduced a statutory requirement for farmers to maintain their fences to prevent contact with animals on adjoining land. In addition, the importance of fencing that prevents contact between animals is highlighted in the voluntary Bio-security Code that was developed jointly by DARD and industry and published in 2004. DARD is also currently progressing plans for a TB Bio-security (Case Control) Study to identify the differences between herds that get TB and those that remain free of disease in the same high incidence areas and boundary fencing will be considered in the study. Findings will then be used to help develop further bio-security guidance for farmers.</p>	<p>DARD commissioned the Agri-Food and Biosciences Institute (AFBI) to carry out the TB Bio-security Study in a TB high prevalence area in Co Down. The Study was launched in October 2010 and the fieldwork elements of the Study including a survey of boundary fences were completed in July 2011. Some 200 farmers participated in the Study and provided valuable information. Collation and analysis of the considerable volume of data gathered as part of the Study is ongoing. It is hoped that this information will add to our knowledge of TB risk factors and inform the new biosecurity advice for farmers. It is expected that the findings will become available later in 2012.</p>	<p>For completion by 31 July 2012</p>
<b>PAC Recommendation 15</b>			
<p>The Committee considers that the Department should be much more proactive in encouraging farmers to attend training on early disease recognition and farm bio-security planning and would like to see the number of participants substantially increased. The Committee recommends that the Department makes attendance compulsory for farmers whose herds have suffered repeated infection. Failure to attend should result in a reduction of compensation in future outbreaks.</p>	<p>DARD will continue to monitor the general effectiveness of training for farmers, and will consider what further opportunities there are to enhance guidance and training on bio-security matters rather than make attendance compulsory for farmers whose herds have suffered repeated infection. DARD will continue to look for ways of highlighting to farmers the practical steps they can take to protect their herds from TB.</p>	<p>Research has been commissioned as part of the DARD directed Agri Food and Biosciences Institute (AFBI) Research Work Programme 2012/13 to assess NI landowners'/farmers' understanding of biosecurity measures such as closed farms, isolation, etc; the consequences of not applying biosecurity measures and their attitudes to applying biosecurity measures when dealing with diseases.</p> <p>DARD will continue to develop ways to encourage and enhance awareness and training on bio-security for farmers,</p>	<p>Completed</p>



		DARD will continue to consider other training appropriate opportunities where possible	
<b>PAC Recommendation 16</b>			
The Committee recommends that the Department considers introducing pre-movement testing, for animals moving within Northern Ireland, perhaps on a trial basis within a high incidence area. As part of the Department's consideration, an updated cost-benefit analysis should be prepared. This would also provide a useful basis for opening dialogue with farmers' representatives on cost sharing.	In July 2008, a requirement was introduced to restrict the movement of any individual animals that had not had a TB test in the previous 15 months. That restriction remains until they are TB tested. This requirement applies across NI and goes beyond the EU Directive requirement for annual herd testing. DARD remains of the view that this is sufficient.	DARD remains of the view that the current measures, which go beyond the EU Directive requirement for annual herd testing, are sufficient.	Completed
<b>PAC Recommendation 17</b>			
It is important that the wildlife factor in the transmission of bovine TB is addressed. The Committee recognises that this is an emotive issue which has not been objectively answered. When the badger prevalence survey is completed and the way forward determined, the Committee expects real progress to be made with a minimum of delay.	DARD's priority in respect of the wildlife factor is to complete planned research and build the evidence that is needed to make informed policy decisions about wildlife intervention in NI. This will be taken forward as soon as possible.	<p>DARD commissioned the Agri-Food and Biosciences Institute (AFBI) to carry out the TB Biosecurity Study to assess what critical differences there are between TB breakdown and TB clear herds in a TB high prevalence area in Co. Down. Wildlife risk factors are being assessed as part of that Study. The fieldwork for the Study completed in July 2011 and it is expected that the findings will become available later in 2012. DARD has also commissioned AFBI to undertake an evaluation of interferon - gamma (IFN-g) testing for bovine TB in NI.</p> <p>DARD has conducted a review of its TB evidence needs to identify critical evidence gaps. DARD commissioned AFBI to conduct 4 Literature Reviews (LRs) on TB and wildlife factors. These LRs have been finalised and are published on the DARD website.</p> <p>DARD, on 25 October 2011, conducted a stakeholder workshop on possible TB and wildlife</p>	Initial works achieved but work will be Ongoing to first phase review 2014

		research studies to help inform the 2012/13 Evidence and Innovation research call.	
<b>PAC Recommendation 18</b> The Committee recommends that the Department examines the potential for adopting a “test-bed” approach as a means of determining the most cost-efficient combination of measures to eradicate bovine TB.	DARD will commission a report from its epidemiologists on the merits of adopting a potential test-bed approach in NI and this is expected to be completed by summer 2010.	An initial report on a “test-bed” approach has been completed by Veterinary Service epidemiologists. Its findings will inform DARD’s consideration of its TB and wildlife evidence needs and help inform the TB & wildlife research and studies commissioned for 2012/13.	Completed
<b>PAC Recommendation 19</b> It is important that the Department finalises its thinking on how best to address the conflict of interest inherent in PVPs carrying out testing in their clients’ herds. If the conflict cannot be eliminated, the Committee recommends that the Department ensures that the risks are properly managed and that adequate safeguards are put in place. This should include an effective system of monitoring the work of PVPs, supplemented by a programme of robust supervisory checks.	DARD will carry out inspections where it believes the potential for a conflict of interest may exist.	A review of the current PVP contract has taken place and this included the management of potential conflicts of interest. The current conditions for the approval of PVPs to carry out tuberculin tests (VP1) expressly forbids PVPs to carry out tests on animals in which they have a financial interest or on animals belonging to close relatives.  DARD considers that there is no inherent conflict of interest where a PVP tests his/her client’s animals.	Completed
<b>PAC Recommendation 20</b> The Committee welcomes the reduction in numbers of overdue herd and individual animal tests in recent years. Nevertheless, there is still room for improvement and the Committee recommends that the Department aims to achieve much closer to 100 per cent compliance with the 12-month deadline, for all animals.	DARD will continue to monitor testing of individual animals at a local level.	DARD has monitoring procedures and performance indicators in place at a local level and will continue to monitor compliance for annual testing on an ongoing basis.	Completed

<p><b>PAC Recommendation 21</b></p> <p>The Committee recommends that the Department works closely with the farmers' representative bodies to see how the problems in isolating reactor animals can best be overcome. Given the problems with isolation, the Committee recommends further reductions in reactor removal time, as well as 100 per cent compliance with the EU 30-day target.</p>	<p>DARD will continue to work in partnership with industry representative bodies and the Veterinary Organisations to identify ways of overcoming problems in isolating reactor animals.</p> <p>DARD will continue to work with the industry to identify and resolve issues that arise in preventing 100 per cent compliance with the EU target of 30 days for the removal of reactor animals from farms while endeavouring to keep any delays to a minimum.</p>	<p>This issue has been discussed with industry representative organisations at meetings of the TB Core Stakeholders Working Group. DARD's Veterinary Epidemiology Unit are assessing the level of the problem and quantifying the disease risks involved.</p> <p>Reactor removal times are being monitored by DARD and reasons for delays are investigated. This work will continue to resolve any issues and reduce delays to the minimum possible.</p> <p>DARD will continue to ensure that reactor removal times are in line with EU and its own more challenging targets.</p>	<p>Completed, with reviews ongoing.</p>
<p><b>PAC Recommendation 22</b></p> <p>The Committee strongly recommends that the Department brings itself into line with the EU Directive, by allowing only one re-test of 'inconclusive' animals.</p>	<p>DARD is currently considering removing animals as reactors at the second consecutive inconclusive TB test result in compliance with the EU Directive requirements. This may be submitted as part of DARD's TB eradication plan to the EU Commission. The timing of implementation will be subject to securing the necessary additional funding. It should also be recognised that this will initially raise TB incidence levels.</p>	<p>This recommendation has been achieved on 1 January 2010 when DARD introduced a requirement for any animal that gives an inconclusive result to 2 consecutive TB tests to be removed as a reactor.</p>	<p>Completed</p>
<p><b>PAC Recommendation 23</b></p> <p>The Committee recommends that the Department address its failure to secure what would have been millions of pounds' worth of grants from the EU Veterinary Fund. The Committee wants the Department to be in no doubt that it expects full advantage to be taken, in future, of the funding available from the EU.</p>	<p>DARD intends to take full advantage of any funding from the EU where it is available and is of advantage to NI in the longer term.</p>	<p>DARD has been successful in securing the EU Commission's approval of NI's 2010, 2011 and 2012 TB Eradication Plans. This means we have been eligible to secure some €5 million per annum co-funding from the EU Veterinary Fund for TB.</p> <p>DARD continues to have an objective to achieve and maintain annual EU Commission approval for</p>	<p>Completed</p>

		our TB Eradication Plan and to optimise the funding from the EU Veterinary Fund for TB.	
<p><b>PAC Recommendation 24</b></p> <p>The Committee recommends that, as an added incentive to prevent bovine TB breakdowns, the Department considers introducing a system whereby the rate of compensation would be progressively reduced in cases of multiple claims by the same herd keeper.</p>	<p>It is outside DARD's powers to withhold compensation solely because a farmer has repeated episodes of disease in the herd. Any herd may have recurrent episodes of disease due to many complex risk factors which cannot be identified and can often be outside the control of either the farmer or DARD. DARD will however, continue to look for ways of highlighting to farmers the practical steps they can take to protect their herds from TB.</p>	<p>DARD's interaction with the farming community will continue in relation to looking at practical steps that farmers can take to protect their herds from TB.</p> <p>DARD has conducted 2 public consultation exercises in 2011 in relation to disease compensation arrangements for bovine TB (and brucellosis).</p> <p>DARD has commissioned the Agri-Food and Biosciences Institute (AFBI) to carry out the TB Bio-security Study in a TB high prevalence area in Co Down. The Study was launched in October 2010 and the fieldwork elements of the Study were completed in July 2011. Some 200 farmers participated in the Study and provided valuable information. Collation and analysis of the considerable volume of data gathered as part of the Study is ongoing. It is hoped that this information will add to our knowledge of TB risk factors and inform the new biosecurity advice for farmers.</p> <p>DARD continues to disseminate guidance through local farming newsletters, magazines and mail shots.</p>	Ongoing
<p><b>PAC Recommendation 25</b></p> <p>With bovine TB continuing to be a significant problem, it is essential to enforce, and be seen to enforce, compliance with the regulations on testing and movement restrictions. Given the limited success to date of enforcement activity against breaches of the regulations, the Committee recommends that the Department reviews its investigation methods, in order to improve its</p>	<p>DARD's Veterinary Service Enforcement Branch will continue to work closely with TB programme managers and DARD's Central Investigation Service to improve its investigation methods and the process of evidence collection. DARD will continue to strive to ensure effectiveness in the use of its enforcement action in order to achieve compliance with the regulations on testing and</p>	<p>DARD's Veterinary Service Enforcement Branch (VSEB) continues to work closely with DARD's Central Investigation Service (CIS) and the TB Management team to improve its investigation methods. As a further deterrent, Single Farm Payment can be withheld for offences associated with breaches of the TB legislation. VSEB continues to co-operate closely with CIS where any cases of fraud are suspected. VSEB have</p>	Completed

<p>standard of evidence collection.</p>	<p>movement restrictions.</p> <p>DARD proposes to strengthen its existing powers by introducing a new offence of deliberate infection in the new Diseases of Animals Bill.</p>	<p>developed good working relationships with the PSNI and with the investigation authorities in the south of Ireland as there can often be a cross-border dimension to livestock crime. VSEB Branch, in conjunction with VS TB Section, has established a group that considers possible fraud cases and coordinates follow up action.</p> <p>DARD will continue to take the strongest possible enforcement action in order to achieve compliance. Introduction of DNA tags on reactor animals has been implemented from 1 December 2010. A new offence of deliberate infection has been introduced in the new Diseases of Animals Act, which came into effect on 12 March 2010.</p>	
<p><b>PAC Recommendation 26</b></p> <p>There is a disturbing gap between the Department's rhetoric on zero tolerance to fraud and the effectiveness of its actions. The Committee recommends that, as an added deterrent against fraud, the Department should seek to introduce a system of penalties against future compensation claims, where claimants have previously been found guilty of fraud. The outcome of the Department's consideration should be provided to the Committee.</p>	<p>DARD has the power to withhold compensation for offences committed under the Diseases of Animals Order and has considered further the legalities of withholding compensation for subsequent claims. DARD is satisfied that to withhold any compensation which may become due to the individual because of a previous offence would contravene the European Convention on Human Rights and that individual's property rights.</p> <p>In addition, it is not considered legally defensible for DARD to use a previous offence to withhold future compensation which may be payable and to amend legislation to introduce such a process would open DARD to legal challenge. It would be very difficult for DARD to establish that the withholding of compensation in these circumstances was proportionate against the aim of a deterrent to commit the offence and punishment by withholding compensation. A fair balance would also have to be achieved between the greater public interest and the Individual's rights.</p>	<p>A new offence of deliberate infection has been introduced in the new Diseases of Animals Act which came into effect on 12 March 2010. See comments at PAC Recommendation 25.</p>	<p>Completed</p>

