

Ballynakillew  
Ballinrobe  
Co. Mayo  
7 December 200

Mr Philip Carr  
Forest Service  
Department of Agriculture and Food  
Johnstown Castle Estate  
Co. Wexford.

Dear Philip Carr

### Forestry Acts Review

Further to my submission of 5 December I now wish to add the following:

1. Forestry Act 1988. The role of the Competition Authority in relation to the activities of Coillte Teoranta The Irish Forestry Board Limited should be clearly and explicitly specified (The setting up of the Authority was subsequent to the passing of the Forestry Act, 1988).
2. Section 12 (1) (a) should be extended by adding 'and to maintain and develop Ireland's forest resource efficiently in order to provide a sustainable foundation for internationally competitive forest-based industries'. Alternatively, the foregoing might be added as an additional sub-section.

Please also let me have a list of the other parties with which you have 'already consulted widely' as I might be able to suggest some further useful contacts.

Yours sincerely



Dr Niall OCarroll



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5 December 2005

Mr Philip Carr  
Forest Service  
Department of Agriculture and Food  
Johnstown Castle Estate  
Co. Wexford.



Dear Philip Carr

I saw your advertisement in *The Irish Times* of 25 November inviting submissions on the Forestry Acts.

I also note that you state that the Department has 'already consulted widely in the matter'. I would point out that any such consultation did not extend to me, even though it could have been thought that my position as Chief Inspector (Assistant Secretary level) in the Forest Service, 1986-1995, and my previous and subsequent publications on forestry matters might have drawn me under attention in that regard. I might point out further that my active involvement in forestry began when I first became interested in the subject around 1950 and it has continued ever since that time.

I am reasonably familiar with the provisions of the acts of 1946 and 1988 and I have read the act of 1928.

In my opinion the 1928 and 1946 acts were drafted under the guidance of qualified, skilled and experienced foresters, A.C. Forbes and Dr. M.L. Anderson respectively, and the 1946 Act (as amended by the Act of 1988) requires no basic re-think and minimal revision as to detail.

The following matters relating to the Act of 1946 deserve attention:

1. Section 10, providing for the establishment of a Consultative Committee, was repealed by the Act of 1988. The fact that previous Ministers neither established nor maintained such a Committee was not a justification for deleting the provision. Such a Committee could have provided the Minister with valuable advice and assistance in relation to forestry policy and the provision ought to be reinstated.
2. Sections 20 and 21 relate to the creation of rights of way over privately owned land. There still exist, and no doubt will in future, land-locked forest plantations. It is therefore necessary that this provision remain in place with details of its implementation redefined in the absence of the Land Commission.

3. Section 35 *et seq.* deal with felling controls. It is vital that these provisions remain in force although some degree of simplification might be envisaged.
4. Section 49(3) dealing with the compulsory attachment of a replanting condition to each general felling licence ('there shall be attached...') maintaining the position that no provision for *post factum* release from that requirement be available through gratuitous, arbitrary or capricious short-term political or other intervention must be retained.
5. Sections 55 and 56 deal with the appointment of referees. The question of the qualification of such referees was raised in the Dáil during the Committee stage in March 1946 with the Minister, who offered a non-committal and evasive reply. The matter needs to be clarified. The *ad hoc* panel of referees appointed in 1987-8 included no forestry expertise.
6. *Forestry Act, 1988*. Nothing should be added or altered in this statute which would discriminate between the state-owned company, Coillte Teo, and any other privately owned forest ownership or forestry enterprise.
7. I have never understood either the meaning or the implications of Section 13(2) of the Act of 1988. This needs to be attended to.

Yours sincerely

A handwritten signature in cursive script, appearing to read 'N. O'Carroll', written in dark ink.

Dr Niall OCarroll