

# **Animal Health and Welfare Bill Ireland,**

## **Public Consultation, 2008**

### **Response**



**ANVIL IRELAND**

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*Giving Ireland's animals a voice*

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**This submission is made on behalf of ANVIL Ireland and the following groups:**

**Animal Care Society (ACS), Cork**

**Animal Trust Fund, Sligo**

**Animal Welfare Federation, Northern Ireland**

**Armargo's Goat Sanctuary, Clare**

**Assisi ARC, Wicklow**

**A.S.H. Animal Rescue, Wicklow**

**Celtic Animal Life Line, Kildare**

**Clare Animal Welfare Ltd.**

**Cottage Rescue, Co Tipperary**

**Dungarvan Rescue Kennels, Waterford**

**Greyhound Welfare Northern Ireland**

**Friends of Animals, Westmeath**

**Friends of Ben Dog Rescue**

**Irish Animals**

**Joan's Ark, Cavan**

**Kitten Adoption**

**Mayo SPCA**

**MADRA Dog Rescue**

**Marie Healy Sanctuary, SPCA**

**Monaghan SPCA**

**Orchard Greyhound Sanctuary**

**Pat Conroy**

**PAWS, Co Tipperary**

**Pets Ireland**

**Retired Greyhound Owners Network**

**Roscrea SPCA**

**Sligo SPCA**

**The Animal Foundation, Kildare**

**Tipp-Off Animal Rescue, Co Offaly**

**Uisneach Border Collie Rescue, Ireland**

## **Foreword**

ANVIL was established in response to, what many people felt, was an absence of representation of animals, small rescues, and individuals involved in animal rescue and welfare. Our mission is, to raise awareness of the problems at both a public and government level. An important aspect of our work is, to encourage public debate on the present status of all animals, (in particular companion animals) and the questioning of legislation and practices that fail to address their needs, or prevent their suffering.

The organisation intends to, examine the political and legislative system, establish where reform is needed, and push for this reform. We are building a network of compassionate and conscientious citizens who are committed to making animal welfare a social and political issue.

ANVIL Ireland is completely independent and is not a vehicle for any one welfare or interest group, and is an all Ireland organisation. Membership is open to anyone who is interested in achieving positive change for all animals using the democratic process. As a result, our supporters have a wide spectrum of views and expertise which may be called on. The face of animal welfare is changing in Ireland, and ANVIL is an example of this change.

### **The principle objectives of ANVIL Ireland:**

- To Research the existing legislation and structures dealing with companion animals, identify any shortcomings and make recommendations for improvement.
- Carry out studies, make submissions based on our findings, and identify where further information or research is required.
- Raise awareness of the problems faced by animals and rescue groups, and make representations to Government on their behalf.
- Make available our information and research to Politicians, others involved in animal welfare and protection, and the public, to enable and improve informed debate.

**Miriam Anderson, MSc, MAMLS,**

**On behalf of ANVIL Ireland**

## **Introduction**

There is an urgent need to tackle the issue of animal welfare legislation in Ireland, especially in relation to companion animals. The main legislation dealing with cruelty to animals, The Protection of Animals Act, 1911, predates all the scientific research which has led to a greater understanding of the needs of animals, particularly in relation to their welfare. There is a failing in both the 1911 Act and the 1965 Amendment, to properly address the needs of companion animals.

While the European Union and other groups have ensured the updating of legislation relating to farm animals, companion animals have been almost totally ignored. The Treaty of Amsterdam recognises animals as sentient beings with needs and feelings. Our present legislation, as it pertains to companion animal, does not properly take account of this.

Reform is needed at legislative level, and also in the way in which animal welfare issues are dealt with at Government level. There are too many Government departments dealing with animals, leading to a dearth of information and responsibility on the part of Ministers. This makes it almost impossible to get information or indeed to identify a Minister or Department responsible.

The absence of Ministerial and Departmental responsibility is to blame for our failure to sign or ratify the European Convention for the Protection of Pets which has been in existence since 1987.

Our failure to address the welfare needs and protection of animals, impacts not just on animals but also on our society as a whole. There is a wealth of scientific evidence linking animal cruelty and neglect with violence towards humans, criminality, and domestic violence. The fact there is also ample evidence on the positive effect companion animals have on society makes the situation in Ireland all the more appalling.

The existing legislation pertaining to animal protection predates the foundation of the state. It does not take into account the changes in society, or the information now available regarding the psychological, as well as physical needs of animals.

While the offence of cruelty is defined, it is loose and open to interpretation and there is no provision for a duty of care for owners and carers. Present legislation is outdated, confusing, insufficient, and is very often not properly enforced.

Many of the problems associated with animal neglect, abandonment, and cruelty is down to irresponsible owners. Animal ownership in this country has always been seen as an unequivocal right; instead of a privilege which comes with certain responsibilities. This irresponsible attitude is seen especially in the reluctance on the part of owners to neuter and spay their pets. This reluctance has led to the huge numbers of surplus, unwanted animals which end up in our rescue centres and pounds every year.

A total lack of education and public awareness has contributed to this attitude, while lack of legislation aimed at owner responsibility and duty means there is no obligation on owners to change.

The positive contribution made by companion animals to society is well known. The lives of many people are enriched and improved by the companionship of their animals. Mindful of this, ANVIL would be of the opinion that any policy should as far as possible, facilitate companion animal ownership, while also protecting the welfare of said animals.

The last ninety years has seen a dramatic change in our understanding of companion animals. The attitude to companion animals worldwide is also changing. There is now increased awareness of the need for better welfare and protection, and this is reflected in the wealth of new and improved animal welfare legislation in other countries.

The recent introduction of The Animals Welfare Act, 2006, in the UK, and the Northern Ireland public consultation on animal welfare legislation is testament to the interest being taken, in other jurisdictions, in the welfare and protection of animals. Unfortunately the Northern Ireland process has been put on hold until the legislation is drafted in the Republic. This has been seen by many as a backward step especially as the Northern Ireland proposal promised legislation similar to that in the UK with any shortcomings being addressed.

## **Response to the Consultation Document**

### **Definition of an “Animal”**

There is no suggested definition included in the proposal document however ANVIL suggests the following:

We believe the broad definition of “animal” should include vertebrates other than man, as well as any invertebrates which are under the care of humans or kept as pets.

Provision should be included to extend the definition to other species where scientific evidence proves this is justified.

### **Definition of “Protected Animal”**

Once again, the proposal document does not include a definition apart from the statement: “to provide for differentiated levels of welfare for farmed animals, protected animals and all animals with farm animals receiving the highest level”.

Mainly due to EU regulations a ‘gap’ has developed between welfare requirements for farm versus companion animals, we would not be in favour of continuing this anomaly. ANVIL is of the opinion that **all** animals are entitled to be protected from unnecessary suffering and **all** protected animals are entitled to equal duty of care.

In our opinion, a protected animal should be any animal towards which humans would have a direct duty of care i.e. animals under the control of, or dependent on humans for some or all of their needs. This would include wild animals temporarily under the control or care of humans.

### **Responsibility for an animal**

In the absence of a proposed definition in the consultation document we recommend that responsibility for an animal should primarily rest with the owner. We believe that only persons who have achieved the age of simple majority (18 years) should be able to buy, own, or receive as a gift, any animal. Responsibility should also extend to temporary keepers or carers of an animal in the absence of the owner.

Keepers and carers would include any establishment where an animal may be left temporarily, e.g. kennels, dog pounds or where more than one person may have responsibility for the care of animals, e.g. circuses, sporting establishments or venues involving animals, e.g. hare coursing events.

An owners or carers responsibility should not be relinquished by virtue of abandonment; indeed abandonment should be seen as an offence in itself.

### **Unnecessary Suffering**

We believe ‘unnecessary suffering’ should form the basis of the offence of cruelty to any animal. The term ‘suffering’ should be defined and should include physical, psychological, and emotional suffering.

An offence would be committed where a person causes unnecessary suffering by act or omission; or where a person, who is responsible for an animal, allows or fails to take steps to prevent, another person causing unnecessary suffering to an animal.

We would favour the wording used in the Animal Health and Welfare (Scotland) Act, 2006 (1), section 19, Unnecessary suffering, which includes, among others, the proviso “the person knew, or ought reasonably to have known, that the act or omission would have caused the suffering or be likely to do so”

Unnecessary suffering caused through an act of omission can be a grey area and difficult to prove. The inclusion of the five freedoms of animal welfare (see section on ‘Duty of Care’) which establish, within reason, what is deemed to be an adequate standard of care for animals, would ensure that owners are aware of an animals needs under the law.

Section 19, (3) of the Scottish Act further states:

“A person (“person A”) who is responsible for an animal commits an offence if –

- (a) another person causes the animal unnecessary suffering by an act or omission, and
- (b) person A-
  - (i) permits that to happen, or
  - (ii) fails to take such steps (whether by way of supervising the other person or otherwise) as are reasonable in the circumstances to prevent that happening.”

The inclusion of this provision is in keeping with the idea that an owner retains ultimate responsibility for the welfare of an animal. We consider that it should be possible to remove an animal from a situation where unnecessary suffering is likely to occur. Presently where there is an allegation of cruelty, legal intervention cannot be made until an animal is actually suffering. This is an entirely unacceptable situation.

While the proposal paper states there will be provisions to address such issues as the prevention of needles pain or unnecessary suffering it further states that normal farming, sporting and other activities will continue where these do not involve the “reckless endangerment” of the welfare of animals.

The consultation document offers no explanation for this curious expression. Given that animals should be protected from ‘unnecessary suffering’ and are owed a duty of care, we see no reason to introduce such strange terminology.

ANVIL would be against the introduction of any new terminology which could, lead to different levels of protection for animals, create loopholes in the law, or would allow for the continuation of cruel activities.



## **Duty of Care of Owners or Persons Responsible for an Animal**

ANVIL notes, and welcomes the proposal of a specific ‘duty of care’ by the department although in the absence of further clarification we recommend the following:

In order to avoid unnecessary suffering and to ensure the proper welfare of animals, owners, keepers, carers, or anyone who is responsible for an animal should have a duty of care to ensure the needs of that animal are properly met.

It is universally accepted that the “Five Freedoms of Animal Welfare”, as outlined by the Farm Animal Welfare Council (FAWC) (2), form a broad and reasonable structure for the analysis of welfare throughout the life of an animal. These freedoms are outlined below:

- “1. Freedom from Hunger and Thirst** - by ready access to fresh water and a diet to maintain full health and vigour.
- 2. Freedom from Discomfort** - by providing an appropriate environment including shelter and a comfortable resting area.
- 3. Freedom from Pain, Injury or Disease** - by prevention or rapid diagnosis and treatment.
- 4. Freedom to Express Normal Behaviour** - by providing sufficient space, proper facilities and company of the animal's own kind.
- 5. Freedom from Fear and Distress** - by ensuring conditions and treatment which avoid mental suffering.”

It should be a requirement that a person responsible for a protected animal not only avoids the unnecessary suffering of that animal, but also takes reasonable steps to ensure the needs of the animal are met.

In cases where a person who is responsible for an animal is failing in their duty, a notice should be served by enforcement officers, setting out the nature of the failure as well as the steps required to rectify the failure.

Owners should be made aware of their responsibilities by way of public awareness campaigns.

## **Abandonment**

If it is accepted that protected animals are owed a duty of care by owners and should be protected from unnecessary suffering, abandonment of such an animal would go against both of those concepts and should in our opinion, be an offence. Section 29 of the Scottish Act outlines the offence of abandonment and we would like to see similar provisions included in the upcoming Bill.

## **Promotion of Animal Welfare**

Any good animal welfare legislation should protect animals from cruelty and ensure their welfare. We would also be in favour of the promotion of animal welfare as in section 24 of the Scottish Act which provides that where a person has responsibility for an animal; they have a duty to take such steps that are reasonable in all circumstances to ensure its needs are met to the extent required by best practice.

To further enable the promotion of animal welfare, we would also support the establishment of an animal welfare body whose function would be to advise on matters concerning the welfare of protected animals as may be specified in the regulations.

ANVIL would also be in favour of codes of practice to provide guidance on particular provisions.

## **Mutilations**

The consultation document suggests that under part 3 of the new bill it will be a specific offence to mutilate animals. While this is a welcome proposal, there is no further clarification of what constitutes mutilation.

It is ANVIL's view that tail docking, ear cropping, de-clawing, dew claw removal and any other 'cosmetic' mutilation should be prohibited. It should also be illegal to remove an animal from Ireland for the purposes of having such a mutilation carried out in another jurisdiction.

In cases where one of these, or other procedures\* must be carried out for medical reasons, to avoid suffering, or to improve the welfare of an animal, this should only be carried out by a qualified Veterinary Surgeon and appropriate anaesthesia and pain relief should be used.

(\*Other procedure could include ear tipping of 'feral' cats following altering and prior to release)

Any person who is not a qualified Veterinary Surgeon should be prohibited from carrying out any surgical operation on any animal.

### **Administration of Poisons**

ANVIL believes it should be an offence to administer any poisonous substance or drug; including the administration of harmful quantities of otherwise harmless drugs or substances. This section should be extended to include the careless use and storage of poisonous substances or drugs, which results in the death, injury, or suffering of an animal.

### **Potentially Cruel Activities Involving Animals**

Given the proven link between cruelty to animals and violence towards humans, we believe that individuals involved in any activity which causes, or may cause, suffering to an animal, be dealt with in a severe fashion on conviction of such a crime.

We are encouraged by the suggestion in the proposal paper to tackle this issue. The paper states "particular potentially cruel activities involving animals will be specifically prohibited and the involvement in such activities will be an offence". As with other issues in the document, no definition or further information is provided.

ANVIL believe such activities should include dog fighting, 'blooding' of greyhounds, baiting and snaring of animals and 'lamping'.

## **1. Animal Fighting**

Dog or animal fighting is a particularly heinous offence often attracting criminal types and usually involving large amounts of money changing hands by way of betting on the outcome of fights. Animal fighting must be stamped out completely not just to protect animals but also to protect society from the individuals who engage in such activities. Animal fights should include fights between animals and humans.

The only way to end this barbaric activity is to make it a serious offence attracting stiff penalties, which is strictly enforced. We believe an individual should be guilty of an offence under this section if they (without lawful authority or reasonable excuse):

- Keep or train an animal for fighting
- Possess equipment which is designed or adapted for use at, during, or in preparation for an animal fight
- Arrange, or help to arrange an animal fight (including the provision of premises, charging admission, arranging attendance)
- Cause or be involved in causing an animal fight to take place
- Attend, be present, or take part in an animal fight
- Make or accept a bet on any aspect of an animal fight
- Possess an animal in a condition or circumstances which suggests the animal has been, or may be used in animal fighting
- Steal or use an animal for 'blooding', or training another animal for fighting
- Possess, supply, publish, show a video, DVD, or any other visual recording of an animal fight; or any other aspect of animal fighting e.g. training, 'blooding', setting up of equipment etc.

In addition to the above, we would like to see a provision whereby any owner or keeper of an animal is required to take reasonable steps to prevent any potential fight and to stop any that may start accidentally.

## **2. 'Blooding' of Animals**

This barbaric practice is prevalent and used to train animals for hunting, coursing, fighting, and even greyhound racing. Live animals such as rabbits, cats, kittens, hares and fox cubs are used to encourage other animals to chase, and kill.

While more often associated with rural areas, in recent years incidents have been reported in urban areas where greyhounds and lurchers are trained and used for lamping. Lamping often takes place in urban parks where there are rabbits or other wild animals the dogs can chase.

The subject of bleeding animals was discussed in the Dáil as recently as 2006 during the debate on the Greyhound Industry (Doping Regulation) Bill. It is evident from this debate that many TDs acknowledge and are worried by this activity. ANVIL would like to see this practice defined as a serious offence which attracts severe penalties.

### **3 Hare Coursing**

There can be no doubt in most people's minds that the trapping and coursing of hares is cruel. The shy and timid nature of the Irish hare is reflected in its name *Lepus timidus hibernicus*. The suffering caused to these animals by trapping, caging, and chasing has been well demonstrated. The Irish Hare Initiative produced two reports, "Stress and Capture Myopathy in Hares" and "The Impact on Enclosed Coursing on Irish Hares"(3).

These reports clearly demonstrate the negative and often fatal effects endured by these animals in the name of sport. Although coursing is often referred to as a 'tradition' or as part of our heritage, we would argue that many other traditions and customs which have been found to be unacceptable, inhumane, or uncompassionate, have been abandoned.

### **4 Fur Farming**

Anvil strongly urges the Minister for Agriculture, Fisheries and Food to include a ban on fur farming in the proposed new Animal Health & Welfare Bill. It is Anvil's view that fur farming is one of the most serious animal welfare concerns in the Republic of Ireland today. There are five mink farms and one fox farm in operation in the Republic of Ireland at present.

Fur farming causes unnecessary suffering to mink and foxes. Unlike traditional types of farm animals (such as cattle and pigs), mink and foxes are not fully domesticated and do not naturally live in herds or flocks. This makes them particularly unsuited to intensive farm conditions because:

- (a) They cannot carry out their natural behaviours (such as swimming behaviour for mink, and digging behaviour for foxes); and
- (b) They are forced to live in close proximity to a large number of other mink or foxes(4).

Fur farming is already illegal in Northern Ireland. Therefore, including a ban on fur farming in the new Animal Health & Welfare Bill would result in the whole island of Ireland having the same standard with regard to fur farming. Fur farming contributes an insignificant amount to the economy of the Republic of Ireland, and we believe that there is considerable public support for a ban.

## **5 Hunting**

ANVIL believes that hunting a wild animal with packs of dogs is a cruel and unnecessary activity which has no place in any civilised society. A major opinion poll carried out by Millward Brown, in the Irish Republic revealed that around two in three people want foxhunting banned, while 70% felt foxhunting was cruel (5).

Any form of hunting or chasing of an animal causes fear and enormous stress which impacts on an animal's right to freedom from fear and distress and in order to avoid unnecessary suffering, these activities should be prohibited.

## **6 Use of Electronic Training Aids**

'Shock' collars and electric fences are frequently employed as methods of 'training' and control particularly for dogs. We believe that these devices in the wrong hands could lead to animal cruelty and as such their sale and use should at the very least be restricted.

Such training aids have recently been banned by the Welsh Assembly (6) and Scotland and Northern Ireland are expected to follow suit.

## **Regulation of Activities Involving Animals**

### **1 Pet Shops**

ANVIL recommends that Pet shops where animals are exhibited or sold should be licensed and regularly inspected. The proprietors and staff should be experienced in the care and welfare of the animals which are their responsibility.

Information sheets should be available to new owners with basic and any special requirements for the animal purchased. There should be provision for animals to be properly cared for at weekends and during holidays.

### **2 Markets and Fairs**

Markets where animals are sold or exchanged should be controlled and proper welfare checks carried out by trained enforcement officers. Pets or companion animals should not be sold at these venues.

### **3 Free Advertisement Publications and Internet Advertising of Animals`**

ANVIL advocates a complete ban, or at the very least, strict controls, on the sale or advertising of animals in either free ad publications or similar internet sites. Large numbers of animals are bought and sold through these channels with little no requirement on the buyer or seller, to ensure the suitability of the new home.

These channels are often used by puppy farmers who sell their animals without any regard to the suitability of the new owner and there is also a question mark over the amount of tax, if any, paid on these transactions. Apart from the possible tax evasion we feel the future welfare of animals sold in this fashion is not adequately looked after, and these methods of advertising encourage irresponsible puppy farmers and casual breeders.

### **4 Animals as Prizes**

Given that animals should be entitled to a duty of care from owners, ANVIL believes giving animals as prizes goes against this concept. It would not be in the best interest of an animal to be given to an unknown person whose ability or competence to care for such an animal is not known.

## **5 Circuses**

We believe that travelling Circuses by their very nature are not suitable places for animals, particularly non-domesticated animals. The restrictive nature of their living accommodation and the length of time spent in transit, would not properly allow for the needs of these animals to be met. We would like to see a prohibition on the use of animals in Circuses. With all the alternative forms of entertainment available the ‘use’ of animals in this fashion is unnecessary.

## **6 Dog Pounds**

Although the proposal document states that control and regulatory responsibilities for non-farm animals including dogs, will remain with the relevant departments; it is our view that the welfare of dogs while held in dog pounds should be protected under any new animal health and welfare legislation.

The fact that dog pounds are operated by, or the responsibility of local authorities is no guarantee of the standard of the premises or the level of care afforded to animals. In an attempt to understand how the dog pound service is provided throughout the country, ANVIL sent a questionnaire to each local authority. The results of this survey are included in the document “Dog Pounds in the Republic of Ireland, a Report” a copy of which is attached (7).

This report illustrates a complete lack of standardisation between local authorities, and huge discrepancies in the numbers of dogs taken in, rehomed, and destroyed. It also shows that some pounds make no attempt to rehome, or reunite the dogs that come into their establishments, choosing rather to destroy these animals. It can be a geographic lottery as to whether a dog survives or not.

Anecdotal evidence in some areas suggests the welfare of animals in some pounds around the country is severely compromised. This is worrying, not just because of the potential suffering of animals but also that this might be seen as ‘state sponsored’ cruelty.



There is also a problem with the spread of disease in some of these premises due to lack of proper disinfection, badly designed kennels, overcrowding, bad animal husbandry and lack of veterinary intervention. Lack of veterinary attention could also lead to the spread of possible zoonotic diseases such as *Toxocara canis*, ringworm and sarcoptic mange.

We believe all dogs being rehomed to the public, or who are obviously in need of veterinary care, should receive any care and treatment they require.

Dog pounds should be regulated and all staff involved with the dogs, including dog wardens, should be assessed for suitability to work with animals and have to undergo proper training, including basic animal first aid.

### **7 Businesses that profit from animals**

ANVIL believe that any business endeavouring to profit from the breeding, sale, or supply of animals; or who provide services which involve companion or pet animals must be regulated to ensure high welfare standards.

A licensing or registration scheme should also be introduced for the following activities: Livery or riding stables, animal trainers, behaviourists, and groomers. Such establishments should accept responsibility for the welfare of the animals in their care, in the absence of the owners.

### **8 Greyhound Racing**

While many people would not consider greyhound racing per se to be a cruel sport, there are a number of significant welfare problems within the business. While the industry is supposedly self regulated, the fact that government funding is involved as well as the welfare of thousands of animals, there should be some sort of external regulation or control.

One of the main welfare problems associated with greyhound racing is the overproduction of animals and the failure to secure homes for dogs that are not suitable for racing, injured, or at the end of their careers. There is no official figure available for the number of dogs 'unaccounted' for per year but various sources quote figures of well over 10,000.

This situation leads to pressure on the dog pound system as many of the unwanted greyhounds are left into pounds to be destroyed. Every year in Ireland, approximately 24,000 unwanted dogs enter our dog pounds. It also puts pressure on welfare and rescue groups who are already inundated with unwanted and abandoned animals.

While no investigations have been carried out into the industry in Ireland, two comprehensive reports have been compiled in the UK, the “The Welfare of Greyhounds”(8) from the Associate Parliamentary Group for Animal Welfare (APGAW); and “the Independent Review of the Greyhound Industry in Great Britain” (9) by Lord Donoughue. Both of these reports suggest that the Irish industry contributes to the welfare problems in Britain.

ANVIL would like to see a similar independent report carried out into the industry in Ireland. We would also be in favour of independent regulation of the industry with particular attention given to the many welfare aspects that currently need attention, including, overproduction, destruction of healthy dogs, general conditions of dogs in kennels and at racing stadiums, and cradle to grave accountability of owners.

## **9 Breeding Establishments**

Presently, Ireland enjoys the dubious title of “puppy farm capital of Europe” and many of these pups are bred in conditions that are beyond belief. Presently dog breeding is uncontrolled although regulations of these premises have been promised since 2006.

We would like to see the welfare of animals in these establishments specifically protected under any new animal welfare legislation. ANVIL would be strenuously opposed to dog breeding or puppy farming being given ‘official’ status as an alternative method of farming; or the availability of grants or planning exemptions being made available for this purpose.

## **10 Animal Rescues and Sanctuaries**

It is our view that animal rescue centres and sanctuaries should be regulated and subject to minimum standards. The animal rescue community is under severe pressure due to the numbers of abandoned animals they are asked to take in.

The situation regarding animal welfare groups is outlined in the ANVIL survey “Animal Rescue in Ireland, a Survey” (10) which is attached as part of this submission.

Any regulations should have a lead in time and grant aid may be required in some cases. These groups are providing a much needed public service not just in terms of animal welfare, but also by helping the community at large and generally don’t receive any acknowledgement of their work.

It would be important to provide the funding and guidance to ensure that rescue centres and sanctuaries are brought up to the standards laid down especially since the independent sanctuaries are responsible for the rescue and care of over 25,000 animals every year.

### **Enforcement of the Legislation**

Any legislation is only as good as the enforcement of it; and is paramount to how well any new animal welfare legislation will work. We believe that adequate funds must be made available to allow for the appointment of personnel and the provisions of training.

ANVIL recommends the establishment of an animal welfare agency such as that proposed in the Green Party policy on animal welfare. Such an agency would investigate cases of exploitation and cruelty and would also be responsible for the implementation and enforcement of the new Animal Welfare legislation.

Any such agency should have the back up of veterinary and advisory services as and when needed.

As we consider the offence of animal cruelty to be serious, we would not be in favour of delegating responsibility or powers of enforcement to voluntary, charitable or private groups or organisations. This would, in our opinion, lead to the public perceiving animal cruelty and neglect as somehow less serious than other crimes.

These powers are not delegated in relation to other crimes and offences and should not be in this case either. As ultimate responsibility for enforcement rests with An Garda Síochána, we would recommend proper training in relation to any new animal welfare legislation. A liaison Garda in each district who would be familiar with the legislation would be required at the very least.

ANVIL favour the appointment of an Ombudsman for animal welfare to ensure adequate follow up of any complaints relating to the protection of animals.

### **Proposed Issues for Regulation (Part 7)**

By and large ANVIL is in agreement with both the general and specific issues which it is proposed that the Minister will be empowered to make regulations in respect of. We fully support regulations in respect of, “the restriction, control, or prohibition of the possession, sale, supply, purchase, import or export of animals”, if this refers to dangerous wild, or exotic animals.

This would be important, not just from an animal welfare viewpoint, but also to ensure public safety. If on the other hand, this statement refers to certain breeds of dogs, as suggested by a media release from the department last November, we would not be in favour of this.

The introduction of breed specific legislation in other jurisdictions has not improved public safety and has not reduced the rate of bites or attacks by dogs. Breed specific legislation (BSL) is ineffective because it is based on the unsubstantiated premise that aggression in a dog may be predicted on breed alone.

This type of legislation fails to address the primary cause of dog attacks which is, irresponsible owners, while penalising responsible owners and their pets. ANVIL undertook research into the situation in Northern Ireland regarding the Dangerous Dogs (Northern Ireland) Order, 1991 (11).

This report highlighted the futility of this law and showed that the threat to public safety from so called ‘dangerous’ breeds is minimal. The impact of this type of legislation, on both owners and dogs, is clearly illustrated in another ANVIL report, “Dangerous Dogs Legislation, the Reality (12)

The problem of dangerous dogs can only be effectively tackled by penalising irresponsible owners through proper enforcement of existing dog control legislation. Responsible dog ownership should be promoted and encouraged. Dangerous dogs should be identified based on deed rather than breed, and their owners dealt with appropriately.

To ensure that owners are held responsible for their dogs, ANVIL is in favour of mandatory, permanent identification of **all** dogs with registration on a centralised database.

Registration could be promoted in conjunction with neutering and the offer of a one off payment for a lifetime licence for dogs that are registered and neutered. This incentive would also help to reduce the number of unwanted dogs that are destroyed in Ireland every year.

## **Other Related Issues**

### **Dogs**

The proposal paper states that control and regulatory responsibility for non-farm animals will remain with the relevant departments. The problems relating to companion animals cannot be addressed without referring to dog production and control.

Ireland has one of the highest per capita destruction rates for pound dogs in Europe and our reports on dog pounds (7, 13), North and South of the Island, illustrates clearly, not just the overproduction, but also the ‘throwaway’ attitude to these animals.

The cause of this problem is unregulated 'puppy farms', breeders and members of the public who do not have their pets neutered. This situation will continue until owners are held accountable, at present, it is their pets that are paying the ultimate price.

The Control of Dogs Act was a necessary piece of legislation and initially was intended to protect the public and livestock from attack by dogs. In the intervening years dog pounds have become handy 'dumping grounds' for the thousands of unwanted dogs that are produced here every year.

Most local authorities pay lip service to dog control and an absolute minimum amount is spent on the provision of a pound and dog warden services. Dog pounds should serve as holding centres for lost or abandoned dogs until such time as an owner comes forward or a new home can be found.

The reality in many pounds is there is little effort made to reunite or rehome the dogs and this results in an annual kill rate of approximately 14,000 – 15,000 mainly healthy dogs every year. Neither owners, nor local authorities are held accountable for this wanton destruction.

At the very least, we would like all dog pounds to be subject to regulation, and minimum standards of welfare. We would also recommend proper record keeping of dogs entering pounds and their fate. It would also be helpful to record such information as breed or type.

As previously stated, the only way to ensure owner responsibility and accountability is by way of mandatory permanent identification of dogs with the details recorded on a central database

A lifetime licence scheme could be offered to owners whose dogs are both neutered and permanently identified. Where a dog changes hands, it should be a requirement for the new owners' details to be registered (as is the case with change of ownership of cars).

Funds from central government should be made available to local authorities specifically to tackle this problem. Rather than spending money year after year to facilitate irresponsible owners and kill so many animals, funding should be aimed at tackling the cause of the problem.

Public awareness campaigns, education of children and adults as to their duties to animals under the law should be carried out.

## **Cats**

Cats are companion animals and are supposedly protected under the law, however, the reality in Ireland is, they are treated as little more than vermin. Unlike dogs, cats are allowed to roam freely and are often left to fend for themselves. This 'loose' relationship with owners means cats are often abandoned by owners and these cats establish colonies which in turn begin to impact on people living in the vicinity.

There are no native wild cats in Ireland and the terms 'wild cat' or 'feral cat' are misnomers. These cats are no more than abandoned domestic cats or their descendants. Human irresponsibility has led to the problems encountered with these colonies and no government department appears to want to take responsibility for tackling the problem.

While there are no official figures for the number of 'feral' cats in Ireland, research by Dr Julie Levy in the United States led to a formula which can be used to estimate the number of 'free living' cats in a given area. This is achieved by multiplying the number of households by 0.5. This would give an approximate number of free living cats in Ireland of 734,760.

The only effective way to control cat numbers is by encouraging neutering of family pets and Trap, Neuter and Return schemes for free living colonies in areas where it is possible for cats to be returned and monitored. Over time, and with persistent neutering and public awareness campaigns, the population will drop through natural wastage.

At the very least, ANVIL would like to see cats have the same legal status as dogs with regard to ownership, licensing, and the provision of pounds for unwanted animals. As peoples lifestyle changes, cats are becoming the companion animal of choice, we feel their contribution as companions, and rodent controllers should be acknowledged by proper recognition and protection.

In conclusion, we look forward to a new era in animal welfare and protection and hope the new legislation will live up to expectations.



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