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Petitions Committee

Consultation on petition P-04-398 Campaign for a Welsh Animal Offenders Register

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The Petitions Committee
Cardiff Bay
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Animal Offenders Register in Wales (Ref: P-04-398)

Following the receipt of a petition the Petitions Committee has agreed to examine ‘*the legislative and practical implications of creating an Animal Offenders Register for Wales which sellers/breeders of animals would be required to consult prior to the sale of any animal.*’

I would like to commend the Welsh Petitions Committee for setting up this consultation. I strongly believe that with the rise of animal cruelty in Wales (31% according to the 2011 RSPCA figures) a register for animal abusers would be revolutionary and take protection of animals to, hopefully, another level essentially aspiring to minimise animal cruelty. Should the Welsh Assembly decide to adopt and implement an animal offenders register it would provide an excellent example not only to the rest of the UK but also to the rest of Europe which are in dire need of improvement of animal protection. As the Commission is aware, even though the UK has one of the strongest animal welfare legislation in Europe horrific animal abuse still takes place. Other means, including animal abusers register, need to be adopted and put to work in order to stop unnecessary animal suffering.

Before I move on to submit my thoughts and ideas on creating a Welsh animal offenders register I would like to add that should such a register come into existence it should ideally extend beyond the sellers/ breeders parameter. By this I mean that animal shelters, farmers and individuals wishing to put their animals up for adoption (this is a non – exhaustive list) should also be required by law to consult an animal

abusers register before they pass on an animal to a person thus ensuring that an animal would not end up in the wrong hands.

I will now move on to provide my views on the six areas which the Petitions Committee enumerated in the letter of 12 December 2012 and that will be taken into account as evidence in consideration of animal offenders register for Wales.

The risks and benefits of creating an Animal Offenders Register for Wales

Risks

The fact is that with any new endeavours there will always be risks. However, we will not know if a Welsh animal offenders register will work until it is tried and tested. In my view the main risk of creating an animal offenders register would have to do with keeping such a register up-to-date so that it could be of real use. This is for two reasons. The first one is to inform and warn sellers/ breeders about individuals who are forbidden from owning an animal; someone would need to make sure that a register is immaculate. As I mentioned above it would be best to also allow society at large to consult such a register. The second reason is to make sure that those offenders which are rehabilitated are taken off the list. Inaccurate entries could be life damaging. I strongly believe that humans make mistakes and if they learn from those mistakes they should be given a second chance.

Benefits

Setting up an animal offenders register would ensure, at least to some extent, that sellers/ breeders would know that an animal will not end up in a dangerous environment. I believe that such a register would help to prevent animal abuse in the future and thus possibly prevent individuals from re-offending. By having to consult a register sellers/ breeders would be better educated about the risks and keep in mind the safety of animals. It will also send a clear message that society takes animal cruelty seriously.

The legal and practical implications of placing a duty on sellers/ breeders to consult a Register

A new, legal duty placed on sellers/ breeders is crucial in order for a register which is the subject of this consultation to work. The Animal Welfare Act would need to be amended for such a duty to be enforceable. In my view, without a threat of the law it would be unlikely that sellers and/or breeders would be consulting the register.

Practical implications need not be thought of as difficult to overcome. Consulting a register could be set up via a public website where a seller/ breeder would be required by law to check a name of a person asking to acquire an animal. In my view a seller/ breeder should be required to fill out an on-line form essentially confirming that a background check has taken place.

There is, of course, a precedent with the sex offenders' register. That can be used as a model, with appropriate modifications.

The administration and funding implication of such a Register and how these could be addressed and in particular:

- Who should be responsible for administering the Register?

The Welsh Assembly, via an appointed Minister, should be responsible for the overall workings of a register. However, administration of the Register should be delegated to the local councils that would cooperate with the police force attached to that particular council. A centralised animal abuse register system should be set up to link the whole of Wales so that any council and police force would be aware at all times of the whereabouts of a person who has been convicted of animal abuse.

- Who should have access to the information contained in the Register?

The public should have free access to the Register and the database should be set up to allow easy access and search functionalities.

- How should administration of a Register be funded?

An animal abusers register should be funded by the public via tax contributions, however, a fund could also be set up for voluntary contributions from individuals and organisations.

- What details about offenders should be held in a Register?

A register should provide anyone seeking information as to whether a person has been convicted of an animal abuse with the following information: name, address, age, description of an offence, as well as photograph of an offender.

Policing of a Register and who should be responsible for ensuring the compliance of sellers/ breeders with any requirement to consult the Register

Local councils via appointed animal welfare officers together with police force should be responsible for policing of an animal offenders register. The responsibility for ensuring the compliance of sellers/ breeders with a requirement to consult a register should fall on the same authorities but a strong involvement of the police force and magistrate courts would be ideal as in many instances only the police and courts appear to have a strong influence on peoples compliance with their legal obligations.

The penalties and offences that should be associated with non-compliance of both offenders and sellers/ breeders

In case of offenders' non-compliance with a register a penalty imposed should depend on the gravity of offence committed against an animal. The penalties which I would like to propose are not too far off from the punishment imposed under the Animal Welfare Act. For less serious offences an offender would be asked to pay a fine, face a longer ban before being able to own and keep an animal in the future and complete a community service with animals. In cases of individuals who commit more serious offences a jail sentence, considerable fine and life ban on keeping and owning animals should be an option. I strongly believe that all animal abusers should undertake rehabilitation in an animal shelter. Without understanding that what they have done is wrong, there is a chance that offenders might commit further and graver crimes.

A seller/ breeder would not be complying with a register, for instance, in cases of not consulting a register or selling an animal to a person who has been convicted of an animal abuse. As above, depending on the gravity of an offence a seller/ breeder should pay a fine, be banned from selling/ breeding animals or face jail.

The cross-border implications of developing an Animal Offenders Register for Wales only

If Wales adopted an animal offenders register it would be the first register of this kind in the country and not enforceable in the rest of the UK which may, understandably, seem unsatisfactory. The real problem might arise in cases where an offender moves to, for instance, England and will then be able to get hold of an animal from a seller /breeder who will be unaware of the fact that that person committed an offence involving animal abuse in Wales. However, I strongly believe that Wales would provide an example for the rest of the country and it is quite likely that with a high number of animals being abused every year the rest of the Union would follow in Wales's steps.

Thank you for your consideration,

Dominika Flindt