

Thursday, 18 March 2021

Animal Welfare Bill Consultation
DEFA Headquarters,
The Slieau Whallian,
Foxdale Road,
St Johns IM4 3AS

Dear DEFA,

Please consider this a submission in response to the consultation for the Animal Welfare Bill 2021.

The proposed bill is lazy and underwhelming

The draft *Animal Welfare Bill 2021* is a lazy piece of weak sauce legislation. Rather than fully and properly introducing appropriate Manx animal welfare legislation, the Isle of Man Government has just chosen the lazy option of allowing the Government to possibly, maybe, copy rules from across. For years, the Minister has claimed that his best staff were working on legislation – and now that the bill has been revealed, we learn that it is substantially just an enabling act to allow the possible, maybe, future replication of UK legislation into Manx law. This Government has behaved like a herd of recalcitrant alpacas, grazing on the grass without the least bit of urgency – and when it comes to the crunch, it has been left waiting.

If this weak sauce legislation is all that is needed, why on earth wasn't this done five years ago? This Government has kept the people – and the animals – of the Isle of Man waiting five years for *this*? At least when bears go into hibernation, they wake up alive, hungry, and ready for action. Your legislative team has apparently been in hibernation for five years and produced this deeply underwhelming weak sauce copy job.

Almost two years ago, one local lawyer wrote, "In April 2016, the Council of Ministers accepted a recommendation by the Select Committee on Animal Welfare to establish a Forum to assist in drafting an Animal Welfare Bill with the ultimate intention of introducing the legislation in the 2016/17 legislative year. This has not yet occurred and it is unclear whether the Animal Welfare Bill remains on the legislative agenda." This legislative effort has been like a lost stray dog: it is as if your team wandered into the night, never to be seen again.

Indeed, Tynwald received a report on animal welfare legislation more than five years ago¹, and instead of taking quick and effective action, this Government has dithered and delayed. On animal welfare, this Government has behaved like a cat being given antibiotics: belatedly dragged kicking and screaming into the 21st century.

¹ <https://www.manxradio.com/news/isle-of-man-news/recommended-animal-welfare-reforms-revealed/>

This Government seems to have thought it could hide like a chameleon on animal welfare by blending into the background. This context makes it unsurprising given that DEFA is currently searching for a new Chief Veterinary Officer. This is will be at least the third such time this Government has sought a new CVO since this Government first proposed to introduce updated animal welfare legislation back in 2016.

Proactive and positive policies to lead these Isles

Instead of the Isle of Man's proposed lazy, catch-up, legislation, we have an opportunity to lead these Isles in protecting the dignity of our furry and fuzzy companions. Instead of being stuck amongst the turkeys, we can soar like eagles by:

Stop the sale of ear-cropped dogs in the Isle of Man

Leading veterinary and welfare bodies are concerned by the alarming rise in ear-cropped dogs in these Isles. Ear cropping is illegal in the UK (and might, possibly, maybe, be made illegal under the proposed IOM Animal Welfare Bill) and an unnecessary, painful mutilation with no welfare benefit. The practice involves cutting off part of the ear flap, often without anaesthesia or pain relief.

Public reports from the RSPCA in the UK states a 621% increase in reports of ear cropping from 2015 to 2020. It is likely that the situation in the Isle of Man is similar.

A rise in celebrity "influencers" sharing images of their cropped dogs on social media may be helping to fuel this. While this proposed bill might, possibly, maybe, make it illegal to crop in the Isle of Man, this bill will fail to make it illegal to *sell* ear-cropped dogs, import them from abroad, advertise ear-cropping services, or take dogs abroad to be cropped. These loopholes act as a smokescreen for those illegally cropping in these Isles. The Government must close these loopholes and end the trend in ear-cropped dogs for good.

Make pet theft a specific criminal offence

The Manx Government should create a specific offence for dog theft, punishable with an appropriately severe gaol term. Dogs are like members of the family to many people and current laws do not reflect this. Dogs are a support network for so many, a family member, a lifeline.

Dog theft is not currently a specific offence in the UK, and the IOM's proposed Animal Welfare Bill does not contemplate the creation of such a crime. While the crime of theft already exists, the existing offence doesn't target the specific problem which is dog theft.

Dogs should be seen to have their own offence to protect them. Current laws and penalties are not enough justice for the families and dogs that go through this trauma. They protect us, and the Isle of Man Government should protect them.

Establish a Manx forum of key animal stakeholders to write this bill properly

Instead of just copying some parts of UK legislation, the Isle of Man Government establish a public forum with a variety of experiences in protecting animal welfare. This can and should engage with stakeholders with experience in relation to different types of animal.

Establish a public register of offenders to record those convicted of offences under the Act who are barred from keeping animals

Convicted animal abusers should not be permitted to continue keeping animals. To make that viable to enforce in the interests of animals, a public register of offenders can ensure

that responsible pet owners do not inadvertently or accidentally transfer a pet to a prohibited person.

Ban animal testing

The Department of Environment Food and Agriculture should revise the Cruelty to Animals Act 1997 to ensure that no testing on animals is permitted unless it is for the specific purpose of protecting or improving the welfare of the animals.

Finally, I can confirm that you are welcome to publish this response in full.

Yours sincerely,

A handwritten signature in blue ink, appearing to be 'Michael Josem', with a long horizontal stroke extending to the right.

MICHAEL JOSEM

This submission draws upon many of the good ideas that have been publicly proposed by the FOAL Group: Focus On Animal Law to improve animal welfare in these Isles. Nothing in this submission should be taken as representative of the FOAL Group's position or views.