

Response ID ANON-WQQA-U1SW-A

Submitted to **Consultation on the draft Animal Welfare (Sentencing and Recognition of Sentience) Bill**
Submitted on **2018-01-29 12:05:04**

Introduction

1 What is your name?

Name:

Claire Bass

2 What is your email address?

Email:

cbass@hsi.org

3 Are you replying as an individual or an organisation?

An organisation

4 If you are responding on behalf of an organisation, please let us know which organisation.

Organisation:

Humane Society International UK

Defining 'sentience'

5 Do you consider that the term 'sentience' should be defined explicitly?

Sentience definition - y/n:

Yes

6 If you answered 'yes', what definition should we use?

Definition of sentience - explanation:

We suggest that 'sentient animals' should be referred to in point (1):

(1) regard to the welfare needs of sentient animals in formulating and implementing government policy.

Sentient animals should then be defined by the addition of (4):

"In this section, "sentient animals" mean all non-human organisms having the awareness and cognitive ability necessary to have feelings, including but not limited to all mammals, birds, reptiles, fish, amphibians, bees, cephalopods, and decapod crustaceans."

The definition of sentience here is taken from Professor Donald Broom's 2014 book 'Sentience and Animal Welfare'.

Additional docs - 'sentience':

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Defining 'animal'

7 Do you consider that the term 'animal' should be defined explicitly?

Animal definition - y/n:

Yes

8 If you answered 'yes', what definition should we use?

Definition of animal - explanation:

As described in answer to question 6, we encourage the definition of 'sentient animals', not the terms 'animal' or 'sentience' on their own.

Additional docs - 'animal':

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Defining 'welfare needs of animals'

9 Do you consider that the term 'welfare needs of animals' should be defined explicitly in the clause?

Welfare needs definition - y/n:

Yes

10 If you answered 'yes', what definition should be used, and should the list of needs in the Animal Welfare Act 2006 be changed?**Welfare needs - explanation:**

The addition of (5):

"In this section, "welfare needs of animals" has the same meaning as in Section 9(2) of the Animal Welfare Act 2006. "

Point (e) in the list of needs in the Animal Welfare Act 2006 should be amended from:

(e) The need to be protected from pain, suffering, injury and disease

To:

(e) The need to be protected from pain, SUFFERING, FEAR, distress, injury, disease, AND CHRONIC POOR WELFARE.

In addition to this we would strongly encourage government to undertake a comprehensive review of how the welfare needs of animals can be framed in terms of striving to achieve positive welfare states, not only the avoidance of poor welfare states. In light of recent animal welfare scientific findings the 5 Freedoms is now in some ways outdated, and we would encourage use of more enlightened approach such as the 5 Domains model.

Additional docs - 'welfare needs':

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Policy scope**11 Do you agree that the draft Bill should apply to all policy areas?****Policy Areas - y/n:**

Yes

12 If you answered 'no', why do you not agree with this?**Policy areas - explanation:**

Yes, and further that the duty should be extended to all public bodies and authorities, not limited to only Ministers of the Crown.

Specifying the level of regard**13 Do you agree that the draft Bill should adopt the term 'should have regard'?****All due regard - y/n:**

No

14 If you answered 'no', how do you think the level of regard should be specified?**Level of regard:**

"Ministers of the Crown, public bodies and authorities MUST GIVE FULL regard to the welfare needs of sentient animals when formulating and implementing government policy."

Overall approach**15 Do you have any views or comments on the consequences of this new duty?****Consequences of new duty :**

We urge government to make provision in this Bill to ensure the full and proper implementation of the duty to have/pay [full] regard to animals' welfare needs. We encourage the establishment of a new independent oversight entity (e.g. an Animal Welfare Commission), to support policy-makers' execution of the duty, providing advice on the welfare needs of animals as they may be affected by specific policies under consideration, and recommending mitigative actions based on animal welfare impact and risk assessments. It would also scrutinize the full and consistent execution of this duty across all relevant departments and policy-making agencies and authorities.

The body should also be charged with reviewing how policy-makers are interpreting the need 'to have regard to matters affecting public interest' including ensuring that any perceived conflicts between meeting animals' welfare needs and safeguarding 'public interest' are resolved in a well-informed and consistent way.

16 Do you have any views about whether a different formulation or approach might achieve the policy objectives? Views would also be welcome on how the approaches adopted in other countries might apply here.**Different approaches- explanation:**

Maximum sentences for animal cruelty

17 Do you agree with the new maximum sentence?

Approval for max. sentence - y/n:

Yes

18 If you answered 'no', can you explain why you do not agree with the new maximum sentence?

Maximum sentences - explanation:

We fully support the increase in maximum penalty, in line with public expectations on this issue.