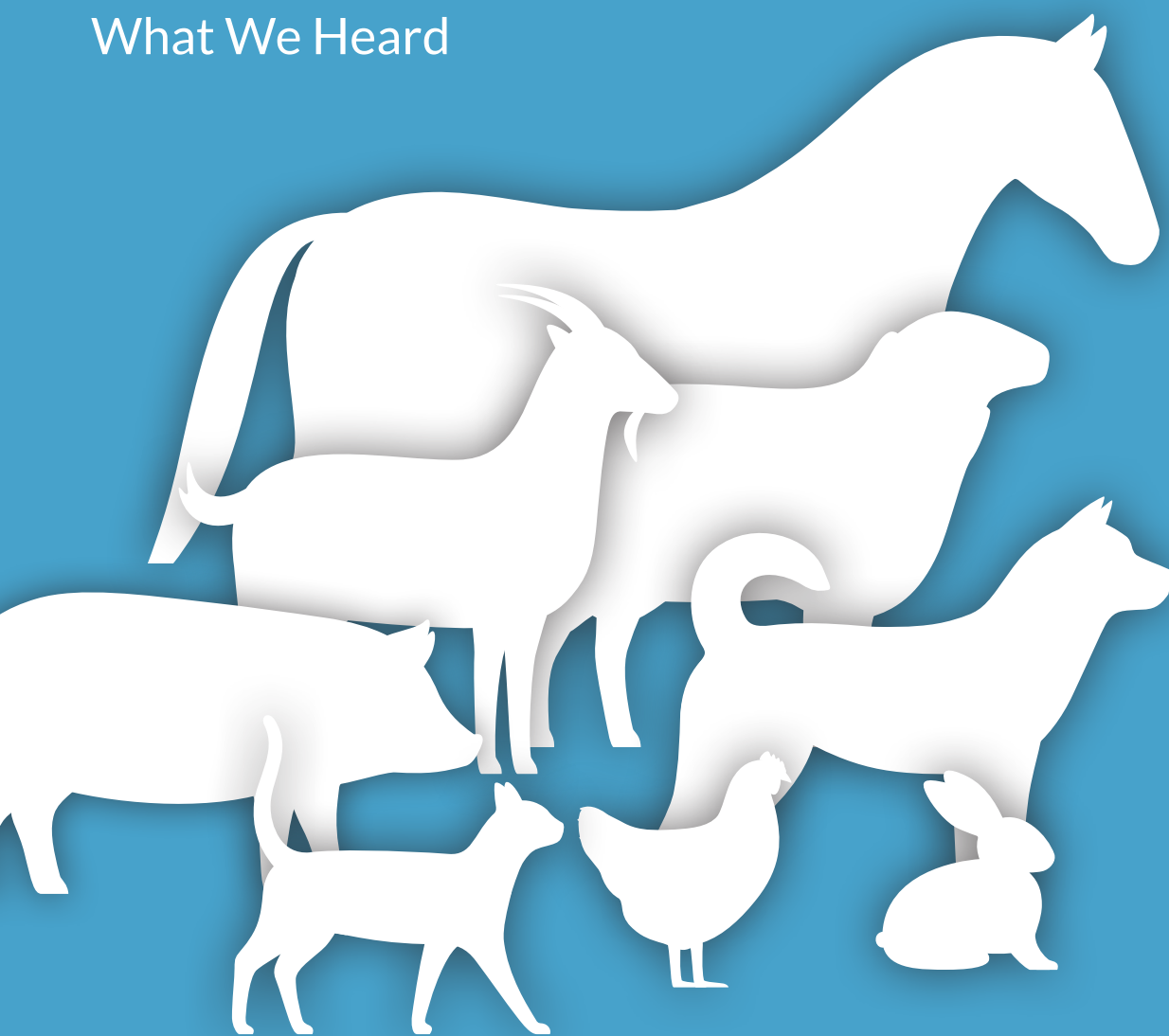


# Animal Health and Protection Act Review

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What We Heard





## Background

The Government of Newfoundland and Labrador is reviewing the **Animal Health and Protection Act (AHPA)** to help ensure the legislation continues to reflect the highest possible standards for animal welfare.

The AHPA was enacted in 2012 and was considered one of the most progressive pieces of animal cruelty legislation in the country. The Act was reviewed with public consultation in 2017. Along with animal cruelty provisions of the Criminal Code of Canada, the AHPA forms the basis of current animal protection legislation in Newfoundland and Labrador.

The AHPA and its regulations aim to ensure that all animals covered under the Act are protected and treated humanely. This includes standards of care, and prohibitions against causing or permitting an animal to be in distress.

As part of the review process, which includes the current enforcement model, the Department of Fisheries, Forestry and Agriculture sought public and stakeholder feedback to help inform plans to strengthen the Act further. All feedback will be considered as the Provincial Government explores potential amendments.

## Methodology

The approach used to gather input during the AHPA review included an online questionnaire and three virtual engagement sessions. Written submissions were accepted via a dedicated email address and postal address.

The questionnaire was posted on the engageNL website on April 19, 2022 and was open for public submissions until May 29, 2022. The department received 324 submissions via engageNL.

Three virtual sessions with targeted stakeholders were held in May and June. In total, 33 individuals representing 12 organizations attended the virtual sessions. The department received 29 written submissions via email from stakeholders and members of the public.

### **Key questions posed in the online questionnaire and virtual sessions included:**

- Positive aspects and concerns about the current legislation;
- Recommendations for improvement to the current legislation; and
- Goals and expected outcomes of proposed changes, including the resources required to implement such changes.



### Overview of Participants – Online Questionnaire

A total of 324 participants completed the online questionnaire via engageNL.

I am answering these questions as:	# of responses	Percentage
Member of the public	253	78.33
Member of an animal welfare organization	33	10.22
Animal health professional	11	3.40
Member of the agriculture sector	6	1.86
Member of an enforcement agency	4	1.24
Other	16	4.95
<b>Total</b>	<b>323</b>	<b>100</b>

Most respondents (72.53 per cent) resided within the Avalon Peninsula. The remaining participants were distributed throughout Newfoundland and Labrador.

I am located in:	# of responses	Percentage
Avalon Peninsula	235	72.53
Burin Peninsula	12	3.70
Clareville-Bonavista	11	3.40
Gander-New-Wes-Valley	10	3.09
Grand Falls-Windsor-Baie Verte	13	4.01
Coast of Bays	6	1.85
Northern Peninsula	1	0.31
Stephenville-Port aux Basques	8	2.47
Corner Brook-Rocky Harbour	14	4.32
Labrador	8	2.47
Other	6	1.85
<b>Total</b>	<b>324</b>	<b>100%</b>

## Overview of Participants – Virtual Stakeholder Sessions

Invited stakeholders included representatives from animal welfare organizations, animal health professionals, and livestock producers.

Session	Date	Number of Participants
Session 1	May 24, 2022	22
Session 2	June 6, 2022	4
Session 3	June 7, 2022	7

## Key Themes Emerging from the Online Questionnaire

### Positive aspects of the AHPA:

- The legislation exists to protect the health and welfare of animals.
- The current Act gives inspectors the right to view an animal if there are reasonable grounds to do so.
- Under the Act, it is a criminal act to intentionally inflict harm on an animal.
- The Act recognizes that there are issues with how animals are treated in the province.
- The transport of animals is addressed in the Act.

### Concerns about the AHPA:

- Animal welfare groups and municipal rescues have no power to enforce the Act and require more financial resources.
- Fines and penalties are not tough enough, and minimal sentences do not serve as a deterrent to abuse or are too lenient.
- The legislation is outdated and not comparable to other provinces.
- The Act is not being enforced.
- More laws are needed for backyard breeders, and a review of rules/regulations for backyard breeders is needed.
- The Act does not clearly indicate who abuse should be reported to.



### Suggestions for improving the AHPA:

- Impose higher fines/imprisonment for abusers.
- Provide enhanced education/training on the Act.
- Allow animal rescue groups to remove an animal in distress.
- Implement time limits on tethering.
- Crack down on backyard breeding and puppy mills.

## What We Heard - Virtual Consultation Sessions

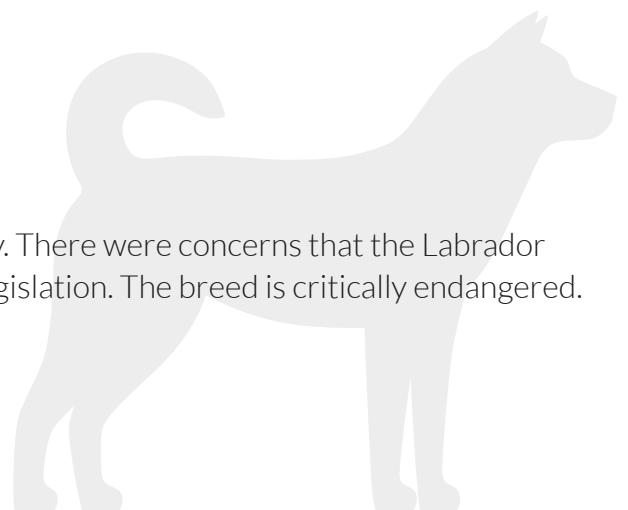
### Positive aspects of the AHPA:

- The equine code of practice is enforceable and specific regarding requirements of care.
- The AHPA improves horse welfare.
- The Act references tail docking for horses.
- Part 2, Section 13 of the Act regarding taking custody of animals in distress is positive.
- Schedule B - Standards of Dog Care under the Act is enforceable.

### Concerns about the AHPA:

- There is no definition of “abandonment” in the Act. Abandonment should include language that addresses animals being left or unclaimed at kennels, veterinary clinics, home rentals etc.
- The definition of “distress” is wide open for interpretation.
- The definition of “owner” needs to include the parent of a child or minor.
- The biggest concern is enforcement – rescue organizations are powerless to respond to complaints.
- There is a perceived lack of compassion, lack of knowledge, and lack of follow up from overburdened inspectors and law enforcement.
- There is a lack of 24-hour response for calls, as well as lack of resources for seizures after normal working hours.
- Citizens often do not want to report concerns to police, or do not feel comfortable doing so.
- The training and enforcement model needs improvement, including timeframes for follow-up compliance.
- Concerns about lack of resources for enforcement, RNC/RCMP member restrictions, their knowledge of the AHPA, and adequate training and availability.

- Concern that animal welfare calls are not assessed and investigated consistently depending on who responds to the complaint and, at times, depending on if it is in a rural area. The goal should be for every animal to have the same thorough investigation.
- Who is responsible for educating owners? Adding an education and compliance model, including awareness of acceptable care and consequences for non-compliance, was recommended, with consequences to include animals taken into custody before allowing the animal to be in a state of distress.
- Appointed inspectors include municipalities that are interested in enforcing the AHPA. Many municipalities do not have animal holding facilities or animal control officers.
- The Act should include an appeal process before a trial, or a solution so that animals do not have to stay in custody until the end of court proceedings due to the impacts of a long-term stay.
- Some other provinces require a health certificate issued by a veterinarian prior to selling an animal, but in this province, there are no regulations in place for backyard breeders. Backyard breeders operating out of a dwelling place cannot be inspected or investigated without a warrant, but there are not a lot of complaints about these operations because people still want to buy animals due to shortage of available dogs and puppies from reputable shelters, rescues and breeders.
- Cats have been ignored in the Act. There is an overwhelming overpopulation of cats, resulting in the need for multiple rescue groups
- The Act does not include a Code of Practice for sled dogs.
- Animals are not deemed as sentient beings.
- The Act addresses some aspects of tethering, but nothing related to length of time animals are tethered, or animals being tethered in extreme temperatures.
- There are no regulations for animal trainers – suggestion for certification for trainers and fear-free positive reinforcement.
- There are no regulations regarding shock, choke and prong collars even though evidence supports that using these intentionally impacts an animal’s physical and mental health.
- There is a lack of regulations regarding companion animal breeding.
- The use of “gas chambers” is still a legal option.
- Emergency veterinary care should be regulated.
- Penalties need to be stronger.
- Heritage status should be granted for the Labrador Husky. There were concerns that the Labrador Husky is protected and not impacted by animal welfare legislation. The breed is critically endangered.



## What We Heard

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- There is a need for funding opportunities to protect the Labrador Husky, in addition to resources for northern communities to access veterinary care.
- The Act does not provide protection for the Newfoundland Pony as a heritage animal, as opposed to an agriculture animal. Agriculture animals have greater access to veterinary resources.
- The Newfoundland Pony should have access to pasture land and land for breeding, as well as a breeding program since herds can't be sustained if the numbers are not there. It should also be more affordable to own Newfoundland Ponies.
- There is need for greater awareness of reporting neglect and abuse, as well as clear options for reporting.

## What We Heard - Summary of Written Submissions

### Positive aspects of the AHPA:

- The Act adopts Codes of Practice for various species, including kennels and catteries.
- Standards of Care are recognized.
- Custody in Law is an option.
- The Act includes immunity for reporting on good faith.
- The Act provides protection for animals being abused or neglected in homes and/or other non-professional care setting, including options for reporting abuse in these settings.
- Heritage Animals are included in the Act.
- The Act includes immunity from liability for veterinarians reporting cases of suspected abuse or neglect.

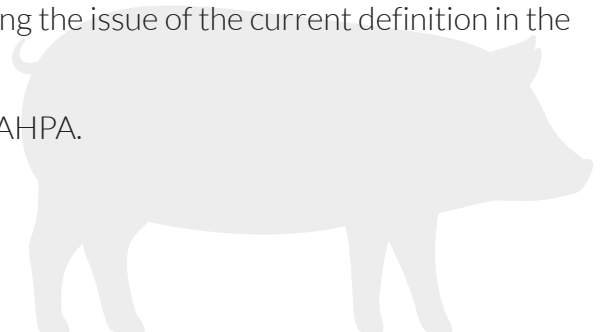
### Concerns about the AHPA:

- The Act's goal should incorporate animal welfare, versus animal protection.
- Direction for policy, prohibitions and regulations should be based on ensuring the internationally recognized "Five Freedoms," and the Act should acknowledge and consider the One Health/One Wellness strategy, the human-animal bond, and give consideration to not unduly burdening individuals based on their economic status.
- Issues regarding enforcement such as enforcement variability (i.e. geographical differences), availability of resources, trained enforcement officers, jurisdictional limitations, and appropriate timelines required for compliance and education are a challenge. As well as lack of consistent investigations and availability for SA veterinary assessments.
- There is general confusion about how to report, and to whom, concerns of violations of the Act. This confusion may depend on the region of the province, community, time of day, or species of animal



involved. The reporting procedures can be quite different with the level of response, action taken, or follow up being quite variable.

- There is a lack of information sharing across enforcement agencies and jurisdictions, and no registry for individuals previously been found guilty of an offence.
- There are no resources available for municipalities providing enforcement. Providing investigation and enforcement services, as well as custody and care for seized animals, requires additional budgetary resources. This may impact time devoted solely to enforcement, resulting in issues with backlog and follow up or in some cases, the service not being provided at all.
- There was concern about the liability of caregivers of animals in custody should the animal experience an accident, illness or sudden death while in their care.
- The current Act almost ignores what was one of the most important aspects of the previous Act, which is attempting to enlist the owner's cooperation to address deficiencies in caring for their animal(s).
- There is a complete exclusion of knowledgeable SPCA members who were previously appointed Special Constables under the old Act in the investigation process as first responders. The current Act instead favours peace officers who may not be motivated, have limited experience with animals or other priorities, or limited budgets and, as a result have to call in SPCA members for advice.
- The AHPA does not provide guidance for follow-up visits.
- The new Act attempts to unnecessarily micro-manage investigations. The Act concentrates on procedure after an inspector or peace officer has been involved. This is not in the best interest of expediting a resolution. Involving an inspector or a peace officer tends to be counter productive since the appearance of uniformed individuals and marked vehicles on a scene results in walls going up and the opportunity for owner cooperation diminishing.
- The involvement of peace officers detracts from members of the public reporting suspected abuse cases, especially in small rural communities.
- A "one-solution-fits-all" approach is flawed due to geographical differences and availability of resources differing from region to region.
- There is no requirement for licensing pet establishments or regulating "backyard breeders."
- There is a very limited standard of care for sled dogs in the AHPA.
- A standard of care specific to cats that focuses on their well-being and over population should be created.
- The inclusion of a definition of "abandonment" and addressing the issue of the current definition in the Act of "distress" leaves too much room for interpretation.
- There are issues with education and training related to the AHPA.



## What We Heard

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- There are issues under Schedule B, Basic Standards of Dog Care, such as:
  - Vague specifications of the design of a basic shelter or dog house
  - Use of the words “sufficient” and “when necessary” in reference to food and veterinary care
  - The guideline included in the regulations for measurement of the dog to determine size of living conditions.
- The Act requires a clearer explanation for pens and enclosures such as, “shall be in a good state of repair,” or reference to a required size of pens containing more than one dog and enforcement regarding pens that are stacked.
- There are no timeframes included for tethering and exercise and socialization when untethered in the AHPA.
- Fines/penalties are too lenient, and will not deter offenders from re-offending.
- The Act and the punishment for breaking the Act are in desperate need of updating.
- The AHPA does not address animals in distress and neglect in veterinary clinics.
- The AHPA does not address models of care for animals who need veterinary care outside of regular business hours.

## Participants’ Recommendations Regarding the AHPA

Key themes were observed regarding participant’s suggestions for changing the **Animal Health and Protection Act**.

- Respondents recommend changes to the training and enforcement model that will also include education, follow up, and compliance. Recommendations for these changes vary, from increasing training for current enforcement and developing a special task force (establish a team to deal with animal issues, complaints and education) to reinstating authority to participate in investigations to the SPCAs and including other animal welfare organizations.
- Respondents also recommend:
  - Including a definition of abandonment
  - Changing the definition of distress in the Act
  - Increasing fines and penalties to deter repeat offenders
  - Addressing the lack of detail such as time restrictions on tethering and standards of care for outdoor dogs

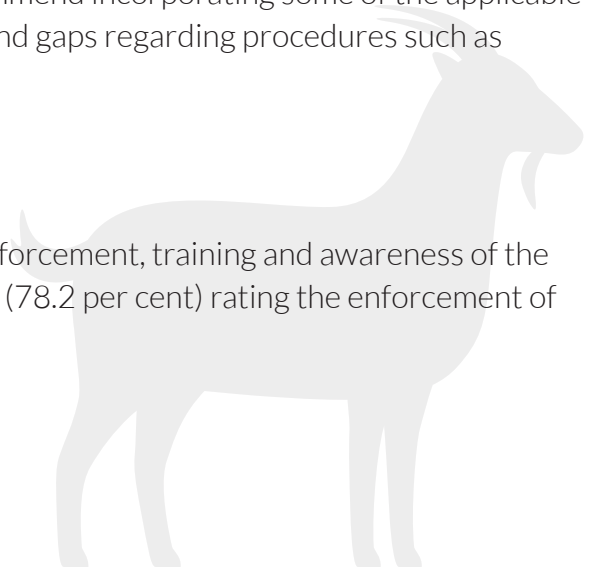
- Licensing and regulating breeders, which other provinces have included in their animal welfare legislation. In addition to licensing and regulating breeders, a mandatory health certificate should be issued by a veterinarian prior to selling an animal.
- The SPCA requests an amendment to the definition of “SPCA” in the AHPA. The current definition refers to the incorporated name of the St John’s SPCA. All other branches in Newfoundland and Labrador are active, but not legally represented in the Act. The recommended definition should be Newfoundland and Labrador Animal Welfare Society.
- Direction for policy, prohibitions and regulations based on ensuring the internationally recognized “Five Freedoms” was recommended.

### Further considerations and recommendations from virtual sessions and submissions:

- The question was raised whether regulations should be in place for working dogs such as herding or guard dogs on farms.
- There is a lack of foster housing for equine and livestock.
- There are no guidelines specific to adequate space for horses.
- Producers are pleased that the National Codes of Practice for the various species are adopted and enforced, and fines are in place for non compliance.
- Producers recommend incorporating trespassing and biosecurity issues into the Act.
- National certification programs should be accepted as licensing requirements as an alternative to the provincial farm inspection required as a condition of the Fur Farming Regulations.
- Under the current Act, “animal” includes honeybees. A recommendation was made to further clarify where honeybees fit. Other issues regarding honeybees included improving quarantine measures in the event of an import, and recommending regulations to maintain Varroa- free status for honeybees in the province.
- There was a recommendation to update the Animal Reportable Diseases regulations.
- Newfoundland and Labrador College of Veterinarians recommend incorporating some of the applicable college bylaws in the AHPA to close some of the loopholes and gaps regarding procedures such as declawing, cosmetic surgery, or tail docking.

### Conclusion

- Respondents commonly expressed concern about lack of enforcement, training and awareness of the **Animal Health and Protection Act**, with most respondents (78.2 per cent) rating the enforcement of the **Animal Health and Protection Act** as poor.



## What We Heard

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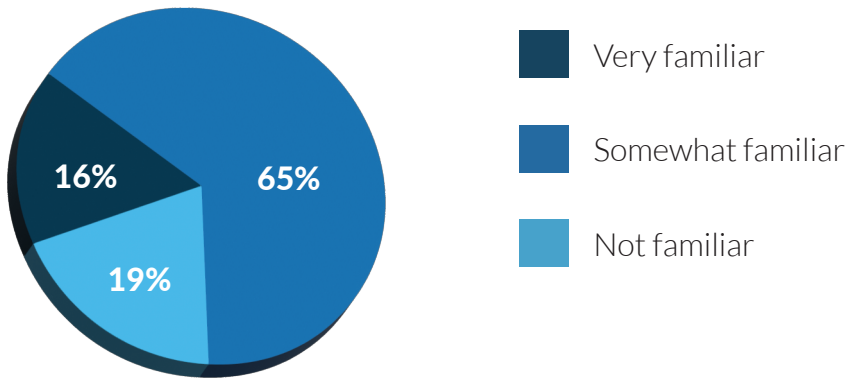
- Dissatisfaction with the enforcement of the Act also included lack of follow up and repeat visits to ensure compliance in cases where requirements were not met, and the lack of education provided to owners.
- Limits for tethering, licensing and inspection required for backyard breeding/puppy mills, inadequate fines and penalties, standards of care for outdoor dogs, and the reinstatement of animal welfare groups' ability to intervene in neglect/abuse cases were common themes.

The information gathered through the online questionnaire, virtual engagement sessions and online submissions will be of invaluable assistance in considering amendments to the **Animal Health and Protection Act**. This feedback will be considered to ensure the highest possible standard for animal welfare in Newfoundland and Labrador.

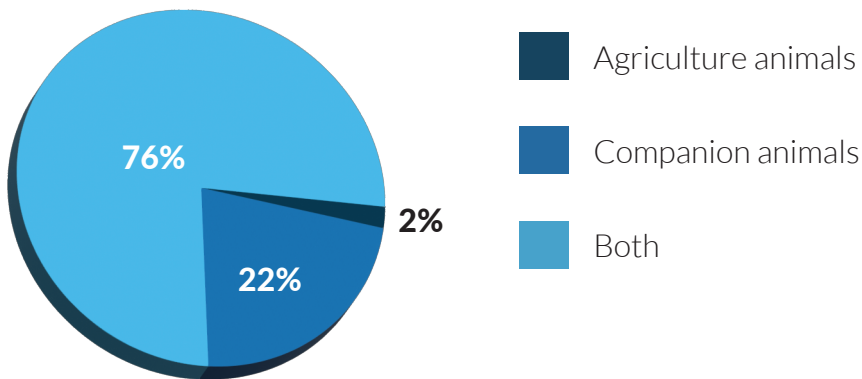
The Department of Fisheries, Forestry and Agriculture appreciates the thoughtful feedback of all participants, and the passion and dedication of the caring people who work tirelessly to ensure the welfare of animals.

## Additional findings from the engageNL questionnaire:

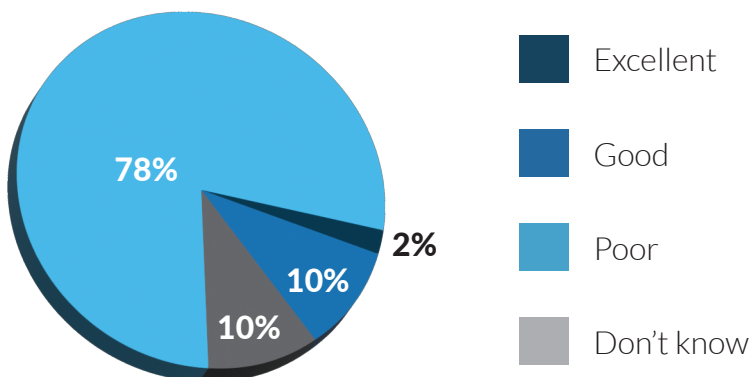
### Familiarity with the Animal Health and Protection Act



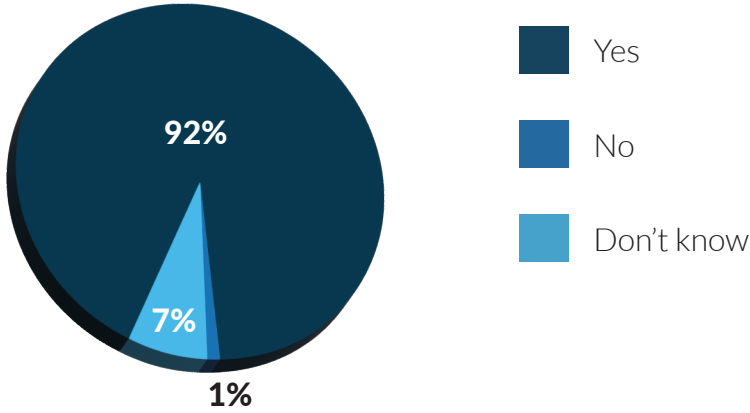
### Participant's Interest in the Animal Health Protection Act



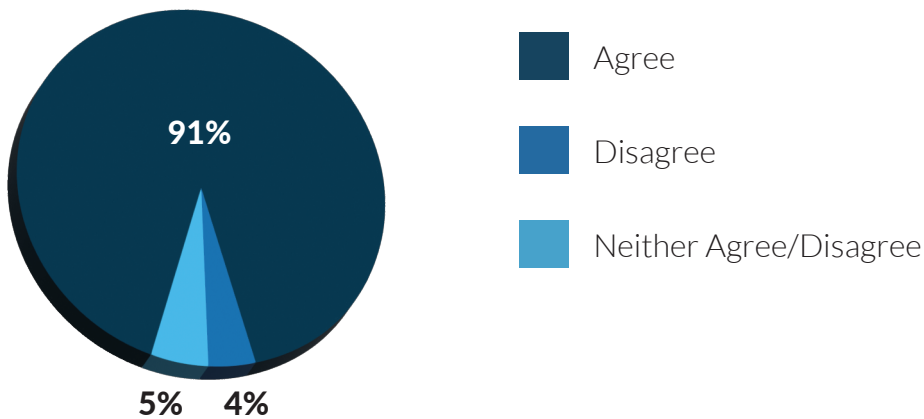
### Rating of the enforcement of the Animal Health and Protection Act



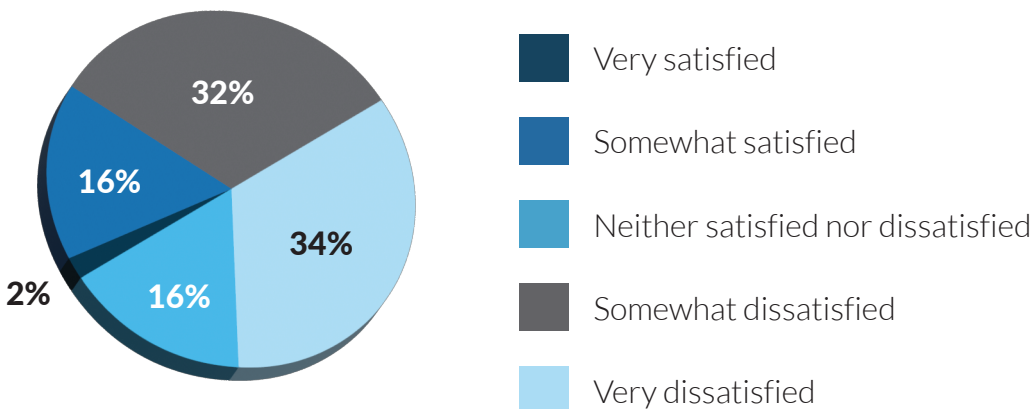
Do you think enforcement of the Animal Health and Protection Act could be improved?



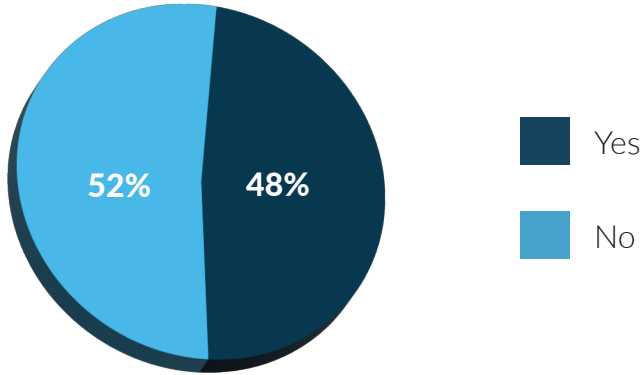
There is a role for consistent public education regarding the enforcement of the Animal Health and Protection Act



Satisfaction with the province's Animal Health and Protection Act



### Participants reporting an animal welfare concern



### Participants reporting an animal welfare concern

