

Law Amendments Committee Council
Chair, Honorable Mark Furey
Red Chamber 2nd Floor, Province House
1726 Hollis Street
Halifax, NS

September 17, 2018

Mr Chair, I'd like to thank you and the committee members for allowing me to speak today.

I would like to start by saying that I am a firm believer of animal care and wellbeing and the value that animals bring to our lives. I am a dog owner and my dog's wellbeing is of upmost important to me above all else. My dogs live in my home as members of my family, sleep on the bed, curl up on the sofa and cared for with the upmost care.

I'm standing before you today to express my concerns with the proposed Bill 27 – the Animal Protection Act. I would like to take this time to go over the areas of greatest concern for me as a dog owner. Much of my concerns today will be directed towards the level of power in which this bill, if passed, will give to Inspectors; powers above those that even police officers have. And in doing so will in turn be penalizing Nova Scotians for owning an animal by essentially providing less rights as private property owners than those who do not own an animal. They are:

Firstly, I am extremely concerned with the proposed bill under definitions, replacing the use of "Owner" with "Custodian". The definition proposed for "Custodian" includes "a person who has possession of the animal". This is a scary use of words as it could be read to mean that while my dog was at a daycare, boarding kennel, overnight vet care, or even stolen; that whoever is in possession of the dog has all control over it. I'm sorry Mr. Chair but I firmly disagree with this terminology. Dogs have owners, and the Owner of an animal should be the only person of authority over that animal and its dealings. I am firmly against the use of "Custodian" in the bill and would like to see it removed and "Owner" be kept as the one and only reference. Owners and only owners, should be who has a say in regard to the animal and be who is contacted in regard to the animal; no exceptions.

The second part of the act I would like to express my concern with Mr. Chair is Section 20 subsection (1). I am aware this is contained within the current act under section 18AA(1), however, where this Bill is here in front of law amendments I want to indicate my concerns. This section indicates an inspector can enter and inspect any premises other than a private dwelling and (a) conduct any test, or (b) seize any animal to conduct any test, (C) take samples, or (f) take any action considered necessary or advisable by the inspector. Mr. Chair I ask you and anyone who is here today that owns a dog or cat at home to imagine for me if you will the following scenario. You drop your beloved pet off at daycare and go to work for the day. That day an inspector shows up at the daycare and indicates to staff they are seizing three dogs to take for testing; one of these dogs is yours! The way this section reads they do not need any probable cause nor need to indicate what testing will be performed. Also, because of removing the wording "Owner" and now wanting to use "Custodian", they wouldn't even need to contact you the owner to notify you or receive permission as the daycare was in possession of the dog at the time of seizure. This section

does not list what types of tests are allowable but simply states any test. I can only speak for myself, but for me as a loving pet owner this is an incredibly scary thought, especially considering inspectors are not required to even be licensed veterinarians.

Mr. Chair the third section of the proposed Bill I'd like to draw your attention to is Section 20 subsection 2. I am aware this section does appear in the current act in place under section 23 subsection 8. However, in the current act there is a key point to note. In the current act this wording fell under a heading which states, "When an animal is found in distress". In this proposed bill, this wording does not fall under the same heading first. Its important to note this section states that an inspector may go onto any private dwelling property and require any person in a private dwelling to produce any animal on the premises, for examination. Because this no longer is falling under the heading of "When the animal is found in distress", it now implies an inspector requires no probable cause to come onto your private property and force you to present your dog for examination. Mr. Chair as a woman who is sometimes home alone, the thought of an inspector being able to come onto my property without warning, and without probable cause of an animal being in distress, makes me very uneasy in feeling safe in my own private home. Inspectors do not have to be police officers, they can be anyone the society appoints, and therefore having to open my door while alone to a stranger who is not a lawfully appointed police officer, leaves me to feel that by owning an animal I have fewer personal rights of my private property then someone who does not own an animal. The Charter of Rights and Freedoms section 28 indicates all charter rights are guaranteed equally to all men and women. And the charter also states in chapter 8 that everyone will have the right to be protected from unreasonable search or seizure. If non-pet owning people do not have to open their door to their private dwelling to a stranger, then why is this bill proposing pet owners should lose their same rights and be required to open the door to an inspector who is not a police officer?

In keeping with the topic of having fewer rights in regard to my own private property simply because I own an animal compared to non-animal owners, I draw your attention to section 20 subsection 5. This states that the owner may accompany inspector or peace officer during an inspection "when requested". When did we as owners of the property and owners of the animals lose our right to go where we want on our own property? Mr. Chair I ask you, would you or anyone else here want to let a stranger roam your home or business without accompanying the person? Or, would you want them alone with your pet to do as they deem fit without your accompaniment?

A section of this act that is of grave concern for me Mr. Chair is section 20 subsection 8. This is new wording not currently included in the current act. This section indicates (without any mention of needing probable cause of cruelty or distress) that an inspector may enter on or pass over any land or water, without liability for trespassing and without the owner of the property having the right to object. This gives an inspector more power than a police officer! It strips us of our rights as private property owners simply because we own an animal.

Before closing, I'd also like to discuss the addition within Section 2, an animal is in distress if, adding in (e) Subjected to cosmetic Surgery as defined in Section 27 as an item that puts an animal

in distress. This definition needs clarification surrounding what "subjected" to means. Does it mean during the process of the procedure(s) themselves being performed? Does it mean any animal who has ever had these procedures performed as defined in Section 27? There are many animals in this province who were legally docked, dewclaws removed, cropped etc and these animals, should not be penalized for having done so when it was legally ok. Therefore, I feel clarification on this section needs to be done to define what "subjected to" encompasses.

In terms of section 27 subsection 1, the wording "No person shall perform, or permit to be performed, cosmetic surgery on an animal unless it is an acceptable activity under section 28". I have great concern for the wording of "permit to be performed". What does this encompass? If I legally purchase a dog from say the USA or other part of Canada who has been docked and I bring it here to Nova Scotia to own as my loving pet, is that "permitting to be performed"? If I see someone with a new puppy walking down the street with its dewclaws removed or tail docked, is every person permitting that task to be performed if they do not report the person to the authorities? Therefore, I have concerns with the use of that wording and believe that "permit to be performed" should be removed entirely.

Section 27(2) outlines what this new bill is proposing as items that will fall under the label of cosmetic surgery. They include tail docking and dewclaw removal to name two. Section 28 (b) gives exemption to agricultural practices carried out in accordance with the National Farm Animal Care Council. The National Farm Care Council permits some of these procedures. Also, a judge with this province recently ruled in favor of a person docking tails on a litter of puppies, based on tail docking being a generally accepted practice of animal husbandry. Therefore, I must ask why are companion animals such as a dog, now proposed under this new bill to be treated differently? I have seen a situation where a friend's dog had the dewclaw become embedded into the side of the leg requiring surgery and treatments for months to try to heal the leg. For this reason, I ask that you consider keeping tail docking and dewclaw removal as acceptable practices of animal husbandry.

I will end by stating that I am an animal lover and only want the very best for my animals. I'm also a believer in the need for controls to prevent cruelty of animals as it is extremely important that animals be protected from cruelty. However, as I've stated, the powers this proposed bill gives to inspectors is far too great. I'd also like to note that not all stakeholders were consulted in developing this bill. Regular pet owners, the Canadian Kennel Club, and breeders were not included. Of key importance for me is the use of the word "Custodian". It has no place in this act. I am the owner of my pets and no one else. Also, having fewer rights simply because I am a dog owner is unacceptable. Thank you for listening to me today and I hope that you will consider my concerns.

Cindy Baker

Clarification from presenters
"Cindy Baker + Erin LeBlanc"

→ not 20(1) Bill 27
Sept. 17, 2018

Correction → Section 20(2) used to fall under heading "if an animal is in distress" [old section 23(8)].

This section states an inspector can come on the property including private dwelling + require any person to produce any animal for inspection

Losing the heading means no longer need just cause to come on private property + require you to produce any animal from within that dwelling.

More power than police.