
From: [REDACTED]
Sent: September 22, 2018 4:53 PM
To: Office of the Legislative Counsel
Subject: Bill 27 Amendments September 24, 2018
Attachments: Bill 27 Sept 24.docx

Please see attached my recommendations for Bill 27.

thank you,

Cindy Baker

Hi,

First I want to say that I care for the wellbeing and the value that animals bring to our lives. My dogs live in my home and are loved members of my family.

I'm writing to express my concerns with the proposed Bill 27 – the Animal Protection Act. Much of my concerns are directed towards the level of power in which this bill, if passed, will give to Inspectors; powers above even police officers. 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.

I am very 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 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 regarding the animal and be who is contacted regarding the animal; no exceptions. I am aware an officer of the SPCA spoke at law amendments and gave some sort of reasoning why they want this wording added stating that they have in the past gone to a property to seize an animal only to have the person at the property deny ownership and that they want this put in place so they can charge anyone that was there when they seize the animal instead of needing to locate the true owner, or prove they are the owner. There are far better ways to address the handling of these bad dog owners rather than stripping all the good citizens of Nova Scotia the right to be the one and only OWNER of the animal. For instance, Owner could be kept as the primary wording, and custodian could be added separately in definitions (clearly indicating it is to be used only when there is NO owner) and a section could be put into the act to state that in the event of an animal cruelty case, if an owner is unable to be located after exhausting all reasonable resources, that an inspector has the right to place charges on the custodian of that animal at the time of seizure if they failed to report the cruelty case prior to authorities. Stripping the word and rights that go along with the term "Owner" is not the way to solve this.

The second 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. 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 my own 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 we have fewer personal rights of our private property than 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? Someone mentioned after the law debates that "well if you have nothing to hide then you won't have anything to worry about". In response to that, I ask you then, should we have federal legislation changed to allow an RCMP officer the right to come onto your private dwelling property at any time day or night knock on your door and request that you bring any/everything from within the home to the door our outside for inspection? After all, if you are a good law abiding citizen with nothing to hide you should have no issue with this inconvenience whenever they deem fit to do so without the need of probable cause. The SPCA inspector indicated that they do not go onto private property without reasonable and probable cause of believing an animal is in distress. Well of course they don't as that is how current law is written. The proposed bill would change that and allow an inspector to without reasonable and probable cause. If inspectors are saying they will not enter onto private property without reasonable and probable cause then what is so hard about making legislation that states exactly that?

In keeping with the topic of having fewer rights regarding 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? I ask you, would you 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 great concern for me 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.

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 tough 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. This act has potential to be a great thing, however, there is a need for amendments to the wording and terminologies before it is approved. Thank you for listening to me today and I hope that you will consider my concerns.

September 24, 2018

Legislative Committee

Province House
1726 Hollis Street
Halifax, N.S. B3J 2Y3

Re: Proposed Amendments to the Nova Scotia Animal Protection Act – Bill 27

Dear **Committee**:

As a citizen and a responsible purebred dog owner, I would like to add my voice to that of the Canadian Kennel Club (CKC) and request that the Nova Scotia government seek consultation from additional stakeholders, to develop legislation that is well crafted and fair. It is essential that the CKC have the opportunity to weigh in on significant law amendments that directly affect thousands of CKC members and their purebred dogs. We ask that you please consider the following:

- There has been No stakeholder input from local kennel clubs or the Canadian Kennel Club— a recognized Canadian authority and advocate for the health and welfare of purebred dogs—despite the fact that such changes would directly affect thousands of CKC members and their purebred dogs.
- The use of the word “ Custodian” versus “ Owner:
The definition of “Custodian” includes six options as descriptions of custodian. The option that is most concerning is c) any person who has possession of the animal.
This change will strip owners of the rights that come with ownership.
- Proposed Section 20 (2) [Current act Section 23(8bc)]: In the current act, this section falls under the heading “When an animal is found in distress”. In the proposed bill, this heading has been removed entirely. Doing so removes all need for probable cause for an animal being in distress. Inspectors will be able to go onto private property without probable cause, require dog owners to open their doors and present any animal from within the home for inspection at any time. Without the heading of "When animal is found in distress," it provides fewer rights as a dog owner then non-dog owning citizens.
- Proposed Section 20(7) [current act Section 23(10)]: Relates to an inspector being able to stop a moving vehicle. This content used to fall under the heading “When Animal is found in distress” and in proposed act, it does not. Therefore, inspectors could pull residents over on the highway randomly for no probable cause. We ask that this content be placed back under the heading “When Animal is found in distress,” and indicate that an inspector must have probable cause believing an animal is in distress prior to requiring a vehicle to stop.
- Proposed Section 20(8): New. This section indicates (with no mention of needing probable cause of an animal being in distress) that an inspector may enter on or pass over any land or water enclosed or not, without liability and without the owner’s right to object. For private property owners, this section is very concerning. This section could be taken to mean that an inspector can be on a resident’s private property without the requirement of needing probable cause.

I personally support the above statements and hope the Canadian Kennel Club—*the* canine authority in Canada and representative of over 20,000 individual members and more than 600 Breed Clubs—will have the opportunity to be a part of a consultation process, to ensure the bill is satisfactory to all.

Sincerely,
Cindy Baker