

Sept. 24/18

NS Law Amendments 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 Members:

As a citizen, responsible purebred dog owner, active member of the farming community and Professional Agrologist, I would like to add my voice to that of the growing number of individuals that oppose Bill 27 in its current state and request that the Nova Scotia Government seek consultation from additional stakeholders in order to develop legislation that is well crafted and fair. One such stakeholder that was glaringly absent from the Minister Of Agriculture's "BY INVITATION ONLY" forum was the Canadian Kennel Club. Given the makeup of the members that actually WERE invited to participate (local Cat animal rights groups, Dog animal rights groups, rescues etc)... it does not seem comprehensible that a stakeholder such as the Canadian Kennel Club should have been excluded from participating with a designated representative. 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. I would ask that you please consider the following:

- There has been absolutely 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. Even my own veterinarian understands that he does not have the ability to ASSUME custodial rights of my animals while in his care... I'm required to sign a waiver allowing minimal rights of treatment intervention when an animal is left in his care. To grant the power to transfer MY RIGHTS OF AN OWNER to someone who happens to be in possession of my animal at a particular given time (dog groomer, dog walker, even my HOUSEKEEPER) is extreme and I would question the legality of such a proposal as well.
- 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 than 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 the 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.

The above mentioned sections deal with companion animals (in my case dogs, in particular). HOWEVER, I have grave concerns regarding the new proposed section as it pertains to my right as a farmer and providing biosecurity and closed herd status for my farm animals.

- 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. From a farming perspective, this section is terribly concerning. Traditionally "fenced/enclosed" pastures were protected by trespass laws and for good reason as they can contain farm animals. Many farms are required to practice various levels of biosecurity for their industry while others maintain levels as a daily practice of maintaining herd health of the animals in their care which also represent substantial financial investments. To have this clause added is reckless and ignorant of the practices of farming. If a farmer/livestock owner DOES NOT want someone to enter their fenced/enclosed areas containing their livestock as a SHORT CUT for SPCA officers simply to gain access to another property, they ABSOLUTELY should not ONLY have the right to OBJECT but to also REFUSE entry onto these particular lands. This is not being added to allow officers to inspect animals in the enclosed areas of question but "TO PASS OVER" TO GAIN ACCESS TO ANOTHER PERSON'S PROPERTY. It also strips the farmer of the right to claim damages in the event that these officers have brought disease into their herd. We have no idea where those officers have been prior to accessing our own land (were they on another property that had diseased animals present but due to their lack of veterinary training may not have recognized mild cases of disease). There is also the issue of disease outbreaks and farmers doing voluntary "lockdowns". Strangles outbreaks in the equine community are becoming an annual event in Nova Scotia. Contaminated facilities do voluntary quarantines whereby no one is allowed on the property except for necessary medical professionals and staff. There is a strict sterilization process for those leaving contaminated sites. By removing the landowners right to OBJECT and ultimately REFUSE entry is counterproductive to herd hygiene and disease prevention. I am also extremely disappointed that the representative of the NS Federation of Agriculture had to present these concerns and all but BEG the Law Amendments committee to consider the issue. The Federation had a seat at the table...how could something as important as this have been ignored by our Minister of Agriculture who is supposed to be an advocate for farming and act in the best interest of

our farming community...which includes biosecurity measures? This clause would also potentially allow officers to bring seized animals BACK through the areas of concern... if an animal must be seized from another person's property due to neglect or DISEASE, I ABSOLUTELY deserve the right to not ONLY OBJECT but to REFUSE entry into my livestock enclosures and field as a method of protecting my own herd. And again, if disease is introduced via SPCA entry.... The act wants to take away the farmers right to hold the SPCA liable...so the farmer will be left with the vet bills and potential financial loss of livestock. As a final note, many farms have also engaged in the use of livestock guardian animals which are housed directly within the enclosures of the animals to be protected. These animals are there specifically to deter the entrance of animals and in some instances, people that are not supposed to be within the enclosure (ie. Some donkeys will not allow a stranger to be in the field with the livestock that they are protecting). In the instance where these animals are in use, the farmer needs to be able to restrict and in some cases PREVENT trespass within those areas as a safety and liability precaution. Now one could say that the farmer can simply remove the guardian animal from the enclosed area that the officer wants to trespass through, but what if entry is accessed when the farmer is not even home? A DO NOT ENTER /TRESSPASS sign will have no bearing and now the farmer is faced with a potential liability issue because the Act wants to GUARNTEE that an SPCA officer can take whatever shortcut they deem necessary to gain access to SOMEONE ELSE's property.

I personally support the above statements and hope the NS Government will support sending this bill back for the rewording that it so desperately needs as well as including other stakeholders that SHOULD have had a seat on the Minister's "BY INVITATION ONLY" forum as a method of ensuring a fair, democratic and transparent law making process that citizens deserve AND to ensure the bill is satisfactory to all.

Sincerely,

Kimberly Pennie, PhD, P.Ag