

B3J 27

September 20, 2018

Law Amendments Committee
Office of the Legislative Counsel
CIBC Building
802-1809 Barrington Street
PO Box 1116
Halifax NS B3J 2X1

Re: Submission to the Law Amendments Committee providing input into Bill 27 (Animal Protection Act) as before the Committee

Honourable Members of the Law Amendments Committee,

I am writing to you today with respect to Bill 27 proposing changes to the Animal Protection Act. First off, I would like to commend the Nova Scotia Government and this Committee for taking steps to strengthen the protection of animals in this province. I agree that many of the amendments aim to correct and close some loopholes that exist in the current legislation in order to ensure those companion animals are protected that currently fall through the gaps. I also support that the SPCA needs more provisions in the law to be better able to investigate reports of abuse and get matters before the Courts.

However, I am very concerned about some of the provisions in the proposed Act as they are currently drafted because the vague wording used in some of the sections create new loopholes, provide a lack of clarity and too much room for interpretation. I would like to express my concerns about specific sections as follows:

- The proposed inclusion of "custodian" should underlie the principle that the transfer of rights of an animal should be consented to by the owner. Therefore custodial rights should not be transferred to anyone without an owner's prior consent. In Canada, custodial decisions are not automatically assumed or granted and must be clearly stated/specified. For example, I must sign a form at my veterinarian's office to temporarily transfer custodial rights to them when my animal is in their care. It is not automatically assumed. I understand that it is not always possible to get the owner's consent for transfer of custodial rights, and it presents a very difficult challenge for animal welfare groups and the SPCA. However, rather than providing a provision in the Act that automatically transfers custodial rights, may I suggest considering including a provision that lays out under what circumstances custodial rights can be transferred without the owner's permission?
- The proposed legislation lacks a definition of "private dwelling", which makes it confusing and difficult to determine how and under what circumstances sub-subsection 2(1)xiii would not apply to a private dwelling because this is where companion animals are most often found.

- The proposed legislation lacks a definition of "distress". This is concerning as it leaves much room for subjective judgment and interpretation. A definition of what entails "distress" would greatly strengthen this legislation and provide clarity for authority of the SPCA inspectors and the public.
- Along these lines, Section 29(1) presents a circular argument and is confusing without a definition what is considered "distress". Based on this lack of clarity, any animal could be deemed in "distress" at one point or another.
- Section 20(1) gives the SPCA inspectors authority to conduct "any tests". Will they have the authority to conduct test that are medical or behavioural in nature or both? The presence of sub-section (c) suggests that the SPCA is looking for power to conduct their own behavioural testing on site without seizure because, if the testing was medically based, it would need to be seized and taken to a certified veterinarian, and there would be no need for sub-section (b). It is not clear what specific behavioural tests are included in this authorization. I am particularly concerned about the fact that the Chief inspector has established in the consultation process that officers are untrained, so how would they have the ability to properly conduct tests, whatever they are supposed to be? I strongly urge you to consider re-writing this section in order to provide greater clarity, especially with respect to what tests the SPCA will be authorized to conduct, the proper qualifications needed to conduct these tests and also who would absorb the cost of these tests. Consultation with animal behaviour experts would be very important in this context.
- The proposed legislations (just like the previous legislation) lacks clarity with respect to the qualification of the appointed members of the Appeal Board. There should be transparency with respect to who is on the Appeal Board and what the appointment process entails. The proposed legislation is silent on that and thus making room for distrust in the process by the public.
- The proposed legislation is silent with respect to a transparent complaint process for the public in cases of inspector misconduct and/or overreach. It would instill greater confidence by the public, if such a process were included and clearly outlined in the proposed legislation.

In addition to the above mentioned specific concerns with the proposed legislation, I also would like to express my general concern about the lack of training an SPCA inspector can have in order to qualify for/be appointed to this position. The current regulation (Chief Inspector Qualifications Regulations made under clause 40(1)(k) of the Animal Protection Act) outlines minimal qualifications for the Chief inspector. These qualifications seem grossly inadequate considering that the SPCA will now have the power to conduct "tests". There are no regulations outlining minimal training requirements for the provincial inspectors either. As per the current chief inspector, Jo-Anne Landsburg:

There are no funds provided to the SPCA for training. Um, the- the training that we require, normally we... just recently, or over the last few years, um, since I've taken over this role, um, we've required before they start to have some sort of law enforcement training, so that could be like a two year police foundations course, they could have law and security course, um and then in addition to that, we put them through courses through the Canadian Police Knowledge Network. So all of our officers have undergone training through the Canadian Police Knowledge Network for enforcement. In addition to that, the Department of Labour, requires that we have some sort dog training, aggressive dog handling because we deal with some potentially aggressive dogs sometimes so for safety reasons, we must have that type of training. Um, most

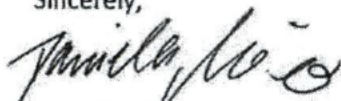
times when we go out to a case, it's very difficult, if you can imagine, to find somebody that is fully trained in law enforcement, and fully trained in animal protection.

I completely disagree with this statement and would argue that, considering the skills and expertise needed for the position of chief inspector and provincial inspector, all necessary steps should be taken that appointed persons have the necessary skills and knowledge to expertly fulfill their responsibilities related to this position. This is a required standard in other professions, and we do not hire people because they do not have all aspects of expertise that is required for a certain position. If we want to strengthen animal welfare in Nova Scotia, we must ensure that the individuals who are appointed to the positions have the necessary skills and expertise to adequately fulfill the requirements of that position. If that requires knowledge and expertise in both law enforcement and animal behaviour that should then be the requirement for any inspector and not one or the other. Otherwise, how can the public be confident that the inspectors are acting in the animals' best interest and are not overstepping any authority?

On this note, I strongly urge this Committee to advocate with the Nova Scotia Government to provide the resources necessary to properly enact this legislation, including sufficient funds for proper inspector training, day-to-day work of the inspectors and oversight.

It is my hope that you will sincerely consider my concerns going forward in the process of enacting Bill 27 and hope that the necessary changes to the proposed legislation will be made in order to remove current areas of uncertainty and confusion.

Sincerely,



Daniela Meier

(Resident of [REDACTED], Hammonds Plains, NS)