

Submission to Law Amendments Committee
Re Animal Protection Act
Bill #27
September 24, 2018
3pm

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I would like to thank the members of the Law Amendments Committee for having this opportunity to provide my thoughts about the new proposed Animal Protection Act – I would like to mostly respond to last week's Law Amendments Committee meeting and to the people who presented before you – and reply to the ideas that were presented to you and give you a counterpoint to some of the things that were said.

I don't want to imply that there were some inaccuracies presented to you – but you were given some very wide inaccuracies. And I feel behooved to reply to them as an animal advocate who has been around a long time.

I have been in the rescue community since I rescued and fostered my first dog in 2002. Since that time I have fostered for many dog rescues, I have had my own dog rescue where I rescued dogs who had been chained out/tethered their whole lives – during a time when no one would rescue, would touch, or rescue that type of dog – now chained dogs are just like any other rescue dog and all rescues will take them in which is fabulous.

I was around when a crisis happened in the dog world in Nova Scotia – if any of you have been around that long you might remember the scandal called "Celtic Pets"? When a dog rescue down in Cape Breton colluded with the Nova Scotia SPCA administration that was corrupt at the top – and animals were killed for spite, animals were hoarded by an SPCA Special Constable, a dog that was supposed to be adopted out was instead left to rot in a cage for 3 years. Many horrible things happened and it all came to a head in February of 2008 – myself and others told what was going on – we were exposed to public ridicule and even had our SPCA memberships revoked.

The breeders who presented at last week's Law Amendment Committee lamented the fact that they were terrified the SPCA are going to come take their dogs – that was a reality for me in February 2008 when the then President of the SPCA was threatening to come and take one of my dogs simply because of the scandal that was surrounding us – I was having to warn my elderly father who was living with me that if an SPCA Constable came to our door when I was at work to call the police and not let them in.

So I can understand their fears because I actually lived it.

Out of that scandal came the Animal Protection Act of 2008 – brought in by Rodney MacDonald's Conservatives at the time. And we animal advocates were very happy. I don't remember hearing anything from the CKC at the time.

Starting in 2010 – issues around chained dogs started coming to the surface after a boxer who was supposed to be a guard dog was found frozen to the ground in Cape Breton and there was a very sad picture of him on the front page of the Chronicle Herald. How could a person's heart not be broken by the photo that was published and the issue rose to the surface.

The worst part about the death of this chained boxer was that no one was ever charged with his brutal death – the NS SPCA deemed that no laws were broken – and it was because the laws that we had in place at the time weren't adequate to deal with this kind of cruelty.

It was 2013 when the Minister's Forum began meeting. I was invited as were the other members as far as I know (invited). As far as I know membership to the forum was as easy as mailing Minister Colwell and asking to be on the Forum – at least that's what I told people who wanted to be on it. Different people have come and gone over the years. 2 CKC members have been on the Forum. And as I say it met for the first time in December 2013 – so I really can't understand how in all that time it's never come to the attention of any other of the some 774 purported CKC members/breeders in the province of Nova Scotia? Why are they just sounding the alarm now?

Why didn't they have any problems in 2008 when the Animal Protection Act was announced with almost all the language that the proposed Act has? Or in 2012 when it was opened up? Or in 2014 when it was majorly upgraded and regulations added?

Or now when it has so many upgrades to the cruelty sections that people in the animal advocacy were just over the moon?

Shall I tell you the truth? Both Director of the CKC for Nova Scotia and the HKC Director told you the truth last week – I don't think they realized what they were saying though – or shall I tell you all the prevarication that they said – along with all the other breeders – in order to frighten – other breeders, and the public – so that they can keep the Act that's in force now – or have the section moved forward into the new Act – as the Directors' – inadvertently – told you they want.

So I will begin with some of the prevarication.

During the September 17th, 2018 Law Amendments Committee meeting – there were in attendance nine MLA's that were in view in the You Tube video I viewed yesterday. There were 13 people who gave verbal submissions to the committee.

1 was the Chief Inspector of the Nova Scotia SPCA

1 was a retired veterinarian and now animal advocate

1 was an armed services veteran and now animal advocate

= a total of 2 animal advocates presenting at the committee last week

1 was the Executive Director, NS Federation of Agriculture (is that a government job, I don't know)

That leaves nine (9) people left

1 person owned a dog grooming salon and is a vet tech

1 person bred and showed Pomeranians and had a kennel and grooming salon

1 person bred dogs and was the CKC Director for Nova Scotia

1 person bred dogs and was the HKC Director

1 person wants to breed weimeraners but currently shows them and owns them

1 person shows and breeds dogs

1 person called herself a dog owner but she breeds dogs and shows them

1 person breeds dogs and has a doggy day care

1 person breeds, shows, and has a dog grooming business

It is these nine people who's concerns I want to address. Having had input into the new Act and regulations, and being very happy with the new Act – I want them to be happy too.

I'm sorry that I'm not going to address their concerns in the order of the meeting last week – my notes got a bit mixed up – so they are just going to be piece meal, sorry about that. So here they are:

SPCA officers don't have any qualifications.

- Untrue. In the same meeting Chief Landsberg says that to be appointed a peace officer they must have law enforcement training that is required by the Department of Justice. I have included the job description for an SPCA Constable here in Nova Scotia so you can have a look at what they have to do and what are the prerequisites for their job. It's pretty intensive.

There was one person who was talking about the NS SPCA with actual fear in her voice and the fact that they are now wearing flak jackets and "what message does that send?" She thinks we are entering a police state.

- I hate to tell her – but the SPCA Constables are not wearing the flak jackets to protect her – they are wearing those PPA's – to protect themselves. We are not living in a police state – but we are living in a place now where things like that are absolutely essential even for people who are going out and being asked to protect things that are still considered property. So please, don't be afraid of someone wearing a flak jacket – be afraid of someone with a tool that is trying to attack the flak jacket.

One person presented who is a vet tech and owns a grooming salon and she is very concerned about the section about the term "custodian" and the fact that every animal that she brings into her salon becomes her responsibility when they come in every day – and what if one of those dogs come in - in "distress". As a business owner she could be held liable for an animal she receives for grooming in distress.

- I would like to say here that this is a problem when people only read parts of legislation. As a business owner – and a veterinary technician – she is not LIABLE for that animal that is presenting to her in distress, as per section 47 1(c) of the new Act – she would have a duty to report that distress – in the old Act it says nothing about duty to report unfortunately.

As well – several people mentioned there is no oversight with the NS SPCA – there is no board they report to - there is nothing like what the RCMP Have with SIRT – when something goes wrong – what can a person do?

- Well we certainly found out what can happen when the NS SPCA goes bad back with our experiences in 2008 and the actions of the government to change the laws and the NS SPCA has become the organization it is today because of it.
- So what can you do if you have a problem? Maybe even some of you on this committee don't know the answer?

- Your number one resource – the Minister of Agriculture the right Honourable Minister Keith Colwell. He can step in and do whatever he wants. He could shut the organization down tomorrow if he wanted. He could appoint a new organization today to enforce the Animal Protection Act. He can do whatever he wants.
- If you've had an animal seized by the NS SPCA that you think was unjust – you can apply to the Animal Cruelty Appeal Board to get it back – months before your hearing on the cruelty charges that have been filed against you.
- Those are the two avenues you have – along with contacting your MLA.

I'm going to just touch on the hugest deception that the breeders have been talking about in the news and everywhere that at least my eyes have landed on Facebook and the internet – and that has to do with warrantless search and seizure and how the NS SPCA seems to have become some kind of big brother when it comes to our companion animals.

- Every one of the breeders who presented to you last week talked about this – the fact that the SPCA can come onto your property with this new Act – basically peep through your windows, do whatever they want – and at the end of it – take your animals and there's nothing you can do. That this is a charter issue – our rights as Canadians have been taken away with this Act – you just can't come on to people's properties like this – especially women who live alone – it's just too scary a thought.
- The thing is – all these things have been in previous Animal Protection Acts – going right back to the original Act in 2008 – so where were all these breeders and pet owners back then out protesting that their rights were being violated? The Honourable Ben Jessome even pointed that out at one point in the meeting last week – one of the presenters was talking about all the horrible things that were going on with her friends and the SPCA and Mr. Jessome said – “those things are going on under the current act aren't they?” and she answered in the affirmative.
- So if all of these search and seizure provisions are in the current Act – just like they are in the new Act – and the breeders didn't have a problem with them before – why are they protesting now?
- It's a dog whistle – they are trying to scare pet owners and other breeders to divert our attention away from what they really want – but really they aren't hiding it – because if you watch the video of the proceedings last week – the 2 CKC Directors came right out and said it.

Both Directors said that what they want is to keep what is called Section 21 in the current Act – and what that currently says is:

PREVENTION OF CRUELTY TO
ANIMALS

21 (1) No person shall cause an animal to be in distress.

(2) No owner of an animal or person in charge of an animal shall permit the animal to be in distress.

(3) For the purpose of subsection (2), the owner of an animal or the person in charge of an animal does not permit the animal to be in distress if the owner or person in charge takes immediate appropriate steps to relieve the distress.

(4) Subsections (1) and (2) do not apply if the distress, pain, suffering or injury results from an activity carried on in the practise of veterinary medicine, or in accordance with reasonable and generally accepted practices of animal management, husbandry or slaughter or an activity exempted by the regulations.

So the important part here is section 21 (4) and the part where it says Subsections (1) (No person shall cause an animal to be in distress) and (2) (No owner of an animal or person in charge of an animal shall permit the animal to be in distress – or in other words – **you ARE allowed to have an animal to be in distress IF the pain, suffering or injury** results from an activity carried on in the practice of veterinary medicine, or in accordance with reasonable and generally accepted practices of animal management, **HUSBANDRY**, or slaughter or an activity exempted in the regulations.

BOTH CKC Directors said in their presentations last week that they want this section to remain in the new Act. Why do they want this to remain?

It's so that they – the breeders of Nova Scotia – can continue to dock their puppies tails, remove their dew claws, and cull the puppies that they don't think will be suitable examples of their breeds. And any other veterinary tasks they feel that they – as breeders – are suited to do on their dogs.

That is why 774 breeders have been freaking out this last week – because since the province is trying to ban cosmetic surgeries – they HAD to remove this section – and because I knew that section was in there – and when I went to search for it and saw it was gone – I was super happy – but breeders certainly weren't.

There is no way you can allow that section back into the new Act to placate the breeders – you can let the custodian go back to owner, you can let the part where it says that when an animal must be produced and then be given over for

tests – let that go back to just being produced so that it can be available for “examination” – I don’t know why it was changed to “tests” – that word is so much creepier than “examination”, I can understand why people are freaking out about that.

Those things are super easy, you can liaise with the CKC for months and months and months – while the needed changes in the new Act languish and animals suffer – but you cannot let section 21 of the old Act go into the new Act – it will allow anyone who ISN’T a veterinarian – do medical acts on an animal!

60 years ago 90% of American men were circumcised – today only 33% of babies are circumcised – cultural norms change over time – due to advances in medicine – we know there’s no medical reason for dogs to have their ears sliced in half or their dew claws removed – dogs actually use their dew claws as thumbs. Sometimes rear dew claws can be troublesome but you treat that on a dog by dog basis.

And it’s also a cultural thing – seeing a dog who’s had their tail docked and you see that little nub going a mile a minute – I know I think to myself anyway that – what would that tail look like if the whole tail was there – it would look so much better.

And it’s just like that with circumcision – today unnecessary medical intervention – whether it’s human or animal – is just not worth it. Dogs can have messy anal glands but do we talk about removing those? Dogs can have problems with bloat but do we pre-emptively remove large dogs stomach’s? Breed standards around the world are changing, we’ll see what happens here and when.

I just want to say a couple more bullet pointed items:

- Licensing kennel owners – I think this is a bad idea and I’ll just point to New Brunswick as an example – I don’t know if you are aware but New Brunswick is full of puppy mills – so the NB SPCA is licensing puppy mills – everywhere – it’s horrible – so people don’t know where to go to get a healthy pet because all the puppy mill have NB SPCA licences – all you have to do is apply for a licence, the NB SPCA tells the people on what day and what time they’re showing up – then they issue the licence and then after that they show up once a year and always say when they’re arriving – horrible – the worst system you can imagine for anyone trying to figure out how to get a healthy animal;
 - o If you do implement this in Nova Scotia – you will have to give the NS SPCA more money because this will require a lot of man hours – and man hours do not come out of banana trees, as the saying goes.
- Many people have said this Act was crafted without consultation, and I was looking back through my emails and came up with an email from 2014 from Minister Colwell and he was talking about when the Act was opened up in that year and about the consultation around drafting the new regulations that we had worked on with the Act and the changes to the legislation – and he said that two rounds of consultation had occurred that year – and that with face to face and written submissions that there had been over 300 written and numerous face to face meetings with the Minister and staff.
 - o I can’t imagine that whenever the Animal Protection Act is opened up with no less consultation – a lot of work must be completed – and consultation would always be job number one.

- The last point I would like to make is this – and you members of this committee would know this better than anyone – I worked at the NSHA – QEII Health Sciences Centre for 25 years – this piece of legislation was not written by the Nova Scotia SPCA, it was not written by PETA – it was not written by evil little troglodytes wanting to come in the middle of the night and steal your dog or your cat or your skinny pig.
 - o It was written by members of the Provincial government – from the Department of Agriculture – specifically members of a policy and procedure committee – and they did a really good job – it is a fabulous piece of legislation. It deserves to be passed by the Nova Scotia legislature as written, but I am willing to accept a few things can be changed. I know that when I was on my policy and procedure committee we’d work on policies for a year sometimes – but I really hope that this Act does not stall like that – the animals of this province need this legislation now.
 - o We may go back and forth on the things that the breeders are arguing about – all their prevarications – but all the good things about the new Act – the transparency with the animal cruelty appeal board, the ban on cosmetic surgery, the ban on the ability of regular dog owners to legally kill their dogs, the ban on declawing of cats, and the path to rescue regulations – will disappear.

I don’t know what reasons brought you individual committee members to your esteemed public service careers – but I’d like to take a second and show you a couple pictures of the dogs who are the reason why I’m sitting here today.

ADDENDUM 1:

NS SPCA Enforcement Officer's Job Description – as retrieved from <http://www.novascotiaspca.ca/careers/>

Nova Scotia SPCA

Truro | Enforcement Officer | Full Time

Enforcement Officer | Full Time

September 2018

Reporting to the Chief Provincial Inspector, you'll play an integral role in supporting the Nova Scotia SPCA in maintaining a high level animal welfare and compliance under the Act. You'll ensure consistent monitoring and enforcement compliance with all animal control aspects.

In addition to enforcement duties, you'll also focus on education and awareness through public interaction and work with community members towards voluntary compliance on cases that involve complex dynamics.

This is a great opportunity for someone who is compassionate and has a positive attitude. Most importantly, you'll possess strong interpersonal skills and be savvy in dealing with conflict resolution.

FORMAL EDUCATION, TRAINING AND EXPERIENCE

- Completion of Grade Twelve (12) or equivalent.
- Completion of Enforcement training from a recognized institution required
- Courses in safe handling of dogs/handling of dangerous dogs.
- Valid NS Class 5 Driver's license.
- Minimum of three (3) years' related experience working in enforcement combined with a demonstrated ability to interpret legislation, and an understanding of the legal system and procedures involved with enforcement of legislation and its regulations
- Including a minimum of two (2) years dog handling experience.

Knowledge and Qualifications/Skills required

- The ability to respond to client/public inquiries and complaints and handle sensitive and confidential information in a trusted and responsible manner
- The ability to travel and work flexible shifts, including evenings and weekends and be on call
- Prepare and maintain investigation and legal records in an accurate, complete and timely manner. Maintain information integrity, security and confidentiality to an exceptional degree.
- Provide related education to the public, clients, staff, volunteers, other animal welfare organizations and law enforcement agencies and entities.
- Perform data entry and maintain performance statistics using provided electronic tools and applications using Microsoft office and CEIS database management
- Work daily with animals of varying size and temperament, including deceased, ill or injured animals, carrying, handling and capturing individual animals in a safe, caring and respectful manner.

- Medically and physically fit to work in all weather conditions (cold, hot, rain, etc) as this position may require bending, lifting and transporting animals in need.
- Must be able to work with other staff, volunteers, and the public in a positive, practical manner and be able to work with minimum supervision
- Excellent computer skills , statement writing and preparing court documents
- Maintain and operate all job related equipment, tools and vehicles in a safe and reliable manner, and within the guidelines prescribed by OHS policy,
- Strong interviewing, analytical skills and experience in research and interpreting data, ability to write cogent and concise reports; excellent presentation and communication skills (oral and written).
- Exceptional tact, diplomacy, discretion, professionalism, and judgment in the exercise of decision making
- Ability to remain neutral, independent and objective in all investigations.
- Ability to maintain the confidentiality of sensitive work related information.
- Ability to handle multiple assignments by effectively planning, organizing and prioritizing assignments (multi-tasking of work).
- Exceptional tact, diplomacy, discretion, professionalism, and judgment in the exercise of decision making
- Will require criminal records check and will require appointment from Department of Justice.

ADDENDUM 2

Article from 2010 about dog found frozen in Cape Breton

CBC News - Nova Scotia - Guard dog's frozen body discovered in N.S.

Page 1 of 3

New licensing option: [POST](#) all or part of this article on a web site, intranet or blog.

Guard dog's frozen body discovered in N.S.

Warning: this story contains graphic content.

Last Updated: Thursday, February 4, 2010 | 8:59 PM AT [Comments](#)[74](#)[Recommend](#)[60](#)

[CBC News](#)

A Nova Scotia man is demanding answers from the SPCA after he found a dog's frozen body near his home Wednesday night.

Joe Bona of Barrachois Mountain in Cape Breton said a guard dog for a local construction site was chained up outside in freezing temperatures.

"The dog was at the end of the chain, frozen to the ground, and I took sick to my stomach and I'm still sick to my stomach over what I seen," he told CBC News.

Bona said he first saw the dog nearly two years ago when he was walking his own dogs at night. He said he contacted the SPCA because he felt the bullmastiff did not have food, water or proper shelter.

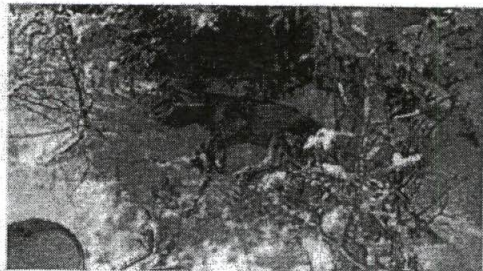
"You can't save all the dogs," said Bona. "But there's something could have been done about that dog."

Kristin Williams, the executive director of the Nova Scotia SPCA, said inspectors had been checking on the dog regularly since 2007. The most recent inspection was just before Christmas last year.

Williams said the owner had been meeting the minimum standards of care for the animal.

Bona — who had gone to check on the dog because of the recent cold snap — said the animal deserved better.

"We found him curled up in a pile there," he said. "All the snow that was under him, he melted down into the dirt and that's where he met his demise. Right there, in the snow."



This bullmastiff was discovered frozen in the snow this week at a Cape Breton construction site. (Wendy Martin/CBC) "It's unexplainable that somebody would leave their dog in that situation knowing the temperatures and knowing the shape the dog was in."

Williams said the SPCA is waiting for an autopsy to determine the cause of death and whether charges are warranted.

Attempts to contact the owner of the property on Thursday were unsuccessful.