

Animal Health Division
Department of Fisheries, Forestry and Agriculture

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Animal Protection

- The Provincial Government passed the Animal Health and Protection Act (AHPA) in 2012.
- The AHPA is a living piece of legislation that is amended when required. For example:
 - 2013: AHPA amended to ensure municipalities received the proceeds from fines issued by municipal officers.
 - 2019: Animal Protection Standards Regulations under the AHPA amended to reflect updates to various national codes of practice and accreditation standards.
- A full review of the AHPA occurred in 2017. The department reviewed the enforcement model and determined that changes were not required; however, the review did identify a need to update the Codes of Practice to appropriately reflect the current versions in use. Updated codes were in force by April 1, 2019.
- We are committed to animal welfare and ensuring the necessary steps are taken to consistently meet a high standard in enforcement and efficiency in carrying out and executing the AHPA and Regulations. Communication with interested stakeholders remains open.

Animal Protection

- The spirit and intent of the AHPA is to work with animal owners where possible – education plays a key role. Educating owners/public and ensuring the health and protection of animals is the primary goal.
- Consistent, fair and professional enforcement of all animal welfare legislation is a priority.
- All domestic animals, pets and livestock depend on people to meet their basic needs. People who own or care for animals have a responsibility to ensure these needs are met.
- It is a crime to intentionally harm animals.
- Society recognizes that deliberately harming animals or neglecting them is wrong, and laws are enacted to protect animals from abuse and neglect.

Animal Protection

- Animals are protected under provincial legislation and the Criminal Code of Canada. Together, these form the basis of the current animal protection legislation in Newfoundland and Labrador.
- These two pieces of legislation are compatible; however, a Criminal Code conviction requires a higher burden of proof (intent) and results in a Criminal Record.
- The Criminal Code refers to willful acts of cruelty or neglect, either by the animals' owner or another person.

Animal Protection

- The AHPA does not exist in isolation from other laws.
- Charter of Rights and Freedoms is an over-arching document.
- Principles such as presumption of innocence, reasonable doubt, sanctity of a dwelling house under the law, judicial independence, rules of evidence, principles of sentencing, etc., all apply as they would to any legislation, enforcement activity or trial.

Animal Protection

- Animal Welfare and animal suffering are complex issues. Animal over population, lack of access to veterinary care, disease, and lack of resources all impact animal health and welfare.
- Animal suffering is not always the result of an offence. It can be a consequence of unfortunate events or circumstances.
- Legislation does not outlaw all animal suffering.
- Legislation has the following goals:
 - Species-specific minimum standards of care for animals
 - Reduce animal suffering caused by people
 - Alleviate suffering when possible
 - Prohibitions
 - Enforcement
- The objective of every investigation is to relieve and prevent the distress of an animal through education, cooperation and, if necessary, prosecution under the law.

Animal Protection Animal Health Division - Role in Animal Welfare

The Animal Health Division's Chief Veterinary Officer (CVO), Animal Welfare Consultant, Veterinary Pathologist, and Regional Veterinarians:

- Develop and oversee training course for inspectors under the AHPA
- Provide outreach to police detachments in the province
- Provide forensic pathology and expert witness testimony when necessary
- Provide clinical evaluation of agriculture/large animals in distress (regional veterinarians)
- Animal Welfare Consultant is the point of contact and resource for inspectors and animal welfare stakeholders

Animal Protection

- Criminal Code enforcement is conducted by RNC and RCMP peace officers only.
- AHPA enforcement is conducted by RNC and RCMP peace officers and also, by FFA minister-appointed inspectors, who include municipal employees and Resource Enforcement Division officers.
- Law enforcement conducted by government agencies (municipal, provincial and federal) are funded, trained and accountable to the taxpayer.
- The role of animal rescue organizations is not to lead an investigation or to seize animals - this is the role of inspectors appointed under the Act.

Animal Protection

- Peace officers can enforce provincial and federal legislation.
- The current policy of the Animal Health Division is to train and appoint inspectors that are either employed by the Provincial Government (mainly Resource Enforcement Division) or municipalities.
- There are limitations by species and geography.
 - For the most part, inspector training is in addition to other enforcement training, which means officers already have an understanding and experience in common practices and procedures of law enforcement.
 - Training provided by the Animal Health Division consists of animal species-specific training, Animal Health and Protection Act and Regulations, and Codes of Practice requirements.
 - Law enforcement by government agencies is publicly funded and accountable.
- CVO can revoke inspectors' authority due to unprofessional behavior or change of job.

Animal Protection

- The job of an inspector is to investigate reports of cruelty and neglect against animals, and take the steps necessary to alleviate an animal's distress.
- An inspector's primary concern is for the health and well-being of the animal(s).
- In situations where animals are not deemed in distress, or the owner has taken the necessary steps to relieve the distress, there is no lawful authority to remove the animal(s).
- A situation may warrant a follow-up visit with the owner to view the animal/living conditions to ensure compliance; however, inspectors cannot continually monitor a particular animal without reasonable grounds.
- Important to also note inspectors are not able to provide details on active investigations into animal welfare cases, as doing so may compromise any potential charges or other legal action that may be required.

Animal Protection

SPCA

- The provincial SPCA has been in existence since the late 1800s and is the only animal welfare organization formally recognized by the Provincial Government.
- The SPCA does not have an enforcement role.
- The SPCA does have the legal authority to maintain legal custody of animals seized by an enforcement agency.
- The SPCA receives an annual grant from the Provincial Government to assist with the operation of its shelters and to assist with operating costs related to enforcement.
- The SPCA has the approval to receive anonymous complaints from the public for transmittal to enforcement agencies.

Animal Protection Animal Health and Protection Act Highlights

- Provision for appointment of inspectors
- Codes of Practice and Standards of Care
- New prohibitions and offences including, but not limited to:
 - Causing or permitting an animal to be in distress
 - Obstruct or interfere with an inspector
 - Causing harm to a law enforcement animal
 - Failure to comply with Codes of Practice and Standards of Care

Animal Protection Animal Health and Protection Act Highlights

- Increased fines/imprisonment/capacity for a judge to order a lifetime ban on ownership.
 - A judge can assess a fine up to \$50,000
 - A person can be imprisoned for up to 6 months and denied future ownership for life
 - Police also have the ability to charge under the Criminal Code, which permits up to 5 years' imprisonment and a \$10,000 fine
 - Multiple charges can be laid during a single investigation
- Ticketing system - ability to ticket at various levels.
- Requirement for veterinarians to report suspected abuse.

Animal Protection

Reporting Animal Welfare Concerns

Companion Animals:

- If a municipality has an animal welfare inspector, call the municipality
- Outside a municipality, or unsure, call RNC or RCMP
- Anonymous complaints can be directed to Crime Stoppers

Agriculture Animals:

- Animal Health Division
- RNC or RCMP
- Anonymous complaints can be directed to Crime Stoppers

*Animal Welfare Consultant available if questions or concerns

Animal Protection Consultation

- Stakeholders are invited to participate in a review of the current AHPA and make a presentation to the Provincial Government.
- Participants are asked to:
 - Identify what they like and don't like about the AHPA
 - Make recommendations for its improvement
 - Identify goals and expected outcomes of proposed changes
 - Identify resources required to implement them

Animal Protection

- Thank you to the animal organizations that provide shelter and care to animals in need.
- To ensure animals are protected, inspectors will work with owners, veterinarians, stakeholders, and police as appropriate.
- Our shared goal is to promote the welfare of animals, and to protect and treat animals in a humane manner.
- By working together, we can improve the lives of animals in Newfoundland and Labrador.