

## The Provincial Approach to Animal Welfare

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NFACC's National Farm Animal Care & Welfare Conference, September 20 & 21, 2007  
La Conférence nationale du CNSAE sur le bien-être et la protection des animaux d'élevage, 20 et 21 septembre 2007

## Provincial Approach to Animal Welfare

Each province and territory in Canada has enacted a range of legislation to for the protection of animals.



Some of these statutes date back to the

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## Provincial Approach to Animal Welfare

Provincial animal welfare legislation has developed  
In two main categories:

1. General animal protection
  - i.e. general legislation to protect all animals, and provide authority to remove animals from neglectful or abusive situations.
2. Regulatory control and licensing
  - regulation of a specific area to ensure an animal's health and welfare is protected, i.e. animal in research, humane slaughter, sales barns, fur or game farms, transportation, animal health



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Provincial approach – commonalities:

- Strict liability offences (versus the Criminal Code where intent must be proved).
- Distress is a common term used in general animal protection legislation, with similar meanings.
- All provincial general animal protection statutes have the ability to take an animal into custody for their protection.



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Ontario approach:

General:

- *Ontario Society for the Prevention of Cruelty to Animals Act* (general powers to issue orders, or remove or euthanize animals in distress).

Specific

- *Animal for Research Act* (research animals, and municipal pound), *Livestock Community Sales Act* (livestock sold by auction), *Dead Animal Disposal Act* (fallen animals), *Meat Regulation* (humane slaughter, emergency slaughter handling and facility standards).



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Standards of Care

Several provinces (and many municipalities where permitted by provincial law) have enacted standards of care, setting out minimum expected standards of care for animals.



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Standards of Care, an example:

Alberta Animal Protection Act

2.1 A person who owns or is in charge of an animal

(a) must ensure that the animal has adequate food and water,

(b) must provide the animal with adequate care when the animal is wounded or ill,

(c) must provide the animal with reasonable protection from injurious heat or cold, and

(d) must provide the animal with adequate shelter, ventilation and space.

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Statistics:

- 9 out of 10 provinces have general animal protection legislation protecting livestock
- Several provinces exempt standard and accepted husbandry practices from being illegal.

- 3 provinces specifically regulate livestock transport.

- 5 provinces specifically regulate welfare of livestock at auction.

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Range of enforcement tools exist across

Canada in provincial laws:

- Orders to compel owners/custodians to take action.
- Ticketable offences
- Ability to euthanize animals
- Court orders to prohibit ownership, or establish conditions on continued ownership
- Ability to inspect commercial facilities

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- Warrantless entry in emergencies

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Innovative approaches in other areas,

- Administrative Monetary Penalties - Civil Penalties (environmental protection)
- Mandatory reporting (child protection and environmental protection)
- Intelligence collection and analysis, and targeted enforcement.
- Standards of Compliance (Ontario meat plants providing standard interpretation of each section)

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Codes of Practice

Several pieces of animal protection legislation have by regulation incorporate by reference a requirement to comply with the Recommended Code of Practice for Farm Animals, or set the Code the acceptable standard.



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Codes of Practice continued...

- Resolving the “should” versus “must” issue in the code, when does a producer “meet the standards of the code”? Does this form an enforcement challenge?

- Should the Codes look more like Canadian Standards Association or Canadian General Standards Board Codes?

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### Parting thoughts:

- Standards of Care, making owners obligations clear have become more prevalent in Canada, and across Europe and the US States.

- Incorporating Codes of Practice that are clearly written with established standards will assist inspectors in interpreting standards of care.

- Experience in ticketable offences in other section should be looked at as a manner to achieve compliance without lengthy court process.



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