

November 9, 2020

Ministry of the Solicitor General

18<sup>th</sup> Floor

25 Grosvenor St.

Toronto, ON

M7A 1Y6

**RE: Bill 136, Provincial Animal Welfare Services Act, 2019**

The Ontario Animal Welfare Network welcomes the provincial government's pursuit of animal welfare through the *Provincial Animal Welfare Services Act, 2019 (PAWS Act)*. The *PAWS Act* signaled a significant step towards safeguarding animal welfare and encouraging accountability and transparency throughout Ontario.

**I. Background**

The Ontario Animal Welfare Network (OAWN) is a network comprising of Ontario's leading humane societies and is dedicated to the pursuit of animal welfare across the province. The members of OAWN are:

Guelph Humane Society  
Hamilton/Burlington SPCA  
Humane Society of Kawartha Lakes  
Humane Society of Kitchener, Waterloo and Stratford Perth  
Humane Society London & Middlesex  
Lincoln County Humane Society  
Oakville & Milton Humane Society  
Ottawa Humane Society  
Sarnia & District Humane Society  
Windsor/Essex County Humane Society

As initial collaborators with the Solicitor General's Office, OAWN agrees that the *PAWS Act* is a significant step towards outlining vital areas of animal distress and animal welfare enforcement in Ontario; however, some key areas of the Act were left to be developed through regulation. The *PAWS Act* will only accomplish its goals through strong regulations.

## **II. The *PAWS Act* and Need for Strong Regulations**

### **A. Prohibited and Restricted Animals**

According to sections 18-20 of the *PAWS Act*, the Lieutenant Governor in Council may establish regulations regarding prohibited and restricted animals in Ontario. However, with the exception of orcas, these sections are meaningless without regulations designating animals as prohibited or restricted.

Therefore, the Lieutenant Governor in Council should impose clear regulations designating prohibited and restricted animals. Section 58 of the *PAWS Act* already outlines processes for those owning orcas. Similar regulatory process details should be outlined for those prohibited and restricted animals that are not orcas as this will greatly ensure the strength of the *PAWS Act*, as well as its compliance. At the moment, municipalities including Lambton Shores, are resorting to passing local by-laws prohibiting exotic animals. With clear provincial regulations, all municipalities will have consistency and clear support and insight into handling these precarious areas. Animal welfare inspectors and veterinarians will be more capable of resolving these issues, and fundamentally further supported in ensuring animal welfare across the province. As Ontario is the only province in Canada without legal restrictions on the ownership of exotic animals, establishing clear regulations in this area would greatly contribute to the province's objective of preserving animal welfare and protecting the public.

Similarly, Ontario does not require individuals to obtain a licence in order to open and operate a zoo. This lack of oversight has inevitably led to horrendous instances of animal cruelty across the country; and has even led to two Ontario zoos—Jungle Cat World and African Lion Safari—being ranked by the World Animal Protection as being amongst the most cruel zoos in the world

(World Animal Protection, 2019). Despite not being ranked amongst the top most cruellest zoos in the world, Papanack Zoo, outside of Ottawa, has infamously raised numerous incidents of animal cruelty in both 2016 and 2017. This includes management beating lion cubs, prying animal mouths open for photo shoots, killing an escaped lion cub, and housing animals in blatantly undignified and distressing environments. Accordingly, the requirement for a licence to operate a zoo, or place where animals are kept, should be included in the *PAWS Act* or, alternatively, its regulations. Alberta's Government Standards of Zoos is an excellent example of the standards we recommend implemented in Ontario's regulations.

Although Section 19 prohibits the ownership or breeding of orcas in Ontario, we also recommend that Section 19 be amended to prohibit the ownership and breeding of any cetacean. Canada has already passed the *Ending the Captivity of Whales and Dolphins Act*, and amending Section 19 would fully align with federal legislation.

Lastly, we request that a comprehensive list of prohibited non-native animals be developed in Ontario, which outlines non-native animals forbidden to be held in captivity and kept as pets. Doing so reflects Ontario's commitment to ensuring public safety and preserving animal wellbeing pursuant to subsection 18(3) of the *PAWS Act*.

## **B. Prohibited Activities and Procedures**

Sections 21 and 22 support animal welfare in Ontario by stipulating prohibited activities and procedures. However, these sections are meaningless without regulations. We recommend that rodeos, animal circus acts, and mobile zoos be included as prescribed activities.

As previously mentioned, the federal government passed the *Ending the Captivity of Whales and Dolphins Act*, in order to protect cetaceans from forced captivity, breeding and performing for entertainment purposes. However, a potential loophole exists in section 445.2(4) of the *Criminal Code*, wherein the Lieutenant Governor in Council could authorize that cetaceans be used for human entertainment. To close this loophole, we recommend that the government impose regulations that clearly prohibit activities forcing cetaceans to perform for human entertainment.

Closing this loophole would effectively end the use of cetaceans for entertainment purposes, fully aligning with the *Ending the Captivity of Whales and Dolphins Act*, and reflecting Ontario's dedication to animal welfare.

We also advise that cat declawing, dog tail docking, and dog ear cropping should be specified as prescribed procedures. These cosmetic surgeries cause animal distress and can contribute to future health complications and poor well-being.

While previously seen as "routine", cat declawing is now widely viewed as a cruel and unnecessary procedure. Declawing can induce long term pain and discomfort, infection, nerve damage, improper regrowth, lameness, tissue death, back pain, bone spurs, litterbox avoidance, over grooming and an increase in biting from feeling defenseless. The unethical procedure is already banned in 40 countries, including much of Europe, Australia, New Zealand, Brazil, and Israel. In addition, several provincial veterinary associations across Canadian have recommended prohibiting the practice (B.C. College of Veterinarians; Alberta Veterinary Medical Association; Nova Scotia Veterinary Medical Association; P. E. I. Veterinary Medical Association; New Brunswick Veterinary Medical Association; Newfoundland and Labrador College of Veterinarians; Manitoba Veterinary Medical Association). Because cat declawing is purely a cosmetic decision, without any benefit for cats, both the Canadian Veterinary Medical Association and the Ontario Veterinary Medical Association have renounced support for the painfully and "ethically unacceptable" procedure.

Dog tail docking and dog ear clipping are two other cosmetic procedures that do not benefit the animal in any manner, and instead contributes to health complications and negative behaviour. Dog tail docking involves using surgical scissors to remove either part or all of a puppy's tail, typically without the use of anesthesia. The procedure can cause nerve tremors in the tail, which can also lead to aggressive behaviour when touched. Furthermore, dog tail docking can lead to inter-dog aggression as dogs typically use their tails to communicate sense of fear, happiness, and excitement. Again, these procedures are not medical, but rather a purely cosmetic choice on behalf of the owner. Since 2016, the College of Veterinarians of Ontario (2016) have held a

position that “the College, in alignment with broad based veterinary opinion, does not support any unnecessary surgery to an animal” (p. 2).

### **C. Need to Regulate Standards of Care for Farmed Animals**

While the *PAWS Act* prohibits causing distress to animals in captivity, subsection 13(2) exempts agricultural and husbandry animal management “in accordance with the reasonable and generally accepted practices of agricultural animal care.” However, this exception conflicts with the objective of the *PAWS Act* as it permits the animal agricultural business to decide acceptable practices. For example, the Government of Canada’s (2019) animal transport regulations reflected that generally acceptable practices cause the deaths of millions of animals in transport. The regulations specifically estimated, “16 million animals per year ... may be suffering during transport, of which 1.59 million animals (poultry and other livestock) per year are reported as dead on arrival at their final destination ... this must be addressed” (p. 12-13). Although this significant death toll resulted from inducing obvious and unnecessary distress, such statistics and the transporting activities indeed constitute generally acceptable animal agriculture practices. Similarly, euthanizing piglets by swinging their bodies to crush their skulls on their floor is a “generally accepted practice”. Granting the animal agriculture industry the authority to adhere to “reasonable and generally accepted practices of agricultural animal care” leads to the prioritization of historical practice over animal care and welfare. Instead, scientifically justified regulations based on current understanding about animal welfare should be implemented that clearly provide standards of care for farm animals.

Part of the responsibilities of animal welfare inspectors should include consistent monitoring of farming conditions and practices. This would ensure that standards of care are in fact being met on farms. Recently, the Ontario government passed the *Security from Trespass and Protecting Food Safety Act*, which prohibits citizens from trespassing onto farms for the purpose of exposing farm animals’ disease and stress. Prior to the passage of this legislation, citizens felt compelled to expose situations of animal distress themselves, which the Ontario government has noted is a vital obstruction to biosecurity. With this legislation passed, mandating standards of care for farmed animals and the active monitoring of farming conditions by animal welfare

inspectors will ensure transparency in our province's agricultural industry. With the passing of the *Security from Trespass and Protecting Food Safety Act*, the professional enforcement of standards of care for farmed animals is not only needed now more than ever, but fundamentally reflects Ontario's commitment to enforcing animal welfare across the province, ensuring public safety, and upholding farms' biosecurity.

#### **D. Defining 'Shelter'**

Section 62 of the *PAWS Act* specifies when prescribed shelters may be considered the owners of abandoned animals. This section is critical to the effective operation of Ontario shelters; however, the regulations limiting prescribed shelters solely to those affiliated with the Ontario SPCA maintains an outdated system of sheltering in the province and the stipulations are likely an historical practice carried over from the previous Act. Ontario shelters are independent of the Ontario SPCA should receive the same protections as outlined in this section—as this represents many Ontario shelters. Restricting the protections to only Ontario SPCA-affiliated shelters will greatly reduce the services and protection devoted to animals across Ontario.

#### **E. Distressed Animals in Motor Vehicles**

Although subsection 34(1) stipulates that “A prescribed person who has reasonable grounds to believe that there is an animal in critical distress in a motor vehicle may enter the motor vehicle for the purpose of relieving the animal from distress”, no regulations have been passed to prescribe persons under this section regarding who may enter a vehicle to rescue animals. This is particularly important during the summer months when time is of the essence. As it stands, only a provincial animal welfare inspector or a police officer may enter a vehicle under other provisions of this legislation.

Given that police are involved with a wide range of other matters and a provincial animal welfare inspector takes precious time to arrive on the scene—while also working conventional weekly 9:00am – 5:00pm hours-- we request that municipal by-law officers also be prescribed the authority to relieve animals from distress when confined in a motor vehicle. Municipal by-law

officers are already tasked with various animal welfare activities, and granting authority to municipal by-law officers to enter motor vehicles to relieve animals in distress is an effective measure to reduce the strain on the law enforcement and the animal welfare system. Having multiple avenues available to relieve animals' distress provides for the greatest protection. This would make the option available to municipal officers (and municipalities) when provincial police and provincial inspectors are unable to adequately respond. With summer hot summers and cold winters, quick responses are essential to avoid animal distress and death.

### **III. Conclusion**

The *PAWS Act* was a milestone in Ontario towards ensuring animal welfare and establishing a centralized enforcement strategy to safeguard both animal and public well-being. The Ontario Animal Welfare Network supported and commended this step forward. However, without clear and effective regulations, the potential of the *PAWS Act* will remain unfulfilled. To guarantee that the essence and promise of the *PAWS Act* makes a meaningful difference in Ontario, the above clarifications, inclusions, standards, and considerations must be reflected through regulations. Without them the ability of the *PAWS Act* to *affect real change and animal welfare will fall short; leaving Ontario animals to suffer.*

### References

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