It's time for change
The current animal cruelty laws in Canada were written in 1892 and contain several loopholes that actually prevent successful prosecutions of many animal abusers. Canada’s animal cruelty laws pale in comparison to many developed countries such as Europe, Australia and New Zealand and even Hong Kong.
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Introduction

Animal Welfare Bill Canada (AKA – Terry’s Law) Rationale

The drafting of this document has primarily come about due to a number of widely publicised Animal Cruelty cases in Canada. These cases have demonstrated that the current legislation does not go far enough in the following areas.

1) Recognising Animals as Sentient beings
2) Offering Animals suitable levels of protection
3) Punishing Animal Abusers adequately

The time has come for Canada to recognise through law that animals can suffer and that their welfare should therefore be a prime concern. In Canadian law, kept animals are treated as property. Historically, case law focussed on animal theft; animals were critical to human activity a hundred years ago for draft or meat and their theft was considered a grave crime. However, during the 20th and 21st century as society’s sense of morality has developed, the treatment of animals has been scrutinised in a moral sense. A hundred years ago if the dog was sick, you simply shot it and got a new one. Now, if the dog is sick, you spend thousands of dollars with a Veterinary surgeon trying to make it better. No longer is the dog kept outside in the barn 365 days a year in all weathers. The dog is now in the bedroom, and even on the bed. Things have changed and it is time that the Law in Canada recognised this and represented the change in our nation’s views on animal welfare.

Current Status

Canada’s animal welfare laws have remained largely unchanged since 1892. Recent amendments have increased penalties, but the application and scope of the current laws remain ineffective. Consequently, under the Criminal Code it is difficult to prosecute even the worst animal abusers. Canada’s animal cruelty legislation is outdated and lags far behind places like Hong Kong, Australia and Europe.

In Canada, animals are not protected equally as the criminal code does not provide a clear definition of “animal”, but rather, refers to specific animals and protects them differently. The current law contains a separate section and separate offences for cattle. The current law also separates references to dogs, birds and “other animals.” Canada offers virtually no protection for wild and stray animals, as un-owned animals have less protection than owned animals. The burden of proof that Crown Attorneys, police and SPCA investigators must meet in order to successfully prosecute these crimes is too high since it’s virtually impossible to prove that the cruelty was ‘wilful’ in its intent and ‘unnecessary’.

What is Animal Cruelty

Cruelty to animals, also called animal abuse or animal neglect, is the human infliction of pain, suffering or harm upon non-human animals, for purposes other than self-defence or survival. Animal cruelty can take many different forms. It includes overt and intentional acts of violence towards animals and also includes animal neglect or the failure to provide for the welfare of an animal under one’s control. In addition to this, it is important to remember animal cruelty is not restricted to cases
involving physical harm. Causing an animal psychological harm in the form of distress, torment or terror may also constitute animal cruelty.

**Sentient beings**

Currently under Canadian Law animals are not recognised as sentient beings. This means that Canada does not believe that animals are capable of being aware of sensations and emotions, of feeling pain and suffering, and of experiencing a state of wellbeing. For much of the 20th century scientists believed that all animal behaviour could be explained either as innate behaviour patterns in response to internal or external stimuli or as conditioned learning in response to stimuli. The idea that animals might not experience pain or suffering as humans do traces back at least to the 17th-century French philosopher, René Descartes, who argued that animals lack consciousness. Researchers remained unsure into the 1980s as to whether animals experience pain, and veterinarians trained in the U.S. before 1989 were simply taught to ignore animal pain.

Scientific research is constantly revealing new evidence of animals' intelligence and emotions. This interest is reflected in burgeoning numbers of journals, books and reports. Professor Marian Dawkins of the Oxford University has called the study of animal sentience "one of the most exciting and the most important in the whole of biology. Many animals exhibit more complex behavioural and physiological changes indicative of the ability to experience pain: they eat less food, their normal behaviour is disrupted, their social behaviour is suppressed, they may adopt unusual behaviour patterns, they may emit characteristic distress calls, experience respiratory and cardiovascular changes, as well as inflammation and release of stress hormones".

There is also increasing evidence that many animals can learn new skills and some appear to show emotions similar to human empathy. Animals are capable of feeling pain and experiencing distress, they can also be reduced to a state resembling human depression by chronic stress or confinement in a cage. This new understanding of the sentience of animals has huge implications for the way we treat them and the policies and laws we need to adopt. For instance, the British RSPCA now formally prosecutes individuals who are cruel to fish. Laws and society are evolving to what we instinctively know to be ethically and morally right in the treatment of animals. As society and laws change, so must behavior. Just because cockfighting was a cultural tradition in the past does not mean that it is tolerated or legal today.

**Why are people cruel to Animals?**

There are many reasons why adults and children are cruel to animals; it should not always be seen as a result of uncontrolled anger. This is important to remember at the time of sentencing and to ensure that the Court does not order "anger management" treatment alone. Some of the reasons why animals are abused include:

- Harming the animal to control people or the animal;
- Retaliation against the animal and others through extreme punishment;
- Prejudice against a breed as not being worthy of life;
- Aggression through the animal, such as animal fighting;
- Acting out aggression, such as target shooting;
- Shock for amusement;

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- Displacement of aggression (sometimes from children acting out their own abuse); and
- Sadism, which involves inflicting suffering through power and control.

Sometimes animals are abused as part of gratuitous violence. A 2012 study from New Zealand explored the reasons of why companion animals are harmed in intra-familial violence. The study focused on animals abused during and after an abusive relationship and found these factors:

- Cruelty to animals during the abusive relationship
- Abusing animals as normalized violence while harming people
- Perverse satisfaction from hurting pets, often pets not in the home, which was not anger related but often done to instil fear in the family
- Abusing the animals as punishment for unwanted behaviour from people
- Abusing animals out of jealousy of the relationship between the animal and human victims
- Abusing animals as a threat to keep the humans in the home and to show intolerance for misbehaving by people
- Animals caught in the cross fire of violence towards people
- Abusing animals to avoid police intervention (which was more likely to occur with human violence)
- Animals used as sexual objects as a form of power and control over the human victims
- Cruelty to animals after the abusive relationship ended
- Threats to harm the animal(s) left behind
- Actual harm to animals left behind as punishment for the person leaving
- Harm to the animals of friends and family out of retaliation for the person leaving

What can Animal Cruelty mean

Several academic studies have found a clear link between animal cruelty during youth and violence against humans as an adult. This link is so well established, profilers routinely use animal cruelty reports in their assessment of the possible threat criminals pose. Studies have also found that when humans or animals in a home are abused or neglected, it creates a warning signal that others in the household may not be safe. Numerous documented studies show that there is a direct link between acts of cruelty to animals and violence toward others, including child abuse, spousal abuse, elder abuse and other violent behaviour.

Is Animal Cruelty on the increase

This is the million dollar question. Sadly statistics for specific crimes against animals are not published by the RCMP as they are bundled in with other crimes. As well as this not all Humane Societies and SPCAs seem to have them readily available. Where SPCAs do report it, they don’t include prosecutions by the RCMP so the figures are skewed. We had contacted 10 societies across Canada and received only 2 responses.

What we can be very certain of is that the public perception is that Animal Cruelty is on the increase. This perception/reality has been brought about through Social Media channels such as Facebook. Crimes against animals are now very quickly published and shared across the country or the world by a simple click of a mouse. Very quickly as a story gains momentum it can attract tens of thousands of viewers and comments.

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Concern for animal welfare has become paramount with better social education and “shock” posting on social media sites. A quick search on Google of animal rescues in Canada will generate thousands of pages in response. A quick search on Facebook will generate a similar result. Animal abuse investigations and prosecutions have become daily events that attract widespread attention. These are not rare crimes that occur at the hands of seriously deranged individuals; they happen every day, everywhere. The surge of social media and smart phones that can photograph and videotape crimes as they are happening has raised the awareness of people as to the plight of animal abuse. These cases generate enormous emotion and interest, yet they can be very challenging for investigators and prosecutors with legislation in its current state.

**Why Animal Cruelty Laws should be changed in Canada**

The current animal cruelty laws were written in 1892 and contain several loopholes that actually prevent successful prosecutions of many animal abusers. The words “wilful neglect” makes it very difficult to prosecute cases of animal neglect. The wording requires proof that a person intended to neglect or cause harm to their animals. It is also very difficult to prosecute animal fighting cases because charges can only be laid if inspectors witness the animal fighting.

Quite simply, the current laws are not fit for purpose nor do they reflect the morals of our nation.

Many provinces have updated their provincial animal protection acts to make them far stronger and more effective than the Criminal Code. This is good, but it means that fewer cases are prosecuted under the Criminal Code. Provincial prosecutions do not result in a criminal record and abusers can just move to another province and continue their abuse because there is no record that will follow them. We need federal laws to lead the way not follow. Canada’s animal cruelty laws pale in comparison to many developed countries within Europe, Australia and New Zealand and even in Hong Kong.

When you hold animal abusers accountable, you can prevent other crimes and begin to change a community in regards to safety.
Examples of weak animal welfare legislation in Canada

- An Ottawa area man beat a cat to death with a shovel after it stole a steak from his barbeque. **He got a $500 fine and was allowed to keep his other animals.**

- The BC SPCA seized 87 animals in distress on the farm of a couple near Dawson Creek. The seized animals included a lynx, an alpaca, parrots, turtles, and over 70 small mammals. The SPCA had issued a number of orders to the owners to address concerns such as lack of water, poor sanitation and untreated injuries. When they didn’t comply, they were charged with animal cruelty. **Their sentence? A $700 fine and two years’ probation.**

- In April 2008, a New Brunswick man bludgeoned five of his Pomeranian dogs to death with a hammer. The judge acquitted him because it was ruled that the dogs died quickly and did not suffer. He was found guilty of injuring a 6th dog that did not die from his hammer blow. **Under the Criminal Code he was given a conditional discharge, placed on probation for 1 year and ordered to pay a $50 fine.**

- The Vancouver man who admitted to beating his German shepherd before leaving it to die in a Kitsilano dumpster tried to kill the animal with a baseball bat. The two-year-old dog was found wrapped in a bloody blanket and covered in bruises and cuts in July 2012. He was unable to walk, covered in feces and passed away from his injuries the next day. A veterinarian who treated the animal said it suffered severe head trauma, a collapsed lung and if it had survived it would have likely been left quadriplegic. The dog was emaciated and there were signs it was malnourished. **He was sentenced to -60 days in custody (less 53 days for time served for unrelated offences); 3 years’ probation; 5 year firearm prohibition; lifetime ban on owning animals**

**NOTE: unrelated charges included in sentence**
1. The Criminal Code is amended by adding the following after section 182:

PART V.1
CRUELTY TO ANIMALS

Definition of “animal”

182.1 In this Part Animal" includes any mammal, bird, reptile, amphibian, fish or any other vertebrate or invertebrate whether wild or tame - applying to vertebrates, cephalopods and decapods

Killing or harming animals

182.2 (1) A person commits an offence if

(a) He is responsible for an animal,

(b) An act, or failure to act, of another person causes the animal to suffer, He knew, or ought reasonably to have known, that the act, or failure to act, would have that effect or be likely to do so

(c) He permitted that to happen or failed to take such steps (whether by way of supervising the other person or otherwise) as were reasonable in all the circumstances to prevent that happening,

(d) Causes or, being the owner, permits to be caused unnecessary pain, suffering or injury to an animal;

For the purpose of section 1, suffering shall include but not be limited to:

(i) Beating, hitting, kicking, an animal so as to cause the animal pain;
(ii) Abusing, terrifying, tormenting or worrying an animal;
(iii) Overdriving, overriding or overworking an animal;
(iv) Restricting an animal so that it is unable to move, stand or turn around
(v) Causing an animal pain that is unnecessary

(e) Kills or permits to be caused the killing of an animal without lawful excuse;

(f) without reasonable excuse, administers a poisonous or injurious drug or substance to a domestic animal, or an animal wild by nature that is kept in captivity, or, being the owner of such an animal, permits a poisonous or injurious drug or substance to be administered to it;

(g) promotes, arranges, conducts, assists in, receives money for or takes part in any meeting, competition, exhibition, pastime, practice, display or event at or in the course of which captive animals are liberated by hand, trap, contrivance or any other means for the purpose of being shot at the moment they are liberated.

For the purposes of this section, the considerations for determining whether suffering is unnecessary include:
a) Whether the suffering could reasonably have been avoided or reduced;

b) Whether the conduct which caused the suffering was in compliance with any relevant enactment or any relevant provisions of a licence or code of practice issued under an enactment;

c) Whether the conduct which caused the suffering was for a legitimate purpose, such as:

   i. The purpose of benefiting the animal, or
   ii. The purpose of protecting a person, property or another animal;

c) Whether the conduct concerned was in all the circumstances that of a reasonably competent and humane person.

**Animal fighting**

**182.3 (1) A person commits an offence if**

(a) Owns, possesses, keeps, breeds, trains, buys, sells, or advertises or offers for sale any animal with the intent that the animal shall be engaged in an exhibition of fighting or baiting with another animal;

(b) Knowingly promotes, organizes, conducts, participates in, is a spectator of, advertises, prepares, or performs any service in the furtherance of, an exhibition of animal fighting, transports spectators to an animal fight or baiting, or provides or serves as a stakeholder for any money wagered on an animal fight at any place or building;

(c) Keeps or uses any place for the purpose of animal fighting or baiting, or receives an animal or money for the fighting or baiting of animals, including the keeping or management of premises for the purpose of animal fighting baiting or training an animal to fight another animal;

(d) Takes, leads away, possesses, confines, sells, transfers, or receives a stray animal or a pet animal, with the intent to deprive the owner of the pet animal, and with the intent of using the stray animal or pet animal for animal fighting, or for training or baiting for the purpose of animal fighting.
**Surgical operations**

182.4 A person commits an offence if

(1) Surgical operations for the purpose of modifying the appearance of a pet animal or for other non-curative purposes shall be prohibited and, in particular:

   (a) the docking of tails;
   (b) the cropping of ears;
   (c) devocalisation;
   (d) declawing and defanging;

(2) Exceptions to these prohibitions shall be permitted only:

   (a) if a veterinarian considers non-curative procedures necessary either for veterinary medical reasons or for the benefit of any particular animal;
   (b) To prevent reproduction;
   (c) Operations in which the animal will or is likely to experience severe pain shall be carried out under anesthesia only by a veterinarian or under his supervision.

**Punishment**

(2) Everyone who commits an offence under subsection (1 AND 2) is guilty of

   (a) an indictable offence and liable to imprisonment for a term of not more than five years; or

   (b) an offence punishable on summary conviction and liable to a fine not exceeding ten thousand dollars or imprisonment for a term of not more than 5 years or to both.

**Failing to provide adequate care**

185.2 (1) Every one commits an offence who being the owner, or the person having the custody or control of an animal, intentionally or negligently:

   a) fails to provide clean, fresh water at all times and suitable and adequate food to maintain good health and weight,

   b) fails to provide shelter that is protects the animal from extremes of temperature, rain, wind and full sun. Animals must be able to stand up and be able to easily turn around in their shelter.

   c) fails to provide the animal with prompt medical care when the animal becomes sick or injured

   d) injures an animal or causes the animal unreasonable pain or distress
e) fails to allow the animal to engage in normal behaviours and to receive adequate and appropriate exercise and socialization

(2) A person in charge of an animal must not abandon or release an animal unless the person has a reasonable excuse or the abandonment or release is authorised by law.

(a) who, being a person in charge of an animal abandons or releases an animal unless the person has a reasonable excuse or the abandonment or release is authorised by law.

(b) abandon an animal, includes but is not limited to, leaving it without human care for an unreasonable period

(c) injures or kills, or permits to be caused the injury or death of, an animal while it is being conveyed.

**Definition of “negligently”**

2) For the purposes of subsection (1), “negligently” means departing markedly from the standard of care that a reasonable person would use.

**Punishment**

(3) Everyone who commits an offence under subsection (1) is guilty of:

(a) An indictable offence and liable to imprisonment for a term of not more than five years; or

(b) an offence punishable on summary conviction and liable to a fine not exceeding ten thousand dollars or imprisonment for a term of not more than 5 years or to both.

**Order of prohibition or restitution**

182.6 (1) The court may, in addition to any other sentence that it may impose under subsection 182.2(2) or 182.3(3) 182.4 (1)/(2) or 182.5,

(a) make an order prohibiting the offender from owning, having the custody or control of or residing in the same premises as an animal during any period that the court considers appropriate, but in the case of a second or subsequent offence under either of those subsections, for the remainder of his or her lifetime unless he or she can convince the court otherwise;

(b) on application of the Attorney General or on its own motion, order that the offender pay to a person or an organization that has taken care of an animal as a result of the commission of the offence the reasonable costs that the person or organization incurred in respect of the animal, if the costs are ascertainable.
**Breach of order**

(2) Everyone who contravenes an order made under paragraph (1) (a) is guilty of an offence punishable on summary conviction.

**Application**

(3) Sections 740 to 741.2 apply, with any modifications that the circumstances require, to orders made under paragraph (1)(b).

**Common law defences**

182.7 For greater certainty, the defences set out in subsection 429(2) apply, to the extent that they are relevant, in respect of proceedings for an offence under this Part.

**Aboriginal rights**

182.8 (1) For greater certainty, nothing in this Part shall be construed so as to abrogate or derogate from the protection provided for existing aboriginal or treaty rights of the aboriginal peoples of Canada by the recognition and affirmation of those rights in section 35 of the Constitution Act, 1982.

**Other rights**

(2) For greater certainty, nothing in this Part shall be construed so as to abrogate or derogate from any legal right to hunt or fish or to engage in the legal slaughter of food animals. “legal” applies to both the right to hunt and fish and to slaughter food animals.
Further issues for consideration

The following are three very topical and contentious issues and we would like to see legislation to that effect.

1 - Puppy Mills in Canada

A puppy mill is a breeding operation in which puppies are mass-produced in substandard conditions. The goal is to produce as many puppies as possible with minimal cost to—and maximum financial gain for the operator. The puppy mill industry has grown exponentially in Canada, and it is now a multimillion dollar business. Puppy mills cannot meet the needs of a dog. These dogs live in inadequate and overcrowded housing, often with poor sanitation, and are often under-fed and denied proper veterinary care. The majority of breeding females spend their entire lives in small, filthy cages without exercise, love or human contact. They are bred continually until their tired, worn bodies finally give out and they can no longer produce enough puppies (usually at four to six years of age.) At this point, they are no longer deemed profitable and are simply killed, as are unsold male dogs.

Puppy mill breeders allow over-breeding and inbreeding to occur. Most puppies have, or will develop, genetic defects or other health problems sometime in their lives as a result of poor breeding practices and unsanitary conditions at the puppy mill. They often have behavioral and temperament problems as well, resulting from a complete lack of socialization with humans or other dogs. While many are located in Quebec, puppy mills operate from coast to coast in Canada. Animal protection groups believe that the vast majority of puppies sold in pet stores in Canada come from puppy mills. Puppy mill dogs are not only sold in pet stores, but also through the internet, at flea markets or advertised in local newspapers. They can also be sold directly from the mill although visitors are generally not allowed inside the facility to see the conditions in which the breeding dogs are kept.

Although they exist all over Canada, a large portion of Canada’s puppy mills can be found in Quebec due to its particularly poor legislation and enforcement of commercial dog breeding operations. And despite the recent improvements to the Quebec Animal Health Protection Act, compared to all of the other provinces and territories in Canada, Quebec still ranks in the bottom tier when it comes to animal protection laws.

Although commercial breeders with more than 15 animals will now require a permit to operate, regulations still need to be enacted by the provincial government before this registration system comes into effect. Unfortunately, smaller commercial breeders of less than 15 animals will not be subject to the permit system, and there is still no limit on the number of animals or breeds that can be confined in a commercial breeding operation in Quebec. A breeder can still keep hundreds of dogs in small cages for their entire lives, with little or no daily exercise, and be legally permitted to operate.

Furthermore, even in the worst cases of animal abuse and with repeat offences, there are still no penalties of jail time for offenders under the provincial laws. – Source – Humane Society of Canada

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2- Tethering of dogs- outdoor confinement

Tethering and chaining refer to the practice of fastening a dog to a stationary object or stake, usually in the owner's backyard, as a means of keeping the animal under control. These terms do not refer to the periods when an animal is walked on a leash.

The practice of tethering is both inhumane and a threat to the safety of the confined dog, other animals and humans. Passive cruelty. Neglect. Ignorance. These are all terms that can be used to describe the act of leaving a dog on a rope or chain, or even in a yard alone and isolated, for long periods.

Dogs are naturally social beings who thrive on interaction with human beings and other animals. A dog kept chained in one spot for hours, days, months or even years suffers immense psychological damage. An otherwise friendly and docile dog, when kept continuously chained, becomes neurotic, unhappy, anxious and often aggressive.

In many cases, the necks of chained dogs become raw and covered with sores, the result of improperly fitted collars and the dogs' constant yanking and straining to escape confinement. Dogs have even been found with collars embedded in their necks, the result of years of neglect at the end of a chain.

The Humane Society of the United States and numerous animal experts, the U. S. Department of Agriculture issued a statement in the July 2, 1996, Federal Register against tethering:

"Our experience in enforcing the Animal Welfare Act has led us to conclude that continuous confinement of dogs by a tether is inhumane. A tether significantly restricts a dog's movement. A tether can also become tangled around or hooked on the dog's shelter structure or other objects, further restricting the dog's movement and potentially causing injury."

Dogs tethered for long periods can become highly aggressive. Dogs feel naturally protective of their territory; when confronted with a perceived threat, they respond according to their fight-or-flight instinct. A chained dog, unable to take flight, often feels forced to fight, attacking any unfamiliar animal or person who unwittingly wanders into his or her territory.

Numerous attacks on people by tethered dogs have been documented. Tragically, the victims of such attacks are often children who are unaware of the chained dog's presence until it is too late. Furthermore, a tethered dog that finally does get loose from his chains may remain aggressive.

According to the American Humane Association chained dogs are 2.8 times more likely to bite and approximately 25% of fatal dog attacks were from chained dogs.

Tethering is also dangerous to dogs

In addition to the psychological damage wrought by continuous chaining, dogs forced to live on a chain make easy targets for other animals, humans, and biting insects. A chained animal may suffer harassment and teasing from insensitive humans, stinging bites from insects, and, in the worst cases, attacks by other animals. Chained dogs are also easy targets for thieves looking to steal animals for sale to research institutions or to be used as training fodder for organized animal fights. Finally, dogs' tethers can become entangled with other objects, which can choke or strangle the dogs to death. Rarely does a chained or tethered dog receive sufficient care. Tethered dogs suffer from sporadic
feedings, overturned water bowls, inadequate veterinary care, and extreme temperatures. During snow storms, these dogs often have no access to shelter. During periods of extreme heat, they may not receive adequate water or protection from the sun. **Source – Humane Society & SPCA.**

## 3 - Linking Animal Cruelty to Domestic Violence – Spousal and Child Abuse

Violence towards animals has long been viewed as an issue separate from other forms of violence. However, cruelty to animals, particularly companion animals, is now seen as a part of the landscape of family violence and a risk to human health, safety and welfare with strong links to child abuse, domestic violence and elder abuse. “Link” advocates believe that people are at risk when animals are abused, and that animals are at risk when people are abused. Since no forms of family violence should be tolerated, the disciplines involved should collaborate for a more effective, comprehensive approach to reduce this.

A growing and compelling body of research is confirming these links and describing animal abuse as a predictor and indicator crime that often signals serious interpersonal aggression and familial dysfunction. People who abuse animals have been found to be significantly more likely to commit violent crimes, domestic violence and other antisocial behaviours. Caseworkers in any one field must be trained to observe for other manifestations of family violence and to report them to appropriate authorities. Animal cruelty perpetrated or witnessed by youths is no longer seen as a benign stage of growing up but rather as one of the earliest diagnostic indicators of conduct disorder. A history of animal abuse is one of the four most significant risk factors of someone becoming a domestic violence batterer, and batterers who also abuse animals are more violent and use more types of controlling behaviors against their intimate partners.

**Source - Phil Arkow, Coordinator, National Link Coalition - USA**

### The Cruelty Connection

A report by the Alberta SPCA highlights additional difficulties faced by victims of domestic violence when animals are involved. The report, Inside the Cruelty Connection: The Role of Animals in Decision-Making by Domestic Violence Victims in Rural Alberta, documents a study conducted throughout the province.

One of the study’s key findings is that more than half of abused women who have animals reported that they delayed leaving because of their animals. Other findings include:

- 59% of abused women with animals were afraid to seek help out of concern for their animals.
- 36% of abused women with animals reported that their abuser threatened or harmed their animals.
- 85% of threats against animals were carried out.
- In cases that involved children as well as threatened animals, 85% of women reported that the children witnessed the threat or harm to the animal.
- In half of those cases, it was the child’s own pet.

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Proposed Puppy Mill Legislation

General Care

1) A person may not own, possess, control, or otherwise have charge or custody of more than four female dogs with intact reproductive sexual organs nor more than six dogs of either sex with intact sexual organs over the age of 18 months at any time.

2) Any person who owns, possesses, controls, or otherwise has charge or custody of more than five dogs with intact sexual organs over the age of six months must obtain a commercial breeding license from the designated ministry in their province. The cost of this license is $1000 for the first year and $500 each subsequent year.

3) Any person who owns, possesses, controls, or otherwise has charge or custody of more than five dogs with intact reproductive sexual organs over the age of six months for the majority of the day must meet a minimum standard of care as described below:

   (i) All enclosures must contain fresh potable water that is not frozen, is free from debris, and is readily accessible to all animals in the enclosure at all times.

   (ii) Each dog must be provided with easy and convenient access to adequate amounts of clean, fresh food at least twice a day.

   (iii) Food and water receptacles must be regularly cleaned and sanitized.

   (iv) Each dog must be seen by a vet for an annual checkup.

   (v) Each dog must be provided with veterinary care without delay when sick or injured.

   (vi) A dog may not be bred if a veterinarian determines that the animal is unfit for breeding purposes.

   (vii) Only dogs requiring euthanasia may be euthanized and the euthanasia must be carried out by a licensed veterinarian.

4) Only dogs between the ages of twelve months and seven years of age may be used for breeding.

5) All female dogs must have a minimum six month rest period between the previous litter being weaned and a subsequent breeding.

6) No female dog may be bred more than five times in her lifetime.

7) Only dogs requiring euthanasia may be euthanized and the euthanasia must be carried out by a licensed veterinarian.

8) All dogs not requiring euthanasia and no longer wanted by the breeder must be found a new home or surrendered or sold to an agency for rehoming. Such an agency can be the SPCA or a charitable or non-profit animal rescue organization.

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9) No person can dispose of unwanted dogs in any manner other than described in section 7 and 8.

10) All breeding facilities must have a full time caretaker for every ten dogs over the age of six months and for every three concurring nursing litters.

**Primary Enclosures**

11) Each dog must be provided with a primary enclosure which meets the following minimum criteria:

(i) The walls of the enclosures must be constructed of sturdy wire mesh and be kept in good repair and be free of rust, jagged edges or other defects that could cause injury to the dogs.

(ii) Each dog must be provided with a minimum floor space in square feet as calculated below: find the mathematical square of the sum of the length of the dog in inches, measured in a straight line from the tip of its nose to the base of its tail, plus six inches, then divide the product by 144, then multiply by 2. The calculation is: \((\text{length of dog in inches} + 6) \times (\text{length of dog in inches} + 6) = \text{required floor space in square inches}\). Required floor space in inches/144 x 2 = required floor space in square feet. For the second dog placed in the primary enclosure the minimum floor space shall be doubled. The floor space shall be calculated using the longest dog. For each dog above two, the minimum floor space shall be multiplied by 1.5 per additional dog.

(iii) The interior height of the enclosure must be at least six inches higher than the head of the tallest dog in the enclosure when it is in a normal fully erect standing position.

(iv) The primary enclosures must be placed no higher than 30 inches above the floor of the housing facility and may not be placed over or stacked on top of another cage or primary enclosure.

(v) The floor of each primary enclosure shall be strong enough so that the floor does not sag or bend between the structural supports, shall not be able to be destroyed through digging or chewing by the dogs housed in the primary enclosure, shall not permit the feet of any dog housed in the primary enclosure to pass through any opening, shall not be metal strand whether or not it is coated, shall allow for moderate drainage of fluids and shall not be sloped more than 0.25 inches per foot.

(vi) Flooring constructed with slats meeting all of the following conditions shall be acceptable:

(A) be flat.
(B) have spaces between them that are no more than 0.5 inch in width.
(C) have spaces between them that run the length or the width of the floor, but not both.
(D) be no less than 3.5 inches in width.
(E) be level with the slat next to it within a single primary enclosure.
(F) the floors and walls of primary enclosures must be impervious to moisture.

12) Each dog over age of three months must be provided with constant and unfettered access to an attached outdoor run or exercise area which is at least five times the size of the minimum allowable enclosure specified in section 10(ii).
13) The exercise area/run fencing must be kept in good repair and be free of rust, jagged edges or other defects that could cause injury to the dogs.

14) The exercise area/run must be on ground level and the ground of the exercise area/run must be solid and maintainable; surfaces such as gravel, packed earth and grass which are solid and maintainable may be utilized.

15) All nursing female dogs must be provided with whelping boxes appropriate to their size. The sides of the whelping box must be high enough to safely contain the puppies, yet low enough to allow the mother to enter and leave comfortably, with consideration given to her protruding mammary glands. The bottom of the box must be lined with specially designed “whelping pads,” or layers of newspaper (or fabric) to provide insulation from cold floors and to absorb fluids. Whelping boxes must include a low railing fixed to the inside perimeter of the box to protect puppies from being crushed or smothered by the mother should she roll over during birthing or while asleep.

**Restrictions to Dogs Housed Together in Primary Enclosures/Runs/Exercise Areas**

16) All dogs in the same enclosure at the same time must be compatible, as determined by observation; animals with a vicious or aggressive disposition must never be placed in an enclosure with another animal, except for breeding purposes and then only with immediate supervision.

17) Breeding females in heat may not be in the same enclosure at the same time with sexually mature males, except for breeding purposes.

18) Breeding females and their litters may not be in the same enclosure at the same time with other adult dogs.

19) Puppies under twelve weeks may not be in the same enclosure at the same time with other adult dogs, other than the dam or foster dam.

**Sanitation**

20) The primary enclosures and outdoor runs shall be kept clean and sanitary as directed below:

   (i) Excreta, feces, hair, dirt, debris and food waste must be removed from primary enclosures at least daily or more often if necessary to prevent an accumulation of excreta, feces, hair, dirt, debris and food waste to prevent soiling of dogs contained in the primary enclosures and to reduce disease hazards, insects, pests and odors.

   (ii) Hard surfaces of primary enclosures and food and water receptacles must be sanitized at a minimum of once every two weeks and more often if necessary to prevent an accumulation of excreta, feces, hair, dirt, debris, food waste and other disease hazards, using one of the following methods:

   (A) Live steam under pressure.
(B) Washing with water with a temperature of at least 180 degrees F and soap or detergent, as with a mechanical cage washer.

(C) Washing all soiled surfaces with appropriate detergent solutions and disinfectant or by using a combination detergent or disinfection product that accomplishes the same purpose with a thorough cleaning of the surfaces to remove excreta, feces, hair, dirt, debris and food waste so as to remove all organic material and mineral buildup and to provide sanitization followed by a clean water rinse.

(iii) Primary enclosures and exercise areas using material that cannot be sanitized using the methods under subparagraph (ii) must be made sanitary by removing the contaminated material as necessary to prevent odors, diseases, pests, insects and vermin infestation.

**Housing Facility**

21) The primary enclosures must be contained in a housing facility that meets the following minimum criteria:

(i) must be sufficiently heated and cooled to protect the dogs from temperature extremes and to provide for their health and well-being; the ambient temperature in the facility must not fall below 10 degrees C or rise above 30 degrees C and must enable all dogs to remain dry and clean.

(ii) must be sufficiently ventilated at all times when dogs are present to provide for their health and well-being and to minimize odors, drafts, ammonia levels and to prevent moisture condensation. The relative humidity must be maintained at a level that ensures the health and well-being of the dogs housed therein.

(iii) must be lighted well enough to permit routine inspection and cleaning of the facility and observation of the dogs; animal areas must be provided a regular diurnal lighting cycle of either natural or artificial light; lighting must be uniformly diffused throughout housing facilities and provide sufficient illumination to aid in maintaining good housekeeping practices, adequate cleaning and observation of animals at any time and for the well-being of the animals; primary enclosures must be placed so as to protect the dogs from excessive light and from direct sunlight.

(iv) the ceilings of indoor housing facilities must be impervious to moisture or be replaceable.

(v) all housing facilities shall be equipped with a smoke alarm and shall have a means of fire suppression, such as fire extinguishers or a sprinkler system on the premises.

**Premises**

22) Premises surrounding the housing facility, including buildings and surrounding grounds, must be kept clean and in good repair to protect the animals from injury, to facilitate the husbandry practices required in this act and to reduce or eliminate breeding and living areas for rodents and other pests and vermin; premises must be kept free of accumulations of trash, junk, waste products and
discarded matter; weeds, grasses and bushes must be controlled so as to facilitate cleaning of the premises and pest control and to protect the health and well-being of the animals.

(i) An effective program for the control of insects, external parasites affecting dogs or pests must be established and maintained so as to promote the health and well-being of the dogs and reduce contamination by pests in housing facilities.

**Maintenance of Records**

23) For each dog in a breeding program, a permanent record shall be kept and made readily available for inspection. The record shall contain all of the following information:

(i) the date of birth of the dog.

(ii) the date of the last rabies vaccination.

(iii) the date and report of each veterinary check received by the dog.

(iv) the date of each breeding occurrence for every female dog to a maximum of five.

(v) the date the dog left the facility and who the dog was sold or surrendered to.

(vi) the date the dog was euthanized, the vet who performed the euthanasia, reason for the euthanasia and the euthanasia record.

(vii) all above records shall be kept for two years after the dog has left the breeding facility.

24) The minimum penalty for a first time offense of being found in contravention of any one of the above criteria is $250 per contravention per dog. The minimum penalty for a second time offense of any one of the above criteria is a $500 fine per contravention per dog. The minimum penalty for a third time offense of being in contravention is a $1000 fine per contravention per dog, the cancelling of the breeding license, seizure of all dogs and a lifetime ban on dog breeding.

25) Sections 1 through 23 do not apply to the following:

(i) A publicly operated animal control facility or animal shelter;

(ii) A private, charitable not-for-profit humane society or animal adoption organization;

(vi) A veterinary facility;

(vii) A grooming facility.
Proposed Cruel and Outdoor Confinement Legislation (Tethering & Tying)

(1) No person owning or keeping a dog shall chain or tether a dog to a stationary object including but not limited to any structure, dog house, pole or tree.

(2) No person owning or keeping a dog may confine such a dog outside unless the following conditions are met:

(a) The dog is contained by a fully fenced or electronically fenced yard, or

(b) In the absence of a fully fenced or electronically fenced yard, the dog is contained by a pen that meets the following minimum criteria:

   (i) a minimum floor size of 10 square metres

   (ii) the pen must be well ventilated and provide shelter from the sun, rain and wind and provide protection from extreme temperatures.

   (iii) the maximum time a dog may be confined to such an enclosure is 6 hours in a 24 hour period.

   (iv) the maximum number of dogs that may be contained in a 15 square meter enclosure is two; the enclosure must be increased by an additional 5 square meters for each additional dog over two.

   (v) commercial dog kennels with pens intended for the temporary boarding of dogs are exempt from this minimum size and maximum time criteria

   (vi) the pen must not be constructed of opaque material or be covered with a tarp or other opaque material; the pen must be constructed of chain link or other similar material.

   (vii) the pen material must be kept in good repair and be free jagged edges or other defects that could cause injury to the dog.

   (viii) the height of the pen is adequate to successfully confine the dog: or

(c) In the absence of a fully fenced or electronically fenced yard, the dog is attached by a tether to a trolley or pulley on a cable run that meets the following minimum criteria;

   (i) the tether must be attached to a properly fitting collar or harness worn by the dog, with enough room between the collar and the dog’s neck to fit 2 adult fingers; choke collars and pinch collars are prohibited for the purposes of tethering a dog to a cable run.

   (ii) there must be a swivel on at least one end of the tether to prevent tangling of the tether.
(iii) the tether must be a minimum of 3 meters in length and the cable run must be a minimum of 6 meters in length. The cable must be mounted at least 1.5 meters but not more than 2.5 meters above ground level.

(iv) the length of the tether from the cable run to the dog’s collar or harness must ensure the dog has continuous access to clean unfrozen water and appropriate shelter at all times as described in subsection (C).

(v) the trolley system or cable run must be of appropriate configuration to confine the dog to the owner’s, guardian’s or keeper’s property and must prevent the dog from access to an object or edge that could result in injury or strangulation of the dog.

(vi) the dog’s area of movement on the trolley system or cable run must be free of any plants, objects or other animals to avoid the tether from becoming tangled.

(vii) only 1 dog may be tethered to each trolley system at a time.

(viii) no dog may remain tethered to the trolley system for more than 4 hours in a 24hr period.

(ix) no dog under the age of 6 months shall be tethered outside for any length of time.

(3) Any person owning or keeping a dog confined outside in accordance with section (2) must provide the dog with continuous access to clean water and appropriate dog shelter for the dog’s breed, length and thickness of coat and length of muzzle. The dog shelter must meet all of the following criteria:

(i) the shelter must allow the dog and the inside of the shelter to remain dry and protected from the elements and extremes of cold and hot temperature.

(ii) the shelter shall be fully enclosed on at least three sides, have a waterproof roof and a solid floor.

(iii) the entrance to the shelter shall be covered with a flap that is flexible enough to allow the dog’s entry and exit and sturdy enough to block entry of weather elements.

(iv) the shelter shall contain clean, dry bedding at all times.

(v) the shelter must be small enough to retain the dog’s body heat and large enough to allow the dog to stand, lie down, and turn comfortably.

(viii) the shelter shall be structurally sound and in good repair the shelter must be properly ventilated to allow for the natural flow of air and prevent condensation but not subject the dog to drafts.

(ix) suitable drainage must be provided around the shelter so that water, mud, ice, or waste is not standing in or around the shelter.

(x) airline crates, wire crates or unventilated doghouses such as solid plastic igloo style houses may not be used as a dog’s shelter outside the home.

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4) No person owning or keeping a dog may leave a dog penned, tethered or confined outside the home between the hours of 11:00 p.m. and 7:00 a.m. without written permission from their local animal control agency. Such permission will only be provided for exceptional circumstances.

5) Exceptions to the restrictions in sections 1 through 4 shall be made for dogs actively engaged in the business of shepherding or herding cattle or other livestock or conduct that is directly related to the business of cultivating agricultural products, if the restraint is reasonably necessary for the safety of the dog.

6) No person owning or keeping a dog may subject the dog to cruel confinement by confining the dog to a small, isolated area within or outside the home, including but not limited to a crate, closet or a pen that does not meet that criteria in section 2 (b) for more than 4 hrs. in a 24 hr period.

This section does not apply to the following:

(i) A publicly operated animal control facility or animal shelter;
(ii) A private, charitable not-for-profit humane society or animal adoption organization;
(iii) A veterinary facility
(iv) A grooming facility.

7) No person owning or keeping a dog may subject the dog to isolation by confining the dog to a secluded area within or outside the home, including but not limited to a shed, garage, attic or basement for more than 8 hrs. in a 24 hr period.

8) No short muzzled breed dogs, including but not limited to poodles, bulldogs (English, American and French), pit bull types, Boston terriers, boxers, pugs, shih tzus, pekingese, and lhasa apsos, may be confined outdoors during temperatures that are below 10 degrees C or above 25 degrees C.

9) No short haired dogs (fur length shorter than 2 cm as measured on the dog’s flank) can be kept outdoors in temperatures below 10 degrees C unless the dog is provided with a heated shelter that will provide an environment with a temperature at or above 10 degrees C.

10) No person owning or keeping a dog may subject the dog to cruel or inhumane conditions at any time. Cruel or inhumane conditions are defined as, but not limited to, the following conditions:

   (i) Filthy and dirty confinement conditions, including but not limited to exposure to excessive animal waste, garbage, dirty water, mud, noxious odours, dangerous objects that could injure or kill the dog upon contact, or other conditions that could cause harm to the dog’s physical or emotional health.

   (ii) Cause, permit or expose the dog to taunting, prodding, hitting, harassing, threatening or otherwise cause or permit that dog to be harmed physically or emotionally.

   (iii) Exposing the dog to dangerous conditions, including attack by other animals.

11) The minimum fine for a first time contravention of sections 1 through 10 above will be $250 per contravention per dog. The minimum fine for a second contravention of sections 1 through 10 will be
$500 per contravention per dog. A third contravention will result in a $1000 fine and seizure of the dog.

**Proposed Legislation For The Linking Animal Cruelty to domestic Violence – Spousal and Child Abuse**

**New Crime - Aggravated animal cruelty**

(Recognizing that animal abuse and neglect often exist as part of a cycle of domestic violence) any offence listed in Sections XXXX above is aggravated animal cruelty when:

1) Performed in the presence of a minor, or
2) Performed with the purpose of intimidating, coercing, or threatening another person

**Penalty:**

Aggravated animal cruelty is an indictable offence and is punishable by a prison term of up to 10 years and/or a fine of up to $75,000 dollars, or to both.

**Why Support Change**

As society changes and evolves, so too do the views and values of its people. A challenge of law-makers is to identify shifts in values and expectations, so that they can pass new laws and amend existing laws. Changing social values are the fundamental ideas we have about other people and society in general. They include ideas about race, gender, families, children, violence, personal responsibility and the law itself.

Changing morality and ethics are concerned with what is right and wrong, though on a social level rather than what offends the individual. As previously mentioned, our laws on animal abuse have changed very little, but society has.

True law reform occurs because society has changed and the law needs to change with it. No longer do we as a nation want to tolerate animal abuse. We want the laws changed and the penalties to be more severe and we want the Courts to take it more seriously.

The NDP have an opportunity to be a part of this change. To lead it, and to mould it to fit with the changing views and values of our society. These are views shared by a very large proportion of the electorate and should be acknowledged.

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