

EXPLANATORY NOTES

BILL

No. 40

An Act to amend *The Animal Protection Act, 2018*

Clause of Bill

- 1 *The Animal Protection Amendment Act, 2025.*
- 2 *The Animal Protection Act, 2018 -SS 2018, c A-21.2.*
- 3 **Existing provision**

None

Explanation

Section 2 amended

The following definitions are added in alphabetical order in subsection 2(1):

‘administrative agreement’ means an agreement entered into between the minister and a service provider pursuant to section 9.1;

‘animal welfare inspector’ means a person appointed as an animal welfare inspector pursuant to section 12.1;

‘appeals board’ means the appeals board established pursuant to section 20.1;

‘chief officer’ means a person appointed as a chief officer pursuant to section 12.2.

Section 2 is amended to establish the definitions of the above. The definitions will provide clarity on the interpretation of the proposed amendments on administrative agreements, animal welfare inspector, appeals board and chief officer. This amendment conforms to modern legislative and regulatory drafting standards.

- 4 **Existing provision**

animal protection officer means:

- (a) a member of the Royal Canadian Mounted Police;
- (b) a member of a municipal police service; or

- (c) a person appointed as an animal protection officer pursuant to section 9 for the purposes of Part 2 and includes a person appointed pursuant to subsection 38(3) or subsection 38(4);

2018, c A-21.2, s.2.

Explanation

‘animal protection officer’ means:

- (a) a member of the Royal Canadian Mounted Police;
- (b) subject to the regulations, a member of a police service as defined in *The Police Act, 1990*;
- (c) a person appointed as an animal protection officer pursuant to section 9 and includes a person mentioned in subsection 38(3) or (4);
or
- (d) for the purposes of Part 2, a person appointed as a chief officer;

The existing definition on animal protection officers is being amended to include a member of a police service as defined in *The Police Act, 1990*. The consequential regulatory amendments will list the eligible categories of police members authorized to enforce the Act. This amendment conforms to modern legislative and regulatory drafting standards.

5 Existing provision

Humane slaughter and euthanasia

6(1) If an animal is to be slaughtered or euthanized, the person responsible for the animal or the person who is to slaughter or euthanize the animal shall ensure that the circumstances of its death cause the animal a minimum of pain and anxiety.

(2) Euthanasia must be carried out in a manner that is consistent with the prescribed standards, codes of practice or guidelines and that:

- (a) results in the animal’s immediate loss of sensibility; and
- (b) is followed by rapid progression to death.

2018, c A-21.2, s.6.

Explanation

Section 6 is repealed and the following substituted:

Humane euthanasia

6(1) If an animal is to be euthanized, the person responsible for the animal or the person who is to euthanize the animal shall ensure that the circumstances of its death cause the animal a minimum of pain and distress.

(2) Subject to subsection (3), euthanasia must be carried out in a manner that is consistent with the prescribed standards, codes of practice or guidelines and that:

(a) results in the animal's rapid loss of sensibility; and

(b) is followed by rapid progression to death.

(3) Subsection (2) does not apply to a destruction order outlining an acceptable euthanasia method that has been made pursuant to an Act or regulation in response to an occurrence of disease, a danger to public safety, a public nuisance, a threat to an agricultural product, a risk of disease or overpopulation or for any other purposes as set out in *The Animal Health Act*.

Section 6 is repealed to include euthanasia methods made pursuant to another Act or legislation as an acceptable method of euthanasia. Clause 6(2)(a) is amended to replace 'immediate' with 'rapid' to reflect the wording used in the American Veterinary Medical Association *Guidelines for the Euthanasia of Animals, 2013* referenced in *The Animal Protection Regulations, 2018*. This amendment conforms to modern legislative and regulatory drafting standards.

6 Existing provision

None

Explanation

New sections 9.1, 9.2 and 9.3

The following sections are added after section 9:

Administrative agreements

9.1(1) In this section and section 9.2, 'person' includes:

(a) a delegated person;

(b) a designated animal protection agency or its board of directors; and

(c) a prescribed organization or its board of directors.

(2) Subject to the approval of the Lieutenant Governor in Council, the minister, on behalf of the Government of Saskatchewan, may enter into an administrative agreement with any person, for the purpose of providing services as authorized pursuant to the authority of this Act and the regulations.

(3) The minister may, in an administrative agreement, delegate all or any of the minister's powers and duties pursuant to this Act and the regulations with respect to enforcement of this Act or any other service authorized pursuant to this Act or the regulations, as set out in the agreement.

(4) An administrative agreement must include provisions with respect to all of the following:

- (a) the powers and duties being delegated to the person with whom the agreement is entered into and, in the case of a designated animal protection agency or prescribed organization, the roles and responsibilities of its board of directors;
- (b) the expected outcomes to be achieved by the person;
- (c) the acceptance by the person of the person's responsibility to exercise the powers and fulfil the duties delegated to that person;
- (d) the requirement that the person report to the minister whenever required by the minister and in the manner and within the period directed by the minister;
- (e) the requirement that the person provide to the minister, within a period after the end of a year that is specified in the agreement:
 - (i) an annual report on the person's activities during the year in carrying out the provisions of the agreement; and
 - (ii) an audited financial statement satisfactory to the minister respecting the person's carrying out of the provisions of the agreement;
- (f) if the administration agreement is for less than a full year:
 - (i) the requirement that the person provide to the minister a report on the person's activities during the period of the agreement, and subclause (e)(i) applies, with any necessary modification; and
 - (ii) if requested by the minister, an audited financial statement or other form of financial report satisfactory to the minister respecting the person's carrying out of the provisions of the agreement;
- (g) the requirements for records management by the person, including, but not limited to, record keeping in compliance with *The Freedom of Information and Protection of Privacy Act* and *The Archives and Public Records Management Act*;
- (h) requirements respecting the collection, use and disclosure of information, including personal information and personal health information, by the person;
- (i) the requirement that the person report to the minister any matters with respect to the exercise by it of the powers and the fulfilment by it of the duties delegated to the person;
- (j) the requirement that the person carry adequate insurance;
- (k) the indemnification between the person and the Government of Saskatchewan;
- (l) the procedure for termination of the agreement and the obligations of the parties if the agreement is terminated;
- (m) subject to subsection (8), the term of the agreement and the procedure for the review of the agreement by the minister and the person;
- (n) the procedure for the settlement of disputes;
- (o) the liability of the person arising out of the person's carrying out of the provisions of the agreement;
- (p) the terms and conditions that are to be imposed on the person in carrying out the provisions of the agreement;

- (q) any other prescribed matters.
- (5) The delegation to a person of the administration of all or part of this Act and the regulations in accordance with this section does not constitute the person as an agent of the Crown in right of Saskatchewan.
- (6) Subject to subsection (7), an administrative agreement may be terminated only in accordance with the procedures and on the terms and conditions specified in the agreement.
- (7) The minister may terminate the administrative agreement if the minister is satisfied that the person with whom the agreement is entered into is not complying with the administrative agreement or this Act or the regulations.
- (8) The maximum term for an administrative agreement between the minister and a person is 5 years from the date it is entered into and, at the expiration of the term stated in the agreement, may be renewed for an additional term not exceeding 5 years.
- (9) In accordance with section 13 of *The Executive Government Administration Act*, the minister shall lay before the Legislative Assembly a copy of every administrative agreement entered into by the minister within 90 days after the agreement is entered into.

Matters arising from administrative agreement

- 9.2(1)** In this section, ‘**specified provisions**’ means the provisions of this Act and the regulations that are mentioned in an administrative agreement.
- (2) Subject to subsection (3), but notwithstanding any other provision of this Act or the regulations or any other Act or law, if the minister and a person enter into an administrative agreement:
- (a) a reference in the specified provisions to an animal protection officer is deemed to be a reference to an animal protection officer appointed pursuant to section 9, and the animal protection officer may exercise the powers of, and shall fulfil the duties imposed on, an animal protection officer pursuant to the specified provisions;
 - (b) a reference to the minister in the specified provisions is deemed to be a reference to the person, and the person may exercise the powers of, and shall fulfil the duties imposed on, the minister that are mentioned in those specified provisions; and
 - (c) duties imposed by the specified provisions on the minister, the ministry, an official or employee of the ministry or an animal protection officer and powers granted by the specified provisions to the minister, the ministry, an official or employee of the ministry or an animal protection officer are delegated to the person or an animal protection officer appointed pursuant to section 9, as the case may be, unless specifically exempted in the administrative agreement.
- (3) In an administrative agreement, the minister and the person may provide that all or any of the matters mentioned in subsection (2):
- (a) do not apply; or
 - (b) are not to apply in the manner and with the modifications set out in the agreement.

(4) Subsection (2) does not restrict the authority of the minister, or of any person who may act on behalf of the minister in accordance with section 2-34 of *The Legislation Act*, to do any act or thing that may be done pursuant to this Act or the regulations.

The proposed section will create the ability for the Minister to enter into an administrative agreement with designated or prescribed animal protection agencies and authorize delegation of powers and duties pursuant to the authorities of the Act and regulations. The oversight of enforcement agencies and animal protection officers' activities is granted to the Minister under the Act. The Minister may establish terms and conditions considered appropriate. A statutory administrative agreement with designated and prescribed agencies will provide clarity on the terms and conditions for agencies on their roles and responsibilities and will authorize the Minister to delegate powers and duties to a person of responsibility. This amendment conforms to modern legislative and regulatory drafting standards.

7 **Existing provision**

None

Explanation

Agreements with governments, etc.

9.3(1) The minister may enter into an agreement with the Government of Canada, the government of a province, territory, First Nation or Metis community, or other government, including a municipality, an animal protection agency or any other entity for the purposes of the enforcement of this Act.

(2) The minister may enter into an agreement with a First Nation for the carrying out of additional prescribed requirements respecting the care of animals in all or part of the First Nation.

The proposed addition will create the authority for the minister to enter into an agreement with other authorities including First Nations and Indigenous communities to enforce animal welfare. *The Indian Act* provides the authority to First Nations and Indigenous communities to establish and enforce their own animal welfare laws as a bylaw. However, most of the communities do not have a bylaw regulating animal welfare and its enforcement. The proposed provision will provide the authority to such communities should they wish to enter into an agreement with the ministry to enforce the entire Act or its provisions. This will bring uniformity on animal welfare standards in Saskatchewan and as part of the reconciliation process; strengthen a community's ability to self-govern and self-determine their authorities. This amendment conforms to modern legislative and regulatory drafting standards.

8 **Existing provision**

None

Explanation

New sections 12.1, 12.2 and 12.3

The following sections are added after section 12:

“Animal welfare inspectors

12.1(1) The minister may appoint any person as an animal welfare inspector who:

- (a) meets the prescribed qualifications; and
- (b) satisfies the minister that the person is suitable to be appointed as an inspector.

(2) An animal welfare inspector has the following responsibilities:

- (a) to accompany an animal protection officer as authorized by subsection 14(5);
- (b) to facilitate the education of the public with respect to the adequate care of animals and providing relief to animals in distress;
- (c) to encourage compliance with the Act and regulations;
- (d) to follow up on corrective action orders issued by animal protection officers;
- (e) to fulfill any other responsibilities that are assigned by the minister, including any other prescribed responsibilities.

(3) The minister, in appointing an animal welfare inspector, may impose any terms and conditions on the appointment that the minister considers appropriate.

(4) No animal welfare inspector shall fail to comply with any term or condition imposed pursuant to subsection (3).

Animal protection officers carry multiple roles of being investigators, educators and enforcers of the Act. Current enforcement stats have shown that over 90 per cent of the animal welfare concerns have been resolved through education. The creation of animal welfare inspectors will separate the roles of education on adequate care of animals from enforcement. Animal welfare inspectors will primarily liaise with animal owners, animal protection officers, livestock industry groups, veterinarians, subject experts, humane societies and government public services to enhance animal welfare in the province. This amendment conforms to modern legislative and regulatory drafting standards.

9 **Existing provision**

None

Explanation

Chief officer

12.2(1) Subject to the regulations, the minister may appoint any person as a chief officer for the purposes of this Part who:

(a) meets the prescribed qualifications; and

(b) satisfies the minister that the person is suitable to be appointed.

(2) The minister, in appointing a chief officer, may impose any terms and conditions on the appointment that the minister considers appropriate.

(3) No chief officer shall fail to comply with any term or condition imposed pursuant to subsection (2).

(4) The duties of the chief officer include:

(a) dealing with complaints with respect to the actions of animal protection officers and animal welfare inspectors who are subject to the code of conduct in cases where the matter has not been satisfactorily resolved by the employer of the subject animal protection officer or animal welfare inspector, as the case may be;

(b) performing any other duties that are assigned by the minister, including any prescribed duties.

The statutory creation of a code of conduct regulation for animal protection officers and animal welfare inspectors, will be accompanied by a transparent public complaint's mechanism. The proposed position will support the administration of the code of conduct, and may supervise, direct and control officers in the performance of their duties and in the exercise of their powers. This amendment conforms to modern legislative and regulatory drafting standards.

10 **Existing provision**

None

Explanation

Code of conduct

12.3 Every animal protection officer appointed pursuant to section 9 or 12.2, and every animal welfare inspector appointed pursuant to section 12.1, shall comply with the code of conduct adopted pursuant to the regulations.

The section will bring public transparency on animal welfare enforcement. The code of conduct will establish expected behaviours of officers, public complaints process, applicable offence and defence available to the officers under the code provisions, investigation and disciplinary corrections. The existing legislation mandates that the Minister ascertain the lawful administration of the Act. A statutory complaints process will be unbiased and be transparent to both the public and officers appointed under the Act. This amendment conforms to modern legislative and regulatory drafting standards.

11 **Existing provision**
Relief of Distress

13(9) Notwithstanding any other provision of this Part, an animal protection officer may destroy an animal, or have an animal destroyed, if the animal is in such distress that, in the opinion of a veterinarian, or if a veterinarian is not readily available, in the opinion of the animal protection officer, the animal cannot be relieved of its distress.

2018, c A-21.2, s.13.

Explanation

Section 13 amended

7 Subsection 13(9) is repealed and the following substituted:

(9) Subject to subsections (9.1) to (9.3), but notwithstanding any other provision of this Part, an animal protection officer may destroy an animal or have an animal destroyed, if the animal is in such distress that, in the opinion of a veterinarian, or if a veterinarian is not readily available, in the opinion of the animal protection officer, the animal cannot be relieved of its distress.

(9.1) Subject to the regulations, a veterinarian may euthanize an animal if:

(a) the animal is suffering;

(b) the animal's owner or custodian cannot be found promptly, the veterinarian reasonably believes that the animal does not have an owner or custodian or the animal's owner or custodian has abandoned the animal; and

(c) in the veterinarian's opinion, euthanasia is the most humane course of action in that circumstance.

(9.2) Subsection (9.1) does not limit any other authority a veterinarian may have to euthanize an animal in accordance with the authority granted by *The Veterinarians Act, 1987*.

(9.3) A veterinarian mentioned in subsection (9.1) is provided with all the immunities granted pursuant to section 26.

Section 13(9) is amended to provide registered veterinarians an ability to euthanize animals in distress without the need to notify an APO and will provide the immunities granted under the Act. This will also provide more alignment with other provinces' animal welfare legislations. This amendment conforms to modern legislative and regulatory drafting standards.

12 **Existing provision**

Authority to enter premises

14(1) A justice of the peace or a judge of the court may issue a warrant in the prescribed form authorizing an animal protection officer to enter and search any place or premises named, or stop and search any vehicle described, in the warrant if the justice or judge is satisfied by information on the oath or affirmation of the animal protection officer in the prescribed form that there are reasonable grounds to believe:

- (a) that an animal is or is likely to be in distress in any place, premises or vehicle; or
- (b) that an offence against this Part has occurred and evidence of that offence is likely to be found in the place, premises or vehicle to be searched.

2018, c A-21.2, s.14.

Explanation

Section 14 amended

The following subsection is added after subsection 14(1):

(1.1) An application for a warrant pursuant to subsection (1) may be made in person or, subject to the regulations, by telephone or any other means of electronic communication”.

Animal protection officers often require a search warrant to access private property to determine whether an animal is in distress. The delays in getting a search warrant result in animals being left unattended. A telewarrant issued by telephone or other means of telecommunication by a designated judge will enable an officer to access private property and respond to active animal distress. The regulations will outline the procedures and the applicable conditions to obtain a telewarrant. This amendment conforms to modern legislative and regulatory drafting standards.

13 **Existing provision**

None

Explanation

New sections 15.1

The following section is added after section 15:

Surrender of animals

15.1 If an animal is surrendered to the Crown in right of Saskatchewan pursuant to this Act, the animal protection officer shall take the animal into the animal protection officer's custody and shall have the authority to deal with the animal as if the animal protection officer were the owner.

Animal protection officers frequently come across situations where animals are surrendered by owners. However, the legislation does not include any provision on the receiving and handling of surrendered animals. This section will ensure that the animals are being surrendered under consent and provide the necessary immunities to officers. It will also provide the agency an ability to recover expenses from animal owners. This amendment conforms to modern legislative and regulatory drafting standards.

14 **Existing provision**

Notification of person responsible for animal

16(1) If an animal protection officer intends to destroy an animal or have an animal destroyed pursuant to subsection 13(9), the animal protection officer shall take reasonable steps to locate the person responsible for the animal and to obtain that person's consent to the destruction of the animal.

(2) If, pursuant to subsection 13(3) or 15(2), an animal protection officer delivers an animal into the custody of a caretaker, the animal protection officer shall notify an animal protection agency of the actions taken with respect to the animal.

(3) After an animal is delivered to an animal protection agency pursuant to subsection 13(3) or 15(2) or after an animal protection agency is notified pursuant to subsection (2) that an animal has been delivered to a caretaker, the animal protection agency shall take reasonable steps to locate the person responsible for the animal and, if that person is located, shall notify that person of the actions taken with respect to the animal.

Explanation

The following subsection is added after subsection 16(3):

(4) For the purposes of subsections (1) and (3), an animal protection officer or agency may collect, use or disclose the name and contact details of a person mentioned in subsections (1) or (3) to locate the person.

Animal welfare investigations often involve both the welfare of animals and their owners. Animal protection agencies are mandated to protect the welfare of animals. When enforcing this mandate, animal protection agencies frequently face situations where there is a need to receive and share personal information of animal owners with other law enforcement authorities, health officials, SGI and municipal authorities. The proposed information sharing provision will ensure that agencies have the capacity to receive and share information when permitted under the enabling legislation of the various authorities. This amendment conforms to modern legislative and regulatory drafting standards

15 Existing provision

Sale, gift or other disposition of animal

17(1) If the person responsible for an animal that has been delivered into custody pursuant to subsection 13(3) or 15(2) is not located and notified within 5 business days after the day on which the animal was delivered to the animal protection agency or the caretaker, the animal protection agency may sell or give the animal to any person.

2018, c A-21.2, s.17.

Explanation

Section 17 amended

Subsection 17(1) is amended by striking out “5 business days” and substituting “the prescribed number of days”.

The current provision sets 5-business days as custody days for all animals taken into custody. The proposed change provides the authority to prescribe custody days for different class of animals in the regulations. The prescribed days will separate the custody days requirements for livestock and other species. The livestock species of animals will require five business days protective custody period for the purposes of brand inspection, identification of owners and identification for epidemiological purposes. The protective custody days of all other animals is being reduced to three business days to be in line with other animal related legislations in the province. The species appropriate custody days will be prescribed in the consequential regulations. This amendment conforms to modern legislative and regulatory drafting standards.

16

Existing provision

Sale, gift or other disposition of animal

17(1) If the person responsible for an animal that has been delivered into custody pursuant to subsection 13(3) or 15(2) is not located and notified within 5 business days after the day on which the animal was delivered to the animal protection agency or the caretaker, the animal protection agency may sell or give the animal to any person.

(2) An animal protection agency may sell or give an animal delivered into custody pursuant to subsection 13(3) or 15(2) to any person if the person responsible for an animal is located and notified but does not within 5 business days after the day on which the animal was found in or likely to be in distress:

(a) in the case of an animal with respect to which a corrective action order was made, comply with the corrective action order; and

(b) in accordance with section 19:

(i) pay the expenses incurred with respect to the animal; or

(ii) enter into an agreement for the payment of the expenses that is satisfactory to the animal protection agency.

(3) If an animal protection agency sells or gives an animal to any person pursuant to subsection (1) or (2), the animal becomes the property of the person to whom it is sold or given.

(4) The proceeds of a sale of an animal pursuant to subsection (1) or (2) shall be disbursed in the following order of priority:

(a) to pay the expenses of selling the animal;

(b) to pay the other expenses reasonably incurred with respect to the animal pursuant to this Part.17

(5) Subject to subsection (6), the animal protection agency may retain the balance of the sale proceeds remaining after the payment of the expenses mentioned in subsection (4).

17(6) If the sale proceeds exceed the expenses mentioned in subsection (4), within 30 days after the date of the sale of the animal, the person formerly responsible for the animal may claim the balance from the animal protection agency, and the animal protection agency shall pay the balance to that person, on being satisfied that the person was the person responsible for the animal at the time the animal was delivered into custody.

2018, c A-21.2, s.17.

Explanation

Section 17 amended

Subsections 17(5) and (6) are repealed and the following substituted:

- (5) Subject to subsections (6) to (10) and clause 9.1(4)(o), the animal protection agency may retain the balance of the sale proceeds remaining after the payment of the expenses mentioned in subsection (4).
- (6) Subject to subsections (7) to (10), if the sale proceeds exceed the expenses mentioned in subsection (4), within 90 days after the date of the sale of the animal, the person formerly responsible for the animal may claim the balance from the animal protection agency, and the animal protection agency shall pay the balance to that person, on being satisfied that the person was the person responsible for the animal at the time the animal was delivered into custody.
- (7) Subject to subsection (8), if a claim is not made pursuant to subsection (6) and the balance of the sale proceeds exceeds the prescribed amount, the animal protection agency shall apply to the minister, in a form and manner satisfactory to the ministry, for approval to keep the balance of the sale proceeds.
- (8) After considering the application mentioned in subsection (7), the minister may, in accordance with the regulations:
- (a) authorize the animal protection agency to retain all of the excess amount;
 - (b) authorize the animal protection agency to retain a portion of the excess amount and direct the animal protection agency to pay the remainder to the minister; or
 - (c) direct the animal protection agency to pay all of the excess amount to the minister.
- (9) In the circumstances described in clauses (8)(b) and (c), the minister shall:
- (a) provide written reasons for the minister's decision to the animal protection agency; and
 - (b) deposit the moneys received from the animal protection agency into the general revenue fund, and those moneys are public moneys within the meaning of *The Financial Administration Act, 1993*.
- (10) For the purposes of subsection (6), the minister may deem a series of sales of animals to be a single sale if, in the opinion of the minister, the animal protection agency conducted the sales separately for the purpose of avoiding the circumstances in which the sales proceeds exceed the amount mentioned in that clause.

The section is being amended to provide clarity on the retention of money by agencies and to extend the period for animal owners to reclaim their money from animal sales. The current period for animal owners to claim the excess of money minus the seizure expenses is 30 days. This period is too short a time period for owners to claim the amount. The period is extended to 90 days allowing enough time for animal owners to claim any money left as balance minus the seizure expenses incurred by the agency. The current legislation also allows animal protection agencies to retain the balance of the money from animal sale proceeds. The agency may retain any unclaimed money minus the seizure expenses past the 30-day period from disposition. The proposed change will require that unclaimed money as authorized by the Minister be returned to the General Revenue Funds of the Government of Saskatchewan pursuant to *The Financial Administration Act, 1993*. This amendment conforms to modern legislative and regulatory drafting standards.

17 **Existing provision**

Destruction of animal

18(1) An animal protection agency may destroy an animal delivered into custody pursuant to subsection 13(3) or 15(2) or have the animal destroyed if, at the expiration of the 5-business day period mentioned in section 17:

(a) the person responsible for the animal has not claimed the animal in accordance with section 17; and

(b) the animal protection agency is unable to sell the animal or give the animal away.

(2) Any person charged with the destruction of an animal pursuant to this Part shall destroy the animal in a humane manner.

2018, c A-21.2, s.18.

Explanation

Section 18 amended

Subsection 18(1) is amended in the portion preceding clause (a) by striking out subsection 13(3) or 15(2) or have the animal destroyed if, at the expiration of the 5.business day period” and substituting “subsection 13(3) or 15(2) or section 15.1 or have the animal destroyed if, at the expiration of the period mentioned in subsection 17(1).

This section is amended to include the ability to destroy animals being surrendered post the prescriptive days subject to the amended section 17(1). This amendment conforms to modern legislative and regulatory drafting standards.

18 **Existing provision**

Liability for expenses incurred

19(1) The person responsible for an animal taken into custody pursuant to subsection 13(3) is liable to the animal protection agency for the expenses reasonably incurred by the animal protection agency, or by a caretaker on behalf of the animal protection agency, pursuant to this Part with respect to the animal.

(2) The animal protection agency may require the person responsible for the animal to pay the expenses for which he or she is liable pursuant to subsection (1) before returning the animal to that person.

(3) If an animal is destroyed pursuant to subsection 13(9), the person responsible for the animal is liable for the expenses of destroying the animal and disposing of the carcass and has no right or claim to any damages resulting from the destruction of the animal.

(4) For the purposes of subsection (3), the expenses of destroying an animal include any veterinarian's inspection fee and any veterinarian's fee for providing an opinion with respect to the animal.

(5) The animal protection agency may recover the expenses mentioned in this section against the person responsible for the animal in any manner provided by law.

(6) If an animal is delivered into the custody of a caretaker pursuant to subsection 13(3), the animal protection agency that is notified of the actions taken with respect to the animal pursuant to subsection 16(2) is liable to the caretaker for the expenses reasonably incurred by the caretaker pursuant to this Part with respect to the animal.

2018, c A-21.2, s.19.

Explanation

Section 19 amended

(1) Subsection 19(1) is repealed and the following substituted:

Subject to subsections (7) and (8), the person responsible for an animal taken into custody pursuant to subsection 13(3) or section 15.1 is liable to the animal protection agency for the expenses reasonably incurred by the animal protection agency, or by a caretaker on behalf of the animal protection agency, pursuant to this Part with respect to the animal.

(2) The following subsections are added after subsection 19(6):

(7) Subject to subsection (8) and the regulations, but notwithstanding any other provision of this section, an animal protection agency or a caretaker, as the case may be, is not entitled to recover expenses incurred that are in excess of the prescribed schedule of amounts.

(8) The minister may approve the recovery of expenses in excess of the amounts mentioned in subsection (7) in exigent circumstances, in accordance with the regulations.

The existing Act outlines that the expenses incurred by an agency to be a reasonable expense payable by the animal owner. There are no established benchmarks as to what expense is considered reasonable. The cost of care regulation while making the expense as a debt due to the government by the animal owner, will list standard amounts for the anticipated expense that an agency may incur under the Act to seize, take custody, transport, provide care to disposition or destroy an animal. This will ensure that both the owner and the agency rely on reasonable pricing charts established under the regulations. An adjudicating body may rely on this list to consider what is reasonable expense incurred by an agency. This section provides clarity on what agencies will have to charge as reasonable expense when taking animals under their care. The schedule of expenses will be established in the regulations following due stakeholder consultations. This amendment conforms to modern legislative and regulatory drafting standards.

19 Existing provision

None

Explanation

New section 20.1

The following section is added after section 20:

Appeals board

20.1(1) The Lieutenant Governor in Council may make regulations:

- (a) establishing an appeals board to hear appeals from any person aggrieved by any act or omission of an animal protection officer pursuant to any of section 17 or 19;
- (b) respecting the remedies available to the appeals board;
- (c) respecting the number of members who are to sit on the appeals board;
- (d) respecting the amount of remuneration to be paid to the members of the appeals board; and
- (e) prescribing the procedure and manner by which appeals are to be conducted pursuant to this Act.

(2) Every person, including the minister, aggrieved by any act or omission of an animal protection officer pursuant to section 17 or 19 has a right of appeal to the appeals board.

(3) Subject to the regulations, if an appeals board is established pursuant to subsection (1), the board may:

- (a) set the period within which an appeal is to be brought;
- (b) set the rules and procedures for the conduct of an appeal, including:
 - (i) specifying the documents that are to be filed on the appeal; and
 - (ii) requiring a person mentioned in subsection (2) to post security in an amount sufficient to provide for the subject animal's care for the period during which the appeal is to be conducted;

- (c) make any investigation it considers necessary for the purposes of the appeal;
 - (d) require the production of books and records that may relate to the appeal; and
 - (e) confirm, vary or stay a decision made pursuant to any of sections 17 and 19.
- (4) Every decision or order of the minister is final and not open to question or review in any court, and no decision or order of the minister shall be restrained by injunction, prohibition, mandamus, quo warranto, *certiorari* or other process or proceeding in any court or be removable by application for judicial review or otherwise into any court on any grounds.

This section will provide The Lieutenant Governor in Council the authority to establish an adjudicating appeals board on matters of disposition of animals and liability for seizure expenses incurred by animal protection agencies. This amendment conforms to modern legislative and regulatory drafting standards

20 Existing provision

Regulations

36 The Lieutenant Governor in Council may make regulations:

- (a) defining, enlarging or restricting the meaning of any word or expression used in this Act but not defined in this Act;
- (b) prescribing acceptable standards, codes of practice and guidelines for the care and handling of animals;
- (c) prescribing organizations as animal protection agencies;
- (d) respecting the approval of organizations as animal protection agencies and the suspension and cancellation of approvals;
- (e) for the purposes of Part 2, prescribing the qualifications required of persons to be appointed animal protection officers;
- (f) prescribing animal protection officers or classes of animal protection officers that have the powers of peace officers to enforce Part 2;
- (g) respecting the manner in which animals may be delivered into custody;
- (h) for the purposes of clause 13(4)(c), prescribing the contents of a corrective action order;
- (i) describing what constitutes taking reasonable steps to locate and notify a person responsible for an animal;
- (j) prescribing, with respect to animals that are kept for sale, adoption, slaughter, hire or exhibition or for the provision of a service with respect to the animal:
 - (i) standards of design, construction and maintenance of the facilities in which the animals are kept; and
 - (ii) the standards, codes of practice and guidelines for the care with which the animals are to be maintained;

- (k) respecting liens on animals pursuant to section 20 and providing for the detention and sale of the animals and for the disposition of the sale proceeds;
- (l) for the purposes of subsection 27(1), prescribing other means of service; to that Part are to be destroyed and disposed of;
- (o) prescribing a date for the purposes of subsection 38(5);
- (p) prescribing any matter or thing required or authorized by this Act to be prescribed in the regulations;
- (q) respecting any other matter or thing that the Lieutenant Governor in Council considers necessary to carry out the intent of this Act.

2018, c A-21.2, s.36.

Explanation

Section 36 amended

Section 36 is amended:

(a) by adding the following clause after clause (d):

(d.1) respecting the classes of members of police services who are to be ‘animal protection officers’ with respect to clause (b) of that definition in subsection 2(1);

(b) by adding the following clauses after clause (f):

(f.1) for the purposes of clause 9.1(4)(q), prescribing other matters for which provisions must be included in an administrative agreement;

(f.2) for the purposes of subsection 9.3(2), prescribing additional requirements respecting the care of animals in agreements entered into with a First Nation;

(f.3) for the purposes of subsection 12.1(1), prescribing the qualifications of animal welfare inspectors;

(f.4) for the purposes of subsection 12.1(2), prescribing additional responsibilities of animal welfare inspectors;

(f.5) for the purposes of subsection 12.2(1):

(i) respecting the appointment of the chief officer; and

(ii) prescribing the qualifications of the chief officer;

(f.6) for the purposes of section 12.3, adopting a code of conduct;

(c) by adding the following clauses after clause (h):

(h.1) respecting the euthanization of an animal by a veterinarian for the purposes of subsection 13(9.1);

(h.2) for the purposes of subsection 14(1.1), respecting the obtaining of warrants by telephone or any other means of electronic communication;

(d) by adding the following clauses after clause (j):

(j.1) for the purposes of subsection 17(1), prescribing the number of days;

(j.2) for the purposes of subsection 17(7), prescribing an amount;

(j.3) for the purposes of subsection 17(8), respecting the minister’s determination of the handling of the balance of excess sale proceeds;

(j.4) for the purposes of subsection 19(7):

(i) respecting the recovery of expenses by an animal protection agency or caretaker; and

(ii) prescribing a schedule of expenses;

(j.5) for the purposes of subsection 19(8), respecting the recovery by an animal protection agency or caretaker of expenses exceeding those set out in the schedule of expenses; **and**

(e) by adding the following clause after clause (k):

(k.1) for the purposes of subsection 20.1(3), respecting the powers of an appeals board.

This section is being amended to broaden the regulation of making authority under the Act. This amendment conforms to modern legislative and regulatory drafting standards.

Coming into force

This Act comes into force by order of the Lieutenant Governor in Council.

Prepared by the Minister of Agriculture