

**ULCC | CHLC**

**UNIFORM LAW CONFERENCE OF CANADA**

**JOINT WORKING GROUP ON THE TREATMENT OF ANIMALS IN  
CANADIAN LAW**

**STATUS/PROGRESS REPORT**

**Presented by  
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**Ottawa  
Ontario**

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**Presented to the Criminal and Civil Sections**

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## A. Background

- 1) At the August 2022 ULCC Annual Meeting, resolution ON2022-03 was carried as amended (19-0-4):
  - a. Create a ULCC Criminal Section Working Group to explore the treatment of animals in the *Criminal Code of Canada*, with a view to making recommendations for amendments.
  - b. The Criminal Section will also bring the issue of the treatment of animals in the civil and criminal law contexts to the ACPDM for consideration of the establishment of a joint working group, which if established would subsume the Criminal Section working group noted above.
- 2) The Criminal Section Working Group on the Treatment of Animals in the Criminal Code (the Criminal Working Group) has met regularly since October 2022 and has focused on possible amendments to the current animal cruelty offences and related provisions in the *Criminal Code*, including: prohibitions on having the custody or control of animals as part of a police release (pre-trial) or part of sentencing; weapons prohibitions as part of sentencing; primary sentencing objectives; warrantless search powers; the *mens rea* for an offence under s. 446(1)(b); and adding harm to animals to the definition of “violent offence” in the *Youth Criminal Justice Act*.
- 3) The Criminal Working Group identified several issues that would benefit from collaboration with the Civil Section and that would enhance animal welfare.
- 4) At the 2023 ULCC Annual Meeting, the Criminal Working Group proposed the formation of a Joint Working Group that would review provincial animal welfare legislation to identify best practices, with a view to possible harmonization in a few key areas, including, but not limited to:
  - a. Seizure, and post seizure management, of animals;
  - b. Inspection powers, including search warrants, warrantless searches, production of documents, production of animals, and authorization for necropsy; and
  - c. Prohibitions on possession, control or contact with animals that are enforceable across the country and can easily be found.
- 5) Other identified issues for possible examination were:
  - a. Animals as “property” in provincial legislation;
  - b. The violence link between cruelty to animals and intimate partner violence and how it is addressed in provincial legislation;
  - c. Licensing and regulating individuals, businesses and organizations who sell, or provide for adoption, cats, dogs and other companion animals;
  - d. Mandatory microchipping for cats and dogs;
  - e. Spay and neuter laws for cats and dogs; and

f. Mandatory reporting of suspected animal cruelty by veterinarians.

6) The creation of a Joint Working Group on the Treatment of Animals in Canadian Law (Joint Working Group) was approved at the 2023 ULCC Plenary Meeting.

**B. Membership**

7) The members of the Joint Working Group are:

Nadine Nesbitt – Chair – AB Prosecutions  
Emma Lehrer – BC Prosecutions  
Adam Badari – AB Prosecutions  
Mandy MacLeod – AB Prosecutions  
Andrew Davis – SK Prosecutions  
Andrew Synyshyn – MB Criminal Defence Lawyers’ Association  
Andrew Cappell – ON Prosecutions  
Tara Dobec – ON Prosecutions  
Caitlyn Kasper – ON Aboriginal Legal Services  
Melanie Webb – ON Canadian Bar Association  
Aleksander Godlewski – ON Justice Canada  
Clara Cerminara – AB Legal Services  
Amanda Mrazek – AB Legal Services  
Charlotte Adams – QC Barreau du Québec  
Angus Gibbon – NS Legal Services  
Christina Croteau – ON ULCC Legal Project and Research Coordinator

**C. Meetings**

8) The Joint Working Group has been meeting monthly since December 2023.

**D. Scope**

9) The Joint Working Group has discussed the scope of the Working Group, taking into consideration the availability and capacity of Working Group members and the varied and complex nature of animal welfare legislation across the country. The ultimate scope of the Working Group will likely be determined by the capacity of the Working Group members.

10) The Joint Working Group has started a review of how animal prohibition orders, search/inspection powers, and the concept of “distress” are addressed in each jurisdiction.

### **Prohibition Orders**

11) The legislation regarding prohibitions is being reviewed in terms of the wording of prohibitions, the length available, the circumstances in which they can be ordered, whether they are mandatory or optional and in what circumstances, and whether the Act creates an offence of breach of a prohibition order. Topics under discussion include;

- Is it beneficial to have the same language in provincial legislation as in the Criminal Code?
- What duration should be available for an animal prohibition? All of the reviewed provincial legislation allows for a prohibition up to life, but often contains little other direction or guidance.
- In what circumstances should prohibition orders be mandatory versus discretionary?
- Should there be provisions to vary a prohibition order once it is imposed?
- Should breaching a prohibition order be an offence under the provincial legislation?
- How to make a prohibition issued in one province or territory enforceable across the country?

### **Search/Inspection Powers**

12) Legislation is being reviewed to determine the inspection and seizure powers present in current legislation. Legislation varies across Canada with regard to the availability of search warrants and the circumstances which may justify warrantless searches. These powers may include the ability to compel the production of documents or the production of animals for inspection or necropsy. Seizure powers also vary between provinces, with differences as to who can seize animals, the circumstances justifying seizure, and what is done with an animal once it has been seized.

### **Distress**

13) All provincial legislation has a definition of “distress” or a related concept that is a trigger for authorities to get involved. Some provincial legislation also refers to exceptions and generally accepted practices. In some cases, provincial legislation incorporates specific standards or generally accepted practice documents into their animal cruelty legislation, such as the Canadian Veterinary Medical Association’s

*Codes of Practice for Kennel Operations and Cattery Operations*<sup>1</sup>. The working group is reviewing provincial legislation for the following questions;

- How does the legislation define “animal”, and what animals does the Act apply to? (eg. are farm animals addressed in the same Act as companion animals – or are they in a different Act?)
- Is there a definition of “distress” or similar concept?
- Do the Act or regulations specifically refer to other documents that set out standards of care or generally accepted practices?
- If other documents are not referred to, do the Act or regulations contain their own standards of care or generally accepted practices?

14) Following the completion of the legislative review, the Joint Working Group will determine whether it should recommend a draft uniform act, rule or model law.

#### **E. Next Steps**

15) The Joint Working Group will continue its review and analysis of provincial legislation, focusing on the identified issues of animal prohibitions, inspections/search powers, seizure and management of animals, and the concept of “distress”.

16) Depending on the capacity of Working Group members, other provisions in provincial legislation that enhance animal welfare may be examined.

17) The group may undertake consultation with practitioners in the provinces who use the existing legislation to determine what the appetite is for changes to existing legislation or new legislation.

18) It is the intention of the Joint Working Group to have a final report that recommends a draft uniform act, rule or model law, or some combination, for the 2025 ULCC Annual Meeting.

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<sup>1</sup> *A Code of Practice for Canadian Kennel Operations, Third Edition* (Canadian Veterinary Medical Association, 2018); *A Code of Practice for Canadian Cattery Operations* (Canadian Veterinary Medical Association, 2009).

**F. Resolution**

**RESOLVED:**

**THAT the progress report of the working group on the Treatment of Animals in Canadian Law be accepted;**

**THAT the working group continue its work in accordance with the directions of the ULCC; and**

**THAT the Working Group report back to the ULCC at the 2025 Annual Meeting**