

**Adoption and Rescue Centres**

St. John's SPCA  
www.spcastjohns.org

Clarenville SPCA  
www.clarenvilleareaspca.ca

Burin SPCA  
www.burinspca.com

Gander SPCA  
www.envision.ca/webs/ganderandareaspca/

Exploits Valley SPCA  
www.envision.ca/webs/exploitsvalleyspca/

Bay of Islands SPCA  
http://www.bayofislandsspca.ca

Happy Valley-Goose Bay SPCA  
www.petfinder.com/shelters/NF02.html

Beagle Paws  
www.beaglepaws.com

Heavenly Creatures  
www.heavenlycreatures.ca

Greyhounds of Newfoundland and Labrador  
www.gpac-nl.com

East Coast German Shepard Rescue  
www.nsgsrescue.com

Bird and Small Animal Rescue  
www.envision.ca/webs/smallanimalrescue/

**Links of Interest**

Ruff Spots  
www.ruffspots.com

NL Pet Finder  
www.nlpetfinder.com

*Local Contacts for  
Animal Protection*

St. John's SPCA - (709) 726 0301

Clarenville SPCA - (709) 466 3489

Burin SPCA - (709) 891 8000

Gander SPCA - (709) 651 3002

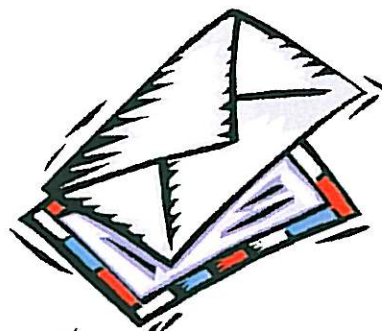
Exploits Valley SPCA - (709) 489 3604

Bay of Islands - (709) 785 2747

Happy Valley-Goose Bay SPCA - (709) 896 7387

**Contact Us**

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**PLIAN'S NOTEBOOK**

**Educating Newfoundlanders and Labradorians about the Law**

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**Public Legal  
Information  
Association of NL**

*Focus on Animal Rights*

*Message from the Executive Director*

Public Legal Information Association of NL (PLIAN) is a non-profit organization dedicated to educating Newfoundlanders and Labradorians about the law. We provide public legal education and information services with the intent of increasing access to justice.

This edition of PLIAN's newsletter focuses on animal rights. Unfortunately, cases of animal abuse and neglect do occur in Newfoundland and Labrador, and across Canada. Such incidents are sometimes highlighted in news reports. If you make a visit to your local animal shelter and speak with staff, you will often hear many sad tales of the miserable conditions that some animals have had to endure. Laws relating to animals exist on the municipal, provincial and federal level. However, it seems many people may not be aware of these laws. We hope to raise awareness of the existing legislation and help educate our readers about this topic.

I would like to take this opportunity to thank readers for taking the time to read our newsletter on the very important topic of animal rights.

*Kristen O'Keefe  
Executive Director*

**What Laws Apply to Animals?**

In Newfoundland and Labrador there are three levels of the law which relate to animals which are kept as pets:

- Municipal laws which pertain to animals are typically focused on public safety through animal control but can also include animal protection laws, and they apply within a particular community.
- Provincial laws apply across the entire province of Newfoundland and Labrador. Provincial laws relating to animals focus on animal protection, and also animal control. Examples of provincial laws include the *Dog Act* and *Animal Protection Act*.
- The Criminal Code of Canada applies all across Canada. This law criminalizes certain behavior which is, or may be harmful to animals.

### Criminal Laws Regarding Animals

The **Criminal Code of Canada** has provisions for the protection of animals. The relevant sections are ss. 444 to 447. It is a crime to cause deliberate harm to an animal or bird. It applies to anyone who harms an animal, including an owner. It can also include cases where a person fails to exercise reasonable care or supervision of an animal which results in causing the animal pain, suffering or injury.

The punishment for these offences can include a jail term of up to five years and a fine of up to \$10,000. Additionally, a person can be ordered not to own or keep an animal or bird, or even reside in a home where an animal or bird is kept, for a specific period of time. As well, in certain circumstances, where an animal, who is the subject of an offence is removed, the offender may be ordered to pay reasonable expenses for the care of that animal to an individual or organization who has taken care of the animal.

It is also an offence under s. 264.1 of the Criminal Code (uttering threats section) to utter a threat to kill, poison or injure an animal or bird that is the property of any person.

### Provincial Laws

**Provincial laws** apply right across Newfoundland and Labrador. The *Animal Protection Act* is an example of a provincial law. Its purpose is to help animals that are in distress and to prevent cruelty to and other mistreatment of animals. This law lists a number of activities which are not allowed. A few of the prohibited activities include: cutting or cropping the ear of an animal; failing to provide proper care, food or shelter; causing an animal to be injured, sick, or in pain; neglecting an animal. The *Animal Protection Act* provides certain powers to peace officers in cases where an animal is found in distress, or believed to be in distress. For example, such an animal can be seized, and delivered to the SPCA. The peace officer can take steps to relieve an animal's distress if the owner or person in charge of the animal can't be found or does not immediately take steps to relieve the animal's distress. The owner of an animal which is in the custody of the SPCA is liable to pay the SPCA for the expenses it incurs as a result of caring for the animal. The punishments for breaking the *Animal Protection Act* can include fines and/or jail.

The *Animal Protection Act* contains many provisions and we have only highlighted a few sections. To access the Act electronically, go to: <http://assembly.nl.ca/Legislation/sr/statutes/a10.htm>

### Municipal Laws

**Municipal laws** differ from federal or provincial laws relating to animals because municipal laws only apply within a particular community. For information on municipal laws applying to animals in your area, please contact your local municipality.

Municipal laws sometimes regulate matters with respect to animal control such as: animal licensing system with fees and tag registry, limiting the number of animals a citizen has, animals that are not tethered or penned, animals chasing, biting or attacking a person or animal, destruction of private or public property, and barking, howling, meowing, or any other excessive noise. In addition to animal control laws, municipal laws sometimes address animal protection issues such as basic animal needs like food, water, shelter and specifications for each.

Municipal laws set out punishments for people who break them and can include significant fines and even jail.

### Questions and Answers

**Q:** What are the provisions in an animal adoption contract?

**A:** While there are no set provisions for an adoption contract there are several terms that are common:

#### Agreement to Spay/Neuter

- It is standard practice that anybody adopting an animal must sign a form agreeing to spay or neuter the animal within a specified time frame.

#### No Hunting or Guard Dogs; No Mousers

- Most all adoption policies will have an outright ban on the use of adopted dogs for the use of hunting or guarding, as well as against the use of adopted cats to be used as a mouser.

#### House Pets

- Many policies will state that the adopter must agree to keep the animal as a house pet and refrain from tethering the animal outside for long periods of time or letting the animal roam free.

Please note that this list is not exhaustive, nor does every item on this list appear on every agency's adoption policy. Adopting an animal is a serious endeavour which should not be entered into lightly. However, it is a rewarding process which can result in a lifetime of companionship for both owner and pet. Please see our related links for agencies that can help in your adoption process.

*\* Please be advised that the information provided is general in nature and does NOT constitute legal advice.*

**Q:** What is a driver's responsibility if he/she hits an animal with their vehicle or bike?

**A:** Under the *Animal Protection Act* the driver of a vehicle or bicycle must, where possible, stop and provide the care and attention to the animal that is necessary to relieve its pain and helps its recovery. If the animal is killed, the driver must immediately notify the police.

**Q:** How are boarding kennels regulated?

**A:** Boarding kennels are normally regulated by municipal laws. This means that the laws could vary depending on the community the kennel is located. Some municipalities use "A Code of Practice for Canadian Kennel Operations" published by the Canadian Veterinary Medical Association in their laws. Please refer to your communities municipal laws for specific regulations.

**Q:** What can I do if I suspect an animal is being neglected or abused?

**A:** If you suspect an animal is being neglected or abused don't hesitate to contact your local SPCA and/or police detachment. As much information you can give them about the situation assists them in their investigation. Example: description of the dog, description of the abuser, address that the neglect or abuse is taking place. Please refer to the back page to find your local contact.