

Proposed Amendments to the *Provincial Animal Welfare Services Act, 2019 (PAWS Act)*

The proposed PAWS Act operational amendments fall within the following two themes:

1. Improving Cost Recovery and Clarifying and Updating ACRB and Other Processes

Currently, AWS can issue a “Statement of Account” under the PAWS Act outlining costs that an animal owner or custodian owe when AWS has provided necessities to relieve an animal’s distress or when animals are removed and kept in AWS’ care. However, the Act is not sufficiently specific about what types of costs are recoverable by AWS. This can have negative impacts to animal welfare if, for example, it means AWS cannot take certain actions in relation to animals because the cost cannot be recovered (e.g., transportation costs).

The PAWS Act also allows an animal owner or custodian to appeal a Statement of Account to the ACRB, but the Act is silent on what factors should guide the ACRB when they are assessing the Statement of Account and deciding whether to confirm, vary or revoke it. The act also lacks a clear mechanism for collecting on unpaid Statements of Account.

Animal owners and custodians currently have five business days to appeal to the ACRB, but in some cases, this may not be sufficient time.

There is also a lack of flexibility with respect to serving orders, notices and Statements of Account on animal owners and custodians. Finally, AWS and animal owners and custodians have often reported that there is insufficient time to adequately prepare for ACRB proceedings.

The ministry is proposing the following amendments to address these issues:

- Specifying the types of costs that are recoverable via a Statement of Account issued to an animal owner/custodian by the Chief Animal Welfare Inspector.
- Creating a regulation-making authority under the PAWS Act to prescribe factors to be considered by the ACRB when assessing whether to confirm, vary or revoke Statements of Account – which would provide guidance to adjudicators at the ACRB and help promote greater consistency in ACRB decisions to confirm, vary or revoke a Statement of Account.
- Enabling unpaid Statements of Account to be collected as a debt to the Crown.
- Providing that the ACRB must initiate proceedings, which may include a case conference, by a set time – to ensure that all parties have sufficient preparation time.
- Modifying language on service of orders, notices and Statements of Account on animal owners and custodians and providing the ability to set out in a regulation

when service is effective – which would provide flexibility to AWS regarding when and how they serve documents.

- Enabling the ability to prescribe in a regulation under the PAWS Act the timeline for animal owners and custodians to appeal to the ACRB. This provides the opportunity to extend the timeline beyond five business days.

2. Enhancing and Clarifying Inspector Powers to Improve Animal Welfare Outcomes

An animal welfare inspector currently has the authority to remove an animal from its owner or custodian to relieve its distress if:

- A veterinarian has advised in writing that relieving the animal's distress requires its removal
- There are grounds to believe the animal is in distress, but the owner or custodian of the animal is not there and cannot be found quickly, or
- An order has been issued and the animal owner or custodian has not complied.

An animal welfare inspector does not currently have a power to immediately remove an animal in critical distress, defined in the PAWS Act as “distress that requires immediate intervention in order to prevent serious injury or to preserve life”. This can negatively affect animal welfare if it means there are delays in providing care to an animal in critical distress.

Additionally, where an animal welfare inspector has issued an order to an animal owner or custodian, and the owner or custodian transfers the ownership or custody of that animal to someone else, there is no requirement to notify an animal welfare inspector. This can make it difficult to confirm that the animal welfare issues related to that animal have been addressed.

Finally, in some cases there is a need to streamline the collection of information during inspections by enabling an animal welfare inspector to interview persons individually. This would support better information gathering by inspectors during inspections.

The ministry is proposing the following amendments to address these issues:

- Permitting the immediate removal of an animal if it is in critical distress.
- Creating a requirement for animal owners and custodians to inform an animal welfare inspector when ownership or custodianship of an animal changes if the animal is subject to an active compliance order.
- Enabling the ability to exclude persons from interviews during inspections, except counsel for the person.

The ministry is also proposing several housekeeping amendments to ensure consistency and clarity in the terminology in the Act.