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March 26, 2012

BY EMAIL: Grant.Thompson@gov.bc.ca
AND MAIL

Director Agrifoods Policy and Legislation Branch
Ministry of Agriculture
PO Box 9120
STN Prov Gov
Victoria, BC V8W 9B4

Attention: Grant Thompson

Dear Sirs and Mesdames:

Re: Request for Comment: Prevention of Cruelty to Animals Amendment Act, 2012
(Bill 24)

Please find enclosed "Submission to Ministry of Agriculture regarding Prevention of Cruelty to Animals Amendment Act, 2012 (Bill 24)" issued by the Animal Law Section of the Canadian Bar Association, British Columbia Branch, March, 2012. Please feel free to contact the writer for further information and discussion.

Yours truly,

BOUGHTON LAW CORPORATION

Per:


Rebeka Breder

RB/ms

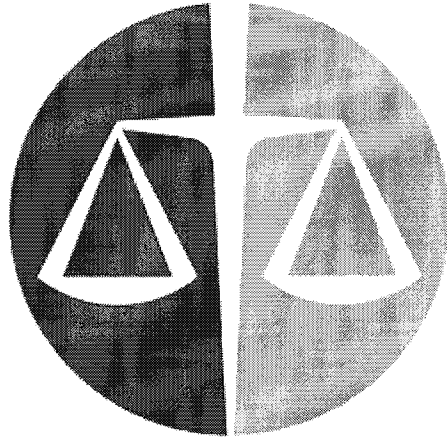
Enclosure

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Submission to

MINISTRY OF AGRICULTURE

regarding

***PREVENTION OF CRUELTY TO ANIMALS
AMENDMENT ACT, 2012 (BILL 24)***

Issued by:

**Animal Law Section
Canadian Bar Association
British Columbia Branch
March 2012**

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PREFACE

The Canadian Bar Association nationally represents over 35,000 members and the British Columbia Branch (the “CBABC”) has over 6,500 members. Its members practise law in many different areas and the CBABC has established 74 different Sections to provide a focus for lawyers who practise in similar areas to participate in continuing legal education, research and law reform. The CBABC also establishes special committees from time to time to deal with issues of interest to the CBABC.

This submission was prepared the CBABC Animal Law Section (the “CBABC Animal Law Section”). The CBABC Animal Law Section studies various issues involving wild and domestic animals and educates the legal community about the same. The comments expressed in this submission reflect the views of the CBABC Animal Law Section only and are not necessarily the views of the CBABC as a whole.

SUBMISSIONS

Introduction

The *Prevention of Cruelty to Animals Amendment Act, 2012* (“Bill 24”) amends the *Prevention of Cruelty to Animals Act, R.S.B.C. 1996, c. 372* (the “Act”).

Bill 24 makes a number of amendments to the Act. Of specific concern to the CBABC Animal Law Section is section 7 of Bill 24. Section 7 of Bill 24 proposes to add a new Part 3.1 to the Act regarding reviews and appeals.

The main concern of the CBABC Animal Law Section is that the proposed Part 3.1 will interfere with the protection of animal welfare in British Columbia. Currently, when the British Columbia Society for the Prevention of Cruelty to Animals (“BC SPCA”) seizes an animal from an owner as a result of welfare concerns, appeals are either dealt with directly by the BC SPCA or before the Supreme Court of British Columbia. The BC SPCA responds and resolves animal welfare concerns effectively, efficiently and it is an expert in dealing with animal welfare.

Under the proposed new Part 3.1, the British Columbia Farm Industry Review Board (“FIRB”) will be established to hear appeals, instead of the current process which has the Supreme Court hearing appeals under the Act. Although the idea of an independent animal court or tribunal may be a good one, the FIRB should not

be established as such an entity. The FIRB is an administrative tribunal that is an expert in administering the *Natural Products Marketing Act*, *Agricultural Produce Grading Act*, and the *Farm Practices Protection Act*. The FIRB was created in 1934 to supervise commodity boards and has evolved to also hear complaints about farm practices and the farm industry in general. The FIRB is an expert in farm issues, and not in animal welfare ones.

The Supreme Court of British Columbia, although not an expert in animal issues per se, is truly independent and is able to hear and resolve appeals from or by the BC SPCA much quicker than the FIRB. The CBABC Animal Law section agrees with the BC SPCA's position that the FIRB will add another layer of bureaucracy which will mean that fewer animals may be rescued from suffering. It will also mean that the already overloaded BC SPCA constables will spend much more time doing paper work instead of being in the field and responding to calls about animals in distress.

Another problem with the FIRB is the delays that will be created. It takes approximately 6 to 8 months for the FIRB to deal with an outstanding matter, compared to the 3 to 4 months it usually takes to have a judicial review in the Supreme Court of British Columbia. This means that there will be increasing delay and costs for all parties, and shelter resources will be further strained – all of which will have a more prolonged impact upon animals while they are in a legal “limbo”.

The bottom line is that, as drafted, Bill 24 does not promote or protect the welfare of animals in any way; if anything, Bill 24 may unintentionally impede it and will do so at the peril of animals who cannot afford to have any less protection than they already have.

As a result of the foregoing, the CBABC Animal Law Section recommends that Bill 24 should not be passed until such time there is further discussion with key animal welfare stakeholders such as the BC SPCA and the Vancouver Humane Society, and until funding and training of the FIRB, or similar tribunal, is sufficient to be the same as the current system of appeal to the Supreme Court.

CONCLUSION

The CBABC Animal Law Section welcomes the opportunity to engage in further discussion with the Ministry of Agriculture.

Any communications can be directed to:

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