



# **Northwest Territories Legislative Assembly**

## **Standing Committee on and Economic Development and Infrastructure**

Public Meeting on  
*Bill 16: An Act to Amend the Dog Act*

January 13, 2011  
Yellowknife, Northwest Territories

Chair: Mr. David Ramsay, MLA Kam Lake

# **STANDING COMMITTEE ON ECONOMIC DEVELOPMENT AND INFRASTRUCTURE**

## **Chair**

Mr. David Ramsay, MLA Kam Lake

## **Members**

Mr. Jackie Jacobson, MLA, Nunakput Deputy Chair  
Mr. Bob Bromley, MLA Weledeh  
Mr. David Krutko, MLA Mackenzie Delta

## **Alternate Members**

Mr. Glen Abernethy, MLA Great Slave

## **Regular Members**

Mr. Robert Hawkins, MLA Yellowknife Centre  
Mr. Kevin Menicoche, MLA Nahendeh  
Ms. Wendy Bisaro, MLA Frame Lake  
Mrs. Jane Groenewegen, MLA Hay River South

## **Committee Staff**

Ms. Jennifer Knowlan, Committee Clerk  
Ms. Sheila MacPherson, Committee Law Clerk  
Mr. Colette Langlois, Director of Research  
Ms. Alicia Tumchewics, Committee Researcher

**STANDING COMMITTEE ON ECONOMIC DEVELOPMENT  
AND INFRASTRUCTURE**  
**Public Meeting on Bill 16: *An Act to Amend the Dog Act***  
**January 13, 2011**  
**Yellowknife, Northwest Territories**  
**12:00 p.m.**

**CHAIRMAN (Mr. David Ramsay):** Good afternoon everybody. I would like to call the Standing Committee on Economic Development and Infrastructure back to order. We are here for a public meeting on Bill 16: *Act to Amend the Dog Act*. Again, I would like to welcome the members of the public who have joined us in the back, as well as the Minister of Municipal and Community Affairs, Mr. Robert C. McLeod, and his staff as well.

We'd start off with perhaps having committee members introduce themselves and maybe we will get committee members from EDI to introduce themselves first and then we will have other Members who have joined us introduce themselves. We'll start with Mr. Krutko.

**MR. KRUTKO:** David Krutko, MLA Mackenzie Delta.

**MR. BROMLEY:** Bob Bromley, MLA Weledeh.

**MR. JACOBSON:** Jackie Jacobson, MLA Nunakput.

**CHAIRMAN (Mr. Ramsay):** Thank you. My name is David Ramsay, MLA Kam Lake, and chair of the Economic Development and Infrastructure committee. Now I'd like to ask the other Members that have joined the committee this afternoon to introduce themselves for the record, starting with Ms. Bisaro.

**MS. BISARO:** Thank you, Mr. Chair. Wendy Bisaro, MLA Frame Lake.

**MRS. GROENEWEGEN:** Jane Groenewegen, MLA Hay River South.

**MR. HAWKINS:** Robert Hawkins, MLA Yellowknife Centre.

**MR. MENICOCHÉ:** Kevin Menicoche, MLA Nahendeh.

**MR. ABERNETHY:** Glen Abernethy, MLA Great Slave.

**CHAIRMAN (Mr. Ramsay):** Thanks, Members. As well, we've got some staff with us that I'd like to recognize. To my right we've got Jennifer Knowlan, our committee clerk; to my far left we've got Sheila McPherson, committee law clerk; to my immediate left is Alicia Tumchewics, our committee researcher; and our director of research at the far back, Colette Langlois. I'd like to welcome our staff here as well.

Judging by the turnout of Members here today, it's a very important subject that we're here to discuss with the amendments to the *Dog Act*. Today the Standing Committee on

Economic Development and Infrastructure is holding a public hearing on Bill 16: *An Act to Amend the Dog Act*. For folks that want copies, there are copies of the bill on the back table, as well as the plain language summary of the bill.

The Minister, Robert C. McLeod, Minister of Municipal and Community Affairs, will provide opening remarks on Bill 16 and following those comments and discussion with committee, the floor will be open to anyone who would like to speak to committee members about this bill. We haven't scheduled any witnesses for today. We're going to, again, allow the Minister to provide opening comments, go around the room for comments from committee members and other Members. At the end of that, if there is some time today, we will open the floor for comments from the public. We are also having another public hearing on January 17<sup>th</sup> at 12:00 noon. We do have a list of participants that want to make presentations to the committee at that time, so if we do have some time today, we can open the floor to the public. If there are any persons here who would like to have their name added to the list of witnesses or would like to have their name added to the list of witnesses or would like to make a presentation, I would ask them to please see our committee clerk, Ms. Knowlan.

With that, Minister McLeod, I'd like to thank you for joining us today, as well as your staff. I'd now ask you to please introduce your staff for the record and to please proceed with opening comments on Bill 16. Thank you.

**HON. ROBERT MCLEOD:** Thank you, Mr. Chair. I'm pleased to be here. I have with me for Municipal and Community Affairs Mr. Mike Aumond, deputy minister; Laura Gareau is the director of corporate services. We also have with us from the Department of Justice Ms. Kelly McLaughlin.

### **Minister's Opening Comments**

Mr. Chairman, thank you for inviting me to speak today to you and the Members of the standing committee about Bill 16: *An Act to Amend the Dog Act*.

In the past several years, there have been a series of well-reported incidents about the abuse of dogs. These incidents fall far outside the traditional ways of managing dogs and dog teams. The abuses are also against modern standards of care.

The amendments we are seeking are measured responses that take into account the experience of other jurisdictions as well as a unique northern approach to make legal solutions for the kinds of dog abuse problems we are facing.

The most critical element of the amendments will be implementation and the deterrent effect of the new provisions. We are confident that the kinds of abuse that has happened recently will stop when people understand that we have a new legal arsenal to combat dog abuse, one that is more effective than the Criminal Code and that means that abusers will be caught and punished.

The government is moving ahead with amendments to the *Dog Act* and not creating new animal welfare legislation at this time. This is because so far, all of the complaints

about animals that we know of deal with dogs. Through lessons learned from an amended *Dog Act*, the GNWT will decide later if broader animal welfare legislation is needed.

Thank you, Mr. Chairman. I look forward to hearing comments from the Members and answering any questions.

**CHAIRMAN (Mr. Ramsay):** Thank you, Mr. Minister. Again, I'd like to welcome you and your staff to the proceedings this afternoon. We will now open the discussion to questions from committee members. I've got Mr. Krutko.

**MR. KRUTKO:** Thank you, Mr. Chair. Mr. Chair, personally I think we have bigger issues out there to deal with. We have homeless issues, we have poverty issues, people in our community struggling just to maintain their well-being. Yet, we seem to put a lot of emphasis into this act. Personally, I think these dollars could be better expended by dealing with a shelter policy for people. More importantly, the way this act is being portrayed with regard to how traditional communities function and how people continue their traditional lifestyle, whether it's hunting, fishing or trapping and the requirement of husky dogs to be used for those activities. The outcall from southern institutions, animals rights groups and whatnot, are the same groups of people that destroyed the trapping industry in the Northwest Territories. For me, this is what this is being made out to be.

I'd like to ask the Minister why this legislation has not been implemented through the municipal acts to allow the municipalities to allow dog control in our communities, and implement the legislation so that the municipalities can establish fee structures they are going to charge and the type of conditions they can provide, regardless of how you find a shelter in the communities. All our communities are different. We don't have dog shelters in all our communities. We don't have dog pounds. We don't have veterinarians in our communities. We have situations where we have rabies in our communities because of the wild animals around our communities and distemper and other diseases that dogs do catch from time to time. Those types of things have been diagnosed.

Why have the municipalities not been considered and are taking on more responsibilities and putting emphasis on municipalities to have to carry out these extra duties in this legislation which they didn't have to do before? But now because of the way the legislation is being drafted, once you pick up a dog off the street, you are responsible for taking care of that animal. The municipalities will have to bear that cost. I know you say that people will have to take on that cost. The average income in all our communities is \$18,000. That's the average income for most people in small communities. That has to be taken into consideration. Every time you look at this, there's a fine attached to this or a chargeback for that. I think there's a financial implication to this legislation on individuals that will now have to pay for something that they didn't have to pay for before, regardless if your dog is being put into a dog pound or picked up by the bylaw officer. Again, I'd just like to know where does the legislation fit into this and why was that not...(inaudible)...for this legislation to be brought forward.

**CHAIRMAN (Mr. Ramsay):** Thank you, Mr. Krutko. We've got a lengthy list already of Members, so what we'll do is we'll go with two questions from each Member and keep it at that. If you want to get back on the list, just raise your hand and we'll do that. Mr. Minister.

**HON. ROBERT MCLEOD:** Thank you, Mr. Chair. We have a lot of situations across the Northwest Territories that require the government to act and respond to the needs of the Northwest Territories as much as we respond to some of the concerns that the Member has raised. We've also heard from those out there that believe there's a need for amendments to the *Dog Act*. Being a responsible government, we're trying to take that into consideration and deal with the amendments to the *Dog Act* because it is something that is at our disposal and we are able to make fairly quick amendments to, so they can act as a deterrent. The municipal authorities do have the authority to have their own municipal bylaws regarding dogs. This would be territorial-wide and cover the whole Northwest Territories and it would allow the RCMP to also take action on dog abuse, if it's reported. Thank you.

**CHAIRMAN (Mr. Ramsay):** Thank you, Mr. Minister. Mr. Krutko.

**MR. KRUTKO:** Thank you. The other issue I had is in regards to the interpretation when you talk about traditional activities, traditional ways of managing dogs in our communities. In most of our communities, people still have dogs that they depend on for traditional purposes. I think that people still are huskies. They aren't these pets and poodles you see in the larger centres, but these are huskies that people depend on for their livelihood. I think we have to ensure that whatever it is we do, that we do not make criminals out of people because of the traditional activities they have.

I'll use an illustration. Most fish camps you see in the Mackenzie Delta, you'll see people's dogs tied onto the shoreline at those fish camps. People leave their dogs out there in the summer months and they feed their dogs with the fish net at their fish camps. In most cases, the dogs are left on a chain that runs along the shoreline. Someone who doesn't have a clue that that is a traditional way that people handle dogs in the Delta and in their fish camps because someone is going to have the authority to implement this legislation may consider that as being cruel or dogs being in distress because they're running up and down a chain.

To me it's how this legislation is going to be interpreted and who is going to interpret and not to criminalize people simply because of the way they have done things for many decades in our communities and in our regions. They still depend on those huskies to provide efforts towards traditional purposes are also used because of dogs. We use dog teams for hunting. We use dog teams with regard to hauling wood. We use dog teams to hunt by way of dog packs. They have purposes. Again, it's the different types of dogs we are talking about here and how you determine the distress. One dog might be shivering because it looks like it's cold. A dog might be outside on a chain on a dog house versus a dog that's running in the cold which really wasn't acclimatized for this Territory. Which is worse? The dog that is acclimatized for the Territory or a dog that is not equipped to handle the temperatures in the Northwest Territories? How do you

ensure that you will have mechanisms in place to understand there are different types of dogs, different types of activities that dogs are used for in regards to how this legislation is going to be enforced?

**CHAIRMAN (Mr. Ramsay):** Thank you, Mr. Krutko. Mr. Minister.

**HON. ROBERT MCLEOD:** Thank you, Mr. Chairman. I recognize the importance of dogs in the traditional lifestyle and we want to ensure that those dogs are also protected. We added that in response to communication from this committee, and so that particular part of it was added in. Thank you.

**CHAIRMAN (Mr. Ramsay):** Thank you. Next I have Mr. Bromley and then Mr. Hawkins. Mr. Bromley.

**MR. BROMLEY:** Thank you, Mr. Chair. I think there's a lot of interest in the committee as well as the public and I want to say that I'm very appreciative of this coming forward. We brought this early in our term and it's been a long time coming, but we're very happy to see it here and I see some major progress. I have high hopes for this. I recognize that this is a delicate balance because of the breeding practices and so on. There's a huge range of types of dogs and their abilities to handle different conditions and so on. In the same vein as Mr. Krutko, the traditional practices develop with a type of dog that was very well adapted to the cold and so on.

At the same time, society is changing, but I think the bottom line is respect for the animals. That's the intent here. What has motivated this has been very extreme situations that were thoroughly, as you mentioned in your comments, not traditional practices. Nevertheless, there is a huge amount of concern out there about the phrase that's repeated several times on traditional practices. So is there any interest in bringing a definition to that, or obviously as society changes, there will be different people who occupied officer positions and maybe positions of judges or magistrates that are making decisions here. The phrase "generally accepted local or traditional practices of dog care use and management" is one that I agree with. But as ever, the devil is in the details. Has there been some thought to providing a definition of that at all?

**CHAIRMAN (Mr. Ramsay):** Thank you, Mr. Bromley. Mr. Deputy Minister, Mr. Aumond.

**MR. AUMOND:** Thank you, Mr. Chair. We had not considered putting a definition in the legislation. As the Member had stated, times change and the definition of something may change. What we had attempted to do in response to the committee's recommendation on this issue was a couple of things. One is the onus is going to be on who is, in other words, charged with abuse to prove that their management and care of the animal meets the test of traditional use and management of the animal. They would be able to do that by having people in the community confirm that the use and management of their dog meets that test.

Having said that, there is still a definition of what is distress for the animal and what is cruel to the dog, and that test still has to be passed. In the case that Mr. Krutko is

bringing up, the fact that you had a sled dog that was outside their shelter, but as long as it had food and water and was well taken care of, that would meet the test, I would suggest. Not giving it food or water or simply ignoring it would not meet the test of traditional use and management of the animal. That was sort of our thinking behind it and how we put it in the legislation.

**CHAIRMAN (Mr. Ramsay):** Thank you, Mr. Aumond. Mr. Bromley.

**MR. BROMLEY:** Thank you, Mr. Chair. Thank you for those comments. That sounds very reasonable and one hopes that that will be brought to bear in an interpretation of the law and so on by the numerous people that will be involved in that over the years.

Another phrase that I believe Mr. Aumond mentioned, distress, the definition involves “reasonable protection from injurious heat or cold.” Again, I suppose that’s subject to some interpretation and Mr. Aumond’s comments would apply again. I guess it’s a sensitivity that we will look to see from our officers and so on. Hopefully this will do the job. I don’t see any overly aggressive enforcement or attempts to enforce regulations in this area, so I’m anticipating that that won’t be a problem.

My second question is with regard to the expression “at large.” Again, that appears in a few places. The first place is a little subtitle Running at Large on page 4, Section 5: “No owner shall permit a dog to run at large,” and then it goes on in details and that includes outside of town. Obviously, many people, many of us take our dogs out and hunt with them or ski with them and so on without them being on a chain or a leash or anything like that. Again, I don’t see a definition of “at large.” Is there vulnerability here to overly extreme interpretation and what’s the Minister’s thinking on making sure that we can have our dogs loose when we’re out there? Thank you.

**CHAIRMAN (Mr. Ramsay):** Thank you, Mr. Bromley. Mr. Minister.

**HON. ROBERT MCLEOD:** Thank you, Mr. Chair. In situations like that where you are ultimately still responsible for your dog if you are out skiing with the dog, I don’t think enforcement officers will be overly aggressive in saying you’re having your dog run at large. Obviously there are going to be cases like that where a lot of people use their dogs, take them out on the and let them run loose, so it just depends on how closely they are interpreting or enforcing this particular piece of legislation.

I think, in an environment like the Northwest Territories, we’re unique. We’re a lot different than down south. I think there’s going to have to be some leeway and you have to be understanding of practices up here. Thank you.

**CHAIRMAN (Mr. Ramsay):** Thank you, Mr. Minister. Next on my list I have Mr. Hawkins

**MR. HAWKINS:** Thank you, Mr. Chairman. The two areas I’d like to raise, out of concern or for clarification, is the first one would be the disposal process. The act covers a lot of areas about disposal when it comes to the authority side of the equation. I mean, in short, we’re really here today to amend the *Dog Act* because of concerns of

abuse and neglect. I certainly agree with the spirit and intent to address the abuse and neglect problem. I think that is fundamentally the issue. However, in reading the amendments to the act, we talk about disposal from an enforcement point of view or an authority point of view, but we don't seem to address it from an ownership point of view. I find it kind of concerning that the act talks about it in a way that talks about a safe and humane way of disposing an animal, because, quite honestly, it leaves it to interpretation. It appears the act goes at great length to ensure there's fair treatment of an animal, to ensure that abuse is taken away, the concept of abuse is taken away and animals are protected. Those are all well and good things and that's the intent of why we're here. But we have nothing here to ensure that, for whatever the reason may be, when the owner of an animal feels that it's come to the end of their experience with that animal, there is nothing to ensure that it's disposed of in a humane way, whether that's through a vet or through another regular, normal practice. What's to ensure that people are doing this safely, humanely and fairly? Thank you.

**CHAIRMAN (Mr. Ramsay):** Thank you, Mr. Hawkins. Mr. Minister.

**HON. ROBERT MCLEOD:** Thank you, Mr. Chair. Mr. Chair, the dogs that are still with the owners, it would ultimately be the owner's responsibility to dispose of the dog and to do it in the most humane way possible. What we're talking about are dogs that may have been apprehended and may not have been claimed, then the question is how do you dispose of them?

**CHAIRMAN (Mr. Ramsay):** Thank you, Mr. Minister. Mr. Hawkins.

**MR. HAWKINS:** Thank you, Mr. Chairman. With all due respect, I don't think that addresses the problem. The act goes into great length about managing, making sure the dog is safe, treated properly. You can just go to Section 3.(1) where you talk about the owners' responsibilities, but one of the responsibilities of the owner should be a fair, reasonable and respectful way to dispose of an animal when it comes to the end of their life or the end of the relationship with the animal. So I'd like to say I clearly disagree.

Mr. Chairman, seeing as how we are limited to two questions, I guess I should put the other area of concern on record. You know, speaking of Section (1)(b) when we talk about adequate care, when the dog in this case is either wounded or ill, what's to stop the enforcement authority to charge an owner who doesn't take a specific dog into treatment and say that they have a degenerative hip and you're now on the hook for a \$1,200 bill because this particular species of animal has a generative hip and the owner can't afford to treat them in that particular case? They would be seen in contravention or neglect in that particular case, the way this is written. They don't seek that treatment because they can't afford it. The way this is written at this time is it has the appearance that they would be breaking the law. Thank you.

**CHAIRMAN (Mr. Ramsay):** Thank you, Mr. Hawkins. Mr. Minister.

**HON. ROBERT MCLEOD:** Thank you, Mr. Chair. This is one of the reasons we bring the bill before the committee, to get particular type of feedback and any

recommendations as the committee may have of adding on or subjecting from this particular bill. Again, it would be a lot of common sense involved and I can't see an enforcement officer going into a place where they know a dog has a... We can interpret this any way we want, but the bottom line is the purpose of the amendments to the *Dog Act* is to protect the dog from a lot of abuse that we've seen in the last few years. From some of the questions we've been getting, there are some other issues the Members have and this is a good opportunity. The bill is in the committee's hands and we look forward to any feedback that we get from committee members. Thank you.

**CHAIRMAN (Mr. Ramsay):** Thank you, Mr. Minister. I didn't want you to think we were limiting questions to two questions, because you can get back on the list. So we're just trying to be fair so we can get as many questions in as we can. Next on the list I have Ms. Bisaro.

**MS. BISARO:** Thank you, Mr. Chair. Like Mr. Bromley, I'm pleased to see we have an act before us for us to consider, and I agree with him that it's been a very long coming. In general, I'm pleased with the amendments that are put forward. I do think that there are a number of areas where clarification is required. I think there are several sections which, you can see from the questions, really aren't clear and are open to far too much interpretation.

I'd like to revisit the issue, Section 5, where it talks about dogs running at large. The second section under Section 5 on page 4 is number 6. It talks about not leaving a dog in harness unless...and then the section says unless they are "under the custody and physical control of a person who has attained the age of 16 and is capable of ensuring that the dog will not harm..." I think other people. It would seem to me if that phrase was added under Section 5, that you can't allow your dog to be in an area that is not within a municipality at large unless they're under the care of somebody who can control the animal, I think that might limit the interpretation that could be held there. I totally agree that we should not be restricting people from having their dogs at large when they are outside a municipality if they are hunting, if they are doing recreation activities and so on. So I would encourage the department to seriously look at that section and think about clarifying number 5 similar to the clarification that's in number 6.

I do have a concern, as well, with the statement about dogs being injured. It's done twice. It's in Section 3 and it's also in Section 2. I have similar concerns to Mr. Hawkins in that if a dog is injured or sick, my question I guess would be: is there a requirement on the part of the owner to make sure that that dog is treated, or if I choose to not take my dog for a \$1,500 treatment but choose to have the dog put down instead, is that considered an acceptable reaction to the fact that my dog is injured or sick? Thank you, Mr. Chair.

**CHAIRMAN (Mr. Ramsay):** Thank you, Ms. Bisaro. Mr. Aumond.

**MR. AUMOND:** Thank you, Mr. Chair. With respect to the Member's comments on Section 5, I believe it was, committee provides us the feedback, we'll take those into consideration. We'll be happy to do so.

I guess with respect to the Member's second question, as the Minister had stated earlier, you can only make any legislation so tight and so clear and people will always test legislation. This will be new legislation that will be tested. Having said that, one would like to think that common sense is going to prevail here on people trying to enforce this piece of legislation. In many cases, as Mr. Krutko noted earlier, there may not be a vet in the community, you may not have access to that, and all those things need to be taken into account on the balance of probabilities and reasonableness on how somebody is caring for their animal. Whether or not that is specifically in here... We cannot contemplate every single scenario that one might come across, so we'll take what the Member has to say and look forward to committee's comments when we get them back. But again, common sense should prevail. Thank you.

**CHAIRMAN (Mr. Ramsay):** Thank you, Mr. Aumond. Ms. Bisaro.

**MS, BISARO:** Thanks, Mr. Chair. I thank the deputy minister for those comments. I did forget to say earlier I agree also with Mr. Bromley's phrase that there should be a respect for the animal or animals from his or her owner or owners. I wonder if that's something which maybe ought to be put into either the preamble of the act or maybe ought to be somewhere in the act to kind of emphasize the rationale for these particular amendments. It is to make sure that owners respect their animal or animals.

I wanted to go back to the clause which is of concern to many people and that's the one that references, "treating a dog in accordance with generally accepted local or traditional practices of dog care, use and management." That's Section 4 of the act, but it's labelled 3.(2).

The Minister spoke previously to this issue and I was struck by part of his response. I'm quite concerned that the interpretation of this clause, the way that it's written, could be extremely broad and extremely varied and could lead to sort of improper accusations or just difficulties within a community, because we do certainly have different interpretations of how dogs should be treated and what is good treatment and what is not. So the Minister said that basically within local and traditional practices that the issue of an animal being in distress, the animal should not be in distress subject to their local and traditional practices. So if that's the case and if that's the intent of this particular clause, then perhaps there ought to be reference to that.

The way the clause is written at the moment, it can be read as being totally wide open and allow an owner to do pretty much what they want under the guise of it being local or traditional practice. If there is a reference to yes you can do that but you have to do it subject to whatever the clause number is for the definition of distress, that might alleviate people's fears.

There is certainly a lot of fear out there and I think we need to just kind of close the ability to interpret this particular clause any way that you want. That's more of a comment than a question, Mr. Chair.

**CHAIRMAN (Mr. Ramsay):** Thank you, Ms. Bisaro. If I could, folks at the back are having a bit of trouble hearing the conversation at the table, so if I could get Members just to speak up a little bit, and Mr. Minister and your staff, if you could just raise your voice a little bit when you're answering questions, that would be great in an effort for the folks at the back to hear better.

That is more of a comment, so thank you, Ms. Bisaro. Next on the list we've got Mr. Abernethy.

**MR. ABERNETHY:** Thank you, Mr. Chair. I share most of the comments of my colleagues Mr. Bromley and Ms. Bisaro, but I do want to follow up on one comment or one question that I think Mr. Aumond has already started to address and that's under the main provision, it talks about the purpose of the act. If a dog is in distress, you talk about reasonable veterinarian care as an area where they might be under stress. Mr. Krutko already mentioned and you've already sort of spoke to this, we don't have veterinarians in most of our communities. I think two or three tops at this point.

In Section 4 under 3(b), it says, "provide it," and that's a dog, "...with adequate care when it is wounded or ill." In the first part we said veterinarian care, reasonable veterinarian care and the second part we're just talking about providing it care. How do we ensure the type of care that is being provided?

I'll give you an example of what I'm trying to get to here. In Ulukhaktok, as an example, there is no veterinarian. If a dog is injured in Ulukhaktok, how do we ensure that the care is reasonable? We know we can't provide veterinarian care because there isn't one. To get that dog in front of a veterinarian, we have to get it out of Ulukhaktok and probably down to Yellowknife before it can get care. That doesn't seem reasonable and the family isn't going to be willing or able to pay that expense. So why would we use veterinarian care in the first one and care in the second one? Why don't we just stick with one, either veterinarian care or refer to it as just care and leave it open to the people to use the resources that are available to them in the communities to ensure that care is provided?

I guess I'm saying with all respect to veterinarians in the Northwest Territories, it's not always reasonable. So maybe we shouldn't include that particular clause in this act. I'm just curious what your thoughts are on that.

**CHAIRMAN (Mr. Ramsay):** Thank you, Mr. Abernethy. Mr. Minister.

**HON. ROBERT MCLEOD:** Thank you, Mr. Chair. The Member makes a good point and something that I will assure the Member that we will consider, just using the word "care." Obviously it will come back as probably one of the recommendations from the committee. You make a very good point and we will take that into consideration.

**CHAIRMAN (Mr. Ramsay):** Thank you, Mr. Minister. Mr. Abernethy.

**MR. ABERNETHY:** Thanks to the Minister for that. We are going to hear from the public and we will hear what they think about that. So if it's a common thought, we'll certainly probably be bringing that forward.

I need to talk about dogs at large as well. You indicated it will be reasonable and responsible and if a person has a dog under control, not necessarily on a leash, the enforcers would be reasonable. But in that particular section, it doesn't really talk too much about enforcement. In that section it says if an RCMP or an officer sees an animal, they can apprehend it. We might want to put something in that section that talks about the at large but under care and control. I'm worried that people can use to choose this for negative purposes. I think we should be cautious about that. I'm curious; had the department done any investigation at large and what happens in other jurisdictions with respect to animals that are trained hunters? I know that you can get dogs that are trained to go hunting for birds with you and they will go out and so that dog can't be on a leash, but somebody could use this legislation as it's written to abuse that and maybe try to get that dog apprehended or whatnot or charge the owner of the dog. In those situations, this act, as it's written, might be bad. What research was done to make sure we were sort of consistent with other jurisdictions where animals are expected to be off leash outside of municipal boundaries?

**CHAIRMAN (Mr. Ramsay):** Thank you, Mr. Abernethy. Mr. Aumond.

**MR. AUMOND:** Thank you, Mr. Chair. The Member makes a reasonable point. In terms of what we did in other jurisdictions is a carryover from the existing legislation. So when we were putting our eyes towards what we were being asked to do here and what we thought we were doing, this is not really something I guess that we contemplated that needed to have the detail and suggestion that you're suggesting. Nevertheless, the point is taken. Thank you.

**CHAIRMAN (Mr. Ramsay):** Thank you, Mr. Aumond. Next on the list is Mr. Menicoche.

**MR. MENICOCHÉ:** Thank you very much, Mr. Chair. I just wanted to raise, actually, two issues. They are kind of unrelated. Firstly, when I heard that we were going to redo the *Dog Act*, it certainly, of course, needed modernizing, but for me at first perusal, I'm kind of with Mr. Krutko. In the North, we do have strong cultural differences in our communities. My riding of Nahendeh is predominantly aboriginal. The elders would speak about dogs and in Yellowknife here they talk about pets. That's how it's viewed. However, culturally we do respect all animals because that's how people make a living and we depend on them for their life.

I'm concerned about the amount of fines that is in the act. When you talk about low-income communities and low-income people, like a \$5,000 fine to me, my aboriginal people are going to jail because they don't have the income to pay those fines. The cultural difference is that the act talks about you cannot let your dogs run lose and you cannot tie them up for unreasonable periods. There is no win there. Somebody is going to lose there, Mr. Chair. I find those inconsistencies not very practical. I guess if I had a

question, Mr. Chair, I see the fines are here and they are like \$5,000 first offence. I'd like to get the rationale for it, because I'm not too clear why the fines are so high. I know this legislation is being amended based on two or three high-profile cases in the NWT. Those could be said were cruelty to animals, Mr. Chair. Could not these larger fines be addressed in different legislation of cruelty to animals?

**CHAIRMAN (Mr. Ramsay):** Thank you, Mr. Menicoche. Mr. Minister.

**HON. ROBERT MCLEOD:** Thank you, Mr. Chair. We believe the \$5,000 fine should act as a deterrent. It says up to \$5,000, so it doesn't necessarily mean that you're going to be fined \$5,000 right off the bat if you abuse your dog, but we need a deterrent. People have to realize that, I think, in the existing act it's \$25. They need to be made to realize if you don't abuse your dogs, then you already have nothing to worry about. But if you abuse your dog, there needs to be a deterrent. If I leave my dogs on a chain and let them all starve to death, then I may get dinged pretty hard. We need a deterrent and we believe this is it.

**CHAIRMAN (Mr. Ramsay):** Thank you, Mr. Minister. Mr. Menicoche, anything further?

**MR. MENICOCHÉ:** Thank you very much, Mr. Chair. I believe cruelty to animals deserves as much as the extent of the law that we can punish somebody, but I don't believe that we should specifically reference dogs. I think some of the changes are good. We are looking to ensure that dogs aren't distressing in communities, regions and larger centres.

However, I'll just move on to my other topic here, Mr. Chair. Again, once I heard that the act was going to be changed, I know that in Vancouver they've got fees and requirements for insurance for owners of dangerous dogs like Dobermans, pit bulls, et cetera. Is that something that can be viewed in this legislation, Mr. Chair?

**CHAIRMAN (Mr. Ramsay):** Thank you, Mr. Menicoche. Mr. Minister.

**HON. ROBERT MCLEOD:** We really haven't given that much consideration. Again, if it's a concern from committee members, then obviously you will be having your public meetings and you may be hearing from the public. If it's a concern across the Territories, that's something that we might possibly have to have a look at.

**CHAIRMAN (Mr. Ramsay):** Thank you, Mr. Minister. Next on the list I've got Mr. Hawkins.

**MR. HAWKINS:** Thank you, Mr. Chairman. First off, to my questions earlier I was basically talking about what I would define as reasonable interpretation. The Minister is giving me responses back about common sense. That's the problem with legislation, is you spend a lot of time writing everything and trying to catch everything to make sure that it's framed in such a way that people can't slip through, but as I talked about safe and fair ways of disposing animals, I didn't get a sense that there's anything that is built around those parameters. How does the Minister sit here today and in his way say, don't worry, common sense will prevail? The legislation doesn't say that. Why did the

department either overlook or not consider it an important time now to update a proper and fair way to dispose of animals and therefore it can fall under the abuse and neglect issue that we are trying to capture at this particular time?

Mr. Chairman, I don't say that in a disrespectful manner. He says common sense will prevail, but we wouldn't need any laws if common sense prevailed, to be honest. But it doesn't. We can't just leave it up to interpretation. That's what got me concerned. By and large, I'm trying to understand why the department, from the Minister's point of view, did not address the disposal aspect from an ownership point of view. Thank you.

**CHAIRMAN (Mr. Ramsay):** Thank you, Mr. Hawkins. Mr. Minister.

**HON. ROBERT MCLEOD:** Thank you, Mr. Chair. The current act is fairly silent on disposal. If this is something that committee feels strongly about and feels it's something that we should consider adding into the legislation, then we would have to have a look at that.

**CHAIRMAN (Mr. Ramsay):** Thank you, Mr. Minister. Mr. Hawkins.

**MR. HAWKINS:** Thank you, Mr. Chairman. Is the Minister saying that there's a willingness from the department to take this into consideration? At this time, this is probably the only time the *Dog Act* will be addressed probably in the next coming decade. To be quite honest and frank, we don't typically do one-offs. Legislation tends not to be addressed unless there's a huge public outcry, people clamouring at our doors or something is seriously at fault with a particular legislation and it needs updating. So this is basically it in the sense of updating. How many years did it take to get to this point to be addressed? I bet it's taken the best part of three years to be addressed, if not more. So, Mr. Chairman, to be quite direct to the Minister, is this something the department would be willing to address at this particular juncture?

**CHAIRMAN (Mr. Ramsay):** Thank you, Mr. Hawkins. Mr. Minister.

**HON. ROBERT MCLEOD:** Thank you, Mr. Chair. It's something that the department would take into consideration along with other recommendations from committee for the purpose of turning this particular bill over to the committee and have the committee take it on the road for public review and committee make recommendations. So as with a lot of other legislation, we would be more willing to listen to what committee has to say and the recommendations they make. Thank you.

**CHAIRMAN (Mr. Ramsay):** Thank you, Mr. Minister. Mr. Bromley.

**MR. BROMLEY:** Thank you, Mr. Chair. I guess my first question here is in Section 4.(3).(a), 4.3.(1)(a) on upper page 4 under Abandoned Dogs, it mentions "left for more than 24 hours without adequate food, water, or shelter." Again, some interpretation here. I know it's not uncommon to have working dogs to be put on islands for the summer or chained along a riverbank where they can reach water and be thrown a fish two or three times a week for the summer when they're not working. My question is: is that going to be interpreted against working dogs? This is a matter of interpretation

again, but this is such a specific... We've mentioned 24 hours here, so I'm interested in what the perspectives are there. Thank you.

**CHAIRMAN (Mr. Ramsay):** Thank you, Mr. Bromley. Mr. Aumond.

**MR. AUMOND:** Thank you, Mr. Chair. Our view is that if that was a traditional way of dealing with working dogs or sled dogs, then that would be consistent with the good treatment of those types of dogs. Thank you.

**CHAIRMAN (Mr. Ramsay):** Thank you, Mr. Aumond. Mr. Bromley.

**MR. BROMLEY:** Thank you, Mr. Chair. I appreciate that comment. Once again, we are into the area of interpretation, which I understand is necessary here because we can't define every situation in law.

I just have a couple of comments. I didn't do well in English, but I think, according to the Queen's own English, there's something funny here. It reminds me of a situation where my wife may ask me what I want for lunch and if I said I feel like a sandwich, she'd say well, you don't look like a sandwich. So on page 7 and 8, 8.4.(2), "The owner of a dog destroyed under subsection (1) is liable for the costs of destruction" sounds a little bit like the owner who is destroyed has to pay for his own destruction. So again, that's just a comment for consideration.

The other one on a more serious tone is the introductory remarks of the Minister. Mr. Chair, I think we've spoken quite a bit about the need for animal legislation. I think the original leaning was to go right to that, but apparently there were challenges within our legislation drafting capacity. So based on that, it was decided to start with the amendment to the *Dog Act*, and I'm happy to see this happening, but I am concerned. I believe there were clear commitments made in the House, and certainly outside of the House by Ministers, that we would develop broader animal welfare legislation. Now I see we're backing off quite a bit on that, so we will decide later if broader animal legislation is required. So I'd like to hear the perspectives of the Minister on this.

I assure him the Minister of Justice was intent on getting this done, although he finally did acknowledge it couldn't be done this term. I'd like to know if the decision to put this in place will be made this term, when, rather than we'll decide later. When will we decide? I'm requesting at the same time that the Minister commit to getting this done in terms of the commitment very soon. Thank you.

**CHAIRMAN (Mr. Ramsay):** Thank you, Mr. Bromley. Mr. Minister.

**HON. ROBERT MCLEOD:** Thank you, Mr. Chair. The reason we decided to go ahead with the amendments to the *Dog Act*, I've explained to committee before, it was an existing act that we can make amendments to right away, responding to a need that we've seen, not across the Northwest Territories -- it's unfair to say that -- in some areas of the Northwest Territories we've seen a need to get this particular type of legislation. This is one we can do fairly quickly and then we can use this one to learn from this one, and then if it's a priority of the 17<sup>th</sup> Assembly to do the full-fledged animal

welfare legislation, then that would be a decision that they would have to make at the time. Thank you.

**CHAIRMAN (Mr. Ramsay):** Thank you, Mr. Minister. Next on the list I have Ms. Bisaro.

**MS. BISARO:** Thank you, Mr. Chair. I just have a further question relative to enforcement officers for this act. They are defined, I understand, as in general an RCMP officer and/or bylaw officers of a municipality. A couple of questions I guess as to the intent and in looking out for municipalities, who may or may not have the capacity to deal with enforcing these particular amendments. Bylaw officers now in municipalities certainly do apprehend dogs that are running at large, but this is going to add to their duties. My experience is that municipalities are in general stretched far enough in the capacity for their staff at this time anyway. So my question, really, to the Minister is whether or not the Minister and the department expect that communities will have the capacity to enforce these particular amendments and will they have the capacity to take on these additional duties? Thank you.

**CHAIRMAN (Mr. Ramsay):** Thank you, Ms. Bisaro. Mr. Minister.

**HON. ROBERT MCLEOD:** Thank you, Mr. Chair. In my experience, and I've lived in a small community for a great part of my life, I know that in a lot of those small communities they have designated dog officers, people who work for a fee. One of the reasons for the legislation is also to give the RCMP the authority to be able to deal with the amendments to the *Dog Act*. Most communities would have bylaw officers. A lot of communities I know have, they're just called dog officers where they deal with a lot of loose dogs in the communities. So I believe the capacity is there. This just gives the RCMP more authority to deal with the act. Thank you.

**CHAIRMAN (Mr. Ramsay):** Thank you, Mr. Minister. Ms. Bisaro.

**MS. BISARO:** Thank you, Mr. Chair. Thanks for that explanation. I guess I would have to ask the question: if a community determines that they don't have the capacity, they have a dog officer, but the situation in their community is such that they probably should have two or three to handle the current problems and these additional duties are being added on, so if a bylaw officer chooses not to take on a case of a dog in distress, where does that leave the municipality, where does that the bylaw officer? Are they going to be held responsible for their inaction?

But before I go to the Minister for an answer, I have another issue with language, similar to Mr. Bromley. In Section 7(3) it talks about an officer who can't capture a dog who's at large may destroy the dog. It leaves me to a vision of a bylaw officer or an RCMP running down the street shooting at a dog that's running at a dog that's running at large ahead of them because they can't capture them. So perhaps there ought to be consideration for some sort of statement about in a safe manner or something like that. So that's just a comment.

To my question about ramifications for bylaw officers if they choose not to take on extra duties, thank you.

**CHAIRMAN (Mr. Ramsay):** Thank you, Ms. Bisaro. Mr. Minister.

**HON. ROBERT MCLEOD:** Thank you very much, Mr. Chair. That would be a decision of the community council, if a bylaw officer does not want to go after dogs. They would have to deal with them. There's also an opportunity there, because of the new legislation, for RCMP to have the authority.

As far as ramifications to the local bylaw officer, that is something the community would have to deal with. I believe the part about the... It's already an existing act is destroying a dog in a safe manner. A dog that is at large, not a dog, a dog that is at large.

**CHAIRMAN (Mr. Ramsay):** Thank you, Mr. Minister. Mr. Krutko.

**MR. KRUTKO:** I just have a question with regard to the fines. I know \$5,000 is a deterrent. In most cases, legislation comes forward by other legislation, other jurisdictions or under the Criminal Code that you can justify \$5,000 as the number to be used. You went from \$25 to \$5,000. For me, that's extreme. The same thing applies in a three-day jail term to three months. Sure, saying it's a deterrent is one thing, but what legal grounds did you come up with the \$5,000? Was it looking at the Criminal Code? Was it looking at other jurisdictions? Why is that such a high offence? Why wasn't it \$1,500 or \$2,500? Why \$5,000?

**CHAIRMAN (Mr. Ramsay):** Thank you, Mr. Krutko. Mr. Minister.

**HON. ROBERT MCLEOD:** Mr. Chair, \$5,000 is consistent with jurisdictions all across the country. Thank you.

**CHAIRMAN (Mr. Ramsay):** Thank you, Mr. Minister. Mr. Krutko.

**MR. KRUTKO:** Thank you, Mr. Chair. Again, I think it's offensive. Will the Minister consider a lower amount, say, \$1,500 for first offence, \$3,000 for second offence? I'll meet you halfway, say, \$2,500 for first offence and \$5,000 for second offence. Will you consider that? For me, this is an extreme amount and I think that we've got legislation in place dealing with plebscites in our communities, dealing with Liquor Act violations, bootleggers and whatnot. They're going to court and walking away with \$200 fines. For me, this is... Yet, we don't have the resources to implement a lot of those probation orders in the communities dealing with liquor offences. When you put this out there, it seems like we're dealing with an animal species versus human protection in two different manners. This is definitely an area that should be looked at in light of being realistic here. Thank you.

**CHAIRMAN (Mr. Ramsay):** Thank you, Mr. Krutko. Mr. Minister.

**HON. ROBERT MCLEOD:** Thank you, Mr. Chair. Again, it says up to \$5,000. So people see the \$5,000 is the maximum fine. The bootlegging was talked about and the

bootlegging fine is up to X amount of dollars, and some do get away with a lot lower fine. That's what happens in the Northwest Territories, unfortunately. They say up to a certain amount and how many people ever get the max? Just knowing that there's a possibility, first offence, second offence, as the Member talked about, hopefully we never have to come to that, but we do need a deterrent and this is one that's consistent with jurisdictions across the country. Again, I remind Members that we will consider recommendations when they are done reviewing the bill.

**CHAIRMAN (Mr. Ramsay):** Thank you, Mr. Minister. Mr. Krutko.

**MR. KRUTKO:** Thank you, Mr. Chair. My other concern is dealing with municipal bylaws that presently exist and now they're taking on these additional requirements. We've seen in other jurisdictions, groups such as the SPCA in Ontario have had their operations seized because they were seen to be violating legislation that they are supposed to be imposing. I think the same thing could apply to the municipalities, because, like I say, most municipalities don't have the added adequate facilities for retaining an animal once it's captured, or even the costs associated with feeding, heating and housing these animals once they are taken in, I don't want to say custody but taken in under the order of the bylaw officer. What happens if the municipality is seen to have violated this legislation and they're also being charged for implementing something that they do not have the financial capacity to take on? For me, this is something that if you don't have a heated garage, you have an animal you have in a case right now in most cases. You capture a dog, you put him in a cage and you basically have him outside. Under this legislation, you're going to have to put him in a shelter, it's going to have to be heated, you can't have him out in the cold. So this means additional costs associated to those municipalities. Which legislation supersedes? Is it the municipal *Dog Act* that's in place with regard to municipal bylaws or does this legislation supersede the bylaws and they will now have to take on these additional responsibilities and possibly find themselves in an area of being liable for breaching this new legislation?

**CHAIRMAN (Mr. Ramsay):** Thank you, Mr. Krutko. Mr. Aumond.

**MR. AUMOND:** Thank you, Mr. Chair. I guess to respond to the Member's point specifically in 8.6 of the proposed bill, it says: "Where a dog is seized in respect of a contravention of a municipal bylaw..." then the provisions of the municipality prevail over territorial legislation. So that would address the Member's concerns. Thank you.

**CHAIRMAN (Mr. Ramsay):** Thank you, Mr. Aumond. Mr. Abernethy.

**MR. ABERNETHY:** Thank you, Mr. Chair. The intent of the act or one of the main intents of this act or the amendments to the act is to prohibit a person from causing dog distress. To my colleague Mr. Hawkins' point, I don't see anywhere in here that it talks or limits an ability of a person to make a choice. If a person chooses to euthanize a dog for any reason, they have a bum hip and the bill is going to be \$1,600, I don't see this bill stopping people from being able making that choice. But it also doesn't talk about euthanization much, to Mr. Hawkins' point.

In the past, we've all heard stories about how people have chose to dispose of their pets: slitting their throats, throwing them in the dump, putting them in a bag, throwing them in a river, taking them out back, shooting them, taking them to a veterinarian and having them give the needle. Some of those might be seen as causing suffering, others may not. But there's no real clarity in here about that for when a person is making a choice. I don't want to take anybody's right away to choose when to euthanize their animal, but there might be some value in clarifying what is humane and what is not humane. The second section where you're talking about euthanization is obviously where an officer enforcing the act is taking some control. There is reference to working with a veterinarian to euthanize or destroy -- I think "destroy" is the choice of words in this particular act -- an animal. I think one can assume or imply that if a veterinarian is involved, they're going to be using a humane method of disposing an animal, with a needle or whatnot. But in communities where there is no veterinarian, disposing of an animal might take a bullet. Some people will not find that as humane. Some people might suggest that is causing undo suffering, at which point somebody might say somebody needs to be charged under this act. I wonder if any research had been done about that and about euthanization. Is disposing an animal in a small community like Ulukhaktok with a gun reasonable or is it not reasonable? Are there alternatives for us to help people euthanize their animal when it's their choice and it's the appropriate thing to do to avoid suffering? Just some questions on what research was done or if there is anything out there that you don't know of.

**CHAIRMAN (Mr. Ramsay):** Thank you, Mr. Abernethy. Mr. Aumond.

**MR. AUMOND:** Thank you, Mr. Chair. Again, as the Minister stated, we'd be happy to take any advice the committee has to provide us on this, but I guess with respect if there's no vet and you want to euthanize a dog, the Member is correct that we're talking that the intent here is to really protect the animals from humans. And 8(1) of the act speaks to if the dog is suffering and the officer has contact with the animal and there's no vet around that provides an opportunity to dispose of a dog that's not careless or cavalier, the officer must be reasonable. We can contemplate at least that far with that. But with respect to more definition around what would be reasonable euthanization and disposition of the animal, that's something that we didn't really consider when we did this, but we'd be happy to receive the committee's recommendations, if they have any.

**CHAIRMAN (Mr. Ramsay):** Thank you, Mr. Aumond. Next on the list I have Mr. Bromley.

**MR. BROMLEY:** Thank you, Mr. Chair. My last question is with regard to Section 12.1.(2) on page 7 at the bottom on my copy of the amendment. "No action lies against a person who believes in good faith that a dog is in distress and reports the distress to an officer." The concern has been raised that this is almost like SCAN legislation, the concern that neighbours are going to carry out grudges by trying to get at somebody through this legislation. I'm curious why this is in here. You know, it's almost like promoting that sort of behaviour. I'm sure that's not the intent. I don't think there has been reticence to report mistreatment of animals. I hope there isn't. I think there are lots

of people out there who have concerns for the welfare of animals, well-being of animals. So why does this need to be in here? What was this in response to? Thank you.

**CHAIRMAN (Mr. Ramsay):** Thank you, Mr. Bromley. Mr. Aumond.

**MR. AUMOND:** Thank you. This is something that I think you'll find across the country, but the intent would be that if somebody in good faith reports something and it turns out not to be true, there's no action to be taken against that person who does the reporting. Thank you.

**CHAIRMAN (Mr. Ramsay):** Thank you, Mr. Aumond. Mr. Bromley.

**MR. BROMLEY:** Thank you for that. How are people vulnerable? Is it a crime to report something that is not true when you are indicating that this is your belief but you're asking it to be investigated?

**CHAIRMAN (Mr. Ramsay):** Thank you, Mr. Bromley. Mr. Aumond.

**MR. AUMOND:** Thank you, Mr. Chair. If it's in good faith, it's not an issue. If somebody has some ill intent towards somebody, then it would be. Thank you.

**CHAIRMAN (Mr. Ramsay):** Thank you, Mr. Aumond. Anything further, Mr. Bromley?

**MR. BROMLEY:** In that case, we wouldn't want to have protection for those people if it was a frivolous report. That's why I'm sort of wondering why this needs to be here. Maybe we should put in "if it's a frivolous report, action will be taken against you." You know what I mean? I'm not seeing the reasoning here. Thank you.

**CHAIRMAN (Mr. Ramsay):** Thank you, Mr. Bromley. Mr. Minister.

**HON. ROBERT MCLEOD:** Thank you, Mr. Chair. This is another one that if committee feels strongly about and makes recommendations, then we'll follow up on the recommendations and action on the recommendations.

**CHAIRMAN (Mr. Ramsay):** Thank you, Mr. Minister. Anything else, Mr. Bromley?

**MR. BROMLEY:** Thank you, Mr. Chair. Maybe that's something we could seek some legal information on. I believe it was mentioned that this is commonly in other acts, so I'm assuming there is actually a reason for it, but I think it would be a good point to investigate and make recommendation on if needed. Thank you.

**CHAIRMAN (Mr. Ramsay):** Thank you, Mr. Bromley. Is there anything else from committee? Mr. Krutko.

**MR. KRUTKO:** I'd just like to ask the Minister if he's consulted with the aboriginal organizations and aboriginal renewable resource councils with regard to this legislation. What consultation has taken place? Have you looked at the legal parameters of this

with regard to land claim agreements and land claim rights where it talks about the traditional methods to be used for harvesting with regard to this act?

**CHAIRMAN (Mr. Ramsay):** Thank you, Mr. Krutko. Mr. Minister.

**HON. ROBERT MCLEOD:** Thank you, Mr. Chair. We had people who had responded. Unfortunately, we don't have it here with us today. We consulted. This is an opportunity for committee. Committee will be out there getting input from the different groups out there that may show interest in this. As far as the land claims part of it goes, that's a legal question and I'd have to get some legal advice. Again, there will be an opportunity for input from the public and any interested aboriginal groups. Thank you.

**CHAIRMAN (Mr. Ramsay):** Thank you, Mr. Minister. Mr. Krutko.

**MR. KRUTKO:** I assume the Minister has legal beagles here, so what's their legal opinion on it?

**CHAIRMAN (Mr. Ramsay):** Thank you, Mr. Krutko. Mr. Minister.

**HON. ROBERT MCLEOD:** We'll prepare an opinion for the Member. Thank you.

**CHAIRMAN (Mr. Ramsay):** Thank you, Mr. Minister. Mr. Jacobson.

**MR. JACOBSON:** Thank you, Mr. Chair. This is a question for Mr. Minister. Earlier Mr. Aumond... I need clarity on that. The community's bylaws supersede this act? Was that clear?

**CHAIRMAN (Mr. Ramsay):** Thank you, Mr. Jacobson. Mr. Aumond.

**MR. AUMOND:** Thank you, Mr. Chair. The community's bylaws do not supersede the act. What I said was where a dog is seized in respect in contravention to a municipal bylaw respecting dogs, the provision of the bylaw respecting the impounding of the sale or destruction of the dogs prevail over this act. So if the municipality has a system in place to do that, then it would prevail over what is contemplated in here.

**CHAIRMAN (Mr. Ramsay):** Thank you, Mr. Aumond. Mr. Jacobson.

**MR. JACOBSON:** Thank you, Mr. Chair. I do agree with the *Dog Act* being amended in some certain areas, but in the communities that I represent, having a kennel that is heated... In the community of Tuk we have one out at the dump where we put dogs in a holding pen out there which is not heated. That's almost cruelty to the animal, because you're out about three kilometres out of town. At the end of the day, has a cost estimate been done with regard to the communities across the Territory getting proper holding pens either at the RCMP detachment or in the community shops or hamlet shops? Has it been done? Thank you, Mr. Chair.

**CHAIRMAN (Mr. Ramsay):** Thank you, Mr. Jacobson. Mr. Minister.

**HON. ROBERT MCLEOD:** Thank you, Mr. Chairman. No, that hasn't been done. Thank you.

**CHAIRMAN (Mr. Ramsay):** Thank you, Mr. Minister. Mr. Hawkins.

**MR. HAWKINS:** Actually, I think Mr. Jacobson with his last question just scooped mine, which was what analysis on the cost side of the legislative changes has been considered? So I'll ask it this way: has the department spoken to any municipality regarding what cost they may incur specific to these legislative changes, whether they're aboriginal community government or a typical municipality? Have they done any type of consultation that reflects this particular issue? Thank you.

**CHAIRMAN (Mr. Ramsay):** Thank you, Mr. Hawkins. Mr. Minister.

**HON. ROBERT MCLEOD:** Thank you, Mr. Chair. Our intent is to go and talk to all the communities about this when the bill gets approval or passed. Thank you.

**CHAIRMAN (Mr. Ramsay):** Thank you, Mr. Minister. Mr. Hawkins.

**MR. HAWKINS:** Thank you, Mr. Chairman. I would ask the Minister why wouldn't you consider consulting the municipalities as you're drafting this rather than wait until it's passed? After the legislation is passed, is it fundamentally too late at that point? Thank you.

**CHAIRMAN (Mr. Ramsay):** Thank you, Mr. Hawkins. Mr. Minister.

**HON. ROBERT MCLEOD:** Thank you, Mr. Chair. There was a discussion paper sent to NWTCA and ALGANT. I think we'd have to wait until the bill is passed before we talk to communities about putting up holding pens and that for the dogs. If we do it now and somehow this particular bill doesn't get passed, then we'll have done it for nothing.

**CHAIRMAN (Mr. Ramsay):** Thank you, Mr. Minister. Mr. Hawkins.

**MR. HAWKINS:** Thank you. A couple of things, the first thing is consulting about how much it would cost after you pass the legislation doesn't really seem like consultation. It seems like that's the way it's going to be.

The other thing is some of this may require more staffing, some of this may require other particular issues that are unforeseen from a municipality administration point of view, again, if they are a local government, community government, municipality, et cetera. There may be costs affected out of the impact of these changes. I would have thought the analysis of any particular changes, for better or worse -- I'm not here to justify them either way -- would have been at least considered.

Again, we are all here for the same thing, to help protect dogs from abuse and neglect. But usually someone would take into consideration the additional cost that is now borne

by, for example, a municipality. This law could eventually mean that they could be shelling out several thousand dollars a year to keep pace with the government.

That said, is Municipal and Community Affairs willing to keep pace with any additional cost of any type for any regional government or municipality who incurs any because of this law? If I heard the Minister correctly, consultation will occur after the fact that a law is established as opposed to proper. Thank you.

**CHAIRMAN (Mr. Ramsay):** Thank you, Mr. Hawkins. Mr. Aumond.

**MR. AUMOND:** Thank you, Mr. Chair. I guess in response to the Members' questions, the reason we did it this way is we're not sure yet how the final bill will look. The communities do know that this act is being amended and I don't think that people should assume that because we're going to enact a piece of legislation that is going to have significant deterrents for people to abuse their dogs, all of a sudden we're going to have buildings full of animals. If you read the legislation, you'll certainly see that people who are seen to abuse their dogs will be given an opportunity to stop that and take corrective measures before the full force of the act is thrown at them.

We will consult with communities and if there is any increased cost to communities to enforce this act, then we will take that into consideration, just as the cost of fuel goes up or the cost of power goes up. We do intend to speak to the communities about this once we understand what the final bill looks like, it's passed by the House and we understand its implications better from the experience that communities have in implementing it. But as the Minister said, I think it's a little premature for us to come out and cost something that we don't even know what it's going to look like in the final analysis.

Rest assured, we do intend to communicate with communities like we do with everything that we do and that should there be any extraordinary burden put on them, we'll take that into consideration like we do with other costs that they face on a daily basis. Thank you.

**CHAIRMAN (Mr. Ramsay):** Thank you, Mr. Aumond. Mr. Krutko.

**MR. KRUTKO:** I noted the Minister stated that the municipal bylaws have precedence over this bylaw. One of the things in most of the municipal bylaws with regard to the *Dog Act* is in the area of time a dog is held before it's destroyed. In most cases it's two days. Under this legislation, is there a time frame that the dog will be held before it is destroyed or do the municipalities have to change their legislation in the amount of days before a dog will be held and if the owner doesn't come forward, the dog is destroyed? Because of this legislation which puts the onus on the person who takes ownership of the animal, you're now obligated to make sure the animal isn't distressed, and taking care of it, making sure it's fed. Is that a possible conflict between this legislation and the legislation that is in place with municipalities? In most cases they give warnings. Once the warnings are given two or three times, that's it. The dogs are destroyed on site at that last final warning. Could that be seen as a breach of this legislation that you're

proposing and the municipal legislation that requires that those dogs be destroyed after two days?

**CHAIRMAN (Mr. Ramsay):** Thank you, Mr. Krutko. Mr. Aumond.

**MR. AUMOND:** Thank you, Mr. Chairman. Just to be clear, the legislation or municipal bylaws with respect to this issue do not supersede this act. There are certain sections of municipal bylaws, as I said earlier, that will prevail and there's only one, really, and that's with respect to dogs and provisions of bylaw respecting the impounding, sale or destruction of dogs. So if it's two days in a municipality, then that's what would prevail. This act contemplates in the absence of that, three days. The option is you try to find another place to put the dog. So that's how it's reconciled. I don't really see that as being a big issue.

**CHAIRMAN (Mr. Ramsay):** Thank you, Mr. Aumond. Mr. Krutko.

**MR. KRUTKO:** Again, it's how this legislation is interpreted and how it's having to be implemented in municipal acts that are in place in our communities. I think the department should clearly spells out what is proposed in this legislation and what presently exists in municipal legislation when it talks about dog control in the communities in the community legislation. For me, there is a conflict in legislation. You mentioned that this legislation prevails over that legislation, so what is the cost associated with communities to either enhance their legislation and have to take on these new requirements through this new legislation? I'd like to ask the Minister to give us that information prior to us concluding our public hearings on this bill, so we can get something in writing from your department and also so that it's clear who is responsible for what, and what additional responsibilities municipalities will have to take on.

**CHAIRMAN (Mr. Ramsay):** Thank you, Mr. Krutko. Mr. Minister.

**HON. ROBERT MCLEOD:** Mr. Chair, we'd like to provide as much information as we can; however, this one would be awfully difficult to provide because we don't know what the final product will look like and what will be required. It would be awfully difficult for us to provide that information right now.

**CHAIRMAN (Mr. Ramsay):** Thank you, Mr. Minister. Mr. Krutko.

**MR. KRUTKO:** I don't know. I think that's the first thing the department should have done, is look at this legislation, look at the existing legislation and what changes are going to take place and what are the financial and legal requirements under this legislation. That's your responsibility to oversee, municipal communities, and get an understanding. This should have been done prior to even coming here. For you to say you don't have the resources or capacity to do it, I think that's... What are we even here for, that you do not know what the implications of this legislation are going to be on municipalities under existing legislation that's out there?

**CHAIRMAN (Mr. Ramsay):** Thank you, Mr. Krutko. Mr. Minister.

**HON. ROBERT MCLEOD:** We'll take the Member's advice into consideration.

**CHAIRMAN (Mr. Ramsay):** Thank you, Mr. Minister. I don't have anybody else on my list. I just have a few comments, if I could.

I wanted to thank the Minister and your staff. I know we've been talking about these amendments to the *Dog Act* for a number of years now and I'm glad to see the department has put the effort into getting this before us. Fortunate for us, we live in a country and in a jurisdiction that when legislation does come, it's open to debate, discussion and input from Members and we're just starting down that path right now. So I'm glad that we have the opportunity to provide input into the development of these amendments. Certainly, the discussion is going to be a good one. There are a number of things here that obviously are going to cause the committee some consternation, if I could. There will be full and thorough debate with some of these things.

My belief is the government should have moved with comprehensive animal rights legislation. In the absence of doing that, they've provided to proceed with the amendments to the *Dog Act*. I think it's a step in the right direction obviously, but we can't lose sight of the fact that we are a jurisdiction that doesn't have comprehensive animal rights legislation. It's something that I think is overdue, long overdue.

Just a few years ago in the Yukon, they passed comprehensive animal rights legislation in response to much similar circumstances where they were receiving bad press both nationally and internationally for the treatment of animals in the Yukon. They took action, they got the legislation passed a few years ago and the reason why the amendments to the *Dog Act* have come forward is again in direct response to situations around the Territory and communities that have caused the Northwest Territories to be shown in a negative light, not just in this country but in North America and around the world, for how we treat animals here. Again, I think we do need to keep pressing forward on that comprehensive legislation.

This is by no means the end of the discussion when it comes to that. I know there's an election coming up in the fall and perhaps it will be an issue for many candidates in that election. And it should be. I think people should start talking about it and get it to the forefront.

So this is the first of our public hearings and, Mr. Minister, you heard from a number of Members. There are some diverging views on the legislation, on the amendments, and as the chair, it's going to be a challenge for us to come forward with recommendations to you. We will at the end of the day after we've heard from the public. We're going to Hay River and to Inuvik next week and will be back in Yellowknife on the 17<sup>th</sup> at noon to hear from Members of the public here. Certainly we will provide you with a full and thorough report on the findings that we've encountered, both in Inuvik and Hay River and here in Yellowknife. We'll hopefully come to some consensus on what we believe should be the direction that this legislation and these amendments take.

Personally, we're going to hear a lot. Some Members alluded to it. I, myself, am having trouble understanding how we can have a clause like 3 that talks about generally accepted local or traditional practices under a subsection in the legislation that says Dogs in Distress. How you can make exceptions for having dogs in distress? That's the debate that we're going to have. Is cruelty cruelty? If cruelty or neglect is a traditionally accepted practice, are we going to continue to condone that in this legislation? I think that is going to be the debate that this committee is going to have at the end of the day. Again, it's going to be a challenge and that's what we're here to do. We're here to debate and discuss the merits of that, especially that clause being in here. So you'll look forward to hearing back from us, Mr. Minister.

Again, I wanted to thank the members of the public that have joined us today. We have appreciated your attendance here. As I mentioned earlier, this is far from finished. There will be much discussion, not just here in Yellowknife but around the Territory, on the amendments to the *Dog Act*.

Once again, thank you for your participation this afternoon. It's 1:30 now, so we don't have time today to open up the floor. But I'd encourage you, if you're not on the list for the 17<sup>th</sup>, to see Ms. Knowlan and have your name put on the list. We'd like to hear from as many people as possible.

Personally, I've gotten e-mails, phone calls, not just from residents in the Northwest Territories but from around the country and the United States as well; people that are watching quite closely the development of these amendments and how we proceed with them. It's really put us on not just the national stage but the international stage, because there is a lot of people watching and seeing what we're going to do, especially with that clause. I think it's going to be an important step along the way, is how we deal with that.

As well, we will accept written submissions, so if you can't appear on the 17<sup>th</sup>, by all means write to me as the committee chair and Ms. Knowlan, and we'll make sure that your concerns are duly addressed.

Once again, thank you very much for your attendance. Thank you, Mr. Minister. Thank you, staff. Thanks to the committee and the other Members that came out this afternoon, much appreciated. Thank you.

---ADJOURNMENT