

CHANGES TO IMPROVE ANIMAL WELFARE

March 2, 2009

The Provincial Animal Welfare Act, which was proclaimed on March 1, 2009, significantly updates the Ontario Society for the Prevention of Cruelty to Animals (OSPCA) Act, and marks the first comprehensive changes to Ontario's animal protection legislation since 1919.

Changes include:

NEW ANIMAL PROTECTION AND INVESTIGATION POWERS

- Creating standards of care for all animals.
- Giving the OSPCA the authority to inspect premises, other than homes, where animals are kept for the purposes of exhibit, entertainment, boarding, sale or hire.
- Allowing the OSPCA to seize dead animal remains or take samples for an investigation.
- Establishing the authority to retain a seized animal where charges have been laid and where there are reasonable grounds to believe the animal may be harmed if returned to its owner.

NEW PROVINCIAL OFFENCES

- Causing or permitting distress to an animal.
- Causing harm to a law enforcement service animal.
- Training or permitting animals to fight other animals, or owning or possessing equipment or structures used in animal fighting.
- Failing to comply with standards of care for all animals.
- Obstructing an OSPCA inspector or agent.
- Making a knowingly false complaint to the OSPCA.
- Failing to comply with an Animal Care Review Board decision.

STRONGER PENALTIES

- Creating appropriate penalties for the new offences including jail of up to two years, fines of up to \$60,000 and a potential lifetime ownership ban.

PROTECTION OF EXISTING PRACTICES

- Creating appropriate exemptions for hunting and fishing, farming, and veterinary practices.

MANDATORY REPORTING

- Requiring veterinarians to report suspected animal abuse or neglect and protecting them from personal liability for doing so.

CLARIFICATION OF EXISTING LEGISLATION

- Stating that an adult is responsible where a minor "owns" an animal and clarifying personal responsibility where an organization or commercial entity owns an animal.
- Clarifying the OSPCA's ability to enter premises, other than homes, without a warrant, when they have reasonable grounds to believe an animal is in immediate distress.
- Clarifying that an OSPCA order remains in force while it is being appealed to the Animal Care Review Board.
- Enabling the Animal Care Review Board to award costs of interim animal care, or the costs of complying with an order, to either party involved in an appeal.

COORDINATION WITH MUNICIPAL AUTHORITY

- In the event of a conflict between the OSPCA Act and a municipal by-law, whichever provision affords the greatest protection to animals would take precedence.

SUPPORT FOR THE ACT

"The OSPCA is pleased with this legislation. With stiffer penalties, the introduction of standards of care for all animals and the creation of new provincial offences, the government has ensured that Ontario has the toughest animal protection measures in Canada."

– [OSPCA](#) Chief Inspector Hugh Coghill

"These are the first real changes to the OSPCA Act in nearly 100 years. We congratulate the government for its actions, and we're pleased to have played a role in this important step forward for animal protection in Ontario."

– [World Society for the Protection of Animals](#) Program Manager Pat Tohill

"The college was an early partner of the government in amending the provincial animal legislation. The act gives veterinarians the respect and protection they need to help make it an effective tool in strengthening animal welfare in Ontario."

– Registrar of the [College of Veterinarians of Ontario](#) Susan Carlyle

"Veterinarians are often the first to recognize signs of abuse. For every animal that has been reported with obvious signs of abuse, there are dozens of cases that go undetected until identified by a veterinarian. The legislation, which makes the reporting of animal abuse mandatory for veterinarians, means that more cases will be reported. We applaud the Ontario government for providing additional protection for all animals in the province."

– President-Elect of the [Ontario Veterinary Medical Association](#) Dr. Jennifer Day