

BILL 22

2005

ANIMAL PROTECTION AMENDMENT ACT, 2005

(Assented to _____, 2005)

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of Alberta, enacts as follows:

Amends RSA 2000 cA-41

- 1 The *Animal Protection Act* is amended by this Act.**

- 2 Section 1(2)(a) is repealed and the following is substituted:**
 - (a) deprived of adequate shelter, ventilation, space, food, water or veterinary care or reasonable protection from injurious heat or cold,

- 3 Section 2 is amended**
 - (a) **in subsection (1) by striking out “ordinarily”;**
 - (b) **by adding the following after subsection (1):**
 - (1.1) No person shall cause an animal to be in distress.
 - (c) **by repealing subsection (2) and substituting the following:**
 - (2) This section does not apply if the distress results from an activity carried on in accordance with the regulations or in accordance with reasonable and generally accepted practices

of animal care, management, husbandry, hunting, fishing, trapping, pest control or slaughter.

4 The following is added after section 2:

Animal care duties

2.1 A person who owns or is in charge of an animal

- (a) must ensure that the animal has adequate food and water,
- (b) must provide the animal with adequate care when the animal is wounded or ill,
- (c) must provide the animal with reasonable protection from injurious heat or cold, and
- (d) must provide the animal with adequate shelter, ventilation and space.

5 Section 3(1) is amended by striking out “or” at the end of clause (a) and adding the following after clause (a):

- (a.1) a peace officer is of the opinion, on reasonable and probable grounds, that the owner or person in charge of the animal is not likely to ensure that the animal’s distress is relieved or to ensure that the animal’s distress will continue to be relieved, or

6 The following is added after section 4:

Abandoned animal

4.1(1) In this section, “abandoned animal” includes an animal that

- (a) is left for more than 24 hours without adequate food or water or shelter,
- (b) is left for 5 days or more after the expected retrieval time from a registered veterinarian or from a person who for

money consideration or its equivalent stables, boards or cares for the animal, or

(c) is found on premises with respect to which the tenancy agreement has been terminated.

(2) A peace officer may take an abandoned animal into custody whether or not it is in distress.

(3) A peace officer who takes an animal into custody pursuant to subsection (2) shall deliver the animal to a humane society or caretaker.

7 Section 5 is amended

(a) **in subsection (1) by adding “or 4.1(2)” after “section 3(1)”;**

(b) **by repealing subsection (2);**

(c) **by repealing subsection (3) and substituting the following:**

(3) A humane society to which or a caretaker to whom an animal is delivered under section 3(2) or 4.1(3) may, in accordance with the tariff provided for in the regulations, recover any expenses incurred in respect of the animal from the owner of the animal and may require the owner to pay those expenses before the animal is returned to the owner.

(d) **in subsection (4) by striking out “or the Minister” and substituting “or a caretaker”.**

8 Section 6 is amended by repealing clauses (a) and (b) and substituting the following:

(a) to a humane society under section 3(2)(a) or 4.1(3), the humane society, or

(b) to a caretaker under section 3(2)(b) or 4.1(3), the peace officer who delivered the animal

9 Section 7 is amended

(a) in subsection (1)

- (i) by adding “or 4.1(3)” after “section 3(2)”;**
 - (ii) in clause (b) by striking out “sections 3(1) and 5” and substituting “section 3(1) or 4.1 and section 5”;**
- (b) in subsection (2) by adding “device,” after “identification”;**
- (c) in subsection (3)(b) by striking out “sections 3(1) and 5” and substituting “section 3(1) or 4.1 and section 5”.**

10 Section 10 is amended

- (a) in subsection (1) by striking out “enforcing” and substituting “administering”;**
- (b) by adding the following after subsection (1):**

(1.1) In order to conduct an inspection under subsection (1), a peace officer may signal or otherwise order a person operating a vehicle to stop forthwith or to move the vehicle to a particular place and then stop it, and that person shall forthwith comply with that signal or order and shall not proceed until the peace

officer has had a reasonable amount of time to inspect the vehicle and the animals in or on the vehicle.

11 Section 14 is renumbered as section 14(1) and the following is added after subsection (1):

(2) If a person, on reasonable and probable grounds, believes an animal is in distress and reports the distress to a peace officer, no action lies against that person for reporting unless that person reports maliciously or without reasonable or probable grounds for the belief.

12 Section 15 is repealed and the following is substituted:

Regulations

15(1) The Minister may make regulations

- (a) respecting how animals may be taken into custody;
- (b) respecting the care of animals;
- (c) respecting the approval of organizations as humane societies and the suspension and revocation of approvals;
- (d) respecting a tariff of expenses that may be charged by a humane society or a caretaker for the care provided to an animal that has been taken into custody under this Act;
- (e) respecting any matter the Minister considers necessary to administer this Act.

(2) A regulation under subsection (1)(a) or (b) may adopt or incorporate, in whole or in part or with modifications, published documents that set out standards, codes, guidelines or other rules relating to any matter in respect of which a regulation may be made under subsection (1)(a) or (b).

(3) If a standard, code, guideline or other rule is adopted or incorporated by regulation under this section, the Minister shall ensure that a copy of the standard, code, guideline or other rule is made available to a person on request.

13 Section 16 is repealed.

14 This Act comes into force on Proclamation.

Explanatory Notes

1 Amends chapter A-41 of the Revised Statutes of Alberta 2000.

2 Section 1(2) presently reads in part:

(2) For the purposes of this Act, an animal is in distress if it is

- (a) deprived of adequate food, water, care or shelter,*

3 Section 2 presently reads:

2(1) No person shall cause or permit an animal of which the person is the owner or the person ordinarily in charge to be or to continue to be in distress.

(2) Subsection (1) does not apply if the distress results from an activity carried on in accordance with reasonable and generally accepted practices of animal management, husbandry or slaughter.

4 Animal care duties.

5 Section 3(1) presently reads:

3(1) If an animal is in distress and

- (a) the owner or person in charge of the animal does not forthwith take steps that will relieve its distress, or*
- (b) the owner or person in charge of the animal cannot be found immediately and informed of the animal's distress,*

a peace officer may, in accordance with section 4, take any action the peace officer considers necessary to locate the animal and relieve its distress, including taking custody of the animal in accordance with the regulations and arranging for transportation, food, water, care, shelter and veterinary treatment for the animal, if necessary.

6 Abandoned animal.

7 Section 5 presently reads:

5(1) A peace officer who takes custody of an animal pursuant to section 3(1) shall take reasonable steps to ensure that the animal is provided with transportation, food, water, care, shelter and veterinary treatment, if necessary.

(2) A caretaker to whom an animal is delivered under section 3(2)(b) may recover any expenses incurred in respect of the animal from the Minister.

(3) A humane society to which an animal is delivered under section 3(2)(a) or the Minister may recover any expenses incurred in respect of an animal from the owner of the animal and may require the owner to pay the expenses before the animal is returned to the owner.

(4) A humane society or the Minister may recover unpaid expenses incurred in respect of an animal in an action in debt against the owner of the animal.

8 Section 6 presently reads:

6 If an animal is delivered

(a) under section 3(2)(a), the humane society, or

(b) under section 3(2)(b), the peace officer who delivered the animal

shall take reasonable steps to locate the owner of the animal, including a search of the brand record under the Brand Act, and shall notify the owner of the actions taken in respect of the animal.

9 Section 7 presently reads in part:

7(1) If the owner of an animal that has been delivered to a humane society or caretaker under section 3(2)

- (b) is located and notified but does not, within 3 business days after the date on which the animal was delivered, pay the expenses incurred in respect of the animal pursuant to sections 3(1) and 5 or enter into an agreement for the payment of the expenses that is satisfactory to the humane society or the peace officer who delivered the animal, as the case may be,*

the animal may be sold or given to any person by the humane society, if the animal was delivered to a humane society, or the peace officer who delivered the animal, if the animal was delivered to a caretaker, and the animal becomes the property of the person to whom it is sold or given.

(2) Notwithstanding subsection (1), if in the opinion of the humane society or a peace officer the animal appears to be a purebred animal or if it bears an obvious identification tattoo, brand, mark, tag or licence, the applicable time limit under subsection (1) is 10 days after the date on which the animal was delivered.

(3) The proceeds of a sale of an animal pursuant to subsection (1) shall be disbursed in the following order of priority, on proof of the expenses having been incurred:

- (b) to pay the expenses incurred in respect of the animal under sections 3(1) and 5.*

10 Section 10 presently reads:

10(1) A peace officer may without a warrant during ordinary business hours enter

- (a) any premises, other than a private dwelling house, where animals are kept for sale, hire or exhibition, or*

(b) any vehicle used to transport animals

to inspect the animals or any vehicle in which animals are transported for the purpose of enforcing this Act, the regulations

under this Act and any regulations prescribing standards for vehicles used to transport animals.

(2) A peace officer acting under the authority of this section shall, on request, produce the peace officer's certificate of appointment to the owner or occupant of any premises or vehicle entered pursuant to subsection (1).

11 Section 14 presently reads:

14 No action lies against a peace officer, registered veterinarian, caretaker, humane society or an officer or employee of a humane society for anything done in good faith under this Act or the regulations.

12 Section 15 presently reads:

15 The Lieutenant Governor in Council may make regulations

(a) respecting the approval of organizations as humane societies and the suspension and revocation of approvals;

(b) respecting the manner in which animals may be taken into custody.

13 Section 16 presently reads:

16 The Minister may make regulations prescribing a tariff of expenses that may be charged by a humane society or a caretaker for the provision of transportation, food, water, care, shelter and

*veterinary treatment of an animal that has been
taken into custody under this Act.*

14 Coming into force.