

The welfare of domestic animals is deteriorating in Quebec

Martine Lachance

Professor of Law, UQAM

Director of the International Research Group on Animal Law ([GRIDA](#))

In its report of May 17, the Animal Legal Defense Fund¹, for the fourth consecutive year, analysed the laws governing the protection of animals in the 13 regions of Canada. ALDF characterizes Quebec as the ideal province for people who abuse animals, because, of all the provinces and territories combined, only Nunavut has a less enviable record. Not one of the many improvements identified by ALDF in 2010 occurred in Quebec. We need to face the facts: the legal status of domestic animals has deteriorated in Quebec, from 10th place (2008) to 12th place (2011).

On June 23, the Chair of the Working Group on the Welfare of Companion Animals, Geoffrey Kelley, accompanied by the Quebec Minister of Agriculture, Fisheries and Food (MAPAQ), Pierre Corbeil, presented a draft regulation on the safety and welfare of cats and dogs. In his speech, Mr. Kelley stated that the regulation will provide additional tools for inspectors to intervene more effectively. Is that really the case?

The minimum conditions for keeping cats and dogs in Quebec are governed by the *Animal Health Protection Act* (P-42). Its flexibility, rather than being a benefit, is fast becoming a major drawback making it impossible for an owner or custodian to know their obligations. So we can only welcome the creation of standards that provide details regarding those conditions, in particular the quality of water that these animals must be fed and the criteria for the construction and cleanliness of the premises where they are kept in captivity.

The inspectors who enforce Law P-42 have excellent tools for carrying out their work. In addition to the *Guide des pratiques généralement reconnues – Espèce canine* (GPGR) [guide to generally accepted practices - canine species] prepared by Anima-Quebec² (after 4 years we are still waiting for a guide to the feline species!)—they have an inspection guide designed specifically for them. The really new content deals with euthanasia.

While the GPGR is limited to enumerating general principles, such as putting down animals quickly and painlessly, the regulation provides specific standards for euthanasia by gas inhalation. Used indiscriminately, these gas chambers too often endanger the welfare of animals.

¹ ALDF is a non-profit American organization whose primary mission is to promote the legal protection of animals.

² Anima-Québec is a non-profit organization that has monitored the application of the Law P-42 since 2005, through inspections, education and information.

In another notable improvement, a register will now be required of any owner or custodian who comes under the regulation. The requirement that the contact information of the former owner or custodian be recorded, the authorities may be able to trace the puppy mills that discharge sick and unsocialized animals into some pet stores year after year.

So why are we not totally satisfied? Because the regulation does not go far enough.

In November 2010, Geoffrey Kelley noted that two of the main animal welfare problems were the lack of inspectors and the low fines prescribed by current law. So why is the government satisfied with simply remodelling custodial conditions, when the public is clamouring for better domestic animal protection? Evidently, our authorities are not ready to become actively involved in the protection of these animals.

For one thing, this remodelling will have absolutely no effect on the amount of the penalties imposed by law. While other provinces provide for steep fines, Quebec is limited to imposing paltry fines ranging from \$400 to \$3,600 for repeat offenses.

As for the proposed additions, would they have saved all of those animals killed at Berger Blanc? The answer is no. As noted by the College of Veterinary Surgeons of Quebec, the acts committed there "are contrary to the standards of practice, the regulations in effect and the *Veterinary Surgeons Act*." Only repeated inspections of the kennels by inspectors appointed by the MAPAQ would have led to the discovery of the ongoing activity there. The solution is obvious.

Mr. Minister, Gustave Le Bon said that uncertain wishes express themselves in speech, strong ones in action.³ It is high time for the Quebec government to move from words to action...

³ Gustave le Bon, *Hier et demain*.