

2010

Report I
Research and Preparation:
Ross River Dena Council – Yukon Government Dog Management Pilot Program



Prepared for the Government of Yukon

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Christian Aboriginal Infrastructure
Developments

8/17/2010

Prepared for the Government of Yukon

Report I

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Ross River Dena Council – Yukon Government Dog Management Pilot Program

August 17, 2010

Prepared by Dr. Richard G. Herbert B.Sc., D.V.M.

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A Not-for-profit, Charitable NGO

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Report on Research and Preparation

Ross River Dena Council – Yukon Government Dog Management Pilot Program

August 17, 2010

Overview:

The Yukon Government signed a Memorandum of Agreement (MOA) with the Ross River Dena Council on March 18, 2010 for joint partnership in providing dog control in Ross River. Focal to the MOA is the Yukon Government's covenant to attend the Ross River community to provide services under the *Dog Act*.

There is a lack of successful dog control programs in all Yukon First Nations and a general lack of Yukon territorial infrastructure upon which to build these dog control programs. This lack of territorial infrastructure precludes many non-Aboriginal Yukon communities from developing functioning dog control programs. It also prevents the Yukon Government from enforcing dog-related territorial legislation. In light of the ubiquitous need to develop infrastructure services for dog control programs in the Yukon, the Ross River dog control program is being developed as a pilot program for the Yukon.

The research and preparation for the *Ross River Dena Council – Yukon Government Dog Management Pilot Program* focussed on creating a program development process in which both parties would be well versed in Kaska Dena culture, Yukon territorial infrastructure needs, and modern dog-related infrastructure.

The research and preparation phase was successful. A consultative process was agreed upon that defines First Nation dog control program infrastructure needs and harmonizes them with those of non-Aboriginal communities. Once acquired, harmonized infrastructure requirements will be used to define Yukon infrastructure services that empower First Nation and non-Aboriginal communities to abide by local by-laws, the *Dog Act*, and other dog-related Yukon legislation.

The Ross River Dena Council and Kaska Tribal Council have been engaged with a consultative process for the *Ross River Dena Council – Yukon Government Dog Management Pilot Program*.

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1.0 Background

Most First Nations in Canada currently have dog control (management) problems in their communities. These problems in First Nation communities result in dog mauling deaths of children at a rate 180 times above that seen in non-Aboriginal Canadian communities.¹ This disproportion in child mauling deaths is caused by out-of-control dog populations. Out-of control dog populations, in turn, are a direct consequence of the lack of functioning dog management programs.

Dog management programs are built upon infrastructure services. In non-Aboriginal society, there are four infrastructure pillars upon which community dog management programs are built.² **Successful dog management needs all four pillars.** These four infrastructures are:

1. By-law;
2. Public Education;
3. Veterinary; and,
4. Enforcement.

The only location where all four of these infrastructures are found within the Yukon is the city of Whitehorse. First Nation communities in the Yukon are missing three to four of these pillars. Non-Aboriginal communities outside of Whitehorse generally lack two to three pillars.

Federal, provincial, and territorial governments in Canada create legislative, regulatory, and service infrastructures for the benefit of their citizens. Infrastructure services provide critical foundations for the function and success of territorial and community programs. Dog management programs are no different. For dog programs to work outside of Whitehorse, the Yukon Government (YG) must provide reasonable access to dog control program infrastructure services outside of Whitehorse. We will refer to these infrastructure services as Dog-related Veterinary Infrastructure (DRVI). Please keep in mind that the DRVI is comprised of the four infrastructure pillars with their respective services.

At present, unconnected pieces of DRVI exist in Yukon's legislation, regulations, and service infrastructures. They need to be identified, untangled, consolidated, and amended to create the Yukon's DRVI.

2.0 Ross River Dena Council:

¹ (2006) Herbert, R. G., Animal-Related Public Health Crises in First Nation Communities. <http://caid.ca/GenPub010108.pdf>

² (2005) Herbert, R. G., First Nation Dog Control Infrastructure: Introduction. <http://caid.ca/DogCon010708.pdf>

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The Ross River Dena Council (RRDC) represents a Kaska Dena community. The RRDC is part of the traditional Kaska Tribal Council governance structure. The traditional lands of the Kaska Dena span provincial and territorial boundaries into the Yukon, Northwest Territories and British Columbia.

The Kaska Dena have always been on their land. The RRDC maintains strong ties to the land and traditional values. It is one of three First Nations in the Yukon without any formal treaty, resolved land claim, settlement agreement or self-government agreement. The RRDC currently derives its authority for by-law creation and dog management from the *Indian Act* (1985).³

2.1 Historic Community Issues:

Unresolved historic issues provide a deep underlay to all discussions with any community, regardless of culture. In discussion, four primary historic issues were identified:

- 1) Forced Relocation: “One day, people came back from the fall hunt and the government had relocated the community from one side of the river to the other. There was no warning and no consent. Now there are problems with permafrost and the houses but there was no permafrost on the other side of the river;”
- 2) Norman Wells: “In about 1941 there was a big push for oil in Norman Wells and so there was a bridge put in at Ross River. There was a lot a rapes happening to our women then. It lasted for 3-4 years. Then, the war ended and Norman Wells wasn't important;”
- 3) Residential Schools: “Residential schools came and took the children away from the 1940's to the late 80's. Children came back after months away not knowing their families and themselves. There are still problems with the children;” and,
- 4) Community Illness: “After that, there were a few illnesses that hit our community hard.”

2.2 Current Community Issues:

Ongoing community issues set priorities, cloud perception, and affect commitment. In discussion, current community issues include:

- 1) Hard Infrastructure:
 - a) Housing: Not enough;
 - b) Administration Building: Need bigger facility;
 - c) Community Centre: Need a new centre; and,
 - d) Bridge: Needs replacement.

³ Select First Nation-related Legislation (2010), s.7-12. See Appendix D.

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- 2) Residential School: Social problems, i.e. residential school fallout;
- 3) Treaties – Agreements: RRDC is not part of the Council of Yukon Chiefs and did not sign the Umbrella Final Agreement under advisement from Elders. “It was the wrong time for signing when others signed the umbrella agreement since communities did not have the capacity to handle self-government;”
- 4) Resource Access Negotiations: Mining company negotiations; and,
- 5) Community Safety: Dog control.

2.3 Dog Management Program Development:

Central concepts to include in the dog management program development process for the RRDC are:

- 1) Cultural Respect:
 - a) Elder Consultation: Traditional law and temporal interpretation;⁴
 - b) Community Involvement:
 - c) Governance Involvement:
 - d) Traditional Formats: Combination of consultation and working councils.
- 2) Information Sharing: Open bilateral sharing of information;
- 3) Health:
 - a) Disease: Control and monitoring.
 - b) Healing: Domestic violence and animal cruelty are closely tied together.⁵
- 4) Tangible Results:
 - a) Programs: Visible programs in the community.
 - b) Roles: Community roles, not just Yukon Government roles, in final dog programs.

2.4 Ross River Dena Council Engagement:

Informal discussions on an outline for the dog management program development process with diagrammatic explanation of DRVI occurred with the RRDC leadership.

The Ross River Dena Council passed a Band Council Resolution (BCR) on July 20, 2010, to accept an outline for the RRDC - YG dog management pilot program development as the

⁴ Select First Nation-related Legislation (2010), s.1-2. See Attached Appendix D.

⁵ (2006) Herbert, R. G., Animal-Related Public Health Crises in First Nation Communities.
<http://caid.ca/GenPub010108.pdf>

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guide to the fulfillment of the March 18, 2010, MOA (Appendix A).

2.5 Kaska Tribal Council Engagement:

A formal Power Point presentation was shared with the Kaska Tribal Council Board of Directors. The presentation contained teachings on animal care infrastructure, the role of animal cruelty in domestic violence, the four infrastructure pillars of DRVI, redefining traditional infrastructure and the need for Elders, and the goal of the RRDC - YG dog management pilot program.

The Kaska Tribal Council Board of Directors unanimously resolved on July 27, 2010, to support a draft resolution to assist the RRDC with technical, non-financial, assistance and support in consulting Kaska Dena Elders on oral law and tradition related to dogs and dog control (Appendix B).

3.0 Yukon Government:

The responsibility for control and welfare of dogs in the Yukon rests with Community Services, Community Development Division, Operation and Programs. The RRDC – YG dog management pilot program is the response by Operation and Programs to the MOA.

3.1 Recent Dog Issues:

The general sequence of events in Community Services leading up to the MOA are as follows:

- March 2009, the enforcement of the *Animal Protection Act* becomes part of Operation and Programs with the hiring of an animal protection officer;
- Community safety is publically compromised in Ross River by aggressive dogs and dog packs. Ross River has no dog control programs;
- May 2009, Operation and Programs' animal protection officer is directed to serve a dual role as enforcement for the *Dog Act*;
- June 2009, community safety is publically compromised by two aggressive dogs which are shot in Tagish Lake by a citizen;
- June 2009, patrols by the Operation and Programs' animal protection officer are commenced;
- December 2009, community safety is again publically compromised in Ross River due to a lack of dog control;
- The RRDC requests help from the Yukon Government to control dogs;
- January 2010, an aggressive dog is shot in Marsh Lake by a citizen;

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- The lack of functional dog programs to protect citizens and animals becomes a high profile issue in the Yukon. A Ministerial directive is given to move forward with dog management solutions;
- January 30, 2010, a child is killed by dogs in a Saskatchewan First nation community;
- March 18, 2010, the MOA is signed between the RRDC and YG for dog control programs;
- March 22, 2010, a child is killed by dogs in a Nunavut Inuit community;
- March 27-29, 2010, a spay/neuter clinic is held in Ross River jointly funded by the RRDC and YG;
- June 7, 2010, a child is killed by dogs in a non-Aboriginal community in Québec; and,
- July 12, 2010, research and preparation begins for the *Ross River Dena Council – Yukon Government Dog Management Pilot Program*.

3.2 Resource Capacity Issues:

Operation and Programs lacks the capacity to fulfill mandates in the *Animal Protection Act* and the *Dog Act*. As a result, Yukon citizens outside the immediate sphere of Whitehorse's influence are at risk. The RRDC – YG dog management pilot program has been designed to identify where capacity is lacking and what specific resources are needed to remedy the situation. Current resource capacity issues include:

1. Finance: Operation and Programs does not have an adequate budget to fulfill legislated services outlined in the *Dog Act* and the *Animal Protection Act*;
2. Infrastructure: A combination of hard (physical) and soft (paper) infrastructure is missing in the YG based on the four DRVI pillars of by-law/legislative, public education, veterinary, and enforcement infrastructures. To fulfill YG service obligations legislated in the *Dog Act* and *Animal Protection Act*, these deficiencies must be addressed; and,
3. Training: There are no territorial dog handling or rabies training programs for YG officers, official animal keepers,⁶ or the Yukon's RCMP officers as they discharge duties outlined in the *Dog Act*, *Animal Protection Act*, and the *Criminal Code*.⁷

3.3 Stakeholder Issues:

Territorial government stakeholders were engaged in discussion to identify missing

⁶ Yukon Dog-related Legislation (2010), s.1. (See Appendix G)

⁷ Federal Dog-related Legislation (2010) s.5-9. (See Appendix F)

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infrastructure that should be addressed in the pilot program. Stakeholder discussions identified the following issues:

3.3.1 Health and Social Services:

Discussion with the Yukon's Officer of Medical Health revealed several infrastructure-related issues that should be addressed in the pilot program: They are:

1. Parasite Control: Giardiasis and cestode infestation (tapeworms) are seen frequently in the Yukon's human population. Dog parasite control programs should include routine treatment and/or monitoring for these zoonotic/potentially zoonotic diseases;
2. Rabies: Dog bites are a public health and safety issue but there is also the issue of rabies virus transmission. All vertebrate animals infected with rabies, including humans, die without preventative vaccination or painful post-exposure inoculations given within 10 days of the biting incident. The Yukon is not currently monitoring for rabies but it must be considered to be present in the Yukon at a low level. Rabies is in Alaska, the Northwest Territories and British Columbia. The best protection for the human population is the blanket vaccination of pets, especially dogs. Rabies vaccination should be mandatory for dogs in the Yukon;
3. Yukon Rabies Protocols: Dog bite reporting with immediate follow-up, dog capture and quarantine, laboratory testing and reporting, CFIA rulings, and case follow-ups are essential. Health and Social Services is currently undergoing a review of suspect rabies case protocols, sample testing/handling, and reporting; including updating relationships with the Canadian Food Inspection Agency (the CFIA is the federal reportable disease monitoring agency). The outcome of the Health and Social Services review should be included in the pilot program;
4. Case Handling: There are no published YG handling protocols or holding facilities for rabies suspect dogs;
5. Disease influx: The Alaska and Mackenzie Valley pipeline projects, when realized, will provide a corridor for wild-life transmitted disease migration into the Yukon. Among those diseases that should be anticipated is a rise in the number of rabies cases. Mandatory rabies vaccination for dogs would pre-emptively handle this potential public health crisis; and,
6. Animal Health Services: There will be a problem with providing in-community animal health programs for small communities with respect to trained personnel. The same problem exists in the human health infrastructure due to an inability to find staff to fill a 0.2-0.4 fulltime position. It may be possible to combine the animal and human positions, at least with respect to routine vaccination and parasite control programs, to solve the problem in both human and animal infrastructures.

3.3.2 Environment:

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Discussions were held with the Yukon's Chief Veterinary Officer (CVO). The CVO's insights were:

1. Jurisdiction:
 - a. Community Services: Dog control and its programs should stay with Community Services; including dog parasite monitoring; and,
 - b. Environment: Zoonotic disease monitoring should stay with Environment.
2. Veterinary Regulations: There are no veterinary legislation or regulations in the Yukon.⁸ Veterinarians should retain control over veterinary procedures such as vaccinations and spay/neuter directly or by oversight;
3. Program Components: Would like dog bite reporting, animal identification, rabies vaccination, and possibly a *Neosporum caninum* program;
4. Staffing:
 - a. Veterinary Students: Use for First Nation public education and veterinary care, if possible; and,
 - b. Graduate Students: Use for disease monitoring in First Nation dogs, if possible.
5. Rabies: Is monitored by Environment in wildlife with a targeted surveillance program and that will not change until rabies levels change in the Yukon; and,
6. Measures of Success: The measure of success for the initial phase of the program is the development of the pilot program. The success of the pilot program implementation could be monitored with an objective measure such as dog bites or subjectively with dog population control.

3.3.3 Other Yukon Government Stakeholders:

Three other departments have reserved comment pending review of the developed pilot program for areas of interest. They are:

1. Energy, Mines and Resources: Agriculture Branch;
2. Justice: Legal and Regulatory Services; and,
3. Executive Council: Land Claims and Self Government.

4.0 Federal Government:

Federal government stakeholders were engaged in discussion to identify missing infrastructure that should be addressed in the pilot program. Stakeholder discussions identified the following

⁸ Yukon Veterinary-related Legislation (2010). See Appendix E.

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issues:

4.1 Royal Canadian Mounted Police (RCMP):

The hands of the RCMP have been effectively tied. They cannot enforce federal or territorial dog-related legislation. In this regard, infrastructure developed by the pilot program must include:

1. Animal Control Officers: Need to be present in every region of the Yukon at every situation involving a dog that needs to be seized, handled, transported and held. RCMP officers are not trained in dog handling and have no dog-related equipment or facilities;
2. Animal Protection Officers: Need to have the current animal protection officer oversee a group of SPCA-like investigators⁹ (Society for the Prevention of Cruelty to Animals). The RCMP does not have the time and cannot commit the manpower to investigate and charge animal-related welfare/cruelty cases. Animal cruelty cases are important to deal with because they are part of the cycle in domestic violence;
3. Holding Facilities: Need strategic holding facilities for seized dogs. Dogs involved in court cases may need to be held for months;
4. Legislation: RCMP officers need legislative clarification on how to handle feral dogs and dog packs; and
 - a. Feral Dogs: Wild dogs must be dealt with and they cannot be caught. Clarification is needed for handling individual wild dogs and for controlling wild dog packs; and,
 - b. Dog Packs: For non-feral dogs running in a pack, officers need a definition of what constitutes a threat. Non-feral dog packs are a threat, but unless they are acting aggressively or there is a female in heat, the RCMP cannot intervene; it is a dog control issue. Unfortunately, the pack can quickly turn aggressive and attack, killing someone within 30 minutes of the RCMP leaving the scene after assessing they had no grounds to act because there was no overt aggression or dog in heat.
5. Spay/Neuter: There will never be a successful dog control program without access to spay/neuter services.

4.2 Canadian Food Inspection Agency (CFIA):

The CFIA contains Canada's veterinary regulatory agency. It is responsible for the *Health of Animals Act*.¹⁰ Sections 5, 22(1), and 64 regulate reportable disease control in Canada; including rabies reporting.

⁹ Ontario Society for the Prevention of Cruelty to Animals Act (1990). <http://caid.ca/OSPCAAct1990.pdf>

¹⁰ Health of Animals Act (1990). <http://caid.ca/HeaAniAct1990.pdf>

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The Yukon Government's relationship with the CFIA and its national reportable disease programs, in particularly rabies monitoring, needs to be clarified. The Yukon has not submitted samples for testing or reported rabies suspect cases to the CFIA in a number of years. Clarification of this relationship is being addressed with the Health and Social Services review of suspect rabies case protocols, sample testing/handling, and reporting.

4.3 Other Federal Stakeholders:

Two high profile stakeholders were also identified but disqualified. They are:

1. Health Canada: Local Whitehorse staff met to discuss the pilot program and declared the federal agency had no stake in the program. All health programs in First Nations communities were transferred to the Yukon Government.
2. Indian and Northern Affairs Canada (INAC): The Honourable Chuck Strahl, Minister of Indian & Northern Development, and Federal Interlocutor for Métis and Non-Status Indians, ruled in May 2010 that INAC has no legal or fiduciary obligations regarding dog control in First Nations.¹¹

5.0 Legislation:

Yukon territorial and federal legislation were reviewed and germane statutes were unofficially consolidated into four functional groups for use in the pilot program (see Appendices D, E, F, and G).

1. Select First Nation-related Legislation: Federal and territorial legislation regarding First Nation by-law authority and consultation.
2. Yukon Veterinary-related Legislation: Territorial legislation regarding veterinarians.
3. Federal Dog-related Legislation: Reportable diseases and criminal animal cruelty.
4. Yukon Dog-related Legislation: The *Dog Act* plus all dog-related statutes from other territorial legislation.

6.0 Collaborations:

The RRDC agreed to an outline for the dog management pilot program. Section 2 of that outline contains a parasite study for the purposes of community health and developing routine parasite control programs. Dr. Emily Jenkins, PhD, DVM, BSc, of the Department of Veterinary Microbiology, Veterinary Public Health and Food Safety, at the University of Saskatchewan has agreed to collaborate with Operation and Programs to work with the RRDC and the YG to

¹¹ Communicae from Minister Chuck Strahl to Dr. Richard G. Herbert, May 05, 2010. See Appendix C.

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investigate and monitor dog parasites in Ross River. Dr. Jenkins' research encompasses:

Our research group studies the prevalence of zoonotic parasites in rural and Aboriginal pet populations in Canada. Using pets as sentinels for parasites that are present in wildlife populations, we raise awareness about human health issues related to parasites, so that communities can take precautions to prevent both human and animal illness. The services we offer include canine fecal flotations and DNA sequencing, hydatid cyst surveillance in cervids, public school presentations, and parasitology training for community members. Analysis results are sent to community leaders and/or community health care providers in a timely fashion. We are interested in maintaining longterm relationships with communities, and we are happy to tailor our relationships based on individual preference to promote mutual benefit.

7.0 Dog Management Pilot Program:

7.1 Scope:

Outside of Whitehorse, the Yukon lacks infrastructure services through which dog management programs function. This has left Yukon citizens at risk from zoonotic diseases (i.e. rabies) and dog attacks. It has also left YG unable to deliver territorial services guaranteed under the *Dog Act* and *Animal Protection Act*. Operation and Programs, needs these infrastructures defined and services brought on-line to empower Yukon community dog management programs outside of Whitehorse.

Recent events have brought a committed RRDC to the forefront of dog management program creation in the Yukon. The MOA between the RRDC and YG created an opportunity to understand First Nation dog management needs, define missing dog management infrastructure services, and to test these services in a controlled pilot program. Programs, infrastructure services and the experience gained from the RRDC-YG dog management pilot program will be used to provide access to infrastructure services for all citizens in the Yukon.

Program objectives include:

1. Respect: To respect First Nation culture with a cultural pilot program for the fulfilment of the RRDC-YG MOA to provide dog control in Ross River;
2. Honour: To honour the process to fulfill the outline agreed to in the RRDC BCR; and,
3. Community Safety: To make communities safer in the Yukon by providing what communities need for their dog management programs to function.

Defined program goals include:

1. Ross River: To develop dog management programs with the RRDC for Ross River;

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2. Yukon First Nations: To develop pilot programs for dog management programs in First Nations;
3. Infrastructure Services: To identify and define missing infrastructure services such that Yukon First Nation territorial dog management programs can comply with dog-related YG and federal legislation; and,
4. Starting Point: To provide a starting point from which infrastructure services can be developed for all Yukon communities and citizens to comply with dog-related YG and federal legislation.

7.2 Components:

There are six basic phases to the pilot program. They are:

- A/ Community Action Plan Development:
- B/ Joint Action Plan Development:
- C/ Infrastructure Development:
- D/ Infrastructure Harmonization:
- E/ Infrastructure Building:
- F/ Functioning Infrastructure:

Program components include:

- A/ Community Action Plan Development:
 1. Kaska Dena Elder Consultation;
 2. Dog Working Council Workshops;
 3. Ross River Community Workshop;
 4. RRDC Governance Workshop; and,
 5. Ratification:
 - a. Elder; and,
 - b. Governance.
- B/ Joint Action Plan Development:
 1. RRDC – YG Joint Conference.
- C/ Infrastructure Development:
 1. Healing Research; and,
 2. Infrastructure and Program Development Workshops.
- D/ Infrastructure Harmonization:
 1. Ratification by RRDC;
 2. Healing Program (Initial Public Education);
 3. YG Legislative Adjustments; and,
 4. Pilot Program Educational Materials Development.
- E/ Infrastructure Building:
 1. Dog Programs;
 2. Training Programs; and,
 3. Hard Infrastructure.

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F/ Functioning Infrastructure:

Program component details can be seen in Appendix H.

7.3 Timeline and Deliverables:

The first three phases of the pilot program's DRVI development will span approximately 7-8 months. Infrastructure building is estimated to take 6 months but infrastructure and training programs have not yet been defined.

The diagram spanning the next two pages of this report is a time flow diagram for the six phases, their components, and deliverables.

Diagram 1: *The Projected Timeline for the Ross River Dena Council – Yukon Government Dog Management Pilot Program.* The six pilot program phases are seen on the left with the elapsed time in weeks marked on the far left. There are three basic streams of activity occurring during each pilot program phase; from left to right they are Yukon Government activity, Ross River Dena Council activity, and pilot program deliverables. The alphanumeric designations associated with some of the activity boxes are identified by bullet numbering in the program component detail outline in Appendix H.

8.0 Closing:

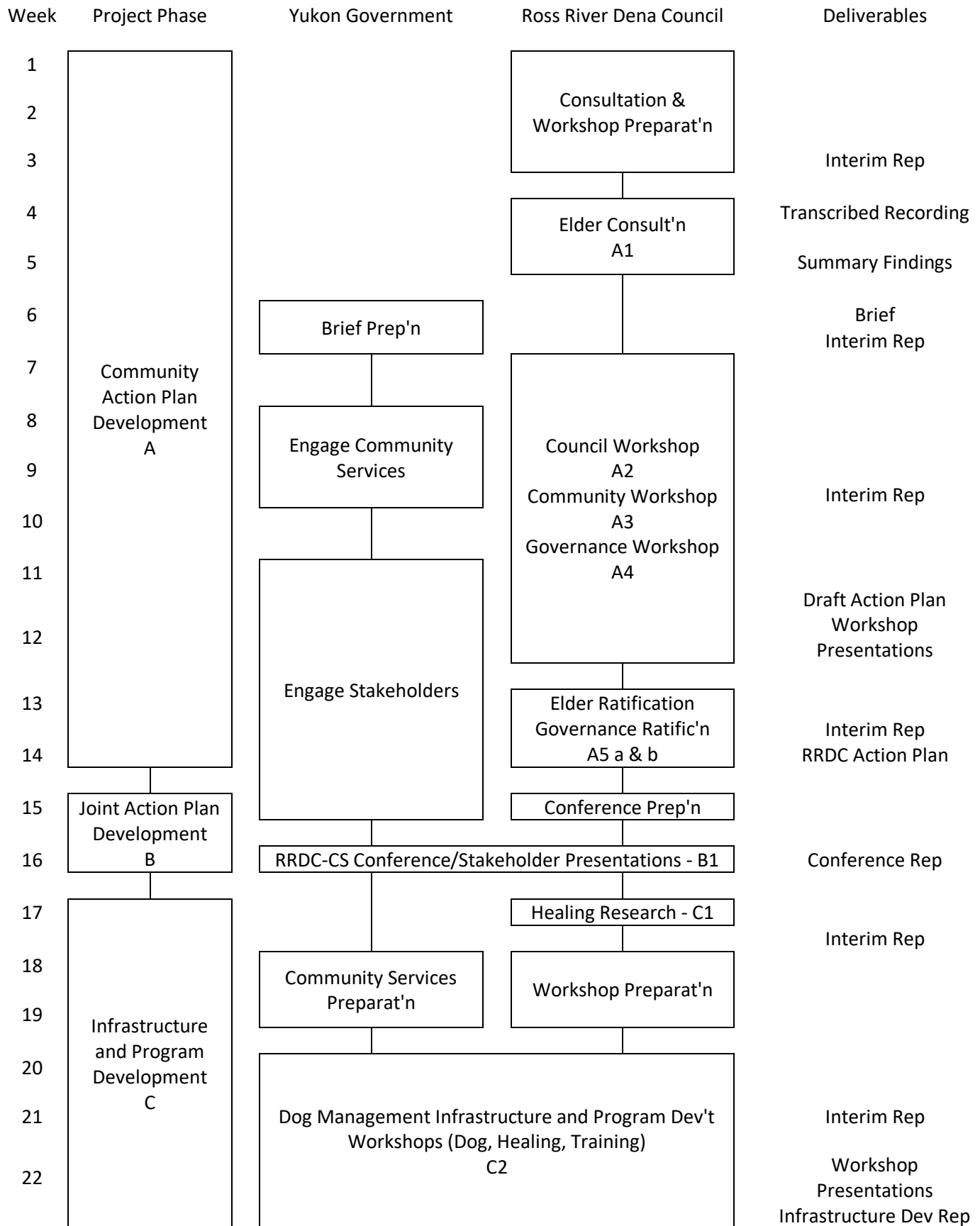
The Ross River Dena Council – Yukon Government Dog Management Pilot Program provides the starting point for the Yukon Government to create safer community environments by making infrastructure services available for dog control, animal protection, and reportable disease programs to function. The dog management pilot program is:

- Responsive;
- Timely;
- Defined;
- Controlled;
- Adaptable;
- Culturally Sensitive; and,
- Essential.

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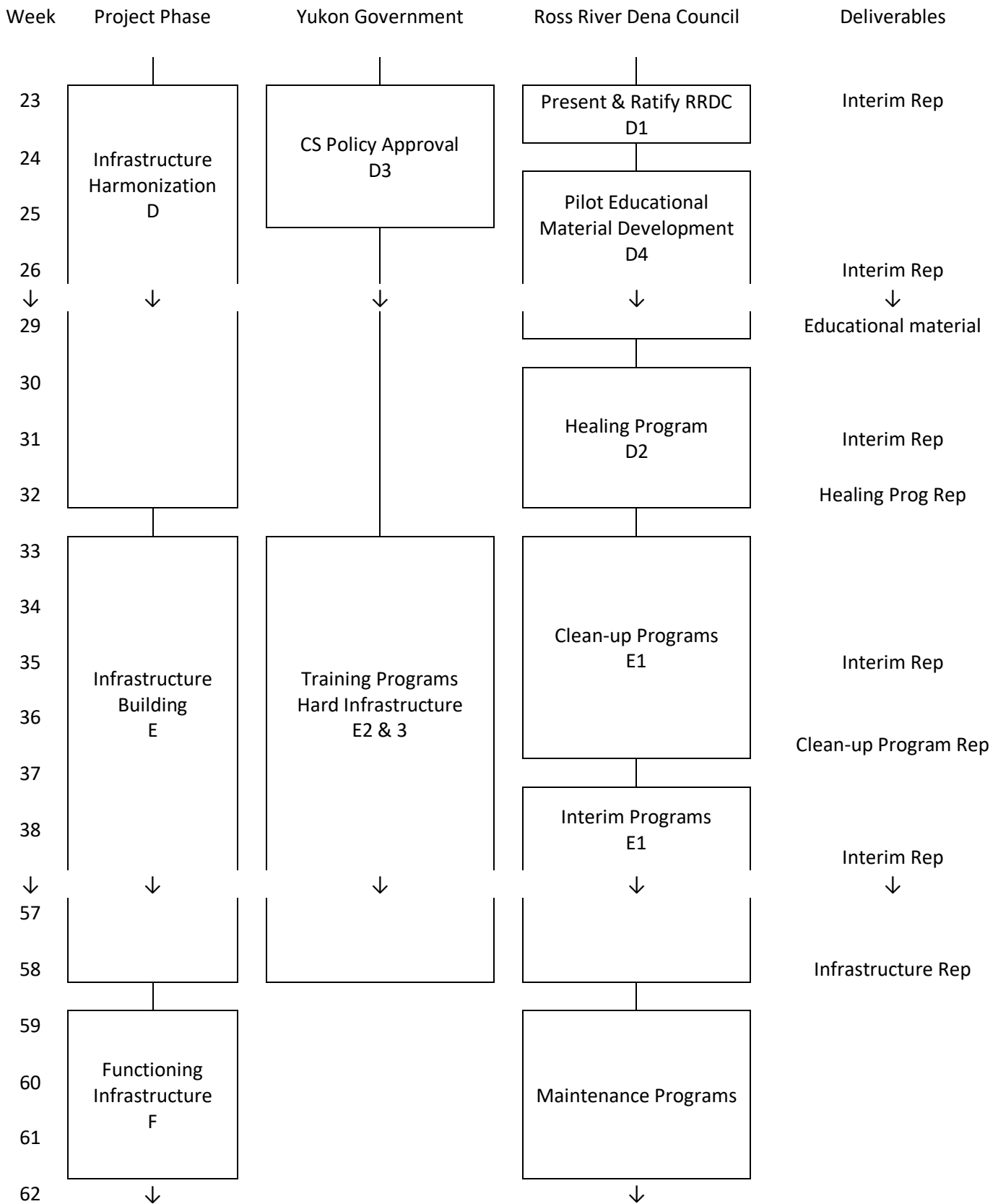
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Appendix A

Ross River Dena Council – Band Council Resolution

July 20, 2010

 Indian and Northern Affairs Canada Affaires indiennes et du Nord Canada		Resolution no. – N° de résolution 003	
BAND COUNCIL RESOLUTION RÉSOLUTION DE CONSEIL DE BANDE			
<small>NOTE: The words "In the name of the Council" or "In the name of the Council" must appear in all resolutions regarding expenditures, loans and funds. <small>NOTE: Les mots "Au nom du conseil de bande" ou "Au nom du conseil de bande" doivent apparaître dans toutes les résolutions portant sur des dépenses, des prêts et des fonds.</small> </small>			
The council of the Le conseil de la		Cash in balance – Solde disponible	
Ross River Dena Council		Cash account Compte courant	
Date of duly convened meeting Date de l'assemblée dûment convoquée		Revenue account Compte revenu	
12/01/07/10 Yukon		\$	
DO HEREBY RESOLVE DÉCIDE, PAR LES PRÉSENTS:			
Resolution Concerning: Acceptance of the July 20, 2010, <i>Outline for the Ross River Dena Council - Yukon Government Dog Management Pilot Program Development</i> as the guide to the fulfillment of the March 18, 2010, Memorandum of Agreement regarding Dog Control in Ross River.			
Whereas: The Ross River Dena Council did enter into a Memorandum of Agreement with the Government of the Yukon on March 18, 2010, forming a <i>Joint Partnership in Providing Dog Control in Ross River</i> ,			
Whereas: The Government of Yukon did consent within the Memorandum of Agreement to attend the Ross River community to provide services under the Dog Act;			
Whereas: The Government of Yukon did provide an "Outline for the Ross River Dena Council - Yukon Government Dog Management Pilot Program Development, July 20, 2010";			
Whereas: The <i>Outline for the Ross River Dena Council - Yukon Government Dog Management Pilot Program Development</i> does provide for: cultural respect and bidirectional information exchange; includes parasite identification to protect our community members; offers a fertile working environment for the development of respectful dog control infrastructures and training programs; recognizes the need for both initial and maintenance programs; acknowledges a place for healing, and, consults oral traditional law carried by our Elders.			
Be it resolved that: Ross River Dena Council will accept the July 20, 2010, <i>Outline for the Ross River Dena Council - Yukon Government Dog Management Pilot Program Development</i> attached to this resolution as the guide to the fulfillment of the March 18, 2010, Memorandum of Agreement regarding <i>Joint Partnership in Providing Dog Control in Ross River</i> .			
Be it further Resolved that: Ross River Dena Council will form a Dog Working Council consisting of four individuals to receive information and work on behalf of Ross River Dena Council to develop Dog Management Pilot Programs.			
(Council – Conseil) (Council – Conseil) (Council – Conseil)		(Council – Conseil) (Council – Conseil) (Council – Conseil)	
FOR DEPARTMENTAL USE ONLY – RÉSERVE AU MINISTRE			
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Approving officer – Approuvé par Signature: _____		Approving officer – Approuvé par Signature: _____	

Outline for the Ross River Dena Council - Yukon Government Dog Management Pilot Program Development

July 20, 2010

1. Background Acquisition:
 - a. Ross River Dena;
 - b. Related Yukon Territorial Law;
 - c. Related Federal Law;
 - d. Historic Relationships;
 - e. Current Relationships;
 - f. Territorial Animal-related Public Health Issues; and,
 - g. Other Related Issues Through Discussion with Other Stakeholders.
2. Ross River Parasite Identification Study: - in collaboration with academic research studies if feasible.
3. Ross River Community & Kaska Dena Elder Consultation - Bidirectional Sharing Process:
 - a. Request through Presentation for Elder Consultation and Ross River Working Council Formation;
 - b. Cultural (Elder) Consultation – law, roles, temporal interpretation;
 - c. Working Council Facilitation – sharing of Canadian veterinary infrastructure;
 - i. Working Council Workshop; and,
 - ii. Community Action Plan Development -dog management and community healing.
 - d. Community Presentation/Input on Action Plan;
 - e. Governance Presentation/Input on Action Plan; and,
 - f. Action Plan Ratification;
 - i. Elder Ratification; and,
 - ii. Governance Ratification.
4. Ross River - Yukon Government Conference:
 - a. Yukon Territory Intent Presentation – Community Services;
 - b. Ross River Action Plan Presentation;
 - c. Yukon Stakeholder Presentations – ex. Health, Environment, RCMP, Agriculture;
 - d. Federal Stakeholder Presentations – ex CFIA;
 - e. Basic Dog Control Model Development; and,
 - f. Ross-Yukon Working Group Formation.
5. Ross-Yukon Working Group Workshops:
 - a. Dog Control/Management Infrastructure Development;
 - i. By-law Development;
 - ii. Enforcement Services Development;
 - iii. Public Education Services Development; and,
 - iv. Veterinary Services Development.
 - b. Training Program Development; and,
 - c. Initial and Maintenance Programs Development:
 - i. Dog Population; and,
 - ii. Healing/Public Education.

Outline for the Ross River Dena Council - Yukon Government Dog Management Pilot Program Development

July 20, 2010

6. Ross River - Yukon Government Conference:
 - a. Presentation of Dog Control Infrastructure;
 - b. Presentation of Training Program; and,
 - c. Presentation of Initial and Maintenance Programs.

7. Dog Control Infrastructure, Training, and Programs Ratification:
 - a. Ross River Dena Governance; and,
 - b. Yukon Territorial Government.

8. Implementation of Dog Control Infrastructure, Training, and Programs:
 - a. Build Infrastructure and Training;
 - b. Initial Dog Clean-up and Community Healing Programs; and,
 - c. Dog Management Maintenance Programs.

July 27, 2010

Draft

Resolution Concerning: Support for the Ross River Dena Council pilot program to develop dog management infrastructures and programs with the Yukon Government.

Whereas: The Ross River Dena Council did enter into a Memorandum of Agreement with the Government of the Yukon on March 18, 2010, forming a *Joint Partnership in Providing Dog Control in Ross River*;

Whereas: The Government of Yukon did provide the Ross River Dena Council an “Outline for the Ross River Dena Council - Yukon Government Dog Management Pilot Program Development, July 20, 2010”;

Whereas: The Ross River Dena Council did accept the *Outline for the Ross River Dena Council - Yukon Government Dog Management Pilot Program Development* as the guide to the fulfillment of the Memorandum of Agreement regarding *Joint Partnership in Providing Dog Control in Ross River*;

Whereas: The Government of Yukon will apply the infrastructures and programs developed in the Ross River Dena Council – Yukon Government Dog Management Pilot Program in whole or in part to other First Nations in the Yukon; including, Kaska Dena communities and communities with which the Kaska Tribal Council has entered into Alliance and Friendship Treaties,

Be it resolved that: The Kaska Tribal Council has a role in the development of the Ross River Dena Council – Yukon Government Dog Management Pilot Program.

Be it further resolved that: The Kaska Tribal Council will assist the Ross River Dena Council with technical, non-financial, assistance and support in consulting Kaska Dena Elders on oral law and tradition related to dogs and dog control.

Ministère des Affaires indiennes et
du Nord canadien, Infrastructure Indienne
auprès des NBS et des Nations non inscrites et
Ministère du Développement économique
au Nord du Québec



Minister of Indian Affairs and
Northern Development, Federal Interlocutor
for Metis and Non-Status Indians and
Minister of the Canadian Northern Economic
Development Agency

1-800-960-9828 (Toll-free)

MAY - 5 2010

Dr. Richard G. Herbert
Overseer and Chief Administrator
Christian Aboriginal Infrastructure Developments
PO Box 22017
THUNDER BAY ON P7A 8A8

Dear Dr. Herbert:

Thank you for your correspondence of March 25, 2010, regarding veterinary infrastructure and your funding request.

As veterinary services fall within provincial jurisdiction, Indian and Northern Affairs Canada does not have the mandate to fund these services. Accordingly, you may wish to contact the Government of Ontario for this matter.

Each of the proposals submitted for departmental program funding were reviewed by officials. However, no funding options were available within the Department to support them as it was determined that they did not meet the program criteria or the regional priorities at this time.

As for the By-laws Advisory Services Unit, you will find enclosed documentation explaining the roles and responsibilities as well as some background information regarding this Unit. It is my understanding that you have exchanged correspondence with Ms. Marie-Eve Martel, Acting Manager of the Unit, and that she provided you with information on the Unit's role with respect to animal control and some alternative courses of action that you may wish to pursue.

Regarding the Crown's fiduciary duty to First Nations, with respect to dog control, unlike the surrender and lease of reserve lands, Canada is not a necessary intermediary party to a transaction. Fiduciary duty arises where one party is under a disability and becomes vulnerable to the party who has control. Canada is not in a fiduciary relationship with First Nations regarding animal control because First Nations have local authority in this matter and Canada does not.

.../2

Canada

-2-

The Government of Canada provides financial support to First Nations governments and organizations pursuant to its deferral spending authority and there is no legal obligation on the part of Canada to fund community infrastructure on reserves. To the extent that Canada does provide Band Support Funding, which includes funding for the creation and enforcement and prosecution of by-laws, Canada's role is that of funder only. As such, it is not responsible for dictating to First Nations how Band support funding must be prioritized. In other words, First Nations, and not Canada, decide how much of their limited financial resources should be allocated to this issue.

I trust that this response is of assistance

Sincerely,

A handwritten signature in black ink, appearing to read "Chuck Strahl". The signature is fluid and cursive, with the first name "Chuck" and the last name "Strahl" clearly distinguishable.

Chuck Strahl

Encl.



Affaires indiennes et du Nord Canada
Indian and Northern Affairs Canada

INDIAN AND NORTHERN AFFAIRS CANADA BY-LAWS ADVISORY SERVICES UNIT

ROLES AND RESPONSIBILITIES

- Provides practical advice regarding preparation, enactment, implementation, and enforcement of First Nation Council By-laws made under sections 81 and 85.1 of the *Indian Act*;
- Facilitates and provides training services to First Nation Councils and enforcement agencies.
- Provides technical assistance in support of,
 - by-law making powers for First Nation Councils to discharge their duties regarding matters of local concern;
 - development and implementation of First Nation Council by-laws and regulations enacted pursuant to the *Indian Act*, fulfilment of INAC's statutory and legal obligations by providing timely advice to the Minister.

Background:

The By-laws Advisory Services Unit was introduced in 1988 in order to provide technical assistance in the development of by-laws which can be complex and confusing. At times it is difficult to establish where the by-law making powers of the First Nation fit with the law-making powers of other levels of government.

The *Indian Act* (Act) provides for the making of Band Council by-laws pursuant to sections 81 (local government by-law making powers) and section 85.1 (intoxicant by-laws).

- A by-law enacted under section 81 of the Act comes into force 40 days after the Band Council sends a copy to the Minister (which it must do within 4 days of enactment), unless it is disallowed by the Minister within that period.
- Section 85.1 by-laws come into force as soon as they are enacted by the Band Council.
- Section 107 of the Act allows the Governor in Council to appoint Justices of the Peace for *Indian Act* and limited *Criminal Code* offences.

Description of operations:

Advisory Services and Review of By-laws:

- First Nation Councils enact by-laws and forward them to the department in accordance with the requirements in the *Indian Act*. A Council or committee member may also send a draft by-law in order to obtain comments or recommendations prior to enactment.
- The BAS Unit reviews the by-law for legal and procedural compliance and where necessary, obtain information from legal services and other affected departments. The Unit may comment and offer recommendations to the First Nation Council regarding particular aspects of the by-law.
- The Unit may also, if appropriate, make recommendations to the Minister for disallowance of the by-law. If the Minister signs a Disallowance Order, it is forwarded to the Band along with recommendations for re-drafting and re-submission.
- Section 81 and 85.1 by-laws, are recorded in the central registry, classified by Band, authority and subject matter.

Capacity-building and Training:

- The Unit will also meet with Bands, enforcement and prosecution agencies in an effort to resolve specific enforcement problems with by-laws that are in force.
- The BAS Unit also provides assistance and advice through:
 - By-law workshops organized for Band Councils, staff or committee members, Tribal Councils, and enforcement agencies. These workshops address drafting, enactment, and enforcement of by-laws;
 - Distribution of resource materials;
 - Consultation through meetings and correspondence with Band Councils and enforcement agencies.

Select First Nation-related Legislation

Unofficial Consolidation

August 9, 2010

Kaska Dena Traditional Law

Definitions

1 “traditional law” means law that is given orally by tribal Elders as history, teachings, stories, or as tribal custom permits.

“temporal interpretation” means interpretation of traditional law that is given orally from time to time by tribal Elders on any, or the same, traditional law such that the traditional law spoken of is understood in a contemporary context for contemporary application.

2 A consolidation of traditional law and temporal interpretation of traditional law will be acquired from

- (1) Elder consultation;
- (2) Working council workshops;
- (3) Community workshop; and
- (4) Governance workshop.

Constitution Act (1867)

3 It shall be lawful for the Queen, by and with the Advice and Consent of the Senate and House of Commons, to make laws for the Peace, Order, and good Government of Canada, in relation to all Matters not coming within the Classes of Subjects by this Act assigned exclusively to the Legislatures of the Provinces; and for greater Certainty, but not so as to restrict the Generality of the foregoing Terms of this Section, it is hereby declared that (notwithstanding anything in this Act) the exclusive Legislative Authority of the Parliament of Canada extends to all Matters coming within the Classes of Subjects next hereinafter enumerated; that is to say,--

- (1) Indians, and Lands reserved for the Indians. *Constitution Act (1867), s.91, (24).*

Constitution Act (1982)

4 The guarantee in this Charter of certain rights and freedoms shall not be construed so as to abrogate or derogate from any aboriginal, treaty or other rights or freedoms that pertain to the aboriginal peoples of Canada including

(a) any rights or freedoms that have been recognized by the Royal Proclamation of October 7, 1763; and

(b) any rights or freedoms that now exist by way of land claims agreements or may be so acquired. *Constitution Act 1982 (U.K.), 1982, c.11, Schedule B, s.25.*

5 (1) The existing aboriginal and treaty rights of the aboriginal peoples of Canada are hereby recognized and affirmed.

(2) In this Act, "aboriginal peoples of Canada" includes the Indian, Inuit and Métis peoples of Canada.

(3) For greater certainty, in subsection (1) "treaty rights" includes rights that now exist by way of land claims agreements or may be so acquired.

(4) Notwithstanding any other provision of this Act, the aboriginal and treaty rights referred to in subsection (1) are guaranteed equally to male and female persons. *Constitution Act 1982 (U.K.), 1982, c.11, Schedule B, s.35.*

6 The government of Canada and the provincial governments are committed to the principle that, before any amendment is made to Class 24 of section 91 of the "*Constitution Act, 1867*", to section 25 of this Act or to this Part,

(a) a constitutional conference that includes in its agenda an item relating to the proposed amendment, composed of the Prime Minister of Canada and the first ministers of the provinces, will be convened by the Prime Minister of Canada; and

(b) the Prime Minister of Canada will invite representatives of the aboriginal peoples of Canada to participate in the discussions on that item. *Constitution Act 1982 (U.K.), 1982, c.11, Schedule B, s.35.1.*

Indian Act (1985)

Definitions

7 "reserve"

(a) means a tract of land, the legal title to which is vested in Her Majesty, that has been set apart by Her Majesty for the use and benefit of a band, and

(b) except in subsection 18(2), sections 20 to 25, 28, 36 to 38, 42, 44, 46, 48 to 51, 58 to 60 and the regulations made under any of those provisions, includes designated lands; *R.S., C.I-6, s.2, (1).*

8 Where lands have been set apart for the use and benefit of a band and legal title thereto is not vested in Her Majesty, this Act applies as though the lands were a reserve within the meaning of this Act. *R.S., C.I-6, s.36.*

- 9** The council of a band may make by-laws not inconsistent with this Act or with any regulation made by the Governor in Council or the Minister, for any or all of the following purposes, namely,
- (1) to provide for the health of residents on the reserve and to prevent the spreading of contagious and infectious diseases;
 - (2) the observance of law and order; and
 - (3) the protection against and prevention of trespass by cattle and other domestic animals, the establishment of pounds, the appointment of pound-keepers, the regulation of their duties and the provision for fees and charges for their services. *R.S., C.I-6, s.81, (1), (a), (c), and (e).*
- 10** Subject to the terms of any treaty and any other Act of Parliament, all laws of general application from time to time in force in any province are applicable to and in respect of Indians in the province, except to the extent that those laws are inconsistent with this Act or the *First Nations Fiscal and Statistical Management Act*, or with any order, rule, regulation or law of a band made under those Acts, and except to the extent that those provincial laws make provision for any matter for which provision is made by or under those Acts. *R.S., C.I-6, s.88.*
- 11** The Governor in Council may make regulations for the taxation, control and destruction of dogs and for the protection of sheep on reserves. *R.S., C.I-6, s.73, (1), (d).*
- 12** A by-law made under section 81 comes into force forty days after a copy thereof is forwarded to the Minister pursuant to subsection (1), unless it is disallowed by the Minister within that period, but the Minister may declare the by-law to be in force at any time before the expiration of that period. *R.S., C.I-6, s.82, (2).*

Municipal Act

- 13** A council may pass bylaws for municipal purposes respecting the following matters
- (1) vegetation and activities in relation to it, public; and the control, health, and safety of, and protection from, wild and domestic animals, including insects and birds; and
 - (2) the enforcement of bylaws. *R.S., c.154, s.265, (o) and (p).*

First Nations (Yukon) Self-Government Act

- 14** The Self-Government Agreement is hereby approved and has the force of law. *R.S., c.90, s.2.*
- 15** Subject to subsection (2), if there is any inconsistency or conflict between the provisions of this Act and the provisions of any other enactment, this Act shall prevail to the extent of the inconsistency or conflict. For greater certainty, if there is an inconsistency or conflict between this Act and the *Human Rights Act*, this Act shall prevail to the extent of the

inconsistency or conflict. *R.S., c.90, s.5, (1)*.

An Act Approving Yukon Land Claim Final Agreements

16 (1) Subject to subsections (2) to (5), all enactments and municipal bylaws apply to all Yukon Indian Persons, Yukon First Nations, and Settlement Land.

(2) If there is any inconsistency or conflict between an enactment or municipal bylaw and the Agreement or a Subsequent Agreement, the Agreement or Subsequent Agreement shall prevail to the extent of the inconsistency or conflict.

(3) If there is any inconsistency or conflict between this Act and any other enactment including the *Human Rights Act*, this Act shall prevail to the extent of the inconsistency or conflict.

(4) If there is any inconsistency or conflict between the *Inuvialuit Final Agreement* in effect on December 7, 1991 and the Agreement or a Subsequent Agreement, the *Inuvialuit Final Agreement* shall prevail to the extent of the inconsistency or conflict.

(5) If there is any doubt in the meaning of this Act, the Agreement or a Subsequent Agreement may be examined as an aid to its interpretation. *R.S., c.240, s.5*.

Yukon Veterinary-related Legislation

Unofficial Consolidation

August 9, 2010

Definitions

1 “veterinarian” means a person who is entitled to practise veterinary medicine in a province or in the State of Alaska; *R. S., c.6, s.1., S.Y., c.13, s.10.*

2 “veterinarian” means a person who

(a) is licensed to practice veterinary medicine in the jurisdiction where they perform an action for the purposes of this Act; or

(b) is practising veterinary medicine in the Yukon and is qualified to practice veterinary medicine in a province or territory; *R. S., c.5, s.1.*

3 “veterinary surgeon” means a person who

(a) is registered as a veterinary surgeon under the law of any province, or

(b) is a veterinary inspector appointed under the *Health of Animals Act* (Canada). *R.S., c.170, s.1.*

4 “inspector” means a veterinarian, as defined in this Act or a qualified specialist, with qualifications determined by the Minister, or a local fish health officer, as designated under the *Fish Health Protection Regulations* (*Fisheries Act*, Canada); *R. S., c.5, s.1.*

5 “health certificate” means for an animal other than a fish, a document signed by a veterinarian providing information that the veterinarian considers necessary and including the diseases that the examined animals are most likely to carry; what laboratory tests or examinations were done on the animals to detect those diseases; what the laboratory tests or examination results indicate about the health of the animals with respect to those diseases; the state of the health of the herd from which the animals originated, according to the veterinarian serving the herd; a statement that the examining veterinarian, or any corporation in which the examining veterinarian has any economic interest, has no direct or indirect economic interest or other benefit in the animals or sale of the animals or shipping of the animals, except the regular fee for service; and any other information required by the Minister; *R. S., c.5, s.1.*

Designations

6 The Minister may designate veterinarians to perform actions for the purposes of this Act and the regulations. *R. S., c.5, s.7, (3).*

Testing

- 7 An inspector may test, or engage a veterinarian to test, or order an animal owner to engage a veterinarian to test an animal, a part of an animal or the waste of an animal or anything that might have been in contact with an animal for the presence of disease. *R. S., c.5, s.13.*
- 8 An inspector may exhume or order the exhumation of any animal carcass and order its post mortem examination by a veterinarian to search for the presence of disease. *R. S., c.5, s.19.*

Treatment

- 9 An inspector may vaccinate, treat, temporarily quarantine, humanely kill and slaughter or dispose of any diseased animal or any animal suspected of being diseased, or order the animal owner or other appropriate person to proceed with those measures. *R. S., c.5, s.16, (1).*
- 10 Despite anything in this Act [*R. S., c.6*] to the contrary, if an animal taken into custody pursuant to section 2 is in such distress that, the opinion of a veterinary surgeon, the animal cannot be relieved of its distress so as to live thereafter without undue suffering, the peace officer or official animal keeper having the custody may cause the animal to be destroyed. *R. S., c.6. s.5,(1), (a).*
- 11 The definition of “distress” in section 1 of the *Act* [*R. S., c.6.*] is amended by adding the following paragraph immediately after paragraph (c) of the definition, “(d) suffering from a lack of veterinary treatment.” *R.S., c.13, s.3.*

Medication

- 12 No pharmacist shall, except pursuant to a written prescription signed by a medical practitioner, dentist, veterinary surgeon, or optometrist supply any drug or preparation thereof listed or described in the prescribed schedule of drugs for which such a prescription is required. *R.S., c.170, s.9.*
- 13 Subject to subsection (2), no pharmacist shall, except pursuant to a written prescription signed by a medical practitioner, dentist, veterinary surgeon, or optometrist, supply any drug or preparation thereof listed or described in the prescribed schedule of poisons. *R.S., c.170, s.10.*

Obstruction

- 14 No person shall obstruct an inspector or veterinarian performing their activities or duties under this Act or its regulations. *R. S., c.5, s.23.*

Compensation

- 15 No right of compensation attaches to the Government of the Yukon, the Commissioner in

Executive Council, the Minister, an inspector, a veterinarian, or to any person assisting them at their request for the performance of activities or duties under this Act or its regulations, or for any failure to act under this Act or its regulations. *R. S., c.5, s.26.*

Disease Reporting

16 Every veterinarian examining a domestic animal or non-traditional domestic animal carcass under section 19 [*R. S., c.5*] shall immediately report the presence of contagious disease to an inspector. *R. S., c.5, s.29, (2).*

Federal Dog-related Legislation

Unofficial Consolidation

August 9, 2010

1 Definitions

“disease” includes

(a) a reportable disease and any other disease that may affect an animal or that may be transmitted by an animal to a person, and

(b) the causative agent of any such disease; *S.C. 1990, c.21, s.2.*

“reportable” means prescribed as reportable by the Minister; *S.C. 1990, c.21, s.2.*

“prescribed” means prescribed by regulation; *S.C. 1990, c.21, s.2.*

“veterinary inspector” means a veterinarian designated as an inspector pursuant to section 32; *S.C. 1990, c.21, s.2.*

“peace officer” includes a police officer, police constable, bailiff, constable, or other person employed for the preservation and maintenance of the public peace or for the service or execution of civil process. *R.S., c.C-34, s.2, (c).*

Control of Diseases and Toxic Substances

Health of Animals Act

2 (1) A person who owns or has the possession, care or control of an animal shall notify the nearest veterinary inspector of the presence of a reportable disease or toxic substance, or any fact indicating its presence, in or around the animal, immediately after the person becomes aware of the presence or fact.

(2) Immediately after a person who is a veterinarian or who analyses animal specimens suspects that an animal is affected or contaminated by a reportable disease or toxic substance, the person shall so notify a veterinary inspector. *S.C. 1990, c.21, s.5.*

3 Where an inspector or officer suspects or determines that a disease or toxic substance exists in a place and is of the opinion that it could spread or that animals or things entering the place could become affected or contaminated by it, the inspector or officer may in writing declare that the place is infected and identify the disease or toxic substance that is believed to exist there, and such a declaration may subsequently be amended by the inspector or officer. *S.C. 1990, c.21, s.22, (1).*

4 The Governor in Council may make regulations for the purpose of protecting human and animal health through the control or elimination of diseases and toxic substances and generally for carrying out the purposes and provisions of this Act, including regulations

for controlling or eradicating, or preventing the spread of, vectors, diseases and toxic substances and for quarantining, segregating, treating or disposing of, or for dealing generally with, animals or things that

(a) are, or are suspected of being, affected or contaminated by a disease or toxic substance,

(b) have been in contact with or in close proximity to animals or things that were, or are suspected of having been, affected or contaminated by a disease or toxic substance at the time of contact or close proximity, or

(c) are, or are suspected of being, vectors, the causative agents of disease or toxic substances; *S.C. 1990, c.21, s.64, (1), (f)*.

Animal Cruelty

Criminal Code

5 (1) Every one commits an offence who, wilfully and without lawful excuse,

(a) kills, maims, wounds, poisons or injures dogs, birds or animals that are not cattle and are kept for a lawful purpose; or

(b) places poison in such a position that it may easily be consumed by dogs, birds or animals that are not cattle and are kept for a lawful purpose.

(2) Everyone who commits an offence under subsection (1) is guilty of

(a) an indictable offence and liable to imprisonment for a term of not more than five years; or

(b) an offence punishable on summary conviction and liable to a fine not exceeding ten thousand dollars or to imprisonment for a term of not more than eighteen months or to both. *R.S., c.C-34, s.445.*

6 (1) Every one commits an offence who

(a) wilfully causes or, being the owner, wilfully permits to be caused unnecessary pain, suffering or injury to an animal or a bird;

(b) in any manner encourages, aids or assists at the fighting or baiting of animals or birds;

(c) wilfully, without reasonable excuse, administers a poisonous or an injurious drug or substance to a domestic animal or bird or an animal or a bird wild by nature that is kept in captivity or, being the owner of such an animal or a bird, wilfully permits a poisonous or an injurious drug or substance to be administered to it;

(d) promotes, arranges, conducts, assists in, receives money for or takes part in any meeting, competition, exhibition, pastime, practice, display or event at or in the course of which captive birds are liberated by hand, trap, contrivance or any other means for the

purpose of being shot when they are liberated; or

(e) being the owner, occupier or person in charge of any premises, permits the premises or any part thereof to be used for a purpose mentioned in paragraph (d).

(2) Everyone who commits an offence under subsection (1) is guilty of

(a) an indictable offence and liable to imprisonment for a term of not more than five years; or

(b) an offence punishable on summary conviction and liable to a fine not exceeding ten thousand dollars or to imprisonment for a term of not more than eighteen months or to both.

(3) For the purposes of proceedings under paragraph (1)(a), evidence that a person failed to exercise reasonable care or supervision of an animal or a bird thereby causing it pain, suffering or injury is, in the absence of any evidence to the contrary, proof that the pain, suffering or injury was caused or was permitted to be caused wilfully, as the case may be.

(4) For the purpose of proceedings under paragraph (1)(b), evidence that an accused was present at the fighting or baiting of animals or birds is, in the absence of any evidence to the contrary, proof that he or she encouraged, aided or assisted at the fighting or baiting. *R.S., c.C-34, s.445.1.*

7 (1) Every one commits an offence who

(a) by wilful neglect causes damage or injury to animals or birds while they are being driven or conveyed; or

(b) being the owner or the person having the custody or control of a domestic animal or a bird or an animal or a bird wild by nature that is in captivity, abandons it in distress or wilfully neglects or fails to provide suitable and adequate food, water, shelter and care for it.

(2) Everyone who commits an offence under subsection (1) is guilty of

(a) an indictable offence and liable to imprisonment for a term of not more than two years; or

(b) an offence punishable on summary conviction and liable to a fine not exceeding five thousand dollars or to imprisonment for a term of not more than six months or to both.

(3) For the purposes of proceedings under paragraph (1)(a), evidence that a person failed to exercise reasonable care or supervision of an animal or a bird thereby causing it damage or injury is, in the absence of any evidence to the contrary, proof that the damage or injury was caused by wilful neglect. *R.S., c.C-34, s.446.*

8 (1) Everyone commits an offence who builds, makes, maintains or keeps a cockpit on premises that he or she owns or occupies, or allows a cockpit to be built,

(2) Everyone who commits an offence under subsection (1) is guilty of

(a) an indictable offence and liable to imprisonment for a term of not more than five years; or

(b) an offence punishable on summary conviction and liable to a fine not exceeding ten thousand dollars or to imprisonment for a term of not more than eighteen months or to both.

(3) A peace officer who finds cocks in a cockpit or on premises where a cockpit is located shall seize them and take them before a justice who shall order them to be destroyed. *R.S., c.C-34, s.447.*

9 (1) The court may, in addition to any other sentence that it may impose under subsection 444(2), 445(2), 445.1(2), 446(2) or 447(2),

(a) make an order prohibiting the accused from owning, having the custody or control of or residing in the same premises as an animal or a bird during any period that the court considers appropriate but, in the case of a second or subsequent offence, for a minimum of five years; and

(b) on application of the Attorney General or on its own motion, order that the accused pay to a person or an organization that has taken care of an animal or a bird as a result of the commission of the offence the reasonable costs that the person or organization incurred in respect of the animal or bird, if the costs are readily ascertainable.

(2) Everyone who contravenes an order made under paragraph (1)(a) is guilty of an offence punishable on summary conviction.

(3) Sections 740 to 741.2 apply, with any modifications that the circumstances require, to orders made under paragraph (1)(b). *R.S., c.C-34, s.447.1.*

Yukon Dog-related Legislation

Unofficial Consolidation

August 9, 2010

Definitions

1 “dog” includes a male or female dog and an animal that is a cross between a dog and a wolf; *R.S., c.59, s.1.*

“animal” includes mammals, birds, fish, reptiles, and amphibians but excludes wildlife, other than wildlife in captivity; *S.Y., c.13, s.2.*

“animal” means any animal other than humans, and includes mammals, birds, fish, amphibians, reptiles, insect, or other invertebrates; *R.S., c.76, s.2.*

“animal” means a non-human living being with a developed nervous system; *R.S., c.5., s.1.*

“animal” « *missing definition* » *R.S., c.153, s.1, (1), and R.S., c.154, s.1.*

“animal” means horse, mule, jack, goat, neat cattle, swine, or geese; *R.S., c.173, s.1, and R.S., c.108, s.30, (1).*

“physical disability” means any degree of physical disability, infirmity, malformation, or disfigurement that is caused by bodily injury, birth defect or illness and includes epilepsy, any degree of paralysis, amputation, lack of physical coordination, blindness or visual impediment, deafness or hearing impediment, muteness or speech impediment, and physical reliance on a seeing eye dog or on a wheelchair or other remedial appliance or device; *R.S., c.116., s.37.*

“abandoned animal” includes an animal that

(a) is left for more than 24 hours without adequate food, water or shelter;

(b) is left for five days or more after the animal is to be retrieved from a veterinarian or from a person who, for consideration, stables, boards or cares for the animal; or

(c) is found on premises for which the tenancy agreement has been terminated; *S.Y., c.13, s.7.*

“muzzle” means to secure a dog’s mouth in such a fashion that it cannot bite anything; *R.S., c.59, s.1.*

“officer” means a person appointed by the Commissioner in Executive Council to carry out the provisions of this Act and any member of the Royal Canadian Mounted Police; *R.S., c.59, s.1.*

“animal protection officer” means

- (a) a person appointed by the Minister to enforce the provisions of this *Act*; or
- (b) a member of the Royal Canadian Mounted Police; *S.Y., c.13, s.8.*

“official animal keeper” means a person designated as an official animal keeper by the Minister for the purposes of this *Act*; *S.Y., c.13, s.4.*

“owner” means a person who owns, harbours, possesses or has control or custody of a dog; *R.S., c.59, s.1.*

“premises” includes the land appertaining to a building or other structure and land that does not have any building or other structure located on it. *R.S., c.157, s.1.*

“run at large” means to run off the premises of the owner either when the dog is not muzzled or when the dog is not under the control of any person; *R.S., c.59, s.1.*

“distress” means the state of

- (a) being in need of proper care, food, shelter or water,
- (b) being injured, sick or in pain or suffering,
- (c) being abused or subject to undue or unnecessary hardship, privation or neglect, *R.S., c.6.s.1.*
- (d) suffering from a lack of veterinary treatment; *S.Y., c.13, s.3.*

“pesticide” means

- (a) any product, device, organism, or substance intended, sold, or advertised for use in destroying or repelling any insect, nematode, rodent, predatory animal, bacterium, fungus, weed, or other form of vegetation or animal life or virus, except bacteria or fungi living in humans or animals; and
- (b) includes any product, device, organism or a substance or thing required to be registered under the *Pest Control Products Act* (Canada); *R.S., c.76, s.2.*

Appointment of Officers

2 The Commissioner in Executive Council may appoint any person to carry out the provisions of this *Act*. *R.S., c.59, s.2.*

Humane Society

3 (1) The Commissioner in Executive Council

(a) may approve as a humane society for the purposes of this Act any organization having as a principal object the prevention of cruelty to animals; and

(b) may suspend or revoke the approval.

(2) The Commissioner in Executive Council may appoint any officer or employee of a humane society as a special officer with authority to exercise the powers of a peace officer for the purposes of this Act. *R.S., c.5, s.9, (1) and (2).*

A society desiring to have an agent appointed as a special constable with authority to exercise the powers of the peace officer for the purposes of the Act shall, in writing, recommend the person to the Commissioner for such appointment. C.O. 1978/162 reg. 8.(1).

Feed and Water

4 No owner shall allow a dog to remain unfed or unwatered for a sufficient period either to amount to cruelty or to cause the dog to become a nuisance. *R.S., c.59, s.3.*

Punishment

5 No person shall punish or abuse a dog in a manner or to an extent that is cruel or unnecessary. *R.S., c.59, s.4.*

Running at Large

6 (1) No owner shall permit a dog to run at large

(a) in an area that may be defined by the Commissioner in Executive Council;

(b) contrary to a bylaw made by the council of a municipality;

(c) that is of a vicious temperament or dangerous to the public safety; or

(d) while in heat.

(2) An officer may seize or kill a dog found running at large contrary to paragraph (1)(c) or (d). *R.S., c.59, s.5.*

Animals in Distress

7 (1) If an animal is found in distress in a public place or, subject to section 4, in any other place, and

(a) the owner or person in charge of the animal does not immediately take appropriate steps to relieve its distress; or

(b) the owner or person in charge of the animal is not present and cannot be found promptly,

an animal protection officer may, subject to this Act, take the action the officer considers necessary or desirable to relieve its distress, and for that purpose may

(c) take custody of the animal;

(d) arrange for any necessary transportation, food, care, shelter and medical treatment of the animal; and

(e) deliver the animal into the custody of an official animal keeper.

(2) Before acting under subsection (1) an animal protection officer shall take reasonable steps to find the owner or person in charge of the animal and, if found, shall endeavour to obtain their cooperation to relieve the animal's distress.

(3) If the owner of the animal is not present or promptly found and informed of the animal's distress by an animal protection officer pursuant to subsection (2), the official animal keeper into whose custody the animal is delivered shall take reasonable steps to find the owner and, if found, to inform the owner of the action taken. *R.S., c.6, s.2.*

8 (1) If an animal protection officer has reasonable grounds to believe that an animal is in distress and the owner of the animal is present or may be found promptly, the animal protection officer may order the owner to

(a) take such action as may, in the opinion of the animal protection officer, be necessary to relieve the animal of its distress; or

(b) have the animal examined and, if necessary in the opinion of the animal protection officer, treated by a veterinarian at the expense of the owner.

(2) Every order under subsection (1) shall

(a) be in writing;

(b) specify the time within which any action required by the order shall be performed; and

(c) be served upon the owner personally.

(3) Every person who is served with an order shall comply with the order. *S.Y., c.13, s.13.*

Abandoned Animals

9 (1) An animal protection officer may take custody of an abandoned animal whether or not it is in distress.

(2) An animal protection officer who takes custody of an abandoned animal shall deliver the animal to an official animal keeper. *S.Y., c.13, s.12.*

Dogs in Harness

- 10** (1) No person shall have a dog in harness in any settlement or within one kilometre of any settlement in the Yukon unless the dog has a muzzle or is under the custody and control of a person over 16 years of age who is capable of ensuring that the dog will not harm the public or create a nuisance.
- (2) No person shall drive a dog or dog team on a sidewalk situated on the street or road of a settlement.
- (3) This section does not apply in a municipality. *R.S., c.59, s.6.*

Service Animals**11** Section 37 is amended by

- (1) repealing the expression “seeing eye dog” in the definition of “physical disability” and replacing it with the expression “service animal”. *S.Y., c.6., s.6.,(b).*

12 It is discrimination to treat any individual or group unfavourably on any of the following grounds

- (1) physical or mental disability. *R.S., c.116., s.7., (h).*

Seizure and Sale

13 (1) An officer may seize a dog from a person whom the officer finds violating this Act.

- (2) Subject to subsection (6), an officer who has seized a dog under subsection (1) shall restore possession of the dog to the owner thereof if

(a) the owner claims the dog within five days after the date of seizure; and

(b) the owner pays to the officer all expenses incurred in securing, caring for and feeding the dog.

(3) If, at the end of five days, the dog has not been claimed by the owner under subsection (2), the officer may sell the dog at public auction.

(4) The proceeds of the sale of a dog by public auction shall be distributed in the following manner

(a) all expenses incurred in securing, caring for and feeding the dog shall be paid to the officer;

(b) the expenses of the public auction shall be paid;

(c) the balance, if any, shall be paid to the owner.

(5) If a dog has not been claimed within five days after seizure under subsection (2) and no bid has been received at a sale by public auction, the officer may destroy or dispose of the dog as the officer sees fit at any time after the auction and no damages or compensation may be recovered on account of its destruction or disposal by the officer.

(6) If, in the opinion of the officer, a dog seized under this section is injured or should be destroyed without delay for humane reasons or for reasons of safety, the officer may destroy the dog as soon after seizure as the officer thinks fit without permitting any person to claim the dog or without offering it for sale by public auction and no damages or compensation may be recovered on account of its destruction by the officer.

(7) If the seizure of a dog is made for contravention of a bylaw respecting dogs passed by a council of a municipality, the provisions of the bylaw respecting the impounding, selling or killing of dogs shall apply instead of the provisions of this section. *R.S., c.59, s.7.*

Seizure and Summary Disposal

14 A park officer may take all reasonable measures to protect a person or property from harm or risk of harm in a park, including without restriction

(1) killing or capturing any animal that is threatening or attacking a person or property in a park; or

(2) capturing or ordering the removal of any domestic animal that is a nuisance to a person in the park. *R.S., c.165, s.72., (d) and (e).*

Animals in Custody of Official Animal Keeper

15 (1) If an animal is in the custody of an official animal keeper pursuant to this *Act* and the owner of the animal is known, the keeper may sell or give the animal to a person or euthanize the animal, 14 days after the keeper has given notice to the owner in accordance with this section.

(2) If an animal in the custody of an official animal keeper pursuant to this *Act* bears an obvious identification tattoo, brand, mark, tag, licence or a readable microchip, the keeper may sell or give the animal to a person or euthanize the animal after the keeper has held the animal in custody for at least 14 days.

(3) If an animal is in the custody of an official animal keeper pursuant to this *Act* and the owner of the animal is unknown, the keeper may sell or give the animal to a person or euthanize the animal, after the keeper has held the animal in custody for a period of at least five days.

(4) The notice referred to in subsection (1) shall be in writing and

- (a) mailed to or served personally on the owner; or
- (b) if it cannot be mailed to or served personally on the owner,
 - (i) published at least three times in a newspaper circulating in the area in which the animal was taken into custody, or
 - (ii) posted in a conspicuous place at either the owner's last known address or the location at which the animal was taken into custody.
- (5) If, within the 14 day period referred to in subsection (1), the owner of the animal provides an objection in writing to the official animal keeper regarding the proposed disposition of the animal, the keeper shall consider the objection before disposing of the animal.
- (6) Any money paid to the official animal keeper with respect to an animal that is sold or given to a person under this section shall be disbursed as follows
 - (a) the keeper shall retain an amount equal to the expenses properly incurred by the keeper with respect to the animal; and
 - (b) the person who owned the animal at the time it was taken into the custody of the official animal keeper may, within 6 months of the date the animal was taken into custody, claim the balance of the proceeds from the keeper.
- (7) If the person who owned the animal at the time it was taken into the custody of the official animal keeper does not apply for the proceeds in accordance with paragraph (6)(b), the balance of the proceeds referred to in paragraph (6)(b) shall be retained by the official animal keeper and forfeited to the Government of Yukon.
- (8) If an animal has been sold or given to a person under this section, all rights and interests in the animal
 - (a) vest in the person to whom it has been sold or given; and
 - (b) the former owner ceases to have any of those rights or interests. *R.S., c.13, s.21.*

Nuisance

- 16** (1) For the purposes of this section it is declared to be a nuisance if, in the vicinity of any hospital, an owner permits their dog to howl or make other noises which disturb the peace and repose of patients in that hospital.
- (2) On complaint in writing signed by two members of the staff of a hospital setting forth the circumstances constituting a nuisance, an officer may, by notice in writing served on the person alleged to be responsible for the nuisance, require that the nuisance be abated within 48 hours from the time of service of the notice.

(3) If any person

(a) is responsible for a nuisance under this section;

(b) has been served with a notice under subsection (2); and

(c) has failed to comply with the notice by abating the nuisance within 48 hours of the time of service of the notice,

that person is guilty of an offence.

(4) On any prosecution under this section the evidence of two members of the staff of a hospital to the effect that the peace and repose of patients therein have been disturbed by noises apparently made by a dog kept by the person accused, shall be *prima facie* evidence that the accused is guilty of a nuisance. *R.S., c.59, s.8.*

17 Between the hours of 11 o'clock in the afternoon and seven o'clock of the forenoon next following, no owner or occupier of premises or a vehicle shall permit any other person to make in the premises or vehicle, by operating any sound amplification device, or by fighting, screaming, shouting, swearing, singing, or using insulting or obscene language, noise that disturbs the peace and quiet of persons outside the premises or vehicle in which the noise is made. *R.S., c.157, s.3, (1).*

Disease Reporting and Control

18 Every person who knows or suspects a domestic animal or non-traditional domestic animal

(a) to have a contagious disease; or

(b) to have been in contact with an animal with a contagious disease

shall immediately report that information to an inspector. *R.S., c.5., s.28.*

19 Every person who imports a domestic animal or non-traditional domestic animal that dies within 30 days of its arrival in the Yukon shall immediately report that death to an inspector. *R.S., c.5., s.29., (1)*

20 An inspector may vaccinate, treat, temporarily quarantine, humanely kill and slaughter or dispose of any diseased animal or any animal suspected of being diseased, or order the animal owner or other appropriate person to proceed with those measures. *R.S., c.5., s.16, (1).*

Destruction of Dogs Pursuing Domestic Animals

21 A person may kill a dog that is running at large in the act of pursuing, worrying, injuring or destroying cattle, horses, sheep, pigs or poultry. *R.S., c.59, s.9.*

Wildlife

22 A person shall be deemed to have allowed meat to be wasted if that person allows any portion of a game bird, big game animal, or small game animal that is reasonably suitable for human consumption to be fed to dogs or other domestic animals, or to wildlife in captivity. *R.S., c.229, s.32, (3), (a).*

23 A person shall not harass any wildlife.

(1) A person shall be deemed to harass wildlife if the person is the owner of a dog, or has a dog in his or her charge, and allows the dog to run after or molest a big game animal, specially protected animal, or a fur bearing animal. *R.S., c.229, s.92, (1) and (2), (b).*

24 If a dog is known to a conservation officer to run unaccompanied by any person in a place frequented by wildlife and the conservation officer is unable after diligent inquiry to ascertain the identity of the owner of the dog, the conservation officer may kill the dog and in doing so does not incur liability to the owner of the dog. *R.S., c.229, s.94.*

Poisoning Animals

25 No person shall use a pesticide or any substance containing a pesticide in a way that causes or is likely to cause harm to plant or animal life or damage to property greater than the harm or damage, if any, that would result from the proper use of the pesticide; *R.S., c.76, s.125, (2), (b).*

Motor Vehicles

26 No person shall transport an animal outside the passenger compartment of any motor vehicle or trailer unless the animal is adequately confined or unless it is secured in a body harness or by another method of fastening which is adequate to prevent the animal from falling off the vehicle or otherwise injuring itself. *S.Y., c.13, s.24.*

27 A person operating a vehicle that strikes and injures or kills an animal shall stop and use reasonable diligence to notify the owner or an animal protection officer and take such other reasonable and appropriate action so that the animal may receive proper care, if injured, or be appropriately disposed of, if killed. *S.Y., c.13, s.24.*

Highways

28 With respect to highways under its direction, control, and management, a municipality may make bylaws, not inconsistent with this Act and on matters for which no provision is made in this Act, for the regulation and control of vehicle, animal, and pedestrian traffic and, without restricting the generality of the foregoing, may make bylaws preventing or restricting, controlling and regulating any other use of the highways and other public places or any portion thereof or for vehicles or any particular classification thereof; *R.S., c.153, s.126, (1), (e), (iii).*

29 No person, whether as a pedestrian or driver and whether or not with the use or aid of any animal, vehicle, or other thing, shall perform or engage in any stunt or other activity on a highway that is likely to distract, startle, or interfere with other users of the highway.

R.S., c.153, s.188.

- 30** Unless the context otherwise requires, a person riding an animal or driving an animal-powered vehicle on a highway has all the rights, and is subject to all the duties, of a driver under Parts 11 and 12. *R.S., c.153, s.218.*
- 31** A person riding an animal on a highway shall not ride to the side of another animal travelling in the same direction, but shall ride directly in line to the rear or front of the other animal, except when overtaking and passing the other animal. *R.S., c.153, s.219.*

Proceedings Against Owner

- 32** (1) On receiving a complaint made under oath that an owner has a dog that has, while running at large, within the preceding three months pursued, worried or injured a person or pursued, worried or injured or destroyed any cattle, horses, sheep, pigs or poultry, a justice may issue a summons requiring the owner to appear before the justice to answer the complaint at the time and place stated in the summons.

(2) On summary conviction on the evidence of one or more credible witnesses other than the complainant, the justice may make an order for the destruction of the dog within three days, or for the control of the dog. If the dog is not destroyed pursuant to the order, or the order for the control of the dog is not complied with, the justice may direct a peace officer to destroy the dog or execute the order, as may suit the case, and the owner of the dog commits an offence. *R.S., c.59, s.10.*

Action for Damages not Barred

- 33** (1) No conviction or order under section 10 shall bar the owner of cattle, horses, sheep, pigs or poultry from bringing an action for the recovery of damages for injury done thereto by a dog.

(2) No conviction or order under section 10 shall bar a person from bringing an action for the recovery of damages for injury done to the person by a dog. *R.S., c.59, s.11.*

Nature of Proof in Civil Action

- 34** It is not necessary for the plaintiff in an action referred to in section 11 to prove that the defendant knew of the dog's propensity to

- (a) pursue, worry or injure persons; or
- (b) pursue, worry, injure or destroy animals.

The defendant's liability shall not depend on previous knowledge of their dog's propensity. *R.S., c.59, s.12.*

Frivolous or vexatious complaints

35 (1) No person shall make a frivolous or vexatious complaint to an animal protection officer regarding an animal in distress.

(2) An animal protection officer may refuse to investigate a complaint if the officer is satisfied that

(a) the complaint is frivolous or vexatious; or

(b) there is insufficient evidence to warrant further action.

(3) If expenses are incurred by the Government of Yukon or the Royal Canadian Mounted Police in connection with an investigation by an animal protection officer of a complaint which is later determined by a court of competent jurisdiction to be a frivolous or vexatious complaint, such expenses are a debt due to the Government of Yukon or the Royal Canadian Mounted Police, as the case may be, by the person who made the complaint and may be recovered by the Government of Yukon or the Royal Canadian Mounted Police in an action in debt against the person. *S.Y., c.13, s.14.*

Offence and Penalty

36 Every person who violates any provision of this Act commits an offence. *R.S., c.59, s.13.*

37 (1) A person who contravenes an enactment by doing an act that it forbids, or by omitting to do an act that it requires to be done, commits an offence against the enactment.

(2) A person who commits an offence against an enactment is liable on summary conviction to a fine of \$500 or to imprisonment for 6 months, or both, except as otherwise specially provided in the enactment. *R.S., c.210, s.3.*

38 (1) A provision in any enactment which creates or results in the creation of an offence shall be deemed to include a provision that an attempt to commit the offence shall itself constitute an offence which may be dealt with and punished in like manner as if the offence has been committed.

(2) A person charged with an offence may be convicted of having attempted to commit that offence although the person was not charged with the attempt. *R.S., c.210, s.4.*

Municipal Liability

39 Conviction of an offence under this Act or a bylaw does not exonerate a person from civil liability. *R.S., c.154, s.345.*

40 A municipality that has under this Act the discretion to do something is not liable for deciding in good faith and without negligence to do that thing or for omitting to do it. *R.S., c.154, s.352.*

41 (1) A municipality is not liable for loss or injury resulting from a failure to enforce a bylaw.

(2) Subsection (1) does not apply to a failure to perform a duty that is imposed by the bylaw. *R.S., c.154, s.353.*

Yukon Government Liability

42 No liability attaches to the Government of Yukon, to the Minister, to an animal protection officer, to an official animal keeper, or to the Royal Canadian Mountain Police for loss or damage arising from the seizure, disposal or return in accordance with this *Act* of anything that has been seized, or from the deterioration of anything while it is being held under a seizure, other than loss or damage resulting from negligence or wilful neglect in its care, custody or return. *S.Y., c13., s.17.*

Municipal Dog By-law Authority

43 A council may pass bylaws for municipal purposes respecting the following matters

- (1) vegetation and activities in relation to it, public; and the control, health, and safety of, and protection from, wild and domestic animals, including insects and birds; and
- (2) the enforcement of bylaws. *R.S., c.154, s.265, (o) and (p).*

Contributory Negligence

44 If damage or loss has been caused by the fault of two or more persons, a judge or a jury, as the case may be, shall determine the degree in which each was at fault, and if two or more persons are found at fault, they are jointly and severally liable to the person suffering damage or loss, but as between themselves, in the absence of any contract express or implied, they are liable to make contribution to and to indemnify each other in the degree to which they are respectively found to have been at fault. *R.S., c.42, s.2.*

Regulations

- 45** The Commissioner in Executive Council may make regulations for carrying out the purposes and provisions of this Act. *R.S., c.59, s.14.*
- 46** The Commissioner in Executive Council may make regulations respecting the use of dogs for hunting wildlife; and; *R.S., c.229, s.192, (1), (ee).*
- 47** The Commissioner in Executive Council may make regulations for the purposes of this Act and, without limiting the generality of the foregoing, may make regulations for the keeping of animals, control of fires and public health and safety. *R.S. c.165., s.48, (m).*

Component Detail
Ross River Dena Council – Yukon Government Dog Management Pilot Program
August 03, 2010

A/ Community Action Plan Development:

1. Kaska Dena Elder Consultation:

- 2+ days in Ross River at school
- Up to 11 Elders from Kaska traditional territory
- Facilitated using focus and bridging questions
- glean out teachings for cultural education; traditional law on dog, citizen, and governance roles; and, temporal interpretations for regulations and justice
- have Elders that advise RRDC form an Elder council to review and ratify the community action plan

2. Dog Working Council Workshops:

- 4+ days in Ross River, location to be set
- 4 member working council from RRDC
- Series of mini workshops with both visual teaching and group discussion to teach modern dog management to the working council
- Topics include:
 - Dog Problems and Social Capital
 - Disease and Rabies
 - Dog Behaviour and Breeds
 - Population Control and Public Health
 - Animal Cruelty
 - Law and Liability: federal and territorial, criminal and civil
 - Dog Control Programs – clean-up, interim, maintenance
- Facilitated development of the RRDC dog management action plan:
 - Respecting Elder teachings – guidance
 - incorporate newly acquired knowledge base

3. Ross River Community Workshop:

- 4 hours with all community members
- Presentation of Elder guidance and RRDC dog management action plan
- Community feedback and discussion will be received and incorporated into the action plan or futures services (ex public education or healing program) regarding:
 - Areas of agreement
 - Areas of reluctance
 - Requests for program inclusions

4. RRDC Governance Workshop:

- 1 day with band staff (as available), band counsellors, chief, and deputy chief (band manager)
- Presentation of Elder guidance, Working Council action plan, and community consultation results
- Comments and concerns on the practical application and governance (legislative) issues will be received and incorporated into the action plan

Component Detail
Ross River Dena Council – Yukon Government Dog Management Pilot Program
August 03, 2010

5. Ratification:

a. Elder:

- of completed action plan
- by Elder council that traditionally advises the RRDC

b. Governance:

- Of Elder ratified action plan

B/ Joint Action Plan Development:

1. RRDC – YG Joint Conference:

- 1 day in Whitehorse
- Community Services present direction for the upcoming development workshop
- RRDC presents the ratified action plan
- YG stakeholders presentation of issues they feel should be addressed in the upcoming development workshop
- Consolidation of conference results into a joint action plan.

C/ Infrastructure Development:

1. Healing Research:

- 1 week in Ross River talking with:
 - Individuals door-to-door
 - Professionals in-community
 - RCMP
 - Daycare
 - Education
 - Health
 - Local business owners
- Develop a list of myths and untruths to address during the healing program

2. Infrastructure and Program Development Workshops:

- 9-12 days over 3 weeks in Whitehorse with RRDC working Council and Community Services:
 - Review of Working Council Workshop
 - Detailed review of consolidated joint action plan
 - Dog management infrastructure services development
 - Veterinary services development
 - Public education services development
 - Enforcement services development
 - By-law development
 - Initial, interim and maintenance program development for:
 - Dog control

Component Detail
Ross River Dena Council – Yukon Government Dog Management Pilot Program
August 03, 2010

- Healing/Public Education
- Training program development

D/ Infrastructure Harmonization:

1. Ratification by RRDC:

- 4 hours in Ross River
- Present workshop services and programs to RRDC

2. Healing Program (Initial Public Education):

- 12 days, 3 weeks, in community
- 1 circle group per day of 10 people
- Should be done immediately prior to starting dog clean-up programs

3. YG Legislative Adjustments:

- Present results of services and programs workshop to Community Services Policy for review and approval
- Policy sent to justice of legislation affected
- Justice send to legislature if legislation should be altered.

4. Pilot Program Educational Materials Development:

- A period will be set aside after presentations and teachings material have been used to document and finish tried materials into unpolished educational tools.

E/ Infrastructure Building:

1. Dog Programs:

- Build and execute
- Clean-up
- Interim

2. Training Programs:

- Potential for animal control officers, animal health officers, veterinary assistants, public education officers

3. Hard Infrastructure:

- Dog holding facilities
- Veterinary services

F/ Maintenance Programs – Functioning Infrastructure:

- Enforcement, public education, and veterinary

August 17, 2010

Report I Research and Preparation:

Ross River Dena Council – Yukon Government Dog Management Pilot Program

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