



## Questions associated with proposed changes to the Criminal Code

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**T**he dilemma facing veterinarians under proposed amendments to the animal cruelty laws in Canada have been discussed by Jack (1). The proposal (Bill C-17), which had passed first reading but died in the House with the federal election in November, removed animal abuse laws from the provisions of the Criminal Code relating to property offenses, Part IX of the Code, and placed them into Part V of the Code with offenses relating to sexual offenses, public morals, and disorderly conduct. If the proposed change had occurred, a veterinarian would have faced new roles as a whistle blower, investigator, teacher, expert witness, offender, and coconspirator. Veterinarians would also have become true health care professionals. I am a solo-practising vet-

regions are blatant. These flaws originate due to restricted access to veterinary service and client education, restricted access to animal welfare organizations, and the provision of veterinary services through privately owned, solo practices. The further north, or away from a large center of population, an animal owner is, the more likely one or more of these 3 reasons will force an animal owner, community, or veterinarian to commit a criminal act under the proposed changes to the Code. If veterinarians are to become "true" health care professionals, then surely veterinary service must become a "true" health care infrastructure to guarantee affordable access to animal care. Let us briefly explore remote and isolated communities separately.

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erinarian in a far north, isolated region of Ontario and, as such, recognized that the proposed changes would have a dramatic impact on animal owners, communities, wildlife, and the "lone" veterinarian in isolated (road accessed) and remote (fly-in-only) regions of Ontario. When the Bill died in the House, so did my worries for application of the proposed changes in isolated and remote regions. However, the identical proposed changes have been resurrected in Bill C-15, so it is time for veterinarians and those in isolated and remote communities to wake up!

I believe that the proposed changes are long overdue and necessary to protect animals and positively affect the cycle of abuse seen in too many households and communities. However, fundamental flaws in application of the legislation to animal owners in isolated and remote

Northern Ontario has over 20 remote, fly-in-only, communities. Over 80% of these are First Nations communities. These communities have absolutely zero access to a veterinarian. Socioeconomics, coupled with the high cost of flights to and from these communities, virtually guarantees that no dog or cat is vaccinated, neutered, or seen for medical or surgical problems. There are also no humane societies and no animal control bylaws and facilities. Most of these communities have "dog shoot days" once every 1 to 6 months to control the dog population. Any cat that is left outside is virtually ripped to death by a dog pack. Further, there are usually 1 or 2 individuals within each community who treat and, somehow, dispense prescription medication for sick or injured animals, without veterinary supervision. In these communities, almost every sick or injured animal will be neglected, causing undue suffering. Any person treating a sick or injured animal will almost certainly cause undue suffering. Any veterinarian trying to help a sick or injured animal by phone will almost certainly be in contravention of provincial veterinary regulations or cause undue suffering in at least some of the cases. Any human health care professional trying

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to help the sick or injured animal either directly or indirectly, by phone, will contravene provincial veterinary regulations or cause undue suffering. Consequently, won't the proposed changes to the Code remove the right to own animals in remote communities? At best, the changes will result in a myriad of criminal charges to everyone within these communities, including the local political hierarchy and health care professionals? Further, since most of these remote communities are First Nations, is it not discriminatory to apply the proposed changes to these communities? How do remote communities dispose of unwanted animals without using a gun, if there is no access to veterinary care? If a veterinarian receives a call about an injured animal from a remote community and refuses to "treat" it over the phone, based on provincial veterinary regulations, is he or she guilty of causing undue suffering, since the proposed changes to the Code are federal? The Ontario Veterinary Medical

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Association's suggested fee schedule is considered to be the gold standard for veterinary fees in Ontario. If a private veterinary practitioner tries to provide service to a remote community, it costs 3 to 4 times more than the suggested fee schedule. Does the federal government have a moral obligation to provide the essential, affordable veterinary infrastructure to these communities?

In isolated communities in Northern Ontario, there is limited access to veterinary services (I have some clients who have to drive a 700 km round-trip to access the closest veterinarian). For the most part, there are no humane societies. The communities are sparsely dispersed and populated. Many do not have animal control bylaws or facilities. There are unorganized townships that do not have any local government. Some of the communities are First Nations with dog-shoot days, and many nonnative communities dispose of unwanted animals by gun shot. The very few veterinary services that exist in isolated regions are usually solo practices with insufficient revenue to hire a locum during vacation. Clearly, some of the problems with the proposed changes to the Code for these types of communities have been addressed with the remote community questions, but not all. When a stray sick or injured animal is brought to the local veterinarian and there is no humane society, will the veterinarian be causing undue suffering if he or she refuses to treat or euthanize gratis? If a farmer refuses veterinary service for a sick animal because the veterinary mileage fees for visiting his farm 300 km away are too costly, should he be reported by the veterinarian for causing undue suffering, or is it the veterinarian who is causing undue suffering by not waiving the mileage fees? When someone calls an isolated veterinarian for advice on a sick animal and the veterinarian deems

that the animal should be examined, but the client refuses to have it examined due to the traveling distance, should the veterinarian report the suspected case of suffering to the police? When someone in a small town reports a case of animal abuse to the veterinarian (hearsay) and he or she reports it to the police, will the veterinarian be liable, if the case is false? Will the veterinarian be able to terminate service to a client when there is no other veterinarian for 350 km? If a veterinarian is on vacation and the client refuses to drive 100 to 350 km to the next veterinarian, can the emergency be refused? Will a veterinarian be forced to provide credit to default-type clients in the event of an emergency? If a client waits to bring in a sick or injured animal because of the traveling distance and the animal dies, should the client be reported for causing undue suffering? Should a veterinarian hospitalize animals for a longer time when the client is unlikely to return for rechecks because

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of a 100 to 700 km round-trip? Who will be responsible for providing care and shelter to stray animals in unorganized territories? What will protect an isolated veterinarian from revenge-motivated attacks or slander after reporting prominent citizens, police officers, or municipal authorities for suspected animal abuse? Will the federal government have a moral obligation to subsidize veterinary services in isolated regions to provide humane society-like services, affordable access to farm veterinary service, and geographically located, strategic veterinary facilities for reasonable access to veterinary service?

Not included in the above discussion is the issue of nuisance wildlife and wildlife translocation. This is an issue specific to isolated and remote regions that does not involve animal owners. The provincial government has jurisdiction over these animals (nuisance wildlife), but the provincial government in Ontario backed out of providing service for nuisance wildlife several years ago. The service was placed in the hands of police officers and local trappers in isolated and remote regions. Police officers generally shoot a nuisance bear. Trappers are hired by local individuals or municipalities and have 2 options; live-trap or tranquilize and translocate. There are a number of trappers in Northern Ontario who received a 2-week course on darting for tranquilization

or anesthesia. Virtually all of the trappers have other full-time vocations. Consequently, animals can be left in traps in the hot sun without food and water for long periods. At what point is this causing undue suffering? These trappers will never be as qualified to perform anesthesia on a wild animal as a trained wildlife translocation specialist or a veterinarian. Surely, the vast majority of these trappers will cause undue suffering when they attempt to dart an animal. If, under the proposed changes to the Code, a veterinarian were to be guilty of causing undue suffering if he or she handles an anesthetic induction or recovery poorly, why is the government of Ontario allowing these trappers to overtly cause undue suffering? Is the veterinarian who sold the anesthetic drugs to the trapper also guilty of causing undue suffering? Will municipal governments that hire and provincial governments that license the trapper also be guilty of causing undue suffering? Does the federal government have a moral obligation to provide access to properly trained veterinarians or wildlife translocation specialists?

I hope that the questions I have posed kindle other veterinarians to rethink the proposed changes in animal cruelty legislation under Bill C-15, not in an effort to block or water down the proposed changes to the Code, but to see the consequences of these changes to isolated and remote regions of Ontario and, subsequently, Canada. Clearly, there must be some changes to the existing private veterinary practice infrastructure, or the addition of a government-subsidized veterinary infrastructure, for both wildlife and privately owned animals, to make the application of the proposed changes equitable to all Canadians. The changes in the Code would be unjust and prejudicial if access to veterinary service is not recognized as a "new" fundamental Canadian infrastructure.

### References

1. Jack DC. Horns of dilemma: The vetri-legal implications of animal abuse. *Can Vet J* 2000;41:715-720.

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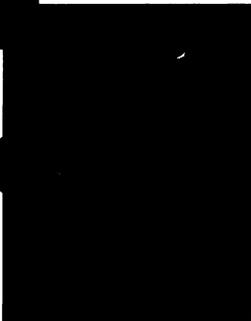
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