



Northwest Territories Legislative Assembly

Standing Committee on Economic Development and Infrastructure

Public Meeting on
Bill 16: An Act to Amend the Dog Act

February 23, 2011
Yellowknife, Northwest Territories

Chair: Mr. David Ramsay, MLA Kam Lake

STANDING COMMITTEE ON ECONOMIC DEVELOPMENT AND INFRASTRUCTURE

Chair

Mr. David Ramsay, MLA Kam Lake

Committee Members

Mr. Jackie Jacobson, MLA Nunakput, Deputy Chair
Mr. Bob Bromley, MLA Weledeh
Mr. David Krutko, MLA Mackenzie Delta
Mr. Norman Yakeleya, MLA Sahtu

Regular Members

Mr. Glen Abernethy, MLA Great Slave

Witnesses

Hon. Robert McLeod, Minister of Municipal and Community Affairs
Mr. Mike Aumond, Deputy Minister, MACA
Ms. Laura Gareau, Director of Corporate Affairs, MACA
Ms. Kelly McLaughlin, Legislative Counsel, Justice

Committee Staff

Ms. Jennifer Knowlan, Committee Clerk
Ms. Sheila MacPherson, Law Clerk
Ms. Colette Langlois, Director of Research
Ms. Alicia Tumchewics, Committee Researcher

STANDING COMMITTEE ON ECONOMIC DEVELOPMENT AND INFRASTRUCTURE
Public Meeting on Bill 16: *An Act to Amend the Dog Act*
February 23, 2011
Committee Room "A"
12:12 p.m.

CHAIRMAN (Mr. David Ramsay): Alright, everybody. I'd like to call the Standing Committee on Economic Development and Infrastructure to order. The next item of business on our agenda today is a review of Bill 16: *An Act to Amend the Dog Act*. We're going to proceed today with a clause-by-clause review. I'd like to welcome all the Members of our Standing Committee on Economic Development as well as other Members that we have in attendance with us today and, as well, welcome the Minister and his staff that he has with them to our proceedings. I'm going to go around the room and have Members introduce themselves, for the record, beginning with Mr. Krutko.

MR. KRUTKO: David Krutko, MLA Mackenzie Delta.

MR. BROMLEY: Bob Bromley, MLA Weledeh.

MR. YAKELEYA: Norman Yakeleya, MLA Sahtu.

MR. JACOBSON: Jackie Jacobson, MLA Nunakput.

MR. ABERNETHY: Glen Abernethy, MLA Great Slave.

CHAIRMAN (Mr. Ramsay): David Ramsay, MLA Kam Lake, chair of the committee. I'd like to introduce the staff that we have with us today. To my far left we have Alicia Tumchewics, committee researcher; Ms. Sheila MacPherson, Law Clerk; and to my immediate left is Ms. Colette Langlois, director of research of the Assembly; and to my immediate right is Ms. Jennifer Knowlan, clerk of the committee. I'd like to thank them for all the work they've done in the lead up to the clause-by-clause review today as well as the committee members. I know we've put this off for a week and I'm glad we have the Minister here today to go through the clause-by-clause review of Bill 16: *An Act to Amend the Dog Act*.

Again, I want to welcome Minister Robert C. McLeod, Minister of MACA, who will now open up the proceedings on Bill 16. Following the Minister, we will allow Members to make comments on the bill. So once again, Mr. Minister, thanks for joining us today. We'll turn the floor over to you. Mr. Minister.

HON. ROBERT MCLEOD: Thank you, Mr. Chair. We're pleased to be here again today. I have with me Mr. Mike Aumond, deputy minister, Municipal and Community Affairs; Laura Gareau, director of corporate affairs with MACA; we have Mr. David Kravitz, Manager of Community Governance; Ms. Kelly McLaughlin, legislative counsel with the Department of Justice; and back there we have Mr. Gary Schauerte, Manager of Policy and Planning for Municipal and Community Affairs. We are just here today to carry on with those amendments that committee had. We appreciate the time you've

taken to look into this particular act and some of the changes you've recommended. With that, I'll stop there so we can get right down to business.

CHAIRMAN (Mr. Ramsay): Thank you very much, Minister McLeod. I'd now just ask committee if there is anybody who wants to make any additional comments before we get into the clause-by-clause review. Mr. Krutko.

MR. KRUTKO: Thank you, Mr. Chair. Again, this bill has been very controversial regardless of who looked at it. From the community perspective that I come from, I know there was a lot of flack given to the clause that was in there. I don't think the intention or the way the clause was drafted, the clause was read to give anybody the right to exemption by way of a licence to cruelty to animals. I think that, if anything, the changes that we're looking to bring forward here will compromise it. We do have municipal bylaws in place. Most of our communities have been dealing with dog issues since the communities were established. I think because of the long history of having to deal with dog bylaws in the communities and revising over a period of time, and a lot of things are in our dog bylaws today. I have one here from Fort McPherson. It talks about cruelty to animals. It talks about making sure you have your dogs fed and sheltered. This is what is practiced in our communities. I think people's interpretation of the practice in our communities, some of the people don't really understand. Unless you read the bylaws, I think there probably would have been an easier way for people to get away with perspective of what community bylaws are real by reading the bylaws that are in place right now. I think the intention of the wording, yes, whoever read it thinks it gives them a free ride to do whatever, but it doesn't. It's in our bylaws in the communities and it's clear. No one has a right to cruelty to animals. We have the right to ensure that animals are treated fairly and with some dignity. I think that's the part that has received a lot of compromise. Hopefully with the compromise we are putting here today, we'll replace the clause that everybody seems to be hung up on.

With the addition of that, also I know there's a lot of hee-hawing around traditional practices. I think people don't realize when we talk about traditional practices, activities we talk about that are traditional are still happening today, such as hunting, fishing, on-the-land experiences. Most people in the Northwest Territories that ever took an adventurous trip out into the wilderness realize the important roles dogs do play with regard to the protection of them and also the protection from other species of animals out in the wild. Hopefully with these changes it will bring some ease to people that had some problems with it, but more importantly, hopefully that the compromise that we are willing to give is enough that we can move this bill forward for the benefit of everybody. We were seen to be one group against the other and I don't think that was the intention of the wording. But because of the controversy it did stir, I think we have an obligation to reword it in such a way that it's clear, it spells out neatly what the intent is and come to a compromise that hopefully we can live with. Thank you.

CHAIRMAN (Mr. Ramsay): Thank you, Mr. Krutko. Are there any additional comments or any other comments the committee wants to provide to the Minister before we proceed with the clause-by-clause review of Bill 16? If there's not, thank you.

Committee will now go to the clause-by-clause review of the bill. Does committee agree?

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Ramsay): All right. Committee agrees to conduct a clause-by-clause review of Bill 16. Please let's turn to page one of the bill and begin with clause 1.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Ramsay): Clause 2. Mr. Bromley.

Motion to Amend Paragraph (c) of Subclause 2(1) of Bill 16

MR. BROMLEY: Thank you, Mr. Chair. Mr. Chair, I'd like to propose an amendment that inserts a definition and the motion is: I move that paragraph (c) in subclause 2(1) of Bill 16 be amended by adding to the list of definitions the following definition in alphabetical order:

"immediate control" means control of a dog by

(a) leash, tether, lead or another device,

or

(b) hand, voice or the use of visual or audible signals.

CHAIRMAN (Mr. Ramsay): Thank you, Mr. Bromley. A motion is on the floor. The motion is in order. To the motion.

SOME HON. MEMBERS: Question.

CHAIRMAN (Mr. Ramsay): Question has been called.

---Carried

Does the Minister concur?

HON. ROBERT MCLEOD: Mr. Chair, we concur.

CHAIRMAN (Mr. Ramsay): Thank you, Mr. Minister. Clause 2 as amended.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Ramsay): Thanks, committee. Clause 3.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Ramsay): Clause 4. We have some motions there, I believe. First we'll go to Mr. Jacobson.

MR. JACOBSON: That clause 4 of Bill 16 be amended by striking out proposed subsection 3.2 and substituting the following: subsection (2), the person does not contravene the subsection of treating...

CHAIRMAN (Mr. Ramsay): Yes, that's...

Motion to Amend Paragraph 3(1)(c) of Clause 4 of Bill 16

MR. JACOBSON: Okay, okay, sorry. Sorry, everybody.

I move that clause 4 of Bill 16 be amended by striking out proposed paragraph 3(1)(c) and substituting the following:

(c) provide it with reasonable protection, having regard to the physical characteristics of a dog, from injurious heat or cold; and

CHAIRMAN (Mr. Ramsay): Thank you, Mr. Jacobson. There is a motion is on the floor. The motion is in order. To the motion.

SOME HON. MEMBERS: Question.

CHAIRMAN (Mr. Ramsay): Question has been called.

---Carried

Does the Minister concur?

HON. ROBERT MCLEOD: Yes, Mr. Chair, I do.

CHAIRMAN (Mr. Ramsay): Thank you, Mr. Minister. To the clause as amended.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Ramsay): Thank you, committee. Mr. Jacobson.

Motion to Amend Subsection 3(2) of Clause 4 of Bill 16

MR. JACOBSON: I move that clause 4 of Bill 16 be amended by striking out proposed subsection 3(2) and substituting the following:

(2) A person does not contravene subsection (1) by treating a dog in accordance with regulations or in accordance with standards of animal care set out in an applicable municipal bylaw.

CHAIRMAN (Mr. Ramsay): A motion is on the floor. The motion is in order. To the motion.

SOME HON. MEMBERS: Question.

CHAIRMAN (Mr. Ramsay): Question has been called. Motion is carried.

---Carried

Does the Minister concur?

HON. ROBERT MCLEOD: Mr. Chair, we concur.

CHAIRMAN (Mr. Ramsay): Thank you, Mr. Minister. To the clause as amended.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Ramsay): Okay. Mr. Bromley.

Motion to Amend Section 3 of Clause 4 of Bill 16

MR. BROMLEY: Thank you, Mr. Chairman. I move that clause 4 of Bill 16 be amended by adding the following after proposed section 3:

3.1. A person who destroys a dog shall do so in a manner that prevents undue suffering.

CHAIRMAN (Mr. Ramsay): A motion is on the floor. The motion is in order. To the motion.

SOME HON. MEMBERS: Question.

CHAIRMAN (Mr. Ramsay): Question has been called. The motion is carried.

---Carried

Does the Minister concur?

HON. ROBERT MCLEOD: Mr. Chair, we concur.

CHAIRMAN (Mr. Ramsay): Thank you, Mr. Minister. We'll go to Mr. Krutko.

Motion to Amend Section 4(3) of Clause 4 of Bill 16

MR. KRUTKO: Mr. Chair, I move that clause 4 of Bill 16 be amended by striking out proposed section 4(3) and substituting the following:

(3) This section does not apply if the distress is caused by a treatment, process or condition that occurs in the course of an accepted activity.

(4) Subject to subsection (5), for the purposes of this act, an accepted activity includes the use, care and management of a dog in the course of the following activities:

- (a) harvesting, including gathering, hunting, trapping and fishing;
- (b) protection of people from wildlife;
- (c) any other activity designated as an accepted activity by the regulations.

(5) An activity is an accepted activity under subsection (4) only if it is carried out in a manner

- (a) consistent with a generally accepted practice or procedure for the activity that
 - (i) is not designated as a prohibited practice or procedure by the regulations, and
 - (ii) does not cause undue suffering; or
- (b) that is otherwise reasonable in the circumstances, and does not cause undue suffering.

CHAIRMAN (Mr. Ramsay): A motion is on the floor. The motion is in order. To the motion.

SOME HON. MEMBERS: Question.

CHAIRMAN (Mr. Ramsay): Question has been called. The motion is carried.

---Carried

Does the Minister concur?

HON. ROBERT MCLEOD: Mr. Chair, we concur.

CHAIRMAN (Mr. Ramsay): Thank you, Mr. Minister. To the clause as amended. Committee agree?

SOME HON. MEMBERS: Agree.

CHAIRMAN (Mr. Ramsay): Clause 5. Mr. Jacobson.

Motion to Amend Section 5 of Clause 5 of Bill 16

MR. JACOBSON: I move that clause 5 of Bill 16 be amended by striking out proposed section 5 and substituting the following:

5. No owner shall permit a dog to run at large
 - (a) contrary to a municipal bylaw;
 - (b) in an unincorporated community; or
 - (c) in an area that is not within a municipality or an unincorporated community, unless the dog is under the immediate control of a person.

CHAIRMAN (Mr. Ramsay): A motion is on the floor. The motion is in order. To the motion.

SOME HON. MEMBERS: Question.

CHAIRMAN (Mr. Ramsay): Question has been called. The motion is carried.

---Carried

Does the Minister concur?

HON. ROBERT MCLEOD: Yes, Mr. Chair. ...(inaudible)...

CHAIRMAN (Mr. Ramsay): There you go.

HON. ROBERT MCLEOD: Yes, Mr. Chair, we concur.

CHAIRMAN (Mr. Ramsay): Thank you, Mr. Minister, for that concurrence. Mr. Yakeleya.

Motion to Amend Paragraph 6(b) of Clause 5 of Bill 16

MR. YAKELEYA: I move that clause 5 of Bill 16 be amended by striking out proposed paragraph 6(b) and substituting the following:

- (b) in an area that is not within a municipality, unless the dog is under the immediate control of a person capable of ensuring that the dog will not harm the public or create a nuisance.

CHAIRMAN (Mr. Ramsay): A motion is on the floor. The motion is in order. To the motion.

SOME HON. MEMBERS: Question.

CHAIRMAN (Mr. Ramsay): Question has been called. The motion is carried.

---Carried

Does the Minister concur? Mr. Minister.

HON. ROBERT MCLEOD: Yes, Mr. Chair, we concur.

CHAIRMAN (Mr. Ramsay): Thank you, Mr. Minister. Mr. Yakeleya.

Motion to Amend Paragraph 8.3(1)(a) and (b) of Clause 5 of Bill 16

MR. YAKELEYA: I move that clause 5 of Bill 16 be amended by striking out “three days” in each of proposed paragraphs, 8.3(1)(a) and (b) and substituting “five days”.

CHAIRMAN (Mr. Ramsay): A motion is on the floor. The motion is in order. To the motion.

SOME HON. MEMBERS: Question.

CHAIRMAN (Mr. Ramsay): Question has been called.

---Carried

Thanks, committee. Does the Minister concur?

HON. ROBERT MCLEOD: Yes, Mr. Chair, we concur.

CHAIRMAN (Mr. Ramsay): Thank you, Mr. Minister. To the clause as amended. Clause 5 as amended.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Ramsay): Thanks, committee. Clause 6.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Ramsay): Clause 7. Mr. Krutko.

Motion to Amend Paragraph 13(1)(a) of Clause 7 of Bill 16

MR. KRUTKO: Mr. Chairman, I move that clause 7 of Bill 16 be amended by striking out “\$5,000” in proposed a paragraph 13(1)(a) and substituting “\$2,500”.

CHAIRMAN (Mr. Ramsay): A motion is on the floor. The motion is in order. To the motion.

SOME HON. MEMBERS: Question.

CHAIRMAN (Mr. Ramsay): Question has been called. The motion is carried.

---Carried

Does the Minister concur?

HON. ROBERT MCLEOD: Mr. Chair, we agree with this clause. However, we weren't quite sure of the clarity surrounding the clause, so I would have to go back to Cabinet to get their authority to concur, but we do agree with \$2,500 and then \$10,000 in subsequent fines.

CHAIRMAN (Mr. Ramsay): Thank you, Mr. Minister. Mr. Krutko. So we'll wait to hear back from the Minister. So there is no concurrence on that one.

HON. ROBERT MCLEOD: ...(inaudible)...

CHAIRMAN (Mr. Ramsay): So we'll wait to hear back on that and we'll go to Mr. Krutko.

HON. ROBERT MCLEOD: We'll do that first thing in the morning, Mr. Chair.

CHAIRMAN (Mr. Ramsay): Okay. Thanks, Mr. Minister. Mr. Krutko.

MR. KRUTKO: Mr. Chair, clause 7 of Bill 16 be amended...

CHAIRMAN (Mr. Ramsay): Okay. We're just running out of time. Perhaps what would be the most expedient use of our time would be to move the motion on the floor of the House and we'll do that and that's how we will take care of it, because we don't have any time to schedule another clause-by-clause review. That's okay with you, Mr. Minister?

HON. ROBERT MCLEOD: That'll work.

CHAIRMAN (Mr. Ramsay): Okay. Is that okay with the committee? Does the committee agree with that approach?

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Ramsay): Mr. Krutko.

MR. KRUTKO: Personally, I assume by the Premier going back, the Minister going back to the Cabinet, that once Cabinet concurs to a bill, it's their bill. If they want to bring that into the House that this is the wording, to me it's just a Cabinet decision. It has to say nay or yea. If they say nay, we just draft it as accepted and he presents it on the floor of the House. We accept the amendment anyways. If he doesn't, then we'll have the debate on the floor of the House.

CHAIRMAN (Mr. Ramsay): Yes, and I'm not sure...

MR. KRUTKO: It's been done before.

CHAIRMAN (Mr. Ramsay): ...if it would be that simple. Jennifer, if it's not amended in the standing committee during this process, I think the only other avenue is to go to a motion on the floor of the House. We can't just leave it in Cabinet's hands to make the

change and present the bill in the House changed without the Minister's concurrence in this forum. So we'd have to proceed with a motion on the floor of the House or we can take two minutes and have the Minister run down the hall, talk to the Premier if he's available, and we can proceed from there. Let's just take a five-minute break and we'll get it done that way.

---SHORT RECESS

CHAIRMAN (Mr. Ramsay): Thanks very much, everybody. I'd now like to ask the Minister if he concurs.

HON. ROBERT MCLEOD: Well, Mr. Chair, I've spoken to the Premier and he said I can agree to the amendments to the bill and we'll just bring it to Cabinet in the morning.

CHAIRMAN (Mr. Ramsay): So you concur? All you have to do is say yes, Mr. Minister.

---Laughter

HON. ROBERT MCLEOD: Yes.

CHAIRMAN (Mr. Ramsay): Thank you, Mr. Minister. Mr. Krutko.

Motion to Amend Paragraph 14(1)(b) of Clause 7 of Bill 16

MR. KRUTKO: Thank you, Mr. Chair. I move that clause 7 of Bill 16 be amended by striking out proposed paragraph 14(1)(b) and substituting the following:

- (b) respecting the care and treatment of dogs, including
 - (i) designating an activity as an accepted activity for the purposes of subsection 4(4), and
 - (ii) designating a practice or procedure as prohibited from the purposes of subject 4(5);

CHAIRMAN (Mr. Ramsay): A motion is on the floor. The motion is in order. To the motion.

SOME HON. MEMBERS: Question.

CHAIRMAN (Mr. Ramsay): Question has been called. The motion is carried.

---Carried

Does the Minister concur?

HON. ROBERT MCLEOD: Yes, Mr. Chair, I concur.

CHAIRMAN (Mr. Ramsay): Thank you, Mr. Minister. Mr. Yakeleya.

Motion to Amend Paragraph 14(1)(a) of Clause 7 of Bill 16

MR. YAKELEYA: I move that the English version of clause 7 of Bill 16 be amended by striking out “or” in proposed paragraph 14(1)(a) and substituting “of”.

CHAIRMAN (Mr. Ramsay): A motion is on the floor. The motion is in order. To the motion.

SOME HON. MEMBERS: Question.

CHAIRMAN (Mr. Ramsay): Question has been called.

---Carried

Does the Minister concur?

HON. ROBERT MCLEOD: Yes, Mr. Chair, I concur.

CHAIRMAN (Mr. Ramsay): Thank you, Mr. Minister. Clause 8.

---Clauses 8 through 10 inclusive approved

CHAIRMAN (Mr. Ramsay): Clause 11. Mr. Yakeleya.

MR. YAKELEYA: That Bill 16 be amended by striking out clause 11 and substituting the following 11.1(1), the provisions of the Dog Act are renumbered in accordance with the following table. Mr. Chair, shall I dispense with reading of the entire text?

CHAIRMAN (Mr. Ramsay): I know, Mr. Yakeleya, you’ve been waiting to say that for a little while....

---Laughter

...but I’m going to go back to clause 7 and I just wanted to ask committee, clause 7 as amended and then we’ll come back. We just have to get committee’s agreement on that, sorry. Clause 7 as amended.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Ramsay): Thank you, committee. We’ll now go back to Mr. Yakeleya. Sorry about that, Mr. Yakeleya. We can hear it again. Thank you.

Motion to Amend Clause 11 of Bill 16

MR. YAKELEYA: Thank you, Mr. Chair. Take two. I move that Bill 16 be amended by striking out clause 11 and substituting the following:

11.(1) The provisions of the Dog Act are renumbered in accordance with the following table:

Mr. Chair, shall I dispense with reading the entire text?

CHAIRMAN (Mr. Ramsay): Committee agree?

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Ramsay): Thanks committee. A motion is on the floor. The motion is in order. To the motion.

SOME HON. MEMBERS: Question.

CHAIRMAN (Mr. Ramsay): Question has been called.

---Carried

Does the Minister concur?

HON. ROBERT MCLEOD: Yes, Mr. Chair, I concur.

CHAIRMAN (Mr. Ramsay): Thank you, Mr. Minister. Clause 11 as amended.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Ramsay): Sorry. I'm getting ahead of myself. Clause 12.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Ramsay): To the bill as a whole as amended.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Ramsay): Does committee agree that Bill 16: *An Act to Amend the Dog Act*, is now ready for consideration by Committee of the Whole as amended and reprinted?

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Ramsay): Thank you. Who wants to move this? Mr. Yakeleya.

Motion to Report Bill 16 to the Assembly as Ready for Consideration in Committee of the Whole

MR. YAKELEYA: Mr. Chair, I move that Bill 16: *An Act to Amend the Dog Act*, be reported to the Assembly as ready for consideration in Committee of the Whole as amended and reprinted.

CHAIRMAN (Mr. Ramsay): A motion is on the floor. The motion is in order. To the motion.

SOME HON. MEMBERS: Question.

CHAIRMAN (Mr. Ramsay): Question has been called.

---Carried

CHAIRMAN (Mr. Ramsay): The motion is carried. Bill 16: *An Act to Amend the Dog Act*, will be reported to the Assembly as ready for consideration in Committee of the Whole as amended and reprinted.

I wanted to thank very much the committee for all your work. I know it's been a long process in trying to get us to the clause-by-clause review of the bill today. I know our staff has worked really hard in trying to get the information in front of us that we need. They've done a really good job at organizing and helping us coordinate the public hearings and process into that. I want to thank them publicly for that. As well, thank the committee for your help in getting us where we're at. Now the bill will proceed to the House and that's where it needs to be. I appreciate the committee's work in that.

Mr. Minister, thank you and I'd like to thank your staff as well for all the work that you've put into getting to where it is. Thank you very much. Have a good afternoon.

---ADJOURNMENT