

Pounds Act
Proposed Amendments

Discussion Document

May 2017

Yukon Government
Department of Energy, Mines and Resources

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Purpose of the *Pounds Act*

The *Pounds Act* provides a legislative framework for Yukon government (YG) to appoint a person to act as a pounds keeper to operate a pound for containment of stray or feral animals. The pounds keeper is responsible for the impoundment and safe keeping of animals delivered to a pound, and for recovering costs for damage to property caused by the animal and boarding.

Background

The *Pounds Act* and Regulations have functioned to resolve the issue of stray livestock trespassing and damaging property.

Since 1987, there have been a number of changes within government that have affected application and administration of the *Pounds Act*. Since the practice of free ranging livestock has ceased, livestock control in the past decade has largely consisted of removing stray and feral animals from highway corridors. Recent changes include: updating the *Highways Act* and the *Animal Protection Act*; creation of the Animal Health Unit in 2010 (Department of Environment); and the creation an Animal Protection Officer position in 2015. The *Pounds Act* needs to be updated to harmonize with other legislation, as well as to meet current livestock control program requirements.

These amendments will clarify administration of the *Pounds Act* and reflect changes to government department roles with respect to livestock control.

Goals of this Amendment Process

Proposed amendments to the *Pounds Act* should:

1. Align it with the updated *Animal Protection Act* (2012), which created redundancy with respect to animals found in weak or poor condition.
2. Align the definition of animal with that in the *Highways Act* (2013).
3. Make all areas of Yukon subject to livestock control activities.
4. Make all species of livestock subject to livestock control activities.
5. Reflect current YG departmental livestock control roles and responsibilities, which are laid out in the revised Stray and Feral Livestock Control Program (LCP), which will:
 - a. Improve accountability of livestock owners for stray livestock,
 - b. Improve safety for motorists and those involved in animal capture and impoundment, and
 - c. Contribute to better livestock care by reuniting livestock and owners faster.

How to Contribute

This document describes issues with the act and proposes solutions to resolve them. We encourage Yukoners to provide feedback on any aspect of these proposed amendments. The *Pounds Act* can be found here http://www.gov.yk.ca/legislation/acts/pounds_c.pdf.

This discussion paper/comment submission form is available for download on the Energy, Mines and Resources, Agriculture Branch website at <http://www.emr.gov.yk.ca/agriculture/>. A French version is also available.

For more information, please contact Jesse Walchuk, Agriculture Development Officer, Agriculture Branch, at (867) 667-5838 or by email at agriculture@gov.yk.ca.

This engagement and review process will continue until August 11, 2017. Comments received during this period will be compiled and considered in finalizing amendments.

If you would like to provide written comments, you may use this document (or submit in another form), by August 11, 2017 to Energy, Mines and Resources, Agriculture Branch at:

E-mail: agriculture@gov.yk.ca

Phone: (867) 667-5838

Fax : (867) 393-6222

Mail : 320 – 300 Main St. Whitehorse, Yukon Y1A 2B5

Please note:

The purpose for collecting your comments is for compilation and consideration in amending the Pounds Act. The information is being collected by Yukon government. Your individual responses will be for internal use only. Individual respondents will not be identified in any reports, and your responses will be combined with others for reporting purposes.

Yukon government will not collect or keep your personal information. Following this engagement and review process, Yukon government will publicly release a “what we heard” document.

Amendments for consideration

1. Definition of animal

The definition of animal (below) in the amended *Highways Act* (2013) includes species not provided for under the *Pounds Act*, and doesn't allow for new (to Yukon) species that may need to be included under the *Pounds Act* definition in the future.

... “animal” means (a) alpacas, cattle, donkeys, geese, goats, horses, llamas, mules, sheep, and swine, (b) game farm animals as defined in the *Game Farm Regulations made under the Wildlife Act*, and (c) any other animal set out in the regulations.

Aligning the definitions will remove a potential gap in service when an authority under the *Highways Act* wants to contain a species (e.g., llama, alpaca) that is not allowed to be accepted by the pounds keeper under the *Pounds Act*.

We also want to add the ability for the Minister to amend the definition (i.e. expand the spectrum of species that are currently considered ‘animals’), as it is in the public interest for government to be able to impound any kind of livestock (e.g. yak) that may be causing a nuisance to property owners or a hazard on Yukon highways.

Comments:

2. Assignment of capture, containment and enforcement responsibilities

The *Pounds Act* currently identifies agents that are to administer the act (e.g. Conservation Officer), who no longer do. In fact, anyone may deliver a stray or feral animal to a pound, and when they pose a danger on Yukon highways, a wrangler may be contracted to capture and deliver these animals to a pound.

We are proposing to eliminate confusion and/or duplication of services by stating that Energy, Mines and Resources can appoint a *class of persons* as Livestock Control Officers. We are also proposing to add the definition of Livestock Control Officer (i.e., person appointed by Minister to enforce provisions of the *Pounds Act* and *Highways Act*) into the act, as it is currently not included, which will contribute to clarity.

In addition, we are proposing to eliminate the ability for pound keepers to issue tickets (since they are not YG employees and have no ticketing or enforcement training). Other enforcement officers or Livestock Control Officers would issue tickets instead.

Comments:

3. Pounds districts and boundaries

The Pounds Act currently requires the creation of pounds districts with boundaries, thereby creating distinct areas within which YG can respond to reports of stray or feral livestock. Yet, livestock or feral animals may stray anywhere in the territory. This can create a hazard on Yukon highways. YG should be able to take action to keep highways safe when animals are reported anywhere (i.e. within municipalities), and not just within boundaries of pounds districts. This would also result in an improved ability to reunite livestock with owners throughout Yukon. We propose to:

- Establish that the *Pounds Act* applies throughout the territory,
- Specify that one pound (facility) will be maintained (near Whitehorse), and
- Keep the authority to create other pounds as needed.

Can you think of anywhere in Yukon the *Pounds Act* should not apply? Please explain and/or provide additional comments:

4. Penalty options

The current fine amount for livestock at large is high enough that livestock owners sometimes choose jail over payment. This is a severe outcome for the owner and is onerous for government, as it can result in further livestock care issues. Current fines are \$100 for the first offense, \$300 for a second offense within three years, and \$500 for each subsequent offense within three years.

We are proposing to establish other penalty options in order to enhance compliance; these could include community service, investment in fencing (i.e., requiring owners to build or repair fencing at their own expense), posting of bond to ensure compliance, submitting to inspection, or prohibition on ownership. These penalties would be more educational in nature, and would ultimately contribute to better outcomes for offenders, animals and government. We are also looking at an option to instead establish a single fine not exceeding \$1000 for the offense of allowing livestock to run at large.

Comments:

5. Identifying impounded animals.

Currently, the act gives the pounds keeper the authority to mark impounded animals with tattoos or tags. This is an outdated methodology and is dangerous for both the pound keeper and the animals. We propose to change the language such that the animal can be identified and documented (i.e. by photography) rather than permanently marked.

Comments:

Do you have any additional comments, or concerns with the *Pounds Act* that are not addressed in the amendments above?

Thank you for your feedback!