



**COMMON UNDERSTANDING (March 2010)**  
**Newfoundland Pony**  
**- Considerations for Next Steps -**

**Issue:**

There has been an ongoing request for action to have the Newfoundland Pony recognized under the *Animal Pedigree Act (APA)*. In conversation with Newfoundland Pony Society (NPS) and Newfoundland Pony Breeders Association (NPBA) representatives, there seems to be agreement that a common understanding between Agriculture & Agri-Food Canada (AAFC) and the Newfoundland & Labrador Gov't (NL) would be an important key step to resolving this matter.

**Situation:**

- Andrew Fraser characterized and identified the problem of the disappearance of the Newfoundland Pony in a book in 1992.
- Since then, there have been several organizations that have been formed or become involved to halt the demise of the Newfoundland Pony and provide support, including Newfoundland Pony Care Inc., NPS, NPBA and Rare Breeds Canada. However, consensus among these groups has been elusive.
- The Government of Newfoundland and Labrador established the *Heritage Animals Act* in 1996 and the *Newfoundland Pony Designation Order* in 1997 to help protect the Newfoundland Pony and to designate the NPS as the society to act in the preservation of the pony.
- Newfoundland Pony owners, breeders and other interested parties have actively promoted the Pony and participated in initiatives to benefit the Pony. There have also been significant investments of money and volunteer time, to organize, promote the Newfoundland Pony, record and store information, research, obtain DNA analysis, etc.
- However, there has been a lack of coordination, sometimes duplication of effort and occasionally actions which have undermined the efforts of others, to the detriment of the Newfoundland Pony population. Over the years, many people have also either opted out of participating or have even declined to have their animals categorized or identified as Newfoundland Pony.

- Since the *Newfoundland Pony Designation Order* in 1997, it is unclear if the decline in numbers of the Newfoundland Pony and viability of the population in Newfoundland has been halted. At the same time, awareness has grown outside of Newfoundland and the numbers of breeders and breeding animals has also increased. There are both challenges and opportunities.

#### **Unresolved Issues:**

Breeders have expressed interest, at least since 1996, in obtaining recognition of the Newfoundland Pony under the *APA*. Nevertheless, there remain several outstanding issues which have caused Agriculture and Agri-Food Canada to decline recognition to-date, namely: [See *Appendix I for details*]


1. Lack of consensus on a breed definition
2. No single group to represent all breeders
3. Opposition to applications or intents to apply
4. *APA* approval would cause NPS registry to close
5. Concerns that Newfoundland should have special role

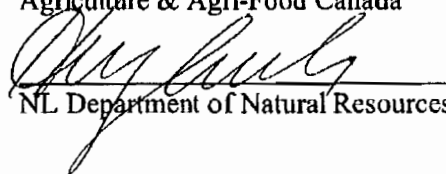
#### **Proposal:**

1. **AAFC and NL would be supportive** of an application for Newfoundland Pony breed recognition and incorporation of a national breed association (*N.B. This could be a new association or an existing association which meets the criteria as per the common understanding herein outlined.*) for the purpose of registering animals under the *APA*, **provided that;**
  - a. There is reasonable evidence that the application represents the wishes of Newfoundland Pony breeders and owners throughout Canada, regardless of their affiliation or not with existing organisations,
  - b. There is recognition and acceptance that a national breed association under the *APA* shall be open to all breeders and operate on a democratic basis.
  - c. The intent of the *Heritage Animals Act* shall be recognized in establishing a breed association under the *APA*.
  - d. A registry shall be professionally maintained for the breed association, preferably by the Canadian Livestock Records Corporation (CLRC). No other organisation may otherwise keep pedigrees or issue certificates in respect of the Newfoundland Pony in any manner which would be deemed contrary to the *APA*.

- e. Arrangements shall be made for the registrar to regularly make available an updated list of animals and their status, for use by an organisation designated by NL (currently Newfoundland Pony Society) under the *Heritage Animals Act*.
2. **Breed description** in terms of both genetic and physical makeup is a required basis for recognition under the *APA*. Also, evidence of genetic stability of the population for the breed characteristics and for genetic makeup, is used to determine if a population is eligible for "Distinct" or "Evolving" breed status. Much work has already been done and thought given to breed description, which needs to be consolidated into a consensus description. [See Appendix II]
  3. **An application for incorporation and recognition under the *APA* may be considered by AAFC provided that,**
    - a. Breed description (Appendix II) steps 1, 2 and 3 have been completed, allowing broad participation of owners and breeders in a manner deemed satisfactory by AAFC and NL
    - b. Notices have been given in a manner likely to reach all interested people, whether a breeder, owner or non-breeder/owner. The notices shall inform people of the proposed breed description, invite people to identify their interest in the process, identify if they are a breeder (N.B. definition to be supplied by AAFC) or not, indicate how or if they wish to participate in future, indicate if they would support an application under the *APA*, and allow for people to make additional comment. If similar surveys were previously completed, recognition of the results may be possible providing that respondents are permitted to verify or withdraw their support.
    - c. The first directors and officers identified in the application as per *APA* Sec. 8 are deemed by AAFC and NL to be acceptable representatives of the breeders to pilot the process of establishing a national association.
  4. **Following incorporation, an application for approval of by-laws must be completed within one year.**
    - a. The by-laws shall be set out as per Section 15 of the *APA* and shall describe the operational requirements of the breed association, authorize the various directors, officers and committees to act on behalf of the members, establish mandatory requirements such as the rules of eligibility for registration, etc.
    - b. AAFC and NL may recommend how the intent of the *Heritage Animals Act* can be accommodated.

- c. Prior to the approval of by-laws, the applicants shall describe an acceptable breeding plan, including plans for initially populating the registry database, as per steps 4 & 5 of Appendix II.
- d. Although a formal vote may not be required by the *APA* for this stage, AAFC will expect an indication that interested breeders were able to participate in the process, that they were kept informed and that any concerns which may have been raised were dealt with in an appropriate manner. AAFC will work with the applicants for these purposes.

  
Agriculture & Agri-Food Canada

  
NL Department of Natural Resources

Date: 10/03/16

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## Appendix I

1. **Lack of consensus on a breed definition**  
Lack of consensus among breeders regarding how to define the Newfoundland Pony as a breed. This includes differences of opinion whether the pony represents a "genetically stable" population or not, whether animals with certain colours should be disqualified, whether animals beyond a certain height are acceptable or not, whether DNA tests are proof that the animals should or should not be included, etc.
2. **No single group to represent all breeders**  
Although, the *Animal Pedigree Act (APA)* requires that applicants represent the breeders throughout Canada, it remains unclear at this time, that there is a single group which could legitimately claim to represent the breeders throughout Canada.
3. **Opposition to applications or intents to apply**  
Where applications or requests for incorporation and recognition of the Newfoundland Pony under the *APA* have been made, Agriculture and Agri-Food Canada has also received letters of opposition.
4. ***APA* approval would cause NPS registry to close**  
The *Newfoundland Pony Designation Order* designates the Newfoundland Pony Society to carry out the keeping and operation of a registry. However, the *APA* makes it an offence for anybody other than the authorized association under the act to keep pedigrees or issue certificates for a breed. The effect of approving the Newfoundland Pony under the *APA* would effectively require the NPS registry to shut down. Although the *Heritage Animals Act* contains a provision with respect to conflicting acts, it would be preferable to have fed-prov government agreement regarding handling the existing NPS registry and transitioning to a new registry under the *APA*.
5. **Concerns that Newfoundland should have special role**  
The *APA* requires that breed associations be set up to operate as democratic entities representing the breeders throughout Canada. There is, however, a concern expressed by some people that Newfoundland should play a special role. Several options can be considered and would benefit from fed-prov government agreement.

## Appendix II Resolution of Breed Description

Breed description for the purposes of the *Animal Pedigree Act* shall be resolved, with the assistance of the AAFC Animal Registration Officer, as follows;

1. **Breed Status** - Given: (i) A broad genetic base for the origin of the Newfoundland Pony (ref. Andrew Fraser); (ii) Absence of a breeding program; (iii) Absence of a collective direction amongst all breeders to stabilize the population; (iv) Probable incorporation of genetics in some cases from populations not typically recognized as part of the Newfoundland Pony background. As a result, the Newfoundland Pony would not be eligible for Distinct Breed status at this time. However, it would be eligible for recognition as an Evolving Breed and for recognition as a Distinct Breed once there is evidence the population has been sufficiently stabilized.
2. **Breed origin** - Based on existing information, the accepted origins of the Newfoundland Pony shall be clarified. From this, a concise written historical definition of the Newfoundland Pony shall be put forward which describes genetic contributions as well as physical characteristics of the contributing stock, to the degree it is possible to do so and for which there is reasonable consensus. If appropriate, different origins or pockets of the Newfoundland Pony may be defined as separate "parental" populations.
3. **Breed target** - The target Distinct breeding population towards which the Newfoundland Pony is intended to stabilize, shall be described. This will include definition of the expected genetic makeup and physical resemblance of the target breed.
4. **Breeding plan** - A breeding plan shall be described which sets out, (i) how the original "parental" populations are expected to contribute towards the target breed makeup, (ii) how the registry will provide guidance as to the acceptable breedings for progeny to advance through F1, F2, F3, etc. generations.
5. **Original registry information** - An adhoc committee shall be established to, (i) identify existing sources of information to be incorporated into the registry database, (ii) assist the registrar in reconciling and resolving duplications, conflicting information or errors in the data, (iii) establishing the starting status (i.e. Evolving Breed categories) in the database of all known Newfoundland Ponies based on the existing available information.