

THE SENATE OF CANADA



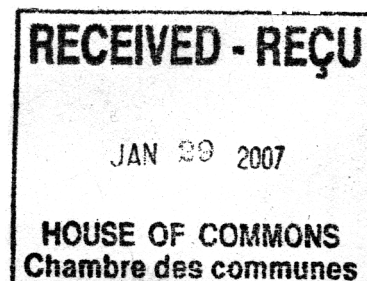
LE SÉNAT DU CANADA

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January 29, 2007

Mr. Garry Breitkreuz, M.P. Yorkton—Melville  
House of Commons  
Room 683, Confederation Building  
Ottawa, Ontario K1A 0A6



Dear Colleague:

Re: Bill S-213, an Act to amend the Criminal Code (cruelty to animals)

I am writing to ask for your support of Bill S-213, which passed the Senate on December 7, 2006 with strong support from both sides of the Chamber, and was read for the first time in the House of Commons on December 11, 2006. The Honourable Charles Hubbard, Member of Parliament for Miramichi, is the sponsor of Bill S-213 in the House of Commons. The Bill increases the maximum penalties which a court may impose for offences of the Criminal Code dealing with animal cruelty. Otherwise, the Code is unchanged.

There is broad consensus that the current penalties under the Criminal Code are not adequate. They do not reflect the seriousness with which Canadians view these crimes today, nor do they present an effective deterrent.

Bill S-213 would provide for maximum penalties of up to five years imprisonment on indictment, and on summary conviction up to 18 months in prison and/or a fine up to \$10,000. There is strong, broad-based support for these new penalty levels. Indeed, to date there is unanimous agreement that these are appropriate penalties.

This Bill is a response to the tortuous attempts to amend the animal cruelty provisions of the Criminal Code by several governments without success.

The history of these efforts is detailed in the attached Appendices. In brief, the efforts failed because they were not limited to sentencing issues, but included other amendments, presented as mere "housekeeping" amendments – simply to modernize and tidy up the language – but which in fact would significantly change existing law.

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Aboriginal groups believed the amendments could adversely affect their right to engage in traditional hunting, fishing and trapping. Numerous professors and researchers – and several Presidents of Canadian universities – expressed deep concern as to the negative impact on the research community, for example medical research. Cattlemen and other animal producers questioned the impact of the proposed bills on their industries and livelihood. Hunting, fishing and trapping organizations wrote and testified as to their grave concerns for the future of these Canadian heritage industries and recreational activities. One respected legal expert gave his opinion that the changes could even mark the end of the Calgary Stampede.

Sufficient concern was raised by stakeholders and other interested parties that none of the bills reached conclusion in the parliamentary process. As a result, the provisions governing animal cruelty remain unchanged, after close to a decade of attempts at reform.

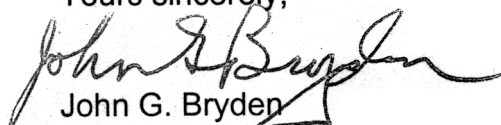
Bill S-213 resolves the most serious deficiency in our law for protection of animals, by providing enforcement officers, prosecutors and the courts with access to penalties that are substantial deterrents to those who would cause unnecessary pain or suffering to animals. However, it achieves this objective without changing the existing substantive offences in the Criminal Code. All existing defences and rights, including Aboriginal rights, are thus preserved and continued. Aboriginal members of the Senate participated in the development of Bill S-213, and support it.

The present Government has stated that it will not introduce legislation on animal cruelty, and has indicated its support for Bill S-213. The Department of Justice has said that the amendments in Bill S-213 “constitute a significant improvement to the current law regarding sentencing and one with which all Canadians would agree.”

There is opposition to the Bill from some animal rights lobby groups, and some humane societies and individuals on the grounds that it does not go far enough. The approach adopted in Bill S-213 is to simply and directly address the legitimate outrage of the public and the press about the heinous acts of animal cruelty that have gone virtually unpunished. Nothing in the Bill prevents those who desire the creation of a more ambitious and comprehensive regime from pursuing their goals. Meanwhile, the animals themselves would be protected under this Bill.

I hope you support Bill S-213. Of course, please feel free to contact me or Mr. Hubbard, if you have any questions or issues you would like to discuss.

Yours sincerely,



John G. Bryden

Enc.