



FEDERAL ANIMAL CRUELTY LEGISLATION

Key Points about the Facts, Legal Analysis and Common Sense
Behind Our Support of Senator Bryden's Bill S - 213

Prepared for the Parliamentary Outdoor Caucus
By: Phil Morlock, Chair, CSIA, Government Affairs Committee

February 10, 2007

Lang Michener is a renowned national top tier law firm, and one of the oldest in Canada. Mr. Peter Hayden, Q.C. led a team at Lang Michener that conducted an extensive legal review of Bill S – 213 and Bill C – 373 (and its predecessors). This legal review provides the basis for the information contained here:

Overview : Senator John Bryden's **Bill S – 213** (now before the House of Commons) accomplishes the primary goal of animal cruelty legislative reform: it substantially increases fines and penalties for those committing heinous crimes against animals without posing a threat to traditional accepted animal uses and economies.

M.P. Mark Holland's **Bill C – 373** would if passed, have a chilling effect on anglers and hunters across Canada and jeopardize these two major Canadian heritage activities embedded in our culture.

Why Change the Law ?

- According to the Department of Justice, the primary objective in revising the Criminal Code animal cruelty sections is to enable the courts to impose longer sentences and penalties commensurate with the severity of the animal cruelty offences. A majority of Canadians support this intent, as do we.
- We do not believe a majority of Canadians would support legislation that would make it possible for a Grandfather to face a federal criminal prosecution for taking his grandchildren fishing. Mr. Holland's **Bill C – 373** would do so.

Why We Do Not Support Mark Holland's Bill C – 373

According to Lang Michener:

- Specifically, we object to s.182.2(1)(b), which, for the first time in Canadian history, makes it an offence to kill an animal brutally or viciously without defining those terms, regardless of whether the animal dies immediately, and does not exempt from this offence normal hunting and fishing.
- Hunting and fishing necessarily involve the killing of animals. Animal rights groups who support **C – 373** consistently attempt to portray these traditional Canadian heritage activities as inherently *brutal and vicious*.
- Under **C – 373** a hunter or angler may be prosecuted and convicted of the offence of killing an animal brutally and viciously for engaging in normal hunting and fishing practices.
- The common law defences (legal justification, excuse and colour of right) are not useful in these circumstances.
- It is not a defence that the animal died immediately – the accepted humane standard.
- We also maintain that private prosecutions can readily be brought against persons charged with killing ‘an animal brutally or viciously’.
- While there are legislative means ensuring that both the federal Attorney General and provincial Crown Attorneys are able to oversee private prosecutions and intervene when appropriate, they are not required to do so.
- Any private prosecution by animal rights activists will be well funded, carefully presented and supported by many members of the animal rights associations involved.

Groups Supporting C – 373 Have Stated Their Intentions

- “The onus is on humane societies and other groups on the front lines to push this legislation to the limit, to test the parameters of this law and have the courage and conviction to lay charges. That’s what this is all about. Make no mistake about it.”

- *Liz White, Animal Alliance*

- “The Animal Alliance is a Toronto-based animal rights group whose avowed goal is to end all hunting and fishing, and stop all beef and pig farming and close all zoos.”

- *Outdoor Canada magazine, May, 2000*

The Negative Economic Impact of C-373

- 8 million Canadians fish.
- Fishing and hunting are a combined \$10 Billion annual economy in Canada.
- High profile criminal prosecution of anglers and hunters will be a significant disincentive to Canadians to fish or hunt, resulting in a serious negative economic impact.

A Better Legislative Solution – Senator Bryden’s Bill S – 213

- Bill S – 213 is effective, reasonable and fair.
- Bill S – 213 has bipartisan and government support. After being passed by the Senate in December, 2006, this Bill is now before the House of Commons.
- Bill S – 213 maintains the current legislative framework (along with increased fines and penalties) and the relevance of many years of well established case law interpreting animal cruelty provisions.

Please see attached list of supporters for Senator Bryden’s animal cruelty legislation.

The bottom line is Bill S – 213 must be passed; Bill C- 373 must not.

For more information, please contact:

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Organizations Stating Support for Senator Bryden's Animal Cruelty Legislation

Alberta Fish & Game Association
Canadian Animal Health Institute / Institut Canadian de la sante animal
Canadian Association of Fairs and Exhibitions / Association Canadien des foires et expositions
Canadian Association for Laboratory Animal Science / L'Association Canadienne pour la Science des Animaux de Laboratoire
Canadian Cattlemen's Association
Canadian Sheep Federation / Canadienne du mouton
**Canadian Sportfishing Industry Association /
Association canadienne de l'industrie de la peche sportive**
Canadian Sporting Arms and Ammunition Association
Canadians for Health Research / Les Canadiens pour la recherché medicale
Canada's Research-Based Pharmaceutical Companies / Les companies de recherché pharmaceutique du Canada
Canada Mink Breeders Association
Dairy Farmers of Canada / Les Producteurs laitiers du Canada
Delta Waterfowl Foundation
Federation quebecoise de la faune
Fisheries Council of Canada
Fur Council of Canada / Conseil Canadien de la Fourrure
Fur Institute of Canada / Institut de la fourrure du Canada
Manitoba Cattle Producers Association
Manitoba Wildlife Federation
New Brunswick Wildlife Federation
Newfoundland and Labrador Wildlife Federation
North American Equine Ranching Information Council
Northwest Territories Wildlife Federation
Nova Scotia Federation of Anglers and Hunters

Ontario Farm Animal Council, (OFAC) on behalf of its founding members organizations:
Chicken Farmers of Ontario
Dairy Farmers of Ontario
Ontario Egg Producers
Ontario Cattlemen's Association
Ontario Institute of Agrologists
Ontario Federation of Agriculture
Ontario Pork
Ontario Turkey Producers Marketing Board
Ontario Federation of Anglers & Hunters, (OFAH)
Ontario Fur Managers Federation
Ontario Sheep Marketing Agency
Ontario Veal Association

Prince Edward Island Wildlife Federation
Saskatchewan Wildlife Federation
Yukon Fish & Game Association