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**Comité permanent de la justice et des droits de la personne**

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Ⓢ (1530)

*[English]*

**The Chair (Mr. Art Hanger (Calgary Northeast, CPC)):** I'd like to call the Standing Committee on Justice and Human Rights to order. Pursuant to the Order of Reference of Friday, November 30, 2007, Bill S-203, An Act to amend the Criminal Code (cruelty to animals) is under review and debate.

Before us we have a number of witnesses. I'd like to first thank all of those witnesses for appearing today.

Starting with the Canadian Federation of Humane Societies, Shelagh MacDonald, Program Director, along with Hugh Coghill, Chief Inspector; the Ontario Federation of Anglers and Hunters, Mr. Greg Farrant, Manager and Government Relations; the International Fund for Animal Welfare, Barbara Cartwright, the Campaign Manager, and Kim Elmslie, Campaigner; representation from the Canadian Professional Rodeo Association, Jim Pippolo, Acting General Manager, and the Canadian Association for Humane Trapping, Mr. Don Mitton, Project Director.

Welcome all.

I will start with the list as noted on the agenda with the Canadian Federation of Humane Societies, and the presenter will be Ms. MacDonald.

**Ms. Shelagh MacDonald (Program Director, , Canadian Federation of Humane Societies):** Both.

**The Chair:** Both? Okay.

If you would keep your time to approximately 10 minutes we'd appreciate it.

You have the floor.

**Ms. Shelagh MacDonald:** Okay. Thank you.

Good afternoon honourable members. Thank you for the opportunity to speak to you today on this very important issue.

The Canadian Federation of Humane Societies is a national animal welfare charity formed in 1957, and it is the only national voice of humane societies and SPCAs across Canada. Humane societies and SPCAs are mandated under provincial law to carry out investigations of suspected animal abuse and to enforce the federal Criminal Code as well as provincial animal protection legislation.

Under today's law only half of 1% of animal cruelty investigations are prosecuted in court. I want to emphasize that the CFHS is not an animal rights organization and does not espouse an animal rights philosophy. As an animal welfare organization we promote the responsible and humane use of animals, reflecting the values of the majority of Canadians. The CFHS respects the need to safeguard heritage activities in Canada such as farming, fishing, hunting and trapping.

As I'm sure you know, the CFHS is adamantly opposed to Bill S-203. We cannot understand why our Canadian Parliament would want to enact 1892 legislation simply adjusted for inflation.

I'm just going to run through some of the problems with the current legislation. Wilful neglect we see as the biggest problem, with the current law because it requires proof that a person intended to neglect their animals, which is virtually impossible to prove, it's a bit of an oxymoron. There are holes in the law with regard to trying to prosecute cases in animal fighting, which is a particularly horrific and bloody activity.

**The Chair:** If I may just interject for a moment. If you could slow down a little bit, the interpreters are having a hard time keeping up.

**Ms. Shelagh MacDonald:** Okay, sorry.

Number three, it is currently an offence to kill an owned animal without a lawful excuse, and that would include farming, fishing, hunting, trapping, animal research or protection of life or property, but it is not an offence to kill an unowned animal without a lawful excuse.

Currently, animal crimes are considered property offences under the Criminal Code. The vast majority of Canadians have stated that they think all animals should be protected because they could suffer, regardless of whether they are somebody's property.

There is currently no offence for particularly heinous crimes of brutally and viciously killing animals. This kind of offence is needed to address, hopefully, very rare but rather very violent crimes that would otherwise fall through the cracks, and are certainly an indication of violent crimes in our society that need to be addressed.

Having a separate section for cattle just doesn't make any sense in 21st century, and then also referring to different types of animals in the current legislation, such as birds, dogs, cocks--that's just very outdated, so we think that needs to be fixed, and, of course, the inadequate penalty provisions, which this bill does fix.

We feel that Canada's current animal cruelty law is an embarrassment. It's out of date, it's ineffective, it's inadequate. Passing Bill S-203 will not relieve that embarrassment, the ineffectiveness, nor the inadequacy.

It appears there is considerable pressure to get Bill S-203 passed. Most politicians seem to be tired of discussing animal cruelty amendments and just want to get something enacted, but passing archaic, inadequate legislation just to get something passed is just not what Canadians expect of our Parliament.

Canadians have spoken out against Bill S-203 repeatedly and in large numbers. A little over a year-and-a-half ago, the horrific case of Daisy Duke, a dog in Didsbury, Alberta, that was beaten, bound and dragged behind a car last year, sparked a petition that had 111,000 Canadians signing the petition that was specifically worded opposing Bill S-203--at that time it was called Bill S-24. That's a very large number of signatures on a petition.

A national survey conducted by SES Research in November 2006 found that more than 85% of Canadians think that wild or stray animals should be protected from cruelty. Their response to that question was virtually the same from all regions of the country, from urban and rural areas and from those who hunt or fish.

More than 76% of Canadians support changing the law so that animal cruelty crimes are no longer property offences. In fact, people living in rural areas, those who hunt or fish, and people who traditionally vote Conservative are even more likely to support that change.

As you know, Mark Holland has tabled Bill C-373, which is almost identical to the bill that had gained widespread support in 2003. Let's not forget that bill had the support of all political parties in the House of Commons, animal protection organizations, veterinarians, police associations and the majority of animal use industries, including farmers, trappers and researchers. You are now considering passage of a bill that doesn't have anywhere near that level of support.

One rather powerful sector that didn't support the bill in 2003 was the hunting and fishing lobby, which actually asked for a specific exemption from the animal cruelty sections of the Criminal Code; that is just like asking for the right to be cruel to animals, which is just not appropriate in the Criminal Code. I'm quite sure that most hunters and anglers have no desire to be cruel to animals, so they certainly don't need such an exemption and it's just not appropriate.

These powerful groups, the anglers and hunters, have successfully convinced politicians that a bill like Bill C-373 would make hunting and fishing illegal, because they don't think it would be considered a lawful excuse. That premise is precisely why these groups are here today trying to convince you to pass this bill, but really, the term "lawful excuse" means "that which is lawful". It is just preposterous to suggest that heritage activities like hunting, fishing or trapping would not be considered lawful.

Those groups that oppose Bill S-203 do so not because of what it does, but because of what it does not do. That is why you should oppose this bill and that's why we oppose it.

Many have acknowledged that this bill doesn't fix all the problems but that we should just do this now and fix the rest later. As politicians, you know that's just not likely to happen. You know it will take years, maybe decades before this Parliament is prepared to consider more animal cruelty amendments.

⊕ (1535)

So the question is: Do you support a wholly inadequate bill, just so you can say you did something? Or, do you listen to Canadians and to SPCAs across Canada that enforce the laws, and reject this archaic and defective bill that won't improve the lives of abused animals?

I'm just going to pass it over to Hugh. He's the chief inspector for the Ontario SPCA.

**Mr. Hugh Coghill (Chief Inspector, , Canadian Federation of Humane Societies):**  
Thank you for the opportunity to speak before this committee of honourable members.

I'm here today in my capacity as the chief inspector for the Ontario Society for the Prevention of Cruelty to Animals and our more than 50 branch and affiliate societies across Ontario representing over 250,000 supporters province wide.

Created in 1873, the Ontario SPCA is among the oldest humane organizations in Canada. The Ontario SPCA is a member of the Canadian Federation of Humane Societies and the Royal Society for the Prevention of Cruelty to Animals. Like the CFHS, the Ontario SPCA is not an animal rights organization. The Ontario SPCA Act, first enacted in 1919, provides inspectors with the powers of a police officer for the enforcement of any act or law relating to the prevention of cruelty to animals. There are no provisions in the OSPCA Act for prosecution of animal abusers except for the relatively new section introduced in 2002 to address puppy and kitten mills. The cruelty to animals section of the Criminal Code has been the only tool in Ontario until recent years.

As such, our 200 officers have a great deal of experience in dealing with prosecutions under our very old Criminal Code. We're painfully aware of certain terms in the law that severely restrict our ability to present cases for prosecution. We consult with crown attorneys regularly in an effort to ensure we are doing the best we can, given the inadequacies of the current federal legislation.

In 2006, out of over 15,000 complaints investigated, 517 charges were laid, 355 of those under the Criminal Code. Over 2,000 Ontario SPCA orders were issued to animal owners in an effort to relieve animals from distress. In many cases, the first action taken by the SPCA is to educate owners on providing proper care for their animals. Prosecution of offenders is a last resort.

When an Ontario dog owner pushed his dog to the ground with such force that he broke the dog's leg and a veterinarian indicated that the force needed to cause the injury was consistent with being hit by a car, the judge dismissed the Criminal Code charge because he felt that the accused did not wilfully intend to break the leg of the dog and thereby cause the pain and suffering.

When the owners of a small zoo simply walked away from the animals because they were not making enough money, leaving the animals to starve, the court felt that they had not wilfully intended to starve the animals and the charge was dismissed.

When a man shot and killed a stray dog for no apparent reason, he could not be prosecuted because our inspector could not prove that the dog was kept for a lawful purpose, since no owner was ever found.

I respectfully submit to you that the Ontario and the Canada of the late 1800s are substantially different than the time that we live in now, and the laws that rule, govern and conduct must reflect current policy, current society, current needs and current crimes. It would be a mistake to pass Bill S-203, and on behalf of the Ontario SPCA I urge you not to pass this bill. Thank you.

⊕ (1540)

**The Chair:** Thank you, Mr. Coghill and Ms. MacDonald.

Now to the Ontario Federation of Anglers and Hunters, Mr. Greg Farrant.

**Mr. Greg Farrant (Manager, Government Relations, Ontario Federation of Anglers and Hunters):** Good afternoon, Mr. Chair and members of the committee.

On behalf of the Ontario Federation of Anglers and Hunters, our wildlife affiliates in B.C., Manitoba, Saskatchewan, Nova Scotia, Quebec, New Brunswick, Newfoundland and Labrador, the Northwest Territories and the Yukon, the Canadian Sportfishing Industry Association and the Delta Waterfowl Foundation, I appreciate the opportunity to appear before you today to comment on Bill S-203, introduced on October 17, 2007 by the Honourable Senator John Bryden.

You have before you a copy of my original comments, but due to some time constraints I'll give you just an abridged version of my remarks. In the process, I want to acquaint you with an example of a similar debate that occurred in another jurisdiction not too long ago—that Mr. Coghill in fact has already referred to—and demonstrate how it parallels the situation here today.

As Senator Bryden has noted repeatedly—and in our view correctly—there is a general consensus among Canadians that current penalties in the Criminal Code dealing with animal cruelty are not sufficient, are not reflective of the seriousness of these crimes and do not provide an effective deterrent. We agree. The debate over changes to the Criminal Code with respect to cruelty to animals that began 10 years ago has, however, failed to advance the issue one iota.

**The Chair:** Mr. Farrant, I don't want to interrupt you in your presentation, but you're going to have to slow down just a little for the interpreters.

Thank you.

⊕ (1545)

**Mr. Greg Farrant:** Thank you, Mr. Chair.

Passage of Bill S-203 offers us the opportunity to correct that wrong. The bill provides us with the means of addressing the need for increased fines and penalties against animal abusers without changing the existing substantive offences in the Criminal Code. All existing defences and rights, including aboriginal rights, would be preserved. This leads to a certainty of interpretation due to the existence of a well established body of case law.

Under a bigger bill, new offences would be created with no case law to back it up. It also speaks to the need to make changes to the Criminal Code that may, in fact, help to eliminate the patchwork of punitive measures that exists across the country currently.

In June, 2007, the OSPCA expressed concerns about the inability of the Ontario courts to levy more serious penalties against an individual accused of a specific animal abuse.

They noted that had the defendant live in Alberta, British Columbia, or New Brunswick they would have been subject to the exact same penalties being proposed by Senator Bryden in this bill since those provinces had already moved to strengthen provincial statutes.

The Ontario government has also been watching the progress of Bill S-203 with great interest. Last fall, the Minister of Community Safety and Correctional Services stated that amendments to the Ontario SPCA Act, including the removal of the current cap on orders prohibiting an offender from possessing an animal, were being contemplated but may not be necessary if Bill S-203 is passed into law.

The increased penalty levels proposed in Bill S-203 mirror those that are included in several previous government bills that were based upon an extensive survey of the animal cruelty statutes in other jurisdictions. The changes proposed by Bill S-203 are consistent with where other jurisdictions have been going in this area, are consistent with the sentencing scheme that applies in the Criminal Code in general, and according to a senior justice official, constitute a significant improvement to the current law regarding sentencing with which all Canadians would agree.

Senator Bryden and other have already spoken in detail about Bill S-203, and as skilled legislators, you all understand what the bill does and does not do, so I'll use my remaining time to review that parallel example I mentioned earlier.

In 2002, in the province of Ontario, two bills were introduced to amend the OSPCA Act. The first simply sought to increase fines and penalties against illegal puppy mills. The second bill contained similar penalty provisions, but went well beyond simply increasing fines and penalties by proposing sweeping changes that had the potential to impact negatively upon legal regulated practices.

The first of these bills was similar in intent to Bill S-203. The latter was similar in many ways to previous government bills that have been before parliament over the last decade but did not pass.

In Ontario, the simpler bill passed with the help and support of ourselves and our colleagues at the Ontario Farm Animal Council.

Understandably, the OSPCA initially supported the more comprehensive bill, but in the end, they realized that some progress was better than nothing and threw their support behind the other bill in order to move forward.

Since the passage of that bill, illegal puppy mills have faced increasing scrutiny and the opportunity to lay charges has been strengthened.

Over the past two weeks, articles have appeared in several media sources across the country extolling the virtues of both previous government bills and the bill introduced by

the honourable member for Ajax-Pickering. These same articles included a comment that suggested the passage of Bill S-203 would be a sad day.

It defies belief how the passage of simple legislation that increases the courts' abilities to more severely punish animal abusers could be construed in this fashion, unless there is another agenda at play.

My confusion was apparently shared by a former animal cruelty inspector who responded to these same media articles with a sense of indignation. He noted in his letter to the media that the cases cited in the articles could already be prosecuted under existing law, so what is the purpose of bringing in new laws?

His comment is supported by statistics provided by a previous witness who quoted figures in the OSPCA annual report that demonstrate the number of charges being laid are up. Convictions are successfully achieved in 80% to 90% of the cases under the current law.

The former inspector who responded to those media articles noted that simply increasing the penalty should suffice, something that Bill S-203 does.

⊕ (1550)

Last week, with reference to the previous government bills that failed to pass, a witness before this committee pointed out that poorly written laws are no substitute for inadequacies in the current law. We strongly concur, as apparently does the animal cruelty inspector I referenced before who noted that bad laws won't protect animals from cruelty, but tougher enforcement and longer sentences might.

There is in this country strong, broadly based support for the new penalties contained in Bill S-203, both inside the government and in the broader general public. The bill has already been approved by the Senate. It represents the best opportunity in the last 10 years to pass legislation that addresses legitimate public concerns about heinous acts of animal cruelty and provides a more effective response than what is currently available.

Despite the unfortunate characterization by some of Bill S-203 as the lesser of two evils, which it is clearly not, passage of the bill will change the status quo and will give the courts the tools to sentence persons convicted of criminal offences against animals to more meaningful penalties that reflect the nature of these crimes.

We find ourselves on the cusp of an opportunity to do the right thing. The will to effect change clearly exists and the debate around this issue has dragged long enough. Before me, you will see the evidence of that. These are all the debates in Parliament over the last 10 years that we've been through on these bills and yet no progress has been made.

Senator Bryden's attempt to propose a workable solution should be applauded. His bill may not be all things for all people, but it is a step forward and needs to be passed

unamended, otherwise, the debate will continue and the best opportunity we've had in a decade to achieve something of value will have been lost.

I thank you again, honourable Chair and members of the committee for your time, your courtesy, and the opportunity to appear before you here today. Thank you.

**The Chair:** Thank you, Mr. Farrant.

Now to the International Fund for Animal Welfare presenter. Would that be you, Ms. Cartwright?

**Mrs. Barbara Cartwright (Campaign Manager, , International Fund for Animal Welfare):** I'll begin and then Kim will follow up, thank you.

Honourable members of the House Standing Committee on Justice and Human Rights Committee, thank you for the opportunity to appear before you today.

My name is Barb Cartwright and I'm the Campaigns Manager at the International Fund for Animal Welfare. Today, I will provide you with an overview of why I oppose this Bill S-203 and why it will not effectively protect animals from acts of cruelty. Then my colleague, Kim Elmslie, will present you with information on how Canada's legislation is falling behind other countries around the world.

The International Fund for Animal Welfare's mission is to improve the welfare of wild and domestic animals throughout the world by reducing commercial exploitation of animals, protecting wildlife habitats, and assisting animals in distress. IFAW seeks to motivate the public to prevent cruelty to animals and to promote animal welfare and conservation policies that advance the well-being of both animals and people.

IFAW has more than 2 million supporters and is staffed by 300 experienced campaigners, legal and political experts, and acclaimed scientists in 16 offices around the world. IFAW has more than 45,000 supporters here in Canada.

As our name suggests, IFAW is an animal welfare organization and not an animal rights organization. We are a science-based organization that works closely with industry groups and governments to provide constructive input into policies and standard practices.

For the past nine years IFAW has worked alongside parliamentarians to develop modern and effective animal cruelty legislation. We want to continue that work with you now in order to bring Canadians the legislation they expect.

IFAW is opposed to Bill S-203 because it is an ineffective piece of legislation, making a perfunctory attempt at dealing with the vast majority of Canadians' concerns about our out-dated and inadequate laws dealing with animal cruelty. Bill S-203 upholds inadequacies and loopholes that exist in the current legislation and maintains its

ineffectiveness in gaining convictions. Less than 1% of complaints about animal cruelty lead to successful convictions. Raising fines does nothing to raise conviction rates and this is not acceptable.

You will hear time and again that this is an issue of high importance to Canadians. Our office is inundated with calls and e-mails from our supporters and from the public requesting IFAW to do something to protect animals from cruelty. Canadians want offenders punished. However, in order to be punished, they first must be convicted. A 2006 poll conducted by SES found that more than 85% of Canadians wanted legislation that will make it easier for law enforcement agencies to prosecute those who commit criminal cruelty to wild and stray animals.

During the last session of Parliament a petition was entered into the House in which 111,000 Canadians opposed Bill S-213, S-203's predecessor. Recently, our office has received more than 170,000 letters and postcards also opposing Bill S-203.

Although Canadians continue to demand substantive changes to our legislation that will truly protect animals from cruelty, the Senate has championed legislation that does nothing to address the well known inadequacies or modernize the Criminal Code of Canada. Merely increasing penalties is not the critical issue. Creating effective, enforceable, and comprehensive law is.

⊕ (1555)

**The Chair:** Inaudible again I'm going to interrupt you as well to ask if you could slow down a little for the interpreters.

**Mrs. Barbara Cartwright:** Sorry, and I thought I was being so slow.

We have heard testimony during committee that parliamentarians should pass Bill S-203 now and then the rest can be fixed later. It is not responsible lawmaking to pass legislation that is known to be ineffective and unenforceable with the hope that someone else will fix it later.

It is possible to pass a detailed strong animal cruelty legislation and have a thriving animal use industry and a hunting and angling society as we see evidenced in several countries around the world that have passed such legislation and continue to farm, fish, research and hunt, some avidly.

I will now ask my colleague Kim Elmslie to discuss some of that legislation with you now.

**Mrs. Kim Elmslie (Campaigner, , International Fund for Animal Welfare):** Thank you. I'll do my best not to let my momentum carry me away.

My name is Kim Elmslie and I'm the anti-cruelty campaigner for IFAW. We're here today because almost every day there are horrific acts of cruelties to animals. Within the first two weeks of January alone, there were three high-profile cases including a house cat that was killed in a microwave by four teenagers, five puppies that were thrown down a public outhouse to die, and a man that killed a puppy with a hammer.

These stories outrage and anger Canadians and renew calls for both modern and effective legislation. IFAW recently completed a report titled *Falling Behind - An International Comparison of Canada's Cruelty Legislation*. IFAW compared Canada's animal cruelties legislation to 13 other countries around the world including Austria, Croatia, Great Britain, Germany, Malaysia, New Zealand, Norway, the Philippines, Poland, Portugal, South Africa, Switzerland and the Ukraine.

The report revealed some startling facts. Canada is the only country that makes it virtually impossible to prosecute cases of neglect. Canada ranks at the bottom of all comparisons. Canada is alone in offering virtually no protection for wild and stray animals. Canada's legislation does not include a clear definition of animal, whereas other countries are explicit. Canada is the only country that does not provide protection for animals being trained to fight each other.

Effectively updating the Criminal Code of Canada will provide the courts and police with the clear means to prosecute, convict and potentially mitigate crimes of unacceptable animal cruelty. It will also allow politicians to respond to the overwhelming majority of Canadians representing all political parties who are outraged by heinous acts of animal cruelty.

Finally, modern and effective legislation to protect all animals will bring Canada up to standard on the global stage.

You have before you a copy of our report. I'm going to go into a couple of brief examples because I know our time is limited. The cruelty provisions within the Criminal Code of Canada have not been updated since 1892. There's wording within the code which is outdated and counter-productive to its purpose. This is obvious in the use of the term "wilful neglect". This phrasing requires the courts to prove that neglect was intentional. In all 13 other countries studies within our international report, not one of them required any placement of the courts to prove that neglect was intentional, but rather the trend in other countries was to ensure that a minimum duty of care is met for those who care for animals.

So, for example, in New Zealand, the animal welfare act states that those who keep or are in charge of an animal must take all steps that are reasonable to ensure the physical health and behavioural needs of an animal are met with both good practice and scientific knowledge. This means that it does not matter whether the individual intended to contravene the act or intended neglect. The actions or inactions of the offender are sufficient to charge them with neglect. In Norway the animal welfare act states that

neglect suffered by an animal does not need to be done wilfully by the owner, but that the actions themselves are sufficient for an offence to have been committed.

In Canada it is a crime to be present at an animal fight, however, due to outdated loopholes in the legislation, the breeding, training and profiting from the fighting animals are still considered legal activities.

Of the 14 countries we surveyed, Great Britain's animal welfare act provides one of the most progressive stances to discourage animal fighting and the training of animals to be aggressive. Section 8 of that act makes it an offence for a person to cause an animal fight, to take money for admission, to publicize or promote, to inform another person, to be in possession of something used for an animal fight, to keep and train animals for fighting or to keep a premises for animal fighting and to be present at an animal fight.

Additionally, the act also makes it an offence to, without lawful excuse, supply a video of an animal fight, knowingly publish a video of an animal fight, knowingly show a video of an animal fight or possess a video of an animal fight.

Criminalizing the training of animals to fight each other is also present in legislation in Austria, Croatia, Germany, New Zealand and the Ukraine, among others.

🕒 (1600)

Globally, there is an increasing trend in the political prioritization of animal welfare. Over the last few decades, countries from all over the world have created legislation that moves animals out of the realm of property, as they're designated in Canada, a designation which is maintained in Bill S-203, and recognizes them as beings which require minimum standards of protection.

The concept of animal welfare addresses the obligation that we have to ensure good stewardship for the animals that we make use of. IFAW requests that the justice committee oppose Bill S-203. Bill S-203 is ineffective in protecting animals from wanton acts of cruelty and it doesn't provide law enforcement officials with the tools they require to successfully charge individuals.

Bill S-203 is out of touch with global laws created to protect animals from cruelty and disregards the wishes of a vast majority of Canadians.

Thank you again for letting us present today.

**The Chair:** Thank you, Ms. Cartwright and Ms. Elmslie.

I will now turn to the Canadian Professional Rodeo Association, Mr. Jim Pippolo.

Sir, you have the floor.

**Mr. Jim Pippolo (Acting General Manager , , Canadian Professional Rodeo Association):** Good afternoon.

My name is Jim Pippolo. I'm the acting general manager and rodeo administrator for the Canadian Professional Rodeo Association, based out of Calgary, Alberta.

It's an honour for us to be here to give you our opinions on Bill S-203, and we thank Mr. Hanger and all the committee members for inviting us.

The Canadian Professional Rodeo Association is the official sanctioning body for professional rodeo in Canada. We sanction approximately 55 to 60 rodeos in Canada every year, with a payout of nearly \$5 million annually, and have almost 1 million people attend our events yearly.

There are approximately 1,400 members in our association. These members care for animals on a daily basis. They have thousands under their care, whether they're their own or people that they work for. These people come from a ranching background, our members. They've been raised around livestock their entire lives. Some of them, their heritage can be traced back to the start of this great country that we live in.

We feel that our members are expert livestock handlers. Rodeo is part of our chosen lifestyle, a tradition handed down from our forefathers, who developed the events and turned them into a competition. Who could ride the unrideable horse, who was the best roper or who had the fastest horse all became part of our chosen sport: rodeo. It has evolved over the years into a cultural sport for ourselves, just as urban friends enjoy their sports of hockey, football, lacrosse, track and field, but to name a few.

The Canadian Professional Rodeo Association's board of directors governs the sport in Canada. They are assisted by up to 20 professional rodeo judges and 11 directors. Our judges attend seminars to ensure that our rules and regulations are enforced in a fair and consistent manner and that the code of practices for the handling of rodeo livestock is adhered to. We've almost 60 rules and regulations that deal with the safety and welfare of our rodeo livestock, who in fact are our co-competitors in competition.

Disciplinary action comes in the form of fines, suspensions, disqualifications, or a combination of them, and are not taken lightly by our association.

From Bill C-17 through S-203, our association has closely followed the development of the bills that deal with animal cruelty. We feel Bill S-203 can achieve what is required to protect all animals from intentional cruelty or wilful neglect. It will increase the penalties, both monetarily and lengthened prison sentence. It will remove animals from the possession of convicted person and could place lifetime bans on serious offenders from ever caring for or owning livestock. It will give prosecutors the option of trying cases by way of indictment and summary conviction, depending on the seriousness of each case. It will empower the courts to make restitution orders if the costs are readily ascertainable.

The Canadian Professional Rodeo Association supports this progressive and improved legislation to increase protection for animals from cruelty and abuse without compromising the legitimate use of animals in our daily business, be it ranching, show jumping, farming, horse racing, rodeo and many others. Bill S-203 does this. It is time the laws are updated.

Unfortunately, animal cruelty has not, and may never be eliminated, but to strengthen the power of well established laws that already exist is a great step forward for all Canadians. I think in everyone's life there has been a time that an animal has truly touched our hearts, be it a cat, a dog, a horse, and in my case a rodeo animal, and that special moment will stay with us forever.

On behalf of the Canadian Professional Rodeo Association, its members and the millions of rodeo fans out there, I would like to thank you for this opportunity to address this committee on what we feel is truly a step in the right direction to eliminate animal cruelty, which is Bill S-203.

Thank you.

🕒 (1605)

**The Chair:** Thank you, Mr. Pippolo.

Now the Canadian Association for Humane Trapping.

Mr. Mitton.

**Mr. Don Mitton (Project Director, , Canadian Association for Humane Trapping):** Good afternoon, honourable members and thank for the opportunity to speak to you today about amendments to the animal cruelty sections of the Criminal Code.

I'm Don Mitton, Project Manager for the Canadian Association for Humane Trapping.

Since 1954, the Canadian Association for Humane Trapping has been diligently and responsibly working toward abolishing the pain and suffering of animals that are trapped for any reason. We have done that by encouraging and supporting research and development of more humane trapping systems and devices, through the promotion of appropriate legislation, and by encouraging and promoting trapper education.

The current cruelty to animals sections of the Criminal Code are archaic and have not reflected Canadian society's view of animals and what is acceptable treatment for many years. Reform is long overdue. But reforming only the sentencing provisions and leaving the outdated offences unchanged just makes no sense.

One problem in the current law is that offence of killing an animal without lawful excuse only applies to owned animals. CAHT believes that this protection should be

afforded to all animals, including wildlife, since lawful excuse already includes such activities as hunting, trapping, fishing and scientific research, etc.

As you know, efforts to modernize Canada's federal animal cruelty law have been ongoing for more than eight years now, starting with a bill introduced by the Liberal government of the day in 1999. There has been considerable debate, both at the political level as well as among various stakeholders, over the years.

Compromise has been made and with a few amendments accepted in 2003. Almost all stakeholders were in agreement. It is important to note the extremely broad support that the bill had in 2003. Humane societies, SPCAs, animal care and control agencies, other animal protection groups, veterinarians and police associations have been onside since the beginning.

But various animal use industry groups had been concerned about being exposed to risk of prosecution for carrying out their standard practises under the proposed new bill. These concerns were put to rest with the amendments in 2003, and the bill was supported by dozens of national organizations representing farmers, trappers, researchers and others.

Many of these animal use industry groups formed a large coalition that actively and repeatedly called on government to reintroduce the bill after it died on the order paper. I understand you heard from this coalition last week. Unfortunately, the one group that did not agree was the Ontario Federation of Anglers and Hunters that shamelessly asked for a specific exemption from the Criminal Code. Asking for an exemption from the animal cruelty section of the Criminal Code equates to asking for permission to be cruel to animals.

The fundamental concepts of good animal cruelty legislation are to prohibit wilfully and negligently causing unnecessary pain and suffering, killing animals without a lawful excuse, and abandoning or negligently failing to provide proper care for an animal. Why would anyone need an exemption from these offences? It is akin to exempting police officers or hockey players from assault laws, and we don't do that. No one should be exempt from the Criminal Code.

CAHT believes that this radical position taken by the powerful lobby groups representing hunters and anglers led to the very introduction of Bill S-203. These groups convinced politicians that the bill that had so much support in 2003, and now tabled as Bill C-373, would make hunting and fishing illegal.

With all due respect, that is an absurd notion. There is absolutely no legal basis on which to suggest that hunting, fishing or trapping would become illegal any more than farming, scientific research, and euthanizing animals have been illegal for the past 115 years. The term "lawful excuse" permits lawful activities.

The Criminal Code responds to an individual's crimes against animals rather than legitimate industry practices to kill or use animals. Reasonable, widely-accepted industry standards which avoid causing unnecessary pain, suffering or injury will qualify as a lawful excuse.

Legislation, regulations and other lawful excuses permit over 400 million animals to be raised and killed in Canada each year. SPCAs and humane societies kill many thousands of unwanted or unhealthy animals each year, as authorized by provincial statutes and according to the approved euthanasia methods.

🕒 (1610)

Statutory provisions enable householders to kill mice, rats, and legally-defined pests. Slaughterhouses are federally or provincially authorized to kill livestock. Researchers can kill experimental animals pursuant to the guidelines of the Canadian Council on Animal Care. Licensed hunters, trappers, and anglers are authorized by provincial legislation and permits to kill wild animals and fish.

However, the requirement that no one can intentionally cause pain and suffering or injury to an animal using any means which is unnecessary continues as a fundamental requirement in all cases. This is how it is today and how it would remain under a bill like Bill C-373.

CAHT urges this committee to listen hard to the views of the majority of Canadians and to humane societies and SPCAs across Canada, the very people who are using and applying the law. These organizations promote animal welfare, not animal rights.

CAHT knows that Canadians want better animal cruelty legislation. They have spoken out against Bill S-203.

We hope this committee will see that good legislation is about so much more than just penalties. If nothing else, given the polarization of this issue, rushing to make a decision is both ill advised and contrary to the democratic process.

Thank you.

**The Chair:** Thank you, Mr. Mitton.

Mr. Coghill, for my benefit and the benefit of the committee, you hold the rank of chief inspector. Under what act and what association do you apply Criminal Code offences?

**Mr. Hugh Coghill:** That's correct. I'm the chief inspector for the Ontario SPCA and it's the Ontario SPCA Act that creates the organization, and the position is an appointment from the board of directors.

**The Chair:** And what is your authority to apply, or can you apply the Criminal Code?

**Mr. Hugh Coghill:** The Ontario SPCA Act grants the powers of a police officer to all inspectors and agents appointed under the Ontario SPCA Act.

**The Chair:** So you can lay Criminal Code charges, is what I'm asking?

**Mr. Hugh Coghill:** Yes, sir.

**The Chair:** Right, okay.

And Mr. Mitton, your organization represents a number of other individuals, associations, or--?

**Mr. Don Mitton:** Our organization is made up of a number of members from across Canada who are interested in addressing pain and suffering by animals that are trapped. And we work with all agencies and organizations where possible to attempt to alleviate that pain and suffering.

🕒 (1615)

**The Chair:** Are they trappers?

**Mrs. Don Milton:** Yes, we work with trapping organizations and do trapping education programs, and we have assisted in the funding of trap research in association with the Fur Institute of Canada and the University of Alberta to improve the types of traps that are available for our trappers.

**The Chair:** Thank you, sir.

We will have questions now.

Mr. Bagnell.

**Hon. Larry Bagnell (Yukon, Lib.):** Thank you very much.

Thank you, all, for coming. Those were very interesting perspectives on the bill.

One thing I just want to add for the record is that another reason I think all of us in Parliament want to deal with this is that there are proven tests that animal cruelty leads, in direct proportion, to increased human cruelty and offences against human beings. So it's very serious.

I have a bunch of questions so hopefully the answers won't be too long. Inspector, I, too, would like to make sure that at some time in the future, fighting with animals, of

course, would be totally prohibited. I'm just curious as to whether any of those 300 or so convictions you mentioned were related to animals fighting in Ontario or anywhere else?

**Mr. Hugh Coghill:** There haven't been with regard specifically to fighting. It's very, very difficult under the current legislation and under the wording of the current legislation to get a conviction.

An enforcement officer would literally have to burst in at the time the animals were fighting each other in order to get a conviction under that section that refers to animal fighting in the current wording of the Criminal Code of Canada.

Where we have been involved with dog fighting cases, we've more likely gone with charges of failing to provide suitable and adequate care after the fact with animals that have been victims of dog fighting and have not received proper veterinary care. Or we have used the charge of wilfully causing unnecessary pain and suffering, which is a difficult thing to prove in court because of the issue with the word, "wilfully".

**Hon. Larry Bagnell:**

I have a couple of questions about stray animals. Have there been convictions for animals that aren't people's pets?

**Mr. Hugh Coghill:** Are you referring to killing an animal without lawful excuse?

**Hon. Larry Bagnell:** Anything relating to convictions on animal cruelty.

**Mr. Hugh Coghill:** Not under that particular section that says that—

**Hon. Larry Bagnell:** Well, any section for any conviction of people being cruel to animals that aren't their pets, or doing something to them.

**Mr. Hugh Coghill:** Yes.

**Hon. Larry Bagnell:** There have been, okay.

I'm assuming there's no one on the panel, without getting into all the other side details, who disagrees that we should increase the penalties. Okay, good.

Mr. Farrant, I know I'm getting away from the bill we're debating, but I think three of the other parties talked about wild, feral and stray animals—I'll just quote a submission I got—"being virtually unprotected". I know it's not the bill we're dealing with, so you may not have information on it but do you or Mr. Pippolo have any comments on that?

**Mr. Greg Farrant:** The only comment I would have on that, Mr. Bagnell, would be that in previous testimony before the Senate Committee on Legal and Constitutional Affairs on November 9, 2006, the senior assistant deputy minister for the justice

department, Mr. Piragoff addressed that issue and suggested, I believe, under section 446(1)(a) that indeed stray animals are covered under the Criminal Code and are covered under the current law. So the suggestion that wild or stray animals are not covered is not correct, according to what he and Ms. Klineberg said in testimony that day, as I read it.

**Hon. Larry Bagnell:** I'll start this question with Mr. Pippolo but anyone else could answer if they wish.

You mentioned that this bill we're discussing today would allow hybrid and indictable offences, or offences to be hybrid offences, go by summary or indictable. Just for information and knowledge base, what difference would that make from the present situation? If you can't answer that, someone else in the panel is welcome to.

🕒 (1620)

**Mr. Jim Pippolo:** I'll pass on the question. I have some information on it, but not a lot.

**Hon. Larry Bagnell:** Mr. Farrant, and then Shelagh.

**Mr. Greg Farrant:** Once again, if I may quote the justice department, it suggests that,

Hybrid offences, meaning the prosecution could choose to proceed by way of summary conviction procedure or by way of indictment depending on the seriousness of the case. It would separate offences into two categories: one for injuring animals intentionally or recklessly; the second for injuring animals by neglect. Mr. Piragoff suggested that this was an important distinction because under traditional criminal law principles, actions that are done knowingly or even done with recklessness as to the consequences are treated as more serious than those that are committed by criminal neglect or gross inadvertence.

I'm not a lawyer. Don't ask me to explain that, but that was his definition of what "hybrid offences" means.

**Hon. Larry Bagnell:** Shelagh, did you want to come in on that?

**Ms. Shelagh MacDonald:** Sure.

The idea of making them hybrid offences is so that we can proceed with a more serious offence for particularly heinous crimes. Certainly, we think that the majority of crimes would still be convicted as summary conviction offences but in the case of repeat offences or particularly heinous crimes that are very violent or where there's huge animal suffering involved, society definitely thinks that it's appropriate to prosecute those as hybrid offences. So it's recognizing that animal crimes are a form of violence in our society that can be charged more seriously.

Could I just respond to the last question that you had, quickly?

**Hon. Larry Bagnell:** Really quickly, because I've got another question.

**Ms. Shelagh MacDonald:** I just wanted to quote also from Joanne Klineberg in that very same testimony at the legal constitutional affairs committee. She spoke after Mr. Piragoff and she made the point that although the actual words do apply that an animal can be a wild or stray animal, she says,

Nonetheless, exceptionally few cases have been decided on this point. All I have been able to find in the jurisprudence is cases that suggest that as a matter of theory in some other case, this could apply to wild or stray animals.

Although Mr. Coghill mentioned that it is possible to prosecute cases against wild or strays, it is very difficult, mostly because they are considered property offences and just because animal crimes are not serious offences.

**The Chair:** Mr. Bagnell, you have no more time.

Mr. Farrant, don't worry about the legal definition that you read off. There are seven lawyers sitting at this table and everyone of them understood exactly what you were saying.

Mr. Ménard.

[*Français*]

**M. Réal Ménard (Hochelaga, BQ):** Merci. D'abord, je m'excuse d'avoir manqué la première partie de vos exposés, mais il y avait un débat à la Chambre sur les certificats de sécurité. Le comité siège en même temps qu'on dispose de projets de loi qui sont la responsabilité de comités proches.

Au niveau de notre caucus du Bloc québécois, on reconnaît la supériorité du projet de loi de M. Holland en terme de définition, en terme de portée. Il n'y a pas de doute que ce sont deux projets de loi qu'on ne peut comparer. Là où on doit discuter et où vous devez m'amener des arguments, c'est par rapport au statu quo actuel. On dit que ce sont des peines de six mois jusqu'à cinq ans. Il peut y avoir des ordonnances de dédommagement. On définit ce qu'est infliger des peines cruelles causant de la douleur. Il nous apparaît que le projet de loi dont nous sommes saisis n'est pas incompatible avec le projet de loi de M. Holland, qui viendra plus tard dans le processus s'il n'y a pas de modification. Plus on écoute les témoins, plus on a la conviction que vous nous invitez à voter contre. Dans le fond, les deux projets de loi ne sont pas incompatibles. Si on avait à faire un seul choix et qu'on disait que pour un certain nombre d'années seulement un seul projet de loi ne sera porté à la considération des délits, il est évident que le projet de loi de M. Holland est, de beaucoup, plus satisfaisant. Compte tenu de son inscription dans l'ordre des travaux de la Chambre, doit-on vivre avec le statu quo ou attendre M. Holland? Pourquoi ne pas se prévaloir d'une mesure intermédiaire, comme le projet de loi qui nous est proposé, qui est nettement une amélioration par rapport au statu quo? Je suis ouvert à tout argument. Peut-être faut-il que Mme Freeman et moi plaidions autre chose à notre caucus, mais c'était notre compréhension, qu'on devait voter ce projet de loi, qui n'est pas incompatible avec celui de M. Holland, et ultimement voter à nouveau celui de M. Holland.

Je vois que ce n'est pas le point de vue des gens qui se présentent depuis le comité depuis quelques jours. Je commencerais par vous, Kim. Nous confortez-vous dans cette stratégie ou si vous nous invitez à l'abandonner?

🕒 (1625)

[English]

**Mrs. Kim Elmslie:** I think we have to look at what Canadians want and at what is best for animals.

I know it can be alluring and seductive to want to increase penalties, but when we look at how low those conviction rates are and how long it has taken us to get here, what are we really improving? So we're not doing what the majority of Canadians want.

Greg, very thoughtfully, brought this stack of what looks to me like democracy sitting on the table, this large debate that has gone on for nine years. And we're so close to getting the kind of legislation that truly will protect animals, which Canadians truly want. I think it's worth it to continue to go after a bill that, as you said, is much more appetizing.

[Français]

**M. Réal Ménard:** J'aimerais connaître l'opinion de l'ensemble des panélistes sur ce sujet. Oui, monsieur?

[English]

**Mr. Greg Farrant:** You're quite correct. I appreciate the question. I don't share that opinion nor do the people I represent. Realistically, I don't think anybody sitting at this table would suggest that the passage of Bill S-203 will end the debate on this issue either now or in the foreseeable future.

The question you have to ask yourselves is this. It's been 10 years since the justice department first put out its consultation paper on potential amendments, or proposed amendments, on this issue, and we're still sitting here debating this issue. Nothing has been advanced in that time.

Now, we're all aware of the vagaries of Parliament. We're also aware that all of you sitting here today are subject to what is euphemistically known as the largest public consultation, a general election. There is rumour consistently on the Hill that an election may be coming sooner than later. If that, indeed, is the case and it comes sooner than we would have hoped, both of these bills will be lost and we are back to square one again.

Bill S-203 is at a stage now in the House much farther advanced than we have managed to get it in a long time. With all due respect to the honourable member for Ajax—Pickering, his bill is far behind this in the House.

This bill before you today requires a vote on report when it comes out of committee, third reading, and it's done. We at least, then, should we be subject to the possibility of a future general election—

*[Français]*

**M. Réal Ménard:** D'accord. Je veux connaître l'opinion de plusieurs personnes. Je comprends votre point de vue, mais j'aimerais que tous les panélistes s'expriment dans le temps qui m'est imparti. Allez-y.

*[English]*

**Ms. Shelagh MacDonald:** Sure. I'd like to add a comment.

I would suggest, as is indicated by that pile of papers, the debate over the last eight years has been substantial. In House committees and Senate committees there has been extensive debate on this issue. I can't see how we can say that no progress was made. Substantial progress was made in 2003 when amendments were accepted that brought pretty much everybody on side. That's why I think it's crazy to throw the baby out with the bathwater. When we came to the 11th hour we were 99% there. It's not true that this bill has gone further than that bill in 2003. That bill in 2003 was one step away from receiving Royal Assent and now we're looking at passing it. That's huge that we were so close and the Senate, or an unelected body wouldn't allow that to pass.

It seems to me, also, that Mark Holland's private member's bill is not the only way to get this job done. If the governing party would take on that bill and listen to the will of Canadians we could get that done very quickly.

**Mr. Hugh Coghill:** I agree with Shelagh MacDonald on that.

Certainly, the Ontario SPCA supports Mr. Holland's bill and can't support S-203 the way it is now. The wording is we're still stuck with the same sections of the criminal code that we've been struggling with for 115 years. I think the time has come for some change.

**The Chair:** Mr. Ménard.

**Mr. Réal Ménard:** I cannot complete this.

**The Chair:** I will let you complete the circuit.

Mr. Pippolo, a quick comment and then Mr. Mitton.

**Mr. Jim Pippolo:** We feel that with the Canadian Professional Rodeo Association there's animal cruelty going on every day out there. We need something done about it. I think the time has come to move forward with what is in front of us now and has got to the stage it has.

Thank you.

🕒 (1630)

**Mr. Don Mitton:** Our position is that the bill, S-373, addressed the issues and the current bill before you only speaks simply to penalties after one hundred and some odd years. The pets, the animals, and the people of Canada, deserve better.

**The Chair:** Thank you.

Mr. Comartin.

**Mr. Joe Comartin (Windsor—Tecumseh, NDP):** Thank you, Mr. Chair.

Thank you for being here witnesses.

Mr. Coghill, can I start with you.

The committee is getting significantly contradictory information coming before it at the success rate of prosecution. We hear from Mr. Farrant today and we've heard from the coalition last week that the conviction rate is up in the 80% or 90% range. We are hearing from Ms. MacDonald and Ms. Cartwright, and Ms. Elmslie, that the conviction rate is .025. You're in the field, you're in the courts, I'm assuming, on occasion. Can you give us an assessment as to what the real conviction rate is?

**Mr. Hugh Coghill:** Certainly, and thank you for your question because it gives me the opportunity to clarify that.

I'm in the court quite a bit. In almost 31 years of being employed by the Ontario SPCA and about four years of B.C. SPCA I've laid many Criminal Code charges and provincial offence charges. I think the confusion comes from a quotation, or perhaps somebody comparing statistics. I think the Ontario SPCA averages 15,000 to 16,000 cruelty investigations per annum. We lay charges in the 500 to 600 per year range. I think that's where the 0.1% comes in there. So it's not necessarily a conviction, it's a prosecution rate, charges that we feel, based on the existing legislation and the poor wording of the legislation that we're able to present to court and take into the courts.

It's true that our charges were up in 2004 by 43% but there's two reasons for that. First of all, the Ontario SPCA received a penalty section in 2002 under the OSPCA Act. That 43% increase in charges isn't just Criminal Code charges. It's provincial offence charges in there as well. We began laying charges under the puppy mill legislation in Ontario so

they're lumped into that figure. It's a bit misleading for someone to quote those statistics. Our conviction rate is very high, 80% to 90%. I don't have an exact percentile but it is very high for a number of reasons. The primary reason is that we don't take cases to court frivolously.

**Mr. Joe Comartin:** Let me interrupt you there, Mr. Coghill.

Of the 15,000, 16,000 cases that you investigate every year, is that just in the Toronto area?

**Mr. Hugh Coghill:** That is in the province of Ontario.

**Mr. Joe Comartin:** Of those 15,000 to 16,000, can you tell the committee how many you would like to be able to charge?

**Mr. Hugh Coghill:** The interesting thing, paralleling those statistics, is the fact that there are over 2,000 SPCA orders issued to animal owners in an attempt to improve animal welfare. Presumably a ratio of those would be offences that could be charged if the wording were different in the Criminal Code. I'm not suggesting that it would be 2,000, but it would certainly be something more than the 355, for instance, that we had in 2006.

**Mr. Joe Comartin:** There are six or seven times as many--I don't want to put words in your mouth, but if I'm hearing you correctly, you would lay charges in six to seven times more cases if the code were brought in line with what was C-50 and is now Bill C-373 in the private member's bill.

**Mr. Hugh Coghill:** Probably, yes.

**Mr. Joe Comartin:** All right.

Mr. Farrant, the Ontario Federation of Anglers and Hunters had a request when Bill C-50 was working its way through the House that they be exempted from the legislation. Is that correct?

**Mr. Greg Farrant:** I'd have to go back. We asked for an exemption under the law, I believe—yes, that's probably technically correct—on the advice of legal counsel. I want to be very clear though that I don't recall arguing that under that particular legislation hunting and fishing would become illegal. What I do remember arguing on that issue was the fact that the law, at the time it was being discussed with that bill, would open anglers, hunters, farmers, rodeo riders, trappers, medical researchers and a whole host of people in regulated animal-based or animal-use industries, however you care to define it, to frivolous and vexatious charges in the court.

🕒 (1635)

**Mr. Joe Comartin:** I've heard those arguments. If I can stay with that actually, I have the amendment here with your card attached to it from that period of time.

**Mr. Greg Farrant:** Then you are ahead of me because I don't.

**Mr. Joe Comartin:** In terms of the potential amendments to this bill, last week again the coalition indicated a willingness, on the section that was in Bill C-50 where animals are killed brutally, to be in agreement. In spite of some of their opposition to Bill C-50, they would have been in agreement to putting that in as an amendment to this bill. Would your association take the same position?

**Mr. Greg Farrant:** I'd have to go back and take a look at how that would alter the bill, quite frankly, because once you start amending the bill and start opening that door, who is to say where it stops and what other definitions may be included, what other changes may be proposed?

The bill, as it stands now, is a simple, straightforward piece of legislation that does one thing, and does one thing very well.

**Mr. Joe Comartin:** I assume if I asked you some other questions about other amendments you would be in the same position. You'd have to go back to the association and look at the bill and determine then whether you could agree or not.

**Mr. Greg Farrant:** That's correct. Again, I would repeat that this bill is a simple, straightforward piece of legislation and once you begin to amend it, the doors open, the Pandora's box is unleashed, and who knows where you stop with that? If you pass the bill unamended, as it is, it is simple. It is straightforward, and it immediately can take effect in the courts.

**Mr. Joe Comartin:** Actually what it does, Mr. Farrant, is absolutely nothing. It's really an insult to our intelligence to suggest this is a progressive piece of legislation.

Mr. Mitton--

**The Chair:** Mr. Comartin, I'm going to ask that you put your question quickly, and then your time will be up.

**Mr. Joe Comartin:** Okay.

Mr. Mitton, I assume you followed the process of the various incarnations of the bill. I want to know if you agree with this or not. My perception is that we had a coalition of almost all the groups, with a few exceptions. We got it through the House. We got it to the Senate. Some of the groups then convinced the unelected Senate, the unrepresented, the irresponsible Senate to thwart the passage of that bill to get royal assent.

Would you agree with that assessment of the facts?

**Mr. Don Mitton:** Yes, I would agree with that assessment.

**Mr. Joe Comartin:** Thank you, Mr. Chair.

**The Chair:** Thank you, Mr. Comartin. You're so diplomatic, sir.

Mr. Moore.

**Mr. Rob Moore (Fundy Royal, CPC):** Thank you, chair.

Thanks to all the witnesses for being here and for all your briefs. We've all had an opportunity I'm sure to read over those and listen to your testimony. It's all very interesting.

We've had representatives from the International Fund for Animal Welfare visit at my office and we had a bit of this discussion. It's a little odd this situation that we find ourselves in with this bill. We, as a Parliament, obviously have rules that you are all probably becoming familiar with over the course of the debate on animal cruelty. We deal with one bill at a time in a committee like this. Usually when we have a bill before the committee, whatever the nature of the bill, our discussion is focused predominately on the bill in front of us.

The way things usually work here is that we don't pick one bill or another bill. That's what makes this issue complex. For one reason or another, whether it's deliberate or not, it's been put to parliamentarians to pick one piece of legislation or another and that is actually not the way we usually operate. Usually we have a bill in front of us and we decide around the table if we support the bill or not. Then we decide on other things on other days. We can only really deal with what's in front of us.

My colleague, Mr. Bagnell, put this question to the panel of witnesses: do you support raising the penalty for animal cruelty? I didn't hear anyone say they didn't support that. I haven't heard any of the members around this table say that they don't support increasing the penalty for animal cruelty for a conviction under animal cruelty.

The problem that we're faced with is that we have a bill in front of us that admittedly does only one thing: it increases the penalty for animal cruelty. We have a panel that's saying we should increase the penalty for animal cruelty and yet we're being told not to support the bill. I'd like to know how people reconcile that.

Some witnesses have said that they liked another bill better. That's fair enough. The only problem is right now, today, we're not dealing with that bill. What I would say to that is we can only deal with this bill now.

We've had all kinds of legislation in this committee. On gun crimes, for example, the police come and Bar Association comes. On impaired driving, MADD Canada will come, the Quebec Bar Association and victims groups. We are never under any illusion that

there will never be before this committee another bill dealing with gun crimes, or another bill dealing with impaired driving.

The witnesses come and they will say that they support this bill because it does this, or oppose the bill because it does that. We don't usually have a witness say that they support what the bill does, but it doesn't do everything they want so they want us to oppose it now. I've never had anyone say that before now.

In light of that I'd like to put to any of the witnesses if they can comment a bit on the peculiar situation that I think we're being put in. It's a bill that does something that everyone of you is asking us to do, and yet some are asking us to oppose it. Does anyone have any comments on that?

🕒 (1640)

**The Chair:** Ms. Elmslie, do you have any comment?

**Mrs. Kim Elmslie:** I'll make a quick comment and pass it on to the others.

I think the concern we all have right now is that we have been trying for so long, for 10 years, to update this bill. We look this as our first chance since the legislation was enacted in 1892, which 116 years ago and it's taken us 10 years to get this far. The concern is that we won't have that chance again the way there is on other bills. We want something that is effective, enforceable and modern now to protect animals.

**Mr. Rob Moore:** Chair, I guess if I could, and I do want to hear the other comments, but that's part of where I think the reasoning breaks down a bit, is--and I don't know whether some people are under this impression or not--if we were to defeat Bill S-203, that somehow it brings another bill on animal cruelty closer to fruition, and it doesn't. Whether we pass Bill S-203 or if it is defeated, it really has no bearing on whether someone introduces, or whether we in the future debate, more animal cruelty legislation. I hope that everyone understands that. If this bill is defeated, it doesn't mean that all of a sudden something else passes.

I can see the frustration that people for decades have wanted to see a change. Now we're at the point where we're debating "a" piece of legislation, but we're not debating everything. There's nothing before us to debate at the moment. All we can do in this committee is decide whether we increase the penalty for animal cruelty or we decrease it.

I think if there was a bill before the committee saying, "Let's lower the penalty for animal cruelty", every one of you would be here saying, "We oppose that", and I would oppose that. Yet we have a bill before us saying, "Let's raise the penalty", and people who would be opposed to lowering it are also opposed to raising it. That's what's a little ironic in all of this.

I will get the other comments, but I do want you to comment in that light, that unless there's some procedural thing I do not know about, this bill passing or failing has no bearing on future legislation dealing with animal cruelty.

**The Chair:** Ms. Cartwright and the remaining witnesses will have to put your comments quickly to the floor because we don't have much time left.

**Mrs. Barbara Cartwright:** Thank you very much, Mr. Moore.

I just want to be clear that on behalf of IFAW we do not support Bill S-203 at all, period. I think that's an important distinction because it is getting clouded with the other bills and we're not favouring or talking about outside of that. We are saying that Bill S-203 is an ineffective piece of legislation that will do nothing to increase the protection for animals in Canada, and our goal is to increase the protection for animals in Canada, all animals.

🕒 (1645)

**Mr. Greg Farrant:** As you might imagine, I don't agree with Ms. Cartwright's perception of the bill. We support Bill S-203. We understand exactly what you're dealing with here. It is a simple, straightforward piece of legislation that is before you. The other bill, Bill C-373, is not before you at this time, and obviously we're all going to have a chance at some point in time to have that discussion. Today we're here to discuss this particular bill, and we do support it because it does move the yardsticks.

**The Chair:** Thank you.

Ms. MacDonald.

**Ms. Shelagh MacDonald:** I totally agree that this committee is in a difficult spot because you can only consider one of them at a time, but I think the reality is, though, that while you said it's true that we can have another bill and that happens with gun crimes and other things, but I think the reality is that it is not easy to get Parliament's attention for animal cruelty crimes and animal issues. Back in the day when we had a Liberal government that was very supportive of this issue, it still didn't make it a high enough priority that it got passed, so I think that's part of the problem--animal crimes are just not taken as seriously as perhaps some other issues in society.

I would suggest if we were to pass this bill, I think it would be far more difficult to bring another bill, simply because at least something has been done. Whereas, if this bill dies, I'm far more confident that there will be another bill because this issue is so important to so many people. So I suggest that actually it would be more effective if this bill died, so there would be a much greater chance that we'll get a good bill then.

**The Chair:** Thank you, Ms. MacDonald.

Mr. Coghill.

**Mr. Hugh Coghill:** In the interest of time, I think I'm just going to say that I agree with Ms. MacDonald's comments.

**The Chair:** Mr. Pippolo.

**Mr. Jim Pippolo:** We're in support of Bill S-203, and I do not know everything about Parliament, I'll guarantee you, but I think from what I've been led to believe, we can go forward with different legislation in the future. That's why we feel this one works currently, and there are things that will work in the future.

**The Chair:** Mr. Mitton.

**Mrs. Don Milton:** Again, in the interest of time, CHT agrees with the comments of the Canadian Federation.

**The Chair:** Thank you, all.

Mr. Holland, you have five minutes.

**Mr. Mark Holland (Ajax—Pickering, Lib.):** Thank you, Mr. Chair, and thank you to the witnesses.

I have limited time, and I have a number of things I want to get through, so maybe you could answer in that light.

First to Mr. Coghill, would it be a fair statement to say that if you can't get a conviction, it doesn't matter what the penalty is?

**Mr. Hugh Coghill:** Absolutely.

**Mr. Mark Holland:** I've had the opportunity to talk with a lot of SPCA officers who say they're extremely frustrated that the language that exists today, or what exists, frankly, in Bill S-203. Really, it's the same situation, and that frustration would be the same and they would continually see cases of abuse that they want to be able to prosecute, and Canadians want them to be able to prosecute, but they just can't, either under Bill S-203 or under the existing situation. Is that fair to say?

**Mr. Hugh Coghill:** Very true.

**Mr. Mark Holland:** I want to go to some comments and get some reaction from witnesses that were made last week by the mover of the bill, Senator Bryden, and there were a couple of things he said. He said that (a) those on the animal welfare side and myself would lose the lever, was the term, if Bill S-203 was passed and that he, himself, would not support Bill S-203.

That brings me to something I want to know if you have a concern about and that is that the House of Commons has twice passed the legislation that is Bill C-373, that the Senate rejected it or sent it back or didn't deal with it on both occasions, that given the comments the Senator said, it's not like oh, we can pass both, don't worry, people support both, the Senate is saying hey, we don't support the other, we support one. So are you worried that if the Commons got through the legislation that we actually needed to finally do something about animal cruelty, that the Senate is just going to use the excuse that hey, we already dealt with this under Bill S-203?

I don't know if Ms. MacDonald wants to respond to that.

**Ms. Shelagh MacDonald:** That's a tough question. I can't predict what the Senate is going to do--

**Mr. Mark Holland:** Is it a concern for you though?

**Ms. Shelagh MacDonald:** Yes, I think we would have some concerns about that, but I would hope that if we got there again and that we were able to get back that huge broad support that we had, that the Senate would finally listen.

**Mr. Mark Holland:** The other comment and maybe this is going to be a rhetorical question, but so far every animal welfare group that has come before this committee is opposed to a bill that's supposed to be about dealing with animal welfare. I see that as sort of an ironic thing. The House of Commons is going to hold that we've done something on animal cruelty when every group that's involved with animal welfare says hey, this isn't effective.

We had comments that were made last week from those who are supporting Bill S-203 that are involved with animal welfare that said well, the real issue is penalties. I'm wondering, to those who are on the other side, what your thoughts would be, that whether or not the real issue is penalties? Perhaps I'll turn it over to Ms. MacDonald, Ms. Cartwright and Mr. Mitton.

🕒 (1650)

**Ms. Shelagh MacDonald:** We've said all along that the penalties are not the most important issue. Of course, we support higher penalties and that is very much needed. But we've struggled with it, frankly, because I sit here representing humane societies and SPCAs across Canada that are trying to prosecute animal crimes appropriately and they need a better tool. So it's difficult for us to oppose a bill that's doing at least something.

But the reason we continue to oppose it very strongly is because we feel so strongly of the problems that need to be fixed and that just increasing the penalties is just not good enough; and doing that is outweighed by the need for closing the loopholes that are problematic.

**Mr. Mark Holland:** I'm wondering, Mr. Mitton, made a comment about the fact that Bill C-50 had a broad range of support, that it wasn't actually just the animal welfare groups, but after a lot of years of compromise and work, it was the vast majority of those who were also in the animal use industry.

Mr. Mitton made that comment and I want to know if that was also your understanding. Because I know there were compromises made on both sides. I participated in those processes and everybody on all sides were making compromises to get us towards the middle.

Would it be fair to say we were at a point of compromise and middle ground with what was Bill C-50, now Bill C-373 and that Bill S-203 kind of represents basically a one-sided, just the animal use industry bill? That basically we had a compromise, middle ground bill and now what we're dealing with is something that isn't compromised, but is in fact all the way at the other end of the spectrum which only addresses the concerns of those in the animal use industry?

**Ms. Shelagh MacDonald:** Absolutely, there's no question about it that this bill has nowhere near the level of support and the broadness of support that other bill had.

An interesting comment was made by Leslie Ballentine last week when she was representing 16 animal use industry groups, including trapping organizations, farming, and others. When asked the question if they would support Bill C-373, she said she would with one amendment. Actually the Canadian Federation of Humane Societies had a few meetings with representatives of that coalition and we agreed with that same amendment actually, because we think that bill should go through. If changing the offence of killing animals brutally or viciously to killing animals with brutal or vicious intent would bring back the support of those industry groups, then we are willing to accept that as well.

**The Chair:** Thank you, Mr. Holland.

Madam Freeman.

[*Français*]

**Mme Carole Freeman (Châteauguay—Saint-Constant, BQ):** Bonjour.

Merci pour vos présentations. Je sais très bien qu'on discute du projet de loi S-203 du sénateur Bryden et qu'on est toujours en train d'intercéder avec l'ancien projet de loi C-50 et le projet de loi C-373 qui a été présenté par notre collègue, M. Holland, qui malheureusement n'aura peut-être pas l'occasion d'être adopté à cette législature.

Étant donné que c'est très clair, il y a des pro et des contre, mais vous semblez, des deux côtés, ne pas présenter de nuances. Puisqu'on doit statuer sur le projet de loi S-203, qui est le projet de loi du sénateur Bryden, et qui semble être insuffisant, il y aurait des

possibilités d'apporter des amendements. Pourriez-vous me dire quels amendements nous pourrions apporter? On est devant ce projet de loi. On n'est pas en train de statuer sur le projet de loi C-373, mais avec le projet de loi S-203. Avez-vous des amendements à proposer?

La question devra se poser sur ce projet de loi. On ne peut pas seulement dire qu'on est favorable ou pas. Il y aura sûrement des amendements qui seront proposés. Donc, j'aimerais autant savoir lesquels vous proposeriez.

Madame Cartwright.

[*English*]

**Mrs. Barbara Cartwright:**

We are very concerned about the inadequacies of Bill S-203 and, at this time, we don't see how it could be made adequate.

If amendments were to be brought forward we would certainly be interested in hearing them, but we haven't brought any prepared amendments.

[*Français*]

**Mme Carole Freeman:** Ma question est la suivante: Que proposez-vous comme amendement pour corriger celui-là?

Je sais très bien que vous n'êtes pas en faveur de ce projet de loi et que vous préféreriez que ce soit le projet de loi C-373, c'est clair. Mais actuellement, on est devant le projet de loi S-203. On n'est pas en train de statuer sur le projet de loi C-50 et l'autre. Donc, comme on statue sur le projet de loi S-203, on pourra apporter des amendements, parce qu'il y en aura sûrement.

Alors, que proposez-vous comme amendement pour améliorer celui qu'on a devant nous, aujourd'hui?

🕒 (1655)

[*English*]

**Mrs. Barbara Cartwright:** I don't feel qualified to answer that question. If we were going to proposed amendments then we would want to go back and consider very carefully what those amendments--

**Ms. Shelagh MacDonald:** Some of the problems that we would want to see fixed include amending the wording regarding crimes of neglect, treating all animals the same, so including a definition of “animal” and “treating them all the same”, but that would

require changing a lot of wording to take out referring to “dogs”, “birds”, “cocks”. There's just so much outdated language in it that that's why we have said we just don't think it's a good place to start to make amendments. But certainly we have concerns around “willful neglect”; dog fighting offences are inadequate; treating different animals differently; having a separate section for cattle; considering animals property offences; and not allowing the killing an animal offence to apply to wild and stray animals. We just feel that there is such a large number of problems, so if you wanted to build out trying to amend those.

It just seems that with the structure of the ancient language, the structure of it from 1892, it's not a good place to start.

[*Français*]

**Mme Carole Freeman:** Donc, vous commencez par la définition d'animal pour le sortir de la catégorie de biens.

Monsieur Coghill, voulez-vous faire un commentaire?

[*English*]

**Mr. Hugh Coghill:** Yes.

First of all, I agree that there would have to be a great many amendments to Bill S-203 to bring it up to date.

Just to pick a couple of examples, in the interest of time. The use of the term “kept for a lawful purpose” gives us a great deal of difficulty enforcement officers. I'd like to see something in there that deals more specifically with the issue of dog fighting. It is a problem, it is a crime that's not adequately addressed currently in the Criminal Code, and I don't believe it's adequately addressed in Senator Bryden's bill either.

[*Français*]

**Mme Carole Freeman:** Monsieur Mitton.

[*English*]

**Mr. Don Mitton:** The current bill before us, Bill C-203, I just don't believe provides an adequate foundation. I think that the amendment that we would be proposing would, for all intents and purposes, bring us right back to C-373. It requires that many amendments to address the needs and issues of the current day.

**The Chair:** Thank you.

[*Français*]

**Mme Carole Freeman:** D'accord. Lorsqu'il a comparu, on a posé la question à M. Bryden, à savoir s'il appuierait ce projet de loi et il a dit que non. Jamais le sénateur n'appuiera le projet de loi C-313. Je vous remercie.

Ai-je encore un peu de temps?

[*English*]

**The Chair:** Thank you, Madame Freeman. No you don't.

Monsieur Petit.

[*Français*]

**M. Daniel Petit (Charlesbourg—Haute-Saint-Charles, PCC):** Merci beaucoup. Merci d'être venus cet après-midi. Je reprendrai ici les paroles du secrétaire parlementaire du ministre de la Justice et procureur général du Canada. Nous avons devant nous un projet de loi bien particulier, soit le projet de loi S-203. Naturellement si on fait la comparaison avec d'autres projets de loi antérieurs, vous savez comme moi qu'ils sont tous morts au Feuilleton. Cela veut dire que même s'ils étaient bons ou excellents, ils sont tous morts au Feuilleton et on n'en parle plus aujourd'hui.

La question que je me pose est la suivante. On essaie d'attirer votre attention sur quelque chose qui, selon moi, est important. Dès que quelqu'un fait ou prépare des lois qui protègent la vie et les animaux... Cela fait partie du groupe dans lequel nous sommes et dans lequel on voit actuellement.

Je pose ma question à M. Greg Farrant. Lorsque vous avez lu le projet de loi S-203, déposé par le sénateur Bryden, avez-vous étudié le fait qu'on augmentait les peines?

En tant qu'avocat, je peux vous dire une chose. Je ne fais que m'exprimer, je ne dis pas que c'est nécessairement ce que vous voulez dire. Il y a une différence entre une infraction punissable sur déclaration de culpabilité par procédure sommaire — dans ma province, c'est à peu près seulement ça qu'ils font — et un acte criminel. Lors d'un acte criminel, le procureur, qui travaille pour le gouvernement, sait qu'il peut aller chercher cinq ans de prison, dans certains cas. N'est-ce pas là un avancement? Cela ne veut pas dire que tout est parfait, mais est-ce un avancement?

Au lieu de condamner le prévenu à une amende ridicule, le juge le condamnera à la prison. Cela sortira dans les journaux et il y aura une meilleure publicité. Les gens en prendront conscience. Ce ne sera pas comme dans ma province, où la Société protectrice des animaux a quasiment de la misère à vivre, parce que personne en entend parler. Il y a des amendes ridicules. Ils ne sont même pas capables de faire arrêter les usines à chiots ou à chiens. Rien. C'est aussi simple que cela. Lorsqu'on condamne quelqu'un et que c'est écrit, en page frontispice du journal, que le prévenu a écopé de trois ans de prison — ce

qu'on ne peut pas faire présentement pour certaines infractions —, n'est-ce pas là un avancement? Comme je l'ai dit, cela ne veut pas dire que c'est parfait.

Monsieur Farrant, j'aimerais connaître votre opinion à ce sujet, car je crois que c'est une avancée réelle. Ce n'est pas parfait. Par la suite, je voudrais connaître l'opinion de Mme Barbara Cartwright. Elle semble dire que cela n'est pas correct. Dans ma province, je peux vous dire que cela va nous aider. Au point de vue publicitaire, lorsque l'homme sera condamné à trois ans de pénitencier, je peux vous dire qu'il ne le refera plus par la suite. Auparavant, on n'avait pas cela.

🕒 (1700)

[English]

**Mr. Greg Farrant:** Thank you, sir, I appreciate you comments. And, yes, I would agree with your comments, we believe that it is progress.

It's interesting, Ms. Freeman asked several members of this panel about what amendments they would suggest. I know it was some wry humour that the amendment that were suggested bring us back to Bill C-373 and the previous government bills.

This bill, from what I understand, Senator Bryden's intention, and I've understood his intentions and why we support it all along, is not only will it provide the courts with more punitive measures to use against animal abusers but we hope, and as the Senator does from what I understand in my discussions with him, that it will also act as a deterrent when exactly what you suggest happens, when there's a case on the front page of the *Toronto Star*, or *La Presse*, or wherever it happens to be that says an animal abuser got five years for hitting a dog on the head with a hammer.

If you want to consider amending the bill, nobody's has ever suggested why not increase the penalties and fines even heavier to make it even more of a deterrent. I guess you could go in that direction. But certainly this goes well beyond what's available to the courts and the prosecutors now and hopefully will in turn act as a deterrent to those types of people.

Thank you, sir.

**Mrs. Barbara Cartwright:** Thank you for the question.

Again we are concerned about animal protection and see the animal cruelty legislation as a way to help increase the conviction rates, not just the penalties, so that more animals are protected by our humane societies and our SPCAs.

As Mr. Coghill answered maybe about three or four questions ago, higher penalties do not mean higher conviction rates. In fact nothing will change except that courts, when they do finally get the odd case to them, they can then use higher penalties.

But our concern is that the SPCAs, and the humane societies, and the police officers be able to better use the Criminal Code of Canada which they have stated here today is not usable to a high degree.

**The Chair:** Thank you, Monsieur Petit.

Mr. Bagnell.

**Hon. Larry Bagnell:** Thank you.

Ms. Elmslie, thank you for this document from the various countries. In fact, Mr. Holland had given it to me about an hour before the meeting. It's very interesting.

I want to make sure I'm correct on the fines. I just find this interesting. You're right, if you compare the various countries, we seem to be the worst or near the worst in the world. If this particular bill went through, on fines we'd be about average, in the middle somewhere, but we'd have the stiffest penalties in the world as far as maximum prison rates. Would that be true, from any countries you've dealt with?

**Mrs. Kim Elmslie:** The maximum prison rates?

**Hon. Larry Bagnell:** They'd be five years, and there's no one on this--

**Mrs. Kim Elmslie:** In Austria, you can have indefinite maximum lifetime sentences, as well as in Great Britain, which has just passed its animal welfare act in 2006, so it's looking at a potential....

**Hon. Larry Bagnell:** Okay. Thank you.

One of the things I was very interested in, from previous bills--as everyone said, there are some good things there--was restitution. These humane societies have hardly any money, so I'd like anyone to comment on it.

Mr. Pippolo, did you say that is in this particular bill we're discussing today, that people could be forced to pay restitution to humane societies?

🕒 (1705)

**Mr. Jim Pippolo:** Yes.

**Hon. Larry Bagnell:** Are there any other comments on that?

I have one last question, everyone can answer.

We had a horrendous situation in my area where a person, I think he was mentally unstable, was cruel to dogs. The police were out to investigate. He heard they were coming. I think he had about 50 dogs, and he just shot them all to death.

Is there anything in any of the bills that we've dealt with before that would have dealt with that situation? Second of all, should there be a provision in this amended bill or some bill in the future that could deal with a situation like that? Everyone could answer that.

**Mr. Hugh Coghill:** If I can respond to that--I don't know that particular instance, if it was in Ontario--but we've been faced with similar issues in Ontario. Courts have felt that the existing wording of the legislation, the issue of ownership implies the ability to be able to do whatever you want with that animal, as long as it's not done in a cruel way. Ownership is the lawful excuse, so that issue, again, of the use of those words, "kept for a lawful excuse", becomes a problem for us.

If I can slip back to a previous question about indictable offences, you know that section 444 currently exists in the Criminal Code, it is an indictable offence. We've laid a charge under that section twice only in 30 years. In both cases, and the honourable member, being a lawyer, will know that when it first appears in court, the crown has the right to make an election. In both of those cases, the crown elected to proceed summarily rather than by way of indictment, so that automatically reduced it because of the cost factor that's involved. We can understand that, as well.

Hybrid offences are fraught with issues as well. They may seem like a good way to go by increasing the penalties, but I think increasing the provisions for a national prohibition order under federal legislation is of paramount concern to SPCAs across Canada.

We can currently in many provinces--not Ontario, unfortunately--get prohibition orders under provincial legislation. This has happened many times, the accused or the convicted person simply moves to another province. If we can get a better prohibition for something more than the two years that are there now, it will be plus as well.

There are problems that haven't been addressed with regards to hybrid offences.

I'm sorry, I went way off your question.

**Mr. Greg Farrant:** Just to follow on Mr. Coghill's comment, this bill does open-end the prohibition of animals by abusers. Obviously, it wouldn't necessarily have avoided the case that you suggest, which is quite horrific, but it certainly would allow the courts to prevent that person from ever owning an animal ever again in the existence of their lives. Mr. Coghill seems to be indicating that needs to be applied nationally, which this bill does.

We strongly support the fact that people who abuse animals should not have the opportunity in the future to own animals again, and the courts will have that ability.

**The Chair:** Thank you, Mr. Bagnell.

Mr. Dykstra.

Just one moment, Mr. Dykstra.

I'm sorry, what was that, Mr. Bagnell?

**Hon. Larry Bagnell:** people that want to answer the question.

**The Chair:** If you would then, Ms. Elmslie.

**Mrs. Kim Elmslie:** I just want to make a quick comment on Mr. Bagnell's case.

I know the case that you're talking about from the Yukon with the dogs that were stacked up, and when the RCMP arrived, they were about to confiscate the animals and the individual had killed them beforehand. Because of the loopholes in the legislation that exist right now, they could not press any charges against that individual. So it would have been nice to have a situation where this individual could not longer have animals or would have been fine, but the fact is they couldn't get any conviction. So nothing would have changed under s203 . It would have been exactly the same outcome as it is now.

**The Chair:** Thank you.

Mr. Bagnell and Mr. Dykstra.

**Mr. Rick Dykstra (St. Catharines, CPC):** Thank you. I did want to ask questions just to both Kim and Barbara.

In terms of background of your organization that started, I take it from the seal hunt, that was the original purpose of your existence? You expanded since then, obviously.

The last couple of days is a testimony at least driven for me, and regardless of what your position on that issue may be, whether you're in support of the seal hunt or whether you're opposed to it, folks make strong arguments on both sides of the case as to whether it should or whether it shouldn't happen. And I wonder if that isn't a reasonably good example of the difficulties that we face here in trying to move this forward because in some respects, unless we move all the way to the legislation that you as an organization prefer, you're not going to come here supportive of it. And likewise if we go to far the other way, we're going to have organizations who wouldn't support it at all because of the damage it would do to their industry or their business or what have you. I wonder if you can comment on that because obviously we need to find or I'd like to think that our responsibilities are to try and find some common ground here and work through this, because it seems to me that you're taken a position that makes it extremely difficult to pass legislation that other folks sitting at the table even would support.

🕒 (1710)

**Mrs. Kim Elmslie:** That's an excellent question. And I'd like to point out that the C-50 legislation prior to Mark's introduction had been passed by this House twice by all of the parties at the time. I think at one point there were five. So that was passed, and it was stopped by an unelected senate. And this is the piece of legislation that the overwhelming majority of Canadians support. And I think as Shelagh had pointed out with maybe one small amendment, the industry groups would be happy with it as well. So I think we've got then the industry groups, the vast majority of Canadians and the animal welfare organizations on side, so that to me sounds like a lot of people on side versus the situation where we have right now where you don't have the Canadian public or any of the animal welfare groups who are charged with protecting animals from .

**Mr. Rick Dykstra:** That's a good response. And one of the points under the previous legislation, Mr. Farrant, maybe you could comment. It's my understanding that the anglers and hunters were actually asking to be exempted from the legislation because they feared it so badly that it would have such a significant impact on them.

**Mr. Greg Farrant:** Certainly I'd be pleased to comment on that.

One of the reasons that we were seeking exemption onto the previous legislation was in response to comments that have been made not by anybody at this table, but certainly by people who I would classify as animal rights organizations as opposed to animal protection organizations who made it very clear both through their lawyers and their public statements including their statements in testimony before committee on previous bills that they were seeking to move forward with those particular pieces of legislation in order to use them to vigorously pursue charges against a whole range of animal use groups including anglers and hunters in the courts. They made it very clear that this was just the very beginning and that their intentions were to go far down the road from even where bills such as Mr. Holland's bill and other previous bills were intending to go. So certainly there was a concern at that time that we were being open, and it was a concern that it was also expressed by people like the Council of Colleges and Universities who were concerned about the impact that that would have on medical researchers.

And it's not necessarily the fact that you would be convicted in court, but the fact that you are dragged into court and forced to defend yourself. There was one small case in western Canada where that occurred, and the individual incurred cost of \$10,000, and the judge summarily through the case out of court and saying it should have never gotten there. But that individual's welfare was severely compromised. So that was the concern at that particular time.

**Ms. Shelagh MacDonald:** There's been a great deal of discussion about the fear of animal rights groups and I want to make it clear that animals rights groups do not have any authority to lay charges any more than you or I, as a private prosecution. We have stringent screening processes in our system to prevent frivolous prosecutions from proceeding. Because either of these bills would make hybrid offences, there is a much

higher scrutiny from the crown attorney, as well as a change that was added in 2002 to require a person wanting to lay a private prosecution to appear before an provincial court judge and convince him that there was a need to pursue the case. That would all happen before an accused person is even notified.

I can understand people worried about animal rights groups, but you've got to look at the practicality, and they do not have the authority to lay charges.

People have even suggested that animal rights groups would try to second human societies or SPCAs to lay their charges for them, and I find that offensive suggestion. That would never happen.

🕒 (1715)

**Mr. Rick Dykstra:** Mr. Mitton, I just had a question for you.

I don't mean to go from one end of the table to the other, but one of the things that stands out for me is that your mission is to abolish the pain and suffering of animals trapped for any reason whatsoever. That's pretty categorical.

There are folks that would argue, whether they be in research facilities in university or in research facilities outside of a university, that there is a potential for this to happen for reasons that are good for both the animal population and kingdom and also good for humanity.

Again, I draw to you the conclusion that it would see that, regardless of what the legislation is, if it doesn't suit your purpose-stated objective that you wouldn't be able to support the legislation to begin with.

**Mr. Don Mitton:** The Canadian Association of Humane Trapping, our utopia would be the perfect mouse trap. We're hoping for perfect trapping. We realize that a distance from that now, but it is interesting that all of our provinces and the territories, as of the end of 2007, the regulations regarding the Agreement on International Humane Trapping Standards are now written into the regulations, it's moving forward.

We assist a number of trapping organizations financially and with some of the people that we have with a scientific background on designing new traps that are more effective and more humane. We appreciate that the concept of a humane trap may seem impossible, but that does not mean we should not continue to strive to be sure that the traps that are being used are the most humane possible.

**The Chair:** Thank you, Mr. Dykstra.

Mr. Holland.

**Mr. Mark Holland:** Thank you, Mr. Chair.

Perhaps I can take that a little further, because I think there's some confusion that's occurring to committee.

I can understand where Mr. Dykstra's coming from. Obviously, we want to see everybody compromise. I think maybe what's being forgotten here is that previously Bill C-50, and now Bill C-373, represents a compromise. Maybe I should ask it, just to be clear, to Mr. Mitton and Ms. MacDonald, to Mrs. Cartwright and to Kim—sorry, Kim, I can't see your last name over the microphones—does Bill C-50 represent a compromise for you or is that your ideal bill? I think we need to clear that up.

Starting with Mr. Mitton.

**Mr. Don Mitton:** Our association would be very pleased to see that legislation pass. We are in agreement with the proposed amendment that the Coalition brought forward at this committee last week. We would agree with that.

**Mr. Mark Holland:** But if you were to draft your own bill and go as far as you could possibly go and do exactly what you wanted to do, would that be Bill C-50 or are you compromising under what's now Bill C-373, what was Bill C-50?

**Mr. Don Mitton:** Our world is full of compromise, but we would be very pleased to see that legislation go ahead.

**Ms. Shelagh MacDonald:** CFHS has never actually sat down and tried to write what would be our ideal bill, so that's a difficult question to answer, but we do fully support Bill C-373.

But we have accepted compromise. And those amendments that were made by the Senate, we weren't so much opposed to them, but we thought they were unnecessary. There was a lot of debate about the application of lawful excuses, including colour of right, and we thought that was just completely unnecessary. There were some compromises made at that time, in 2003.

But we're happy with it the way it is. We think that compromise is important.

**Mrs. Barbara Cartwright:** Agreed. We see Bill C-373 as the result of a great deal of debate and compromise. It's important in a democratic process to engage in that compromise. We can't all have our dream world, regardless to what side we fall down on this.

But Bill S-203 doesn't provide anywhere close to what Bill C-373 provides, which, in our opinion, as Ms. Elmslie mentioned, is the result of broad debate, broad support, support from this very House, twice, which I always go back to because to me it's so important that the voices of the people were heard and that it got blocked at Senate.

**Mr. Mark Holland:** Right. So I'm hearing that the animal welfare groups made compromises with respect to getting it to C-50, as did many of the animal user groups, by the way. I'm not just talking about one side. Both sides made compromises to get to a middle point.

What we're seeing with Bill S-203, there's the bill where there's no compromise. There's the bill which is only addressing concerns on the animal use side. None of the issues that I'm hearing are really being substantively being dealt with on the animal welfare side.

Which brings me to my last question. This would be to you, Kim. You talked about how Canada sized up relative to the rest of the world. What you didn't get a chance to say...and it's embarrassing, frankly. We're behind nations like the Philippines. That's something that we should really hang our heads on, I think, personally. After Bill S-203 was passed, let's just presume, I hope it doesn't happen, but let's say it did get passed, how would Canada stack up against the rest of the world?

🕒 (1720)

**Mrs. Kim Elmslie:** We would still be low. We'd still be one of the lowest on the comparison. We would have slightly higher penalties. But again, our conviction rates and our ability to convict people who are committing acts of cruelty against animals, people who could be convicted under other international legislation...that would still be missing out.

**Mr. Mark Holland:** So as a first world nation, we would still be considered something of a joke or an embarrassment after passing Bill S-203. So what we're debating is whether or not we pass something that still leaves us as an embarrassment in the rest of the world.

Thank you, Mr. Chair.

**The Chair:** Mr. Calkins.

**Mr. Blaine Calkins (Wetaskiwin, CPC):** Thank you, Mr. Chair.

How much time to I have? Five minutes.

I'd first of all like to thank everybody for coming here. It's been very interesting.

My concern, and I'll basically ask the same questions I asked of the sponsor of the bill and the people who've testified before. I'm very concerned as a farmer and as somebody who represents a rural riding in Alberta that if we go too far, it may affect some of the sensibilities of the good folks back home in Alberta, especially those who come from the agricultural sector, those who have used animal husbandry farming, hunting, fishing, and trapping as a way of life for a certain amount of time in our history.

I'm just concerned that if we lose this opportunity right now, we won't have an opportunity. I know that there's another bill on the table as well.

But I am also concerned about some of the things, and I guess maybe my colleagues have made the point here as well that there just seems to be this all or nothing approach to this piece of legislation that's before us. And whenever I usually see an all or nothing approach or I see somebody entrenched or have their heels dug in, it usually leads me to believe that they've got an agenda beyond what's actually being discussed here today.

I just want to get some clarification from some of the folks around the table here as to.... The rationale that I've heard is just not satisfying me, that by passing Bill S-203 right now, it would somehow preclude us from going further into the future. I just want to see if I can maybe get at some of the roots of that agenda.

The IFAW is against the seal hunt, right? So would it be fair to say the IFAW is against all forms of hunting?

**Mrs. Barbara Cartwright:** Absolutely not.

**Mr. Blaine Calkins:** So how can you justify or change your position on.... The seal hunt's not okay, yet other forms of hunting are okay. How do you rationalize that? It's like saying Bill S-203 isn't okay, but some future bill that we're going to see is okay. Can you rationalize that for me?

**Mrs. Barbara Cartwright:** With all due respect, can you ask me the question again? I think I might have gotten slightly lost.

**Mr. Blaine Calkins:** Your organization is diametrically opposed to the seal hunt, yet you just told me that you're not opposed to all forms of hunting. Can you rationalize that? Because that seems to me like you're opposed to Bill S-203 which does something in lieu of something else that you don't have yet. Can you please--

**The Chair:** Point of order, Mr. Holland.

**Mr. Mark Holland:** The point of order is that neither bill, neither Bill C-373 nor the bill in front of us deals with seal hunting. Seal hunting would be legal under both instances, so therefore I think that might be why there is some confusion. Seal hunting may be another issue, but it doesn't deal with either bill .

**The Chair:** Mr. Calkins.

**Mr. Blaine Calkins:** I guess what I'm getting at, the point I'm trying to make is it seems to be an entrenched position. To me, Bill S-203, it makes good sense to take it now while we've got it. When another bill comes forward, whether it's a government bill, whether it's a private member's bill, I think that should be given full examination and every opportunity to be debated as well.

What I'm getting at here is, from your organization's perspective, you're entrenched on this particular issue, and I can't see a good reason for it. You're entrenched against seal hunting, yet you're not entrenched against hunting maybe in another way.

So I'm just wondering, what is it? Is it an organizational thing? Help me understand where the rationale comes from for some of the positions that IFAW takes.

**Mrs. Barbara Cartwright:** Well, I'll speak to Bill S-203 and that position. Our concern, as we've said from the outset, is that higher penalties don't bring us higher convictions. IFAW has been involved in this process to increase protection for animals by increasing those being punished for heinous acts of animal cruelty.

The Senate is the one that was entrenched. I have every confidence in this House to pass Bill C-373 and to pass good legislation that protects animals, that responds to Canadian needs. When the Senate came back with those amendments, this House said, no, we don't accept all those amendments, we will accept the non-derogation clause, and they sent it back to the Senate. Unfortunately, prorogation happened, and it hasn't moved forward.

But I don't feel that IFAW has been in any way entrenched, except at this point in time Bill S-203 does not afford animals any greater protection.

🕒 (1725)

**Mr. Blaine Calkins:** In your analysis here with all of the countries that you've chosen in this particular document, and I'll hold it up for you, I notice conspicuously absent from it are some countries such as the United States of America, Australia, and if we look at some of the other western societies, they're conspicuously absent. I'm just wondering if you could tell me....

It seems to me I read a section in here that said that these countries were chosen because each has federal legislation, detailed information about their legislation is easily accessible on the worldwide web, and because legislation is available in English.

The United States of America just pressed federal charges against Michael Vick for conspiracy for dog fighting. It would seem to me that there would be no reason—that's a federal charge—that they would be left out of the comparative analysis.

Could you please tell me about that?

**Mrs. Kim Elmslie:** Sure. In the United States, the majority of animal cruelty cases are all done at the state level, however, with the dog fighting they did do that crime at a federal level. But when we looked at the legislation, it was all state to state.

I can tell you that the state legislation that I looked at far outranks Canada. In fact, just as of yesterday, the individual who sold Michael Vick his dogs has now been fined and charged as well. So these are things we would now see here in Canada.

The U.S. legislation is far advanced to what we have here in Canada, but we didn't include it in the report because it is state to state.

**The Chair:** Thank you, Mr. Calkins.

Committee, that brings us to a close. I would like to thank all the witnesses for their appearance, their presentations. I think we've had a pretty thorough discussion of this particular bill. Your perspectives were welcome. Thank you, again.

Motion for adjournment.

Meeting adjourned.