

ONTARIO FEDERATION OF ANGLERS & HUNTERS



Ontario Conservation Centre

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OFAH FILE: 450
September 14, 2016

Mr. Harold Albrecht, MP
Kitchener—Conestoga
House of Commons
Ottawa, Ontario
K1A 0A6

Dear Mr. Albrecht:

Subject: Bill C-246 – Modernizing Animal Protections Act

On September 28 the second hour of Second Reading debate on Bill C-246 will occur, with a likely vote on Division for October 5.

In plain language, the bill seeks to prohibit the practice of shark finning (which is already illegal in Canada), to address illegal puppy mills, and to prohibit the use of dog and cat fur in textiles. These are laudable goals and deserving of support if prohibition is warranted.

However, the bill goes far beyond this and includes a series of amendments to the *Criminal Code* of Canada, which, if passed, could seriously impact the outdoor, agricultural, medical research, and some religious communities, and the millions of Canadians involved in these activities.

Mr. Nathaniel Erskine-Smith, the bill's author, has repeatedly suggested that he is prepared to accept amendments to the bill to fix it, once it gets to the committee stage. As you know, the vote on Second Reading is to support the bill in principle. This begs the question, why support a bill in principle that requires so many amendments to fix it? Once it gets to committee, there is no guarantee that any of the necessary amendments will be moved or accepted. Furthermore, procedurally it is not possible to move the number of necessary amendments that would be required to fix the myriad of flaws in the bill without changing the scope of the bill and, as such, they would be ruled out of order.

The flaws in Bill C-246 are considerable, as outlined below.

- Bill C-246 puts the onus on the defendant to prove innocence, rather than on the prosecutor to prove guilt (reverse onus). This would undermine the presumption of innocence until proven guilty that is the foundation of our justice system.
- The bill amends Section 182.1, Part XI of the Criminal Code, by moving animals out of the "Certain Property" section into Part V, "Sexual Offences, Public Morals and Disorderly Conduct" section. There is no legal reason for this move and, in doing so, 100 years of case law would be thrown out and no longer available for use in court.
- The bill adds a lower standard of reckless conduct as a criminal offence, and adds two new offences under Section 182.1 that are not currently in the Criminal Code.
- Terms that are currently defined in the code are left open to interpretation, including those that do not appear in any other Canadian law and have not been interpreted by the courts.

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- The bill removes current protections for legal activities such as hunting, fishing, trapping, livestock farming, medical research, and kosher killing among others.
- The bill risks criminalizing currently legal activities and lowers the standards to lay criminal charges for lawful behaviour.
- If these changes are passed, they will be used to “test” the legal applications in frivolous and costly court challenges, something the animal rights community has promised to do in the past.
- The bill DOES NOT address enforcement issues, which all parties agree is a fundamental problem of applying animal protection laws (both criminal and provincial).

Since 1999, there have been a number of similar bills introduced in parliament, including those by former Ministers McLellan, Cotler, Cauchon, and others. None of those bills survived, because they contained similar albeit far less profound changes than what is proposed in Bill C-246, and did not reflect the will of parliament.

If Bill C-246 simply addressed the issues of shark finning, puppy mills, and the sale of cat and dog fur, the Ontario Federation of Anglers and Hunters (OFAH) would support it, as we suspect the majority of our colleagues in the outdoor, agricultural, medical research, and religious communities would also. In fact, on two previous occasions, the outdoor and agricultural communities across Canada supported federal legislation that addressed the need for increased fines and penalties for animal cruelty. As far back as 2002, the OFAH successfully lobbied in support of provincial legislation that targeted illegal puppy mills.

Our opposition to Bill C-246 stems not from a lack of support for animal welfare. There are substantial and injurious amendments proposed in the bill that has the potential to negatively impact on millions of Canadians engaged in legal, lawful activities that contribute billions of dollars annually to the Canadian economy.

We, therefore, urge you in the strongest possible terms to vote against Bill C-246 at Second Reading.

Thank you for your time and attention in this matter.

Yours in Conservation,



Greg Farrant
Manager, Government Affairs & Policy

GF/gh

cc: OFAH Board of Directors
Angelo Lombardo, OFAH Executive Director
Matt DeMille, OFAH Manager, Fish & Wildlife Services