Cathy MacLeod, MP Kamloops-Thompson-Cariboo

# BRIEFING NOTE:

Private Member's Bill C-246 - **An Act to amend the Criminal Code and other related Acts & Regulations for animal protection.**

Cruelty to animals' offenses are addressed by both provincial animal protection legislation, and by the Criminal Code of Canada. In British Columbia, enforcement of the Prevention of Cruelty to Animals Act and Regulations is carried out by the BC SPCA. The Canadian beef cattle industry is guided by the requirements outlined in the Code of Practice for the Care & Handling of Beef Cattle, as are other livestock commodities by similar Codes of Practice.

The objective in introducing Bill C-246 is to strengthen the Criminal Code surrounding animal cruelty to create negligence offenses that are easier to prosecute, and close loopholes related to animal fighting by replacing "willful neglect" with "negligently" – defined in C-246 as "departing markedly from the standard of care that a reasonable person would use".  However, many of the recommended amendments in C-246 are not adequately defined, and would require court cases to uphold legal challenges.

As you know, in B.C. we had a situation where a beef producer was convicted of shooting a neighbour's dog for harassing her cattle; although later overturned on appeal, the case prompted the livestock industry to request a review of the provincial Livestock Act to strengthen and clarify the wording to better protect ranchers and their livestock.  At issue was "attacking or viciously pursuing livestock".  Similarly, in C-246, use of language such as "brutally" or "viciously" are subjective and therefore, open to interpretation.  The industry strongly opposes introduction of poorly-crafted legislation with unintended consequences that may hurt an entire industry.

Specifically:
**PART V.1 Offences Against Animals**

**Killing or harming animals**
182.1 (1) Everyone commits an offence who, willfully or recklessly

a) Causes or, being the owner, permits to be caused unnecessary pain, suffering or injury to an animal;
b) Kills an animal or, being the owner, permits an animal to be killed, brutally or viciously, regardless of whether the animal dies immediately;
c) Kills an animal without lawful excuse…

**Failing to provide adequate care**
182.2 (1) Everyone commits an offence who

a) Negligently causes unnecessary pain, suffering or injury to an animal;
b) being the owner or, the person having the custody or control of an animal, willfully or recklessly abandons it or negligently fails to provide suitable and adequate food, water, shelter and care for it; or
c) negligently injures an animal while it is being conveyed.

Words such as willfully, recklessly, lawful require definition for this regulatory amendment to be effective and defensible.

With an ever-increasing presence of animal activists who oppose animal agriculture, BCCA believes this bill will further increase the likelihood that Canadian Farmers and ranchers will increasingly have to defend their "right to farm" practices in court under the aforementioned "marked departure from reasonable standard" activity.  In addition to provincial prevention of cruelty to animals' legislation and federal animal transport regulations, the livestock industry already has agreed upon Codes of Practice for Care and Handling of Farm Animals that producers are governed by.  There is NO NEED to introduce additional legislation for protection of animals.  We are concerned about the vague nature of the Bill's language, and a poorly crafted bill introduces the potential for costly and negative implications for the beef industry across Canada.

For additional details on our position, please see attached memo prepared by the Canadian Cattlemen's Association.

We hope you will continue to support Canada's livestock industry by opposing this Bill.