



March 29, 2016

The Hon. Jody Wilson-Raybould, MP
Minister of Justice and Attorney General of Canada
House of Commons
Ottawa, Ontario
K1A 0A6

Dear Minister Wilson-Raybould,

RE: Bill C-246

Animal cruelty is a contentious area that requires careful consideration of intent, terms and consequences, intended or otherwise. These include but are not limited to agriculture, the care or control of animals and the commercial aboriginal and recreational use of fish and wildlife. For reasons listed below we believe that Bill C-246 should not proceed to second reading.

The changes contained in Bill C-246 that was introduced into Parliament on February 26th, 2016 are to amend the following: Criminal Code, the Fisheries Act, the Textile Labeling Act, the Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act and the Canada Consumer Product Safety Act (animal protection):

Areas that appear reasonable are:

1. Ban on the trade in products of shark finning.
2. Labeling requirements for animal fur garments, specifically dogs and cats.

Areas contentious to the British Columbia Wildlife Federation are:

1. Expanding the application of animal cruelty from "property" to people crimes section by creating new sections and moving the animal cruelty sections within the criminal code.
2. Adds the test of recklessness to current the willful provision in the Act.
3. Defines animals as vertebrates that includes birds and fish (not formerly defined and broadens scope of application)
4. Adds a new offence of "killing an animal" or being an owner or permits an animal to be killed brutally or viciously. This is left to the courts to evaluate what are brutal or vicious methods.
5. Creates an offence to anyone who negligently causes unnecessary pain suffering or injury to an animal. Negligently means departing markedly from a standard of care a reasonable person would use. What is reasonable in areas where there is absence of standards?



General Comments

Bill C-246 has shifted the focus of the Criminal Code from cruelty to killing an animal as offences unless there are lawful excuses (which are not defined).

No specific exceptions for legal conduct to offences are listed including but not limited to agriculture, hunting, fishing trapping activities. The act casts far too wide a net that potentially includes medical research, pet ownership, veterinary practise, and certain religious slaughtering practises (kosher and halal butchering). Animal vehicle collisions could be an offence under this act if the operator was deemed to be reckless, i.e. was not taking into account changing conditions. Many of the activities covered by the bill are activities regulated under existing federal and provincial law. There also may be conflicts with aboriginal rights in terms of traditional harvesting practices.

The proper debate is whether we need C-246 given that we already have adequate and powerful laws against wilful animal cruelty in the Criminal Code of Canada. These include Section 445: Injuring or endangering other animals, Section 445.1: Cruelty to animals causing unnecessary suffering, and Section 446: Causing damage or injury and failure to exercise reasonable care as evidence. Given the lack of clarity in Bill C-246 in its current form, the court system will become the interpreter of its intent, not parliament creating a divisive and adversarial climate around the killing of animals, not just cruelty. This is not a productive course of action.

Yours in conservation,

A handwritten signature in black ink, appearing to read "George Wilson", with a long horizontal stroke extending to the right.

George Wilson
President
BC Wildlife Federation

Copies to:

The Hon. Hunter Tootoo, MP
Minister of Fisheries, Oceans and the Canadian Coast Guard

The Hon. Lawrence MacAulay, MP
Minister of Agriculture and Agri-Food

The Hon. Catherine McKenna, MP
Minister of Environment and Climate Change

The Hon. Carolyn Bennett, MP
Minister of Indigenous and Northern Affairs



The Hon. Rob Nicholson, MP
Conservative Justice Critic

Murray Rankin, MP
NDP, Critic for Justice and Attorney General

The Hon. Suzanne Anton, MLA
Minister of Justice and Attorney General, British Columbia

Mark Strahl, MP
Conservative Fisheries Critic

Fin Donnelly, MP
NDP Fisheries Critic

The Hon. Steve Thomson, MLA
Minister of Forest Lands and Natural Resource Operations, British Columbia

Chris Warkentin, MP
Conservative Agriculture Critic

Ruth Ellen Brousseau, MP
NDP Critic for Agriculture and Agri-Food

The Hon. Norm Letnick, MLA
Minister of Agriculture, British Columbia

The Hon. Ed Fast, MP
Conservative Environment and Climate Change Critic

Nathan Cullen, MP
NDP Critic for Environment and Climate Change

The Hon. Mary Polak, MLA
Minister of Environment, British Columbia

Cathy McLeod, MP
Conservative Indigenous Affairs Critic

Charlie Angus, MP
NDP Critic for Indigenous and Northern Affairs

The Hon. John Rustad, MLA
Minister of Aboriginal Relations and Reconciliation, British Columbia