



Canadian Federation of Humane Societies  
La Fédération des sociétés canadiennes  
d'assistance aux animaux

## **News Release**

**For Immediate Release**

### **Senate Committee just doesn't get it Changes go against original intent of bill**

**Ottawa, May 15, 2003** – The Senate's Legal and Constitutional Affairs Committee today adopted major changes to Bill C-10B, amendments to the animal cruelty portion of the Criminal Code, changes that show the Senate is more concerned about protecting industry demands than animals. These changes, which senators said were meant to clarify the Bill, will only add confusion, and will further delay this long overdue legislation. The Canadian Federation of Humane Societies (CFHS) is appealing to the Senate NOT to accept the committee's recommendations, and to veto the amendments.

“We are very disappointed that the Senate Committee has gone ahead with these changes,” says Bob Van Tongerloo, CEO of the CFHS. “After six months of deliberations on this issue, it is clear that senators on the committee are answering to very powerful industry lobby groups rather than to the demands of hundreds of thousands of Canadians.”

The Senate committee is recommending four major changes to the Bill. The first is to alter the definition of “animal” to include only non-human vertebrates. This move came following recent debates arguing whether boiling lobsters or fishing with live worms would suddenly become illegal. The CFHS points out that other jurisdictions already have legislation in place that protects invertebrates from pain, including, among others, Alberta (where the definition of animal “does not include a human being”), Manitoba and New Brunswick (that define animal as “a non-human living being with a developed

nervous system”) and the State of Minnesota (where animal means “every living creature, except members of the human race”). If science can prove an animal feels pain, why should it not be protected?

The Committee has also added a specific reference to the defense of colour of right, which is a property concept that has no relevance to animal crimes and has never been used successfully as a defence to an animal cruelty case. This change is yet another indication of the committee members folding to industry pressures and could lead to confusion in the courts. The offense of killing an animal without lawful excuse has been removed by the Committee, and instead, the word death has been inserted into the clause that addresses unnecessary pain and suffering. These changes do not improve the Bill and, in fact, make the legislation more confusing.

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The most damaging amendment is the addition of a new provision to give special treatment to traditional Aboriginal trapping, hunting and harvesting practices. Section 35 of the Constitution already recognizes and affirms the existing aboriginal and treaty rights of the Indian, Inuit and Métis peoples of Canada. There are no other places in the Criminal Code where special protection is granted to Aboriginals. Seven of the 12 senators did not support this amendment, and the CFHS hopes that their sentiments will carry out in the full Senate.

Richard Mosley, Assistant-Deputy Minister in the Justice Department, already warned the Committee during an April 30, 2003, meeting that adding such a clause to the Bill could give the impression that “this is not an issue about a right to hunt or fish. (...) You cannot pass an act that says that Aboriginal persons are entitled to be cruel. Surely that is not what you hope to achieve.”

“The Canadian Federation of Humane Societies, on behalf of more than 100 humane societies and SPCAs and some 400,000 Canadians, is asking the Senate to see beyond the industry paranoia to the Bill’s original intent, which was to offer added protection to animals in Canada,” continues Mr. Van Tongerloo. “The Senate has one last chance to listen to the hundreds of thousands of Canadians who have demanded that Bill C-10B passes through third reading without further amendments.”

The Association of Chiefs of Police, the RCMP Staff Association, the Canadian Veterinary Medical Association, and the provincial governments of Ontario, Nova Scotia and New Brunswick have supported the modernization of Canada’s animal cruelty laws. As the national voice on animal welfare issues, CFHS represents over 100 humane societies and speaks collectively for more than 400,000 individuals. CFHS is a charitable organization committed to ending the suffering of animals by working with the public, government, industry, the scientific community, educators and the media on both the national and local levels toward this goal.

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For more information, please contact:

Tanya O'Callaghan  
Communications Coordinator  
Canadian Federation of Humane Societies  
T: (613) 224-8072 or (819) 595-0215  
[tanyao@cfhs.ca](mailto:tanyao@cfhs.ca)

Shelagh MacDonald  
Program Director  
Canadian Federation of Humane Societies  
T: (613) 224-8072 or (613) 761-7623  
[shelaghm@cfhs.ca](mailto:shelaghm@cfhs.ca)