



Ontario Federation of Agriculture

Ontario AgriCentre

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The Ontario Federation of Agriculture (OFA) is Canada's largest voluntary general farm organization, representing more than 36,000 family farm businesses across Ontario. These farm businesses form the backbone of our robust food system and rural communities with the potential to drive the Ontario economy forward.

Bill C-246 is a federal Private Member's Bill to amend the Criminal Code, the Fisheries Act, the Textile Labelling Act, the Wild Animal and Plant Protection Act, Regulation of International and Interprovincial Trade Act and the Canada Consumer Products Safety Act (animal protection).

The Ontario Federation of Agriculture has been told the fundamental intent of Bill C-246 is to address the practice of shark finning and the labelling of textiles containing cat and dog fur. OFA is not opposed to this initiative. However, Bill C-246 proposes a number of significant changes to the "animal cruelty" provisions in the Criminal Code, which threaten animal agriculture and other legitimate animal use activities. The Ontario Federation of Agriculture categorically opposes the proposed Criminal Code amendments in Bill C-246.

The Criminal Code has longstanding and extensive provisions against cruelty to animals. The courts have interpreted these provisions as permitting a range of lawful activities, including animal agriculture, livestock slaughter, hunting, fishing, etc. Canada has collaboratively developed codes of practice for the care and handling of farm animals. These codes are routinely reviewed and updated, and serve to guide farm animal care practices.

In 2008, penalties were significantly increased (from 6 months imprisonment and/or a \$2000 fine to 5 years imprisonment and/or a \$10,000 fine). The 2015 amendments raised the penalties for animal cruelty against law enforcement animals and service animals. Neither amendment contained language that would impede or prevent traditional and accepted animal uses and practices.

Among the OFA's concerns with Bill C-246:

- i. The animal cruelty provisions would be moved from Part XI, "Wilful and Forbidden Acts in Respect of Certain Property" to Part V.1. Part V deals with "Sexual Offences, Public Morals and Disorderly Conduct"; the message being that animals are not property and crime against animals are associated with sexual offences.
- ii. One result of the transfer is that established case law and precedence are lost.
- iii. Section 182.1 adds "recklessly" to the existing "wilfully" for causing unnecessary pain, suffering or injury. This could expand the conduct that could be criminalized.
- iv. The current Criminal Code doesn't focus on killing an animal, but rather on causing unnecessary pain, suffering or injury. C-246 adds killing an animal or permitting an animal to be killed "brutally or viciously" as well as killing an animal without lawful excuse. Brutally or viciously are new terms, meaning there is no case law and no precedence.
- v. The proposed new provisions, sections 182.1 to 182.6 contain **no** definition of an "animal". Most, if not all of the failed amendments at least defined an animal.
- vi. The penalty provisions are unchanged from the current penalties in Part XI.
- vii. Although proponents of C-246 speak about it addressing "puppy mills", the Bill contains no provisions pertaining to puppy or kitten mills.

The Ontario Federation of Agriculture is opposed to the proposed Criminal Code amendments in Bill C-246. OFA is not opposed to the other provisions addressing bestiality, shark finning and labelling textiles containing cat and dog fur.

Sincerely,

A handwritten signature in black ink, appearing to read "Don McCabe". The signature is fluid and cursive, with a large initial "D" and a distinct "M" at the end.

Don McCabe
President