



CANADIAN VETERINARY
MEDICAL ASSOCIATION

L'ASSOCIATION CANADIENNE
DES MÉDECINS VÉTÉRINAIRES

339, rue Booth Street
Ottawa (Ontario) K1R 7K1

t • (800) 567-2862

f • (613) 236-9681

admin@cvma-acmv.org

Dear <<name>>:

The Canadian Veterinary Medical Association (CVMA) is the national and international voice for Canada's veterinarians, providing leadership and advocacy for veterinary medicine. The CVMA's focal points are animal health and welfare and public and ecosystem health.

The CVMA has been involved in efforts to modernize and strengthen protections for animals in the Criminal Code since 1998. Some key areas of CVMA contribution include written input to the Justice Department's consultation paper on Crimes Against Animals (December 1998), and oral presentations to the Standing Committee on Justice and Human Rights (support of Bill C-15B, October 2001) and the Standing Senate Committee on Legal and Constitutional Affairs (objections to S-213, December 2006).

The CVMA is pleased to express its support for Bill C-246, the Modernizing Animal Protections Act, introduced by MP Nathaniel Erskine-Smith on February 26, 2016. The CVMA recognizes that the proposed Criminal Code amendments in Bill C-246 are based on the earlier legislation, which passed all three readings in the House of Commons and second reading in Senate. The legislation was last introduced as a Liberal government bill (Bill C-50) by Justice Minister Irwin Cotler in May 2005. C-50 took into consideration the Senate's proposed amendments but it died when Parliament subsequently dissolved. C-246 is based on C-50.

Veterinarians are often the first professionals to examine an abused animal. Effective legislation is an important tool to help all those who deal with abused animals, including humane societies and law enforcement agencies. There is overwhelming evidence of a direct link between abuse of animals and violence towards people, especially other members of the family—children, spouse, elders. Legislation that deals more effectively with cruelty to animals may help to play a role in breaking the cycles of violence in communities.

The CVMA continues to support efforts to strengthen the Criminal Code's existing animal cruelty provisions. Key amendments in C-246 will:

- Close loopholes related to animal fighting, making it illegal to train, breed, or profit from animal fighting (182.1.1.e.f).
- Create a gross negligence offence, with negligently defined as "departing markedly from the standard of care that a reasonable person would use" (182.2).
- Create a new offence for killing an animal "brutally or viciously" regardless of whether the animal dies immediately (182.1.1.b).
- Remove animals from the property section to Part V.1 "Offences against animals." (This does not change animals' legal status as property.)

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C-246 includes a definition of bestiality (“sexual conduct between a person and an animal”) to address a recent BC Court of Appeal decision that interpreted bestiality to require penetration.

Bill C-246 targets criminal animal and abuse. It does not threaten traditional areas of animal use. The inclusion of section 182.4 (“Common law defences”) in C-246 makes it explicit that sections 8(3) and 429(2) of the Criminal Code continue to apply, to give assurances to hunters, farmers, fishermen, and researchers that all existing legal justifications and excuses continue to apply so that traditionally accepted practices are not endangered. Section 182.5 specifically provides that nothing in the bill “shall abrogate or derogate from the protection provided for existing aboriginal or treaty rights.”

Given the above, the CVMA strongly supports passage of C-246 at second reading and looks forward to providing more detailed and in-depth input at the Committee hearings.

Sincerely,

A handwritten signature in blue ink, appearing to read "Nicole Gallant", with a long, sweeping horizontal stroke extending to the right.

Nicole Gallant, DVM
President / Présidente

CANADIAN VETERINARY MEDICAL ASSOCIATION /
Association canadienne de médecins vétérinaires

339 rue Booth Street

Ottawa, ON K1R 7K1

T: 613-236-1162, ext. 111

TF: 800-567-2862

<http://canadianveterinarians.net> <http://veterinairesauCanada.net>