

## PRIVATE MEMBERS' PUBLIC BILLS

[English]

**The Acting Speaker (Mr. Blaker):** Shall all orders listed under Private Members' Public Bills preceding Order No. 207 be allowed to stand by unanimous consent?

**Some Hon. Members:** Agreed.

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### CRIMINAL CODE

#### AMENDMENT RESPECTING CRUELTY TO ANIMALS

**Mr. Bill Clarke (Vancouver Quadra)** moved that Bill C-407, an Act to amend the Criminal Code (cruelty to animals), be read the second time and referred to the Standing Committee on Justice and Legal Affairs.

He said: Mr. Speaker, it gives me great pleasure to stand at last and say a few words about this Bill to the House. It is one that had its first reading over three years ago on May 2, 1980, and I hope that it is not a measure of the esteem that the House has for our friends from the animal kingdom that it has taken over three years to arrive at this debate.

I should say at the outset, Mr. Speaker, that this Bill does not touch upon laboratory testing or experimentation with animals. Great advances have been made in medical research through the controlled laboratory testing of and experiments on animals. This important aspect of the situation was discussed in some detail this week by a well-known columnist, none other than Ann Landers. In reference to the alleged cruelty to animals in research laboratories, that well-known columnist observed, probably speaking about the United States of America, that 13 million dogs and cats alone were destroyed in shelters in that country last year because no one wanted them. As well, Mr. Speaker, she pointed out that:

Animal experimentation made it possible to immunize millions of children, all over the world, against polio, diphtheria, mumps, measles, hepatitis, etc. Add to that list every person who receives an antibiotic to fight infection, insulin for diabetes, anti-inflammatory agents for arthritis, chemotherapy for cancer, medication to control hypertension and drugs for the treatment of mental illness.

Every person who has undergone the replacement of a joint, or the reattachment of a severed finger or limb, kidney dialysis, heart surgery or organ transplantation owes a debt to animal experimentation.

Those procedures are carried out under controlled circumstances, and I point out again that they are not the subject of the debate today. We should recognize that the alternative to using animals in laboratories is of course the use of humans, which use I have not heard advocated. I quote now from the Bill:

The purpose of this Bill is to enlarge the scope of subsection 402(1) of the *Criminal Code* prohibiting cruelty to animals. This is done in three ways; first, it expands the application of these provisions to anyone who causes wilful or negligent injury to an animal. Second, it provides that an owner cannot permit negligent or wilful damage to an animal or bird and, third, it imposes a duty on the part of owners and those in control of animals to provide them with suitable maintenance.

### *Cruelty to Animals*

This will mean that owners and others who are keeping animals will have to provide a standard of care such that the animals' health cannot be impaired by the actions of that person or of strangers. Moreover, this expansion of the subsection will make it more enforceable as it will clearly encompass negligent as well as wilful behaviour in regard to the care of animals or birds.

Now, the present Section 402(1) of the Criminal Code does list a number of offences, but some of the definitions are too skimpy. In order to detail the proposed changes, I would like to read the first three paragraphs of Subsection 402(1), which read as follows:

Everyone commits an offence who

- (a) wilfully causes or, being the owner, wilfully permits to be caused unnecessary pain, suffering or injury to an animal or bird,
- (b) by wilful neglect causes damage or injury to animals or birds while they are being driven or conveyed,
- (c) being the owner or the person having the custody or control of a domestic animal or bird or an animal or bird wild by nature that is in captivity, abandons it in distress or wilfully neglects or fails to provide suitable and adequate food, water, shelter and care for it.

Those are the first three paragraphs, Mr. Speaker, of Subsection (1) of Section 402.

The proposal that I make in Bill C-407 is a very simple one and it is that those three paragraphs be repealed and be substituted by three subsections which would read as follows:

- (a) wilfully or negligently causes unnecessary hardship, privation, suffering or injury to any animal or bird,
- (b) being the owner or a person having custody or control of any animal or bird, wilfully or negligently permits unnecessary hardship, privation, suffering or injury to be caused to such animal or bird,
- (c) being the owner or a person having custody or control of any animal or bird, abandons it in distress or wilfully or negligently fails to provide suitable and adequate food, water, shelter and care for it.

● (1520)

To summarize, Mr. Speaker, the comparisons are that the old Code refers to pain, suffering or injury, whereas the clause I am proposing uses the terminology "hardship, privation, suffering or injury". After all, pain is a matter of subjective definition and hardship and privation would extend that definition.

The word "negligently" has been added in all three paragraphs because wilful action was the only provision made in the old wording. The original provision referred to wilful neglect while being driven or conveyed. That is now eliminated because it is included in the new definition of hardship, privation, suffering or injury.

Finally, Mr. Speaker, the new wording expands the definition of animal or bird by the use of the word "any". This means that now the animal concerned does not have to be a domestic or wild animal but would be any animal or bird.

I ask the support of the House for this Bill which will be to the benefit of our furred and feathered friends. I hope all Members of the House will feel as charitably about this as I do.

**Mr. Jack Masters (Thunder Bay-Nipigon):** Mr. Speaker, I think we all appreciate the concern of the Hon. Member for