

wan the full benefit of all future windfall profits and to encourage further exploration and research in Saskatchewan.

In a statement to the House on December 6, the Prime Minister said that the exploration company would undertake exploration in the Northwest Territories and in the provinces. I wonder whether the federal government will set up an exploration agency which will turn to the provinces of Saskatchewan, Alberta, British Columbia and Manitoba and take out a licence to explore for oil in those provinces. Is that the intention? There are many loose ends lying around here. It was pointed out to the Minister of Finance by the Leader of the Official Opposition and by the energy spokesman for our party in the initial stages of discussion on second reading—

**The Chairman:** Order, please. I wonder if the hon. member would not agree that this is a good point at which to recognize that it is four o'clock. If so, and I thank the hon. member for his co-operation, it is my duty to rise, report progress and request leave to consider the bill again at the next sitting of the House.

Progress reported.

[Translation]

**The Acting Speaker (Mr. Boulanger):** It being four o'clock, the House will now proceed to the consideration of private members' business as listed on today's order paper, namely public bills, notices of motions and private bills.

• (1600)

[English]

**Mr. Reid:** Mr. Speaker, I believe there have been consultations and agreement to take Bill C-46 standing in the name of the hon. member for Surrey-White Rock (Mr. Mather).

## PRIVATE MEMBERS' PUBLIC BILLS

[English]

### CRIMINAL CODE

#### MEASURE TO PROHIBIT OWNERSHIP OF PETS BY PERSONS CONVICTED OF CRUELTY TO ANIMALS

**Mr. Barry Mather (Surrey-White Rock)** moved that Bill C-46, 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, Bill C-46 now before the House is one which I introduced five or six years ago, and the government has taken some action along the lines proposed in it. Actually, I had thought of dropping the bill, giving credit to the government for acting in that way and trying to take a little credit myself for inspiring that action. However, as one active in the parliamentary animal welfare committee I am in contact with the Animal Welfare Federation of Canada and I have found from them, from the SPCA and generally speaking from the humane movement throughout the country that there

### *Cruelty to Animals*

is still need for action in line with what this bill proposes. As a result, I have left the bill on the order paper and I am grateful for having these few minutes to explain why I think that at least the subject matter of the bill should be referred to a standing committee for further consideration.

The explanatory notes to the bill state:

The purpose of this bill is to enable a magistrate who has imposed a sentence upon a person convicted of an offence of cruelty to animals to prohibit also such person from owning, harbouring or otherwise possessing an animal or a bird for a stated period of time as part of the sentence.

At present, magistrates are limited to fining or jailing any person convicted of cruelty to animals. The vast majority of magistrates are most reluctant to ever impose a jail sentence for this type of crime.

I have already given some recognition to the fact that the government has taken steps in line with this private member's bill. Actually, this was done when the Prime Minister (Mr. Trudeau) was minister of justice. It would have done a great deal of good except for the fact that the government qualified what was proposed to the extent that persons found guilty of cruelty to animals suffer no prohibition of ownership of animals or birds until they have been convicted for a second time. The power of prohibiting these people from animal ownership is given to magistrates only on a second offence. According to the SPCA and the humane societies, this makes very little sense and I am told that some of the courts are also unhappy with the present legislation. Magistrates will rarely jail a person for animal cruelty to animals. Fines are a most inequitable manner of handing out punishment. A large corporation such as a multimillion-dollar railway company can be, and in fact has been, involved in some phase of cruelty to animals and fined only \$100. A pet shop may be fined \$50.

The key to curtailing cruelty to animals in this area is to give power to the magistrates to prohibit ownership of pets. For the law to continue to allow the guilty to own animals or birds, thus letting them be mistreated for a further period, is very wrong. As you know, Mr. Speaker, the courts are clogged with various other types of cases. With their limited resources it is most difficult for the humane societies of the country to bring persons to court; and when a person is brought to court he may be released with a warning not to commit the offence again.

It is true that in British Columbia and Ontario under other legislation there is power to remove a mistreated bird or animal from ownership for a limited period of time. But while this may be some help, it does very little to stop the cruelty that goes on, some of it of a rather gruesome nature. What is wanted by the animal welfare movement is a clear provision in the Criminal Code, effective right across the nation, which will on a first offence prohibit ownership or possession of animals or birds for a period of at least, I would say, two years.

There is every protection now in the law for the convicted party to appeal. His rights are well protected in the ordinary way under the present judicial system. Prohibition of ownership is the one effective and exemplary punishment which will ease the suffering of so many birds and animals that are in captivity.