

Government Orders

This urgent need to better protect our wild animals and plants has led to the first overhaul of federal legislative trade controls on Canadian wildlife in half a century. This reform is long overdue. Present instruments to control trade in wild species are complicated and unfortunately inadequate.

For example, at present, Canada's Department of External Affairs is responsible for the legislation through which the CITES Convention is now enforced in Canada. This is done under regulations of the Export and Import Permits Act which was initially passed in 1947 following the establishment of various trade controls during World War II for supply and other reasons.

As things stand now, Customs Canada and the RCMP are the only enforcement bodies with the legal authority to make interventions in this field. As excellent as these groups are, they have many other responsibilities and priorities and are not necessarily fully trained in or familiar with wildlife and conservation issues. Under present arrangements, the responsibilities of the federal department most related to the issue, Environment Canada, are either non-existent or strictly limited.

Similarly, the Game Export Act of 1941, which controls interprovincial transport and export of Canadian wildlife, is weak and dated. It applies only to dead game and fur, yet live specimens and non-game species are poached and smuggled. Its enforcement powers are weak. For example, there is no power to inspect. Penalties are limited to a maximum of \$1,000. There is also a need to introduce into federal legislation flexibility which does not exist presently under the Game Export Act.

The inadequacy of legislation in this field has long been recognized. As early as 1953, recommendations were made by federal-provincial wildlife conferences to the effect that the Game Export Act be changed to better control exports, imports and interprovincial shipments of live game.

Further recommendations regarding wildlife were made in 1957, 1960, 1961, 1968 and 1970 and yet few legal instruments were passed. Despite these recommendations to expand and improve inspection for wild species, until now legislation in these areas remained a helpless hodge-podge of far from satisfactory federal measures.

Because the existing laws in this field have been weak and dated, Canada's implementation of the CITES Convention and the Game Export Act has been severely hampered and wildlife has suffered the consequences.

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From 1982 to 1985 the federal government presented white papers on the topic to the provinces. Then in 1987 the consultations which led to the present legislation began in earnest, each new version of the draft bill a refinement of its predecessor. Four workshops were held during 1990. These helped develop and define the roles and responsibilities of the federal and provincial governments and helped outline the regulations that would be needed to prevent poaching and smuggling of wild species.

The result is Bill C-42, the bill that is before us now: its prohibitions, regulatory authorities and planned administrative delegation of responsibilities. The proposed act respecting the protection of certain species of wild animals and plants will give the federal government through Environment Canada the authority, first, to control import or export of wild animals or plants, or their parts or products, according to the international agreements and the conservation laws of other countries.

Second, it will be given the authority to control import or transport from one province to another of designated live wild animals and plants, thereby preventing the introduction of species potentially harmful to Canada's ecosystems, or to the ecosystems of a receiving province.

Third is the control of transport from one province to another of any wild animals or plants, or their parts or products, that had been obtained or removed in contravention to conservation laws of a province.

Fourth, it can prohibit the possession of wild animals and plants, or their parts or products, that have been imported or transported or about to be exported or transported in violation of the act.

Fifth, subject to regulations for conservation purposes, it has the authority to prohibit possession of endangered wild animals and plants, or their parts or products, if possessed in order to sell or distribute them.