



The Mark Holland Update



August 2005

Mark Holland, Member of Parliament., Ajax-Pickering

Holland urges passage of animal cruelty bill

Dear Constituents,

In December 1999, the federal government introduced a number of amendments to the Criminal Code to modernize Canada's laws against cruelty to animals. Who would have thought that nearly six years later a revised version of that bill would still be languishing at the first reading stage in the House of Commons?

I applaud Justice Minister Irwin Cotler for reintroducing the bill, now called C-50, in May, but it is frankly a national embarrassment that this legislation wasn't passed long ago.

This bill has been known by seven different names in its long history. It has died a number of times when elections were called, and it has been a

political football tossed back and forth between the House of Commons and the Senate. Since being elected last year, I have been arguing that passage of this bill must be a priority for the government. We need it now.

Our current federal laws on animal cruelty were enacted in 1892, while Victoria was still Queen. They were slightly revised in 1956, but they remain sadly out of date. They reflect an attitude that animals are merely property, and there are numerous loopholes that allow serious offenders off the hook. We need harsher penalties for those who wantonly abuse animals. Indeed our federal laws are so inadequate that authorities often resort to using provincial

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Timeline: How a bill became a 6-year political football

It's taken nearly six years since the federal government first introduced revisions to the Criminal Code dealing with animal cruelty. A revised bill is still only at first reading stage. For years, the bill was controversial because of differences between animal welfare groups and those who use animals for their livelihood or sport. Later, it became a political football, literally tossed back and forth between the House of Commons and the Senate. Here's a condensed legislative timeline of why it's taken so long:

- December 1, 1999 - Bill C-17 is introduced as an omnibus bill to reform a number of unrelated sections of the Criminal Code, including cruelty to animals. The bill is debated at second reading on Sept. 26, 2000,
- but dies when the federal election is called for November 27, 2000.
- The legislation is reintroduced on March 14, 2001 as Bill C-15, but in September 2001, after debating it at second reading, the House instructs the Justice Committee to split it into two bills.
- In October 2001, the legislation is split into two separate bills, C-15A and C-15B. The portion dealing with animal cruelty is included in C15B, along with unrelated changes affecting firearms.
- In December 2001, the Justice Committee reports C-15B back to the House with a number of amendments. Throughout the winter and spring of 2002, it is debated at report and third reading stages, and is finally

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legislation against animal abusers instead.

Part of the problem in the past has been that those who use animals, either for their livelihood or for sport, have feared that the new law might be used by animal rights advocates to curtail their activities. Such concerns were voiced in the past by farmers, hunters, anglers and medical researchers, among others. Over the years, there has been extensive debate, and a number of amendments were made to address concerns of those groups. As a result, C-50 is a much more balanced bill than it was when it was first introduced.

In October last year, I wanted to underline that this legislation now has support from both sides of the debate, and that a compromise had been reached. I wrote a letter to Minister Cotler urging him to reintroduce this legislation without delay. My co-author of this letter was Huron-Bruce MP Paul Steckle—chosen to underline that this bill reflects a consensus between advocates of animal welfare, and those who use animals in their livelihood or sport. I have long been an advocate of animal welfare, and personally I am a vegetarian. Mr. Steckle is an avid hunter whose office is decorated with trophy animal heads. He represents a rural riding, and has long been involved in agriculture. Although our views towards animals are at polar opposites, we wanted to show that this bill now has support from those on all sides of this issue.

The following month, about 30 different organizations representing such diverse animal users as farmers, the fur industry, rodeos, and medical researchers and others sent a joint letter to Minister Cotler approving the consensus and urging passage of the bill without delay. Animal welfare groups, such as the Canadian Federation of Humane Societies, have supported the bill since its early days.

Clearly the bill is aimed at those who abuse animals through intentional cruelty, or through gross negligence. It doesn't go after those who use or slaughter animals for lawful purposes such as meat, hunting, pest control, etc. While I would like to see more humane methods adopted in some of these activities, it is important to recognize that the Criminal Code is not the appropriate vehicle to achieve these changes. It is intended to prosecute criminals, not farmers or hunters.



An SPCA investigator in Richmond, BC shows the small plastic box where JiJi, a young Rottweiler, was kept confined through the day, and chained to an anvil. JiJi couldn't stand up or move in the box. Her owners, who didn't want her defecating in the yard, have been charged under provincial legislation, and the traumatized dog has since been adopted by a veterinarian. (Photo Courtesy BC SPCA).

Unfortunately, there are those who continue to play politics, blocking this bill's passage.

On February 3, Liberal Senator John G. Bryden introduced Bill S-24. This unfortunate bill consists of many half measures, and it leaves open the gaping loopholes of the present legislation. While it does increase penalties for animal abuse, it deviates greatly from the consensus achieved over more than five years of discussion and debate. Most notably, it leaves animal cruelty in the "property" section of

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Timeline: How a bill became a 6-year political football

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- passed by the House of Commons on June 4, 2002, but it must go to the Senate.
- In September 2002, Parliament prorogues, effectively wiping the slate clean of all legislation currently in progress. On October 9, 2002, Bill C-15B is reintroduced as C-10 and deemed to have passed all stages in the House. It returns to the Senate.
 - As a result of opposition to certain provisions in the bill from various animal users and industries, the bill has become controversial. It is debated extensively by the Senate Committee on Legal and Constitutional Affairs into the winter of 2002-03. That committee wants the bill split again to separate the animal cruelty and firearms provisions. In a precedent-setting move, the Senate indicates it will only pass C-10A (the firearms portion), and it wants more time to debate C-10B (the animal cruelty portion). The Senate sends a note to the House asking that the House split the bill in two.
 - Finally, the Senate passes C-10B on May 29, 2003, but it makes a number of amendments. As legislation must be passed in identical forms by both houses of Parliament, the bill is returned to the House to seek concurrence on the Senate amendments.
 - On June 6, 2003, the House passes a revised bill accepting some but not all of the Senate's amendments. A particular sticking point is whether there should be an explicit exemption allowing traditional aboriginal hunting practices, even when these might be considered cruel. The Department of Justice insists that such an amendment isn't required, because aboriginal treaty rights are already protected by the Constitution.
 - In September 2003, the Senate debates the revised bill and passes it, but insists on including certain amendments that were rejected by the House. The House debates these changes, but on September 29, 2003, it votes to send the bill back to the Senate, insisting on the version that was passed on June 6, 2003.
 - In November 2003, Parliament prorogues and again the legislative slate is wiped clean. On March 8, 2004, under a new Justice Minister and new Prime Minister, the bill is again reintroduced, this time as C-22. The new bill incorporates the June 6, 2003 amendments, and it is deemed to have passed all three readings in the House. It returns to the Senate, where it is stalled.
 - On June 28, 2004, there is a general election resulting in a new Parliament and a Liberal minority government. All legislation still in progress in the previous Parliament dies, including Bill C-22.
 - Fall of 2004: MP Mark Holland and others, including organizations representing both animal welfare and animal user interests urge Justice Minister Irwin Cotler to reintroduce Bill C-22 without making any substantive changes, except to address the issue of traditional aboriginal hunting.
 - February 3, 2005: Liberal Senator John G. Bryden introduces bill S-24 in the Senate. This bill would raise penalties for animal cruelty, but it ignores most of the other provisions of the government's bill, deviating from the consensus that has finally been achieved between animal welfare and animal user groups.
 - May 16, 2005: Nearly a year after the general election, the Justice Minister introduces Bill C-50 in the House. This is essentially the same as C-22, except that a change has been made to address the aboriginal hunting question and to reaffirm Constitutional treaty rights. As of yet, Bill C-50 has not been debated.



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the Criminal Code, and it fails to add a number of new offenses, such as training an animal to fight other animals, and “brutally or viciously” killing an animal. His bill is now in the Senate, and hopefully Senators will defeat it at the earliest opportunity.

More recently, several angling and hunting organizations that didn’t sign the November letter obtained a legal opinion against C-50. It rehashed some of the old arguments that had long ago been addressed. Its main objection, however, is to the section that makes it an offence to kill an animal “brutally or viciously.”

This is a red herring and a delaying tactic. I don’t know any responsible hunters who believe

they should be able to kill animals “brutally or viciously.” Why a group should demand that right is beyond me, and frankly it reflects badly on the many responsible hunters.

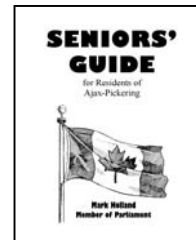
In six years, there’s been more than enough politics, and consensus has been reached. When the House returns this fall, quick passage of Bill C-50 must be among the first orders of business.



**Mark Holland, M.P.,
Ajax-Pickering**

Mark Holland publishes Seniors’ Guide

Mark has recently published a 56-page Seniors’ Guide for Residents of Ajax-Pickering, which is packed full of useful information for local seniors. The book contains information about federal government programs of interest to seniors, as well as health and safety information and other local information from a variety of sources. To request a free copy, call, write or e-mail Mark’s office at the numbers below.



Town Hall Meetings

Town hall meetings give constituents an opportunity to discuss with MP Mark Holland federal issues that are on their minds. Mark will be holding these meetings periodically in different parts of the constituency. All constituents are welcome to participate.

Friday, September 30, 2005

Time: 7 p.m. - 9:30 p.m.

Place: Ajax Community Centre, Admiral's Room

Topic: Any federal concerns

Friday, October 21, 2005

Time: 7 p.m. - 9:30 p.m.

Place: McLean Community Centre, Community Room #3

Topic: Any federal concerns

Times and locations are subject to change. Please call the constituency office or check for updates on Mark’s website at: **www.markholland.ca**.

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