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Mr. Anthony Housefather

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• (0845)

[English]

The Chair (Mr. Anthony Housefather (Mount Royal, Lib.)): Good morning, everyone, and welcome to the first public meeting in the new year of the Standing Committee on Justice and Human Rights. It is an incredible pleasure to welcome our new Minister of Justice and Attorney General of Canada, Mr. David Lametti, to our committee for the first time.

Welcome, Minister.

Hon. David Lametti (Minister of Justice and Attorney General of Canada): Thank you.

The Chair: Congratulations on your appointment. I know we are all very excited to work with you.

And it's also a pleasure to welcome Mr. Barrett to our committee.

Welcome, Mr. Barrett, and congratulations on your election.

Mr. Michael Barrett (Leeds—Grenville—Thousand Islands and Rideau Lakes, CPC): Thank you.

The Chair: It's a pleasure this morning to be joined by Ms. Schulte as well.

Welcome.

The minister this morning is joined by Mr. François Daigle, the associate deputy minister.

Welcome, Mr. Daigle.

[Translation]

Mr. François Daigle (Associate Deputy Minister, Department of Justice): Good morning.

[English]

The Chair: Our returning champion, who I think has been here now a dozen times, is Ms. Laurie Wright, the senior assistant deputy minister.

It's always a pleasure to have you, Ms. Wright. Welcome.

Ms. Laurie Wright (Senior Assistant Deputy Minister, Department of Justice): Thank you, Mr. Chair.

The Chair: The reason the minister and the department are here this morning is that the committee is commencing its study of Bill C-84, An Act to amend the Criminal Code (bestiality and animal fighting). For that reason, I'm also very pleased that Mr. Erskine-

Smith is joining us today, and will be joining us for our hearings on C-84, as he was instrumental in helping to develop this bill.

Welcome, Mr. Erskine-Smith.

Mr. Nathaniel Erskine-Smith (Beaches—East York, Lib.): Thank you.

The Chair: Mr. Minister, you have your opening statement, and the floor is yours.

Hon. David Lametti: Thank you very much, Mr. Chair.

[Translation]

Mr. Chair, I'm very pleased to be here today, appearing for the first time as the Minister of Justice, to discuss Bill C-84, An Act to amend the Criminal Code (bestiality and animal fighting).

The amendments in the bill reflect our government's ongoing commitment to examine our criminal justice system to ensure the laws protect our most vulnerable and reflect our shared values.

This in-depth review of our criminal justice system has resulted in vital bills studied and thoughtfully amended by the committee. I want to thank you for the important work you do and the work you will be doing on Bill C-84.

[English]

This bill before is a result of significant consultation and collaboration with key stakeholders. We have received broad support on these amendments from child protection groups and organizations like the Canadian Federation of Humane Societies, the Canadian Veterinary Medical Association, and the Canadian Federation of Agriculture.

I would like to thank them for their advocacy and support in this endeavour, which truly reflects a common-ground approach to addressing a critical gap in the Criminal Code's bestiality offences. I would also like to recognize the advocacy of many of our colleagues, including, in particular, Mr. Erskine-Smith.

Bill C-84, is a direct response to the Supreme Court of Canada's decision in the *R. v. D.L.W.*, where the court found that in the absence of a statutory definition in the Criminal Code, the common law meaning of bestiality is limited only to penetrative sexual acts.

• (0850)

[Translation]

That is why Bill C-84 seeks to add a definition of the term “bestiality” to section 160 of the Criminal Code, in order to make clear Parliament's intent of ensuring that bestiality offences apply to all acts, for a sexual purpose, with an animal.

As a side note, I would add that the expression “for a sexual purpose”, which appears in a number of other Criminal Code provisions—namely, in reference to child pornography in section 163.1, luring a child in section 172.1 and making sexually explicit material available to a child in section 171.1—is well understood by the courts and does not apply to legitimate animal breeding practices such as artificial insemination or veterinary practices.

In its 2001 decision in *R. v. Sharpe*, the Supreme Court of Canada interpreted the expression in the context of child pornography to mean an act that, viewed objectively, was committed for the sexual gratification of the accused. The expression is therefore used in Bill C-84 to interpret the offence of bestiality.

[*English*]

This is a crucial amendment to ensure the protection of children from sexual abuse, an objective that has always been a priority for our government and indeed all parliamentarians.

Thanks to the important work by the Canadian Violence Link Coalition, including the Canadian Centre for Child Protection, we know more about the link between animal sexual abuse and the sexual abuse of children, as well as other forms of violence. Research shows that bestiality offences are not isolated events, but rather are usually part of a pattern of vicious treatment of both children and animals. Bill C-84, therefore, sends a strong message that bestiality is one of the most severe and violent acts against children, vulnerable persons, as well as animals and that it has no place in Canadian society.

[*Translation*]

In addition to closing that gap in the Criminal Code, the bill seeks to strengthen animal protection measures by broadening the scope of legislative provisions that prohibit animal fighting.

Currently, paragraph 445.1(1)(b) of the Criminal Code makes it an offence for anyone to encourage, aid or assist the fighting or baiting of animals. Furthermore, under section 447 of the Criminal Code, it is an offence for someone to build, make, maintain or keep a cockpit on premises that they own or occupy, or to allow a cockpit to be built, made, maintained or kept on such premises.

An individual who commits any of these offences is liable, on conviction on indictment, to imprisonment for a term of up to five years or, on summary conviction, to a fine of up to \$10,000 or to imprisonment for a term of up to 18 months or both.

For many Canadians, animals are a meaningful extension of the family, and we have an obligation to protect them. Bill C-84 proposes two important amendments to strengthen the criminal sanctions against animal fighting in the Criminal Code.

First, it amends the animal fighting offence in paragraph 445.1(1)(b) in order to address a gap. Currently, the offence prohibits anyone from encouraging, aiding or assisting the fighting or baiting of animals, but the bill seeks to broaden the offence to specifically prohibit profiting from animal fighting and training, transporting or breeding animals for the purposes of baiting or fighting.

By clearly outlining the prohibited offences proposed, the bill will make it easier for law enforcement to lay charges and for the Crown to prosecute those offences.

Second, the bill amends section 447 to expand the offence related to the keeping of a cockpit to include any arena for animal fighting. Currently, under the Criminal Code, the offence applies only to a cockpit, excluding arenas for the purpose of dogfighting and other types of animal fighting.

These are important changes because they clearly prohibit a wider range of activities often associated with this terrible crime.

● (0855)

[*English*]

Due to its underground nature, it is not known how often animal fighting, especially dogfighting, takes place in Canada. However, we do know that it is a significant problem linked to organized crime, including illegal gambling and the illicit trafficking of drugs and weapons. Moreover, the dogs that are used in fights are often seriously wounded or killed. The proposed reforms would make clear that animal fighting is a cruel and abhorrent activity that simply has no place in Canadian society.

I would also like to take this opportunity to clarify that these reforms to the animal fighting provisions do not apply to any legitimate activities, such as hunting, training, or using a dog for protection. This is important and I know that many Canadians will wish to be assured of this fact.

[*Translation*]

Before concluding, I'd like to acknowledge that some stakeholders and parliamentarians feel that Bill C-84 does not go far enough to strengthen animal protection measures.

Bill C-84 is a targeted response, based on extensive consultation, in order to protect the most vulnerable members of society through a common approach. The bill addresses two specific issues with widespread support from the public, the provinces and territories, child protection stakeholders, as well as animal welfare advocates and members of sectors that make use of animals. The Canadian Federation of Humane Societies, the Canadian Federation of Agriculture, the Canadian Veterinary Medical Association and 10 agricultural stakeholder groups have all called for amended animal fighting and bestiality provisions.

[*English*]

In closing, I'd like to remind the committee that the impact of these reforms will be to provide significantly greater protection for children and vulnerable persons, as well as for animals. While the proposed reforms in this bill are targeted at two of the most serious issues, our government is committed to ensuring that all appropriate protections are extended to the most vulnerable and accordingly will continue our comprehensive review of the criminal justice system for further amendments.

I'm looking forward to hearing from Canadians on this, and I'm sure I will hear from the committee on this.

Thank you for your time today. I'd be happy to take any questions you may have.

[Translation]

The Chair: Thank you very much, Minister.

As agreed, we will have two rounds of questions.

Mr. Cooper will start us off.

[English]

Mr. Michael Cooper (St. Albert—Edmonton, CPC): Thank you, Mr. Chair, and thank you, Mr. Minister. Once again, congratulations on your appointment. I know you bring a great deal of experience, and I have every confidence that you're more than capable of fulfilling your duties as Minister of Justice, so again, congratulations.

Hon. David Lametti: Thank you.

Mr. Michael Cooper: With respect to the bestiality loophole following the D.L.W. decision of the Supreme Court, my issue is not with Bill C-84. I fully support closing the loophole. I think all Canadians—the majority of reasonable Canadians—would support closing the loophole. My issue is with the time that it has taken to introduce legislation to do so.

The decision of the Supreme Court was rendered in June of 2016. It is now January 2019. I know, Minister, that you've just been appointed, so I'm not faulting you personally for it, but we're now two and a half years in. By the time this legislation goes through the Senate, this loophole will probably have existed for three more years.

As you pointed out, we're talking about bestiality. We're talking about what is often a pattern of behaviour that involves the most vicious of behaviour towards animals and children. That's a common theme that we find: children are more often than not the victims. Indeed, according to the Canadian Centre for Child Protection and their December 2018 report, of the 21 cases they reviewed, more of the cases did not involve penetrative acts. Of the cases that didn't involve penetrative acts, all of them involved sexual abuse of a child.

Minister, I guess my question is simply, what has taken so long?

● (0900)

Hon. David Lametti: It is a fair concern to worry about the length of time legislative reform takes. Certainly, I agree with you, and thank you for your question. This is a serious issue. I think the important thing to underscore from the beginning is that we are dealing with it. You are right—I agree with you—that this is a serious issue that needed to be addressed, and we are addressing it.

There are other measures in the Criminal Code that obviously protect children against sexual exploitation. There are a number of provisions with which you are familiar, dealing with sexual interference, sexual exploitation, corrupting children, indecent acts, etc., as well as the sexual assault provisions and aggravated sexual assault provisions. There is a group of existing provisions that do protect children. There are also provisions in the Criminal Code that protect animals where there's harm to the animal.

We are filling a gap. I wouldn't use the term “loophole”, but we are filling a gap in the act and we are moving forward with it.

Mr. Michael Cooper: Thank you, Minister.

Not to belabour the point, but I do think it needs to be put on the record that in Bill C-84 the definition provided is the following:

In this section, bestiality means any contact, for a sexual purpose, with an animal.

In 2017, my colleague, the honourable member for Calgary Nose Hill, introduced a private member's bill, Bill C-388. The wording in Bill C-388 is as follows:

In this section, bestiality means any contact by a person, for a sexual purpose, with an animal.

Again, it's identical language. Why didn't the government get behind Bill C-388 more than a year ago?

Hon. David Lametti: I salute the work done by our colleague from Calgary Nose Hill. It is true that the purpose, at least regarding bestiality, was quite similar. We've gone further in this bill to add another area of protection—the animal fighting provisions—that were also deemed to be important by a number of different intervenors and advocates in the area as something that everybody could get behind and agree upon.

This bill actually goes further, but I do salute the work that Ms. Rempel has done in putting forward that particular bill.

Mr. Michael Cooper: Thank you.

The Chair: We will now go to Mr. Erskine-Smith.

Mr. Nathaniel Erskine-Smith: Thanks very much, Minister, for being here. I also appreciate the support you gave to Bill C-246 before you were a minister.

Your home province of Quebec has recognized that animals are sentient. I want to get at some of the general principles for why we want to protect animals in the Criminal Code. You noted in your comments that animals are oftentimes an important part of our family. Would you agree that animals are sentient?

● (0905)

Hon. David Lametti: The evidence I have seen, I think, is increasingly going in that direction. I'm not an expert. I can only base it on what I read. To the extent that I have seen the same kinds of studies that you have, it seems to me that is where the scientific evidence is going.

Mr. Nathaniel Erskine-Smith: In terms of the moral wrong that we're aiming to address in the Criminal Code, is it a crime to cause unnecessary pain and suffering to animals because they're sentient—they think and feel and can suffer pain—or is it because they're the property of someone else?

Hon. David Lametti: That's a larger question, and I think that question needs to be addressed as part of our ongoing look at these provisions generally. We've committed to that. My predecessor committed to that, and I'm happy to commit to the same thing moving forward. I certainly am quite open to reforming all of the provisions generally, but that will take time. It will take time precisely because of the questions that you're raising—important scientific questions and important ethical questions about our relationship to animals.

Mr. Nathaniel Erskine-Smith: I think it gets to the bottom of what we want the Criminal Code to look like in terms of protecting animals, and that will depend upon the first principles of what we want to protect in the first place. I think it's important, when we know and the evidence is that animals can think, feel, love and suffer, that our laws should reflect that reality.

Attempts by previous Liberal justice ministers have been made to introduce significant reform to the Criminal Code with respect to the animal cruelty provisions, including by Justice Minister Anne McLellan, Justice Minister Martin Cauchon, and Justice Minister Irwin Cotler. These three previous attempts were more substantive than Bill C-84. Do you think Bill C-84 is sufficient?

Hon. David Lametti: I think it was made clear by my predecessor and I think it was made clear in my opening remarks, that in Bill C-84 we have picked two areas on which there is widespread agreement, and which we could get done now. We are filling a gap in one case, and we are addressing a practice in another case—animal fighting—that we don't want to see.

I agree that there are larger, deeper ethical questions and legal questions that really do go to the heart of the way in which we envisage society and our relationship to ourselves, amongst ourselves, and to animals. Those are larger questions that need to be addressed.

Mr. Nathaniel Erskine-Smith: It's fair to say then that this is a first step—I would say a fairly modest first step, if I'm being generous—and that as justice minister you are committing to additional consultations and to doing more where those consultations find some consensus and find a way forward.

Hon. David Lametti: As my predecessor also stated, we're going to keep moving forward with this dialogue and to try to make our Criminal Code and society better.

Mr. Nathaniel Erskine-Smith: In keeping with that theme of additional consultations, I want to read a letter from November 22, 2004. It says:

Canada's animal-based sectors, as represented by the undersigned, wish to express our support for the swift passage of certain amendments to the Criminal Code: Cruelty to Animals provisions....Specifically, we are calling for the reintroduction and adoption of the measures contained in Bill C-22....

That was signed by over 25 animal-use groups, including the Canadian Cattlemen's Association and the Dairy Farmers of Canada. It was not signed by the Canadian Federation of Agriculture, but CFA did note its dismay when similar measures didn't pass into law.

It seems to me that there was a significant consensus in 2004 amongst animal-use groups to be more bold and to do more for animals in the Criminal Code. Do you think that with sufficient work on your part, you could get back to that consensus?

Hon. David Lametti: I'm not going to speak about a consensus that happened in 2004. I wasn't privy to those discussions. I was, quite frankly, doing other things at the time, so I'm not fully versed on all of those various discussions that happened in 2004.

What I will commit to doing is keeping dialogue open with various groups, including a number of the groups you've mentioned. I know they have weighed in on this particular piece of legislation and are supportive, and we will continue to be open to all people who have an opinion on the matter.

Mr. Nathaniel Erskine-Smith: My last question will just pick up on that point of a dialogue. This committee is going to be engaged in a few meetings of study and legislative review of a bill that is effectively one page and that addresses two very narrow issues in the Criminal Code. It's an important bill in the sense that it addresses a Supreme Court ruling of some note, as my colleague from the Conservative Party addressed, but it doesn't allow for a broad conversation at a committee like this. It doesn't allow for a multitude of stakeholders to come in and not just talk about these provisions in the Criminal Code, but ask, "How do we, as a society, better protect animals across this country?"

Do you think it would be more productive, in terms of dialogue, to have a committee like this, whether the justice committee or a special all-party parliamentary committee devoted to animal protection, to say, "Let's bring in witnesses across the country, because we, as parliamentarians—it doesn't matter what party what party we're from—care about animal cruelty", to see what consensus we can forge to then introduce a new bill that would potentially do more for animals based upon significant consensus and a larger dialogue that could take place at a parliamentary committee? Do you think that would be a productive way forward?

• (0910)

Hon. David Lametti: My immediate priority is the passage of this legislation. The two practices that are identified in this piece of legislation are important to prohibit and define in each respective case. I'm open to discussing other ways forward.

Mr. Nathaniel Erskine-Smith: Thanks very much.

The Chair: Mr. Rankin.

Mr. Murray Rankin (Victoria, NDP): I'd like to start by saying congratulations to you as a new minister. We're very glad to have you here, and I'm looking forward to working with you on this committee.

I think my colleague, Mr. Erskine-Smith, referred to this as a modest first step, which I think is a generous assessment of this bill. These are two things out of a long list of things that critics have been suggesting and promoting for many, many years. Indeed, we've had animal cruelty provisions in our Criminal Code since 1892, with only modest amendments since then, so I suppose it's a step forward to have these.

Building on what my colleague just asked, I'd like to ask you whether we ought to be moving toward a place where we're not simply treating animals as property, but are moving to put them in another part of the Criminal Code for a more comprehensive reform. I've heard you say this is the first step, that there's more to do, and that you're open to doing that. I'd like to have you tell us when you see that broader reform that you seem open to beginning. When will consultations begin? When can we expect more comprehensive reform?

Hon. David Lametti: Well, I've just started in this job, and I have to admit that I enjoy the challenge. That said, I'm not going to commit to a particular timeline today. I have, in good faith, said that I'm open to discussing moving forward in the future and to addressing the very concerns that you have raised, some of the deeper ethical considerations that may very well be evolving in society in a way that is more favourable to the positive treatment of animals.

I'm certainly open to that discussion, but I'd rather not commit today to a specific timeline.

Mr. Murray Rankin: On the animal fighting provisions that you described, you mentioned in your remarks that animal fighting has been linked to organized crime, gambling, illicit trafficking of drugs and weapons. What can you tell us about the involvement of organized crime in this activity in Canada?

Hon. David Lametti: There is a link that has been drawn. There isn't as much data as perhaps there might be, simply because a lot of it is covered up. I will admit to a data gap there, but a link has been drawn with enough credible information to say that it's an important factor. We're also protecting the animals themselves here, too, and these are practices that we simply don't want to have.

Mr. Murray Rankin: You mentioned protecting the animals themselves just now, Minister. You've amended subsection 447(1), which concerns the arena for animal fighting, to broaden it from cockpits for fighting with birds to include dogs, as you mention.

Why didn't the bill go further and deal with the other subsection, 447(3), which currently has not been changed? It allows peace officers to seize cocks in the cockpit or on premises where a cockpit is located, but that didn't get changed. What do we do with dogs? Under the current section, you can seize the animals and if necessary have the cocks destroyed. I don't see any changes to the provisions that deal with dogs.

Is that an oversight that this committee may wish to amend, or is there no problem?

Hon. David Lametti: There is a traditional distinction between birds and animals that runs through the common law. There is a provision specifically for roosters, for cocks, because sadly they are often very damaged in the fighting, and it is often the case that they're also fed with steroids to make them more aggressive. Quite sadly, the most humane response to seizing the birds is to put them down. That's not necessarily the case with all other animals.

Remember that animals will also be dealt with under provincial legislation. There are protections for animals under provincial law, which still abides even without this.

• (0915)

Mr. Murray Rankin: I understand that.

Hon. David Lametti: The distinction there is because of that. Certainly if the committee wants to look at that as part of its study and has suggestions in that regard, we would be open to that.

Mr. Murray Rankin: It did seem odd that you changed, appropriately, the section to deal with keeping an arena for animal fighting in 447(1), but then in 447(3) where you can seize one kind of animal, birds, you don't change it to deal with dogs.

The same thing you've talked about with respect to steroids and the frequent need for birds to be destroyed, sadly, occurs when dog fighting happens. I think it seems to me to be a deficiency. To suggest that the provinces have overlapping powers, yes, that's true, but it just seems that we might as well finish the job in 447(3) when we're here.

Hon. David Lametti: I think it's open for the committee to study that. My understanding is that there is always potential to rehabilitate a dog in a way that doesn't exist with a rooster.

Mr. Murray Rankin: Thank you very much.

The Chair: Mr. Fraser.

Mr. Colin Fraser (West Nova, Lib.): Thanks very much, Minister, for being here today, and congratulations on your appointment. I look forward to working with you.

One of the questions came up earlier regarding the amount of time this has taken to get put into legislation and come before our committee. I know that, in your opening remarks, you mentioned the level of consultations that took place with a number of stakeholders. I'm wondering if you can elaborate on that and the fact that it took some time to hear from stakeholders to come up with legislation that would have their confidence.

I know you mentioned the Canadian Federation of Agriculture and a number of others. I'm wondering if you can just go through the process of the consultations, which took some time to get their input.

Hon. David Lametti: It was undertaken before my watch began in this role, so I can't go into all of the details of the way people and groups were consulted, but I can say that we consulted the Canadian Federation of Humane Societies, the Canadian Veterinary Medical Association and the Canadian Federation of Agriculture representing 200,000 Canadian farm families. Other groups provided opinions in writing to the department, to the committee—hunters groups, etc.

A wide variety of people were consulted. A wide variety of experts were consulted. Again I wasn't the one leading those consultations, so I can't give all of the details on that.

Mr. Colin Fraser: I understand that.

Are you aware of changes that may have been made based on the input of those various organizations and groups?

Hon. David Lametti: Certainly clarity was given on the definitions, the definition of both bestiality and also the fighting provisions. Clarity was given to groups to differentiate the term "baiting", for example, which doesn't mean baiting for the purpose of fishing, angling or other activities, but rather as a way to incite an animal to fight. *Harcèlement* is the French word used, and it's actually much more accurate than the old English term "baiting".

Clarifications were made to make clear that this only applied to certain kinds of activity and not to other kinds of legitimate activity, including artificial insemination and other practices commonly used in the agricultural sector.

Consultations on those sorts of things occurred.

Mr. Colin Fraser: In a earlier question from Mr. Rankin, the issue regarding animal fighting came up, and in particular its link to organized crime. I wonder if you can help the committee understand a bit better the link between animal fighting and organized crime, and whether the measures in this bill perhaps will help reduce the ability of organized crime to take advantage of animal fighting to raise money.

● (0920)

Hon. David Lametti: Well, by prohibiting it, that immediately gives police the power to stop it in a way they don't have now. They could do it with cockfighting, but they couldn't do it with other kinds of animal fighting.

There was a study in Ontario in 2016, "Dogfighting: A Problem in Ontario?", which began to draw the links between organized crime. It's usually gambling and then other associated activities, including drug trafficking and that sort of thing, which kind of happens alongside.

It will help. The fact that the whole activity is now prohibited will give police an additional tool when they have to move in and stop this kind of activity.

Mr. Colin Fraser: Very good.

With regard to bestiality and the definition that has been arrived at, was there any survey done of other common law jurisdictions to ascertain whether there were other effective ways of dealing with the wording that ended up in the bill?

Hon. David Lametti: It certainly was.

The U.K. has the same definition that sadly was the case in D.L. W., so the U.K. definition does require penetrative sexual activity for its definition of bestiality. The United States doesn't, so common law jurisdictions in the United States that have dropped the penetration requirement are therefore something closer to what we're moving to. In another common law jurisdiction, Australia, being a federal state, it's varied. Some of the criminal law in Australia is state to state, so some of the states have a penetration requirement and some don't.

Mr. Colin Fraser: Those are my questions.

The Chair: We will now move to our second round of questions. We'll start with Ms. Khalid.

Ms. Iqra Khalid (Mississauga—Erin Mills, Lib.): Thank you, Minister, for coming in today. Welcome to our committee. I know that we have a very energetic and quite cordial committee here.

I want to start by saying that I have never really had a pet myself, other than tadpoles. That was my group of pets as a child, much to my mother's dismay. I do appreciate other people's pets just as much as I appreciate other people's kids and that social contract we have in sharing and in really loving and nurturing one another as a community and as a society.

In your opening remarks—and it's something that Mr. Cooper noted as well—there's a link drawn between animal sexual abuse and the sexual abuse of people, including children. This is definitely an important link for us to understand so that we can help protect children from this horrible type of abuse. Can you please elaborate on what that connection is, on what kind of research is behind it and how this bill will impact that?

Hon. David Lametti: I mentioned in my opening remarks the Canadian violence link conference of 2017, which began to draw out some of the pre-existing data and research on that sort of thing.

To put it quite simply, it's about vulnerability, and both children and animals are vulnerable. A sexual predator often will link both and will use animals as well as children for their own sexual gratification. Sadly, the link is there, and the data is increasingly emerging that there is a link and that people will often move from animals to children and then both.

It's something that I think we need to send a clear signal on in the definition of our Criminal Code provisions: that in all of this kind of activity for sexual gratification—and now the definition turns on that—any kind of contact for sexual gratification is prohibited.

Ms. Iqra Khalid: We talk about really having that fulsome approach to providing safe communities. How do you think this bill will impact that fulsome approach to making sure that our children, our pets and our families are safe, especially in light of Bill C-78, which passed through this committee with respect to divorce? Oftentimes, that does impact animals that are sometimes part of the family that is broken up. How does it impact that fulsome approach?

Hon. David Lametti: As legislators, I think any piece of the puzzle we can improve.... There are many moving parts, with Bill C-78 and the Divorce Act being one, as is administrative justice reform, which you have already looked at, and Bill C-75 and moving forward with that are all a series of parts to improving the criminal justice system and the administration of justice. With all of these pieces of legislation, whether they be social or criminal, or help in some other way, we hope to improve the lot of families and children, and to better protect animals.

I guess there isn't one single answer other than to say that we're trying to make a number of things better, and we will continue to do that.

● (0925)

Ms. Iqra Khalid: Thank you. Those are all the questions I have.

The Chair: We will move to Mr. Barrett.

Mr. Michael Barrett: Minister, thanks for being here today, and congratulations as well.

This is my first time speaking at committee, so I'm joining the program already in progress, so to speak.

To give you some context, my riding is an agricultural one, and my family operates a small cow-calf operation. I'm a hunter here in Ontario. I appreciate the broad scope of consultations that were undertaken, and I heard you list some of the groups that were consulted.

Understanding that the intent has been stated of ensuring that the proposed law doesn't interfere with legitimate or traditional hunting, farming and trapping practices, up to and including indigenous harvesting rights, I wonder what will protect legitimate hunting and angling practices that include baiting from being targeted when the proposed wording in English—albeit I understand there is a more specific word in French—in paragraph 445.1(1)(b) is the following:

in any manner encourages, aids, promotes, arranges, assists at, receives money for or takes part in (i) the fighting or baiting of animals or birds

As you know, fishing and hunting both use baiting.

What protects against that in spite of the preamble and the intention that was stated at the outset?

Hon. David Lametti: The way that the common law and the criminal law have defined baiting is, I think, more than adequate protection. Again, these concerns were raised by colleagues.

By the way, welcome to this committee, and welcome to the House of Commons.

Mr. Michael Barrett: Thank you.

Hon. David Lametti: It's a pleasure to have you. I know how hard it is to win an election, so you deserve every congratulation and your seat here. Well done.

Mr. Michael Barrett: Thank you.

Hon. David Lametti: Back to baiting, which we're not doing right now—

Some hon. members: Oh, oh!

Hon. David Lametti:—you can rely on the criminal law and common law definition of baiting as being an activity to induce the ire of an animal. Bear-baiting was a traditional activity that would be covered by baiting, whereas putting bait on a hook for the purposes of angling would not be. It's a different meaning, although the same word is used. That's the specific way in which the Criminal Code uses baiting in this. I think you can be assured that there's a tradition of interpretation of the word that protects hunters and anglers who may have to use some form of enticement for what is a legitimate practice.

Mr. Michael Barrett: So that would include certain minerals that are often used to entice, as you said, a deer, for example, and calls that would be used that provoke responses from the animals that advantage the hunter. Those would not be included here, or they are safe in the common law interpretation from criminalization of those practices.

Hon. David Lametti: Yes, that is correct. I had said the word in French, *harcèlement*, which I think more adequately evokes the meaning that we want here, which is a way of provoking an animal to fight, as opposed to what is otherwise an enticement and a legitimate activity.

● (0930)

Mr. Michael Barrett: Okay.

With regard to farming practices, you'd mentioned artificial insemination as one. Were the groups that were consulted satisfied with the direction that was adopted in the proposed changes?

Hon. David Lametti: Yes. I have a letter here to my predecessor that was signed by the Canadian Federation of Agriculture, the Canadian Federation of Humane Societies, the Canadian Veterinary Medical Association, the Canadian Cattlemen's Association, the Chicken Farmers of Canada, the Pork Council, and egg farmers, hatching egg producers, turkey farmers, the Canadian Bison Association, the mink breeders, the Canadian Sheep Federation, the Canadian Poultry and Egg Processors Council. It's a pretty exhaustive crew.

Mr. Michael Barrett: It's a comprehensive list.

Hon. David Lametti: Yes.

Mr. Michael Barrett: Okay. Thank you very much, Minister.

The Chair: Mr. McKinnon.

Mr. Ron McKinnon (Coquitlam—Port Coquitlam, Lib.): Thank you, Minister, for being here. I'd like to join the whole committee in welcoming you to this new role.

Hon. David Lametti: Thank you.

Mr. Ron McKinnon: Now for the tough questions, I want to build on a question that Ms. Khalid introduced. She was speaking, I believe, more in terms of bestiality. I would like to address the matter from the standpoint of cruelty and violence towards animals. What does the current research on cruelty and violence toward animals indicate about the types of offenders who commit these crimes?

Hon. David Lametti: Well, I will admit to not having that psychological research in front of me. It is behaviour that we are trying to get at and to prohibit with these provisions. There is data that is beginning to be accumulated. The FBI in the United States has undertaken a data tracking survey to look at and analyze animal abuse, and draw other sorts of conclusions from it. I'm not a psychologist, so I don't want to pronounce on what kinds of conclusions might come from that, but we will continue, as we move forward, to look at that data. I know a number of colleagues around the table have raised concerns about a larger study that needs to be undertaken. We will look at that kind of data as we move forward, including the psychological data to which you're referring.

Mr. Ron McKinnon: I'd like to talk a bit now about the stakeholder consultations. It has been mentioned that there are other aspects of animal cruelty that are not addressed by this. I wonder if there are any aspects of which you're aware that need to be addressed that are not currently addressed in the Criminal Code. As a follow-up question, I would like to ask how the provincial and territorial laws interact with the Criminal Code to protect animals.

Hon. David Lametti: I'm happy to provide information. Certainly there are the other private members' bills, including Bill C-246, that raised a number of different concerns that need to be looked at. We're happy to provide that information to you.

Remind me, Ron, of the second part of your question.

Mr. Ron McKinnon: I'd like, if you can—

A voice: Provincial....

Hon. David Lametti: Provincial property laws, generally, will apply to animals. I know that Mr. Erskine-Smith was probably pointing us to a larger discussion about whether animals were property. He's smiling. As he knows, I spent all of my career looking at both property and intellectual property as areas of study. Property and civil rights fall under provincial jurisdiction, so there will be provincial legislation, whether it be in the common law jurisdiction or in the civil law, that deals with animals. Then there are also other areas of administrative protection for animals that would fall under provincial legislation as well.

• (0935)

Mr. Ron McKinnon: I guess I'll move onto challenges in prosecuting crimes relating to animal cruelty and bestiality. What are the particular challenges involved there and are police officers trained in any particular sense to deal with such offences?

Hon. David Lametti: With respect to the bestiality provisions, my sense is that the challenges would be the same as with any sexual assault provision where you have a vulnerable party. Vulnerable parties are often not people who readily go to a police station and file a report. You're talking about children, for example. It requires other people to report, other people to know about it. All of the investigative challenges that exist with respect to sexual crimes against children generally are going to be quite similar here, I think. Again, we're trying to provide an additional tool and an additional basis on which people can be charged.

We've alluded to some of the challenges that exist around animal fighting, in the sense that it's clandestine, so hidden to begin with, and also often interwoven with organized crime, which adds another layer of complexity.

But, once again, we're trying to provide a basis on which our law enforcement authorities can move in and stop the practice. Hopefully, I think, generally, some of the administration of justice provisions that are contained, for example, in Bill C-75, will also help facilitate the task at the other end.

Mr. Ron McKinnon: Thank you, Minister.

The Chair: Mr. MacKenzie.

Mr. Dave MacKenzie (Oxford, CPC): Thank you, Minister, for being here. It's kind of a nice day. It's not very controversial. I think you'll find that most people are pretty much in agreement with the changes that are coming.

I would look at, though, one of the things that Mr. Rankin raised about the seizing of animals. I do appreciate that there is a difference between cocks and dogs. I might suggest to you, sir, that you're absolutely right that dogs can be rehabilitated, though sometimes the owners can't be. If you have an opportunity to take away what they would consider their inventory or their tools at the site, I think it would behoove us from a federal perspective to put that into the legislation.

I also appreciate that people like the SPCA are generally involved in those situations, but it does give a whole lot more power to the people who are investigating and doing that if they are able to seize the animals and take them out of there.

I'm wondering if that isn't a good amendment to add to the bill, that those tools would then be added, which would benefit everybody, government included.

Hon. David Lametti: Thank you for that question and thank you for your good wishes.

I think we have a pretty good bill moving forward. Your task as committee members is to give it a good hard look.

Mr. Dave MacKenzie: I appreciate that.

Furthermore, generally speaking, just dealing with that part of the bill, if we could take away the people who participate in this—not the owners of the animals or the birds, but if there's a broader connotation here that people found, as “found-ins” in the old law system, I think it would go a long way to prohibiting.... I guess my point is that if there's no money to be made by these people who own these dogs and birds, it would potentially put an end to a lot of the emphasis on it, because they do get together for the gambling aspect and for the spectator part.

Hon. David Lametti: The Criminal Code provision is fairly wide, in the sense that it's not just building the arena or owning the animals, but it also involves the following:

Every one commits an offence who

under the proposed act who

(b) in any manner encourages, aids or assists at the fighting or baiting of animals or birds;

That, I think, covers everyone in the room. As well as anyone who

(d) promotes, arranges,...assists..., receives money...or takes part in...

That covers not just the animal owners and the proponents, if you will, but—

• (0940)

Mr. Dave MacKenzie: Are you satisfied that the courts would accept that as people being there? How do you end up proving that they're assisting or benefiting, or whatever the other terminology might be in the definition, from that? It's just one of those things that I that we need to be cognizant of. If there's nobody there, it doesn't take place.

Hon. David Lametti: Right. I think your point is well taken. I think the wording of the act covers all of the participants and, therefore, meets the concern that you're raising.

Mr. Dave MacKenzie: Thank you very much.

The Chair: Mr. Rankin.

Mr. Murray Rankin: Minister, a 2015 Environics poll done for the International Fund for Animal Welfare indicated that the vast majority of Canadian respondents would support changes to the code that would make it easier to convict individuals for animal cruelty.

Today you alluded to Bill C-246, which I know you supported. It's a bill that my friend, Mr. Erskine-Smith, introduced, but 117 Liberals voted it down. Our party supported it. It was a comprehensive animal cruelty reform bill. For the public who are watching this and are deeply concerned about animal cruelty, of course we're stuck with these two limited measures that your government proposes to make to the code. The bill that my friend, Mr. Erskine-Smith, had introduced would have gone much further.

The problem is that in this committee we can't go beyond the reforms that are before us, these two very specific sections of the Criminal Code, these two issues. I guess for the people watching—because you spoke with respect to Bill C-246 of the need to continue to look at this bill—I'd like to ask you again if that's a measure that you, in your new role, might be prepared to look at afresh.

Hon. David Lametti: Obviously, I share your concern. I won't say we're stuck with this bill. I think this is a good bill.

Mr. Murray Rankin: The committee is stuck. For people watching, we are limited in what we can do because your government has proposed adding these very minor sections in the Criminal Code. It's a good first step, as it were, but I don't want people to think, sadly, that we have the ability in this committee to go beyond that. It's only if your government introduces such a bill that can we do so. Is that not correct?

Hon. David Lametti: That is indeed correct. I just wouldn't characterize a good first step as being stuck with something. I think it's a positive step moving forward. I know my predecessor committed at the time we were discussing Bill C-246 to a more comprehensive review of animal protection legislation, criminal and otherwise—

Mr. Murray Rankin: Is it coming forward any time soon?

Hon. David Lametti: Well, I'm going to commit to continuing that process.

Mr. Murray Rankin: Great. Thank you.

The Chair: Mr. Minister, I just have a couple of closing cleanups. To Mr. Fraser's question, you referenced in your response the 2015 report related to animal fighting. Would it be possible for you or the department to provide a copy of that report to the committee?

Hon. David Lametti: Absolutely. Is that the dog fighting in Ontario report?

The Chair: Yes.

Hon. David Lametti: Absolutely.

The Chair: Then I just have two short questions.

To come back to Mr. Barrett's comment on baiting, I know that you're going back to the old medieval bear-baiting that they used to have in England. I understand that common law has a long history of what baiting involves, and I completely agree that it is never going to be interpreted as baiting for hookers or for anglers.

I agree that the French term *le harcèlement d'animaux* is a much better than the English term “baiting”. I don't want to suggest taking out “baiting”, because I understand the common law history of it, but I've seen other bills where, for example, if the English term and the French term were ambiguous or a weird term had other mentions, you would put that in brackets. For example, it would say “baiting”

and then in brackets “incitement” or “provoking”. Was there a reason this wasn't considered in this case, as I think we agree that “baiting” is not the term we would normally use in today's English for that?

● (0945)

Hon. David Lametti: There was a specific concern raised by one of our colleagues in the House of Commons about the use of the word “baiting”, and the response that came back seemed quite unequivocal, that the word “baiting” in English in this context would only be taken to mean what was done in animal fighting. We can go back and give you a more fulsome response in writing, if you wish.

The Chair: My other question relates to another English term in the act that I find different from the French term, and it would be the words “assist at”. In French you would say “*assister*”. The words “assist at” are not normally what you would say to say for “attends”. Why are we saying the words “assist at” in English if the intention is “attends” or “takes part in”, which is really what the French term is saying? Why are we saying “assist at”?

Hon. David Lametti: Frankly, I'm not a legislative drafter.

The Chair: Of course.

Hon. David Lametti: I have similar knowledge of English and French as you have, and I don't know if there's a technical meaning to “assists at” in English in a legislative drafting sense.

The Chair: Could we ask you to get back to us on that as well?

Hon. David Lametti: We could provide that answer to you, if that would be fine.

The Chair: Thank you so much.

On a cleanup point, Mr. Erskine-Smith has another similar question, if that's okay, and if anybody else has cleanup questions—

Mr. Nathaniel Erskine-Smith: I have less of a question than a point on “baiting”, just so that the committee is clear. From some of the questions, I got the sense that people thought the word “baiting” was being added by the bill, but the word “baiting” has been in the Criminal Code for decades, so to the extent that you had concerns previously or today, Mr. Barrett, your concerns would have been there 10 years ago. The amendments today in Bill C-84 add words around “fighting and baiting”, but they are not adding the word “baiting”.

The Chair: That's understood.

Mr. Minister and departmental officials, I want to thank you so much for briefing our committee and giving us the answers we needed. It is always a pleasure having you here, and I'm sure we'll be seeing you here many more times.

Hon. David Lametti: Thank you. It's always a pleasure.

The Chair: The meeting is adjourned.

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