



THE WINNIPEG HUMANE SOCIETY

February 8, 2008

Presentation to
The Standing Committee on Justice and Human Rights
Bill S-203

This submission is being presented on behalf of the Board of Directors of The Winnipeg Humane Society. The Winnipeg Humane Society is the primary animal welfare organization in the province of Manitoba, with 25,000 supporters. We care for approximately 9000 animals every year and respond to over 1200 complaints about cruelty to animals. We are opposed to Bill S-203 as we believe that it does not provide meaningful changes to the current outdated Criminal Code related to cruelty to animals.

In Manitoba we do have a provincial Animal Care Act which provides stronger protection for animals, including greater penalties, fines up to \$10,000 and prohibition on owning animals up to 10 years, than the current Criminal Code. However we believe that the deliberate acts of cruelty towards animals that are most egregious should be prosecuted under the Criminal Code and treated as criminal offences, not regulatory offences under provincial acts. The deliberate acts of cruelty to which we refer are part of a cycle of violence which potentially threatens the safety of both animals and humans in our communities and it is imperative that we treat these offences in the most serious manner. It is for this reason that we are strong proponents of meaningful changes to the Criminal Code as it relates to cruelty to animals and not just increased penalties, as Bill S-203 would do.

The following are the most significant flaws with the proposed Bill S-203:

- Bill S-203 does not take animals out of the **property** section of the Code and put them into an **animal** section. Currently if a person commits an act of cruelty towards a stray (un-owned animal) they cannot be charged under the Criminal Code. Humane Societies across Canada handle thousands of stray animals each year. Bill S-203 does not provide those animals any protection. **If a person is found to have tortured a stray animal, Bill S-203 would not provide a means of prosecuting that individual, thereby leaving he/she free to continue to commit further acts of violence against either animal or human.**

FOR THE PREVENTION OF CRUELTY TO ANIMALS

- Bill S-203 does not change the requirement for proof of **wilful neglect** to **negligence**. It has been difficult for prosecutors to prove the person's intent to harm an animal, an example of which is the Saskatchewan farmer who allowed more than 30 sheep to starve to death, even though he had been warned several times by the local SPCA. Although he was charged, the judge found him not guilty, as he did not feel it was proven that the farmer had intended to starve the animals. We need legislation that introduces the term **negligent** and defines it as "departing markedly from the standard of care that a reasonable person would use".
- Bill S-203 does not make it illegal to train animals to fight or to make money from animal fighting. Under this loophole, Michael Vick would have evaded charges in Canada. We are calling for legislation that makes the breeding and training of animals for fighting purposes or the making of money from animal fighting to be illegal.

In conclusion, we emphasize that Bill S-203 does not make meaningful changes to our Criminal Code relating to cruelty towards animals. Society's attitudes towards animals have evolved over the past 115 years. It is time for our laws to evolve to reflect societal values. As well as evolving attitudes, our understanding of the relationship between cruelty to animals and human violence has increased tremendously. We know now that deliberate acts of violence towards animals, are significant red flags towards that individual's propensity to commit further acts of violence. Canadians place great value on safe communities and the decrease of violent crimes in our communities. We need laws that reflect those values. Bills-203 does not. Please recommend that Bill S-203 not be enacted.

Respectfully Submitted by,



Vicki Burns
Executive Director
The Winnipeg Humane Society