

"No man's life, liberty, or property are safe while the legislature is in session."

- Mark Twain

"Experience should teach us to be most on our guard to protect liberty when the government's purposes are beneficial."

- Justice Louis Brandeis
US Supreme Court

Bill C-15 and Animal Rights

by

Gary A Mauser

When Parliament returns in September after the summer recess, it will again consider Bill C-15. Make no mistake. This bill is a radical attack on hunters and anglers cynically disguised as a way to fight the sexual exploitation of children. Justice Minister Anne McLellan defends this bill by claiming that there is a link between animal abuse and domestic violence. Canadian sportsmen should not be fooled: this bill puts the “animal rights” extremists in charge of hunting and fishing regulations. No, I am not kidding.

If passed, C-15 will cause as many problems for hunters who are trying to live responsibly and traditionally with nature as C-68 has by mandating the registration of all firearms. With C-15, the federal Liberals have again shown that they could care less about the interests of Western Canadians. Unless we can get it amended, C-15 threatens to turn hunters and anglers into criminals, not because they are cruel to animals, but because this bill allows well-financed animal rights campaigners to capitalize on subjective and ambiguous provisions in the Act.

Bill C-15 is an “omnibus bill” in that it contains a wide range of legislation. The first section proposes new ways to fight internet porn and child abuse. As intended, this part of the bill has caught the media’s attention. McLellan’s claim the rest of the 75-page bill deals with “housekeeping measures.” But this bill combines two earlier omnibus bills, Bill C-17 and C-36, that died when Chretien called the election last year, so it is extremely diverse. In addition to radically redefining “animal cruelty,” C-15 includes a wide variety of changes to the criminal code. Most importantly for hunters, C-15 also proposes to fix numerous problems in the firearms law caused by the poor drafting of Bill C-68. In this article I will focus on the animal cruelty provisions and the changes to the firearms law.

Hunting as Cruelty

Animal Rights and Bill C-15

C-15's most dangerous provisions are those which deal with animal cruelty. Justice Minister McLellan, in introducing C-15, said she felt sorry for kittens who had been mistreated. This bill proves she cares more for kittens than she does for people. Bill C-15 radically changes laws pertaining to animal cruelty by removing animal cruelty from property law. The reason why animal cruelty legislation has traditionally come under property law, has been because people have moral and legal responsibility for the animals under their care.

By removing animal cruelty from property law, responsible animal users and owners lose the important legal protections that exempt people from charges of animal cruelty if they have legal justification. As written, hunters, trappers and anglers can be charged for "animal cruelty" even if they have all the necessary permits, and even if they responsibly engage in traditional harvesting methods. This shows that C-15 is driven by "animal rights;" not by a concern for animal welfare.

Hunters and anglers must be concerned with the provision in C-15 that makes it an offence to "willfully or recklessly" kill an animal "brutally or viciously, regardless of whether the animal dies immediately." McLellan seems unaware that hunters and trappers "willfully" kill their quarry. This dangerous bill threatens everyone in Canada who uses animals in a traditional manner. Hunters and anglers are joining ranchers and farmers to protest this radical legislation.

Even worse, Bill C-15 expands the definition of animals to any "... vertebrate, other than a human being, and any other animal that has the capacity to feel pain." This definition broadens considerably the scope of the act. Animals include fish, of course, but they also include worms and insects. What is "pain?" How do we know when an animal feels pain? Arguably, worms feel pain when impaled by a fishing hook. This broad definition, and the subjectivity of the definition of pain, opens the court system to spurious charges that anyone who "willfully" hooks a worm, catches a fish, or legally hunts and shoots an animal, has contravened the Criminal Code by being "cruel" to an animal.

Fixing the Firearms Act

Bill C-15 is also McLellan's effort to "fix" some of the more glaring problems with C-68, the current Firearms Act. After running up over \$700 million to licence Canada's 4 to 7 million gun owners, the Justice Department has finally discovered that C-68 can't work. So, the same bright bulbs who originally came up with firearm registration are now going to fix it.

Most gun owners will probably find these proposals acceptable. Bill C-68 was so badly written that it has proven to be quite awkward to administer. This has caused unintentional suffering for many firearm owners. In Parliament, the opposition parties have tried to split this bill, but McLellan has refused. Her refusal forces parliament to accept the bill "as is," the good with the bad.

This bill proposes to let owners of restricted and prohibited firearms be allowed to change their purpose for possessing their firearms. This is needed as “target shooters” eventually grow older and become “collectors.” Without this change, all target shooters would have had eventually to turn in their firearms. The rules for prohibited firearms, “grandfathered” by C-68, have been relaxed.

A few of the proposed fixes are questionable. The Firearm Act defines a “firearm” as any “weapon” that can shoot a projectile faster than 500 feet/second. Recently, when a pellet manufacturer came out with a new faster pellet, this meant that a large number of popular air guns became reclassified as “firearms.” Thus, their owners became criminals overnight because they hadn’t gotten the permits that “firearm owners” need. The police even raided a toy store in Ontario and confiscated their airguns. To fix this problem, the Justice Department decided to rework the definition of a “firearm.” Depending upon one’s interpretation, the new definition may (or may not) have solved the problem.

Importantly, McLellan has been forced to deal with the outrageous costs, as exposed by Alliance MP Garry Breitkreuz. Embarrassed by the high costs, but unwilling to admit publicly that firearm registration is not working, and cannot work, now she is trying to “streamline” the process.” The Justice Department has proposed to relax the checks. That’s right: firearms owners in the future will face virtually no checks. That was the expensive part after all. Now, applications should just sail through. Of course, this undermines Chretien’s claims that strict gun laws are necessary for public safety.

“Streamlining” may mean faster turnaround for applicants, but it also means that the system will have more errors. Don’t laugh. You aren’t off the hook. When it comes time to sell a firearm, you may well be blocked if any ‘errors’ are found. If so, you can still be charged. With more errors in the system, the police may make even more mistakes. Good luck to us all.

McLellan is also planning on “privatizing” firearm registration. The details are not yet clear, but the only way a private firm could “break even” is to vastly increase the charges for firearm licences and registration.

Please write a letter today telling your Member of Parliament that you oppose Bill C-15. The improvements to the firearms act do not counterbalance putting the “animal rights” extremists in charge of the hunting and fishing regulations.

Write today. You don’t even have to put a stamp on the envelope! The best letters are short letters. Remember to be polite.

All MP’s have the same address:

House of Commons
Ottawa Ontario
K1A 0A6

Animal Rights and Bill C-15

If you don't know who your MP is, just call 1-800-622-6232.

Act now. Chretien is counting on you to be asleep. That's how the MP's got their 20% pay raise.

Word count: 1264

Gary Mauser is a Professor at Simon Fraser University in the Institute for Canadian Urban Research Studies and the Faculty of Business Administration. He has conducted numerous studies of firearm legislation. *His overview in this issue is intended as a synopsis of the situation in Canada today and is based on an article he prepared and submitted to the Fraser Institute for the Fraser Forum. In future issues he will be addressing specific aspects of Canada's gun registration scheme.*