

## The Criminal Code of Canada

### Cruelty to Animals Section(s)

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NFACC's National Farm Animal Care & Welfare Conference, September 20 & 21, 2007  
La Conférence nationale du CNSAE sur le bien-être et la protection des animaux d'élevage, 20 et 21 septembre 2007

## History

The Criminal Code of Canada is a codification of most of the criminal offences and procedures in Canada.

The Constitution Act, 1867 formerly called *British North America Act*, established criminal law as under the sole jurisdiction of the Federal Parliament.



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## Statutes of Canada 1886

*Everyone who wantonly, cruelly, or unnecessarily beats, binds, ill-treats, abuses, overdrives or tortures any cattle, poultry, dog, domestic animal or bird, - or who, while driving any cattle or any other animal is, by negligence, or ill-usage in the driving thereof, the means whereby any mischief, damage or injury is done by any such cattle or other animal, - or who, in any manner, encourages, aids or assists at the fighting or baiting of any bull, bear, badger, dog, cock or other kind of animal, whether of domestic or wild nature, shall, on summary conviction before two justices of the peace, be liable to a penalty not exceeding fifty dollars or to imprisonment for any term not exceeding three months, with or without hard labor, or to both.*



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## Definition 1892

*The expression "cattle", includes any horse, mule, ass, swine, sheep or goat, as well as any neat cattle or animal of the bovine species and by whatever technical or familiar name known, and shall apply to one animal as well as to many.*



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## The Criminal Code, 1892

500. *Everyone is guilty of an indictable offence and liable to two years imprisonment who wilfully-*

- (a) Attempts to kill, maim, wound, poison or injure any cattle, or the young thereof; or*
- (b) Places poison in such a position as to be easily partaken of by any such animal.*



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501. *Everyone is guilty of an offence and liable, on summary conviction, to a penalty not exceeding one hundred dollars over an above the amount of injury done, or to three months imprisonment with or without hard labor, who wilfully kills, maims, wounds, poisons or injures any dog, bird, beast, or other animal, not being cattle, but being either the subject of larceny at common law, or being ordinarily kept in a state of confinement, or kept for any lawful purpose.*



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512. Makes it a summary conviction offence with a penalty not exceeding fifty dollars or three months imprisonment with or without hard labor to wantonly, cruelly, or unnecessarily...



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## Yesterday and Today

- In 1851, 87% of Canadians lived rurally
- In 1901, 63% of Canada's 5.4 million people lived rurally
- In 2001, only 20% of Canada's 30+ million people lived rurally, and that number continues to decline
- The declining trend is not likely to change in the future



Source: Statistics Canada  
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## Ontario

- In 1901, there were 650,000 horses on Ontario farms. That number increased to a high of 776,000 in 1916, and then began a long decline as tractors replaced horses.
- By 1961, the number of horses on farms had dropped to below 89,000

Source: The Livestock Industry in Ontario  
A Century of Achievement  
White, Dalrymple and Hume



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## Cont'd...

- In 1901, 204,054 total farms employed 302,533 male workers
- In 2001, 59,728 total farms employed 83,700 workers
- In 1901, 924,000 milk cows produced 1,219,000 kilolitres (kl) of milk
- In 2001, 371,000 cows produced 2,497,000 kl



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## Companion animals

- As we turned into the 20<sup>th</sup> Century, dogs and other companion animals had insignificant commercial value
- Now, in the 21<sup>st</sup> Century, it isn't unusual to hear of "show dogs" selling in the tens of thousands of dollars
- In the late 1800s, these animals may have served a purpose as livestock guardians, or 'watch dogs'
- Now these animals are considered a part of the family and have significant commercial and emotional value.



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## And my point is...

- Although societal values have changed dramatically over the past hundred + years, the animal cruelty sections of the CCC have seen relatively little change during the same time period



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## Issues with the current law

- The word “wilfully” causes some difficulty with charges under the current legislation, as does
- “abandons in distress”
- “kept for a lawful purpose” and others.



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- In 2006, Inspectors of the Ontario SPCA laid 517 charges across the province...355 of those were Criminal Code charges. The balance were charges under various other provincial acts and municipal bylaws.
- Our conviction rate is very high ranging in the 80 to 90% range, but we could do so much more if we had a provincial offence of cause or permit an animal to be in distress.



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- While ‘hearing’ some Criminal charges, judges have said “is there nothing between making a criminal out of this person and doing nothing?” and the simple answer in Ontario is NO!
- Other provinces have provincial cruelty offences, but not Ontario.



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## What is proposed...

- S213 and C373 Either of these two bills would make animal cruelty an indictable offence in an effort to increase potential penalties.
- How will this effect prosecutions in Canada?
- What resources are available to Humane Society's and SPCA's for the effective enforcement of indictable offences?



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