



## MINUTES OF PROCEEDINGS

OTTAWA, Thursday, May 9, 2024  
(101)

[English]

The Standing Senate Committee on Legal and Constitutional Affairs met this day at 11:45 a.m., in room B30, Senate of Canada Building, the chair, the Honourable Mobina S. B. Jaffer, presiding.

*Members of the committee present:* The Honourable Senators Batters, Busson, Carignan, P.C., Clement, Dalphond, Gold, P.C., Jaffer, Klyne, Oudar, Pate, Plett, Prosper, Simons and Tannas (14).

*Participating in the meeting:* Michaela Keenan-Pelletier and Iryna Zazulya, analysts, Library of Parliament.

Pursuant to the order of reference adopted by the Senate on Tuesday, March 19, 2024, the committee continued its consideration of Bill S-15, An Act to amend the Criminal Code and the Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act.

### WITNESSES:

#### *Department of Justice Canada:*

Joanna Wells, Senior Counsel, Criminal Law Policy Section;

Aleksander Godlewski, Counsel, Criminal Law Policy Section.

#### *Environment and Climate Change Canada:*

Stephanie Lane, Executive Director, Legislative Governance;

Basile van Havre, Director General, Canadian Wildlife Service.

Resuming debate on the motion of the Honourable Senator Plett that the committee ask for the advice of the Office of the Law Clerk and Parliamentary Counsel regarding the letter received from African Lion Safari on May 8, 2024, before proceeding to clause-by-clause consideration of Bill S-15.

With leave, the motion was withdrawn.

It was agreed that the committee proceed to clause-by-clause consideration of Bill S-15.

It was agreed that the title stand postponed.

It was agreed that the preamble stand postponed.

The chair asked whether clause 1 shall carry.

The Honourable Klyne moved that Bill S-15 be amended in clause 1,

(a) on page 1,

(i) by replacing line 20 with the following:

“(i) possesses an elephant, great ape or designated animal that is kept in”,

(ii) by replacing line 22 with the following:

“(ii) breeds or impregnates an elephant, great ape or designated animal”;

(b) on page 2,

(i) by replacing line 6 with the following:

“the course of which elephants, great apes or designated animals that are”,

(ii) by replacing line 9 with the following:

“(2) Every person who possesses an elephant, great ape or designated animal” ,

(iii) by replacing line 12 with the following:

“elephant, great ape or designated animal.”,

(iv) by replacing lines 13 and 14 with the following:

“(3) If, on the day on which this section comes into force or the day on which a species of animal is designated under section 445.4, a person possesses an elephant, great ape or designated animal that is kept”,

(v) by replacing line 16 with the following:

“them in respect of that elephant, great ape or designated animal during the”,

(vi) by replacing line 19 with the following:

“(4) If an elephant, great ape or designated animal that is kept in captivity”,

(vii) by replacing lines 21 to 23 with the following:

“on which this section comes into force or the day on which a species of animal is designated under section 445.4, subparagraph (1)(a)(i) does not apply, in respect of that elephant, great ape or designated animal, to a person who possesses it on the day of its”,

(viii) by replacing lines 32 and 33 with the following:

“sesses an elephant, great ape or designated animal that is kept in captivity in the best interests of the elephant’s, great ape’s or designated animal’s”,

(ix) by replacing line 37 with the following:

“an elephant, great ape or designated animal that is kept in captivity in”;

(c) on page 3,

(i) by replacing line 1 with the following:

“an elephant, great ape or designated animal that is kept in captivity in”,

(ii) by replacing lines 4 to 7 with the following:

“tent authority in a province, possesses an elephant, great ape or designated animal that is kept in captivity in the best interests of the elephant’s, great ape’s or designated animal’s welfare;

**(d.1)** a person who possesses a designated animal in captivity for the purpose of protecting property or public safety in accordance with any applicable law of Canada or a province or with an Aboriginal or treaty right recognized and affirmed by section 35 of the *Constitution Act, 1982*;

**(d.2)** a person who traps a designated animal in accordance with any applicable law of Canada or a province or with an Aboriginal or treaty right recognized and affirmed by section 35 of the *Constitution Act, 1982*; or

**(e)** a person who possesses an elephant, great ape or designated animal”,

(iii) by replacing line 9 with the following:

“with assistance or rehabilitating it following an injury or another state of distress.”,

(iv) by replacing line 15 with the following:

“breeds or impregnates an elephant, great ape or designated animal that is”,

(v) by replacing line 20 with the following:

“impregnates an elephant, great ape or designated animal that is kept in”,

(vi) by replacing line 27 with the following:

“mits natural breeding of an elephant, great ape or designated animal that”,

(vii) by replacing line 32 with the following:

“natural breeding of an elephant, great ape or designated animal that is”;

(d) on page 4,

(i) by adding the following after line 1:

**“designated animal** means an animal of a species designated under section 445.4 or a non-domesticated subspecies of that species. It also includes a hybrid animal that has, in the last four generations of its lineage, at least one animal of a species designated under section 445.4. (*animal désigné*)”,

(ii) by adding the following after line 5:

**“445.4 (1)** On the recommendation of the Minister of the Environment, the Governor in Council may designate, by order, a non-domesticated species of animal as a designated animal based on the best available scientific, veterinary, animal care or animal welfare information.

**(2)** Before making a recommendation under subsection (1), the Minister must consider the following:

**(a)** whether the species is capable of living in captivity;

**(b)** whether the biological needs of individual animals of that species to live a good life can be met in captivity, including, in particular,

**(i)** the ability of animals of the species to engage in natural behaviour while in captivity,

**(ii)** the intelligence, emotions, social requirements, physical size, lifestyle and potential use in performances of animals of the species, and

**(iii)** the evidence of harm to animals of the species in captivity, including stereotypes, health problems in captivity, shorter lifespans and increased infant mortality rates; and

**(c)** the public safety risks posed by animals of the species.

**(3)** The Governor in Council may not designate a species of animal under this section if the species is used in farming for food purposes in Canada.”.

Joanna Wells answered questions from time to time.

After debate, it was agreed that the clerk share all amendments on Bill S-15 with committee members before the next meeting.

After debate, it was further agreed to resume consideration of the motion in amendment at the next meeting.

At 12:38 p.m., the committee adjourned to the call of the chair.

*ATTEST:*

Vincent Labrosse

*Clerk of the Committee*