



MINUTES OF PROCEEDINGS

OTTAWA, Thursday, June 13, 2024
(109)

[English]

The Standing Senate Committee on Legal and Constitutional Affairs met this day at 11:49 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, Carignan, P.C., Clement, Cotter, Dalphond, Gold, P.C., Jaffer, Klyne, Oudar, Pate, Plett, Prosper, Simons and Tannas (14).

Participating in the meeting: Iryna Zazulya and Michaela Keenan-Pelletier, 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:

Aleksander Godlewski, Counsel, Criminal Law Policy Section;

Joanna Wells, Senior Counsel, Criminal Law Policy Section.

Environment and Climate Change Canada:

Stephanie Lane, Executive Director, Legislative Governance;

Basile van Havre, Director General, Canadian Wildlife Service.

The committee resumed clause-by-clause consideration of Bill S-15.

Stephanie Lane and Aleksander Godlewski answered questions from time to time.

Resuming debate on the motion in amendment of the Honourable Senator Simons that Bill S-15 be amended in clause 1, on page 4, by adding the following after line 5:

“445.5 (1) The court imposing sentence on a person convicted of an offence under subsection 445.2(2) or (4) or 445.3(1) or discharging the offender under section 730 may, on application of the prosecutor or on its own motion, in addition to any other measure imposed on the offender, order that the offender carry out any action, at the offender’s cost, that is necessary in the best interests of the animal involved in the offence, including

(a) modifying the physical conditions in which the animal is kept;

(b) relocating the animal to another facility or sanctuary;

(c) modifying the social conditions in which the animal is kept; or

(d) forfeiting ownership of the animal and surrendering the animal to an animal welfare authority named in the order.

(2) In determining whether to make an order under subsection (1), the court must ask for and consider expert evidence on the individual animal’s welfare and conservation of its species.

(3) On its own motion or on application of the prosecutor, the court may make an order made under subsection (1) applicable to any other animals in the offender’s possession if those animals are of the same species as or a species closely related to the animal in respect of which the offence was committed.”.

After debate, the question being put on the motion in amendment, it was adopted on the following vote:

YEAS

The Honourable Senators

Jaffer, Clement, Cotter, Dalphond, Klyne, Oudar, Pate, Prosper, Simons, Tannas — [10]

NAYS

The Honourable Senators

Batters, Carignan, Plett — [3]

ABSTENTIONS

The Honourable Senators

Gold — [1]

The chair asked whether clause 1, as amended, shall carry.

After debate, the question being put on the motion, it was adopted on the following vote:

YEAS

The Honourable Senators

Jaffer, Clement, Cotter, Dalphond, Gold, Klyne, Oudar, Pate, Prosper, Simons, Tannas — [11]

NAYS

The Honourable Senators

Batters, Carignan, Plett — [3]

ABSTENTIONS

NIL

The chair asked whether clause 2 shall carry.

The Honourable Senator Klyne moved that Bill S-15 be amended in clause 2, on page 4, by adding the following after line 9:

“designated animal has, for the purposes of subsections 6(2.1) and 10(1.1) and (1.2), the same meaning as in subsection 445.3(10) of the *Criminal Code*. (*animal désigné*)”.

After debate, the question being put on the motion in amendment, it was adopted on the following vote:

YEAS

The Honourable Senators

Jaffer, Clement, Cotter, Dalphond, Klyne, Oudar, Pate, Prosper— [8]

NAYS

The Honourable Senators

Batters, Carignan, Plett, Tannas — [4]

ABSTENTIONS

The Honourable Senators

Gold, Simons — [2]

The chair asked whether clause 2, as amended, shall carry.

After debate, the question being put on the motion, it was adopted on the following vote:

YEAS

The Honourable Senators

Jaffer, Clement, Cotter, Dalphond, Gold, Klyne, Oudar, Pate, Prosper, Simons — [10]

NAYS

The Honourable Senators

Batters, Carignan, Plett — [3]

ABSTENTIONS

The Honourable Senators

Tannas — [1]

The chair asked whether clause 3 shall carry.

The Honourable Senator Klyne moved that Bill S-15 be amended in clause 3, on page 5, by replacing line 4 with the following:

“living elephant, great ape or designated animal.”.

After debate, the question being put on the motion in amendment, it was adopted, on division.

The chair asked whether clause 3, as amended, shall carry.

After debate, the question being put on the motion, it was adopted on the following vote:

YEAS

The Honourable Senators

Jaffer, Clement, Cotter, Dalphond, Gold, Klyne, Oudar, Pate, Prosper, Simons— [10]

NAYS

The Honourable Senators

Batters, Carignan, Plett — [3]

ABSTENTIONS

The Honourable Senators

Tannas — [1]

The chair asked whether clause 4 shall carry.

After debate, the question being put on the motion, it was adopted on the following vote:

YEAS

The Honourable Senators

Jaffer, Clement, Cotter, Dalphond, Gold, Klyne, Oudar, Pate, Prosper, Simons, Tannas— [11]

NAYS

The Honourable Senators

Batters, Carignan, Plett — [3]

ABSTENTIONS

NIL

The chair asked whether clause 5 shall carry.

The Honourable Senator Klyne moved that Bill S-15 be amended in clause 5,

(a) on page 5,

(i) by replacing line 26 with the following:

“phant, great ape or designated animal if the importation or exportation is”,

(ii) by replacing lines 29 to 31 with the following:

“(b) for the purpose of keeping the elephant, great ape or designated animal in captivity in the best interests of that elephant’s, great ape’s or designated animal’s welfare.”;

(b) on page 6,

(i) by replacing lines 4 to 6 with the following:

“(a) to possess an elephant, great ape or designated animal that is kept in captivity in the best interests of that elephant’s, great ape’s or designated animal’s welfare;”,

(ii) by replacing line 8 with the following:

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

(iii) by replacing line 12 with the following:

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

(iv) by adding the following after line 13:

“(1.3) For greater certainty, a person does not require a permit issued under this section to possess a designated animal that is kept in captivity for the purpose of

- (a)** providing that animal with assistance or rehabilitating it following an injury or another state of distress;
- (b)** 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*; or
- (c)** trapping activities carried out 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*.”.

After debate, the question being put on the motion in amendment, it was adopted on the following vote:

YEAS

The Honourable Senators

Jaffer, Clement, Cotter, Dalphond, Klyne, Pate, Prosper — [7]

NAYS

The Honourable Senators

Batters, Carignan, Plett — [3]

ABSTENTIONS

The Honourable Senators

Gold, Tannas — [2]

The Honourable Senator Clement moved that Bill S-15 be amended in clause 5,

(a) on page 5, by replacing line 27 with the following:

“(a) in connection with a scientific research program for conservation purposes or with a”;

(b) on page 6, by replacing line 10 with the following:

“gram for conservation purposes; or”.

After debate, the question being put on the motion in amendment, it was adopted on the following vote:

YEAS

The Honourable Senators

Jaffer, Clement, Cotter, Dalphond, Klyne, Pate, Prosper, Simons — [8]

NAYS

The Honourable Senators

Batters, Carignan, Plett, Tannas — [4]

ABSTENTIONS

The Honourable Senators

Gold — [1]

The chair asked whether clause 5, as amended, shall carry.

After debate, the question being put on the motion, it was adopted on the following vote:

YEAS

The Honourable Senators

Jaffer, Clement, Cotter, Dalphond, Gold, Klyne, Pate, Prosper, Simons — [9]

NAYS

The Honourable Senators

Batters, Carignan, Plett — [3]

ABSTENTIONS

The Honourable Senators

Tannas — [1]

The chair asked whether clause 6 shall carry.

After debate, the question being put on the motion, it was adopted on the following vote:

YEAS

The Honourable Senators

Jaffer, Clement, Cotter, Dalphond, Gold, Klyne, Pate, Prosper, Simons, Tannas — [10]

NAYS

The Honourable Senators

Batters, Carignan, Plett — [3]

ABSTENTIONS

NIL

The chair asked whether clause 7 shall carry.

After debate, the question being put on the motion, it was adopted on the following vote:

YEAS

The Honourable Senators

Jaffer, Clement, Cotter, Dalphond, Gold, Klyne, Pate, Prosper, Simons, Tannas — [10]

NAYS

The Honourable Senators

Batters, Carignan, Plett — [3]

ABSTENTIONS

NIL

The chair asked whether clause 8 shall carry.

After debate, the question being put on the motion, it was adopted on the following vote:

YEAS

The Honourable Senators

Jaffer, Clement, Cotter, Dalphond, Gold, Klyne, Oudar, Pate, Prosper, Simons, Tannas — [11]

NAYS

The Honourable Senators

Batters, Carignan, Plett — [3]

ABSTENTIONS

NIL

The chair asked whether clause 9 shall carry.

The Honourable Senator Simons moved that Bill S-15 be amended in clause 9, on page 8,

(a) by replacing line 12 with the following:

“(a) any of sections 11.1 to 11.3; or”;

(b) by replacing lines 15 to 17 with the following:

“subsection 22(1).”.

After debate, the question being put on the motion in amendment, it was negatived on the following vote:

YEAS

The Honourable Senators

Batters, Carignan, Pate, Plett, Simons, Tannas — [6]

NAYS

The Honourable Senators

Clement, Cotter, Dalphond, Gold, Klyne, Oudar, Prosper — [7]

ABSTENTIONS

NIL

The chair asked whether clause 9 shall carry.

After debate, the question being put on the motion, it was adopted on the following vote:

YEAS

The Honourable Senators

Jaffer, Clement, Cotter, Dalphond, Gold, Klyne, Oudar, Pate, Prosper, Simons — [10]

NAYS

The Honourable Senators

Batters, Carignan, Plett — [3]

ABSTENTIONS

The Honourable Senators

Tannas — [1]

The chair asked whether clause 10 shall carry.

After debate, the question being put on the motion, it was adopted on the following vote:

YEAS

The Honourable Senators

Jaffer, Clement, Cotter, Dalphond, Gold, Klyne, Oudar, Pate, Prosper, Simons, Tannas — [11]

NAYS

The Honourable Senators

Batters, Carignan, Plett — [3]

ABSTENTIONS

NIL

The Honourable Senator Plett moved that Bill S-15 be amended on page 9 by adding the following after line 40:

“Coming into Force

11 This Act comes into force on a day to be fixed by order of the Governor in Council, but that day may not be earlier than the first anniversary of the day on which it receives royal assent.”.

The question being put on the motion in amendment that new clause 11 carry, it was adopted on the following vote:

YEAS

The Honourable Senators

Batters, Carignan, Oudar, Pate, Plett, Prosper, Simons, Tannas — [8]

NAYS

The Honourable Senators

Jaffer, Clement, Cotter, Dalphond, Gold, Klyne — [6]

ABSTENTIONS

NIL

After debate, the question being put on the motion on whether clause 11, as amended, shall carry, it was adopted, on division.

With leave, it was agreed to revert to clause 1, as amended.

The Honourable Senator Dalphond moved that Bill S-15 be amended in clause 1, in the French version of paragraph 445.3(5)(d.1) added by previous decision of the committee, by replacing “un éléphant, un grand singe ou un animal désigné” with the following:

“un animal désigné”.

The question being put on the motion in amendment, it was adopted.

The Honourable Senator Batters moved that the Honourable Senator Cotter be chair of the Standing Senate Committee on Legal and Constitutional Affairs, effective August 19, 2024.

The question being put on the motion, it was adopted.

At 1:38 p.m., the committee adjourned to the call of the chair.

ATTEST:

Vincent Labrosse

Clerk of the Committee