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September 27, 2016

MP

Fax:

Dear \_\_\_\_\_,

I am writing to you to voice the opposition of the Canadian Sportfishing Industry Association and the Canadian National Sportfishing Foundation to Bill C-246: The Modernizing Animal Protections Act.

It is the opinion of our members who represent an industry that serves Canada's 8 million anglers that provisions in Bill C-246 clearly make it possible for anyone who catches a fish to face criminal prosecution for cruelty to animals. While sponsors and supporters of the bill attempt to reassure us that Bill C-246 does not apply to anglers or hunters, trappers, farmers, etc., there is substantial evidence to the contrary.

Specifically, Section 182.1.1 states that:

*Everyone commits an offence who, willfully or recklessly, (b) kills an animal or, being the owner, permits an animal to be killed, brutally or viciously, regardless of whether the animal dies immediately;*

This section poses the same threat as seven previous iterations of similar bills. According to exhaustive legal opinions, for the first time in Canadian history this section would make it an offence to kill an animal "brutally" or "viciously" without defining those terms.



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As well, Bill C-246 does not exempt from this offence normal hunting and fishing activities. Hunting and fishing necessarily involve the killing of animals. Animal rights groups consistently attempt to portray these traditional Canadian heritage activities as inherently "brutal" and "vicious." If Bill C-246 becomes law, this section will be used by animal rights activists who will employ provisions of the Criminal Code to bring private prosecutions to harass lawful anglers and hunters.

Furthermore, a recent legal analysis of Bill C-246 reveals that the addition of a "negligence" standard widens the test for criminalization of these activities. A person need not be willfully cruel, but merely clumsy or incompetent. Without clearly listing legal activities concerning animals, lawful individuals, including anglers, could easily be targeted.

Finally, where a Federal bill criminalizes activity that is deemed lawful and regulated under Provincial law, constitutional issues relating to the validity of the statutes arise. Fishing and hunting licences are provincially regulated and, as outlined above, Bill C-246 criminalizes these activities. In 2004, respected Toronto law firm Lang Michener, with which former Prime Minister Jean Chrétien practiced, reviewed Bill C-22 and the other bills that had the same wording as C-246. This legal review explained that anglers could be fishing in compliance with all licencing requirements and yet could still face charges under this legislation as a fishing licence affords no protection in and of itself.

As you are aware, heritage activities such as hunting, fishing, trapping and recreational shooting are increasingly under threat from other agendas. While Liberal MP Nathaniel Erskine-Smith, who tabled Bill C-246, has dismissed the fears of the fishing and hunting communities, we know from past experience that the very groups supporting this bill are determined to attack these very communities. The repercussions to the fishing industry, which currently injects over 8 billion dollars annually into the Canadian



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economy, would be catastrophic should this bill become law. The health of the economy relies on sound government policy and legislation, which Bill C-246 rejects.

For these reasons, the members of the Canadian Sportfishing Industry Association and the Canadian National Sportfishing Foundation oppose Bill C-246 and strongly urge you to vote against it. We would like to know your position on this proposed legislation and await your reply.

Yours sincerely,

Kim Rhodes  
President

*The longstanding practice of the Canadian Sportfishing Industry Association has been to engage with all levels of government, regardless of political affiliation, in an open and fair discussion for the continued sustainable use of our abundant fish and wildlife. To that end we hold a seat on the federal Hunting and Angling Advisory Panel (HAAP) and we have been an active supporter of the non-partisan Outdoor Caucus Association of Canada (OCAC) which acts as a liaison between the outdoor industry and the all-party Parliamentary Outdoor Caucus.*