

BILL S-15 AND THE NOAH CLAUSE



Government Bill S-15 proposes to require a licence for the acquisition, breeding, import or export of elephants and great apes (chimpanzees, gorillas, orangutans, bonobos) in Canada, limited to the purposes of either their best interests, conservation, or scientific research. The changes would be grandfathered in. Bill S-15 would also ban using these species in circus-style shows, which has occurred with elephants in Canada. Bill S-15 builds on Canada's 2019 whale and dolphin captivity laws.

In a June 2024 report, the Senate Legal and Constitutional Affairs Committee recommended amending Bill S-15 to add a Noah Clause. Named for Noah's Ark, this measure would provide a mechanism for the federal cabinet to designate additional wild species for the same legal protections under the Act as elephants and great apes, by executive order.

In addition to elephants and great apes, following due diligence, the Committee recommended prioritizing the protection of non-native big cats (lions, tigers, jaguars, cheetahs, leopards, snow leopards, and clouded leopards) in the context of captivity, to address animal cruelty and public safety risks. World Animal Protection Canada estimates that over 7,000 lions, tigers and leopards are privately owned in Canada.

The addition of the Noah Clause to Bill S-15 is a request of the Jane Goodall Institute of Canada and nine leading Canadian zoos and animal welfare NGOs.

This information answers five questions about the proposed Noah Clause on behalf of Senator Marty Klyne, Senate sponsor of Bill S-15. The Senate is anticipated to debate and vote on the Noah Clause when the Senate resumes sitting in September 2024.

1. What criteria would the federal cabinet use to designate a wild species for protection under the Noah Clause?

Before protecting a wild species under the Noah Clause, the federal cabinet would need to consider factors including: the species' natural behaviour, intelligence, emotions, social needs, and physical size; evidence of harms in captivity, such as abnormal, repetitive behaviour, health problems, shorter lifespans, or higher infant mortality; and risks to public safety from escapes or attacks.

2. What other wild species could receive protection under the Noah Clause?

The Jane Goodall Institute of Canada and nine leading Canadian zoos and animal welfare organizations have recommended priority restrictions in relation to big cats, bears, additional primates, and dangerous reptiles, such as crocodiles, anacondas, and venomous snakes.

3. Could the Noah Clause affect domesticated or game-farmed species?

No. The Noah Clause could only apply to non-domesticated wild animals. In contrast, domesticated animals are species that have been selectively bred and genetically adapted over time for use by humans. With respect to game-farmed species, the Noah Clause cannot apply to any species farmed for food purposes in Canada.

4. Would consultations occur before using the Noah Clause?

The Committee recommended that before considering using the Noah Clause, the federal cabinet must provide six months of public notice identifying the potentially designated wild species. The cabinet must also consult experts, provincial representatives, and, as regards Canadian wild species, with Indigenous nations. As well, before making an order, the Government would need to publish and table in Parliament a report outlining its process and reasons.

5. Would zoos and sanctuaries be able to hold new wild animals protected using the Noah Clause?

Yes. Credible zoos and sanctuaries would be able to hold and display new wild animals protected under the Noah Clause for the purposes of either their best interests, conservation, or scientific research. For example, 'best interests' licensing would allow zoos or sanctuaries to provide a better life to wild animals living in unsuitable situations, such as the thousands of big cats, primates, and dangerous reptiles held at roadside zoos or as exotic pets in Canada and the US. Breeding for conservation purposes could also occur. Any wild species designated under the Noah Clause would be grandfathered in, without restriction on their display.