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**Official Report
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Wednesday 23 July 2008

**Journal
des débats
(Hansard)**

Mercredi 23 juillet 2008

**Standing Committee on
Justice Policy**

Provincial Animal
Welfare Act, 2008

**Comité permanent
de la justice**

Loi ontarienne de 2008
sur le bien-être des animaux

Chair: Lorenzo Berardinetti
Clerk: Susan Sourial

Président : Lorenzo Berardinetti
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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON JUSTICE POLICY

Wednesday 23 July 2008

COMITÉ PERMANENT DE LA JUSTICE

Mercredi 23 juillet 2008

The committee met at 0914 in the Sheraton Four Points, London.

PROVINCIAL ANIMAL WELFARE ACT, 2008

LOI ONTARIENNE DE 2008 SUR LE BIEN-ÊTRE DES ANIMAUX

Consideration of Bill 50, An Act to amend the Ontario Society for the Prevention of Cruelty to Animals Act / Projet de loi 50, Loi modifiant la Loi sur la Société de protection des animaux de l'Ontario.

COUNCIL OF CANADIANS, LONDON CHAPTER

The Acting Chair (Mr. David Zimmer): Good morning, everybody. Welcome to the second day of the justice committee sitting in London on this legislation. It's 9:15, so I'll call the 9:15 presenter, Kevin Lomack. Mr. Lomack, you'll have 15 minutes. I'll give you a three-minute warning as you get to the end of your time. If you want to leave time for questions from the members of the committee, please do so, but that's your decision. And if you will identify yourself for the record.

Mr. Kevin Lomack: Thank you very much. My name is Kevin Lomack and I'm here on behalf of the London chapter of the Council of Canadians social justice committee.

First of all, I'd like to welcome to London Chairman Zimmer and the rest of the Standing Committee on Justice Policy. I hope you've enjoyed your stay in London so far.

It's very comforting to have this opportunity to make a presentation to you in person. I cannot stress to you how important I believe this piece of legislation is to us. And although I can't say that I've been waiting 89 years for this, some days it sure feels that way. It's very encouraging to see that everyone is looking at this as an issue that needs to be dealt with rather than turning this into a partisan issue and creating a political situation out of this. It's all about the animals, of course.

I've read Bill 50 with enthusiasm, and there is cause for commendation for everyone who has been behind this initiative. The simple reading of the preamble for this bill gives rise to the thought that we are turning a page in history, and I could not think of any more appropriate

sentences to use to describe the purpose and intent than the ones selected by those putting this legislation together. The warmth that I feel with the thought that after 89 years this province should soon have a bill in place that will prove to bring Ontario in line with other jurisdictions in Canada with respect to the subject of appropriate animal welfare policy—this was a concept that seemed unfathomable to us just a very few years ago.

That the vast amount of animal suffering that has taken place while we have waited almost 90 years for this progressive legislation to come to fruition will cease to occur with the passing into law of the task you have been assigned or volunteered for is quite an achievement, and so many innocent lives will be saved and suffering avoided. I have to trust that you are well aware that the process you are participating in will not be lost on the caring, compassionate people of this province during the upcoming election periods and for years to come.

0920

I would like to speak briefly, if I may, to the topic of the new inspection powers. It would be my feeling that sanctioning the OSPCA with the authority to inspect premises, other than homes, when there are reasonable grounds to suspect abuse is a significant stride in the right direction for a society that believes that it now desires to be seen as a caring one towards animals.

The ability of the OSPCA to enter a premise other than a home without a warrant in the context of this amendment to the legislation is just and reasonable, given that the cause is protecting the lives of animals. I am pleased that this clarification has been added. It would not be my expectation that there would be any accusations that this authority would be abused, and I hope that you do not hear any concerns from others on this topic. We all call for this sort of ability when circumstances justify the action in other instances; why should this not apply to the threats to the well-being of animals?

The language change stipulating the ability to permit the seizure of the remains of dead animals when there is suspicion that something untoward has contributed to the death of the animal and further investigation is required makes absolute sense and will turn out to be an additional and very beneficial tool in the hands of the authorities, and will be appreciated by those in the animal advocacy community.

I would expect that the expansion of the authority to remove and retain an animal when charges have been laid

and there is cause to believe harm may come to the animal will establish a degree of satisfaction that has not been afforded to these innocent creatures themselves and to other individuals who have been concerned for the well-being of the animals. Have you ever seen the reaction of a dog when it is inappropriately struck? The thought that this sort of a situation could result in the animal being removed to a safe space is extremely heart-warming.

If I may, I would like to comment on the language that speaks to the new provincial offences planned to be created for animal cruelty allegations. It is hard to believe that we have survived without this sort of legal protection for so long. In looking at each and every one of the newly created provincial offences listed in the literature provided, I'm certain that the jobs of litigators and enforcement officers will be enhanced to the extent that there will be a greater degree of just convictions. My hope would be that we will not see as many horror stories where the authorities state that there was nothing more that they could do.

The changes stipulated in the act with respect to the fines that can be levied against those charged with animal abuse are an encouraging step in the right direction. I am hopeful that as time passes, judges will move towards establishing the jurisprudence that will provide the sort of results that I believe our society accepts and expects with respect to what qualifies as appropriate fines for abusive actions.

The clarity in the definition of the word "distress," as it relates to this piece of legislation, is very much appreciated. I should hope that having clear definitions such as this, rather than ambiguous ones, will be helpful to provide clarity for those in the enforcement realm. It would be my expectation that there should be no issue from any community with respect to this rational definition, and providing any substitute other than what has been suggested to date would be a step backwards.

Given that I fully understand that this amendment is a significant leap forward for those who care about the well-being of animals, I will respectfully refrain from crossing into the space where my sensibilities could get frustrated; this would not be constructive at this point in time. I would just like to let you know that the area of concern for me would, of course, be the exceptions in 11.2(6)(a), (b) and (c). I would, however, like to speak briefly about a few of the problems that exist in the province with respect to animal care that are not appropriately dealt with in this amendment.

Bill 50 seems to not address some of what I would deem as abuse, and I have personally witnessed this in many, many operations commonly referred to as "road-side zoos." I suspect that the tools given to the officers in charge of enforcement are a vast improvement upon what we currently have when there is obvious suffering. However, what I'm concerned about is that relatively little is being contemplated that will serve to facilitate a more proactive attempt to mitigate against animal abuse.

It would be my hope that language could be incorporated during the development of Bill 50 to address

these concerns. I would think that this could be done without too much trouble at this stage of the process. My vision would include these suggestions for you to consider:

There could be a provincial requirement for all individuals or businesses that own, display or keep wild animals in captivity to be licensed. This would be a major step in the right direction. We have had a multitude of problems in London and area over the years that can be attributed back to lack of appropriate or qualified owners of these facilities and less than effective bylaws, to say the least.

As you have seen in the news, this has resulted in embarrassment at the international level. I have personally been called to provide pictures to newspapers in Australia in the middle of the night. I believe that this recommendation should serve to lessen the chances of this problem occurring in the future. It would be my hope that this licensing could fall under the jurisdiction of the Ministry of Community Safety and Correctional Services. Most individuals find it unbelievable that no licence is required for this sort of business at the current time, and given the risks to the public and the concern for proper and appropriate care for the animals, we can't afford to pass on this opportunity.

Some of the simple and easy-to-understand prerequisites for the zoo licence would be compliance with this list of requirements as well as any others that you may feel are required:

- submission of a detailed business plan;
- information and explicit details about the design of the facility;
- a listing of the species contemplated to be kept at the facility;
- approved and certified specifications indicating the design and construction of the enclosures;
- outline of the animal management practices that are contemplated;
- details of how important duties would be assigned to staff and an indication of their workload. In so many instances where accidents happen, the root cause is deemed to be overwork and under-staff;
- requirement to provide details regarding all the safety features to protect staff, visitors and neighbours;
- the formal training requirements of the keepers and custodians need to be available and posted. The requirement would be that they would need to be accredited for each of the specific species categories that they were to be in charge of;
- approved funding plan for a minimum of five years, with designated timelines for plan updates;
- liability insurance in keeping with the principles of due diligence, the amount of coverage to be determined through consultation and risk assessment. This coverage must be proven to be in place in order to renew a licence;
- a catastrophic emergency plan—

The Acting Chair (Mr. David Zimmer): You have three minutes.

Mr. Kevin Lomack:—for the orderly dispersal of the animals in the event of a failure of the operation; and—a commitment to care of the animals within the standards that we should hope will be developed for the industry and covered in the regulations.

It would be my expectation that when the Ministry of Community Safety and Correctional Services sets out to enact policy, if indeed you should be interested in endorsing this recommendation, they will turn to one of the models that has been suggested by others in the zoo animal advocacy realm such as Zoocheck or WSPA.

Public safety, being a prime consideration, should guide those connected to the task of developing this proposal to engage in consultation with those connected to the animal advocacy groups who have had many years of experience in assessing what will be in the broader public interest. Clear regulations, standards and measures could be put into place to protect all those who could come in contact with wild animals.

It is my belief that when citizens have been polled to gauge their receptiveness to the concept of licensing for those operating zoos, who are in the business of dealing with captive animals, the results have been overwhelmingly in favour of the added protection and peace of mind that this would provide. I believe that incorporating provisions such as I'm suggesting would increase the level of public and employee safety. Against the backdrop of what we know at this point in time can happen when zoo operators don't follow any sort of guidelines, we can't afford to take the chance of not doing what we all should realize is the right thing to do.

I fully look forward to paying attention as you all do your important committee work on this bill. Please feel free to contact me if you have any further questions that come to you at any time during the process.

I believe that the process in which you are engaged will be, and is being, supported by the larger community. It is tough to draw a crowd to any kind of proceeding like this in the middle of summer. I certainly know this, and I'm confident that you will have no desire to delay in moving this bill forward through the final reading as expeditiously as possible.

0930

The Acting Chair (Mr. David Zimmer): Thank you. We've got about a minute per caucus, starting with the Conservatives.

Mr. Toby Barrett: Thank you for presenting for the committee this morning. You addressed the issue—in fact you used terms like “suffering,” “abuse” and “cruelty,” and I think you identified in the legislation that they use the term “distress.” There is a definition there, which I think you felt was a good idea. I am concerned, though, because the way it's written, it could really be open to interpretation. It seems somewhat vague and subjective. Is there a better way that we could do this? I know there's one other province that has a very detailed description of what distress means. Should this be identified by someone like a veterinarian? How do we pin this down? You mentioned a dog or—

The Acting Chair (Mr. David Zimmer): All right, we'll have to just leave that question out there.

Mr. Toby Barrett: I'd like an answer if I could, please.

Mr. Kevin Lomack: I'm actually very content with the definition that's been provided in the interpretation section.

Mr. Toby Barrett: Because it's vague?

Mr. Kevin Lomack: No. It actually looks like it's descriptive enough yet leaves some latitude for interpretation through judicial processes at some point.

The Acting Chair (Mr. David Zimmer): I do have to move on now—NDP, Ms. DiNovo.

Ms. Cheri DiNovo: Thank you for your deputation. Greetings to the Council of Canadians. Certainly our role here in the NDP is to see that this bill is as strong and as fair as possible. I thought your comments about the licensing of zoos were very interesting. We'll definitely take that into consideration.

The Acting Chair (Mr. David Zimmer): The Liberals, Mr. Levac.

Mr. Dave Levac: Thanks for your deputation. I appreciate your desire to see a good piece of legislation. No one's got a monopoly on trying to write a good piece of legislation, so we're going to do our best to do that. I would remind everybody that there's been no piece of legislation that I'm aware of in this province that's been perfect, and we will do our best to weed out. The opposition does that; the government does that. There will be amendments, and I appreciate the fact that you've come today before us.

The Acting Chair (Mr. David Zimmer): Thank you for taking the time to present to the community.

Mr. Kevin Lomack: Thank you very much.

Mr. Dave Levac: Point of order, Mr. Chairman: Yesterday, at the request of some of the deputants, and with the approval of the opposition, I indicated that I would come back with some information that would be provided, so I seek your guidance as to when that would be most appropriate to be placed. Would it be all right to give that update today, or would you like me to wait?

The Acting Chair (Mr. David Zimmer): Let's let the morning progress, because I expect there are going to be some gaps this morning, and then we'll address this.

Mr. Dave Levac: I'm at your command.

The Acting Chair (Mr. David Zimmer): All right. Thank you.

Mr. Khalil Ramal: Point of order, Mr. Chair: I would like to move a motion, if that's possible, with agreement from the members of the committee, to allow the controller from the city of London, Gina Barber, to present to the committee, since we have a spot available, I believe, at 9:45. They tried to submit to the committee to be permitted to be—

The Acting Chair (Mr. David Zimmer): Thank you. Any debate on that? Agreed? Agreed. All right, we'll do the city of London at 9:45.

WAYNE UNCER

The Acting Chair (Mr. David Zimmer): Now we'll move to Wayne Uncer. Mr. Uncer, you'll have 15 minutes. I'll give you a three-minute warning as you get to the end of your time. If you want to leave time for questions and answers from the committee, please do so. That's your call.

Mr. Wayne Uncer: Thank you. Good morning, ladies and gentlemen, respected honourable members of Parliament. My name is Wayne Uncer. I'm a retired owner of the largest animal control service in southern Ontario. The service covered 11 municipalities and impounded over 3,000 animals annually. I'm a licensed trapper and member of the Ontario Fur Managers Association. I'm the past vice-president of the Ontario Sporting Dog Association, past president of the Ontario Treeing Walker Association, and a board member of the Canadian Outdoor Heritage Alliance. During 2002 and 2003, I sat on the Ministry of Natural Resources Ontario Fish and Wildlife Advisory Board, an 11-member board offering advice to the minister and ministry on fish and wildlife management issues.

During my involvement with all these organizations, I have gathered a wealth of knowledge regarding animal welfare, animal rights, domestic and wildlife. My personal passion has always followed the path of our forefathers. Animals were used for many purposes and still are: beasts of burden, a protein food source, clothing, cosmetics—a list longer than can be imagined. I do enjoy the hunt and listening to the hounds as they give chase. I hunt, fish and trap, and enjoy the rich resources Ontario has to share.

The hunters, fishermen and trappers of Ontario are responsible for the incredible fish and wildlife opportunities we have today to be utilized or simply viewed. These renewable resources would not be here if it were not for the front-line dedication of the conservationists and hunters in Ontario.

All that being said, I now turn to Bill 50. I'll try to show you how my comments have relevance to the bill. I've worked with the OSPCA, but, as I must confess, they were not all positive experiences. I've experienced the inexperience and the lack of professionalism with some inspectors in our area. The comments made to me during my occupation as an animal control officer were way out of perspective, coming from a person who is supposed to be a professional. I have heard statements repeated to me from an MNR manager that the OSPCA need not worry: "We'll have all the training and trialing areas shut down in the next few years"—one more step towards the goal of the animal rights activists to eliminate all hunting. The OSPCA has refused to assist on several occasions since they were not first on scene and mainly because they work bankers' hours and do not have an after-hours number. The OPP, police and municipal officials have asked for them many times, and we ended up doing the calls as they could not be reached.

The OSPCA has the humane societies under their umbrella but has no control over what they do. Even as

we look at Bill 50, the humane societies are not on the same page. The OSPCA boasts a province-wide network of 25 SPCA branches and 31 affiliated member humane societies in Ontario. The Toronto Humane Society does not support the bill in its entirety as the article below indicates. There currently seems to be a little infighting.

"Fight Bill 50: A message from the Toronto Humane Society:

"Why Bill 50 is flawed and why we must fight back for the animals.

"Michael O'Sullivan, chairman and CEO, Humane Society of Canada" states: "The bill requires more widespread consultation before third reading."

"Tony Kenny, rural Ontario small businessman: 'Any bill should never have a warrantless entry section.'"

Section 6 of Bill 50 will result in community shelters that either don't want to be affiliated with the OSPCA or shelters that the Ontario SPCA itself doesn't want as affiliates being stripped automatically of their names by the Legislature. The Ontario SPCA favours one voice for animal welfare in Ontario, but we know that our strength as a movement is in its many voices. We ask the Ontario SPCA to rethink its support for Bill 50, which could result in hurting other humane societies.

Ontario's animal welfare movement does not belong to the government or to the SPCA. It belongs to the communities that built shelters without government or OSPCA money—organizations that have earned the right to call themselves humane societies and the right to speak out on their own on the issues of the day.

Other important concerns for the animals Bill 50 ignores:

- nothing for lost animals experimented on in laboratories;

- nothing for animals and birds in the wild;

- nothing for millions upon millions of farm animals and birds;

- nothing for any other animal that cabinet may decide to exclude.

The last four statements are certainly animal rights far more than animal welfare concerns. The humane societies of Ontario are regulated and paid members of the OSPCA. The regulations and powers the OSPCA is allowed to have will be utilized by overzealous individuals with their own agenda. As a hunting, fishing and trapping advocate, I dread the thought.

The OSPCA's position statement on farm and agricultural animals reads: "The Ontario SPCA recommends that the physical alteration of farm or agricultural animals, such as removing horns, castration etc. only be carried out when absolutely necessary, and under the supervision of/or by a veterinarian. The society is opposed to the debeaking of fowl, amputation of animals' tails and punching of animals' ears for identification purposes."

As a point of interest, docking of tails is a standard and accepted practice in many dog breeds.

This very position statement leads one to believe the OSPCA is no more than your everyday animal rights

organization. I support common sense animal welfare but not animal rights. The OSPCA is unique among animal welfare organizations in Ontario. The OSPCA Act mandates the society to enforce animal cruelty laws and provides society branch and affiliate investigators with police powers to do so.

Hunting: As a matter of principle, the Humane Society of the United States opposes the hunting of any living creature for fun, trophy or sport because of the animal trauma, suffering and death that result. A humane society should not condone the killing of any creature in the name of sport. As a practical matter, the Humane Society of the United States actively seeks to eliminate the most inhumane and unfair sport hunting practices, such as the use of body-gripping traps, baiting and the use of dogs.

0940

The humane society of Ontario, making up the majority of the OSPCA membership, carries the same mandates as their US counterparts. I can't help but be skeptical of any attempt by the OSPCA to gain more power legislatively and not be using those powers for higher goals and objectives. Animal rights agendas are clear and can be seen on every web page they post.

I sincerely hope this government looks long and hard at the conflicting views of every Ontario resident when it considers any legislation. There are already legislative acts in place to regulate animal care. The MNR enforces all fish and wildlife legislation with excellent management tools. OMAFRA and the CFIA have volumes of animal care legislation for the protection of animals and for you, as a consumer. Do we really need another public, charitable organization trying to enforce its own idea of what animal protection legislation should entail?

I firmly believe that the OSPCA does great work in most cases, but within the ranks are untrained individuals who should not have any more authority than they currently carry. If the OSPCA inspectors, as part of their job description, attend a police college, I have no problem with them having the same rights as police officers. In no circumstances should they have any higher authority than the police do now.

The society's goal is to be a strong, unified, collaborative organization dedicated to the cultivation of a compassionate Ontario for all animals. The OSPCA defines a puppy mill as "a place where two or more female dogs are frequently bred, primarily for financial gain rather than protection and promotion of breed integrity." As a breeder, I take offence that the OSPCA would also make this statement. The very reason each and every breeder breeds is simply for money. The gratification in seeing one of your dogs become a champion is great, but it means pups are worth a lot more. If it isn't true, just ask any CKC, UKC or AKC show-ring contestant how much for one of their pups. It will usually be considerably higher than that of thousands of kitchen or backyard breeders we all have in Ontario. Any market is supply and demand. Just do some research and see how many breeders advertise animals for sale in Ontario alone.

The OSPCA has refused to release hunting hounds found as strays back to the owners because they would

only be used again for hunting. This act alone is stepping beyond the legislation in place under the Animals for Research Act, whereby the pound keeper must make every attempt to return the animal to its owner. It also already states that if an owner cannot be found, the OSPCA is to be contacted. A lot of good that would do.

The local humane society's no-kill policy very nearly destroyed them when disease hit and the population needed to be eliminated; that was right here in London. Soft-hearted, caring individuals and sometimes even veterinarians can be blinded by the mere compassion they share for animals.

The legislation for the banning of pit bulls was in all rights justifiable. I have personally witnessed the dangerous actions of the breed and removed an animal after it killed its owner. The OSPCA did not support the legislation, nor did the CVMA. On two occasions, in my professional opinion, a pit bull came in to the pound and was not to be released to the owner as per the legislation. The dog owner simply had the dog listed by his vet as a lab-cross or a boxer-cross. The government responsible for the enactment of any legislation should take extra precaution in understanding the language and how it can be interpreted. How the legislation is presented and the rationale for it may not always be as clear as it looks.

I was personally asked, being the owner of a major animal control service, a provincial offences officer, a dog breeder, an Ontario Sporting Dog Association representative and, at that time, a member of the Ontario Fish and Wildlife Advisory Board, for my opinion on the last OSPCA request for legislative changes. The consensus at that time was that the OSPCA needed more teeth in the work they do. We agreed to larger fines, longer jail time and a telewarrant, all legislated and in place. The more the OSPCA gets, the more they seem to want. I can't help but wonder what else is brewing.

I do appreciate the opportunity to speak today and sincerely hope that the proposed legislation will be voted down or amended to protect the traditional practices and currently accepted methods of utilization for animals. I am adamantly against any acts of deliberate cruelty. I do feel that we all need to step back and look at where we are, how we got here, and who we ate to get there. Being at the top of the food chain is a good place to be, unless you get knocked off by a black bear—another piece of bad legislation.

The Acting Chair (Mr. David Zimmer): Three minutes.

Mr. Wayne Uncer: Thank you.

Everyone is entitled to his or her version on how the world should spin, but in all reality, we just need to use a little common sense and look at the other person's position. It would be great, if and when the OSPCA wants to carry a bigger stick, that they had all the stakeholders at the table to work out the details and compromises. I mentioned that to Mike Draper at the last legislative request for changes. I do believe he told me that they were going along with the proposal, but most of it came from a private member's bill and not the OSPCA, the last time they approached legislative changes.

I have two short questions for the standing committee, and a simple show of hands would be acceptable. How many of the committee here currently hold an Outdoors Card?

The Acting Chair (Mr. David Zimmer): It's not appropriate for you to ask the committee questions.

Mr. Wayne Uncer: Oh, I'm sorry. I had another one, but it's an agricultural—

The Acting Chair (Mr. David Zimmer): You can pose it as a rhetorical question, okay?

Mr. Wayne Uncer: It's really not, but okay. Thank you for your time.

The Acting Chair (Mr. David Zimmer): We have about a minute per caucus, starting with the NDP.

Ms. Cheri DiNovo: Thank you for your deputation. We've heard your concerns expressed earlier by a number of deputants. Rest assured that, again, the NDP is here to make sure that humane societies are dealt with fairly in this bill and in this piece of legislation. We are very aware of the concerns around section 6 and that the name "humane society" needs to be maintained and honoured for those who have it, and we're certainly aware of some of the concerns about the OSPCA—how it's operated, the training etc.—and we'll be addressing those concerns. So thank you for your deputation.

The Acting Chair (Mr. David Zimmer): Mr. Levac, for the Liberals.

Mr. Dave Levac: Thank you very much for your presentation. You made the challenge that everyone should be listened to. That's precisely why we're doing the committee hearings: to ensure that we do hear various opinions and make sure that everyone has their say.

A quick question for you: Are you aware that warrantless entry is not new to the OSPCA?

Mr. Wayne Uncer: Yes, but they always have a police officer with them. They don't just walk in by themselves. We've dealt with the OSPCA on many occasions when we've been asked to assist to remove animals. Especially if there's someone home, they won't go in there unless there's a police officer with them.

The Acting Chair (Mr. David Zimmer): On that note, I'll move to the Conservatives.

Mr. Toby Barrett: Two points, quickly: I have a farm, and one of my jobs would be to castrate and cut the tails off 300 lambs every year that we bring in from the west. Would this legislation threaten that kind of activity? Secondly, as a member of the Ruffed Grouse Society, all the grouse have been eliminated on our farms because of feral cats. People drop cats off from town, and they kill baby birds.

Mr. Wayne Uncer: Well, I could talk about animal control all day, but I'll try to keep it brief.

The feral cat population in the province of Ontario is astronomical, and no municipality really wants to deal with it, especially rural municipalities.

Castration and docking of tails is a standard agricultural practice that's gone on for many years, but then again, so was trapping. The Canadian Association for Humane Trapping has pretty well put the trappers out of business with the system they have in place now.

The Acting Chair (Mr. David Zimmer): On that, we'll have to end. Thank you very much for taking the time to present to this committee.

Mr. Wayne Uncer: Thank you for your time.

CITY OF LONDON

The Acting Chair (Mr. David Zimmer): The 9:45 slot: city of London, Gina Barber. Ms. Barber, you'll have 15 minutes. I'll give you a three-minute warning when you get toward the end of your 15 minutes. You may or may not want to leave time for questions from the committee at the end of your presentation. That's your call. Please identify yourself for the record.

Ms. Gina Barber: My name is Gina Barber, and I'm a controller for the city of London. I'd like to thank the committee for giving me this opportunity, particularly when I missed the earlier deadline for registration. I would particularly like to thank Khalil Ramal for giving me this opportunity.

I am a controller for the city of London, which is a city-wide elected position. We're the only city in Canada that still has controllers.

I would like to speak today about the issue of animal welfare from a municipal council perspective. London, like many municipalities, has traditionally dealt with animals, whether wild or domestic, from a control perspective, and this is reflected in our bylaws which deal with the ownership, licensing, registration, restraint and confinement of animals. We have tended to leave legislation regarding the treatment and care of animals to the higher levels of government, with unacceptable results. Each year, thousands of animals are abandoned, exploited and abused. The agencies that deal with the fallout are under-resourced, overworked and have limited powers.

Fortunately, in London we have developed a strong base of concerned citizens and volunteer rescue groups who have done much to take up the slack, and to draw the issue of animal welfare and animal rights to public attention. As a result of their activism, the city established an animal welfare task force which made many recommendations to council, including the establishment of an ongoing citizens' Animal Welfare Advisory Committee that would advise council—this has been up and running since March—and the hiring of an animal welfare coordinator, which happened just two weeks ago. We are moving from an animal control model to an animal welfare model.

0950

Many of the concerns that we have in London can be dealt with at the local level. We can review and amend our bylaws to facilitate the rescue efforts of volunteers. We can coordinate efforts and facilitate communication among volunteer groups. We can initiate programs for preventing the proliferation of unwanted domestic animals.

Much of this proposed legislation will be supportive of our efforts. The creation of a new provincial offence of

causing or permitting distress to any animal is a big step forward, as is providing stiff penalties to those convicted of animal abuse, and the potential of preventing such persons from future animal ownership.

But of particular interest to me is the new section 11.4, which authorizes inspectors and agents to enter “without a warrant” places used “for animal exhibit, entertainment, boarding, hire or sale,” in order to determine if the animals’ care meets the prescribed standards. Additionally, allowing for warrantless entry where there are reasonable and probable grounds to believe that an animal is in immediate distress allows for the kind of intervention that is needed in many situations.

More than a year ago, London gained some notoriety for a situation that has been all too common in Ontario: an unregulated roadside zoo. The condition of Tyson, the kangaroo, enclosed in a pen that did not allow him to hop, caught the attention of newspapers in Australia and New York. We had hoped to be able to intervene in that situation but were caught in a web of legislation that effectively tied our hands. For that reason, many of us were delighted when David Zimmer introduced a private member’s bill that would regulate the treatment of exotic animals in roadside zoos, something that is done in every province except Ontario.

Our city council passed a motion endorsing the legislation and encouraged other municipalities to do likewise. Many signatures were gathered for a petition in support of the legislation and sent to one of our local MPPs. Imagine our disappointment when the matter was not pushed forward despite the fact that all parties in the legislature were supportive of the bill. Although it is more than a year later, I am relieved to see that the concept was not entirely abandoned. I do hope that the regulations pertaining to standards of care for animals in captivity, particularly in roadside zoos, will be as clear and comprehensive as those proposed in the Zimmer bill.

I also hope that this bill will address the issue of licensing roadside zoos. At present, the Ministry of Natural Resources issues licences for keeping native wildlife but not exotic animals. Although our municipal bylaws prohibit keeping exotic animals within the municipal boundaries, agricultural lands are exempted from that bylaw, as are licensed zoos. It was only the technicality of licence renewal that allowed for charges to be laid against the roadside zoo containing Tyson. The owner had failed to renew her licence for the facility, which contained native wildlife as well as exotic species.

The amendments to the Municipal Act which came into effect on January 1, 2007, give the municipality far broader powers to act on behalf of the welfare of its inhabitants, including animals. However, I believe it is important that the regulation and control of zoos remain the responsibility of the province. Municipalities have neither the financial resources nor the expertise to take this on. And to license in one municipality means that the problem simply moves on to the next one, just as roadside zoos have proliferated in Ontario because all other provinces have made them accountable. Licences

can be a powerful tool in dealing with the treatment of exotic animals proactively through standards of care and captivity, training of personnel, public safety considerations, and inspection of premises prior to the issuance of a licence. I would hope that the standards required by such licensing would be high. At present, even some “reputable” licensed establishments seem to have low expectations of themselves. We need to know that when we take our children to the zoo, it is truly an educational experience and we are not subjecting them to becoming unwitting witnesses to animal abuse.

Despite the fact that I am happy to see the province take the lead on the issue of animal welfare, I am especially pleased with the new section 21 of the act, which provides that a municipality may enact bylaws that afford even greater protection to animals. I’m happy that it is included here. That type of provision was missing from the recently enacted pesticide legislation. It will allow our animal welfare groups to continue to demand ever more from our council and we will not be able to blame the province for failure to respond.

Thank you for your consideration of this submission. I’ll be happy to answer any questions.

The Acting Chair (Mr. David Zimmer): Thank you. We have about two minutes per caucus, beginning with the Liberals.

Mr. Khalil Ramal: Thank you very much, Controller Barber, for your deputation. I know you are a great advocate on behalf of the welfare of animals in the city of London and region.

I just want to assure you that the essence of Mr. Zimmer’s bill is embodied in this bill. The aim and goal of this bill is to create some kind of animal welfare across the province of Ontario. Our aim and goal is to make sure that no animal will be abused in any circumstances, which you and I have talked about many different times in terms of roadside zoos, which Mr. Zimmer initiated in his bill and which got a lot of attention across the province and across Canada. Many other countries have followed his lead in terms of creating some kind of awareness and also rules and regulations to protect animals under our control. Thank you very much for your deputation. I want to assure you that the bill will speak to your concern.

The Acting Chair (Mr. David Zimmer): The Conservatives, two minutes.

Mr. Toby Barrett: You indicated your disappointment that MPP Zimmer’s bill, although not entirely abandoned, didn’t receive fulsome consideration. This legislation doesn’t use the word “zoo” at all, and I don’t know whether that’s a problem or not with respect to roadside zoos or petting zoos or any kind of zoo. Do you feel that amendments should be brought forward to this legislation, or do we just wait for the staff to do regulations to try and cover off some areas that may have been abandoned? Or should we have another round of hearings with respect to the regulation process? I wasn’t aware of the proliferation of roadside zoos. I do a lot driving; I just don’t seem to see them anymore. I don’t

know where you swing in to show your kids these animals.

Ms. Gina Barber: Someone may stand to correct me, but I do believe there are about 47 roadside zoos in Ontario; there are a great many of them available here in southwestern Ontario, in particular. We've had a number of instances in which we've had to rescue animals from some of those places because of the treatment. Some of them are not regarded as zoos, but educational exhibits, so I would be happy with any wording. The word "zoo" is not necessarily the only word that would need to be used. I'm happy with the concept of "any place," and I think it is in the legislation, as I mentioned, where animals are exhibited, sold, used for entertainment and so forth. So I think that would probably be sufficient. It is the licensing aspect, I think, that is particularly important.

1000

The Acting Chair (Mr. David Zimmer): We'll move to the NDP. Ms. DiNovo.

Ms. Cheri DiNovo: We were certainly supporters of Mr. Zimmer's bill when it first came forward. Thank you for your deputation; it was very thoughtful and wise.

A question, and this came from another deputant, who raised the issue. She's from a humane society in the environs, and she raised the issue of the training of OSPCA officers when investigating exotic animals, for example, to go back to the issue of roadside zoos or educational exhibits, whatever you want to call them. Her concern was that they don't have the education to be able to ascertain whether exotics, for example, are being abused or not. I was wondering if you could speak to that, perhaps.

Ms. Gina Barber: I think that's particularly why I'm asking that the province deal with this, as opposed to municipalities, because it does require additional resources to make sure that there's adequate training for the inspectors, as well as the trainers, but particularly for the inspectors. I've heard that expressed many times since I've been here in the various submissions, the concern that warrantless entry may be made by people who may not be trained and that it might endanger the lives and welfare of the inspectors themselves, because they do enter dangerous situations from time to time. I think that certainly more training for inspectors is really important, and to include that in the bill.

The Acting Chair (Mr. David Zimmer): Thank you for taking the time to present before the committee this morning.

Ms. Gina Barber: Thank you, and thank you, Mr. Zimmer, for your efforts.

ONTARIO SOCIETY
FOR THE PREVENTION
OF CRUELTY TO ANIMALS,
OXFORD COUNTY BRANCH

The Acting Chair (Mr. David Zimmer): The 10 o'clock slot is the OSPCA, Oxford county branch: Darren Grandel, senior inspector. Mr. Grandel, you'll

have 15 minutes. I'll give you a three-minute warning as you get towards the end of the 15. You may want to leave time for questions from members of this committee, but that's your decision. If you'll identify yourself for the record.

Mr. Darren Grandel: My name is Darren Grandel and I'm a senior inspector with the Ontario Society for the Prevention of Cruelty to Animals for the west region, based out of the Oxford county branch in Woodstock. Essentially, what that translates into is that all the agents and inspectors throughout southwestern Ontario report to me, any who are appointed under the act.

I'm very thankful to be able to come here and speak in support of Bill 50. I'm sure you are all aware that the current OSPCA Act is quite dated and pretty much only enforces any sort of standards of care for dogs or cats that are kept for breeding or for sale.

The first point that I wanted to touch on is that there's a lot of discussion about section 6 of Bill 50, about who can call themselves a humane society. First off, the 31 affiliated societies of the OSPCA, should Bill 50 become law, will still be affiliates and won't be changing their names, I imagine. But for me, this is a very important clause and a good one, because it pertains to the outside agencies that are not affiliates or directly operated by the OSPCA. It's important for public clarity that if people phone an organization called the OSPCA or the humane society, they need to feel secure that they are calling the enforcement agency to investigate cruelty or neglect to animals. They need to be secure in knowing that their information is taken seriously and confidentially. The OSPCA Act gives a lot of power and authority to investigate crimes, and so people need to feel secure in knowing that their information is going to be taken by that agency, and it requires a clear distinction on that so that there are no other agencies that people could call and it's not going to the right people.

To me, it's the same logic as to why a security service would never call itself a policing service. There has to be that distinction. There are similarities between us and other animal welfare groups, but there's a clear distinction when it comes to the OSPCA Act, and I think the community really needs to know that there is that distinction, that if they're calling a humane society "SPCA," that's who they're getting.

The next point I want to touch on is the aspect of training and accountability with the OSPCA. First off, our training: Our recruitment process is quite in-depth and prolonged to make sure we get the right fit for the right position. After that, a person doesn't automatically become an agent after recruitment. Currently they have to take two weeks of initial training, and that's part and parcel thanks to the Ministry of Community Safety and Correctional Services for a grant for us to provide training. With a recent increase in that, we're looking to make that initial training four weeks for 2009. That's the same amount of initial training you would receive to become a special constable in this province.

On top of the initial training, there are also 50 calendar days every year devoted to training for the OSPCA for all

agent inspectors. Every agent inspector is required to take a minimum of three continuous days throughout the year. They can take more if they wish, but the minimum is three.

For training, we use an ex-principal training officer at the Ontario Police College, who created his own training and consulting firm which is recognized in nine countries for law enforcement instruction. We also use an Algonquin College professor in the justice studies program, who's an ex-RCMP officer, amongst his other credentials. He created OSPCA-specific modular training for us, which has been going very well.

We use crown attorneys and police officers to come in and teach us and update us on recent court decisions, case law decisions, updates on investigative techniques and legislation.

As we gain accountability through training, Bill 50 has a big aspect to this, in that it creates the position of a chief inspector and allows the chief inspector to set out the requirements and look after the appointments of agents and inspectors. Right now it goes to the board. We can set these criteria for training, but it all has to go to the board. There would be more front-line observation and supervision with this position of the chief inspector.

As I get into accountability, there is a perception that because we're not publicly funded—we're a charity—we're not accountable and we go out and do things the way we want them to be done. But I have to say—and dare I say it—that we're as accountable as a publicly funded law enforcement agency. First and foremost are the powers that the OSPCA Act gives us: It makes us peace officers, which makes us bound to the Charter of Rights and Freedoms. As we investigate any call about cruelty or neglect, we're bound by the charter to protect people's rights when we do entries either with a warrant or without. We're bound to ensure we're protecting people's charter rights.

Within the act itself, when we issue orders or do removals of animals, we're accountable through the independent tribunal of the Ministry of Community Safety and Correctional Services, the Animal Care Review Board. People have that avenue to appeal to that board.

When we lay charges, we go to court. We have to make sure we've acted in a professional, ethical manner, utilizing our training. When we go to court, of course, the officers' actions, the actions of the OSPCA, get put under the microscope for credibility. So the OSPCA, in my opinion, is a very accountable agency. We're a charity, which also makes us accountable to Revenue Canada.

The next point I wanted to touch on is stats. I know the committee's heard from people who were upset with their involvement with the OSPCA, which is fine, and I'm certainly not here to minimize their concerns. But what that makes me want to bring up in relation to stats is that by giving you the numbers, I think, by extension, you'll see that in the vast majority we deal with issues more so through education and informing and compliance work.

In 2007, we had 16,834 complaints received. Of those, there were only 2,581 orders issued—and by orders, I

mean that under the OSPCA Act, an order was issued to the owner to relieve distress—a vet check or food and water provided or something of that nature. There were 254 provincial or criminal charges laid and there were 30 appeals launched to the Animal Care Review Board. To me, these numbers speak volumes. Our mission statement is “to facilitate and provide for province-wide leadership on matters relating to the prevention of cruelty to animals and the promotion of animal welfare.” I think these stats prove that we first choose to educate and inform people on animal welfare and to prevent further cruelty.

The last point I wanted to bring up is what's known as the link. That refers to the link between animal cruelty and violence towards other human beings. There are decades of research showing that animal cruelty is a precursor to other forms of violent crimes. Even regionally, the AK case, a dog in Windsor, whose owner took a serrated kitchen knife and cut off its ears while it was alive and conscious, just for the sole purpose of making it look more menacing. By the time he reached a conviction point in court, he had already been in custody for over a month for other crimes that he had committed since the act of cruelty. There was local proof for me that this research is pretty conclusive.

1010

One of my favourite quotes is from Dr. Randall Lockwood of the Humane Society of the United States, who says that while not everyone who abuses animals becomes a serial killer, every serial killer first abused animals and escalated on to more serious forms of crime.

John Douglas, the famous FBI profiler who pioneered behavioural analysis, has a homicidal triad that outlines three behaviours in youth; that if a youth is displaying these three behaviours, he's willing to guarantee they will kill someone if they go without treatment later in life. Those three behaviours are (1) cruelty to animals, (2) arson and (3) late bedwetting.

Bill 50 can make a big difference in this province for animals. This research, to me, shows that by protecting animals you also protect people, and Bill 50 cannot only save the lives of animals, but I'm confident, even though it's hard to tell, it can also save the lives of people. By getting people adequately investigated and acts of cruelty adequately put through the courts, I think that can prevent people from going on to other forms of crime once they've been adequately investigated and put into the justice system at the animal cruelty level. That's why I think this bill will make Ontario a leader in animal welfare. Thank you very much.

The Acting Chair (Mr. David Zimmer): Thank you. We have about two minutes per caucus, beginning with the Conservatives.

Mr. Toby Barrett: Thank you, Mr. Grandel, for coming before the committee. You talked about the training that inspectors receive—police training, training from crown attorneys. Do they also receive training from veterinarians or from people skilled in animal behaviour?

Mr. Darren Grandel: We do, yes. Our initial training does have training from veterinarians on basic signs of

distress, recognizing disease and distress in animals. Throughout those 50 calendar weeks is sporadic training on issues that come up, like exotic animal training from exotic animal veterinarians and stuff like that.

Mr. Toby Barrett: You mentioned you had a number of inspectors report to you and then you report up the line, ultimately to a chief inspector. Is that person a veterinarian?

Mr. Darren Grandel: No, the chief inspector is not a veterinarian.

Mr. Toby Barrett: And then you do at present in your work, or the people who you work with, go onto properties without a warrant on occasion; is that true?

Mr. Darren Grandel: There are some prescribed ways within the act to enter a property without a warrant, and that's basically if we observe an animal in immediate distress any place other a dwelling, then we're allowed to enter without a warrant to attend to the animal.

Mr. Toby Barrett: And how often do you have to put a sick or diseased animal down—percentages within the western region?

Mr. Darren Grandel: I apologize; I don't have a percentage with me. It does happen, of course, but most of the time when we've removed an animal that's ill—it always goes to a vet. So I can say, through an investigation, an animal has not been put down based on our decision—not a veterinarian's.

Mr. Toby Barrett: Oxford county is a livestock county. How often do you have to go on farms?

Mr. Darren Grandel: Quite often. Yes, in the rural areas there are a lot of farms. The Oxford branch also looks after Elgin county and there are a lot of farms. I'd say, depending on the location, in the Oxford area 25% to 50% of the calls are to farm locations.

Mr. Toby Barrett: Thank you.

The Acting Chair (Mr. David Zimmer): To the NDP.

Ms. Cheri DiNovo: I was just wondering about the stats, the 16,000. Who collected those stats?

Mr. Darren Grandel: We collect those. We have policy procedures for every branch and affiliate to report their numbers monthly.

Ms. Cheri DiNovo: This points to a problem that has been brought up in deputation, which is oversight of the OSPCA. Although the stats, for example, may be absolutely accurate, it's difficult to ascertain, when there's no oversight of an agency, if what you're saying is accurate or not. That's been one of the calls for oversight. I just want to point that out. And transparency; we had a deputant say they tried to find your bylaws and couldn't find them and they weren't forthcoming. I was wondering if you could comment about that comment.

Mr. Darren Grandel: About the bylaws? Whenever I receive a request for the bylaws I always give that to my chief inspector. I apologize, I can't exactly help you out with that.

Ms. Cheri DiNovo: Okay. And the other aspect: The section 6 concerns come, in part, from humane societies across the province, particularly the Toronto Humane

Society. Their concern is that if they did want to disaffiliate from the OSPCA, they'd lose their name of 121 years' status. They point out that their euthanasia rate is 6%; I understand yours is 12%. So there are valid concerns coming from humane societies about that section; that's why we, in the NDP, have concerns about it. Certainly we're on the same page, we all want the best for animals, but we also want the best for those people who want the best for animals. So that was a concern there.

In terms of the training, again, we heard a concern from deputants that all people can't be all things to all animals, and I'm sure you would agree with that. You can't know everything, not even with four weeks' training, which I know is double what you get now but still doesn't sound like a lot. You're not a veterinarian. Our concern is, when you do go in to look at, say, exotic animals or animals you're not familiar with, that a veterinarian or a CAZA representative, somebody else, is present. Is it your understanding that that's going on now in the OSPCA?

Mr. Darren Grandel: We do that a lot. Our training isn't to diagnose; it's just to recognize signs that would basically have us take a step back and say, "I'm going to need an expert to go further with this." So even with domestic animals, it's not to diagnose; it's to recognize problems, and that's it. Like you said, we can't possibly know everything for every species of animals, but we can know the basic signs of disease and distress.

Ms. Cheri DiNovo: Thank you very much for coming and deputing.

The Acting Chair (Mr. David Zimmer): On that note, we'll move to Mr. Levac.

Mr. Dave Levac: Thank you very much for coming and presenting and actually bringing some clarity to some of the sides that have been presenting the OSPCA as somewhat less than noble. I, on behalf of all of us, I believe, thank all of those people who have dedicated their lives, as paid staff and as volunteers, through all of the organizations. You have our deepest gratitude for the amount of work you do in taking care of animals on the planet. That sounds Pollyannaish, but quite frankly, we cannot be arrogant anymore about how our planet operates—and we need the animals to do so.

You talked about the special constable four-week training, which is equal to a special constable with powers. There is ongoing training that continues for a member who's been hired by the OSPCA. Can you answer this question: Are you, as a supervisor of an area, responsible to discuss, review, and report on someone's behaviour if it seems to be overly zealous or if it's not quite up to what the training tells them they're supposed to do?

Mr. Darren Grandel: Yes, absolutely.

Mr. Dave Levac: Has that happened?

Mr. Darren Grandel: Yes.

Mr. Dave Levac: And you have corrected some behaviours of agents?

Mr. Darren Grandel: Yes. Like every organization, we have deficient behaviour. We get public complaints that get investigated—some are valid and some are unfounded—and we deal with those appropriately.

Mr. Dave Levac: Thank you very much. I appreciate that.

The Acting Chair (Mr. David Zimmer): Thank you very much for taking the time to present to the committee today.

ANNE PAPMEHL

The Acting Chair (Mr. David Zimmer): Anne Papmehl. Ms. Papmehl, you'll have 15 minutes to present. I'll give you a three-minute warning as you approach the end of your time. You may or may not want to leave time for members to ask questions, but that's your decision. Please identify yourself for the record.

Ms. Anne Papmehl: Thank you very much for giving me the opportunity to speak this morning.

First of all, I want to say bravo for drafting this bill. I applaud our provincial government for taking action to update and amend the 1919 OSPCA Act. This long-overdue amendment will establish the harshest penalties in the country for animal abuse, give the Ontario SPCA more power to carry out their inspections and investigations, and institute standards of care for all animals.

However, there is one thing, in my opinion, that the bill does not go far enough to address, and that is the welfare of wild animals in captivity, both native and non-native species. While Bill 50 includes allowing the SPCA to inspect facilities that keep wild animals for public display and entertainment, which essentially defines a zoo, and which is a huge step forward, I feel it's imperative that more comprehensive zoo regulations and standards be established under this act, and in my presentation I will make the case as to why.

Before I do that, I'll state briefly my background and interest. I am a writer and researcher by profession. I volunteer with a local animal rescue group and a wildlife rehabilitation centre. I own a number of rescued animals. I am member at large on the city's animal welfare advisory committee. I'm a supporter of WSPA, which I'm sure you've all heard of.

1020

I have concerns about this issue because there are many people who keep wild animals in roadside zoos or as pets in this region of the province. I first started following this issue in February of last year when I attended a WSPA presentation here in London. This was around the time that Mr. David Zimmer's private member's bill, Bill 154, the Regulation of Zoos Act, was being introduced, but which, as we all know, died before last year's provincial election.

WSPA has been asking the provincial government to address and regulate the keeping of wildlife in captivity, particularly roadside zoos. Since 1985, WSPA and Zoocheck have produced eight comprehensive reports on Ontario roadside zoos. All have identified severe animal

welfare as well as human safety concerns that remain unaddressed today. While there are existing regulations to keep native wild animals, which require owners to obtain a licence from the Ontario Ministry of Natural Resources, those regulations apply to less than one third of the animals currently kept in Ontario zoos. Licence conditions are minimal, vague and poorly enforced. Moreover, Ontario does not regulate the keeping of exotic, or non-native, wild animals in zoos and in wildlife displays.

In 2005, Dr. Ken Gold, who is a zoo specialist with over 25 years working with some of the best zoological facilities around the world, was asked by WSPA to assess the conditions of 16 of the 45 Ontario zoos—45 as of last year; these are the latest figures that I have—on basic standards of animal care and safety. According to his findings, 85% of the zoos failed the grade, both in terms of animal welfare and public safety. Among his documented findings surrounding animal care alone were the following:

- animals crammed into barren, undersized cages with little room to move and no comfortable places to sleep;

- filthy cages, with animals forced to lie in their own waste;

- animals engaging in abnormal behaviours, such as pacing, self-mutilation, rocking, chewing cage bars or extreme lethargy; monkeys gone mad from years of confinement, rocking back and forth; birds pulling out feathers from stress and boredom;

- nocturnal animals forced to endure bright lights all day, social animals kept in isolation and solitary animals kept with other animals; and

- animals unable to engage in natural behaviours, such as hopping, foraging, climbing or flying.

In addition to the unacceptable animal welfare standards, Dr. Gold also found significant risks to human health and safety, including the following:

- poorly constructed cages and enclosures;

- inadequate fences to contain potentially dangerous animals, such as big cats or bears;

- lack of double-door entry gates into cages;

- lack of secure containment area to sequester animals during cleaning;

- lack of stand-off barriers to keep the public away from the animal cages;

- unlocked or poorly secured cage doors and gates; and

- inexperienced, poorly trained staff.

These conditions put the public, including zoo staff, at risk of disease, injury or death. For example, at a roadside zoo in Peterborough, a 12-year-old girl had her finger bitten off by a monkey. Over a 20-month period, from the middle of 2005 to early 2007, there were seven documented escapes. Now, if you happen to be talking about a lion, tiger or another exotic cat or perhaps a bear, you're talking about a serious risk of injury or death to the public.

In Shedden, Ontario, a man who happens to be the next-door neighbour of some friends of mine was known to keep tigers on his property, and he would sometimes let them out of the cages to roam on his property—an extremely dangerous practice. Neighbours were highly distressed, fearing for their safety, and lobbied to have the wildcats removed from his property. Unfortunately, their efforts did not result in any action. That is because of our current legislative anomaly which permits the keeping of non-native wildlife, and sometimes very dangerous wildlife, without a licence. As a result, there was nothing the community could do. This is an unacceptable situation and clearly indicates a regulatory gap that needs to be closed.

The consequences of this legislative inconsistency are borne by society, sometimes in very costly ways. For example, you may recall a news story about a Toronto man, a former pet store owner, who rented a semi-detached house next to a rooming house in Toronto. He kept a number of highly venomous and deadly snakes. In September 2006, his massive male Egyptian cobra went missing somewhere in the house, forcing the evacuation of all the tenants in the rooming house next door, some of whom had lived there for years. Another snake, a two-metre gaboon viper, was found inside an insecure aquarium. This situation was to endure until the lost snake could be found; to the best of my knowledge, it never was. The situation dragged on for months and months. The rooming house tenants were suddenly homeless. The owner of the rooming house was estimated to have lost almost \$11,000 in rent money and the owner of the house that the collector was renting from was out of pocket \$6,000 as of February 2007. That's the last information that I have on this particular story. He was also unable to renew his home insurance or rent the house in future because of all the attention and notoriety on the property. Consequently, he suffered a huge financial and emotional burden. In addition, there were substantial damages to both houses as a result of having experts come in to take them apart, searching for the missing snake, which, as I said earlier, was never found.

My question is, why are situations like these, which put innocent members of the public at serious safety risk as well as causing financial losses and displacement, allowed to occur? It's because the current legislation does not protect animals or the public from irresponsible private collectors or owners.

Fortunately, we have a solution. I understand that WSPA has provided you with a list of four recommendations to address the massive gaps in Ontario's zoo licensing regime and the keeping of wild animals in captivity and has suggested that these could easily be incorporated into section 11.1 of the bill. I would strongly suggest that the provincial government consider this option. It is imperative that legislation be introduced that will require all zoos to operate at a professional standard or be closed. This issue has been dragging on for far too long.

Before I wrap up, I have a few remarks and questions concerning two other categories of animals, one that Bill 50 covers and one that it doesn't.

The first is animals used in agriculture. It is my understanding and expectation that farm animals are protected under this bill and that there will be exemptions for generally accepted practices. I hope that if a farmer exceeds the bounds of reasonably acceptable behaviour, he or she could still be prosecuted under this bill. I would ask, then, do all committee members support this interpretation? I recognize that the challenge lies with defining what a reasonably acceptable behaviour or practice is. I also understand that the government does not want to make anything that is currently legal illegal. But I do ask this committee to consider the fact that some practices which are currently deemed acceptable should be improved to meet more progressive animal welfare standards.

The Acting Chair (Mr. David Zimmer): Three minutes.

Ms. Anne Pappmehl: Thank you. We are far behind European countries in this respect. As well, people's attitudes toward animals are changing, and animal welfare science is also constantly providing us with new information. So when you define what a generally accepted practice is, I would ask you not to entrench practices that should be encouraged to improve over time. Perhaps the exemptions for generally accepted practices should contain the proviso that the activities be conducted as humanely as practically possible. This is the wording that the Yukon Animal Protection Act uses in its exemption for generally accepted practices.

The other animal category is animals in research, which Bill 50 excludes. These are covered under the Animals for Research Act, and for this reason I did not plan to address this issue today, although I would have liked to. I was under the impression that because of this exclusion, we presenters were not to address it. However, in looking at the list of speakers, I noticed some names of people from the city's medical and scientific community who I know to be users of and advocates for animals in research, something I find rather curious because, if the animals in research are excluded from Bill 50 anyway, what query could they possibly have with this bill, and why are they addressing it in this particular forum? Having said that, I will state very briefly that if ever an animal category was in need of more humane standards, it is these animals.

It is a well-established fact that some of the most egregious forms of animal cruelty take place in research laboratories daily. In fact, the Canadian Council on Animal Care, which oversees animals used for research, has reported that in recent years, researchers seem to be inflicting more pain than necessary on animals. Given that CCAC is a self-regulating and self-policing body, my question may be more rhetorical than anything, but I'll ask it anyway: Under the current Animals for Research Act, can the Canadian Council on Animal Care report to the Ontario SPCA any unlawful activities that result in unnecessary cruelty to an animal? My guess is

no. Therefore, I would suggest that animals used for research also be protected under Bill 50 and that, if the Animals for Research Act needs to be amended to accommodate this, then it should be done.

1030

In closing, I would like to commend the Liberal government once again for promising to address animal welfare. Bill 50 is a great start, but it needs a bit more work to be all-encompassing. In particular, the bill needs to go further to address wildlife in captivity, because it is both an animal welfare and serious public safety issue. Thanks to the tireless efforts of WSPA, this can be incorporated very easily into the bill, so I encourage our provincial government to do so. Also, the bill must ensure that other categories of animals, such as animals in agriculture and research, are more adequately accounted for. All animals deserve the right to protection from unlawful and unacceptable acts of cruelty.

This concludes my presentation. Thank you again for letting me speak today.

The Acting Chair (Mr. David Zimmer): You've used your 15 minutes, so on behalf of the committee, thank you very, very much for taking the time to organize your presentation and attend today.

CHARLOTTE McDONALD

The Acting Chair (Mr. David Zimmer): The 10:30 slot: Dr. Charlotte McDonald from the department of medicine, University of Western Ontario. Dr. McDonald, you have 15 minutes to do your presentation, and I'll give you a three-minute warning as you get to the end of it. You may or may not want to leave time for questions from the committee, but that's your decision. If you would identify yourself for the record.

Dr. Charlotte McDonald: My name is Dr. Charlotte McDonald. I'd just like to clarify that I do not represent the division of endocrinology or the department of medicine. I do work there, but I'm not here representing that entity today.

The Acting Chair (Mr. David Zimmer): So the record will show you're here in your personal capacity?

Dr. Charlotte McDonald: Yes.

The Acting Chair (Mr. David Zimmer): Thank you.

Dr. Charlotte McDonald: I am a physician, I'm a medical researcher, I'm a hunter, I'm a pet owner and I'm a concerned citizen, and therefore I do profess to a significant interest in this bill.

I would like to start by saying that the government is to be commended for taking initiatives to protect animals from abuse and neglect, including the use of fighting animals for entertainment and the operation of puppy mills, where animals are subject to neglect or poor conditions. However, there are several areas of the proposed legislation that I find alarming and dangerous and that threaten our rights under the Charter of Rights and Freedoms. I urge the committee to consider the discussion and the recommendations that I have included in the written brief that I have provided, but in the interests

of time I will not discuss all these recommendations here today.

Today, I would like to emphasize several key concerns that I have.

The first is how Bill 50 might be used to interfere with hunting and fishing, especially hunting with dogs, by invoking the section about animals being caused distress. Hunting is a right granted to citizens of Ontario under the Heritage Hunting and Fishing Act. The Fish and Wildlife Conservation Act is in place to license and regulate hunting, including the protection of wildlife species, by regulating seasons and methods of hunting. Enforcement is undertaken by officers of the MNR. While section 11.2(6) does note exemptions to the bill, including native wildlife and fish in the wild in prescribed circumstances or conditions, these are not clearly defined. What are these circumstances and conditions and how are these defined?

To avoid conflict with existing hunting legislation, I would ask that a specific clause be added to change subsection 11.2(6) to state that 11.2(1) does not apply to fish and wildlife being lawfully hunted in accordance with provincial laws and regulations.

In subsection 11.2(2), "distress" has been very clearly defined, but the definition includes some ambiguous wording of "subject to undue or unnecessary hardship, privation or neglect." This definition of "distress" needs to be clarified since it could lead to subjective interpretations of how animals should be cared for, based on an individual's personal beliefs.

I know of several stories where OSPCA inspectors have investigated cases of reported neglect, one involving a racehorse which had just come off a track and was in lean condition, as a racehorse should be. The neighbour complained that the animal was being starved, and when a vet showed up, it was very clear that the animal was just in racehorse shape.

Subsections 11.2(3) and 11.2(4) pertain to fighting of animals. This amendment is presumably designed to prevent the training and permitting of animals to fight with other animals for entertainment, including dog-fighting and cockfighting. Conceivably, an inspector or agent could claim that a fight may occur during the use of dogs for hunting. I request that you include an exemption for subsections 11.2(2), (3) and (4) that reads, "This section does not apply to dogs or raptors engaged in lawful hunting."

The points that I have made so far also apply to the use of animals for the purposes of biomedical research, and to the people who perform the research and who produce animals for the purposes of research. You will be listening to other presenters on this topic, so I will not expand on this point today, except, unlike the previous speaker, to urge you to clearly exempt these activities from the OSPCA Act.

The second major area of concern I have is with the extraordinary powers granted to the OSPCA by this act. These must be restricted to avoid the abuse of power. These people are not police officers and should not be

granted police powers. I have special concern with the powers granted in section 11.4 that allow inspectors to enter any place without a warrant based on suspicion but not direct observation of immediate distress. Just as police officers must obtain a search warrant, the OSPCA should also be required to obtain a warrant based on reasonable grounds of suspicion of distress.

I am also very concerned that inspectors might be permitted to inspect certain types of establishments without suspicion of distress, such as boarding kennels and zoos. This law should specifically exclude the power to search any private establishment, including kennels that keep dogs for private use and not for the purposes of commercial breeding. If public premises such as roadside zoos are to be inspected, this must be clearly regulated after consultation with these groups to include requirements such as giving reasonable notice of inspection and also setting out what regulations should be in place for these establishments.

The third area of concern that I have is with the accountability of the OSPCA. It must be accountable to government and to the public in general. The amendment in section 6.1 that would include inspectors and agents of other societies affiliated with the society to be included under references to “inspector” in this bill must be reconsidered. All inspectors and agents must be appropriately qualified and must be subject to the same screening process. Chief inspectors and agents should be appointed by a board that includes members of the police services and other interest groups, veterinarians, members of the Ontario Federation of Anglers and Hunters and of the Ontario Federation of Agriculture. They must be appropriately qualified and trained in animal care, as well as law enforcement procedures and policies.

Inspectors of the OSPCA should be carefully screened to ensure that they do not adhere to or support specific animal rights agendas. The OSPCA website clearly condemns the hunting of wildlife for sport, which is a lawful, regulated and accepted practice in the province of Ontario. The OSPCA has no mandate to interfere with issues that affect native wildlife, since these are covered under the MNR.

I should note that if the OSPCA is providing money to the Liberal government, this must be clearly acknowledged and this is a clear conflict of interest, since it is an agent of the government.

Not everyone agrees with the practice of hunting, and everyone is entitled to express and live by his or her own beliefs. However, this should not be mandated by the state or by agents of the state, including, by extension, the OSPCA. It should support all the laws of the province, including the right to hunt and fish, and should not try to use the legislation of the province to put forth its own agenda. If it chooses to oppose hunting, it should not interfere in any way with the regulation of hunting-related activities. These same ideas also apply to the use of animals for the purposes of biomedical research. In fact, it is against the law to interfere in any way with legal hunting practices.

I would ask the committee to remember that animal rights groups have denounced the actions of the MNR, and they have denounced medical research. Persons with these agendas have conducted terrorist activities in Canada and other countries and do not belong in positions that have been accorded the power of a police officer. Animal welfare and animal rights are very different concepts, and the OSPCA must be restricted to promoting animal welfare.

Government agencies charged with the duty of protecting animals from abuse and neglect should represent the views of society as a whole, including farmers, researchers, hunters and all other private citizens. Protecting animals is extremely important. However, the pursuit of animal welfare must never supersede rights accorded to members of our society under the Charter of Rights and Freedoms.

The last concern I wanted to raise today is that of section 21, which states that “in the event of a conflict between a provision of this act or of a regulation made under this act and of a municipal bylaw pertaining to the welfare of or the prevention of cruelty to animals, the provision that affords the greater protection to animals shall prevail.” This is unacceptable. Regulations governing animal care across Ontario should be standardized and consistent. The OSPCA Act needs to receive extensive public consultation and should supersede any municipal bylaws that apply to domestic animal welfare, if they are found to conflict with this act. The Heritage Hunting and Fishing Act, the Fish and Wildlife Conservation Act and the Animals for Research Act should also prevail over the OSPCA Act and this should be explicitly stated in this bill. Similarly, the possibility that ministry officials may make amendments to this bill without public consultation, as outlined in regulation 22, must be excluded. I might add that I feel the timeline of September for this bill to go to third reading is too short. We only had five days’ notice to prepare a response to this bill and with everyone on summer holidays, I think you need to come back with some further write-up of this bill so that we can review it again.

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In summary, it is extremely important for our society to have effective legislation to protect animals from abuse and neglect. This legislation must be clearly defined and must leave no room for interpretation. It must be free from bias of animal rights organizations. It must not impede or impinge upon accepted practices that have been sanctioned and regulated under separate legislation. Hunting, fishing, farming, conducting medical research and the production of animals for food and for the purposes of medical research must be protected. Officials of the OSPCA have been given an important task and must be appropriately qualified and regulated. They must not, however, be accorded extraordinary powers that could allow animal rights agendas to supersede the rights of society—that is, human rights. The OSPCA must represent the views of society as a whole and not have the opportunity to carry out activist agendas while presuming to conduct affairs of the state.

Thank you for providing me with the opportunity to participate in this important process. I would like to take your questions.

The Acting Chair (Mr. David Zimmer): Thank you. About a minute per caucus, beginning with the NDP.

Ms. Cheri DiNovo: Thank you, Dr. McDonald, for your deputation. You heard my comments to the OSPCA inspector. We also share some concerns about oversight of a body that both gets government grants and performs, in a sense, de facto government functions. So thank you very much.

Mr. Dave Levac: Thank you very much for your deputation, Doctor. I appreciate your passion. The question I have is, are you aware that the warrantless entry is already in existence in the bill and that there's a modification of some wording—which I don't necessarily agree that it becomes an extreme power, but a definition or a defining of what that capacity is.

Dr. Charlotte McDonald: My understanding is that the warrantless entry was allowed when there was evidence of immediate distress, but in reading the bill, it appears to me that there doesn't have to be direct observation now, only suspicion. So if a neighbour phoned up to say that I was abusing my dog, you could come in without a warrant, whereas previously it required immediate observation of the distress.

Mr. Dave Levac: The example I would give, then, would be not necessarily the extreme but the practical. If I didn't have a warrant, I couldn't open a trunk of a car if I heard a dog yipping. But if I saw the dog in distress in the window, inside the car, I could break the window and go in, if it wasn't in the trunk.

Dr. Charlotte McDonald: I don't know that direct observation could also include other forms of observation, including hearing things or seeing things, but should not be based on hearsay or a complaint from another citizen. That should include a warrant.

Mr. Dave Levac: Good point. Thank you. I appreciate your efforts.

Mr. Toby Barrett: Thank you, Dr. McDonald. We do have the right to hunt and fish in the province of Ontario; I helped bring in that legislation. I feel it would be impossible for this legislation to overrule that heritage hunting act. However, as I understand it, and maybe you would know better, this legislation would not supersede municipal bylaws that can be brought in that are even more stringent than this legislation. Is that correct and is that—

Dr. Charlotte McDonald: There is a sentence in the bill that stated that if it was found to be in conflict with any municipal bylaws, whichever law accorded the better protection of animals would prevail, which is unacceptable. We need to have standardized laws across this province.

Mr. Toby Barrett: As far as putting one animal against another to fight, we oppose that, of course. But you mention the use of raptors in hunting, and I think if you have sheep in an open area, you have to have protection. You have to have a dog to fight off coyotes,

for example, or other dogs. Is there going to be a concern here if you are putting a dog against another dog to prevent lambs from being killed?

Dr. Charlotte McDonald: We are concerned that animal rights organizations or inspectors of the OSPCA may try to claim that hunting with dogs is in fact animals fighting for entertainment, which it is not. That's why we ask for a specific clause to exempt hunting with dogs from this fighting clause.

Mr. Toby Barrett: And as far as livestock, I think of sheep, and people should be aware of what a dog can do. They always go for the hindquarters of a sheep when they kill it, and it's not nice to look at.

Dr. Charlotte McDonald: I think farmers should retain the right to use dogs to protect their livestock from wildlife.

The Acting Chair (Mr. David Zimmer): On that note, thank you very much for taking the time to present to this committee.

Members, we're at the 10:45 slot. I understand, Mr. Levac, that you're going to deal with the matter that you wanted to deal with earlier in the morning.

Mr. Dave Levac: Thank you, Mr. Chairman. At the agreement and suggestion of some of the deputants, I'll provide some clarity on some issues that I made the commitment to do. I thank the opposition for agreeing to have some of that information made purveyable. It's not to influence any one way or another; it's to try to provide some information. Those pieces of information were the statistics on the complaints and the ACRB, and the resignation issue in terms of the numbers, which may or may not have been understood. The other issue was funding. I'd like to provide those.

One of our deputants did go over the numbers but I'd like to repeat them for the record. The general statistics information for 2007: Of the 7,752 compliance orders and animal removals, 35 were appealed to the Animal Care Review Board.

OSPCA statistics of 2007:

—16,834 complaints were investigated;

—254 charges were laid: 211 Criminal Code charges, 43 provincial offences charges;

—2,581 compliance orders, which were actions required to relieve an animal's distress;

—5,171 animals in distress removed.

In the ACRB, the Animal Care Review Board:

—35 appeals of those compliances or removal orders were received;

—17 appeals were rejected, abandoned or resolved prior to the hearing;

—18 appeals had been completed in hearings and decisions. Although decisions are often complex, in the view of the ACRB chair, 12 upheld the OSPCA action, four modified the OSPCA action, and two revoked the OSPCA action.

The ACRB produces an annual report that is publicly available, and I'll provide these sheets to the opposition and to the members of the committee as well.

The OSPCA are required to inform anyone receiving a compliance or removal order that the order may be appealed to the ACRB. So it's not secret, as one deputant indicated. That information is printed each year.

On the board resignation issue, in approximately March 2006, eight OSPCA board members resigned. That left the board with 10 sitting members. The mix of reasons given for the resignations included objections to the OSPCA providing law enforcement without government funding for those operations, and concerns regarding certain OSPCA budgeting practices. Previously, two other board members had resigned for unrelated reasons. At the time, the full OSPCA board was supposed to be 30 members—12 branch representatives, 12 affiliate representatives and six members at large—but only 20 were elected at the 2005 annual general meeting. At the 2006 annual general meeting, a bylaw was passed to change the makeup of the board to 10 affiliate representatives and two branch representatives.

Regarding the total funding, for the clarification requested: in 2007, \$600,000. The OSPCA had their annual training grant increased from \$119,000 to \$500,000 in August and received that funding in December. They also received an additional \$100,000 special grant to support zoo inspection training, provided through a contract with CAZA, and a round of zoo inspections in coordination with the Ministry of Natural Resources.

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In 2008, the budget of \$5.1 million, the OSPCA received a special one-time grant of \$5 million to support infrastructure renewal throughout their system. This funding was distributed to branches and affiliates who make application to an impartial advisory committee made up of groups that are not associated with the OSPCA, such as Trillium and the United Way, in terms of representatives so that they know what kind of grant they're looking at. That was available to all animal rights groups. Of this, \$3 million is earmarked for general infrastructure improvements, \$1.25 million for improvements to service delivery in northern Ontario, and \$750,000 for information technology improvements. The OSPCA will be receiving a \$500,000 annual training grant later this year. The grand total of this is \$5.7 million.

There are two other pieces that I'm not going to discuss because they are part of the deputations and I don't want to influence those one way or the other. I will provide this sheet, through you, Chair, and the clerk, to all members. Thank you very much for the opportunity to present.

The Acting Chair (Mr. David Zimmer): All right. We have a couple of minutes. Ms. DiNovo.

Ms. Cheri DiNovo: I just wanted to ask a question of Mr. Levac. First of all, kudos to the ministry staff; they've done a phenomenal job here, and thank you for that phenomenal job. I understand a lot of that research is from ministry staff.

Some of it, as I asked the deputant from the OSPCA, is at the OSPCA's say-so, though; it's not directly

verifiable. So I appreciate that piece of work, but, for example, the stats around number of charges and convictions come from the OSPCA; they're not verifiable by an outside witness or an outside auditing committee. I guess my question really is, what of that information comes from the OSPCA and what comes from ministry staff and an outside agency?

Mr. Dave Levac: I'll have that deciphered for the member so that all of us can share that.

The only point I would make is that there's a procedures manual that they have to follow, and the inspector would be responsible for doing the review of that particular piece of work. So in essence, the one answer I do have is that this is an accumulation of their protocol that they are supposed to follow when doing record-keeping. I'll follow up on that and provide that information for you.

Quite frankly, the Ministry of the Attorney General, in the charges case, would have all of those records because it's public. If there are any charges, it has to immediately be submitted to the Attorney General. That's the other piece to this in terms of charges. It might become somewhat disconcerting, that you can't follow the ministry that's responsible for that particular group and then all of a sudden be leapfrogged over to the Attorney General. So you bring up a point that we might want to follow up on as a committee and make some recommendations on regarding procedure, as opposed to the bill itself.

Ms. Cheri DiNovo: Thank you.

MARIE BLOSH

The Acting Chair (Mr. David Zimmer): All right, then. We'll move to the 11 o'clock slot, Marie Blosch. Ms. Blosch, you'll have 15 minutes for your presentation. I'll give you a three-minute warning as we approach the limit for your presentation. You may want to leave some time for questions from panel members, but that's your decision. If you would introduce yourself for the record, and you may begin.

Ms. Marie Blosch: My name is Marie Blosch. I'm what you might call a community activist. I'm the president of my neighbourhood association. I'm a member of the Urban League of London, which is an umbrella group for neighbourhood associations and non-profit associations in London. I'm also the chair of London's Animal Welfare Advisory Committee.

I am here today because I care about animals, and I think that what the preamble of Bill 50 says is absolutely true "that how we treat animals in Ontario helps define our humanity, morality and compassion as a society." The government is to be commended for coming forward with Bill 50. That said, however, there are some aspects that I'd like to address.

First—and I'll be quick about this because I know it's been raised by a number of people—section 6, which seeks to restrict the use of the terms "humane society" or "SPCA" in the name of an organization. I think it's unnecessary. Trade name protection should stay within

intellectual property laws, and they shouldn't be added to what's supposed to be animal welfare legislation. Doing so creates a diversion, which we've seen, and it takes the emphasis off the real goal, which is to stop the abuse of animals in Ontario.

Second—and I think this is extremely important—all captive animals need protection. In the case of roadside zoos, this includes both native and exotic species because both are exhibited. The same licensing requirements should apply to both, and there should be some standards that have to be met before a licence is handed out. It shouldn't just simply be an over-the-counter, no-questions-asked kind of process.

Third, I think the spin that's been put on Bill 50 is that it addresses many of the concerns that were raised by members of the public about roadside zoos. Frankly, that's not enough. Where are the licensing requirements and the regulations that were part of MPP Zimmer's private member's bill, Bill 154? These were proactive measures that were designed to protect zoo animals, and they should be a component of Bill 50. Leaving these specifics to be added by regulation is not a satisfactory response to this concern. There's simply no guarantee. Plus, the regulations can be changed without public input or public comment.

Even worse, there are two clauses—11.2(6)(c) and 22(1)(d)—that create a gaping loophole. These clauses allow for broad exemptions. What this means is that Bill 50 can appear to be strong legislation for animal welfare, but its effects can be quietly weakened, or even negated, to serve the industry through the regulations. This is exactly the same kind of process we saw with the pesticide bill. It's simply not acceptable. The exemptions to the bill must not be so broad as to defeat its very purpose. The fact of the matter is, even if this current government intends to include all zoos, a future government could change this very simply through the regulations.

Finally, I want to make a comment on subsection 12(6). That's the section that would be changed to permit OSPCA officers the right to warrantless entry. I know that issue has been raised recently. The provision would not permit warrantless entry into dwellings—I would in no way support that—and it does require reasonable grounds to believe that an animal is in immediate distress, as opposed to the current standard, which requires the officer to observe the immediate distress. The current standard allows for situations like we saw at the Lickety Split zoo, where there were reports of an animal in distress, but because it was not easily visible—there are trees, there are shrubs, it's hidden from view—the officers have to say, "Well, there's really nothing we can do." That's just wrong. This section is not a charter violation, and that should not be used as a way to defend it. Animals simply can't pick up their cellphones and call for help, and when someone does call for them, the officers should be able to respond.

I have distributed my comments to you. Just to sum up, I would delete section 6, require a licence with standards that must be met for both native and exotic

species, specifically include all zoos in the bill—and that's an important one; I would not make an exemption for CAZA zoos—narrowly craft the exemptions to avoid a giant loophole, and, finally, retain the warrantless entry provisions under limited circumstances.

I thank you for the opportunity to come to speak.

The Acting Chair (Mr. Khalil Ramal): Thank you very much for your presentation. We have almost three minutes per side. We'll start with Mr. Levac.

Mr. Dave Levac: Ms. Blosh, thank you for your activism and for your concern for animals. Are you aware that CAZA has been working with the OSPCA in terms of trying to take what the bill is prescribing and work with training processes of what the inspectors are seeing, and that they have also agreed in principle to be the participant or partner in making sure roadside zoos are cared for?

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Ms. Marie Blosh: I am aware of that; however, I've also been told that there has been a request for exemptions for CAZA zoos, and it seemed a little counter-intuitive to participate in setting minimum standards and at the same time ask for an exemption.

Mr. Dave Levac: Okay.

Ms. Marie Blosh: And they are minimum standards, so I would presume that there wouldn't be any issue about meeting them. There would be other reasons to want to be exempted.

Mr. Dave Levac: Right. And that farming and all of the other activities that you mentioned are being exempted under the codes, rules, regulations and laws that are already in existence, but the OSPCA will have a right to deal with any of those issues if those codes and/or laws are broken within those other ministries. So they do have authority to deal with a farm animal if the farm animal has not been given the codes of behaviour under understood standard practices.

Ms. Marie Blosh: Right, and I think that's very important. I myself grew up on a farm and I know it is true that real farmers do care about their animals. On the other hand, there are hobby farmers who maybe don't have the experience, and I think there are issues that are raised with them. I think there has to be a distinction between—I don't want to say "real" farmers, but farmers and hobby farmers.

Mr. Dave Levac: And you're aware that I've been announcing on behalf of the government that there will be an amendment to section 6 to get rid of this name issue?

Ms. Marie Blosh: I'm really pleased to hear that, because I just find it extremely frustrating that when a bill comes out that's a good bill like this—the intentions behind this bill are good, and to hear some of the organizations that exist for animal welfare to be opposed to the bill I think is creating a horrible diversion that just defeats the bill.

Mr. Dave Levac: We'll be removing that concern.

Ms. Marie Blosh: I'm really glad to hear that.

Mr. Dave Levac: Thank you, Mr. Chairman. I appreciate the opportunity. Thank you again for your deputation.

The Acting Chair (Mr. David Zimmer): Mr. Barrett.

Mr. Toby Barrett: I'll defer to my colleague.

The Acting Chair (Mr. David Zimmer): Ms. DiNovo.

Ms. Cheri DiNovo: Thank you for your deputation and for your concern and for your activism. We have been outspoken about that section 6, as you're probably aware, in the NDP.

I have a question for you around the use of the term "zoo." Certainly I'm a supporter of Mr. Zimmer's private member's bill and hope that this bill does protect, and we'll be working to make sure that it does protect, those animals that are in zoos. The concern I heard was actually from somebody who said that it's better to leave the term out because people call—what is a zoo? An educational institution or something else? Hence the term itself could pose a problem for those who want to enforce the rights of animals, let's say, within those circumstances. I was wondering what you think about that.

Ms. Marie Blosch: It's a good point. Certainly you don't want to define "zoo" in a way where it would exclude what essentially is a collection of animals, but I also think you can define it broadly enough that it could include those kinds of areas. It does disturb me to see absolutely no mention in the bill and certainly leaving so much to the regulations, which, like I said, is—I don't want to call it a trick, but it sort of is, because it does lull people into a sense of complacency in saying, "This is covered. We have legislation on that." Yet so much can be pulled back in the regulations and that process is so much more quiet.

Ms. Cheri DiNovo: Certainly that's a concern, not just with this bill but with many bills, that much is left up to regulation and it's not spelled out in the bill itself. So we'll be looking into that as well.

Some of the concerns of the deputants, just to let you know about the actions of the OSPCA, have been on behalf of the animals, that animals have been harmed in the actions of the OSPCA. So that's our concern as well: around the warrantless entry and around the training and the running of the OSPCA. So certainly we'll be on guard on that in the NDP, but I thank you very much for your deputation.

Ms. Marie Blosch: If I could just make one comment: I certainly understand that specifics have to be left to regulations. They have to be, and that's not really my issue. My concern is that if we have broad exemptions that could be created without guidance from the bill, that bothers me a great deal. If the guidance is there from the bill and what could be exempted—if there's something that you're thinking of exempting, then maybe put some guidance in the bill so that the regulations can be guided by that.

As for the second one, it's just not ideal. In an ideal world, we wouldn't rely on a charitable institution that depends on donations and fundraising events to police

animal welfare for our province. In my ideal world, would it be relying on that? No. That would probably be another comment I should make, that I would want to see the funding there for training and for enforcement.

The Acting Chair (Mr. David Zimmer): On that note, I want to thank you for taking the time to present to this committee.

Ms. Marie Blosch: Okay. Thank you.

The Acting Chair (Mr. David Zimmer): Thank you for coming in today.

BESSIE BORWEIN

The Acting Chair (Mr. David Zimmer): Heidi Steeves? London Animal Alliance, Florine Morrison? Bessie Borwein? Thank you very much.

Ms. Borwein, you'll have 15 minutes to present. I'll give you a three-minute warning as you approach the end of your time. You may wish to leave time for questions from committee members, but that's your decision. If you would identify yourself for the record.

Dr. Bessie Borwein: Firstly, I want to thank you very much for this opportunity.

The Acting Chair (Mr. David Zimmer): Sorry, could you just identify yourself for the Hansard record?

Dr. Bessie Borwein: I am Dr. Bessie Borwein. My background is in zoology and anatomy. I've been a professor. I've been an associate dean, research. I now work as a special adviser to the VP, research, at the University of Western Ontario.

The Acting Chair (Mr. David Zimmer): Thank you.

Dr. Bessie Borwein: I come before you both as a scientist and a private citizen. I have been involved many times with public policy both at the federal and the Ontario Parliaments. I value this opportunity to describe the context in which researchers work these days and why we have this need for watchfulness and the climate of fear that has been generated in the research community by the extremists in the animal rights movement.

The intentions of this bill are very honourable. Every civilized society wants animals in their care well cared for. I've been impressed with the complexity of the situation. When you have a charitable organization, a non-governmental organization, that nevertheless is funded by a government, there are strange complexities there. I guess it's just grown up that way, like Topsy.

There are, even today, listening to people here, sometimes interchangeable uses of the words "animal welfare" and "animal rights." They are not the same and they should be clearly demarcated. The animal rights world wants to promote a fantasized world in which animals will be liberated, to use their words, and not be used in any way for human purposes. Just as an aside, cats eat millions of birds and mice every year, but people, they say, must be vegans.

There is this huge difference. Animal welfare is widely supported in our society. I don't know of those who I regard as regular, mainstream people who don't want to see animals well cared for. My own family have

had animals from SPCAs. The family as a whole owns four dogs, four rabbits, several cats. But what has happened is the confusion of the boundary between animal welfare—caring for and caring about animals—and animal rights.

What I have learned in my work is that there are blurred areas becoming more prevalent. These bodies can be vulnerable to the ebb and flow of animal rights ideologies and infiltrations, and we have even seen successful takeovers. You only have to recall what happened in the 1980s to the Toronto Humane Society, taken over in a well-planned putsch by a small group masterminded out of the USA—nowadays, the very wealthy Humane Society of the United States. But it has now become an out-and-out animal rights body, cooperating with People for the Ethical Treatment of Animals, one of the most extreme bodies. It doesn't run a single shelter. All its work is political and ideological propaganda, and in my domain, we take note that the president has said that they will work to phase out medical research. And I've heard it here too, the attacks from animal rights extremists, not from the animal welfare domain, on medical research and the quite egregious comments made here.

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The extent and the nature of the seriousness of the threats to researchers are not generally known because they're not the stuff of daily headlines, since we work to increase understanding and knowledge, to alleviate and cure the hundreds of diseases that afflict people and animals and to repair wear-and-tear and trauma—impressive advantages. Canada's a major research country, a leader in endocrinology and medical imaging. It's interesting that we and our pets are living longer than ever before. Our children are living the safest childhoods from disease ever known. The provision of good medical care is a requirement of those who care for animals; it's written into the very act. But this knowledge of medical care—and veterinary medicine is just a branch of medicine, which is just a branch of biology—comes from scientific research. The knowledge of how to care medically for people and animals does not come out of humane societies or SPCAs; it comes out of research.

So it's very troubling that such worthy endeavours have been—and now I'll repeat why we worry so much—seriously disrupted, and sometimes halted, by attacks on researchers, their coworkers and their employees. Since 1990, well over 1,000 scientists in the UK, Canada and the USA have been personally harassed, threatened at their workplaces and at their homes, their children frightened—for example, “We know where your children go to school.” Razor-bladed letters have been sent, explosive devices have been placed under cars and at front doors, tires have been slashed and homes have been flooded by hoses put through broken windows. One home in Montreal has been so-called “visited” 20 times—noisily. In addition, they have developed a technique of tertiary targeting of businesses that support and supply research facilities. The harassment has

extended to the families of employees and their families. This is just a short list, but it is the context for why we are so concerned.

There are organizations that will come before you or have come before you—we had very short notice about this meeting, but I'm glad that we got to hear about it. I think there's short time and I hope that the hearings will be extended. CSIS has warned about single-issue terrorism, and that includes the Animal Liberation Front for which PETA often speaks in public, the Animal Alliance of Canada, which has added “Environment Voters” to its name, and the London Animal Alliance, which has had associations with PETA. These are things that concern us and increase our need for security.

As part of the context, the animal rights people know that their ultimate aim for society—that there will be no use of animals for human purposes—is too extreme for the public to swallow in one gulp. So they have devised what they call step-by-step tactics and interim agendas—cascades of small victories towards their final victory.

Toronto lawyer Clayton Ruby, whose office has often served as counsel for animal rights groups, has actually said that he predicts that over the next 10 years, the changes will be subtle, masquerading as animal protection and continuing to develop as a moralistic adjunct to human rights. We know that in response to several federal bills recently, the Animal Alliance of Canada has publicly stated that they intend to use SPCA and humane society inspectors—they call them peace officers—sympathetic to their cause and on their behalf. This is part of our anxieties. Lisa Kramer, president of the Vancouver Humane Society in 2000, disapproves of using animals for human gain, and that of course includes medical research.

My point here is that most SPCAs do invaluable work. We need them. They help us to look after and guard animals who come into our care. But they are not homogeneous, they're not all the same, and in the current context of the ideological battles between animal rights and animal welfare, they are increasingly sometimes blurring. That's why I would urge you never to confuse animal rights with animal welfare.

In this context, I know that the Ontario Animals for Research Act covers research in medicine, but we would like a specific item emphasizing the exclusion from this act of animals in registered and licensed research facilities and those in facilities that breed the animals we need for research.

Because there is this variation, this ebb and flow, and while most SPCAs do what we call mainline work, they are not vaccinated against radical takeovers. Therein lies a component of our anxieties. The OSPCA is a private charity. It combines advocacy work and fundraising and gets a considerable amount of government money, so there's a complexity there. But now, according to this bill, it will be given increased police-like enforcement powers and can impose fines that it can keep.

The Acting Chair (Mr. David Zimmer): You have three minutes.

Dr. Bessie Borwein: Okay.

This could be a conflict of interest.

I guess my complaint is that we have three police forces in Ontario, and they have to have special training in police colleges. I think we have to be cautious of what powers are given to a non-police force to enter and search without warrant, and very specifically, of course, as part of their work on anonymous information. For many years, I chaired the human ethics review board for all research involving human beings in London, and I can tell you that one of the problems with whistle-blowers was we were assured by the dean of law that you cannot protect or promise to protect a whistle-blower, because in Canada one always has the right in law to know who your accuser is. These are some of the complexities that arise in this complex world.

We're interested to know about the training, choosing the qualifications of the inspectors, how they'll be remunerated, what the overseeing bodies are.

The Alberta SPCA act addresses the issue of nuisance and frivolous complaints. This is important when there is an ill-defined boundary between animal welfare and animal rights.

My general comment is that laws are not easy to change, so great care must be exercised in the promulgation of new laws. I would end by saying that there has been a short time for addressing this—I've only known about it for about a week—and that Bill 50 needs much more scrutiny and some improvement. Thank you.

The Acting Chair (Mr. David Zimmer): We have about a minute per caucus, beginning with Mr. Barrett for the Conservatives.

Mr. Toby Barrett: Just very briefly: In the province of Ontario, and elsewhere as well, you outline the use of fear and intimidation against the research community or people specifically doing lab research with animals. I spent 20 years with the Addiction Research Foundation. We were adjacent to the Clarke Institute—

Dr. Bessie Borwein: Sorry. I didn't hear that.

Mr. Toby Barrett: I spent 20 years with the Addiction Research Foundation. We were adjacent to the Clarke Institute, and a number of years ago there were instances, certainly at the Clarke, with their animal research. Have these tactics inhibited researchers in Ontario? Has it changed the direction of research at all or the use of various animals? Are these kinds of tactics actually working in the province of Ontario?

Dr. Bessie Borwein: I would say that I don't think it's changed the areas of research. It has certainly interrupted work. It has impeded work in the sense that people targeted really have to attend to being targeted. It's very significant to be so harassed personally by the animal rights people, so it certainly does interfere there.

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But there's also a climate of being scared. There was a time when our researchers didn't even want the newspapers to mention that they worked on rats and mice. I would say that you must say it, because we can't pretend that we don't do it. We have to say what it is. But there

was that fear. I guess it's gradually being ameliorated somewhat. But, yes, I think there is a tendency to want to be private, not to be known, and it has made a difference to a number of researchers. As somebody who has been targeted several times, I can assure you that it interferes with one's research.

The Acting Chair (Mr. David Zimmer): And on that note, we'll move to the NDP.

Ms. Cheri DiNovo: Thank you for your deputation, Doctor. Thank you for the definitional clarity around rights and welfare, because you're absolutely right: We have been using those terms probably improperly.

I have a question that comes from one of the deputants. One of the deputants raised the issue that research on animals is no longer necessary, that all this research can be done by other means now. I was wondering if you could just address that.

Dr. Bessie Borwein: I think those are slogans used by the animal rights movement. Animals in research are not a big part of research; research is carried on in multitudinous ways. Even if an animal is used—for example, its tissue, from one animal or several, could be studied for months. But the picture of people sitting there and slicing up animals—the word “vivisector”—is bizarre. There are many, many ways in which research is conducted, all of them invented by scientists, and not all involving animals. Increasingly now, with the advent of medical imaging and so on, we see in some respects a diminution in the use of animals, and in other respects more. In all the genetic research that's going on, you need the animals. We cannot make a single cell in a laboratory. It's impossible to deal with the complexities of organ systems and digestive systems, for example, other than in a whole, living animal. The way the biological world works, we share a lot of DNA with creatures big and small and many of our biochemical processes are embedded in their DNA and can be very similar. But there is no shortcut to knowledge. You really have to just know.

The Acting Chair (Mr. David Zimmer): And on that note, we'll move to the Liberal side.

Mr. Dave Levac: Doctor, thank you for your body of work. Obviously, looking at your group, it's a very impressive body of work, and I appreciate what you've done for us over the years.

I want to bring two points to your attention; if you would comment on them, please, I'd appreciate it. Are you aware that in Bill 50 exemptions are in existence for farm animals, wildlife and research animals, in that any law and/or codes of standards or ethics that are applied in those three areas apply and do not get affected by the OSPCA, but if the OSPCA believes that those standards and those behaviours are breached and go above that, then the OSPCA enters?

My second, quick point is that the fines you're talking about go back to municipal court, not to the OSPCA.

Dr. Bessie Borwein: I am aware of the exemptions, but I think that in the present climate of uncertainty, and the uncertainties of which SPCA is mainline and which is

not—or changing; there’s a very fluid world there—we would very much appreciate a repetition as a reassurance that this does not impede the Animals for Research Act.

The Acting Chair (Mr. David Zimmer): Thank you very much, Dr. Borwein, for taking the time to attend and present to this committee.

Dr. Bessie Borwein: Thank you for your time.

LONDON ANIMAL ALLIANCE

The Acting Chair (Mr. David Zimmer): We’ll move to the London Animal Alliance, Florine Morrison. Ms. Morrison, you’ll have 15 minutes to present. I’ll give you a three-minute warning as you approach the end of your time. You may wish to leave time for questions from this committee, but that choice is yours. If you will identify yourself for the record.

Ms. Florine Morrison: Thank you very much. My name is Florine Morrison, and I guess I am one of the radicals that Bessie referred to. I care for one of the most helpless segments of our society, and if that’s considered being a terrorist and a radical, that’s what I am. It is the welfare of animals that we are discussing here today with this bill.

I have been an active advocate for the protection and welfare of animals in London for 25 years. I am co-founder of Animal Outreach, a registered charitable organization dedicated to the rescue of abused and abandoned farm animals and cat rescue. I am on the boards of Zoocheck Canada and the London Humane Society. But it as a member of the London Animal Alliance, an organization that has worked tirelessly to improve the way we treat animals in our society, that I speak to you today.

We believe that the intention of this bill is to protect all animals; however, we share some of the concerns being voiced by many other animal protection organizations regarding the absence of zoo regulations and the sweeping exemptions that limit the effectiveness of this bill. I am glad to hear that the problematic wording proposed in section 6 has been resolved.

The London Animal Alliance supports the significant changes laid out in Bill 50, changes that will provide the OSPCA with much-needed authority to do their job—protect animals. Bill 50 will establish the strongest penalties in the country; make it a provincial offence to cause or permit distress to any animal; allow the OSPCA to inspect facilities that keep captive animals; and establish animal care standards that apply to all animals.

However, without specific regulations and standards for captive wildlife, the problems with roadside zoos will not be addressed by Bill 50. We recommend regulations be added to proactively protect animals in captive situations and prevent animal suffering:

- that facilities be required to obtain a licence to keep wild animals in captivity;

- that facilities comply with animal welfare and public safety standards;

- that zoo regulations and standards of care incorporate the five freedoms: freedom from hunger and thirst; freedom from discomfort; freedom from pain, injury and disease; freedom to express normal behaviour; and freedom from fear and distress.

I have seen circus animals roll into London after 12 to 14 hours on the road in hot transport trucks filled knee deep with waste. I have seen filthy, fly-infested cages with lions and tigers pacing, their only relief being the brief time they are forced to perform. These animals deserve better.

I’ve been to roadside zoos where the animals are confined to small, inadequate cages with little or no stimulation. Social animals are kept in solitary confinement. Their only escape sometimes from the blazing sun is a small, suffocating box and a scummy bowl of water.

London was recently embarrassed internationally by the shoddy condition of animals kept at Lickety Split, a local roadside zoo. These animals had been confined in totally inappropriate enclosures for years. Only recently was the MNR in a position to lay charges in connection with the native species and take the owners to court. Although the owners of Lickety Split were found guilty, it is still unclear as to where the animals are and when the MNR will actually be able to remove them. Native species account for only one third of the captive animals in Ontario. Non-native species are without regulations or legislation to protect them.

The Kerwood Wolf Education Centre is another local horror story that emphasizes the need for increased authority for the OSPCA to carry out inspections and the need to establish comprehensive standards of care, with specific regulations for all animals in captivity.

We ask that no zoo, circus or any type of animal exhibit be given exemption from these future regulations. We have heard that CAZA, a group that has participated in the process of developing Bill 50, wants CAZA zoos to be exempt from these laws and whatever regulations may be produced under this bill—the very regulations that its members already have or will have a role in developing. This request seems self-serving. We strongly ask that you not to excuse CAZA zoos from these hoped-for regulations. If CAZA members believe that zoos that hold their accreditation meet such high standards that they do not require further regulation, then surely there will not be any problem with these zoos submitting to oversight and inspections. If CAZA zoos are of such high quality, then surely they will pass these inspections with ease.

In our opinion, CAZA is essentially a union for zoos. This is not a bad thing, as all groups have the right to form societies that promote their own needs and protect their business interests. But it is important to recognize that this is the main purpose of such a group.

As we review the animal husbandry practices and quality of housing at some CAZA-accredited zoos, it seems obvious that these zoos can be just as problematic as many non-CAZA-member facilities. CAZA accreditation should not be used as a benchmark and it should

not, under any circumstances, exempt CAZA zoos from our anti-cruelty laws.

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Some CAZA zoos have had well-founded charges laid against them by humane officers. For instance, the Greater Vancouver Zoo was charged with grossly inadequate housing for a young hippo. There have been premature and unexplained deaths of elephants and gorillas, and, most recently, stingray deaths at the Calgary Zoo. Marineland still does not have the perimeter fencing required for CAZA, but they are accredited. Marineland, a CAZA-accredited zoo, trains profoundly complex and socially developed animals, such as whales, to perform foolish tricks for the frivolous purpose of entertainment and, of course, profit. Marineland confines whales that would naturally live in well-developed social groups and would travel through territories of several miles each day in tanks that are pathetically small. I have seen pictures of the off-exhibit area where seals are kept, and it is more of a barn with tanks, a kind of warehouse for seals—hardly a reasonable habitat.

Yesterday, a presenter spoke favourably about African Lion Safari, another CAZA zoo. African Lion Safari was recently fined \$2 million after they were found to be strictly liable for injuries. CAZA has not made any changes there. After this committee ended, I made a presentation regarding the suffering inherent in the training and performing of elephants. Some of the video footage I showed was taken at African Lion Safari's elephant barn. It is very disturbing and in no way presents a happy, well-cared-for elephant.

CAZA representatives do know how to display captive animals for the purpose of profit, but this does not make them experts on animal welfare and assessing distress in animals. The idea that CAZA should be in charge of inspecting roadside zoos, rather than OSPCA officers, is truly disturbing. I hope this idea will not receive consideration, and if anyone here is entertaining this idea, I respectfully ask that you do online research for news reports and reports of the many problems that have occurred at CAZA-accredited zoos.

There are many problems to be ironed out with the training and oversight of OSPCA officers, but to put CAZA in charge of roadside zoo inspections is a step so far backward that I'm sure most animal welfare groups will react to it with real distress. We respect the right of CAZA to exist and to protect their business; we do, however, take exception to what we maintain is a misrepresentation that CAZA exists as a group that in any way advocates on behalf of captive animals and should therefore be exempt from the new regulations. Many exemplary community leaders, such as MPPs, police officers and even Prime Ministers, are subject to oversight from outside groups, so there seems to be no good reason to allow this exemption request, and we respectfully request that you do not provide this exemption or give responsibility for zoo oversight to CAZA.

Moving on, section 11.2 states, "No person shall cause an animal to be in distress," yet subsection (6) appears to

exempt certain animals and activities from this prohibition. There are exemptions for "native wildlife and fish in the wild...; activities carried out in accordance with reasonable and generally accepted practices...; or a prescribed class of animals or animals living in prescribed circumstances," and for "exempting any person or class of persons from any provision of this act...." These leave many animals without the protection of the Ontario SPCA. Native wildlife and fish in the wild are offered very little protection under the Fish and Wildlife Conservation Act.

If farmers, researchers and hunters are exempt from the OSPCA Act, farmed animals, lab animals and wild animals have no protection from any cruelty that goes beyond what is considered legitimate common practice.

An exemption for research animals, as set out in the Animals for Research Act, is not rectified by Bill 50. Animal researchers are currently licensed under the Animals for Research Act, which exempts them from the OSPCA Act. A number of captive animal facilities, such as the Toronto Zoo and African Lion Safari, have research licences. As it reads now, these captive animals will be outside the protection of the OSPCA. Inspectors must have access to these places if they are going to do their job, so this is not acceptable.

Although Bill 50 will allow business as usual—researchers are exempt now and Bill 50 will not change that—this law to address animal cruelty gives those who abuse animals even more protection than they receive under their own legislation. The hundreds of thousands of animals used in research in Ontario receive no protection from this anti-cruelty legislation. Behind closed doors, the lives of these animals are solely in the hands of the researchers. Confidentiality and private property issues make it possible for even the most horrific cases of cruelty to go undetected and unprosecuted.

All other occupations and pursuits require us to work within the law and be subject to investigation. Take this opportunity to amend the Animals For Research Act so that the OSPCA can investigate animal cruelty complaints. If the Animals for Research Act continues to prohibit the OSPCA from investigating complaints, then we must clarify the responsibility of a vet reporting an animal cruelty incident in a supply or research facility.

Discussion I heard yesterday implies that it was not the intention to omit animals in these circumstances from the protection of the OSPCA. That is not the way this bill reads to me. If there is to be protection for wild animals, farm animals and lab animals that are made to suffer beyond what is considered legitimate—

The Acting Chair (Mr. David Zimmer): You've got three minutes.

Ms. Florine Morrison: —and accepted practice, that must be clarified.

We do not oppose exemptions for lawful activities, provided they are carried out in accordance with the applicable legislation, regulations or codes of conduct, and that the law still allows for the prosecution of individuals who exceed the bounds of reasonable and commonly ac-

cepted behaviour. Most activities and industries conduct themselves in accordance with applicable legislation, but there are bullies in every walk of life.

Those who do not abuse their authority and who carry out activities in accordance with reasonable and generally accepted practices, those who work within the law and within the legislation that governs them, should have nothing to fear from this bill or these recommendations. Only those with a total disregard for the suffering of other sentient beings and who choose to exceed these parameters should have cause for concern that this very reasonable animal protection bill might apply to them.

We endorse all the positive changes that Bill 50 offers but urge you to consider the many recommendations made that will ensure that this bill will provide all animals in Ontario with protection from pain and suffering regardless of their circumstances.

The Acting Chair (Mr. David Zimmer): About a minute per caucus, beginning with the NDP.

Ms. Cheri DiNovo: Thank you for deputing here today. I just wanted to make something clear regarding CAZA and the OSPCA and investigations. Certainly, from our point of view, we think that there should be oversight at the OSPCA. We think there should be better training of OSPCA officers, and part of that is that we think that somebody who knows about exotic animals should go out with someone who's only received four weeks' training. It's very difficult for them to assess abuse, to assess anything with that, and certainly they can't be expected to know all circumstances and all animals. So it wasn't to give CAZA the right to investigate their own, but that the OSPCA officer should have somebody there who knows something about exotics.

Ms. Florine Morrison: I'm glad to hear that. Thank you.

The Acting Chair (Mr. David Zimmer): The Liberals, Mr. Rinaldi.

Mr. Lou Rinaldi: Thank you very much, Ms. Morrison, for your presentation today. I just have a comment, and I'll take this opportunity to make it. In the last three days that we've been hearing deputations from folks, obviously there have been extremes on both sides. I hope that as the committee deliberates after the next couple of days—and we certainly do get a lot of mail as well, not just seeing people face to face. We certainly have a challenge. But one of the things to remember is that this particular piece of legislation wasn't touched since way before I was born. That's a long time ago, and the fact that we are revisiting it—how perfect can we make it? I feel confident that the government side and the opposition side will work diligently to try to do the best we can. But the important thing is that it has surfaced and we're trying to deal with it. I just wanted to make that comment.

Thank you once again for being here.

Ms. Florine Morrison: I appreciate all the positive changes. It's definitely a step in the right direction.

Mr. Lou Rinaldi: Thank you very much for being here, and to all the other deputants.

The Acting Chair (Mr. David Zimmer): To the Conservatives, Mr. Barrett.

Mr. Toby Barrett: You have presented your points well. There have been so many presentations out of London and so much interest. Two days of hearings is kind of unique in one location.

We know that, for example, municipal bylaws will be allowed to supersede this legislation. I'm just thinking of the London environment, in which you have a lot of experience. This hotel complex: I don't know whether they allow dogs or cats in rooms here—

Ms. Florine Morrison: To what?

Mr. Toby Barrett: This hotel complex. I don't know whether or not this hotel allows animals. I think of the condos and the high-rises in this city. I think of dogs in cars and trucks. Do you have any views on that? Does this legislation cover off any of these issues?

Ms. Florine Morrison: Do you mean dogs left in hot cars and trucks?

Mr. Toby Barrett: Yes. Or maybe I'm thinking more of buildings. Many apartment buildings do allow dogs and cats in the buildings. What's your position on that? It's not a natural environment for many of these animals.

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Ms. Florine Morrison: It's not a natural environment, but these are domesticated animals. They're animals that have to come to be dependent on us. I think that animals like dogs and cats can live quite happily in an apartment or in a house. It's not an issue; I have cats as companion animals. I love them dearly and they're members of the family. I think as long as they're treated well and they can display some degree of natural behaviour, which I believe they can do, then it's not a problem.

The Acting Chair (Mr. David Zimmer): On that note, thank you very much for your presentation and taking the time to come before this committee.

Ms. Florine Morrison: Thank you.

FRIENDS OF CAPTIVE ANIMALS

The Acting Chair (Mr. David Zimmer): Friends of Captive Animals, Vicki Van Linden

Ms. Vicki Van Linden: I have a slideshow and I was told I'd be given a bit of time to set it up.

The Acting Chair (Mr. David Zimmer): Just one second.

Mr. Dave Levac: Let her set it up while I do my point of order; it won't take long.

The Acting Chair (Mr. David Zimmer): Yes. All right, Mr. Levac.

Ms. Vicki Van Linden: Can someone assist me?

The Acting Chair (Mr. David Zimmer): The technician will work with you while we deal with Mr. Levac's point of order.

Mr. Dave Levac: Unfortunately, I misstated a position of the exemption, and I want to clarify it for the record, and it's my record, so I'd like to clarify it.

I indicated that farm animals and wildlife research animals are exempt. That's still the case, except in

research animals. Bill 50, the present bill, does not apply inside of it. It's a rarity, but the bill that takes care of research animals, which is with the Ministry of Agriculture, called Animals for Research Act, actually has a clause that does not allow Bill 50, the present bill, to go inside it. Even if there are regulations that are being breached by that, it's dealt with by the Ministry of Agriculture. I misspoke, and I apologize to the committee. I wanted to bring that clarity.

The second point of order is, I believe that the clerk and you have received an e-mail for Friday requesting that the Ontario College of Veterinarians wants to do a deputation, and I would like permission of the committee for that to take place.

The Acting Chair (Mr. David Zimmer): We haven't received that request yet, but when we do, we'll deal with your point of order.

Mr. Dave Levac: Okay. If the request does come, I'm seeking support. If we can give that permission today, I think that's okay if it does come.

The Acting Chair (Mr. David Zimmer): All right. If the request comes in, we'll have it. Any debate on whether we should adjust the schedule? Anybody? Agreed? Agreed.

Mr. Dave Levac: The Ontario College of Veterinarians.

The Acting Chair (Mr. David Zimmer): All right. In the event the request comes in from that body, we'll accommodate them.

Mr. Dave Levac: Thank you, and thank you to the opposition. I appreciate it.

The Acting Chair (Mr. David Zimmer): We'll recess for five minutes.

The Acting Chair (Mr. David Zimmer): Ms. Van Linden, you'll have 15 minutes for your presentation. I'll give you a three-minute heads-up when your time is about to expire. You may wish to leave time for questions from the members, but that is your decision. If you would introduce yourself for the Hansard record.

Ms. Vicki Van Linden: Thank you. My name is Vicki Van Linden and I'm representing a local London group called Friends of Captive Animals. I want to thank you all for this opportunity to speak with you today and thank you for being part of this historic venture.

Just before I begin my preamble, I want to respond to some comments I have heard here over the last couple of days and just clarify that the MNR's mandate does not include the welfare of any animals. Their mandate is native wildlife management, not welfare, and that's easily verified with the MNR.

I also want to urge that you not assume that CAZA is a group that is expert in animal welfare. To suggest that CAZA members—which include the elephant handlers at African Lion Safari, who, in my opinion, are actually animal abusers—should participate in zoo inspections is like suggesting that the Ku Klux Klan participate in a government-sponsored race relations board because the KKK is very interested in the relationships between people of different racial backgrounds. I'm aware those

words are very harsh, but I think if you review footage that is readily available about those animal-handling practices, you would see why I feel so strongly.

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We thank all members of this provincial Parliament who are supporting this progressive legislation, and we recognize that members of all parties have offered support for this cause and that a concern for the suffering of animals crosses all party lines. We represent a group called Friends of Captive Animals, and our area of concern is the welfare of all wild animals held captive for the purpose of entertainment, such as in zoos, circuses, private collections and other forms of animal exhibits. We come today to ask you to include strong, proactive standards and protection for all captive wild animals in Ontario.

Our group formed in response to the plight of Tyson the kangaroo, housed at Lickety Split Ranch and Zoo here in London. Others have spoken about that, so I'll jump forward.

In 2007, the Ministry of Natural Resources laid the charge of keeping native wildlife without a licence against Shirley McElroy, owner of this zoo, when she failed to renew her \$100 licence. MNR officers actually went to her home to invite her to renew, and she still refused. We want to share a letter that was sent by members of the McElroy family to an MNR officer in 2007. This letter is part of the public record and was read at the trial regarding this licence violation on February 19, 2008. This is a reprint of the letter as was printed in the trial transcript:

"We, Shirley-Ruth of the House of McElroy, Lisa-Anne of the House of McElroy and Terry-Dean of the House of McElroy, being natural, living, breathing, flesh and blood creations of the supreme and true God as written in the 1611 King James Bible cannot make any contracts or covenants with any foreign and alien gods.

"Our faith and belief is that the province of Ontario is such a foreign and alien god. Making a contract or covenant with the province of Ontario would bring disapproval and eternal damnation to us according to our god's supreme law as written in the 1611 King James Bible. We are commanded by God's law to follow and obey his will not man's."

This is the key section: "Therefore we will be unable to contract or pledge almighty God's creations, the animals we care for and have dominion over according to his law, to the province of Ontario [or] the Ministry of Natural Resources foreign and alien gods."

Please understand that we make no comment on the religious beliefs expressed here and respect the right of the McElroy family to hold any religious beliefs that they choose. However, we are concerned about the stated intention to deny the authority of the province of Ontario to regulate their handling of animals through the licensing process.

We are also concerned about what appears to be a very selective use of this belief that the government of Ontario constitutes the power of a "foreign and alien God." The

McElroy family did purchase these licences from the MNR for many years, so this view seems to have become important to them only after the publicity that they received over their treatment of Tyson the kangaroo. We find it disturbing that this family was able to openly inform a government agency that they had no intention of complying with the legal requirement to renew their licence and were able to state in writing their intention to defy this provincial law, yet they have been able to continue to possess these native animals.

We are telling you this story to make clear to you the kinds of situations that occur in the roadside zoo community in Ontario. This is a Wild West kind of backwoods industry, where anyone with some wood and fencing material can go to a public auction, buy animals of all kinds, including big cats and primates, and set up a ramshackle business and become a zookeeper.

This is why we urge you to include strong, proactive standards for the housing of all captive wild animals in Ontario, whether native or exotic. We ask that you make it mandatory that anyone wishing to start such a business or private animal collection must apply for a licence that includes verifying the quality of the housing and care that will be provided to the animals.

Captive wild animals that are owned in private collections need protection just as much as ones that are owned as part of businesses. Before there is a hue and cry about denial of civil liberties, let us consider that there is no intrinsic human need to keep a tiger in your backyard or confine a monkey in your basement. We are pretty sure that the Charter of Rights and Freedoms does not enshrine these activities as a basic human right. We ask that this licence process be applied to zoos and private collectors already existing today, and that the OSPCA have the right of random, routine inspection of these premises. In other industries, we see that countless small businesses are forced to respond to changes in health and safety regulations, for instance. Other types of small businesses in Ontario are able to rise to this challenge, so there's no reason for this industry to be treated differently.

We include in our handout a brief overview of the Alberta model of zoo regulations. We want to make special note of the need to require licensing. We also have included suggestions on how a system of fines for violations, and licences, as well as a tax on breeding, can offset the cost of enforcing the new regulations.

Also, note the importance of housing animals in appropriate social groupings. To explain the importance of this issue of social groupings, we want to tell the story of a Japanese macaque monkey named Yoshi that we recently met at a small, private sanctuary here in Ontario. Yoshi arrived at this sanctuary in a dog kennel along with a female monkey named Keiko. The sanctuary keeper does not know anything about the history of these two monkeys. They were very frightened of men in particular, especially Yoshi. They both had long tattoos and scarring on their arms. They also had large bald areas from the elbow to the wrist.

These two monkeys exhibited emotional problems and signs of trauma, and Yoshi remains very frightened of strangers. Yoshi and Keiko lived together at the sanctuary for six years. They lived as mates in every way; they groomed each other, interacted closely and had sexual relations. They often found a measure of peace at this small sanctuary. Then, Keiko, the female, died.

On the day that Keiko died, Yoshi laid on his back, staring upwards, for a whole day. He guarded her body for four days, refusing to allow anyone near her body or to take her away. He brushed the flies off her as he stayed close to his dead mate and life partner. Finally, after four days, he was willing to allow her body to be taken away.

There are people who will tell you that Yoshi does not have feelings similar to the kind of grief that we feel when we lose a loved one. There are people who will tell you that Yoshi and others like him should be treated as mere property, just as a chair or a car are property to be owned and treated in any way that the owner wishes. But how can you ignore the intense emotional suffering that Yoshi experienced at the death of his partner? Do you really believe that this is less than genuine grieving at the loss of a loved one? What does this tell us about the emotional natures of these animals and their ability to suffer emotionally in ways very similar to ourselves?

In the slave-owning era of America, people used to believe that African-American slaves did not feel the same kinds of bonds of family love as white people. It was said that these owned people did not feel physical pain in the same way as white people. We understand today how utterly wrong this belief was and recognize it as merely a convenient denial. This denial allowed slave owners to continue to cause great suffering and still sleep at night. By engaging in this ridiculous belief, they were able to convince themselves that they were good, moral people and that enslaving other humans was a moral and right thing to do.

How could otherwise intelligent people believe that enslaving other people was morally right? The answer is denial. We seem to have the great ability to blind ourselves to what we do not want to see, to turn a blind eye to the great suffering that we cause and to justify this great suffering as being part of a greater good.

The same kinds of arguments were given during the industrial era of Victorian England. Young children of poor families worked in factories for long hours in dangerous and unhealthy conditions. When social reformers worked to end the use of child labour, captains of industry protested that the economy would fail. England needed these child labourers, they said, for the sake of the greater good. In fact, terrible consequences would occur—the sky would fall. As we know, the sky did not fall. England and other industrialized nations of that era progressed and moved forward. We believe that if we start to treat animals like the feeling creatures that they are and if we shake off the blinders of denial, we too will move forward, and the sky will not fall. Our society will become better in so many ways that we cannot calculate now.

What side of history should we be on? Do we want to be associated with the factory owners who fought to keep children of the poor in factories? Do we want to be associated with slave-owning societies that fought to protect slave-dependent industries? Or do we want to be seen as progressive, modern people? It is up to us to make this choice, and we ask that you help us to make a brave and enlightened one. Please include meaningful standards of care for all captive wild animals, both native and exotic, across Ontario.

1200

I have a few pictures. This is a sulphur-crested cockatoo that was housed at Lickety Split. I know the quality is poor, but you can see the demeanour and the carriage of the bird. The bird does not look well. That's a close-up of the demeanour and carriage of the bird.

Here is what a healthy cockatoo looks like. I think you can see there's a big difference.

This is where a Barbary ape, a very social primate, was housed all alone.

This appears to be a vervet monkey, again housed alone at Lickety Split.

This is not a good-quality picture. If you can see, that's not a very happy face there, the same monkey.

This is a monkey house at Greenview Aviaries. This shed—because that's what it is, a shed—houses two, four, six, seven little monkeys in what kind of looks like a shed-like environment.

This is a young baboon that at this age should not even be away from its mother. It lives in what you can see is like a shed. It's all alone.

The Acting Chair (Mr. David Zimmer): All right, thank you. I've got to keep everybody on the same schedule in fairness to all the parties.

Ms. Vicki Van Linden: Sure, got you.

The Acting Chair (Mr. David Zimmer): Thank you very, very much for organizing your presentation and presenting it to us today.

The Guelph Humane Society?

LINDA TAYLOR

The Acting Chair (Mr. David Zimmer): Linda Taylor? If you would come forward, Ms. Taylor. You'll have 15 minutes to present to the committee, and I'll give you a three-minute heads-up as you're approaching the end of your time. You may want to leave some time for questions from the members of the committee, but you decide what you'd like to do there. If you would give us your name for the record, and then we can start.

Ms. Linda Taylor: My name is Linda Taylor and I live in Ontario. I'd like to speak to you about the Ontario SPCA.

I don't know that much about Bill 50, but I've had my experiences with the OSPCA. I know that they are a charity, and I know the province has given the OSPCA \$5 million, and people donate millions to the OSPCA.

I think the public should know more. How much does the OSPCA make selling and adopting animals? The

public should know their salaries and how much they spend on lawyers and court cases. Churches have to show how much they spend and what they collect; so should the OSPCA with their yearly budget of \$13 million. The OSPCA needs to be subject to freedom of information. They use publicity to get donations.

Justice Zuraw describes the OSPCA as "a private police force empowered in cases involving animals to lay charges and seize property, using these charges or seizures to campaign for funds for their private coffers," in the *OSPCA v. Cindy Pauliuk* ruling. Crystal Mackay, the executive director of the Ontario Farm Animal Council, OFAC, said in 2006 in *Better Farming* magazine that the OSPCA "need[s] publicity to raise funds."

Inspectors do not have enough training or supervision. Who hires, trains and supervises these inspectors? Some of them are volunteer agents, and they have the powers of a police officer. The OSPCA inspector who handled my case would have had two weeks' training, a high school education and a driver's licence. That's all you need to get the job. The chief inspector is hours away in Newmarket. Who supervises their daily actions?

They do not follow animal health and safety procedures. When the OSPCA arrives, you ask them to disinfect their hands or step into a bleach bath or put on boot covers or overalls. They're always refusing, saying, "You're the first place I've visited today." When I pushed them to disinfect their hands before they touched my puppies, they told me that they didn't have to and touched the puppies anyway.

Inspectors communicate using threats and intimidation: "I will take away your animals," or "I'll criminally charge you." That is how the OSPCA inspectors communicate. There are always fears and threats with them.

They refuse to speak to your vet. If your vet says your animals are healthy, the OSPCA will find a vet who will find something wrong with your animal. Vets are frightened to speak out against the OSPCA; they are afraid they will lose their practice. The minute the OSPCA is involved, most vets drop you as their client.

They have the powers of a police officer and are not accountable to anyone. The OSPCA should not be private; they should be a government organization. That way, there would be accountability.

These problems have been around for almost 20 years. Not all inspectors are like this, but the ones who are need to be stopped.

In 1989, the Ontario Federation of Agriculture asked the government to take away OSPCA police powers. Seventeen years later, 29 OSPCA directors resigned. Eight of them signed a letter addressed to the Premier asking him to take away OSPCA police powers and investigate.

Garnet Lasby, the OSPCA treasurer, said in a May 2006 *Toronto Sun* article by Peter Worthington that government, not the humane society, should be in charge of enforcing laws to protect animals and to prosecute offenders: "The OSPCA should be involved in welfare of

animals and education, not in criminal investigations and prosecutions.... That should be a government role, but they won't change the OSPCA Act unless there's public pressure."

I would like to know why the Premier is even thinking of giving the OSPCA more power when OSPCA directors themselves, including the treasurer, Garnet Lasby, and the chair, Michael Chaddock, resigned and asked for police powers to be removed from the OSPCA.

I am afraid every day since the OSPCA came into my life. I am a retired widow and the mother of two grown daughters and three grown sons. I used to own and operate a successful in-home dog breeding and grooming business. Now I'm being sued by the OSPCA for \$86,228.36. I'm afraid to tell my story and afraid that Bill 50 will just get passed if you don't hear that the OSPCA needs accountability.

I had clients across North America and was proud of my puppies' temperament and health. I always sent them with veterinary and vaccination certificates. I value the letters of recommendation I received from my clients. My dogs were born and raised in my home and I kept excellent records. I operated a municipally licensed kennel.

OSPCA inspectors inspected my home 21 times in three years—just dropped in, never made an appointment. My fears for the animals' health and the parvovirus with the newborn pups were ignored. They handled the newborn puppies anyway without disinfecting their hands.

1210

In September 2005, the OSPCA sent me a letter that said I had fully complied with all the OSPCA orders they had issued. I was so pleased, and thought that the OSPCA was finally respecting me as a legitimate dog breeder.

Six months later, I had an appointment to have my car fixed. Since I would be gone for several hours, I crated my dogs so that they would be safe, and I asked my tenant to come at noon to let the dogs out of the crates and give them fresh water. I locked the doors and left. That day, March 6, 2006, OSPCA officers, two uniformed, armed police officers, and a veterinarian came with a warrant and removed 43 small dogs. My tenant was not allowed in to look after the dogs.

When I arrived home, I found a notice of seizure on my kitchen table with no information about why the dogs had been seized. They went through everything and every drawer in my house. The few dogs that the OSPCA had left behind were hiding, shaking and traumatized, and they've never been the same since.

I appealed the seizure at the Animal Care Review Board in April 2006. They ordered the OSPCA to return the dogs to me. I just had to pay \$51,468.51.

During the Animal Care Review Board hearing, I found out that an undercover OSPCA inspector came to my home pretending to be a client just days before. I also found out that Her Worship Forster refused to grant the

OSPCA's request for a search warrant. The OSPCA asked another justice of the peace and got a warrant.

In August 2006, my daughter Quintessa, who owned the business with me, was charged with 61 counts of animal cruelty, I was charged 61 times, and my daughter Amanda, who was away at college, was also charged with 61 counts of animal cruelty. She wasn't even living there.

At the trial, the OSPCA said if I pled guilty to something, or anything, they would drop the charges against my daughters and most of mine. So on September 17, I pled guilty to confining the dogs to an enclosure with inadequate space, which was for crating the dogs while I was away, and failing to provide veterinary care for an abscessed tooth that they say my papillon had.

The Acting Chair (Mr. David Zimmer): About three minutes.

Ms. Linda Taylor: If I didn't have a heart condition and I had the money, I would have fought. My dogs were supposed to be given back to me; I just didn't have the \$51,000 to buy them back from the OSPCA. The OSPCA has since sold them and I've been publicly branded a puppy mill operator. The OSPCA has labelled Grey-Bruce the "puppy mill capital of Ontario." I am on probation until 2009.

I do think we need the Ontario SPCA and we need strong animal welfare laws, but things can't stay the way they are. I have three recommendations.

They ask for adequate water; well, what is adequate? So we have to have standards.

I would also like the Ontario SPCA to be made accountable for the police powers they have. They should not be given any more police powers.

I would like the OSPCA to be made subject to freedom of information. People need to know how their donated money and their government funding money are spent. How much is the OSPCA spending on lawyers? Who is paying for the uniformed, armed police officers that the OSPCA brings along?

Thank you very much for your time.

The Acting Chair (Mr. David Zimmer): We have about one minute per caucus, beginning with the Liberals.

Mr. Dave Levac: Thank you for your deputation, Ms. Taylor. You indicated that you did appeal to the ACRB and the definition was that the OSPCA—they found in favour of you, and the difficulty was the fact that there was a large bill that you had to pay in order to obtain your dogs.

Ms. Linda Taylor: Yes. Actually, it read that she was to give me the dogs back first and then I was to pay the bill, which they refused.

The Acting Chair (Mr. David Zimmer): To the Conservatives, Mr. Barrett.

Mr. Toby Barrett: Thank you, Ms. Taylor. What you've presented before the committee, I have certainly been hearing as well. I recall, too, hearing similar things in the media about the OSPCA, the turmoil in the past and the concern with their finances.

You will know that this proposed legislation does appear to give considerably more power and influence to the OSPCA. We understand that organizations, humane societies, not affiliated with the OSPCA will not be allowed to use that title, which would limit them with respect to their finances. To my mind, in some areas, they already would perhaps be in competition for fundraising, and they're in competition with an organization that would also, in my view, have a conflict of interest, and they'd be given additional regulatory power as well. So what you have presented, I've heard before. Thank you for your presentation.

The Acting Chair (Mr. David Zimmer): To the NDP, Ms. DiNovo.

Ms. Cheri DiNovo: Thank you for deputing. I'm so sorry for your family and for your loss. We've heard many deputations that have told similar stories about OSPCA actions, which is why I'm very concerned about some degree of transparency and oversight for the sake of the animals, in part, and for yours.

You're not the first to have talked about this charge, that even when you're found innocent—for example, in your case—you're still charged for the upkeep of the animals while they had them. That's particularly onerous.

At any rate, we hear it, we've heard it before, and we will definitely look into this. Thank you for your honesty.

The Acting Chair (Mr. David Zimmer): Thank you very much for taking the time to organize and bring your presentation to this committee.

Ms. Linda Taylor: Thank you for listening.

Mr. Dave Levac: On a point of order, Mr. Chairman: Over the last couple of days, we've had a few presentations that they had in their hands, written, but we didn't receive a copy of them. Can we ask, through the clerk, that we get copies of some of these deputations if they make them available to us?

The Acting Chair (Mr. David Zimmer): Yes. The clerk does distribute all materials that are made available to the committee.

GUELPH HUMANE SOCIETY

The Acting Chair (Mr. David Zimmer): Guelph Humane Society, Elizabeth Bonkink. You will have 15 minutes to present to the committee. I'll give you a three-minute heads-up that your time's about to expire. You may, if you wish, leave time within your 15 minutes for questions from the committee, but that's entirely up to you. If you would identify yourself for the record.

Ms. Elizabeth Bonkink: I am Elizabeth Bonkink. I am the executive director at the Guelph Humane Society. I thank you for the opportunity to present to you today.

The Guelph Humane Society has had a long and illustrious history. We're celebrating 115 years this year. Our first president, A.S. Allan, wrote much of what is now the children's aid legislation. Many people probably know that humane societies originally cared for children as well. So we've been around for an awfully long time. We've come a long way from our first days in the back

of a shed, and unfortunately, animal welfare legislation has not. That's why we applaud the government for seeing this legislation come this far. However, animal welfare agencies have waited a really long time to protect the animals of Ontario. We want to ensure that it's good legislation.

I thank you for the opportunity to be heard on some of the concerning sections of this bill. I'd like to begin by pointing out that the OSPCA does not speak for all animal welfare agencies in Ontario. The Guelph Humane Society is an affiliate, but we haven't always been, and we don't always see eye to eye. They don't necessarily speak for us and they don't even represent our interests; how could they, when they are our fundraising competitors?

1220

This bill gives undue power to OSPCA. The relationship between the humane societies and the SPCA is often misunderstood. The OSPCA does not govern the affiliates any more than the OPP governs a municipal police force. We are not their children; we are their cousins. The Guelph Humane Society was in existence long before the OSPCA, as many humane societies were. We've always operated independently, but we have operated cooperatively.

It is the changes in this structure that concern us most about this bill. While my lawyer tells us that the Guelph Humane Society won't really be affected by section 6—name change—should we choose to disaffiliate, because we're grandfathered prior to 1955, I do have some concern about this with newer organizations.

The current legislation clearly reads, "No society, association or group of individuals, whether incorporated or unincorporated, that is established after the 30th day of May, 1955 shall profess to function as a society having for its object the welfare of or the prevention of cruelty to animals unless it is incorporated and becomes affiliated with the society in accordance with the by-laws of the society." Why does this need to change? This is very clear to me. You cannot consider yourself a humane society or an SPCA unless you follow these rules. What concerns me is, why the wording change in the new bill?

What immediately came to my mind is that one of the members of the board of the SPCA has very public legislation against a neighbour and fundraising competitor who has chosen to use the name "humane society." This concerns me. This is just me speculating on why this is the case, but I would certainly hope that that's not why it's included in the legislation, when this bill was intended to protect the animals of Ontario. Petty squabbling shouldn't be allowed to be in there.

Also in section 6, the chief inspector becomes an appointed position and is given a great deal of power. This does not settle any qualifications for the chief inspector. Under the current structure, an agent would need to have required training, pass a test, and then would be presented to the OSPCA board for ratification. Bill 50 removes all of these checks and balances. It just gives all the power to the chief inspector, who is

appointed by OSPCA. What is stopping OSPCA from revoking or refusing an agent for their own monetary gain? Bill 50 hands power to the OSPCA to effectively control whether we can investigate animal cruelty in our own territory. While we work co-operatively, we compete for donor dollars. My point here is that there need to be some checks and balances added to the legislation. Qualifications should be stated for the chief inspector to ensure that it is someone who knows what they're doing, and that person cannot be allowed to have unchecked power over the affiliates.

This shift in power would concern me a lot less if OSPCA had a stellar history, but just two years ago there was legal action taken against OSPCA because they attempted to change some of their board and bylaws to change the power of their structure. The short story is that what they wanted to do was remove the power of the affiliates who currently govern them. It's a little bit concerning to me that this legislation is now tipping the balance back in that favour.

Lastly, I'd like to take the opportunity to remind all legislators that while the changes in law are needed—and we agree to that—change comes with a cost. The impact of Bill 50 will mean an increased workload for our agents and inspectors. In fact, I'm probably going to need another agent. It will require more training. It will increase our costs for housing and caring for the animals. Funds need to be provided to all organizations, not just OSPCA. We don't see these funds filter down. I hate to keep coming back to money but, bottom line, this is how we pay our staff, this is how we keep our lights on, this is how we care for the animals we have in our shelter; in short, it's how we survive.

Guelph Humane Society has been able to exist for over a century thanks to the generosity of our community and excellent management. But in today's global world, there are no more communities. The media have blurred the lines, and certainly OSPCA has taken advantage of this. In fact, they fundraise in my territory without ever having to visit it. While the government has provided OSPCA with funding on several occasions, none of that reaches their affiliates. They do provide training for my agents and inspectors, but then I have to be able to provide the time for my staff to attend, usually two weeks at a time, and I have to backfill their positions and pay for their travel costs. So it becomes a bit of a situation where, yes, the money is helping to train my people, but it certainly isn't helping my organization.

Please put some consideration into balancing the funding that will be needed to enforce this bill.

The Guelph Humane Society, on the whole, supports this legislation, with some minor tweaking, of course. We applaud the government for finally hearing the needs of the animals we care for. New legislation has been needed for a long time. We have all watched in vain as we've seen animals suffer and die, and we're powerless to make criminal charges stick. Too often, we've had to hand animals back to abusers because we're powerless to do anything. We've all heard a judge say there's not enough

proof of intent to abuse or harm. We need to listen to those who can't speak for themselves, and that means listening pretty hard. I ask you to consider all of these things when you go back to your third reading.

Our business is filled with some very laborious and underpaid work. We have to make some terrible and tough decisions, and we have far too many heartbreaking days. We're rewarded by wagging tails and purrs of kittens. We focus on our victories, and we believe there are better days ahead. With some minor changes to Bill 50, I believe there will be some better days ahead.

I look around and see that you guys have probably all been sitting here a couple of days. Your butts are probably numb. But I remind you that you're doing this for the right reason, that we need this legislation, we need some changes for our animals.

I wish you all the wisdom of a dog, who reminds you to play, and the comfort of a cat, who will warm your pillow, while you make these very tough decisions and listen to all of us speak.

The Acting Chair (Mr. David Zimmer): Thank you. About two minutes per party, beginning with the Conservatives.

Mr. Toby Barrett: I want to thank Guelph Humane Society for that presentation. Thanks for the last 115 years. I raise the question, what would the Guelph area be like if we didn't have the Guelph Humane Society for the last 115 years? I just pose that as a rhetorical question.

You indicated that you're essentially grandfathered. I appreciate you speaking up on behalf of other organizations that have the name "humane society" that were established after 1955. However, if you were to break your affiliation with the OSPCA, what protection would you have under this legislation? I lived in Guelph for a number of years. You would be prevented from calling yourself a humane society, as I understand it. There go 115 years of goodwill, even from just the fundraising perspective.

Ms. Elizabeth Bonkink: If in fact that is the result of this legislation, then, yes, we would have to change our name. I don't know what we could call ourselves. The Guelph? We've lost most of our name, if that's the case.

Mr. Toby Barrett: I heard in previous testimony that the Ontario government had provided \$5 million at some point to OSPCA. Over the years, the Guelph Humane Society would have received Ontario government money?

Ms. Elizabeth Bonkink: Never.

Mr. Toby Barrett: Never?

Ms. Elizabeth Bonkink: As far as I know. We had a Trillium grant four years ago, but that's open to any charitable status—

Mr. Toby Barrett: That's a separate board.

Ms. Elizabeth Bonkink: Right. That's open to any charitable status organization. We've never received funding of dollars.

Mr. Toby Barrett: Do you feel that there are amendments coming that will rectify this problem in this

legislation, or do you have the trust to wait and see if perhaps staff would make some changes in regulation to prevent this kind of unfairness from continuing?

Ms. Elizabeth Bonkink: In terms of funding, I don't believe there's anything in the legislation currently that would allow affiliates like Guelph Humane Society to receive funding. Like I said, it doesn't filter down through OSPCA. They make it available to us through things like training, but there's still a real cost to that for us. Anybody who runs a business knows that you can't just let someone go to training and there's no cost to you. There's a day when they have to miss work, there's travel time, there are all kinds of things that—

The Acting Chair (Mr. David Zimmer): On that note, we'll move to the NDP.

Ms. Cheri DiNovo: Thank you very much for your deputation. Certainly, it rings with what I've been saying in this committee for a while.

The government has made assurances that part of section 6 will be amended.

I want to focus on another part of section 6. I've been told that the reason the OSPCA wants to restrict the use of the term "humane" is for the obvious reason that you can't have anybody asking for entry into people's homes to check if there are animals—to pretend that they're OSPCA. They already have quite considerable powers. This bill might extend those powers. It's important that only those who are affiliated with some centralized body be able to exercise those powers. That's why that other piece is there in section 6; it's not about the "humane society" name or the "humane" name. That's their concern. I was wondering if you could respond to that.

Ms. Elizabeth Bonkink: It's not the name that gets someone in the door; it's the fact that they have the proper uniform, the proper badge, that they have the law at their hand. If you don't have an OSPCA agent's badge, I can't imagine anybody wanting to let you in the door. As it stands now, we always use compliant agreement to enforce laws. We can't go to somebody's door and knock it down, we can't open a car if a dog is sweltering in the heat, without absolute proof. So it's always compliant agreement, and anybody who is going to comply is going to check their facts.

Ms. Cheri DiNovo: Right. So you've addressed that concern, and thank you for that, because we would like to see section 6 removed. Again, this just points to the oversight issue with OSPCA and the transparency that keeps coming up again and again.

Thank you for highlighting again the fact that you are charities and you're competing for charitable dollars.

I've also been told that a committee should be set up where you can apply directly, as a humane society, for those government funds and that it shouldn't have to all rely on what OSPCA says they're going to do with the funds or not. Would it satisfy your concerns if there was an arm's-length, independent committee that oversaw any government funds that you could apply to directly, rather than OSPCA telling you how they're spending it and then inviting you to take part?

Ms. Elizabeth Bonkink: It's certainly how they're doing that right now with some technology grant money. I looked at the application and said, "Oh, this is tailored after Trillium," which is fine; I'm familiar with that process. However, there are an awful lot of us in the animal welfare industry who are not grant writers. I happen to be a grant writer; not a lot of people are. So it may just set up one more stumbling block for people to actually get the money to the animals. I think if you do that, then you need to have a simplified program for that.

The Acting Chair (Mr. David Zimmer): With that, we'll move to the Liberals.

Mr. Dave Levac: I want to follow up on that, because I would suspect that you would not be in favour of simply funnelling money without having an application form of some sort.

Ms. Elizabeth Bonkink: No, I'm just saying that a really heavily laden application form would be—

Mr. Dave Levac: Right. To continue that theme, today the opposition was given a note on exactly how that money is distributed. Of this \$5 million that's being spoken of, \$3 million is earmarked for general infrastructure improvements; \$1.25 million for improvements to services delivery in northern Ontario; \$750,000 is earmarked for information technology improvements, which you've acknowledged. There is also the funding that is inside the \$5 million distributed to branches and affiliates that make application to an impartial advisory committee that does not include the OSPCA. So I'm sure you understand that's the fact today.

Ms. Elizabeth Bonkink: Right. This is the first time this has happened.

Mr. Dave Levac: Yes. I think the implication that you didn't have access to that money might be out there, and it's not true. The reality is that if you make application for that money, you're accessible to it.

Ms. Elizabeth Bonkink: Yes, but the timing is interesting, isn't it?

Mr. Dave Levac: No, it's not.

Ms. Elizabeth Bonkink: That we're discussing whether or not there's funding, and suddenly there's funding today?

Mr. Dave Levac: No, it's not. I don't find it interesting at all, because it hasn't been touched—

Ms. Elizabeth Bonkink: Actually, I got my e-mail last week.

Mr. Dave Levac: —in 90 years. And the fact that—

The Acting Chair (Mr. David Zimmer): Hold it. Not everybody at once.

Mr. Dave Levac: And the fact that section 6—

Ms. Elizabeth Bonkink: I'm sorry, could I please respond? I got my e-mail last week.

Mr. Dave Levac: Excuse me, I have the floor.

The Acting Chair (Mr. David Zimmer): Order. Just stop, everybody. Mr. Levac was finishing his question, and then you can respond and everybody else will listen.

Mr. Dave Levac: Thank you, Mr. Chairman.

Section 6, as indicated by one of the opposition members, as has been said several times over the last two

days—there will be amendments made so that the name cannot be played with.

Number two, you indicated the training is moving from two to four weeks. You're aware that it's moving up to four weeks training, similar to—

Ms. Elizabeth Bonkink: That makes it worse.

Mr. Dave Levac: And are you aware that the province of Ontario contracts the OSPCA and its affiliates and branches for enforcement and not for the charity portion of the delivery of animal welfare?

Ms. Elizabeth Bonkink: We pay for our delivery of animal welfare through charity dollars. I hate to tell you that. We've never once received a penny to deliver our animal welfare program. Our inspector does not get paid by anything but our charitable dollars. We've always fundraised for that.

Mr. Dave Levac: Then something's not right.

Ms. Elizabeth Bonkink: We've never received a cent, and we'd love to know how to get it.

Mr. Dave Levac: Right. Therefore, the monies that you've been applying for, that I'd hope you would make application for, are for that purpose.

Ms. Elizabeth Bonkink: That's not what that money is for. That money is for technology and infrastructure. It is not for running our animal welfare program.

Mr. Dave Levac: Yes, the contract that we're talking about is the contract that is made between the province of Ontario and the OSPCA for enforcement purposes only.

Ms. Elizabeth Bonkink: That's fine, but you just told me there was money to apply for. The money in that grant has nothing to do with providing that service; it's for technology and infrastructure.

Mr. Dave Levac: Right.

Ms. Elizabeth Bonkink: So where is the money that's for us to run this program?

The Acting Chair (Mr. David Zimmer): On that note, we're just a little over your 15 minutes. Thank you very much for organizing your presentation and bringing it before this committee.

Mr. Toby Barrett: On a point of order, Mr. Chair: I have the note here that we've just received. Has this note been made available to the deputant as well?

The Acting Chair (Mr. David Zimmer): Yes. The clerk has informed me it's available as a handout.

Mr. Toby Barrett: Over on the table?

The Acting Chair (Mr. David Zimmer): On the desk to my right.

Is there any other business today in London before this committee? This committee is adjourned to Ottawa. For members of the committee: 2:15 in the front lobby for the bus.

The committee adjourned at 1233.

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