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**Official Report
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Tuesday 1 December 2009

**Journal
des débats
(Hansard)**

Mardi 1^{er} décembre 2009

**Standing Committee on
the Legislative Assembly**

Animal Health Act, 2009

**Comité permanent de
l'Assemblée législative**

Loi de 2009 sur la santé animale

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE ON
THE LEGISLATIVE ASSEMBLY**

**COMITÉ PERMANENT DE
L'ASSEMBLÉE LÉGISLATIVE**

Tuesday 1 December 2009

Mardi 1^{er} décembre 2009

The committee met at 1612 in room 228.

ANIMAL HEALTH ACT, 2009

LOI DE 2009 SUR LA SANTÉ ANIMALE

Consideration of Bill 204, An Act to protect animal health and to amend and repeal other Acts / Projet de loi 204, Loi protégeant la santé animale et modifiant et abrogeant d'autres lois.

The Chair (Mr. Bas Balkissoon): I call this meeting of the Standing Committee on the Legislative Assembly to order. We're here for clause-by-clause consideration of Bill 204, An Act to protect animal health and to amend and repeal other Acts.

Are there any comments, questions or amendments to any sections of this bill, and if so, to which sections?

Mr. Ernie Hardeman: Mr. Chairman, I believe that at least I got quite a number of amendments to this bill from the clerk's office. I think it would be a rather large request to ask each individual member of the committee if they'd like to read all the amendments that are being proposed. That would likely take us past the hour's time that has been assigned for clause by clause on this bill.

I guess I would like to put on the record that I find it really, let's say, counterproductive to have just an hour to debate the amendments that are being proposed to this bill, which come from all three parties, including the government. In fact, if I look at just the government amendments to this, sufficient time for debate of just the government amendments is, in my mind, more than an hour, and the government has decided to give us only an hour to do it.

In fairness to the people of Ontario, I think we will work with the government and the members of the committee to see how far we can get in that debate as we go through it, but I do want to put on the record that I think it's totally inappropriate that the government would cut debate on this bill this short and expect us, as a committee, to come out with recommendations that will make this the best possible bill it could be. It seems to be just rushed through for the sake of rushing it through, because the government has absolutely no confidence in the bill they have introduced.

The Chair (Mr. Bas Balkissoon): Any other comments? Mr. Hampton? Mr. Johnson, you had a comment.

Mr. Rick Johnson: In response, this meeting was supposed to start 45 minutes ago. Had it not been for

what was taking place in the House, it would have started on time, which would have doubled the time we have available.

The Chair (Mr. Bas Balkissoon): Okay. I would move to section 1, PC motion number 1. Mr. Hardeman.

Mr. Ernie Hardeman: I move that clause 1(a) of the bill be struck out and the following substituted:

"(a) tools to prevent and address animal health emergencies;"

This is to limit the act such that it focuses on animal health emergencies and does not duplicate existing acts, such as the Provincial Animal Welfare Act. It was requested by many of the stakeholders who presented here, including the Christian Farmers and the Ontario Farm Animal Council. We are putting this motion forward at the request of the people who made presentations to this committee.

The Chair (Mr. Bas Balkissoon): Any debate on motion 1? Mr. Johnson.

Mr. Rick Johnson: I would just like to say that the main provision of this act is the protection of animal health in Ontario; it's a key objective of the proposed legislation. This motion that's been brought forward would basically remove one of the main purposes of this act, so the government will not be supporting this motion. We have had broad acceptance through consultations that this is the direction we want to go in.

The Chair (Mr. Bas Balkissoon): We'll take a vote on the motion.

All those in favour?

Against?

Motion lost.

NDP motion number 2. Mr. Hampton.

Mr. Howard Hampton: I move that section 1 of the bill be amended by striking out clauses (a), (b) and (c) and substituting the following:

"Purposes

"1. The purposes of this act are to provide for,

"(a) the promotion and protection of animal health, care and welfare in Ontario;

"(b) the establishment of measures to assist in and promote the prevention of, detection of, response to, control of and recovery from hazards associated with animals that may affect animal health, care or welfare, human health or both; and

"(c) the regulation of activities related to animals that may affect animal health, care or welfare, human health or both."

The rationale we heard from a number of organizations is that animal health is tied to animal welfare. Even the government discussion paper states: “The handling of farmed animals and the condition of their environment can have a direct impact on the health of the animals.” The European Union recognizes the animal health-animal welfare link. For this act to be effective in protecting animal health, it needs to address animal care and animal welfare.

The Chair (Mr. Bas Balkissoon): Any debate? Mr. Johnson.

Mr. Rick Johnson: The government won’t be supporting this. The addition of “the promotion ... of animal health, care and welfare” presents issues of potential duplication with the OSPCA Act, and we believe that issues regarding animal welfare are best served under the OSPCA Act.

Also, it has been drafted in such a way that it disregards the presence of clause (d) without explicitly striking it out.

1620

The Chair (Mr. Bas Balkissoon): Further debate? There being none, we’ll take the vote. All in favour? Against? The motion loses.

Shall section 1 carry? Carried.

Section 2: motion number 3, government motion. Mr. Johnson?

Mr. Rick Johnson: I move that the definition of “fomite” in section 2 of the bill be struck out and the following substituted:

“‘fomite’ means an inanimate object that is capable of carrying or transmitting a disease or a biological, chemical, physical or radiological agent or factor that is a hazard and includes,

“(a) material used for bedding animals,

“(b) any clothing, footwear or equipment if it may contain a disease or a biological, chemical, physical or radiological agent or factor that is a hazard or if it may have come into contact with a hazard or an animal that a hazard is affecting or in which a hazard may be present, and

“(c) any other thing prescribed as a fomite,

“but does not include a conveyance or any thing prescribed as excluded (‘vecteur passif’).”

We’re bringing this forward because the change would make the definition of fomite consistent with other terms in the proposed legislation. It provides flexibility should other items be considered fomite in the future.

The Chair (Mr. Bas Balkissoon): Further debate? Mr. Hardeman.

Mr. Ernie Hardeman: Yes, a question on that. Obviously the change is in (c), any other item prescribed, and then the next line, “or any ... thing prescribed” as excluded. Where would you get the items that are prescribed as excluded?

Mr. Rick Johnson: If something down the road becomes not necessarily to be included, it gives the flexibility to remove an item off the list as what is described as fomite.

The Chair (Mr. Bas Balkissoon): Further debate? All in favour of the motion? Against? That carries.

Motion number 4: NDP. Mr. Hampton.

Mr. Howard Hampton: I move that the definition of “hazard” in section 2 of the bill be struck out and the following substituted:

“‘hazard’ means,

“(a) a disease or a biological, chemical, physical or radiological agent or factor where, in the absence of control, the disease, agent or factor, as the case may be, adversely affects or is likely to adversely affect the health, care or welfare of any animal or is likely to cause, directly or indirectly, significant harm to human health;

“(b) a condition of a premises or conveyance or the environment in which an animal, animal product, animal by-product, input, waste material, fomite, vector or any other thing is kept, housed, processed, raised, grown, displayed, stored, assembled, sold, offered for sale, slaughtered, transported or disposed of, where, in the absence of control, the condition or environment, as the case may be, adversely affects or is likely to adversely affect the health, care or welfare of any animal or is likely to cause, directly or indirectly, significant harm to human health; or

“(c) a factor, substance, circumstance, condition or environment that adversely affects or is likely to adversely affect the health, care or welfare of any animal or is likely to cause, directly or indirectly, significant harm to human health.”

I don’t think I have to go into too much detail. We’re trying to capture here what is likely to significantly impact animal health, animal welfare, animal care and, by extension, human health.

The Chair (Mr. Bas Balkissoon): Further debate? Mr. Johnson.

Mr. Rick Johnson: The government won’t be supporting this motion. We feel that government motion number 5, which will be coming up next, allows for the prospect of prescribing additional things as hazards in the future, by regulation if necessary, as new items may arise.

One of the intentions in drafting this animal health legislation for consideration is to avoid the potential overlap with existing authorities—once again, with the OSPCA act.

The Chair (Mr. Bas Balkissoon): Further debate? There being none, all in favour of the motion? Against? The motion loses.

Motion number 5: government motion. Mr. Johnson.

Mr. Rick Johnson: I move that the definition of “hazard” in section 2 of the bill be struck out and the following substituted:

“‘hazard’ means,

“(a) a disease or a biological, chemical, physical or radiological agent or factor,

“(b) a condition of a premises or conveyance or the environment in which an animal, animal product, animal by-product, input, waste material, fomite, vector or any other thing is kept, housed, processed, raised, grown,

displayed, stored, assembled, sold, offered for sale, slaughtered, transported or disposed of, or

“(c) any other thing prescribed as a hazard,

“where in the absence of control, the disease, agent, factor, condition, environment or other thing, as the case may be, adversely affects or is likely to adversely affect the health of any animal or is likely to cause, directly or indirectly, significant harm to human health, but does not include any thing prescribed as excluded (‘danger’).”

The Chair (Mr. Bas Balkissoon): Any comments?

Mr. Rick Johnson: This proposed change would make the definition of “hazard” consistent with other terms in the proposed legislation as drafted, including animal, animal product or animal by-product. It would also provide some clarity for the consolidation of existing legislation in the future as regulations.

The Chair (Mr. Bas Balkissoon): Further debate? Mr. Hardeman.

Mr. Ernie Hardeman: Yes, I have a question to the parliamentary assistant. In the previous comment to the previous motion we dealt with, he implied or said that the changes to the government motion would go a long way to meet the needs or to meet the direction that was suggested by the third party. I guess I want a clarification that that change, “any other thing prescribed as a hazard,” would give the minister the opportunity to broaden the scope of this bill by including animal welfare as part of this bill. Is that accurate?

Mr. Rick Johnson: It would give the—“any other thing prescribed as a hazard.” If the minister determined, in consultation with other—

Mr. Ernie Hardeman: The majority of the farm community that was in here speaking to the committee were very concerned about making this bill broader to include animal health, animal welfare; they were very concerned about that. But you’re suggesting that this change will allow the minister to do that without consulting them again.

Mr. Rick Johnson: The minister has been clearly on record as doing consultations—

Mr. Ernie Hardeman: My question isn’t where the minister’s record is. My question is, would this change allow the minister to include animal welfare in the hazards that are presently listed in the bill?

Mr. Rick Johnson: If I could get staff person Ryan Collier to answer, for clarification.

The Chair (Mr. Bas Balkissoon): Please come forward. State your name for Hansard and then you can answer the question.

Mr. Ernie Hardeman: I guess, Mr. Chairman, I just need a yes-or-no answer, whether in fact this would be possible.

Mr. Ryan Collier: Ryan Collier, Ministry of the Attorney General.

The proposed motion specifically allows other things to be prescribed as a hazard in the future by regulations made by the Lieutenant Governor in Council. These regulations are passed by cabinet. Any other thing that is prescribed as a hazard, whether or not it applies, would

still be within the purposes of the act, which are for the protection of animal health. This provision allows for the Lieutenant Governor in Council to make regulations adding things or excluding things from the definition of “hazard.”

Mr. Ernie Hardeman: I understood all that. My question is, could animal welfare be prescribed under this regulation?

Mr. Ryan Collier: For this provision, the definition of “hazard” can include anything that the Lieutenant Governor in Council prescribes as being a hazard.

Mr. Ernie Hardeman: If the minister decided this was a hazard, she could propose a regulation under this change to say, as part of this bill, that animal welfare would be a hazard.

I think this is rather a critical point, because, obviously there are quite a number of amendments here that want to include that. We see the government voting against every one of them. But the truth of the matter is, this seems to be implying that the government could, at any point in time, after we have closed the door to the barn, do whatever they like with including or not including that in this bill.

Mr. Ryan Collier: It would be odd to prescribe animal welfare as a hazard, because it would be inconsistent with the definition. But if there are things that are a hazard that respect animal welfare and are within the scope of the bill, being the protection of animal health, yes, those things could be prescribed by the Lieutenant Governor in Council.

1630

Mr. Ernie Hardeman: Thank you very much. I would, Mr. Chair, if I could, request a recorded vote on this amendment.

The Chair (Mr. Bas Balkissoon): Further debate?

Ayes

Delaney, Dickson, Hampton, Johnson, Moridi, Ramal.

Nays

Hardeman.

The Chair (Mr. Bas Balkissoon): The motion carries.

Motion number 6, a government motion: Mr. Johnson.

Mr. Rick Johnson: I move that the definition of “vector” in section 2 of the bill be struck out and the following substituted:

“‘vector’ means a living organism that is capable of carrying and transmitting a disease or a biological agent or factor that is a hazard and includes any other thing prescribed as a vector, but does not include a human or any thing prescribed as excluded; (‘vecteur’)”

The proposed change would achieve several related purposes. It would make the definition of “vector” consistent with how other terms in the proposed legislation have been drafted, including “animal,” “animal by-

product” and “animal product.” It would also replace the word “individual” with the word “human” to enhance the clarity of the provision and avoid interpretation problems regarding the term “individual.”

The Chair (Mr. Bas Balkissoon): Debate? Mr. Hardeman.

Mr. Ernie Hardeman: My question is to the parliamentary assistant, if I might. The word “vector,” is it defined anywhere in the Oxford dictionary?

Mr. Rick Johnson: I’m going to ask that—

The Chair (Mr. Bas Balkissoon): Can we have ministry staff or whoever can answer it come forward please?

Mr. Ryan Collier: I don’t know if I can specifically answer the question whether “vector” is defined in the Oxford dictionary. It’s defined in the legislation here because it is a scientific term that has a specific meaning within the purposes of the act. To provide clarity for what the purpose of the word is, it’s also being amended so that if there is any uncertainty about things that are a vector, they can be prescribed by regulation by the LGIC, as well as excluded. The intent is clear here that “vector” does not include a human, which would be different from the regular scientific use of the word.

Mr. Ernie Hardeman: I guess my question is that—“‘vector’ means ...” and it goes on to define it. It would seem to me that the word is defined in the Oxford dictionary to mean something. I find it hard to believe the government would have legislation that says, “Well, and we will take that definition, and we want to have something in there so that we can include anything else in the world because we decide it’s a vector.” It is or it isn’t. I don’t know why you would have more or less, why you would ever have a need to expand the definition of the word.

The Chair (Mr. Bas Balkissoon): Is that a comment or a question?

Mr. Ernie Hardeman: It’s a question. Why would we ever have a need to expand the definition of the word? A truck is a truck, not anything else you describe as a truck.

Mr. Ryan Collier: A vector may not always necessarily be a living organism, and this power makes it clear, for adding things that would be encompassed within the definition of “living organism,” to provide regulations in the future that, where there is uncertainty on what is within the definition of “vector,” there is a regulation setting it out further—that clarity can provide it.

The Chair (Mr. Bas Balkissoon): Further debate? Mr. Moridi.

Mr. Reza Moridi: The word “vector” has another meaning, too, in the Oxford dictionary and in scientific terms. Apart from what we have here, it means a quantity that, apart from its absolute value, has direction. That is another definition of “vector.” Here we have the definition of “vector” as it is given in this act for this purpose. Like many other words, every word can have various definitions, and this is one of those cases, I believe.

The Chair (Mr. Bas Balkissoon): Further debate? Mr. Hardeman.

Mr. Ernie Hardeman: I just want to say my concern about this is the fact that when you read that, it says that we have a list of definitions unless the minister doesn’t like them, and she can change them at will, because it just says that anything else we describe as that will have to go into that category. I really have concerns that government would want a piece of legislation where, even in the definitions, they can’t leave out the part where the minister can change them at will.

I would like a recorded vote on this amendment.

The Chair (Mr. Bas Balkissoon): Any further debate?

Ayes

Delaney, Dickson, Hampton, Johnson, Moridi, Ramal.

Nays

Hardeman.

The Chair (Mr. Bas Balkissoon): That carries. Shall section 2, as amended, carry?

Mr. Ernie Hardeman: Recorded vote.

Ayes

Delaney, Dickson, Hampton, Johnson, Moridi, Ramal.

Nays

Hardeman.

The Chair (Mr. Bas Balkissoon): Okay, that carries. We’ll now move to section 3. Page 7, PC motion: Mr. Hardeman.

Mr. Ernie Hardeman: I move that section 3 of the bill be amended by adding the following subsection:

“Industry advisory committee

“(2) The minister shall establish an industry advisory committee consisting of representatives of industries regulated by this act to provide advice to the minister or chief veterinarian for Ontario on any matter related to the protection of animal health or to matters regulated under this act.”

Of course, this is intended—as was requested, it spoke to, in the bill presently, where the minister may appoint these committees. It was brought forward in the public presentations that it should be mandated that the minister must do that.

I think it’s also important that that committee includes the stakeholders that are being affected—not just that the minister “may” appoint a committee or “shall” appoint a committee of experts outside the field—that in fact we would have the industry be allowed to be part of that advisory committee.

That’s the reason for this amendment.

The Chair (Mr. Bas Balkissoon): Further debate? Mr. Johnson.

Mr. Rick Johnson: The government won't be supporting this amendment. We have one coming up, the next motion.

With this one in particular, it states, "The minister shall establish an industry advisory committee," singular, which presents issues, because the minister might want to promote other committees. The concern—I know it's minute, but leaving the "s" off the end of the word might mean that the minister would only be allowed to raise one. But I understand where you're coming from.

As well, it's limiting as to who could be appointed, because it talks about stakeholders. We're concerned that that might eliminate—if you wanted to have a professor from the University of Guelph, for example, sit on a committee, this might limit that.

So we're not supporting it because we feel that government motion number 8 addresses the same concern with a wider catch.

The Chair (Mr. Bas Balkissoon): Further debate?

Mr. Ernie Hardeman: Recorded vote.

Ayes

Hampton, Hardeman.

Nays

Delaney, Dickson, Johnson, Moridi, Ramal.

The Chair (Mr. Bas Balkissoon): The motion loses.

Page 8, government motion: Mr. Johnson.

Mr. Rick Johnson: I move that section 3 of the bill be amended by adding the following subsection:

"Advisory committees

"(2) The minister shall establish such committees as the minister considers appropriate to provide advice to the minister or the chief veterinarian for Ontario on any matter related to the protection of animal health and matters regulated under this act."

This, we feel, addresses the concerns that were brought forward. From my past life in school boards, changing a "may" to a "shall" is very important. We heard from several stakeholders that the inclusion of the word "shall"—the minister "shall"—provides much more force to the bill. We've listened to the concerns of stakeholders and addressed that issue here.

The Chair (Mr. Bas Balkissoon): Further debate? Mr. Hardeman.

Mr. Ernie Hardeman: I want to say I will support this amendment, although, opposite to the parliamentary assistant, the fact that it doesn't include any reference to who will be on the committee makes me somewhat nervous. Three people in the minister's office could be the committee. I think our previous motion was much better, because it actually included the makeup of the committee so we would ensure that the people who were going to be impacted by the decision of the minister were in fact the industry people to be heard.

Having said that, they've come some distance. It was "may," and I really think it's important that it "shall" appoint the committee to get the advice.

The Chair (Mr. Bas Balkissoon): Any further debate? We'll take the vote.

Mr. Ernie Hardeman: Recorded vote.

Ayes

Delaney, Hampton, Hardeman, Johnson, Moridi, Ramal.

The Chair (Mr. Bas Balkissoon): That carries.

Shall section 3, as amended, carry? Carried.

Page 9, PC motion: Mr. Hardeman.

1640

Mr. Ernie Hardeman: I move that subsection 4(1) of the bill be struck out and the following substituted:

"Chief veterinarian for Ontario

"4(1) The minister shall appoint a chief veterinarian for Ontario for the purposes of this act."

This removes the requirement for the chief veterinarian to be an employee of the province. Currently, the bill says, "The minister shall appoint an employee in the ministry to act as chief veterinarian for Ontario for the purposes of this act." Given that the person will be an expert in animal health for the province, it should not be restricted to existing employees.

Under the present structure, it would be very difficult for—if there was a veterinarian on staff at the ministry, it would be automatic that that's the only person eligible to be the chief veterinarian. We think that the option should be open that it could be any veterinarian the minister deems appropriate to be the chief veterinarian.

The Chair (Mr. Bas Balkissoon): Any further debate?

Mr. Rick Johnson: We won't be supporting this motion. It would be nice to get a little more clarification from you about the purpose of the motion, as it would remove the requirement that the CVO be an employee of the ministry at the time of the appointment. This motion may be seeking to address a mistaken assumption that a CVO could only be appointed from within the public service. We believe that the wording in subsection 4(1) as drafted in the bill would allow the hiring from outside the Ontario public service. We're just concerned it might create some ambiguity about how the CVO, once appointed, would be positioned within the public service.

The Chair (Mr. Bas Balkissoon): Further debate? None? We'll take the vote.

Mr. Ernie Hardeman: Recorded vote.

Ayes

Hampton, Hardeman.

Nays

Delaney, Dickson, Johnson, Moridi, Ramal.

The Chair (Mr. Bas Balkissoon): The motion loses.

Page 10, PC motion: Mr. Hardeman.

Mr. Ernie Hardeman: I move that subsection 4(2) of the bill be struck out and the following substituted:

“Qualifications

“(2) The qualifications of the chief veterinarian for Ontario are that he or she,

“(a) is a veterinarian who holds a licence without conditions or limitations;

“(b) has at least five years experience as a veterinarian in a practice that includes farm animals;

“(c) possesses the qualifications for the chief veterinarian for Ontario that may be prescribed.”

This, of course, adds the requirement that the veterinarian must have five years of experience in a practice that includes farm animals. I think it was brought forward by a number of people who presented to the committee that they had some concern that it may not be appropriate to have a chief veterinarian who is not acquainted with agriculture animals. Currently in the bill, there’s absolutely no requirement for any experience for the chief veterinarian—and there is such a requirement for the chief medical officer of health. Many stakeholders asked for this, including the Ontario Cattlemen’s Association, the Ontario Farm Animal Council and the Ontario Livestock and Poultry Council—they all asked for this “five years” to be included and that they have large animal health experience, and that’s why we have this amendment before us.

The Chair (Mr. Bas Balkissoon): Any further debate?

Mr. Rick Johnson: The government won’t be supporting this motion. We have one—motion 11, the next motion, covers it, and I’ll just give you the reasons why. In clause (b), you’ve said, “has at least five years experience as a veterinarian in a practice that includes farm animals;”—but it doesn’t necessarily mean that the vet who was working there has dealt with farm animals as well. I know, personally, we take our Jack Russell to one of the vets, and the other one works on our horses. The small animal vet doesn’t work there, but does work in a practice that does include farm animals.

The term “veterinarian” is a defined term in the bill that refers to licensing under Ontario’s Veterinarians Act. A veterinarian medical practitioner with relevant experience obtained while licensed in a jurisdiction other than Ontario may not qualify under this proposed language. There has been a lot of talk lately about interprovincial qualifications.

So those are the reasons why, and we feel that we’ve addressed these concerns in the next motion.

The Chair (Mr. Bas Balkissoon): We’ll take the vote on the motion. Oh, Mr. Hardeman?

Mr. Ernie Hardeman: Mr. Chairman, I would just point out that (b) is quite clear, contrary, I think, to what I just heard. It says, “has at least five years experience as a veterinarian in a practice that includes farm animals.” In fact, if the person is in that—the parliamentary assistant is right—he may be working in a practice even though he

has never been involved with a large animal. But that’s still one step better than never having even worked in a practice that did large animals. We could, in fact, have a chief veterinarian in the province of Ontario who has had nothing but small-animal practice experience, who has never been asked to go to the agricultural community, to go to a farm to look after a large animal, and who has no idea how to deal with large animals. We think it’s rather important that that be part of the qualifications of the chief veterinarian—not that they have to have been a full-time practising large-animal veterinarian, but that they have been to the farm to see large animals.

The Chair (Mr. Bas Balkissoon): We’ll take the vote on the motion.

Mr. Ernie Hardeman: Recorded vote.

Ayes

Hampton, Hardeman.

Nays

Delaney, Dickson, Johnson, Moridi, Ramal.

The Chair (Mr. Bas Balkissoon): The motion loses.

Page 11, government motion, Mr. Delaney.

Mr. Bob Delaney: I move that subsection 4(2) of the bill be struck out and the following substituted:

“Qualifications

“(2) The qualifications of the chief veterinarian for Ontario are that he or she,

“(a) is a veterinarian who holds a licence without conditions or limitations;

“(b) has engaged in the practice of veterinary medicine for at least five years; and

“(c) possesses the qualifications for the chief veterinarian for Ontario that may be prescribed.”

The Chair (Mr. Bas Balkissoon): Any debate? There being none—Mr. Hardeman?

Mr. Ernie Hardeman: I would just say again, as previously, the only difference between this motion and the one that the opposition put forward is having practised in a practice where large animals were involved.

Having said that, the last time I was willing to settle for half a loaf because it was an improvement, but I think leaving out the indication that the chief veterinarian should have some experience in rural Ontario and large-animal health rather than having been practising in downtown Toronto—and it doesn’t say it has to be the most recent five years; it says they have to have some experience in large-animal health, in the previous resolution. Without that being in there, I have to vote against this and ask for a recorded vote.

The Chair (Mr. Bas Balkissoon): Mr. Johnson?

Mr. Rick Johnson: One of the things that we tried to address, and I understand your concern—we’ve raised the five years up. But the concern was that by restricting it to a veterinarian practice as it said in the earlier motion, we might be eliminating a client-based veterinary

practice, someone who has been involved in research—they could have been doing research on animals—further education, public health administration experience. By defining it so tightly, it could potentially eliminate people.

Mr. Ernie Hardeman: I think we're missing the point. If that research was in large animals, then that individual would qualify to be the chief veterinarian. This bill is primarily about livestock in rural Ontario on the farm and is not about the health of pets in the city. To have a chief veterinarian for Ontario who has absolutely no experience with large-animal health seems to me to be very counterproductive in what we need here and what we're trying to do with this bill—to have someone who understands the rural community and rural animal health.

So somebody who is working in research at the University of Guelph, if they're doing research on large animals, would be very qualified to get this job, and if they had been doing that for five years, they would fit the description of the previous resolution. But what this one says is that the chief veterinarian for Ontario could in fact be someone who has never been to rural Ontario, and I think that's totally unacceptable.

Mr. Rick Johnson: But just to go back, the previous amendment said “in a practice that includes” large animals. A practice does not necessarily mean that person has worked on it. So what we've been trying to do here is to expand it so that it leaves it open for more.

We can agree to disagree.

1650

The Chair (Mr. Bas Balkissoon): We'll take the vote on the motion. All in favour?

Mr. Ernie Hardeman: Recorded vote.

Ayes

Delaney, Dickson, Johnson, Moridi, Ramal.

Nays

Hampton, Hardeman.

The Chair (Mr. Bas Balkissoon): The motion carries.

Shall section 4, as amended, carry? Carried.

Shall section 5 carry? Carried.

Shall section 6 carry? Carried.

Shall section 7 carry? Carried.

Shall section 8 carry? Carried.

Shall section 9 carry? Carried.

Shall section 10 carry? Carried.

Shall section 11 carry? Carried.

Shall section 12 carry? Carried.

Shall section 13 carry? Carried.

Shall section—no, we're going to have an amendment here. Page 12, government motion.

Mr. Bob Delaney: I move that clause 14(2)(b) of the bill be amended by striking out “collected and used” at the end and substituting “disclosed.”

The Chair (Mr. Bas Balkissoon): Any debate?

Mr. Rick Johnson: This is to make a correction. This change would amend an incorrect reference in the first reading version of the bill. The term “disclosed” is the correct term and its use would be consistent with the language used in 14(3)(c).

The Chair (Mr. Bas Balkissoon): Further debate? I'll take the vote. All in favour? That motion carries.

Shall section 14, as amended, carry? Carried.

Shall section 15 carry? Carried.

Shall section 16 carry? Carried.

Shall section 17 carry? Carried.

Shall section 18 carry? Carried.

Page 13, a PC motion.

Mr. Ernie Hardeman: I move that subsection 19(1) be amended by striking out “When acting under section 18 or under the authority of a warrant or when consent has been given” at the beginning and substituting “When acting under the authority of a warrant, when consent has been given or when the inspector has reasonable grounds to believe that there is an urgent threat to animal or human health.”

Currently, this section allows inspectors to enter and inspect private premises without requiring a warrant as long as it is one of the situations outlined in section 18. These situations include determining whether proper licences are in place or being complied with when a licence is required under the Food Safety and Quality Act, 2001; when the chief veterinarian has reasonable grounds to suspect there is a hazard, but it is part of a surveillance zone or control area; or when a licence is required under the Livestock Community Sales Act, etc. The amendment would limit the situations in which the warrant is required.

I think it's important to point out that warrantless entry is a rather broad brush to paint everything with, and I think it needs defining. There is no reason why an inspector should get warrantless entry to go and see if the proper licence is on the wall. That's something that would be very practical and appropriate to go and get a warrant for before you can go in there for that purpose.

I would agree with the government that there are going to be situations where, when it actually deals with the imminent challenge of animal health or public health, warrantless entry may be something that is required, but I think we need to be very cautious that we don't go further with that than is required. Checking on whether all the appropriate licences and the proper postings are on the bulletin board in a sales barn is not one of those. So I think this kind of narrows the warrantless entry.

The Chair (Mr. Bas Balkissoon): Further debate?

Mr. Rick Johnson: The government won't be supporting this motion.

There are a number of significant concerns about how this motion would affect the bill. This change, as proposed, would sever the link between sections 18 and 19, and the two were designed to work in tandem with one another. Although section 18 would stay in the bill, under this motion it's unclear what purpose it would

serve if it was not mentioned at all in section 19. Section 18 was drafted to provide clarity as to specific circumstances when inspection authorities in section 19 could be exercised. The proposed changes would diminish clarity and make a key part of the legislation vague. For example, it's unclear as to what would constitute an urgent threat to animal health.

Requiring consent or a warrant prior to entering a licensee's premises could frustrate inspection activities, which is not appropriate when activities at such sites could affect animal or human health or both.

The Chair (Mr. Bas Balkissoon): Any further debate? Mr. Hardeman.

Mr. Ernie Hardeman: I would just point out that the discussion of what is reasonable grounds, as is quite clear in this amendment, is at the discretion of the inspector. This is quite definitive. If the inspector believes that there is urgent threat to animal or human health, they can go in without a warrant. But if the inspector knows that they're just going in to make sure that the licence is on the bulletin board, and the place is closed, they do not have permission to go in; they must get a warrant to do that, just as any other police officer in this province would have to do if it wasn't under this act. I don't think this act, on checking licences and the validity of the licence—I don't think that they should have more powers than a police officer has to check licences for other establishments in this province.

The Chair (Mr. Bas Balkissoon): Any further debate? I'll take the vote.

Mr. Ernie Hardeman: Recorded, please.

Ayes

Hardeman.

Nays

Delaney, Dickson, Johnson, Moridi, Ramal.

The Chair (Mr. Bas Balkissoon): The motion loses. Page 14, NDP motion: Mr. Hampton.

Mr. Howard Hampton: I move that section 19 of the bill be amended by adding the following subsections:

“Authorization to relieve animal suffering

“(13) In any of the circumstances set out in subsection (14), an inspector may,

“(a) destroy an animal or order that an animal be destroyed, at the expense of an owner or custodian of the animal;

“(b) order that such care and attention as the inspector considers adequate be provided to an animal, including but not limited to examination and treatment of the animal by a veterinarian, at the expense of an owner or custodian of the animal.

“Same

“(14) The following are the circumstances referred to in subsection (13):

“1. The inspector concludes that the course of action being ordered is the most humane course of action available for the animal.

“2. The inspector concludes that the course of action being ordered is necessary to prevent or relieve undue suffering or distress on the part of the animal.

“3. The inspector concludes that the animal has been abandoned by its owner or custodian.

“4. The inspector believes, on reasonable and probable grounds, that the animal is likely to be abandoned by its owner or custodian.

“5. The inspector has been notified by the chief veterinarian for Ontario that the chief veterinarian for Ontario believes, on reasonable and probable grounds, that market conditions or other factors make keeping the animal alive,

“i. an undue hardship on the owner, or

“ii. otherwise impractical.

The Chair (Mr. Bas Balkissoon): Any debate? Mr. Johnson.

Mr. Rick Johnson: The authorities proposed in this motion would place a significant amount of authority in the hands of inspectors, who may not always be licensed veterinarians trained in assessing suffering or distress. These distress-based scenarios are best addressed under the OSPCA act, and non-legislative approaches may be a better solution for addressing the market conditions or other factors and scenarios contemplated in paragraph five of the motion.

The Chair (Mr. Bas Balkissoon): Further debate? Seeing none, I'll take the vote. All in favour of the motion? Against. The motion loses.

Shall section 19 carry? Carried.

Page 15, PC motion: Mr. Hardeman.

Mr. Ernie Hardeman: I move that subsection 20(5) of the bill be amended by striking out “seven” and substituting “two.”

The reason for this, of course, is the timing between the oral—presently in the act, there can be seven days' difference between the oral order and the final written order. In fact, if they take the full seven days, it would be impractical, if not impossible, for the person receiving the order to actually appeal that order before the deadline for appeal has passed. It's just to reduce that time between when an inspector would issue the order orally and then write it up as an order and send it to the individual so they'd have it in hand, so that if they wanted to appeal it, they would be able to appeal it.

The Chair (Mr. Bas Balkissoon): Further debate? Mr. Johnson.

Mr. Rick Johnson: Although inspectors are required to issue written orders as soon as practical, the government feels that a two-day mandatory period may not be appropriate in all cases. It ties their hands. We won't be supporting this motion.

1700

The Chair (Mr. Bas Balkissoon): Any further debate? We'll take the vote.

All in favour of the motion? Against? The motion is lost.

Shall section 20 carry?

Mr. Howard Hampton: Recorded vote.

Ayes

Delaney, Dickson, Hampton, Johnson, Moridi, Ramal.

Nays

Hardeman.

The Chair (Mr. Bas Balkissoon): Section 20 carries.

Shall section 21 carry? Carried.

Shall section 22 carry? Carried.

Shall section 23 carry? Carried.

Shall section 24 carry? Carried.

Page 16, an NDP motion: Mr. Hampton.

Mr. Howard Hampton: I move that section 25 of the bill be amended by adding the following subsection:

“Order, destruction or relocation of animals

“(2.1) If in the opinion of the chief veterinarian for Ontario, an emergency situation exists that has a significant potential to cause a large number of animals undue suffering or distress such that it is necessary to relocate animals, destroy animals or both, the chief veterinarian for Ontario may, subject to the regulations,

“(a) determine the most humane and effective method for the relocation or destruction or both;

“(b) issue a written order to owners or custodians of animals to relocate animals, destroy animals or both, in accordance with the method determined under clause (a).”

This speaks to the situation where you're really dealing with an emergency. For example, if hundreds of animals are rejected at the border or suddenly have no place to go because a company has gone bankrupt, this would clarify OMAFRA's role in ensuring that these animals are humanely transported to a nearby slaughterhouse, are euthanized or some other measure is taken to deal with them.

The Chair (Mr. Bas Balkissoon): Any further debate?

Mr. Rick Johnson: The proposed bill includes various response authorities that may require the relocation or destruction of animals in an appropriate animal health situation. The destruction authorities this change would introduce would present some overlap with the authorities already provided for in section 25. The term “emergency situation” is not clearly defined here. There is an existing Lieutenant Governor in Council regulation-making power respecting the destruction and disposal of animals, which is in clause 63(1)(c).

The Chair (Mr. Bas Balkissoon): Further debate? We'll take the vote.

All in favour of the motion? Against? The motion is lost.

Shall section 25 carry? Carried.

The time of 5 o'clock has passed, and per the orders of the House, “at 5 p.m. on Tuesday, December 1, 2009, those amendments which have not yet been moved shall be deemed to have been moved and the Chair of the committee shall interrupt the proceedings and shall, without further debate or amendment, put every question necessary to dispose of all remaining sections of the bill and any amendments thereto. The committee shall be authorized to meet beyond the normal hour of adjournment until completion of clause-by-clause consideration. Any division required shall be deferred until all remaining questions have been put and taken in succession, with one 20-minute waiting period allowed, pursuant to standing order 129(a).”

We will put the question on the NDP motion on page 17, subsection 26(1) of the bill.

All in favour? Against? That is lost.

Page 18, PC motion, subsection 26(1) of the bill.

Mr. Howard Hampton: Recorded.

The Chair (Mr. Bas Balkissoon): A recorded vote has been requested. We'll come back to that one.

We'll go to the next motion, page 19: PC motion, section 26 of the bill.

Mr. Ernie Hardeman: Recorded vote.

The Chair (Mr. Bas Balkissoon): A recorded vote has been requested. We'll come back to it.

Page 20, NDP motion, paragraph 1 of subsection 26(2) of the bill.

All in favour? Against? That motion is lost.

Page 21, PC motion, subsection 26 of the bill.

Mr. Ernie Hardeman: Recorded vote.

The Chair (Mr. Bas Balkissoon): A recorded vote has been requested. We'll get back to it.

We'll move to section 27. Shall section 27 carry? Carried.

Shall section 28 carry? Carried.

Shall section 29 carry? Carried.

Page 22, PC motion, subsection 30(4) of the bill.

Mr. Ernie Hardeman: Recorded vote.

The Chair (Mr. Bas Balkissoon): A recorded vote has been requested. We'll come back.

Shall section 31 carry? Carried.

Shall section 32 carry? Carried.

Page 23, NDP motion, subsection 33(1) of the bill.

All in favour? Against? That is lost.

Page 24, NDP motion, subsection 33 of the bill.

All in favour? Against? That is lost.

Page 25, PC motion, section 33 of the bill.

Mr. Ernie Hardeman: Recorded vote.

The Chair (Mr. Bas Balkissoon): Recorded vote requested. We'll come back.

Page 26, PC motion, subsection 34(9) of the bill.

Mr. Ernie Hardeman: Recorded vote.

The Chair (Mr. Bas Balkissoon): Recorded vote requested. We'll be back.

Shall section 35 carry? Carried.

Shall section 36 carry? Carried.

Shall section 37 carry? Carried.

Shall section 38 carry? Carried.

Shall section 39 carry? Carried.

Page 27, PC motion, subsection 40(3) of the bill.

Mr. Ernie Hardeman: Recorded.

The Chair (Mr. Bas Balkissoon): Recorded vote requested.

We'll move to section 41.

Page 28, PC motion, subsection 47(7) and (8).

Mr. Ernie Hardeman: Recorded.

The Chair (Mr. Bas Balkissoon): Recorded vote requested.

Page 29, PC motion, subsection 41(9) of the bill.

Mr. Ernie Hardeman: Recorded.

The Chair (Mr. Bas Balkissoon): Recorded vote. We'll come back to it.

We'll move to section 42.

Page 30, PC motion, section 42(12) of the bill.

Mr. Ernie Hardeman: Recorded.

The Chair (Mr. Bas Balkissoon): Recorded vote requested.

We'll move to section 43.

Page 31, PC motion, section 43 of the bill.

Mr. Ernie Hardeman: Recorded.

The Chair (Mr. Bas Balkissoon): Recorded vote requested.

Shall section 44 carry? Carried.

Shall section 45 carry? Carried.

Shall section 46 carry? Carried.

Shall section 47 carry? Carried.

Shall section 48 carry? Carried.

Page 32, PC motion, subsection 49(1) of the bill.

Mr. Ernie Hardeman: Recorded.

The Chair (Mr. Bas Balkissoon): Recorded vote requested. We'll come back.

Page 33, PC motion, subsection 49(2) of the bill.

Mr. Ernie Hardeman: Recorded.

The Chair (Mr. Bas Balkissoon): Recorded vote requested.

Shall section 50 carry? Carried.

Shall section 51 carry? Carried.

Shall section 52 carry? Carried.

Shall section 53 carry? Carried.

Shall section 54 carry? Carried.

Shall section 55 carry? Carried.

Shall section 56 carry? Carried.

Shall section 57 carry? Carried.

Page 34, PC motion, subsection 58(2) of the bill.

Mr. Ernie Hardeman: Recorded.

The Chair (Mr. Bas Balkissoon): Mr. Hardeman requests a recorded vote. We'll come back to it.

Shall section 59 carry? Carried.

Shall section 60 carry? Carried.

Shall section 61 carry? Carried.

Shall section 62 carry? Carried.

We'll move to page 35, government motion, clause 63(1)(f) of the bill.

Shall it carry? All in favour? Carried.

Page 36, PC motion, clause 63(3)(a) of the bill.

1710

Mr. Ernie Hardeman: Recorded.

The Chair (Mr. Bas Balkissoon): A recorded vote requested.

Page 37, NDP motion, subsection 63(5) of the bill: All in favour? Against? It loses.

Page 38, government motion, clause 63(5)(g) of the bill: All in favour? Carried.

We'll move to section 64, page 39, government motion, clause 64(1)(e) of the bill. Carried.

Page 40, government motion, clause 64(3)(e) of the bill: Shall the motion carry? Carried.

Page 41, government motion, clause 64(3)(f) of the bill: Shall the motion carry? Carried.

Shall section 64, as amended, carry? Carried.

Shall section 65 carry? Carried.

Shall section 66 carry? Carried.

Page 42, government motion, subsection 67(11.1) of the bill: Shall the motion carry? Carried.

Shall section 67, as amended, carry?

Mr. Ernie Hardeman: Recorded vote.

The Chair (Mr. Bas Balkissoon): A recorded vote has been requested on section 67 carrying. We'll come back to the vote.

Shall section 68 carry? Carried.

Shall section 69 carry? Carried.

Shall section 70 carry? Carried.

Shall section 71 carry? Carried.

Shall section 72 carry? Carried.

Shall section 73 carry? Carried.

Shall section 74 carry? Carried.

Page 43, government motion, subsection 75(4) of the bill: Shall the motion carry? Carried.

Shall section 75, as amended, carry? Carried.

Shall section 76 carry? Carried.

We'll go back to page 18, PC motion, subsection 26(1) of the bill. A recorded vote has been requested.

Ayes

Hampton, Hardeman.

Nays

Delaney, Dickson, Johnson, Moridi, Ramal.

The Chair (Mr. Bas Balkissoon): The motion does not carry.

Page 19, PC motion, section 26 of the bill. A recorded vote has been requested.

Ayes

Hampton, Hardeman.

Nays

Delaney, Dickson, Johnson, Moridi, Ramal.

The Chair (Mr. Bas Balkissoon): The motion loses.

Page 21, PC motion, section 26 of the bill. A recorded vote has been requested.

Ayes

Hampton, Hardeman.

Nays

Delaney, Dickson, Johnson, Moridi, Ramal.

The Chair (Mr. Bas Balkissoon): The motion loses. Shall section 26 carry? Carried.

We'll move to page 22, subsection 30(4) of the bill, PC motion. A recorded vote has been requested.

Ayes

Hardeman.

Nays

Delaney, Dickson, Hampton, Johnson, Moridi, Ramal.

The Chair (Mr. Bas Balkissoon): The motion loses. Shall section 30 carry?

Interjection.

The Chair (Mr. Bas Balkissoon): A recorded vote has been requested on section 30.

Ayes

Delaney, Dickson, Johnson, Moridi, Ramal.

Nays

Hardeman.

The Chair (Mr. Bas Balkissoon): It carries.

We'll move to page 25, PC motion, section 33 of the bill. A recorded vote has been requested.

Ayes

Hampton, Hardeman.

Nays

Delaney, Dickson, Johnson, Moridi, Ramal.

The Chair (Mr. Bas Balkissoon): That loses. Shall section 33 carry?

Mr. Ernie Hardeman: Recorded vote.

Ayes

Delaney, Dickson, Johnson, Moridi, Ramal.

Nays

Hardeman.

The Chair (Mr. Bas Balkissoon): Section 33 carries. Page 26, subsection 34(9) of the bill, PC motion. A recorded vote has been requested.

Ayes

Hardeman.

Nays

Delaney, Dickson, Hampton, Johnson, Moridi, Ramal.

The Chair (Mr. Bas Balkissoon): The motion loses. Shall section 34 carry?

Mr. Ernie Hardeman: Recorded vote.

Ayes

Delaney, Dickson, Hampton, Johnson, Moridi, Ramal.

Nays

Hardeman.

The Chair (Mr. Bas Balkissoon): The section carries.

Page 27, subsection 40(3) of the bill, PC motion. A recorded vote has been requested.

Ayes

Hardeman.

Nays

Delaney, Dickson, Hampton, Johnson, Moridi, Ramal.

The Chair (Mr. Bas Balkissoon): The motion loses. Shall section 40 carry?

Mr. Ernie Hardeman: Recorded vote.

The Chair (Mr. Bas Balkissoon): A recorded vote has been requested on section 40.

Ayes

Delaney, Dickson, Hampton, Johnson, Moridi, Ramal.

Nays

Hardeman.

The Chair (Mr. Bas Balkissoon): That section carries.

Page 28, PC motion, subsections 41(7) and (8). A recorded vote has been requested.

Ayes

Hardeman.

Nays

Delaney, Dickson, Hampton, Johnson, Moridi, Ramal.

The Chair (Mr. Bas Balkissoon): The motion loses. Page 29, subsection 41(9) of the bill, PC motion. A recorded vote has been requested.

Ayes

Hampton, Hardeman.

Nays

Delaney, Dickson, Johnson, Moridi, Ramal.

The Chair (Mr. Bas Balkissoon): The motion loses. Shall section 41 carry?

Mr. Ernie Hardeman: Recorded vote.

Ayes

Delaney, Dickson, Hampton, Johnson, Moridi, Ramal.

Nays

Hardeman.

The Chair (Mr. Bas Balkissoon): Section 41 carries. Page 30, subsection 42(12) of the bill, PC motion. A recorded vote has been requested.

Ayes

Hardeman.

Nays

Delaney, Dickson, Hampton, Johnson, Moridi, Ramal.

The Chair (Mr. Bas Balkissoon): The motion loses. Shall section 42 carry?

Mr. Ernie Hardeman: Recorded vote.

Ayes

Delaney, Dickson, Hampton, Johnson, Moridi, Ramal.

Nays

Hardeman.

The Chair (Mr. Bas Balkissoon): Section 42 carries. Page 31, section 43 of the bill, PC motion. A recorded vote has been requested.

Ayes

Hardeman.

Nays

Delaney, Dickson, Hampton, Johnson, Moridi, Ramal.

The Chair (Mr. Bas Balkissoon): The motion loses.

Shall section 43 carry?

Mr. Ernie Hardeman: Recorded vote.

Ayes

Delaney, Dickson, Hampton, Johnson, Moridi, Ramal.

Nays

Hardeman.

The Chair (Mr. Bas Balkissoon): Section 43 carries. Page 32, subsection 49(1) of the bill, PC motion. A recorded vote has been requested.

Ayes

Hardeman.

Nays

Delaney, Dickson, Hampton, Johnson, Moridi, Ramal.

The Chair (Mr. Bas Balkissoon): The motion loses. Page 33, subsection 49(2) of the bill, PC motion. A recorded vote has been requested.

Ayes

Hardeman.

Nays

Delaney, Dickson, Hampton, Johnson, Moridi, Ramal.

The Chair (Mr. Bas Balkissoon): The motion loses. Shall section 49 carry? Carried. Page 34, subsection 58(2) of the bill, PC motion. A recorded vote has been requested.

Ayes

Hardeman.

Nays

Delaney, Dickson, Hampton, Johnson, Moridi, Ramal.

The Chair (Mr. Bas Balkissoon): The motion loses. Shall section 58 carry? Carried. Page 36, clause 63(3)(a) of the bill. A recorded vote has been requested on this PC motion.

Ayes

Hampton, Hardeman.

Nays

Delaney, Dickson, Johnson, Moridi, Ramal.

The Chair (Mr. Bas Balkissoon): The motion loses.

Shall section 63, as amended, carry? Carried.

We'll go back and take the vote on section 67. A recorded vote has been requested on section 67.

The Clerk of the Committee (Ms. Tonia Grannum): As amended.

The Chair (Mr. Bas Balkissoon): Okay. Shall section 67, as amended, carry?

Mr. Ernie Hardeman: Recorded vote.

The Chair (Mr. Bas Balkissoon): A recorded vote has been requested.

Mr. Ernie Hardeman: I'd also like to request a 20-minute recess before we vote on this one.

The Chair (Mr. Bas Balkissoon): We're recessed for 20 minutes.

The committee recessed from 1719 to 1739.

The Chair (Mr. Bas Balkissoon): I call the meeting to order. We're on section 67.

Shall section 67, as amended, carry? Carried.

Shall the title of the bill carry? Carried.

Shall Bill 204, as amended, carry? Carried.

Shall I report the bill, as amended, to the House? Agreed.

Anything else? Meeting adjourned.

The committee adjourned at 1740.

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