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JP-10

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**Standing Committee on
Justice Policy**

Provincial Animal Welfare
Services Act, 2019

1st Session
42nd Parliament

Tuesday 3 December 2019

**Comité permanent
de la justice**

Loi de 2019 sur les services
provinciaux visant le bien-être
des animaux

1^{re} session
42^e législature

Mardi 3 décembre 2019

Chair: Roman Baber
Clerk: Christopher Tyrell

Président : Roman Baber
Greffier : Christopher Tyrell

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE ON
JUSTICE POLICY**

**COMITÉ PERMANENT
DE LA JUSTICE**

Tuesday 3 December 2019

Mardi 3 décembre 2019

The committee met at 0900 in room 151.

PROVINCIAL ANIMAL WELFARE
SERVICES ACT, 2019
LOI DE 2019 SUR LES SERVICES
PROVINCIAUX VISANT LE BIEN-ÊTRE
DES ANIMAUX

Consideration of the following bill:

Bill 136, An Act to enact the Provincial Animal Welfare Services Act, 2019 and make consequential amendments with respect to animal protection / Projet de loi 136, Loi édictant la Loi de 2019 sur les services provinciaux visant le bien-être des animaux et apportant des modifications corrélatives concernant la protection des animaux.

The Chair (Mr. Roman Baber): Good morning, everyone. We're here for the clause-by-clause consideration of Bill 136, the Provincial Animal Welfare Services Act, 2019.

I understand there were 22 amendments filed with the Clerk of the Committee prior to the amendment deadline. That package of amendments was distributed to all the members of the committee, and another copy is on your desks in front of you today.

Before we begin, does anyone wish to make any brief comments on the bill as a whole? Seeing no comments, we'll now begin with consideration of section 1 of the bill.

Section 1 of the bill: I understand that there is a government motion pending for section 1(1) of the bill, being amendment number 1 in your package. Ms. Hogarth.

Ms. Christine Hogarth: I move that subsection 1(1) of the bill be amended by adding the following definition:

“sell” includes offer for sale and expose for sale; (‘vente’)

The Chair (Mr. Roman Baber): Any debate? Mr. Yarde.

Mr. Kevin Yarde: If I could just get the government to explain in further detail what they mean by the definition of “sell,” because I think it's a little bit confusing.

The Chair (Mr. Roman Baber): Ms. Hogarth.

Ms. Christine Hogarth: Certainly. This motion is related to a later motion which, if agreed to, would create a provision to prohibit the possession, purchase or sale of a prescribed item which may cause an animal distress—which would be motion number 20—and related offences for these prohibitions, which are motions number 7 and 15 to 17.

I can give an example. It's that glue tape—you know, when sometimes animals step on that glue with their little feet?

The Chair (Mr. Roman Baber): Any further discussion? Are members ready to vote on the amendment? All those in favour of the amendment? All those opposed? I declare the amendment carried.

I understand that there is a further motion pending with respect to section 1 by the government, being amendment number 2. Mr. Coe.

Mr. Lorne Coe: Thank you, Chair. Through you, I move that section 1 of the bill be amended by adding the following subsection:

“Most humane course of action

“(2.1) For the purposes of this act, euthanasia is the most humane course of action for an animal if,

“(a) immediate veterinary treatment cannot prolong the animal's life; or

“(b) prolonging the animal's life would result in undue suffering for the animal.”

The Chair (Mr. Roman Baber): Any debate?

Ms. Jennifer K. French: I have a question.

The Chair (Mr. Roman Baber): Ms. French.

Ms. Jennifer K. French: Recognizing that the humane course of action is what we would like to see for all animals, who determines what constitutes “undue suffering” for the animal?

We have seen in the past that the OSPCA made the determination many times to end the lives of animals—from what I've heard from the broader community—arguably without cause in some cases. So I would like to know who gets to determine the undue suffering for the animal.

The Chair (Mr. Roman Baber): Mr. Coe.

Mr. Lorne Coe: Through you, Chair, the definition of “most humane course of action” sets out one element a veterinarian uses to assess, when they may be determining their authority to euthanize an animal under this act.

The proposed definition is based on advice from the College of Veterinarians of Ontario and the Ontario Veterinary Medical Association to provide clarity to veterinarians, and is consistent with several other jurisdictions. We heard testimony to the effect.

The Chair (Mr. Roman Baber): Further debate? Ms. French.

Ms. Jennifer K. French: So, in this case, it is strictly with veterinarians making the decision that this can't be based on an order from—like we had seen in the past with the OSPCA. This is at the sole discretion, based on this language, for the veterinarians?

Mr. Lorne Coe: Correct.

Ms. Jennifer K. French: Thank you.

The Chair (Mr. Roman Baber): Further debate? Are members prepared to vote on the amendment? All those in favour? I declare the amendment carried.

We shall now vote on section 1, as amended. Are members ready to vote on section 1, as amended? Shall section 1 carry, as amended? Carried.

We'll now proceed to section 2. I understand that there is a government motion pending with respect to section 2, being amendment number 3. Mr. Gill.

Mr. Parm Gill: I move that section 2 of the bill be amended by adding the following subsection:

“Purpose of disclosure

“(7.1) Any disclosure made under subsection (7) shall be for one or more of the following purposes:

“1. Protection of the public or a member of the public.

“2. Protection of animals.

“3. Keeping the public informed with respect to the activities of animal welfare inspectors under the act in order to ensure public confidence in the administration of the act.

“4. Law enforcement.

“5. Correctional purposes.

“5. Administration of justice.

“7. Enforcement of and compliance with any municipal bylaw, federal or provincial act or regulation, or any government program.”

The Chair (Mr. Roman Baber): Would you please repeat five, six and seven?

Mr. Parm Gill: “5. Correctional purposes.”

The Chair (Mr. Roman Baber): Number 6?

Mr. Parm Gill: “6. Administration of justice.

“7. Enforcement of and compliance with any municipal bylaw, federal or provincial act or regulation, or any government program.”

The Chair (Mr. Roman Baber): Thank you, Mr. Gill. Any debate? Are members ready to vote on the amendment? All those in favour of the amendment? All those opposed? I declare the amendment carried.

We shall now vote on section 2, as amended. Are members ready to vote on section 2, as amended? Shall section 2 carry, as amended? Carried.

Section 3 has no amendments. Are members ready to vote on section 3? Shall section 3 carry? I declare section 3 carried.

Section 4: I understand that there is a government motion pending with respect to subsection 4(1), being amendment number 4. Ms. Kusendova.

Ms. Natalia Kusendova: I move that subsection 4(1) of the bill be amended by striking out “the Chief Animal Welfare Inspector” in the portion before clause (a) and substituting “the person or unit specified by the Chief Animal Welfare Inspector”.

The Chair (Mr. Roman Baber): Any debate? Ms. French.

Ms. Jennifer K. French: Can you folks share a little bit about what you envision for this unit or delegated group? Is that yet to be determined or is there a—I recognize that it's consistent through other amendments, the change in language, but I was just curious.

The Chair (Mr. Roman Baber): Ms. Kusendova.

Ms. Natalia Kusendova: So this motion is related to following motions number 5 and number 6, but this amendment clarifies that the chief animal welfare inspector will ensure that the appropriate person or unit receives personal information collected from public sector bodies under the act. This change responds to advice from the Office of the Information and Privacy Commissioner.

0910

Ms. Jennifer K. French: Thank you for that. Could we see any pathways for that statistical information, or whatever is gathered, to land in the hands of private bodies?

The Chair (Mr. Roman Baber): Ms. Hogarth.

Ms. Christine Hogarth: This is actually on advice from the chief information officer for the privacy commission to protect the privacy of individuals.

Ms. Jennifer K. French: Which is a good idea. I was just wondering, as we're creating a new pathway for information that is not an individual but a unit who gets to determine where that goes—I mean, I appreciate that there is reference to the privacy commissioner, but I just wanted to have a sense of the purpose of the sharing of that information, like where it could land, if it was a matter of outside third parties, if we know at this point.

Ms. Christine Hogarth: The information that we have is that the chief animal welfare inspector will ensure that the appropriate person or unit receives personal information collected from the private sector bodies under the act. We want to make sure that people's privacy is protected, as that is part of our role. I would say that the information would be under the determination of the chief animal welfare inspector, and she, Paula Milne, reports to the Solicitor General. I think we have to be careful to make sure we don't allow people's private information to get out there.

I think that this is supposed to clarify that piece in the act. I'm sorry I don't have further information. I don't know if we can ask for a legal opinion on that, Chair?

The Chair (Mr. Roman Baber): I invite the ministry staff to come up for clarification. Please introduce yourself.

Mr. John Malichen-Snyder: John Malichen-Snyder. I'm a lawyer with the Ministry of the Solicitor General.

In section 4, the information, including personal information, could be collected for two purposes, essentially operational purposes and then purposes of program evaluation. If the information is collected for the purposes of program evaluation, it has to go to a person or unit—pardon me, I believe it's only a unit—specified by the chief animal welfare inspector.

Then, in a subsequent amendment, you see that that unit has to be a designated data integration unit under part III.1 of FIPPA, so that's going to be part of government; it's not going to be a private individual, and there are a number of rules in part III.1 dealing with that information. The operational personal information doesn't have to go to that unit, but it does have to go to a person or unit that's either part of the ministry or under the direction or control of the chief animal welfare inspector.

The Chair (Mr. Roman Baber): Ms. French.

Ms. Jennifer K. French: I actually appreciate the clarity. The operational information, though, as you have just said,

goes to the chief inspector, so ultimately it is up to that inspector to determine how that's used or where. In the first example, I understand that it's under the auspices of the ministry and in keeping with FIPPA, but in that second pathway that is yet to be determined, where could that land? Where can that information go?

Interruption.

The Chair (Mr. Roman Baber): Sorry, sir. Before I permit you to answer, I understand that there's a 30-minute bell, so I propose that we break in about 24 minutes or so. Please proceed.

Mr. John Malichen-Snyder: So the person who is under—I should check the language—the direction of the chief animal welfare inspector? Is that the question?

Ms. Jennifer K. French: It was the second, the operational—

Mr. John Malichen-Snyder: Right. The operational information still has to go to either a person or unit who is part of the ministry—the ministry is obviously an institution for the purposes of FIPPA—or a person who is under the control, I believe, or maybe we use the word “direction,” of the chief animal welfare inspector.

Ms. Jennifer K. French: Still under FIPPA? That's my question. It's that piece.

Mr. John Malichen-Snyder: The chief is under FIPPA and would be subject to FIPPA, yes.

Ms. Jennifer K. French: Okay. Thank you.

The Chair (Mr. Roman Baber): Any further debate? Are members ready to vote on amendment number 4?

All those in favour? All those opposed? I declare the motion carried.

I understand that there is a further motion with respect to subsection 4(2), being amendment number 5. Ms. Triantafilopoulos.

Ms. Effie J. Triantafilopoulos: I move that subsection 4(2) of the bill be amended by striking out “the Chief Animal Welfare Inspector with such information as he or she may request” and substituting “the person or unit specified by the Chief Animal Welfare Inspector with such information as the Chief Animal Welfare Inspector may request”.

The Chair (Mr. Roman Baber): Any debate? Are members ready to vote on government amendment number 5?

Shall the motion to amend subsection 4(2) carry? All those in favour? All those opposed? I declare the motion carried.

I understand that there is a further motion with respect to subsection 4(4), being government motion number 6. Ms. Hogarth.

Ms. Christine Hogarth: It's a long one.

I move that subsection 4(4) of the bill be struck out and the following substituted:

“Personal information

“(4) If personal information is to be provided under this section for the purpose described in clause (1)(a), the Chief Animal Welfare Inspector must specify that it shall be provided to a person or unit that is subject to direction by the Chief Animal Welfare Inspector or that is within the ministry or minister.

“Same

“(5) If personal information is to be provided under this section for the purpose described in clause (1)(b), the Chief Animal Welfare Inspector must specify that it shall be provided to an inter-ministerial data integration unit or a ministry data integration unit within the meaning of subsection 49.1(1) of the Freedom of Information and Protection of Privacy Act.

“Same

“(6) For greater certainty, part III.1 of the Freedom of Information and Protection of Privacy Act applies to personal information provided to an inter-ministerial data integration unit or a ministry data integration unit under subsection (5).”

The Chair (Mr. Roman Baber): Ms. Hogarth, if you'd be so kind as to repeat subsection 4, under the heading “Personal information,” specifically the last line.

Ms. Christine Hogarth: Okay. “(4) If personal information is to be provided under this section for the purpose described in clause (1)(a), the Chief Animal Welfare Inspector must specify that it shall be provided to a person or unit that is subject to direction by the Chief Animal Welfare Inspector or that is within the ministry of the minister.”

The Chair (Mr. Roman Baber): Thank you, Ms. Hogarth. Any debate on the motion? Mr. Yarde.

Mr. Kevin Yarde: I'm just looking at the second paragraph there. Maybe you can explain what—“the Chief Animal Welfare inspector must specify that it shall be provided to an inter-ministerial data integration unit.” What is that?

Ms. Jennifer K. French: I had the same question.

The Chair (Mr. Roman Baber): Ms. Hogarth?

Ms. Christine Hogarth: I'm going to call the lawyer up again. Thank you.

The Chair (Mr. Roman Baber): Kindly state your name again.

Mr. John Malichen-Snyder: Certainly. John Malichen-Snyder.

Under part III.1 of FIPPA, which deals with data integration, there are two types of data integration units that can be designated. One is an inter-ministerial unit, which can collect information from multiple ministries and also from external stakeholders, or you can have a ministerial unit which collects information and integrates it from across the ministry, but also from other external entities that may be prescribed under regulations under FIPPA.

The Chair (Mr. Roman Baber): Mr. Yarde.

Mr. Kevin Yarde: Sorry, can you provide examples in both cases?

Mr. John Malichen-Snyder: I can't, because these provisions only very recently came into force, and I'm not familiar with any units that have been established yet.

0920

The Chair (Mr. Roman Baber): Ms. French.

Ms. Jennifer K. French: Again, all of us want to keep people's private information safe and protected, but who looks after it if it goes to a bunch of ministries? If you've got an inter-ministerial data integration unit, I'd like to know what that looks like in terms of organization. Is there a person responsible? Is it a team responsible? Who is

going to make sure that data as it is being sent or spread or distributed among various ministries—at the end of the day, is there someone responsible for that unit?

Mr. John Malichen-Snyder: I'm afraid I didn't bring FIPPA with me, but these units, in either case, are required to de-identify the information they've received. They're not permitted—in fact, no one is permitted—to re-identify the information after it's been de-identified. In either case, the units have to follow procedures that are reviewed and approved by the Information and Privacy Commissioner. There are accountability mechanisms built into FIPPA 3.1, but I'm afraid I can't give you the details at the moment.

Ms. Jennifer K. French: Okay.

The Chair (Mr. Roman Baber): Any further debate on government motion number 6? Mr. Yarde.

Mr. Kevin Yarde: I would just like to go on record saying it is a little confusing the way this is written. I just want to go on record to say that.

The Chair (Mr. Roman Baber): Seeing no further debate, are members ready to vote on motion number 6? All those in favour? All those opposed? I declare the motion carried.

We shall now proceed to vote on section 4, as amended. Any debate? Are members ready to vote on section 4, as amended? Shall section 4, as amended, carry? I declare the section, as amended, carried.

I understand that sections 5 to 22, inclusive, have no amendments. Is it the will of the committee that I bundle them together for consideration? Any debate? Are members ready to vote? Shall sections 5 to 22, inclusive, carry? Carried.

We'll now proceed to consider new section 22.1. I understand there is a government motion with respect to section 22.1. Mr. Coe.

Mr. Lorne Coe: I move that section 22.1 be added to the bill immediately before the heading "Part V Protection of Animals":

"Prescribed items

"22.1 No person shall possess, purchase or sell an item prescribed by the Lieutenant Governor in Council which may cause an animal distress."

The Chair (Mr. Roman Baber): Any debate? Mr. Yarde.

Mr. Kevin Yarde: Looking at this amendment—if the government could let us know what items would be considered prescribed? It leaves it open. I wouldn't know. I have a dog; I wouldn't know what item would be considered to cause an animal distress.

Mr. Lorne Coe: Through you, Chair, could we the representative from the ministry's legal branch come up, please, to answer the questions?

The Chair (Mr. Roman Baber): Absolutely. Sir, would you like to come back?

Mr. John Malichen-Snyder: Name?

The Chair (Mr. Roman Baber): Please.

Mr. John Malichen-Snyder: John Malichen-Snyder. Some of the examples of items that might cause an animal distress and that might be considered for a regulation prohibiting such items would be glue traps, shock collars; I believe there's something called a bull hook, which is used in handling some large animals. Those are a few examples.

The Chair (Mr. Roman Baber): Further debate? Seeing no further debate, are members ready to vote on the motion? All those in favour? All those opposed? I declare the motion carried.

We'll move on to section 23. I understand that there is a government motion pending with respect to subsection 23(3). Mr. Gill.

Mr. Parm Gill: I move that subsection 23(3) of the bill be struck out and the following substituted:

"Accredited veterinary facilities

"(3) Subsection (1) does not authorize an animal welfare inspector to enter and inspect an accredited veterinary facility, or part of which a facility, for the reason described in clause (1)(c), unless the inspector has reasonable grounds to believe that an animal to be found there is not being treated in accordance with the standards of practice under the Veterinarians Act."

The Chair (Mr. Roman Baber): Mr. Gill, would you be so kind as to reread the first part of the amendment, ending with the word "facility," subsection (3)?

Mr. Parm Gill: "(3) Subsection (1) does not authorize an animal welfare inspector to enter and inspect an accredited veterinary facility, or part of such a facility,..."

The Chair (Mr. Roman Baber): Thank you, Mr. Gill. Any debate? Mr. Yarde.

Mr. Kevin Yarde: I just need a clarification on—say for animals that are kept for entertainment, commercial or educational purposes. Does that apply to this amendment as well?

Mr. Parm Gill: Maybe we can turn it back to the ministry official to answer that.

Mr. John Malichen-Snyder: John Malichen-Snyder. The animals kept for those purposes are already subject to—or rather, the inspector can already inspect with respect to those animals, to ensure prescribed standards of care are being met. However, in the bill, as introduced, there is an exemption with respect to accredited veterinary facilities. Pursuant to 13(3), there's an exemption with respect to veterinarians meeting the standards of care where they're acting in accordance with the standards of practice under the Veterinarians Act. This is to address a situation where the animals are not being treated in accordance with those standards of practice, and allowing inspection to ensure that the standards of care are being met. But it would not affect animals kept for other purposes.

The Chair (Mr. Roman Baber): Any further debate? Are members ready to vote on government motion number 8? All those in favour? All those opposed? I declare the motion carried.

I understand that there is a further government motion with respect to section 23. Ms. Kusendova.

Ms. Natalia Kusendova: I move that section 23 of the bill be amended by adding the following subsection:

"Accredited veterinary facilities

"(5.1) In the case of an application under subsection (4) that is made for the purpose of entering and inspecting an accredited veterinary facility, or part of such a facility, for the reason described in clause (1)(c), the justice shall not issue the warrant unless the animal welfare inspector also

satisfies the justice that there are reasonable grounds to believe an animal in the facility is not being treated in accordance with the standards of practice established under the Veterinarians Act.”

0930

The Chair (Mr. Roman Baber): Any debate? Ms. French?

Ms. Jennifer K. French: Maybe it was a little bit the last one and this one, but there are a few that connect with asking for a warrant and reassuring the justice that there are, indeed, reasonable grounds.

Obviously we're creating a new framework for a new day, hopefully, but we brought it up during debate that, without appropriate training, we could find ourselves in the same situation where cases are brought before the courts and then are thrown out because of, perhaps, improper search or challenging investigations along the way. It's part of the same conversation, but it doesn't, obviously, fit in this amendment. Are we ensuring that the training along the way is going to be such that when we see warrants and investigations they are done appropriately and can make it all the way to and through the courts and out the other side, unlike, unfortunately, what we have seen in the past?

The Chair (Mr. Roman Baber): Ms. Kusendova?

Ms. Natalia Kusendova: Although your question, I guess, doesn't refer specifically to the section that we're talking about, my understanding is that there will be substantial training of the new inspectors to ensure that they're in compliance with all the clauses of this act.

Ms. Jennifer K. French: Okay. Because in the past I suspect that an inspector thought that they had reasonable grounds, but if they are unfamiliar with, for example, a greyhound or a whippet and they don't understand what a healthful animal looks like, they make a decision that's based on something that was incorrect. We have seen many cases, unfortunately, in the province where it ends in heartbreak instead of helping.

When I see that the justice needs to be satisfied that there are reasonable grounds, a justice may or may not be an animal expert, so the inspectors need to be those animal experts. It is in keeping with this, that sort of language outside of here that ensures that an inspector indeed has reasonable grounds, and doesn't just think that they do.

The Chair (Mr. Roman Baber): Ms. Hogarth?

Ms. Christine Hogarth: Part of the reason we want to bring this legislation forward and we want to make it such a strong piece of legislation is to ensure that these inspectors are trained. And not just the inspectors but also the crown trained as well, so they can prosecute at the end of the day. Inspectors to date may have a case and at the end of the day the prosecutor lets people go with a slap on the wrist. That's something we don't want to see.

We want to make sure these inspectors are trained. We are blowing up the old system and starting with a new one. Training is a key component of this.

Ms. Jennifer K. French: Okay, thank you.

The Chair (Mr. Roman Baber): Any further debate? Are members prepared to vote? Shall the motion carry?

All those in favour? All those opposed? I declare the motion carried.

We'll now proceed to vote on section 23, as amended. Any debate? Are members prepared to vote? Shall section 23, as amended, carry? Carried.

We'll now move on to section 24. I understand that there is a government motion pending with respect to subsection 24(3). Ms. Triantafilopoulos?

Ms. Effie J. Triantafilopoulos: I move that subsection 24(3) of the bill be amended by striking out “An entry under section 23” at the beginning and substituting “A warrantless entry under section 23”.

The Chair (Mr. Roman Baber): Any debate? Mr. Yarde?

Mr. Kevin Yarde: Sorry, I just noticed this here. Is this restricted to, say, only business hours, or what is this?

The Chair (Mr. Roman Baber): Ms. Triantafilopoulos.

Ms. Effie J. Triantafilopoulos: Yes, this amendment would clarify that a warrantless inspection can only be carried out within 9 a.m. to 5 p.m. during a business day or any other time when the place is open to the public.

Mr. Kevin Yarde: Thank you.

The Chair (Mr. Roman Baber): Any further debate? Are members prepared to vote on the motion? All those in favour? All those opposed? I declare the motion carried.

We'll now proceed to consider section 24, as amended. Any debate? Ms. French?

Ms. Jennifer K. French: Not too much, but just connected to what I had said before, that again I appreciate hearing what Ms. Hogarth had said about the need to train the crown as well because I think convincing the justices is insufficient if the justice doesn't have that animal welfare background or—I'll use the term “expertise” loosely, but just further concern about this part of the broader system is the training and the ongoing education.

The Chair (Mr. Roman Baber): Further debate? Are members ready to vote on section 24, as amended? Shall section 24, as amended, carry? Carried.

We'll now proceed to consider section 25. Section 25 has no amendments. Any debate? Are members ready to vote? Shall section 25 carry? Carried.

We will now proceed to consider section 26. Section 26 has no amendments. Any debate? Are members ready to vote on section 26? Shall section 26 carry? Carried.

Mr. Lorne Coe: Chair, through you, we have five-minute—

The Chair (Mr. Roman Baber): Yes. Thank you very much. We're going to recess the committee until immediately after the vote concludes.

The committee recessed from 0938 to 0952.

The Chair (Mr. Roman Baber): We'll now carry on with consideration of clause-by-clause of Bill 136. We'll now proceed with section 27. I understand that there's a government motion pending with respect to section 27. Ms. Hogarth.

Ms. Christine Hogarth: I move that section 27 of the bill be amended by adding the following subsection:

“Accredited veterinary facilities

“(3.1) In the case of an application under subsection (2) that is made for the purpose of entering and inspecting an

accredited veterinary facility, or part of such a facility, the justice shall not issue the warrant unless the animal welfare inspector satisfies the justice that there are reasonable grounds to believe that an animal to be found there is being abused or subjected to undue physical or psychological hardship, privation or neglect.”

The Chair (Mr. Roman Baber): Any debate? Are members ready to vote on the motion? All those in favour? All those opposed? I declare the motion carried.

I understand that there’s a further government motion with respect to subsection 27(8). Mr. Coe.

Mr. Lorne Coe: I move that subsection 27(8) of the bill be struck out.

The Chair (Mr. Roman Baber): Any debate? Are members prepared to vote on motion 12? All those in favour? All those opposed? I declare the motion carried.

We will now proceed to consider section 27, as amended. Any debate? Are members prepared to vote? Shall section 27 carry, as amended? Carried.

We’ll now proceed to consider section 28 of the bill. I understand that there’s a government motion pending with respect to subsection 28(6), being government motion number 13. Mr. Gill.

Mr. Parm Gill: I move that subsection 28(6) of the bill be struck out and the following substituted:

“Accredited veterinary facilities

“(6) An animal welfare inspector shall not enter or search an accredited veterinary facility, or part of such a facility, under this section unless the inspector has reasonable grounds to believe that an animal in critical distress to be found there is being abused or subjected to undue physical or psychological hardship, privation or neglect.”

The Chair (Mr. Roman Baber): Any debate? Are members prepared to vote? Shall motion 13 carry? All those in favour? All those opposed? Carried.

We shall now consider section 28, as amended. Any debate? Are members ready to vote on section 28, as amended? Shall section 28, as amended, carry? Carried.

I understand that section 29 to section 33, inclusive, have no amendments. Is it the will of the committee that we bundle them together for consideration? Any debate? Are members prepared to vote? Shall sections 29 to 33, inclusive, carry? Carried.

We shall now proceed with section 34. I understand that there is a government motion, number 14, with respect to subsection 34(4). Ms. Kusendova.

Ms. Natalia Kusendova: I move that subsection 34(4) of the bill be struck out and the following substituted:

“Forfeiture on failure to pay account

“(4) Subject to any agreement made under subsection (5), the animal is forfeited to the crown if,

“(a) the owner or custodian does not appeal the statement of account in accordance with subsection 37(2) and fails to pay the stated amount within a prescribed period of time after receiving the statement of account; or

“(b) the owner or custodian appealed the statement of account in accordance with subsection 37(2) but failed to pay the confirmed or varied amount within a prescribed period of time after the board provided notice of its decision.

“Agreements

“(5) Before the expiry of the relevant time period set out in clause (4)(a) or (b), the Chief Animal Welfare Inspector may enter into a written agreement with the owner or custodian to extend the time for payment or reduce the amount that is to be paid, or both.”

The Chair (Mr. Roman Baber): Any debate? Mr. Yarde.

Mr. Kevin Yarde: Obviously we talked about this before, how there are certain people in the community who cannot afford to pay veterinary bills, and our concern with this amendment is that it really hasn’t changed from what it was previously. We’re just concerned about this, and we are wondering if there is a possibility that we could have some sort of social determinant in this amendment so that those who can’t afford to pay their veterinary bills are not punished twice for being poor.

The Chair (Mr. Roman Baber): Ms. Hogarth.

Ms. Christine Hogarth: Actually, this amendment does just as you are asking. It allows the flexibility for the chief animal welfare inspector to determine if someone can pay or how they can pay. I know you talked about that during debate, and we certainly don’t want to see someone lose their animal because they can’t afford to pay, especially if it is a good home, so they will be given that flexibility to make that determination.

The Chair (Mr. Roman Baber): Ms. French.

Ms. Jennifer K. French: Actually, I was relieved to see in the agreement section that there is some discretion space for those individuals who my colleague had spoken about at length in the Legislature; about revictimization or victimization of the poor should they be unable to pay their vet bill but still want to love and care for, essentially, their family.

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However, it might be worth considering—as this bill goes to the regulation stage, it would be nice to see mandatory consideration of social determinant factors as opposed to just that pure discretion. Yes, to seeing language like that maybe in regulation; sole discretion, of course, we know, is an individual distinction as opposed to factoring in those social determinants.

The Chair (Mr. Roman Baber): Any further debate? Are members ready to vote on the amendment moved forward by motion number 14? All those in favour? All those opposed? I declare the motion carried.

We shall now proceed to consider section 34, as amended. Any debate? Are members ready to vote? Shall section 34 carry, as amended? Carried.

I understand that section 35 to section 47, inclusive, have no amendments. Is it the will of the committee that I bundle them together for consideration? Any debate? Are members prepared to vote? Shall sections 35 to 47, inclusive, carry? Carried.

We’ll now proceed to consider section 48. I understand that there is a government motion pending, motion number 15 with respect to clause 48(1)(a) of the bill. Ms. Triantafilopoulos.

Ms. Effie J. Triantafilopoulos: I move that clause 48(1)(a) of the bill be amended by adding the following subclause:

“(v.1) section 22.1 (Prescribed items),”

The Chair (Mr. Roman Baber): Any debate? Are members prepared to vote? All those in favour of motion 15? All those opposed? Carried.

We’ll now proceed with government motion 16, subsection 48(9). Ms. Hogarth.

Ms. Christine Hogarth: Section 48 of the Provincial Animal Welfare Services Act, 2019: I move that subsection 48(9) of the bill be amended by striking out “(v) or (viii)” and substituting “(v), (v.1) or (viii)”.

The Chair (Mr. Roman Baber): Any debate on government motion 16? Are members prepared to vote? All those in favour? All those opposed? I declare the motion carried.

Moving on to government motion number 17. I understand there is a motion pending with respect to subsection 48. Mr. Coe.

Mr. Lorne Coe: I move that subsection 48(11) of the bill be amended by striking out “(v) or (viii)” and substituting “(v), (v.1) or (viii)”.

The Chair (Mr. Roman Baber): Any debate? Are members prepared to vote on government motion 17? All those in favour? All those opposed? I declare the motion carried.

We’ll now proceed to consider section 48, as amended. Ms. French?

Ms. Jennifer K. French: Sorry, just a point of clarification. There are pieces to 48 that I’d just like to discuss, but this may not be the appropriate time.

The Chair (Mr. Roman Baber): This would be the appropriate time.

Ms. Jennifer K. French: Oh, good.

The Chair (Mr. Roman Baber): Any debate?

Ms. Jennifer K. French: Okay. So in the section dealing with penalties—it was something that I raised during debate for the government to consider. Not to say that it needs to be reflected at this stage, but it is perhaps a conversation for regulations, specifically around prohibition orders or restitution orders.

As per my comments in debate that were reflective of concerns brought to us through the animal advocacy community, at the time of sentencing, again, as we’re working with the courts and the crown, when it comes to education, perhaps a closer look at prohibition and restitution. The example given: “If you break my window, you have to pay restitution. You have to pay damages. But if you hurt my animal, I have to cover the vet bill”—that there isn’t a mandatory consideration.

The language in here says “may” consider at the time of determining penalty, and I think a look at that and maybe reviewing some of the debate in Hansard around that would be a next step during regulation, to look at what is fair for the person whose animal has been harmed and a

closer look, perhaps, at prohibitions. If someone wilfully hurts an animal, why are they allowed to continue to have animals or own animals—and that careful consideration.

That’s all. Thank you.

The Chair (Mr. Roman Baber): Any further debate? Are members prepared to vote on section 48, as amended? Shall section 48, as amended, carry? Carried.

We’ll now proceed with government motion number 18. I understand that there is a motion pending with respect to new section 48.1. Mr. Gill.

Mr. Parm Gill: I move that section 48.1 be added to the bill immediately before the heading “Administrative Penalties”:

“Limitation period

“48.1 A prosecution for an offence under this act shall not be commenced more than two years after the day evidence of the offence first came to the attention of a provincial offences officer.”

The Chair (Mr. Roman Baber): Any debate? Ms. French.

Ms. Jennifer K. French: Maybe a point of clarification: As it doesn’t exist currently and we’re adding this section, just for my own understanding, this is allowing for “shall not be commenced more than two years after the day evidence of the offence first came to the attention.” What is the current situation that this updates or replaces?

Mr. Parm Gill: I’m not sure what the current situation is. Maybe we can ask our officials.

Mr. John Malichen-Snyder: John Malichen-Snyder. There is a default six-month limitation period under the Provincial Offences Act, which is subject to another limitation period being provided in a specific act.

Ms. Jennifer K. French: So as it stands now, the default is six months and this extends that window to a two-year opportunity?

Mr. John Malichen-Snyder: Correct.

Ms. Jennifer K. French: Thank you. I wasn’t sure which way it was going to go, so thank you for the clarification.

The Chair (Mr. Roman Baber): Further debate? Mr. Yarde.

Mr. Kevin Yarde: I just wanted to clarify from the government—who is responsible for enforcing this. We’ve got a list, but not on the list is the—let’s see, we’ve got police officers, we’ve got special constables, bylaw officers. But the animal welfare inspector is not on the list. Do they not qualify for this?

The Chair (Mr. Roman Baber): Ms. Hogarth.

Ms. Christine Hogarth: Well, we can ask that the lawyer come up after, but the provincial offences officer can lay the charge under this legislation, so it will be the inspectors.

Mr. Kevin Yarde: But the animal welfare officer is not specified.

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The Chair (Mr. Roman Baber): Mr. Malichen-Snyder?

Mr. John Malichen-Snyder: The Provincial Offences Act also permits others to be designated by the minister, so the animal welfare inspectors could be designated by the minister as provincial offences officers.

Mr. Kevin Yarde: Okay. I'm just curious as to why they weren't added in that list; why they were omitted.

Mr. John Malichen-Snyder: It's not uncommon for particular classes of enforcement officers under various regulatory statutes to simply be designated by the relevant minister rather than added to the list in the Provincial Offences Act.

Mr. Kevin Yarde: Would it not be wise to put the animal welfare officers in that list, just so it's not confusing to the animal welfare officers?

Mr. John Malichen-Snyder: This does seem to be the common practice, for the minister responsible for the regulatory statute to designate the enforcement officers under that statute.

The Chair (Mr. Roman Baber): Further debate? Ms. French.

Ms. Jennifer K. French: So it's common practice for them to list others but not those who fall under the ministry? Because, as you said, as per the Provincial Offences Act, if you've got police officers, appointed constables and municipal law enforcement officers and those are listed, but the animal welfare investigators are not explicitly listed—that's common practice to leave out your own but to list everyone else?

Mr. John Malichen-Snyder: So the various individuals listed are not listed in this act; they're listed in the Provincial Offences Act, which is administered by the Attorney General. My understanding is that rather than amending the Provincial Offences Act to specify inspectors and enforcement officers under a wide range of provincial statutes, the practice is to have those ministries designate their enforcement officials and not to amend the Provincial Offences Act.

Ms. Jennifer K. French: Okay. Thanks.

The Chair (Mr. Roman Baber): Further debate? Are members prepared to vote on motion 18? All those in favour? All those opposed? I declare the motion carried.

I understand that sections 49 to 58, inclusive, have no amendments. Is it the will of the committee that I bundle them together for consideration? Any debate? Are members prepared to vote? Shall sections 49 to 58, inclusive, carry? Carried.

We'll now proceed to consider section 59, government motion 19. Ms. Kusendova.

Ms. Natalia Kusendova: I move that section 59 of the bill be struck out and the following substituted:

“Veterinarian may euthanize animal

“59.(1) A veterinarian may euthanize an animal if,

“(a) the animal is suffering;

“(b) the animal's owner or custodian cannot be found promptly, or the veterinarian reasonably believes that,

“(i) the animal does not have an owner or custodian, or

“(ii) the animal's owner or custodian has abandoned the animal; and

“(c) in the veterinarian's opinion, euthanization is the most humane course of action.

“Not a limitation

“(2) Subsection (1) does not limit any other authority a veterinarian may have to euthanize an animal.”

The Chair (Mr. Roman Baber): Any debate? Are members prepared to vote on government motion 19? All those in favour of the motion? All those opposed? I declare the motion carried.

We'll now consider section 59, as amended. Any debate? Are members prepared to vote? Shall section 59, as amended, carry? Carried.

Pursuant to the order of the House of November 25, 2019, the committee shall recess and resume today at 2 p.m.

The committee recessed from 1015 to 1400.

The Chair (Mr. Roman Baber): Good afternoon. The Standing Committee on Justice Policy will resume its clause-by-clause consideration of Bill 136, the Provincial Animal Welfare Services Act, 2019.

We now arrive at section 60; however, I understand that sections 60 to 66, inclusive, have no amendments. Is it the will of the committee that I bundle them together for consideration? Any debate on sections 60 to 66, inclusive? Seeing no debate, shall sections 60 to 66, inclusive, carry? Carried.

Moving on to section 67. I understand that there is a pending government motion, number 20, with respect to subsection 67(1). Ms. Triantafilopoulos.

Ms. Effie J. Triantafilopoulos: I move that subsection 67(1) of the bill be amended by adding the following clause:

“(i.1) prescribing items which may cause an animal distress that persons shall not possess, purchase or sell, which may include exempting persons from the prohibition on the possession, purchase or sale of the item and specifying conditions or restrictions for any such exemption;”

The Chair (Mr. Roman Baber): Any debate? Are members prepared to vote on the motion? With respect to government motion number 20: All in favour? All opposed? I declare the motion carried.

We shall now proceed with government motion number 21: clause 67(1)(k). Ms. Hogarth?

Ms. Christine Hogarth: I move that clause 67(1)(k) of the bill be struck out.

The Chair (Mr. Roman Baber): Any debate? Seeing none, are members prepared to vote on the motion? With respect to government motion number 21: All in favour? All opposed? I declare the motion carried.

I understand that there is a pending motion, government motion number 22, with respect to clause 67(2)(h). Mr. Coe?

Mr. Lorne Coe: I move that clause 67(2)(h) of the bill be amended by striking out “the Chief Animal Welfare In-

spector” in the portion before subclause (i) and substituting “the person or unit specified by the Chief Animal Welfare Inspector”.

The Chair (Mr. Roman Baber): Any debate? Seeing none, are the members prepared to vote on motion 22? With respect to government motion number 22: All in favour? All opposed? I declare the motion carried.

We shall now proceed to consider section 67, as amended. Any debate? Seeing none, are members ready to vote on section 67, as amended? Shall section 67, as amended, carry? Carried.

I understand that sections 68 to 75, inclusive, have no amendments proposed. Is it the will of the committee that I bundle them together for consideration? Any debate on

sections 68 to 75, inclusive? Seeing none, are members ready to vote on sections 68 to 75, inclusive? Shall section 68 to section 75, inclusive, carry? Carried.

Shall the title of the bill carry? Carried.

We’ll now proceed to vote on the bill as a whole, as amended. Are members ready to vote? Shall Bill 136, as amended, carry? Carried, as amended.

We shall now proceed with the vote as to whether I should report the bill to the House. Are members ready to vote? Shall I report the bill, as amended, to the House? Carried. The bill shall be reported to the House, as amended.

Seeing no further business, we hereby adjourn the committee.

The committee adjourned at 1406.

STANDING COMMITTEE ON JUSTICE POLICY

Chair / Président

Mr. Roman Baber (York Centre / York-Centre PC)

Vice-Chair / Vice-Présidente

Ms. Effie J. Triantafilopoulos (Oakville North–Burlington / Oakville-Nord–Burlington PC)

Mr. Roman Baber (York Centre / York-Centre PC)

Mr. Will Bouma (Brantford–Brant PC)

Mr. Lorne Coe (Whitby PC)

Mr. Parm Gill (Milton PC)

Ms. Natalia Kusendova (Mississauga Centre / Mississauga-Centre PC)

Ms. Suze Morrison (Toronto Centre / Toronto-Centre ND)

Mr. Gurratan Singh (Brampton East / Brampton-Est ND)

Ms. Effie J. Triantafilopoulos (Oakville North–Burlington / Oakville-Nord–Burlington PC)

Mr. Kevin Yarde (Brampton North / Brampton-Nord ND)

Substitutions / Membres remplaçants

Ms. Jennifer K. French (Oshawa ND)

Ms. Christine Hogarth (Etobicoke–Lakeshore PC)

Also taking part / Autres participants et participantes

Mr. John Malichen-Snyder, counsel, Ministry of the Solicitor General

Clerk / Greffier

Mr. Christopher Tyrell

Staff / Personnel

Mr. Eric Chamney, legislative counsel