

Legislative
Assembly
of Ontario



Assemblée
législative
de l'Ontario

**Official Report
of Debates
(Hansard)**

G-26

**Journal
des débats
(Hansard)**

G-26

**Standing Committee on
General Government**

Security from Trespass
and Protecting Food Safety
Act, 2020

1st Session
42nd Parliament

Tuesday 9 June 2020

**Comité permanent des
affaires gouvernementales**

Loi de 2020 sur la protection
contre l'entrée sans autorisation
et sur la protection
de la salubrité des aliments

1^{re} session
42^e législature

Mardi 9 juin 2020

Chair: Goldie Ghamari
Clerk: Valerie Quioc Lim

Présidente : Goldie Ghamari
Greffière : Valerie Quioc Lim

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Hansard Reporting and Interpretation Services
Room 500, West Wing, Legislative Building
111 Wellesley Street West, Queen's Park
Toronto ON M7A 1A2
Telephone 416-325-7400; fax 416-325-7430
Published by the Legislative Assembly of Ontario



Service du Journal des débats et de l'interprétation
Salle 500, aile ouest, Édifice du Parlement
111, rue Wellesley ouest, Queen's Park
Toronto ON M7A 1A2
Téléphone, 416-325-7400; télécopieur, 416-325-7430
Publié par l'Assemblée législative de l'Ontario

ISSN 1180-5218

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE ON
GENERAL GOVERNMENT**

**COMITÉ PERMANENT DES
AFFAIRES GOUVERNEMENTALES**

Tuesday 9 June 2020

Mardi 9 juin 2020

The committee met at 1000 in committee room 1 and by video conference.

**SECURITY FROM TRESPASS
AND PROTECTING FOOD SAFETY
ACT, 2020**

**LOI DE 2020 SUR LA PROTECTION
CONTRE L'ENTRÉE SANS AUTORISATION
ET SUR LA PROTECTION
DE LA SALUBRITÉ DES ALIMENTS**

Consideration of the following bill:

Bill 156, An Act to protect Ontario's farms and farm animals from trespassers and other forms of interference and to prevent contamination of Ontario's food supply /
Projet de loi 156, Loi visant à protéger les fermes et les animaux d'élevage en Ontario contre les entrées sans autorisation et d'autres actes susceptibles de les déranger et à prévenir la contamination de l'approvisionnement alimentaire en Ontario.

The Chair (Ms. Goldie Ghamari): Good morning, everyone. I call this meeting to order. The Standing Committee on General Government is meeting to consider Bill 156, An Act to protect Ontario's farms and farm animals from trespassers and other forms of interference and to prevent contamination of Ontario's food supply.

We have the following members in the room: MPP Mike Harris. The following members are participating remotely: MPP Glover, MPP Kramp, MPP Schreiner, MPP Vanthof, MPP Barrett, MPP Pettapiece and MPP Rasheed. We're also joined by staff from legislative research, Hansard, interpretation, and broadcasting and recording.

To make sure that everyone can understand what is going on, it is important that all participants speak slowly and clearly. Please wait until I recognize you before starting to speak. Since it could take a little time for your audio and video to come up after I recognize you, please take a brief pause before beginning. As always, all comments by members and witnesses should go through the Chair.

Our witnesses today have been grouped in threes for each one-hour time slot. Each witness will have seven minutes for their presentation, and after we have heard from all three witnesses, the remaining 38 and a half minutes of the time slot will be for questions from committee

members. This time for questions will be broken down into two rounds of eight minutes for each of the government, the opposition, and one round of six and a half minutes for the independent member.

MS. RACHEL FINAN

ONTARIO FEDERATION
OF AGRICULTURE

MR. SAMUEL TROSHOW

The Chair (Ms. Goldie Ghamari): I will now call upon Rachel Finan. I will also call upon, from the Ontario Federation of Agriculture, Keith Currie, Cathy Lennon, Peter Jeffrey and Danielle Glanc, and I will call upon Samuel Troshow to begin their presentations. You will each have seven minutes for your presentation. The Ontario Federation of Agriculture is considered as one group.

We'll now first begin with Rachel Finan. Please state your name for Hansard, and you may begin. You will have seven minutes.

Ms. Rachel Finan: Thank you very much. My name is Rachel Finan. Good morning, all. Thank you for allowing me to speak today.

I watched the whole day's proceedings yesterday, and you were provided with statistics, data, actual activist accounts and the unanimous opinion from legal experts that this bill would not stand up in court. Why? Because it's unconstitutional. I believe that the attempt to push this through, during this time, in the middle of a pandemic, is also undemocratic, but I will leave you to think about that.

I'm 41 years old, and I moved to Toronto in 2004, became a citizen in 2011. A lifelong vegetarian—well, since age three—and a vegan for four years, I made that decision myself. None of my family were. So even a smart and spirited three-year-old knew in her heart that she didn't need or want to eat animals.

I made notes yesterday, and in my presentation, I will highlight some of the parts I really want you to consider and employ as the basis of your critical thinking around this bill. It should be thrown out. Legal protections are in place already, and activists won't be deterred by the changes anyway.

I have witnessed pigs, cows, chickens, goats and sheep head into the slaughterhouse. They've come from the farms that you are wanting to protect. It's heartbreaking and disturbing. Their eyes plead with you to help them.

They're covered in feces. They're roasting hot or freezing cold. They've often lived a deplorable life, and they know where they're heading: to their death. There's not much I can do, so I look them in the eye and tell them I'm sorry and that I'm doing my best to help them.

I implore any of you to come just for one truck. I will come with you. We can stand at a safe physical distance. I want you to see what I know. If you're not prepared to do that, go to one of the Toronto Save pages and watch those videos yourself. They are true accounts of the state these animals turn up to the slaughterhouse in.

I was really quite surprised yesterday when I realized that virtually every MPP on the call has animal agriculture ties, either present or past. I'm sure that was intentional; I'm not stupid. But I am happy about that. And I'll say this loud and clear: Whilst I don't think we have a right to kill animals, the farming many of you think you know isn't accurate today. The video footage that undercover investigative whistle-blowers and activists obtain is real and true. These brave, compassionate people put their emotional health on the line to obtain these pictures and videos.

I was at the duck protest that was referred to yesterday. I was not inside; I was outside, but I was in full support of the people inside. The ducks with their feet caught in the floor were not caused by the activists. They were there already, suffering greatly. And they rescued them.

The lies I heard yesterday really upset me. I will say this loud and clear too; I'm not sure it came across as well as it should have done: Animal activists are non-violent. We do non-violent training. We are non-violent and love-based. None of this is to attack humans. That's never—show me one case of any Ontario-based activism that has resulted in harm to a human. We are there for the oversight that is not provided by the governance that is intended to protect these animals. And again, we won't stop.

Yesterday, there was talk about balance. I don't think that there's any such thing as balance here, but I do think there are solutions. I'm a solutions-orientated woman. Live-stream from inside the barns 24/7. Activists won't ever need to be there. Let the general population see where their food comes from and allow them to make informed decisions. The public and the animals deserve more transparency, not less. Why don't the farmers live-stream 24/7? I know why: because they don't want you to see.

Canada's food guide last year basically removed dairy completely and minimized animal flesh consumption to a matchbox size a day. Why are we not sitting here discussing ways to help farmers transition to a more sustainable, healthier, less traumatic, plant-based farming model? I don't really want to go into the details why, because it may sound like I'm being a conspiracy theorist, but I do understand that there are lots of financial ties between the political and animal agriculture industry.

Nation Rising tracks and highlights the subsidies given to animal agriculture. If you take a look at their website, I'm sure even your toes will curl at the amount of money given to puffing up an archaic and cruel industry. So another solution: Let's make this the conversation. I'm happy to help with resources and information for those of

your constituents who want to modernize their operations to plant-based. I'm retired; I retired at 40. I have had a glittering and successful career. I've got time. I will lend all of my knowledge, expertise and links with people way smarter than me to help modernize our food system.

This bill is ill-thought-out, deplorably timed—I've already said that—and draconian at its core. As a 20-year HR recruitment director—

The Chair (Ms. Goldie Ghamari): One minute left.

Ms. Rachel Finan: Thank you—I can tell you that your “false pretenses” clause won't stand up either. Providing all the resumé details are correct, no one has to disclose if they are vegan. It is their creed. Whilst precedent has only been tested once—and won—in a court of law, people cannot be forced to disclose veganism under the Human Rights Code. So we will find activists who haven't done any of their activism yet to go undercover.

Peter Tabuns is my MPP. I have a promise from him that he will not be voting for this bill without significant amendments. I am imploring him to not vote yes at all.

But actually, on another side, please do go ahead and pass this bill. The publicity we will garner from this will be invaluable.

I see a lot of agricultural representatives in this group with me today. Please show that you are taking this seriously and ask me questions. I think you won't, but I hope that you do. We have a moral obligation to disobey unjust laws—

The Chair (Ms. Goldie Ghamari): Thank you. That concludes your time. Before we move to our next group of participants, I would just like to confirm: MPP Bob Bailey, are you present, and can you confirm that you are MPP Bob Bailey?

1010

Interjection: Can't even see him.

The Chair (Ms. Goldie Ghamari): He's not in front of his screen right now. All right. We'll have to wait until he comes back.

I also understand that there is an MPP who has joined us over the phone. Is that correct? For the MPP who's joined us over the phone, we've unmuted you. Can you please identify yourself?

Interjection: It's gone.

The Chair (Ms. Goldie Ghamari): It's gone. All right. We'll have to continue this when MPP Bailey—there he is. MPP Bailey, can you please confirm that you are MPP Bailey and that you are present? You'll have to unmute your microphone, MPP Bailey.

Mr. Robert Bailey: Yes, it's Bob Bailey here. Sorry about that. I had to step away for a minute; I had another call.

The Chair (Ms. Goldie Ghamari): That's okay, MPP Bailey. Can you confirm that you are in Ontario?

Mr. Robert Bailey: Yes, I am. I'm in the province of Ontario, in the great town of Petrolia.

The Chair (Ms. Goldie Ghamari): Thank you very much.

Now that the procedural stuff is out of the way, I'd like to call upon the following people from the Ontario

Federation of Agriculture. If you are present, please raise your hand. Keith Currie? Please raise your hand. Not with the chat function. Sorry, I should have clarified. Physically raise your hand. Thank you. Just because I don't have the chat in front of me.

Cathy Lennon, if you are present, can you please raise your hand? Thank you.

Peter Jeffery, if you are present, please raise your hand.

And Danie Glanc, if you are present, please raise your hand. Thank you.

Your microphones will now be unmuted and you will have seven minutes for your presentation. Please state your names for the record. You may begin.

Mr. Keith Currie: I'm Keith Currie. I'm president of the Ontario Federation of Agriculture. I'll continue speaking.

I want to thank you for the opportunity to speak to you today regarding Bill 156. I'm here on behalf of the Ontario Federation of Agriculture, as I mentioned, and I'm speaking in favour of supporting this bill.

OFA is Canada's largest voluntary farm organization, representing more than 38,000 farm families across Ontario. And yes, I can speak as an authority on how farms are run in Ontario.

Increasingly our farms and members have come across the increasing threat from trespassers and activists who illegally enter our properties or barns and cause significant disruptions to the entire ag food sector. In some cases, these activists are trespassing under false pretenses to gain entry onto farming properties, taking personal private property, and threatening the health and the safety of our farms, our families, our employees, but also our livestock, crops and overall food supply.

These individuals and organizations are causing health and safety concerns and undue stress to farmers, families, and their businesses. Peaceful protests have now escalated into trespassing, invading barns and farm facilities, break-ins, theft and harassment. These incidents distress farmers and their families, along with their employees, but also threaten the health of livestock and crops when activists breach biosecurity protocols, ultimately putting the entire food system at risk.

There has been much discussion around this bill regarding whistle-blowing and the notion that this is an gag bill. With respect to whistle-blowing, section 13 speaks specifically to consent being obtained under false pretenses to enter into or on an animal protection zone. Someone who has been hired based on their prior work history and resumé at a food processing facility etc. has, in our eyes, an absolute duty to report a perceived instance of animal abuse.

Under the new Provincial Animal Welfare Services Act, or PAWS, it's an offence to permit an animal to be in distress, and failing to report suspected abuse immediately denies the opportunity [*inaudible*] conduct.

OFA does not see Bill 156 as impeding one's right to protest or free speech, or reporting or exposing animal abuse on farms. In fact, abuse should be reported through all the mechanisms that are available, both provincially

and federally, including the recently introduced PAWS Act.

Given that we are going through a worldwide pandemic with COVID-19, certainly biosecurity should be first and foremost in everyone's mind. We can strongly say that activists do not respect biosecurity, and given that not only do our crops come under risk of having pests imposed upon them by trespassing, but also our livestock facilities become at risk for various diseases, such as African swine fever, avian influenza and others.

The entering into these facilities by activists without any care or concern over biosecurity is simply not acceptable. That is what this bill is about. This is not about animal activists thinking that we do not house our animals properly; this is about animal activists wanting to stop animal agriculture, plain and simple. While that may be their feelings, it is not their right to stop animal agriculture.

We do not oppose the protesting by these people. They are welcome to stand at the outside of properties and protest the raising of animals, but simply entering one's private property is unconstitutional and violates people's personal rights. We heard an earlier speaker talk to legal rights and personal rights, and that's fine when it comes to activists, but somehow they don't want to reciprocate and ensure that the owners of private properties have those same rights.

Our animals are cared for by our farmers and are governed by national codes of practice. Not only do we have farm groups who sit around the table to discuss and update these practices regularly; we also have other people from society involved with this group: Humane Canada, Restaurants Canada, and McDonald's. Groups like this are always around the table when we discuss how we set our standards for care for our animals.

I'm not going to take a whole lot longer to talk on this; I'll leave it open more for questions. But I do want to emphasize that our farmers do deserve being protected, and their families and their employees do deserve being protected, as well as the animals. Scaring animals by breaking into facilities is not the way to get your message across, and we need to have protection through this trespass act. Thank you for your time.

The Chair (Ms. Goldie Ghamari): You do have just under two minutes left, and the proceeding rules dictate that any time that you do not use now is not to be added to questions. So if you'd like to continue, you have a minute and 30 seconds. Otherwise, you can conclude.

Mr. Keith Currie: I'd also like to emphasize that I had mentioned the PAWS Act which replaced the old OSPCA Act. During the time, the most recent numbers we have with that act, less than 12% of the calls were about farmed animals, and of that 12%, the overwhelming majority of them were around horses. These were simply just calls, not actual convictions or cases where animals had to be taken away.

So the incidents on farm are not great, and certainly listening to the rhetoric of activists who say that every farmer is a bad animal owner is just simply unfair and untrue and unwarranted.

The Chair (Ms. Goldie Ghamari): One minute left.

Mr. Keith Currie: We would like make sure that this bill does get passed as is presented. We feel it protects the rights of farmers right across this country, as well as protects the rights of the animals to make sure that they are adhered to properly.

Thank you for your time.

The Chair (Ms. Goldie Ghamari): Thank you very much. I now call upon Samuel Trosow. Please state your name for the record, and you may begin. You'll have seven minutes. You have to unmute your mike on your end.

Mr. Samuel Trosow: Thank you. My name is Samuel Trosow. I am an associate professor at the University of Western Ontario in the Faculty of Law and in the Faculty of Information and Media Studies, which includes our journalism program. My area of expertise is information and media law.

The focus of my presentation today will be about the meaning of consent and the false pretenses provisions in section 4, and the motor vehicle transport provisions in section 5.

The false pretense provisions, which would negate consent, will have a profound effect on how journalists investigate their stories, and the transport provisions in section 5 are vague and will impede both freedom of expression and the right to assemble on public property. I also have some additional concerns I will mention before I conclude.

I'd like to direct your attention to section 4(6) of the bill, which provides that consent to enter a property is invalid if it's obtained by duress or by false pretenses. The term "false pretenses" should be deleted. As drafted, this bill violates section 2(b) of the Canadian Charter of Rights and Freedoms. Section 2(b) protects the right to expression. By so limiting consent, this bill has the same flaw that resulted in courts in the United States striking down similar laws on the basis that they violated free speech rights. You heard about many of these yesterday.

1020

The purpose of section 2(b) is to promote and safeguard the open debate and discussion that is essential in a free and democratic society. The act of gathering information constitutes expressive activity as it is necessary to meaningful expression itself. The right to receive information on the part of the end consumer is also a protected activity. These rights apply to everyone: employees who want to expose unsafe working conditions, activists concerned with animal welfare, and journalists who go undercover as employees to get information for a story.

They all play an important role in fostering the objectives of the charter. The information they generate can lead to prosecutions of actual wrongdoing, to increased inspections and to law reform. This information also promotes public awareness about our food supply, and it can provide health and environmental researchers with crucial data. There is a long history of media accounts based on whistle-blower-generated information that has had

profound effects on public awareness, the generation of law and the practices in the industry.

The "false pretenses" provision in the bill targets all of these protected activities and it is a fatal flaw. It's a fatal flaw because it bears no rational connection to the objectives that are stated in the bill, and it's a fatal flaw because it will chill the exercise of these protected activities.

Prohibiting undercover investigations does not protect property. It does not protect farm residents, employees or animals. It does not protect the integrity of the food supply, and it does not promote biosecurity. To the contrary, by limiting information available to the public, it does just the opposite and runs counter to the objectives stated in the explanatory notes to the bill in the objectives section.

By removing the ability to obtain evidence through legal means, including undercover journalism and other forms of whistle-blowing, a situation is created where a substantial chill is placed on constitutionally protected expressive activities. Especially now, agricultural processing facilities deserve greater scrutiny and public exposure, not less. We've recently seen several accounts of COVID-19 outbreaks in the very types of facilities that would be shielded by this bill. In sum, the references in the definition of consent to "false pretenses" should be deleted from the bill.

Next I want to talk about section 5, which deals with animals being transported by motor vehicle. It says, "No person shall stop, hinder, obstruct or otherwise interfere with" the animals and "No person shall interfere" with an animal without the driver's consent, and it also includes the term—a prohibition on "interact"—no interacting. This casts an overly broad umbrella on what is otherwise lawful activity on what is going to be, in many cases, a public road, off-site of the property. This motor vehicle transport section also deals with consent given by the driver, and it has the same problems.

Finally, I want to mention two additional concerns. First, generally, the bill is described as an attempt to prevent animal rights activists from trespassing onto small family farms, scaring residents and compromising the health of animals. We already have the Trespass to Property Act, which would cover that. If the intention is to protect families, the bill should be restricted to family farms with a nearby residence. And if the problem is lack of enforcement of the existing act, that could be addressed without the need for legislative amendments.

Another problem is that the statute of limitations is lengthened to two years, which is too long. The purpose of a statute of limitations should be to bar stale claims, not to operate in a punitive manner.

In conclusion—

The Chair (Ms. Goldie Ghamari): One minute.

Mr. Samuel Trosow: —the better approach would be to scrap this bill and amend the existing law. This bill imposes substantial burdens on protected activities. At a bare minimum, you should (1) delete the references to false pretenses; (2) delete the overly broad provisions concerning transport of animals, especially "interact"; (3) restrict remaining new trespass provisions to farms with a

nearby residence; and (4) make the statute of limitations consistent with the existing act.

Especially in this time when we're seeing COVID-19 in animal processing facilities, we need more transparency, not less.

Thank you for giving me the opportunity to speak to you about these issues. That concludes my remarks, and I'll be happy to take any questions.

The Chair (Ms. Goldie Ghamari): Thank you very much. At this point, we'll be turning to our committee for questions. This round will begin with the independent Green Party member. MPP Schreiner, you have six and a half minutes. You have the floor.

Mr. Mike Schreiner: Thank you to all of the presenters. I really appreciate all of you taking the time to come to committee.

I'm going to start with Mr. Trosow. Samuel, I wanted to ask you a question. I've had other media organizations reach out, raising concerns that this bill could establish, if it survives the constitutional challenge—which I realize is highly questionable—it could create a dangerous precedent in terms of investigative journalism of long-term-care facilities or, I don't know, corrupt car salespeople or whatever. We've seen tons of these kinds of investigative journalism-type reports. Can you elaborate a little bit more on that? Because you're the first person to come to committee explicitly talking about it.

Mr. Samuel Trosow: Absolutely. This is definitely a slippery slope, because the same logic that would be applied to this bill could be applied by the nursing home industry. It could be applied by the nuclear power industry. It could be applied by so much controversy about roads and transport and oil pipelines. It could be applied to any industry.

Basically, what the agricultural industry is asking for here is special interest legislation that departs from constitutional norms in order to help their particular industry. Believe me, if you give them this, you will have a lineup at your door.

Mr. Mike Schreiner: Thank you for that. I just want to turn now to the Ontario—actually, before I turn to the Ontario Federation of Agriculture, I just want to comment, Ms. Finan. I do have a background in animal agriculture. I grew up on a farm. But it's completely coincidental. I'm a permanent member of this committee, so it has nothing to do with this particular bill and my participation. I wanted to put that on the record.

I wanted to mention to the OFA that we've had media organizations come and raise concerns about the constitutionality of this. We've had legal experts come and raise concerns about the constitutionality, and animal rights activists, obviously, as well. We've also had academics show that the consequences of the public debate around "ag gag" has actually been detrimental to the reputation of farmers, and we've had some farm organizations in the US say, "Hey, you know what? Just get rid of this, because the negative publicity around this bill isn't worth what protections we would have."

I'm just wondering if there are some ways to address what I think are valid concerns from farmers around their private property protections, harassment of family or staff and security of their animals. Are there ways to address that without us going down this constitutionally questionable way that this bill addresses? I don't know if you've thought about that at all.

Interjection.

Mr. Mike Schreiner: Maybe Keith. Thanks, Keith.

Mr. Keith Currie: Yes, there we go. Thanks for the question. Certainly there has been a lot of conversation around that. The reason why we are happy about this bill is because we have not been given the respect of personal property by activists, quite simply. They are painting us with the brush that every single farm operator is a bad actor. That's simply not that case. Do we have people who we wish would be better farm operators? Absolutely. But I wish there were people who were better parents or better pet owners or better employers at businesses. So to paint everybody with the same brush is just completely unfair. This premise that we're hiding something is just so false. It's embarrassing. If I was an activist, I would be embarrassed to paint everybody with the same brush. I don't understand why we don't get the same luxury that everybody else does.

1030

If this conduct happened in a workplace, MPP Schreiner, they would be charged with harassment and bullying. It's that simple. The conduct is deplorable, yet somehow society accepts that they can come onto farm properties and conduct themselves the same way. I just don't understand why that's allowed. So strengthening the trespass act is what we've been asking for for a long time, not only for animals but also property in general: for our crops to be protected as well, because disease and pests are spread through trespassing as well. We need protection of these properties and for people to respect personal property. I can't run into your house, break into your house and scare your kids without getting charged, or say that I'm taking a picture to give to the media to show that you're a bad parent. That's just not right.

This is the same kind of stuff that we're dealing with. Not only are these businesses, but this is where our families live and reside and, in some cases, our employees as well. It's about that protection of space for unwarranted entry.

The Chair (Ms. Goldie Ghamari): One minute left.

Mr. Mike Schreiner: Okay. Thank you, Chair. Through you, Chair: I'm just wondering—there's the trespass act part of this bill and then there's the false pretenses and constitutional speech provisions related to it. I'm wondering if we could somehow pass a bill that strengthens trespass law and deterrent to trespass and also maybe strengthens biosecurity provisions, maybe look at the biosecurity private member's bill at the federal level, without us having to deal with the false pretenses and the constitutional issues that Mr. Trosow brought up. Do you think that would achieve the private property protections that I think farmers definitely need?

Mr. Keith Currie: It's quite possible. I'm certainly not a legal expert. I'm looking for the protection of our families from what has been going on. That's really what I'm looking for.

This bill doesn't stop protesting at all. Let's be clear: It doesn't stop anyone from protesting. It just stops them from disrespecting personal space.

The Chair (Ms. Goldie Ghamari): Thank you very much. That concludes your time.

We'll now turn the government side. MPP Harris, I see your hand raised. You may begin.

Mr. Mike Harris: Thank you to everybody who's taking part today. Yesterday was an adventure in technology, and it looks like today we're in a different committee room and it's a different set-up, but I think we'll all get used to it. The A/C has finally kicked on here; I was worried we were going to roast out.

I just had some comments—these are more for Keith Currie—centred around a lot of what we heard yesterday in regard to the Trespass to Property Act and citizen's arrests. Most of the comments made about this bill deal with the citizen's arrest provisions. We heard a lot of that yesterday. We've been clear that this bill offers farmers nothing that currently doesn't exist within the Trespass to Property Act as well as the Criminal Code of Canada when it talks about having somebody—I'm not going to say activist or protester because you never know who it could be—coming onto your farm and trespassing.

I was wondering if you could elaborate a little bit more on what your thoughts are in regard to that. The provisions of this bill—it's not prescriptive that you have to perform a citizen's arrest and that ability already exists in other legislation. I was just wondering if we could get some of your thoughts on that and what your farmers and folks within your organization have to say.

Mr. Keith Currie: Thank you, MPP Harris, for that question. You're correct: The right to citizen's arrest does already exist prior to this bill. And certainly we know that some of our farm operators, in particular crop operators, have had to deal with trespassing with respect to motor-cycles, ATVs, snowmobiles etc. They have at times had to stop people from trespassing on their property.

With respect to this bill, one part pertains to activists who come on the property. We've been really clear to our membership and will continue to be clear to our membership to not engage these folks who come on to our property.

We have authorities who are trained in how to deal with citizens who may be trespassing. So your first call is to protect your family, protect your animals and also to call the authorities to come and deal with this situation. The last thing we want is any kind of escalation of conduct by either side involving human trespassing. We certainly don't encourage people to make citizens' arrests with respect to activism on personal property, and that will continue to be our mantra. We do not encourage that. Call the local authorities, whoever they may, be and have them come in and deal with the situation and diffuse it.

Mr. Mike Harris: Thank you. I appreciate those comments. I believe Mr. Barrett has a question as well. I'll cede my time to him.

The Chair (Ms. Goldie Ghamari): MPP Barrett.

Mr. Toby Barrett: Thank you, colleague. We had very interesting testimony at yesterday's hearings and this morning, and perhaps I'll direct this to the Ontario Federation of Agriculture.

For example, Samuel makes mention—we've heard this as well—of court challenges. Rachel made mention this morning of the love for animals. We all have love for animals, and certainly farmers and certainly horse lovers—and I know that horses were mentioned in testimony. I just want to raise the issue with Keith perhaps. In the court of public opinion—they use the word “sustainability” so much now in the grocery industry and the food industry, not just environmental sustainability but sustainability with respect to food safety and, of course, food security. You mentioned this especially, that when there are protests, it gets into the court of public opinion.

I used the example of Barnum and Bailey and Ringling Brothers. I attended one of their last circuses—I think it was the last circus where they had elephants. There were protesters there—very respectful. They were on the sidewalk on the other side of the street. I don't think Ringling Brothers was taken to court, but a few months after that show they stopped using elephants voluntarily. I don't know what those elephants do now. I understand they have a beautiful facility down there in Florida.

My concern is with the court of public opinion with the OFA membership, the various commodity groups, grocery store chains and the food industry. Where are we at as far as explaining to the general public the situation and what's going on?

Mr. Keith Currie: Thank you for the question, MPP Barrett. That's always been first and foremost on our mind in the last number of years—education of the public on what we do and how we do it. Certainly there's less than 2% of the population and people who are trying to run businesses, and that's very difficult to do, but as organizations and especially the one I represent, we are constantly talking to the general public about what we do.

Transparency has been used a lot around this bill, and while our producers are transparent, we want you to know the story behind the face, but there are some situations where it simply isn't possible to enter a facility because of those biosecurity protocols that you mention. If you look at something like avian influenza, if it gets introduced into a barn, it doesn't just shut down that barn; it shuts down the entire region in an area that might have poultry, and those poultry herds will be destroyed because of this disease that is so contagious.

That's why we have strict biosecurity protocols put in place by all animal organizations that are strictly adhered to. They're governed very seriously by their commodity representations, and they're controlled by the PAWS Act to make sure we are taking care of our animals. So we need to continue to talk to the public about how we do that to ensure the safety of our animals—

The Chair (Ms. Goldie Ghamari): One minute left.

Mr. Keith Currie:—and we will continue to do that because obviously this type of bill is raising concerns in the general public who don't understand, and rather than making an assumption, we need to help educate them on how we do advocate.

1040

Mr. Toby Barrett: I think of the example of the last time I was in a hog operation a few years ago. I had to take my clothes off to have a shower and then put on clothes provided by the farm operation. I don't know whether many people understand that. You don't have to have a shower to go into a hospital, but you do to go into a modern hog operation. I don't know whether many people understand that that's how barns operate in the hog industry.

Mr. Keith Currie: So true. Very true, yes—strict protocols.

Mr. Toby Barrett: Time, Chair?

The Chair (Ms. Goldie Ghamari): Fifteen seconds.

Mr. Toby Barrett: I'll give my 15 seconds to the next party.

The Chair (Ms. Goldie Ghamari): All right. Thank you very much.

We'll now turn to the official opposition. MPP Vanthof, you have eight minutes. You may begin.

Mr. John Vanthof: Thank you to all the presenters. As with yesterday, we have all had very wide viewpoints, and each of the presenters has made very relevant points.

I'd like to start with something—first, to Keith: Welcome to the committee today. MPP Harris asked about the citizen's arrest provisions. The citizen's arrest provisions are federal. They are already in the Criminal Code. There is really no purpose other than repeating them. Considering that you said that you encourage people not to do that because of the risks—and I think I would share the risks—would you have a problem if that was taken out of this act and simply left in the federal Criminal Code?

Mr. Keith Currie: I think it all depends on the situation where that citizen's arrest could take place. I believe that people should have the right to arrest another citizen if they see a wrongful act taking place, so I don't think the inclusion or the removal of that section—the citizen's arrest part—would truly make a difference. But I think having the ability to make the citizen's arrest, should the situation warrant it, is important.

I think it's important that we protect our properties, but I would also give the caveat that we do not recommend that people do that on their own, depending on the situation. There are some where it's unnecessary in the situation. But I don't see how having the citizen's arrest in this bill is really detrimental to the bill.

Mr. John Vanthof: I'm not talking about removing the right to a citizen's arrest. The issue is that when you read the bill, basically it gives a blow-by-blow of what to do when there is a protester or trespasser on your farm: Ask for their name; ask for their address; ask them to leave; and if they don't leave, proceed to a citizen's arrest. After they're arrested, it says to call the police. Now, that could be just oversight, but it seems to promote it.

We heard from presentations yesterday that farmers are very stressed. As a former farmer, I understand that. They're very stressed by animal activists, very stressed by COVID-19.

Part of a citizen's arrest is using reasonable force. Now, who is going to be the judge? The last thing that I want to see is that a farmer gets charged with assault, that that's the first outcome of this bill, and I'm really concerned about that.

Going back to Ms. Finan, who said a couple of times—and we heard this yesterday as well: College kids might be deterred, but the true animal activist is not going to be deterred. Actually, one of the people who testified yesterday was happy that the fines were going to be increased because she wanted to go to court.

Police officers have a lot of training and even sometimes they get arrests wrong. This bill does not provide for any extra policing. It basically relies on the court system and it advertises citizens' arrests. I'm really concerned about that. I think, judging by your testimony, you are as well.

So I'm wondering, again, not to remove the citizen's arrest part, but to remove the blow-by-blow in the bill: Would you have a problem with that?

Mr. Keith Currie: I think that people who have the right to make a citizen's arrest need to understand the process. If that means including it in the bill, then that should be done.

As a person who has never made a citizen's arrest, I couldn't tell you what the exact legal terminology is around it, but I think the opportunity to have citizens' arrests made possible, whether that's not being able to get a hold of authority and having to call in a neighbour to come help if there are more than two people and, perhaps making a citizen's arrest, that should be an opportunity for that to happen. It's not what we recommend. We recommend using authorities whenever possible. But there may be a case where this person or these people need to be stopped, absolutely stopped, depending on the situation and whether there is potential harm to an employer or a family member or harm to the animals that these people are trying to get in to see. That citizen's arrest may need to take place. As long as it's clearly outlined how that should happen, I don't see a problem with it.

Mr. John Vanthof: As the president of the largest farm organization in the province—I was a member; I'm no longer a farmer, so I'm not a member anymore. Are you planning on actually educating the members on what "reasonable force" could be? Since this organization is one of the biggest drivers behind the movement to pass this bill—and I understand why farmers are feeling very threatened. But I don't want to be—who's going to be the first farmer in court, having to defend what "reasonable force" is? Is there a plan to actually give some kind of outline on what "reasonable force" could be?

Mr. Keith Currie: As this bill was beginning to be put into place, through a consultation process we continued work with not only government staff but also with commodity organizations to hammer home that very point,

that we need to be very cognizant and make sure we get the message out to our membership that, “This is not your job to make arrests. There may be a situation, and I don’t have an example of it for you, but there may be a situation where you may have to make a citizen’s arrest”—

The Chair (Ms. Goldie Ghamari): One minute left.

Mr. Keith Currie: —“and make sure that you do your due diligence, that we will follow through on what the parameters are around the citizen’s arrest.” We’ll make sure our membership are fully informed, but still encourage them to call the authorities first and foremost, ever before making a citizen’s arrest.

Mr. John Vanthof: I wish it said that in the bill, because it doesn’t. It recommends citizen’s arrest, and that is a big problem because part of the problem is that right now people are frustrated because the police don’t come very quickly and also it gets bogged down in the court system. Neither one of those issues is touched on this bill at all—and that is from a farmer’s perspective. They feel protected by this bill, and they say that when they call, no one is going to come and they’re still going to have to go through the court system. Are the penalties stronger? Yes, but I’m not sure that the protection the farmers think they’re getting is here. And I hope you do a really good job of telling them that, because so far that hasn’t been the case—

The Chair (Ms. Goldie Ghamari): Thank you very much. Sorry, MPP Vanthof. That concludes your time.

We’ll now turn to the government side for questions. Who would like to begin? Please raise your hand. MPP Pettapiece, you have the floor.

Mr. Randy Pettapiece: I’d just like to expand on the citizen’s arrest business. My question is to Mr. Currie. Last year when this bill was first talked about, I spoke with the OPP in my riding. What was suggested, and what they did, was they actually had a round table with members of the police—police officers, and there was also a unit there, I forget the technical term for them, but they kind of diffuse situations and stuff like that.

I think that the thing about who is going to educate anybody about citizens’ arrests or reasonable force or things like this, it should be people that are involved in the business. That’s something that, in all parts of the province this bill affects [*inaudible*] or at their local police forces. They’re very happy to do this. So I think that’s something that could be considered.

1050

I also would like to remind those here that the citizen’s arrest provisions are already covered in the Trespass to Property Act and the Criminal Code. This is nothing new. I think that the reason this issue is certainly something that—we have had this right in this province, in this country for many years.

Mr. Currie, I would think, then, that—the previous questioner, Mr. Vanthof, was asking about your organization educating farmers on this very issue. I wonder, sir, from what I’ve just said, whether professional people should be the ones to educate farmers or anyone on powers of arrest and reasonable force.

Mr. Keith Currie: Thank you, MPP Pettapiece. I couldn’t agree more. Our organization has had a long history of working with the rural anti-crimes unit of the OPP on various things. Most of it is around trespassing due to four-wheel vehicles, snowmobiles and off-road vehicles, in particular. But certainly we have continuing conversations with groups like that, and even our local affiliates, to have conversations with their local police detachments on how to handle potential protests that could be coming on the farm, and how the farmers handle protesters coming onto their farm. This will be something that happens on an ongoing basis.

We also work with a group in Ontario called Farm and Food Care, who also do great work on educating people on how to [*inaudible*] a tough situation where they may be protesters or trespassers on your property.

So this isn’t new work for us. We will continue. We’ve been doing this work for quite some time and relaying messages to our membership on how to deal with unwanted people on their properties and in their facilities. We will continue to do that work.

Mr. Randy Pettapiece: Okay. There’s something else I would like to point out to Mr. Currie and certainly other members. It’s important to remember that this bill applies to animal protection zones. The rest of the property is covered under the Trespass to Property Act. I think that’s something that needs to be explained. It needs to be understood. Your comments, Mr. Currie?

Mr. Keith Currie: I’m glad you brought that up, because certainly—you mentioned that we talked about biosecurity areas being that animal protection zone. But it extends beyond the farm, because our farmers take animals to shows, fairs and exhibits. We’ve had situations where actual businesses—carriage businesses, for example—where they are constantly being berated by protesters, scaring the animals, harassing the caretakers. So, anywhere there are animals in public, there needs to be a protection zone for that animal so that just anybody can’t go up and interfere with the activities that that animal and their owner are doing. So I’m glad you raised that protection zone area. Let’s protect the zone that the animal is in, whether that be a livestock facility, whether that be in the transportation truck that’s trying to get to a facility, so the drivers aren’t being harassed, whether it’s in the processing facility or whether that’s somewhere outside. But let’s also remember that this is also about trespassing in general. I don’t want to forget that as well.

Mr. Randy Pettapiece: Thanks, Mr. Currie. That concludes my questions.

The Chair (Ms. Goldie Ghamari): Further questions? Do I see any raises hands from the government side? Seeing none, that concludes this round of government questioning.

We’ll now return to the official opposition. You have eight minutes. Who would like to begin? MPP Glover? You have the floor; you may begin.

Mr. Chris Glover: Thank you, Madam Chair, and thank you to all the presenters for being here today. The deputations yesterday—I don’t know how many of them you watched, but they’ve been very informative.

One of the concerns that I have with this bill is that it seems inevitable that there's going to be a charter challenge, that this is going to go to court.

I'll ask my question to Ms. Finan—I'm not sure—Rachel. I'll ask you. The groups that come here seem to fall into different categories. There are some who would like to see a full transition from animal agriculture to plant-based agriculture. I'm assuming that that's the group that you're in. Some of the people from that group seemed to be advocating for that position yesterday. They seemed to say that they hope this bill passes because there will be a charter challenge, and then that would raise awareness and give them a platform for their cause. Is that your feeling about this?

Ms. Rachel Finan: Absolutely, yes. That's exactly my feeling. Either this bill gets thrown out because it's unconstitutional, undemocratic, or it passes and it gets challenged in court and gives us a platform to discuss how we need to modernize as a society.

Mr. Chris Glover: Right. Okay.

The other thing that I've heard here today—and I actually got some information. So, this was passed—and I don't know if you can comment on it, or maybe I'll ask Samuel, but I'll give you the chance first. When this was proposed in 30 different states, it was defeated in the Legislature, because they felt it would be challenged against the bill of rights—it was in contravention of the American bill of rights—and then it was defeated five times. Part of what they said was that their farmers ended up advocating for the Legislature to withdraw the bill because of the negative publicity on animal agriculture that was coming out of the bill [*inaudible*]. Can you comment on that, or do you know about that?

Ms. Rachel Finan: Absolutely. I definitely watched all the presentations yesterday—smarter people than I talking about it. But yes, that is definitely a consideration, and I feel very strongly that the lobbyists that have had this bill put together by Ernie didn't think it through. There are a lot of very intelligent people who follow this very closely, globally but specifically in the US.

I feel that your farming committee, your farming people, Mr. Currie, will actually change their minds on this as this goes further and further through, because the publicity will be getting picked up on. You mentioned things like biosecurity and swine flu. Without animal agriculture, we don't have those kinds of pandemics.

I just want to make a very quick point, actually, while I am un-muted: There is not an animal activist in my knowledge at all that would not be following strict biosecurity protocols when entering a barn. That needs to be put on the record. Thank you.

Mr. Chris Glover: Thank you.

My next question is for Samuel. Let's see. So you were talking about the constitutional challenge of this bill. My question is: If this was applied to long-term-care homes—this is something that you raised—could the Canadian Forces be charged with trespass for their whistle-blowing report?

Mr. Samuel Trosow: I think they were welcome there.

Ms. Rachel Finan: There was consent.

Mr. Samuel Trosow: There was consent. First of all, there was consent and the consent may not raise the type of messy legal issues that this bill raises. I think everybody involved was pretty happy to see that. If they were providing immediate emergency care, they'd be bringing in to show the bad conditions—and that has already been documented, including official commissions.

Mr. Chris Glover: Right. I guess it's the false pretense—and I'm just trying to get an understanding of this. So the false pretense, though: If your employee is employed in, say, a slaughterhouse, sees things that turned out wrong, videotapes that and exposes it, they could be charged under false pretenses. That's my understanding of the reading of this legislation.

The Canadian Forces went in to provide emergency aid. Could they also be charged with—if they were to talk about the ongoing conditions there, could they be charged if this was applied to long-term care?

Mr. Samuel Trosow: As [*inaudible*] I don't think anybody would want to do that. There really isn't about anybody that would do that. I'm worried about this setting a precedent for other industries, but I think the military going in is a very, very unusual situation which had a lot of public support. I'm sure patients would see them through.

1100

Mr. Chris Glover: All right. I think we're all very thankful that they went in. I think we're very thankful that they wrote that report, because hopefully that will bring about the change that we need to see.

The other question that has come up is about the protections that are around animals in trucks. Do you have any legal insights into that or any comments on that?

Mr. Samuel Trosow: Yes, and I want to go back to MPP—to the woman; sorry, I forget her name—who was talking about the “bear witness” movement. The way section 5 is drafted, it's excessively overbroad. It's certainly against the law to impede or blockade traffic, or to try to do something dangerous when you're driving. What she's talking about was peaceful forms of expression that come out of social issues, whether it's the peaceful forms of lawful assembly—the problem with section 5 is, it is going to apply to public roads. So now we're imposing constitutional things on public property as well. Then we're using terms like “otherwise interfere with” or, even worse, “interact.” I think that we're just making it very easy for a court to say that this is just [*inaudible*].

Mr. Chris Glover: Right. Okay. And so is there—Mr. Currie was talking about issues with harassment of animals in fairs, while being transported. Is there another way to protect, prevent the harassment other than—

The Chair (Ms. Goldie Ghamari): One minute left.

Mr. Chris Glover: —[*inaudible*].

Mr. Samuel Trosow: I'm not sure why that has to go into a trespass act. Because we've seen, over the last few years, many, many new fields of tort liability in legislation, really, dealing with harassment. There are probably things that are already on the books. I think Legislatures

should, if they want to do something, look at what the current law is and ask, “Are there any remedies that would deal with this short of legislative change?”

Certainly, some of the situations that we described about harassment would be actionable in other, non-trespass grounds. If the police are not going to respond to legitimate complaints—

The Chair (Ms. Goldie Ghamari): Thank you very much. That concludes the final round of questioning. At this point, I would like to thank our first group of presenters for joining us today. It’s been a very informative and insightful conversation, and I know that the committee will have a lot to think about. At this point, you are released and may step down—not formally, of course, because we’re on Zoom. Thank you again for your participation.

ONTARIO PORK
RURAL ONTARIO
MUNICIPAL ASSOCIATION
ONTARIO SHEEP FARMERS

The Chair (Ms. Goldie Ghamari): We’re now going to turn to our next set of presenters here today. I’m just going to call out your name, and if you are present, please physically raise your hand. Do not use the “raise hand” function in the Zoom chat, because I will not be able to see it. From Ontario Pork, do we have a Mr. Eric Schwindt here? Please raise your hand if you are present.

Mr. Eric Schwindt: Yes.

The Chair (Ms. Goldie Ghamari): Thank you. From the Rural Ontario Municipal Association, Allan Thompson: Please raise your hand if you are here.

Mr. Allan Thompson: Here.

The Chair (Ms. Goldie Ghamari): Thank you. Cathie Brown, please raise your hand. Thank you. And from Ontario Sheep Farmers, Marc Carere: Please raise your hand if you are here. We do not have a Marc. Marc is not here yet. All right.

With that, we are going to begin with the witness presentations—sorry, the presenter presentations. Each group will have seven minutes to present, followed by questioning from committee members. At this point, I’d like to call upon Ontario Pork, Mr. Eric Schwindt. Please state your name for the record and you will have seven minutes. You may begin.

Mr. Eric Schwindt: Good morning. My name is Eric Schwindt. I’m a pork producer from Waterloo region and chair of Ontario Pork. I’d like to thank you for the opportunity to be here today. I’m pleased to voice our strong support for Bill 156, the Security from Trespass and Protecting Food Safety Act, 2020, and present to this committee the Ontario Pork perspective on animal rights, extremism and the pressure that we’re undergoing.

I need to stress that, as a farmer, for me this is a safety issue—food safety, animal safety and people safety, for both myself, my family, but also for protesters. As part of our presentation, I will provide a brief overview of Ontario

Pork’s ongoing advocacy efforts to protect the safety of food and the livelihood of farmers.

Ontario’s pork sector represents a significant part of the animal ag sector in Ontario and in Canada, from farm to fork, with \$876 million in GDP each year, \$2.6 billion in economic output and 13,000 full-time-equivalent jobs.

Ontario pork is highly sought-after around the world for its quality and nutritious value. For the last several years, we’ve exported to over 60 countries around the world. We’re among the leaders in the world in animal care, food safety, quality and traceability.

Pork producers support peaceful protests on public property as a right enjoyed by all Canadians. But the line between legal protests and illegal activities has been crossed by extremist groups and individuals who have grown increasingly brazen in their attacks on the agriculture industry.

Many in agriculture struggle to understand how activists can admit to entering buildings illegally and taking animals—stealing—without fear of prosecution. Jumping in front of transport trucks, putting hands inside the truck and throwing items at drivers crosses the line from peaceful protest and peaceful demonstrating to illegal activity.

Farmers wonder how to protect our families, our employees, our animals and our crops. We have to remember: Our farms are our homes.

When targeted by activists, farmers and transporters need to know they can count on the legal system to uphold the rule of law. In recent months, Ontario’s agriculture industry has seen an escalating pattern of animal rights activists invading private property and vehicles. These include entering farm buildings without consent; recording video; filing nuisance complaints; removing animals from farms—that’s theft; walking onto farms in large groups and refusing to leave when asked; stepping in front of livestock trucks, putting their lives at risk in addition to the driver and the livestock being transported; abusing and harassing livestock transporters by opening cab doors, throwing items at the drivers, and placing hands on objects inside the trailers; entering processing facilities; and interfering with business operations and refusing to leave.

Anybody entering barns or farms having animals and moving between barns without following proper biosecurity protocols puts the health of animals, the safety of food and the livelihood of farmers at risk. Safe farms are important for the people who live there and who work there, as well as for animals and consumers.

We, as producers, follow high standards of animal care. These standards include biosecurity and husbandry protocols designed to protect animals from disease and mistreatment.

I want to mention that swine veterinarians voiced concerns about the risks posed by activists. People can infect pigs with influenza virus, for example. We control access to our farms, we vaccinate, and we have biosecurity procedures. Activists do not, and they put us and our livelihoods at risk.

We're responsible for the health and safety of our staff and families. The farming community [*inaudible*]. Having untrained, unknowledgeable intruders entering the farm site is a risk for everybody.

Pigs have also become habituated to human caregivers and to their normal daily routines. Strangers coming into the barn at strange times is upsetting to the livestock.

When individuals interfere or feed an unknown substance to animals, it presents a risk. We don't know what it is or the effects it may have to the animal or the food supply downstream. Essentially, that pig or that animal is no longer safe to use for food, ever.

So we, as farmers, need equal protection under the law when our homes, property and workplaces are threatened. Trespassing on private property, stepping in front of moving vehicles, stealing animals, and harassing workers and families crosses that line from peaceful protest to illegal activity. We have to remember that 90% of Canadian farms are family farms. We're proud of how we manage our animals, and we work hard to produce high-quality food for Canadians and the world.

I've heard activist groups try to tell the public that this proposed legislation lessens protections for animals. Nothing could be further from the truth. We're committed, as producers, to high standards of animal care and to transparency. We work closely with our vets, our feed specialists and regulators to raise healthy animals in a sustainable and responsible way.

1110

In December, the Solicitor General introduced Bill 136, the PAWS Act. This bill strengthens animal care standards for all animals with sections specific for livestock. We support that. As farmers, we care about our animals. Together, we believe that Bill 136 and Bill 156 ensure high standards of animal care while keeping people, animals and food safe.

At Ontario Pork, we're pretty proud of our social responsibility report—we're on version 2 right now—of high standards for—

The Chair (Ms. Goldie Ghamari): Thirty seconds left.

Mr. Eric Schwindt: Building a better tomorrow [*inaudible*] about successful farmer operations, healthy animals and safe food.

I'd like to thank the committee and the government for talking about this issue today and providing a balanced response; it's a balance between peaceful protests but also our rights as farmers to bring safe food to the world. Thank you.

The Chair (Ms. Goldie Ghamari): Thank you very much. We'll now turn to the Rural Ontario Municipal Association. If the presenters could please state their names for the record and then you may begin. You will have seven minutes for your presentation.

Mr. Allan Thompson: Allan Thompson, chair of ROMA.

Ms. Cathie Brown: And Cathie Brown, senior advisor with the Association of Municipalities of Ontario.

The Chair (Ms. Goldie Ghamari): You may begin.

Mr. Allan Thompson: Good morning. My name is Allan Thompson. I am the chair of the Rural Ontario Municipal Association, known as ROMA. I am a mayor of Caledon and a farmer.

Feeling safe at your workplace is the right of every worker in Ontario. Feeling safe at home is just as fundamental. For farmers, work and home are the same place so it's doubly important to ensure the safety of your families, your employees and the animals you care for—it's very important. So thank you for addressing this issue; as it is, it's becoming a bigger problem.

ROMA supports this bill. While we have no amendments to offer, we do want to ensure that the implementation of the bill takes into account the operational impacts to municipal governments. As municipal governments, we are concerned about the issues of trespass, farm safety and animal welfare, and we care because of the cost of the property taxpayers on such as policing, court administration, as well as the need to exempt municipal bylaw officers and emergency personnel so they can do their jobs.

The proposed bill includes penalties of maximum fines of \$15,000 for the first offence and \$25,000 for subsequent offences. We trust these penalties will be substantial enough to discourage trespassing and can be collected in a manner which offsets the municipal costs through the Provincial Offences Act so that fines can be retained by local authorities.

We also would appreciate that guilty persons can be required to pay restitution. We support the commission to ask to enter certain zones on farm needs to be requested while maintaining other types of access rights.

The bill provides that a consent is invalid if obtained using duress or under false pretenses. This is very important as experience has shown that many protests have ended requiring intervention and enforcement staff, and started with a permission to attend a breakfast or a tour.

We support the exceptions such as emergency service personnel, municipal bylaw enforcement and regulatory inspectors from the need to request permission to the identified zones. They need to be able to do their jobs to ensure safety.

We also support that vehicles that transport livestock cannot be interfered with. Lawful protests need to be permitted without harming livestock, and this bill works to find that balance.

In conclusion, this bill is really needed. The farmer community is substantial in value and significant for food security in our province. We need this bill not only to protect the economy, but the farmers, the animals and others to ensure that local enforcement staff are well equipped to keep peace and protect property. We need this bill to recoup these costs from the offenders. Thank you again for this opportunity to speak in support of Bill 156.

The Chair (Ms. Goldie Ghamari): Thank you very much. Are there any further comments from ROMA, or should we go to the next presenter? You still have three minutes left.

Interjection.

The Chair (Ms. Goldie Ghamari): Okay. Thank you very much.

At this point, I'd like to call upon Marc Carere from Ontario Sheep Farmers. Marc, are you here? Oh, there we go. Thank you for joining us.

Mr. Marc Carere: Yes.

The Chair (Ms. Goldie Ghamari): Excellent. You will have seven minutes for your presentation. Please state your name for the record, and you may begin.

Mr. Marc Carere: Okay. My name is Marc Carere. I'd like to start by saying good afternoon to everyone and good afternoon to committee members. I represent the Ontario Sheep Farmers and workers who run an organization representing approximately 3,000 producers in Ontario. We are responsible for a very dynamic and growing industry of Ontario sheep, lamb and wool production, and our industry is contributing about \$530 million to the Ontario economy annually.

Again, thank you all for allowing us to present. I would particularly like to thank the minister and the ministry for pushing this issue forward. We feel it's very valuable. Also, all committee members and all presenters I would like to thank as well because all these perspectives are valuable and the questions will be welcomed.

This bill is supported by Ontario Sheep Farmers. Again, we commend the province for taking the needed steps to ensure the security from trespass and give enhanced protection to food security.

On the issue of trespassing, Ontario farms, as has been stated, are places of business. We grow and produce food and we raise livestock or crops, but many farms are also personal residences and places of work for families, including children—children not actively working all the time, but children in those areas.

Our food producers across the province feel existing laws do not provide enough protection for farmers at their places of work and their homes or protect them from the risk of invasion, and we believe that this bill will address that concern.

Many Ontario farms in the province have become under increased threat from trespassers and/or activists who enter their properties illegally, without consent and sometimes under false pretenses. During these visits, private property is sometimes taken or tampered with and the health and safety of employees and livestock are put at risk, including violations to biosecurity protocols, and it's those that help protect our entire food system.

Just as an anecdote, I do have personal experience with this. It was actually at an abattoir that I have been working with for many, many years where I had delivered. One of the employees came into the office upset because there were people climbing in the pens of livestock that were outside. So I have experienced that interruption. The owner of the business went out to speak to them. I did not want to let the owner go out by himself, so I went with him and it was actually my livestock that was in the pens. We had the opportunity to interact, I would say, being, maybe, polite, first to get the people out of the pens and away from the livestock, but then to have a discussion with them. So

I have experience with this and with the anxiety that it creates. That particular situation was handled extremely well by the owner, who calmed the situation and managed to talk to the people, and they left. So I have experience with that.

We believe that this bill provides the protection from those unauthorized trespassers. As OSF, we welcome the increase in fines for those caught trespassing and the ability to allow the courts to order restitution for injury, loss or damage that may be caused by the offence.

With respect to legal protests, OSF believes this bill does not prohibit Canadians' fundamental right to freedom of expression and freedom to protest. They're both cornerstones of a democratic nation.

There have been comments made since the introduction of this bill that Bill 156 is a gag law, and we believe this could not be further from the truth. To be clear, OSF believes that people have the right to participate in legal protests. However, this does not include trespass on farms and homes, agricultural businesses or interfering with livestock in transit.

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On animal welfare: Animal welfare is central to livestock farming. It has been suggested that this bill allows animals to be harmed or somehow weakens animal welfare. As has been stated by previous presenters, Bill 136, the Provincial Animal Welfare Services Act, addresses that very clearly and very strongly. We are very proud to support that as well.

As you are aware, anyone who believes that animals are being abused anywhere in Ontario has the duty to call the authorities immediately and report the incident. Those authorities have the statutory obligation to investigate the suspected animal abuse. The process exists for proper welfare animal oversight and for enforcement. Again, OSF believes that this bill provides protection to farms, their workers, their families, and added food security protection at a time when food security is so critical.

Some of the vocal opponents to Bill 156 suggest that the legislation somehow hides how Ontario farm families produce food. But at OSF, we are very proud of the efforts taken by Ontario sheep farmers to produce safe, reliable food. Ontario farmers—

The Chair (Ms. Goldie Ghamari): One minute left.

Mr. Marc Carere:—follow strict codes of practice to ensure the health and safety and the welfare of our livestock farms.

One amendment that we would suggest would be to specifically mention pastures where livestock are grazed. Our concern is that they may not be considered as part of the animal protection zone, as it falls outside of the farm buildings. Given the uniqueness of the sheep industry, when we have grazing livestock, they would needlessly be unprotected by the legislation. I would particularly point out that we have members that are [*inaudible*] by grazing solar parks, vegetation abatement, and also grazing orchards, so they may not be on their own property. They may be doing, basically, custom grazing. Again, the operations that I'm very familiar with are family-run

operations, and quite often the children will be with them when they do go to those places.

In closing, I'd like to thank you very much—

The Chair (Ms. Goldie Ghamari): Thank you very much. My apologies. I have to cut you off, Marc. Your seven minutes are up, but you're welcome to continue through questions.

At this point, I'd like to turn to the government side. You have eight minutes. Who would like to begin? I see MPP Daryl Kramp. The floor is yours.

Mr. Daryl Kramp: Thank you very much. Certainly, [*inaudible*] to all our presenters that it's really, really a pleasure to hear some actual hands-on. I suppose we've heard from people who are in the fields, who are not just bystanders but actual—who I guess you would call “get your hands dirty on a daily basis.”

I have a couple of questions. First of all, Mr. Thompson, if I may, I think you hit the nail right on the head in your one statement with the intent and purpose of this bill when you said that the workplace and the home in most cases are the same place. Quite frankly, as a normal, rational individual, nobody would expect someone to come in, barging through someone's door unannounced. They're certainly not welcome. They wouldn't want to bust a window. They wouldn't want to get into theft or damage. Quite frankly, the reality is, your business really is no different from that. This legislation, to my mind, is truly, truly designed to recognize the fact that that kind of protection is warranted, is needed and is long, long overdue.

The question I would ask of you is, as a former member of ROMA myself as a municipal parliamentarian for a number of years, I certainly recommend—I think it's important that this committee recognize the scope and the nature of ROMA: the type of people you represent, how deeply ingrained agricultural community is and the impact the agricultural community has not only to the bottom line of municipal affairs, but, quite frankly, as a way of life: Could you comment on that?

Mr. Allan Thompson: Absolutely. We have 444 municipalities, and I would say that about 430 of them have a rural component. For the rural economy, it doesn't matter if it's forestry, mining in northern Ontario versus agriculture. Agriculture is still one of the biggest employers and has the biggest impact. And it is very similar in a rural area: It's your house, home and where you work. I think a lot of people can relate to what we're talking about now, with the COVID crisis. Everybody is working from home. It's no different than what a farmer does when he puts his boots on. As soon as we walk out the door, we're already at work.

To me, this is something that is extremely important. We want to protect the safety of the workplace. I think this bill is extremely balanced. It protects the livestock, protects the farmer and protects the people who live there, but it also gives a clear definition for what the role of the municipalities is to support the initiative as well.

I agree with you. This is a really balanced bill, but I think it really identifies what the rural economy is about, and especially what agriculture is about.

Mr. Daryl Kramp: Great; thank you very much.

Maybe now I'll go to Mr. Schwindt from the pork industry. There are some people who wouldn't be familiar with the realities of the industry now. People might think back to the old days as of “Let's get them out in the hogs' wallow” [*inaudible*]. Well, those days are long, long gone.

In today's world of biosecurity concerns, I've been to a number of operations [*inaudible*] and whatever. Can you give us some examples of some of the types of protocols that your industry goes through on a normal basis, dealing with biosecurity and the demands of public safety?

Mr. Eric Schwindt: You hit it there: Biosecurity is critical for the success of all pork producers. On a day-to-day basis, most barns are shower-in facilities now. Before you're allowed in the barn, you remove all your clothes, you shower and you put on the barn clothes inside the barn. That's the best we can do to prevent disease from coming in.

When we're transporting pigs from farm to farm or from farm to processing, all those trucks are washed or disinfected to prevent contamination from disease from farm to farm or wherever that truck was last.

Why is it such a big deal? The example I'm going to throw out is foreign animal disease. If a foreign animal disease were to hit the province of Ontario or the country of Canada, our border is immediately shut. Some 60% to 70% of the product we produce is exported to someplace around the world. If that tap is turned off immediately, that would devastate the rural economy and our producers' livelihoods.

So we look after our animals. We care about their health. Healthy hogs are happy hogs, is the saying I was brought up with as an eight- or 10-year old. We want to keep our pigs happy so they perform well and produce that great food that we can enjoy on our barbecues.

Mr. Daryl Kramp: Thank you very much.

Mr. Carere, thank you for your suggestion. I certainly, as a committee member, had quite frankly never taken into consideration the reality of custom grazing. Yet I have a number of sheep producers in my riding, and when I think about it now, yes, they're not always in an enclosure, certainly not at a time when the wool is waiting to come off.

We have natural challenges, with coyotes and predators and everything else that's out there, but certainly the last thing you need is an infiltration of people who have no understanding of the business. Quite frankly, what could be more gentle and what could be more, I suppose, accommodating than a simple animal, literally I'd call them sheep, and have them grazing comfortably, and certainly wouldn't need to be impacted by protesters?

Can you give me your personal thoughts on that as well?

Mr. Marc Carere: Thank you for bringing that point up.

One of the examples that I was giving was solar park grazing. Many of us have seen the solar facilities. There are many, many acres of panels there. The traditional way to manage vegetation there is through onerous and

mechanical means and try to trim that. We're very proud to be involved in a number of initiatives—and we have producers that are involved—pushing solar grazing. They're using livestock to do that vegetation abatement.

One of the operations that I'm thinking of in particular is near a fairly large urban centre. Most of the people are very intrigued and very enthralled by the process, and they think it's very wonderful.

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But as you said, they are exposed there, and potentially—

The Acting Chair (Mr. Mike Harris): One minute.

Mr. Marc Carere:—someone might want to use that as—

The Acting Chair (Mr. Mike Harris): Sorry, you have one minute remaining.

Mr. Marc Carere: [*Inaudible*] proximity means that [*inaudible*]. But certainly, yes, the pastures are not always right around the buildings and are part of what we do.

The Chair (Ms. Goldie Ghamari): Thank you very much.

Mr. Daryl Kramp: Yes, thank you. I believe I have time left?

The Chair (Ms. Goldie Ghamari): That concludes our time. We'll now turn to the official opposition. You have eight minutes. MPP Glover, you may begin.

Mr. Chris Glover: Thank you, everybody, for being here and for the presentations. I've got a number of questions written down here. I've been taking notes throughout these deputations, both yesterday and today. I'll tell you, it's a steep learning curve. It's a very fascinating conversation.

Let's see. I'll ask my first question of Eric. You were talking about how ROMA supports the higher fines for trespass because that will help recoup the costs of enforcement. It seems that enforcement of current trespass, harassment and biosecurity laws has been one of the issues. Can you talk about the challenges of enforcement of the current laws and the funding that you need at ROMA at the municipal level?

Mr. Eric Schwandt: I'm not too sure if that was directed to me or to ROMA.

Mr. Chris Glover: Oh, sorry. I got the wrong name there. Allan. Sorry; my mistake. I misread my own notes. My apologies, Eric.

Mr. Allan Thompson: Not a problem. It's good to see you again, Chris. I think the last time we saw you was back in February there. You do have some experience. I understand you worked on a farm in the Binbrook area.

Mr. Chris Glover: I did, yes.

Mr. Allan Thompson: But to get back to what it is, cost recovery is huge and, to me, this really defines what role we need to do municipally. We haven't had that before. It was always a grey area, and I think that the demonstrations—everybody has the right to demonstrate, but when things go awry, we need guidelines.

To me, this is one thing about this bill. I was quite surprised—putting my municipal hat on, not just as a farmer—that it's quite balanced, but has acknowledged

the issue that everybody has a role to play. So cost recovery is huge, but it also tells us what our role is. In the bill, it also identifies, as farmers do, they need to define their areas so that we know what our role is, but also to protect the protester. I think everybody has a role to play. If everybody is doing it safely and we're not having a problem, this bill wasn't necessary. But I think when things came to a crisis, we needed to identify what everybody's role was.

Cost recovery is huge. There is a huge amount of cost and time and resources that we have to rely on. Especially when we're tying them up there, they're not doing their other jobs. So I'm really grateful that they found a real balanced approach. I think to me, the way it is laid out, I am very happy on how the bill was put together.

Mr. Chris Glover: Okay. So there's that trespass section of the bill, and the more controversial section of the bill is what's been described as the ag gag. It's the one that's being constantly brought up. There have been three lawyers and now a professor today who have said that this is going to be challenged; there's going to be a constitutional challenge on this, and it probably won't withstand the constitutional challenge because, for example, it impedes the power of investigative journalists to do the work that they do, often by posing as an employee for a year and investigating the workplace.

Are you open to finding other ways to achieve the goals of dealing with trespassing and harassment without treating it as a constitutional challenge?

Mr. Allan Thompson: The constitutional challenge I'm going to have to leave for lawyers. I have yet to see one lawyer agree with another one. I think it doesn't matter what it is; I think it has given them a job to do. And I think it doesn't matter what we try to do, Chris. Anything is challenged. I mean, look, municipally, we're at the board for—it doesn't matter what decision we make as a council. It doesn't matter the planning or what it is. I think it's just part of democracy and we just have to go through the process.

What we're trying to do is find an even balance and leave it to the legal experts to have at it, because I'm not a legal expert, to determine one over the other. I think our job here is that we're trying to find protection for everyone. If something goes sideways, how do we protect everybody?

So I think this is a good guideline to start with. If it gets challenged, it gets challenged. It's just part of the process. It doesn't matter what we do; we'll be challenged.

Mr. Chris Glover: Okay. Thank you.

John is looking very intrigued at this moment, so I'm going to pass it over to John and let him ask some questions as well. Go ahead, John.

Mr. John Vanthof: When I look like that, it's not often "intrigued."

I'd like to go back to Allan on the constitutional challenge. I was on councils for years, too. But there have been very few concerns raised among deputants about the actual trespass part of the bill, the part when people come onto your farm yard and people—there have been very few

concerns. That part of the bill has, I would say, been readily accepted. There have been also some comments that maybe we should look at harassment and look at the laws on harassment, because there have been cases of harassment.

But there has been a red flag raised on the constitutional challenge. Eric raised the point—and I appreciate that point: He wants farmers to have equal treatment as everyone else. I fully agree. Where the constitutional challenge is, is if the argument can be made—and I'm not a lawyer either—that we're asking for preferential treatment by, perhaps, stopping investigative journalism. That's no longer asking for equal treatment. And if you lose that, it could hurt you much more than help you. I think that's what Chris was trying to get at.

Have you looked at any other way, can you look at any other way, to avoid that press fight? Because it's going to be a fight, if you've been watching these hearings. Is there any other way we can address the issue without risking the reputation that Marc and Eric and Allan and Keith, the last presenter, have worked so hard to build? That's the question.

I've mentioned Eric. Eric, maybe you'd like to take that.

Mr. Eric Schwindt: Thanks, John. Yes, reputation is key for any business in any industry, but more so for the family farm because we're so proud of what we do; it's everything we do. The ag gag law: Whether there's another way to do it, I'm not too sure—

The Chair (Ms. Goldie Ghamari): One minute left.

Mr. Eric Schwindt: —but it is very important that we have protection in our barns and that people coming onto our property respect our standards of care. If I have an employee that sees something—a pig gets sick and needs treatment—I expect that employee to go treat the pig, not bring a video camera out and make up a problem that really isn't there. That's the balance we're trying to afford here. I'm not saying that anything is perfect, but we do need that protection under the law.

Mr. John Vanthof: No further questions.

The Chair (Ms. Goldie Ghamari): Thank you very much. We'll now turn to the independent Green Party member. MPP Schreiner, you have six and a half minutes. You may begin.

Mr. Mike Schreiner: I certainly appreciate that. I appreciate all of the presenters coming today.

Marc, unfortunately, some of your presentation got a bit garbled there. I was thinking maybe I'll ask my Conservative members to up the budget for rural broadband, so we can hopefully fix that problem for you.

You had talked about pasture and the protection around pasture. My initial thought was, well, if we could define it as public property—but you also pointed out that people are pasturing animals on crown land in some places and on other people's property in other places. I'm just wondering if you've thought about how the bill could be amended to address the issue that you brought up.

I think you're still on mute, Marc.

Mr. Marc Carere: Sorry about that. I think we just have to include those in the, what do they call them—“animal protection zone,” I believe is the right term. I mean, they are part of the enterprise. They are part of the function of the farm. As a matter of fact, we know the value of grazing. If we're limited to only what's around buildings, that also doesn't actually, quite frankly, address farm fields. I raise crops, and we turn our sheep out into crop aftermath, like soybean stubble or wheat stubble, and those are pastures for us. So that's what I think that we need to [*inaudible*] in the bill.

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Mr. Mike Schreiner: Okay, thanks for that, Marc.

Chair, there's a lot of background noise. Maybe muting some people would help. Thank you.

My next question is for you, Allan, and I think you have a very unique perspective, being a farmer, a mayor and chair of ROMA. One of the balances I'm looking for is: How do we protect the home and the workplace—which I know you, Eric and Marc, have all talked about—while at the same time protecting people's constitutional rights, of which there are some serious questions about in this bill? One of the things I've been thinking is that if we would just enforce trespass law, and actually enforce it properly, maybe increase the fines as an additional deterrent—I'm thinking you're probably as well positioned as anyone to maybe comment on the lack of enforcement of our existing trespass laws and how, maybe, we could beef up that enforcement so maybe we don't have to worry about the constitutionally problematic parts of the bill, but still achieve the objectives.

Mr. Allan Thompson: Happy birthday, by the way.

Mr. Mike Schreiner: Thanks. I was hoping nobody would bring that up today.

Laughter.

Mr. Allan Thompson: Oh, I had to.

The Chair (Ms. Goldie Ghamari): Happy birthday, MPP Schreiner. For that, I'll give you an extra 10 seconds as your birthday present.

Mr. Mike Schreiner: Okay. [*Inaudible*].

Mr. Allan Thompson: Yes, there you go.

So the trespass bill, Michael: What it does is—the only way we can enforce it is if it's in a bill. This really helps municipalities to be able to give us the guidance that we need to be able to enforce, in a way. And this is the problem: We're a product of the province, and the way our bylaw abilities to do things—that's why the Solicitor General even had to come out and also give the bylaw, basically the authority for COVID. We're handcuffed, so to me, this really defines what our role is, and that's why it's important.

But, Michael, I'll use you as a really good example. I came home last night, and I've never seen the McLaren up close, but it was sitting in my corn field where my corn is already eight inches high, and a couple of young gentlemen of South Asian descent were posing, and another guy was taking a picture, right out in my cornfield on my road. So now I've got tracks all out through my cornfield and I had to go out: “Guys, what are you doing?” People don't

respect that that's a crop. And that's not livestock, but this is the problem we're having with trespass: People don't respect people's property. How would you like it if I took my big tractor and drove on your front lawn and started doing pictures? People don't understand where we work is where we live; it's our home as well.

But I think the way it's defined in safe-go areas, and I know where John is going with investigative journalism—I think there isn't a farmer that wouldn't be proud to show their story for investigative journalism. If they have to go in through the backdoor to do something, that really concerns me that there's an agenda there. To me, I do not think that's a problem. This is for the bad actors, but for me, municipally, this defines what our role is and what we can do.

We've never been able to get cost recovery out of a lot of things. We've got huge costs that are paid by the taxpayer that we have no way of recouping our costs from.

The Chair (Ms. Goldie Ghamari): One minute left.

Mr. Mike Schreiner: Allan, do you think we could address that with the trespass part, which increases fines, can do the cost recovery—it has some damage recovery elements to it—and get rid of the constitutional, problematic part, which is really the false pretenses part? If that trespass part was there, would that help you with enforcement?

Mr. Allan Thompson: Yes, it would. Absolutely, Michael. I think you're on there. Again, I'm not going to start defying law, because then I could get into a whole lot of trouble. I get into enough trouble on the London board.

But no. To me, I think that trespass law and the fines are definitely a big help to municipalities, and I think going forward, we're just all learning, collaborating, working together, figuring out how to do this. And yes, you know what—

The Chair (Ms. Goldie Ghamari): Thank you very much. This concludes this round of questioning. We'll now return to the government side. MPP Barrett, you have eight minutes. You may begin.

Mr. Toby Barrett: First of all, happy birthday to Mike. I feel I'm right there with you celebrating. I don't know whether you're going to take the rest of the day off or not—

The Chair (Ms. Goldie Ghamari): Sorry; my apologies. I just paused the time. I keep on forgetting to do this.

MPP Smith has joined us. I just need to confirm that it's actually him. MPP Smith, can you please confirm that you are MPP Smith, and that you are present with us today?

Mr. Dave Smith: I am MPP Smith. I am present, and I am here at Queen's Park in a separate room from you.

The Chair (Ms. Goldie Ghamari): Thank you. For clarity, it's MPP Dave Smith from Peterborough-Kawartha.

MPP Smith, did you just confirm that you are in Ontario?

Mr. Dave Smith: Yes. I am here at Queen's Park.

The Chair (Ms. Goldie Ghamari): Thank you very much.

I'll now restart the time. MPP Barrett, you may begin.

Mr. Toby Barrett: Thanks again. Thank you to Allan Thompson and our rural municipal representatives for the motions that were passed and the awareness across rural Ontario of some of these issues. I've certainly met with farms about this, and I've met with local municipal leaders as well.

I just wanted to continue on biosecurity with both the hog farmers and the sheep farmers. As it was said, to give you a bit of my background, I'm Shropshires. That lets you know how long ago it was that we had sheep, although my cousin next door just brought in some Suffolks. Those are the fence-jumpers. I don't know whether my grandfather would have approved of those.

But I know a little bit about sheep diseases. There are so many sheep diseases, and the fragile nature of sheep at lambing time and any disruption—we could never keep them in, and if they get out, you end up chasing sheep all night. But anyway, I could go on and on about sheep.

There are so many sheep diseases, and the other concern—I don't care who goes first, but again, with respect to Eric, African swine fever: Some of us worry a great deal about that and what's going to come along next. I think you made mention. The last time I was in a hog operation, at the door, I had to take all my clothes off, have a shower and then put on clothing provided by the operators. It was a fantastic facility down our way. I was really quite impressed—and I have a bit of experience with hogs as well.

I would ask—whoever wants to go first, either Marc or Eric—the myriad range of diseases and the measures of prevention that have to be taken into consideration as far as the health promotion of herds: Could you just give us a bit of a rundown, for those of us who are a little out of touch now?

Mr. Eric Schwindt: Sure. Marc? Okay, I'll just jump in first and then hand it over to you.

On the pork side of things, the amount of effort we spend in on biosecurity and disease prevention is at the top of the list of our priorities. Preventing disease is goal number one. As you said, if African swine fever came into this country, the industry would be devastated because two thirds of our industry would be gone. Showering facilities, washing trucks when they pick up a load of hogs, downtime for producers—for example, if I visit a hog operation today, there's no way I'm going into another producer's barn the same day. [*Inaudible*] at least 24 hours, ideally 48 hours, to prevent that transmission, and it's for food safety.

We're doing this properly. We're doing it well. Reducing the use of antibiotics, preventing disease: That's all about cleanliness and hygiene.

Marc, maybe you have some more words?

The Chair (Ms. Goldie Ghamari): Marc, my apologies. You have to—thank you. Your mike is unmuted now.

Mr. Marc Carere: Okay. I totally agree with Eric. We're in the same boat here as large sheep operations now have become [*inaudible*].

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As an industry, I would say I would like to add that we have been involved with other commodities on a national

level for animal disease outbreak, trying to get an understanding of how best to control that, as we've recently seen with the COVID. How do you stop a disease from spreading, and spreading rapidly? These are issues that are very, very high on our agenda.

We also recognize that in livestock, it's the weakest link. So if one livestock species is not doing its job, it can compromise others. As well, if people are not respecting those things, it can compromise the whole food system. So the initiative that we're involved with on the national level, and some large-scale food companies and manufacturers, processors, it's a big deal for everyone in the industry. Food biosecurity and safety cannot be overstated, in my opinion.

Mr. Toby Barrett: I might just jump in as well. One thing within our family is about—we had Scot shorthorn beef before I was born. My grandfather had this herd. We lost the whole herd. We had to put down every single animal, and this was the brucellosis or Bang's disease. My father caught it as well. I didn't go to school for a year.

There are the concerns with certain diseases, the zoonotic, the transmission of the diseases. This transmission of disease is not just from mosquitoes and not just from ticks or from bats or monkeys. And who knows what mutation, what may come along next? I think of E. coli—

The Chair (Ms. Goldie Ghamari): One minute left

Mr. Toby Barrett: Maybe guys like me are immune to some of this stuff, having grown up with livestock, but any common threat to human health if somebody walks into a barnyard, regardless of the breed of the animal?

Mr. Marc Carere: Certainly, in the sheep industry there are diseases—there's the border disease—for which pregnant women are not to be around sheep at certain times if there's a concern of having that. So that is one that comes very quickly to top of mind to me. There certainly are diseases that are transmittable, like you said: zoonotic diseases. I would not know the whole list of them, but yes, I would say significantly, and we're just beginning to understand this better, perhaps, now with this COVID stuff: how things get transmitted and where they come from. I don't think we can overlook that one either. Agreed.

Mr. Toby Barrett: Thank you, Chair.

The Chair (Ms. Goldie Ghamari): Thank you very much. We'll now turn to the official opposition. In the interests of time, I gave the government side seven minutes, and you will also have seven minutes because we have a hard stop at noon. You may begin. MPP Vanthof, you have the floor.

Mr. John Vanthof: I'd like to pick up where people left off on biosecurity. I think, from our perspective—as a former farmer, as NDP ag critic—biosecurity trumps all. Let's make that absolutely crystal clear. I've lived on a farm my whole life, and I had salmonella as a kid. I wouldn't wish that on anyone.

I'm going to go back to the whistle-blower part. This is an example that has been given to me, and this is the type of stuff that might catch you. So you get hired on a farm, and you are on a farm, at a processing facility, and you are not an activist; you are working for a job. You work on

that farm for a year, you identify something—actually, the way I read the legislation, it doesn't have to be livestock-oriented; it could be labour-oriented. You identify it to the owner—and 99% of farmers and processors are 100% great people, but laws are made for the 1%. You identify it to the owner [*inaudible*]. So what do you do? You go look for another job. You find another job, and on the way out, the manager or the owner tells you, “Oh, by the way, if you say a word”—and guess what? This bill. Now, you as an employee have been fully trained on a biosecurity protocol. You have done that biosecurity protocol the whole time. You weren't released from your job because you didn't do the biosecurity protocol. You left the job because you didn't feel safe or respected, but at no time did you harm biosecurity. Under this legislation, the way it is, a year later, you could say something and be charged. That has absolutely nothing to do with biosecurity, and that's where this bill hits a problem.

For good employers—and 99% are great employers, but in the words of Premier Ford, last week in question period, every profession has bad apples, and that's where we get caught. We need to find a way—I want this bill to be as strong as possible for farmers, but if this bill gets beaten constitutionally, then you're left with less than zero, you're left with less protection and less trust. So we need to find a way to overcome that. Anyone can take that. Who will? Allan?

Mr. Allan Thompson: Yes. If I can, I'll use a prime example. Good point, but I'll use two examples. In Caledon, we had a goat farm and we had a dairy farm. We had two employees come in, and both of them made fictitious videos and immediately quit and tried to do it. We had police investigations, OMAFRA—we had everybody in. To me, they're both normal operations, and the owners said they were just shocked that this employee would actually do this. They had gone to—they were part of PETA, unknown to them. They said, “Are we supposed to vet our employees?”

What you're asking, John—I'm being the devil's advocate—is, does this mean that we have to vet everybody before they qualify to work on a farm? Do we have to hire an HR consultant to go through a person's background so that you don't get yourself into a jam? I'm being the devil's advocate; I'm coming from a completely different angle. In the experience that I've found with two farms, [*inaudible*] normal operations that got [*inaudible*] injured in a way, but I'm just saying: This happened last year on both of those, one in June and the other one in August. So there you go. And it goes right back to—

Mr. John Vanthof: I understand that. I appreciate that, Allan. I understand that. But you do realize that the challenge is when you're asking for something—there's a show on TV, W5, and they're asking to be exempt from ever being investigated by W5. And that's the part where this bill is weak on.

Mr. Allan Thompson: I disagree. I don't think it does. I think if you ask for permission and that's who you are and what you're doing—even when I had my dairy operation, if W5 wanted to come, “Come on, I've got nothing to hide on my farm.”

Mr. John Vanthof: On my farm as well. But the legislation isn't [inaudible]. If everyone did everything right, we wouldn't need the legislation.

Mr. Allan Thompson: Exactly. This is for bad apples, right?

Mr. John Vanthof: Yes, but we have to be careful. That's—

Mr. Allan Thompson: I'm not a lawyer.

Mr. John Vanthof: And neither am I. I just don't want to lose all the legislation if it gets beaten constitutionally on only that part and see farmers get dragged through the mud on only that part. Because in the bigger picture, that's never going to be—it's a very finite—it's a detail—

The Chair (Ms. Goldie Ghamari): One minute left.

Mr. John Vanthof:—and we will get dragged through the mud, either way. And if we lose, we will lose the very important trespassing part as well, and we have to start at square one. That is a huge problem, and that's what we are wrestling with as we speak.

Interjection: How do you do that?

Mr. John Vanthof: Because—

Mr. Eric Schwindt: If I could jump in, just quickly for a second, from Pork's perspective: I'm not a constitutional lawyer either. I don't want to go down that path. But looking at other remedies, my understanding is that the PAWS Act would give that whistle-blower an avenue to report the issue, have it investigated properly by competent authorities and have the problem fixed, if it's deemed there is a problem.

The Chair (Ms. Goldie Ghamari): Thank you very much. That's all the time that we have. We have come to a hard stop at noon.

I would like to thank our participants. Thank you for being with us here today. You may step down.

Just a quick procedural matter: We will have no presenters for 5 o'clock. Therefore, our hearings will end at 5 p.m. today. We are currently in recess until 1 p.m. Thank you very much, everyone.

The committee recessed from 1200 to 1300.

The Chair (Ms. Goldie Ghamari): Good afternoon, everyone. The Standing Committee on General Government will now resume. We're here today for public hearings on Bill 156, An Act to protect Ontario's farms and farm animals from trespassers and other forms of interference and to prevent contamination of Ontario's food supply.

I'd like to thank MPP Smith for joining us in person today. He won't be on Zoom video anymore.

At this point, just to give a quick outline to presenters: Each presenter will have seven minutes to make their presentation. Following that, there will be a round of questions from members on the standing committee. I would like to ask everyone to please speak slowly and clearly. When your mike is unmuted, give it a couple of seconds, because there is a little bit of a delay.

If someone would like to say something, a reminder to all MPPs and also to participants to please physically raise your hand. Do not use the raised-hand function in Zoom,

because I will not be able to see it. I'm staring at the screen itself, so visual will work best. Thank you very much.

HUMANE CANADA

DAIRY FARMERS OF CANADA

CANADIANS FOR ANIMAL PROTECTION

The Chair (Ms. Goldie Ghamari): With that, I'd like to call upon Barbara Cartwright, CEO of Humane Canada. Please state your name for the record and then you may begin. You have seven minutes.

Ms. Barbara Cartwright: Thank you. My name is Barbara Cartwright, and I'm the CEO of Humane Canada. I'm appearing before you today to express our concerns regarding Bill 156 on the behalf of humane societies and SPCAs across the province and around the country, along with their millions of public supporters. Although our name is now Humane Canada, you may know us better as the Canadian Federation of Humane Societies. We were founded in 1957, and in April 2018 we changed our name to Humane Canada.

We are the only organization in Canada that represents humane societies and SPCAs. These are the very organizations in your constituencies that Ontarians depend upon, not only to care for abused and abandoned animals but also to advocate for greater care and protection of animals and to provide community resources, research and humane education.

These local organizations have served the Ontario public for more than 100 years, making them one of the oldest and most trusted social institutions in the province and, indeed, across the country.

In Ontario, we have 15 member organizations that stretch as far north as Thunder Bay and as far south as Windsor. Our membership proudly serves both rural and urban communities.

It's important to note that more than 30% of humane societies and SPCAs are empowered to enforce the law. They investigate more than 100,000 complaints every year. Here in Ontario, while that framework changed at the beginning of this year, for more than 100 years, our members enforced the law, which is an important distinction, as that experience provides us with a unique lens into this issue.

In short, our members see the results of abuse, neglect and harm and understand the shortcomings of our legislative and enforcement frameworks.

Humane Canada has a long history of working to advance the welfare of farmed animals through legislation, regulation and standards. For 40 years now, Humane Canada has worked alongside the agriculture industry to develop Canada's codes of practice with regard to on-farm animal welfare.

As a founding member of the National Farm Animal Care Council, we advocate for continual improvements to the standards of care for farmed animals that are included in the codes of practice.

Furthermore, on behalf of our Ontario members, we worked closely with the Ontario government last year to

develop the new PAWS Act that came into force at the beginning of this year.

First of all, we'd like to be clear that Humane Canada does not support actions that threaten farmers, their families or animals on their farm. However, we want to be clearly distinguishing trespass issues from animal protection issues. We are concerned about any measures that reduce transparency and accountability in the farming system, thereby increasing the vulnerability of farmed animals.

It is critical to understand that Ontario's animal protection system is complaints-based. That is to say, an investigation into allegations of animal abuse, no matter where they originate, cannot begin until a complaint is submitted. Without a complaint, there is simply no enforcement.

It is well established that people who would report wrongdoing, especially employees, will not do so in a climate of fear and reprisal. Bill 156 creates that climate of fear and retribution for farm workers, who are already often in vulnerable positions due to their socio-economic circumstances. The broad offences and powers, together with inordinate levels of penalties, will serve to intimidate anyone from coming forward for fear of harsh and disproportionate reprisals.

Farm animals are highly vulnerable due to the lack of external oversight. There are no regulations pertaining to on-farm animal welfare. Canada's codes of practice are industry-driven and voluntary. In Ontario, the assessment of their implementation or assurance programs are industry-led.

With such little oversight, inspection or surveillance, audiovisual evidence has become an important part of complaints of animal abuse. For example, undercover footage from a dairy farm in Chilliwack, BC, revealed workers viciously kicking, punching and beating animals with chains, metal pipes, canes and rakes. This resulted in seven employees being charged with 20 counts of animal cruelty, culminating in jail sentences for certain employees and fines for the company. Dairy Farmers of Canada's statement regarding this case was clear: that they supported strong animal cruelty laws to better protect animals. But without reporting and enforcement, there are no strong laws; they are only on paper.

I want to share another example with you. While it focuses on companion animals, it demonstrates our concerns about freedom for employees who would report and the complaints-based enforcement system. In 2016, four former employees came forward regarding the treatment of animals at a vet clinic in St. Catharines, Ontario. They submitted a dozen surveillance videos as evidence of the abuse to the College of Veterinarians of Ontario. To be clear, these were not animal activists or undercover journalists who secured a job to expose animal cruelty. They were regular, average employees. Once the evidence was released to the public, enforcement officers were notified and began an investigation, laying 16 criminal counts of animal cruelty. However, all charges of animal cruelty were dropped by the crown because the investigation was launched, and a warrant was received, without a

formal complaint first. Our animal protection system depends on complaints, and the offences and penalties in Bill 156 ensures no one will complain about cruelty on the farm.

In the past seven years, there are increasing complaints with audiovisual evidence coming forward regarding farm animal abuse. You heard about them yesterday and you've received the documentation. Humane Canada has serious concerns that instead of increasing transparency and oversight in response to such horrific examples of cruelty on the farm, industry and government are choosing an approach that does the opposite: It increases security and leaves animals unprotected.

Here are the clauses in the bill in which we have specific concerns: Subsection 4(4) prohibits interference or interacting with a farm animal or carrying out prescribed activities without prior consent of the owner or occupier of that farm, facility or premises. It implies that actions to protect an animal from harm or distress require consent. Where animals need immediate protection or where evidence needs to be gathered to support a complaint, individuals should not be legally prohibited from doing so without the consent from the owner or the occupier, who may have an interest in preventing the complaint. It's similar in function—

The Chair (Ms. Goldie Ghamari): One minute.

Ms. Barbara Cartwright: —with regard to the transport of farm animals.

I'll move along right to the end and just say, in closing, that transparency and accountability are core requirements of a strong agricultural sector with a social licence to operate. As you heard yesterday from Dr. von Keyserlingk from UBC, ag gag laws such as Bill 156 not only harm animals and farm workers; it will also harm the agricultural industry.

On behalf of humane societies and SPCAs, the community organizations that specialize in animal protection and support your ridings, I urge you to oppose Bill 156. Thank you for listening.

The Chair (Ms. Goldie Ghamari): Thank you very much. We'll now turn to Dairy Farmers of Ontario—they are here. Could you just please raise your hand physically to confirm? Heather MacGregor and Shikha Jain? Thank you very much. You have seven minutes for your presentation. Please state your name for the record, and you may begin.

You have to unmute your mike.

Ms. Shikha Jain: Hi. Sorry about that.

The Chair (Ms. Goldie Ghamari): That's okay.

Ms. Shikha Jain: My name is Shikha Jain, and I'm from Dairy Farmers of Ontario. Thank you very much for having us here today.

Do you want me to just begin?

The Chair (Ms. Goldie Ghamari): Yes, please.

Ms. Shikha Jain: Okay. On behalf of the 3,400 dairy farms, our board of directors and our executive team, I would like to thank you for your time today to speak on Bill 156, the Security from Trespass and Protecting Food Safety Act.

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As part of the industry for the past many years, we have seen farms subject to protests and opposing expressions of viewpoint, but mostly peaceful protests at the end of our laneways. However, in the past few years, farmers have been subjected to aggressive activists who are crossing our lines. There are unauthorized farm visits, trespassing, seizing of property, biosecurity risks that are putting the food supply in jeopardy, and threats to farmers that are causing genuine concern and stress.

Over the past couple of years, I've personally spoken to many farm families regarding their fears about their safety and that of their families. They're stressed about their animals and biosecurity implications for unauthorized and unwelcome guests. Unfortunately, police have been challenged in fully being able to respond to these situations as the Trespass to Property Act does not effectively deal with all instances that they face. We are very much appreciative of the government's swift and decisive action to take this matter seriously.

Like other agriculture groups, Dairy Farmers of Ontario takes their animal welfare responsibilities seriously. DFO recognizes that the health and proper treatment of animals on all Ontario dairy farms is critical to the success of the entire Ontario dairy industry. Dairy farmers do follow the National Farm Animal Care Council's codes of practice for the care of farm animals. We have nationally recognized standards of care in this area. Animal welfare is also protected under the newly enacted PAWS Act as well as in the Criminal Code. Further, through our raw milk quality program under provincial legislation as well as our proAction program, DFO actually has statutory authority to enter a premise, and we conduct inspections on a regular basis to ensure compliance with animal care requirements. DFO wishes to assure you that all of these protections in animal welfare and those for the quality and safety of food supply will remain in place should Bill 156 receive royal assent.

Why is this bill needed? Once passed, this legislation will better protect farmers by taking a harder line on trespassing and by providing greater tools for law enforcement officials to deal with the growing issue of animal rights activism and farm trespass. Ontario dairy farms highly value their livestock. We understand that health and welfare is a critical part of our success. Not only that: We take pride in the work that we do as an industry to provide high-quality milk to consumers through a safe and reliable system. Notwithstanding that, a producer's own often generations-long commitment to husbandry, consumers and the public shows that animal treatment on farms is governed by a strict code of practice, government regulations and national standards of care.

The quality of Canadian milk is a competitive advantage in the marketplace, particularly as Ontario becomes more open to foreign milk and dairy products due to trade concessions. Our reputation for quality becomes even more important when we're looking at our success. As an industry, dairy farmers are also interested in making sure that animal welfare is taken seriously.

When we have any types of breaches on animal care, we encourage and expect that it will be reported. We wish to be very clear: Anyone who believes that they've seen an instance of animal abuse should report the instance to the appropriate authorities. This reporting should be done immediately while the immediate distress of an animal is being faced, is being alleviated, and not really been collected for periods of weeks or months. Animal care is of the utmost importance.

Despite this long-standing interest in the welfare of our animals and the safety of our food supply, dairy farmers, like all farmers in Ontario who have animals on their farm, are increasingly being targeted by so-called activists for animal rights. Our families, our businesses and our property are regularly being targeted by these activists. Most of our farm families live on the farm. These unauthorized visits on-farm are causing stress and safety concerns to our farmers. This is a real issue, and it requires real protection for farmers, their families and their employees. It is for this reason that Bill 156 is urgently needed.

Additionally, Bill 156 goes a long way toward protecting the integrity of our food system. Delivering safe and quality food is of critical importance to Ontario's food supply chain and to Ontarians' confidence in the high quality of food that they consume.

One thing that the COVID-19 pandemic has made clear is that Canadians are, not surprisingly, reliant on the safe, secure and consistent supply chain. Instilling confidence that our food supply chain has not been tampered with, that strict biosecurity measures are in place to protect Canadians, must be of the highest priority. To date, dozens of Ontario municipalities have passed resolutions and expressed support for local council resolutions calling for strengthened protections for those found in Bill 156. This broad and extensive support reflects the need for the bill to receive royal assent in an expedited manner. DFO recommends that when regulations under this legislation are drafted, the protections are extended for animals at fairs and exhibitions, as well as other public events.

In addressing some of the criticisms that we've seen of the bill—

The Chair (Ms. Goldie Ghamari): You have 30 seconds left.

Ms. Shikha Jain: Okay. Maybe we can address those in question period.

To sum up, we just wanted to reiterate the importance of Bill 156. We have excellent practices on animal welfare and we take that matter very, very seriously. If we have any breaches of code of conduct or any of our regulations, we stand very strongly on swift action.

I'd like to again thank you very much. In conclusion, we'd like to say that Bill 156 is an important piece of legislation—

The Chair (Ms. Goldie Ghamari): Thank you very much. Sorry to cut you off. That concludes your time for the seven minutes.

We'll now turn to Canadians for Animal Protection, Sandra Schnurr.

Ms. Sandra Schnurr: Yes. Thank you. Good afternoon, members of the committee—

The Chair (Ms. Goldie Ghamari): Thank you. Please state your name for the record before you begin and you'll have seven minutes. Thank you.

Ms. Sandra Schnurr: Okay. I'm off mute, am I? Can you hear me?

The Chair (Ms. Goldie Ghamari): Yes, we can.

Ms. Sandra Schnurr: Okay. Thank you. My name is Sandra Schnurr. I'm the head of a small non-profit called Canadians for Animal Protection. If some of my remarks today are somewhat repetitive of comments previously made by other speakers, then please bear with me because I didn't have the opportunity to hear all of the other speakers.

Our main concern is that Bill 156 effectively makes it illegal to expose cruelty in the animal agriculture industry. Whistle-blowers perform a useful function in society by informing the public of unknown facts that would otherwise remain a dark secret.

The public has a right to know the conditions under which their food is produced. They have no other way of finding out what actually goes on behind the closed doors of factory farms and slaughterhouses, and as a result, most Ontarians are not aware, for instance, of the extent of suffering that farm animals are forced to endure; the unsafe working conditions often faced by farm and slaughterhouse workers, many of whom are vulnerable, temporary foreign workers; and the unhygienic conditions in which food animals are sometimes raised.

There are many, many examples of shocking and controversial farm practices that have only come to light because of the work of undercover investigators. These include, for example, grinding up live baby chicks in macerators for fertilizer because the chicks are clinically unsuitable, and beating undersized piglets to death by repeatedly bashing them into the ground while holding them by their feet. This is a standard form of so-called euthanasia known as "thumping," and it's considered perfectly legal and acceptable in the industry.

Other practices that have been recorded by undercover people include keeping mother pigs continuously confined in gestation crates so small that they cannot even turn around, and castrating baby male pigs by cutting out their testicles without any anaesthetic whatsoever.

Workers have been filmed punching and beating turkeys, bashing in their heads with shovels and leaving turkeys to suffer with rotting eyes and festering infections without any veterinary care. And these are just a handful of examples of many other instances. It's only because of undercover investigations that these types of incidents have come to light, and in all cases, they were undertaken by individuals who got a job working at the facility with the express purpose of documenting conditions with a hidden camera, which, of course, is about to become illegal under Bill 156.

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If Bill 156 had been in effect, none of those or other instances of animal suffering would have been exposed

because the false-pretenses clause would have prevented the investigators from getting jobs in these places in the first place.

In addition to revealing animal suffering, such exposés have also disclosed unhygienic conditions where food animals are being raised and processed. We find it ironic that Bill 156 is supposed to help preserve the safety of food, but it will outlaw the very activities that have revealed such things as instances of dead carcasses left to rot among living animals, and animals crammed together in such crowded conditions that they routinely lie in their own excrement, and barns filled with so much ammonia from urine that it causes a person's eyes to water and requires the use of a face mask, even before COVID-19.

Members of the public have a legitimate interest in learning of the physical conditions in which their meat is raised. In the absence of mandatory training and frequent, unannounced and thorough government inspections, undercover investigations fill a critical role.

Another aspect of the bill that concerns us is that it will curtail the right of peaceful protest, including demonstrations on public property. It will also ban interaction of any kind with the animals, so giving water to a thirsty pig in a sweltering transport truck, as the activist Anita Krajnc, from whom you heard earlier, had done, that will in itself be an offence. At the time that Ms. Krajnc was prosecuted and acquitted for mischief in providing water to a thirsty pig, federal law allowed pigs to be transported without food or water for up to 36 hours.

The Chair (Ms. Goldie Ghamari): One minute left.

Ms. Sandra Schnurr: Now that has been reduced to 28 hours. That's still an agonizingly long period in the middle of the summer for an animal to go without any water when it's crammed with many other animals inside a hot metal truck.

So, not only would giving water to a thirsty pig be prohibited in and of itself, but even reaching a hand inside the opening at the side of the truck to pet and comfort a doomed animal would be an offence. Even taking photos of the thirsty, suffering animals inside the truck would be prohibited.

Another objectionable aspect with Bill 156 is the section concerning trespass. As you've probably already heard, trespassing is already prohibited in Ontario under the Trespass to Property Act, and it carries a maximum fine of \$10,000. Generally, a charge must be laid within six months of the alleged—

The Chair (Ms. Goldie Ghamari): Thank you very much. That concludes the time for your presentation. We'll now begin our first round of questioning, starting with the official opposition. Who would like to begin? MPP Glover, you have eight minutes. You may begin.

Mr. Chris Glover: Let's see. I'll start with some questions for Barbara. I understand that there are two different perspectives on these. My question is, does the PAWS Act apply to farm animals?

Ms. Barbara Cartwright: It depends on what the offence is. There is an exemption in the PAWS Act for industry standards, for example, in other provinces—and

we asked the government to make this happen in Ontario but they have not yet because they wanted to do it through regulation, which hasn't moved forward to date. Other provinces have actually named the National Farm Animal Care Council's codes of practice as setting that minimum standard for industry practice. So if you are on-farm and you are operating under an industry standard then the act does not apply to you. But, for example, if you look to the Chilliwack case, I stated that what the people were doing on that farm—the seven people who were charged—is not industry standard. It is not standard to punch, kick, hit with chains and shovels [*inaudible*] turkey farm. That's why they had charges.

The problem with this proposed bill is that it will prevent people from actually complaining, and then that way we can't get an investigation to find out whether or not the industry standard is being adhered to or if criminal [*inaudible*].

Mr. Chris Glover: Let me just go back. I want a little bit more clarification on the answer. So the PAWS Act applies if the national farm animal standards of practice are not in effect?

Ms. Barbara Cartwright: Yes, or industry standard in general if it's not necessarily named. The codes of practice have been made in an effort to really encode the standards. I'll give you an example. Sandra mentioned thumping. On-farm, thumping is an acceptable euthanasia practice. However, if you were to thump pigs at home in your backyard and not as a farmer—say, myself—then that would be likely a criminal activity.

Mr. Chris Glover: So, on farms, if there is an industry standard of practice, that supersedes PAWS.

Ms. Barbara Cartwright: Yes.

Mr. Chris Glover: Okay, that's good. Thank you.

You said that before, the humane society was empowered to enforce the law, but now it's not. Can you describe that change?

Ms. Barbara Cartwright: Here in Ontario, the OSPCA, which is not a member of Humane Canada, stepped back from its 120-year enforcement authorities under its own volition. However, that also meant that humane societies and SPCAs across the province that were affiliated with OSPCA also had to step back from enforcing the law. Our members continued to work with the government to create a new enforcement system, and now the government of Ontario has taken enforcement internal to them and are enforcing with their own trained enforcement officers. However, the enforcement framework of being complaints-based has not changed.

Mr. Chris Glover: So they have enforcement officers in the provincial government?

Ms. Barbara Cartwright: Yes, for the PAWS Act.

Mr. Chris Glover: For the PAWS Act. But if there's an industry standard, then that won't apply to farm animals?

Ms. Barbara Cartwright: That's right.

Mr. Chris Glover: You also said that there had to be a complaint in order for an investigation—

Ms. Barbara Cartwright: Yes.

Mr. Chris Glover: So if there's no complaint, then there's no chance of there being an investigation.

Ms. Barbara Cartwright: No. Our system all across Canada is complaint-based. That's why I gave that example of the veterinarian in Ontario. Even though the footage had been released into the public and the enforcement officers took that as a complaint, basically evidence—as they'll say, if you look at it, it's like a police officer tripping over a dead body and then ignoring it. However, in the current system, there has to have been the complaint before the enforcement officers can engage in investigation or receive a warrant.

Mr. Chris Glover: Right. So your concern is that if this bill passes as is, then there could be no investigative journalists or other people going in and filming something and then exposing abuse.

Ms. Barbara Cartwright: Well, yes, that's one part. I'm more worried about the farmhands that work on the farm, similar to the veterinary staff who had worked there for years, saw this abuse and decided to record it and actually expose it. That's the very nature of a complaints-based system: You need someone from within the system to actually reach out and make a complaint so that investigation can happen. Certainly there are several pieces of this bill that also prohibit anyone from doing investigative journalism, going in and then exposing footage or exposing issues after. But broadly, Bill 156 will chill all people that work on farms or that are involved with farms from coming forward and reporting abuse, and we've seen how damaging that can be in other systems.

Mr. Chris Glover: Okay. The other question I have is: Several animal rights groups have said that they will challenge the constitutionality of this law. Will the humane society, or have you decided? Is that a possibility?

Ms. Barbara Cartwright: We have not decided, but we certainly understand and support the constitutional challenge.

Mr. Chris Glover: Thank you. How much time do I have, Chair?

The Chair (Ms. Goldie Ghamari): You have two minutes and 15 seconds.

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Mr. Chris Glover: Okay. My next question will be for Shikha. You were talking about the DFO's statutory power to enter and inspect premises. I'm assuming there is—actually, you know what, I'm going to pass this over. John, do you want to take some questions?

Interjection.

Mr. Chris Glover: Okay. He'll do the next round. I'll finish this round. So these inspectors were hired by the DFO?

Ms. Shikha Jain: Thanks for the question. They are hired by DFO, but their authorities and their accountabilitys lie to the provincial government. So we have OMAFRA, which oversees the piece of legislation that talks about the Raw Milk Quality Program, and we do the inspections through that to go onto farm.

We also have a secondary program called proAction. We have inspectors and auditors that go onto farm and one

of our pillars is animal welfare for that as well. We do work with the PAWS Act. The PAWS Act does protect farm animals. So we're both proactively going onto farm and, if there is an issue raised, then the inspectors at PAWS also get a call and we work with them as well.

Mr. Chris Glover: Okay, there I'm not clear then. Is there an industry standard for dairy farms that would supersede the PAWS Act?

Ms. Shikha Jain: It does not supersede the PAWS Act. We do have an industry standard, and the PAWS Act—

The Chair (Ms. Goldie Ghamari): You have 30 seconds.

Ms. Shikha Jain: —works in conjunction with the two. So they both stand. We have regulatory authority to shut off a farm and take away licences. The PAWS Act has the criminal side of it. So it does not supersede the PAWS Act, and we've worked very closely with them when they need our assistance.

Mr. Chris Glover: Thank you. I think we're almost out of time, so I'll pass it over to the Chair.

The Chair (Ms. Goldie Ghamari): Thank you very much. We'll now turn to the independent Green Party member, MPP Schreiner. You have six and a half minutes. You may begin.

Mr. Mike Schreiner: Thanks to all three of the presenters for coming to the committee today and taking the time. I want to start with Humane Canada, but before I do that, I just want to give you a shout-out for the really effective and very important work you did on the PAWS Act. I especially want to give a shout-out to the Guelph Humane Society, who sent me all kinds of recommendations which I passed on to the minister and was very happy that she incorporated that into the bill. Thank you for your good work on that.

I also want to say that one of my challenges this morning is that I've had to turn my camera off a few times because our family dog from the Humane Society keeps wanting to jump on my lap. Luckily, the kids are managing our dog right now.

I wanted to start, Barbara, by asking—some of your organizations who are supportive of this bill have said that we don't have to worry about this false-pretense clause or any of the concerns around investigative journalism or anything—whistle-blower protection or anything like that—because an employee, if they see abuse, has a duty to report. And they should report. But what you're saying, as somebody who has a lot of experience with enforcement, is that this bill essentially prevents them from reporting, or in many cases it probably makes it illegal for them to report. Can you elaborate more on that, given what we've been hearing from some others on this?

Ms. Barbara Cartwright: Yes, absolutely. I think it has even more just to do with—if you do any reading or background on whistle-blowing and why anti-whistle-blower legislation is so harmful and why we have whistle-blower protection in order to facilitate someone coming forward and not feeling like they might lose their job, they might face heavy penalties that they could never pay, they

might have to pay for the opposite side, or they might face reprisals, physical and otherwise, at work.

It's well established across all industries that we need to do more to encourage people to come forward. That's why we want more transparency and accountability in the system. That's why we want to work with farmers to absolutely protect everyone's safety, including the animals, which get lost in this conversation, and including the farmhands, who might need to report something.

I think that answered your question. Was that—

Mr. Mike Schreiner: It did. Thank you for that.

I've been concerned about that with this because, in many respects, without that—and most farmers do a great job; we know that. Every industry—even politicians—there are a few bad apples out there, right? So—

Interjection.

Mr. Mike Schreiner: Not you, John.

But my fear is that, if this bill would pass, there would be no mechanism for any sort of reporting and ultimately enforcement of those few people who are the bad actors. Would you agree with that, if this does pass?

Ms. Barbara Cartwright: Yes. I think that's the interesting part. You're right: There are lots of good farmers. We've spent most of our history of our organization working with farmers. But it's the bad actors that, if someone has to report them, are the ones who are likely to quell and quash and use this heavy—really, it's a huge-stick piece of legislation to make sure that their people, its farmhands, don't report. If it's a great farm and great farm owners or great industry owners, then they're likely not going to use this in this legislation. But we can't take that risk because, of course, it is the bad actors that we need to capture. That's why we need to protect farm animals: because they're so vulnerable without any external oversight to what's happening to them. So we rely on people to come and complain. It's the same with all animals.

Mr. Mike Schreiner: Right. Thank you for that.

I'm going to just switch gears to the Dairy Farmers of Ontario for a second. One, I think DFO does a great job. You've put in standards of practice. You're very good [*inaudible*] of a supply-managed industry, and working with farmers.

One of the concerns I have—and there's a lot of research that has come to committee backing this up—is that the trespass part of this bill is probably fine, and we should be enforcing trespass law better. But the ag-gag part of the bill—where we've seen that come into force, it has actually hurt the reputation of farmers, because the public is saying, “Well, what do they have to hide?” We've actually had some dairy organizations, I think, in particular, in Idaho, who have said, “You know what? Get rid of this law, because it's actually hurting us as dairy farmers.” I'm just wondering: Is DFO concerned about [*inaudible*] reputations happening here in Ontario—

The Chair (Ms. Goldie Ghamari): One minute left.

Mr. Mike Schreiner: —if this bill would pass?

Ms. Shikha Jain: Thank you very much for the question.

No, we are not concerned at all about that passing. We do believe in transparency. We have not at all said that

people don't have a right to an opinion or to raise concerns. When we talk about those on farm that could raise concerns, it's not just employees; we have lots of people who come onto farm: suppliers, veterinarians and then our own inspectors that come on.

So we have in no way supported stopping people from freedom of speech or opinion, nor do we believe that if there is a concern it shouldn't be reported. In fact, we want to help ensure that we have no abuse of animal welfare taking place on farm.

As far as the whistle-blowing, when you come onto any corporation or any company or any business under a false pretense—

The Chair (Ms. Goldie Ghamari): Thank you very much. That—

Ms. Shikha Jain: —there are—

The Chair (Ms. Goldie Ghamari): Sorry to interrupt. That concludes your time.

We'll now turn to the government, and we'll begin with MPP Smith. You have eight minutes. You may begin.

Mr. Dave Smith: My question is for Shikha as well. The NDP have been trying to frame this as a bill that blocks investigative reporters. We've had a number of activists who have come on and they've said that we're trying to stop them from doing their job. Everybody on that side, the NDP opposition as well as these activists, have said that the existing trespassing laws work. If the existing trespassing laws worked, would we be here today talking about what we're talking about with respect to this? Are the trespassing laws actually working?

Ms. Shikha Jain: We don't feel that the current trespassing law is working. We have had numerous times where police have not felt able to come on farm with the current trespassing act that's in place right now. So, no, that is—the purpose of having this bill is to make sure that farm and farm families are recognized as requiring, just like any other citizens, better protection.

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We also have large biosecurity concerns when people come onto farms, and protecting the food quality that we talk about and that's integral to our entire industry. We believe that this bill is required and presents a lot of additional pieces of legislation in here that further protects and makes it more clear on what that legislation stands for.

Mr. Dave Smith: They've also made the case, or tried to make the case, that this will stop protesters from protesting on public property. I've been through the entire bill numerous times now in preparation for this. We're stopping people from trespassing onto farms and we're stopping people from going into the animal protection areas, but nowhere does it say that you can't protest on public property. Do you have any problem with people protesting on public property in front of one of your farms?

Ms. Shikha Jain: Absolutely not. That's freedom of speech, and we have no problem with freedom of speech. We have been dealing with protests at the end of laneways for numerous years and have not come to government or anywhere else unless something goes astray. No, the idea

here is just about trespassing and getting into areas that unauthorized people should not be. So to answer your question, we have no issue with people protesting on public property.

Mr. Dave Smith: Madam Chair, how much time do we have left?

The Chair (Ms. Goldie Ghamari): You have five minutes.

Mr. Dave Smith: I think I'll turn it over to my colleague MPP Pettapiece.

The Chair (Ms. Goldie Ghamari): Okay. MPP Pettapiece, you may begin.

Mr. Randy Pettapiece: Thank you, Chair, and welcome everyone who's here now. We thank you for coming in and giving us your viewpoints.

I want to ask Barbara a question, if I could, concerning false pretenses, which you brought up a little while ago. Mr. Hardeman has travelled across the province to get input from a variety of groups on this legislation. The intention of the clause is to ensure that someone cannot lie to get access to someone's private property. Since it's obvious that there's a lot of misinformation going out and around about it, what would you suggest is an approach to this matter?

Ms. Barbara Cartwright: I think the way to approach that matter is to not have it, is to remove it, is to allow for somebody, an investigative journalist—if an interested individual gains access to a farm by applying for a job and recording and seeing what's going on, if they find nothing, then they move on. If they find something and then they release it, then they have found something, which is what we've been seeing with regard to this concept of false pretenses. The importance is protecting the whistle-blower and to get that information out so that it can be properly investigated.

Mr. Randy Pettapiece: So you consider it okay to lie to get onto somebody's premises?

Ms. Barbara Cartwright: That's not our approach. We don't take that approach—

Mr. Randy Pettapiece: But you're okay with it?

Ms. Barbara Cartwright: —enforcement of the bill, of the law, and we need people to be able to report, and freely report, in order for us to properly enforce our current animal cruelty and animal protection laws.

Mr. Randy Pettapiece: If somebody lied to get into your premises, would you be okay with it?

Ms. Barbara Cartwright: If something terrible was going on and they had to—

Mr. Randy Pettapiece: No, I'm not saying that. If somebody lied to get onto your premises, would you be okay with it?

Ms. Barbara Cartwright: As someone who is a CEO of an organization, if somebody gained access to my organization under false pretenses and then exposed sexual assault, rape, anything—stealing, people spitting—I have no idea what they would expose. But whatever they exposed, of course I would want to hear about it and I would want to make sure that my organization would look—

Mr. Randy Pettapiece: Okay, but if they expose nothing.

Ms. Barbara Cartwright: Well, if they expose nothing, then there's nothing to be exposed. I'll probably—

Mr. Randy Pettapiece: But you said you're okay with them lying to get onto your premises, if there's nothing there?

Ms. Barbara Cartwright: If they're doing an investigation, I'm fine with whatever they need to do.

Mr. Randy Pettapiece: Okay. Shikha, may I talk to you? Hi. Good to see you today. There's been a lot of talk, or some talk, about dairy farmers, or some other organization to do with the animal industry, are policing their own business, and sometimes—it has been brought up that this might not be as transparent as it should be.

I'm talking to Shikha, here—can you hear me, Shikha? Okay. I wonder if you would address that. Some of the opponents to this bill say that the animal industry won't patrol or it won't enforce things that they should do. So I wonder if you could address that.

Ms. Shikha Jain: Sure. I'm unmuted now, so thanks. We have our own program called proAction. We recently made a move to make that independent validators.

I'm going to speak to the Raw Milk Quality Program that we have under our regulation of the governing OMAFRA. While we have employed inspectors through Dairy Farmers of Ontario, those inspectors are accountable to the government directly. Shutting off the—

The Chair (Ms. Goldie Ghamari): You have one minute left

Ms. Shikha Jain: —farm that takes place is a report that goes strictly to the province. Our board of directions and our organization don't have control over that matter.

I don't know if that addressed it in a quick enough manner.

Mr. Randy Pettapiece: Well, I think that consumers are looking for transparency, and certainly, you need to know that information so that transparency issues can be put out to the public, so they can be sure that their supply of food is safe and, certainly, animal practices are safe on the farm, too. So that's the information we need. Thank you very much.

Ms. Shikha Jain: Okay, thank you.

The Chair (Ms. Goldie Ghamari): All right. We will now turn to the official opposition. MPP Vanthof, you have eight minutes. You may begin.

Mr. John Vanthof: Thank you to the presenters. Before I start, I would just like to set the record straight: This committee has been very non-partisan so far, but at no time has the NDP ever said that the current trespassing act works. At no time have we said that. We have been as equally frustrated with the trespassing part of this act as anyone here. I'd just like to set the record straight now, member Smith.

My first—we'll go to Shikha. As a former dairy farmer myself—and I'm sure it has gotten even tougher since I left the business, but the one thing I like to commend dairy farmers on is that the inspection process isn't complaint-driven; it's annual or, more often, and it's unannounced.

It's a true inspection. I actually, in the Legislature, compared that to the inspection process in long-term-care homes, and I was pretty complimentary to DFO's structure. I commend you for what you do.

The question I have is, the current act isn't working. You acknowledged that it wasn't working. The changed act—the fines are higher, and the people who trespass perhaps have to pay restitution if they are convicted, but basically, the enforcement doesn't change. So why is there a level of confidence that the new act will actually protect farmers any stronger than the old act at when it's happening, when the invasion—and it is: an invasion of the farm happens.

There is nothing in the new act that protects farmers at that moment any different than any old act. If the province didn't act with the old act, what's the guarantee it's going to act now?

Ms. Shikha Jain: I think that the—and thank you. I know that you're a supporter of dairy farmers, and I do appreciate that very much.

The new act certainly provides a lot more clarity on what is allowed and is not allowed, and what the government is taking a stance on as well. As you know, dairy farmers have a lot of their families that are on-farm. There have been large concerns about safety, unauthorized people and our biosecurity. Our biosecurity measures just keep increasing. Over time, we've put in new modules under proAction as well, most recently. There are a lot of concerns about the stresses on the animals as well as the families.

Having people come in that are not necessarily experts even on what they're looking at is very damaging to our industry as well. Often we hear reports of things that are perfectly good practice for animal welfare and taking good care, and this has been dragged through the mud unnecessarily.

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This is about added security to what rightful business owners and citizens are deserving to have, as well as the protection, again, of the biosecurity measures. When you have people on-farm that are unauthorized, that don't have the understanding of the biosecurity measures, that puts food security at risk; that puts our quality at risk. So this act provides better protection of that as well. But I thank you for the question.

Mr. John Vanthof: I appreciate your response. I agree with the response on the trespassing side. On the false pretenses side, I'm not so sure that the argument is as strong, because if someone gets—and not just on a dairy farm; on any farm or processing facility. I'll use my farm as an example. If someone thinks there's something going on my farm and they think the authorities haven't acted, and they get a job on my farm and I teach them my biosecurity protocol and they follow it, and six months later or a year later they leave my farm because of a labour practice, not [*inaudible*] and they've complained, I could still say that they're on that farm by false pretenses even though they have never, ever done anything regarding biosecurity. After you've left that farm for a year, the biosecurity argument no longer holds.

Why do I continue to bring this up? Because we've had legal experts tell us that this could be challenged and lost in court. And I do not want all the work the Dairy Farmers of Ontario—and I used to be on the board of the Dairy Farmers of Ontario—all the work that they have done to build the reputation that they have, to have that dragged through the mud on something that they don't even need. I'm searching why the whistle-blower part is even a thing for Dairy Farmers of Ontario, because you're doing such a good job, and I hope the board considers that.

That's more of a statement than a question, but the whistle-blower part—I don't know why Dairy Farmers of Ontario needs it.

Ms. Shikha Jain: Am I allowed to respond or is it just a statement?

Mr. John Vanthof: You are.

Ms. Shikha Jain: I can almost appreciate your sentiment; not quite, though. The reason I say that is that the end result here is animal care and animal welfare. We have all of these inspections, we have all of the regulations, we have all of the authorities—you've said they're excellent as it is. Having someone coming on-farm under false pretenses is not right from an ethical perspective. If their whole purpose is to expose something that's wrongdoing, why are we not trusting the authorities that government has put in place? Why are we not trusting all of the other areas to ensure that well-being? If you knock on a farmer's door today, you will be invited to come in. If you're saying you would like to understand how the animals are cared for, knowing farmers as well as you do, you know that they would nod and let people in.

The Chair (Ms. Goldie Ghamari): One minute left.

Ms. Shikha Jain: Sorry, am I—

Mr. John Vanthof: No, no. I fully respect that answer, and being intimately connected to Dairy Farmers of Ontario, I fully believe it. The only thing is, we are in a battle for the hearts and minds of the public. If you were working for a long-term-care home association right now, in the area that the government has under control, no one would give you a nod. I do not want to lose that nod that farmers have. The answer that the government or that we can expect ourselves, that isn't getting the nod of the general public right now, and I'm really afraid that agriculture is going to lose the hearts and minds of their consumers.

Thank you very much. No further questions.

The Chair (Ms. Goldie Ghamari): Thank you very much. We'll now turn to the government side for a final round of questioning. Who would like to begin? Please raise your hand on the government side. MPP Bailey—sorry. You may begin.

Mr. Robert Bailey: Thank you. I'm unmuted, am I?

The Chair (Ms. Goldie Ghamari): Yes, we can hear you.

Mr. Robert Bailey: Okay. Thank you very much. I've enjoyed all of the presenters so far, and thank you to everybody. I won't have time to probably ask more than one or two questions. I know Mr. Barrett wants to ask a couple, too.

I need a little more explanation. I think I'm pretty knowledgeable about biosecurity from the farm community and the agricultural community, but I still don't understand—and I should stay out of this, but I'd like someone—Ms. Cartwright, I guess. I'm not sure if there's anyone else on there. How can she guarantee that when you want to call in a whistle-blower, or you want to call in an exposé artist, whatever, how can you guarantee that on these farms that have biosecurity 24/7—how can you be sure that the people you call whistle-blowers or undercover reporters have a way that they have chosen to wear all the bioprotective equipment that an actual worker who works there every day on that farm, whatever farm activity it is, when the owners themselves—I'd like an answer on that. I don't think anyone has ever brought this up, to my—in the last two days.

Ms. Barbara Cartwright: Yes, absolutely. It really goes to what MPP Vanthof just said: that somebody who gains access to a farm by applying for a job is trained in biosecurity and works in biosecurity every day. They may be filming, and they're filming within the biosecurity. We haven't seen a biosecurity issue come out of any of the undercover footage that I'm aware of that has moved to court.

So while I appreciate what the Dairy Farmers of Canada and the Dairy Farmers of Ontario are doing—and I can verify from our close work with them over decades: They are one of the best industry leaders in animal welfare practices. But that did not stop what happened in Chilliwack, where there were multiple acts of animal cruelty that would not have gotten reported on if it hadn't been for somebody who had gotten on the farm, followed all the biosecurity and brought forward that footage, so that the BC SPCA and the crown could make a decision as to whether or not that was criminal cruelty.

Mr. Robert Bailey: Okay. I think Shikha had her hand up. Maybe she wants to weigh in? Shikha, did you have your hand up a minute ago?

The Chair (Ms. Goldie Ghamari): Yes.

Mr. Robert Bailey: Go ahead.

The Chair (Ms. Goldie Ghamari): You'll have to unmute your mike.

Ms. Shikha Jain: I'm trying to do that. I did not actually have my hand up, but I'm happy to speak to it on a few points.

Mr. Robert Bailey: Yes, please.

Ms. Shikha Jain: Okay. Biosecurity: If a person has been on-farm and has been trained in it and is doing their part, that's one thing; but coming in under false pretences and coming into a farm, and the training that is required—our people and our folks go and take extensive training to get onto a farm. This does not protect people from coming in without the understanding of biosecurity, nor does it for the expertise on what animal welfare actually looks like. We rely on the experts in that area to devise those regulations, legislation and codes of practice, which is what we follow.

Mr. Robert Bailey: Okay. Thank you.

Before I hand it over to Mr. Barrett, if there's still some time left, I'll go. Anyway, I'd just like, on the record, to

say that the last couple of days I've heard people—the animal activists, for want of a better word, talk about—they didn't all say they were going to obey the biosecurity. A lot of them will use under cover of night, or try to gain access to fields and barns. So I have a real problem with that. Biosecurity is in place, but I don't think—you know, I've got a real problem with people going in there. With employees who work there every day and the owners operating [*inaudible*] having to go through all the steps. Mr. Barrett talked about taking a shower and putting on clothes. I don't understand how people can support outsiders, who have no business being in there, going in.

With that, I yield to Mr. Barrett.

Mr. Toby Barrett: Thank you, Bob. Am I coming through?

The Chair (Ms. Goldie Ghamari): Yes. You have just over three minutes left, MPP Barrett.

Mr. Toby Barrett: Okay. Maybe very quickly, Barbara with Humane Canada: We talked about the Chilliwack, BC situation, and then I would assume after that, they were working closely on the PAWS Act, the Ontario legislation that came out just before this legislation. Did you make amendments to permit undercover people, or did you suggest amendments for undercover people to come into facilities like we saw in Chilliwack, with respect to the PAWS process?

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Ms. Barbara Cartwright: No, we [*inaudible*].

Mr. Toby Barrett: I couldn't hear. I thought I heard a no, anyway.

Ms. Barbara Cartwright: Yes, sorry. We did not.

Mr. Toby Barrett: I'll just jump over to the dairy farmers. I guess we're short on time.

The trespass act doesn't seem to be working. Again [*inaudible*] lets you know how long ago that was. I've walked into other barns where the livestock didn't know me. I've watched a herd go through an electric fence; they came over to see me. There are some real problems when people walk on a dairy farm if they don't understand cattle. Just any quick comments on that?

Ms. Shikha Jain: I agree. I agree: You need to know. It's always interesting to me that we talk about animal welfare, and the biggest stressor that you put on animals is unwelcomed visitors onto farms. In addition to the biosecurity, the stresses that are created for the animals, which then further stresses out our farmers as well, is a real concern. And when we talk about biosecurity, we have numerous examples and instances where we have had people late at night coming in and, again, filming things and causing more damage. That would be the comment. Thank you.

Mr. Toby Barrett: Okay, thank you.

The Chair (Ms. Goldie Ghamari): You have one minute left.

Mr. Toby Barrett: Thank you, Chair.

The Chair (Ms. Goldie Ghamari): Further questions? No. Thank you very much.

With that, this concludes this round of presentations. I would like to thank everyone for joining us today and

participating. It's been very insightful. I know the committee will have a lot to deliberate and think about.

At this point, you are now officially released. Thank you again.

FOOD AND BEVERAGE ONTARIO

MAPLE LEAF FOODS

MS. MAAIKE CAMPBELL

The Chair (Ms. Goldie Ghamari): I would now like to call upon the following presenters. I just want to ensure that they are all here before we begin, so when I call your name, please physically raise your hand. I don't have Zoom in front of me, so I cannot see the "raise hand to chat" function.

From Food and Beverage Ontario: Norman Beal, please raise your hand if you are here. Thank you, Norman. Michael Burrows, please raise your hand. I don't see Michael. Rory McAlpine? Do I see Rory? No. Just Norman Beal, thank you.

From Maple Leaf Foods, do we have Kathleen Long? Yes. Thank you, Kathleen. I see you.

And Maaike Campbell? I see you as well on the screen.

I'm going to just explain: Each of you will have seven minutes to present, and then we will begin our next round of questioning.

With that, Norman Beal, you have the floor. Please state your name for the record, and you may begin.

Mr. Norman Beal: Thank you. Good afternoon, Chair and members of the committee. My name is Norman Beal. I am the chief executive officer of Food and Beverage Ontario. I want to thank you for asking me to appear before you today. I'll keep my remarks brief in order to have more time for your questions.

The food and beverage processing industry is the largest manufacturing employer in the province, employing over 125,000 hard-working Ontarians. Our sector contributes over \$40 billion towards Ontario's GDP and over 65% of Ontario's farm outputs, from raw vegetables to live chickens, are transported to our facilities to bring further added value from the high-quality raw materials our farmers produce. For decades, Food and Beverage Ontario members have contributed to local economies and communities across Ontario, by building companies, creating jobs and supporting primary agricultural industries.

Today, I'm here to provide comments on the Ontario government's Bill 156, An Act to protect Ontario's farms and farm animals from trespassers and other forms of interference and to prevent contamination of Ontario's food supply. As you are all aware, all Ontarians are experiencing unprecedented times dealing with the most serious viral outbreak since the catastrophe known as the Spanish Flu, which occurred over 100 years ago. Since the current COVID-19 global pandemic began, the central front-line food workers throughout the entire food chain have worked tirelessly to provide safe and healthy food that nourishes all Ontario families.

I'd like to begin my remarks by thanking these unsung, front-line heroes for their hard work and dedication under extremely stressful circumstances. As you know, many of these people are exposed to the same kinds of risks that our other front-line heroes are experiencing, such as those folks in health care. Their selfless commitment to providing safe and healthy food for Ontario families should and must be celebrated. There has not been a time since the Second World War that the potential risk to our food supply has been greater. Your government realized that food security across the full value chain was critical to avoid a secondary health crisis, and you acted quickly to recognize our sector as a key, essential workplace.

The introduction of Bill 156 is a similar acknowledgment and an understanding that food security in Ontario is tremendously important to keeping us all healthy. We applaud the Ontario government's introduction of this legislation to protect farmers, their livestock and help to improve the safety of our food supply. Food and Beverage Ontario has been very vocal in our call for swift, strong action against trespassers and activists who are jeopardizing the safety of our farmers and food supply. Our farmers and our food and beverage processors implement extremely stringent biosecurity measures and food safety protocols; and our animal health care rules and procedures are some of the most respected in the world. We believe this new legislation provides a balanced approach to protect farms, families, livestock, food processing facilities and food safety while protecting the citizen's right to protest. The legislation is well thought out, balanced and fair.

The idea that some unknown person or someone is trying to gain access to our farms and/or our food processing facilities, intending to cause disruption and possibly worse, poses an unacceptable risk to animal welfare and food security. Bill 156 addresses this concern by putting balanced restrictions on access to farms, the transportation of live animals to processing facilities and the processors themselves. Clearly, this would be an unacceptable practice in any one of our many health care facilities, and both sectors share the same drive to improve public health.

In closing, I'd like to thank this government for looking out for the health and safety of all Ontarians through the introduction of Bill 156 and reiterate our deepest thanks to our many front-line food and beverage processing heroes. Together, we will see through this current crisis.

With that, I will say thank you for the opportunity to appear before you today, and I look forward to responding to any questions you may have.

The Acting Chair (Mr. Dave Smith): Thank you very much, Mr. Beal. Next, we have Kathleen Long from Maple Leaf Foods. If you could introduce yourself for the record, please, and then you'll have seven minutes.

Dr. Kathleen Long: Good afternoon, Mr. Chair and committee members. My name is Kathleen Long, and I am the vice-president of animal care for Maple Leaf Foods. I am a veterinarian licensed in Ontario and Alberta, with a specialization in poultry medicine. Thank you for the

opportunity to present to the committee as you consider Bill 156.

In Ontario, Maple Leaf Foods operates four broiler breeder operations, two broiler chicken hatcheries and three chicken processing facilities. We also procure chicken and turkey into other operations in the province. We are the largest holder of hatching egg quota and have the greatest broiler chicken market share in Ontario. We also have chicken and pig operations in other provinces, including over 200 pig farms in Manitoba and western Canada's largest fresh pork operation, also in Manitoba.

Maple Leaf Foods is investing heavily in animal welfare in Ontario, most notably in London, where we are currently building a new \$660-million state-of-the-art chicken processing facility. This facility will include an environmentally controlled indoor lairage area for holding birds in comfortable conditions and a multi-phase controlled atmosphere stunning system to reduce stress.

As the vice-president of animal care, I'm responsible for animal care and welfare programs within Maple Leaf-owned operations and for all pigs and chickens under our direct care, as well as animal welfare requirements relating to our suppliers. I am also directly responsible for veterinary [*inaudible*] services required by the chicken supply chain.

Ensuring we provide the best possible care for our animals is extremely important to Maple Leaf. For myself as a veterinarian, it's part of my veterinary oath. We routinely seek feedback to help us improve, and I'm proud to say that we work with a council of external experts, including the world-renowned scientist Dr. Temple Grandin, to review and provide feedback on our programs. We have robust and multi-layered auditing programs, which include daily remote video auditing by an independent third party. If a problem is identified, we are alerted immediately.

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Because we are committed to listening and to being transparent, we also routinely engage in dialogue with animal advocacy groups who seek to enhance the humane treatment of animals in agriculture. As an organization, Maple Leaf acknowledges that opinions about animal care and welfare vary and we strive to accept viewpoints that are different from our own. Furthermore, it is imperative that individuals have the right to lawfully assemble and express those viewpoints.

However, there has been an alarming increase in instances where animal activists have taken steps far beyond lawful assembly. Instead, they have acted in a manner that has risked the health and safety of workers, the welfare and health of animals and the safety assurances of our food supply chain and that has caused property damage and undue stress resulting from trespassing on farms or other facilities. These instances are perhaps most terrifying when they occur on private farms, representing a gross invasion of personal privacy and security to a small, vulnerable group of farmers and farm workers.

The paradox of animal activism is that while its members are well-intentioned and seek to improve animal

care, activists sometimes risk or harm animals in the process—a concern which is given little regard by activists while protests are occurring.

One of the greatest risks associated with invasive protests is the introduction of disease when activists fail to observe the strict biosecurity practices of the farm. As a poultry veterinarian, I can attest that even simple lapses in biosecurity, such as a farm employee failing to change shoes upon entry into the animal holding area, can and do introduce diseases of serious consequence. These diseases often cause considerable morbidity and mortality to the animals, may pose a food safety risk or may even result in the need to depopulate the flock or herd.

The impacts are even more concerning with foreign animal diseases, such as highly pathogenic avian influenza or African swine fever, where a single incursion will result in swift border closures, substantial animal suffering and mortality, and risks to other animals affected by challenging supply chain interruptions.

Another serious risk associated with invasive protests is stress to the animals, especially when untrained individuals enter barn areas in large numbers. Handling animals using low-stress practices is something that livestock and poultry handlers receive training on and is taken very seriously. Furthermore, every herd or flock is accustomed to the specific practices of the farmer. Even as a trained veterinarian, I take the lead from the farmer to ensure that I avoid causing stressful behaviours in the animals.

One of the most frequent interactions between animal activists and livestock is during transportation, where protesters will deliberately interrupt trucks while in transit on public property. This puts animals at risk by delaying their access to holding areas with better environmental conditions and amenities, such as freely available drinking water, depending on the species.

An additional risk is created when activists try to provide water or other substances to animals. In *[inaudible]*, we are required by regulation to ensure all inputs undergo quality control measures. Introducing uncontrolled foods, liquids or other inputs puts our food safety programs at risk and additionally risks non-compliance with the Canadian Food Inspection Agency.

Controlling these types of risks resulting from invasive animal protests—animal disease, stress, reduced welfare such as from transport interruptions and food safety—

The Acting Chair (Mr. Dave Smith): One minute.

Dr. Kathleen Long: —is why I applaud the introduction of Bill 156. As stated earlier, it is critical that we in animal agriculture continually strive to improve the care of our animals; however, actions by protesters that reduce animal welfare as well as the personal security of farmers and the health and safety of workers only undermine activists' effectiveness in improving animal care practices.

I support Bill 156 and believe that it will benefit animal agriculture by encouraging animal activists to use other, more effective and safer means to have their messages heard. Thank you.

The Acting Chair (Mr. Dave Smith): Thank you very much. Next, we have—and I apologize if I'm getting it incorrect—Maaik Campbell?

Ms. Maaik Campbell: It's Maaik, so you were close.

The Acting Chair (Mr. Dave Smith): Sorry, if could just pronounce your name again for us with your last name, and then you may commence.

Ms. Maaik Campbell: Maaik Campbell.

The Acting Chair (Mr. Dave Smith): Thank you.

Ms. Maaik Campbell: My name is Maaik Campbell. I'm from Lambton county, and my husband and I own and operate a farrow-to-wean operation. Farrow-to-wean means that we have sows, which are the mom pigs, and baby piglets. We do this together with our four kids, ranging in age from five to 10, so I have been super busy with home-schooling.

We are a triple-negative operation, which means that we do not have any of the common pig diseases normally found in herds, and we have been able to achieve this through very strict biosecurity protocols. In general, when you show up at our operation, you drive through a set of gates and get to a building where I make you take off your shoes and I provide you with a pair of boots. When you put those boots on, we walk to the main unit and we go through a boot dip, which will disinfect the bottom of your boots. At this point, we would actually make you shower in *[inaudible]* under your nails. You shower in, and we provide you with all the clothes. By having done this, we've been able to keep all diseases out and we've been able to raise animals in a very healthy environment.

We have a lot of other protocols in place that help with this as well. Any feed deliveries are only done on Mondays. *[Inaudible]* are only done on Mondays so that we can be sure that—

The Acting Chair (Mr. Dave Smith): Ms. Campbell?

Ms. Maaik Campbell: Yes?

The Acting Chair (Mr. Dave Smith): You're breaking up on the audio for us. Would you mind turning your video off just for a moment to see if the audio is better without video?

Ms. Maaik Campbell: Yes, I can do that—

The Acting Chair (Mr. Dave Smith): I've stopped the clock for you.

Ms. Maaik Campbell: —if I can figure out how to turn it off.

The Acting Chair (Mr. Dave Smith): Down in the bottom left-hand corner, you should have an option that says "show video." If you click that, it will turn it off. Thank you.

Ms. Maaik Campbell: Does that work better?

The Acting Chair (Mr. Dave Smith): That is better so far.

Ms. Maaik Campbell: Okay. Perfect.

Where I left off is that we have very strict biosecurity at our operation, and we expect anyone who visits us to follow these protocols as well. So an animal rights activist who would potentially visit our farm could bring in a lot of pathogens that could be detrimental to our operation. One disease could completely destroy my operation.

I really hope that at some point my children will have the chance to farm just like we had the chance to farm.

We're a first-generation hog operation. What you might not have known is that over 90% of hogs raised in Ontario are owned by family farms. My children are also very active in 4-H, and I'm very active in Ag in the Classroom. This is where we try to show the general public what we do every day. I'm very scared of what animal rights activists might do to my children's 4-H. Right now, they all still think that everyone likes animals and likes how farmers raise animals. I'm really afraid that if at some point my children are exposed to these animal rights activists at their 4-H, that it will completely turn them away from agriculture, and I don't think that's the right thing to do.

Our fields and barns are an extension of our homes, and I want our staff and I want my children to feel safe when they're at home. I want them to feel safe when they're in the barns. This also, obviously, is for all my staff. I have a hard enough time hiring staff, and I've been very fortunate that the staff we have been very good. But when people are hired and they take videos undercover of things that aren't really happening, then that's not what true agriculture is.

We train our staff and we have our staff sign off on the fact that we don't accept animal cruelty in our operation, just like we don't accept harassment. When people are hired and do this type of stuff, we should have the right to have them punished accordingly, because we feel that we should be able to trust our staff with our animals like we would treat our animals.

Having said that, I really thank you for listening to what I have to say. I hope that Bill 156 passes. It would make me feel a lot safer. It would make me feel a lot safer for my kids and their future. Thank you.

The Acting Chair (Mr. Dave Smith): Thank you very much. We'll start questions with the independent Green member. You have six and a half minutes. Mr. Schreiner?

Mr. Mike Schreiner: I want to thank all three presenters for taking the time to come today. I've said it before and I'll say it again: Ms. Campbell, your presentation highlights the fact that we need more money for rural broadband in Ontario. I appreciate you persevering through that, so thank you.

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I'm going to ask my first question to Kathleen Long from Maple Leaf Foods. I'm mostly hoping to draw on your knowledge here. I agree that biosecurity is a huge concern, and I think Ms. Campbell highlighted the fear that her farm family has of just even one pathogen or disease outbreak with their pigs. I'm wondering: Do you have any statistics in the province of Ontario of how many biosecurity incidents have happened because of the role activists have played on farm or in a processing facility, and how many—whether it's chickens, pigs, cattle, dairy cows or whatever—have been negatively impacted by those biosecurity breaches?

Dr. Kathleen Long: I don't have a specific number for you. The number of incidents that I'm aware of where there has been a full on incursion into a barn, where activists have entered without authorization, I believe is

low, but I shouldn't speculate and I'm not sure of the exact number.

I can tell you that for our operations at Maple Leaf, the predominant place where we interact with activists is routine protests that occur at our processing facilities. For instance, at our facility in downtown Toronto, we normally have a protest every week. We have a small group of individuals that will peacefully demonstrate outside of that facility. It's normally relatively non-invasive, with short stoppages of the trucks.

However, last year that did really escalate during in one particular incident where those individuals entered our facility, climbing fences or entering through gates, and entering into our live receiving area. It's perhaps not where you were going in terms of the disease introduction element of biosecurity, but it did result in what was deemed a serious biosecurity risk by the Canadian Food Inspection Agency, and we were actually issued a corrective action request due to the risk to food security by that invasion. That's one example of where that did present a serious risk.

Mr. Mike Schreiner: Great. Thank you for that.

My next question I'm going to direct to Norman Beal from Food and Beverage Ontario. You've brought this up, and the response from Ms. Long and Ms. Campbell talked about this as well. Many presenters have talked about the fact that our trespass laws in Ontario just don't work. It sounds like, in the case that Ms. Long just described, it was clearly a trespass situation. Mr. Beal, you talk about the link to health care. I guess if people trespassed on hospital grounds, we'd see much swifter action than we're seeing on farms and food processing facilities. Clearly that's something that needs to be fixed.

But I'm wondering—there have been a lot of concerns around the constitutionality of this bill, particularly in the ag-gag portions of it. So I'm just wondering: Do you think there are some ways we could address the trespass issue, fix the trespass problem, without having to threaten and potentially take away people's charter rights? As an example, I think right now we would want—

The Acting Chair (Mr. Dave Smith): Two minutes.

Mr. Mike Schreiner: —whistle-blowers in our long-term-care homes, for example, just to keep the health care analogy going. Do you think there's a way we can find that balance?

Mr. Norman Beal: I just have a comment about long-term-care homes. I'm pretty sure we wouldn't let whistle-blowers in there to present an additional biosecurity risk or a potential opportunity for that whistle-blower to infect our elderly with COVID-19. So I think the same analogy can be drawn in the food processing sector.

I wasn't here to speak to the constitutionality; I'm not a lawyer and, thank goodness, I don't want to pretend to be one. The legal issue: We need to trust—I believe very strongly that the legislation is balanced. I'm not really looking at this through a legal practitioner's lens, but it is a real concern whenever we place the food security of Ontarians at risk—and I think you've heard from other presenters that it is a real risk—by allowing people onto

our sites with unauthorized access without taking the proper care and security procedures to be there.

The Acting Chair (Mr. Dave Smith): One minute.

Mr. Mike Schreiner: I think the bigger concern is more of an existing employee who got a job in a processing facility, or they're on a farm, they're doing good work, they have no bad intentions whatsoever and they observe something that isn't right and they go to report it. Hopefully a PSW in long-term care would do the same thing. Under this bill they could be charged for that. That I think is one of the big constitutional concerns that people have. Do you have any thoughts on that?

Mr. Normal Beal: They may be charged but they also do have the right to due process. So I think, in this particular case, if it was a completely innocuous situation they were in just flagging serious health concerns, raised to the CFIA and to the operating processor, then I think probably if they have valid concerns—

The Acting Chair (Mr. Dave Smith): Thank you. I'm sorry; we've come to the end of our time for that.

Next up we have the government. MPP Kramp?

Mr. Daryl Kramp: Thank you to all of our witnesses here today. Once again, thank you very, very kindly for coming in. I have a few questions that I would like to ask. Maybe I'll start with Mr. Beal, please.

I come from a little bit of a background in the food and hospitality business—as a matter of fact, 35 years in it—so I have a little bit of an understanding of the industry. The reality is, of course, our base products come from the farmer. That's all there is to it. We are what we eat, and without quality products we cannot survive and we certainly can't prosper. So it's critically important that—perception in many, many cases can become reality.

People not only have to [*inaudible*] your food is safe and is top-quality, but they have to believe it and they have to know it. I have a tremendous level of confidence in the industry, having been in it for so long, but if you have a few bad actors who just simply don't understand. They'll take one bad operation and one location and then put a broad brush across the entire industry.

There's also been a perception that there are no inspections going on within the agricultural community and industry, as if it's just that an inspector might come on my property once a year. Well, I can honestly say, from being in the industry, inspections were basically coming out my yinyang, literally. We would have daily—whether with buildings inspectors or fire inspectors or health inspectors doing food quality tests and temperature tests [*inaudible*]. We had inspector upon inspector.

But the bottom line is, we welcomed them, as I know your industry does, because what it does is it builds confidence if you are doing things right, and we've seen that.

Maybe a question to the industry, Mr. Beal: I believe it's critical, but how critical does your membership believe it to be to not only know but appreciate and adhere to the absolute highest standards?

Mr. Normal Beal: Thank you for that question. As you know fully, the reason Ontario processors are so successful

is that we make our finished products from the best food that's produced in the world. You know that; I know that.

That's why we produce the highest-quality, safe food in the world and that's why we're coveted by countries around the world, including China and many countries in the Far East and Europe. That's the core. It really comes from the phenomenal food quality that we get from our farmers every day.

To answer your question: I agree with you. Yes, we are inspected constantly. I have skin in the game. I own a winery and a vineyard in Niagara, and we are inspected not only monthly but quarterly. We operate under 13 different licences that all have approval processes and inspection processes, so we know what it's all about. But we also know that our customers demand that. They demand to know that they're eating safe food.

We do have a good reputation, but I think the reason there is consumer confidence out there is because they know how well our food systems are regulated and inspected.

1430

Mr. Daryl Kramp: Thank you very much.

I'd now like to direct a question to Ms. Long. Everybody understands the reality of Maple Leaf and their contributions to the Canadian economy in so many different ways. But I'd like to throw a little minor curveball, in a way, that maybe is an appreciation for how things can be done right. I have a very, very close family friend who passed away due to listeria during the challenge we had during that [*inaudible*]. So I think maybe everybody realizes just how critically important food safety is, because nothing is perfect, but we have to move to the highest standard. Maple Leaf, as an industry leader, has really made an aggressive—and a lot of it is managed in dealing with the not only regular things, but certainly the adaptation to the COVID requirements now.

I'm wondering if you could give us some examples of some of the measures that you have taken in the industry to recognize that the product we receive from the point of reception is in good shape, to some of the actual production and then on to the sale. Can you give us some examples of that?

Dr. Kathleen Long: Sure. And firstly, let me express my condolences for the loss of someone close to you to that listeria crisis. I can tell you that it touched the organization deeply and changed the organization forever. Not a day goes by that the organization does not remember and feel that impact.

In terms of the steps that we go through, maybe I can ask a clarification: Are you speaking specifically about COVID-related examples, or more in general?

Mr. Daryl Kramp: I'd like both. I would like to know your regular practice. Regular inspection: does it happen once an hour or once a month or once a year? I think people have to have confidence that what goes on in your daily operation contributes to the food safety and the quality and the proper inspections.

Dr. Kathleen Long: All right. I'll start from an animal welfare perspective. For animal welfare, of course we are

regulated in our federal establishments, so there is inspection staff on-site 100% of the time, either CFIA veterinarians or their inspectors, who are inspecting our processes and evaluating every load of animals that comes into the facilities for their health and welfare attributes, as well as safety-related attributes. Beyond that, our staff are trained to identify animal welfare issues and address them as they see them.

Going back to the discussion about whistle-blowers and the impact of those, from an operational standpoint, I expect anybody who observes an animal welfare infraction to report it. We have numerous mechanisms for that to take place, either directly to the supervisor or someone who's in the facility, or we have an anonymous hotline, or if they feel the need to report that through, say, the PAWS provisions. So we want to know about those.

We have trained staff who conduct animal welfare audits weekly, as well as we measure two parameters daily for animal welfare. And we have remote video auditing. Remote video auditing takes random samples throughout every production day, and that third party audits those video samples and lets us know immediately if they identify any infraction.

Further to that, we have third-party on-site audits that take place—

The Acting Chair (Mr. Dave Smith): One minute.

Dr. Kathleen Long: —at least yearly, or perhaps more frequently, to give a third-party evaluation of our animal welfare practices in those facilities.

Related to food safety, we have additional provisions in place, including all of our facilities are BRC-certified. We have numerous safety programs in place that follow the principles of HACCP. So going back to the example of our Toronto facility, all imports coming in, for instance, must meet requirements to establish their safety within the food processing establishment. So there are steps all the way through the process to ensure that our animal welfare programs are followed as well as other critical programs related to food safety.

Mr. Daryl Kramp: Thank you very much. I often say—

The Acting Chair (Mr. Dave Smith): Thank you. I'm afraid we're at the end of our round of questioning.

Next, we have the official opposition. Mr. Vanthof?

Mr. John Vanthof: Thank you very much, and thank you to the presenters. We've had excellent presentations throughout these last couple of days, and yours are no exception. They've been very enlightening.

I think we can all agree on a few things—or at least the vast majority of us can agree on a few things: The current trespass act is obviously not working, and the animals rights groups have their views and in some cases are taking advantage of that, so we need to look at that. Whether this bill even goes far enough on the actual trespassing, I'm not sure. Quite frankly, I'm not sure.

One thing that was very concerning, and it has come up in a few deputations, is that not only do people on the agricultural side fear for their farm's safety, for their animals' safety and for their own safety on the farm; they

also feel harassed off of the farm, like Ms. Campbell described—her children. I think we need to take a long, serious look at if we actually have looked at what our harassment laws are and how we can make that work, or how they can apply to agriculture, because being harassed because of your parents' profession is a very serious issue.

The one thing that we have identified through these two days of deputations is, if there's one risk to this bill, it's the possibility of a constitutional challenge. I'm not a constitutional lawyer, but we've heard constitutional lawyers who believe that there will be risk. I know that all three of you run or take part in very successful organizations. You're all about mitigating risk—identifying risk and mitigating risk. I'm wondering if you've thought about if there are mechanisms that we could mitigate that risk—the risks that have been identified—are we going to take the risk, or are there ways to mitigate it so we still get the protection that is needed without creating—and the risk is reputational. There are risks. I'll start with Ms. Long. Have you thought about that?

Dr. Kathleen Long: In terms of the risks associated with moving forward with this bill, I guess my concerns would be that the efficacy would be limited if it is found to be unconstitutional. I'm not a lawyer and I can't comment on that, of course. But what I would like to see is that we somehow really address the issue of trespassing. When I read through this—again, not being a lawyer—there's not specific wording that prevents whistle-blowing. As I have said earlier, we expect to hear about it if there is a concern about the animal care in our operations.

What I do have a concern about is somebody being hired under false pretenses. I think that applies across the board. We've mentioned several times about long-term-care facilities. As much as you need to address concerns that have been identified there, I believe that many of us would be uncomfortable if the means to addressing that were to have staff members hired who have falsified their qualifications, because these are the people caring for people we care about, and the same thing is true in our operations.

A big concern that I have is that, when activists go undercover, they often prolong the time until they raise that issue through a whistle-blowing mechanism—that actually prolongs the suffering that the animals go through—or they may propagate that and encourage it by setting up situations or encouraging staff who may be vulnerable to participating in such actions, and so, through that, they actually worsen animal care instead of raising the concern as soon as it is identified and helping us to address the animal welfare problem as soon as possible. So those would be my concerns, that we do not—though I respect everybody's right to free speech, but that we still find a way to address animal welfare concerns as soon as they are identified very effectively.

1440

Mr. John Vanthof: If I may just respond to you for a second before I go to Mr. Beal: I don't disagree with anything you've said, actually. The issue from what I understand with the constitutional challenge: It's not just the

right of activists; it's the right of everyone. I'm looking for a way to safeguard against what you've discussed without the risk of a constitutional challenge. I haven't found that yet.

If I could go to Mr. Beal and have his take on it. Thank you.

Mr. Norman Beal: It's going to be hard to improve really on Ms. Long's well-articulated remarks, but I will go back to what I said earlier to Mr. Schreiner: that I'm not a constitution lawyer. I suppose there is, with any law, any legislation, some percentage of constitutional risk. We shouldn't be changing the existing paradigm. That is going to have an impact, and I'm sure you'll get many different opinions from many different lawyers, as long as they're on the clock to give you an opportunity to get a divergent opinion.

So I wanted to tell you that, but given that Ms. Long's comments I think are so true—you've got to remember, sir, that this industry does not want any involved who are going to be bad actors, as you know. Thank God they're a very, very, very small minority. And companies like Maple Leaf, Maple Lodge Farms—I can go on and on and on—are so committed to the animal welfare of their stocks in processing the—

The Chair (Ms. Goldie Ghamari): One minute left.

Mr. Norman Beal: —that the industry as a whole is really, really behind animal welfare, food safety, food security and those sorts of things.

Again, it's difficult for me to address that issue specifically, because I'm not a lawyer, but I suppose that's the risk that we run with any new piece of legislation.

Mr. John Vanthof: Ms. Campbell?

Ms. Maaïke Campbell: Again, I have to also agree with what Kathleen said. We do everything in our power to raise healthy animals. For somebody to come into our operation and deliberately do something to our animals—it should not be happening to begin with—and then to record this for weeks and months on end, and then to present it: Really a person who is doing this should be charged accordingly, because this is animal cruelty. This is not something farmers stand for and this is not something a consumer would stand for.

The Chair (Ms. Goldie Ghamari): Thank you very much. This concludes this round of questions.

We'll now turn to the government side. And I believe MPP Barrett—are you there? Your video is off, MPP Barrett. I believe you wanted to begin this round of questioning? Perhaps not.

Is there anyone else from the government side who would like to—MPP Smith? You have the floor.

Mr. Dave Smith: My question is going to be for Ms. Campbell. In the last round, I said that the NDP had said that our current trespassing act was good enough. And Mr. Vanthof said, "No, the NDP had never said that."

So I'm going to read from Hansard: "Speaker, we have the Trespass to Property Act. We have legislation today. I'm very shocked that the question is coming from the government, because it's as if you don't know the laws right now. You have a piece of legislation already that—

of course. This is a non-question. Trespassing is illegal. We know this. There's legislation right now that ensures that those who trespass are accountable in whatever ways that are articulated in that piece of legislation." That came from MPP Gurratan Singh on February 18.

Would you agree with that statement, Ms. Campbell, that the current trespassing law is good enough, or should we be doing something that strengthens it?

Ms. Maaïke Campbell: There is definitely room for improvement within the act. Currently, the provincial police have limitations on what they can do. Passing this act would give police additional tools to protect farm families, animals and others involved in the sector from harassment, invasion of private property and harm.

Mr. Dave Smith: Thank you very much for that. I appreciate it. My next question is also for you as well, and that's with respect to false pretenses. There have been some suggestions that this would prevent somebody from being a whistle-blower if they were a long-term employee for you. Our position on this is that if somebody lies on their resumé to get access to your farm, they're not really there to work and they are there for a different reason. Do you think that it is appropriate that somebody would lie to gain access to your farm?

Ms. Maaïke Campbell: Obviously, I would never encourage anyone to hire someone who lies on their resumé. I would prefer to hire people who come there with the honest intent of being the best person they can be for my animals and for my family, because a lot of times, I am there with my kids. Like I said before, we are a family operation.

We also have to follow a lot of rules and regulations. If any of my staff feel that I am not following the rules and regulations set out, my vet also has to sign off on his [*inaudible*] documents. I'd have my name tied to it. So if there are any problems, it is just as much my name as it is his name, so why would someone like a veterinarian put his name on a document that could come back to haunt him if he thinks that my operation does not do what is set out in the acts we have to follow?

I have a lot of paperwork I've got to do on a regular basis to ensure that we do everything possible to raise our animals to the best of our ability. My veterinarian does that on a regular basis.

Mr. Dave Smith: Thank you very much. My next question is for Mr. Beal, if possible. Mr. Beal, I grew up in Prince Edward county, and I worked on dairy farms; I worked on cash crop farms; I worked on a chicken farm. Chickens moult twice a year, typically. If someone were to gain access to the chicken farm and take pictures of those chickens during the period of time when they're moulting, would that look like a farmer was mistreating them because most of the feathers were gone at that point?

Mr. Norman Beal: Well, this is actually a common problem in our sector, because of course, as you know, very few Ontarians really understand or are very close to how their food supply operates. We've heard stories of a particular variety or species of dairy cow that appears to be emaciated because that's just the way they are, or steers

that look that way, and people are calling in complaints, saying that they're starving those poor cows. But that's really the way they're genetically produced.

Kathleen will have a much better answer to this question than I, but yes, that's an opportunity—it's just a misunderstanding of the cycle that many of our livestock go through, whether it's a chicken barn or a duck barn or any other sort of live animal state. Yes, it's common that we see that misinterpreted and frequently [*inaudible*] misrepresented. So yes, that can happen.

Mr. Dave Smith: It's reasonable to think, then, that an activist could take advantage of that, knowing what time of year it was, knowing what the cycle is for those animals, and then have a campaign that would seriously damage that farm and damage that farm family on something that is actually very natural and very true.

Mr. Norman Beal: It seems plausible, and I'll tell you that it already happens. So yes, I think there are a lot of examples out there for what's happening. Farm families are being devastated by that false information and misinterpretation of the way that situation is being represented.

Mr. Dave Smith: Thank you very much. I see my colleague MPP Barrett is back, so I'll turn it over to him.

The Chair (Ms. Goldie Ghamari): MPP Barrett.

Mr. Toby Barrett: I'm not sure of the time.

The Chair (Ms. Goldie Ghamari): You have two minutes, MPP Barrett.

Mr. Toby Barrett: Okay. Just quickly, we know the problems of trespassing in various processing facilities, [*inaudible*] there in obstructing vehicles, for example, bringing in farm animals. In the Criminal Code, we do have the existing Trespass to Property Act. What would be the thumbnail sketch rationale to beef up, for example, the Trespass to Property Act or to go beyond that to have it be more effective?

1450

Mr. Norman Beal: Thank you, Parliamentary Assistant Barrett, for that question. We do have existing laws and they aren't working, because we have specific examples all the time of where these vehicles were in transport from farms to processing facilities and are interrupted. Frankly, I think that we're asking for changes under the Bill 156 legislation—

The Chair (Ms. Goldie Ghamari): One minute.

Mr. Norman Beal: —because we need to tighten up these laws. We need to make them more strict and prevent what's currently going on from happening. Obviously, the existing framework, the existing laws, aren't working as an adequate deterrent. But having this bill [*inaudible*].

Mr. Toby Barrett: Okay, I think that's [*inaudible*] good way to wrap it up. Thank you, Norm.

The Chair (Ms. Goldie Ghamari): Thank you very much. We'll now turn to the official opposition. You have eight minutes. Who would like to begin? Please raise your hand. MPP Glover, you may begin.

Mr. Chris Glover: Thank you very much. Let's see. I'll start with Mr. Beal. I want thank all of the presenters. We've heard it several times, but the presentations have

been really, really informative over the last couple of days. So thank you for being here and sharing your knowledge and experience.

Earlier, MPP Schreiner raised the issue of an employee who blows the whistle. Mr. Beal, you said that they have the right to due process. The response that we've heard from [*inaudible*] from another deputant was that they may have the right to due process, but if there's the threat of them being charged with trespass, that would put a chill on their willingness to [*inaudible*]. What's your response to that?

Mr. Norman Beal: I think that's a good question. I suppose that could be true. But I think that doesn't [*inaudible*] the fact that there is a process in place under the legal system in order for them to pursue some kind of action.

Again, I think you're got to draw a distinction between someone who feels mistreatment is happening in the working environment, and those who are out there who are purposely trying to set up, be it a farm or processing facility, that reveal cases that are not an actual reflection of the way that they're operating. It goes back to due process, and in allowing that ability, it may act as a chill—I think it's a checks-and-balance system. I think this legislation is very balanced and it protects the rights of all citizens.

Mr. Chris Glover: Okay, thank you. Let's see. The other thing that we've heard and I am concerned about—from a legislative perspective, I'm concerned about another constitutional challenge, because we have several pieces of legislation that are already being constitutionally challenged. In the last government, we had Bill 115. I was a school board trustee before this, and at one point the school board and the city of Toronto were in disagreement and, just on the school board side, we spent \$400,000 on lawyers to fight the city. When we found out about it at the board, I just couldn't believe that two levels of government were wasting that kind of money on lawyers. Nothing against lawyers, right, but there are so many better ways that we could have spent that money.

I would hate to see another constitutional challenge here. I would like to see a piece of legislation that isn't going to be constitutionally challenged. We've heard three lawyers and a law professor today say that this thing is going to be challenged. There have been five cases in five different states that happened in the United States and it's all [*inaudible*]. Their first amendment in the Bill of Rights is very similar to our charter right for free speech, so they think it's going to be repeated here as well.

The other thing that has come up is that a lot of the activists are hoping this legislation is going to pass as is, because then there will be a whole media storm around this, following this, over a period of probably years as it winds its way through the court. In the States, this has damaged the animal food industry. So the animal food industry has actually asked the legislators there to withdraw the bill.

Our big concern if there is a constitutional challenge is that this will damage the reputation of the animal food industry.

Mr. Norman Beal: Well, again, I'm not a constitutional lawyer, and [*inaudible*] earlier, one of the lawyers [*inaudible*] this first-hand. When the lawyers get their hands on things, it tends to get expensive quickly.

Look, our industry fully supports this legislation. We think it's necessary. One of the major reasons is, we're in food security. We make sure that we can put safe, healthy food on the plates of all Ontario families. That's our key objective, and food security and food safety are paramount in all of our members' plants.

[*Inaudible*] but certainly public relations [*inaudible*]? It could, but at the same time, as we mentioned earlier, the outbreak of listeria, like we saw in the 1980s, did far greater damage, from a public trust point of view, than this legislation will ever produce. That's why food safety and food security are extremely paramount in ensuring that Ontarians and their families feel that they're eating safe food.

That's how I guess I'd respond to that.

Mr. Chris Glover: Thank you. My next question is for Maaike. Maaike, again, I would just say that having you here and some of the people calling in from across the province definitely makes the case for broadband across the province.

The other issue that we've heard about over the last couple of days is, we heard about trespass and we've heard about harassment of farmers and their families online, at home and at school. Yesterday there was a group—a person from Wawa who talked about mental health impacts. She sent me the reports, and I looked at those last night. The mental stress that farmers are under—some of it is attributed to harassment and some of it is attributed to the economic squeeze that they're under. Can you just comment on that, about trespass and harassment and the impact on not just necessarily your family but your community?

Ms. Maaïke Campbell: It plays a big part of our everyday life. I think all of us are trying to protect our businesses and trying to do the best we can. We try to protect our families. Having that in the back of our head that if somebody trespasses our properties and something potentially did happen to our animals which would destroy our operations—obviously that's pretty big.

Mentally, we've had a few really tough years in the hog industry. It has been not good for a lot of us, and then the markets have been really up and down. This is just something that we feel could somewhat be controlled, whereas all the other things like markets are very limited to how we control it. So if we at least have support from the government, knowing that it's one thing that they are willing to look after us, and we obviously are more than willing to put a safe piece of food on the table, then I think it's a win-win for both of us.

The Chair (Ms. Goldie Ghamari): One minute.

Mr. Chris Glover: Okay. Then, do you want to comment on the constitutional challenge?

Ms. Maaïke Campbell: It's a toughie. I have to agree with what Norman Beal said. We're probably going to see the challenge, but if we don't try to better what we have,

we'll be stuck with what we have, and I think there's definitely room for improvement. Nobody should be afraid of what somebody else might do to their operation. No Ontarian should be afraid of what might have happened to their food chain, starting at the farm and going all the way to their plate.

Mr. Chris Glover: I would agree. Listening to people like yourself and everybody else over the last days, there is definitely room for improvement. I'm just wondering if we can find a way to do it without the risk of a constitutional challenge.

Ms. Maaïke Campbell: I feel like no matter what we do, there is always going to be somebody challenging what we do, but as long as we can get the majority to agree that this is for the—

The Chair (Ms. Goldie Ghamari): Thank you very much. That concludes this round of questioning. I wanted to thank all of the presenters for joining us today. It has been a very informative conversation, and I know that the committee members appreciate the input and feedback. At this point, you may all step down, and you're released from the committee. Thank you very much for joining us.

BEEF FARMERS OF ONTARIO

MR. JOHN DE BRUYN

CHIEFS OF ONTARIO

The Chair (Ms. Goldie Ghamari): I'd now like to call upon our next group of witnesses. I'm going to call out your names. If you're here, please just physically raise your hand, just so that I can make sure that you're here.

From Beef Farmers of Ontario, Jason Leblond: Are you here? Please raise your hand. Thank you.

Katherine Fox: Please raise your hand. Thank you.

Do we have John de Bruyn here? Please raise your hand. Thank you, John.

From Chiefs of Ontario: RoseAnne Archibald. Yes, I see you. Thank you, RoseAnne.

Kathleen Padulo: There we go. Thank you so much.

All right. At this point, each group of presenters will have seven minutes, followed by questioning from the committee.

From Beef Farmers of Ontario: Jason Leblond and Katherine Fox. Please state your names for the record, and then you may begin right away. You will have seven minutes.

1500

Mr. Jason Leblond: Good afternoon, everyone. My name is Jason Leblond. I'm a director on the board of the Beef Farmers of Ontario. I have a cow and calf beef farm in Powassan, in northern Ontario. Joining me today is Katherine Fox from Toronto. She is the manager of policy initiatives with the Beef Farmers of Ontario.

Thank you for the invitation to present to the committee regarding Bill 156, the Security from Trespass and Protecting Food Safety Act.

I'd like to start by telling you a bit about the Ontario beef sector. There are approximately 19,000 beef farmers

in Ontario, and they can be found in every county and district in the province. Most beef farms, like farms of any agriculture sector in Ontario, are family businesses. Beef farmers are passionate about what they do, and they take their roles as stewards of the land and their animals seriously.

Before I comment on the proposed act specifically, I'd like to share our position on animal welfare. Beef Farmers of Ontario supports the National Farm Animal Care Council's code of practice for the care and handling of beef cattle as the minimal acceptable standard of animal care for beef cattle in Ontario. The code of practice is science-based and was developed and is regularly updated through a collaborative process with not only industry but with a wide range of stakeholders that include animal welfare groups, veterinarians, academics and the government. In addition to the standard put forward by the code of practice, Ontario's Provincial Animal Welfare Services Act legislates animal welfare. In their role as beef farmers, we expect all our members to take responsibility for the welfare of their animals and for the sustainability of the Ontario beef sector.

The proposed Security from Trespass and Protecting Food Safety Act is important for Ontario beef farmers. Over the past few years, we have seen an alarming increase in trespassing on farms, with activists illegally entering barns and other farm property, oftentimes under false pretense to gain entry. They have seized animals and threatened the safety and well-being of farmers. These incidents of trespass, break-ins, theft and harassment put farmers, animals and the entire food supply at risk. For example, biosecurity protocols are in place on farms to protect the animals and our food supply. It is paramount that proper procedures are followed on farms in order to minimize and avoid any chance of disease transmission from off-property. Additionally, farm animals become familiar with those who look after them, and the presence of unfamiliar people can cause undue stress for them, potentially causing serious injury or harm.

We've seen extreme bullying and threatening behaviour from animal rights activists. Farmers need legislation that is enforced in order to protect themselves and their farms from trespassers. In addition to the everyday stresses that come with farming, trespassing or even the threat of trespassing on farms is detrimental to the mental health and well-being of farmers. Everyone has the right to feel safe in their homes and in their place of work. Supporting farmers' mental health and wellness should be a priority of our discussion on this bill.

I'd also like to take this opportunity to state clearly that Bill 156 is not an ag gag law. The current Trespass to Property Act sets a six-month window from the date the trespass offence occurred to when charges can be filed. The proposed Security from Trespass and Protecting Food Safety Act changes it to two years from when the offence becomes known. This is not a limit on the transparency of our sector, as would be the case with a so-called ag gag law.

If animal rights activists witness abuse or other animal welfare infractions, we do not believe they should be able

to sit on the evidence until they are past the threat of being charged with trespassing. We believe any period of time when there may be an abuse or animal welfare concern denies the chance for investigation and enforcement by police or animal welfare inspectors, as well as the opportunity for removing the animals from their distress. By not reporting abuse immediately, in order to sit on footage until they can't be charged with trespassing, animal rights activists are themselves party to potential observed abuse.

I'd like to also emphasize the importance of transparency in agriculture. Bill 156 is not an attempt to limit the transparency on our farms. In fact, the beef sector feels that it is more important than ever to try to be more transparent with the public. It is a common mantra in our sector: Be transparent. Answer the people's questions. Tell them where their beef comes from. We host farm tours. We do virtual reality farm tours, livestream farmers answering students' questions into the classrooms, and more. We make it one of our top priorities to answer all people's questions about how beef is produced, including questions on animal welfare.

We don't feel we have anything to hide; in fact, we are proud of how we raise our animals and eager to tell people how we care for them. From the role of veterinarians and nutritionists, to the type of food they eat, to the way cattle are bred and calves are weaned, we'd like people to know more about beef farming and how we care for our animals, not less.

Contrary to the assertions of animal rights activists, farm animals in Ontario are protected against cruelty under both federal and provincial laws. Under the Ontario Provincial Animal Welfare Services Act, there's an entire group of investigators whose job it is to enforce animal welfare. That is the proper channel for protecting animal welfare, not extreme activists.

The Chair (Ms. Goldie Ghamari): One minute.

Mr. Jason Leblond: We fully support the right of individuals to peacefully protest. Bill 156 does not interfere with the right of people to participate in legal protest on public property, but these individuals do not have the right to trespass on private property or to threaten the farmers, their animals or our livelihood. Many farmers have experience with these trespassers on their farms, but the police response to these incidents can be inadequate, or even non-existent.

Ontario's current Trespass to Property Act has shown itself to not be up to the task of protecting farmers, animals or food supply from trespassers. We need a legislative provision to respond to these threats. We believe Bill 156 is that needed legislation. Thank you for the opportunity to present to you today. We welcome any questions.

The Chair (Ms. Goldie Ghamari): Thank you very much for your presentation. We'll now turn to John de Bruyn. Please state your name for the record and you may begin. You have seven minutes.

Mr. John de Bruyn: Good afternoon. My name is John de Bruyn. I'd like to thank the committee for inviting me today to share in my perspective. I represent over 1,100 pork producers in the province, and I'm currently on the

board of directors at Ontario Pork. My wife, Deb, and I operate a farrow-to-finish hog operation in beautiful Oxford county. We appreciate your support for Ontario's agricultural sector with the introduction of this new legislation, including the Security from Trespass and Protecting Food Safety Act, 2020, and the Provincial Animal Welfare Services Act, 2019.

Bill 156, we believe, respects the right to peaceful protest, as well as ensuring protection for farmers and transporters involved in the food production. The PAWS Act, the other bill, introduced a new enforcement system for Ontario, we believe, which includes trained animal welfare inspectors employed by the province. We at Ontario Pork have welcomed this legislation, alongside the bill we discuss today. We think, in the long term, it'll protect animals, with stiff penalties and zero tolerance for animal abuse and neglect. Through legislation, vigilante activists who break into farms or processing plants to promote their cause will be held accountable for their actions.

Ontario farmers care about their animals' well-being. High standards of care are validated by outside experts, and for our industry, we call it the CPE, the Canadian Pork Excellence program, a national program implemented here in Ontario as well. Those standards of care also include biosecurity as well as animal husbandry protocols designed to protect animals from disease as well as maltreatment.

Farmers constantly strive to improve the care of live pigs. Ontario pork production is characterized by high food safety standards and good animal health. Environmentally sustainable production methods are key to Ontario's pork production. We in Ontario continue to invest in research and technology that allow us to do more while using fewer resources. Each successful business has contributed to the overall economic health of this province. We continue to seek new ways to raise healthy animals and ensure a safe source of nutritious protein for Canadians, as well as international customers.

Family farms are the backbone of our industry and rural communities. Any of you MPPs who travel outside the cities will see the beautiful farms that we have and the pride that families take in maintaining their [*inaudible*]. Our farm is our home, and we want to feel safe from illegal trespassing like any other Canadian. Pork producers have struggled to understand how activists can admit to entering buildings illegally and taking animals, while free of prosecution, and jeopardizing the safety of animals and the security of family farms.

1510

Anyone entering our barns, handling animals or moving between barns without following proper biosecurity protocols puts the health of animals, the safety of food and the livelihood of farmers at risk. I'm not sure if an urban person can understand the risks that a disease outbreak [*inaudible*] for a family farm. The risk is high. The implications and the ongoing costs of a disease outbreak on a farm are astronomical.

Strange visitors can also startle sows, or any animals. The sows can jump up and accidentally injure piglets. Pigs

are a very intelligent animal. I can tell you, they're used to habit. The one person that goes in that barn every day—no reaction. But anybody strange coming into a barn elicits a completely different reaction by our animals.

Unauthorized visitors can also introduce disease, as I talked about, with potentially devastating effects on the health of our animals and our bottom lines. We believe farm trespass poses a biosecurity risk for the whole supply chain and food security. It can have widespread consequences beyond a single farm.

With that, I thank you for your attention and would be pleased to answer any questions.

The Chair (Ms. Goldie Ghamari): Thank you very much.

We'll now turn to our final presenters, RoseAnne Archibald and Kathleen Padulo, from the Chiefs of Ontario. Please state your names for the record, and then you may begin. You will have seven minutes for your presentation.

Chief RoseAnne Archibald: Thank you. Meegwetch.
Remarks in Oji-Cree.

I am Ontario Regional Chief. Good afternoon, committee members. On behalf of the Chiefs of Ontario, I'm here to present the concerns of First Nation leaders and provide recommended amendments to Bill 156. This presentation serves as our first submission to the committee. However, since the tabling of this bill, First Nations have expressed serious concerns that pertain to the protection of their section 35 rights to hunt, trap and fish; the safety and protection of their citizens; and the need for a proper engagement process.

Presently, farmlands can exist adjacent to, intersect and overlap with existing harvesting hunting grounds. This is in light of the fact that many farmers are situated within the traditional territory of First Nations and their communities. Due to this reality, First Nations must pass through or occupy these farmlands to access their traditional territory in order for them to exercise their right to hunt, fish and trap. Consideration must be given to this element when determining the rights this bill intends to give to farmers.

First Nations in Ontario want a positive relationship with the provincial government, which we have been building during this COVID-19 pandemic. As such, we have asked Minister Ernie Hardeman to properly engage First Nations through our established processes. I will speak to the duty to consult further along in my presentation. I do acknowledge that Minister Hardeman has met with members of the leadership council on February 27 and June 8. At both of these meetings, it was made clear that these discussions did not constitute consultation or engagement with First Nations.

While we understand that the Ontario government believes it took steps to ensure our rights were not impacted, this could have been done in a more co-operative and collaborative manner—for instance, the need to balance the interests of farmers and the protection of our section 35 Aboriginal treaty rights to hunt, fish and trap. Furthermore, there is the need to understand how this

legislation could bring harm to First Nations harvesters as well as farmers. In this last point, I must stress and further state that if sections 6, 7 and 9, which are exemptions, citizen's arrest and reasonable force, of this act are not properly addressed, they could create a dangerous and unsafe environment for everyone.

First Nations require assurances that their constitutional rights, including their rights to safety, are protected. We are proposing legislative amendments to meet that end. The major conflict we see is on land use with the existing exercise of Aboriginal and treaty rights. In the following sections, I will expand upon that concern.

The farmlands that this bill protects are located within the traditional territories of First Nations and further fall within their hunting grounds and may overlap their established trap lines. Should any farmlands be designated as animal protection zones, it will force First Nations into a position of defending their hunting, fishing and harvesting rights as defendants in trespass actions, undermining both treaty relationships and the honour of the crown. Bill 156 could shrink the size of land and, therefore, prevent or limit the mobility of First Nations to exercise their right to hunt if animal protection zones apply to large grazing areas and the legal character of the designated zones is changed from "unoccupied" to "occupied" private land.

Bill 156 specifically allows farmers to arrest and detain suspected trespassers through the use of force, which raises a real potential for conflicts and violence. When harvesters are exercising Aboriginal and/or treaty rights, this could lead to armed confrontations and potentially deaths for both farmers and harvesters. There are countless examples of members of racialized groups being killed when untrained civilians engage in conflicts when armed. I will remind you of the tragic and unjust incident that occurred in Saskatchewan where Colten Boushie lost his life while on the property of a non-native farmer. This senseless death is one of the primary concerns that First Nations leaders have expressed with the introduction of this bill.

We must work together to find a way to assist farmers while ensuring the health and safety of First Nations people. One mechanism not currently in the bill is to require farmers to post any signage designating an area as an animal protection zone.

Getting back to the duty to consult: Ontario has not discharged its obligation to consult with First Nations on this bill. The duty to consult is triggered where there is the potential for government to impact First Nations' section 35 rights and is required in order to fulfill the honour of the crown. Potential impacts to our section 35 rights are duly noted throughout this presentation and, therefore, trigger the government's responsibility to consult with First Nations.

Considering the positive relationship that we have built with the onset of this pandemic, let's continue to build the momentum and ensure that we work together to address our mutual concerns to protect our resources. After all, First Nations harvesters and farmers are doing the same

thing: ensuring our families have a healthy food supply. Through this legislation, you are creating barriers and an unsafe environment for our harvesters to access our food supply.

The Chair (Ms. Goldie Ghamari): You have one minute left in your presentation.

Chief RoseAnne Archibald: Thank you. I'll try to get through all of our seven recommendations; if not, they will be a part of our written submission.

To conclude, we are recommending the following changes:

- insert a new clause that the designation of "animal protection zones" in and of itself is not intended to abrogate existing Aboriginal and treaty rights that must be included as a distinct clause in the legislation, not in the preamble;

- insert a new clause that requires the ministry to work with First Nations to define these animal protection zones;

- amend the legislation so that farms are required to post all signage;

- include those First Nations who are lawfully exercising their Aboriginal and treaty rights as an exemption clause of individuals in section 6, or create a new section to house this clause;

- reconsider citizen's arrest, detention and allowing untrained citizens the use of force against another individual—

The Chair (Ms. Goldie Ghamari): Thank you very much. My apologies for interrupting you. Pardon my pronunciation, but meegwetch. For the record, I should have referred to you as Ontario Regional Chief Archibald, so my apologies for that.

Just a quick note: I do want to acknowledge that the land we are meeting on—at least, here at Queen's Park, anyway—is on the traditional territory of many nations, including the Mississaugas of the Credit, the Anishinabek, the Chippewa, the Haudenosaunee and Wendat peoples, and is now home to many diverse First Nation, Inuit and Métis peoples. We also acknowledge that Toronto is covered by Treaty 13 with the Mississaugas of the Credit. Meegwetch.

We'll now turn to our round of questions, starting with the government side. Who would like to begin? MPP Harris, you have the floor.

1520

Mr. Mike Harris: This is one our last deputations for the day. We've heard some really good points over the last couple of days from all sides. There is something that has come up a couple of times today.

My question is to the Beef Farmers of Ontario, centred around the citizen's arrest provision. We had a chance to ask some groups about this in committee today. As you know, Minister Hardeman had a chance to tour the province and ask many farmers and farm groups about this issue. We've been clear that this bill offers farmers nothing new that currently doesn't exist with respect to the Trespass to Property Act, as well as the Criminal Code of Canada. It doesn't give them any unique privileges or abilities when it comes to a citizen's arrest.

I'm wondering how the Beef Farmers view the various concerns around it and if you could tell me: Over the past 40 years that this has been in place, have you seen a problem with farmers using this power unnecessarily?

Mr. Jason Leblond: Jason Leblond. I'll try and answer this one, Katherine.

Like you said, this part of the legislation on citizen's arrest has already been there, so it's nothing new. We think that Bill 156 will help deter trespassers so that that option can be avoided as much as possible, to be honest with you. We have police forces all across the province to deal with things when we make that phone call, but the problem is that they haven't been acting, based on the legislation that is currently in place. We believe the new legislation will help the police make those decisions and make the arrest when required.

Katherine, am I missing anything?

Interjection.

Mr. Mike Harris: No, I think that covers it well. I'm going to turn my time over to MPP Smith.

The Chair (Ms. Goldie Ghamari): MPP Smith, you have the floor.

Mr. Dave Smith: Thank you, Madam Chair. Actually, it's just a quick shout-out to Chief Archibald. Chief Archibald, it's MPP Dave Smith. I'm PA to Minister Rickford. I just wanted to say: Aaniin, and thank you very much for all of the work that you've been doing with us collaboratively over the last two years since we have been in government. We greatly appreciate all the consultation that you have provided us and the information that you've put forward. Meegwetch. I will turn it over to MPP Pettapiece.

The Chair (Ms. Goldie Ghamari): Thank you very much. MPP Pettapiece?

Mr. Randy Pettapiece: Thank you to all of you who came in this round to give deputations. Like the other members have said, this has been quite an interesting couple of days. We certainly appreciate your time and your efforts to bring your deputations.

I'd like to ask Chief Archibald a question, if I might. Chief, I had a question about the issue of education with respect to the bill. I know that Minister Hardeman is going to be doing something in terms of the education element so that we can help farmers better understand what the bill entails.

I'm wondering if you could provide some of your perspectives on that, and if it would be something that you would be supportive of and interested in.

Chief RoseAnne Archibald: Thank you very much for the question. Yes, absolutely, it would be essential to have them understand the nature of the Aboriginal treaty rights that we do have to hunt, fish and trap. It would help them, I believe, to understand that we're all on the same page: We're all trying to protect our food supply. I think if we can connect people in that sense, then we won't have the conflicts that have happened in other jurisdictions.

Mr. Randy Pettapiece: Thank you for that. We don't want to have those consequences. That was terrible, what happened out west. I certainly had heard about that.

I think that the education part of this is quite essential for all groups involved—not only Aboriginal people but certainly the rest of the people in Ontario. We all are here to protect our food supply and make sure it's safe and abundant. I think that during these educational portions that the minister is talking about, it would be very important, I'm certain, that your input—your input will be very important to the committee or to Minister Hardeman when he starts these things so that we have an understanding of what you ask and how we can accommodate them. I would hope that you would be an active participant, and I'm sure you will, in these types of talks.

Chief RoseAnne Archibald: Yes, thank you very much for that. That was the part that got cut off in my presentation. I believe we do have to send this legislation back to the ministry in order to properly engage and consult with First Nations and to have that piece around education addressed, because it's so important.

I think it would also be important to grant the inclusion of First Nations in the reading of the legislation, to ensure that our interests are captured in those amendment clauses.

Mr. Randy Pettapiece: Thank you for being here. This is very important.

The Chair (Ms. Goldie Ghamari): Any further questions from the government? Seeing none, we'll now turn to the official opposition. You will have eight minutes.

MPP Vanthof, you have the floor.

Mr. John Vanthof: Thank you to all the presenters for your unique perspectives.

I'd like to start with Chief Archibald. You did get cut off. Are any other issues you'd like to put on the record?

Chief RoseAnne Archibald: Actually, I just noted those were the last two that got cut off—

Mr. John Vanthof: Perfect. Thank you very much. You brought up something that has only been brought up once before—it was actually by a different connotation, but she found, as you brought up, that they were unclear about land that was outside of the livestock protection zone that could be a pasture. For example, where we come from in northern Ontario is an awakening livestock area, where there are proposals to make thousands of acres of pasture on that which is now crown land, which is a very important issue and a contentious issue, and one that you have raised. I thank you for that. Could you expand on that a little bit, on how important that is?

Chief RoseAnne Archibald: Generally, from what I understand, we have good, co-operative relationships with many farmers, where First Nations harvesters are in contact with local farms and they do make agreements on being able to pass through a certain part of a farm to get to their hunting grounds. I think the bigger problem becomes—when those farms are owned by corporations, then we get into problems around communication and ensuring that those rights are honoured so that they can, as I said, provide food to their families and their communities.

In terms of your specific question: Any attempt to take land that is crown land and turn it into grazing land has to be done in consultation and with our engagement on that

process to ensure that if that happens, there are exemptions for our rights-holders so that they can have access to their hunting grounds, their trapping grounds, where they go fish. Any time there's an introduction of an idea like this, you have to understand that you're cutting off somebody's food supply, and not only are you doing that as a negative thing to another human being, but you're also impacting their rights that are guaranteed under the Constitution. As a result, those pasture lands cannot proceed to take up crown land without our input or some kind of non-derogation clause for First Nations.

Mr. John Vanthof: Further, you mentioned in your presentation that your first meeting with the government regarding this issue was February 27. I'm looking at the bill, and the bill's first reading was December 2. I'm not trying to point fingers, but I'm hoping that the duty to consult is taken more seriously as we proceed, because where you're from and where I'm from, this is a very, very—it's serious across the country. Agriculture and First Nations are sometimes seen as competing for the land that we use.

1530

Chief RoseAnne Archibald: Yes, we flagged this as an issue as soon as we heard about Bill 156. We expressed a concern, we asked for engagement and I believe that Minister Hardeman did reach out and we did have two meetings with him.

I would say that we feel like steps have been taken in terms of—especially the non-derogation clause. As long as it's somewhere specifically in the legislation, I think that's a step in the right direction.

However, having said all that, the duty to consult has not been discharged. So that has to continue, that has to keep going forward beyond this bill. This bill cannot pass as a government bill until that duty to consult has been discharged. That's our point of view.

Mr. John Vanthof: Thank you. You've made that very clear. I'd like to thank you for that.

I'd like to go to Jason, from the Beef Farmers of Ontario. We've heard a lot of deputations, and I've spoken to a lot of people in the agriculture sector and the beef sector. Farm committees there are frustrated with the current trespass act, and specifically that it doesn't seem to be enforced. The legislation is there, but it doesn't seem to be enforced.

I don't think anyone has really got an argument that there have to be changes to protect farmers. The one thing that has changed is with citizens' arrests. It's been there for a long time, but we haven't had organized animal activism as long, which is going to challenge citizens' arrests. But the one area, the whistle-blower part—and I'm not a constitution lawyer either, but we've heard several times that that might be challenged under the constitution, and that could risk the whole act.

We're looking for a way forward, at least from our side, to strengthen the trespass part, strengthen everything that needs to be strengthened and try to keep away from a constitutional challenge. Have you or your board thought of any way that we could do that, or is the false pretenses

part of the bill, is that—if any of you want to—basically, the [*inaudible*]?

Mr. Jason Leblond: I'm going to let Katherine answer that after I state that I believe the legislation is a great piece of legislation and I believe that it's up the courts to decide those aspects. But I will let Katherine speak more eloquently on that.

Mr. John Vanthof: Oh, you're pretty eloquent.

Ms. Katherine Fox: You are eloquent, Jason. I'll do my best.

[*Inaudible*] the question, I would say that, as we mentioned, if activists witnessed abuse or other animal welfare infractions, our issue is that we don't believe that they or anyone should be able to sit on evidence until a certain period of time has passed so that they can avoid a charge of trespassing. Waiting any period of time, we think, takes away the opportunity to do a proper investigation.

Regarding the constitutionality of this proposed law, we think that this issue of extreme animal rights activism, trespass on farms, the threat to animal health and safety, human health and safety, the farmers' mental health and the safety and security of our food supply: These are substantive and significant issues, and the objective that is being addressed in this law can be justified and upheld in court. It's a big enough issue; it's an important enough issue. But yes, ultimately, it is up to the court to decide on the constitutionality—

The Chair (Ms. Goldie Ghamari): Thank you very much. That concludes the time for this round of questions. We'll now turn to the independent Green Party member. MPP Schreiner, you have six and a half minutes. You can begin.

Mr. Mike Schreiner: Thanks, Chair, and thanks to all three in the group for coming and presenting to the committee today and taking the time. I think my first question is going to be for Chief Archibald. You mentioned that you had around seven amendments that you'd like to propose to this bill. I wrote down a few, but I'm not sure you actually had a chance to give us all seven. Because of the timing of everything, if you're going to introduce amendments, they have to be done tomorrow and they need to be drafted today. So are there any amendments that you'd like to share with us so that we could try to incorporate into the bill that you haven't already articulated up to this point?

Chief RoseAnne Archibald: I'm not sure what the process is for a written submission, but they are in our written submission. I didn't read them out word for word as I read through them because I knew I only had a minute left, but let me know if you would like me to read them. I certainly am willing to do that if you require it. But if our written submission is enough, then we do have seven recommendations.

Mr. Mike Schreiner: Great. So in the interest of time, we can pull those out of your written submission. Thank you for providing that. I appreciate it.

I did want to ask you another question related to the duty to consult. I'm curious what—if you could just, for the record—I'd like this to be on the record. What are the

implications of not discharging the duty to consult for this bill?

Chief RoseAnne Archibald: Well, it could result in a court challenge, if people feel strongly enough. No provincial government has the right to infringe upon an Aboriginal treaty right that is established under the Constitution—nobody. So if this government tries to proceed without the duty to consult and having that kind of input that we would like to see in the bill, then I think it doesn't bode well for the co-operative and collaborative relationship that we want with this government and any government.

We believe that what we're asking for is reasonable. Those are reasonable amendments and they are, number one, about ensuring food security for our own people. They are about ensuring safety for our people, but also for farmers. These are reasonable amendments. For the government to turn around and say that they're not going to do the amendments is to the detriment of everybody. We encourage everybody to look at our amendments seriously.

Mr. Mike Schreiner: Thanks for sharing that, because I do know that there are likely going to be court challenges from people on the media animal rights side of things, but it's important to note that it could be subject to a court challenge on the duty to consult as well. I appreciate you putting that on the record.

I'm just going to shift really quick, because I'm probably almost out of time, to either John or Jason. Maybe I'll go to you, John, because you haven't had a chance to answer a question yet. It's good to see you again.

Both of you talked about the importance of the PAWS Act in terms of enforcement of animal cruelty laws. We had Humane Canada here. They've been very intimately involved, obviously, in enforcing the PAWS Act and being a part of that process. They expressed concerns that because of the false pretenses provisions in the bill, an employee on a farm or in a processing plant who didn't lie about getting the job or anything like that; they're just a good employee who has been working on the farm or in the processing plant for a while—if they see something inappropriate, they really have a duty to report that, and then PAWS would take effect. But they're saying that because of the provisions in this bill, people will feel like they could be criminally charged for exercising their duty to report.

I'm just wondering if you have some concerns around that and the implications it could have for the reputation of farmers, knowing that the vast majority of farmers do really good work, but like in any industry, there's always one bad actor here or there. I'm just curious if you're worried about that.

Mr. John de Bruyn: Thanks for the question. I think [*inaudible*] but I think it would depend on how you define "false pretense." My definition would suggest that the scenario you laid out would not be qualified as a false pretense. Owners of operations would expect our employees to bring to our attention issues on our own farms. I would think that the process would follow through, that if

they weren't satisfied with my response as an owner of an operation, they still have every right and responsibility, then, to further report that.

We believe the PAWS process as set up is quite adequate. We really like the fact that they've identified—

The Chair (Ms. Goldie Ghamari): One minute left.

Mr. John de Bruyn: —that dealing with cats is probably different than dealing with farm animals and they recognize some of those [*inaudible*].

Mr. Mike Schreiner: I only have about 40 seconds. Jason, if you want to take a quick stab at that as well?

Mr. Jason Leblond: Yes. I would echo John's statement that the PAWS Act—we were supportive of that when it came into place because it educated inspectors. They read all the stuff. They've reached out. It really and truly is protecting the animals and they've distinguished between farm animals and regular household pets. So I don't see any reason why that act can't protect those animals, as well as the staff member. There is no fear.

1540

Mr. Mike Schreiner: And you don't share the concerns of—

The Chair (Ms. Goldie Ghamari): Thank you very much. I'm sorry, MPP Schreiner. Your time is up.

We'll now turn to the government, beginning with MPP Smith. You have the floor.

Mr. Dave Smith: Thank you, Madam Chair. My question is for John. Actually I'm going to read something from the Ontario Pork farmers. It's simply a summary of something. There was a survey, and it came down to this conclusion:

"It was common for farmers to express feeling like their way of life was under attack. There is an impact on mental health here, without question."

The opposition has repeatedly talked about constitutional lawyers who are going to take this to court. In every case, it has been a lawyer from one of the animal activist groups who is saying that they're going to take this to court. Essentially what they are saying is that they have a right to trespass on your property because the rights of those animals supersede the rights of you as the farmer and your family and that they have a right to come onto your property.

Do you feel that's the case? Should they be allowed to just trespass on your property without regard for your family and your family's mental health or your family's safety because they think they should?

Mr. John de Bruyn: Very good point; very good question. I would suggest that the standard of care is probably different for me and my family as it may be for the unwise activists who believe that no use of animals is appropriate. So collectively, as a society we decided that we have a right to raise animals for food production. I believe we have all the systems in place as farmers to do that appropriately, and I think this law will better define the line, I guess.

We don't mind people who oppose our industry protesting. There's lots of public places to protest. There's lots of opportunities to voice their opinions, but when they

come to my place of business where me and my family and my employees work hard every day to bring safe, wholesome food—I think my responsibility extends to also making sure that my hogs get to market. That means transportation, as well as getting them to a processing plant—all of that is part of my duty to provide safe, wholesome food for Ontarians and Canadians. When they interrupt that process, I think they've crossed the line. I'd like that line to be clear.

Mr. Dave Smith: Thank you very much. I'm going to turn it over to my colleague MPP Bailey.

The Chair (Ms. Goldie Ghamari): MPP Bailey, you have the floor.

Mr. Robert Bailey: Thank you, Madam Chair, and thank you to our presenters. I've listened very carefully and it's been very interesting. [*Inaudible*] the last two days have been very informative. I guess, maybe, Mr. de Bruyn, I'll go back to you and anybody who has anything more that you'd like to add on your time under Mr. Smith.

I'm glad MPP Smith brought up the constitutional lawyers [*inaudible*] the discussion about constitutional lawyers and constitutional challenges. Maybe they should start thinking, "Why do they do this?" If they're so concerned about what the impact on—they're saying, "Oh, I'm so concerned it could make things worse in agriculture for the farmers and for animals and things like that if we have to deliver a constitutional challenge." Well, maybe they should give their heads a shake and stop complaining about that.

Anyway, John, if you would like to go on and talk some more about agriculture and about your hog industry, I'd like to know some more.

Mr. John de Bruyn: Well, I think there are 1,100 left of us producers in Ontario and that's less than there used to be, but we still produce about five million hogs a year. So we believe we feed all Ontarians. For example, my farm, with me and wife and children, and we've got five employees: I'll be feeding 90,000 Ontarians or 90,000 Canadians, so there's the scope of responsibilities. I take my responsibilities seriously; right?

As farmers, we worry about the weather. We're always worried about the prices because they're quite fluctuating. I think if you guys could take a little bit of the pressure off worrying about unannounced intrusions onto our operations or into our processes, that would be very helpful just to take one stress away. I think that a clear set of guidelines, a clear set of rules of engagement would be very beneficial to our industry from top to bottom.

Mr. Robert Bailey: Okay, thank you. I think I'll leave the rest of my time to Mr. Barrett.

The Chair (Ms. Goldie Ghamari): MPP Barrett.

Mr. Toby Barrett: Thank you to those at the witness table. Again, just—we may not have much time—a question directed to the hog industry or the beef industry represented here: People ask, "How come the existing provincial laws aren't good enough?" Or why are not they—can you hear me okay?

The Chair (Ms. Goldie Ghamari): Yes.

Mr. Toby Barrett: And why aren't federal laws good enough? We've got the Criminal Code. As I understand it, there's nothing there that permits what would be required to prevent people from walking out in front of tractor trailers, for example, that are transporting farm animals.

We may not have much time, so just maybe a thumbnail sketch: Why do we have to go beyond the federal and provincial legislation that we already have?

Mr. John de Bruyn: Jason, do you want to go first?

Interjection.

Ms. Katherine Fox: I'll take that. It's Katherine. I think one answer is that agriculture, agri-foods, is a different type of industry. This is a unique sector. This is where our food comes from. We're talking about large pieces of land, a population of people that—only that 1%, maybe 2% of Ontarians have any connection to farming. There needs to be an understanding that trespass and the risk that comes from trespass on farms is unique from other places of business, and that needs to be taken seriously.

I think that sometimes farms are not seen as, first, places of business or people's homes, and also a place where animals are cared for. So there needs to be that recognition so that trespass laws are enforced and that there are proper legislative provisions to make sure that trespass is enforced.

Mr. Toby Barrett: I understand that there have been cases in the past where crown attorneys have withdrawn the charges, talking about lack of evidence or it just doesn't seem to fit with the environment you're talking about. Do you have some examples like that or how we can get around that?

The Chair (Ms. Goldie Ghamari): One minute.

Mr. John de Bruyn: John here. Have I got the floor?

Mr. Toby Barrett: Over to John, Chair.

The Chair (Ms. Goldie Ghamari): Yes.

Mr. John de Bruyn: I think that's one of the challenges we've seen in the last few years. It has not been clear, I guess, on the rules of engagement. We've certainly had some challenges on the farm as people who oppose us have changed their tactics. We've certainly had some transportation issues. We're asking our drivers to safely load hogs, in my case, and safely get them to market. That's a tough enough job already, but when you have to worry about maybe people being around our 40-tonne trucks, right, and safety—so there are lots of issues around that, and on the farm as well, I guess.

Maybe I'll return to the question: If we as farmers don't agree with animal rights, do we have the right to go and protest on their front lawns? Would that be appropriate? I mean, the sidewalks are appropriate, but I don't think we should be allowed to enter their properties on their front lawns. Those are reciprocal, I guess, of maybe where they've gone with their interpretation of what's appropriate—

The Chair (Ms. Goldie Ghamari): Thank you very much. That concludes this round of questioning for the government side.

We'll now turn to the opposition. Who would like to speak? MPP Glover, you have the floor.

Mr. Chris Glover: I just want to start with a comment about the Charter of Rights and Freedoms, which is the foundation of our democracy. Nobody has been arguing that the charter challenges that people have been talking about were to allow people to trespass on property. The right to be protected from trespass is already—the right to property is also in the Constitution. The debate that has been happening in the consultations over the last couple of days has been over the right to free speech.

If somebody walks onto your property without permission, that is trespassing. They're in violation of the Criminal Code of Canada, and they can be charged. The question is, why isn't that happening? The enforcement of the current law is an issue.

A piece in this legislation is false pretense, that somebody like an investigative journalist who goes in there and pretends that they're going to be working in an industry—it could be a slaughterhouse—and says, "I'm here to work," but they're actually doing an investigative report. The law as it is would prevent an investigative journalist from going in. That's what the lawyers and the law professor have been talking about as the false pretense—that this would actually be in contradiction to the right to free speech.

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The charter rights are really important and fundamental. It's not just a bunch of lawyers debating about stuff; it's actually: How are we protecting our right to free speech? The question is, how do we protect farmers from trespassing and harassment without violating everybody's right to free speech? That's where we need to find the right balance in this legislation.

I'll just go back to Mr. Leblond. There's something I'm not clear on that you were saying. You said that people should not be able to sit on a threat until they are past the point of being charged with trespassing. If an employee in a food industry place sees an animal being abused and they wait six months to reveal that so that they're not under threat of being charged with trespassing, you said that's wrong and they shouldn't be able to do that, that they should just be able to report it so that the animal cruelty can be stopped right away. So are you in favour of waiving the trespassing or providing whistle-blower protection so that a whistle-blower would not be charged with trespassing?

Mr. Jason Leblond: I don't want to speak to how the law should be changed. There needs to be a balanced approach to this, and truthfully, I believe the way the act is written now is that balanced approach—and then we'd be working in conjunction with the PAWS Act. When you put these two acts together, to me, the rights of the protesters and the care of the animals are taken into account.

Mr. Chris Glover: So you're suggesting that, ideally, the duty to report under the PAWS Act would supersede the trespassing charge. Is that correct?

Mr. Jason Leblond: Again, I'm not a legal expert. I'm a farmer from northern Ontario. But they are both laws. If

you're going down the highway and you break multiple laws, they can charge you with multiple crimes. I don't see why we need to distinguish between the two. In my opinion—and I'll let Katherine chime in if I'm going off cue here or not being straight and narrow—this is real simple: You have two laws that are going to cover two separate things. It's all in the law. Parliament puts it in place and the courts govern that. Is that clear enough?

Mr. Chris Glover: I think it does maybe speak to a point of clarification in the law about how it intersects with the PAWS Act.

Mr. Jason Leblond: We've seen it in the past where cases have been dropped because the evidence was let out six months after the fact. So the court cases don't get solved. Again, we don't want anybody sitting on evidence. If there is something wrong going on, we want to know right away so that can be remedied.

Mr. Chris Glover: I've seen over the last few days that there's one point everybody agrees on: Nobody wants animal cruelty, and everybody wants a system in place to do inspections to make sure that animal cruelty is not taking place, and where it is, that it's being investigated right away. I guess the question is: How do we create a law that will actually do that?

The other issue is, obviously, the trespassing and the harassment that has been going on. I'll ask John if you could just comment on that. We had a report about harassment, about mental health impacts on farmers across the province. I looked at the report last night that was sent to me. Can you just talk about the impact of that on your family or your community, and what you're seeing?

Mr. John de Bruyn: I would suggest, if you haven't experienced animal activists on your farm—most of us haven't—the risk of it, the fear of it, is certainly real for farmers.

If you drive around the countryside, most farms are quite welcoming. They've got a nice sign, a beautiful lawn. It's not like we put a gate and a fence up and say, "Don't come visit us." We're open for business. We've got beautiful farms in rural Ontario here.

Another way to solve it would be to fence ourselves in and make it clear to you—

The Chair (Ms. Goldie Ghamari): One minute.

Mr. John de Bruyn: —that you can't cross that line at our laneway. That's not our intent. Our intent is to balance our rights to produce safe, wholesome food with people's rights to oppose us.

To your previous question, probably the safety or the welfare of animals should be first and foremost. Whenever a case of abuse or a case of neglect is recognized, I think our first job should be to solve the problem for those animals, not to make a statement to the industry for the [inaudible], but to solve it—and that would reflect that the PAWS Act would take first precedence.

Mr. Chris Glover: Okay. Thank you very much. Those are all my questions.

The Chair (Ms. Goldie Ghamari): Thank you to all our presenters. Meegwetch for joining us today.

Regional Chief Archibald, if you could, the next time you see Ogimaa Duke Peltier, tell him Goldie says hi. I'm looking forward to when Duke's is reopened and I'll see him there.

Thank you so much. You're now released.

DR. JAN HAJEK
VEAL FARMERS OF ONTARIO
CANADIAN JOURNALISTS
FOR FREE EXPRESSION

The Chair (Ms. Goldie Ghamari): We're going to call upon our next group of presenters. We have Jan Hajek, we have Pascal Bouilly from the Veal Farmers of Ontario and we have Philip Tunley from Canadian Journalists for Free Expression. Each of you will have seven minutes for your presentation, followed by a round of questioning from the committee.

At this point, I'd like to call upon Jan Hajek. Please state your name for the record, and then you may begin. You will have seven minutes.

Dr. Jan Hajek: Hi. My name is Jan Hajek. I am an infectious disease doctor and a clinical assistant professor of medicine here at the University of British Columbia. I worked in Toronto during SARS, in St. John's during the 2009 H1N1 pandemic, in West Africa during the Ebola outbreak, and I'm out here looking after patients of COVID-19 in Vancouver.

I'm not a farmer, and other than working on a small farm in the Czech Republic in the summer many years ago, I have no specific training in animal husbandry. But as an infectious disease doctor, I'm aware of the risks of disease transmission through animals and people and I'm concerned about biosecurity and the need to prevent infections. I'm also concerned that some aspects to the legislation within Bill 156 would be counterproductive and potentially harmful.

As background, although there's ongoing risk for another infection like COVID-19 to be introduced from wild-caught animals, the biggest risk right now for the next major pandemic is probably influenza, and this could begin right here in Canada.

As well as small mutations as viruses replicate, influenza can acquire larger mutations or adaptations when two streams are mixed together in the same host. For example, if a pig with swine flu was in contact with a farmer with human flu, the streams can mix and create a new virus. This is likely what happened with the last H1N1 influenza pandemic, which emerged in Mexico in 2009. Luckily, that virus had a very low case fatality rate, but there's a chance that that next future influenza pandemic may be worse.

Cases of avian influenza and swine influenza have occurred on farms here in Canada, and studies have shown that people who work on farms and their family members are at risk of getting influenza from the animals on the farms. Ontario has introduced surveillance and other measures to help mitigate these risks. But I bring this up

to highlight that as well as animal welfare, farming practices can have very serious public health implications.

A challenge that I see is that high-intensity animal agriculture can be strongly profit-driven, and they operate sometimes on narrow margins. Under these pressures, sometimes animal welfare and public health measures may be inadvertently sidelined. Having additional checks and balances here is very helpful.

An example of this is antibiotic use on farms. In hopes of maintaining high growth rates, animals on high-density farms were given antibiotics in their feed. The use of these antibiotics was unregulated, and to save money, farmers could even import antibiotics from international suppliers for use on their farms. This was not in the public's best interest. Studies have shown that antibiotic-resistant bacteria had entered the food supply and had made people sick.

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Things have now changed, but it took Canada many years to introduce regulation around antibiotic use on farms.

I use this as an example to demonstrate that there are times that conflicts of interest can exist between the need to maximize profits on high-density farms and the need to protect public health.

Undercover investigations have revealed other instances of bad practices for public health that needed to be addressed. For example, the largest meat recall in history was prompted by an undercover investigation of a slaughterhouse by the humane society in California. Workers were seen beating cows in the face, using chains and pushing them with a forklift to get them to stand in order to enter the slaughterhouse chute. This happened at a USDA-inspected plant, and this was back in 2006, shortly after the BSE outbreak, and because the meat from sick cows was thought to pose a risk to food safety, there was a massive meat recall of over 100 million pounds.

More recent undercover investigations in Canada have revealed other instances of poor animal care. The fact that, rather than calls for inspections and more oversight at such high-density farms, the government is pushing for legislation that may actually increase secrecy, is very concerning, both for animal welfare and for infection prevention and control reasons.

I had a chance to listen to some of the presentations yesterday. Some of the speakers, including those from the agricultural industry, also called for transparency on farms. I think that's the legislation that should be pushed forward. Initiatives like third-party inspections and monitored video cameras would be particularly helpful.

There was also a presenter yesterday from the meat and poultry industry, and he said that he supported making undercover reporting on farms illegal because, and I'm paraphrasing here, it could portray the industry in a negative light. There was no specific mention of biosecurity or food safety concerns. It seemed almost entirely motivated by the desire to avoid bad press, and that makes me very worried, because reporting and responding to infections on farms could also lead to bad press.

In closing, I want to make two points. Trespassing on farms should remain illegal. I'm thinking of biosecurity concerns, and they vary in importance from farm to farm. I think there are also risks of physical and emotional distress from people trespassing. But I worry that some of the underlying reasons that are encouraging people to trespass are a lack of transparency and a lack of independent inspections on commercial farms. Making the care of animals on farms more visible to the public may be more effective at preventing trespassing than increasing fines. I think the public should be able to see what goes on in slaughterhouses and on commercial farms.

The restrictions on undercover reporting in Bill 156 I think are driven by a desire to hide certain practices from public view rather than biosecurity or food safety concerns. I think that undercover investigations have been very useful in the past, and that restricting these kinds of investigations may inadvertently have negative consequences for both animal welfare and for public health.

With that, I'm going to close. Thank you for inviting me to speak today. I look forward to the discussion.

The Chair (Ms. Goldie Ghamari): Thank you very much. We'll now turn to the Veal Farmers of Ontario, Pascal Bouilly. If you can please state your name for the record, and you may begin. You will have seven minutes for your presentation.

Mr. Pascal Bouilly: Good afternoon. My name is Pascal Bouilly and I'm a chair of the Veal Farmers of Ontario. I thank you for allowing me to speak today.

The Veal Farmers of Ontario is a farmer-run organization that works on a variety of industry projects, and obviously the issues directly impacting veal and dairy calf farmers, to create a proactive and engaged Ontario dairy calf and veal industry.

We believe that Bill 156, the Security from Trespass and Protecting Food Safety Act, will help to ensure food security from the farm to the consumer along the entire food chain, protecting not only our food supply but the farm families who produce it.

Over the last couple of years, there have been increased threats from trespassers and activists who enter animal farms illegally. The agricultural industry is different from many other Ontario businesses because farmers live where they work. Farmers need equal protection under the law when their home, property and workplace are threatened.

Still, in the end, these farmers support peaceful protests on public property; however, when the law is broken and those protests occur on private property, there needs to be a consequence for the breaking of the law and meaningful prosecution which acts as a deterrent to future crimes.

We support Bill 156 because it allows for peaceful protest and will protect farmers and all that are involved in the food supply chain from the people who seek to do harm to their businesses. Our farmers need to count on the legal system in Ontario to uphold the law.

We farmers of Ontario do not condone animal abuse of any kind. *[Inaudible]* follow the code of practice for the care and handling of veal cattle. This code is our industry standard. It is science- and consensus-based and

developed by a development committee through the National Farm Animal Care Council process. The committee is made up of farmers, transporters, veterinarians, animal welfare and enforcement agencies, retail and food service organizations, processors, government and researchers.

If there is concern regarding animal welfare under Bill 136, the Provincial Animal Welfare Services Act, known as the PAWS Act, there is a 24-hour call centre set up for the reporting of suspected cases of animal abuse or neglect. We fully support this initiative as a credible system for concerned individuals to have an issue investigated by trained independent animal welfare inspectors under the PAWS Act. Private individuals are not trained to determine if abuse or neglect is occurring; this should be left to professional inspectors.

We farmers are committed to high standards of animal care. We work closely with veterinarians, field specialists and regulators to raise *[inaudible]* animals responsibly. We believe that the current Trespass to Property Act is not sufficient to *[inaudible]* individuals who take it upon themselves to enter our farm, potentially bringing harm to our livestock. If someone is employed on a farm operation and is aware of a welfare concern under Bill 136, the PAWS Act, they have a duty of care to report the issue to the call centre immediately. They should not be permitted to gather film footage to sensationalize the issue as a so-called undercover investigation after the fact. The information collected is skewed, causing misrepresentation of animal agriculture.

In the current Trespass to Property Act, there is a six-month limitation of the date of the offence when charges can be filed. It is not uncommon for the information of undercover videos to be held for a period of six months plus a day and then released. By releasing at this time, the reporter cannot be charged for trespassing. If what they are reporting is *[inaudible]* why wait for the period and not allow the authorities to investigate immediately? This behaviour reinforces the agenda of special interest groups to stop animal agriculture, not help animals.

The veal sector has made many advancements with on-farm biosecurity protocols and makes every effort to continue those improvements, protecting the health and welfare of our livestock from disease. With dairy calves, we start the production system with our young and vulnerable with little ability to fend off disease, and it is imperative that every effort is made to protect this vulnerable sector of our veal operation.

We cannot have trespassers entering our operation and exposing the livestock to disease and stress and *[inaudible]* the livelihood of our farm families. Safe farms are important for the people who live and work there.

VFO is committed to a safe and sound food supply. We are supportive of Bill 156, the Security from Trespass and Protecting Food Safety Act, 2020, and we commend the government, and in particular Minister Hardeman and his team, for the support of this important legislation and the protection of the veal sector, as well as the entire agri-food industry—

The Chair (Ms. Goldie Ghamari): One minute.

Mr. Pascal Bouilly:—and ensuring the safety of our farm families and livestock. I thank you.

The Chair (Ms. Goldie Ghamari): Thank you very much. We'll now turn to our final presenter for the day, Philip Tunley, from the Canadian Journalists for Free Expression. If you could please state your name for the record and then you may begin. You'll have seven minutes. Thank you.

Mr. Phil Tunley: Thank you, members of the committee. My name is Phil Tunley. I'm the president of Canadian Journalists for Free Expression, or CJFE. CJFE is a not-for-profit organization with a membership drawn primarily from journalists, but also lawyers like myself and others across Canada who are concerned about freedom of expression and journalists' protection. The CJFE's mandate is to monitor, defend and report on free expression and access to information in Canada and abroad. We are rooted in the field of journalism, we promote a free media as essential to a fair and open society, and we champion the free-expression rights of all people.

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CJFE's activities are numerous, and they're detailed on our website, but to give you a sense, they include: providing financial and other support for journalists around the world who are targeted for reporting the truth, through our Journalists in Distress program; intervening before the Supreme Court of Canada and other forums in cases that involve free-expression and media issues; and of course, testifying before legislative committees when legislation affects these interests.

I've structured my presentation around three questions which I'll try to answer. First, why is CJFE concerned about Bill 156? On April 13, we did post a position statement expressing deep concern over the investigative journalism and access-to-information implications of this bill. Among other things, we expressed concern that this bill will, under the guise of protecting agricultural property and biosecurity interests, actually grant sweeping new, coercive powers to business owners. It will permit agri-businesses to arrest individuals, including journalists, on their property. It will restrict public gatherings outside slaughterhouses and other facilities, including news reporting on such matters of public interest. It will create an offence for accessing such facilities "under false pretenses," even when journalists assume that approach to investigate a legitimate story in the public interest. We say that these and other provisions effectively criminalize investigative reporting by journalists in this area. Had they been enforced in years past, they would have criminalized and precluded recent stories by mainstream Canadian media which have documented appalling conditions inside animal transport trucks, slaughterhouses and farms, and raised important public debate about the mistreatment of animals and ethics in Ontario's food supply chain.

Second question: Why is investigative reporting important? Simply, our Legislatures and our courts have all repeatedly recognized the critical importance of investigative journalism to our democracy. What journalists seek to

do is seek out news and information that is of public interest; that is, information that ordinary Ontarians are interested in knowing. We know that they're interested because, one way or another, readers and audiences pay for the news media to investigate and publish their work. As such, especially these days, all media are highly motivated to find and report information that matters enough to readers and audiences that they will pay to receive it. That's important because the freedom of expression, as guaranteed by our charter, includes not just the right to speak and to publish, but also the rights of people and organizations to receive information that is of interest to them. As such, criminalizing investigative reporting does not just violate the free-expression rights of journalists; it violates the constitutionally guaranteed rights of all Ontarians. Most fundamentally, though, the events that journalists cover and the information and stories they report are important because they make our democracy better. They improve public debate about policy-making and our laws, and they educate and inform people to make better choices about how they will act, what they will consume, and what they expect of others.

Last question: Why are the subjects of Bill 156 important to Ontarians? Recent media reporting by Canada's mainstream media and by civil society groups, bloggers, and other social media makes it clear that the public wants to know about the subjects of Bill 156. It has, of course, always been vital that participants in Canada's food chain act lawfully and safely, and we all want to know when they do not do that. But in addition, a growing number of Canadians also want to be satisfied that the food they eat has been raised ethically and humanely.

Animal rights has become an issue of moral imperative to many of us. Notably, as well, the worst abuses exposed by recent media reporting usually do not involve small family farmers. They, by and large, share our core values and treat their livestock well. Most often, the abuses involve large agri-businesses, often foreign-owned, that are willing to resort to any measures that will reduce costs and push profits higher.

That's why CJFE believes the oversight and accountability imposed by concerned citizens and news media is so important in this area. What is of interest to citizens and the media are not the normal and lawful practices of small farmers. Rather, it is the cases of abuse by larger organizations whose activities impact a broader cross-section of the public. I do not mean just ethical abuses, although they are important. I mean also abuses or non-enforcement of applicable laws, including laws designed to secure public health and safety in our food chain.

So then just to conclude, our concern is that by restricting informed citizen and media reporting, this bill mounts a frontal assault on Ontarians' free expression rights to receive information about these important issues of public interest. Existing general laws that protect property rights and biosecurity have simply not been shown to be inadequate to combat any real abuses of these rights, nor have agri-businesses been shown to be particularly in need or deserving of the extraordinary legal recourses and preceptions that this bill hands to them.

CJFE is concerned that this bill will not just make Ontario's slaughterhouses and farms a commercial carve-out from Ontarians' free expression rights; it's obviously bound to set a precedent that will pave the way for similar carve-outs for other commercial facilities and activities, such as health care and energy production—

The Acting Chair (Mr. Dave Smith): Thank you very much. We've run out of time for your presentation.

For our first round of questioning, we'll start with the opposition: Mr. Glover or Mr. Vanthof? Mr. Vanthof.

Mr. John Vanthof: Good afternoon. Thank you, once again, to all the presenters and for all your different viewpoints. This has been a pretty interesting couple of days, I've got to say.

I'd like to direct my first question to Jan. As someone with obviously the most experience in communicable disease, you gave a really interesting—you understand the importance of biosecurity on farms, but then you switch to the importance of being able to have investigative reporting. I think that's one of the main cruxes that we've been trying to deal with in this committee. How important is—I'll ask Phil after—the ability to have investigative reporting? Is that something that we cannot and we should not give up? What do you think?

Dr. Jan Hajek: For me, I tried to make a case for it. I don't see a legitimate biosecurity food safety concern in having undercover reporting there. And I worry that by doing this, by further hiding it, it does seem that you're hiding bad coverage and things and not offering any other transparency or third-party inspections. When there are obviously sometimes—and farmers may not even meaningfully do it, but there is a conflict of interest there.

There need to be some checks and balances. Right now, it seems that, at least, undercover reporting does help with these checks and balances. There is a need for this. We had that in medicine too, with big pharma. It changed a lot in my life. We used to have a lot of big pharma involved, and we pushed away from that a bit to make sure that we're having checks and balances and things.

I feel strongly that—if there are big risks, we have to mitigate that. But if there are no risks and there is a potential benefit in having these undercover reportings, then I think that it's in the public's best interests. If there is so much interest in transparency, it makes you wonder why there isn't that push for more transparency. I have not seen, like that previous presenter said, that on family farms that have day visits—you can see the animals, people aren't rushing in there, I don't think at least, to trespass on their farms and things. It's the ones where they don't know what's going on, where they're wondering that maybe there's some abuse going on. I think that puts them in a place where they feel that they have to do something.

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Mr. John Vanthof: Phil, would you like to—

Mr. Phil Tunley: Certainly, I would like to start by pointing out that undercover journalism is every bit as widely accepted by our courts, by our Legislatures and by our society as undercover policing. It's part and parcel of

how we operate as a society. It is lawful. There is nothing unlawful about it until this bill is passed.

This bill, for the first time, criminalizes what has been an important aspect of investigative reporting: free expression and access to information that is not generally publicly available. These aren't government agencies. They don't have to respond to an access request. If you want the information you have to go in and get it. That's what this bill is trying to take away from, not just journalists, but from readers and listeners of our major media.

Mr. John Vanthof: Thank you.

Mr. Bouilly, you went off my screen. Pascal, do you see things differently, from a farmer's perspective, that getting on the farm under false pretenses, as an animal activist—you don't want an animal activist on your farm under false pretenses. But do you understand the importance of investigative reporting as part of our free democracy?

Mr. Pascal Bouilly: I totally understand it, and I am in support of it, but where I have a problem when I see that it does not reflect the reality of what we are living on the farm. That's always the concern—I think no one likes to get their own story being told by somebody else in terms that are definitely not positive and that are not reflecting the reality of their own story.

So, that's where I think it's very [*inaudible*] I would like to see all our farms being opened to the public to people who want to know what's going on. Farmers are not working behind closed doors. There is a law, they thought, that is meant to promote farming in a positive way. I think it's very important to not have a bad story being portrayed as being the way farming is today.

Mr. John Vanthof: I understand your concern, but should investigative reporting—

The Chair (Ms. Goldie Ghamari): One minute left.

Mr. John Vanthof: Should there be different rules for agriculture for investigative reporting than for the rest of the people who operate in a free democracy? Should you have a carve-out? Because, basically, the way I read this bill, the government is asking—

The Chair (Ms. Goldie Ghamari): My apologies, two minutes left. Sorry.

Mr. John Vanthof: Investigative reporting: Should agriculture have a carve-out?

Mr. Pascal Bouilly: I don't think it should be called—I don't know how you say that. To me, I don't think agriculture is [*inaudible*] once you have a farmer and his family that is standing by themselves in front of a crowd of activists. To me, that doesn't look like it's the right way, especially when that farm is someone's private property.

The Chair (Ms. Goldie Ghamari): One minute.

Mr. John Vanthof: I am with you on the trespassing, the physical trespassing. I understand. The investigative journalist under false pretenses is a bit more nuanced than the trespassing part. The people who cross your physical boundaries in a protest and threaten your family: We're on the same page. But the investigative journalism and the false pretenses—that is the crux of the argument here today, I think, at least from our side.

I think I'm almost out of time.

The Chair (Ms. Goldie Ghamari): Fifteen. Just under—well, 10 seconds now.

Mr. John Vanthof: Okay. I'm done.

The Chair (Ms. Goldie Ghamari): Thank you. We'll now turn to MPP Schreiner. You have six and a half minutes. You may begin.

Mr. Mike Schreiner: Thanks to all three groups who presented here. Because I think this is our last group of presenters, I just want to take a moment to thank everyone who has come to committee over the last two days. It has been incredibly informative and it's exactly why we need to have these kinds of committee hearings: so we can hear all the viewpoints and then take that into consideration as we work on a bill like this, or any bill.

I want to start with Philip. You use fairly harsh language with this bill. I want to quote you: "criminalizes investigative journalism." That's a pretty strong and serious charge. What do you think are the implications of that?

Mr. Phil Tunley: I think the implications are that it's unconstitutional, and it will be struck down by our court system very shortly after it's passed.

Mr. Mike Schreiner: It has been suggested that only lawyers for animal rights organizations had questioned the constitutionality of this bill, but you're questioning it from a journalist's perspective. I would assume that if it applied to health care, energy facilities or even politicians, you would be coming forward with the exact same concerns. So it's not industry-specific; it's really around the integrity of our charter rights and free expression.

Mr. Phil Tunley: Indeed. It's not industry-specific. The principle that's of importance to Canadian Journalists for Free Expression is the free-expression issue and the journalism issue. Criminalizing investigative reporting is never a good idea.

Just to respond briefly to Mr. Bouilly: Nobody gets a monopoly on how to tell their own story. The whole purpose of the press is to expose facts, opinions and what goes on in our society to some sort of editorial investigative review that isn't criminal in nature. It isn't threatening, it doesn't put anybody in jail, but it does try to bring other perspectives to bear. That's what journalism is about, and it's very legitimate.

That's why the courts are very protective when investigative reporters in particular are hamstrung in this way.

Mr. Mike Schreiner: Do you think this sets a dangerous precedent for press freedom in Ontario?

Mr. Phil Tunley: Absolutely, yes. I wouldn't be here if it didn't. That's what our organization does, is intervene in hearings like this when press freedom is threatened.

Mr. Mike Schreiner: Thank you. I know my time is running out, so I want to ask Dr.—is it Hajek? Was that pronounced correctly, I hope? I want to thank you for intervening and bringing your perspective.

I thought that one of the things that was really interesting is that everyone is in agreement who I've heard so far—almost everyone; there may have been a few extreme activists who are not in agreement—around making it illegal to trespass on farms. I want to ensure that we do that. But it's interesting; you're the first person who has

really brought forward the perspective that if we actually increased transparency and increased inspections, there would be less motivation for trespass. I'm just curious if you want to elaborate on that a little bit more.

Dr. Jan Hajek: Yes. First, my last name, Hajek: It's like Salma Hayek.

Mr. Mike Schreiner: Thank you.

Dr. Jan Hajek: You did well.

Yes, I think so, especially—because some of these reports, these undercover investigations, are terrible. The things that they have shown actually lead to criminal charges. These undercover reports have shown bad things that happened. So we kind of want to see that: Is that just a one-off? What's going on? Is it happening on these farms? And on some of the farms—that could be bio-security or for whatever reason—we don't know what's going on. Then there's legislation like this. Even to me, it makes me worried.

For reporting, we've heard about China and how they didn't want to report COVID because it looks bad on them and things. If a farmer doesn't want to disclose and have all these extra laws for secrecy and things, it just makes it much harder to do that stuff.

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Some farms have open farming days—and even lots of slaughterhouses, like the Hallmark slaughterhouse that I talked about, which had the huge meat recall. They've said, "We don't want this anymore. We're going to introduce cameras. We're going to show people what goes on"—just to make it clear that they're owning up to it, that they had a problem, that they recognize the problem and they're going to address it. I think that helps with public trust and public safety. The other one, of trying to shut it down and pretending that it doesn't really happen—but we see that it happens—we lose it, and then that drives these activists who have to do something to save these animals. I think you also lose trust when people—they saw trespassers going on these farms when they already know what's going on. It just seems malicious if they're going in there and just causing trouble—

The Chair (Ms. Goldie Ghamari): One minute.

Dr. Jan Hajek: —whereas if they're going in there to find out what's going on behind the scenes, then they get more buy-in for potentially threatening other people.

Mr. Mike Schreiner: I just want to quickly end with Pascal.

Pascal, I'm guessing that, like most farmers, you're very proud of the work that you do and the way you treat your animals. And while you don't want people illegally entering your farm, I would guess you're proud to show people your practices. Would that be the case?

Mr. Pascal Bouilly: Totally. We'd like to say we have an open-door policy—as long as you're not letting just anybody roam around. We are proud to showcase what we are doing. We take part to share, we go to the outdoor farm show—we are very present over there, as well. It's not—

The Chair (Ms. Goldie Ghamari): Thank you very much. That concludes this round of questioning. We'll now turn to the government.

MPP Kramp, you have the floor.

Mr. Daryl Kramp: I have a couple of statements, first of all, that I would just like to make for the record, and then maybe a brief question at the end.

With respect, Mr. Tunley, as far as undercover operations and breaking the law to do it: I served as a police officer for a number of years and worked undercover many, many times, a number of times in co-operation and in tandem with journalists. Quite frankly, never once did we break the law to do it. Occasionally, we would have to go and get a warrant to do it for some particular reason that it be valid and justified. But I'm sure we wouldn't condone breaking the law in order to be able to simply uncover something else. Two wrongs don't make a right. I'll just make that statement.

Dr. Hajek, I was listening most intently, and I thought you made some excellent points. The one [inaudible] that stood out, and that of course is the interpretation: Who's going to interpret? If you're an expert in the field, then your opinion certainly matters—if you are a farmer who has developed valid knowledge about his industry. But for people to simply pass judgment, who have no knowledge whatsoever, to simply come in and do what I would call a drive-by smear, that is really unfortunate. So I do respect your professional contribution to this panel. It's deeply appreciated.

To all of the witnesses who have come here today—and respect, as well, for my colleagues on all sides of the House here today. We've had a real plethora of opinion; there's no doubt about it. We've went from extreme positions on all sides to [inaudible] at the middle. It has been an education, I think, for all of us on this. So I want to thank all of the witnesses who came here before us today, and certainly the witnesses here right now.

I'll turn it over to my colleague Toby Barrett.

The Chair (Ms. Goldie Ghamari): MPP Barrett.

Mr. Toby Barrett: I certainly echo those sentiments. This is very, very interesting and food for thought.

Most recently, I was at the witness table presenting some proposals that would, I feel, set some precedents with respect to undercover journalists or undercover people, for example, going in to an enterprise to detect infectious diseases. In that one, well, we have the PAWS legislation, and we do have government people who—I would assume with a warrant; I would hope with a warrant—would enter premises, certainly, where a farmer is scared of detecting disease, treating the disease and getting help from a veterinarian. Secondly, once the animals are shipped to market and shipped to an abattoir, there are government inspectors. Why are they there? Much of it is to detect disease.

To have investigative journalists accessing facilities, as was made mention, of large agri-business or big pharma—I don't know whether this goes on. Do investigative journalists go undercover in steel mills and petroleum refineries? To me, that is a bit of a reach for me to get my head around.

I would like to turn to Pascal just in that context. Is this the kind of world that we are heading for or would want to head for, or are we better off—I mean, we have government for a reason. Are we better off relying on people

certified, oftentimes wearing a uniform, or having people like this that would do the investigations and dig out any wrongdoings? I'd like to turn that over to Pascal.

Mr. Pascal Bouilly: Sorry, I do not quite [inaudible]. What I've been saying is we do need to rely on undercover in this situation to learn about what's going on in the farming sector in Ontario. I think we have to be respectful of each other. We live in a province where there is a large segment of the population that is disconnected from the rural activities. I think it's because they are living in larger cities. So I think it's very important to have the trust between one another and the respect of one another.

Mr. Toby Barrett: I wonder, the need to detect infectious diseases is very, very important—emerging infectious diseases. I would rely on a farmer who would know his veal calf better than an undercover journalist, social media journalist or activist.

Mr. Pascal Bouilly: They may—I would respect if they're coming with their own expertise, but it's a fact, yes, as a farmer who is looking after animals—they are there seven days a week. They are there 365 days a year. I'm sure that any of them—you would ask them, "Do you love animals?" They would tell you yes, they do love animals. They work with them, and it's part of their life.

They're also looking after them often not only by themselves, but with their family around them. They would have either a parent or a kid helping them. It's a real family activity. That's why you would really like to feel safe on your property and know that you should not have to worry about getting someone coming in and just knowing they are there more—basically, because they don't like the fact animals are always for food. But that's a different set of mind, and the farmer needs protection against this.

Mr. Toby Barrett: In our society, in my view—

The Chair (Ms. Goldie Ghamari): Thirty seconds.

Mr. Toby Barrett: —we would not tolerate activists going in to a steel mill. Why would we tolerate activists or undercover people going in to a farm operation or a large processing plant?

Mr. Pascal Bouilly: I don't have an answer for that. It's your elected government. I'm sure in every sector or activity, you're going to have bad operators and people who are doing things that should not be done. The organization: They're saying they do not support any—we don't condone any animal—

The Chair (Ms. Goldie Ghamari): Thank you very much. This concludes the time for the government. We'll now turn to the official opposition. Who would like to begin? MPP Glover, you have the floor.

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Mr. Chris Glover: Thank you very much. I'll just echo what the other MPPs have said: It has been a fascinating two days of presentations. It's great to have your perspectives. The perspectives that the three of you are bringing to close this out are actually a bit different from the other things that we've heard.

I'll start my questions with Philip. I guess my first question for you would be: In what other industries are

investigative journalists going undercover? For example, do they go into steel mills or in other workplaces?

Mr. Phil Tunley: I think the answer is that they will go in wherever they think there is a story of sufficient interest to their readers that's worth investigating. There's no limit. They don't have a particular subject-matter axe to grind, unless they are Farmers Weekly. Most of the press is pretty general and does a pretty broad job focusing on the worst cases. One of the lessons from recent reporting is that agri-business is among the worst of the cases and has attracted significant attention from journalists.

Mr. Chris Glover: So when you make a statement like that, do you think that greater transparency in the industry would actually remove some of the pressure from an investigation?

Mr. Phil Tunley: I certainly agree with Dr. Hajek that if there is information that is accessible to journalists and to the public, that reduces the need to use undercover techniques, covert techniques of any kind, rely on whistle-blowers who may be breaching employment obligations, and so on. It's a much safer environment in which to report, because you've got data that is more scientifically verified and so on. But in any instances where it's justified, journalists today employ experts to do the investigative work for them and to get into these organizations, or get data that they can get out of an organization and provide to scientific experts for testing.

Mr. Chris Glover: Okay. I'll ask one more quick question because I want to get to the other speakers as well. Does it undermine the shock value of a story if everything is out [*inaudible*]? If the government's trying to just publish all their documents and seeing that a big part of any story is the reveal, that, "Hey, we just found this thing out"—If everything was out in the open and publicly available, that would undermine the shock value and the attraction for some stories.

Mr. Phil Tunley: Well, reporting available, accessible information without more isn't much of a challenge, and you won't win any journalism awards that way, certainly. But what is very important and one of the perspectives that journalists can bring to bear is to take pieces of information that seem to be different and separate and connect them, and connect them through the use of experts, in a way that the public just can't do on its own. Industry won't do it because it's not in their interests to do it, and government inspectors have a very specific—usually legislative—mandate, and they're not paid to see the bigger picture in the way that the media, certainly the mainstream media, are.

Mr. Chris Glover: And my final question—and I do want to get to the others, so if you could answer quickly. Will the Canadian Journalists for Free Expression launch a charter challenge if this legislation is passed as is?

Mr. Phil Tunley: I think it's premature to say. We will be in touch with other groups. We normally would do that by intervening in a case that's brought by someone who is directly affected. But I can tell you, as soon as a journalist is arrested, the answer is yes.

Mr. Chris Glover: Okay, thank you. Then, my other questions are for Pascal. You talked about how we live in a society that is disconnected from where our food is produced. Most of us are at least a generation from farms—some two, three generations now from farms. How can we develop greater trust and transparency between city dwellers who consume the food and the farmers who produce the food?

Mr. Pascal Bouilly: It's a good question. Promoting Ontario-grown products produces the [*inaudible*]. We need to make a link between rural and urban areas. I think this will be one more step up [*inaudible*]. There are many opportunities, I think, for the public to be reminded how food is grown and that we also have a very important agri-food sector in Ontario involving a lot of people.

It's true that we do probably need to remind people—and I think lately, we start to hear a little bit more about the COVID crisis and [*inaudible*]. You know, we heard a description of the food distribution [*inaudible*] or what the employees face, especially in the restaurant industry and also the impact there, but it has made an opportunity to remind folks that Ontario is a great place to grow and produce a lot of the resources that we need. A lot of farmers are very proud to show what they are doing, and they encourage anybody, also, to take in—we have all the fall fairs that are a very good opportunity for people to get out and go to the farmers' market. It's another way for people to go and reach out.

Mr. Chris Glover: Thank you for that. I think you're right. We're big supporters of farmers' markets. There are quite a few in downtown Toronto, and it's great to get to meet farmers first-hand where you go for food. So it is a great educational opportunity as well. It means quite a bit. Also, the Foodland Ontario program is a great bridge.

The other question that comes up is: There are some bad actors out there, and nobody has denied that there are some bad actors out there. The problem is that if there's an exposé and some bad actors are revealed and animal abuse is revealed—

The Chair (Ms. Goldie Ghamari): One minute left.

Mr. Chris Glover: The question is that this legislation seems to pull a blanket over those bad actors. It seems that we are protecting bad actors, and so there are people who feel there's less transparency and there will be more suspicion. How do you feel about that?

Mr. Pascal Bouilly: I mean, there are still also very real—and to address the issue [*inaudible*]. There is a system in place for people who have concerns that there is wrongdoing in animal welfare. They have [*inaudible*] and get things instigated, and that is meant to be there. There's no—

The Chair (Ms. Goldie Ghamari): Thank you very much. That concludes this round of questioning.

Mr. Chris Glover: Thank you very, very much, everybody.

The Chair (Ms. Goldie Ghamari): We'll now turn to the government side for our last round of questions. MPP Pettapiece, you have the floor.

Mr. Randy Pettapiece: I want to address this to Pascal, if I could. I just wanted to raise what people know, to put this on the record: that despite what was said multiple times today about workers and whistle-blowers, this bill has absolutely nothing to do with workers who have been employed in good faith and encounter animal abuse taking place on a farm. We have been clear that anyone who encounters animal abuse must report it. We have been vocal about that, and that's what the PAWS Act is all about.

Pascal, what is your perspective on the notion that people should be able to lie in order to get on a farmer's property?

Mr. Pascal Bouilly: Definitely not—nowadays, trying to hire someone to work on a farm is not easy. We have a shortage of labour, and it's very difficult to recruit. For general farmers, if they are in need and looking for work, you need to make sure that when you're bringing someone from outside to work on the farm—you have enough to worry about. And if, on top of that, you have to worry about hiring someone who is there to harm or to basically shut down my business because they don't like the business I'm involved with, that is not a good position to be in.

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When you're an employer, you have to be up front and honest about what job you're offering, and you expect the same thing on the other end, of the employee: You expect them to be up front and honest about what they intend to do.

There are also a lot of risks in not—when someone sees things that are not right, it should be addressed right away. In the workplace, it's going to happen. If there is a situation that occurs and it needs to be addressed right away, we don't want somebody to just hide it and pretend it's—"I'm going to use that as further material to do some undercover." That's not right.

Mr. Randy Pettapiece: I think that this doesn't just pertain to the agriculture industry. It's the case in any industry that if you lie on your application form about your qualifications, or your intentions or whatever, then it's probably grounds for dismissal. So for anybody to come on your farm, saying, "We're here to do this," when their motive is not to do that but it's to do something else, certainly I would think that, not only in the agriculture industry but in other industries, we'd have issues with that. I think that's something we need to look at. It does not preclude legitimate people from getting work at your place, and if they see something wrong, then report it. That's something they can do. I certainly would hope they would start with you, and if you didn't address the

situation or the farmer didn't address the situation, then they have ways to do some other things.

I think that you need to make that clear, in the statement that I just read, that this does not preclude people from employment. But certainly, people who lie to get a job with ulterior motives, with motives that aren't there to work but to do other things that could hurt your business or an animal, is certainly something we have to address. I think that you, as a business man, can certainly understand that.

Mr. Pascal Bouilly: [*Inaudible*].

Mr. Randy Pettapiece: That's my question.

The Chair (Ms. Goldie Ghamari): Any further questions? All right, seeing none, forever hold your peace, because this is the last round.

All right, we'll now turn to the official—no, we're done. Sorry. My apologies. We are completely done.

Interjection.

The Chair (Ms. Goldie Ghamari): No, it's okay. I won't make a mistake, because my timer is colour-coded. See? So it tells me exactly what's going on. I'm sorry, John.

With that, I wanted to thank the presenters for joining us today. Your input has been very insightful. I know the committee members appreciate it, and there's lots for everyone to think about. At this point, you are released. Thank you very much for joining us. This concludes our business for today.

I wanted to thank all committee members for their co-operation and participation in making the past two days of hearings go very smoothly with very, very few technological glitches as well. I'd like to thank our Clerk, who has done a fantastic job to help us and get everyone prepared, as well as all the legislative staff and broadcasting, because they seem to know when exactly I'm going to speak. There's like a psychic connection when the mike turns on, there. So thank you again.

A reminder to all members that the deadline to file amendments to the bill with the committee Clerk is at 6 p.m. on Wednesday, June 10. This is a hard deadline, so please make sure it's sent prior to that. The committee is now adjourned until, officially, 10 a.m. on Friday, June 12. However, we will be meeting as a committee on Friday, June 12, at 9:30 for a pre-hearing meeting, just to go over a few of the procedures to ensure we have a smooth voting process for that day.

Thank you very much, and everyone take care and be well.

The committee adjourned at 1655.

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