

Legislative
Assembly
of Ontario



Assemblée
législative
de l'Ontario

**Official Report
of Debates
(Hansard)**

G-27

**Journal
des débats
(Hansard)**

G-27

**Standing Committee on
General Government**

Security from Trespass
and Protecting Food Safety
Act, 2020

1st Session
42nd Parliament

Friday 12 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

Vendredi 12 juin 2020

Chair: Goldie Ghamari
Clerk: Valerie Quioc Lim

Présidente : Goldie Ghamari
Greffière : Valerie Quioc Lim

Hansard on the Internet

Hansard and other documents of the Legislative Assembly can be on your personal computer within hours after each sitting. The address is:

<https://www.ola.org/>

Index inquiries

Reference to a cumulative index of previous issues may be obtained by calling the Hansard Reporting Service indexing staff at 416-325-7400.

Le Journal des débats sur Internet

L'adresse pour faire paraître sur votre ordinateur personnel le Journal et d'autres documents de l'Assemblée législative en quelques heures seulement après la séance est :

Renseignements sur l'index

Adressez vos questions portant sur des numéros précédents du Journal des débats au personnel de l'index, qui vous fourniront des références aux pages dans l'index cumulatif, en composant le 416-325-7400.

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

CONTENTS

Friday 12 June 2020

Security from Trespass and Protecting Food Safety Act, 2020, Bill 156, Mr. Hardeman / Loi de 2020 sur la protection contre l'entrée sans autorisation et sur la protection de la salubrité des aliments, projet de loi 156, M. Hardeman.....	G-699
--	-------

LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE ON
GENERAL GOVERNMENT**

**COMITÉ PERMANENT DES
AFFAIRES GOUVERNEMENTALES**

Friday 12 June 2020

Vendredi 12 juin 2020

The committee met at 1000 in committee room 1.

**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): We have the following members in the room: MPP Mike Harris and MPP John Vanthof, and the following members participating remotely—I see that we have a new attendee here, so I'm just going to do a quick roll call.

MPP Bob Bailey, can you confirm that you are present and that you are MPP Bob Bailey? You have to unmute your microphone.

Mr. Robert Bailey: Present.

The Chair (Ms. Goldie Ghamari): Thank you. Can you confirm whether you are currently in Ontario?

Mr. Robert Bailey: Yes, I'm in Ontario, in the hard oil town of Petrolia.

The Chair (Ms. Goldie Ghamari): Thank you. The following members are participating remotely via Zoom: MPP Bob Bailey, MPP Chris Glover, MPP Daryl Kramp, MPP Mike Schreiner, MPP Jennie Stevens, MPP Toby Barrett, MPP Randy Pettapiece and MPP Dave Smith.

We have Kristopher Crawford-Dickinson, ministry counsel from the Ministry of Agriculture, Food and Rural Affairs, in case members have questions. We are also joined by Julia Hood from the office of legislative counsel as well as staff from Hansard and broadcast and recording.

To make sure everyone can follow along, it is important that all participants speak slowly and clearly. Please wait until I recognize you before you start 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.

I also want to note that, as discussed in our pre-meeting, we will recess from 6 to 6:30 p.m. today for a dinner break.

Before we begin, I propose that consecutive sections with no amendments be grouped together unless any members would like to vote on a section separately. Are there any general comments or questions on the bill before we proceed to section 1? Seeing none, we will begin.

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: Turning now to section 1. Any debate? Seeing none, are members ready to vote? All those in favour, please—

Mr. Mike Schreiner: Hold on one sec—

The Chair (Ms. Goldie Ghamari): MPP Schreiner, yes?

Mr. Mike Schreiner: I thought we were going to do— isn't there an amendment for section 1?

The Chair (Ms. Goldie Ghamari): Your section is 1.1, MPP Schreiner, so that's next.

Mr. Mike Schreiner: Okay, then I do want to make a comment about section 1. That's under "Purposes." Is that right?

The Chair (Ms. Goldie Ghamari): Yes.

Mr. Mike Schreiner: Is it possible to debate one point really quick?

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

Mr. Mike Schreiner: Thank you. I just want it to be on the record that while I certainly support the purposes of this bill—and I think we've heard compelling testimony from a number of witnesses on the importance of addressing the purposes in this bill—I'm deeply concerned that the contents of the bill exceed and go far beyond the stated purposes of the bill. I'll be raising those concerns during the course of the debate on this bill. In particular, I'm especially concerned about the bill's potential infringement on people's constitutional rights of free expression, investigative journalism and ability to protest on public property. My support for the purposes of this bill in no way should suggest that I support the broader interpretation and application of those purposes in later sections of the bill.

The Chair (Ms. Goldie Ghamari): Further discussion? MPP Vanthof.

Mr. John Vanthof: Thank you for that. We, the official opposition, also support the intended purposes of the bill,

particularly protecting farmers against trespassing. There are portions of the bill that do, in our opinion and in the opinion of witnesses at the hearing, go far beyond what we believe the bill is intended to do, and we will launch arguments on that basis when those portions of the bill come forward.

The Chair (Ms. Goldie Ghamari): Further debate? MPP Schreiner.

Mr. Mike Schreiner: I was just going to call for a recorded vote, when that's appropriate.

The Chair (Ms. Goldie Ghamari): We can call for a recorded vote. Are members ready to vote?

Ayes

Bailey, Barrett, Harris, Kramp, Pettapiece, Schreiner, Dave Smith, Stevens, Vanthof.

The Chair (Ms. Goldie Ghamari): The motion is carried.

Interjection.

The Chair (Ms. Goldie Ghamari): Section 1 is carried. I'll get the hang of this.

Section 1.1 is a new section. MPP Schreiner has to move a motion. MPP Schreiner?

Mr. Mike Schreiner: Sorry, I wasn't being allowed to unmute there for a second, so I apologize to my colleagues for the delay.

I move that the bill be amended by adding the following section:

"Existing Aboriginal or treaty rights

"1.1 For greater certainty, nothing in this act shall be construed so as to abrogate or derogate from the protection provided for the existing Aboriginal and treaty rights of the Aboriginal peoples of Canada as recognized and affirmed in section 35 of the Constitution Act, 1982."

The Chair (Ms. Goldie Ghamari): MPP Schreiner has moved a motion. Any discussion or debate? MPP Schreiner.

Mr. Mike Schreiner: I moved this motion—and I've noticed the government and the official opposition have it as well. We've all done it in different sections of the bill, which may mean that we've all received different advice from the legislative drafters we asked for advice on such amendments. So I'm open to having this amendment placed in whatever is the most appropriate section of the bill, but I think it is vitally important that we listen to the deputation from Chief Archibald, Chiefs of Ontario, and clearly state that nothing in this act derogates the treaty rights, under section 35, of Indigenous people in Ontario.

I'm hoping that all parties will support this particular amendment wherever it's most appropriate.

The Chair (Ms. Goldie Ghamari): Further debate? MPP Vanthof.

Mr. John Vanthof: The official opposition fully supports this clause. We have put forward something that's almost identical in a different part of the bill. I agree, whether we need it three times, or wherever it's the best place, because obviously section 35 of the Constitution

regarding First Nations—this bill cannot contravene that. We have to make that very clear. It was unclear in the debate in the House and now it has been made clear, I think, by all three parties.

1010

We are fully in favour, and there are a few other sections that we should also look at regarding the treaty rights of First Nations. But we are fully in favour of this.

The Chair (Ms. Goldie Ghamari): Further debate? MPP Pettapiece.

Mr. Randy Pettapiece: Thank you, Chair, and through you, I recommend voting against this motion because we recognize—and we would like to thank both the official opposition and the independent Green member for putting this amendment forward.

The minister has had conversations with Indigenous leaders, including Ontario Regional Chief RoseAnne Archibald this past Monday, which included discussions over adding a non-derogation clause to the bill to reaffirm our commitment to not infringe existing or Aboriginal or treaty rights. This included adding a non-derogation clause to the act. The government has also proposed to make an amendment adding a non-derogation clause in a later section of the bill.

The Chair (Ms. Goldie Ghamari): Further debate? Are members ready to vote? All those in favour, please raise your hand? All those opposed, please raise your hand? The motion is lost.

Turning now to section 2: I see an amendment in section 2. MPP Schreiner, would you like to move it?

Mr. Mike Schreiner: I move that the definition of "animal protection zone" in section 2 of the bill be amended by adding "on private property" after "an area" in the portion before clause (a).

The Chair (Ms. Goldie Ghamari): Any discussion or debate? MPP Schreiner?

Mr. Mike Schreiner: I moved this amendment to really make the bill more in line with the stated purposes of the bill and with the testimony and deputations, particularly from members of the farm community who I think expressed legitimate concern, sometimes anger and sometimes fear, about the trespassing on their private property and the harassment on their private property that they experience.

At the same time, I'm deeply concerned that the definition of an animal protection zone is far too vague and far too broad, and could lead to the designation of such zones on public property, which then would restrict the rights of Ontarians to their charter right of free expression or protest on public property. I think that's an area where we don't want to go.

If I could just quote from the written submission from the Canadian Civil Liberties Association: They say that, "In effect, the Legislative Assembly is being asked to pass a law that provides specialized treatment for certain properties and property owners without being told where, how, or to whom the law will apply." They also say that the animal protection zones have the fear of being much too broad.

The purpose of this amendment is to be clear that we're talking about keeping trespassers off of people's private property, whether it's a farm or a slaughterhouse, which I think is the most appropriate way in which to define these zones and is in line with the stated purposes of the bill.

The Chair (Ms. Goldie Ghamari): Further debate? MPP Vanthof.

Mr. John Vanthof: We support the intention. I just have a question: In a case where a farmer rents from a municipality, would that transfer? Or in a case where a slaughterhouse is actually owned in co-operation with a municipality, which one would take precedence in that? It's more of a clarification question. We are in favour of the principle.

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

Mr. Mike Schreiner: MPP Vanthof, that's a great question and one I will have to concede I haven't fully explored, which could be a great argument for why we need additional time to really make sure we think through all aspects of this bill, to make sure that we are protecting the private property rights of farmers and slaughterhouse operators while protecting people's charter rights.

I was anticipating a question of: What if a farmer is renting property from someone else? I was going to suggest that this would cover all forms of private property, but I hadn't anticipated the question around municipal properties. So that is a good question, and I'd have to go back to legislative counsel to get an answer for that.

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

Mr. Dave Smith: I'm actually going to recommend that we vote against this motion. We're defining the animal protection zones under regulations; we'll further define it there. This amendment could limit the scope—actually, it would limit the scope—of the act. It wouldn't be applicable on crown land, where a farmer was renting crown land.

It would also mean that, for example, the Arkell Swine Research Facility at the University of Guelph—just as an example, it was broken into and vandalized with spray paint a couple of weeks ago by some animal activists. If we were to limit, based on the motion, then this area could not be defined as an animal protection zone.

Basically, the motion is just going to limit what can be done for legitimate animal protection zones, so I recommend that we vote against it.

The Chair (Ms. Goldie Ghamari): Further debate? MPP Schreiner.

Mr. Mike Schreiner: I think the research station is actually owned by the University of Guelph, so I don't think this would create a limitation there.

I do understand the concerns around municipally owned facilities. I would just say that placing limitations on the definition of animal protection zones is vitally important so that we don't restrict people's charter rights on public property. That's the intent of this amendment and why I put it forward and why I'll be voting in favour of it.

The Chair (Ms. Goldie Ghamari): Next we have MPP Glover and then MPP Smith.

Mr. Chris Glover: Actually, my question is for MPP Smith. Did the trespass take place on the University of Guelph property? If so, that would be considered private property, I would believe.

The other comment that I'd like to make is: Whenever I hear the government saying that they're going to define something in regulation, my ears perk up, because we don't know what that's going to be. It's very difficult for the opposition to keep track of what regulations are being passed on bills after they've been passed. Regulations do not have the same public scrutiny as legislation. The more power that we give to ministers to make regulations, to change laws, the less democratic our bills and our governing system is.

1020

Whenever I hear, "Don't worry about it; we'll take care of it in regulation," I think that everybody who cares about the strength of our democracy, and of public scrutiny and of transparency—there should be alarm bells going off because the legislation that's passed should be very clear. The terms should be clearly defined. It shouldn't be left up to the minister to have all kinds of leeway to change the regulations afterwards.

The Chair (Ms. Goldie Ghamari): MPP Smith?

Mr. Dave Smith: Just for clarification, the research centre is actually owned by OMAFRA, so it is public property.

The Chair (Ms. Goldie Ghamari): Further debate or discussion? Seeing none, are members ready to vote? All those in favour, please raise your hand. All those opposed, please raise your hand. The motion is lost.

Turning now to government motion number 3: Who would like to move government motion 3? MPP Pettapiece.

Mr. Randy Pettapiece: I move that section 2 of the bill be amended by striking out the definition of "occupier" and substituting the following:

"occupier" means, with respect to a farm, animal processing facility or prescribed premises,

"(a) a person who is in physical possession of the farm, facility or premises,

"(b) a person who has responsibility for and control over the condition of the farm, facility or premises, the activities carried out on the farm, facility or premises or the persons who are allowed to enter the farm, facility or premises, or

"(c) a person prescribed by the regulations; ('occupant')"

The Chair (Ms. Goldie Ghamari): Any discussion or debate? MPP Vanthof?

Mr. John Vanthof: Could the government give the reasoning behind the changes?

The Chair (Ms. Goldie Ghamari): MPP Pettapiece?

Mr. Randy Pettapiece: We just want to ensure that everything defined in the regulations that could pertain to the definition of "occupier" is covered.

The Chair (Ms. Goldie Ghamari): Further discussion? MPP Vanthof?

Mr. John Vanthof: Could this change in the legislation allow the government to prescribe additional premises in addition to farms and processing facilities?

The Chair (Ms. Goldie Ghamari): We do have counsel, if you would like to direct the question to them.

Interjection.

The Chair (Ms. Goldie Ghamari): We have them on Zoom, actually. We have Kristopher Crawford-Dickinson, ministry counsel for the Ministry of Agriculture, Food and Rural Affairs. He is joining us via Zoom. Is that correct?

Interjection: Yes.

The Chair (Ms. Goldie Ghamari): MPP Vanthof, would you like to repeat your question?

Mr. John Vanthof: Thank you. Yes, I would, Chair. Would this change allow the government to prescribe any additional premises in addition to farms and processing facilities to which the term “occupier” can apply?

The Chair (Ms. Goldie Ghamari): Mr. Crawford-Dickinson?

Mr. Kristopher Crawford-Dickinson: Through the Chair, this definition would not allow the government to prescribe additional premises. That would fall under the definition of animal protection zone, and they’d be able to define—under animal protection zones on other premises. What this does is allow the government to define who else to be an occupier for the purposes of the farm, animal or animal processing facility or the prescribed premises.

Mr. John Vanthof: Okay. Thank you.

The Chair (Ms. Goldie Ghamari): Further debate? Are members ready to vote? All those in favour, please raise your hand. All those opposed, please raise your hand. The motion is carried.

Turning now to Green motion number 4: Who would like to move it? MPP Schreiner.

Mr. Mike Schreiner: Sorry, Chair; I think I’m the only one who can move it.

I move that the definition of “prescribed premises” in section 2 of the bill be amended by adding “on private property” after “premises”.

I’ll just say that I know how the vote on this is going to go. I would like to encourage members opposite, and the ministry, when they’re prescribing regulations under this bill—that they do that in a way that doesn’t infringe on people’s constitutional rights of free expression on public property and that the prescribing of the definition of “premises” take that into consideration in regulation, since I am assuming the government is not going to be supporting a change in the definition through amendment.

The Chair (Ms. Goldie Ghamari): Further discussion? Are members ready to vote? All those in favour, please raise your hand. All those opposed, please raise your hand. The motion is lost.

Turning now to Green motion number 5: Who would like to move it? MPP Schreiner.

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

“Consultation re animal protection zones

“(2) When developing a regulation to prescribe an area as an animal protection zone, the minister shall consult

First Nations to ensure the regulation protects their existing Aboriginal and treaty rights under section 35 of the Constitution Act, 1982.”

The Chair (Ms. Goldie Ghamari): MPP Schreiner has moved motion number 5. Is there any discussion or debate? MPP Schreiner.

Mr. Mike Schreiner: Again, this amendment was put forward in response to a direct request from the Chiefs of Ontario via Chief Archibald. I thought the Chief made a very compelling case that the definition of animal protection zones and the way they might be prescribed in regulation could potentially violate the treaty rights of Indigenous people and that that consultation in how the regulations define and prescribe animal protection zones should be done in consultation with First Nations.

The Chair (Ms. Goldie Ghamari): Further debate? MPP Pettapiece.

Mr. Randy Pettapiece: I would recommend voting against this motion. The minister has committed to consulting with First Nations on all regulations, not just for animal protection zones.

I want to read into the record a letter that was sent by Minister Hardeman to Ontario Regional Chief RoseAnne Archibald, Chiefs of Ontario at orcea@coo.org:

“Dear Ontario Regional Chief Archibald,

“I want to thank you very much for taking the time to meet with me. I appreciate the opportunity to discuss the proposed Bill 156, Security from Trespass and Protecting Food Safety Act, 2020, and other issues impacting Indigenous communities. Thank you also for your presentation to the Standing Committee on General Government.

“I want to reiterate my commitment to consultation with First Nations, as well as other Indigenous communities, as we develop regulations to operationalize the Security from Trespass and Protecting Food Safety Act, should Bill 156 be passed in the Legislature. I also want to assure you of my commitment to ongoing collaboration and dialogue between us as we move forward.

1030

“Please do not hesitate to contact me and share any concerns or discuss ways that we can work together and support Indigenous communities and farmers.”

It is signed by Ernie Hardeman, the Minister of Agriculture, Food and Rural Affairs.

The Chair (Ms. Goldie Ghamari): Further debate? MPP Vanthof?

Mr. John Vanthof: I would appreciate the opportunity. Notwithstanding the letter from the minister, during her deputation, Chief Archibald mentioned the date of the first meeting that they had, the Chiefs of Ontario with the government, and it was after the introduction of the bill in the House.

We strongly support any measures that can be taken in the legislation to further reinforce consultation with the First Nations. I will give you an example of one that could cause a lot of concern right now. As you know, agriculture in northern Ontario, as the climate changes—we are a new region for many things in agriculture. Much of that land that is being looked at now for agriculture is crown land

and now accessible. There are programs, as we speak, to look at changing that to pasture land for beef cows, which will be fenced, which will be then—in my opinion, our opinion—likely livestock protection zones.

We need to make sure that First Nations—letters are one thing, but it was obvious that the government forgot in the first place to consult First Nations before the bill was introduced in the House, so anything we can do in the bill to reinforce this, we need to do. We fully support this amendment.

The Chair (Ms. Goldie Ghamari): Further debate? Seeing none—oh, sorry. MPP Schreiner? Yes?

Mr. Mike Schreiner: I just want to acknowledge the challenge you have in seeing all of us remotely. I just want to add to what MPP Vanthof said. While I certainly appreciate Minister Hardeman's letter and I certainly appreciate the fact that the government has responded with an amendment to the bill, the reason I felt this particular amendment was so vitally important was that there was an expressed and explicit concern raised by Chief Archibald as it directly relates to the regulations prescribing animal protection zones, and that if it is in legislation, it not only holds the current minister accountable to it; it holds future ministers and future governments of any party. While I certainly appreciate the goodwill expressed by Minister Hardeman through the letter he sent to Chief Archibald, I think it's important to have this particular amendment in legislation so that it applies to all future governments as well.

The Chair (Ms. Goldie Ghamari): Further debate? MPP Glover?

Mr. Chris Glover: I'd ask for a recorded vote.

The Chair (Ms. Goldie Ghamari): MPP Glover has asked for a recorded vote.

Further debate? Seeing none, are the members ready to vote?

Ayes

Glover, Schreiner, Stevens, Vanthof.

Nays

Bailey, Barrett, Harris, Kramp, Pettapiece, Dave Smith.

The Chair (Ms. Goldie Ghamari): The motion is lost.

Is there any further discussion or debate on section 2, as amended? Are members ready to vote on section 2, as amended? All those in favour, please raise your hand. All those opposed, please raise your hand. Section 2, as amended, is carried.

Turning now to section 3: Is there any debate or discussion on section 3? Seeing none, are members ready to vote? All those in favour, please raise your hands. All those opposed, please raise your hands. Section 3 is carried.

Turning now to section 3.1, government motion number 6: Who would like to move it? MPP Pettapiece.

Mr. Randy Pettapiece: I move that the bill be amended by adding the following section:

“Existing Aboriginal or treaty rights

“3.1 For greater certainty, nothing in this act shall be construed so as to abrogate or derogate from the protection provided for the existing Aboriginal and treaty rights of the Aboriginal peoples of Canada as recognized and affirmed in section 35 of the Constitution Act, 1982.”

The Chair (Ms. Goldie Ghamari): Government amendment number 6, new section 3.1: This amendment is identical to a previous amendment on which the committee has already decided. I therefore rule the amendment out of order, unless there is unanimous consent by the committee to discuss it further. MPP Schreiner.

Mr. Mike Schreiner: I would support moving a unanimous consent motion to consider this amendment.

The Chair (Ms. Goldie Ghamari): MPP Schreiner, you are asking for unanimous consent from the committee?

Mr. Mike Schreiner: Yes, I'm asking for unanimous consent from the committee to consider this amendment.

The Chair (Ms. Goldie Ghamari): Do we have unanimous consent?

Interjections.

The Chair (Ms. Goldie Ghamari): We have unanimous consent from the committee, so this motion is now open for debate. Would anyone like to speak to the motion? MPP Schreiner.

Mr. Mike Schreiner: I just wanted to acknowledge that I support this motion, and I would like to put on the record that I put forward a unanimous consent request so we'd be able to discuss it, even though a similar motion I put forward that says exactly the same thing, essentially, was voted down by the government members of the committee. I don't want to be partisan about this. I support this. I'm happy the government brought this forward.

I'm hoping that when the ministry prescribes the regulations around animal protection zones, they refer to this amendment and ensure First Nations consultation in how animal protection zones are defined and in all aspects of how this bill is brought forward through the regulatory process.

The Chair (Ms. Goldie Ghamari): Further debate? MPP Vanthof.

Mr. John Vanthof: We supported the unanimous consent motion to bring this back. When we discussed this amendment put forward by the Greens—we have exactly the same amendment coming farther. I'm assuming the government knew that it would need unanimous consent to bring this back. The Greens and the official opposition made it clear that we weren't concerned where it could go in the bill—anywhere where it made the most sense—and yet, the government decided to still vote it down and risk it not coming back. This is the kind of game, quite frankly, that First Nations have had to deal with from our governments for centuries. I'd like to put this on the record: We are in favour of this and, quite frankly, shocked that the government would play that game and potentially risk losing the non-derogation clause. It shocks me.

1040

The Chair (Ms. Goldie Ghamari): Further debate? MPP Smith.

Mr. Dave Smith: I appreciate the words from MPP Vanthof. Both the NDP and the Green Party made it quite clear that they were happy to have this amendment made where it made the most sense in the bill. We took them at their word, so we appreciate that they have agreed to it, because it does make the most sense to have it here in this section of the bill.

The Chair (Ms. Goldie Ghamari): Further debate? Are members ready to vote? All those in favour, please raise your hand. All those opposed, please raise your hand. The motion is carried.

Turning now to section 4, we have NDP motion number 7. Who would like to move it? MPP Vanthof.

Mr. John Vanthof: I move that subsection 4(4) of the bill be amended by striking out “or interact”.

The Chair (Ms. Goldie Ghamari): Any discussion or debate? MPP Vanthof.

Mr. John Vanthof: It was raised several times that “interact” is too vague and it could capture too many interactions—basically, looking or taking a picture. But from a farm perspective, the other word used, I believe, is “interfere.” “Interfere” is much more definitive. Also, for looking clearly at what an action is that you could proceed against, we think it would be more clear, both from the farm side—it would just be more clear and make things easier to proceed with action, if it needed to be taken.

The Chair (Ms. Goldie Ghamari): Further debate? Seeing none, are members ready to vote? All those in favour, please raise your hand. All those opposed, please raise your hand. The motion is lost.

Turning now to Green motion number 8, who would like to move it? MPP Schreiner.

Mr. Mike Schreiner: I’m happy if any of my colleagues on the opposite side of the table want to move any of these motions; just let me know.

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

“No interaction with farm animals

“(4) No person shall interfere or interact with a farm animal in a way that endangers the animal, owner or occupier’s safety in or on an animal protection zone on private property on a farm, animal processing facility or prescribed premises, or carry out a prescribed activity in or on the animal protection zone, without the prior consent of the owner or occupier of the farm, facility or premises.”

The Chair (Ms. Goldie Ghamari): Further debate? MPP Schreiner.

Mr. Mike Schreiner: Again, similar to the previous amendment, it’s just looking for a way to more narrowly define what “interfere” and “interact” mean. I’ve had a number of organizations, including law professor Trosow and the Canadian Civil Liberties Association, raise concerns about the definition here, because it could construe certain activities—let me give you an example: I’m on a farm tour; I’m enjoying the farm. Farmers want to open their farms and facilities for tours to educate the public on

farming. I think that’s vitally important. I’m on that tour, and I see an example of an improper activity or an improper condition the animal is in—I think it’s highly unlikely, but you never know. I take a photo, and I share that photo, let’s say, with the humane society or I report it under PAWS. That could be construed as “interfering.” So at least by narrowing “interfering” to something that endangers the animal, owner or occupier’s safety—ensures that something like that photo would be allowed.

I think many farm organizations have made it very clear, and I absolutely agree with them, that any activities that endanger the animal or the owner or the occupier’s safety should not be allowed. So this just more clearly defines that.

The Chair (Ms. Goldie Ghamari): Further debate? Seeing none, are members ready to vote? All those in favour, please raise your hands. All those opposed, please raise your hands. The motion is lost.

Turning now to NDP motion number 9: Who would like to move it? MPP Vanthof.

Mr. John Vanthof: We have several like these, and I’m going to make this argument once more. It’s similar to the argument that Mr. Schreiner made, and I’m saying this from a farmer perspective: that “interference” is much more—

Interjection.

The Chair (Ms. Goldie Ghamari): MPP Vanthof, I’m sorry; you still have to move the—

Mr. John Vanthof: Oh, sorry about that; I’m already in the argument side. My apologies.

I move that subsection 4(5) of the bill be amended by,

(a) striking out “or interact” in the portion before clause (a);

(b) striking out “or interacting” in clause (a); and

(c) striking out “interaction” in clause (b).

The Chair (Ms. Goldie Ghamari): Further debate? MPP Vanthof.

Mr. John Vanthof: Thank you for your indulgence, Chair.

As I sat listening to the presentations, I think we need to be—and from a farmer perspective as well, they need to have clear guidance on what exactly is actionable. Later on, we are going to be talking about citizen’s arrest provisions. They need to know that what is being done can be classified as hurting an animal. So “interfere,” in our opinion—and “interfere” is in the bill—is a better description than “interact.”

We’ll give an example. One of the presenters was in a case where she gave water to a hog on a truck. That, in my opinion, is clear interference, because that hog can no longer be guaranteed not to have any foreign substance. If the same person was taking a picture of the truck, that’s an interaction; it is not the same—and I’m afraid that it’s so innocuous that farmers themselves are going to be disappointed in how this act works in the court system.

We hope that you will support this to make it more clear, not only from a civil rights point of view, but also from an agricultural point of view, so that farmers know

exactly what is actionable and what isn't. "Interact" does not give that guidance.

1050

The Chair (Ms. Goldie Ghamari): Further debate? Seeing none, are members ready to vote? MPP Schreiner? No? It's okay.

Mr. Mike Schreiner: That's okay; we can vote.

The Chair (Ms. Goldie Ghamari): Okay. Are members ready to vote? All those in favour, please raise your hand. All those opposed, please raise your hand. The motion is lost.

Moving now to NDP motion number 10: Who would like to move motion number 10? MPP Vanthof.

Mr. John Vanthof: I move that subsection 4(6) of the bill be amended by striking out "or interacting".

The Chair (Ms. Goldie Ghamari): Further debate? Are members prepared to vote? All those in favour, please raise your hands. All those opposed, please raise your hands. The motion is lost.

Turning now to NDP motion number 11: Who would like to move motion number 11? MPP Vanthof.

Mr. John Vanthof: I move that subsection 4(6) of the bill be amended by striking out "or under false pretences".

The Chair (Ms. Goldie Ghamari): Further debate? MPP Vanthof.

Mr. John Vanthof: In the hearings, before the hearings and subsequently after the hearings, there is a concern—and no one can predict—that this will be taken to court for a constitutional challenge. One of the main points of this challenge is the false-pretences part of the bill. We understand and believe that how farmers read that is perhaps different than how a constitutional lawyer would read it or, quite frankly, an investigative journalist.

From the official opposition's point of view, we would hate to lose the parts of the bill that agriculture actually needs by an overreach which they actually, in our opinion, don't need. There will be other parts of this bill where we make the same argument, perhaps a bit more eloquently, but this is the part of the bill, the "under false pretences"—each time this is mentioned—that in other jurisdictions has been challenged and has lost.

We asked repeatedly in the hearings if there was any other way we could do this, and none was really given. But if the "under false pretences" was taken out, the vast majority of the bill would be as effective—there is an argument whether it's effective at all—as it was before, and it would minimize the risk to losing in a constitutional challenge and also to losing the goodwill and good reputation that the vast majority of farmers and processors deservedly have. That is our argument.

The Chair (Ms. Goldie Ghamari): Further debate? MPP Schreiner, and then MPP Glover.

Mr. Mike Schreiner: I'm going to speak in favour of this amendment and just put on the record that the Green Party put forward a similar amendment.

The most troubling part of this bill is subsection 4(6) and then a later subsection 5(4), the false-pretences clauses. We've had 43 constitutional lawyers send us a letter saying that this clause violates Ontarians' charter rights, that there will be a charter challenge.

What breaks my heart, as somebody who grew up on a farm and has literally spent my entire career selling and promoting Ontario farm products, including animal-based proteins, is that this clause risks jeopardizing the reputation of farmers in Ontario because it raises the question of what farmers have to hide. This came up over and over again. I understand why farmers want restrictions in place. I'm opposed to the harassment and violation of farmers' private property rights that have taken place, but the best way to protect people's private property rights and the safety of their families is not to violate Ontarians' charter rights.

I just want to read a quote, because there have been numerous studies in the US where these so-called ag gag laws—and it's this premise that's at the heart of the ag gag law. There have been numerous studies that it has actually damaged the reputation of farmers.

I want to read a quote from Chuck Jolley, who is the president of the Meat Industry Hall of Fame and a very well-known and highly respected rancher based in Kansas City. I grew up on a farm in Kansas, so I can relate. I just want to quote what Mr. Jolley has said:

"What you're really doing is handing an issue to the anti-ag people and saying, 'Yeah, I've got something to hide and I've got laws to protect me.'" And, "Slamming the barn door shut when the public is asking for the transparency of a screen door sends the wrong message and plays into the hands of activists who will say to a suddenly more receptive audience, 'They must have something truly awful to hide if they have to pass laws like that.'" I don't think that accurately reflects the way farming is done in this province.

Secondly, I'm deeply concerned about the precedent that the false-pretences clause sets when it comes to investigative journalism in this province. The Canadian Association of Journalists and the Canadian Journalists for Free Expression—one gave a deputation; both, a written submission, basically saying that this clause criminalizes investigative journalism.

I want you to think about CBC Marketplace. I want you to think about the Toronto Star's investigation into Fiera Foods and the death of workers there. I want you to think about all the investigations that have taken place into a variety of things, whether it's long-term care or whether it is slaughterhouse practices etc. This sets an incredibly dangerous precedent that (1) agriculture is exempted from investigative journalism, and (2) it creates a slippery slope for the government creating the same kind of exemptions for other industries.

I just want to read to you what CBC journalist standards and practices says: "When the investigation bears on illegal or anti-social behaviour or abuse of trust and the gathering of information of public interest, the journalist may need to infiltrate an organization to get first-hand information." That's the end of the CBC part.

The Canadian Association of Journalists—I quote them now: "This bill would criminalize the occasionally necessary practices of clandestine information gathering when an investigation relates to agriculture."

At a time when the public is demanding more transparency into long-term-care homes, into police practices, into agriculture practices, and into government itself—for us to be potentially passing a bill that threatens those charter rights and threatens the role that investigative journalists can play in uncovering the truth and providing the public with transparency, I think, sends the wrong message.

The Chair (Ms. Goldie Ghamari): MPP Glover, and then MPP Smith—I see your hand—afterwards. MPP Glover, you have to unmute. There we go.

Mr. Chris Glover: It's interesting. I agree with what MPPs Vanthof and Schreiner have said, and actually, I was going to read the same quote—I have it all set up here—that MPP Schreiner just read.

I would say the big issue here is that what we heard very clearly in two days of deputations is that this section of the bill that infringes or will likely be subject to a charter challenge would actually damage the reputation of animal agriculture in Ontario. There was an animal rights activist who said that she actually hoped this went through as is, because if it goes through there will be a charter challenge and that would give them a platform for further advocacy. It's pretty clear that it's not going to achieve—this piece of the legislation is actually going to be counterproductive to the actual goals of the legislation.

1100

The other thing that we heard very clearly is that in order to protect the charter rights to property of the farmers and the industry, you should not be infringing on the rights to free speech of everyone else. I would agree with MPP Schreiner that this is a slippery slope. The Charter of Rights and Freedoms is the foundation of our democracy. We should not be passing legislation that potentially infringes upon those rights and that is going to lead to a charter challenge. We heard it from several people. We had three lawyers, a law professor and a journalist speak to us and say that there will likely be a charter challenge to this, that they feel that this does infringe on the right to free speech of all Canadians and all Ontarians. And so it should be struck, and I hope that the governing party, the Conservatives, will actually vote to remove this clause from the bill.

The Chair (Ms. Goldie Ghamari): MPP Smith?

Mr. Dave Smith: The issue that I have with this is that you should never be allowed to lie to gain access to someone's property—period, full stop. As we talk about the Charter of Rights, I'm going to read from the Charter of Rights and Freedoms in Canada: "Everyone has the right to life, liberty and security of the person...." These are farmers' homes, and I will stand with every farmer in Canada—not just in Ontario, but every farmer in Canada—and defend their right to feel safe and secure in their home, and I'm appalled that anyone would stand up and say, "We should not be protecting farmers in their homes."

The Chair (Ms. Goldie Ghamari): MPP Schreiner, and then MPP Glover.

Mr. Mike Schreiner: I just want to be very clear that the accusation that those of us who are standing up for

people's charter rights of free expression in any way believe that farmers' private property rights and safety in their homes should be violated. I am absolutely opposed to people trespassing on farmers' property. I fully support increasing fines for trespassing. I fully support trespassers being held liable for damages. I fully support—if we're going to work with law enforcement agencies that actually enforce private property rights of farmers and slaughterhouse operators, that can be done, and possibly done more effectively, without having clauses such as the false-pretense clause that violates the ability to do investigative journalism and probably violates people's charter right of expression.

This isn't an either/or, and so I really take exception to the suggestion that anybody who is standing up for charter rights somehow isn't standing up for the private property rights and safety of farmers and their families.

The Chair (Ms. Goldie Ghamari): Before I go to MPP Glover, I just want to remind the committee that we are currently debating NDP motion number 11 with respect to section 4(6) of the bill. MPP Glover.

Mr. Chris Glover: I also want to echo those sentiments. Standing up for the charter right to free speech is not in any way an abrogation of the duty to protect or the unwillingness to protect the safety of farmers. All of us at this table want to protect the safety of farmers and their families and their property.

The other thing that should be mentioned here is that MPP Smith just said that you shouldn't be able to lie in order to be able to get onto property. It's an odd thing, and I've been thinking about this over the last few days through the deputations with this legislation: What does this mean?

We have decided in our society that undercover journalism is okay. It's written into the CBC Journalistic Standards and Practices that we just heard the quote from. The Canadian Association of Journalists has said that, yes, undercover journalism is okay because sometimes they need to get the facts and relate them to the public, which is their duty. Sometimes, they have to go undercover in order to do that, and the ability to go undercover is protected under the constitutional right to free speech. I absolutely stand for the charter right to free speech, including the right to do undercover journalism. This law potentially infringes upon that right, and that's why we have brought forward this amendment.

The Chair (Ms. Goldie Ghamari): Further debate? MPP Vanthof.

Mr. John Vanthof: In response to MPP Smith, as a lifelong farmer, I take exception: We want to do everything possible to ensure that farmers' safety, the security of their family, and the security of their premise is protected.

Furthermore, we also want—there are ways in this bill that—I think this bill could be further strengthened. As a farmer, I want to protect the confidence of the consumer because without the consumer, the farmer doesn't have a market, and we, as we speak, are in a battle for the hearts and minds of consumers.

When legislation is put forward that has flaws that could be used by either unscrupulous employers—every occupation has them, and I will quote Premier Ford again a few days ago in question period: “Every profession has bad apples.” But if this is challenged and if this is beaten, then all the work that farm organizations and farmers have done to build their reputation and their trust in the public could be jeopardized.

We need to focus on everything we can do to protect farmers physically, protect their crops, protect their livestock and protect their families. We also have to be cognizant that we do not take risks with their reputation and with their financial future because of an overreach, and this is an obvious overreach.

Is it guaranteed that this will be lost in court? No, it's not. But similar legislation has lost in other jurisdictions. We have had ample warning by constitutional experts that this is in jeopardy. Furthermore—and I'm sure you've gotten the same emails in your office as I have. I am not an animal rights protester. I'm a farmer and proud of it. But you are also, with this false-pretenses clause, making Ontario a lightning rod for fundraising for the animal rights movement, who are going to raise money and do everything they can to drag farmers needlessly through the mud because of this clause.

As a farmer, and I might not be popular among my peers next week, but if this is challenged and if it loses, a lot of farmers are going to be wondering why nobody warned them and why they were led down the garden path. This is a serious issue.

1110

The Chair (Ms. Goldie Ghamari): MPP Smith—sorry, MPP Harris.

Mr. Mike Harris: There's one piece that hasn't been touched on yet in this conversation, and I'd really like to bring this to light. There's nothing in Bill 156 that undermines a person's ability to whistle-blow. If you're an employee, you can still have the opportunity to do that to the police through the new PAWS legislation, to other inspectors, to labour inspectors etc. What this does is it limits a person's ability to lie—categorically lie, Madam Chair—to gain access to somebody's property.

Investigative journalists could still do exposés or stories. They could interview employees. They could interview the owner. They could interview past employees. They could interview community members. But to categorically lie to get on to somebody's property, Madam Chair: I can't stand for that, and that's why I'll be voting opposed to the amendment.

The Chair (Ms. Goldie Ghamari): Further debate? MPP Schreiner.

Mr. Mike Schreiner: I just wanted to address that issue. Unfortunately, it's not as clear-cut as my esteemed colleague just made it out to be. There's some ambiguity in how “false pretenses” could be defined. Somebody who is an employee on a farm, working away, doing a good job, and being there for all the right reasons, witnesses animal cruelty. Let's hope it doesn't happen, but let's say they do, and they report it. There could be lots of opportunities to

suggest that that person secured employment under false pretenses, because it's not as clearly defined.

Furthermore, oftentimes an investigative journalist will say things like, “Yes, I have experience working in a slaughterhouse,” and that experience might be very limited—maybe they did it once; maybe they studied what it's like to work in a slaughterhouse; maybe they took a course on it; I don't know—in order to gain access to do an investigation. It's unclear if that's considered false pretenses or not. So there's a lot of ambiguity in the statement, which is exactly why it's likely going to be subject to a charter challenge and why those types of challenges in other jurisdictions have been successful.

I would love to find the time to figure out if we could craft a bill that addresses blatant lying versus things that could be defined as false pretenses. But unfortunately, we're not going to have the time to do that today.

I just want to say, further to what MPP Vanthof said: I started my first local food business 25 years ago, with the sole purpose of promoting local food and farmers. At that time, people were like, “What's this thing about buying local food? Who cares where your food comes from?” I started a local food organization in 2005 to promote Ontario food and farmers. Even then, 15 years ago, people hardly cared about buying local food. The argument I've always made is that if farmers tell their story, if it's open and it's transparent, you will win the hearts and minds of consumers. And that's exactly what has been happening over the last 25 years. The interest, the desire, the people putting money on the table to go out of their way to buy local food from local farmers, including animal protein, has gone up dramatically. The willingness of people to spend extra dollars to buy local food because they want to support local farmers has gone up. We're putting that in jeopardy if we come forward with a false-pretense provision that suggests we have something to hide on Ontario farms, because I don't believe we have anything to hide on Ontario farms.

The Chair (Ms. Goldie Ghamari): MPP Barrett? MPP Barrett, you have to unmute your microphone on your end. MPP Barrett, you may begin.

MPP Barrett, your connection signal is weak right now. Could you perhaps try turning off your video? If you turn off your video—are you still there, MPP Barrett? Okay, so the video is off; if your microphone is still turned on, you can try speaking now. Perhaps we'll be able to hear you better.

Unfortunately, MPP Barrett, we can't hear you. It's a poor connection. Would you maybe be able to call in? Or, if you want, maybe you can try disconnecting from the meeting and reconnecting. Maybe that will fix it.

Oh, he's back. All right, MPP Barrett, if you can unmute your microphone on your end.

Mr. Toby Barrett: Can people hear me?

The Chair (Ms. Goldie Ghamari): Ah, yes.

Mr. Toby Barrett: Oh, good. I don't know what the glitch was. I hope people can hear me loud and clear.

Just to follow up with the member from the Green Party at the beginning of his comment: We just want to be clear

that there's nothing in this bill that would allow a long-term employee who has raised a concern to be charged. There's nothing in Bill 156 that undermines a person's ability to whistle-blow. There's nothing here that denies that. I just wanted to make that clear, in my understanding of the legislation.

The Chair (Ms. Goldie Ghamari): Further debate?

Mr. John Vanthof: Further to MPP Barrett, we would disagree. If the bill is applied as it should be by the vast majority of farmers and the vast majority of employers, there is nothing. But if the bill is wrongly applied—and I'll give you an example. If I am an employee on a farm and I've been working there for a year, and I see something that is wrong or that I believe to be wrong—PAWS is complaint-driven. So I go first to my manager and I say, "I don't like that," and the manager says, "Look, get back on the line," or, "Get back in the barn." Fine. So I say, "Okay, well, then I'll call PAWS." What could happen is that the manager or the employer could say, "That's okay, but do you see this bill? I'm going to say that you're here under false pretenses, and we'll see where that goes."

We asked that question at committee, and the responder said, "Well, there's due process." Well, if you have a wife and kids or you are a single mom with two kids, and your employer says that, then you're going to look for another job and you're not going to say a word, because you don't have the money or the time or the wherewithal to fight using due process. That's where the false pretenses can hurt, from a personal standpoint.

Is it going to happen? I can't tell you, because I don't know. On the vast majority of farms and processing facilities, definitely not, because the vast majority of these people want a good product and want good relations with their employees. But that is not "all." It is conceivable that that could happen, and that single mom or that person who has just emigrated to this country does not have the wherewithal. If the threat is laid of that charge, they're just going to walk away and look for other employment. That is something that we have to take into account.

1120

The Chair (Ms. Goldie Ghamari): Further debate? MPP Kramp and then MPP Barrett. MPP Kramp?

Mr. Daryl Kramp: It does come down to [*inaudible*] agree to the definition of false pretenses, but quite frankly, it is very, very simple: It is an intent to deceive. An intent to deceive is very, very explicit. It has to be a mens rea, a guilty mind, unequivocally, and this legislation obviously is very, very clear in that respect. An intent to deceive is not whistle-blowing. Whistle-blowing is totally something different, so that's why the government is taking the position that they are.

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

Mr. Toby Barrett: Yes, and I wanted to respond to the member from the NDP just to reiterate that, very clearly, the purpose of the legislation—I've got some feedback for some reason—is to stop people from gaining access under false pretenses. However, it does not apply to a bona fide employee. And this would apply even if that employee was not fully forthcoming on their resumé. This is all

about preventing blatant lying and gaining access through false pretenses.

The Chair (Ms. Goldie Ghamari): Are members prepared to vote? Just as a reminder, we are voting on NDP motion number 11, on subsection 4(6).

MPP Schreiner?

Mr. Mike Schreiner: I'd like to ask for a recorded vote on this one.

The Chair (Ms. Goldie Ghamari): Okay, a recorded vote has been requested. Are members ready to vote?

Ayes

Glover, Schreiner, Stevens, Vanthof.

Nays

Bailey, Barrett, Harris, Kramp, Pettapiece, Dave Smith.

The Chair (Ms. Goldie Ghamari): The motion is lost. Turning now to Green motion number 12: MPP Schreiner.

Mr. Mike Schreiner: I believe this motion will be out of order at this point, Chair.

The Chair (Ms. Goldie Ghamari): So you're not going to move the motion, then? All right, we'll move along. MPP Schreiner, yes?

Mr. Mike Schreiner: It's the exact same motion, so I'm assuming it's out of order, but if we want to debate it again, I'm happy to just be on the record that I support this motion. But I believe it's out of order.

The Chair (Ms. Goldie Ghamari): It is, but it's up to you whether you decide to read it in or not.

Mr. Mike Schreiner: Okay, I'll read it in then. Sure, I'll read it in.

I move that subsection 4(6) of the bill be amended by striking out "or under false pretences".

The Chair (Ms. Goldie Ghamari): This amendment is identical to the previous amendment on which the committee has already decided. I therefore rule the amendment out of order.

Turning now to government motion number 13: Who would like to move motion number 13? MPP Pettapiece.

Mr. Randy Pettapiece: I move that subsection 4(6) of the bill be amended by adding "in the prescribed circumstances or for the prescribed means" after "false pretences".

The Chair (Ms. Goldie Ghamari): Can you please read it again, for clarification purposes?

Mr. Randy Pettapiece: Yes. I move that subsection 4(6) of the bill be amended by adding "in the prescribed circumstances or for the prescribed reasons" after "false pretences".

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

Is there any discussion or further debate? MPP Glover.

Mr. Chris Glover: Again, this is very vague. What are "prescribed circumstances" and "prescribed reasons"? I'd ask a government member to define that, because those two terms are very vague, and I'm always concerned about legislation with vague language.

The Chair (Ms. Goldie Ghamari): Further debate? Seeing none, are members—

Interjection.

The Chair (Ms. Goldie Ghamari): Oh, sorry. MPP Vanthof.

Mr. John Vanthof: The way I read this, it would be up to the government, in regulation after the bill is passed, to describe what false pretenses are and what they aren't. I don't think that removing this from full public view is going to help farmers in the least. It's actually going to, in our opinion, make there be even less trust in the system. So if we're going to talk about what false pretenses are or what they're not, that should be made very clear in the legislation itself. This is giving the impression of, "Well, we'll see what we can get away with."

We can't support this. If we actually had time and the government allowed itself the time to have a robust debate on how we could get to where we need to be without the false-pretenses constitutional challenge, that would be great. But this is actually, in our opinion, making it worse, because you're going to play around behind the scenes. That is not acceptable, and we will oppose this.

The Chair (Ms. Goldie Ghamari): Further debate? MPP Pettapiece.

Mr. Randy Pettapiece: Subsection 5(6) of the bill clarifies that consent is invalid if it is obtained using duress or under false pretenses. We have no desire to eliminate people's rights. Bill 156 will prohibit persons from entering in or on an animal protection zone on a farm or animal processing facility or prescribed premises without the prior consent of the owner or occupier of the farm facility or premises, as the case may be. This just clarifies that, and this is why we have put this motion forward.

The Chair (Ms. Goldie Ghamari): Further debate? MPP Schreiner.

Mr. Mike Schreiner: I just wanted to share the same concerns that MPP Vanthof raised regarding the fact that it does seem to leave more to regulation, which at times can be very problematic.

I just want to say—this is debate in relation to this particular amendment but maybe for the bill as a whole—that I think there's a strong desire that we'd have almost unanimous consent to support this bill, or at least the purposes of this bill, if it was constructed properly. One of the main challenges is what exactly the circumstances and prescribed reasons around false pretenses are. To leave that up to even further interpretation through the regulatory process, I think, even makes it more problematic.

Again, I would love it if we had the time to actually work through some of these and actually reach some sort of consensus, because I think it's actually possible on this bill. But unfortunately, I think this amendment takes it even further in the opposite direction.

The Chair (Ms. Goldie Ghamari): Further debate? MPP Pettapiece.

1130

Mr. Randy Pettapiece: Thank you, Chair. I just want to put this on the record, and I am going to repeat a couple

of things. Over the course of this week's committee hearings, we have heard concerns raised over this section of the bill, and we are committed to listening to the concerns of Ontarians. Our government respects that individuals in Ontario have constitutionally protected rights to freedom of expression that should not be infringed upon without justification. This amendment would better establish some flexibility and specify that regulations could be made that would help clarify in greater detail what circumstances and reasons would and would not amount to false pretenses.

So we have no desire—again, we have no desire—to eliminate people's rights.

The Chair (Ms. Goldie Ghamari): Further debate?

Mr. John Vanthof: Thank you very much, MPP Pettapiece, for that statement. That further reinforces the issue that the government is willing to provide, I believe, "some flexibility." People want to know what the rules are going into the game, not that you change the rules in the middle of the game. Up until now, we've had argument after argument that there is no problem, and now, "Well, maybe there is, and we will change it as we see fit."

Again, I wish that we had the time to actually have a robust debate. I think we are capable of this. I have full faith in us to have a robust debate on exactly how we could overcome this to not only not risk civil liberties but not risk the goodwill of the population towards the farm community. That is something that we're risking. I was hoping that we would have had the time to have that debate. I do not believe that the government doing it by regulation after the fact, depending on if there is a court challenge or not, is the way to go.

The Chair (Ms. Goldie Ghamari): Further debate? MPP Kramp and then MPP Glover.

Mr. Daryl Kramp: Thank you, Chair. Where do you start and where do you stop with all of this direction? The government's intention is very, very clear. The opposition said, "Well, but what if? What about this situation, what about this situation and what about this situation? We have to legislate that." Well, there are thousands and thousands of circumstances and situations that could come up under this topic. Therefore, you cannot be specific for each and every circumstance that comes forward. We have to set the guideline and/or the parameters, or the road blocks, per se, and that really is what this legislation does. It clearly signifies that the intention to deceive is wrong. You can't go beyond that and be much more specific with each and every one. The intention, I think, speaks for itself.

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

Mr. Chris Glover: I'll just say that this legislation infringes on fundamental charter rights, and we've heard that over and over again from legal—three lawyers, a law professor, the two organizations that represent journalists in this country. The letter that was just read by MPP Pettapiece does not—it just raises more alarm bells to me, actually. Because he said—and I'm missing one word, but the quote was basically that our rights should not be overridden without justification. Any government that says that they—if you're going to be talking about overriding

people's charter rights, then it shouldn't just be for "justification." That's another vague term. I'm deeply concerned about the direction of this government, not just with this legislation but with other legislation.

I will say, as a resident of Toronto and a person who strongly believes in the Charter of Rights and Freedoms, that two years ago, on September 8, 2018, this government voted to use the "notwithstanding" clause in order to change the rules of our municipal elections in mid-stream, in the middle of an election campaign period. Now this government has just read a letter that says, "Well, we won't infringe on charter rights without justification." But again, that's a very vague definition, a vague term to use, "justification." The foundational document of our democracy is the Charter of Rights and Freedoms, which is part of our Constitution. Any infringement on those rights should be seriously considered, and I feel that there's very rarely a justification for that. I would argue that the government is going in the wrong direction with this. Take out this false-pretenses term from this legislation and avoid this whole charter challenge and all the debate that is going to go around it.

The Chair (Ms. Goldie Ghamari): Just a reminder to committee members: We are currently debating government motion number 13, on subsection 4(6). Is there any further debate, or is the committee prepared to vote? Okay.

All those in favour, please raise your hands. Please make sure that your hands are clearly visible on your screens so the Clerk can see them. All those opposed, please raise your hands. The motion is carried.

At this point, is there any further debate on section 4, as amended? Seeing none, are members prepared to vote on section 4, as amended? Shall section 4, as amended, carry?

All those in favour, please—MPP Schreiner?

Mr. Mike Schreiner: Sorry, I was just wanting to ask for a recorded vote on this one.

The Chair (Ms. Goldie Ghamari): Yes. Thank you.

We'll now turn to voting. Shall section 4, as amended, carry?

Ayes

Bailey, Barrett, Harris, Kramp, Pettapiece, Dave Smith.

Nays

Glover, Schreiner, Stevens, Vanthof.

The Chair (Ms. Goldie Ghamari): Section 4, amended, is carried.

We now turn to section 5, Green motion number 14. Would someone like to move the motion? MPP Schreiner?

Mr. Mike Schreiner: I move that subsections 5(1) and (2) of the bill be struck out and the following substituted:

"Prohibition re transportation of farm animals

"5(1) No person shall stop, hinder, obstruct or otherwise interfere, in a way that endangers the animal, owner or occupier's safety, with a motor vehicle transporting farm animals on private property.

"No interaction with farm animals

"(2) No person shall interfere or interact, in a way that endangers the animal, owner or occupier's safety, with a farm animal being transported by a motor vehicle on private property without the prior consent of the driver of the motor vehicle."

The Chair (Ms. Goldie Ghamari): Further debate? MPP Schreiner?

Mr. Mike Schreiner: I put forward this amendment to address the pretty substantive concerns that were brought forward, both by a number of constitutional lawyers as well as a professor of law, Samuel Trosow.

If I could quote the constitutional lawyers' letter, section 5(2) "would unreasonably curtail rights to protest on public property. In an open democratic society, streets and other public places are an important place for public discussion and political expression. Protecting rights to protest on public property is critically important to safeguard freedom of expression, and its corollary, the right to listen."

I think it's a critically important thing to say. It's one thing to restrict on private property or at a slaughterhouse or at a transport truck that's parked at a slaughterhouse, but to actually say that you're not going to allow peaceful assembly on the streets and roads of our province if it somehow blocks or interferes with animal transport I think raises some really significant questions about the ability for peaceful assembly on public property.

1140

Professor Trosow brought this up as a concern as well in his presentation. I want to quote what he had to say: "In addition to violating freedom of expression under section 2(b), these motor vehicle provisions also violate section 2(c) of the charter protecting freedom of assembly."

I'm trying to write a motion here, or trying to put forward an amendment that protects this legislation from a charter challenge related to the right to assemble and the right to freedom of expression. Again, it's mainly because I support the purposes of the bill and what the bill wants to accomplish, and I don't want to see the good things of the bill invalidated because of the charter challenges that are likely going to take place. Nor do I want to see the reputation of farmers and, in this case, people who transport farm animals to abattoirs and slaughterhouses—I don't want to see their reputations damaged as well through a charter challenge. This amendment is designed to address those concerns.

The Chair (Ms. Goldie Ghamari): Further debate? Seeing none, are members prepared to vote? All those in favour, please raise your hands. All those opposed, please raise your hands. I declare the motion lost.

Turning now to NDP motion number 15: Who would like to move motion number 15? MPP Vanthof.

Mr. John Vanthof: Madam Chair, we would like to withdraw motion 15. It has already been debated.

The Chair (Ms. Goldie Ghamari): Withdraw? Okay. NDP motion number 16.

Mr. John Vanthof: Withdraw.

The Chair (Ms. Goldie Ghamari): Withdraw.

NDP motion number 17?

Mr. John Vanthof: Withdraw.

The Chair (Ms. Goldie Ghamari): Withdraw.

NDP motion number 18?

Mr. John Vanthof: I would like to read that into the record.

The Chair (Ms. Goldie Ghamari): Okay. MPP Vanthof.

Mr. John Vanthof: I move that subsection 5(4) of the bill be amended by striking out “or under false pretences”.

The Chair (Ms. Goldie Ghamari): Further debate? MPP Vanthof.

Mr. John Vanthof: We’ve had this whole debate already. I would just like to reiterate that we fully support the intent of protecting farmers from trespassing, protecting their crops—although this isn’t about protecting crops—their animals and, most importantly, their families and their employees, but also their markets. This, again, could—will—erode people’s confidence in the agriculture sector, and that’s why we are proposing taking it out.

The Chair (Ms. Goldie Ghamari): Further debate? MPP Schreiner.

Mr. Mike Schreiner: Likewise, and related to the earlier debate on section 4, the same arguments apply here. I would just like to add that when the charter challenges against this bill take place, I just want to be on the record saying that I warned my friends not only in the farm community but, in this case of subsection 5(4), in the processing community that the provisions of this bill are going to drag not only farmers through the courts but also processors through the courts, especially at a time when many, in particular our small processors, have either gone out of business or are in threat of going out of business. To see further damage done to their reputation, at a time when we need more small abattoirs in the province, is unfortunate.

The Chair (Ms. Goldie Ghamari): Further debate? Seeing none, are members prepared to vote? We’ll be voting on NDP amendment number 18 with respect to subsection 5(4) of the bill. All those members in favour, please raise your hands? I declare the motion lost.

Turning now to Green motion number 19: MPP Schreiner?

Mr. Mike Schreiner: I move that subsection 5(4) of the bill be amended by striking out “or under false pretences”.

The Chair (Ms. Goldie Ghamari): This amendment is identical to the previous amendment, on which the committee has already decided. I therefore rule the amendment out of order.

Turning now to government motion number 20: Who would like to read in motion number 20? MPP Pettapiece.

Mr. Randy Pettapiece: I move that subsection 5(4) of the bill be amended by adding “in the prescribed circumstances or for the prescribed reasons” after “false pretences”.

The Chair (Ms. Goldie Ghamari): Further debate? Seeing none, are members prepared to vote? All those in

favour, please raise your hands. All those opposed, please raise your hands. I declare the motion carried.

We’ll now debate on section 5, as amended. Any further comments? Are members prepared to vote? Shall section 5, as amended, carry? All those in favour, please raise your hands. All those opposed, please raise your hands. I declare section 5, as amended, carried.

Turning now to section 6, we have government motion number 21. Who would like to move motion number 21? MPP Pettapiece, you have the floor.

Mr. Randy Pettapiece: I move that clause 6(c) of the bill be struck out and the following substituted:

“(c) a person who is authorized, appointed or designated to exercise a power or carry out a duty, and who is acting in the course of exercising the power or carrying out the duty, under,

“(i) the Municipal Act, 2001,

“(ii) the City of Toronto Act, 2006,

“(iii) the Provincial Animal Welfare Services Act, 2019,

“(iv) the Animal Health Act, 2009, or

“(v) any other act of Ontario or of Canada;

“(c.1) a person who is authorized to exercise a power or carry out a duty under the Animal Health Act, 2009 in relation to an order made under section 23 or 24 of that act and who is acting in the course of exercising the power or carrying out the duty;”

The Chair (Ms. Goldie Ghamari): Further debate? Seeing none, are members prepared to vote? All those in favour, please raise your hands. All those opposed, please raise your hands. All those opposed, please raise your hands. I declare the motion carried.

Turning now to Green motion number 22, section 6(d.1): Who would like to move motion number 22? MPP Schreiner.

Mr. Mike Schreiner: I move that section 6 of the bill be amended by adding the following clause:

“(d.1) a person lawfully exercising existing Aboriginal or treaty rights;”

The Chair (Ms. Goldie Ghamari): Further debate? MPP Schreiner.

1150

Mr. Mike Schreiner: I put forward this amendment—while I’m opposed to trespassing, it is clear that there are a number of examples where, and Chief Archibald brought this up in her presentation to committee, Indigenous people have treaty rights to cross through land to exercise those rights, whether it’s hunting or other reasons. I think it would be important to explicitly acknowledge those rights in this legislation.

The Chair (Ms. Goldie Ghamari): Further debate? MPP Vanthof.

Mr. John Vanthof: We are in full support of this amendment. We have actually introduced exactly the same one. But Chief Archibald, in our discussions beforehand and in her presentation, made it very clear that as their traditional lands in some cases are broken up, they need to cross. This is an inherent treaty right, and it is necessary

for this bill to actually respect the rights that this amendment passes.

The Chair (Ms. Goldie Ghamari): Further debate? MPP Smith, and then MPP Stevens.

Mr. Dave Smith: I think this is an excellent amendment that has been put forward by MPP Schreiner. It makes perfect sense to have it placed where it has been placed, as part of the exceptions, just to make sure that we are ensuring that this isn't infringing at all on any Aboriginal treaty rights.

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

Mrs. Jennifer (Jennie) Stevens: I'd like to ask for a recorded vote, please.

The Chair (Ms. Goldie Ghamari): Okay. A recorded vote has been requested. Further debate? Or are members prepared to vote? All right.

Ayes

Bailey, Barrett, Glover, Harris, Kramp, Pettapiece, Schreiner, Dave Smith, Stevens, Vanthof.

The Chair (Ms. Goldie Ghamari): All those opposed, please raise your hands. I declare the motion carried.

We turn now to NDP notice of motion number 23, on section 6(2). Who would like to move it? MPP Vanthof.

Mr. John Vanthof: We would like to withdraw it; it's identical to the motion just passed.

The Chair (Ms. Goldie Ghamari): Withdrawn.

Is there any further debate on section 6, as amended? Seeing none, are members prepared to vote? Shall section 6, as amended, carry? All those in favour, please raise your hands. All those opposed, please raise your hands. I declare section 6, as amended, carried.

Turning now to section 7, we have government motion number 24. Who would like to move motion number 24? MPP Pettapiece.

Mr. Randy Pettapiece: I move that subsection 7(1) of the bill be amended by adding "while the person is still located on the farm, facility or premises" at the end of the portion before clause (a).

The Chair (Ms. Goldie Ghamari): Further debate? MPP Pettapiece.

Mr. Randy Pettapiece: We are committed to making sure that Ontario's farmers are able to maintain the rights they currently have when it comes to a citizen's arrest using reasonable force, while the opposition are trying to remove these rights for animal protection zones. Having heard concerns on these provisions, we are committed to clarifying that the arrest provisions of this legislation are not extraordinary and do not provide for new rights that people currently don't have on their property.

The Chair (Ms. Goldie Ghamari): Further debate? MPP Vanthof.

Mr. John Vanthof: Just for clarification, at no time has the official opposition stated that we are opposed to the right of citizens' arrests. That has never been stated, certainly not by me. The issue regarding citizens' arrests is a long-standing statute.

Why we are concerned that it seems to be promoted in this bill is because the people that farmers are now facing are highly organized and actually could put themselves and the people they are opposed to in danger. That's why we have consistently said that we are questioning why it seems to be promoted in this bill as opposed to advising farmers on how to safely deal with access.

The Chair (Ms. Goldie Ghamari): Further debate? MPP Schreiner. Just a quick note: We have about three minutes left before we have to recess for lunch.

Mr. Mike Schreiner: Thanks, Chair. I'll try to be quick. I just want to put on the record that I'm not opposed, nor is the Green Party opposed, to citizens' arrests. We believe that existing legislation covers citizens' arrests, but I just want it to be known on the record that we're not opposed to citizens' arrests.

The Chair (Ms. Goldie Ghamari): Further debate? Or are members prepared to vote? All those in favour, please raise your hands. All those opposed, please raise your hands? I declare government motion number 24 with respect to subsection 7(1) carried.

At this point, I think it's probably best if we recess, given that there are only about two minutes left. I will see you all back here at 1 o'clock.

I just wanted to thank everyone for their co-operation and helping to make not just the debates process go very smoothly but also the voting process as well. I look forward to continuing these discussions at 1 p.m.

The committee recessed from 1157 to 1300.

The Chair (Ms. Goldie Ghamari): Good afternoon. The Standing Committee on General Government will now resume proceedings of clause-by-clause consideration of 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'm just going to do a quick roll call before we begin. I confirm that Mike Harris, MPP, and John Vanthof, MPP, are in the room. On the Zoom call we have MPP Randy Pettapiece, MPP Daryl Kramp, MPP Bob Bailey, MPP Dave Smith, MPP Mike Schreiner, MPP Toby Barrett and MPP Chris Glover. I do not see MPP Jennie Stevens. Oh, there we go. I see MPP Jennie Stevens.

Welcome, everyone. We're going to resume clause-by-clause. We're currently on section 7, NDP motion number 25 with respect to subsection 7(1). Would someone like to move subsection 7(1)? MPP Vanthof.

Mr. John Vanthof: I move that subsection 7(1) of the bill be amended by:

- (a) adding "or" at the end of clause (b);
- (b) striking out "or" at the end of clause (c); and
- (c) striking out clause (d).

The Chair (Ms. Goldie Ghamari): Further debate? Mr. Vanthof.

Mr. John Vanthof: Basically, this takes the citizen's arrest provision out of the bill. I'd like to make it very clear that the opposition is not opposed to citizen's arrest as a principle. It exists in federal legislation, and there's no need for it to be repeated in this bill.

Why we are very concerned about this—and some of my colleagues will comment, I'm sure—is that from an agricultural perspective this bill is seen as giving broad, new powers against trespass. We are concerned that although the citizens' arrest provisions have been for many, many years, the people that farmers and farm families could potentially face in these situations have the potential to be much more organized and could put both the people who are trespassing and specifically the farm families at risk.

That this option exists is not an issue with us; that this option seems to be promoted in this bill is very problematic. That's our basic contention. The president of the Ontario Federation of Agriculture in his submission stated very clearly that the preferred method is to call the police, and in conversations with the minister also the preferred method is to call the police, and I wholeheartedly agree. But by putting it in this bill, it promotes it to the point where I think people could get hurt.

The thing that I am most concerned about is that the first interaction, or the first caused by this bill, could actually be a farmer or a member of a farm family being charged—and I am not in the legal profession—with assault for using more than reasonable force. They will end up having to defend themselves in court before a trespassing charge is ever made.

Even if we look at the news, police officers are highly trained and they have difficulties with arresting. And they're highly trained. They're also trained in de-escalation. Farmers, your average farmer, and I consider myself an average farmer—we're not. Anything that promotes the idea that somehow, a citizen's arrest is not a last resort but just one other option we're very concerned about.

The Chair (Ms. Goldie Ghamari): Further debate? Seeing none, are members prepared—MPP Schreiner.

Mr. Mike Schreiner: Just really quick: I want to be clear that I'm not opposed to citizens' arrests. Citizen's arrest is already allowed.

I am concerned about the broadening of citizens' arrest provisions in the bill and what could be the escalation of citizens' arrests in the bill. I do want to note that I thought Chief Archibald raised a good point of concern from an Indigenous perspective around historical interactions around citizen's arrests that have escalated. As MPP Vanthof has noted, farmers don't receive training—I don't receive training—in how to de-escalate these types of situations, and the preferred approach, by all means, is to call law enforcement.

I'm particularly concerned because of some of the provisions that do allow First Nations under their treaty rights to access or cross through or pass through some of this land. If there's any confusion around the interpretation of trespass under this particular bill and the citizen's arrest provisions—that there is some unfortunate potential of escalated violence in that regard—or conflict, let's say. I hesitate to say that we really want to take that action, especially when there are already provisions for a more restrained approach to citizen's arrest under the law.

The Chair (Ms. Goldie Ghamari): Further debate? Seeing none, are members prepared to vote? All those in favour of the NDP motion on subsection 7(1), please raise your hands. All those opposed, please raise your hands. I declare the motion lost.

Turning now to government motion number 26, on section 7(1.1): MPP Harris.

Mr. Mike Harris: I move that section 7 of the bill be amended by adding the following subsection:

“Same, Trespass to Property Act

“(1.1) For greater certainty, nothing in clause (1)(d) shall be construed as giving an owner or occupier a right or ability to make an arrest that is beyond, or otherwise greater than, what subsection 9(1) of the Trespass to Property Act provides that a person may do.”

The Chair (Ms. Goldie Ghamari): Further debate? Are members prepared to vote? All those in favour, please raise your hands. All those opposed, please raise your hands. I declare the motion carried.

Turning now to NDP motion number 27, on subsection 7(4): Who would like to move this motion? MPP Vanthof.

Mr. John Vanthof: I would suggest that since motion 25 has failed, I don't think there is a point to moving this motion.

The Chair (Ms. Goldie Ghamari): So you're withdrawing this motion.

Mr. John Vanthof: Yes.

The Chair (Ms. Goldie Ghamari): Okay. The motion has been withdrawn.

Is there any further debate on section 7, as amended? Seeing none, are members prepared to vote? All those in favour of section 7, as amended, please raise your hands. All those opposed, please raise your hands. Section 7, as amended, is carried.

Turning now to section 8: We have an NDP motion on subsection 8(1), number 28. Who would like to move this motion? MPP Vanthof.

Mr. John Vanthof: Chair, I move that we withdraw this motion. It's identical to other motions that have already been moved.

1310

The Chair (Ms. Goldie Ghamari): NDP motion on subsection 8(1) has been withdrawn.

Is there any further debate on section 8? Seeing none, are members prepared to vote? All those in favour of section 8, please raise their hands. All those opposed, please raise your hands. Section 8 is carried.

Turning now to section 9—

Interjection.

The Chair (Ms. Goldie Ghamari): Sorry?

Mr. Mike Harris: Can we bundle these, Madam Chair?

The Chair (Ms. Goldie Ghamari): We have notices. Thank you, MPP Harris, for your suggestions.

Is there any debate on section 9? Shall section 9 carry? Please raise your hands.

Mr. Mike Schreiner: Oh, hold on.

The Chair (Ms. Goldie Ghamari): MPP Schreiner—

Mr. Mike Schreiner: Could we have a recorded vote—

The Chair (Ms. Goldie Ghamari): —you would like to speak to section 9?

Mr. Mike Schreiner: No, I was just going to ask for recorded votes on 9, 10 and 11, if we could.

The Chair (Ms. Goldie Ghamari): Okay. For section 9?

Ayes

Bailey, Barrett, Harris, Kramp, Pettapiece, Dave Smith.

Nays

Glover, Schreiner, Stevens, Vanthof.

The Chair (Ms. Goldie Ghamari): Section 9 is carried.

Turning now to section 10: Is there any further discussion? Seeing none—

Interjection.

The Chair (Ms. Goldie Ghamari): Yes, we'll have a recorded vote. Shall section 10 carry?

Ayes

Bailey, Barrett, Harris, Kramp, Pettapiece, Dave Smith.

Nays

Glover, Schreiner, Stevens, Vanthof.

The Chair (Ms. Goldie Ghamari): I declare section 10 carried.

Turning now to section 11: Is there any debate? MPP Schreiner has requested a recorded vote. Are members prepared to vote? Shall section 11 carry?

Ayes

Bailey, Barrett, Harris, Kramp, Pettapiece, Dave Smith.

Nays

Glover, Schreiner, Stevens.

The Chair (Ms. Goldie Ghamari): Section 11 is carried.

We'll turn now to section 12. This is subsection 12(1), NDP motion number 29. Who would like to move that motion?

Mr. John Vanthof: It's the same as previous motions. I think we can withdraw.

The Chair (Ms. Goldie Ghamari): Withdraw?

Mr. John Vanthof: Yes.

The Chair (Ms. Goldie Ghamari): The motion is withdrawn.

Are members prepared to vote? Shall section 12 carry? All those in favour, please raise your hands. All those opposed, please raise your hands. Section 12 is carried.

Turning now to section 13, we have NDP motion number 30, on subsection 13(1), paragraph 6. Who would like to move this motion? MPP Vanthof.

Mr. John Vanthof: I move that we withdraw, since it has already been—

The Chair (Ms. Goldie Ghamari): NDP motion number 30 has been withdrawn.

Turning now to NDP motion 31, on subsection 13(2): Who would like to move this motion? MPP Vanthof.

Mr. John Vanthof: I move that subsection 13(2) of the bill be amended by striking out “or false pretences”.

The Chair (Ms. Goldie Ghamari): Further debate? Seeing none, are members prepared to vote? All those in favour, please raise your hands. All those opposed, please raise your hands. I declare the motion lost.

Turning now to Green motion number 32, on subsection 13(2): Would anyone like to move this motion? MPP Schreiner.

Mr. Mike Schreiner: I move that subsection 13(2) of the bill be amended by striking out “or false pretences”.

The Chair (Ms. Goldie Ghamari): This amendment is identical to the previous amendment, on which the committee has already decided. I therefore rule the amendment out of order.

We'll turn now to government motion number 33, on subsection 13(2). MPP Harris?

Mr. Mike Harris: I move that subsection 13(2) of the bill be amended by adding “in the prescribed circumstances or for the prescribed reasons” after “false pretences”.

The Chair (Ms. Goldie Ghamari): All right. Is there further debate? MPP Vanthof?

Mr. John Vanthof: Just shortly: We've had this longer debate before. False pretenses are false pretenses. We are opposed to doing it in regulation, after the fact.

The Chair (Ms. Goldie Ghamari): Further debate? Seeing none, are members prepared to vote? All those in favour, please raise your hands. All those opposed, please raise your hands. I declare the motion carried.

Turning now to NDP motion number 34 with respect to subsection 13(4): Who would like to move the motion? MPP—

Mr. John Vanthof: I move to withdraw.

The Chair (Ms. Goldie Ghamari): Withdraw? Okay. Motion number 34 is withdrawn.

We turn now to NDP motion number 35, on subsection 13(6).

Mr. John Vanthof: I move to withdraw.

The Chair (Ms. Goldie Ghamari): Withdrawn.

Turning now to government motion number 36, on subsection 13(9): Who would like to move? MPP Harris.

Mr. Mike Harris: I move that section 13 of the bill be amended by adding the following subsection:

“Notice to motor vehicle owner

“(9) Despite subsection (8), the owner of a motor vehicle shall not be held jointly and severally liable to pay

a fine under that subsection unless notice that the motor vehicle was used to commit the offence in question is provided to the owner by a police officer promptly after the driver of the motor vehicle is charged with the offence.”

The Chair (Ms. Goldie Ghamari): Further debate? MPP Vanthof.

Mr. John Vanthof: I’m not necessarily totally opposed. MPP Kramp, in a previous statement, said that you can’t anticipate everything and you can’t make a different rule for a lot of things. With something like false pretenses, we’re willing to do after the fact by regulation. What is so specific about this one that it has to be done within the bill, as opposed to something like false pretenses, which should be fully discussed?

The Chair (Ms. Goldie Ghamari): Further debate? Seeing none, are members prepared to vote? All those in favour of the government motion on subsection 13(9), please raise your hands. All those opposed, please raise your hands. I declare the motion carried.

1320

Is there any further debate on section 13, as amended? Seeing none, are members prepared to vote? Shall section 13, as amended, carry? All those in favour, please raise your hands. All those opposed, please raise your hands. Section 13, as amended, is carried.

Turning now to section 14: Is there any further debate on section 14? Seeing none, are members prepared to vote? All those in favour, please raise their hands. All those opposed, please raise your hands. Section 14 is carried.

Turning now to section 15: We have a government motion with respect to subsection 15(2.1), notice of motion 37. MPP Harris?

Mr. Mike Harris: I move that section 15 of the bill be amended by adding the following subsection:

“More than one trespasser

“(2.1) Two or more persons who entered in or on an animal protection zone together contrary to subsection 4(1), (2) or (3) shall be jointly and severally liable for any damages payable to the owner or occupier of the farm, animal processing facility or prescribed premises pursuant to a restitution order made under subsection (1) if,

“(a) they have each been found guilty of an offence under subsection 4(1), (2) or (3);

“(b) the restitution order is made against at least one of them; and

“(c) the injury, loss or damage that are the object of the restitution order resulted from acts committed while the persons were all together present in or on the animal protection zone contrary to subsection 4(1), (2) or (3).”

The Chair (Ms. Goldie Ghamari): Further debate? Seeing none, are members prepared to vote? All those in favour, please raise your hands. All those opposed, please raise your hands. The government motion on subsection 15(2.1) is carried.

Is there any further debate on section 15, as amended? Seeing none, are members prepared to vote? All those in

favour, please raise their hands. All those opposed, please raise your hands. Section 15, as amended, is carried.

Turning now to section 16: Is there any further debate on section—

Interjection.

The Chair (Ms. Goldie Ghamari): Seeing as there are no notices of motion for sections 16 to 18, I propose that we bundle them. Is there any debate on sections 16, 17 and 18? Seeing none, are members prepared to vote? Shall sections 16, 17 and 18 carry? All those in favour, please raise their hands. All those opposed, please raise their hands. I declare sections 16, 17 and 18 carried.

Turning now to section 19: We have NDP notice of motion number 38, with respect to subsection 19(1). Who would like to move this motion? MPP Vanthof?

Mr. John Vanthof: I move that this motion also be withdrawn.

The Chair (Ms. Goldie Ghamari): Withdrawn.

Turning to NDP motion number 39, with respect to subsection 19(2). Would anyone like to move this motion? MPP Vanthof?

Mr. John Vanthof: I once again move that this motion be withdrawn.

The Chair (Ms. Goldie Ghamari): Withdrawn.

Turning to NDP motion number 40, on subsection 19(3): MPP Vanthof?

Mr. John Vanthof: I move that subsection 19(3) of the bill be struck out.

The Chair (Ms. Goldie Ghamari): Further debate? MPP Vanthof.

Mr. John Vanthof: Basically, what this does is that it removes the limits of liability for someone making a citizen’s arrest.

The Chair (Ms. Goldie Ghamari): Further debate? Seeing none, are members prepared to vote? All those in favour of NDP motion number 40, on subsection 19(3), please raise your hands. All those opposed, please raise your hands. I declare the motion lost.

Is there any further debate on section 19? Seeing none, are members prepared to vote? All those in favour of section 19 being carried, please raise their hands. All those opposed, please raise their hands. I declare section 19 carried.

Turning now to section 20: We have Green motion number 41 with respect to section 20. Who would like to move this motion? MPP Schreiner.

Mr. Mike Schreiner: I move that section 20 of the bill be struck out and the following substituted:

“Limitation on proceedings

“20. No proceeding shall be commenced for an offence under this act on a day that is more than six months after the date on which the offence was, or is alleged to have been, committed.”

The Chair (Ms. Goldie Ghamari): Further debate? MPP Schreiner.

Mr. Mike Schreiner: I put forward this amendment just to make sure that the bill is in line with the standard limitation period for the Provincial Offences Act, which is

at six months, and to remove the retroactive clause. I talked to a number of lawyers who said it's highly unusual to have a retroactive clause in a bill around a criminal offence.

I also wanted to address I think some very valid concerns that members of the legal profession have raised regarding this provision. If I could quote the Canadian Civil Liberties Association: "This extension of the time period for pursuing an offence is wholly divorced from the protection and biosecurity goals, but directly related to deterring whistle-blowers from coming forward."

The government, on many occasions, said that there is nothing about this bill that is designed to prevent whistle-blowing, but we have legal experts suggesting that other parts of this bill certainly try to deter or prevent whistle-blowing. But this section explicitly does, according to the Canadian Civil Liberties Association.

I'd also like to quote a law professor, Samuel Trosow, who said, "The statute of limitations is lengthened to two years, which is too long. The purpose of a statute of limitations is to bar stale claims, not to operate in a punitive manner. It is meant to be a shield, not a sword."

So I think it's wholly appropriate to have the provisions to be in line with the Provincial Offences Act. I'm not sure what the rationale is in extending it for such a long period of time and making it retroactive.

The Chair (Ms. Goldie Ghamari): Further debate? MPP Vanthof.

Mr. John Vanthof: We would like to speak in support of this motion, this amendment. During the hearings and before, many times it was raised that people were concerned that if there was an issue with specifically animal abuse, it was awful that they waited six months. So if you're going to use that premise, making them wait two years is worse. I couldn't really understand that. But the main argument here is, and I agree with MPP Schreiner, that this also could be seen as anti-whistle-blower because, once again, you use the case of someone who identifies an issue and tries to alert their employer. They see that this is not going to be taken well, so they're going to look for another job. For two years after, they will be under threat of being prosecuted under this law.

1330

The one thing that I think a lot of people are missing is that it's anything in a livestock protection zone; it doesn't have to deal with livestock. Anything within a livestock protection zone, because of this legislation, has a different set of rules than other areas. That seems more punitive than it needs to be. If everything else is six months, and the goal is to make sure that animals are protected, there is no reason to lengthen this to two years.

The Chair (Ms. Goldie Ghamari): Further debate? Seeing none, are members prepared to vote? Shall Green motion number—oh, sorry. MPP Schreiner?

Mr. Mike Schreiner: Could I ask for a recorded vote on this one, Chair?

The Chair (Ms. Goldie Ghamari): A recorded vote has been requested.

Ayes

Glover, Schreiner, Stevens, Vanthof.

Nays

Bailey, Barrett, Harris, Pettapiece, Dave Smith.

The Chair (Ms. Goldie Ghamari): I declare Green motion number 41 with respect to section 20 lost.

Is there any further debate on section 20? Seeing none, are members prepared to vote? All those in favour, please raise your hands. All those in favour of section 20, please raise your hands.

Interjection.

The Chair (Ms. Goldie Ghamari): Can everyone please keep their hands up and have them close to the screen so that we can see them? We've having a bit of difficulty.

All those in favour, please raise your hands. Thank you. You may lower them. All those opposed to section 20, please raise your hands. Section 20 is carried.

Turning now to NDP motion number 42 with respect to section 20.1: Would anybody like to move this motion?

Mr. John Vanthof: Yes, Chair.

The Chair (Ms. Goldie Ghamari): MMP Vanthof.

Mr. John Vanthof: This is a non-derogation clause, which has been previously voted on and passed. I think we have crossed that bridge, and we all agree, so I would like to withdraw that motion.

The Chair (Ms. Goldie Ghamari): NDP motion number 42 with respect to section 20.1 is withdrawn.

Turning now to section 21: Is there any debate on section 21? Seeing none, are members prepared to vote? All those in favour, please raise your hands. All those opposed, please raise your hands. Section 21 is carried.

Turning now to section 22, we have NDP motion number 43, with respect to section 22(g). Would anyone like to move this motion? MPP Vanthof.

Mr. John Vanthof: Once again, since we already decided this, I would like to withdraw this motion, please.

The Chair (Ms. Goldie Ghamari): NDP motion number 43 is withdrawn.

Turning now to government motion number 44, section 22: Who would like to move this motion? MPP Harris.

Mr. Mike Harris: I move that section 22 of the bill be amended by adding the following clause:

"(g.1) prescribing circumstances and reasons for the purposes of subsections 4(6), 5(4) and 13(2);"

The Chair (Ms. Goldie Ghamari): Further debate? MPP Vanthof.

Mr. John Vanthof: Once again, for the record, Chair, I think this is actually going to, again, hurt the agriculture industry, because making regulations to decide what false pretenses are after the fact is going to inflame the people who oppose animal agriculture and actually is going to become a lightning rod that is actually going to hurt agriculture in the end instead of help it. So we continue to be opposed to this.

The Chair (Ms. Goldie Ghamari): Further debate? MPP Schreiner.

Mr. Mike Schreiner: I won't repeat the words that MPP Vanthof just said, other than to say that Greens certainly share that view. I'm deeply worried that this false-pretenses clause is going to do significant damage to the reputation of our good farmers in Ontario. I would like to just be on the record and look at my government members opposite because I know all of you share my concerns for the viability, profitability and sustainability of our farm and food sector. I know that you share my desire to promote Ontario food and farmers.

I would ask you, assuming that this going to pass and you're going to grant yourself these regulatory provisions under "false pretenses," that you listen to what the opposition has said and to what—and this would be both the official opposition and the opposition independent member over here. Also, people who have come to committee and have talked about how highly problematic the false-pretenses provision is, the way in which it violates people's charter rights and the way in which those charter challenges are likely to inflame conflict, especially as it relates to animal agriculture. If you at the very least use the powers you're now granting yourself under regulations to define false pretenses in a way that protects investigative journalism, that protects whistle-blowers, that protects employees who could falsely be accused of violating false pretenses—I personally would rather not see this false pretenses. I'd rather you define those provisions in legislation because it would certainly give me assurances and the public assurances. But if you have chosen now to go down this road, I hope that you take a moment to pause during the regulatory process and listen to the valid concerns that have been raised by various opposition members from various parties, as well as the public.

The Chair (Ms. Goldie Ghamari): Further debate? MPP Vanthof.

Mr. John Vanthof: It was obvious in the hearings that the only issue that really was—the only real crack and toehold in this legislation being challenged was actually the false-pretenses clause. That crack is, as I spoke before, going to be the lightning rod that will make Ontario the epicentre for the animal rights movement to challenge this legislation across North America. I think it's so incredibly short-sighted to put forward legislation that could be very strong—and that is: Parts of it are strong—to protect actual trespass on-farm. It's something that needs to be addressed. We heard that over and over, and I've heard that from farmers over and over.

1340

But the false-pretenses part is something that, if this is defeated, all the goodwill and the protection that your government is trying to give farmers will also be lost, and their reputation will be dragged through the mud. Those who oppose animal agriculture—and I am not one of them—will have been given an incredible pulpit from which to preach, and I fail to understand why the government doesn't understand that.

The Chair (Ms. Goldie Ghamari): Further debate? MPP Glover?

Mr. Chris Glover: I don't know how many people are watching, but most people don't understand the difference between legislation and regulation, and I think it's important to point out here that legislation in a bill like this is something that's debated in the House. It's a public debate. We're having these committee meetings over the past week to discuss this bill. This is all public and transparent. And then the regulation is—after the bill has been passed, the minister has the power to make regulations to define exactly what that means.

The challenge—and I would argue that this is a very poor piece of legislation because the terms are vague. Whenever we pass a bill, a law, in this province or in this country, we are deciding what people can or cannot do. That should be as specific as possible, and it should be democratically debated in the Legislature. It shouldn't be up to the minister to decide what people can and cannot do by defining the terms in regulation. That's why I am opposed to this section. I mentioned it earlier today: Every time I hear the government say, "Oh, well, we'll define this in regulation," or, "Oh, don't worry about it; we'll do it in regulation"—well, that's all behind closed doors. That means that the minister is going to decide what Ontarians can and cannot do—himself or herself—without having to go back to the public to have a debate on what the definition actually is.

I think this amendment is dangerous. I think it sets a dangerous precedent. There is a need for regulations to define the implementation, to describe how the implementation of a bill will be made, but not to actually define the bill and define the terms of the bill, especially a term like this, which we've been told over and over again could infringe on the democratic and the charter right of free speech. So the NDP will be voting against this amendment.

The Chair (Ms. Goldie Ghamari): Further debate? MPP Harris?

Mr. Mike Harris: Just for further clarification, for anyone who might be tuning in to watch today's proceedings, there is a 45-day posting period that any regulations that come forth need to be made publicly available for comment. Just to follow up on Mr. Glover's comments there, nothing is done in the dark, nothing is done behind closed doors, and all is there for everyone to see and make comment on.

The Chair (Ms. Goldie Ghamari): Further debate? MPP Glover.

Mr. Chris Glover: I hear what member Harris is saying. I would just say that the problem is that it's very, very difficult for people to keep track of the regulations that are being made. The legislation that's before the House—people are watching that and we in the opposition are watching that. It's very difficult to keep track of all of the regulations, so it doesn't have the same transparency. And the definitions of the law and of the terms of the law should be made in the legislation, not in regulation.

The Chair (Ms. Goldie Ghamari): Further debate? Seeing none, are members prepared to vote? With respect to government motion number 44, section 22, shall the motion carry? All those in favour, please raise your hands. All those opposed, please raise your hands. I declare the motion carried.

Is there any further debate on section 22, as amended? Seeing none, are members prepared to vote? Shall section 22, as amended, carry? All those in favour, please raise their hands. All those opposed, please raise your hands. Section 22, as amended, is carried.

There are no amendments to sections 23, 24 and 25. Does the committee agree to bundle them together? MPP Harris?

Mr. Mike Harris: No, Madam Chair, the government is opposed to—

The Chair (Ms. Goldie Ghamari): Okay. We will go through them individually, then.

Turning now to section 23, is there any debate on section 23? Seeing none, are members prepared to vote? All those in favour of section 23, please raise their hands. All those opposed, please raise their hands. I declare the motion lost. Section 23 will be removed from the bill.

There are no amendments to sections 24 and 25. Does the committee agree to bundle them together? Is there any further debate on sections 24 and 25? Seeing none, is the committee prepared to vote? All those in favour of sections 24 and 25, please raise their hands. All those opposed, please raise their hands. Sections 24 and 25 are carried.

We turn now to the title, 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. Any debate on the title of the bill? Seeing none, are members prepared to vote? Shall the title of the bill carry? All those in favour, please raise their hands. All those opposed, please raise their hands. The title of the bill is carried.

Is there any further debate on Bill 156, as amended? MPP Schreiner?

Mr. Mike Schreiner: I'm sure everyone is ready to go for the day, but I just wanted to note a couple of things. One is, while there has been disagreement about certain sections of this bill, I just want to compliment members of the official opposition and the government. I felt that today was one of the more civil debates we've had in committee, and I certainly appreciate that and I value that.

I think it also says that there was a real possibility to have agreement on this bill if a few sections, particularly on the issue around false pretenses, could have been addressed. If we had found that agreement and consensus—and the possibility was there for it—I think we could have passed a bill that achieved the objectives of this bill—which I have said over and over again I support—but would do it in a way that wouldn't subject the bill to a charter challenge, would do it in a way that didn't criminalize investigative journalism, and would do it in a way that didn't likely result in denying the rights of people to peacefully assemble in certain public spaces. We could

have done it in a way that protects workplace and workers' rights, because there are some serious questions about how this bill will apply to workers on farms and in processing facilities.

While I'll be voting against Bill 156, given the fact that we were unable to amend it, I just do want to reiterate and be on the record once again that I support the objectives and the purpose of it. I hope that the conflict that I think is going to be seen and escalated here—and I know MPP Vanthof has said that Ontario will likely now be the epicentre of conflicts over animal agriculture. I think his predictions will probably come true. I hope they don't, in the sense that I don't want to see an escalation of conflict.

1350

I think we could have produced a better bill, one that addressed some valid and legitimate concerns that many people brought forward to committee, while at the same time addressing the concerns that many people brought forward to the committee around protecting the safety of families, private property, farm property, processing property, etc.

But I do appreciate the collegiality of the debate today, so thanks to my colleagues for that.

The Chair (Ms. Goldie Ghamari): Further debate? MPP Vanthof.

Mr. John Vanthof: I'd also like to echo MPP Schreiner's comments. We are civil and we do get along, and that's kind of a farm thing, actually.

The one thing—my biggest disappointment with this bill is that there are valid, valid concerns in the agriculture community regarding farm trespass. They need to be addressed, and some of them will be addressed in this bill. But again, the one part, the chink in the armour that could in the end hurt farmers and hurt their relationship with their customers and that gives their opponents a trumpet from which to blare—I'm very disappointed that we couldn't take the time to actually work this out.

The government put this through in their motion and rammed this through, but we could have taken the time to actually do this and give farmers the true protection that they think they are getting. They are getting some protection, but they are going to get missiles shot at them because of this bill. They have no idea that's coming, and I so regret that as someone who has spent my whole career—when I wasn't farming, I was fighting for something for farmers. I so regret that I'm sitting here and can anticipate that they are going to get hammered.

The Chair (Ms. Goldie Ghamari): Further debate? MPP Glover.

Mr. Chris Glover: Yes. I just want to echo—I think that there's the balance. There are animal rights activists, and we want to respect their democratic right to protest, to advocate through their positions, and there are some who are strongly concerned about animal cruelty. Animal cruelty must be exposed and it must be stopped. We should respect their work in doing that.

There are others who want us to move to plant-based diets and plant-based agriculture, and they absolutely have the democratic right to advocate for that. There are some

who are stepping over the boundaries, though, of our existing laws on trespass and harassment, and the existing laws are not being enforced or they need to be modified to make them work better, because the farmers came and they said that, yes, they and their families are being—their property is being trespassed on and they are being harassed. That needs to stop.

I'll echo both MPP Schreiner and MPP Vanthof. This bill isn't going to achieve the goals that it sets out to achieve. I think we need a better relationship between those of us in the city who eat and those on the farms who produce the food. This bill is not going to improve that relationship. I'll talk more about that when we debate this in the House, but I am very sympathetic to the economic pressure that the farming community in this province is under, and I recognize that they just keep getting squeezed more and more.

The stress: We heard about this in the deputations. We heard about the stress that they are under. The trespass and harassment just adds to that stress. We need to be able to build a healthy relationship with the farmers of our province and respect the work that they're doing, and enjoy the food that they are producing for us because farmers feed cities, and we need to improve that relationship. I think this bill is taking us in the wrong direction,

for the most part. Anyway, we'll have another debate on this in the Legislature.

The Chair (Ms. Goldie Ghamari): Further debate? Seeing none, are members prepared to vote on Bill 156, as amended? All those in favour of Bill 156, as amended, please raise your hands. All those opposed, please raise your hands. Bill 156, as amended, is carried.

Shall I report the bill, as amended, to the House? Is there any discussion on this? Seeing none, are members prepared to vote? All those in favour of me reporting the bill, as amended, to the House, please raise your hands. All those opposed, please raise your hands. I declare the motion carried.

This concludes our clause-by-clause deliberations on Bill 156. The meeting on Monday is therefore cancelled. We will send the cancellation notice shortly.

I wanted to thank all members. It has been a very productive and civil debate. I want to thank you all for your co-operation and your collaboration. This is a pretty well-run committee. I do like to keep a tight ship; I think everyone knows that by now. But thank you, everyone. I hope you're all safe and will be doing well. I'm looking forward to seeing you at some point in the House.

This meeting is now adjourned. Thank you, everyone.

The committee adjourned at 1357.

STANDING COMMITTEE ON GENERAL GOVERNMENT

Chair / Présidente

Ms. Goldie Ghamari (Carleton PC)

Vice-Chair / Vice-Président

Mr. Daryl Kramp (Hastings–Lennox and Addington PC)

Mr. Robert Bailey (Sarnia–Lambton PC)

Ms. Jessica Bell (University–Rosedale ND)

Ms. Goldie Ghamari (Carleton PC)

Mr. Chris Glover (Spadina–Fort York ND)

Mr. Mike Harris (Kitchener–Conestoga PC)

Mr. Daryl Kramp (Hastings–Lennox and Addington PC)

Mr. Sheref Sabawy (Mississauga–Erin Mills PC)

Mr. Amarjot Sandhu (Brampton West / Brampton-Ouest PC)

Mr. Mike Schreiner (Guelph G)

Mrs. Jennifer (Jennie) Stevens (St. Catharines ND)

Mrs. Daisy Wai (Richmond Hill PC)

Substitutions / Membres remplaçants

Mr. Toby Barrett (Haldimand–Norfolk PC)

Mr. Randy Pettapiece (Perth–Wellington PC)

Mr. Dave Smith (Peterborough–Kawartha PC)

Mr. John Vanthof (Timiskaming–Cochrane ND)

Also taking part / Autres participants et participantes

Mr. Kristopher Crawford-Dickinson, counsel,
Ministry of Agriculture, Food and Rural Affairs

Clerk / Greffière

Ms. Valerie Quioc Lim

Staff / Personnel

Ms. Julia Hood, legislative counsel