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**Standing Committee on
Justice Policy**

Provincial Animal Welfare
Services Act, 2019

1st Session
42nd Parliament

Friday 29 November 2019

**Comité permanent
de la justice**

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

1^{re} session
42^e législature

Vendredi 29 novembre 2019

Chair: Roman Baber
Clerk: Christopher Tyrell

Président : Roman Baber
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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE ON
JUSTICE POLICY**

Friday 29 November 2019

**COMITÉ PERMANENT
DE LA JUSTICE**

Vendredi 29 novembre 2019

The committee met at 0901 in room 151.

**PROVINCIAL ANIMAL WELFARE
SERVICES ACT, 2019**

**LOI DE 2019 SUR LES SERVICES
PROVINCIAUX VISANT LE BIEN-ÊTRE
DES ANIMAUX**

Consideration of the following bill:

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

The Chair (Mr. Roman Baber): Good morning, everyone. I would like to call this meeting of the Standing Committee on Justice Policy to order. We're here to consider Bill 136, the Provincial Animal Welfare Services Act, 2019.

There are a number of people here today to share their viewpoints on the bill with the committee. Per the order of the House dated November 25, 2019, each witness will receive up to 10 minutes for their presentation, followed by 20 minutes equally divided among the recognized parties for questioning.

**ONTARIO VETERINARY MEDICAL
ASSOCIATION**

The Chair (Mr. Roman Baber): I'd invite the first presenter to come to the table. Good morning. Mr. Raven?

Mr. Doug Raven: Yes. Good morning.

The Chair (Mr. Roman Baber): Thank you. We have Mr. Doug Raven from the Ontario Veterinary Medical Association. Sir, you'll have up to 10 minutes for your initial submissions.

Mr. Doug Raven: Okay, great. First of all, thank you very much for the opportunity to join you this morning and talk about this bill. We're very excited that the government is moving forward with Bill 136 and very pleased to have an opportunity to come and talk to you about it this morning.

First of all, just a few comments about the Ontario Veterinary Medical Association. OVMA is a voluntary, not-for-profit organization representing more than 4,500 Ontario veterinarians in small, mixed and large animal

practice, academia, industry and public service. Our mission is to contribute to the betterment of animal health and welfare, and the protection of human health by advancing and promoting excellence in the veterinary profession in Ontario.

The association works closely with the College of Veterinarians of Ontario, a wide range of provincial ministries, the animal shelter community and other industry stakeholders to ensure that Ontario's veterinarians are able to meet the needs of the province's animals and the people who depend on them. Whether an animal lives in someone's home, on a farm, at a zoo or even in an aquarium, there is a veterinarian ensuring that their health and welfare is being looked after.

The association's charitable arm, the Farley Foundation, assists low-income pet owners who may not otherwise be able to afford the cost of needed veterinary care for their pets. Since the foundation was established in 2002, it has disbursed over \$4.4 million to assist more than 10,000 pets and pet owners in need.

The association also works with some provincial ministries to operate the SafePet Program, which assists individuals fleeing intimate partner violence by arranging for temporary foster care for their pets while they seek refuge in a women's shelter.

With regard to the bill, veterinarians are strong advocates for effective animal welfare legislation. Individuals become doctors of veterinary medicine in large part because of their love of animals, and the well-being of the province's animals and the people who depend on them are the top priority for all Ontario veterinarians.

OVMA is pleased to have been afforded the opportunity by the Ministry of the Solicitor General to provide input on the province's new animal welfare model as it was being developed. I congratulate the ministry for its hard work on the development of the draft legislation, and for the improvements being proposed for the animal welfare system in Ontario.

OVMA is in full support of the general approach to animal welfare investigation and enforcement outlined in Bill 136. This function is far too important to be dependent on the ability of charitable organizations to raise sufficient funds to do the job properly, as has been the case in the past. Entrusting the responsibility to the provincial government will ensure proper oversight, transparency and accountability of the investigation and enforcement functions. OVMA is pleased to learn that the province intends

to establish an advisory committee to oversee the implementation of the new legislation, and would welcome the opportunity to participate on that committee.

Having reviewed the bill in considerable detail, OVMA recommends only one amendment to the current wording of the bill to provide more specific guidance to those who must abide by the legislation and enforce it.

OVMA agrees with the provision set out in section 59 of the draft PAWS Act that permits veterinarians to euthanize an animal in an emergency situation when an owner cannot be located, or in cases of abandonment, without having to seek authority from an animal welfare inspector or local police. This provision addresses an all-too-common issue and will prevent unnecessary suffering in cases where an animal is in critical distress without a positive prognosis or a reasonable expectation of recovery. However, to strengthen the provision and avoid ambiguity for both veterinarians and investigators, OVMA recommends that the act include specific, medically accepted language with respect to emergency situations and euthanasia.

Euthanasia, or humane death, is generally considered the best course of action when quality of life for an animal is compromised and treatment would fail to alleviate undue suffering or meaningfully prolong the animal's life. Veterinary discretion in this area needs to be used appropriately, so the language used in the legislation to authorize emergency euthanasia must be consistent with science-based evidence and supported by current veterinary practices. To ensure that the provision regarding emergency euthanasia in the act does not inadvertently interfere with veterinarians' obligations regarding euthanasia under the Veterinarians Act, it is also essential that the language used is specific to the PAWS Act.

It is therefore recommended that subsection 59 be amended to read as follows:

"For the purposes of this act, a veterinarian may euthanize an animal without owner or custodian consent when,

"(a) the animal's owner or custodian is not present, or not known, and cannot be found promptly, or the veterinarian reasonably believes that the owner or custodian has abandoned the animal; and

"(b) immediate veterinary treatment cannot prolong the animal's life or prolonging the animal's life would result in the animal suffering unduly; and

"(c) in the veterinarian's opinion, the animal is in such distress that euthanasia is the most humane course of action."

Adopting this terminology will mirror similar legislative language in animal welfare legislation in Nova Scotia and British Columbia and provide clear and concise direction for veterinarians in emergency situations. Furthermore, it will help to promote transparency for the public and a greater understanding of the prerequisites for and use of euthanasia in emergency situations.

OVMA would also like to comment on section 27 of the draft act, which would enable an animal welfare inspector to obtain a warrant to enter and search a location

if the inspector has reasonable grounds to believe that an animal there is in distress. Since the bill was tabled, OVMA is aware that there have been discussions regarding subsection 27(8) of the bill, which states that "a warrant issued under this section does not authorize an ... inspector to enter and search an accredited veterinary facility." A similar exemption for veterinary practices exists under the current OSPCA Act, and OVMA strongly recommends that it be kept in the PAWS Act.

There are a number of reasons for this particular exemption. First, if an animal is in distress, a veterinary practice is exactly where that animal should be, so it can receive immediate medical attention. At any time, a veterinary hospital may be attending to animals that are in critical distress and receiving emergency medical care. To have animal welfare inspectors interrupt the work of hospital staff could jeopardize the well-being of those animals.

Second, someone who reports an animal that they believe to be in distress in a veterinary hospital without direct knowledge of the events taking place could be misinterpreting the situation. For example, a dog recovering from anesthesia can experience dysphoria, a confused state where it can become agitated and extremely vocal. The recovery period can vary in length depending on the amount of time under anesthesia, but while the animal is in the clinic, veterinary staff will ensure proper recovery and pain management strategies. However, to an untrained individual in the waiting room, the vocalizations could sound like an animal in distress. Allowing an inspector to enter and search the veterinary hospital could put the patient at unnecessary risk and create unwarranted stress to staff who are already dealing with a disoriented animal in a heightened state.

Third, and finally, should a situation arise where the state of an animal's welfare in an animal hospital or in a veterinary hospital is a source of concern, the authority to investigate is already set out in the Veterinarians Act. Sections 36(1) and 50 of that act permit the registrar of the College of Veterinarians of Ontario to conduct an inquiry or appoint an investigator to determine whether a veterinarian has committed an act of professional misconduct or serious neglect. Such conduct could lead to disciplinary action for the veterinarian in question, including the suspension or revocation of the veterinarian's licence. Allowing the incident to be investigated by an expert in veterinary medicine, in co-operation with a provincial animal welfare inspector as appropriate, will mitigate the risk to patients, clients and staff and ensure that the highest standards of veterinary treatment are maintained. Similar arguments apply to the exemptions regarding entering and inspecting an accredited veterinary facility contained in subsections 23(3) and 28(6) of the draft act.

In closing, effective protection of animal welfare is of tremendous importance not only to animal lovers, but to veterinarians, municipalities, farmers, the shelter community and the general public. Instituting a provincial program supported by provincial revenues as set out in Bill 136 will ensure proper oversight, transparency and

accountability of the animal welfare investigation and enforcement functions.

The Chair (Mr. Roman Baber): If I may, Mr. Raven, just give you a one-minute heads-up.

Mr. Doug Raven: Okay. Veterinarians are proud to partner with the government of Ontario to ensure the health and safety of Ontario's animals. Again, I would like to congratulate the Ministry of the Solicitor General on Bill 136 and thank the committee for its time and consideration.

The Chair (Mr. Roman Baber): Thank you, Mr. Raven. We'll now move on to the government caucus for up to 10 minutes of questioning. Ms. Hogarth.

Ms. Christine Hogarth: I just want to thank you very much for being here and thank you for what you do for our animals every day. I appreciate your commentary on this legislation. I know the Solicitor General worked very hard to make sure we got it right. I know we reached out to your organization to get feedback and commentary as we went along.

0910

One thing I think is important that we note, in a lot of the consultations we had, was the definition of "distress" and "psychological distress." As a front-line worker who deals with animals all the time, can you just comment on the updating of the definition of "distress" or "psychological distress," and do you believe it's appropriate?

Mr. Doug Raven: We certainly appreciate all of the consultation we had with the ministry on this particular issue. We thought they did a fabulous job of consulting with stakeholders.

One of the issues with the OSPCA Act is the definition of "distress." It needed to be updated. We know that there are those who are concerned about including psychological distress, but if you look at the existing act, which has been around for a long, long time, I think society's views on animals and their welfare has changed a lot. The public is very concerned about psychological distress, and there is a lot of great new research that has come up over the past couple of decades that has focused specifically on psychological distress in animals. We feel, as an association, that it's very appropriate that that be included as part of the definition in the bill.

Ms. Christine Hogarth: Thank you. I actually have no further questions. I'm not sure if any of my colleagues do.

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

Mr. Parm Gill: I want to thank you for appearing before the committee. It's obviously important work. You and your organization being part of this—I want to just thank you.

My question is just in terms of the strengthened penalties under the act. Do you feel that this will actually discourage animal abuse?

Mr. Doug Raven: I think that if they're substantial enough—if you look at where abuse mainly occurs, we're very pleased to see that the penalties that are being proposed in the bill are likely to act as much more of a deterrent. The penalties that currently exist just aren't enough to deter people.

We think those penalties are helpful in terms of deterrent, but again, we also need to do a better job, whether it's the OVMA, veterinarians, the ministry or others, in educating people about how to treat animals appropriately. There are going to be some who perhaps might want to mistreat an animal, and they would have no idea what's in the act. So, first of all, it's great to have those new penalties available, but we need to make sure people are aware of the consequences; otherwise, we probably won't see a lot of impact.

Mr. Parm Gill: Perfect. Thank you very much.

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

Ms. Natalia Kusendova: Good morning. Thank you so much for being here.

I have a question. In the summertime, we hear a lot of horror stories about pets being left in vehicles—sometimes even children being left in vehicles. Part of this legislation will update the inspector powers to allow inspectors, police officers, firefighters and other first responders to actually enter vehicles when they see an animal in distress.

Do you believe that this would reduce, ultimately, the amount of visits to veterinary clinics for animals having heatstroke or symptoms related to being left in really hot vehicles over the summer months?

Mr. Doug Raven: It's probably not going to affect the traffic at veterinary hospitals, because, unfortunately, when the animal is left in a hot car, all too often the animal passes away. I think it is a problem that needs to be addressed. We're very pleased it's being addressed in the legislation and will improve powers in that area. But again, most often, either the dog is out in plenty of time or it's fatal.

Ms. Natalia Kusendova: Do you think it will actually deter people from doing these horrible acts?

Mr. Doug Raven: I don't know if I can comment on that. People should realize now that it is a bad idea to leave an animal or a child in a hot car on a summer's day. I think that the main provisions in the bill are: How do we deal with that more quickly and more expeditiously and tell people they have the ability to act if they see that situation? Because right now, there is a lot of confusion if someone encounters that: "Do I have the ability to rescue the animal? What are my rights?" I think it's helpful that we're giving people that authority.

Ms. Natalia Kusendova: Thank you.

The Chair (Mr. Roman Baber): Mrs. Martin.

Mrs. Robin Martin: Thank you again for your submissions, which are very interesting—I'm reading along here.

I know that you talked a bit about the animal welfare inspectors and the possible exemption in subsection 27(8) for them coming into veterinary practices. You've mentioned some reasons why that is an inappropriate intervention in some cases, and can cause some confusion, maybe. But what do you think of the whole idea—which is in the act—of having animal welfare inspectors under the oversight of the provincially appointed chief inspector?

Mr. Doug Raven: Of that structure?

Mrs. Robin Martin: Yes.

Mr. Doug Raven: We're very, very pleased. One of the problems we have now in the province, and have had for

some time, is the way that that function was done extremely well in some places and very poorly in others, based on resources. Certainly a provincial organization is going to lead to uniformity across the province in terms of how inspections and enforcement are handled. For veterinarians in particular, there's often a lot of confusion right now, because historically, of course, you had the OSPCA as the agency where, if a veterinarian suspected animal abuse, that was the agency to report to in some areas, and in other areas it could be a local authority or it might be the police. It created a lot of confusion in trying to effectively report suspected cases of animal cruelty. So we're very pleased that there will be one system that applies across the province.

Mrs. Robin Martin: Okay. Thank you.

The Chair (Mr. Roman Baber): Any further questions on the government side? We shall now move on to the opposition caucus for 10 minutes of questioning. Mr. Yarde.

Mr. Kevin Yarde: Thank you, Mr. Raven, for coming in today. I appreciate your comments on this obviously very important bill. I have a dog, so this is very important for me as well, too.

I just want to touch a little bit on what you talked about earlier about inspectors coming into a veterinary hospital. In terms of transparency, what is your view on inspectors' reports being made available to the public?

Mr. Doug Raven: We don't have any problem with that at all. I think that one of the great things about the bill is that it will be transparent to the public.

Mr. Kevin Yarde: Okay. In terms of an advisory committee, who do you think should be on that committee—perhaps yourself, or other agencies?

Mr. Doug Raven: Well, I think, certainly we would hope that there would be veterinary representation. The OVMA is certainly happy to put forward some names for consideration by the government. Obviously, a lot of the issues that have arisen in the past have involved the agricultural community, and I would hope that the agricultural community would have a say, as well. We work closely with the ag folks in the agriculture community. They care deeply about animal welfare—again, there are always some bad players in any group—but I think they need to be involved.

Folks in the shelter community will be important, as well, to make sure—because, again, on the ground, the inspectors will be part of a group of folks who are actually involved in enforcement. I think you need to make sure all of those different components are represented on the advisory committee.

Mr. Kevin Yarde: Okay, right. No further questions. Thank you, Mr. Raven.

The Chair (Mr. Roman Baber): No further questions by the NDP caucus?

Mr. Kevin Yarde: No.

The Chair (Mr. Roman Baber): Mr. Raven, I'd like to thank you for your submissions. As a reminder, the deadline for filing written submissions is 5 p.m. today. Thank you very much.

Mr. Doug Raven: Thank you for having me.

WORLD ANIMAL PROTECTION

The Chair (Mr. Roman Baber): I'd like to proceed to call Michèle Hamers from World Animal Protection. Good morning, Ms. Hamers, and welcome.

Ms. Michèle Hamers: Good morning.

The Chair (Mr. Roman Baber): You'll have 10 minutes for your presentation. Please state your name for the transcript, and then you may begin.

Ms. Michèle Hamers: Michèle Hamers. Good morning. Thank you for having me. The reason that I am speaking to you today is that although we are encouraged by the new act, we do not believe it covers all significant legislative gaps. What I'd like to discuss with you today is (a) a legislative concept called the "permitted list," and (b) the name of the act.

I'm Michèle Hamers. I'm the wildlife campaign manager for World Animal Protection. We are the largest international animal welfare organization in Canada, with over 300,000 supporters across the country and over 160,000 here in Ontario. We have 14 offices around the world, and our Canadian office is here in Toronto.

About myself: I have a master's in animal welfare and biology from Essex university, a bachelor's degree in animal husbandry and welfare from the Netherlands, and I am a member of the Royal Society of Biology and a designated European professional biologist.

0920

I studied permitted-list principles in Europe, and I will build a case for you about why this framework will work. It's cost-effective and will simplify the enforcement of the act.

We all know that Ontario has lacked regulations to restrict the keeping of exotic animals as pets and for public entertainment. Historically, the keeping of animals has always been regulated by means of a prohibited list. What used to happen is that animals would be kept by individuals, something would happen—somebody would get killed or severely harmed—and then this would result in a ban.

Nowadays, many people have pets. The industry is a multi-billion-dollar industry. Animals are being traded across the globe, and purchases are completed by a click of the mouse. At the same time, our understanding of animal sentience, behaviour and welfare has evolved. These developments call for legislation that addresses not only public safety but also the welfare of animals; environmental risks, including invasiveness; and the conservation of animals outside of Canada, because, to be honest, the exotic animals we're keeping are somebody else's wildlife.

To capture all of these risk factors, we should move away from prohibiting animals. Prohibited lists are cumbersome and long, and this has been proven throughout different jurisdictions. Look, for example, at BC: They have the longest prohibited list in the country, with over 1,200 animal species listed. The workload became unexpectedly overwhelming. In addition, as with all prohibited lists, it's already outdated because new animals have

been introduced to the market because they weren't considered at the time that this list was developed.

The legislative framework that we would like the government to adapt is designed to prevent this. It's called the permitted list. It indicates which animals can be kept as pets rather than which animals cannot. In the current act, this can be arranged by adding a provision under part IV, "Duties and Prohibitions," in the section "Prohibited and Restricted Animals," by changing it to "Prohibited, Restricted and Permitted Animals."

Why should Ontario do this? A permitted list works: It's cost-effective, concise, enforceable, easy to understand, it will protect people and animals, and, if executed well, is based on impartial scientific evidence.

Why does it protect animals? Because the animals that are on the list are actually vetted. Their welfare and behaviour requirements have been determined to be such that any untrained person is capable of keeping an animal without causing suffering or harm. It protects us—people—because animals that pose a physical danger or are known carriers of transmittable diseases will be excluded from the list. And our environment will be protected because animals that can survive in our climate or introduce novel diseases will be excluded, and animals deriving from declining wildlife populations elsewhere will not be traded.

Additionally, it's easier for enforcement officers, because they only have to recognize animals that are on their list, which is obviously a lot shorter than the prohibited list. As I said, this list is short, and any species that are not listed cannot be kept as pets, so it's pretty simple to understand.

Another reason why World Animal Protection and myself are very excited about this framework and what it can achieve is because there is a clear, established process based on criteria and based on science. Furthermore, the process is fluid, and the list can be updated. The framework, however, transfers the responsibility from the government to individuals. In order to amend the permitted list, they will have to provide evidence that an animal does or does not make a good pet. The only task the government will have is to review the application and decide how to proceed. It's a system that can save taxpayer dollars.

Back to the animals: For exotic animals, there's a discussion about domesticated, not domesticated—what does it mean? To be clear: Exotic animals have not evolved with us. They are not domesticated. They have not co-evolved with humans. They are wild animals, which means that the bar to keep these animals as pets must be much, much higher. This is where permitted-list criteria come in.

While the criteria might vary between jurisdictions, the foundation is built on the eight following criteria:

- (1) Animal welfare, as I said.
- (2) Public safety.
- (3) The environment.
- (4) Breeding: A self-sustaining, captive population must exist to prevent the need for wild-caught animals.

(5) Reliable information: The keeping of exotic pets historically relies on a trial-and-error concept. Many animals have to suffer and die before husbandry practices are refined in order to keep an animal alive. This must stop. Animals should not be kept as pets if it's unknown how to even take care of them.

(6) There must be a plan B, an ability to rehome unwanted pets. Shelters are currently struggling because they lack resources and expertise to take care of these highly complex animals.

(7) In line with point 6, there must be access to a veterinarian with expertise in the animal in question.

(8) The precautionary principle, which simply means that if we don't know enough about these animals, we should not have them on the list. This principle can be found across sectors and keeps people, and in this case also animals, safe.

The last fact I would like to provide about this framework is that permitted lists are proactive and not reactive.

This takes me to my second point, the name of the act: the Provincial Animal Welfare Services Act. The name of an act is important. It usually describes the purpose of the legislation. In this case, however, the Provincial Animal Welfare Services Act—PAWS, which is awesome—does no such thing. Animal welfare is not mentioned in the act, or defined, despite this being increasingly common in jurisdictions around the world. We would like to ask the government to enshrine animal welfare and its principles in the act.

In closing, if we want to turn Ontario into the leading province on animal welfare issues, we believe that the way forward is by adopting a permitted list and enshrining animal welfare principles in the act.

Thank you for your time. I'm looking forward to your questions.

The Chair (Mr. Roman Baber): Thank you, Ms. Hamers. We'll now proceed with the official opposition for 10 minutes of questioning.

Mr. Kevin Yarde: I didn't know we were starting on this side. Okay.

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

Mr. Kevin Yarde: Thank you for coming in today. I appreciate your speech and your passion with regard to this bill.

Ms. Hamers, I'm just curious: You mentioned the permitted list that you think this government should have. Obviously, it would probably be an exhaustive list. Are there certain pets that you think people shouldn't have, that would be on this list? Because I know there are some animals that may be exotic, so it's going to be a little bit of a difficult play as to whether an exotic animal can or can't be a pet. Who's going to determine that?

Ms. Michèle Hamers: Right. So that's where the criteria come in. It's based on science. For example, at the moment, I believe amphibians are removed from positive lists because there's a global disease going on which can be transmitted through water, by bacteria that end up in the water. So we advise governments around Canada to

remove amphibians, for example, just because of the disease risk.

But then, for example, if you look at reptiles—which is a big discussion, if they are domesticated or not, which they are not. They haven't been bred in captivity for thousands and thousands of years. That hasn't happened; therefore they are wild. So we would be looking at what scientific evidence says about their behaviour: What do we know about these animals in the wild? How do they behave? What are their requirements and needs? Once we know that, then we can move forward to put them on the list, yes or no. I think the strength of this list is that it's purely scientifically based.

Mr. Kevin Yarde: Okay. Now, other aspects of the bill—is this the only concern that you'd have, those two concerns, the name and the list?

Ms. Michèle Hamers: Yes, so far. I think the enforcement side is covered. Transparency: Something that we struggled with as well in our investigations or research was that we didn't know what the OSPCA was doing; there was no way to get access to any records. So we were very pleased to see that this is now made possible through this act.

Mr. Kevin Yarde: Okay. And in terms of the advisory committee, would you say that your organization, or someone like you, with your experience, should be on that committee as well?

Ms. Michèle Hamers: Yes. Especially on the topic of exotics, World Animal Protection is one of the few organizations in Canada that has expertise on that topic. We would be happy to be part of that committee.

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

Mr. Gurratan Singh: If you could just, I guess, rearticulate the fact that you've indicated the two areas where the area is lacking. What are your recommendations to address those, again?

Ms. Michèle Hamers: Sorry?

Mr. Gurratan Singh: You said you had two problems; you indicated two issues with what's being proposed. I just want to know what your ideas and your suggestions are on how those can be addressed.

Ms. Michèle Hamers: Right. I think that the permitted list—I don't think the prohibited list and restricted list, as they are in the act right now, have to be changed. I think what can happen is to add a permitted option, a permitted provision, and then in the regulations you can have a combination of lists, like they have in Nova Scotia, for example. They have prohibited and permitted animals. So it can be a combination of different lists. But I think to have a permitted list is also a trend in other jurisdictions, the way people are going, and it has proven to be more cost-effective and easier to maintain. It will put the responsibility with the people who want the animals, not with the government.

0930

Mr. Gurratan Singh: With respect to this kind of legislation and what's being proposed, do you think there's a gold standard in the world that is something that we can—

Ms. Michèle Hamers: Yes. Belgium currently has a list that was adopted—a mammal list and a reptile list that they have. I think the framework that they used and the way they looked at it, considering all those criteria like invasiveness, chance of disease and zoonotic diseases—they have considered that, so that would be the gold standard, I guess, in that sense. They've been looking into reptile lists, and the Netherlands is working on it. There are a lot of countries in Europe that are in the process of adopting this style or framework of legislation. Within Canada, New Brunswick has a positive list as well that is currently under review.

Mr. Gurratan Singh: And within Canada particularly, which province do you think has the best—is it New Brunswick?

Ms. Michèle Hamers: New Brunswick, I would say, yes.

Mr. Gurratan Singh: On the flip side, is there a province that you think is dealing with this file in a manner that needs further improvement?

Ms. Michèle Hamers: On the keeping of exotics?

Mr. Gurratan Singh: If you're saying that New Brunswick is the gold standard, is there a province that you think—because there's always a possibility to learn from the gaps in other legislation as well. Would you say that exists?

Ms. Michèle Hamers: I would say Ontario is at the bottom of the list. We actually produced a report about that. Ontario is at the bottom, unfortunately, but with this act, we're confident that they will be lifted in our ranking.

The Chair (Mr. Roman Baber): Thank you very much. We'll now proceed with up to 10 minutes of questioning from the government caucus. Ms. Hogarth.

Ms. Christine Hogarth: I just want to thank you very much for being here and for your advocacy towards animals. I know everyone who sits here is an advocate, an animal lover, and we want to see the best for animals. That's why we wanted to bring forward such a strong piece of legislation, and especially the strongest penalties for animal cruelty in Canada.

I thank you for your comments. A lot of the items you talked about will be supported in regulation. The bill does set up a framework for prohibited animals. As you mentioned, those lists change; it's easier to change those lists through a regulation than to set it out in the actual legislation. So I just want to make sure you are aware of that.

The other piece is that we're going to be consulting on the regulations. Is there anything in the regulations that you would like to see updated, such as the standard of care, or are there any other items that you'd like to see, besides what you mentioned today, being captured in regulations in this bill?

Ms. Michèle Hamers: I think standards of care will be tremendously important. I do think those standards of care would be easy to formulate by means of a permitted list, because the list of animals that you would be looking at would be much smaller, and therefore the standards of care can be very much species-specific compared to a

prohibited list. There might be a long list of animals we don't even know about that will be permitted because it's not mentioned in the prohibited list. I think a permitted list, in that sense, if you want to move towards standards of care, which I think is important, is easier to do, to accomplish.

Ms. Christine Hogarth: Thank you. One other question: If this bill does pass, do you have any suggestions or advice to the government on how we could share this information so people know about the new laws and our 1-833-9-ANIMAL line, so that if anyone does see any animal in distress or animal cruelty, they can call? Do you have any suggestions for us on educating the public?

Ms. Michèle Hamers: Looking at our own educational campaigning that we're doing, we're using a lot of online media, a lot of online platforms. I'm not an expert in how to get the message out, but I would think that online platforms would be the way to go.

Ms. Christine Hogarth: Well, we hope, if this legislation does get passed—and I say the sooner, the better—that you would help share that message to the people of Ontario.

Ms. Michèle Hamers: Absolutely. Of course, yes.

Ms. Christine Hogarth: Thank you very much for being here today. We certainly appreciate your feedback.

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

Mrs. Robin Martin: I asked the same question of the veterinarian that was here. On the animal welfare inspectors: We've got them now under the oversight of a provincially appointed chief inspector. Do you see that as a good step in changing this legislation?

Ms. Michèle Hamers: Yes, absolutely.

Mrs. Robin Martin: So it will make it more effective? I think the veterinary representative suggested that there was some confusion before.

Ms. Michèle Hamers: Well, the effectiveness will depend on how well officers are trained, I would say. But I think there is a great opportunity, because the act becomes transparent and we can hold people accountable for what is being done or not being done.

For us, the biggest frustration in trying to work with roadside zoos or trying to deal with these issues is that the enforcement part—we had no idea who was involved or what was happening on that side. So being able to have that line of communication I think is a great move forward.

Mrs. Robin Martin: It sounds like just having a line of sight, too, into what's happening. You mentioned the word "transparency," which is really important. From what I understand, that was lacking.

Ms. Michèle Hamers: Absolutely, yes.

Mrs. Robin Martin: Okay. Thank you.

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

Ms. Natalia Kusendova: Good morning. Thank you so much for being here.

As part of the legislation, there will be additional funding committed to training inspectors. Can you tell us a little bit, based on your experience, about what areas this training should focus on?

Ms. Michèle Hamers: World Animal Protection and Zoocheck actually had a workshop week earlier this year—last year—about exotic animals, and there were a lot of enforcement officers and bylaw officers who attended. The feedback we received is that training in the issue of exotics is needed. There is a lack of expertise and a lack of knowledge on how to deal with these issues. If you walk into a house and there's a six-foot snake, what are you going to do? How are you going to respond to it? So I feel that's a—

Interjections.

Ms. Michèle Hamers: Yes, close the door and leave.

We were planning on doing another workshop next year across the country, but that's generally the feedback we got: On the exotic file, there is a lot of knowledge missing and a lot of gaps that need to be filled.

Ms. Natalia Kusendova: Thank you.

Ms. Michèle Hamers: You're welcome.

The Chair (Mr. Roman Baber): Mrs. Martin.

Mrs. Robin Martin: One other question that occurred to me: In answer to a question from the opposition, you mentioned that Belgium has a list of permitted animals and reptiles; that was in response to a question about where there is good legislation. But you were specifically talking about the fact that they have this permitted list that you referenced as the right way to go, and they have a list which they have been working on. And you said that New Brunswick also has that kind of list?

Ms. Michèle Hamers: Yes, that's correct.

Mrs. Robin Martin: As far as the legislation in Belgium, beyond that, beyond the permitted list, is there anything else that you would have said is recommended?

Ms. Michèle Hamers: I haven't looked at other sections of the animal welfare acts—my focus was on permitted lists—for a while. So—

Mrs. Robin Martin: Yes, I gathered that from the answer. I just wanted to clarify.

Also, the New Brunswick one: It's the same thing. It's the fact that they have used that focus?

Ms. Michèle Hamers: What I do like with the new bill that they introduced in New Brunswick is also that they have enshrined the committee that will be reviewing the list and reviewing animal welfare issues and which members have to be part of that committee, and then there's the option to invite other members to the committee as they deem fit. But they make sure that people are represented from the government, from animal welfare organizations and, I believe, from the zoo industry as well. So I think that's a good way to make sure that these committees happen, that lists are actively reviewed and that people from the public can reach out to the committee to talk about these issues.

Mrs. Robin Martin: Thank you.

Ms. Michèle Hamers: You're welcome.

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

Mr. Parm Gill: Just a quick question in follow-up to that of my colleague from the other side, Mr. Singh: You mentioned that Ontario currently sits at the bottom of the list. Would you agree this is going to be a significant

improvement? Would that help us get out of the bottom of the list?

Ms. Michèle Hamers: Yes.

Mr. Parm Gill: In your opinion, where would that put us?

Ms. Michèle Hamers: It depends on what will eventually be in the act. But as it is, I would say Ontario will be scored with the majority of the provinces, because how we score the provinces is, “Is animal welfare enshrined in the act?” for example, which now is not the case. “Is there a permitted list?” In our opinion, that’s the best-practice way to go in, which would not be the case as it is, which we hope will change. So you’ll be together with Quebec and many other provinces, just in the middle of the pack.

Mr. Parm Gill: Okay. Thank you.

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

Ms. Natalia Kusendova: I have one more question, just out of interest. You spoke a lot about exotic animals and that more training would be beneficial for the inspectors. However, I would think in a province like Ontario—percentage-wise, how many exotic animal inspections versus chicken or cattle or equine—would it be also beneficial to have updated training on the standards of care in those other areas? I would think that animal inspectors would come into contact more often with these kinds of animals, rather than exotic animals.

Ms. Michèle Hamers: Yes, I think any extra training would be good. It also depends on the standards of care that inspectors have trained in to see how effective they are in actually mitigating animal welfare issues. That goes to all animals.

The thing that I noticed in the debates about this bill—there was a lot of talk about cats and dogs, and I think those animals will be well protected, but there is another group of animals that just doesn’t get as much attention. I think here in Ontario—

The Chair (Mr. Roman Baber): One minute.

Ms. Michèle Hamers: I’m not an expert in farming; I have a colleague who does the farming work. For example, we still have roadside zoos in this time and day. The issues they have or the trouble to close these establishments down—I think training inspectors in that and making sure that there’s a good collection of evidence and making sure that these roadside zoos can close, that would be a great step toward positive animal welfare for the province.

Ms. Natalia Kusendova: Thank you.

Ms. Michèle Hamers: You’re welcome.

The Chair (Mr. Roman Baber): Thank you very much, Ms. Hamers. As a reminder, the deadline for filing written submission is 5 p.m. today.

ANIMAL ALLIANCE OF CANADA

The Chair (Mr. Roman Baber): I would like to proceed to call Liz White of Animal Alliance of Canada. Good morning, Ms. White.

Ms. Liz White: Good morning. Thank you, everybody, for having us here and for providing us with an opportunity to talk to the committee about a very important piece of legislation.

I’d first like to say thank you to the Progressive Conservative Party government and, I understand, two opposition parties for actually supporting a bill that begins to bring animal welfare and animal welfare law enforcement as part of a government service.

It is truly groundbreaking because it is the only province in Canada that has taken on this responsibility and I think it is an extremely forward-looking step, so I wanted to say thank you up front for that.

Many of our recommendations—we wrote a report called Blueprint for Change, which we submitted to everybody. In looking over Bill 136, it looks like many of the recommendations that we made in that report are included in Bill 136, and, for that, we thank you very, very much.

However, we have some concerns with aspects of the bill, particularly as it relates to the exceptions. We’re hoping, in the course of doing the regulations and so on, that the government will take a look and be guided by the desires of the people of Ontario. Clearly, as we know, people in Ontario value animals and care about their welfare. They want animals protected from abuse and harm. They want to have animal welfare law enforcement legislation that’s effective and that has absolute clarity as to the roles and responsibilities of those involved in the system. They want animal welfare law enforcement that is adequately supported by the Ontario government, which is clearly happening today—thank you. They want protection for animals beyond companion animals or pets—so animals in entertainment and recreation, farmed animals or animals used for other agricultural purposes, free-roaming wild animals and animals in captivity, and animals used in research, teaching and testing.

We urge the committee to amend the act to ensure that the basic interests of all animals in the province are protected by incorporating science-based, universally acceptable animal welfare principles that recognize that animals are sentient, cognitive, have emotional and social capabilities, and very definitely biological and behavioural needs.

A good example of that is the five freedoms that is embedded in other legislation around the world—similar types of recognitions are embedded in legislation around the world. Many Ontario citizens state that they want meaningful protections and the most humane treatment possible for all animals. I would argue that this is a minimum responsibility of a modern society as we have in Ontario.

As MPP Hogarth states, “In conclusion, we know that animal welfare is important to the people of Ontario, and that is why ... 17,000 people responded to our consultation that informed the PAWS Act. That’s a great number of people who care about our animals and their welfare. That’s why ... nine in 10 respondents told us that the welfare of animals was extremely important to them.”

We're recommending that the PAWS Act be inclusive by providing basic protections for all animals in the province, regardless of their species, context or use. Providing blanket exceptions or exemptions is not useful in modern legislation.

I just want to point out that, prior to the exceptions and exemptions that were inserted in the OSPCA Act by the McGuinty government, all animals in Ontario were afforded basic protection. There were no exceptions or exemptions in previous legislations until the Liberals amended that.

Unlawful acts can occur in otherwise lawful behaviour; for example, loading compromised animals with others that are being transported for slaughter. The transport to slaughter is lawful, but the loading of a compromised animal amongst those other animals is not, according to both OMAFRA and the Canadian Food Inspection Agency. So by ensuring that all animals receive basic protection under the PAWS Act, the Ontario government would be therefore offering protection to all animals.

The exceptions of concern that I'm looking at are in 13(2), which talks about how animal standards of care and administrative requirements do not apply with respect to activities regarding agricultural animal care, management or husbandry that is carried on in reasonably and generally accepted practices. My concern with that is, the wording is very broad. What do we mean by "reasonably accepted"? What do we mean by "generally accepted"? There are all kinds of discussions going on within the agricultural community and outside as to what is acceptable and what isn't. So even if this stays in, I think it needs to be more clearly defined as to what is meant by those,

And again, on the exceptions for distress: I understand that certain activity that's done with fishing, hunting, trapping, agriculture and so on causes distress. But my concern is that the wording is so broad that I think it means that those animals will simply not receive the protection that they need.

Just to give you the magnitude of what the impact of these exceptions is: The number of animals that will receive less protection, that are agricultural animals, is 590 million—well over half a billion. In wild animals, the statistics aren't so available, so we don't know exactly how many. We know it's 60,000 deer. We know that, back in 2009, when Statistics Canada stopped giving us the information, 180,000 animals were trapped in Ontario. We know that there are a number of these figures, but we don't have a whole picture. But there are lots of animals, obviously, engaged in that.

And then in research: Over 1.7 million research animals in Ontario have no protection under this law. It's completely exempt.

So we recommend—very short—that:

—the Provincial Animal Welfare Services Act provide equal protection for all animals;

—require all members of the law enforcement body to be accountable to PAWS—I say that because if you do animal-agriculture law enforcement officers—which we should use, as part of the enforcement body—because

their mandate really is human health, they need to be mandated to report directly to PAWS so that they understand that while they're OMAFRA inspectors and enforcement officers to human health, while they're reporting to PAWS, they're doing animal welfare law enforcement, so they're two separate things;

—make the animal welfare law system and law enforcement program subject to freedom of information and privacy, the Ombudsman office and the auditor's office, just so that there's lots of oversight and transparency; and

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—allow the creation of regulations focused on specific kinds of animals—you were talking about exotics; we're talking about dog-sled operations, for example; zoos; animals to be taken into schools etc.; and

—incorporate generally accepted, scientifically supported animal welfare guiding principles, such as the five freedoms, as a set of principles incorporated in either the legislation or the regulations.

Thank you very much. Thank you for the opportunity to speak.

The Chair (Mr. Roman Baber): Thank you, Ms. White. We will now proceed with up to 10 minutes of questioning by the government.

Ms. Christine Hogarth: I'm happy to start.

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

Ms. Christine Hogarth: Ms. White, thank you very much for being here and for the work you're doing to protect animals. I know you've been working very hard over many, many years as an advocate to assist animals, especially animals who are in distress. So I thank you for that work.

One piece of this legislation that I was quite excited about when I saw it was the multidisciplinary advisory table. That was something that I had spoken about in my own private member's bill when I brought it forward earlier this year. That will be a table of academics, veterinarians and advocates to discuss other issues that we—it's an ongoing table that can make recommendations to the Solicitor General to strengthen the laws or change the laws. Some of those things you mentioned today, but do you have any other recommendations you would like to see brought forward to that table?

Ms. Liz White: There are probably a few—

Ms. Christine Hogarth: Not enough time?

Ms. Liz White: I would be happy to put those together. My concern is—I just want to make sure that the legislation, the direction of which is very progressive and excellent, doesn't narrow its delivery for a certain group of animals, so that even if recommendations come from the round table about addressing some of these issues, the legislation narrows the ability to do that.

I'm hoping today that the committee will look at the recommendations that we brought forward, but I do think that the multidisciplinary round table is an excellent idea. It allows people from all walks of life, from industry to advocacy groups, who often don't get along—it brings them to the table and forces them to recognize that

everybody is bringing different interests to the table, and can we meet somewhere in the middle to make change. I think that multidisciplinary committee is an excellent idea, and if it gets started, I think I will bring some issues to it.

Ms. Christine Hogarth: I'm sure you will.

The same question I asked the last deputant: You are an advocacy group, and if this legislation does pass, which I hope it does, the goal is to get the message out to people. We need people to know and to educate people, which is key with anything we do with animals, on what's right and what's wrong—even buying online and reputable breeders etc. There are all these pieces. Do you have any advice for us on how we educate the public or get the message out that we're going to have the strongest penalties in Canada for animal abuse?

Ms. Liz White: I think there's an issue out there of lack of trust as a result of what went on previously with regard to animal welfare law enforcement, where there was an inability to find out what went on if somebody laid a complaint or what happened, all that sort of stuff. What we're finding is that we're taking the opportunity to try to rebuild trust out in the community, that this is a different way of doing things. There's a number up on the website that you can call, and there's a process that you know will be gone through when you lay a complaint.

I have to tell you, I helped an individual lay a complaint at that telephone number. It took a bit of time, but in that process we were able to get the animal bylaw enforcement officer and the police to participate in the investigation of the situation. So it clearly worked, and I was able to call back to the person, who didn't really know how to navigate the system, to say, "This is how you do it. This is what happened, so your complaint actually worked."

I think our job, the job of the outside groups, is to begin to break down that mistrust in the community and to promote the idea that we have a different way of doing things and that this system is really—we need to try it and see what works; and then, I think, the more social media seems to be the way people communicate these days, that we use the social media platforms—all of us—to do it. I think, if we get the multi-stakeholder round table going, we should encourage the people who participate there to actually go out and tell the community, "This is what you do. Let's make it work." I think it's a collective thing.

Ms. Christine Hogarth: Thank you for that, and thank you for sharing your stories. Everybody across Ontario has their own heartbreaking story, and that is why this one-window approach is so important, as you mentioned. I will take your feedback. Thank you very much again for being here.

Ms. Liz White: Thank you.

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

Mrs. Robin Martin: If the bill gets to third reading, the Solicitor General would continue to consult on some of the regulatory aspects of the system, such as the updated standards of care. I was just wondering, given all of your experience, if there are certain elements that you would like to see in an updated standard of care.

Ms. Liz White: I think the updated standards of care, such as the codes of practices, are heavily industry-driven.

I think there is a real opportunity here to balance that consultation out. For example, we have a situation where laying hens are in confined cages. That is supposed to change by 2024, I believe, and different types of cages are to be provided with more space, enrichment, privacy and all that sort of stuff. But there is no real legislative mandate to make sure that that has happened. It's in a code of practice. The problem is trying to get even the most minimal changes moved forward, based on the codes that are minimally protective of animals.

I think, if we are consulting on regulations, that we need to broaden, we need to go beyond the basic standard of care and take a look at what animals actually need who are going to be kept in confinement situations, and whether we can move forward in Ontario through this legislation to actually improve their lives.

Mrs. Robin Martin: Thank you.

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

Ms. Natalia Kusendova: Good morning.

Ms. Liz White: Good morning.

Ms. Natalia Kusendova: I was listening intently to your deputation. If you could provide some examples—you were speaking about the magnitude of exceptions and that over half a billion animals would not receive equal protections under this act, if passed. I'm just thinking—some of us do eat animals, right? We do use animals for commercial purposes. We also know that Indigenous peoples have rights for hunting and trapping.

Can you give us an example of what you mean when you say that we should extend equal protections to all animals?

Ms. Liz White: I think, if we decide as a society, which we have, that we are going to confine animals and kill them to eat in very large numbers—this is an industrialized industry—then it is our responsibility to make sure that we look at how these animals live their lives and what we can do to improve them, within the context of what society has agreed is okay.

There is no reason why laying hens have to be confined six to a cage for their entire lives—18 months. I sat through a two-year trial about a Maple Lodge Farms slaughterhouse. The CFIA took them to court over the way in which animals were being transported and treated. Large numbers of animals were freezing to death in the truck. Loading barns of 40,000 animals took eight hours. They had never been outside in the cold, and 90% of their feathers were gone. It depended on which transport they were talking about, but they loaded four trucks with 40,000 chickens. The slaughterhouse kills 300,000 to 500,000 chickens a day.

So I would argue, in those sorts of circumstances, you can't possibly deliver proper animal welfare standards to animals. You cannot ship animals in seriously minus degrees—

The Chair (Mr. Roman Baber): One minute remaining.

Ms. Liz White: Sorry.

The Chair (Mr. Roman Baber): One minute remaining.

Ms. Liz White: Oh, okay—in conditions that they freeze on their way to slaughter. We need to do better than that, and that’s my argument. We need to look at these things that are considered normal in the industry and say, “No, it isn’t normal to do those sorts of things.”

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Those are the kinds of things that I’m talking about. I’m hoping that the round table will be able to dig down deep and discuss some of those things.

Mrs. Robin Martin: Thank you.

The Chair (Mr. Roman Baber): We’ll now have up to 10 minutes of questioning by the opposition. Mr. Yarde.

Mr. Kevin Yarde: Thank you, Ms. White, for coming in today.

Ms. Liz White: Good morning.

Mr. Kevin Yarde: I appreciate your passion on this matter, of course. I’m just curious. You may not know the answer, but why do you think the exceptions are there in this bill? Why do you think the government put them in there?

Ms. Liz White: I think it was a rollover from the previous legislation. That’s exactly the wording from the previous legislation.

If you look back at the time when the exceptions weren’t there, the world didn’t fall apart. Prosecutions didn’t take place unnecessarily against people who fear prosecutions. I think, if we look back at the history of how the animal welfare legislation was delivered in the past, prior to the exceptions, that in fact it worked very well. The exceptions are not necessary.

I think the industry would like to see the exceptions there, because it gives them a degree of security that they feel like they need. But I think, because of the numbers of animals we’re talking about, and because of the intensive conditions that they are put under, we need to examine more carefully how we can deliver better care to those animals in those circumstances.

That’s why I think the exceptions are a problem, because I think we won’t do that.

Mr. Kevin Yarde: Were you consulted about this prior to the PAWS Act from the government? Did they speak—

Ms. Liz White: We submitted a document called Blueprint for Change, which I’m happy to send to anybody, which looked at the whole animal welfare system, including incorporating animal welfare components into the legislation, not just the law enforcement aspect.

Mr. Kevin Yarde: What I mean is, did you mention the exceptions portion to the government prior to—

Ms. Liz White: I didn’t realize the exception portions were going to be in. But we were consulted, and we did talk widely about these various aspects of the bill, yes.

Mr. Kevin Yarde: Okay.

The Chair (Mr. Roman Baber): Mr. Singh?

Mr. Gurratan Singh: Once again, thank you for your contribution to this conversation. Is it fair to say that your main area of concern is the exceptions within this piece of legislation? Is that correct?

Ms. Liz White: Largely, that’s my concern, yes.

Mr. Gurratan Singh: And it’s fair to say that that area of exception, from what you’re describing, leaves too little protection for animals within the agriculture area?

Ms. Liz White: I think the intent of that is to limit the kind of animal protection enforcement that might actually deliver better conditions for those animals, yes.

Mr. Gurratan Singh: You described a variety of conditions that your organization has witnessed with respect to—

The Chair (Mr. Roman Baber): Mr. Singh, if you would kindly speak into the microphone. Just come a little closer.

Mr. Gurratan Singh: —with respect to how those exceptions have real impacts, and the real impacts are, as you described, animals being put in very hurtful and harmful circumstances as a result of a lack of standards of care being placed on them. Is that fair to say?

Ms. Liz White: Yes.

Mr. Gurratan Singh: I asked an individual earlier to provide this kind of information as well, because I’m always interested to hear what other jurisdictions have been able to implement as policies that resulted in more humane treatment towards animals as they are taken for slaughter, as they’re taken in these agricultural contexts.

What other jurisdictions globally have you seen that you’d describe as the gold standard, something that we can aspire toward to ensure there is more humanity in the way we treat animals?

Ms. Liz White: Clearly, the European Union has delivered significant changes, particularly in regard to agricultural animals. I’d point to the issue of transportation. This is not really a provincial matter. It’s a federal matter because most slaughterhouses, for example, are federally operated. There are provincial ones that are provincially owned and operated, and those are slaughterhouses that slaughter animals only for Ontario consumption. For anything that’s delivered beyond those borders, it has to be a federal plant.

The length of time in Europe to transport animals to slaughter is eight hours. Then you have to off-load them off the truck and give them a rest, food and water. Here, it used to be 52 hours for cows. It’s now down to 36, but that’s only if you count to the border. If you ship animals from south of the border, the clock doesn’t start ticking until you get to the border, so if you’re an animal on a truck being transported from Ohio to the slaughterhouse in Brampton and you’re on the truck for a day and a half, that’s considered okay. You look at other jurisdictions, and I realize that the distance in European countries is often much shorter than here, but nonetheless, the animals are subjected to often extreme conditions, and it’s really important to allow those animals to off-load.

I would point out that we did a freedom-of-information request to the Canadian Food Inspection Agency to see how many inspections were done in provinces across the country for animals that were being transported—the CFIA would send inspectors, stop the trucks on the road and make sure that they were in compliance with how long they’d been on the road. No inspections were done in

Ontario—not one. We need to fix those systems. The thing is, with this bill, which is a really excellent piece of legislation, there's a real opportunity to make those changes.

Mr. Gurratan Singh: You've described how in the European Union the regulation is that after eight hours they're taken off to rest. Just for someone who doesn't know much about this context, logistically, do you understand how those best practices are actually implemented?

Ms. Liz White: Well, of course there's always the issue of enforcement, but many animal welfare groups are pretty active there, documenting what the situation is, so the enforcement tends to be a lot better.

In Canada, we used to have places where trucks could stop and let the animals out to rest and deliver food and water. Somewhere along the line, in terms of legislation or however, all of that disappeared. That infrastructure disappeared, and so we're having to look back at, if you're on the road, if you can only be on the road for a short period of time, where you're going to stop to make sure that you can off-load the animals and give them food and water and so on.

And how do you deal with chickens, who have 10,000 on a truck? We have to figure out different ways of dealing with this. Either for chickens it's a very short distance to slaughter so that they don't suffer the kind of freezing and suffering from heat that we have seen in the vehicles that come into various plants—we need to look at this differently, and I think this is what this legislation gives us a real opportunity to do.

Mr. Gurratan Singh: Has there been any research with respect to connecting the treatment of animals—an animal that has been slaughtered after 52 hours of continuous travel, versus the European model, which is limited at eight—and the quality of that product and its impact on the consumer's health comparatively?

Ms. Liz White: I don't think there has really been a comparative study—on the quality of the meat, you mean, after the animal is slaughtered?

Mr. Gurratan Singh: Effectively, my understanding is that I think there's an argument to be made that better treatment of the animal will result in a better product, ultimately, for the end consumer. I'm a vegetarian, so this is a bit of an area where I don't have the most knowledge, but in terms of looking at it from an all-consumer perspective, my rudimentary understanding of this context would lead me to believe that there's an argument to say this would have a better impact on consumers in the end. I was wondering if you have any information to verify that claim.

Ms. Liz White: There have been arguments made that levels of stress in animals affect the taste and quality of the meat, but I'm not sure that there are many scientific studies that would bear that out. I'm happy to look for them. There have been many studies that have been done in Europe about different ways of animals being delivered to slaughter, so there may be studies that are done. I'm not aware of them, but I'm happy to look for them if people would like them.

The Chair (Mr. Roman Baber): Thank you very much, Ms. White, and thank you for your submissions. As

a reminder, the deadline for filing written submissions is today at 5 p.m.

Ms. Liz White: This is it.

The Chair (Mr. Roman Baber): Wonderful. Thank you.

I'd like to call Mike Zimmerman of Animal Welfare Watch Ontario.

Ms. Christine Hogarth: He's not here.

The Chair (Mr. Roman Baber): I would like to call Kaitlyn Mitchell of Animal Justice to make submissions, if Ms. Mitchell is here.

Seeing that the committee is ahead of schedule, I would propose that we recess for 10 minutes.

The committee recessed from 1012 to 1023.

ANIMAL WELFARE WATCH ONTARIO

The Chair (Mr. Roman Baber): Good morning again. The hearing of the Standing Committee on Justice Policy on Bill 136, the Provincial Animal Welfare Services Act, will now resume. If I can please call Mr. Mike Zimmerman from Animal Welfare Watch Ontario. Good morning, Mr. Zimmerman. You'll have 10 minutes for your presentation. Please state your name for the transcript and then you may begin.

Mr. Michael Zimmerman: Sure. My name is Michael Zimmerman. Thank you for having me here today. I retired in 2016 after more than 25 years with the Ministry of the Solicitor General of Ontario. From 2003 through 2016, I was the manager of animal welfare for the ministry, which included administration of the OSPCA Act—the current, I suppose, and outgoing animal protection law for the province.

When I retired, frustrated with how I saw the deterioration of the animal protection system, I helped form the advocacy group Animal Welfare Watch Ontario with Brenda Thompson from Hagersville, Ontario, advocating for animal protection to be brought into the public sector and taken away from an unaccountable and ineffective charity.

Having followed what has been going on lately, we are thrilled with Bill 136. We think it's a great piece of legislation. That said, we have some suggestions that could make it even better.

I'm going to go through the document that you should all have at this point. I'm going to go through it very quickly, given my 10 minutes, but as you've got 20 minutes to ask questions, I'm hoping you'll ask some questions after so we can maybe get into some of these points in some more detail.

Suggestion one, and this is the big one—it's first in the bill and it's first in terms of importance—right up front is the definition of “distress.” This is what most of the bill and soon to be new law turns on. This text is the most important text in the law. Right now in the bill, what it says is:

“‘distress’ means the state of being,

“(a) in need of proper care, water, food or shelter,

“(b) injured, sick, in pain or suffering, or

“(c) abused or subject to undue physical or psychological hardship, privation or neglect.”

Now, the problem that I want this committee to take very seriously is the use of the word “undue.” It really has no place in this incredibly important text, right up front in the act, that sets the tone for the rest of the law. Indeed, we think it creates a loophole for abuse.

There are times, of course, when an animal may be put into distress where there are reasonable and in fact important rationales for that happening. But those are addressed elsewhere in the law. Elsewhere in the law, there are exceptions to the offence for causing or permitting distress for agriculture, for wildlife and, most importantly, I think, for veterinary services. For example, if you have a dog or a cat and you withhold food or water, you’re going to be putting that animal into distress; but if a veterinarian withholds food or water pre-op, post-op, that sort of a thing, there’s a specific exemption in the law for that.

All of the good reasons why an animal may be put into distress are addressed by specific exemptions in the law. The use of the word “undue” here is not wise. It’s very vague and ambiguous where we need precision and clarity right up front to set the tone for the rest of the law. Please take that word out, if you do nothing else.

The next step—and this is a toughie, because I’ve got to change my mental script here. We’re really happy that this law is being dealt with quite quickly by the Legislature. It’s needed. There’s a vacuum out there. Animals are going unprotected. But in dealing with this quickly, there are some things that some of us might have missed and some of us maybe even have second thoughts about. I actually want to withdraw our concerns about the references to use of force, mainly because, upon further review, since the bill specifies that these new animal welfare inspectors that are appointed by the province are going to be peace officers—and that wasn’t the case under the old law, where the OSPCA investigators were not specifically peace officers—they already have this ability to use whatever force is reasonably necessary in the execution of their duties by way of the Criminal Code as peace officers.

That said, since these new animal welfare inspectors are going to be going out there and working oftentimes with police, which is also new in the bill, we hope that that’s addressed in the hiring, training and equipment that is provided for these new officers—that they learn about use of force, how to execute their duties safely—and that this doesn’t put them at risk. So, generally speaking, we withdraw our concern about use of force because it’s already covered under the Criminal Code for peace officers. I’m going to move on.

This one is really important, again, because the bill specifies throughout—where the previous law did not—the involvement of police. This is actually a simple one—and I’ve got to believe that it was a mistake, that it was a bit of oversight and not the best wording. Right now in the bill, it says that animal welfare inspectors “may ask for police assistance....” That’s not good enough. That’s not clear. That doesn’t create an obligation.

We’re not looking for anything revolutionary or unprecedented. In BC’s animal protection law, as you can

see, a peace officer—police officer—must assist the authorized agents, and that’s the BC SPCA out there. So there’s a real obligation. If you look at my next page, our suggested wording is really simple. It should be, “Police must assist an animal welfare inspector when requested to do so.”

Next up—again, this is an important one—there’s a sentencing provision that has been in there since 2009 about ownership bans for people convicted of various offences involving animal abuse. There are also sentencing provisions that require the convicted person to take training or counselling. These are really, really important sentencing provisions. They’re really the best tools, especially the ownership ban, for dealing with repeat offenders—frankly, so they don’t become repeat offenders—and for preventing future abuse of animals, because you take the animals away from the person who was abusing them and you make sure that they can’t do it again.

The problem is, it never specified in the law who was responsible for monitoring and enforcing these sentencing provisions. The OSPCA investigators used to take this on as something that they would do. That was because the wording in the current law—I’ll call it the old law—said that the OSPCA investigators had the powers of police officers, which is very old language, to do anything to enforce any law enforced in Ontario pertaining to the welfare of animals. So they took that on as including enforcing these sentencing provisions. But it really ought to be specified in the law that that’s who does it.

There’s a really important reason why this has to be in there and have some reference to them being able to enforce sentencing that comes out of criminal cases as well. Again, the old law specified that the OSPCA investigators could enforce any law enforced in Ontario pertaining to the welfare of animals, and that included the Criminal Code. But the new law, Bill 136, narrows that—and we think it’s appropriate—to the new animal welfare inspectors appointed by the province will only be able to enforce this provincial act. That’s probably a good thing, because police can deal with the Criminal Code, but when it comes to sentencing provisions, there may be a criminal case—not a provincial charge, but a criminal charge—that results in an ownership ban, because the Criminal Code provisions on animal abuse include an ownership ban as one of the potential sentencing items. But right now, there’s a vacuum; there’s a real disconnect, because the new animal welfare inspectors appointed by the province—because they can’t enforce the Criminal Code, they might not be able to make that connection to monitoring and enforcing a sentence that’s meted out in a criminal case. There has got to be a connection made on that or you’re going to have the most serious cases that are dealt with at the federal level, with the sentences from ownership bans, and you actually won’t have anybody who is clearly responsible for monitoring and enforcing them. That’s not good.

1030

Let me move on to number 5. This also involves the sentencing provisions. In the new bill, there is a \$25,000 minimum fine for convictions of very serious offences. I

agree; these are very serious offences. These are the offences for causing or permitting distress to an animal that results in the animal's death or euthanization. It's for animal fighting prohibitions and it's for harming law-enforcement or service animals. But we have a real concern about the minimum fine, and here's why: As I said in the previous item, the real tool for protecting animals is the ownership ban in some of the other sentencing provisions. That's the prize. That's what takes this animal abuser out of circulation and doesn't make him a future problem for animals or indeed for the enforcement entity. We think that the \$25,000 minimum fine should be replaced by a mandatory lifetime ownership ban upon conviction for these very serious offences. If you have that minimum fine there, it increases the chance that the person is going to fight it and is going to plead not guilty, where oftentimes in the past the person has pleaded guilty, understanding that there would be an ownership ban—a lifetime ownership ban—sometimes in return for pleading guilty. If you have that minimum fine, it's going to create more situations where they plead not guilty, it's a longer, more expensive process, and gosh knows, maybe even acquitted for one reason or another, where it could have been dealt with much more effectively. Am I out of time?

The Chair (Mr. Roman Baber): Just about 45 seconds, sir.

Mr. Michael Zimmerman: Holy smokes. Okay.

Section 68 has got to be expanded. It has got to be much more comprehensive about—everything that happened under the old law carries into the new law. It specifies a couple of things that do, but there is a lot more, like monitoring the ownership bans. That's got to be dealt with.

Last but not least, as a live add-on, I've got to say that it's not clear in the bill—please write this down—that the inspection authority of the inspectors includes commercial vehicles. This is incredibly important for dealing with things like travelling zoos and circuses. I think it's an oversight; it really has to be added. Please write that down. I'll include it in follow-up material.

Thank you very much. We think this is the best law in Canada. We think it's probably going to be the best law in North America. It might be the best in the world. But these fine-tuning items will make it even better.

The Chair (Mr. Roman Baber): Thank you, Mr. Zimmerman. We'll now proceed with up to 10 minutes of questioning by the opposition caucus: Mr. Yarde.

Mr. Kevin Yarde: Thank you, Mr. Zimmerman, for coming in. I want to continue with your last comment, because I know you had maybe 10 seconds to talk about it. Can you expand on why you feel that commercial vehicles should be included in this act?

Mr. Michael Zimmerman: Because just looking at how animals are treated in commercial situations, they're not always in stationary locations. Notably, zoos and circuses come to mind as an example where the "place" as it were that you would want to inspect is a vehicle. We can't give the people who keep those animals, let's say, a safe haven from the eyes of the law. It has got to be open to inspection.

Right now, places that would keep animals, generally speaking, for profit or similar motivations are open to inspection without a warrant by the inspectors, but we think that the wording at this point has left out "commercial vehicles" as one of those places that could and should be inspected.

Mr. Kevin Yarde: Do you feel that the animal welfare inspectors are the ones who should be doing the monitoring?

Mr. Michael Zimmerman: Yes, absolutely. It's great to see that the roles of police are set out throughout the new bill. In the old law, police really aren't mentioned in the bill except to say that police can enforce the law where the OSPCA didn't operate. That was a big problem. But the new bill specifies throughout how the police can work themselves to protect animals, and certainly to assist the new animal welfare inspectors. Like I say, you've got to make it clear that when they're asked to help, they have to help.

The fact is, there is going to be a hierarchy and there are going to be priorities. We know that police will often have other priorities and things that they have to do. We expect them to help the animal welfare inspectors when they're needed. For example, where there's a tricky situation and there may be some personal danger, there may be some other issues where it would be better to have police on the scene than the animal welfare inspectors.

But when it comes to monitoring and enforcing the provisions of sentencing, we think that, generally speaking, it's the kind of thing that would be and maybe should be below the radar of police. If the animal welfare inspectors are doing that, we think it would be done much more effectively and efficiently.

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

Mr. Gurratan Singh: So with respect to commercial transport being one of the biggest gaps—as you were describing—in this legislation, what are your thoughts with respect to what the earlier individual was talking about? You focus your—

Mr. Michael Zimmerman: I'm sorry; I couldn't hear what you said.

Mr. Gurratan Singh: You focus your criticisms, it seems, mainly around zoos and around travelling circuses—

Mr. Michael Zimmerman: They're examples of businesses that would transport animals, yes.

Mr. Gurratan Singh: What are your thoughts with respect to the transport of commercial animals in terms of slaughtering and in terms of processing that way?

Mr. Michael Zimmerman: That's a really good question, but that's actually addressed by federal legislation.

Mr. Gurratan Singh: Okay.

Mr. Michael Zimmerman: The OSPCA actually used to be able to enforce that because they had this very unusual purview of enforcing any law that dealt with the welfare of animals. The new law, Bill 136, narrows that to authorizing the new animal welfare inspectors to only enforce provincial laws. So the transportation of live-stock—agricultural animals—is going to be a federal law.

In this province, it's dealt with by federal authorities and by the Ministry of Agriculture.

Mr. Gurratan Singh: So there's a specific exception within this piece of legislation with respect to the commercial or agricultural industry?

Mr. Michael Zimmerman: Yes. It's an exception for the offences for causing or permitting distress to an animal. The way it works is, if the animal is being dealt with in accordance with the codes of practice for the agriculture industry—and there's a code of practice for each type of animal in agriculture. If the animal is being dealt with consistently with those codes of practice and the generally accepted practices for agriculture, then the offences for causing or permitting distress don't apply.

What happens, the way it works and why you get to say that the law actually covers all animals is, if the way that the animal is being treated is determined to be not in accordance with agriculture's own rules, then the animal protection act kicks in. That's how it works, and that's a really good way for it to work. It applies also to wildlife, where, if the Ministry of Natural Resources legislation, the Fish and Wildlife Conservation Act, addresses a situation with an animal, it takes precedence. But if it's determined that the animal is being dealt with not in accordance with MNR's legislation, then the animal protection law kicks in.

It really works well. As I mentioned, the other example of an exception in the law to various offences is for veterinarians. That's also, obviously, very important.

Mr. Gurratan Singh: So you would disagree with the assertion that this piece of legislation—earlier, you described situations in which we don't have the same standards in regard to breaks that animals are afforded when they are sent commercially. The comparison is given to how, in the European Union, after eight hours of commercial travel, animals are required to have a break and a rest. That provision is lacking here. The exception, though, in this legislation, towards commercial transport, you think is covered by federal legislation. Is that your position?

Mr. Michael Zimmerman: For agricultural animals, yes.

Mr. Gurratan Singh: So you don't—

Mr. Michael Zimmerman: If I might: Somebody might have problems with how that law is structured: the length of time an animal can be on a truck and all the other components of that law. I would say that their beef—if you'll pardon the pun—anybody? Anybody still with me? Their beef is with that law, not with this law. This law kicks in with full force if it's determined that standard agricultural practices were not respected with how an animal is being treated.

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

Mr. Kevin Yarde: I just want to go to the penalties portion. You mentioned a lifetime ban that you'd like to see in addition to the fine. Do you think that might be a little harsh, or you think that's something that shouldn't have a “three strikes, you're out,” or just straight to a lifetime ban?

Mr. Michael Zimmerman: No. I wouldn't do “three strikes, you're out” with child abuse. This is pretty serious stuff, if it gets that far. The ban could be for six months; it could be for a year; it could be for any period of time. What we're suggesting is that in place of this very high minimum fine, it would be better to have at least a lifetime ban, and then plus, if you really want to, some form of minimum fine. But I disagree. For those very serious offences, our suggestion is that the minimum sentence be a lifetime ownership ban. At that point, that person should not be the custodian of an animal. Society's problem should not be the problem of future animals that would suffer that abuse.

1040

Mr. Kevin Yarde: Okay. I'm just curious: Were you consulted by the government regarding this bill? Did you speak to the government?

Mr. Michael Zimmerman: We've had meetings with ministry staff and various MPPs. Frankly, we found everybody really interested and positive about this legislation. Like I say, we think it's fantastic. It might be the best animal protection law in the world. But like I say, although we're happy that it's being dealt with quickly rather than slowly, we think there are a couple of items that need some fine-tuning.

Mr. Kevin Yarde: Would you be willing to be on the advisory committee if you were asked?

Mr. Michael Zimmerman: I would be thrilled to be on the advisory committee. Thank you for even floating the idea.

I've got to say, I spent a long time on the animal welfare file. I know the old law inside and out. I coordinated the interministerial and stakeholder group that substantially revised and modernized the law in 2009 and really brought it into this century. I am thrilled with the new law. I think it needs some fine-tuning and I think I could offer some unique expertise in merging both a technical knowledge of the law and how it ought to work at field level.

The Chair (Mr. Roman Baber): Thank you, Mr. Zimmerman. We'll now move on to the government side for up to 10 minutes of questioning. We'll begin with Mr. Gill.

Mr. Parm Gill: I want to thank our witness for taking the time. I also want to thank you for everything you've done, in your previous capacity and on this file especially.

Your organization has been, obviously, a strong advocate for improving the animal welfare system. How do you feel this legislation addresses the concerns that you expressed with the previous system?

Mr. Michael Zimmerman: It hit a home run on that one. Our main concern about the old system was that the enforcement of the animal protection law was left in the hands of a charity. This charity was, in fact, deemed by the Superior Court of Ontario to be not accountable or transparent to the level that would warrant them having the authority to enforce the law.

We found that, over the years, the OSPCA became more and more secretive in their operations. They took in a lot of money but were always crying poor, and when

things went wrong there was never a way to find out what the heck was going on with that organization because they weren't subject to FOI and they weren't subject to the scrutiny of the Ombudsman etc.

Basically, we have this very important task of society—the protection of animals—and here it was essentially, if you'll pardon the expression, farmed out—get it? Farmed out?—to an unaccountable charity. So our main thrust in meeting with government people over the last couple of years has been: Bring this into the public sector; make it fully accountable; give it that kind of status. It deserves that.

That said, over the past 100 years, the norm everywhere—England, Australia, throughout the rest of this country and the US—has been that animal welfare law enforcement has been done by a charity. It worked for the first 90 years, let's say, but in this day and age, for various reasons, it needs to be brought into the public sector. It needs to be made fully accountable and transparent, as any other law enforcement entity should be. We are thrilled that that major step has been taken.

Mr. Parm Gill: One of the other things that's proposed in this piece of legislation is the one-window public complaints system. How do you think that we may be able to increase public awareness in terms of the toll-free number for individuals who may want to call in and file a complaint? How can we increase the awareness part?

Mr. Michael Zimmerman: That's a really good point. It was on my B-list of items to bring up. It didn't fit into the 10 minutes. There's a real need for public education on animal welfare and how the system is about to work. Everything about this system is going to be better than the old one, and people need to know that, because that will only make it work better.

First and foremost, if I can just take your points in a slightly different order, there has to be a high-profile campaign about the toll-free number to report suspected animal abuse and neglect. It's a great idea to have it province-wide and toll-free. If people don't know about it, they're not going to use it. There has been very little publicity given to that toll-free number since it was announced months ago—virtually none. I hope, with the rollout of the new bill, as it becomes law, that this is given some priority.

The next item: On the public complaints, the one window, I'll say this—not to be a wise guy—that's one more window than we had with the OSPCA, so that's a really good thing. Again, people need to know that it's there—it's going to raise their confidence and their trust in the system—and how to use it. It's a package, really. People need to know how the system works, who to call if they see animal abuse, who to call if they have a concern about how the enforcement entity is behaving or doing their job etc.

Last but not least—give me just a second here to say this—it's very important that the public be educated on who is doing what. There's a concern about where the money is coming from to run this great new system. There's a lot of money out there. Ontarians give more than

\$100 million a year to animal-related charities; about \$80 million of that was going to the OSPCA and its affiliates, although they kept crying poor. That money is still out there and it's probably still going to go to these entities that are no longer enforcing the law. They've given up one of their main responsibilities, one of their main reasons to be. There's got to be a way for the government to open the portal for people to contribute money to animal protection and have it go to the entities that are now going to be doing it. I hope there's a way to do that.

The other suggestion that we've brought forward is the consideration of a 1% to 2% surcharge on pet supplies, which on its own would fully finance the animal protection system. It would bring in between \$35 million and \$70 million a year.

Back to your question specifically: Public education is the key. This is a great new law. People need to know how it works, how it works for them, and, frankly, how they can support it. I really hope that's prioritized by the government.

Mr. Parm Gill: Thank you very much. I really appreciate your passion on this.

I'll pass it on to my colleague.

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

Ms. Christine Hogarth: Thank you, Mike. Mike and I have met numerous times, going back to my private member's bill. I thank you for your advocacy on this legislation, Bill 136, which is, as you said, the best law in Canada, possibly North America. Let's make that so and let's make that happen.

Something you had said—I did some homework from our last meeting with regard to enforcement. You talked about lifetime bans on animals. One of the things the Solicitor General has spoken about is—as we know, in the past, people would be fined or have to go to court over abuse of an animal and the crown didn't really know what to do, so a lot of these cases were thrown out. One thing we want to make sure is very clear is that there will be supportive training for crowns to ensure that these animals—if this animal should be taken away, it will be. I am on your side on that because that is an important piece that has been missed over the years and years—over the last 100 years. How do these crowns prosecute, and what's the final outcome? These animals end up back in the care of someone who shouldn't have that care.

Another piece, with the inspectors, is that they will have to, as part of their duty, go back if those animals remain in the care of the owner. Part of their responsibilities and part of their training will be to go back and inspect to make sure that those animals are being cared for. That will be part of their role.

I just wanted to make sure that that was on the record, those two pieces that we had discussed and you brought forward today. This bill will support the training of crowns and inspectors to make sure those jobs are done because, at the end of the day, it's about protecting these animals.

Mr. Michael Zimmerman: Yes, absolutely. Those are really important points. We've dreamed about dedicated crowns. The RSPCA in England, for example—they have

£200 million in the bank—has their own prosecutorial branch; they have their own prosecutors. Failing that, training for crowns—maybe better information-sharing among crown attorneys about, for example, convictions that have happened, sentences that have happened, so they walk into court with a better idea of where the bar has been set in terms of penalties being meted out. I think that's huge.

Certainly, as I've got here in the notes that you've all got, it's really important, for example, with the ownership ban, that we set out formally in the law the authority of the animal welfare inspector to go and inspect to make sure that either this person is still not keeping animals, in accordance with the sentence, or any other conditions that were put on the person who might or might not still have animals. It's got to be specified. It has been assumed for the last number of decades that that is how it worked. Now we've got an opportunity to formalize it in the law, and I think we have to take that opportunity.

Ms. Christine Hogarth: Okay, thank you. With regard to the training and education piece—I know my colleague just talked to you a little bit about how we get that message out. I agree 100% that we do need to educate the public on these numbers—the 1-833-9-ANIMAL phone number for animal cruelty, the one-window approach and these new laws. Social media—would you be someone who would share this with your advocacy group to get that information out? Are there any other options?

1050

Mr. Michael Zimmerman: I've been doing that on an ongoing basis, as a matter of fact. We have over 2,500 members in Animal Welfare Watch Ontario, and they know I'm here this morning and they know what I'm saying to you folks.

Ms. Christine Hogarth: Well, we would appreciate, if this legislation is passed, that we share the message that Ontario will not tolerate animal cruelty and we will have the strongest penalties in Canada.

Mr. Michael Zimmerman: Absolutely, and we're happy to be part of that. If there's anything we can do, we're available, as you well know, serving on any committees etc. There's a lot of experience in our bunch, and we're here to help.

The Chair (Mr. Roman Baber): Just about a minute left.

Mr. Michael Zimmerman: Oh, okay. Do I get to say, "Are there more questions?"

The Chair (Mr. Roman Baber): I guess you were in the middle of answering a question.

Ms. Christine Hogarth: You can just summarize.

Mr. Michael Zimmerman: I'm going to summarize. You said best in the country, maybe best in North America." I think it might be the best in the world. It's really the leading edge of saying that society takes responsibility for the welfare of the animals that live among us.

Everybody in animal welfare has lived on what we call the Gandhi quote, which is essentially that a society may be judged by the way it treats its animals. I think that Ontario has taken a huge step forward in how we would

be judged with respect to the Gandhi criteria by introducing Bill 136. We hope it comes into force as soon as possible, and we hope that it's put into operation in 2020. Animals in the province and the people who care about them—which are most Ontarians—will be the beneficiaries.

I thank you very much for the opportunity to speak to you today.

Ms. Christine Hogarth: Thank you very much.

The Chair (Mr. Roman Baber): Thank you, Mr. Zimmerman. Thank you for appearing before us today. As a reminder, the deadline for filing any materials is 5 p.m. today.

ANIMAL JUSTICE

The Chair (Mr. Roman Baber): We will now proceed to call Ms. Kaitlyn Mitchell of Animal Justice. Good morning, Ms. Mitchell.

Ms. Kaitlyn Mitchell: Good morning.

The Chair (Mr. Roman Baber): You have 10 minutes for your initial presentation. Please begin by stating your name for the transcript, and then you may proceed.

Ms. Kaitlyn Mitchell: Certainly. Thanks very much for the opportunity to be here today. My name is Kaitlyn Mitchell, and I'm a staff lawyer at Animal Justice. Animal Justice is Canada's leading national non-profit organization that focuses on animal law, so we use the law to protect animals.

Animal Justice was an intervenor in the *Bogaerts v. Attorney General of Ontario* case, both before the Ontario Superior Court and the Court of Appeal, where we successfully argued that the investigation powers established by the OSPCA Act were constitutional and did not violate section 8 of the charter, which protects against unreasonable search and seizure. We pointed out the need for strong enforcement tools for animal protection laws in Ontario.

An interesting part of that case was actually that Animal Justice did agree with the landowner applicant in that case that portions of the act that gave police powers and other powers to the private OSPCA were unconstitutional. We argued that policing powers should be subject to reasonable standards of transparency and accountability. Animal Justice and the Ontario Landowners Association are in some ways strange bedfellows, but I think that that aspect of that case really underscores the fact that we all agreed on this general principle that we need a public enforcement law for our animal welfare laws in Ontario. This is a non-partisan issue, and it's an issue of good governance and compassion for animals.

I think Animal Justice, on the whole, is very supportive of the PAWS Act as drafted. We think that it's important to have strong animal protection laws in Ontario. We also want to note that the public agrees on that point. Polling increasingly shows that Ontarians are deeply concerned about the care of animals and about the need for our laws to reflect the importance of their care in our society. Courts and Legislatures across the country have also been clear

about the importance of protecting animals from abuse and mistreatment, and recognizing increasingly that animals are sentient; they're not mere property, so we do have a moral and ethical duty to treat them humanely.

We commend the government for taking cruelty to animals seriously and ensuring a robust public oversight system. The PAWS Act is in many respects a Canadian first, so it could serve as a model for other jurisdictions that are also thinking of transitioning to a public enforcement model.

Animal Justice's comments on the draft law will be set out in further detail in the written submissions that we'll be providing later today, but for my presentation right now I was hoping to focus on five key areas: (1) public enforcement, (2) the need for strong investigative tools, (3) the issue of a list of prohibited animals, (4) the issue of prohibited activities and procedures, and (5) the need to regulate standards of care for animal agriculture.

Before getting into these points, I also noted that with the last presenter, there was a discussion about the multi-stakeholder advisory table that is being contemplated. I did want to underscore that we believe it's going to be very important to ensure that there are animal protection groups as part of that advisory committee to ensure that the PAWS Act is developed and regulations are developed in a way that protects the interests of animals.

With respect to public enforcement, the Ontario Superior Court, of course, held that the OSPCA Act did not meet the standards of reasonable transparency and accountability. That was because the agency was opaque, insular and potentially subject to external influence due to its funding structure.

It was because the OSCPA was not subject to freedom-of-information laws that Animal Justice first became concerned with enforcement of animal laws in the province of Ontario. We regularly filed complaints with oversight bodies, including the SPCA, and we started to notice a pattern wherein many of our complaints seemed to go into a bit of a black hole. We couldn't follow up to see what actions had been taken as a result of those complaints or whether there was any follow-up at all.

Although the Ontario Court of Appeal did overturn that aspect of the Superior Court's decision in Bogaerts—the Court of Appeal disagreed and said that the act was not unconstitutional—I think it's important to note that the Court of Appeal did still say that it would be a good idea and sound public policy to ensure that all policing powers are given to agencies that are transparent and reasonably accountable.

Also, I should be clear that the shortcomings we talk about when we talk about the SPCA were not the fault of the SPCA and they were not the fault of SPCA staff. The OSPCA did their best with the previous system and the very limited resources that they had, but the system was unfortunately broken.

We are pleased to see that the new act provides a public enforcement model, and we think it's an important step towards promoting public confidence that the act will be enforced in a fair and transparent manner. We should also

note that around the world, the issue of public oversight of animal protection laws is increasingly a topic of conversation. Recently, Animal Justice was contacted by a commission in New South Wales that's even looking into this issue, and they're watching Ontario very closely to see how our experience goes with the transition. It's an increasing trend around the world, and I think that's a very good thing.

Another commendable aspect of the enforcement model in the PAWS Act that I wanted to highlight is that it focuses on strong penalties for corporate offenders. That's extremely important. Also important are prohibition orders, which are the best way to keep offenders from owning animals.

An important issue that has yet to be determined, of course, is funding. It will be important for there to be adequate funding to make sure the new animal welfare inspectors can do their jobs safely and effectively to protect animals. Laws that go unenforced, of course, might as well not exist at all.

Animal law enforcement has a history of being incredibly underfunded in Ontario. Previously, the SPCA was being given under \$6 million per year from public funds. That represents approximately 0.001% of the budget for policing in this province annually. In contrast, Manitoba's oversight body was given approximately \$10.5 million a year, and that's obviously a much less populous province.

With respect to investigative tools, all I will say is that animal protection legislation presents very unique challenges when it comes to investigations. This is because animals are frequently kept on private property, often in windowless buildings. They cannot, of course, report their own abuse, and there are few oversight mechanisms to make sure that breaches of their care are identified.

Animal protection legislation requires robust preventive and investigative tools, and that's something that was recognized by both levels of courts in the Bogaerts case. We are very pleased to see that the strong tools from the previous OSPCA Act were carried over into the new PAWS Act.

With respect to prohibited animals, we think that's a very promising aspect of the new law, but of course the strength of those provisions will be determined by the regulations. We do want to urge the government to ensure that regulations are passed quickly to create legal restrictions on exotic animal ownership. Right now, Ontario is the only province without any such legal restrictions. What we'd like to see is a positive list; that is, a positive list of animals that you can keep in Ontario, rather than a negative list. Negative lists present challenges. They put the government in a position where you have to play catch-up every time a new breed of snake, reptile or mammal is imported into the province, trying to figure out whether they're here and what kind of safety concerns they raise. So a positive list takes that duty and places it on the individuals who want to bring these animals into the province.

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On a related note, Ontario has become the roadside zoo capital of Canada. You need a permit to build a patio in

your backyard; you do not need a permit to open an exotic animal zoo in this province. You don't need any training. It's quite a remarkable situation, unless the situation is that you're a municipality that happens to have a bylaw. But there are no provincial laws on point.

Animals are paying the price. You just have to go online and do some research to see the number of zoos, including the Papanack Zoo outside of Ottawa, where there have been documented instances of conduct toward animals that I think the vast majority of members of the public would deem reprehensible. So we'd also like to see the Lieutenant Governor in Council pass regulations setting out clear standards for zoos.

There's also that provision in section 19 that talks about prohibitions on breeding or owning orcas. You may know that recently, there was a federal law passed that bans the keeping of cetaceans in captivity in Canada. Cetaceans, of course, include orcas, but they also include whales and dolphins more generally—and porpoises, but we don't have porpoises in captivity in Ontario. My point here is this: That's an excellent provision, section 19, but there is no reason anymore for it to be restricted to orcas. We'd like to see that extended to include cetaceans. While that's covered by the new law that I mentioned, there is a bit of a loophole in the new law federally that contemplates, under the Criminal Code, that provincial Lieutenant Governors could issue permits to allow for the breeding of cetaceans in captivity. So we'd just like to see that loophole closed. We don't see a reason for it to exist here.

Prohibited activities and procedures are another very important aspect of the law. I think the list of prohibited activities could include things like circus performances, rodeos and travelling zoos. Again on the issue of cetaceans, there is this loophole in the new federal law that contemplates that the province could issue a permit to allow for the performance of cetaceans. That is instances where whales or dolphins are made to perform for human entertainment. Again, we would recommend putting into the regulations that cetacean performances are prohibited.

Proscribed procedures: I won't go into detail, but I think that should definitely include things like cat declawing and, ideally, things like tail docking as well for dogs.

My final point is the need to regulate animal agriculture—

The Chair (Mr. Roman Baber): If I may interrupt you: Unfortunately, your time for the initial presentation is up. But hopefully you'll be able to insert that into your answers.

We'll now move on to the government side for up to 10 minutes of questioning. Ms. Martin.

Mrs. Robin Martin: Thank you for your presentation. It was very informative.

You were just mentioning tail docking. As an advocacy organization, you've worked to enact change in a number of areas related to animal welfare, such as tail docking or ear clipping. Under the proposed framework, a multidisciplinary panel would be established to discuss other issues such as those. Are there any other topics that you think should be included in that discussion or addressed in that framework?

Ms. Kaitlyn Mitchell: As part of the multidisciplinary panel?

Mrs. Robin Martin: Yes.

Ms. Kaitlyn Mitchell: Yes. I think that it could be a really powerful body to make sure that the law is developed in a way that protects animals. Certainly, you would want that advisory committee to be looking at prohibited activities and procedures. I think you would also want that advisory body to be helping to develop standards for zoos in Ontario, which are sorely needed. You could look at Alberta, for instance, as a good jurisdiction for that.

I do think that also you're going to need a lot of scientific insight, and insight from a range of stakeholders, when it comes to things like what animal we should allow to be in captivity in Ontario, again looking at the prohibited and restricted lists of animals.

Then the issue that I was hoping to speak to as well around regulating farmed animals: I think that should also be something that the advisory committee should look at. Right now, the act prohibits distress, but of course there's this exemption for practices that are in accordance with the standard industry practices of the agricultural sector. Rather than giving industry carte blanche when it comes to how animals should be treated and making them subject only to voluntary codes of practice, we would like to see this advisory committee look into those codes of practice and put them in regulation so that they're enforceable and are then enforced in the province.

Mrs. Robin Martin: Thank you.

The Chair (Mr. Roman Baber): Anyone else on the government side? Ms. Hogarth.

Ms. Christine Hogarth: Thank you very much for being here and for your deputation. We've been working very hard—the Solicitor General's office and staff—to put together this legislation because we really did want to make sure it is a solid piece of legislation to protect our animals, so I appreciate your feedback. I was quite pleased to see this multidisciplinary table being put into this legislation. It's something that I brought forward as a private member's bill earlier this year, so I thank you for your feedback on that as well.

You talked a little bit about what your thoughts are on standards of care. Do you have anything you'd like to add? What would you like to see in the updated version? Is there anything specific you'd like to see?

Ms. Kaitlyn Mitchell: With respect to standards of care?

Ms. Christine Hogarth: Standards of care.

Ms. Kaitlyn Mitchell: I think that there should be standards of care, probably, for a number of industries. I mentioned zoos, but I think the agricultural industry, in particular. You can look at Newfoundland, for instance. They have regulated some standards of care, but I think that they've basically just adopted the NFACC standards of care—the National Farm Animal Care Council—which, in those provinces, including Ontario, are voluntary. I think that could be a starting point, but I do think that there is improvement to be made there. I think that that would really be an important step in Ontario. There

are 800 million land animals slaughtered each year for food in Canada, and most, if not all, of those animals exist in provinces where their care on-farm is not regulated.

You heard that there are regulations for transport. That's true—federal regulations. From the time an animal is born until the day that they are shipped for slaughter, there is no regulated standard of care that tells us how they should be treated, and I think we've increasingly seen that we're in a bit of a state of crisis now where we've seen people taking extraordinary acts and in fact going onto farms and trespassing because there's this level of anxiety around the lack of oversight and the lack of regulation.

I think that part of what would improve that situation and really help with public confidence would be having people know that there are standards of care, that they are being enforced and that industry doesn't just have *carte blanche* to determine what those standards are.

Ms. Christine Hogarth: It's interesting that you say that we have to educate the public on what these standards of care are, but also educate the public on this legislation if it is passed. You have a group, Animal Justice. Do you have any suggestions to the government on how we continue to educate the public? Laws are only good if people know they exist. We want to make sure people know that we have the strongest—if this is passed—legislation for cruelty to animals and the strongest penalties in Canada. We want to make sure people know that we have a 1-833-9-ANIMAL line in case they see animal cruelty. We want to make sure people know that if they see an animal in distress in a car, that that animal can be relieved of that stress that it's in.

Do you have some examples to help us get the message out, and can you also help us get the message out?

Ms. Kaitlyn Mitchell: Yes, so that's an interesting question. My skill set as a lawyer makes me somewhat limited, but my communications colleague, actually, would probably be able to answer that better. But I'll do my best. I think Animal Justice certainly has numbers—we have a number of followers—and so I think we can and would be happy to assist. We have regularly communicated about this law and about the importance of it. But, yes, if you're talking about reaching Ontarians as a whole, there are traditional means of doing that, but I think social media is increasingly becoming an important means. So if the government was able to develop a way to reach out to Ontarians, including younger Ontarians, that way, I think it would be beneficial. I agree it's important. Probably a multipronged approach would be the best way to reach the biggest number of people, including in rural settings, which might be a little more challenging than urban settings.

Ms. Christine Hogarth: We're working on broadband across Ontario. Anyway, I don't have any further questions, but thank you very much.

Ms. Kaitlyn Mitchell: Thank you.

The Chair (Mr. Roman Baber): Seeing no further questions on the government side, we'll now proceed to the opposition for 10 minutes of questions. Mr. Yarde.

Mr. Kevin Yarde: Thank you, Ms. Mitchell, for coming today. I just wanted to ask you a question regarding the funding that you talked about. Of course, under the OSPCA, there were donations and limited funding from the government. I'm not sure if you have a number in mind. I know you did mention some of the other provinces that you believe have properly funded it. In order for us to get this right and not mess it up, is there a particular amount or number that you suggest that the government should be thinking of in terms of making sure that we get this framework done properly?

1110

Ms. Kaitlyn Mitchell: It's tough to give a number to it, just because the new model is so much different than the old model. I think, under the old model, they were getting about \$5 million a year. That's obviously inadequate. That's part of the reason they were then relying on public donations, and we heard about those today. That was part of the reason that the court found that there was a potential for bias. The OSPCA was taking donations from industry, and there were memorandums of agreement with industry in terms of how inspections would happen and that farms would get notice and so forth, so we want to make sure that the funding model here gives the agency adequate money so that they don't have to reach out and get funded by the very actors that they're supposed to be regulating.

In terms of a number, well, I said that Ontario was getting under \$5 million and Manitoba was getting over \$10 million. Manitoba is obviously less populated than Ontario, so I think if we're talking about \$10.5 million there, that would be a very low minimum here. I would think that it would have to be much higher.

Mr. Kevin Yarde: Okay. You also mentioned, in terms of the advisory committee, that certain actors should be on that committee. Are you suggesting that you should be on the committee—or who?

Ms. Kaitlyn Mitchell: I know that Animal Justice would be pleased to have a representative on that committee, but I'm not here just to speak about Animal Justice. If there are other animal protection groups that would like to be on it, that would be excellent too. We just want to make sure that that perspective is represented.

Of course, we think that our perspective is very well informed, because we come from a legal background and would love to have a role there. But I think, first and foremost, we just want to make sure that it's a balanced group that includes strong animal protection views.

Mr. Kevin Yarde: Okay, I agree. Thank you.

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

Mr. Gurratan Singh: Thank you, of course, for your contribution to this. It's important that you're speaking from the perspective of a lawyer and the impacts around that with this legislation. It seems like, to you, a big part of funding is for groups to be able to act in independence, to have that ability to make sure that they're truly able to advocate for animals. Can you talk a little bit about how you've seen, in your observations of other models, funding that has resulted in actions purely for the advocacy of the

animal, and can you speak to situations in which there is some sort of insinuation that influence, or undue influence, because of the limit of funding, has an impact?

Ms. Kaitlyn Mitchell: It's a really important question, and in some ways it's difficult to answer, because the previous lack of transparency in Ontario is a problem elsewhere as well. I think what we can say is that we've seen jurisdictions like Manitoba, for instance, where the laws are enforced by a public advisory committee—or a Chief Veterinary Office, I believe it's actually called there. They have more funding, and so, to my knowledge, they don't have the same memorandums of understanding with industry that the previous SPCA had.

We recently saw in Edmonton that the city moved away from its private enforcement model to a public enforcement model, where the police are the ones who oversee animal protection laws, and they've also increased the funding there. So what we're seeing is a serious shift toward taking these crimes more seriously. I believe that, so far, it seems that that's going over well, that it's resulting in better enforcement.

In Newfoundland and Labrador, the police enforce the animal protection laws. It's a bit of a smaller province, and, of course, the laws are much different, so it's hard to compare. But again, I mentioned that they would have at least regulated their standards of care for animals in the agricultural setting, which is important. They have a public body, and then they have regulated standards for animal agriculture. So that would actually allow enforcement in Ontario—not only did you have memorandums of understanding with the very industry that was supposed to be regulated, you also had a lack of regulated standards, so if there was actually a complaint on a farm—which, I should say, is hard, because animals can't complain and farms, generally, are on private property. But if you did, and you had an inspector go on, it was hard for them to then take any enforcement action, because all you have is a general prohibition on distress, and what does that really mean when it comes to animal agriculture? It's not really a good way to determine what conduct is and is not appropriate.

So I think funding and then regulated standards go hand in hand in that context, to make sure that oversight is actually independent and effective.

Mr. Gurratan Singh: When you speak of these memorandums of understanding, can you describe how they would be—obviously, I'm not asking you to delve in deep, but just maybe give a bit of a brief overview of how they can be perceived as resulting in bias or problematic or ultimately not resulting in protections for the animal.

Ms. Kaitlyn Mitchell: Yes. There were a few. I should say that Animal Justice had been trying to access them for years, and we finally did after the Bogaerts case. But there were memorandums of understanding with various industry groups. They would set out that the group would get notice, for instance, before there was going to be an inspection or that there would be joint inspections. The problem there is, if you're submitting a complaint and there's reasonable belief that a cow or a pig, or whatever

animal it is, is in distress at a facility, of course, waiting 48 hours and then giving notice that you're going to go in to see the animal—I think there's a reasonable apprehension that that would result in a less than fair and effective enforcement tool. That was one of the main problems there.

Mr. Gurratan Singh: Just to clarify this, because I want to understand a bit better: In the current model right now, the investigators are funded through private industry—is that the body?—because of the lack of funding.

Ms. Kaitlyn Mitchell: I'm not, I should say, the best person to speak to the funding model at the OSPCA, but my understanding of it, I can tell you, is that some of the money comes from the public, about \$5 million or more each year, but because that number is so low, the OSPCA is then left to fundraise to get more money. So part of it comes from donations and part of it will come from industry as well. It's sort of like if you were to underfund the securities commission, for example—and I'm sure the securities commission would argue that it is underfunded—and then tell the securities commission, “Well, you have to go seek donations,” and SNC-Lavalin, or whatever other company, puts up their hand and says, “We'll give you money.” You can see that that would result in a perception of bias.

Mr. Gurratan Singh: Very much so. And the OSPCA right now is the main body which is carrying out these investigations and ensuring that animal welfare is kept to a higher standard?

Ms. Kaitlyn Mitchell: Yes.

Mr. Gurratan Singh: Ultimately then, one could argue—and I want to get your feedback on this—you can put whatever legislation in place, but until we start funding or have that independence of funding to the OSPCA, then it's not really enforceable. Is that what you're saying?

Ms. Kaitlyn Mitchell: Yes, I would agree. As I said, you can have amazing laws on the books, but if you're not going to enforce them and you're not going to fund them, then they might as well not be there at all.

Mr. Gurratan Singh: In other areas, other jurisdictions in which you've seen better forms of funding which are relatively more independent, have we seen a reduction with respect to abuse of animals? After that model was put in place, have we seen a dramatic change?

Ms. Kaitlyn Mitchell: I mentioned Edmonton. Unfortunately, that's such a recent example that I can't actually speak to statistics in terms of how that has gone. My understanding is that enforcement is better in other provinces like, for instance, Manitoba, where it's better funded and there is public oversight. I don't have the numbers right in front of me, but it's something I would be happy to look into.

Mr. Gurratan Singh: Often, in earlier conversations today, we've looked outside of Canada as well. Are there any models globally that you see have really gotten it right with respect to funding as well as legislation?

The Chair (Mr. Roman Baber): Just about a minute left.

Ms. Kaitlyn Mitchell: Okay.

The Commonwealth is, as a lawyer, where my mind goes, and unfortunately, in the Commonwealth we've seen this trend, because of historical quirks, toward having private bodies overseeing animal protection laws. I'm not really sure what country would be the gold standard, to be perfectly honest. I think Canada and Ontario in particular have an opportunity to be that gold standard. As I mentioned, there are a number of jurisdictions—we were at Oxford, for instance, this past summer and the conversation was happening in England around shifting to a public enforcement model, and the same with New South Wales, as I mentioned. I think it's a general trend that is happening. But in terms of pointing to—European countries have way better animal welfare standards; we can say that. But as to their enforcement model, I'm not sure which country would be the gold standard.

Mr. Gurratan Singh: Thank you.

The Chair (Mr. Roman Baber): Thank you very much, Ms. Mitchell. Just as a reminder, the deadline for filing written submissions is today at 5 p.m.

Ms. Kaitlyn Mitchell: Thank you.

MR. JOHN RYAN

The Chair (Mr. Roman Baber): I would now like to call Mr. John Ryan to make submissions before the committee.

Mr. John Ryan: Good morning, ladies and gentlemen.

The Chair (Mr. Roman Baber): Good morning, Mr. Ryan. You have 10 minutes for your initial presentation. Please begin by stating your name for the transcript.

Mr. John Ryan: My name is John Ryan. I'm from in town here; I'm from Ontario. I'm here this afternoon—well, this morning into this afternoon—talking firstly about, and I'm going to just cut right to the chase, the cropping, docking and dewclaw removal, the misleading information that has been put forth from Queen's Park, from advocates and from different people out there who—I wouldn't say they're bad people—but they have different opinions—PETA, animal activist groups.

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I'm going to go back a little bit. I've been breeding canines for just about 40 years. I started developing my passion for the breed in about 1978 when I was with the Canadian Armed Forces. I served there for about nine years, with the air force, when there was a Cold War; it was a different day. Ultimately, I stayed with this breed. I got to know people around the world, in the world of search and rescue, police dog work—great companions. Search and rescue is very important.

Finding what we do need in these ancient breeds—the Doberman, in particular, which I'm more involved with. Since 1898, they've graced the world stage and they've been active in all theatres, from rehabilitation for people today with PTSD, going back to the Second World War. In the Marines, it was the devil dog of the day against the adversary.

Here we are today—there are a lot of people out there who think that we are barbaric mutilators and heinous

people in society. I would like to correct that. These operations—or procedures, as we would consider them; some people call them amputations and mutilations—they stop a lot of things from happening in the future with our beloved canines, especially people who really work with these dogs. There are support people too.

There's a handout that Mr. Christopher Tyrell, the Clerk, handed out to you folks. Just a few things that have been highlighted: In my discussions with the Canadian Kennel Club over the past few weeks, this kind of caught me by surprise—the second reading.

I can say also, in my 40 years, I've probably delivered maybe 1,250 Dobermans into this world. I know boxer breeders, Great Dane breeders, Rottweiler breeders, German Shepherd breeders, going through to the spaniels to the hunting dogs to the Weimaraners, the group 1s to the group 9s. I've had affiliation with them in the world of show.

This ear cropping, tail docking and dewclaw removal does not have anything to do with me looking for a blue ribbon among my peers. That was years ago. We have our champions.

I am a recognized breeder with distinction. I'm a recognized breeder with a permanent registered kennel here in Ontario, which is seen in all the FCI—that's the Fédération Cynologique Internationale—the mother body of all kennels in the world.

I want to bring to your attention here just a few things I've copied—my eyes are getting old—that were brought forth at a meeting across the street here a little while ago when talking about Bill 136. By the way, I think this is fantastic. It's a long time coming; it's great.

A few things that can be changed: I had a dear parrot who would never fly until I started working the wings. Someone clipped the parrot's muscles. She was a blue and gold macaw. After climbing a few trees to get her down, she learned to fly really well and to come back when I asked her to.

Reptiles: What to do with poor reptiles? There are a lot of things. The lady who spoke before me was so much more eloquent and so much more directed with her focus. I'm just a normal guy who loves my dogs and loves my people who do.

Back to this: I was disappointed with one MPP who misrepresented certain specific aspects of veterinary work—whom we work very, very closely with in these situations. In some cases, it's even presenting misleading information during second reading, such as the crop and dock. One thing in particular which really struck me was, “Cosmetic veterinary procedures have been ruled illegal because they are inhumane.” I don't agree with that statement. They've been banned in a handful of places around the world, and there are, once again, these animal rights people—I'm sure they start with great intentions, and then things happen and they become extreme when lobbying.

These operations, these quick procedures, are being performed by responsible Ontario veterinarians. These procedures are completely safe, completely painless, and it's a non-issue. I've seen over 1,200, maybe 1,400, of

these surgeries, toe to toe with these vets—very noble people. They know what they're doing. There's no doubt about it.

There's another statement that was fielded: that veterinarians are deciding not to perform these procedures. That's kind of misleading. Ontario veterinarians—I could pick my phone up today and I could phone five veterinarians right now who will perform these surgeries in a proper environment, in a proper medical theatre, with proper drugs, medication and post-husbandry taken care of. If you're a person who is having it done, whether it be a car crash, stick impalement, bone break, dogs' ears frost-bitten—there are so many things. Gastric torsions, stomach flips, hysterectomies because of pyometra, which is a uterus infection: There are so many things. I'm not a scientist. It's a different language, but I do know a few things. These people are so dedicated. They shouldn't be messed with. These are the professionals.

Another thing that was brought up was these veterinarians, okay, but folk who will do this in unsafe circumstances, and we need to be able to include medically unnecessary procedures. But what's unnecessary for one may be a spay, a neuter, when you take a perfectly healthy specimen, whether it be a cat or a dog, and remove the uterus. Do we remove the testicles? Do we remove the dewclaws? I don't know where it starts. Do we defang? Do we clip their larynx so they can't bark, because people don't want the dog barking? There's so much to this. But down to what I'm speaking about is the ear cropping.

In my world of search work, when I've got a dog maybe 700 or 800 metres downrange, I want to see what that dog is thinking. It's a radar. It's scientifically proven that dogs do hear—their hearing is more enhanced. It's the way they pick them up, like a satellite dish. This is not something I'm dreaming. For anybody who wants to research it, my apologies for not having the scientific information available today. I was kind of caught with my paws on the ground when this one came to me. I was informed of this yesterday. I just never had the opportunity. But that's neither here nor there.

Coming back to what we're talking about, I have dogs in Alaska, short-coated dogs that are out. When they're running, they're warm. These are not malamutes or huskies, who sleep in minus 60 degrees in a snowbank. They're not sled dogs, although they have been used in the past by crazy people. The other part is, I have dogs in Great Slave Lake, in Yellowknife, with great families. They have the same security problems up there as we have here in Toronto.

Anywhere in Ontario—actually, in the world today, everywhere you look, there's some type of camera or face recognition; so much recognition. I agree with a lot of it, because the world is becoming a tricky place to live. It has been brought to my attention that, “Well, we don't need the security anymore.” My opinion on that is more, now than ever, since the sands of time have been dropping through that hourglass, we need security, for life and liberty.

Oddly enough, but just for the Doberman, the boxer, the Rottweiler, the Shepherds—they don't have to have their

ears clipped because the good Lord made them that way. Anyway, that's the way that is. We're not—

The Chair (Mr. Roman Baber): Mr. Ryan, just about a minute left for your initial presentation.

Mr. John Ryan: Let me sum it up. I think that the misleading situation that we find ourselves in from folks who are just trying to misinform, for whatever reason—it's not fair to the general public, the right-thinking members of our society.

The Chair (Mr. Roman Baber): Thank you, Mr. Ryan. We'll now proceed to the official opposition for up to 10 minutes of questioning.

Mr. Kevin Yarde: Thank you, Mr. Ryan, for your comments today. Hopefully, the government side will have listened to what you said and taken heed of everything that you brought today.

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

Mr. Gurratan Singh: Thank you, again, for sharing, coming here today and providing the feedback that you have. I know this process can be a bit of an intimidating process. For you to come and be able to share openly with us is very important, to get that feedback and that information. Thank you so much.

Mr. John Ryan: You're welcome.

The Chair (Mr. Roman Baber): Seeing no further questions on the opposition side, we'll now proceed to up to 10 minutes on the government side. Ms. Hogarth.

1130

Ms. Christine Hogarth: Thank you, Mr. Ryan, for being here. I appreciate you sharing your comments today. I know that we've received a couple of emails lately, probably over the last week, with regard to the same statement about cropping and docking. I just wanted you to know that that is not part of this legislation.

Mr. John Ryan: It's being suggested, I understand.

Ms. Christine Hogarth: It was chatted about in debate, but it's not actually proposed in this legislation. It's not part of the framework of this legislation, that I can clarify for you. It is something that was brought up during debate back and forth, as you've said, you were at, and I know it came through a couple of emails. It may have been suggested, but it is not part of this. If passed, this legislation does not dictate that that—

Mr. John Ryan: So this will not be amended, as what happened in Germany, Holland, France and Belgium?

Ms. Christine Hogarth: As the legislation stands right now, that's not part of it. It's not part of the framework.

A question for you about animals and animal welfare: Just your point of view on an overall provincial system for animal welfare and inspections. You're an animal breeder, I think you said?

Mr. John Ryan: Yes.

Ms. Christine Hogarth: So what are your thoughts on provincial inspections?

Mr. John Ryan: My take on this—and we've had these discussions, a bunch of us. We get together and can't believe that horses are being—we're near-north, country boys, but we really love our animals, our horses. We work with these animals. When I see a horse in a field that's

frozen, I don't want to hear the excuse that the guy couldn't get his tractor started or couldn't feed his animal. I have personally delivered these complaints; I've received them on deaf ears. I become very annoyed. I do occasionally speak with Ontario Provincial Police officers and metro police officers who are clients of mine, in other fields. I let them know, and they really don't know what to do.

This here, as I read through your bill, this proposed bill, it's got serious teeth. It's going to stop people in their tracks. As the lady before said so eloquently, this has to get to the public. It has to let people know if you're going to start messing around with these animals, whether it be draft horses, the equine breed—there are a lot of great people out there but I think what happened in Stouffville last year was shameful. Sheep, chickens, the way that we take the McDonald's chickens—I know things that I don't think the general public knows. When the inspectors get on board—like you say, this hotline—it should be retroactive. When people find out where the heat is coming from, they'll put smoke somewhere else so they're out of the picture. This has to do, most times, with the almighty dollar.

I think a streamlined avenue to get to the people, whether it be 3 in the morning or 3 in the afternoon or—we hear a lot of trucks dropping off bad fill up in our country ways, and it happens on Saturdays and Sundays when these guys are off work. All we hear is dump trucks slamming and banging. Most times, that's when these shadier things are happening, whether it be horses—the way that some folks want to rip a sheep or goat apart for some feast, it's terrifying for me, and not a lot terrifies me.

Ms. Christine Hogarth: Okay. Thank you for that, and thank you for sharing.

The fines that we've proposed: What do you think of the fines?

Mr. John Ryan: I think they'll teach somebody a lesson real quick, there's no doubt about it, and maybe they'll talk to their neighbour not to even consider doing it. Like I said, this here, in its body, is a fantastic piece of equipment to use, yes.

Ms. Christine Hogarth: I appreciate you saying that it's a fantastic piece of legislation. We also agree. We think it's a great piece of legislation.

How do we get the message out about animal cruelty and that we have the strongest penalties in Canada, if this legislation is passed? How do we get that message out to people?

Mr. John Ryan: I have a family that tells me, "Listen to the news, John." So I started listening to—it's hard to listen to when you first start—CFRB 1010, 640, 680, 690, all this stuff. So they programmed it in my radio. I like to listen to good music most times. It keeps me away—Beethoven, Liszt, things like this.

I'm listening to these guys, but a lot of these folks, these talk show people—I started looking at statistics on that plastic box we have, the computer, and it's amazing how many people listen to this. I mean, talk all around, not only metro, north. And these morning shows, people are glued

to coffee and radios listening to these—I don't know; there are a lot of these guys. But they're hitting home, and this AM stuff for me is crazy, but it really gets people thinking. It gets people talking in coffee rooms.

I'm in the airplane world; I deal with a lot of knuckleheads. But we have a manual, and we don't—I'm not talking about 737 Max 8s. I'm talking about A330s, A340s, Air Canada, Transat. We deal with manuals. If page 145 says, "This is what you do with that nut, bolt or screw," we do not deviate. These are engineered orders. If we do deviate, we will be caught and we won't be working. That's the way I see this: as a manual, a blueprint.

To get it out there: Advertise it. These people will take advertising from Queen's Park all day long. So that's my thought on that, if it helps you at all.

Ms. Christine Hogarth: I certainly appreciate your opinion.

A gentleman earlier said that this might be the best piece of animal welfare legislation in the world, so we certainly want to get that out.

Mr. John Ryan: That gentleman is right. I deal with this a lot. There's a handout that has just been passed around to you noble people concerning the take from the CKC on this. Like I say, they've been here since God's dog: 1888.

Just on that topic, coming into the building, I'm noticing 1788, the beautiful rocks, the limestone, the patinas. It's not something that has been covered by a fast developer from downtown. This stuff has been here for a long time, as has the heritage, which I think is important to everybody. Race, creed, colour, preference in sex and religion: I don't care. I've worked with them all, no holds barred.

But to bring it to this legislation, what I see sometimes in other countries, as this gentleman had mentioned—it's going to be, "Hey, take a look at what we're doing here." We're doing more than taking pictures and selfies and things like that. I work around the world with police agencies. We were at the Green Line in Israel, and it's a big mess. But these people really care about their animals; you wouldn't believe. And this here will step it up. That's the way I see it.

Ms. Christine Hogarth: Well, thank you for that, and I'll pass that along to the Solicitor General. Thank you very much, sir.

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

Mrs. Robin Martin: I just wanted to follow up on one of the questions asked by my friend. You said that you have a group of people who get together and talk about animal welfare concerns that you see.

Mr. John Ryan: All the time.

Mrs. Robin Martin: How would we make sure that we get the information about this act out—because my friend had asked about that—to your group of people? Would talk radio be the way? You mentioned talk radio as an example.

Mr. John Ryan: Talk radio is the thing. This social media network—the people I work with forced me to

make an Internet presentation for our ex-military veterans and also for our animal lovers.

I don't really care if you have a Chihuahua, a Great Dane or a pet moose. I don't care. People talk and they see things. They talk. We streamline this and we get the word out. That's how I arrived here today. I never heard this on 680. I thought it was earlier. There's something wrong if it's not being advertised. Somebody is trying to do something.

So I find myself here, and I'm speaking to these beautiful people and listening to these excellent, forthcoming overviews and descriptions from a legal point of view, from an animal rights activist's point of view, from people who want to get this right. Media, social media: so important. I know a lot of Chatty Cathys, and they would love to put this out there. And they're really nice people, too, like yourselves.

Mrs. Robin Martin: Thank you.

The Chair (Mr. Roman Baber): There's about a minute left for any further questioning.

Seeing none, Mr. Ryan, thank you for your submissions.

Mr. John Ryan: Thank you for having me here today, sir.

The Chair (Mr. Roman Baber): Thank you, sir.

Seeing that there are no further witnesses in the morning session, we'll now break for lunch. As per the order of the House of November 25, 2019, this committee is authorized to meet starting from 1 o'clock. So we will recess for lunch and return at 1 o'clock. Thank you.

The committee recessed from 1141 to 1300.

The Chair (Mr. Roman Baber): I'd like to call the committee to order. Further to the order of the House dated November 25, 2019, we'll proceed with the hearings on Bill 136, the Provincial Animal Welfare Services Act, 2019. Welcome back.

ONTARIO SHEEP FARMERS

The Chair (Mr. Roman Baber): I'd like to invite Sandi Brock of the Ontario Sheep Farmers to make submissions to the committee. Welcome, Ms. Brock.

Ms. Sandi Brock: Thank you.

The Chair (Mr. Roman Baber): You have 10 minutes for an initial presentation, followed by questions. Please state your name to begin with, and then proceed with your remarks.

Ms. Sandi Brock: Sandi Brock from Ontario Sheep Farmers.

On behalf of the Ontario Sheep Farmers, I want to thank you for the opportunity to comment on Bill 136.

Ontario Sheep Farmers is a producer-run organization representing the province's 3,000 sheep farmers, who contribute over \$465 million to Ontario's economy. In addition to market development and the promotion of Ontario lamb and wool, Ontario Sheep Farmers' key strategic objectives include advocacy, industry and organizational capacity.

My name is Sandi Brock, as I've just mentioned. Myself, along with my husband, Mark, and two teenage

children, Jack and Jessica, farm in Staffa, Ontario. We have a grain and sheep farm in Perth county, so a couple of hours west of here.

The health and welfare of sheep is of paramount importance to Ontario Sheep Farmers, which is why we want to acknowledge the work that has gone into creating the proposed legislation. More specifically, we are happy to see the establishment of a multidisciplinary advisory table, made up of a wide range of experts, including veterinarians, agricultural representatives, academics and animal advocates, to provide continued guidance to the ministry to enhance animal welfare. From our perspective, this table reflects the table that was established by the National Farm Animal Care Council—NFACC—when developing the national code of practice for the care and handling of sheep. Our codes of practice are a key component to being able to demonstrate the thought and rigour that goes into ensuring that sheep are well cared for, and the bar that we have set for the industry around animal care.

Additionally, Ontario Sheep Farmers supports changes that provide the government with the ability to allow others, beyond inspectors, to act when an animal is in imminent risk of serious injury or death.

We commend the government for ensuring increased transparency and accountability by establishing a new grievances mechanism.

Modern livestock farming is based on science, research and animal husbandry best practices. Ontario Sheep Farmers is pleased to see this referenced in the act. There are, however, some concerns and recommendations that Ontario Sheep Farmers wishes to highlight for this committee, starting with the addition of the term "psychological" to the definition of "distress" in the proposed act. Ontario Sheep Farmers recommends the removal of the word "psychological" from the act or legislation. Our concern is that the term may not be appropriate within a piece of animal welfare legislation because of the difficulty in defining it or the risk of leaving it undefined and open to interpretation, particularly with a one-size-fits-all approach. Treating animals cruelly or inflicting unnecessary pain or suffering is not acceptable to any farmer.

Instead of having the term "psychological" included in the legislation, Ontario Sheep Farmers recommends wording from the National Farm Animal Care Council—NFACC—codes of practice for farmed animals be incorporated into the regulations under the Provincial Animals Welfare Services Act, 2019.

Ontario Sheep Farmers also recommends that the proposed act include definitions for "animal" and "farmed animal."

Additionally, the reference to animals fighting in section 30(2) does not specifically exempt or exclude livestock guardian dogs acting to protect livestock from predators. Ontario Sheep Farmers recommends that livestock guardian dogs fall under generally accepted practices of livestock care, management or husbandry, as they work to prevent predation by deterring predators. Not all predation events end with sheep being killed. Sometimes they are maimed and, if pregnant, can suffer

abortions, so having livestock guardian dogs on the farm not only helps with keeping these sheep alive but also increases their welfare.

Livestock farmers are also concerned about their on-farm biosecurity, as it minimizes the introduction of disease onto a farm and the movement of a disease off of a farm. Ontario Sheep Farmers recommends that a farm's biosecurity protocols be adhered to and that there is no entry onto farms unless the farmer or his or her designate is present.

Also, clarification is needed around the powers to inspect in sections 23 to 26, specifically regarding notification to the farm owners that there are concerns about the welfare of animals on their farm, and the importance of the owner and a commodity group representative being present for inspections to ensure that biosecurity protocols are followed. Ontario Sheep Farmers asks for clarification on how owners will be notified or contacted. As well, it is recommended that the inspector be accompanied by someone with expert knowledge of the specific livestock commodity, and that there is mandatory biosecurity training and adherence for all involved in the investigation in order to minimize the introduction or spread of a biohazard or disease.

Section 65 of the proposed act seems to allow for the deferral of provincial standards to municipal bylaws, should a municipal bylaw afford greater protection of the animals. Ontario Sheep Farmers recommends that municipalities not have the ability to create bylaws that potentially surpass or exceed the PAWS Act and its regulations. Having a patchwork enforcement would not only confuse the general public and producers, but also make it difficult for enforcement officers to carry out their duties effectively, as they will likely cover multiple municipalities that could have different bylaws. Ontario Sheep Farmers believes there needs to be one set of rules for the province, and they should be based on expert advice. Ontario Sheep Farmers recommends that section 65 be removed from the act. Ontario Sheep Farmers also believes that ongoing training should be mandatory and as such recommends that the "if any" clause be removed from section 2(3).

The new act speaks to the owner's liability for expenses incurred should animals be seized in section 34. Ontario Sheep Farmers is recommending that, should owners have animals seized, they just receive a detailed and itemized statement of account.

In section 14, obligation to report, it states, "Every veterinarian or other person prescribed by the Lieutenant Governor in Council who has reasonable grounds to believe that an animal is being abused, being subject to undue physical or psychological hardship, privation or neglect, including by participating in fights with other animals, or is being trained to fight another animal shall report his or her belief in accordance with the regulations, if any, to an animal welfare inspector." Ontario Sheep Farmers is wondering if this obligation will be extended to include activists or general public who perceive an animal is in distress, but do not report it. If someone is taking video or has entered a farm as an employee to actually set

the stage for this stuff to happen, will they also be a part of this?

Extreme animal rights activists are increasingly putting animal and food safety at risk by ignoring biosecurity practices at plants and on farms. Will this act directly address distress, injury or stress to the animals caused by breaking biosecurity protocol? Ontario Sheep Farmers is recommending that language be included in the act to address activists who are causing unneeded stress or injury to the animals. Ontario Sheep Farmers asks for updates to the Crown Prosecution Manual related to the PAWS Act that would assist prosecutors and likely lead to successful prosecutions when laws are contravened.

The Chair (Mr. Roman Baber): Just about a minute and a half left for your initial remarks.

Ms. Sandi Brock: Oh, okay. I talk too slow.

Section 48 lays out higher fines that will be imposed on corporations. While Ontario Sheep Farmers understands the intent for increased penalties for those who contravene the act, especially repeat offenders, many farms are incorporated and are corporations. Therefore, Ontario Sheep Farmers recommends that the government take a second look at the fine structure and consider revising the penalties to a lesser amount, especially on first offences.

The seizure provisions still do not require a veterinarian to confirm the decision to remove or keep an animal for medical reasons. The same is true for compliance orders. In both cases, veterinary sanctioning would not only better serve a person subject to a seizure or order; it would likely also save the Animal Care Review Board time by eliminating cases that are not supported medically by a vet. Ontario Sheep Farmers recommends that seizure provisions require veterinarian approval.

The proposed legislation makes no reference to a review of the act after several years of it being in place. Ontario Sheep Farmers recommends that there be a comprehensive review of the act within the first three to five years after passing, to ensure that the legislation is working properly and that adjustments be made when necessary.

The proposed framework includes a prevention category, which includes providing information on animal care to producers and the public. It will be important that the ministry continue to work with the agriculture sector to develop and provide information on animal agriculture.

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Ontario Sheep Farmers would like to thank you for the opportunity to provide feedback and look forward to a continued collaboration with you in identifying ways to help make the new framework successful.

The Chair (Mr. Roman Baber): Thank you, Ms. Brock.

Ms. Sandi Brock: I rushed through that. Sorry about that.

The Chair (Mr. Roman Baber): That's okay.

We'll now proceed with questioning for up to 10 minutes by government side. Mr. Coe.

Mr. Lorne Coe: Thank you, Chair, and through you: Thank you very much for your presentation.

Ms. Sandi Brock: My pleasure.

Mr. Lorne Coe: As you may know, the standards of care for sheep will be rolled over through regulations into a new model with the intent being to replace them with updated standards. Would your association be interested in helping to engage with that work?

Ms. Sandi Brock: Yes, to help in any way we can, to be part of the—yes.

Mr. Lorne Coe: Your delegation also speaks to suggesting that the government consider a review of the legislation within a period of three to five years. Do you base that recommendation on previous experience in other pieces of legislation?

Ms. Sandi Brock: We talked about this a little bit. We weren't sure if that had happened in the past. We think it's really important going forward, as this is a new—and we are part of establishing it, so we're taking a lot of pride in it. It would be nice to know in three to five years if it is working and if it's effective on both sides: effective for our animals and effective for our farmers. I think a lot more work needs to be done after the fact with some of these things, just to make sure that everybody is on the same page and that it works and that it's protecting the right things and doing what we have set out for it to do.

Mr. Lorne Coe: I would encourage the members of your association not to wait for three years. From a point of view of transparency and engagement with what has already taken place in the course of the development of the legislation, we would encourage the association's ongoing dialogue as we move forward.

Ms. Sandi Brock: I agree.

Mr. Lorne Coe: Thank you, Chair.

The Chair (Mr. Roman Baber): Thank you, Mr. Coe. Mr. Gill?

Mr. Parm Gill: I also want to thank you for your presentation. The question I have is if you believe the addition of specialized provincial animal welfare inspectors who understand and have taken the training relating to agriculture standards will be beneficial. Can you comment on that?

Ms. Sandi Brock: The fact of having people who know the animal—for me, I work with my vet all the time. The problem is that we're so disconnected as a society. So if someone is driving by, say, a pasture or something and just sees something out of the normal, they don't know what it is that they're even calling in. We're good that they're calling it in. As a sheep farmer, I'm actually glad, because we can't be everywhere at once.

But for someone to go in there and not know what they're looking at and not know why is this animal panting—has it got pneumonia? No, actually, it's probably just hot or something. A vet will be able to be an unbiased—they just know the health of the animal, whereas the person going out to the call doesn't know that side of it. So I think it's so important that an expert is there.

I think the other side of it—I think we had a commodity group representative also as a part of that. Sometimes, with these issues that pop up, you can also trace them back to that there might be mental health issues and there might be

something going on with that farmer. Having a commodity representative, a peer, going there can be that really good go-between and be a voice for them or a voice for even the inspector to be able to relay it back so it's not that defensive and aggressive feeling of being targeted.

Mr. Parm Gill: Perfect. Thank you.

The Chair (Mr. Roman Baber): Mrs. Martin.

Mrs. Robin Martin: Do you feel as though the proposed provincial inspection and enforcement model in this legislation, which will move towards a risk-based inspection regime, will reduce excessive burdens on reputable farms that are operating in compliance with the provincial laws? Do you think we're moving in the right direction to make it a risk-based inspection regime?

Ms. Sandi Brock: I think we're moving in the right direction because we're part of the process. Even us being here today, commenting on some of the stuff and picking stuff out—I know it looks critical, but I think it is because we agree that we're on the right direction; we just need our little nuances put in it. I do think it's going in the right direction, but I still really think it's important we're part of the process.

Mrs. Robin Martin: Absolutely. I come from a farming background, out in Saskatchewan.

Ms. Sandi Brock: Oh, great.

Mrs. Robin Martin: They do raise livestock as well as the other kinds of things they do on those large farms out there in Saskatchewan—wheat and—

Ms. Sandi Brock: Right. If farmers are doing the right thing—sometimes I look at this stuff and I'm like, "Really?" Me as a farmer—I would hate for this to ever happen. Yes, I'm with my animals more than I'm with my family. So, for some of us, we can't even comprehend it.

I guess your original question is, is it becoming a hindrance? I don't think so, because if you're following the code of practice, this stuff shouldn't even be a second thought to you. If anything, it's just to the person who is reporting it. It would help educate them, if anything, in my opinion.

Mrs. Robin Martin: Thank you.

The Chair (Mr. Roman Baber): Seeing no further questions on the government side, we'll now turn it over to the opposition for up to 10 minutes of questioning. Mr. Yarde.

Mr. Kevin Yarde: Thank you very much for coming in today. I really appreciate it.

Ms. Sandi Brock: You're welcome.

Mr. Kevin Yarde: And I appreciate your list of recommendations for the government.

I just want to talk about a couple of them. I'll start, first of all, with the distress one and the term "psychological." Obviously, you said that it's very difficult to determine if an animal is experiencing psychological trauma. Do you believe there are any experts out there who would be able to determine that, or do you think it's not possible?

Ms. Sandi Brock: I think the problem is that us, as humans, and not being around animals anymore, really—there's a very small percentage of us who are surrounded by them every day. I get to see animal behaviour first-

hand. I think we are really quick to associate our feelings and our psyche to a farmed animal, an animal that is literally living in a barn and eating their feed or out on pasture, eating their food. We even associate to our dogs and cats that have been a part of our family and a part of our house, and they do become—I do agree that maybe dogs and cats do have a little more of that psychological aspect to them.

As for an expert who knows it—I honestly think, when you're dealing with animals and animal behaviour, it's instinctual instead of psychological. What I see, even on my sheep farm, is that their feelings are—say, when I wean my lambs from the mom when they're two months old, the moms and babies cry for a day. To me, if it's psychological, they will cry for weeks and months—if it's the same, like apples to apples.

I'm not saying that animals—you can see it in their behaviour. There are stressors that will affect them, so I do believe that there's something there, but I really do think it's based in instinct. There is such an instinctual—if you see them in their environment, everything is to stay alive. It's so hard to put it in human terms, and I think that's what we struggle with, as people.

Mr. Kevin Yarde: Is your concern that it could lead to abuse of that term, in terms of, say, activists or—

Ms. Sandi Brock: I think it could be. I really do. Psychological, you mean? Psychological distress?

Mr. Kevin Yarde: Right.

Ms. Sandi Brock: I think it could be misinterpreted, yes. I really do think it's instinctual, not psychological.

Mr. Kevin Yarde: Okay. Maybe you could explain to me—I'm not sure if other members know—biosecurity.

Ms. Sandi Brock: Oh, sure.

Mr. Kevin Yarde: What is biosecurity?

Ms. Sandi Brock: Biosecurity: I look at it as creating a barrier to protect the animals from anything outside the environment coming inside the barn or inside a pastured area. Then it's also a barrier, so that if you do have a visitor coming in, they won't take it out. That might be putting on plastic boots or coveralls or suits that have only been worn in that barn, or that are clean, and they take them off. Everything coming in gets put on, and everything going outside the barn gets taken off, so you're not transmitting anything back to your home or your kids.

Biosecurity is just literally the prevention of a bio-hazard, a disease or anything. Some diseases are zoonotic, and we have to be very aware and very careful.

Mr. Kevin Yarde: Do you know of any instances where that has happened, where there has been some transformation of disease—

Ms. Sandi Brock: Biosecurity is huge. We see it more in some of the—poultry is a big one because of wild birds, migrating birds and stuff. Avian influenza was a big one a few years ago. It's catastrophic. It destroyed BC's Fraser valley a few years ago. Chickens are a really good one to talk about because—and they have strict, strict bio-security. That is stuff out of their control. That's migrating birds, and it likely came in on a feed truck—a tire. It can happen so easily. So it might not be the person, but the

person is the easiest thing to control, coming on and off your farm.

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Mr. Kevin Yarde: If the government says, "We want you on the advisory committee," would you be amenable to that?

Ms. Sandi Brock: Our organization? Yes.

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

Mr. Gurratan Singh: I had a quick question with respect to this area around notice for the biosecurity issue. Correct me if I'm wrong: Are you suggesting that any access to a facility would require notice?

Ms. Sandi Brock: Yes. Because of biosecurity, the person in charge of the barn should be notified. There could even be a general biosecurity protocol that our inspectors would have to follow. But every farm—there might be some with even one more step that would be required. Basically, we're just saying that you have to check in with the farmer before you enter the premises, because every premises is different on how they—

Mr. Gurratan Singh: Do you have any details with respect to what that notice looks like—

Ms. Sandi Brock: Sure. My in-laws have a pretty large poultry operation, and part of their HACCP program, their food safety program, is having gates. There's actually a rope along the laneways so that no one can get in—feed trucks can, because we know them, so there's a relationship there. There's a sign at every gate, and it says, "No entry." To enter, you have to call, and it has my brother-in-law's cellphone or my father-in-law's cellphone on it. Everyone has their cellphone, so that is the easiest way to do something like that.

Mr. Gurratan Singh: So you're content with notice, hypothetically, being a minute, because someone could attend and make a phone call, be okay with whatever the protocol is, and then enter the facility?

Ms. Sandi Brock: With someone.

Mr. Gurratan Singh: With someone.

Ms. Sandi Brock: Yes. Someone has to be there with you. If the farmer is away, there should always be someone there who they've got in their place.

Mr. Gurratan Singh: Just to clarify: It's less an issue of notice and more about notice in the sense of—it could be at that moment; you just need to make sure that you're attending with someone. That's your main concern. Is that fair to say?

Ms. Sandi Brock: Right. Don't just go in, because it can add so much stress to an animal. When I have tours to my barn, kids are running up and down, and my animals are not used to that. It's something very simple, but if I wasn't there and my dog wasn't there to create that commonality with the sheep, they would probably be jumping over gates. So to have an inspector just go in, that alone would be a stress on the animal.

Mr. Gurratan Singh: Are you suggesting that inspectors would have to provide this notice before entry? Is that what you're suggesting?

Ms. Sandi Brock: Yes.

Mr. Gurratan Singh: Notice, then, would be limited, hypothetically, to a minute.

What I'm trying to effectively lead towards is that there needs to be a component of the legislation which still allows for—there are amazing farmers who take amazing care. There are, obviously, in any area and in any industry, individuals who may require that immediate check-in to ensure that the animals' welfare is being kept appropriately. Sometimes too much notice can allow for a farmer to rectify the—

Ms. Sandi Brock: Yes, I see what you're saying.

Mr. Gurratan Singh: —as opposed to addressing it or finding out the issue immediately.

So if we had the same understanding of notice, that would address that issue. Is that fair to say?

Ms. Sandi Brock: Yes. If you had a hard amount of time or something there, then, yes. I can see what you're saying.

Mr. Gurratan Singh: It could result in a farmer effectively saying, "Give me a day's notice."

Ms. Sandi Brock: But leaving that open, too, can be a risk, because then anyone could just say, "Well, I think that was"—and they could have different motives for why they're entering your farm.

We just have to be very careful in our wording. We're doing it for the right reasons, but because it is legislation, or regulation, or whatever it is—as long as we don't leave a loophole that gives a person the right to just enter your farm, for good reasons or maybe not good reasons—because they weren't with someone, or because they said the animal was in distress, right?

Mr. Gurratan Singh: But based on our conversation, you find it agreeable, what I'm suggesting right now in the scenario—

Ms. Sandi Brock: You want an actual time—

Mr. Gurratan Singh: No, no. I'm not saying that. I'm saying that you are okay, based on what you described, that notice doesn't necessarily have to be—notice could be effectively—

Ms. Sandi Brock: A phone call.

Mr. Gurratan Singh: Notice could be effectively as little as a minute, as long as a phone call is made—

Ms. Sandi Brock: Oh, I see. Yes, yes; I'm slow.

Mr. Gurratan Singh: —and someone attends alongside, and all biosecurity measures are kept in line. You're okay with that.

Ms. Sandi Brock: Yes, if I understand that point.

Mr. Gurratan Singh: Okay. The second issue—

The Chair (Mr. Roman Baber): Mr. Singh, just before you proceed—unfortunately, you're almost out of time.

Mr. Gurratan Singh: No problem. I'll leave it at that.

Ms. Sandi Brock: I was slow. Sorry.

The Chair (Mr. Roman Baber): That's okay. That concludes the time available to the opposition.

Ms. Brock, I thank you for your testimony.

Ms. Sandi Brock: Thank you.

The Chair (Mr. Roman Baber): I'd like to call Melanie Coulter of the Windsor/Essex County Humane

Society. Just before I allow you to proceed—Ms. Brock, just to remind you, the deadline to file any written submissions is 5 p.m. today.

WINDSOR/ESSEX COUNTY HUMANE SOCIETY

The Chair (Mr. Roman Baber): Welcome, Ms. Coulter. You have 10 minutes for your initial presentation, followed by questions. I invite you to begin your submissions by stating your name for the record.

Ms. Melanie Coulter: My name is Melanie Coulter. I want to start by thanking the committee for your attention to this important matter, and your hard work on behalf of Ontarians.

I'm appearing before you today to express our support for Bill 136, on behalf of both the Windsor/Essex County Humane Society as well as a number of other organizations across the province and our hundreds of thousands of public supporters. That includes the Ontario animal welfare network, which includes a number of organizations who have provided, and many who continue to provide, animal law enforcement in the province.

Specifically today, I'm conveying the views of the Guelph Humane Society, the Ottawa Humane Society, the Humane Society of Kitchener Waterloo and Stratford Perth, the Humane Society London and Middlesex, the Hamilton/Burlington SPCA, the Oakville and Milton Humane Society, the Sarnia and District Humane Society, the Sault Ste. Marie and district humane society, the Lincoln County Humane Society and the Toronto Humane Society.

We've worked closely with Humane Canada to provide input into the drafting of the bill, and we're pleased to see many of our suggestions included.

I'm also Chair of the Association of Animal Shelter Administrators of Ontario. We represent dozens of animal shelters—private, public and non-profit—across Ontario. All of our members are going to be impacted by this legislation in some way.

I understand you're hearing from a number of people today from a variety of perspectives. The perspective that I'm grateful to have the opportunity to bring is as someone who has spent the last decade of my life enforcing animal welfare legislation in Ontario.

I and my colleagues are from organizations that have enforced animal welfare legislation in Ontario for decades. We're part of a structure that is one of the oldest social service providers in Canada. As such, we have a deep interest in an effective system, and we're also keenly aware of the challenges with the existing system.

We're pleased with many aspects of the new legislation that address some of those challenges. In particular, the mental distress provisions recognize that animals experience mental distress. This is one area that is really lacking in the current law. We would like to see the bill go a step further and actually recognize that animals are sentient, like the province of Quebec has done.

Another positive aspect of the law is the offence of knowingly exposing an animal to an undue risk of distress. Currently, we have to wait until the inevitable worst happens, in some cases. This provision will allow an owner's actions to be addressed before an animal is actually harmed. The provision allowing entry into a dwelling when there is critical distress is another positive section that closes a gap in the current law and will almost certainly save animal lives.

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The changes to the provisions allowing continuing care of an animal after they're removed, without requiring that charges be laid, as is the current case, is a positive change and one that will help to deal with situations like hoarding, where charges may not be appropriate but an individual really shouldn't have those animals returned.

Being on the receiving end of many calls about dogs in hot cars, we very much appreciate the sections about rescuing an animal in critical distress in a vehicle and we hope that the regulations will include a broad list of individuals who will have that authority.

It's positive to see a requirement that an individual identify themselves to an inspector, but we would like to see the addition of a requirement that they provide their date of birth as part of that self-identification to facilitate law enforcement activity, if required.

The increased penalties demonstrate that society takes animal abuse seriously and, in particular, the minimum penalty when an animal dies will avoid situations like the one we had in Windsor, where someone let their dog die of parvo slowly over days and received a \$50 fine. While the fine is daunting, I would ask you to consider an alternative of a minimum penalty of a lifetime ban on owning animals instead. In some cases, crowns may be concerned about financial issues with the fine, whereas a lifetime ban would be applicable to anybody.

We're glad to see that agricultural animals are included in the protection of the law, as a surprising number of the cases we deal with involve individuals with hobby farms and only a few horses, pigs or chickens that they may not be able to willingly or adequately care for.

However, we are concerned that lab animals are excluded from the bill's protection and hope that they will be brought into the final version.

As positive as this legislation is, we're aware that there are many aspects still to be determined by the regulations. The expeditious development of those regulations is critical to the success of this new structure. Just as a few examples, we hope that the regulations will include activities like declawing and tail docking as proscribed activities, and that the standards of care will include time limits on the tethering of dogs.

But just as much, the success of the system will depend on appropriate resourcing. We urge the government to ensure that there are sufficient staff resources to respond quickly and effectively to thousands of calls a year across the province. These officers require training and equipment, as well as reasonable areas of coverage, to ensure that they're able to respond to concerns quickly. They also

require a shelter structure to provide care to animals that have been abused or neglected and removed. When animals are removed, they often require veterinary care and they need a safe place to go. We urge the government to ensure that this structure is in place immediately. Shelters are willing to help, but the cost of care of these animals needs to be part of the public enforcement structure.

We appreciate the goal of this legislation to make the province a safer one for animals and we look forward to working with the government to achieve that goal. Thanks.

The Chair (Mr. Roman Baber): Thank you, Ms. Coulter. We'll now proceed with up to 10 minutes of questioning by the opposition. Mr. Yarde.

Mr. Kevin Yarde: Thank you for your speech this morning, Ms. Coulter. We're glad to have you here today. I just wanted to talk about a couple of things here. I know you mentioned that lab animals are omitted in this bill. What sort of framework—how would it look in the bill, according to you? What should we be doing?

Ms. Melanie Coulter: I think our concern is the fact that a section of the act specifically excludes lab animals entirely. Section 72(1.1) says essentially that the act does not apply to an animal in possession of an operator of a registered research facility. Having that blanket exemption is the concern. We certainly recommend that lab animals have to comply with CCAC requirements if they're in a university that has an animal care committee. But having this blanket exemption just leaves those animals completely unprotected.

Mr. Kevin Yarde: And, of course, you talked about the appropriate resources needed. Funding is very important, of course, if we're going to get this right, if we're going to make sure that the appropriate resources are there. I'm not sure if you've really thought about it in terms of a dollar amount or what sort of funding should be out there with this act.

Ms. Melanie Coulter: I can't give you a specific dollar amount, but there needs to be sufficient inspectors on the ground. If this structure is going to take effect January 1, there have to be people to answer those calls on January 1, and there have to be people across the province. If January 1 is minus 20 and there's a dog in someone's backyard that's in immediate distress and needs to be removed, someone needs to be able to do that.

Certainly there are provisions for the police having authority to remove animals under the act as well, but if they're going to be a backup and support system, they need that training and that information, too, to let them know what the new legislation includes and what their roles are. I can't give you a specific dollar amount, but there needs to be adequate resources, both staffing and sheltering.

Mr. Kevin Yarde: Thank you.

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

Mr. Guratan Singh: I wanted to learn a little bit more about this definition of sentient animals that you mentioned is present in Quebec. Could you provide a bit more information on that?

Ms. Melanie Coulter: The legislation essentially recognizes that animals are sentient. It may sound like, "What

is the value of it?" But, really, it recognizes that, unlike now, where an animal is essentially similar to a table—they are property—this recognizes that they are a special form of property, that they have an awareness and have a need to be treated properly.

Mr. Gurratan Singh: Earlier it has been suggested that the use of "psychological distress" within this legislation could be deemed as inappropriate—by an earlier individual who provided their testimony. What are your thoughts on the use of "psychological distress" within this legislation, given that there are other jurisdictions which have recognized that animals have a degree of sentience?

Ms. Melanie Coulter: I would respectfully disagree with the position that psychological distress is inappropriate. There are cases where animals are essentially left in a situation where they're going slowly insane. You think about an animal that's a social animal—a dog, for example, locked up in a basement, with absolutely no social interaction for years at a time. They might comply with their requirements for food, it might be warm enough, but if that animal never gets any kind of social interaction? You think about having a person in solitary confinement—and I'm not saying that a dog is the same as a person, but those social needs are still there, regardless of the species. An animal that is a social species needs that kind of human interaction.

So there are times where you know an animal is in distress, and there is a lot of research out there that demonstrates that animals do show distress. I think one of the strengths of this legislation is that it includes that. It's not just physical distress, but also understanding that you can cause mental distress and cause an animal to suffer, even if you're meeting their physical needs.

Mr. Gurratan Singh: The use of "psychological distress" is a bone of contention in earlier testimony, particularly within an agricultural context. Can you think of any examples of how psychological distress could be present within an agricultural context? The specific reference was amongst animals like sheep or other livestock such as that—in your experiences?

Ms. Melanie Coulter: I think it's important to be aware of that animal's specific needs, but the reality is—coming from a humane perspective, I think we look at things like gestation crates and battery cage housing. Some of those things, I think, society is starting to look and say, "Maybe this isn't the way we should treat animals. We should be looking in different directions."

I'm not necessarily saying that those would fall under the definition of psychological distress, but there may be cases where that animal is showing those signs, and that would be inappropriate.

Mr. Gurratan Singh: Is there research, is there anything that has been used to describe how psychological distress is present, specifically in an agricultural context? Are you aware of that in the work that you have done in your capacity in the humane society?

Ms. Melanie Coulter: We have dealt with agricultural animals. I'm not familiar with research specifically on psychological distress in an agricultural context. There's

certainly a great deal of information about psychological distress in a domestic animal context, and a lot of that—you're applying something from one animal to another. They're showing those signs. And yes, you can't ask an animal if they're in psychological distress, but you can look at those physical signs, you can look at the behaviours they're showing, and when they're completely abnormal behaviours from you would expect from a regular, healthy animal, then there are experts out there that can determine that.

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Mr. Gurratan Singh: In earlier testimony, the physical impact that extremely long periods in transportation can have on animals was described, especially because there's a lack of timeline applied to that in this current context. The example was given of around 36 hours, I believe, that animals travelling continuously—the impact that could have. Are you aware of any research or any evidence that demonstrates that that can have a negative psychological impact upon animals?

Ms. Melanie Coulter: I am not aware, sorry.

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

Ms. Suze Morrison: I just want to back up a little bit to the exemption for lab animals. I'm wondering if you could explain to me how welfare is currently handled for lab animals and if they're currently exempted as it stands, prior to this legislation.

Ms. Melanie Coulter: I can't say I'm an expert on the lab animal structure. I was actually a member of the University of Windsor's Animal Care Committee, so I'm familiar with how that structure works in an organization under the CCAC. Certainly, there are provisions for the animal's welfare, in minimizing distress there.

I think our concern was this blanket exemption. It is a concern. Leaving an entire class of animals out of the protection of the act entirely isn't just reflecting that maybe a lab animal might have special needs or there may be special requirements in a lab, but basically saying they're not worthy of protection at all.

Ms. Suze Morrison: Okay, thank you.

Do you think that this is something that should be addressed in this bill, moving forward, or do you think that this is perhaps an exercise in a secondary piece of legislation that specifically looks at health and safety for lab animals?

Ms. Melanie Coulter: I think having that exemption in the legislation is a problem, and I would ask you to consider removing that. There are still standards of care requirements; it's not saying that the lab animals are subject to different requirements or higher requirements. Most of the standards of care are about food and veterinary care. That kind of thing would be something that most good labs would provide regardless.

But the provisions about causing distress and permitting distress—if an animal is going to be allowed to be subjected to distress under a structure, I think that needs to be outlined, that they have to comply with those structures that are in place.

The Chair (Mr. Roman Baber): Fifty seconds.

Ms. Suze Morrison: I guess just one last question, then, is: Do you envision any concerns with enforcement in terms of sending inspectors or any enforcement into a space that may have biohazard concerns, as we heard from a previous testimony in terms of biohazard on farms—but potentially sending enforcement into labs that may be doing testing in infectious diseases or things like that?

Ms. Melanie Coulter: We're getting into a new world of enforcement that's going to be having government inspectors that would have a standard level of training across the province. I think that would be something they're trained on. Our officers certainly are trained on biohazard and making sure that they're not bringing issues into farms when they go through training. I think that's something that they can receive training on and make sure they comply with.

Ms. Suze Morrison: Thank you.

The Chair (Mr. Roman Baber): We'll now turn, for up to 10 minutes of questioning, to the government side. Ms. Hogarth.

Ms. Christine Hogarth: First of all, I want to thank you for what you do, and I want to thank the thousands of volunteers who help you every day to protect our animals all across Ontario. Thank you for that and for being here today and sharing your stories.

One thing you touched on—you talked about training. This legislation, if passed, will have some of the strongest penalties in Canada for animal cruelty. In the past, we've seen a lot of people possibly abuse animals and, as you said, get a \$50 fine. We want to actually see some teeth in this bill, and that's why we put these tough fines in it.

But one thing we talked about is training, and we want to make sure that our crowns are trained, because right now they aren't trained in what to expect and how to convict. We also want to make sure that our inspectors are trained properly to take care of these situations.

In your opinion—because you do this on a daily basis—are there some aspects that need to be part of the training that you could share with us today, that you feel should be part of the training?

Ms. Melanie Coulter: I think the inspector training is something that is easy to do. It's just important to make sure that it's done. Inspectors have to have a detailed understanding of what their roles are. This legislation is going to be new for them, so if some of them are used to working under the current structure, they're going to need to be aware of the new structure. I think that's something that all of our officers who do animal law enforcement are very aware of. Certainly overseeing them I emphasize with them that it's important that they follow all these requirements and make sure their cases are going to stick when they get into court. That's a key factor. They don't want to have their case thrown out, so they're very cautious to make sure that they are complying with all the requirements and making sure that they're following the letter of the law.

With crowns, I think training is another issue. Humane Canada does provide training to crowns, and I think that's an important thing. We had in our area a case where

someone allowed about a dozen pigs and farm animals to suffer. They were eating each other; that is how starved they were. Many of them died and a couple of them were very close. They received a large fine, a \$50,000 fine, as part of a plea bargain, but there was no ban on owning animals. We used that as an opportunity to talk to our crown's office and say, "Look, this is a problem. This person goes on Kijiji and gets free farm animals all the time, and they can't take care of them. We would have rather seen a lifetime ban on him owning animals than see any kind of fine at all."

Since then, our crowns have worked with us on a really proactive basis. They'll talk to us if they're looking at a plea bargain and say, "Is this something that you think is appropriate based on the circumstances of the case?" I think that's important for all crowns that are working on these cases.

Ms. Christine Hogarth: I just wanted to note that part of this legislation—we want those crowns to be trained so they will make the determination if those animals should be returned or should not be returned to that owner. But also, if they are returned to the owner, the inspectors will go and make sure that that animal is continuing to be looked after and is not just abandoned. They will have that as part of their training. What do you feel about that?

Ms. Melanie Coulter: I think there are some provisions to hold animals pending a trial and an outcome of a case, and that's one of the things that we see as a positive. Like I mentioned, right now you have to lay charges to hold an animal, whereas under this new legislation the chief inspector would have the authority to hold an animal.

I think that's important, but looking at cases when maybe there isn't that authority to hold the animal pending the process and a judge imposes a ban on owning animals or imposes conditions, I think it is important to the inspectors that they're able to follow up, that they have a registry of who has bans on owning animals, who is restricted from that, so if someone moves to another area of the province, the inspectors in that area are aware that this person shouldn't be owning animals.

Ms. Christine Hogarth: I agree, and I appreciate what you're talking about.

When we talk about standards of care, are there certain elements that you would like to see included when we talk about the standards of care and the regulations moving forward?

Ms. Melanie Coulter: As I mentioned, some kind of limit on tethering, rather than allowing continuous 24-hour tethering of dogs. There are already in the current standards of care provisions for dogs that live primarily outdoors, and that would be a relatively simple one to add. In our community, almost all of our local municipalities have imposed bans on tethering dogs, and that's basically because I think people are starting to realize that that's not what our society wants to see, that there are alternatives. I think that would be a clear one.

A lot of the standards of care are good. I think it's important to make sure that they are kept as strong as they

are and not weakened in any way in the new legislation or new regulations.

Ms. Christine Hogarth: We're also going to have this multi-advisory table that will continue to have this discussion, so it doesn't end here. We will continue to have that dialogue. Is that something that your organization would be interested in taking part in?

Ms. Melanie Coulter: Most certainly.

Ms. Christine Hogarth: Thank you very much for your time. I have no further questions.

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

Ms. Natalia Kusendova: Good afternoon. Thank you so much for your deputation today. Your organization has a long history of working on animal welfare issues, as well as the partners that you've listed—so many of them this morning.

I was wondering: Can you tell us some of the most common examples that you are seeing of animal cruelty and animal abuse? And also, do you believe that the strengthened penalties under the PAWS Act will help discourage some of these examples of animal abuse that we're seeing?

Ms. Melanie Coulter: A lot of the concerns we receive are about animals outside, so dogs without shelter. Some of that is related to visibility; people can see their neighbour's dog, and it's minus 20 and they see the dog outside, so they call.

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A number of other concerns are related to improper vet care. Some of that is related to financial resources and people not having the financial ability to seek veterinary care for their animal—not that that's an excuse, but sometimes that's the case. Unfortunately, that's a tough one, because if someone doesn't have the money, the penalty of a fine they're not going to be able to pay is likely not going to have an impact on them. The case I mentioned where the woman let her puppy die of parvo over days in her house—that was an issue where she didn't have money to take the animal to a vet, and that was why the sentence was so low. In some ways, people may not be thinking about those when the issue is happening.

A lot of the cases we deal with are neglect—people getting overwhelmed by the number of animals they have in the house is becoming more and more common.

Of course, there are some serious abuse cases. Just a couple of years ago, we had a case of a dog whose mouth was shut with tape and his legs were tied together. He was dumped behind a Canadian Tire a few days before Christmas. He barely survived. He required a long recovery process. So some of those cases are physical abuse. We have animals in our care right now that were physically abused.

So there's quite a wide range, and I think that's why it's important to have a relationship with the animal inspector teams as well as local police. The animal inspector teams probably aren't going to be able to be everywhere within minutes. Having the police trained and knowing what the requirements of the law are is beneficial. They can use the

Criminal Code, and often they default to using the Criminal Code. But this legislation, as you mentioned, has some pretty strong penalties and—especially when you have those options for a lifetime ban and some of those other provisions—should be options that police are aware of.

Ms. Natalia Kusendova: Do you think there needs to be more public awareness? Sometimes it requires a shift in culture. Some people might not know what is acceptable treatment of animals and what is not acceptable treatment of animals. What are some ways that we can help inform the public about this act—not just the police officers and the inspectors—and how to treat animals properly?

The Chair (Mr. Roman Baber): There's just about a minute remaining for your answer.

Ms. Melanie Coulter: Okay. I think there's a strong drive in the public to ensure that animals are protected. When we have cruelty cases, we see people standing outside the courthouse, demanding stronger sentences. People recognize that animals are vulnerable. I think that's important to people.

As you mentioned, some of it is a lack of awareness. The organizations I mentioned have been educating people for years. We would very much like to be a part of continuing to provide that education to the community, continuing to let people know how to be a responsible pet owner and what you need to do to make sure your pet is cared for. Sometimes it's an issue of resources and them not having resources, but sometimes it's a lack of awareness. When we respond to calls, we won't start with issuing orders or removing an animal; we'll start with education and making them aware of what they need to do to be a proper pet owner. We are more than willing to be a part of that process moving forward.

The Chair (Mr. Roman Baber): Ms. Coulter, thank you for your submissions.

As a reminder, the deadline for filing any additional written materials is 5 p.m. today.

ONTARIO FEDERATION OF AGRICULTURE

The Chair (Mr. Roman Baber): I'd like to invite representatives of the Ontario Federation of Agriculture—specifically, Keith Currie, Danie Glanc and Peter Jeffery—to make submissions before the committee. Good afternoon. Welcome. You have 10 minutes for your initial presentation. I kindly ask that you begin by stating your name for the transcript.

Mr. Keith Currie: I'm Keith Currie, president of the Ontario Federation of Agriculture. With me today are my research colleagues Danie and Peter. I want to thank the committee for the opportunity to speak.

For those of you who don't know, the Ontario Federation of Agriculture represents 38,000 farm families across this province, including all of those in the livestock sector. We certainly advocate for the humane treatment of all animals, including farmed livestock and poultry. That's predominantly what I'll be speaking to you about today—and aquaculture.

We welcome this opportunity. We feel very strongly that this piece of legislation, the PAWS Act, is a step in the right direction going forward. However, we do have some recommendations that we would like to present to the committee.

Like previous presenters, we feel that the term “psychological” should be removed from the proposed definition of distress. Adding “psychological” extends the scope of distress into an area that’s uncharted and one based on guesswork. The inclusion of “psychological” endeavours to attribute human emotions and responses to animals. Like you’ve heard from previous speakers, farmed animals tend to act on instinct, as opposed to emotion, and “psychological” is something that provincial officers will have a difficult time being trained on to be able to assess that terminology.

We also recommend that section 65 be removed from the bill. This section is referring to giving municipalities the opportunity to enforce their own bylaws, should they be stricter than what the provincial act lays out. Like other presenters, we do feel concerned that there could be a mishmash of different bylaws enforced across this province that are not consistent with the act itself. This act is very strong by nature, and it does lay out adequate rules for animal welfare. We feel that the act alone should be the governing body, as opposed to giving municipalities the right to inflict their own bylaws on animal caretakers.

We also recommend that Bill 136 include a specific inclusion for livestock guardian dogs. Again, like you’ve heard in previous presentations, guardian dogs are becoming more of a norm now in the livestock industry, in particular with the sheep industry. Under the Provincial Animal Welfare Services Act, we feel that the animal-fighting section could capture these animals into that section. We feel that they should be exempt from it, so we would like to see that change made, if possible.

We’d also recommend that the Ministry of the Solicitor General emphasize to the crown prosecutors the definition of “corporation” as it attests to farming. Some 97% of farms in Canada are family-owned and -operated. Incorporating a farm business is a business of practice now; it’s done for business reasons. We’re afraid that because fines for corporations are going to be extremely higher than they are for individuals, this could capture some family farms under the “corporation” label. So there needs to be better clarification on what is meant by corporate fines as opposed to individual fines.

We also recommend that you frequently reference the National Farm Animal Care Council codes of practice for our farmed animals. We do have practices that are developed by our group of peers. There are 12 current codes of practice, with another four codes currently undergoing review right now. So, as often as possible, we would ask that this legislation refer to those national codes of practice on how we house and look after our animals.

It’s asserted that the enforcement of Bill 136 will focus on non-compliance and repeat offenders, and we do applaud this focus. Livestock and poultry farming is not the ongoing threat to animal protection that some suggest.

The overwhelming majority of cases that the OSPCA Act dealt with were domestic pets. Of the ones that were farm animals—and approximately 10% of them were actually farm animals—the overwhelming majority of those were equine.

We also recommend that the provincial government recognize the added stress and mental health consequences from all the online bullying and harassment through social media. Our farmers today are undergoing a unique level of stress because of social media attacks, and somehow this needs to be addressed through this legislation as well.

We also would recommend that Ontario’s Trespass to Property Act be enhanced to protect farms and farmers against biosecurity breaches and breaches of extreme activism. There has already been discussion around the term “biosecurity.” That’s not limited to just buildings; it’s actually zones around buildings and zones on our farms. You heard about avian influenza, as an example. I can also point to the recent African swine fever, which has wiped out most of the pork herd in China. It’s easily transferable. It’s something that someone could bring onto the property unknowingly. Right now, we do not have it in this country, and we would like to keep it that way.

So, biosecurity zones are important, even for provincial officers to understand that they should not breach those zones unless they are authorized to do so. Think of it as a bioindustrial hazard zone; you have to get approval to enter. We feel that the same should be accorded to biosecurity zones around farms.

As Ontario Sheep Farmers suggested, we would also like to see a statutory review of the act after at least three years, just to make sure that it’s doing what we hope it will do, and that it accomplishes what the government hopes it will do. It’s not uncommon for our land use plans to undergo a review every five years, just to make sure that those land use policies are the right and accurate ones. We feel the same should happen with regard to the PAWS Act, simply because it is a new act, so let’s make sure we get it as right as possible.

We welcome this opportunity, as I mentioned, to present to you. We congratulate the government on the steps that they have taken in introducing this act. We would like to compliment both the Solicitor General’s ministry and the Ministry of Agriculture, Food and Rural Affairs for their consultation process through this. They’ve been very good at working with us and our livestock commodity organizations to come up with the best possible solution for farmed animals, so we appreciate that.

1400

The Chair (Mr. Roman Baber): Thank you very much, Mr. Currie. We’ll now begin with up to 10 minutes of questioning by members of the government. Ms. Hogarth.

Ms. Christine Hogarth: Thank you very much, Mr. Currie, for your presentation. We’ll certainly pass along your thanks to Minister Hardeman and Solicitor General Jones.

You're right: We did a lot of consultation on this because we wanted to get it right. You don't often see governments bring in legislation such as this, and it is something that we want to have some teeth in, so we can make a difference and stop cruelty to animals. When we talk about companion animals, it's different than agricultural animals, but we know that overall, we all care about animals. We want to make sure that they are safe—and they live, right?—for various reasons.

Are there any specific regulations, when we look at the regulation piece through the PAWS Act, that the OFA would be interested in helping to develop? Anything specific?

Mr. Peter Jeffery: Anything related to the care and handling of farm animals would fall into our interest, and we'd like to see the national codes embedded in the regulations or referenced in the regulations.

The Chair (Mr. Roman Baber): Sir, if I could kindly get you to confirm your name for the record.

Mr. Peter Jeffery: Peter Jeffery.

The Chair (Mr. Roman Baber): Thank you.

Ms. Christine Hogarth: Thank you, Peter. What are your thoughts about bringing in the provincial inspectors, having this as a provincial body versus an independent body?

Mr. Keith Currie: As long as the adequate training is done, I'm fine with the provincial officers coming in. The training of inspectors has always been an issue. It was a huge issue under the OSPCA Act; directors didn't necessarily have training. To put into perspective what that might look like, if I showed you a dairy animal in their work enclosure and a beef animal in their work enclosure, they look totally different. But to an untrained eye, one might think that one's in distress and one is not. So having that adequate training of the officers is simply what we're asking for.

Ms. Christine Hogarth: Okay, thank you. I think training is a key piece to getting this legislation right, not just for the inspectors but for the crowns as well. Are there any pieces of the inspection that you think should be part of the training? I don't know if I said that right—any areas where you think the training should be enhanced?

Mr. Keith Currie: Well, I think certainly any inspector training should be done in conjunction with veterinarians to understand the health of animals. What is healthy? What is not healthy? Training as far as biosecurity protocols: All the various livestock commodities have their own specific biosecurity protocols that are in place right now—so certainly, consulting with the livestock community on what those protocols look like. Certainly, if there's an animal that's known to be in distress, then we want that animal looked after, but there has to be 100% verification that that animal actually is in distress before biosecurity protocols are broken too.

Ms. Christine Hogarth: I think that's why the training is so important, to know the difference between a farm animal versus a companion animal.

I'm sure you've heard that we're looking at having a multi-disciplinary table that will talk about these issues

ongoing. So this is like a first big step, but ongoing we can have these discussions. We want to bring people from all different aspects to sit at this table. We would like to certainly have your feedback on the table. Is that something you're interested in participating in?

Mr. Keith Currie: Well, if it pleases the government, I'd be happy to be the first call.

Ms. Christine Hogarth: Thank you. I have no further questions.

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

Mr. Lorne Coe: Thanks very much for the delegation and travelling here to be before us this afternoon.

I wanted to turn to one of your recommendations. It speaks to including a specific exclusion for livestock guardian dogs. I'm just reflecting a bit on the number of farms across the province. How often would have you on a farm a type of dog who would be doing what you suggest? Is that on every farm? Is it in specific areas of the province, as opposed to others? I could understand, perhaps, this recommendation in the context of northern Ontario, but in areas, for example, that I represent—where I do have a farming community in the north part of the my riding—I can't remember ever going on to the farm and seeing a dog like you're describing here. Can you just elaborate a little bit more on this recommendation and why you think it ought to be in the legislation?

Mr. Keith Currie: Guardian dogs are becoming the norm, in particular in the sheep industry. These dogs live with the sheep, and they're there to protect them from coyotes and wolves in particular. They are the biggest predator for those animals. Coyotes are everywhere, as you know. It doesn't matter whether you're downtown in the 416 or whether you're in northern Ontario: They are everywhere. So it's very common to be seeing these dogs with sheep, in particular. There are some cattle producers—calf operators, where there are young calves that are easy prey to predators—where livestock guardian dogs are present.

The reason for our recommendation on their exclusion is that we don't want them to be caught up in the fighting example, because they potentially could be fighting off predators—fighting with wolves or coyotes to protect the animals. That's why we don't want any example of them being called a fighting dog. They truly are a guardian dog.

Mr. Lorne Coe: Thank you for that answer. Through you, Chair, I just want to move to another area of the delegation's submission, and that's online bullying. What you describe here in your narrative is really disturbing to read. How widespread is that in your community? Can you give us some examples of what is occurring and the frequency of that, please?

Mr. Keith Currie: Farmers, by nature of their business, deal with mental stress, whether it's weather, whether it's markets. But probably the single biggest factor these days on our stress is harassment, especially social media harassment. The easiest solution to that is to get off social media, but there are all kinds of advertisements now—you'll see them on TTC subways; you'll see them at stops—where they're portraying farmers as these

bad abusers of animals. The reality is, there's an economic piece to this for farmers as well. If my animals are not doing well, then neither is my bottom line. Now, we recognize that not everybody in the world is perfect, but by and large, farmers are good caretakers of animals.

This constant bashing of farmers and agriculture enterprises is not just limited to farmers. This also goes into the transportation side of things as well as the processing side of things, so it's very big. Anything that can be done to recognize consistent, habitual abuse on social media in particular would be very greatly appreciated.

Mr. Lorne Coe: Thank you very much for your answers.

The Chair (Mr. Roman Baber): Ms. Kusendova, with about two and a half minutes left.

Ms. Natalia Kusendova: Good afternoon. Thank you so much for being here. My colleague drew an interesting distinction between companion animals and agricultural animals. One of your recommendations is to remove the word "psychological" from the proposed definition of distress. We've heard arguments from both sides of the debate today. Can you elaborate a little bit on why you think the word "psychological" should be removed, and perhaps would it apply differently to companion animals versus agricultural animals?

Mr. Keith Currie: I'm here to speak today on farmed animals, as I mentioned. We all have dogs and cats as a pets. They live with us. They're on our lap when we're relaxing. They're sleeping with us in bed. They're always around us when we're at home. So there's a different relationship than there is with farmed animals.

If I walk into a pen of cattle that I've had my entire life, I still am very careful about walking into that pen. There is a respect between the animal and the owner, but they could very easily kick me, push me against the side, or bunt me with their head. They could harm me. So there is a respect factor that one must take when housing and caretaking for farmed animals.

The psychological assessment is something—I don't know how you would do that. You can certainly tell if your house cat is sick or upset with you. That's because they live with you and you see them day in and day out over long periods of time during the day. With farmed animals, it's not the same. We do spend a lot of time with our animals, but that emotional interaction—it's there when we lose an animal, but it's not necessarily there on an ongoing basis like it would be with a domesticated pet. For an officer coming in to try and understand the psychological aspect of an animal—I think that would be extremely difficult to prove, and it would be left to interpretation.

The Chair (Mr. Roman Baber): Under a minute.

Ms. Natalia Kusendova: Would you then say that the word "psychological" could potentially be left for companion animals but then excluded for agricultural animals?

Mr. Keith Currie: I don't want to speak for the companion animals. That's not my area of expertise here.

I'm speaking strictly for the farmed animals. We would like to see it pulled out from farmed animals.

Ms. Natalia Kusendova: Thank you.

The Chair (Mr. Roman Baber): Seeing no further questions on the government side, we'll now turn it over to the opposition for up to 10 minutes of questioning: Mr. Yarde.

1410

Mr. Kevin Yarde: Thank you to the delegation for coming. I just wanted to continue along the lines of the psychological aspect that you want to remove from this act. We did hear earlier on, in a testimony, people stating that if an animal is behaving differently than it would normally behave, that might trigger that there's some sort of psychological distress in the animal. What's your take on that explanation?

Mr. Keith Currie: As a farmer, if I notice something going on with an animal, typically it means that either it's under health stress—there's something going on with it physically: Either it has been injured or has a disease. Then you would investigate to see whether it has a temperature or other signs that this animal is under some kind of stress. In that case, you would call your veterinarian to come in and have a look-see.

Sometimes, animals fight, too. Sometimes, within their own species, there is some segregation that goes on, especially once new animals have been entered into an existing herd. So there is some of that going on.

As far as deciding whether something's going under a psychological problem—I'm certainly not an expert in that field, and my first call would always be to a veterinarian to come and make an assessment on that animal from their expertise.

Mr. Kevin Yarde: As opposed to calling an inspector?

Mr. Keith Currie: As opposed to calling an inspector.

We're typically not talking about an entire herd of animals that are acting funny. If they are, is there a predator amongst them that's making them nervous? Are there activists?

I'll give you a prime example: About three weeks ago, some activists entered a duck farm—this was in Europe—holding a vigil because they felt that these animals were not being looked after. It was an animal welfare activism act. They went into this duck barn. Poultry in general, when they see something out of the norm, such as some people they don't know—there were about 30 of them with flashlights and candles, which again are bad in a barn—tend to herd. What ended up happening was that about 80% of these animals died from stress, by being introduced to something strange like an activist group.

You will understand that if there is something wrong with a group of animals, there's more going on than maybe psychological. There's some kind of a barrier there. It's possible that the well went dry, for example, and they're looking for water, or there could be, as I mentioned, a predator amongst them that's different than what they are normally used to.

Mr. Kevin Yarde: Okay. I just want to skip to section 65. You mentioned that you want it completely removed

from the bill—having to do with municipalities. What is your main concern, other than the obvious? What would your concern be with that?

Mr. Keith Currie: I'd like to see consistency enforced across the province. That's one of the reasons. The other reason is that pretty well every municipality in this province now has a council made up of people who do not have an agricultural background. For them to try and understand what is a proper protocol for a farming operation doesn't make sense, because most councils don't—they may have an ag advisory committee that they could refer to, but they may be passing legislation that might come with unintended consequences. They might be thinking that they're doing the best thing, and it may have unintended consequences. We're looking for that consistent enforcement of rules right across the province, not more restrictive than others, depending on where you are.

Mr. Kevin Yarde: Okay. The Trespass to Property Act: Do you not find that it's already strong enough the way it is, or do you want to be stronger?

Mr. Keith Currie: Part of the process now, when there are trespassers on your property—if a phone call is made to police, it's typically not high on their priorities, depending on the situation. But they also do an assessment to see what the likelihood is of a conviction. We have people in our judicial system—judges—who don't fully understand the agricultural farming situation, so they may not likely have a conviction. We had a case of woman who twice entered a pig barn, took pigs out of the barn and videotaped herself taking the pigs. It was theft. The judge said that there wasn't enough evidence for a conviction.

We need tougher rules, black-and-white rules: If you do this, this will happen. Part of that is biosecurity protection; part of that is animal protection. We have people taking animals out of a facility where they're cared for and not necessarily having the knowledge or the availability of equipment to look after those animals, because they think they're doing the right thing. So we need protection for those animals from activists as much as we do from anything else.

Mr. Kevin Yarde: Okay.

Mr. Gurratan Singh: Earlier, it was mentioned—

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

Mr. Gurratan Singh: Thank you, Chair—

The Chair (Mr. Roman Baber): Mr. Singh, if I may also ask you to bring your microphone just a little closer.

Mr. Gurratan Singh: Yes, of course.

The Chair (Mr. Roman Baber): Thank you.

Mr. Gurratan Singh: Earlier, it was discussed how in Quebec similar legislation has gone as far as to say, "Animals are not things. They are sentient beings and have biological needs." What is your perspective on Quebec's legislation in that respect?

Mr. Keith Currie: Again, I'm going to speak on behalf of farmed animals, not domestic pets, but we would be opposed to animals being considered sentient beings. Farmed animals are not domesticated animals. As I mentioned earlier, they react differently than a pet would to human interaction. I think it would be a tragedy if they

were declared a sentient being, because that would open up a Pandora's box of interpretation on what's right and what's wrong, especially from authorities who may or may not be trained in understanding what that means for a farmed animal versus a domestic animal.

Mr. Gurratan Singh: If we remove "psychological needs" from legislation, how do we protect non-physical trauma or pain or abuse that might be happening to animals?

Mr. Keith Currie: Could you give me an example of what that might look like?

Mr. Gurratan Singh: I guess what I would actually do is I would turn it onto you and say, if there's an opposition to this and you're saying that it's going to result in something that will potentially have too broad a definition—I guess what I'm trying to narrow in on in saying is: What is the concern and what it is prohibiting? The safety of it, one could say, is that, as described in earlier testimony, there has been discussion around the social nature of animals, the network that they have amongst themselves. This is stuff that on National Geographic we see all the time: For non-domesticated animals, domestic animals, agricultural and non-agricultural, there's a social setting and a social experience that is experienced amongst a variety of mammals and animals across the board.

So my question to you is: If we take that protection out, then how do we ensure that factors—as I was describing earlier in testimony with respect to the social structure and those factors. How can you ensure that non-physical trauma or pain to animals—that animals are still being protected within that respect?

Mr. Keith Currie: Farmed livestock are creatures of habit. What I would hope—and it goes back to a question asked by the government earlier, on making sure that we have adequate training involved from the officers to understand what the proper way is to house an animal and what the proper way is to look after an animal. Some of that has to do with what you're talking about. That can be embedded in the training so that an officer can recognize when there's more than just physical needs that are not being met by our animals—that, in conjunction with veterinarians. They can easily determine what the adequate training could be for recognition of those situations.

Mr. Gurratan Singh: But if there's a removal of psychological—how is it enforceable if that may be present? If we have that component removed from it completely, then arguably, that kind of abuse could go on without there being any ability to create repercussions to it.

Mr. Keith Currie: Again, I'd have to get you to give me an example of what "psychological" would mean, because right now I don't know exactly what that would mean. It's open right now to any interpretation. You can accuse anybody of psychological abuse without actually defining what that is. That's why we are concerned with that terminology, because of the widespread interpretation that it could present.

Mr. Gurratan Singh: So you would be open to a form of legislation in which that term is defined—given the definition, obviously. But it's not that you're against "psychological" per se; more so that, in the current context, you don't know what that means. Is that fair to say?

Mr. Keith Currie: I don't know what it means, and I don't want to be in favour of it if it—I'd have to see it before I would say I was in favour of it. Right now, we don't like the opportunity for interpretation, so we would like to see it removed.

The Chair (Mr. Roman Baber): You have just about a minute left.

Mr. Gurratan Singh: My last question is: In your capacity as an Ontario federation, have you seen the impact of Quebec's legislation passed in 2015 and how that has had impact on their farming industry?

Mr. Keith Currie: To be honest with you, it's not something that I've looked into. I'm not aware of positive or negative impacts that that legislation has had up to this point. I don't know whether either one of my colleagues has any understanding of it.

Mr. Peter Jeffery: We haven't heard of any.

Mr. Gurratan Singh: So it's fair to say that the new intentions haven't resulted in any widespread damage to the industry in Quebec?

Mr. Keith Currie: No, I'm saying that I haven't had conversations with them to understand. It's possible that there are some negative ramifications. I just haven't looked into it to know.

Mr. Gurratan Singh: Thank you.

The Chair (Mr. Roman Baber): Thank you very much, members. I am informed that representatives of the Dairy Farmers of Ontario will be here shortly.

Thank you very much. I want to thank representatives of the Ontario Federation of Agriculture for their submissions. I know that you've already filed some written submissions, but should you have any further written submissions, the deadline is 5 p.m. today. Thank you again.

Seeing that we're still waiting for members of the Dairy Farmers of Ontario, I propose that we break for seven minutes and resume at 2:30.

The committee recessed from 1422 to 1431.

The Chair (Mr. Roman Baber): I'd like to resume this meeting of the Standing Committee on Justice Policy. We're here to consider Bill 136, the Provincial Animal Welfare Services Act.

DAIRY FARMERS OF ONTARIO

The Chair (Mr. Roman Baber): I'm pleased to now welcome members of the Dairy Farmers of Ontario. I'd like to call Maria Leal, Heather MacGregor and Shikha Jain. Good afternoon, and welcome. I invite you to make your initial submissions for a period of no more than 10 minutes. Kindly commence by stating your name for the record.

Ms. Maria Leal: Good afternoon. My name is Maria Leal.

Ms. Shikha Jain: Good afternoon. Shikha Jain, from Dairy Farmers of Ontario.

Ms. Heather MacGregor: I'm Heather MacGregor.

Ms. Maria Leal: Dairy Farmers of Ontario is the organization that represents approximately 3,400 producers in the province.

Ms. Christine Hogarth: A little louder.

Ms. Maria Leal: Is that good enough? Can you hear me? Can everybody hear me okay? Yes?

We are basically the marketing board for cow milk. Again, we represent all of the cow milk producers in the province. First of all, we would like to commend the government for putting together this piece of legislation in very challenging circumstances. The feedback that we would like to offer today is mostly on the side of clarifications that we feel could be needed to improve this piece of legislation.

We'll go by the written submission that we provided. I believe that you all have it with you. I'll start on page 2, on clarification under the definition of "distress." The proposed act includes—as far as the definition of "distress"—"subject to undue ... psychological hardship." In our view, "psychological hardship" could have a broad meaning and is not further defined in the act, which we believe could lead to inconsistent enforcement.

Our recommendation is that "psychological hardship" be removed from the definition of "distress." An alternative to this: We are recommending that "psychological hardship" be precisely defined so that it establishes an objective standard incorporating appropriate criteria that all of the animal welfare inspectors can uniformly apply.

The second topic is on "standard of care" in section 1. What we are recommending here is that the legislation reference the NFACC codes of practice as standards of care for livestock. The codes of practice are documents that are developed by the National Farm Animal Care Council. These codes are developed through multi-stakeholder committees that include producers, processors, retailers, scientists, government, etc. They are also updated regularly to make sure they stay current. We in the livestock agriculture community recognize those as meeting an appropriate standard of care. Again, our recommendation is to include those, and we are also providing in our submission wording to that effect.

Under required training: We are pleased to see that required training has been considered within this legislation, and we just wanted to reiterate how important that is, particularly with respect to the different species of animals, just to make sure that that enforcement is consistent. DFO would be pleased to provide support to the government in this regard, as it has in the past.

Under the obligation to report—that would be section 14—and exposure to undue risk of distress, under section 15: What we would like to consider here is the fact that Dairy Farmers of Ontario, under an agreement with the Ministry of Agriculture, is responsible for the administration and enforcement of regulation 761, Milk and Milk Products, respecting cow milk producers, their premises, the quality and safety of their milk, and the welfare of their

animals. Like I said, this regulation has provisions for animal welfare on the farm. DFO monitors compliance with these provisions through our farm inspection program, and DFO places lots of resources behind this program that allow us to conduct monitoring and follow-up and to apply consequences that range from financial penalties to shut-off from the milk market.

In the past, DFO worked closely with the OSPCA in resolving animal welfare issues, particularly those issues that fell outside of regulation 761's authority. Those would be the ones where DFO would reach out to the OSPCA to get their help to resolve. For issues that fall within the scope of regulation 761, DFO would enforce and follow up directly with the producer without involvement from the OSPCA. What we are trying to get at here is that we would like for that arrangement to continue. DFO would be happy to develop a new framework with the chief inspector for this to continue to happen.

The other aspect of this that we would like for you to be aware of is—because we have that authority and we use it through our inspectors, DFO would like to caution you to avoid the unnecessary administrative burden that would result in the event that an appointed inspector is required to report to the chief inspector issues that are already being dealt with under the authority of regulation 761. We would like for there to be acknowledgement in the act that these activities take place and that we have, under regulation 761, this authority and that we will use it without having to overlap with the chief inspector under the PAWS Act.

Section 15 is on exceptions in regard to distress. The comment that we have here is basically that agricultural activities have been listed as an exempted activity. Our concern here is that this may be misinterpreted as a blanket exemption. What we have provided here is language that qualifies that exception. Basically, under subsection 4(c), on the bottom of the page there's the additional language that we are recommending to qualify that all of this applies "provided that such person, owner or custodian, as the case may be, has implemented and is in compliance with the standards of care or administrative requirements or is engaged in reasonable and generally accepted practices of agricultural animal care, management or husbandry."

Under section 23: The next topic at hand is the animal welfare inspectors' authority to enter. Currently, under the OSPCA Act, the authority exists for animal welfare inspectors to enter with the producer's consent or with a warrant or when an animal is in immediate distress. However, Bill 136 states that "an animal welfare inspector may enter and inspect any place for the purpose of determining compliance," without qualification.

The caution that we want to offer to you today is that an inspector entering without the producer's consent as a standard practice could be problematic in the framework of biosecurity. Biosecurity is a very important consideration for our industry. In fact, our biosecurity program started rolling out in September of this year. We are quite concerned about that, specifically because biosecurity is a tool that we see as allowing us to reach a point where we use less antibiotics to address the antimicrobial resistance

concern. Again, biosecurity is of the utmost importance to us, and we believe that if any person is allowed to enter the farm without the producer having the opportunity to inform them of the biosecurity measures that apply on the farm, then that could potentially create a biosecurity breach and—

The Chair (Mr. Roman Baber): Thank you, Ms. Leal. Unfortunately that concludes the 10-minute presentation, but you're welcome to try to incorporate the balance of your submissions in your answers.

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Ms. Maria Leal: Okay. Thanks.

The Chair (Mr. Roman Baber): We'll now proceed with up to 10 minutes of questioning, commencing with the government side. Mr. Coe.

Mr. Lorne Coe: Thank you very much for being here today. In your submission, at the very start, it says that the legislation is a "proper regime for animal welfare and protection in Ontario." We appreciate that comment.

However, I do have a couple of questions. Your presentation also points out that supply-managed commodities have their own inspectors. Do you see a compatibility with what's proposed within the PAWS Act with the work that your current inspectors do?

Ms. Maria Leal: I see them as complementing each other. The way we see this playing out is that the provisions that we are able to enforce under the regulation that we have the responsibility for—when we run out of authority under those provisions, then we would reach out to the government to address those animal welfare issues.

Mr. Lorne Coe: Okay. Good. Is there specific training that, in your opinion, provincial animal welfare inspectors should be undertaking to effect the provisions of the legislation? If so, could you please share them with us?

Ms. Maria Leal: Yes. I believe that the animal welfare inspectors should be trained on the codes of practice. In the case of dairy, the requirements for animal care—and for all the codes, for that matter—are well defined within the codes. In order to enforce animal welfare, they should be familiar with those requirements.

Mr. Lorne Coe: Thank you very much. Through you, Chair, to MPP Martin.

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

Mrs. Robin Martin: If the bill receives third reading, the Solicitor General would consult on some of the regulatory aspects. In that case, we're talking about updated standards of care etc. Are there certain elements in that regard that you would like to include?

Ms. Maria Leal: In terms of standards of care?

Mrs. Robin Martin: Yes, aside from the codes, which you've mentioned, I think.

Ms. Maria Leal: No, I think the codes would definitely cover standards of care, as far as agriculture and livestock goes. There are other animals that don't have codes of practice, so for those I think you do need to put some definitions in.

Mrs. Robin Martin: All right. And I take it from what you've said in your presentation that you think this legislation is heading generally in the right direction. You

had some specific comments, but overall you're satisfied with the direction of the legislation.

Ms. Maria Leal: Yes, definitely. This legislation addresses some fundamental issues that we thought existed with the previous animal welfare enforcement system—more on the side of accountability and funding and all of those things. Generally speaking, this legislation is moving the system in the right direction.

Mrs. Robin Martin: Okay. Thank you. That's all I have.

The Chair (Mr. Roman Baber): Seeing no further questions on the government side, we'll now pass it over to the opposition for up to 10 minutes of questioning. Mr. Yarde?

Mr. Kevin Yarde: Thank you for coming in today. We've heard from other deputants today the concern with biosecurity—that was your last point until you got cut off—and animal welfare inspectors being able to enter a premises. What do you say to the argument that it's best to have an inspector go without a dairy farmer or cattle farmer knowing that they're coming and that biosecurity concerns are just a way to hide what may or may not be going on? What do you say to people who say that they should be able to go on the premises without having to get the full garb on and just go and protect the animal?

Ms. Maria Leal: The biosecurity concerns are real. They are not just an excuse to prevent people from entering the farm; they are real. Disease transfer is real across all commodities, and that's what we're trying to avoid.

In the case of an animal welfare inspector entering, in my experience—I've been dealing with this file for almost seven years now within DFO—in the vast majority of cases, when an animal welfare inspector shows up on a farm and asks to enter, they are provided that consent. It's not an issue of anybody expecting that farmers will stop the animal welfare inspector from entering. For the most part, farmers allow the animal welfare inspectors to enter. In my experience, again, the cases when a warrant has been required are probably less than a handful of cases since I've been dealing with this file.

Mr. Kevin Yarde: Okay. You didn't get a chance to go through the rest of your submission. I see on here—it has also been brought up by other deputants—the fines, that farmers could be seen as corporations. The government said that they have strong teeth in this bill—some higher fines than what we've seen in the past. What is the concern for the dairy farmers?

Ms. Maria Leal: The concern for us is more on the side of—the fines are high, if you consider the history of the previous regime, but that's not really our concern. The concern is that a family farm—many of them are very small businesses. They are incorporated just to allow for transitioning to the next generation—

Ms. Shikha Jain: Succession.

Ms. Maria Leal: Succession; thank you. That was the word I was looking for—just to allow for succession. They could be facing those high fines that apply to corporations

just because, technically, they are a corporation. But they're mostly family farms.

Mr. Kevin Yarde: All right. We have heard the concern with distress and what the meaning of it is. We've actually heard from both sides, saying that you can, and then, on the other side, saying that you cannot determine what an animal is feeling or thinking. Can you elaborate a little bit more on that, on why you think it's a concern and why you want to see the term “psychological” removed from this bill?

Ms. Maria Leal: The reason that we would prefer for it to be removed is because it's lacking definition. It could be so broad that we feel it could lead to inconsistent enforcement.

It's not the fact that psychological well-being is not part of the welfare of an animal; yes, it is. It's problematic when it is in a piece of legislation because of the difficulty there is in defining it.

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

Mr. Gurratan Singh: I have a quick question: Would you be okay with a definition that said, “‘Psychological distress’ are conditions that cause the animal extreme anxiety or suffering”?

Ms. Maria Leal: My first reaction to that is that defining anxiety and how you identify anxiety are difficult to assess.

Mr. Gurratan Singh: What are your thoughts with this statement: “Animals are not things. They are sentient beings that have biological needs”?

Ms. Maria Leal: In our opinion, we would like for animals to continue to be considered as property, just because it basically lays out our responsibility as the owners to provide for their care. That's our position on the “sentient” versus “property” issue.

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Mr. Gurratan Singh: Both of those components that I just referenced are from the animal protection rights in Quebec, which is something I learned about today, which defines animals as such, and has that same definition. Distress is defined as if it exposes an animal “to conditions that cause the animal extreme anxiety or suffering.”

I did a quick Google search and found that, despite having a definition that says that animals are sentient and says that distress is defined in the way I just described to you, Quebec is still leading Canada as the number one dairy producer. This legislation was passed in 2015, and as of the StatsCan research I'm looking at right now, Quebec has 37% of the provincial distribution of dairy cows, and as per the producers of milk in Quebec, “Quebec's dairy sector has always been and still is the largest agricultural sector in Quebec.” That's quoting from their website directly. A definition of sentience to animals has had what seems no negative impact on Quebec's dairy farming. If anything, it seems to be the largest impact. What are your thoughts on that?

Ms. Maria Leal: I can't comment on that piece, just because I'm not familiar enough with the Quebec legislation and how that came about. I can't really comment.

Mr. Gurratan Singh: Can you comment on the idea or give your thoughts on the concept that a definition of sentience—even your feelings on the fact that a definition of sentience, with respect to the protection of animals, seems to have not had a negative impact on Quebec’s dairy industry? Is that something you can give your own thoughts of how you feel about that?

Ms. Maria Leal: Again, I’m not familiar with how that played out in Quebec or how it is playing out in Quebec, so I couldn’t talk from a framework of any experience with that. What I can properly speak to is, as a concept, property versus sentience. Our position is that if animals continue to be property, then that lays out the responsibility for the owners to provide for their care.

Mr. Gurratan Singh: Finally, cognizant of the time, with respect to being able to attend a dairy facility, would you be okay with, as long as an inspector is compliant with the biosecurity conditions, that they be able to attend immediately to a location?

Ms. Maria Leal: Yes, I believe that they should attend immediately. That’s not the issue here. The challenge with being able to be compliant with biosecurity is that biosecurity requirements are particular to each dairy farm, depending on the diseases that they might be facing, depending on how the farm is laid out, and how they want the flow of visitors to go from one part of the barn to the other. They are particular to each dairy farm. Not having the opportunity for the dairy farmer to tell the inspector, “This is the flow of our visitors,” and, “This is what we expect you to comply with as far as our biosecurity measures”: That is challenging. That communication needs to happen in order for the farmer to convey those measures to the inspector.

Mr. Gurratan Singh: I don’t know if that brings us to the end of our—

The Chair (Mr. Roman Baber): That brings us to a conclusion of the time allotted. I’d like to thank the Dairy Farmers of Ontario for their submissions and remind them that if there are any further written submissions to be anticipated by the committee, those should be filed by 5 p.m. today.

ZOOCHECK INC.

The Chair (Mr. Roman Baber): I’d like to invite Rob Laidlaw of Zoocheck Inc.

Mr. Rob Laidlaw: I think I’m next.

Ms. Christine Hogarth: Are you Rob?

Mr. Rob Laidlaw: Yes.

The Chair (Mr. Roman Baber): Good timing.

Ms. Christine Hogarth: Perfect timing.

The Chair (Mr. Roman Baber): Do you need a minute?

Mr. Rob Laidlaw: Maybe 30 seconds; I’ve just run in.

The Chair (Mr. Roman Baber): No problem.

Mrs. Robin Martin: Catch your breath.

Mr. Rob Laidlaw: Yes, I’ll catch my breath.

The Chair (Mr. Roman Baber): Welcome, Mr. Laidlaw. I invite you now to make your initial presentation. You have up to 10 minutes. I kindly ask that you begin your submissions by stating your name for the record.

Mr. Rob Laidlaw: My name is Rob Laidlaw. I’m the executive director of an organization called Zoocheck, which is a wildlife protection charity based in Toronto, that I started 35 years ago with the sole purpose of dealing with some of the issues that I’m going to discuss in just a minute. The primary issue back then that I wanted to deal with was to establish some type of regulatory regime for the keeping of wildlife in captivity in Ontario. I wanted to give you a bit of background as to how I came to be involved in this.

But first, I wanted to say that I think Bill 136 is a very positive step forward, and I welcome its implementation when it’s through the process as I believe it has the potential to address some of Ontario’s long-standing and newer issues with regard to wildlife in captivity. For me, like I said, it has been a very long time coming.

My journey, in trying to deal with these issues, began in 1984 when I visited the now defunct Wasaga Beach game farm up in Wasaga Beach, on Georgian Bay. I walked in as somebody who supported zoos and those types of things and saw just horrific circumstances, with animals in very cramped, makeshift kinds of cages, no shelter—some had frozen to death over the winter. Other animals were standing in excrement a metre deep that had compacted into a concrete-like consistency, and they were forced to live on it. I had never seen anything like this in the province, and it led me to start to look in a rather comprehensive way at what the status of wild animals in captivity was in Ontario.

I found that, at the time, Ontario didn’t regulate any of these places. In fact, the government officials I contacted didn’t even know how many were out there, and neither did any other organization or agency that I was in touch with.

After investigating the issue, it turns out that Ontario had the largest number of slum, or roadside, zoos in the country and the greatest number of exotic animals kept by private individuals, and it was completely unregulated and uncontrolled. Nobody was doing anything, so I was encouraged by Tom Hughes, the former CEO of the Ontario SPCA, to do something about it. I said to Tom, “Sure, I’ll do something about it.” I thought it would take about 18 months to rectify the problem, and now here we are 35 years later, still talking about it. Things move slowly.

Since those early days, however, we did a lot. Myself and my colleagues conducted literally hundreds of zoo visits and investigations, including numerous provincial surveys. We’ve had involvement in virtually every initiative that was attempting to deal with this issue since the mid-1980s, when the Game and Fish Act was being discussed; through 1988, Ed Philip’s private member’s bill to deal with this; the interministry committee on animal welfare under the David Peterson government and the Bob Rae government. Every private member’s bill and other

initiative since that time, we've been involved with. Only now do I see that there's a bit of a light at the end of the tunnel on some of the issues that I'm dealing with and have dealt with.

I should say that we've also advocated throughout the years for a change to Ontario's animal welfare system because we found it non-responsive to change. It was very cumbersome and difficult to deal with. So having something like Bill 136 happening is like a breath of fresh air after all those years of toiling with this very dysfunctional kind of system. I should point out that most recently we produced two reports on the animal welfare system in Ontario with our colleague organization Animal Alliance of Canada. We outlined a number of key aspects of animal welfare law that we think should be incorporated. Many of them, we're very happy to see, have been incorporated into Bill 136. So that's great.

I should say, even in the absence of regulation in Ontario throughout those years, we managed to push down the number of slum zoos in Ontario; they're a fraction of what they used to be. But Ontario is still the worst jurisdiction in all of Canada for these types of facilities. There are some absolutely horrific and terribly unsafe facilities in this province and certainly the greatest number of problematic exotic animals as well. The makeup of Ontario's exotic animal population has shifted somewhat over the years, as trends change and as things become exploitable that weren't before, but the problem is still quite severe.

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In recent years, we've seen something very alarming. While the numbers of these slum zoos went down, with the advent of everyone having a laptop computer at their home or a home computer we've seen this explosion in the number of what we call MLAPs, mobile live animal programs. These are people or businesses that take every kind of zoo animal you could think of, from tarantulas to tigers, out to daycares, schools, children's parties, corporate events—basically anybody at a venue that has a cheque to pay the fee for the animal appearance can get the animals there. These are completely unregulated. They pose severe animal welfare problems and severe public safety problems. We've documented about 75 of them operating in southern Ontario right now, and they largely go under the radar. We've got a big, big problem, and it's because there's no regulation and no oversight, so Bill 136 is very welcome in that regard.

I just wanted to point out one other thing about these businesses: There's no regulation, either, on how they promote themselves. Many of them call themselves animal rescuers; they call themselves animal educators; and some of them even call themselves animal therapists. They do that to market themselves and their products, which are their animal appearances.

Bill 136, like I said, provides some hope to me that many of these long-standing issues and newly emerged issues can be addressed.

With regard to the bill itself, I want to say that generally I support it. I think there are some great things in it. But

today I just wanted to talk about two things, and my apologies if anyone before me—I wasn't here so I don't know what other people said, but my apologies if I'm repeating anything. As you know, Bill 136 incorporates the ability for creating lists of prohibited and restricted animals. I assume by "restricted," that means you would require some type of permit to keep or breed those animals in the province. You find that in sections 18(3) and 22 of Bill 136. The prohibited and restricted lists are a great thing to have in Ontario. It's going to solve a problem, particularly with dangerous animals, but it's not quite enough to deal with the issue. Inevitably, prohibited and restricted lists will not—I repeat, will not—include thousands of potentially problematic species that could be exploitable for profit or that can currently be acquired by private individuals for personal amusement in the province.

Prohibited and restricted lists tend to be relatively standard in their makeup. If you look at legislation across the country, you'll see that. They tend to be focused on the charismatic mammals or the animals that pose an immediate threat to public safety, so they're skewed more towards mammals and a few other kinds of creatures. But that leaves a lot of animals that are unaddressed. Just to give you an idea of numbers, here's the number of species that we're talking about: 5,600 species of mammals in the world, 10,000-plus species of birds, almost 11,000 species of reptiles, 31,500 species of fish, and untold numbers of species of invertebrates, a grand portion of them being potentially exploitable by people who want to profit from them or keep them. The prohibited and restricted lists never reflect what's actually out there, but there is a way of dealing with that challenge.

That challenge of dealing with all those is done through—and I'm sure that somebody this morning mentioned it—the use of positive or permitted lists. When I was reading the legislation, I thought, "You really need a positive or permitted list in there as well." Animals on permitted lists, which are just animals that are allowed to be kept by any member of the public without any type of permission or permit, are vetted according to a set of pre-established criteria to make sure that they're safe, they don't pose any problems in terms of animal welfare, and they don't damage our ecologies if they escape. They're vetted according to criteria.

If you have a permitted list, in addition to the prohibited and the restricted lists, you've covered everything that's out there. All of the 70,000 or so other species that are out there, you've covered. If it's on the permitted list, it's allowed; if it's on the prohibited list, it's not allowed; if it's on the restricted list, it's regulated. Anything that doesn't appear on the rest of the list isn't allowed unless it goes through a vetting process. So you've covered everything that exists in the world in terms of animals if you add a permitted list.

The Chair (Mr. Roman Baber): Mr. Laidlaw, you have about 45 seconds left for your initial submission.

Mr. Rob Laidlaw: Okay. Nova Scotia does this. I would say that if you do that, the approach is comprehensive; it's fair; it's science-based; it's easy for members of

the public to understand; it's cost-effective; it could potentially save hundreds or thousands of employee-hours; it's preventative in terms of animal welfare and public safety; and it puts control into the hands of the government. The government is not in a situation of having to respond to everything that comes up. The people who want to exploit or keep or use these animals have to do all the work and present it to you and have it vetted. So it's a much, much more effective way of operating.

I did have something to say about—

The Chair (Mr. Roman Baber): Thank you, Mr. Laidlaw.

Mr. Rob Laidlaw: Can I take five seconds?

The Chair (Mr. Roman Baber): Yes.

Mr. Rob Laidlaw: Okay. I just wanted to say—and I won't expand on it, obviously, because I don't have time—that the other point I wanted to make, but I've run out of time, is that I think there should be a definition of animal welfare in the act. The term "animal welfare" is mentioned 278 times in the act, and there's no definition for it. I think that is a real deficit. Thank you.

The Chair (Mr. Roman Baber): Thank you, Mr. Laidlaw. I would invite you to try and incorporate some of your additional suggestions or submissions into the answers that you're about to give.

Mr. Rob Laidlaw: I will try.

The Chair (Mr. Roman Baber): We'll begin with members of the official opposition, for up to 10 minutes of questioning. Mr. Yarde.

Mr. Kevin Yarde: Thank you for coming in this afternoon. I really appreciate your talking points. I want to talk about something that you haven't mentioned yet. I just want to get your viewpoint on it, because we've been talking about it all afternoon and there are two different answers and two different sides to this.

In section 1, regarding distress, I just wanted to get your answer, your opinion on this. I'm just going to read this here: "subject to undue ... psychological hardship." Psychological hardship is in this act. Do you think it should be in the act or it should not be in the act? Should it be changed? What do you think about that?

Mr. Rob Laidlaw: If it's a true animal welfare act, absolutely it should be in there, because when you look at animal welfare—and this is articulated in all of the academic literature on a global basis. If you look at animal welfare science, it says that there are three components to animal welfare.

Number one, there is the biological aspect of animal welfare. Is the animal functioning normally in terms of respiration and its circulatory system? Is it functioning as it should?

The second aspect is the effective states of the animal. That is, how is the animal feeling? Because we now know there's this huge emerging body of science, even going down to invertebrates, fish and amphibians, that shows that these animals have many of the same types of emotional states—maybe not to the same degree, but they have the same types of emotional states—and the cognitive, emotional and social capabilities of other so-called

higher animals. So now all definitions of animal welfare in the science community say that effective states are important.

The third aspect is, animals must, to have good welfare, be able to live according to the natural adaptations that they've evolved. So they should be able to do at least some of the things that they've evolved to do.

Those are the three tenets of animal welfare that are manifested, like I said, globally in the academic literature on animal welfare. If you go to conferences, you'll hear them talking about this. So absolutely, psychological deprivation and those other things should be in any law that purports to be an animal welfare law. If not, then they're only dealing with that first aspect of welfare, which is the biological functioning of the animal.

Mr. Kevin Yarde: What do you say to the argument that it leaves open to broad meaning the term "psychological hardship" and may lead to inconsistent enforcement?

Mr. Rob Laidlaw: I would say that that is a discussion to be had later. I think the consensus scientifically on that aspect of animal welfare is unequivocal. There's no argument anymore. There's nobody out there saying, "No, we shouldn't be addressing these kinds of things."

In fact, in my work—I used to be a humane society inspector, as well, and like I said, I've done hundreds of zoo inspections all over the world. There are all kinds of animals that are functioning, in a biological sense, very well, but mentally they're not, and you can see that manifested in all kinds of ways. There are things called stereotypic behaviours, burst stereotypies and chronic stereotypies, where animals are pacing or rocking or self-mutilating. There are all kinds of behavioural indicators that show that animals are suffering mentally. I think we have to dive right into that area. Then if there's a discussion to be had about what it all means or where it ends up, let's have that discussion, but to leave it out is irresponsible, if we're really concerned about animal welfare.

1510

Mr. Kevin Yarde: Thank you.

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

Mr. Gurratan Singh: The response from previous testimony was with respect to agricultural animals. Much of the testimony was supportive of a definition of animals being property as opposed to sentient beings. What is your perspective on that?

Mr. Rob Laidlaw: I would say, again, if you look at the science, it's unequivocal that they are sentient beings; of course they are. Around the world—in Canada, most recently the province of Quebec under their provincial animal cruelty law recognized the sentience of certain kinds of animals. But I don't think that's up for debate. People can say what they want, but that doesn't make it true. All animals in agriculture are sentient animals.

Mr. Gurratan Singh: Can you just provide us descriptions of what psychological distress would look like amongst agricultural animals, specifically livestock animals?

Mr. Rob Laidlaw: A lot of the agricultural animals are grazing animals, so you see stereotypic behaviours, which are basically defined as meaningless, repetitive movements divorced from their original stimulation. There are three kinds.

There are movement stereotypies that you see in big cats and bears where they pace back and forth. If you go to the Toronto Zoo, you'll see them doing that.

There are oral stereotypies: tongue-playing, licking the environment around them, bar-chewing and all that. Because most of the animals in agriculture, at least in terms of mammals, are grazers, you'll see the oral stereotypies.

Then there's a catch-all other category of stereotypies that you see, like point-tipping in birds and loop-pushing in snakes and all of that.

If you look, you can find the indicators of that and you can see the agricultural industry trying to address some of these but in the wrong way. They're not trying to get rid of the motivation for the behaviours. They'll dock the tails of pigs and do things like that to try to combat the effects of these behaviours, rather than give them better conditions and try to erase the behaviours entirely.

There are all kinds of behavioural indicators of problems psychologically. There may be physical indicators: body temperature changes; there are respiratory changes; there may be hormone-level changes. There are all kinds of ways of assessing the welfare, both physical and psychological, of animals.

Now, I'm not trying to suggest that we can get into their heads and know what they're thinking, because we can't. We can't even do that with each other. But we can look at those behavioural indicators, we can look at those physical indicators, we can do preference studies to see what the animal wants to do—you can do this with fish; you can do this with chickens; you can do this with elephants. You can compare what is the natural life and the time budgets for the activities that these animals engage in in a natural state to what that animal can exhibit in the captive state, whatever that may be.

There are all kinds of ways of informing deliberations about what that animal is going through. Anybody who says that there isn't either doesn't know or they're being disingenuous.

Mr. Gurratan Singh: One of the criticisms provided was that the use of "psychological distress" was too broad. What are your thoughts with respect to that? That term is too broad because it leads to the gamut being too large for what is defined as "psychological distress": What would your response to that be?

Mr. Rob Laidlaw: It is large, just like with humans. There is this broad continuum of things that can affect us mentally and then lead to other things, like physical symptoms and physical ailments. I would say it is broad, but that's a discussion that can be had later. I think we need to look at creating the framework for that discussion to take place and then decide where the line is. It may be lower than some of us would like; it may be higher than some other people would like. But I think that discussion,

if we're legitimately concerned about animal welfare, should take place.

The Chair (Mr. Roman Baber): Two minutes remaining.

Mr. Gurratan Singh: Further to that point, the province of Quebec has put forward their bill, which accepts that animals are sentient and further has a definition of distress, which is as follows: "An animal is in distress if ... it is exposed to conditions that cause the animal extreme anxiety or suffering," a definition which I would argue is broad. Has there been any indication that this piece of legislation has had any negative impact on the agricultural sector in Quebec?

Mr. Rob Laidlaw: I can't really answer that question. I haven't followed it closely. All I can say is, I'm not aware of anybody expressing that concern. But I can't speak to that.

Mr. Gurratan Singh: Do you know of other jurisdictions across Canada or the world which have put forth legislation which accepts the sentience of animals?

Mr. Rob Laidlaw: I haven't done a poll of other legislation. I would say that there are elements of that. If you look at zoo legislation in India under the Central Zoo Authority, there are examples of it. I can certainly provide those, but not off the top of my head right now.

Mr. Gurratan Singh: I did a quick Google search, and I found a variety of publications agreeing with your sentiment: that the position that animals are sentient is beyond a scientific question at this point.

Mr. Rob Laidlaw: Yes.

Mr. Gurratan Singh: Are there any specific bodies you would point toward—the most reputable source which confirms that animals are sentient, and this should not be a scientific question anymore?

The Chair (Mr. Roman Baber): A quick answer, if possible.

Mr. Rob Laidlaw: I would say any credible organization that deals with the subject matter would answer the same as any other organization. There are all kinds of psychologists' organizations, biological organizations. There are many of them; it just really depends on who you want to talk to.

The Chair (Mr. Roman Baber): Thank you, Mr. Singh.

We'll now turn to the government side for up to 10 minutes of questioning, beginning with Ms. Hogarth.

Ms. Christine Hogarth: Thank you very much for being here, Mr. Laidlaw. I thank you for your 35 years of work towards animals and looking after animal welfare.

Some questions we've heard and talked about today—and I appreciate that you said that there's a light at the end of the tunnel. Our government is very proud to be that light for animal welfare and stopping animal cruelty. If this legislation is passed, we are going to provide the strongest penalties for animal cruelty in Canada. We've heard some people speak today about how it might possibly be the best animal welfare legislation in the world, so we really want to make sure we get right. I thank you for being here and sharing your comments.

With your expertise about non-accredited zoos—I'm not sure what happens now with them, but with this new legislation, they would be looked after by provincial animal welfare inspectors. Can you share a little bit about what effect that will have?

Mr. Rob Laidlaw: Preferably, what I would like to see is some type of regulatory program that weeds out the bad players from the start, rather than dealing with them retroactively after they have started. That's what we've been trying to achieve in Ontario for quite a number of years through many discussion groups, private members' bills and other things.

I think that in the absence of that upfront regulation, there's still going to be a gain for animals through provincially appointed inspectors rather than the OSPCA, because I think the training will be more consistent; it will probably be better. The transparency and accountability will be much better.

We had very great difficulties over the years with successive administrations at the OSPCA. Some were very co-operative and we worked jointly with them on a number of things. Other times, we couldn't find out what was going on. I'll give you an example. We were dealing with a bear that spent 32 years in a zoo in a tiny, little cage—100% inappropriate for this bear. It was an American black bear that came from the Ministry of Natural Resources. We brought in some of the leading experts in the world to look at this bear and provide commentary to the Ontario SPCA, and at that time they were completely unco-operative. We couldn't find out what, if anything, they were doing, and we saw no evidence of any change. Well, that's very frustrating. I don't think that's a good system. But having provincially appointed inspectors that have better training, where there's this accountability mechanism and some level of transparency—that's going to help a lot, because then if things aren't changing, we'll have an avenue to pursue to try to find out why and maybe to make sure that things do change.

1520

Ms. Christine Hogarth: I thank you for your comments on that. We're talking about not just training our inspectors but also training our crowns when we're looking at convictions. Is there any piece in your history that you could share with us that would help our provincial animal welfare inspectors to undertake—in order to increase the rate of convictions for animal abuse?

Mr. Rob Laidlaw: I don't know if I could specify one specific thing. I think there has been a lack of training on the part of OSPCA inspectors. Certainly, when I was a humane society inspector—it was many years ago—there was very, very little training, and almost no training in terms of things procedurally: collecting evidence and interviewing witnesses and all of those kinds of things. So I think any enhancement in that kind of training is going to be just exponentially wonderful.

But I think also making sure that the people who are going out to look at certain kinds of animal situations know those situations, because I've gone with some humane society inspectors who purport to know what

they're looking at—or veterinarians, the same way—to zoos and zoo situations, and they don't know what they're looking at. They have no idea. They don't know anything about the natural behavioural ecology or natural history of the animals they're looking at. They don't know anything about zoo design. They don't know anything about aberrant behaviours. You have to have people who actually have some level of expertise and an ability to assess the situations they're looking at. That has been a huge problem in the past as well. I think that can be addressed through the system that's being proposed under Bill 136.

Ms. Christine Hogarth: Thank you for sharing that, as we all have our stories and concerns about the animal system to date. That's why, as we say, we had to blow up the old system and start fresh to create this great new system that we're working on.

One of the things that we are going to continue on is the 1-833-9-ANIMAL hotline for anybody to report animal cruelty. I'm looking for some advice from you in your area of expertise. How do we get that education? Because education is key to anything. We can pass laws and we can talk about them and we can say that we have the strongest penalties and the strongest laws. How do you get that information out to the public, and can you help us with that if this legislation is passed?

Mr. Rob Laidlaw: About the system and about the call line and all of that?

Ms. Christine Hogarth: Yes.

Mr. Rob Laidlaw: Well, I'm not aware of anybody in my sector who wouldn't promote that, who wouldn't get out to their entire memberships and say, "Look, we've got a new system. It's more accountable. It's going to be more effective." I know everybody is hoping for very stringent, tough regulations under the act, but I can't imagine, and I haven't encountered anyone yet who won't jump onboard and promote this. I think it will be a little bit organic once that initial message gets out there. It will take hold, and people will let other people know.

Ms. Christine Hogarth: We certainly appreciate that. If this legislation is passed, we will certainly be giving you a call. Thank you, sir.

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

Ms. Natalia Kusendova: Good afternoon. Thank you so much for being here. Your deputation was very interesting. You obviously have a wealth of experience and, clearly, passion on the topic.

Mr. Rob Laidlaw: I always hear that.

Ms. Natalia Kusendova: You really know your numbers very well.

We have heard a number of deputations today. But one thing that you mentioned for the first time was the notion of mobile lab animal programs. You mentioned that they're completely unregulated.

Mrs. Robin Martin: Mobile large animal programs.

Ms. Natalia Kusendova: Sorry, mobile large animal programs—that they're completely unregulated and that it causes a lot of problems in terms of animal welfare but also public safety. Can you tell us how this legislation will

help to change that and how we can hold offenders accountable?

Mr. Rob Laidlaw: As regulations are developed, I'm hopeful that they will provide some mechanism for weeding out bad players, establishing criteria so that if you want to have one of these programs or you want to open a zoo or you want to have a private menagerie, then there are certain criteria that you have to meet. So no longer would you have someone who says, "I've got 20 exotic animals in my basement. I need to make some extra money, and I can do a WordPress website in three hours and call myself an animal therapist and start soliciting bookings." I think this legislation can go a long way to making sure that that doesn't happen, that we weed out the bad players at the front end.

I think, by having better enforcement and better-trained inspectors for those facilities or businesses that are out there doing these things, as long as the regulatory component is up to snuff as well, there will be a much better capacity and ability to address the problems that are encountered in these types of businesses and operations.

Ms. Natalia Kusendova: Can you give us some examples of the current gaps in the inspector training that exist right now?

Mr. Rob Laidlaw: Well, my area of specialty—I've dealt with dogs and other creatures in the past, but basically, most of my work has revolved around wildlife in captivity, and I would say that there has been very little training in that regard.

What has happened is a couple of things. When it comes to exotic pet situations, you often had inspecting agencies call people from the pet industry to advise them. With all due respect to people who love their exotic pets, that's not anything I would do in a million years. The pet industry promotes standards of care that are antithetical to good animal welfare, and they should not be part of any enforcement program.

Then, with regard to zoos, you had humane societies and others that were going out and enforcing, or trying to enforce or assess, animal situations that were calling zoos, that were calling both members of the national zoo association and non-members and other people. I think

that's very dangerous, because you get a lot of people who are not qualified, a lot of people, even in the professional community, who don't know about animal welfare. They know about animal husbandry, but they may not know about animal welfare, and it's a very dangerous thing to do if you're concerned about animal welfare.

For the areas that I deal with, I would say that there are going to be a lot of opportunities for training. In my own organization, we have started doing that and have done that for a number of years. Last November, we ran training workshops on exotic pets for enforcement personnel, fish and wildlife people, public health agency employees and policy-makers in Moncton, in Toronto and in Vancouver. This coming year, we're doing it in Alberta, Manitoba and Quebec. This is to try to get people more aware of the types of resources that are available, the people they can call, what they should be doing in terms of processes for assessment and follow-up and all of that. I think there is a lot of opportunity to get really good training that is not skewed by industry interests.

Ms. Natalia Kusendova: Thank you.

The Chair (Mr. Roman Baber): That concludes the time available to the government.

Mr. Laidlaw, thank you for your submissions. Should you have any written submissions, those are due before 5 p.m. today. Thank you very much for appearing before us today.

Mr. Rob Laidlaw: Okay, thank you.

The Chair (Mr. Roman Baber): Members, that concludes the submission portion on Bill 136. As a reminder, by order of the House dated November 25, 2019, the deadline for filing written submissions is today at 5 p.m. Also, a reminder that the deadline for filing amendments to the bill with the Clerk of the Committee is Monday, December 2, at noon, 12 p.m.; and that the Standing Committee on Justice Policy is authorized to, and will, meet on Tuesday, December 3, 2019, at 9 a.m., and again, if necessary, at 2 p.m., for clause-by-clause consideration of the bill—in room 151, in this room.

That concludes our hearings for today. The meeting is adjourned.

The committee adjourned at 1530.

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