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**Official Report
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Friday 25 July 2008

**Journal
des débats
(Hansard)**

Vendredi 25 juillet 2008

**Standing Committee on
Justice Policy**

Provincial Animal
Welfare Act, 2008

**Comité permanent
de la justice**

Loi ontarienne de 2008
sur le bien-être des animaux

Chair: Lorenzo Berardinetti
Clerk: Susan Sourial

Président : Lorenzo Berardinetti
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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE ON
JUSTICE POLICY**

**COMITÉ PERMANENT
DE LA JUSTICE**

Friday 25 July 2008

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The committee met at 1003 in committee room 1.

**PROVINCIAL ANIMAL
WELFARE ACT, 2008**

**LOI ONTARIENNE DE 2008
SUR LE BIEN-ÊTRE DES ANIMAUX**

Consideration of Bill 50, An Act to amend the Ontario Society for the Prevention of Cruelty to Animals Act / Projet de loi 50, Loi modifiant la Loi sur la Société de protection des animaux de l'Ontario.

The Acting Chair (Mr. David Zimmer): Good morning, everybody. Welcome to the Friday sitting of the justice committee here at Queen's Park. Everybody's got the public agenda here. Just let me go through some of the agenda items. The 10 o'clock delegation is not here, nor is the 10:15, so we're going to move to the 10:30 delegation. But before we start, Mr. Charlton has got some updated information for members of the committee.

Mr. James Charlton: I just wanted the members of the committee to know that the animal welfare issue binder on the library intranet site—you should have had a link sent to you with that—has been updated slightly to reflect some of the foreign legislation that was mentioned during the submissions yesterday in Ottawa. That would be the animal welfare acts of the UK and of New Zealand. If you want to go to that site, it's accessible either from your computers here at Queen's Park or I believe you have terminals at your constituency offices that can access the virtual private network so you can look at it from there.

The Acting Chair (Mr. David Zimmer): Are there any other housekeeping matters before we start?

ALASTAIR STRACHAN

The Acting Chair (Mr. David Zimmer): Mr. Alastair Strachan. You can come up to the front table here. Mr. Strachan, you'll have 15 minutes for your presentation. I will give you a three-minute warning when your time is almost up. You may or may not wish to leave time within your allotted slot for questions from members of the committee, but that's your choice. If you would identify yourself for the Hansard record, then we'll start.

Mr. Alastair Strachan: I won't need 15 minutes, so you'll be happy to hear that. Good morning, and thanks

for this opportunity. I'm going to read this, if that's okay with everybody.

I'm a property owner in Ontario and have horses and dogs on my property. As a result of my knowledge of those animals, I see a few issues with Bill 50 that I expect are in common with many other people.

To begin with, a comment on the OSPCA: I've read that in 2006, most of the board of the OSPCA resigned, and there was considerable press coverage at the time pointing to internal conflicts, misuse of money and general bad governance. Some former board members called for removal of police powers from the OSPCA at that time. As your average citizen, I wonder why we are proposing to increase the police-style powers of this organization at this time, when it has these types of troubles in its recent past. In fact, I wonder why we're sitting here debating that and not whether or not the organization should continue in its current form.

Further, does this organization have a board made up of people from different backgrounds where animals are concerned, and is that board accountable both in terms of financial transparency and its actions in the field? As a legislated organization receiving taxpayers' money, it must be accountable and subject to outside scrutiny, including the freedom of information act. Some sort of review board, presumably outside the OSPCA, should be a watchdog.

A few comments on Bill 50: The phrase "no person shall cause an animal to be in distress" appears in section 11.2. "Distress" is defined further as, and includes phrases such as, "proper care" and "undue or unnecessary hardship." My question on that would be: Who is to determine what is "proper care" or "undue or unnecessary hardship"? Presumably, that's an inspector or an agent of the OSPCA.

I have a couple of examples, and I expect you've heard lots of these this week. If my Jack Russell chases the neighbour's cat, does that cause "undue hardship," and is that to the cat or the dog? Cats are good fighters. If one of my horses goes lame from stepping on a stone or running in a field, I could be charged by an inspector or, worse still, an agent. Whether or not they would do that is a practical matter. The fact is that those people are appointed by a chief inspector at that chief inspector's whim or discretion. I don't recall seeing any information that defines how those people are selected. Obviously, a horse that hurts itself is in "immediate distress," and

those words are in Bill 50, as you know. Any horse that runs on a hot day is in distress in the eyes of many animal activists, as are most people if they run on a hot day.

You are proposing to have an inspector or agent or affiliate of the OSPCA having the right to use police-type powers when that person is selected based on no known criteria. There's a lot of room for abuse here, and the poor person suffers a lot more than the rich one, because the rich one can fight back; the poor person sits on the sidelines and takes the consequences. If I am charged by that inspector or agent, they could take my horse or dog away without my having the right to an independent review by, in this case I would assume, a veterinarian. By contrast, if I get arrested by the police, my lawyer shows up immediately.

On the topic of inspectors and agents, I think it's important that these people have proper training initially and on an ongoing basis. If we're going to continue to give them police powers, they should have police-type training. They should also be subject to similar checks and balances. On the initial selection of inspectors and agents, surely these people must be measured against very specific criteria on an ongoing basis.

1010

Moving away from that, it appears to me that there is a bit of a conflict between this proposed Bill 50 and existing legislation regulating hunting and fishing. I'm no lawyer, but in reviewing the document, it appears that there is reference to the fact that it doesn't deal with matters that are currently legislated, like fishing and hunting. Presumably it should explicitly state somewhere that that bill, Bill 50, does not apply to current legal activities, given that both hunting and fishing cause immediate distress.

Finally, I think we need to be careful about passing legislation that in the future can be taken out of context and used by animal rights zealots to pursue their own particular goals, which may or may not include animal welfare. There are many people in the animal activist world who believe that sports involving animals often place those animals in distress. Witness recent demonstrations by activist groups in the United States at horse races, cross-country equine events, dog races etc. Providing police-type powers to these organizations without proper checks and balances is, in my opinion, inviting abuse. Thank you.

The Acting Chair (Mr. David Zimmer): Thank you very much. We have about three minutes per party. We'll start this round with the Conservatives.

Mr. Garfield Dunlop: Thank you very much, Mr. Strachan, for being here this morning. I don't want to ask a lot of questions because I think, quite frankly, we've heard a number of deputations now that are very, very similar to yours, and of course we got a lot of e-mails. So we've got some tough decisions on this committee with amendments etc. as we go down the next couple of weeks. So unless my colleague has some questions at this point—

Interjection.

The Acting Chair (Mr. David Zimmer): All right. We'll move to the NDP.

Mr. Peter Kormos: Thank you, sir. You're not much a fan of the OSPCA?

Mr. Alastair Strachan: That's apparent, I would think; yes.

Mr. Peter Kormos: You don't like them much at all?

Mr. Alastair Strachan: I haven't had much to do with them. But as a response to Bill 50, I've done a little research just on Google and looking around. It appears to me that there are some serious issues with that organization.

Mr. Peter Kormos: What would your druthers be in terms of policing around animal welfare? What would you rather have? What do you envision as a preferable model?

Mr. Alastair Strachan: I don't have an answer for that. I guess that's what you guys are wrestling with, but certainly change has to take place. When you have a legislated organization that receives a pile of taxpayers' money and you have something as significant as the types of resignations that took place and the other things you've heard over the last week, and I've read a few of those on that table over there, debating whether or not to further the power of that organization seems to me to be somewhat—the horse has bolted at this point. It might be time to take a step back and review the organization itself. That really would be my take on it.

Mr. Peter Kormos: Thank you, sir.

The Acting Chair (Mr. David Zimmer): We'll move to the Liberals.

Mr. Dave Levac: Thank you for your deputation and the concerns that you've raised with the process.

We heard from other deputants about this resignation issue and, with the permission of the opposition in one of the days, sought some background information. I'd like to share that with you so that you can see factually what happened in the resignation situation.

In approximately March 2006, eight OSPCA board members resigned. That left the board with a sitting membership of 10. Mixed reasons were given for the resignations, including objections to the OSPCA providing law enforcement without government funding for those operations—so that was more about the government than it was about their own handling—and the concerns regarding certain OSPCA budgeting practices. Previously, two board members had resigned for unrelated reasons.

At the time, the full OSPCA board was supposed to be 30 members: 12 branch representatives, 12 affiliate representatives and six members at large. But only 20 were elected during the 2005 annual general meeting. There were a lot of numbers bandied around that were inaccurate, so we wanted to make sure there was some clarity on that particular reason. In the 2006 annual general meeting, a bylaw was passed to change the make-up of the board to 10 affiliate representatives and two branch representatives. So there was a clarity brought to that issue that it was used previously—and I would say,

sir, not by you, to be fair, but other people had indicated that it was such a mess that the entire board resigned en masse, which brought disfavour to the OSPCA, which we showed was clearly not the case. So that's just a clarity issue for you.

As far as the special constables are concerned, special constables in the police services have four weeks of training as well. We're bumping that up from two weeks to four weeks, with ongoing professional training. The chief inspector will be receiving powers to make sure that those training processes take place to improve what you're talking about, just by way of information.

The Acting Chair (Mr. David Zimmer): Thank you for taking the time to appear before the committee and organizing your presentation.

Mr. Peter Kormos: I venture Mr. Levac's comments didn't change your mind much, did they?

Mr. Alastair Strachan: I don't know. Probably not, but I guess we'll see.

CORMORANT DEFENDERS INTERNATIONAL

The Acting Chair (Mr. David Zimmer): We're going to move to the 11 o'clock slot: Cormorant Defenders International, Julie Woodyer. Ms. Woodyer, you'll have 15 minutes for your presentation; I'll give you a three-minute warning as you get to the end of the 15. You may or may not want to leave time for questions from members of the committee, but that's your choice, as you see fit. Please introduce yourself for the Hansard record, and then you can begin.

Ms. Julie Woodyer: I'd like to thank you very much for the opportunity to address this bill. I'm very sorry about my rough voice.

My name is Julie Woodyer. I represent Cormorant Defenders International, or CDI. CDI is a collective of animal protection and environmental organizations that represent roughly 15 million people in Canada and the United States. In addition to my work with CDI, I also did investigations of cruelty to animals in my past, and I've also inspected captive animal displays right across the country.

First, I'd like to say that I am fully in support of Bill 50 and I have the greatest confidence that the OSPCA will be able to conduct themselves in a fashion that is not only appropriate, but utilizing common sense and not running off on tangents. I do have a few comments regarding some concerns that I have within the wording, but I want to be very clear that I think that this bill is fabulous and is going to provide additional protection for animals in the province, so I am fully in support. But I'm going to focus my comments on what my concerns are related to.

The first one which is a particular concern to CDI members is clause 11.2(6)(a), which exempts native wildlife and fish in the wild. We feel that any provincial animal legislation that protects animals should be inclusive of wildlife, as well as animals in captivity, regardless of the industry.

An example I'm going to give you about why that's important, particularly on the CDI matter—you may be aware that there's a lot of misinformation about cormorants and there are a lot of people who blame them for the decline in the fish stocks, despite the fact that the science doesn't show that. Unfortunately, this misinformation is out there and we're attempting to correct that, but there have been a few extremists who have gone out into the bird colonies and literally beaten the birds to death, left some of them there to die, injured and suffering for days. Certainly, any reasonable person could understand that this is a clear act of cruelty and it must be covered under provincial cruelty legislation. This is just one example of where wildlife has cruelty inflicted on it. I'm aware of a number of other incidents where animals are left to starve in traps when they're trapped or they're killed in horrific ways because people consider them pests. Obviously, these are extreme cases and the types of cases that this legislation is meant to capture.

We also feel that it's a shortfall to exempt complete classes of people, as is outlined in clause 22(1)(d). I think that this opens up a loophole for disreputable people to find ways to exempt themselves from this law. I'm going to give you an example of this. For instance, if individuals with a permit to hunt were exempted from the legislation, a disreputable person who wasn't engaging in legal hunting but, in fact, let's say, beat an animal to death with a shovel, could possibly be exempted simply because they have a permit for another purpose. So I think that's a loophole in exempting complete classes of people.

1020

Obviously activities like hunting that are legal under other pieces of legislation would not be at risk of charges under this act, so making this act more rather than less inclusive I think poses no risk to those individuals but keeps people from finding loopholes in the legislation.

In a similar fashion, I'm concerned about exempting classes of animals or particular activities, as is outlined in section 22(1)(c). You may be aware that some zoos in Canada conduct research on captive animals. For instance, if there were an exemption given to all facilities that conduct research on animals, this would allow an exemption for an entire zoo because of one small research project and thereby leave yet another loophole. The roadside zoos in Ontario, which I'm very familiar with, have been known to embark on very crafty ways to keep the Ontario SPCA from inspecting their premises. If a case came up where research facilities were exempted, I would bet that you'd see a lot of roadside zoo owners embarking on small research projects to ensure that they could skirt the law. These are just a couple of examples of how exempting entire classes of people, animals or activities could allow opportunities for people to get out from under this particular piece of legislation.

I also think it's essential that any standards require all individuals who are keeping captive animals to have a permit. This is important because there's a growing number of wild animals being kept in this province as

pets. These include animals like tigers, primates, venomous snakes and other dangerous animals, as well as those that are very difficult to care for and whose needs are difficult to meet. Also, there have recently been a number of roadside zoo owners that have closed their facilities to the public, and thereby don't qualify as a zoo but continue to have the animals on the premises and rent those animals out for private events. If the standards for zoos, for instance, were only applicable to zoos, I would expect you're going to see a lot of roadside zoos actually just closing their doors but continuing to maintain their animal collections and renting them out in various ways.

I also think it's critical that all zoos, both CAZA-accredited and non-accredited, be subject to this provincial law should it pass. I don't think it would be appropriate, and in fact it probably wouldn't hold up in a courtroom, for a facility to be exempt from a provincial law simply because it belongs to a private organization like CAZA. I would also submit that any zoos that actually do meet the CAZA guidelines should not be concerned about being subject to this law because they've already surpassed any provincial standards that would be passed.

Finally, I would submit that any regulations being developed under this legislation be inclusive of the five freedoms of animal welfare which have been used in UK legislation. Those are: freedom from hunger and thirst; freedom from discomfort; freedom from pain, injury and disease; freedom to express normal behaviour; and freedom from fear and distress.

I feel that this model would ensure that animals are treated in a humane fashion, and it would be consistent with the values of Ontario residents.

Again, I just want to be very clear that I fully support the bill, and I hope that any potential loopholes could be tightened up or even closed and that regulations would follow quickly if the bill is passed.

The Acting Chair (Mr. David Zimmer): Thank you. We have about three minutes per party, starting with the NDP. Mr. Kormos.

Mr. Peter Kormos: Thank you, Ms. Woodyer. Why should we allow private zoos at all? We're no longer in that colonial period when the world was very inaccessible and exotic animals were being displayed to the curious. The function of zoos now is less to put animals on display; the legitimate function, it seems to me, is more to protect or preserve breeds of animals that are at risk internationally. So, in a province like Ontario, why should any private, for-profit operator—for-profit, I think, is relevant because you could have non-profit organizations involved in animal preservation. Why should we allow anything other than domesticated animals to be put on display? I don't think the Riverdale zoo, the petting zoo of cows and pigs and sheep, causes me any great offence; those animals are accustomed to being in contact with humans. The fact is that it's stressful for any animal that is inherently a wild animal to be in a contained area. Why should we have private

zoos? Why should Marineland be allowed to have those animals at all?

Ms. Julie Woodyer: Marineland is a tricky question.

Mr. Peter Kormos: Well, why can't they—

Ms. Julie Woodyer: I don't disagree with you. The tricky part comes in the fact that a number of these zoos call themselves sanctuaries. They do set up not-for-profits. It's very hard to distinguish between what is legitimate and what is not legitimate, if we're going to accept that zoos are a common practice in the province. I think, to date, there's not a movement to just say people are going to close all zoos.

My personal position and what the members of the organizations that I represent believe is that if the biological and behavioural needs of the animals can be met in the captive setting and thereby those animals are not subject to distress and are free from the problems that I described, that wouldn't be considered cruel activity.

Mr. Peter Kormos: How does keeping a whale on display and teaching it cheap carnival tricks—or a dolphin or seals—meet that standard?

Ms. Julie Woodyer: I've done a lot of work with whales and dolphins, and I would absolutely agree with you that there is no possible way to create a captive environment that can meet all of the biological and behavioural needs of whales and dolphins. I think that the bill is specifically related to dealing with animal cruelty in the province.

Mr. Peter Kormos: It was so sad. I was so excited because I thought this bill was going to address private zoos, and it didn't. It really was a sad, sad betrayal of all those people who had rallied around the member for Willowdale's private zoo regulation bill.

Ms. Julie Woodyer: Certainly, I was under the same impression and I was surprised not to really see zoos mentioned anywhere.

Mr. Peter Kormos: You feel as betrayed as I do.

Ms. Julie Woodyer: Somewhat, yes. I'm still encouraged that we're raising the bar for animals—

Mr. Peter Kormos: The member for Willowdale was doing the right thing.

Ms. Julie Woodyer: Yes.

Mr. Peter Kormos: He was a hero.

Ms. Julie Woodyer: I definitely agree, and I do think that the regulations are critical.

Interjection.

The Acting Chair (Mr. David Zimmer): Order. Come on. You've got the floor.

Ms. Julie Woodyer: I think the regulations are critical in that case because this bill can raise the bar for animals, including zoo animals. But without the regulations, zoo animals will be lost.

The Acting Chair (Mr. David Zimmer): We move to the Liberal Party. Mr. Rinaldi.

Mr. Lou Rinaldi: The member for Willowdale is still a hero to us. I just want to clarify that.

Thank you very much for being here today. Obviously, we're encouraged by the number of people who

want to participate in the process. Hopefully, that's what will make the legislation better.

You expressed some concern about exemptions for some groups. I'm not sure whether you were aware that for fishing, angling and hunting, there is legislation in place right now that governs how those folks do business, the same as in the agricultural sector and the same as in the research sector. Really, all Bill 50 does is say that if those folks go beyond the boundaries, then OSPCA has the power to act. I believe that protects those people who will be carrying out that practice, if they're governed by legislation. Were you aware of that at all?

Ms. Julie Woodyer: I'm certainly aware that there are other pieces of legislation. What my concern would be is, if, when the exemption time comes, they just say, "Well, exempt everybody with this type of permit or that type of permit"—I was just using the hunting permit as an example—but then people could go out and just buy that permit and thereby exempt themselves. That would be a problem. So my concern is really the exemption of larger classes of people and the caution about how that could be done. Certainly, activities that are already legal should not be covered by this bill and, as far as I can tell, wouldn't be.

Mr. Lou Rinaldi: I'm not aware of those other exemptions you talked about, but then maybe I'm missing something. I thought those were the exemptions that we talked about and that we made it pretty clear. But if there are others there, it's something we need to take.

While I've got another minute here, talk about the group that you represent. We had a delegation yesterday from the International Fund for Animal Welfare, which supports some of the activities that you're promoting, as well, with cormorants. They support some type of control of cormorants. I say that because the member for Leeds-Grenville has the same issue in his riding that I have in my riding: large cormorant populations. They weren't there 25 years ago when I moved into the area, and they've now destroyed an enormous amount of vegetation. A couple of years ago, the Ministry of Natural Resources did an oiling process, which, by the way, Kim Elmslie from the international fund supported; yesterday she said that that was an acceptable practice—and a controlled call by MNR staff. Not only did they destroy vegetation off-site, but they actually destroyed part of the beaches that have been used by people from all over Ontario for years and years. What recommendations do you have for some of that?

1030

Ms. Julie Woodyer: The cormorant debate is a big one, and I won't get into it because there is no time. The bill is specifically related to cruelty, and so I would suggest that if activities were going on that caused cruelty to those birds, meaning that they were left to suffer, those situations should be dealt with by this bill. As far as animals not suffering, I don't think they're actually covered under this bill. I'd be more than happy to chat with you about it outside of this meeting, but I really want to stay focused on my comments for the bill.

The Acting Chair (Mr. David Zimmer): We move to the Conservatives.

Mrs. Christine Elliott: Thank you, Ms. Woodyer, for your presentation. I also had a question with respect to the exemptions of groups that you were speaking of as "closing the loopholes." Am I to take from that that you would remove the exemption for anglers and hunters and for normal farm practices? How exactly would you propose that that be dealt with?

Ms. Julie Woodyer: I think, as this member mentioned, those activities are already considered legal, so I don't see a need to exempt them from this law, because if they're doing something outside of the existing law, they should be covered by cruelty legislation. My greater concern is in section 22, I think it's (c) and (d), where it just sort of says, "And then we can go ahead and exempt any number of classes of animals or people." This, later, could come back to haunt us, by saying, "We've decided we're just going to exempt everybody with a permit for hunting," for instance; I'm just using that as an example because it's the only one I can think of. So I think the section 22 (c) and (d) exemptions are huge, huge loopholes, but I also think there's no need to exempt industries that are already legislated.

Mrs. Christine Elliott: Thank you. That clarifies it. I appreciate it.

The Acting Chair (Mr. David Zimmer): Thank you very much for taking the time to attend and present to this committee.

Is there anyone here for the 10:15 slot, Windsor Animal Rescue? No.

ONTARIO FARM ANIMAL COUNCIL

The Acting Chair (Mr. David Zimmer): We'll move to the 11:15 slot, Ontario Farm Animal Council, John Maaskant.

Mr. John Maaskant: And Leslie Ballentine.

The Acting Chair (Mr. David Zimmer): Yes, that's fine. You'll have, as you've heard me say, 15 minutes to present. I'll give you a three-minute warning when your time is about to expire. You may or may not want to leave time for questions from the committee members, but that's your decision. If you would introduce yourself for the Hansard record and then begin.

Mr. John Maaskant: My name is John Maaskant. I'm a chicken farmer from Huron county and chair of the Ontario Farm Animal Council.

Ms. Leslie Ballentine: I'm Leslie Ballentine. I'm the issues specialist for the Ontario Farm Animal Council.

Mr. John Maaskant: Thank you for this opportunity. The Ontario Farm Animal Council appreciates this opportunity to provide its expertise and recommended improvements regarding Bill 50.

OFAC represents 40,000 Ontario livestock and poultry farmers and related agribusinesses on issues related to animal care. We've long been on record as supporting the need to update legislation dealing with animal cruelty. In fact, the council has been actively involved in the many

proposals and amendments that have helped to improve the OSPCA Act since 1991.

The content of this bill is obviously of great importance to our members since it will have far-reaching effects on animal agriculture and food production in the province.

Bill 50 is a set of very extensive and legally complex amendments that would fundamentally change the powers and authority of the OSPCA as well as the legal obligations and requirements of all animal owners and handlers in Ontario.

OFAC supports the overall intent of Bill 50; however, it is our strong opinion that this well-intentioned legislation not only requires but deserves improvement. We also feel it's vital that the legislation be written with great clarity from the outset so as not to be misconstrued in the future.

Our submitted changes are for two purposes: to eliminate unintended consequences for legitimate animal owners and practices, and to address community and legal concerns that have not been addressed under this bill.

We have submitted a total of 33 specific recommended changes to this bill and they're in this presentation. These improvements to Bill 50 are based on both legal analysis and discussion with the Ministry of Community Safety and Correctional Services. Many of these proposed changes are for purposes of clarification and transparency, such as definitions, duties of care and application of offences.

However, this legislation goes far beyond issues of animal cruelty. In working closely with the Ontario SPCA on farm animal care issues over the past 20 years, OFAC has identified and supported needed improvements in both governing legislation as well as operations of the agency itself. For example, we're especially supportive of plans to increase budget allocations for training to OSPCA inspectors, especially involving agriculture.

This bill substantively and fundamentally increases the power and authority of the OSPCA, and yet does nothing to require accountability and public transparency of this privatized enforcement agency. As such, many of our recommended changes are designed to address this flaw.

Where possible, we have submitted specific wording changes for your consideration; however, we also recognize that further consultations may be required to devise appropriate wording changes to the bill to address some of these matters. It's our hope that our appearance here today will be followed by subsequent opportunities to provide our expertise on this legislation and any resulting regulations.

In the meantime, I'd like to highlight several of the major improvements that the farming and food production community is seeking in this legislation. I'll refer to the detail as I go through.

(1) Assurance mechanisms to prevent unintended consequences for agriculture and food production practices now and in the future: These would include a preamble

within the bill as well as assured consultation in the regulatory phase. I would refer to, on page 4, number 1, where there's a little bit more detail on written assurance of regulatory consultation within the preamble. On page 6, numbers 8 and 9, we would like to add a new offence of nuisance or frivolous complaints, and further consultation with animal-based communities to address the wording and content of the duties-of-care provisions.

(2) We'd like to see a revision of the bill—section 21—to establish the OSPCA Act as the provincial standard, in order to ensure consistency across the province. On page 4, number 3, what we're talking about is to make sure that this act supersedes municipal bylaws, so that we have consistency.

(3) We would like to expand the bill to include government oversight and public accountability of both the OSPCA as a private enforcement agency, as well as the Animal Care Review Board as the appointed appeal body.

(4) Government regulation of the OSPCA enforcement functions and activities: These are covered in a lot of detail on pages 8 to 11. There's a lot of detail there on these two improvements. I'm not going to go through them—it would take too much time—but they're there for you to read.

(5) The addition, expansion or rewording of definitions in the body of the act: This includes, but is not limited to, defining what is considered "agricultural," as well as what is included and exempt from "animal exhibit, entertainment, boarding, hire or sale" activities under the "Interpretation" section. This is dealt with in detail on page 5, numbers 1 to 5. I think in there too we deal with, in detail, the replacement of the word "exemption" for agriculture with "accepted activity." "Exemption" is a fairly negative term that makes it sound like we are allowed to do things that are not right. We would prefer to have "accepted activities." Two really good examples are the Alberta and Manitoba acts.

Also, on the next pages, number 7, amend subsection 11.2(3) to permit for nuisance and animal pest control, and, in number 11, to reword subsection 11.2(3) to recognize training or permitting animals to fight for lawful purposes, such as predator and nuisance wildlife control.

1040

Number 6, the addition of acceptable activities stated in the bill, section 11.2, to include pest control and predator protection. That's dealt with on page 5, numbers 6 and 7, and page 4—sorry; I think I made a mistake there—7 and 11.

Number 7, the application of the same search warrant provisions in the bill for defined agricultural premises as has been proposed for veterinary clinics. That's covered in number 10 on page 7, to maintain the search warrant provisions currently contained in the act for agricultural premises.

I recognize that our limited time does not allow for us to present all 33 recommended changes to Bill 50 that we've put here. These have been attached for your

consideration, and I would be happy to address any questions you may have regarding these specifics.

The Acting Chair (Mr. David Zimmer): Thank you. This round of questioning will start with the Liberals.

Mr. Dave Levac: How much time, Mr. Chairman?

The Acting Chair (Mr. David Zimmer): About three minutes.

Mr. Dave Levac: Thank you. Thank you very much for your deputation. It is my understanding that your organization has been in consultation with the ministry on this bill from the beginning.

Mr. John Maaskant: We have not been in consultation on the bill from the beginning, no.

Mr. Dave Levac: Have you had some consultations with the ministry so far?

Ms. Leslie Ballentine: At our request, a member of the ministry did attend a meeting May 5 and presented the draft bill, but that's as far as—there has not been any consultation with ministry staff.

Mr. Dave Levac: My understanding is that there is—

Ms. Leslie Ballentine: We met with the current minister at our request in February, and we met with the previous minister before the election last August, again at our request.

Mr. Dave Levac: And there has been some of this input to them?

Ms. Leslie Ballentine: We have provided this input, but it has not been reflected in the bill that's before us today.

Mr. Dave Levac: In this committee work that we're doing presently, these recommendations will have another airing with the continuation of the consultation.

Ms. Leslie Ballentine: For the regulations?

Mr. Dave Levac: Yes. That's good; thank you. Some of the stuff that you're talking about may not be reflected in the legislation itself but may indeed be part of a consultation process that's been committed to for the regulations.

Ms. Leslie Ballentine: And that's one of the things that we've asked for, to be included.

Mr. Dave Levac: My understanding is that that's going to happen. The other question I do have is regarding some of the concerns you're laying out regarding pests. I have a scenario in my mind, and I think that's what you're getting at when you talk about the piece where it talks about dogfights and cockfights and what everybody recognizes as what nobody wants to see—why the legislation's in there. That is the use of an animal for sheep, a sheepdog, or the use of a ferret to ferret out gophers so that your cows don't go up lame on a farm where they break a leg, and you use it to ferret out gophers—is that what you're referring to?

Ms. Leslie Ballentine: Exactly, and the problem is the legislation does not specify dogs. We know it's talking about dogfighting and cockfighting and those types of activities, but it doesn't specify that. The way the wording is, it just talks about animals fighting or the people who permit animals to fight. We're sort of caught in that.

Mr. Dave Levac: Yes, and I understand that. My deep concern is trying to find the right grounds to do that because somebody might find a way to get other animals to fight each other for the same entertainment purposes, so you've got to be somewhat generic in order to prevent that from happening. If you're too specific and too prescriptive, you then miss the ones that nobody wants to have happen, so I appreciate your concerns, and it'll be taken under advisement.

Ms. Leslie Ballentine: And we've offered some alternative wording for you to consider.

Mr. Dave Levac: Perfect, thank you. Thank you, Mr. Chairman.

The Acting Chair (Mr. David Zimmer): Thank you. I will move to the Conservatives.

Mr. Garfield Dunlop: Thanks very much for being here this morning. I'm curious—maybe I haven't seen it in all this yet, but have you any comments on the entry without warrant, on the "Immediate distress—entry without warrant" section?

Ms. Leslie Ballentine: We do have a lot of concerns. We understand the reasoning for putting this provision in, and I think when the OSPCA presents, they'll probably give you the example of an animal that's trapped in the trunk of a car. They're not able to visually see the animal, but they know that the animal is in there. Right now, the law requires that someone actually has to visibly see the animal in distress.

We have a number of concerns, and we do go through it in the background information to this, but one of the problems is that the OSPCA does take anonymous complaints. We've had plenty of cases in agriculture, and I'm sure in other sectors, where nuisance complaints are an issue now under the current law. If we have added authority to go into a farm, a barn, based on an anonymous complaint—you know, if the caller says these animals are starving, they're in immediate distress—the inspector doesn't need to see those animals; they can wander in. We've got biosecurity issues, privacy issues. There's a whole set of issues around that. Then what happens? It turns out it was another one of those nuisance complaints. The animals have been put at risk; the farm business has been put at risk. So we do have concerns.

We also find it odd that it's inconsistent. Veterinary clinics are exempt from warrantless searches, so why wouldn't farms be? I just raise the question: Why the inequity?

Mr. Garfield Dunlop: Okay. Do we still have a bit of time?

The Acting Chair (Mr. David Zimmer): Yes.

Mr. Garfield Dunlop: The other question is, and I want to make sure I'm clear on this: Did you say that you really weren't consulted with? Because that's not what the minister's briefing notes that we received after the bill was introduced said to us. They said the Federation of Anglers and Hunters, the OFA and the Ontario Farm Animal Council were all part of the consultation process.

Ms. Leslie Ballentine: The three of us met with—

Mr. Garfield Dunlop: Did you pass in the hallway?

Ms. Leslie Ballentine: No, no. The three groups that you have mentioned, at our request—we were not invited—met with the minister last August, as I said. We were told at that time what the legislation would be. We weren't asked for input. We weren't asked, "Could you offer us solutions for this?" or "How do you feel about that?" It was sort of one-sided. It was presented to us. All three meetings have been that way.

Mr. Garfield Dunlop: Thanks.

The Acting Chair (Mr. David Zimmer): We'll move to the NDP. Mr. Kormos.

Mr. Peter Kormos: Hell, Garfield, not only were you told that these people had been consulted; the parliamentary assistant was told that these people had been consulted. So don't assume that it's just the opposition people who are out of the loop here.

Thanks, folks, for coming by. Look, day one here, Ms. DiNovo was here and I sat in with her for the first few moments. There was—dare I say it?—an animal rights activist who was angry about agriculture being exempted as a class. We got around to egg production, and chicken production in general, I suppose. I've got a lot of chicken farmers down where I come from. There are people out there who have grievances and concerns about the status of chickens, especially, again, in egg production. There are consumers out there who want to be able to pay artificially low prices for eggs that people want to eat.

Does the government have any business—because the act makes reference to accepted farm practices, and that indicates that, from time to time, these accepted farm practices are going to change; they're going to shift. That will be largely, in my view, consumer-dictated, as much as anything else.

What's your response to these people who want to see protection of farm animals codified, who want to see the Legislature become active and involved in legislating the standards under which animals are raised or under which you have things like egg production or milk production? What do you say to those folks?

Mr. John Maaskant: I'll begin and Leslie can finish and add to what I say.

This bill is not about—there's a whole code-of-practice process that we go through in all the livestock production which lays out what's acceptable, what's agreed on, what's a good practice. All those things are considered there. This bill, of course, is not really going to try to deal with that. It's going to deal with cruelty and how the OSPCA operates. So I would say it should not be in this bill.

Mr. Peter Kormos: But you understand that there are people who say that caging that little chicken—

Mr. John Maaskant: Oh, no, I understand that.

Mr. Peter Kormos: —and making it produce eggs so that people can eat eggs is a cruel thing; it should be outlawed. As you know, in England there's a strong movement, stronger than in North America.

1050

Mr. John Maaskant: I don't think we can settle that issue with this kind of a bill. I don't think the OSPCA can start making those judgment calls.

Mr. Peter Kormos: But should the Legislature be addressing that?

Mr. John Maaskant: I believe that it's already being addressed. But that's one of the reasons why we say that it's better to have a list of accepted practices than it is to have an exemption—because an exemption has a negative connotation. Frankly, that's what we would like to see and why we're recommending that it be dealt with as "accepted practices."

Mr. Peter Kormos: That's an interesting comment.

I share the Conservatives' concern about warrantless searches, but I also have a concern about wiretaps that are obtained without judicial authorization, as you know, and the police commissioners like Fantino who condone it, so there we are. We have some common ground, Garfield: You're as angry about Fantino as I am.

Interjections.

The Acting Chair (Mr. David Zimmer): Order. Order. Sorry. The final word to you.

Ms. Leslie Ballentine: I just want to add one other concern that hasn't come up, and that's over this idea of exemptions or accepted practices. The difficulty for us is the lack of definitions. Nowhere in this bill is "agriculture" defined. A cattle producer said about a week and a half ago that until a month ago, he didn't realize that pigeons were agricultural animals—and that's in reference to a pigeon-farming issue that we're dealing with—

Mr. Peter Kormos: He doesn't live in Toronto, does he?

Ms. Leslie Ballentine: No. But are they farm animals?

The Acting Chair (Mr. David Zimmer): On that note, you've got one or two more sentences left.

Ms. Leslie Ballentine: —and as well as "activities." We think that until you define these activities, exemptions or accepted practices are irrelevant because we don't know what we're talking about.

The Acting Chair (Mr. David Zimmer): On that note, we have to move to the next presenter. Thank you very much for organizing your presentation and attending today.

COLLEGE OF VETERINARIANS OF ONTARIO

The Acting Chair (Mr. David Zimmer): We'll move to the 11:30 slot: the College of Veterinarians of Ontario, Susan Carlyle. You've probably heard this before: You've got 15 minutes; I'll give you a three-minute warning as you get to the end of the 15. You may want to leave time for questions from the committee; that's your choice. Please introduce yourself for the record and then begin.

Ms. Susan Carlyle: My name is Susan Carlyle. I am the registrar of the College of Veterinarians of Ontario. I want to thank this committee for allowing us the opportunity to address you.

The college, just so everyone is clear, is the governing and licensing body which is required and authorized

under the Veterinarians Act to regulate the practice of veterinary medicine in Ontario. We are mandated to carry out that function in order that the public interest may be served and protected, and it is with that in mind that we make all decisions.

I'm very pleased to be able to offer the college's support for the changes to the OSPCA Act which affect the welfare of animals in this province generally and the veterinarians who care for them. I believe you have a letter before you recently stamped by the president of the council of the college, Dr. Michele Dutnall. I'm here today to confirm the message sent by Dr. Dutnall on behalf of the college and to answer any questions you may have.

I want to note at the outset that the college is very pleased to have been asked to be part of the process of revising the animal welfare legislation from the very beginning of the drafting of this bill. Veterinarians are very much involved and are being given the respect that they deserve to help ensure that the new legislation can accomplish its intentions.

We have three major issues that we want to address today.

The first is the matter of mandatory reporting of suspected abuse. Currently, as a result of the regulations made under the Veterinarians Act, veterinarians are allowed to report situations that appear to indicate animal abuse but are only allowed to do so as an exception to the otherwise prohibited breach of a client's confidentiality. Throughout the years, this has caused problems. The college has received complaints from disgruntled clients about veterinarians who have reported suspected abuse, and the college has had no recourse but to investigate the veterinarian in these cases. An investigation of alleged misconduct against a professional is a very stressful, time-consuming and expensive process, often taking months to resolve. It's a very trying experience. Once there is a positive obligation under law to report under the new legislation, along with the immunity protection that already exists in section 19 of the current OSPCA Act, the requirement to report means that the college will not be forced to act on complaints from alleged animal abusers, nor will the veterinarian be vulnerable to legal process. There will be a welcome freedom for veterinarians that allows them to deal proactively with what is a most disturbing situation for them. We are very grateful that the drafters recognize the unique role that veterinarians play in these circumstances.

The second issue I'd like to address is the right of entry without a warrant for OSPCA inspectors into facilities where animals are kept for various purposes, such as exhibition, sales or boarding. The college had specifically asked that this authority not include either veterinary facilities or the ancillary services such as boarding or grooming that are sometimes provided by veterinarians. Veterinary facilities and all that they contain are subject to the college's oversight authority in the form of accreditation, inspection, investigation and prosecution of misconduct in accordance with the Veterinarians Act,

regulations and minimum standards. In our view, there is simply no necessity for another layer of oversight. Again, we are satisfied that the authority of the college and the concept of self-regulation have been recognized.

There is a part two to that particular issue, which is very important and separate, in the right of the OSPCA to enter a facility without a warrant if there is a belief that an animal is in immediate distress. It may strike you as odd that the college had concerns and specifically asked that veterinarian facilities be exempted from that provision, but to their great credit, the drafters of the bill listened to us when we explained that to the layperson some of the medical procedures that a veterinarian may have to carry out on an animal may be seen as causing the animal distress. In fact, that may indeed be the case, but it may be absolutely necessary in the judgment of the veterinarian who is performing the procedure. For example, it is not unusual for an animal to be distressed and to vocalize when it is recovering from an anaesthetic. It would be very unfortunate if a veterinarian had to take time away from treating animals in order to be available for an inspection by an OSPCA inspector based on a concern raised by a well-intentioned but uninformed member of the public. We are very pleased to accept the exemption from this section while still being subject to entry where a warrant is in place. As stated above, the college is mandated to address concerns and complaints about veterinarians in the public interest.

Finally, we would like to address the identification of OSPCA-affiliated entities. As you know, there exist across Ontario some facilities which call themselves humane societies, despite their lack of affiliation with the OSPCA. Until now, there has been no law to prevent this. What this can mean to veterinarians who need to report suspected abuse is that they may have trouble locating an organization in their area with the authority to both receive such a report and, more importantly, to act on it. Once again, the drafters listened and we're grateful that they placed in the bill section 10, which specifically prohibits organizations or entities from holding themselves out as part of the OSPCA network when they're not.

We thank you for this opportunity, and we'll answer any questions you have.

The Acting Chair (Mr. David Zimmer): We have about three minutes per party, starting this time with the Conservatives.

Mrs. Christine Elliott: Thank you, Ms. Carlyle. I had a question with respect to the exemption from the search requirements for the veterinarians' offices. You mentioned that they were self-regulating and it was already covered by the college's rules anyway. What kind of investigations would normally be undertaken by the college if there were any suspicions and how would that come to the college's attention?

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Ms. Susan Carlyle: It can come in several different ways. First of all, someone can write us a letter, in which case that becomes a complaint and is handled under the complaint provisions of the Veterinarians Act. We can

also find out by reading an article, seeing an advertisement, hearing a rumour, and in that case, while there is no specific complainant, we can ask the executive committee of the college to authorize what's called a registrar's investigation for us to go out and do an investigation to determine what is happening and whether there are any concerns.

Mrs. Christine Elliott: How often would that happen in the course of a year?

Ms. Susan Carlyle: We get between 200 and 300 complaints per year, approximately, and registrar's investigations, generally only about 15 or 20.

Mrs. Christine Elliott: Because you've heard that there is some concern that the veterinarians' offices aren't included, whereas farm operations are. It's because of the fact of this ability to do your own investigation that you feel this isn't necessary?

Ms. Susan Carlyle: Yes.

The Acting Chair (Mr. David Zimmer): We'll move to the NDP. Mr. Kormos.

Mr. Peter Kormos: Thank you, Chair, and thank you, ma'am.

Wow. An investigation by the college. Like Mr. Zimmer, I'm a lawyer and I know what an investigation by the law society means: It means months and months of red tape and correspondence. That puppy's dead by the time you get there.

It's really two separate things, isn't it: the college's investigation about misconduct or inappropriate conduct, professional conduct on the part of a vet, and the SPCA using powers under legislation to intervene when an animal's in distress? That's right here, now—boom. Right?

Ms. Susan Carlyle: Yes.

Mr. Peter Kormos: But you argue that there's justification for requiring a warrant for the OSPCA officer entering a vet facility.

Ms. Susan Carlyle: Yes.

Mr. Peter Kormos: Because the urgency may not be so great as to require a warrantless search?

Ms. Susan Carlyle: Yes. When it is urgent, that is exactly where we would like them to come in and make sure that everything's okay, but where it is not, then we feel that the college can handle it.

Mr. Peter Kormos: But where it is urgent, you want the OSPCA to have warrantless search?

Ms. Susan Carlyle: No. We want it with a warrant.

Mr. Peter Kormos: So if it's urgent, though, that implies—

The Acting Chair (Mr. David Zimmer): I'm sorry; I missed your answer.

Ms. Susan Carlyle: With a warrant. We understand that they should be able to come in, but with a warrant.

Mr. Peter Kormos: But urgency implies immediacy.

Ms. Susan Carlyle: True.

Mr. Peter Kormos: So why would you argue that the SPCA officer should get a warrant if there's an issue of urgency in a vet's office, but not a warrant if there's an

issue of urgency in any other operation? I don't understand.

Ms. Susan Carlyle: I'm sorry; I don't understand the question. I'm only arguing that—

Mr. Peter Kormos: You think it's okay to have warrantless searches of non-veterinary offices if the issue is urgent?

Ms. Susan Carlyle: Yes.

Mr. Peter Kormos: Why, then, should you get a warrant if there's an urgent issue in a vet's office?

Ms. Susan Carlyle: Because of the definition of "distress." If there is a situation of immediate distress, we would like the OSPCA to come in, but with a warrant, in order not to come in on somebody's say-so when they don't understand what they're doing.

Mr. Peter Kormos: But getting a warrant, that's precisely the point: They're coming in on somebody's say-so; they're swearing before a justice of the peace they have reasonable grounds to believe that—

Ms. Susan Carlyle: But it's fast to get a warrant.

Mr. Peter Kormos: Oh, is it?

Ms. Susan Carlyle: It should be.

Mr. Peter Kormos: In Peawanuck? Attawapiskat?

Ms. Susan Carlyle: Maybe not.

Mr. Peter Kormos: Timmins on a Sunday afternoon?

Ms. Susan Carlyle: Maybe not. I agree.

Mr. Peter Kormos: But then what's good for the goose is good for the gander. We can't have it both ways. If warrantless searches aren't justified for a vet, why are warrantless searches justified for other animal caretakers?

Ms. Susan Carlyle: I think that goes back to how often veterinarians would realistically be involved in animal abuse, whereas the public may be more often.

Mr. Peter Kormos: Don't we trust trained SPCA officers to use their discretion?

Ms. Susan Carlyle: We do.

Mr. Peter Kormos: A very interesting position for the veterinarians to take—or their college, rather. Yes ma'am. Thank you kindly.

The Acting Chair (Mr. David Zimmer): And on that note we'll move to the Liberals. Mr. Levac.

Mr. Dave Levac: A couple of points of clarification. Thank you for your deputation.

The clarification for everyone is that in the changes being proposed in Bill 50, warrantless entry is still permitted, even with the exemption, under two circumstances. One would be if the owner gave permission for a warrantless entry. So if the veterinarian said, "I've got nothing to hide; come on in," that's doable. Number two, if there's already a charge for changes by the OSPCA, they're allowed to enter. Even with this exemption you're talking about, it would be number two, not number three. There are three sections in which a warrantless entry would be permissible, so for clarification purposes on the kind of rigmarole you just got put through, warrantless entry still exists. Is that correct?

Ms. Susan Carlyle: Yes.

Mr. Dave Levac: Thank you.

Second clarification, Mr. Chairman: The previous deputation indicated that there wasn't any consultation, and I would suggest respectfully that the staff of the previous deputant, the Ontario Farm Animal Council, have been in ongoing dialogue with the staff of the ministry and have indicated an accessibility to the ministry staff. So if there's some confusion about consultation, I hope that clarifies it a little bit.

The last question I have for you is one that we've heard before, and that is euthanasia. There were some indications before that OSPCA officers came in and shot a cow. Is that possible to do without a vet?

Ms. Susan Carlyle: Yes, it is. They do have the right, but they should be trying to at least consult with a vet. Often what happens is that if they know they're going into a bad situation, they will take a veterinarian with them.

Mr. Dave Levac: So in most cases, not the extreme, but in most, any type of animal put down is done with the advice and/or recommendation of a veterinarian.

Ms. Susan Carlyle: Yes.

Mr. Dave Levac: Thank you.

The Acting Chair (Mr. David Zimmer): Thank you very much for attending today and organizing your presentation.

ONTARIO SOCIETY
FOR THE PREVENTION
OF CRUELTY TO ANIMALS

The Acting Chair (Mr. David Zimmer): We will move to the 11:45 slot, the Ontario Society for the Prevention of Cruelty to Animals, Hugh Coghill, chief inspector; Kate MacDonald, CEO; Jim Sykes, chair of the board of directors. You've heard the process: 15 minutes; I'll give you a three-minute warning as you get to the end of your time. You may or may not want to leave time for questions. That's your decision. If you would introduce yourself for the record.

Mr. Hugh Coghill: Thank you, Chair, members of the committee. My name is Hugh Coghill. I'm the chief inspector for the Ontario Society for the Prevention of Cruelty to Animals. I'm joined today by Kate MacDonald, the chief executive officer of the Ontario SPCA, and Jim Sykes, who is the chairman of the board of directors of the Ontario SPCA.

We provided—and I'm hoping you all have a copy; I see that they're around—a presentation for you. Rather than going through that and reading it verbatim or even paraphrasing it, I think it's probably better that we leave it with you as a resource to consider as you will. I'm sure that you will give it its due attention.

I thought that we would perhaps discuss a couple of other questions. We've been reading the Hansard transcripts that have been coming out as a result of this committee and the great work that you've been doing over this past week. Clearly, there's been a couple of issues that have come up, some of them repeatedly, some areas that perhaps we can take this opportunity to clarify

a few points and perhaps give a little bit more time for questions if the committee should have any questions of us.

One of those is the issue of warrantless entry. It would be, I'm sure, a lot more helpful if the people who had made the presentations to this committee had taken the time to read the existing act and to read the bill. The fact is that warrantless entry has been a tool that SPCA officers have been able to use, have had at their discretion, since 1919. For almost 90 years, we've had the authority of warrantless entry.

Section 12 of the Ontario SPCA Act enumerates that specifically and says that an inspector or agent must observe an animal in immediate distress. Warrantless entry is used in those situations where an animal's life is in danger and it is at severe risk. When the officer can observe that animal in that immediate distress, he can enter, other than a dwelling. A person's home is their castle, and we know that. In order to enter a dwelling house, we would have to get a search warrant, and we do that regularly. Entering without a warrant is something that we have had for a long time; it's not new. This bill that's before this committee now will simply modernize the wording and change it slightly to come in line with other pieces of legislation that are already in existence around the province.

1110

Another issue that has come up that I'd like to speak to is the perceived—by some people—lack of training for Ontario SPCA officers.

Up until 2007, the Ministry of Community Safety and Correctional Services gave us \$119,000 per annum to assist us with our training initiatives across the province; in 2007, they increased that to \$500,000. We use that money and we're improving our training regime as we go along, and we're grateful for that increased funding because it has allowed us, this year, to expand our initial training of cruelty officers to two weeks.

That is augmented by over 50 training days throughout the year that are offered to all cruelty investigators across the province. We're now looking at the possibility, subject to board approval, of moving to a four-week training program, starting in 2009. That would mirror the amount of time that special provincial constables take in their training.

Do we need to go to the Ontario Police College for six weeks? That extra two weeks, I suspect, would be spent on the Highway Traffic Act or firearms and other legislation that really is not relevant to us. So that extra two weeks at OPC would not be relevant to our officers.

We currently use the services of Burgess and Associates, which is a company that did a lot of the training at OPC up until very, very recently. They're in every province of Canada, training law enforcement at all levels of government, and they're in nine countries around the world. We use the services of a professor from Algonquin College to do our continued training on taking statements, note-taking etc. We're using a current Ontario Provincial Police officer to help us with our training

on defensive tactics. We have a former crown attorney who has assisted us with our core procedures and preparation etc., we use the resources of the Ontario Ministry of Agriculture and Food, and we're grateful for the assistance that we've received from our friends at the Ontario Farm Animal Council.

One other issue that I'd like to address with regard to training is, it was suggested by someone that we could never become experts on zoo animals. Just for clarification: Animals that are in a zoo are still animals, as defined in the act. Even if the word "zoo" isn't mentioned, they're still covered, because they're animals as defined in the act. So whether they're in a zoo or on a farm or in your kitchen, they're still an animal and they're still subject to this piece of legislation. True, we can't become experts on zoo animals, as we can't be experts on all animals. That's a fact. But one of the beauties of the Ontario SPCA Act and, I believe, the spirit of Bill 50, in moving forward, is that it permits an investigator to be "accompanied by one or more veterinarians"—the wording in the act—and any other person that the investigator deems advisable. So if we get a complaint about the sitatunga at a local zoo and it has overgrown hooves, we may be able to go into that facility and determine whether or not the standards of care are being met for the sitatunga and identify that animal as an individual species, but whether or not it has proper care for its hooves may become an issue that we need an expert for. We would rely on assistance from our friends at CAZA, and there are a great many retired zoo people we do use on a regular basis and take with us to those facilities for their expertise, just as we have used Ontario Farm Animal Council representatives whenever we have an issue with a specific livestock species. We'll take one of their representatives with us to assist and guide the investigator as they do that investigation.

We also have a one-week training course that OFAC and OMAFRA both help us to deliver to all of our people annually. That's part of more than 50 days that we offer to our investigators to help them with farm animal issues.

There's been an issue raised from time to time about accountability. In fact, the first question in the package that we've given to you there deals with the issue of accountability. Just to quickly read that, the inspectors and agents are given authority by government, through the Ontario SPCA Act, to investigate situations involving animal abuse. The act provides terms of reference and authority for all of the society's work. Matters related to the administration of the act are supervised by the Ontario Ministry of Community Safety and Correctional Services. Failure to be accountable can result in sanctions by MCSCS, which could include loss of training funds or even authority under the act. Non-affiliated societies do not have this accountability to either the Ontario SPCA or MCSCS.

In addition to that, as a route of accountability, anyone who is aggrieved by the actions of the society, specifically the issuance of an OSPCA order or the removal of an animal, has a right to appeal to the Animal Care

Review Board, an independent tribunal that scrutinizes the work that we do and makes sure that we are acting within the parameters of the legislation. Moreover, I think the final authority on accountability is the courts. When we prosecute people under the Criminal Code of Canada or even under the existing puppy mill sections—the standards of care for dogs and cats that are being bred for sale—we're subject to the scrutiny of the courts and we must abide by their guidance.

I think those are some of the issues that have come up over the course of the week. I hope that helps you. The three of us are here to answer any questions, if you have specific questions for us.

The Acting Chair (Mr. David Zimmer): There are about three minutes per party, beginning with the NDP.

Mr. Peter Kormos: Thank you, folks. You're much too defensive. Look, people have got grievances with the OSPCA. We heard from them from the get-go. I think the very first presenter was somebody who had a problem with—no, his problem was with the humane society; other people have problems with the OSPCA. You've got this basketball game where people try to score points. We understand that.

But some of the concerns as well—so here's your chance to answer these. There are concerns about transparency; some people complaining about an inability to access things as mundane as OSPCA bylaws. How about that one?

Ms. Kate MacDonald: Let me shed a little light on that one for you. Our bylaw, as with any corporation in Ontario, is a matter of internal function. It regulates how we operate inside. We don't see it as an external document. It has been our practice in the past that we don't release it to members of the public. However, we commonly share our bylaw with our affiliate societies and with our branches across Ontario. We have had some recent requests for copies of the bylaw from the general public, and our response has been, "It has not been our policy or practice, but let us bring it forth to our board meeting." The next one is in September. When we get approval to let it out to the public, we're certainly happy to do that. There is nothing controversial or secretive in it; it's just—

Mr. Peter Kormos: Please work on that, because that's a problematic one for us. Do you understand what I'm saying? Public funds: You are an arm of the government, so to speak, although a private agency, very much in the same way that family and children's services is a private body but is a transfer payment agency and does governmentally determined or amended work. For Pete's sake, that just causes so much grief when people come and say, "We can't see the bylaws." Let them see the bylaws. Lord Jesus, you've got enough disaffected OSPCA board members who have probably given it to all of their family members, anyway.

Ms. Kate MacDonald: I'm sure they have. I just want to point out that we are also a registered charity; we are first a registered charity.

Mr. Peter Kormos: Well, good. All the more reason to make your bylaws available. People give you money,

trusting that you're a non-profit. Let them look at the bylaws, Lord love a duck.

Ms. Kate MacDonald: By function of our governance, we will follow the proper procedure by which to release them to the public.

Mr. Peter Kormos: The Ombudsman, Mr. Marin, talked about this bureaucratise and rule-itis. Don't get caught up in that. You're causing problems where you don't need problems, for Pete's sake. Show people the bylaws, and then that problem's over. You build a little bit of rapport and trust. I appreciate your response and candour, but it's become such a pain in the butt, hearing that complaint when it could be so easily resolved.

Ms. Kate MacDonald: It's a relatively new complaint for us—

Mr. Peter Kormos: Yes, but it's still a pain in the butt.

Ms. Kate MacDonald: Certainly. I don't want to confuse or create an expectation that is not going to be immediately resolved. We will follow, according to CRA, the governance process. They will not be available until we have a board motion. The first opportunity would be late September of this year.

Mr. Peter Kormos: I know, but public funds mean public accountability.

The Chair (Mr. David Zimmer): On that note, we'll move to the Liberals.

Mr. Dave Levac: Thank you for your presentation and all of the good work that you do. One of the things that I came through with at the request of the committee—and I provided that—was the statistical number of cases dealt with: 16,682 or something to that effect. It boiled all the way down through an ACRB process of maybe 12 cases. So we're looking at a large myriad of complaints that are getting looked at in terms of cruelty to animals, and proportionately, I would suggest that your record is very good. Therefore, if you could go over some of the room for improvement that you're looking at as a result of this new fleshed-out bill. Your comment attracts me very much, about being more proactive and preventive, rather than just to reacting to cruelty reports.

1120

The essence of this bill: Does it give you that capacity to be better in communication, better in education and better in working with the stakeholders who take care of animals and the planet to do a better job?

Mr. Hugh Coghill: Thank you for that question. The short answer is, yes, I think it does. You're correct: In looking at the statistics, a rough analysis of that, of 16,000 reported complaints that are investigated across the province in a year, 2,000 orders are issued to relieve animals from distress. By simple math, that tells me that 14,000—the vast majority of the complaints that we deal with—are resolved with public education and helping people work out whatever sorts of issues they may have with their animals, and helping them to provide better welfare.

The new bill and the tools that we'll have with the new bill—I think the fact that there will be the potential

for prosecution under a provincial offence, a much easier process than the Criminal Code—will be a greater tool for us to be able to convince people that they need to provide this proper care for their animals.

Mr. Dave Levac: Finally, just one last question. There has been an assertion that there have been some renegade OSPCA officers who are overzealous. We've heard some horror stories here that, if true—and I have no reason to doubt, from one's perspective, that they felt put-upon. With the new powers that the chief inspector will be provided with, would that be available for the chief inspector to ensure that there's a better way of educating their inspectors and making their inspectors more sensitive to the circumstances they are facing, particularly on farms and in rural Ontario?

Mr. Hugh Coghill: Yes, sir, I agree. I think very much so.

Also, if I can just go quickly back to the issue of transparency, it has been reported in Hansard that the euthanasia rate at Ontario SPCA shelters is something as wild as 50%-plus, as I think was mentioned. Again, one only needs to spend a bit of time looking at the website of the Ontario SPCA—and I printed it just so that I would have the facts here today. In 2007, 1.2% of the dogs admitted to our branches were euthanized for overpopulation. Sadly, 9.6% of admitted cats were euthanized. We're not proud of that. That's very sad for us. People who work in animal welfare don't want to have to euthanize animals, but we're faced with that reality, so those numbers are available to the public.

The Acting Chair (Mr. David Zimmer): And on that note, we'll move to the Conservatives.

Mr. Garfield Dunlop: Thank you very much. I've got a couple of quick questions.

First of all, I want to congratulate the Midland SPCA branch. It was a great opening that we had a few weeks ago, and they've done some fine work up there.

On section 6, I'm not sure if the government wants to drop it or not, but we haven't had any of your branches or your affiliates come here and support keeping section 6. Can you explain that, why no one would want to support it?

Mr. Jim Sykes: I think it's not an issue for those branches and affiliates. I guess two years ago—there was some reference to the fact that the OSPCA had historically been a dysfunctional organization, and there were changes in the governance model. They were based on the government-funded governance review that was done at the OSPCA. So a lot of the remarks that were made about the past were shared by the constituting members of the OSPCA. Our belief is that we fixed it, and we've worked with the minister's office to lay out the plan, where we are, and we've made huge progress. I think we speak with one voice. We understand the accountability issues.

I guess, Garfield, the thing that is somewhat perplexing to me is that I see two themes through these discussions. One is saying, "We need more accountability from the OSPCA," and another is saying, "We want

organizations that aren't affiliated with the OSPCA, which hold themselves out to be humane societies, to be allowed to do that without any accountability to the OSPCA or to the government." I guess it just becomes, which is it that the government and the people of Ontario want? Is it accountability or is it a free-for-all?

I think our branches and our affiliates feel adequately represented here today by our chief inspector, our CEO and myself to speak to the committee. We didn't feel the need to go into each community that you might be meeting in and give you the same message.

Mr. Garfield Dunlop: Okay. I just thought somebody would have come out and we would have seen a lot of support for section 6. We haven't seen that at all through these hearings, and we're into our fifth day.

Do I have time to ask something else?

The Acting Chair (Mr. David Zimmer): Yes.

Mr. Garfield Dunlop: Finally, I wanted to ask—

Mr. Peter Kormos: You can have the balance of my time.

Mr. Garfield Dunlop: Okay, yes. Everybody always gets a lot of extra time when Peter speaks.

The warrantless entry thing: I still have a lot of concerns with that. I know if there's an example of a car where there's a dog inside it, in the trunk or something like that, yes, I can understand why you'd want to pry it open. But if you're talking about an overzealous inspector, what's to stop him from just entering any farm he wants to go into? I just can't understand that. He doesn't have to go into the house, but he can go into any barn, any implement shed. People have a privacy issue, as far as I'm concerned, and I've got a real problem with that section being in there.

Mr. Hugh Coghill: I agree. I'll comment on that by saying that first of all we adhere to OMAFRA's biosecurity model and our officers are all trained in the proper use of entering any facility where there are animals to ensure that biosecurity is adhered to.

The issue here is the term "reasonable grounds," and that's something that we didn't make up. It's established through the courts and an officer would have to formulate reasonable grounds in his mind and be able to justify that if he were in court or taken to task on that. We train our people on that. So they can't just go along and say, "I think that I'll go in and have a look at this barn." They have to have reasonable grounds to believe that there is an animal in immediate distress, and heavy emphasis on the word "immediate." It's not just a matter of, "Well, they didn't water them today, so I can go into the barn." It's a matter of animals that are in immediate distress, at the risk of death, in order to be able to enter a facility and, again, only to relieve that animal from its immediate distress.

The Acting Chair (Mr. David Zimmer): All right, and on that note, we're just slightly over the time limit. Thank you very much for attending and organizing your presentation to this committee.

Members, we're well ahead of our schedule. The next person I would call on is at 12:45.

Mr. Dave Levac: There are others here.

The Acting Chair (Mr. David Zimmer): They weren't, but I think they are now. Just let me speak to the clerk for a second.

CARL NOBLE

The Acting Chair (Mr. David Zimmer): The 12 o'clock slot is now here, Carl Noble, if you'd come forward. Mr. Noble, you'll have 15 minutes for your presentation. I'll give you a three-minute warning as you approach the end of that time. You may or may not want to leave time in your presentation for questions from the members of this committee, but that's your choice. Would you introduce yourself for the record and then begin?

Mr. Carl Noble: I'm Carl Noble, and I thank you for the opportunity to appear before you. I propose to use my time slot to briefly introduce myself and my experience with the OSPCA; then I would like to provide some examples of what I think needs serious improvement; and I conclude with five brief recommendations that I believe would improve the legislation and the thrust of what we are trying to achieve.

Our family has had a farm on the Bruce Peninsula for over 40 years. I am a retired professional firefighter and spent 25 years on the North York Fire Department, 17 of those years as a captain of the rescue and salvage unit. I was on the executive of the Ontario Women's Hockey Association for 28 years, as well as nine years on the Canadian Hockey Association. I have spent 16 years in municipal politics, the last six years as mayor of the town of South Bruce Peninsula. I was elected to the board of the Ontario Society for the Prevention of Cruelty to Animals for eight years and was one of the 29 directors who resigned en masse from the board over the direction it was going. I can assure you I have spent the last 40 years in close proximity to people and animals, both those in normal life and those who are in great distress.

1130

The reason I resigned from the OSPCA board was because of deficit budgeting and the fact that they took a 180-degree turn in training and appointment of investigators. The newly appointed chief investigator was of the opinion that if you were charged by the OSPCA, you were guilty until proven innocent, and this went directly against my grain. I sat on their investigations committee, and when suggestions were made on how to improve, you were told not to interfere, as you would be jeopardizing an investigation. What really upset me was the fact that they suggested bullet-proof vests, nightsticks and handcuffs; I was of the opinion they should be taught some people skills first to make them better investigators.

An investigator's training consisted of two days, during which they were given police powers and sent out into society to catch animal abusers. My wife has fostered animals for the OSPCA for many years and raised funds for them in the thousands of dollars. We were having a fundraiser at our home and one such investi-

gator, who had just been appointed and received her nice blue shirt with the gold badge on the sleeve, patted herself on the sleeve and said, "This is power." After she left, my wife's comments were, "I think we have trouble."

In essence, the OSPCA operates a powerful, private police force, which answers to no one other than themselves, and it is time they were made accountable to the province and to society. They were given police powers and yet they need the backup of our OPP officers for most calls. Why? They have used our police to force people into their homes or into the back of a cruiser while court cases have proven they stole and sold the owner's animals before, and in some cases without any redress in courts; all of this with the assistance of our OPP. Why is that? Why does someone who has police powers require the OPP at most calls to carry out their mandate?

I sat on the police services board of our municipality when I was mayor and I can assure you that anything the OPP did in our town at the request of the OSPCA was charged back to the province and not the town. If it persists and you are not able to change the act to protect towns from added costs, it will be brought to the attention of all towns having contracts with the OPP. When we as a town pay over \$100,000 per officer under contract, I'm sure other towns would like to be able to move some of their costs back to the province. Are you willing to donate another \$5 million for them to have the assistance of the OPP?

As I have stated, some people are not able to defend themselves because they do not have the money to hire a lawyer, and the draft legislation makes it even more difficult, such that a person must have a lawyer or represent themselves when they appear before the Animal Care Review Board. What chance do you think the person feels that they have when they walk into an Animal Care Review Board hearing and the OSPCA and the representative of the Animal Care Review Board are sitting chatting to each other? Or are they deciding how guilty the person is before he has had a chance to defend himself? How would you feel if it was you? Then they walk over and hand you the disclosure of the OSPCA for the case which is going to get underway immediately. You have no time to prepare and you feel you don't have a chance in hell of defending yourself in a kangaroo court.

Why do you give millions of dollars to a private charity, pay them to take people to court on charges they have deemed animal abuse, pay for all of the OSPCA court costs in an indirect manner and yet refuse any legal assistance to the accused, even though they are trying to defend themselves in a criminal case which, if convicted, could lead to jail time, fines and all of the restrictions which apply after being convicted of a criminal charge? One conviction I am aware of was for having the person plead guilty to having a dirty budgie cage.

All of this type of information could be false, but in the investigators' minds—and their minds alone, as there are no straightforward regulations other than what the in-

vestigator wants to interpret from what vagueness already exists in the OSPCA Act. The danger lies in the zealotry, the uncontrolled discretion and the potential for serious misinterpretations leading to serious, disproportionate consequences.

We have seen cases defended in court against the OSPCA, but we have seen many more where people have been wrongly convicted because of juggling the truth. We have seen cases that did not get to court because a deal was struck between the OSPCA and the animal owner, where the OSPCA would let the owner pay them money and would drop the charges but it all had to be kept confidential. It sure wasn't confidential when they released all their information and accusations to the media and destroyed the person's name before they had a chance to defend themselves. What they wanted was the media exposure to increase their donations, and if they got what they wanted, then a deal could be made, especially if they also got the animals, the money from the sale of the animals, and the money they got from the deal they struck with the charged person.

We need accountability. For example, we need to be able to stop OSPCA investigators from waiting for someone to tether their dog outside and leave to deliver a child to school, and when they arrive home, the dog is gone. In this real-life example, the OSPCA took the dog, left an order to have a doghouse built, and then after two or three days, offered the return of the dog if they were willing to pay the boarding and expenses of \$200. This particular lady was one who went out of her way to pick up and deliver her neighbour's challenged child to school, all of which took 20 to 25 minutes, and then had the added cost if she wanted her dog back. This happened more than once, and it is not right that the person should be at the whim of an OSPCA inspector, who in turn sells the animal back to the owner.

We have had to deal with nonsensical problems such as straw being in a doghouse. In Grey and Bruce counties, the straw was a necessity, yet in the Sarnia area, another inspector would not allow it to be used. Yet in both cases, compliance orders were written and issued demanding compliance to inconsistent standards. The man in Grey-Bruce was harassed so many times over straw in the doghouse, which the dog would promptly remove because he didn't like it, that he finally took his 10-year-old hound, which he had raised and trained from a pup, and had him euthanized. He was unable to communicate his experience, as he was too traumatized and unable to talk through his tears. Is this how people should be treated?

Since I have left the board of the OSPCA, I have heard many stories because they knew I cared and would try to change the way the OSPCA operated. I can't change the act; only you can influence its ultimate form prior to the Legislature giving its final blessing. It is in this somewhat frustrated context that I offer some recommendations and suggestions to improve the legislative framework and its critical content.

(1) Make the OSPCA and their police force accountable to some competent body; if not a ministry, give it to

the Ombudsman. Independent review of the OSPCA is vital to the checks and balances of consistently and fairly applied province-wide standards, particularly given the new and intrusive police powers of the investigators.

(2) If the Animal Care Review Board cannot operate as an independent, separate, quasi-judicial administrative entity and protect society with trained, respected and non-appointed people, then get rid of it. It is only another expense and frustration for anyone who goes before it as well as the taxpayer in general. Such a tribunal must be highly professional in every respect and carry with it all the necessary features of natural justice and procedural fairness.

(3) Before the act is changed, ensure that the regulations are written, ready to go and properly promulgated. Governments are notorious for having regulations follow about six months after the passing or changing of an act.

The Acting Chair (Mr. David Zimmer): You have about three minutes left.

Mr. Carl Noble: Thank you.

(4) Have the OSPCA inspectors properly trained by the government and not the OSPCA. Once again, independence is critical, as is accountability. If that cannot be done, then turn the investigations over to the OPP and the care of the animals over to the OSPCA.

(5) We need accountability for and to the people of Ontario.

1140

I would like to thank everyone for listening to my diatribe. I appreciate the fact that you have taken time from your summer to form this committee, because it was in question whether it would be formed.

Mr. Peter Kormos: Chair, point of order: Can this be set for two minutes per caucus?

Interjection: Agreed.

The Acting Chair (Mr. David Zimmer): Agreed. Two minutes per party, starting with the Liberals. Mr. Levac.

Mr. Dave Levac: Thank you very much, Mr. Noble, for your presentation and for voicing your concerns. By point of clarification or point of question about what your comments are, in your deputation you said “we” a few times. Are you representing any specific group?

Mr. Carl Noble: There are four or five people who phone call back and forth. We attempt to go through different court cases that the OSPCA is involved in. If we have a person who has received an order from the OSPCA, we try to direct them to a competent lawyer if they can afford it.

Mr. Dave Levac: So you’re not an organization per se?

Mr. Carl Noble: We are not an organization, no.

Mr. Dave Levac: Thank you. I just wanted some clarity, because you sometimes said “I” and sometimes “we.”

You had said earlier that you questioned whether or not there was going to be a committee. I’m the parliamentary assistant to the minister, and in my opening

remarks I indicated that we would be going to committee and that we would be travelling. Are you aware of that?

Mr. Carl Noble: We had a meeting with Mr. Bartolucci; I believe it was approximately three weeks ago, maybe. It was before the House prorogued, and at that time he was not sure that there were going to be committees.

Mr. Dave Levac: I made the commitment for him.

Mr. Carl Noble: I do appreciate it.

Interjections.

Mr. Dave Levac: There are times Mr. Kormos doesn’t believe I know what’s going on and there are times where I actually make things happen.

I appreciate your presentation, and your comments will be taken into consideration.

The Acting Chair (Mr. David Zimmer): We’ll move to the Conservative Party: two minutes. Mr. Dunlop.

Mr. Garfield Dunlop: It’s great to see you gentlemen come down this morning for these hearings.

One of your recommendations is for more training. My own personal opinion is that if you try to push this job over to the OPP, it’s just going to be absolutely a tremendous expense. I’m curious: What kind of training would you suggest the OSPCA inspectors take?

Mr. Carl Noble: I think I mentioned in my presentation that, number one, the person has to be selected for people skills. I am aware of approximately five inspectors or agents of the OSPCA who, when they move onto a person’s property, feel that they are boss, and yet they’ve only had two days’ training. How long does an OPP officer train to have police powers? It really bothers me that we have somebody who is given two days’ training and they have the official powers of a police officer. Right now I believe the OSPCA is trying to increase the number of days for the training, and that, again, was thanks to the provincial government for funding that was provided to them. That’s a step in the right direction but, boy, oh boy, there are people out there who really, really should not be doing the job.

The Acting Chair (Mr. David Zimmer): And two minutes for the NDP: Mr. Kormos.

Mr. Peter Kormos: Mr. Noble, yours is a very disturbing presentation, and the committee has heard from any number of people who have bones to pick with the OSPCA because they feel that they were dealt with improperly as subjects of investigations or that their animals were improperly dealt with.

But, folks, Mr. Noble is either insane, totally delusional, or he’s here telling us things that we should be paying close attention to. He doesn’t strike me as insane and delusional: a former professional firefighter, municipal politician, mayor for six years. Do we discount these comments entirely? I say if we do, we do it at great risk, because here’s a very, if you will, independent commentator—he isn’t complaining about how his animal was dealt with by the OSPCA; he’s isn’t complaining about how he was dealt with as a subject of an investigation—who comes across as very rational, with some considerable documentation. If the OSPCA is

going to be given the enhanced powers—and they are; nobody’s quarrelling, by and large, with that proposition—if they’re going to be peace officers, if they are going to be the people who enforce this quasi-criminal legislation, and nobody’s suggesting that it shouldn’t be quasi-criminal legislation with penal consequences, then the concerns that are raised by Mr. Noble should be taken seriously. I say to you, Chair, that I’m going to be referring to this presentation in third reading debate. Really, this legislation’s going to pass because I think all three parties, and certainly New Democrats, support the legislation. We have some concerns about bits and pieces, but support it. But we should be raising our concern about the enforcement of this legislation. Quite frankly, I think that it’s clear. We have the OSPCA saying, “We are not going to show you the bylaws, because we don’t have to.” That’s what they said.

Public monies mean public accountability. “We don’t have to.” We’re told that the bylaws are innocuous. If they’re innocuous, show us the bloody bylaws. I think that there should be a thorough investigation of these concerns about the OSPCA. It’s an injustice, as well, for the good people working for the OSPCA, because there’s a whole lot of good folks working for them; I know those folks. I say that there should be an inquiry into these types of allegations, so the air can be cleared once and for all.

Mr. Carl Noble: Mr. Kormos, if I might: I do not believe that the OSPCA should be gotten rid of. There is a need for it. I sat there for eight years as a director on the OSPCA, and I had the belief that I was really doing something. Then, when it started to change, it seemed as though it started going down the track the wrong way, and we couldn’t stop the train and now there are people out there who are harassing good citizens of Ontario. It really makes me sick that I might have been part of that.

The Acting Chair (Mr. David Zimmer): On that note, thank you very much for taking the time to attend and to present to this committee.

Mr. Carl Noble: I appreciate it. Thank you.

ONTARIO FEDERATION OF ANGLERS AND HUNTERS

The Acting Chair (Mr. David Zimmer): Members, we’ll move to the 12:45 slot, the Ontario Federation of Anglers and Hunters, Mr. Greg Farrant.

Mr. Farrant, you will have 15 minutes. I’ll give you a three-minute warning as you get to the end. You may want to leave time for questions from the committee; that’s your choice. If you would introduce yourself for the record.

Mr. Greg Farrant: Certainly. Thank you very much. Good afternoon, Mr. Chair, and members of the committee. My name is Greg Farrant and I’m manager of government relations and communications for the Ontario Federation of Anglers and Hunters, the largest charitable, non-profit conservation organization in the province, with 83,000 members and 655 member clubs.

I’m also pleased today to be appearing on behalf of our colleagues at the Canadian Sportfishing Industry Association, the Delta Waterfowl Foundation and the Wye Marsh Wildlife Centre, who have asked us to represent their views on Bill 50 before this committee. We very much appreciate the opportunity to appear before you today to comment on the legislation and make some suggestions for improvements.

Let me say from the outset that, like all right-thinking Canadians, the federation and the groups I represent here today do not in any way condone animal abuse and are supportive of thoughtful improvements to the current legislation. While it is disingenuous to suggest that this is the first change to the act since the early 1900s, given that it has been amended on at least five previous occasions, we agree that this is the first comprehensive amendment to the act in decades.

Like many groups representing the animal welfare and animal rights communities who have appeared before you, the OFAH and our partners have extensive experience in dealing with legislation that impacts upon the use of animals. In 2002, the federation and the Ontario Farm Animal Council played a major role in the passage of a private member’s bill by Ms. Munro, the member from York North, which amended the act to address problems associated with so-called puppy mills.

Over the last decade, the OFAH has also worked at the federal level with the OFAC, the Ontario Federation of Agriculture, the Association of Universities and Colleges of Canada and others in the medical research field to achieve reasonable amendments to the animal cruelty sections of the Criminal Code.

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We were pleased to support and help pass Bill S-203, which became law on April 17 of this year, which was referred to by the Senior Assistant Deputy Minister of Justice at the time as “a significant improvement to the current law regarding sentencing, with which all Canadians would agree.”

The groups I represent here today support the intent, if not all aspects, of Bill 50, which is clearly a well-meaning attempt to provide animals with greater protection, something that I have indicated we already support.

Having said that, the bill goes far beyond what we understood the focus of the legislation would be originally and contains a fairly complex set of amendments to the act, some of which we can support as is and others that need to be changed or quite frankly struck out.

We look forward to helping craft a bill that will address some of the very serious concerns raised by the OSPCA itself and which also offers those of us who deal with animals in various capacities the assurance that the standards, codes of practice and legislation that already govern our activities will afford us a measure of protection from any unintended consequences of changes to the act.

During debate in the Legislature on April 30, the Minister of Community Safety stated categorically that this legislation “will not affect, and will in fact protect,

current activities pertaining to wildlife, and hunting, fishing and trapping that are already regulated by MNR legislation, including the Fish and Wildlife Conservation Act.” At the time, he indicated that this would be achieved through regulation once the legislation is passed.

Since that time and at a meeting three weeks ago, the minister indicated to us directly that he is supportive of enshrining this protection in the legislation itself, rather than by regulation, something we obviously endorse and have provided the wording for in our attached list of amendments.

Earlier this week, the Minister of Natural Resources also communicated her support to the Minister of Community Safety for the inclusion of angling and hunting as either an exception or as one of several accepted activities in the legislation, which we also greatly appreciate.

During second reading debate on the bill, the member for Eglinton–Lawrence, who should be commended for his many years of hard work in support of animal protection, recognized that the agricultural and outdoor communities are not an issue here when he noted that “this bill is not about farm animals; it exempts agricultural communities under their regular practices. This is not about fish and wildlife and anglers and hunters, because they are not the problem.” Our desire to see the bill amended to enshrine recognition in the legislation, not regulations, that our activities are already governed under the Fish and Wildlife Conservation Act in clause 11.2(6)(a) is paramount. This can be accomplished by simply including the wording “activities carried on in accordance with the Fish and Wildlife Conservation Act, 1997, as amended.”

I do want to refer to one of the earlier speakers, Ms. Woodyer, who suggested that anglers and hunters, or fishing and hunting, was already exempt in the act. We do not see it that way, nor does our legal counsel. I would also note that in speaking against the enshrinement of that or the fact that angling and hunting should have exceptions, she chose the most unbelievable example to suggest that anglers and hunters, or hunters in particular, would try to beat an animal to death with a shovel and then claim a hunting licence gave them that right. That’s nonsensical. I further note that in her discussion, she raised the issue of cormorants, but when the member for Northumberland–Quinte West wanted to engage her in that conversation, she then suddenly said that the debate was too complex. The science does exist; the ministry has undertaken scientifically studied, measured culls, as have several border states, who are now calling upon Ontario to do the same thing.

Failing the inclusion of our suggested amendment in the act, we suggest that the word “Exception” be replaced with “Accepted activities,” and that a list of those activities be cited as they appear in the Manitoba Animal Care Act, which I’m sure you’ve all heard about a lot this week. This is not based upon a wish to be excluded from responsibility from the rules that govern people’s behaviour when it comes to how they treat animals, but

rather is based on the fact that the activities of angling and hunting are already governed by significant regulatory legislation. In our case, this is not only the Fish and Wildlife Conservation Act; so too do the Migratory Birds Convention Act, the Fisheries Act and several other statutes, as well as the hunting and fishing regulations published annually by the MNR, which give force to the FWCA.

If the bill is amended in either of the ways I have just described, this will address several of the major concerns also expressed by our colleagues at the Wye Marsh Wildlife Centre, an outstanding wildlife conservation and education facility that exists in Midland, Ontario, which Mr. Dunlop is very familiar with. They are already in compliance with federal animal care standards through the animal care committee of Environment Canada and have developed an animal care manual with protocols for every animal on site. They are required to obtain annual permits for all animals in captivity, as well as species-at-risk permits. In addition, they are subject to the requirements of legislation administered by the MNR and annual inspections by both the Environment Canada animal care committee and the MNR. Like angling and hunting, agriculture and medical research, why should those standards be ignored in favour of a third regulatory body?

In the interests of time, I’m going to try to briefly touch on just a few more examples. If the bill is amended to recognize angling, hunting, trapping, farming, medical research and a host of other accepted activities, several of our concerns will have been addressed. If not, a major concern for us and many others is the definition, or lack thereof, of the word “distress.” The definition included in the bill is the same as in the old act, with its basic flaw of vagueness, since it is defined as “the state of being in need of proper care, water, food or shelter.” Frankly, it is a function of being alive that requires constantly being in need of these basic necessities, which then poses the question: Is distress a constant condition?

The inclusion of the philosophically troublesome definition of “immediate distress” in subsection 12(8) is also of concern. This requires immediate intervention in order to alleviate suffering or to preserve life. Are we to assume from this, then, that “distress” involves suffering that does not need to be alleviated, while “immediate distress” does?

In our opinion, the OSPCA views all distress as “immediate,” and therefore the wording in Bill 50 creates a smokescreen or an opportunity as it relates to searches undertaken with a warrant versus those without. With the new definition in place, inspectors will be provided with a mechanism to routinely claim “immediate distress” and search without a warrant. Surely this is not one of the effective and progressive approaches referred to in the preamble of the bill.

The Acting Chair (Mr. David Zimmer): You have about three minutes.

Mr. Greg Farrant: Thank you, sir.

In this case, the committee may wish to consult other legislation, like the Animal Protection Act in Alberta.

While there are references in the bill to native fish and wildlife, it reserves regulation for the defining of these until later. In fact, the proposal for non-application to native wildlife and fish in the wild in prescribed circumstances or conditions is in fact a Trojan horse, since virtually every word of clause 11.2(6)(a) has yet to be defined. For instance, what of fish reared in hatcheries? Are they wild or only considered as such after they are released? Our amendment would alleviate this.

The bill contains other definitions—“reasonable grounds”—which Mr. Coghill touched on, so I will pass on. I do want to mention in support of OFAC that section 21, which provides for circumstances where a municipal bylaw could overrule the provincial statute, is something we strongly object to and needs to be rescinded. If not, you risk seeing the creation of a patchwork of differing standards across the province.

During second reading debate on Bill 50, the member for Eglinton–Lawrence, the member for Dufferin–Caledon and others mentioned their support for section 11.2, which refers to the fact that no person shall train an animal to fight others. They missed the words “or permit.” This is something that concerns us greatly. It is not beyond the scope of possibility that in the course of protecting a herd or during the pursuit of an animal during a hunt, a dog would come into conflict with another animal. While recognition of the Fish and Wildlife Conservation Act in clause 11.2(6)(a), or the term “accepted activities,” would respond to the concerns we and others have responded to in this context, I put it to you that without better defining what it means—“or permit”—those words should be struck down.

With that, I will bring my comments to a close. I know we’re running out of time and there might be some questions. Thank you, sir.

The Acting Chair (Mr. David Zimmer): We have almost a minute per caucus if you just want to make a brief comment or statement, beginning with the Conservatives. You have less than a minute.

Mr. Garfield Dunlop: Yes, to Greg, I just want to thank you for being here. The presentation is excellent. There are some excellent amendments in there. I hope the government will listen to those. I know that you’re one of the groups that was originally on the list the government provided to us that said that you were consulted with a lot, and I don’t think you were. I just want to say that the research you’ve put into this and the types of amendments, I think, are what this bill really does need. I appreciate your bringing forward some of these amendments for us.

The Acting Chair (Mr. David Zimmer): And to Mr. Kormos, a comment?

Mr. Peter Kormos: I’m intrigued. I want to know if you were consulted or not. Were you? This way, Mr. Levac will have a chance to—

Mr. Greg Farrant: Yes, with Mr. Levac sitting there, I want to be very careful about this.

Mr. Peter Kormos: Just be straight.

Mr. Greg Farrant: Three weeks ago we did meet. My executive director and I met personally with the minister and spoke to him about our concerns about this bill and presented him with an intermediate list of what we thought should change in the bill. If you want to consider that consultation, yes.

We also met with senior staff at the ministry earlier this year—February—and had a discussion with them, although they did present it, as Ms. Ballentine indicated earlier, with what appeared to be a fait accompli: This is what the bill would look like, this is what was going to be in it, but we certainly did have discussions with them, so I want to be clear about that.

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The Acting Chair (Mr. David Zimmer): On that note, a comment, Mr. Levac?

Mr. Dave Levac: Let’s just carry on with that. Thanks very much for your conversation and your offer of amendments and changes. I would suggest to you respectfully that you were heard and we appreciate that. It wasn’t a fait accompli because, first of all, we did not make that commitment and we didn’t say that, and quite frankly, we committed to committee hearings and we committed to hearing other people.

The second thing that I want to suggest to you is that your first suggestion around enshrining into the act—we take that seriously and it’s going to happen.

Mr. Greg Farrant: Thank you, sir. I appreciate that.

Mr. Dave Levac: So that’s consultation.

The Acting Chair (Mr. David Zimmer): Thank you very much for taking—

Interjections.

Mr. Greg Farrant: We appreciate this opportunity. Thank you.

The Acting Chair (Mr. David Zimmer): Thank you for presenting.

ZOOCHECK CANADA

The Acting Chair (Mr. David Zimmer): The 12:30 time slot: Zoocheck Canada, Rob Laidlaw. You’ll have 15 minutes for your presentation; I’ll give you a three-minute heads-up that your time’s about to expire. You may or may not want to leave time for questions from the members of the committee; that’s your decision. Would you introduce yourself for the record?

Mr. Rob Laidlaw: My name is Rob Laidlaw. I’m here representing Zoocheck Canada, which is a Toronto-based national animal protection organization that was established in 1984. As the name suggests, we do a great deal of our work on zoo issues and other wildlife-in-captivity issues, and that’s been the primary thrust of our work since we started. In pursuit of our objectives, we engage in a wide variety of campaigns: investigative campaigns, public awareness campaigns, legislative campaigns, litigation, capacity-building programs, both here in Ontario and elsewhere in the country and around the world. We’re members of the Species Survival Network and past members of the Canadian Federation of Humane

Societies, the Canadian Association of Zoos and Aquariums, and the American Association of Zoo Keepers.

My own involvement began back in the late 1970s, and I'll just give you a brief synopsis of that, because I think I'm one of the few people who have been involved in zoo issues for the last 25 years. I'm currently executive director of Zoocheck Canada. I'm a former chief inspector at the Toronto Humane Society. I've served as a project manager and technical adviser for the World Society for the Protection of Animals, primarily in Asia and Canada. I've conducted quite a broad range of welfare audits of wildlife-in-captivity facilities, designed audit processes, and organized training workshops for zoo inspections, one of them back in 2000, here in Ontario, attended by members of the Ontario government and the Ontario SPCA—and I have one coming up in Bali, Indonesia, next month for officials there. I've also spoken over the years and attended quite a number of zoo association conferences. So that's a little bit about my involvement. Like I said, I've been involved with a lot of the initiatives over the years dealing with zoo issues.

As you know, Bill 50 was partially brought about because of Mr. Zimmer's private member's bill, Bill 154, the Regulation of Zoos Act. The bill attracted a lot of attention. I actually attended a media conference at the Toronto Zoo last August, where the former minister, Monte Kwinter, spoke about the need to improve animal protection in the province. He specifically spoke about the need to deal with my pet issue, which is this long-standing issue of roadside zoos and wildlife in captivity. He actually said, "We're going to make sure that no zoo in Ontario is a rogue zoo." I'm not entirely convinced that this bill will accomplish that because there's no mention of zoos, but I do hold out some hope.

You may not realize that this issue of roadside zoos and the proliferation of wildlife in captivity in the hands of private individuals goes back quite a few decades. I mentioned that I've been involved for 25 years, but prior to my involvement, in the 1960s and 1970s, there was other activity going on. Since I started, there have been a number of initiatives. In 1982, just when I started on this issue, there was a private member's bill put forward to deal with this issue. In 1988, Ed Philip, then a member of the New Democratic Party, introduced Bill 129, An Act to regulate the Care of Animals kept for Exhibition or Entertainment. That passed second reading and then died. In response to that bill, Vince Kerrio, the former Liberal Minister of Natural Resources, announced, "In six months, we'll have tough regulations for zoos in this province"—well, 20 years later, they're nowhere to be seen. In 1990, the David Peterson Liberal government put together the animal welfare review committee that went on for four years looking at zoo, wildlife and captivity issues and other issues, and in 1994 put out their final report. It actually had some very good recommendations.

In 1997, a Conservative member of the Mike Harris government, John Parker, introduced his own private member's bill to deal with these issues. In 2000, the

Ministry of Natural Resources worked on and developed wildlife-in-captivity minimum standards for zoos that were released in 2001. Then in 2006, we have David Zimmer's Bill 154, the Regulation of Zoos Act, and now, in 2008, we have Bill 50 that is supposed to deal with these issues as well. It's gone on a very long time and I'd say it's gone on far too long.

Getting to the bill itself: We're generally supportive of Bill 50, primarily because it addresses a number of key deficiencies in the current OSPCA Act. I won't go through those. I'm sure you've heard it time and time again over the course of this week. We applaud the government for those improvements that they've included, but we do have some concerns with parts of the bill. I'm going to try not to reiterate points made by other people.

One of the concerns that we have is that we don't feel there should be exemptions to this legislation for anybody. In reading the previous deputations from July 21, it seems a number of people have already articulated their concerns about exemptions, so I won't bother to go over them with you here today, but suffice to say, we don't believe that any industry or group should be exempt from our primary core animal welfare law here in the province. If Ontario is really going to move from worst to first, you can't water down your laws with exemptions.

Let me move on to roadside zoos, which, as I said, is my pet area. We think that within the context of the bill, because there was a promise made that there should be comprehensive zoo regulations established—and like I said, there's no mention of zoos in the bill anywhere. We feel that while Bill 50, as it's currently written, may address some of the concerns that have been brought forward over the years, it certainly doesn't address them all.

We feel that there needs to be some type of regulatory regime set up within the context of Bill 50 that will deal with roadside zoos, which will require upfront regulation, a licensing component to screen out or filter, if you will, all of the people who really shouldn't be acquiring wild animals, and opening up zoos and other types of public displays. We feel there should be specific requirements attached to licences with regard to education, experience, financing etc. We feel that there should be specific standards or reference to specific standards, and those standards are available. The MNR standards that were released in 2001 are excellent, but there are all kinds of other examples all over the world, everywhere from the UK to India, that could be cookie-cuttered right into the existing Bill 50.

I also think that we need a mechanism for the closure of facilities. We don't want an entirely retroactive approach to dealing with these facilities; we need that retroactive part of a regime, but we also need that upfront regulation, that filter, so that we can keep control of what's going on in this province. It seems crazy that at the present time that doesn't seem to be factored into the equation because almost every other jurisdiction does that. They filter out the people who want to do these things so that they don't get the incompetent people, the

underfunded people, the fly-by-night people in the business that they have to deal with later. It's more cost-effective and it's better for the animals and it's certainly better for the public.

I mentioned exemptions earlier on. Because of my experience, I think I'm well placed to talk about the request by the Canadian Association of Zoos and Aquariums for an exemption. It seems that everybody is saying, "This is great. We're better than everybody else. Exempt us." I can't blame those people for saying that, I'd probably do the same if I were in their shoes, but I would urge you to not even consider an exemption for CAZA zoos. Their accreditation process is not the gold standard it's made out to be. It is their standard, but it's certainly not the gold standard, and it doesn't create a level playing field. There are better facilities in the province than CAZA-accredited facilities and there are worse facilities. CAZA is one standard that they apply to their members.

Their standard involves a peer-review process that occurs within the context of a very small community. It's one person who knows one person reviewing their facility. It's not transparent. It's not publicly accountable. There's really no recourse for public complaints within their system. It tends to be voluntary; they have conditional accreditation. I can give you one example. One of their primary requirements for accreditation is a perimeter fence around their facility to safeguard the public, so that animals that escape on the zoo property are discouraged from leaving the property. Marineland in Niagara Falls is an accredited institution, has been for many years, yet their accreditation was conditional on certain things being done. They still don't have their perimeter fence up and they are still an accredited member of the association. There are all kinds of examples like that; they're not isolated.

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The accreditation process occurs once every five years, so you've got a one- to three-day period where you're just basically getting a snapshot, and things can change. That's not an accountable system and, like I said, it's not a gold standard. So I would encourage you not to consider any type of exemption for CAZA-accredited zoos. Let's make this a level playing field with the same rules for everybody, and if somebody else has a system of their own, that should be seen as complementary to the legislation and not as duplicative or competing.

The Acting Chair (Mr. David Zimmer): You have three minutes left.

Mr. Rob Laidlaw: Okay. Just a couple of other points.

There seems to be this idea promulgated by some people who have spoken to the committee that the zoo inspection process is this really ominous thing that requires a great deal of expertise. Like I said, I've been involved in creating audit processes for all kinds of agencies, and it doesn't need to be costly; it doesn't need to be difficult. It can be accomplished in a very cost-effective, very quick way. It just depends on how you do

it. But you don't need to always turn to the zoo association and accept the system they have, because there are all kinds of other alternatives that are far more workable, far more accountable, far more cost-effective and easy to implement.

I wanted to just finish off by saying that last year the World Society for the Protection of Animals hired the Oracle company to do a poll on wildlife in captivity, and they found, in a sampling of about 1,000 people, enormous public support for regulation of zoos and for controlling all the bad operators.

We did our own poll. Just for the record, they were not people who are members of our association. We also looked at about 1,000 people, and we've just been in the process right now of tallying the results. On the sheets that you have in front of you, there are 10 questions that were part of the poll. They pretty much mirror what Oracle found. There is tremendous public support for dealing with zoo issues. I would encourage, because the government made a promise to deal with that issue and said they were going to do it through Bill 50, that this actually be done. There is strong support for properly dealing with this issue. It's 30 or more years overdue. It's absurd that such a large and wealthy province hasn't dealt with this long ago when so many other jurisdictions around the world that are far less resourced have already done so. We're the worst in the country. People are expecting something to be done. That was the promise 20 years ago; that was the promise last year. It should be done, it should be done quickly, and I encourage you to make sure that it is. Thank you.

The Acting Chair (Mr. David Zimmer): You've used up the 15 minutes. Thank you very, very much for organizing your presentation and attending today.

Mr. Rob Laidlaw: Thank you.

ANIMAL ALLIANCE OF CANADA

The Acting Chair (Mr. David Zimmer): The next presenter is the 1 o'clock slot: Animal Alliance, Liz White. Ms. White, you'll have 15 minutes to do your presentation. I'll give you a warning, three minutes, just as your time is up. You might want to leave questions at the end for members; that's your call. Introduce yourself for the record and begin.

Ms. Liz White: My name is Liz White. I'm a director of Animal Alliance of Canada. Animal Alliance has been in existence for 18 years. We're a national organization doing animal welfare and animal protection work across the country, predominantly legislative work.

I just wanted to point to the submission that we've made. The first 14 pages is our actual submission. Appendix A looks at other types of legislation internationally and does a comparative study between the US and Europe to see which produces better legislation. It provides some resources, and we can provide more of those if you need them. Appendix B is a list of exemptions from other pieces of legislation across the country. The final is a series of pictures of animals that we believe

would not be covered by this legislation, including the picture on the front cover.

Interjection.

Ms. Liz White: Yes.

I want to turn specifically to the recommendations because I know that people have been talking about a number of different issues and I don't want to duplicate those. I'm just going to go over the recommendations and expand on them a little bit. Hopefully, we'll have some time for comments.

The first thing that I'd like to say is that every single political party sitting around this table has done something really good for animals or had and produced discussions on things that were good for animals. The Tories, I might remind, did a ban on the spring bear hunt and a ban on the trade in bear gallbladders. That was really a positive initiative. The NDP had a significant discussion on whether animals should be tested for cosmetic and product-testing purposes when they were in power. And the Liberals have talked about a number of different issues, including roadside zoos, and have put those issues forward in a very positive manner. This is a reminder that these issues cut across party lines and that, in fact, every single party around here has done a really good job at some time or other. And that's what we're asking you to do today, to take a look at this piece of legislation a little bit differently. To repeat, but to expand a little bit differently, we're asking that all the exemptions be removed from both the act and the regulations.

We've done a significant review of the literature of the regulations that cover research animals, farm animals and wildlife, and none of those pieces of legislation, in any significant manner, provides protection for those animals, in those particular pieces of legislation, for individual animals that are being subjected to a cruel situation. So there is no protection under the legislation that governs those particular entities, and this piece of legislation says, "And by the way, you're not going to get protection in this piece of legislation either." When you add up the numbers of animals that we're talking about, it's about a quarter of a billion in Ontario that are essentially exempt from any coverage in this piece of legislation. So I'm asking you to consider that particular situation.

The second thing is—and I don't need to spend a lot of time on this—on section 6, we're asking that that be deleted and that the rewording on that particular section, on the words "humane society," that doesn't need—We're asking that you amend the Animals for Research Act, as you did for the Dog Owners' Liability Act, and remove subsection 18(9) that prohibits the OSPCA from investigating any complaints of cruelty in research laboratories.

In the Animals for Research Act, there is a mechanism by which somebody's licence can be removed if there is an animal cruelty situation. The question is, how would one ever know that there's an animal cruelty situation, since the very body that says, "This is what is cruel and what is not," is not allowed to go into a research labora-

tory? I'm asking that that really needs to be amended and clarified. I think that if you don't, you need to be very clear about what responsibility a veterinarian has on reporting an animal cruelty incident in a supply or research facility. It is completely unclear to me, given that veterinarians have to report, to whom do they report? Is it somebody up the chain, or the people who are supposed to be doing the cruelty investigation who cannot go into the research laboratory, even if the complaint comes?

We're asking that all government ministries and government agencies that are in possession of animals also have to comply with this piece of legislation. It is unclear to me that that is the case in this piece of legislation.

We're asking that peace officer powers be extended to other law enforcement bodies, such as municipal animal service people, to increase the enforcement capacity in the province of Ontario. It is clear to me that there are insufficient animal cruelty inspectors in the province through the OSPCA. We need to be able to broaden that, and I think that this is a good way to go because they're already implementing enforcement in their own municipalities.

Finally, most controversial, I think, is that I don't think that the OSPCA should be in charge of doing the enforcement. I think that there's a serious problem with that. I think that if the province was serious about animal cruelty investigations, they'd have a police officer body that would be in charge of doing animal cruelty investigations, and they would bring in the OSPCA as experts in the area of distress. I say this because the OSPCA, I would argue, has conflicting ideas between enforcement and what they say in their policy, which presents a real problem for people who are subjects of the enforcement.

1220

The second thing in this particular situation is that they are a private entity and there is a serious problem with transparency and openness in a process with a private agency. So we're recommending that you set up an advisory committee that would look at changing this particular aspect of it and that you fund the OSPCA to do the work they do as experts in the area, but that you actually set it up as an OPP animal enforcement organization.

Those are my recommendations. I leave it open for questions if there are any.

The Acting Chair (Mr. David Zimmer): We have about three minutes per caucus, starting with the Conservatives.

Mrs. Christine Elliott: I've just had a quick look through some of your material, and it appears that you have some concerns just with respect to the whole concept of agricultural practices and so on, and presumably with some of the hunting provisions as well. What would you propose to do under this new legislation, then? Would you want that to be opened up as well?

Ms. Liz White: These bodies are governed by their own legislative regime, both of them. I don't think that we ought to provide additional—I would say, beyond

protection that their own regulatory regime provides, that these exemptions are not necessary. There isn't a judge in the land, I would argue, who would take somebody to court over complying with the Milk Act or the livestock act or all of the other acts. There isn't anybody who's going to do that. It's for the individual animals. You'll see a calf that is in serious condition; pigs as well. These are animals that, by virtue of this exemption, cannot be dealt with under this piece of legislation, even though those individual animals are being treated in a manner that ought not to be the case, and I would say in some cases outside what is allowed by regulation. But because it's a much broader exemption than that, those animals will receive no protection. I think you should leave the exemptions out. Whatever coverage and protection they have under their own regulatory regime should stay the test of time.

Mrs. Christine Elliott: So you would have a problem with just normal farm practices, then, presuming that normal farm practices would be in compliance?

Ms. Liz White: I'm saying that normal farm practices are covered by a whole raft of regulatory mechanisms. Those are all in place now. Farming is going to take place from now until I'm well gone off this earth, and what I'm saying is that they are already regulated in those particular situations. Why are we saying, "Above and beyond that, by the way ..."? Any of the animals here cannot be prosecuted under this piece of legislation, regardless of what happens to them. How would you know what would happen to those animals? You couldn't know, by virtue of them being exempt.

Mrs. Christine Elliott: I think some of the concern that has been registered with this committee, however, is that normal practices that are already being carried on might be in some jeopardy if they weren't protected specifically by this legislation.

Ms. Liz White: I think those normal, everyday practices are protected in their own pieces of legislation in the codes of practice, and that's what the industry uses to deal with it. They have their own mechanisms to make sure that farmers and stockyards and slaughterhouses comply with their regulation. What we're saying is that that in no way addresses individual animals that are subjected to cruel treatment within those practices. By virtue of exempting them, you exempt all protection for those animals as well.

The Acting Chair (Mr. David Zimmer): Mr. Kormos, three minutes.

Mr. Peter Kormos: Thank you, ma'am. But I read in your submission that you're very critical of the codes.

Ms. Liz White: Very critical of the codes. Absolutely.

Mr. Peter Kormos: Yes, and that's very clear, but the codes are developed by producer groups, representatives of farm groups, veterinarians, animals scientists, federal and provincial governments, and it's done in cooperation with the Canadian Federation of Humane Societies.

Ms. Liz White: Yes.

Mr. Peter Kormos: Okay. Without being judgmental about the codes, it seems to be a pretty representative

group, including the Canadian Federation of Humane Societies. Is this not a balanced group?

Ms. Liz White: Well, I think no, it is not a balanced group. There's all the industry and one humane group, so in fact it is not a balanced situation.

Secondly, many of the codes of practice are relatively old, have not been updated and do not reflect changing times. Thirdly, they're voluntary. I think there's a real problem with voluntary codes of practice because if somebody decides not to do them, there's no regulatory ability to deal with those particular situations.

Mr. Peter Kormos: Far be it for me to prejudge the legislation—and I'm assuming very much that it's going to pass—but it makes reference to farm practices. Wouldn't it be reasonable for these codes to be interpreted as farm practices or as one articulation of farm practices?

Ms. Liz White: I think that if there were ever a court challenge on any of this stuff, that would be raised in court. I think it's extremely short-sighted to incorporate the codes of practice into a piece of legislation that is to protect animals from cruelty, because those codes of practice are about operational issues as opposed to cruelty issues. They're broader, systemic animal issues; they do not deal with the individual cases of cruelty. If you have five chickens in a battery cage, and you meet a farmer who has seven, is that cruel? Will this cover it? Does that mean that whatever the code of practice says—

Mr. Peter Kormos: I hear you. The abattoir is a very unpleasant place for people who don't have the stomach for it.

Ms. Liz White: The abattoir is a very good example, where there's use of electric prods, even though it's recommended against by some of the industry. Is that cruel? Would this be covered in this piece of legislation? I suggest not, because it's a common practice. It's not absolutely said that that should not happen.

Mr. Peter Kormos: On slaughter day, there's a lot of squealing and hollering and banging and thumping—and then we go to the meat market and have our BBQ.

Ms. Liz White: Three days ago I was at a slaughterhouse—because I wanted to be there because I was coming here—to watch pigs being offloaded from a truck. They were using electric prods through a tiny door so that the pigs were climbing over each other and falling. The question is, why would you do that?

Mr. Peter Kormos: Because you want that Easter ham.

Ms. Liz White: That may be the case, but what we're saying here is, if you're going to do that, you have to be humane. To exempt people from this is not an option, I would argue.

The Acting Chair (Mr. David Zimmer): On that note, we'll move to the Liberals. Three minutes, Mr. Levac.

Mr. Dave Levac: Thank you, Ms. White. The codes, as you pointed out, are changing, and in the world there are some advancements and changes in those codes and standards of care. The consumer sometimes dictates that

because they want free-range chickens and all of those types of things that are happening.

One of the deputants was saying, “But my code is going to be my code, and therefore I don’t want anybody telling me what to do with my animals,” but that’s not going to be the case with this legislation. My understanding and interpretation of this legislation is that those codes that are presently accepted as normal practice on farms, on abattoirs and everywhere else—those particular codes for farm animals are going to be exempted, but the OSPCA would have authority if those codes were not met. Is that your understanding?

Ms. Liz White: I understand that that may be the case. The problem is, if all of these animals are exempt, who’s going to know what is actually going on in the institutions? Because it isn’t going to be the OSPCA that is going to be there; it will be on a complaint basis.

Just so you know, in a battery op, this is what a chicken lives on for its entire life—this size, okay? Those are the codes of practice. That’s what we’re saying is okay. That’s what we’re saying is perfectly humane. I would put to you that it is not humane. It is a terrible thing to put an animal through. I would say to you as well that if we are going to use animals for our purposes—and they give the ultimate sacrifice for us, which is their lives—they ought to be treated in the most humane manner before that happens. This piece of legislation does not do that. It provides very, very broad exemptions that are not going to protect the animals that are in the largest numbers in this province.

Mr. Dave Levac: What we’re talking about is an enforcement piece on that side—

Ms. Liz White: I understand that.

Mr. Dave Levac: —and in terms of the protection that you’re talking about, you indicated that in the animal research section, that’s the code that is taken care of. There is not a code; it’s a law.

Ms. Liz White: No, there is no legislation in the Animals for Research Act—just so I’m very clear—that provides for an ability, where an animal is being treated cruelly, for anything to be done about it, other than the institution loses its licence. So the animal can’t be dealt with at the time that the suffering occurs.

1230

Mr. Dave Levac: I agree with that, because the bill doesn’t allow the OSPCA to have influence in that particular act. But for the other two that we are talking about, farm animals and wildlife, if the standards are not met—even though you and I might differ or you might have a different opinion of what those standards are or their validity—the enforcement side to that, which allows the OSPCA, if there is cruelty, to even use warrantless entry to protect that animal if it’s in distress.

The Acting Chair (Mr. David Zimmer): On that note, we’ve just passed the 15-minute mark.

Mr. Dave Levac: Thank you for your presentation.

The Acting Chair (Mr. David Zimmer): Thank you very much for attending today and organizing your presentation for this committee.

Ms. Liz White: Thank you. If anybody has any questions, feel free to call.

The Acting Chair (Mr. David Zimmer): May I just have the members’ attention for a second? I just want to canvass the list, because there were a couple of no-shows and they may be here. Windsor Animal Rescue? Wendell Palmer?

With respect to the 12:15 slot, Wendell Palmer, here is the situation. Mr. Palmer sent a message to the clerk at 12:20 p.m. advising that he was coming in from Niagara Falls, that he had just entered the Gardiner Expressway and his expected time of arrival here was 20 minutes. He said he was detained in traffic coming in from Niagara Falls. Does the committee wish to recess and give him some time to get here?

Mr. Garfield Dunlop: Is he the last one?

The Acting Chair (Mr. David Zimmer): He’s the last one.

Mr. Peter Kormos: We’ve had occasion to wait for each other from time to time. He’s coming in from the Falls. That stretch of the QEW can be awfully busy on a bright, sunny summer day, and Lord knows we’ve had Biblical proportions of rain for a week, so let’s wait.

The Acting Chair (Mr. David Zimmer): The Conservative side?

Mr. Garfield Dunlop: Agreed.

The Acting Chair (Mr. David Zimmer): The Liberal side?

Mr. Dave Levac: Mr. Chairman, may I also indicate that we keep in contact with him to see whether or not he’s decided to turn back, which has happened in the past—so not to keep us going. Respectfully, I do agree with Mr. Kormos but suggest to you that we keep in contact and if there’s any indication he’s going to be longer than the original 1 p.m., we adjourn.

Mr. Peter Kormos: If he’s on the Gardiner, he’s just looking for a parking spot.

Mr. Dave Levac: Probably.

The Acting Chair (Mr. David Zimmer): All right, we’ll recess for 10 minutes, till 12:45.

The committee recessed from 1232 to 1245.

The Acting Chair (Mr. David Zimmer): Okay, so here’s the update: Mr. Palmer is just down at the desk, going through legislative security, and will be up here in a minute or two, I guess. Perhaps you could go down and walk him up here, so that he doesn’t waste any time wandering around the corridors.

The committee’s in recess, and that’s just so Hansard can shut down.

The committee recessed from 1245 to 1251.

WENDELL PALMER

The Acting Chair (Mr. David Zimmer): Mr. Palmer, come up here and have a seat. Welcome to the justice committee. We did hold matters down to accommodate you, so we’ll get started in a minute or two. You will have 15 minutes to present. I will give you a three-minute heads-up when your time is about to expire. You may wish to leave some time within your submissions at the

end for questions from this committee, but that's your call. If you would introduce yourself for the record now, you can begin your presentation.

Mr. Wendell Palmer: I'm Wendell Palmer, Niagara Falls. I need my material to—

Interjection.

Mr. Wendell Palmer: Thank you.

The Acting Chair (Mr. David Zimmer): All right. You can begin.

Mr. Wendell Palmer: I'm beginning with the sheet that says "Notes for Bill 50—Standing Committee on Justice Policy" in the top left-hand corner.

The following several topics concerning the Ontario Society for the Prevention of Cruelty to Animals—the OSPCA—are very brief concerns that I believe need to be addressed before the OSPCA is given more police powers. I believe that the present powers greatly exceed those needed to do a much better job of preventing cruelty to animals. I am prepared to elaborate on each of these.

(1) There is a need for a strong and respected OSPCA: —to deal with the few hard cases of cruelty that occasionally occur;

—to counter the very serious threat of animal rights;

—to counsel animal owners in the correction of inadequate care and cruelty incidents so that adequate and optimum care are the more common conditions. OSPCA strength and respect will come through knowledgeable and experienced agents rather than through harsher laws and more incrimination.

(2) SPCA agents who deal with animal owners should have an education equivalent to a two-year college diploma in animal care, veterinary care, animal behaviour and people skills. Practical experience on an animal farm or kennel is also essential. The SPCA mandate is not to control people, but to relieve suffering of animals where it occurs. But most agents can't recognize animal suffering, or the lack of it, and imagine it to be the same as human suffering. The OSPCA has been given a grant of \$500,000 for education, and it should all be spent on its agents.

(3) Resources are seriously squandered through inappropriate actions. The mandate to investigate all complaints should not always mean that two agents must drive to the location of the complaint. All poorly kept or injured domestic and wild animals do not need to be transported from their home to SPCA facilities. Almost always, this is exactly the wrong action to take for the animals' welfare, but it makes work and brings in income through boarding and the public's sympathetic donations.

(4) Vengeance, blackmail and bullying are much too common actions against animal owners. These are part of my OSPCA experience. Accountability is required.

(5) Cruelty myths are perpetuated to gain public sympathy and encourage donations. Being duped is perhaps the greatest offence to the public. The 15,000 yearly incidents of cruelty reported by the OSPCA are actually merely incidents recorded on cruelty reports to be investigated by agents. After investigation, these come down to 15 or less, that is, 0.1% of reported incidents.

The other 99.9% should be found to be mistakes in the interpretation of the situation by the public, malicious reports or cases of temporary inadequate care. Even true cases of cruelty are overblown for public appeal; the case of the Windsor dog which had its ears cropped is a perfect example.

Inadequate care should not be considered cruelty unless it persists. Educated, experienced SPCA agents will be able to work with these situations until they improve to adequate status, which is the level required by law and generally recommended in codes of practice for each animal group. Optimum conditions can only be achieved for some conditions some of the time. The terms "adequate," "inadequate" and "optimum" are subjective terms that should not cause knowledgeable, experienced persons concern in interpretation. Interpretation is often the major difference between animal owners and SPCA agents.

I want to move to my letter, the one that's got my scrawl up on the top that says, "Note—This e-mail was printed in Ontario Farmer...." It says:

"The philosophy under which a person or organization operates influences all activities. It is unfortunate that the practising philosophy of the OSPCA, in fact most SPCAs, is one of 'incriminate if possible.' This leads to almost every dishonest action an individual can do—trespassing, lying, fabricating evidence, deceit, stealing, revenge, and assault. (Did I miss some? Do you want specifics? Read between the lines of Ian Cumming's October 23, 2007, article)"—that would be in Ontario Farmer. "Fortunately most OSPCA agents have the moral fortitude to avoid these bad actions and go about the necessary duties of their profession in the appropriate manner. This is no doubt difficult, since for more than a decade their training, minimal as it is, has apparently fostered these behaviours. Obviously some OSPCA agents refuse to do what their superiors expect of them and hand in their uniform, badge, and flak jacket. (Do you want names?)

"Now, what philosophy should govern the OSPCA? Does a 'helping' philosophy for animals and their caregivers seem reasonable? If so, shouldn't the preference for an animal to be 'home,' and any necessary change in its care be facilitated there, be the first consideration? Would there not be a long-term gain to society if the animal owner received instruction in proper care, if that is what is lacking, or food and other materials, if these were the cause of the animal distress? To whom would these acts of kindness and compassion go unnoticed? It is certain that this would be a much less expensive approach than calling for police backup, hiring trucks to haul away animals for boarding in a place strange to them, then using court time, space, and lawyers at the public's expense. And this is without consideration of the animal owner's stress, time and expense, which is also a cost to society.

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"You might look to Niagara Falls, where city council, under the leadership of Mayor Ted Salci and Council-

woman Janice Wing, 'is reviewing the way animal control is conducted.' A consultant's report suggests 'taking away from enforcement and becoming more service oriented.'" These quotes are from Niagara This Week, October 26, 2007. "This approach can't help but be successful in all ways except the building of the OSPCA empire.

"Respectfully submitted,
"Wendell Palmer."

The other letter is not one I had a great deal to do with, but it's written by the Niagara South Federation of Agriculture and sent to Mr. Jim Sykes, chair of the Ontario SPCA board. This is what it says:

"Dear Mr. Sykes,

"The Niagara South Federation of Agriculture is concerned about animal welfare and the role that the OSPCA plays in it.

"We respectfully make the following recommendations regarding your investigations department:

"Staff should be required as a matter of policy to inform animal owners of their legal rights. For example, the appeal process to the Animal Care Review Board and that an owner has a right to bring in his own veterinarian before an animal is destroyed.

"Staff should practise strict adherence to biosecurity protocol. The spreading of pathogens from one location to another may cause needless suffering to animals.

"Staff should pursue a policy of co-operation whenever possible and lay charges only when necessary.

"Staff should receive better training. This should be an ongoing process. Staff should be properly educated to recognize and respect modern farming methods. In addition, instruction in improved people skills should be pursued.

"Staff should be held accountable for their actions. We trust that actions found to be in violation of the Ministry of Community Safety and Correctional Services' mandate to provide law enforcement that is 'safe, secure, effective, efficient, and accountable' will not be tolerated by the OSPCA.

"Thank you. We hope you find our recommendations constructive and helpful. That was our intention.

"Yours truly,

"The board of directors of the Niagara South Federation of Agriculture, Joe Schonberoer, president."

I am prepared to take any questions or comments you may have.

The Acting Chair (Mr. David Zimmer): That leaves three minutes per caucus, beginning with the NDP.

Mr. Peter Kormos: Thank you, Mr. Palmer. Tell us about yourself. Your perspective is arrived at from what type of background?

Mr. Wendell Palmer: From my background?

Mr. Peter Kormos: Yes.

Mr. Wendell Palmer: I was born and raised on a farm and went to agricultural college in Nova Scotia and Ontario Agricultural College. I have a four-year honours degree from there—actually, it's from U of T—and also a master's of education from U of T. I have taught

biology in high school for 34 years, at which time I had a science club and that always involved the local—

Mr. Peter Kormos: But you're interested in the OSPCA and in animal welfare.

Mr. Wendell Palmer: I have always been, yes.

Mr. Peter Kormos: But you inform us of certain styles by the OSPCA. How do you arrive at this information?

Mr. Wendell Palmer: Most of this has been my direct experience.

Mr. Peter Kormos: How is that?

Mr. Wendell Palmer: You want me to say that they raided me in 2003?

Mr. Peter Kormos: No. We've got to understand your perspective, how you arrived at this. How do you reach these conclusions?

The Acting Chair (Mr. David Zimmer): You can speak very frankly here.

Mr. Wendell Palmer: I know: Hansard's listening. I have always worked with the OSPCA, and what happened is that I was subjected to their vengeance—

Mr. Peter Kormos: Okay, so fair enough.

Mr. Wendell Palmer: —and we had this raid and it snowballed from there and I said, "This can't happen to other people."

Mr. Peter Kormos: So you had personal experience with the OSPCA.

Mr. Wendell Palmer: The worst day of my life.

Mr. Peter Kormos: As a subject of one of their investigations.

Mr. Wendell Palmer: That's correct.

Mr. Peter Kormos: All right. You talk about a need to be more co-operative and collaborative with the community. What are you talking about? With farmers, with domestic pet owners?

Mr. Wendell Palmer: You're talking about the actions of the SPCA toward—

Mr. Peter Kormos: Yes.

Mr. Wendell Palmer: Yes. It's for sure that they would educate better and get much further if their philosophy was to help the animal owner and the animals. They have not focused on the helping of the animals at all, but rather have focused on the gaining of money.

Mr. Peter Kormos: I suspect that varies from community to community.

Mr. Wendell Palmer: I expect it does.

Mr. Peter Kormos: I've mentioned Bernie Webb before; he was the director of the Welland SPCA. I don't know if you know Bernie—

Mr. Wendell Palmer: I've heard of him; he's a good man.

Mr. Peter Kormos: Bernie Webb was brilliant. Bernie found doghouses for people; he helped folks get dog food and cat food.

Mr. Wendell Palmer: That's exactly what should be done.

Mr. Peter Kormos: So that's what you're talking about.

Mr. Wendell Palmer: That's right.

Mr. Peter Kormos: So you're saying the OSPCA takes a very adversarial perspective.

Mr. Wendell Palmer: When it's not necessary, that's right.

Mr. Peter Kormos: A very litigious perspective.

Mr. Wendell Palmer: That is correct.

Mr. Peter Kormos: A very prosecutorial perspective.

Mr. Wendell Palmer: That is correct.

Mr. Peter Kormos: A very punitive perspective.

Mr. Wendell Palmer: Correct.

Mr. Peter Kormos: And they're self-serving.

Mr. Wendell Palmer: Absolutely.

Mr. Peter Kormos: Mr. Noble, behind you, do you think he's nodding in affirmation? Or is he shaking his head this way? Which one?

Mr. Wendell Palmer: I expect he is nodding in affirmation.

Mr. Peter Kormos: Thank you, sir.

The Acting Chair (Mr. David Zimmer): That's three minutes. We'll move to the Liberals.

Mr. Dave Levac: Thank you for your presentation, Mr. Palmer. In your presentation, you mentioned training and identified correctly that \$500,000 has been given by the government for the purposes of the enforcement part. You're absolutely correct. Your concern was whether or not all of the money would be spent in that area, and the short answer is that I've been assured, and I've asked this question, that of the monies that have been sent, all of it is going to go towards agent and inspector training. It's also going to improve and extend the training on an ongoing basis, from two weeks, which it is presently—contrary to somebody who said that it was two days; that was a while ago. It's now two weeks, it's going to extend to four weeks, and it's going to be equal to a special constable in the police services.

Mr. Wendell Palmer: But not to two years, as I would recommend.

Mr. Dave Levac: Police officers are trained for six weeks. So quite frankly, there are two weeks in there that are not used for the purposes of enforcement. You're correct: It's not two years, but police officers only get six weeks training before they're hired.

Mr. Wendell Palmer: Why are we relating OSPCA agents to police officers? They're two entirely separate things.

Mr. Dave Levac: Well, no, they're not quite, because of enforcement. Quite frankly, almost everybody else who made a deputation is talking about it as another police force. In terms of the comparison, I'm just letting you know that it's going to be increased.

You made some very interesting observations with regard to the direction of the OSPCA. In some cases, you say that this is what they do, in terms of blackmail, vengeance, bullying being much too common, and then you turn around and say, "But most agents don't do that." Is that a fair interpretation of what you said?

Mr. Wendell Palmer: I think that's fair. I would also like to say that the three people at the top of the OSPCA now are entirely different than they were in the previous

10 years. They are definitely on the right track. It's just that it's hard to get people on the inside to actually make the changes necessary.

Mr. Dave Levac: That's a fair statement. Thank you, Mr. Chairman. I'll turn it over.

The Acting Chair (Mr. David Zimmer): Thank you, Mr. Dunlop.

Mr. Garfield Dunlop: Mr. Palmer, thank you for being here. I think as we've gone through these hearings, it's interesting that we sum up with some of the comments you've made today. I think this committee and the government have some very, very difficult decisions ahead of them, because you're not the first person who's made the kind of comments you've made here today. Quite frankly, hardly anyone has been happy with the bill. We've had a lot of—

Interjection.

Mr. Garfield Dunlop: Well, no. Let's face it, everyone has wanted to make amendments to this bill, and that is clear. I hope you don't think that this bill is what would be passed in the House. I'm probably seeing here today, and throughout the course of the week, that possibly 150 amendments could be made to this particular bill. I hope we have an opportunity to discuss some of those amendments because we'll be putting a lot of them forward ourselves, and I hope the government would be putting a lot of them forward as well. Quite frankly, it's badly flawed. You know that, and you've pointed that out. We've heard from different organizations. We've got a lot of work to do to make sure that we don't continue down some path where it's passed by a majority government, and they turn around and five years or two years or six months down the road we start hearing these horror stories worse than ever. That's my fear right now, that that's what's going to happen. So I just want you to—

Mr. Wendell Palmer: Without accountability, it's certain to happen, because power corrupts.

The Acting Chair (Mr. David Zimmer): On that note, we're at the 15-minute mark. Thank you very much for coming in from the Niagara area and presenting to this committee.

Mr. Wendell Palmer: Thank you very much.

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Mr. Dave Levac: Point of order, Mr. Chairman: Before we adjourn, I just wanted to make a comment. I hope this would—not to say that other comments couldn't be made, but on behalf of all the committee members who were subbed in and those who have stayed for the whole thing, I thank and deeply appreciate the hard work behind the scenes of the clerk and her staff, for the arrangements made and for the good work that they've done in providing us with the materials. I want to thank them very much on behalf, I hope, of all of us, but obviously not to say that anyone shouldn't say that as well.

It's a tremendous amount of work to do this kind of travelling thing and to put all of those organizational things together, and being as flexible as they had to be over the last—except for the turbulence that they allowed between London and Ottawa. I wanted to just offer my

thanks and gratitude on behalf of all of us for the great work that the staff have done, and also thank all of the opposition members and the government members for the attentiveness that they gave all the deputants. I appreciate it very much. It was a very good, worthwhile exercise.

Mr. Peter Kormos: Chair, if I may join with Mr. Levac in those comments, and now add to the workload of legislative research. I want to be sort of general about this, rather than specific. We've heard some comments about the types of complaints that are received by the OSPCA, investigations and then charges actually laid. If it is possible, please obtain for us some sort of profile of exactly how many prosecutions there are in the province—

Mr. Dave Levac: We gave it. That was asked of by myself and approved by the opposition. You weren't here, but it was approved by the opposition. I gave them a sheet that outlined those specific statistics that you're talking about in terms of the charges laid, the CRA piece, right down from the—

Mr. Peter Kormos: So we've got a profile? Okay.

The Acting Chair (Mr. David Zimmer): I believe that was read into Hansard.

Mr. Dave Levac: That was read into Hansard as well.

Mr. Peter Kormos: Well, there. Mr. Charlton is relieved of that particular duty. That's not the end of it, though, sir. What I'd like, and this may well have been addressed already by the committee, is a breakdown of this—look, let me be very candid—conflict between the Toronto Humane Society and the OSPCA. The OSPCA appears to be the dominant operation of animal protection in communities across the province. Has there been any information about where the OSPCA is, as compared to alternate organizations like THS? If we can get some sort of overview of that, if it hasn't been done

yet, that might be helpful to take a look at who's doing what where.

Mr. Dave Levac: It was anecdotally said, but I think a piece of paper would be helpful; I agree.

Mr. Peter Kormos: I appreciate that.

Mr. Garfield Dunlop: I just wanted to echo what the parliamentary assistant has said. Susan, congratulations on a job well done this week. We'll get ready for legislative counsel to help us a lot.

Mr. Peter Kormos: If I may, Chair, I want to suck up to the staff one more time, because they're inevitably valuable when you need them. But I've got to tell you that the Chair who never disappoints, Mr. Zimmer, the member for Willowdale, has demonstrated some real skill and has managed the portions of this week that I've been able to attend, and I remain in awe of you, Mr. Zimmer.

Mr. Dave Levac: Oh, my God. Write that Hansard, blow it up into a scroll and hang it in your office.

Just one more comment: I was remiss in mentioning the ministry staff, as well. They've been helpful, because I did request—and it was accepted by the opposition—a briefing, as well, for some of the points that were being made to ensure that everyone had the right information. I'm told that the staff would make themselves available for continuing to do that, if there are any other questions. I thank them for their hard work as well.

The Acting Chair (Mr. David Zimmer): Just let me remind members that the deadline for amendments is Monday, August 11, at 3 p.m., and clause-by-clause will be August 18 at 10 o'clock for the day.

Thank you. This committee is adjourned.

The committee adjourned at 1313.

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