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**Official Report
of Debates
(Hansard)**

G-25

**Journal
des débats
(Hansard)**

G-25

**Standing Committee on
General Government**

Security from Trespass
and Protecting Food Safety
Act, 2020

1st Session
42nd Parliament

Monday 8 June 2020

**Comité permanent des
affaires gouvernementales**

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

1^{re} session
42^e législature

Lundi 8 juin 2020

Chair: Goldie Ghamari
Clerk: Valerie Quioc Lim

Présidente : Goldie Ghamari
Greffière : Valerie Quioc Lim

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE ON
GENERAL GOVERNMENT**

**COMITÉ PERMANENT DES
AFFAIRES GOUVERNEMENTALES**

Monday 8 June 2020

Lundi 8 juin 2020

The committee met at 1000 in room 151 and by video conference.

The Chair (Ms. Goldie Ghamari): Good morning, everyone. I call this meeting to order.

The Standing Committee on General Government is meeting to consider Bill 156, An Act to protect Ontario's farms and farm animals from trespassers and other forms of interference and to prevent contamination of Ontario's food supply. Today's proceedings will be available on the Legislative Assembly's website and television channel.

We have the following members in the room: MPP Mike Harris—and that's it for now.

The following members are participating remotely: MPP Glover; MPP Kramp; MPP Schreiner; MPP Barrett; MPP Pettapiece; MPP Smith, Peterborough–Kawartha; MPP Vanthof. And we have a new addition on Zoom—this is for MPP Bailey.

Can you please confirm that you are present and that you are MPP Bob Bailey?

Mr. Robert Bailey: Present.

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

Mr. Robert Bailey: Yes.

The Chair (Ms. Goldie Ghamari): Thank you, MPP Bailey.

We are also joined by staff from legislative research, Hansard, interpretation, and broadcast and recording.

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

SUBCOMMITTEE REPORT

The Chair (Ms. Goldie Ghamari): Our first item of business is the report of the subcommittee on committee business, which was previously sent to the committee. Pursuant to the order of the House dated June 2, 2020, the subcommittee has the authority to otherwise determine how to proceed with the bill. The committee will not need to vote on this report, but I will read it into the record to make sure all members are aware of the contents.

Your subcommittee on committee business met on June 3, 2020, to consider the method of proceeding on Bill 156,

An Act to protect Ontario's farms and farm animals from trespassers and other forms of interference and to prevent contamination of Ontario's food supply, and determined the following:

(1) That witnesses be scheduled in groups of three for each one-hour time slot, with seven minutes each for their presentations and 38 and one-half minutes for questioning for all three witnesses, divided into two rounds of eight minutes for each of the government and the official opposition, and one round of six and one-half minutes for the independent members as a group.

(2) That witnesses be arranged into groups of three chronologically, based on the order their requests to appear were submitted.

(3) That the research officer provide the committee with a summary of witness presentations as soon as possible.

(4) That all witnesses appear remotely by Zoom or by teleconference.

(5) That all submissions and committee documents be distributed electronically to all members and staff of the committee.

Are there any questions before we begin? MPP Vanthof.

Mr. John Vanthof: I'd just like to make one comment. We agreed in the subcommittee to have people appear by threes because the government is looking to experiment with something similar to the federal government. It will be interesting to see how it's perceived by the witnesses. It may leave some witnesses feeling that they weren't heard.

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

Mr. Dave Smith: Just a comment on that: By having presentations of three people, we can fit more people in; more people have a voice.

The Chair (Ms. Goldie Ghamari): Before I recognize you, MPP Vanthof, I'd like to remind all members that this is a time for questions and not for comments.

MPP Vanthof, do you have a question?

Mr. John Vanthof: I'm okay. Thank you.

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

Mr. Robert Bailey: I can hardly hear you, Madam Chair. I don't know whether your mike's not on or something. I can hear the other two speakers that just went before you, but it's very, very difficult to hear you.

The Chair (Ms. Goldie Ghamari): I will move my microphone closer. Is that better?

Mr. Robert Bailey: That's better. Thank you.

The Chair (Ms. Goldie Ghamari): Thank you. Any further questions? All right.

SECURITY FROM TRESPASS
AND PROTECTING FOOD SAFETY
ACT, 2020

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

Consideration of the following bill:

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

The Chair (Ms. Goldie Ghamari): Our witnesses today have been grouped in threes for each one-hour time slot. Each witness will have seven minutes for their presentation, and after we have heard from all three witnesses, the remaining 38 and a half minutes of the time slot will be for questions from committee members. This time for questions will be broken down into two rounds of eight minutes for each of the government and the opposition, and one round of six and a half minutes for the independent members as a group. Oh, my apologies. I already read that.

TORONTO PIG SAVE
SENTINEAL CARRIAGES INC.
MS. JANET FRASER

The Chair (Ms. Goldie Ghamari): I will now call upon our first group of witnesses. From Toronto Pig Save, we have Anita Krajnc; from Sentineal Carriages Inc., we have Laura Sentineal; and we have Janet Fraser. You have the floor.

Ms. Anita Krajnc: Hi, would you like me to present first?

The Chair (Ms. Goldie Ghamari): Yes, we'll begin with Anita.

Ms. Anita Krajnc: Thank you very much. I'd like to take a few moments to acknowledge my white privilege. It's defined as being able to go about your daily work and life successes and tribulations without the added burden of experiencing systemic racism and exploitation. For example, the documentary called 13th, which I watched on YouTube this weekend, shows how systemic racism has been deliberate and planned and put to use for the economical and political gain of the ruling class against our Black and brown brothers and sisters. We all have an obligation to stand up, listen, and act as allies and stop the cycle of

exploitation, violence and injustice. It's heartening to see how many are standing up now, and the Animal Save Movement, the group which I represent, is humbled to use our platforms to listen, learn and act in solidarity with Black Lives Matter.

My biography: I hold a PhD in political science from the University of Toronto. Years ago, at McMaster and Queen's, I taught courses on social movements strategies and tactics, economic globalization, qualitative research methods, Canadian politics, environmental sociology and other topics. I started as a peace and environmental activist and participated in civil disobedience with Friends of Clayoquot Sound and Greenpeace in the 1990s to protect old-growth rainforests in British Columbia. Now I'm a full-time organizer with the Animal Save Movement, a worldwide organization with 1,000 chapters in over 70 countries.

Ten years ago, Mr. Bean, my dog, and I founded the first chapter, called Toronto Pig Save. Many of you may have encountered us on what we dubbed "Pig Island," a traffic island at Strachan and Lake Shore in downtown Toronto, to raise awareness of the 30 transport trucks carrying 6,000 pigs to Quality Meat Packers. We held our vigils from 2011 to April 2014, when Quality Meat Packers went bankrupt. We now hold vigils at Toronto's cow slaughterhouses at St. Helen's and the Maple Leaf chicken slaughterhouse, both blocks away from St. Clair and Keele in Toronto. We also hold pig vigils at Canada's largest pig slaughterhouse, called Fearmans, in Burlington.

I was inspired by Leo Tolstoy, Mahatma Gandhi, Cesar Chavez, Saul Alinsky and Lois Gibbs, among other love-based community organizers, when we formed our first Toronto Pig Save chapter. We use the following main strategies: bearing witness—Bill 156 attempts to criminalize this historic, ethical method; two, love-based community organizing; and three, vegan outreach.

More recently, we added three other chapters to our Animal Save Movement: Climate Save Movement, Health Save Movement, and Youth Climate Save. Youth Climate Save is run by a 13-year-old African American organizer, Genesis Butler. She is related to Cesar Chavez. Follow her on Instagram at youthclimatesave and genesisbutler. She has over 55,000 followers. We now have 61 chapters in 20 countries of Youth Climate Save.

In 2015, I was charged with criminal mischief for giving water to thirsty pigs, and then acquitted with the great work of my two prominent and well-established criminal lawyers, James Silver and Gary Grill, both of whom are vegan. We fought and failed to get pigs recognized as "persons" under the law, instead of the demeaning "property" that these intelligent, sentient beings are referred to in order to enable us to slaughter them. We succeeded in showing compassion is not a crime; that is, following the golden rule and giving water to a thirsty animal. Bill 156 attempts to overturn this just ruling.

I'd like to address six areas: moral, environmental, health, economic, political and legal. First, the moral: We all have a moral duty to bear witness. Leo Tolstoy defined

“bearing witness” as not looking away from suffering creatures, but coming close and trying to help.

1010

At animal vigils in front of slaughterhouses, we face the animals. We look them in the eyes and see their scared, innocent souls. We see how dirty they are. We experience the smell. We hear the industrial sounds that they hear more acutely. Our physical presence is a moral duty similar to the Quakers and Greenpeace protesting atmospheric nuclear tests more than 50 years ago.

Facing a mid-life crisis at 50, Leo Tolstoy was suicidal. In the 1870s, he found a solution. He needed to align his actions with his beliefs. For the next 32 years of his life, he started taking actions including no longer sports hunting, calling it an evil pastime, and becoming an ethical vegetarian and active anti-imperialist, a pacifist standing up for conscientious objectors and human rights advocates defending persecuted religious minorities in Russia. “Do not believe in words, yours or others’; believe in the deeds,” he said.

We all share a duty to bear witness to animals in slaughterhouses in our communities. I invite each and every one of you to join Toronto Cow Save and Toronto Pig Save at our weekly vigils. At slaughterhouse vigils, you see scared and terrified animals who don’t want to die.

At sanctuaries, you see the opposite. At the Pig Preserve, Richard Hoyle, a former Marine, has 170 pigs roaming free on 100 acres in Tennessee. The pigs form their own social groupings, not so much organized in terms of type, age or size, but in terms of their personality and disposition. They roam the entire sanctuary in a day, foraging for blackberries, grass, walnuts, persimmons and other foods. The pigs hate being confined. Sound familiar?

The pigs smell like plants. Esther the Wonder Pig, who is a celebrity pig living in Campbellville, smells like maple syrup. Our beloved dogs smell like corn chips. Pigs in factory farms and transports smell horrible and sickly. Dario Fo, an Italian Nobel laureate and playwright, writes in his book, “This is what happens to them when they are locked up ... animals in captivity, forced to live in a cage, that’s what makes them smell like that. Normally, freedom has no stench. When they are at liberty in the forests, they certainly do not” smell “that way.”

Those of us who have been in quarantine now have an inkling of an idea of what animals experience. We need to end animal agriculture for the sake of these innocent animals and transition to a—

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

Ms. Anita Krajnc: In terms of the environment: Al Gore is vegan. Dr. James Hansen, the world’s top climate scientist, is vegan. Greta Thunberg said, “I am vegan for ethical, environmental and climate reasons.”

In terms of health: As of June 4 there have been 20,400 reported positive cases tying meat-packing facilities to workers testing positive, and over 74 reported deaths in the US. In Canada, there have been a number of deaths.

In terms of economics: Jim Cramer of CNBC says, “Going against Beyond Meat is going against history.” He

says that Beyond Meat is an answer to the pandemic. It’s not a hobby. The hobby is going to end up being meat.

In terms of what this committee needs to do: I think that morally we need to not only do the right thing and transition to a plant-based diet, but also we should not be hiding the truth, and I think that Bill 156 is—

The Chair (Ms. Goldie Ghamari): Thank you very much. That’s the time that you have.

We’ll now turn to our second scheduled witness or presenter, Laura Sentineal. Laura, are you present?

Ms. Laura Sentineal: Yes, I am.

The Chair (Ms. Goldie Ghamari): Thank you. You have seven minutes.

Ms. Laura Sentineal: Thank you so much. Good morning. Myself along with my husband and our family are owners of Sentineal Carriages in Niagara-on-the-Lake. We have been operating horse and carriage services in the Niagara region for the past 27 years. Our business consists of tours on the streets of Niagara-on-the-Lake. We also provide horse-drawn carriages for weddings, funerals, parades, film and television. We take pride in the care and condition and training of our horses. Thank you so much for this opportunity to share with you a snapshot of my living reality with animal rights activists.

On June 3, I received a Messenger notification from a friend, an Instagram post from At War for Animals Niagara in response to one of our fun little posts. It reads as follows—this is the actual post; this is a screenshot:

“@jason_v_king The carriage company operating in Niagara-on-the-Lake must be hurting financially. This may be a joke but it’s very telling that they are thinking of other ways to exploit and use horses to generate profits while they cannot put them out on the streets. Why the hell can’t they just stop thinking of horses as machines to work for humans as slaves?”

“Be sure to join us when we hit them hard with protests immediately upon their return to the streets of Niagara-on-the-Lake. Be ready! While we wait, we are designing new posters, crafting new tactics and planning for more actions to up the pressure.”

Even in the middle of this pandemic, under lockdown, it continues. Right now, my family and our horses are fine. We are all here at the farm, enjoying the moderate security and safety of being here. For all farmers, we included, life has maintained its usual rhythm, and the realities of life stay safely at the outer edges. We take care of our horses, our farm and each other—sorry. We plan and prepare to restart our business, as resources run low, hoping it will be sooner—I’m so sorry.

The Chair (Ms. Goldie Ghamari): Would you like a few moments?

Ms. Laura Sentineal: I’m soldiering on.

And something as simple as this brings it all back, and the reality hits hard. If we can make it through this with our health and a few groceries remaining, At War will be waiting. This is not new. For three years, we have endured and we have carried on. We have explored every option and avenue that we assumed and imagined we might have

had to protect our horses, our staff, our guests, our family, our lives and our livelihood. There is nothing.

I do not really worry about the grandstanding and the chest pounding—sticks and stones, if you will. What keeps me awake at night is the thinly veiled, carefully crafted threats of destruction, the pure hatred, potential violence and harm to everything I hold dear.

Now we have At War's latest manifesto and rallying cry. Now what? Based on past experiences, there is no limit to the possibilities of At War's dedication to destroy our business, my family and our reality that once we leave the farm, we have no protection. The police have told me there is nothing we can do over and over and over again. I don't even call them anymore. We are completely and absolutely on our own.

We are farmers. Horse and carriage services is our market product. This makes us a prime target in public, on the streets, for radical AR people far and wide. This is our last avenue. We cannot continue in the same vein with an abundance of sympathy and support from our community, businesses, our Lord Mayor and council, but no legislative protection.

As other protective measures are introduced through Bill 156, we and our family become an even larger target. I would never move to interfere with anyone's charter rights; however, when the charter is used as a shield to allow behaviour that would otherwise never be accepted or unchallenged, it's unbalanced, nullifying our same rights.

I sincerely hope that our situation is considered as the bill moves forward, that a balance can be restored. My desire is to be able to know that my staff, my family and horses will be safe in our workplace.

I thank you so very much for this opportunity.

The Chair (Ms. Goldie Ghamari): Thank you very much for your presentation. I understand that we have Janet Fraser on the line. Janet, are you with us?

Ms. Janet Fraser: I am. Can you hear me all right?

The Chair (Ms. Goldie Ghamari): Yes, I can. Thank you. Please state your name for the record, and you may begin. You'll have seven minutes.

Ms. Janet Fraser: Thank you. My name is Janet Fraser. I'd like to begin by thanking the committee for allowing me to join today. While I have no special knowledge related to farming or Bill 156, I do think that my reactions and my feelings are likely representative of the feelings of a large number of Canadians and members of the general public.

I'm not a vegan. I'm not a vegetarian. I'm not—hello, am I still there?

The Chair (Ms. Goldie Ghamari): Yes, we're listening.

1020

Ms. Janet Fraser: Oh, sorry. My screen just went blank for some reason.

I am not a member of an activist group, but I did participate briefly, for a period of several months, perhaps eight years ago, in an activist group. What I learned about farming in that time was that it was very different from the

images that I had come to believe farming was. It was shocking to find out some of the truths that do have to go on in order to provide the food supply to the large population. But I was actually grateful for the opportunity that the activists provided in learning some of the truth behind farming.

I think that activists, unfortunately, have had to turn to some acts that are deemed as trespass or other in order to expose some of the cruelties and the abuses that go on in the farming industry. Also, just to tag onto the previous speaker, I certainly recognize there are differences between industrial farming and private farming, and I also am aware that some of what I say is debatable.

But again, as a general member of the public, I am deeply concerned about the possibility of Bill 156 passing as it stands now. I strongly believe that we all have a right to transparency related to our food supply system, and this bill leaves me wondering why there would be opposition to block the exposure of abuses and cruelties that can potentially take place within industrial or private farms settings. It seems to me that this bill is seeking to punish those who seek to bring comfort and protection to living, sentient beings.

I can't help but wonder if "trespass" is the right term. When I googled the proper definition, it includes terms such as "unlawfully entering the land of another," or "an intentional interference with chattel" etc. Although I didn't hear the entire first presentation previous to mine, I think that the activities of animal activists are, to me, an unmet need in terms of exposing and ideally preventing animal cruelties. Because we don't have mechanisms in place that seem sufficient in doing that, it does lead to people having [*inaudible*] enter the land of another.

I heard the first speaker previous to me make reference to balance. I can't help but wonder if we can't find a balance to meet the needs of those who want to expose and prevent cruelty, along with protections for property owners. It seems that's the missing piece here, and I can't help but think there could be other ways of doing this or other options—as an example, perhaps a coalition of both activists and I guess government structures that can oversee this. But anyway, I'm digressing from what I wrote.

It seems to me, though, as just a general member of the public today, that Bill 156 is based on some flawed logic. It seems that it is presupposing that current farming and transportation is humane and does provide for biosecurity. Yet there's an avalanche of information available now on the Web that shows us that this ethical treatment isn't necessarily a given. So I do apologize to those who are providing ethical treatment, but the fact that there are still horrific abuses taking place even, in fact, with what's deemed as being acceptable—to a general member of the public, it was shocking. During my brief period of activism, coming to learn—and to hear the screams of pigs as they're being prodded with electrical prods to make their way into the slaughterhouse, or the fact that chickens are kept in cages and particularly bred to a certain size in order to fit into ovens, or the amounts of water being provided are calculated according to cost.

I realize that we are limited in time today and that there are many factors at play. But again, I'm speaking just as a general member of the public, and my perception—

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

Ms. Janet Fraser: Oh, gosh, okay. I want to say that we need the activists to ensure that industry is not left to push boundaries to the limit, in terms of abuses that do take place. I don't think that the trespassers are the wrongdoers. I think that there are those out there who are true wrongdoers.

I also am concerned about the origins of the bill. I understand that it was prepared by Ernie Hardeman and that his nephew John—an NDP—

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

Ms. Janet Fraser: Yes, thank you. I gather that he is a dairy farmer. So I'm just wondering about some of those connections, in terms of a bill being written by those who are in farming to benefit the farming industry.

Because of time, I just wanted to say that if Bill 156 is allowed to pass as it stands, it scares me. I think it's a precedent to punish whistle-blowers in other sectors—

The Chair (Ms. Goldie Ghamari): Thank you, Janet. Sorry; my apologies to cut you off. That's seven minutes.

Ms. Janet Fraser: That's okay.

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

This round of questions will now start with the official opposition. As previously indicated, you will have eight minutes for your time. Would you like me to provide you with the four-minute mark as well or would you just like the one minute prior to when your time is up? MPP Vanthof, you have the floor.

Mr. John Vanthof: The one minute is fine. Thank you.

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

Mr. John Vanthof: I'd like to thank all three presenters for taking some time this morning. For Janet, specifically, I am the John Vanthof of which you speak. My uncle is the Minister of Agriculture, but we have some deep divisions on this bill—so just for your comfort.

Listening to all three presentations, I would say that it shows how difficult an issue this actually is and how much emotion there is. Everyone is coming from their position.

There are several parts in this bill. Everyone is talking about the trespass, and I want to ask about that. But there's also the issue about getting into a facility under false pretenses, and that's a very touchy part of this bill.

For all three of you, do you believe that farm facilities and processing facilities should be protected by some type of trespass act? Perhaps Anita could take it first?

Ms. Anita Krajnc: I think we already have existing laws, trespassing laws. I don't think we need an additional ag gag bill. So I'm perfectly happy with the existing system.

In my testimony, I mentioned how pigs are in a natural setting. They roam 100 acres and forage; they love it. They hate confinement. In our factory farm system, mother sows can't even turn around. We've all faced confinement because of the coronavirus. Can you imagine being in one

spot and not being able to turn around? And these pigs have the intelligence of four-year-old creatures.

There are brave activists who just show these conditions of these victims, and I think it's absolutely essential that we do. It's called "meet the victims"—or just let people see because people would not support this if they saw what was happening to these intelligent creatures. Would you put a dog in a crate for months, the dog not being allowed to turn around—and then forcibly impregnating the dog, and then taking their babies away and then doing this in a repeated cycle?

This is today's farming. It's unethical. It's also destroying the climate, and it's hurting our health. Processed meat is a group 1 carcinogen according to the WHO. So our current system is insanity. "Our house is on fire," says Greta, and animal agriculture is one of the big reasons. We need the opposite of Bill 156.

1030

Mr. John Vanthof: Laura?

Ms. Laura Sentineal: Hi. Thank you. What we're doing has nothing to do with food production, so I really can't speak on that particular issue, except to say I have several friends in the area that have small farms, and the animals are treated better than I am.

In our case, up until this point in time, our farm was always welcome, open for anybody who wanted to come in, with pleasure. Now we have to be a little bit more diligent and a little more careful, because my experience and my reality is that there are people out there who, although they say they're there for the horses, would—I've also been told that they would love to see them go to slaughter, that going to slaughter would be better for them than the life we give them.

So under that pretense, yes, I feel that farmers—their life is invested in everything, and they should be protected from people who are not always thoroughly educated on the subject, that go more with feelings than facts. And it's our property. We pay the taxes. We pay the mortgages. We pay the bills. We should be able to maintain some reasonable control over it.

Mr. John Vanthof: Janet?

Ms. Janet Fraser: Did you say Janet?

The Chair (Ms. Goldie Ghamari): Yes, he did.

Ms. Janet Fraser: I guess, in order to also consider the response of the property owner, it just seems to me that there's such a difference, though, between the small, individual farmers and some of the bigger industrial complexes, where you may not necessarily have the mechanisms in place to ensure protection from those that would abuse the animals.

I think that, as a whole, the system is missing this ability to monitor some of those bigger industrial settings. Again, because I'm not as well-informed probably as a lot of committee members—but as an outsider, it just seems to me that there is a glaring gap in the system. I think that there may be other ways of protecting property owners, but also balancing the need for protections for the animals.

I can't help but wonder if there were other things that were considered, like coalitions of both activists and

government inspectors. I don't know how to articulate it and I'm aware of the time, but I just wonder if there are other ways to address what is deemed as trespassing. I think trying to blanket everything under just farming, when there probably are big differences between conditions like our previous speaker—like small farmers or horse farmers, not food production. But I think when it comes to food production, I'm just not sure that Bill 156 is the answer, and I don't know much about what other options are in place or have been considered. I'm sorry; that's not a good answer.

Mr. John Vanthof: That's fine. If this bill reaches its objectives, there will be less participation from the public. There are those who say that this will also be an impediment to, let's say —

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

Mr. John Vanthof: —investigative reporters coming into a plant.

A quick yes or no: Given what we've seen since COVID-19, do the three of you have faith that government or industry inspections are enough to protect the public and protect the animals?

Ms. Laura Sentineal: Yes.

Ms. Anita Krajnc: Absolutely not.

Ms. Janet Fraser: Is it my turn? Hello?

The Chair (Ms. Goldie Ghamari): Yes.

Ms. Janet Fraser: Basically, the short answer is no. I do not have faith that the government has enough mechanisms in place. I'm all for investigative reporting around industrial farm conditions because I think this is the only way that we can learn about what is actually going on.

The Chair (Ms. Goldie Ghamari): That concludes this round of questioning.

Normally, I ask members and witnesses to make their comments through the Chair. Given the technological limitations here today, I am prepared to be a little bit lenient.

I would just ask members, when you are asking your question, to please include at the end of the question whom you are directing that question to, just so that we are able to properly move forward and get the right people to answer.

We'll now turn to the independent members. You have six and a half minutes.

MPP Schreiner, the floor is yours.

Mr. Mike Schreiner: I want to sincerely thank all three of the presenters for joining us today and taking time out of your busy schedules to be a part of these important hearings.

One of the things I've heard in the conversation leading up to these committee hearings, and I felt it was reflected a lot in the three presentations, is, can we find some balance? There are some on one extreme—no reporting on animal agriculture. There are people on the other extreme—all animal agriculture should be eliminated. How do we find a balance that protects the private property rights and safety of farmers while also ensuring that we have proper oversight around animal welfare issues? The

three of you, in your own different ways, spoke to a lot of those concerns that are being expressed.

Laura, I want to direct my first question, through the Chair, to you. You read some material in your presentation, and I'm wondering if—that feeling, obviously, was very emotional for you—those comments are mostly directed through social media and those types of ways? Or are you experiencing those types of comments on your private property, at your farm?

Ms. Laura Sentineal: We haven't really had any confrontations at our farm. In a lot of ways, I would prefer that. It would be easier to manage.

Quite honestly, I don't pay much attention to the social media aspect of it. It's just social media.

Our biggest experience with derogatory comments is literally face to face, on the streets, as we're working—between myself, every member of my family, all of our staff, even local people who don't particularly agree with what the protesters are saying. Our community has really embraced us and feels very protective of us and our horses, so people do become quite upset when they see them—and it's not really seeing them; we've found that the activists try to provoke people. They're trying to set up that perfect scenario where somebody just has had enough and steps over the line, these types of things—trying to scare our horses, trying to wear down our employees. The wonderful people we get to work with—our staff and employees are more like extended family. The things they have had to put up with and tolerate are just past the extreme of what anybody should be expected to deal with in the workplace.

I'm ready here with a few statements. If you don't mind the little added time, I'm happy to read to you a typical statement from one of my drivers of their experience with the activists while they're in Niagara-on-the-Lake and while they're trying to do their job.

1040

Mr. Mike Schreiner: Maybe one, if you don't mind, just quickly. Because I want to make sure I have time to ask other witnesses.

Ms. Laura Sentineal: Sure. I've grabbed a really short one off the top of the pile. This is from a young girl, Abby Moran. She is about 20 years old—which is really typical. Young girls and horses: It's just a natural mix. To quote her:

“One day during one of their big operations”—this would be the protesters—“they had 10-plus big rental trucks and other cars driving all around Niagara-on-the-Lake. No matter what way I turned on our tour, there was a vehicle waiting for me. Even when I altered my normal route, they still found me. They would follow me and turn around when they saw me to make sure somebody was driving in front and behind me the whole time. They would sometimes form a line of all their vehicles behind me, too. This made me feel very uncomfortable, very unsafe, and my passengers were upset, too. They were unsure what to do.

“They could throw something out the window to spook the horse. They could drive recklessly and get too close to

us. So many things they could have done while they were following me that day, which makes me feel so very unsafe, and there was nothing I could do to stop them.

“While at the corner, there was a rest in between my tours. I had”—

The Chair (Ms. Goldie Ghamari): MPP Schreiner, you have one minute left.

Mr. Mike Schreiner: Laura, I’m sorry. I just have one more minute and I want to ask another witness a question. Thank you for that.

Anita, I just wanted to quickly—and we only have a minute at this point—there’s a lot of concern around people’s charter rights being violated by parts of this bill. Do you feel like your charter rights would be violated?

Ms. Anita Krajnc: Yes. We do vigils in front of slaughterhouses. We have the right to protest. This bill would try to eliminate that.

Bearing witnesses is a moral duty. Quakers did it. Greenpeace did it. It’s going to a site of injustice and trying to correct it. I think this bill is unconstitutional.

Mr. Mike Schreiner: Thank you for that. Janet, I wanted to ask you the same question, though I may be running out of time.

Ms. Janet Fraser: I think that the activists are really seeking to address injustice. Again, I appreciate—

The Chair (Ms. Goldie Ghamari): My apologies. That’s all the time we have for this round.

We’re now going to turn to the government. MPP Smith, I believe you have some questions.

Mr. Dave Smith: Thank you, Chair. My first question is for Laura. It’s actually a two-part question. First off, how many people are currently working for you? Secondly, when do you think it’s appropriate that someone intimidates or scares your employees?

Ms. Laura Sentineal: I have, in high season, about 20 people. That’s drivers and support staff.

I think if you are [*inaudible*] now. If you are doing a job, you should be afforded a little bit of respect. In what we do, there are enough challenges. You’re dealing with a one-tonne horse—a wonderful, super-well-trained, very happy horse. You’re dealing with traffic. You’re dealing with your guests. That’s manageable, but when you throw in the intimidation, the derogatory comments, the vehicles following you and all sorts of things that we have dealt with over the last three years, it makes it so incredibly difficult. I’ve actually had people who love their jobs have to quit because they were really suffering mental health issues because of it. And it follows when they’re not working. They’re followed on social media. I had one young man addressed with, “You look like a wife-beater,” and he became “the wife-beater.” People are going to their job—a job that they enjoy doing, making a living, paying their bills. To have this added pressure—they’re two feet from your face.

Our people love the horses they work with. We pair them off. They’re a team in every sense of the term. They are so afraid for their horses because they don’t know what somebody is going to do, and it causes a lot of stress and a lot of anxiety.

Mr. Dave Smith: Thank you very much for that. I’m going to turn it over to my colleague MPP Harris.

The Chair (Ms. Goldie Ghamari): MPP Barrett, I see that you raised your hand. I will go to you after I recognize MPP Harris.

Mr. Mike Harris: You can let Mr. Barrett go first.

The Chair (Ms. Goldie Ghamari): No, no. It’s okay. I just want to say that I’m noting everyone down. MPP Harris?

Mr. Mike Harris: Thank you very much, Madam Chair. Thank you to everybody who is participating. It’s neat to have everybody here, collectively, from across the province.

Laura, I’ve got more of a statement. I was hoping that you could finish off reading maybe one more of your staff members’ concerns that they’ve raised over the years. If we can maybe find something that could only take a couple of minutes—I know that Mr. Barrett also has a question.

Ms. Laura Sentineal: Okay, sure. So just launch into a statement here?

Mr. Mike Harris: Please do, yes.

Ms. Laura Sentineal: Okay. This is from Shay:

“My name is Shay VanderBrugge. I’m a 15-year-old student at Eden High School. I have been employed with Sentineal Carriages just for two years.

“On” a date, “I had a very upsetting experience at work, due to protesters in the old town of Niagara-on-the-Lake. This morning, I arrived at the corner of King and Queen Streets, where the carriages are parked around 11 a.m. I was called into work early due to the presence of the protesters at the corner. As soon as I got dropped off at the corner, I immediately felt intimidated by the presence of the many protesters who were surrounding my work area, where I would normally stand to give horses water and help the drivers.

“Since I was not comfortable being there by myself, I went to the other driver and went on an hour tour with her, just to get out of there.”

I think this gives you the idea. This poor girl ended up calling me. She was hysterical—and she is a tough young girl; don’t let her being 15 fool you—and she was very upset. I also have a letter from her mother, which she actually sent to the local paper, and it was printed as an editorial.

Does that answer your question?

Mr. Mike Harris: Yes, thank you very much. I think it’s very unfortunate that we have to see people put into these types of circumstances and situations. I know it’s certainly very tough for your employees, and I just want to thank them for persevering and doing a good job and doing what’s right.

I’ll release my time to Mr. Barrett.

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

Mr. Toby Barrett: There we are. Thank you, Chair. Good morning, committee and people at the witness table. I hope people are having more success with some of the

technology than I am. I've got a person helping me here. That's why I was wearing the mask—not that we apologize for wearing a mask these days.

The common ground, the commonality at the witness table—three deputants have indicated their love for animals. That's people in Ontario; that's really anywhere in the world. All of us have a love for animals: working animals, pets and what have you.

Controversy: We'll be on these committee hearings for several days—very, very interesting stuff, and stuff that's not really adequately being resolved on social media or being resolved out on the street or on somebody's property; hence, the opportunity for all of us to discuss this before this standing committee representing a number of policies and representing different directions.

I want to go back to the question that has been raised—I'll open it up to anyone at the witness table; perhaps, somebody who hasn't spoken yet: How do we strike a balance? We have the existing Trespass to Property Act. Several sides have indicated that that hasn't been adequate. We have new legislation before us. I know we're short on time—just some comments on how can we strike some more balance. We have government for a reason. We have this committee for a reason. As was indicated, there can be extremes on all sides. How do we strike that balance?

1050

I'll just turn that over to, I suppose, at the direction of the Chair, whoever jumps in first.

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

Mr. Toby Barrett: Thank you.

The Chair (Ms. Goldie Ghamari): Was your question directed to Laura, MPP Barrett?

Mr. Toby Barrett: No, whoever maybe hasn't had a chance to speak—

Ms. Janet Fraser: May I?

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

Ms. Janet Fraser: May I?

The Chair (Ms. Goldie Ghamari): Oh, sorry, Janet. My apologies. Yes, you have the floor.

Ms. Janet Fraser: Thank you. Okay, I would like to actually be the one to answer that because I think right now Bill 156 is looking to address these issues from a very specific perspective. But I think, though, addressing the rights and the well-beings of living, sentient creatures and protecting their rights would in turn reduce the need—

The Chair (Ms. Goldie Ghamari): My apologies, Janet; I have to cut you off. This round of questioning for the government side is over.

Before we proceed—we are running a little bit behind. We have a little flexibility with time; however, we do have to end straight at noon because of the House order. Each of you has eight minutes left, but we have about 10 minutes left until 11 o'clock. Would you prefer to have the eight minutes each and cut short the next round or would you prefer to just cut it short now and have five minutes each? I will leave it at the discretion of the committee. If

you want to just do questioning for five minutes here and then go to the next one—five minutes?

Interjection.

The Chair (Ms. Goldie Ghamari): Five minutes each and then the next one?

Mr. Mike Harris: We'll cut the next one short.

The Chair (Ms. Goldie Ghamari): You want to cut the next one short?

Interjection.

The Chair (Ms. Goldie Ghamari): Mr. Vanthof says no.

Interjection.

The Chair (Ms. Goldie Ghamari): Oh, you're okay with that. Yes, okay. Thank you.

In that case then we'll go back to the official opposition. You have eight minutes. Who would like to begin this round of questioning? Please raise your hand. MPP Glover, you have the floor.

Mr. Chris Glover: My first question is for Laura.

Laura, what you've been experiencing sounds more like harassment than trespass, because you said the actions haven't take place on your farm; they've actually taken place on the street. When you phoned the police, have they said anything, like we do have—in the Criminal Code, harassment is specifically stated and there is a definition of it. Why do the police say that what you're experiencing doesn't fall under harassment in the act?

Ms. Laura Sentineal: Thank you for asking that. I, of course, don't know the hearts and minds of the police, but I've been through every bit of legislation pertaining to our situation. It is there, from harassment to following vehicles around a horse on the road. That's a provincial law violation.

There seems to be an unwillingness by the police to pursue it. Probably, my best guess is, they don't want to take on a charter challenge, that sort of thing. I don't know. They don't want to make it worse.

But in the meantime, their unwillingness and their inactivity to actually do anything has given our activists—it has widened their agenda. It has given them the feeling that they can keep moving forward with their agenda.

Mr. Chris Glover: Okay. I'm going to cut you off there because I want to ask Anita a question as well. But I appreciate your response.

To all the speakers: I really appreciate you being here, because we do need to figure this bill out and get it right.

My next question is for Anita. If this bill is passed, will your group or other groups be launching a constitutional challenge of the bill?

Ms. Anita Krajnc: Absolutely. We will work with lawyers at Animal Justice and my own vegan lawyers, Gary Grill and James Silver.

In the United States, these types of bills were defeated on constitutional grounds. I think the same thing will happen here. I think the existing laws are in place and they can handle any cases that arise.

Mr. Chris Glover: Okay. Those are my questions. Thank you.

The Chair (Ms. Goldie Ghamari): Are there any further questions from the official opposition? MPP Vanthof, you have the floor.

Mr. John Vanthof: Just a quick question to Laura: Bill 156 goes into detail about citizen's arrests, and that after you make a citizen's arrest, then you contact the police. Would you be comfortable with making a citizen's arrest, or would any of your employees be comfortable with making a citizen's arrest?

Ms. Laura Sentineal: Absolutely not. The people that we are dealing with quite often carry handcuffs and who knows what else. We have been warned that we have to stay away, that we cannot antagonize. We have, in a weird, roundabout sense, been the problem in looking for justice and equality. Would you have your 20-year-old daughter try to do a citizen's arrest on some 40-year-old guy with handcuffs and, who knows, maybe a knife or a stun gun? Absolutely not.

I do respect their right to express their feelings. We just need distance, a bit of a buffer zone, so they can be over there expressing their feelings and their thoughts, and we can be safe doing what we do: running our business. Our drivers should be safe. Our horses should be safe. The public should be safe. They can feel and think and say what they want. We just need some space. We need a barrier that, honestly, I think would work in beautifully as an animal protection zone. That's all we are asking for.

I'm not looking to shut down anybody's opinions, but I don't want ours shut down. I don't want our rights shut down, and I'm tired of my people, us, my family, myself—I've had death threats, for goodness' sake. I am tired of us living with this. It's always there. It never goes away. It subsides and then it's back. This is no way to have to conduct a business in Ontario, Canada, in 2020. Thank you.

Mr. John Vanthof: No further questions.

The Chair (Ms. Goldie Ghamari): Seeing no questions from the official opposition, we'll now turn to the government side. Who would like to begin? MPP Schreiner, you raised your hand? Do you have a question?

Mr. Mike Schreiner: I thought it was coming back to me, but it's going a different way back?

The Chair (Ms. Goldie Ghamari): My understanding, MPP Schreiner, is that in each round, there is six and a half minutes for the independent members. Then there are 16 minutes for the official opposition and government—

Mr. Mike Schreiner: Okay. Got you.

The Chair (Ms. Goldie Ghamari): —and those 16 minutes are divided into two groups of eight.

We'll turn now to the government side. MPP Pettapiece, you have the floor.

Mr. Randy Pettapiece: Thank you to all the participants who have come to take the time to give their deputations today. It is quite interesting to listen to all the different opinions that we've heard, and it's certainly interesting to think about just exactly how this has affected those in the animal industry in Ontario and those who aren't in the animal industry of Ontario.

I would like to ask Ms. Fraser a question, if I could, Chair.

Ms. Fraser, you used the terms "industrial" and "private" farming. Could you give me a definition of what you mean by industrial and private farming?

Ms. Janet Fraser: Sure. As best as I understand, you have the bigger production centres, like the one that I've had a chance to view from the outside, Maple Lodge Farms—that's what I would think of as an industrial setting, and I'm aware that there may be other private farmers out there. But within these industrial settings—what I'm thinking of is a large number of employees. When I say "industrial," it's not the image of the old-fashioned, grassy fields that people often imagine a farm to be. Does that make sense?

Mr. Randy Pettapiece: I guess pretty well all the farms in Ontario, no matter what size they are, are owned by farm families. I'm just trying to understand what you meant by "industrial" versus "private."

1100

Ms. Janet Fraser: I've been trying to avoid the term factory farms, but when I say "industrial," what I'm really imagining are the factory farms.

Mr. Randy Pettapiece: Okay.

Chair, may I ask Laura a question, please?

The Chair (Ms. Goldie Ghamari): Yes, you may.

Mr. Randy Pettapiece: How long have you been in this business, Laura?

Ms. Laura Sentineal: Approximately 27 years. My husband grew up in Niagara-on-the-Lake and he's been doing it since he was a teenager. I grew up in a condo in Toronto.

Mr. Randy Pettapiece: Okay. So all in all, 27 years would be the appropriate term.

Ms. Laura Sentineal: Right.

Mr. Randy Pettapiece: How long have you been experiencing these threats, as you call them?

Ms. Laura Sentineal: It's been about three years now.

Mr. Randy Pettapiece: About three years?

Ms. Laura Sentineal: Yes.

Mr. Randy Pettapiece: And are these threats continuing?

Ms. Laura Sentineal: Yes. They come at us in different forms and different ways and different levels of intensity, but yes, it's pretty continual. The statement I read you at the beginning was from their Instagram post. Who knows what they're planning? And that was last week, June 3. Who knows what they're planning? We don't know.

I know they really don't care about the well-being of our horses. They certainly don't care about our well-being. Over and over again, they've said, in person and in writing, that they want to get rid of us, they want us gone, that our horses would be better off going to slaughter. That's our reality, and that's what we live with on a day-to-day basis.

Obviously, we haven't been out because of the quarantine, but I just dread going back out there. Who knows what they've got planned?

Mr. Randy Pettapiece: Yes, I can understand. Through you, Chair, the COVID-19 crisis certainly has not

been good to your business or to a lot of other businesses in Ontario, and you've got a lot of stress that way. I can certainly understand that. Certainly, when you're facing people who threaten you or your employees one way or the other, it doesn't make life any easier. So I want to thank you for your comments today, and I would like to pass the mike on to another member, Chair.

The Chair (Ms. Goldie Ghamari): Further questions? MPP Barrett, you have the floor.

You have to unmute yourself, MPP Barrett.

We still cannot hear you.

Mr. Toby Barrett: There I go again.

The Chair (Ms. Goldie Ghamari): There we go.

Mr. Toby Barrett: Thank you, Chair. I just wanted to continue my original question, and I know that we ran out of time—again, this striking of a balance that's been talked about so far this morning. We have the existing Trespass to Property Act. We get complaints because it isn't successfully dealing with some of these cases of trespassing. Secondly, fairly recent legislation that has passed, the PAWS legislation, the Provincial Animal Welfare Services Act, has brought in some of the toughest animal welfare protection legislation anywhere. Now we're discussing in committee the newly introduced legislation.

I apologize; I'm not sure who started to answer the question, but what kind of balance are we seeing? We're now dealing with essentially three pieces of legislation that address some of the controversies and conflicts we're talking about this morning.

The Chair (Ms. Goldie Ghamari): MPP Barrett, who was your question directed towards?

Mr. Toby Barrett: Whoever started to answer the last time. I'll just open it up to the witness table—whoever would like to address it.

The Chair (Ms. Goldie Ghamari): If any of the presenters would like to respond, please raise your hand. Laura.

Ms. Laura Sentineal: I believe we all need that balance, but it has to be in a way that farmers and people within agriculture can protect their animals and their livelihood. In my experience—

The Chair (Ms. Goldie Ghamari): There's one minute left.

Ms. Laura Sentineal: —there is so much misinformation out there.

We need balance. In our case, we need distance, and farmers and their herds and flocks need to be protected.

Ms. Janet Fraser: May I speak?

The Chair (Ms. Goldie Ghamari): Janet, you have 40 seconds.

Ms. Janet Fraser: I was the one speaking earlier. I'm not so familiar with all the legislation, but I imagine that PAWS is more intended for pets, like dogs and cats, versus farm animals. I still think that may be where the missing link is—protections for farm animals.

The Chair (Ms. Goldie Ghamari): That concludes this round of presentations. I'd like to thank all of our presenters for joining us today. Your comments were very

insightful, and I'm sure the committee will have a lot to deliberate. You may step down at this time.

LAST CHANCE FOR ANIMALS

CANADIAN COALITION FOR FARM ANIMALS

ANIMAL JUSTICE

The Chair (Ms. Goldie Ghamari): I'd like to welcome our new participants to our public hearings here today.

Before we begin, I'd just like to do a quick roll call. Do we have Miranda Desa here from Last Chance for Animals? Thank you. For Canadian Coalition for Farm Animals, do we have Maureen Boag? If you are here, please raise your hand, or say yes if you're on the phone. Susan Cleland? Susan is here. Vicki Fecteau? I see Vicki. Anne Griffin? Thank you. For Animal Justice, Camille Labchuk? Thank you.

We'll begin this round of presentations with Miranda Desa. Please state your name for the record, and you have seven minutes. You may begin.

Ms. Miranda Desa: Good morning. I'm Miranda Desa, Canadian counsel for Last Chance for Animals, or LCA, a non-profit organization dedicated to eliminating animal exploitation through education, whistle-blowing, legislation and media attention. LCA has been involved in a number of high-profile whistle-blower exposés in Canada, which have led to charges based on the treatment of animals, and legislative change.

I'm here today to discuss three things: first, our concerns with the phrase "false pretenses" in Bill 156; second, the importance of whistle-blowing; and third, the results of recent polling we completed about Bill 156.

Bill 156 will impose animal protection zones on farms, meat-processing plants and other prescribed areas, and require consent for entry into these areas. The bill will impose fines up to \$25,000 where consent is obtained on false pretenses, requiring anyone who intends to gather information to whistle-blow about hygiene and safety, the treatment of animals or environmental issues to get consent in advance to collect this information. This will criminalize whistle-blower exposés into our food chain and severely punish whistle-blowers acting in society's best interest. The bill will make it a crime to reveal the truth. Bill 156 would capture even established employees who decide to gather evidence to shed light on issues observed in the course of their employment. This is a severe erosion in oversight and transparency and an unjustified intrusion on freedom of expression.

Whistle-blowers are an essential part of our legal system regulating animal agriculture. The government should be celebrating whistle-blowers and the important role they play in oversight and transparency. There are no inspections in Ontario aimed at regulating the treatment of farm animals. Farm animal welfare is policed primarily on the basis of complaints. Under the PAWS Act, there is the possibility of inspections, but no schedule or details. Plus,

that's not enough. Remember when the government told us that it was going to have inspections into homes for the aged? Look at how that turned out.

1110

In 2018, LCA's whistle-blower exposé at Millbank Fur Farm led to 14 charges being laid for animal cruelty, including sanitation issues. To help you understand the value of whistle-blowers, we have put together a video showing conditions that have been exposed in recent Ontario whistle-blower exposés and submitted it to the Clerk and posted it in a press release today at stopontarioaggagbill.com. In spite of the marvels of modern technology, the committee won't let us show it here today, which is a real shame because it is impossible to put into words what these videos show.

I warn you that the video is graphic, but I urge you to watch the video and pay attention to the cruel conditions, the unsanitary premises, the crowding and the untreated wounds. I urge you to listen to the cries of the animals, and ask if that is in line with how you believe animals should be treated in Ontario. I urge you to ask yourselves if covering this up is in the best interests of society.

The current pandemic has shown us that there is a strong connection between the sanitary treatment of animals and disease. Now is not the time to shut down whistle-blowing in Ontario. We need it now more than ever.

Ontarians want to know about where their food comes from and how animals raised for food are treated. We know this because we retained Campaign Research to complete a poll among a sample of 1,042 Ontarians about whistle-blowing and Bill 156. The study was conducted on June 2 and 4, 2020. The study showed us that 87% of Ontarians agree that animals raised for food should be treated as humanely as possible; 91% of Ontarians believe that oversight and transparency into the conditions for animals on farms is important; 88% of Ontarians believe that it is important for whistle-blowers to be able to expose conditions for animals, as well as hygiene and food safety on farms and in meat-processing plants; 84% of Ontarians believe that there should be public transparency into health concerns in meat-processing plants.

The poll showed us that 61% of decided Ontarians disagree with Bill 156 making undercover investigations into the condition of farms and meat-processing plants under false pretenses illegal. It also shows—

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

Ms. Miranda Desa: —that 77% of decided Ontarians agreed that outlawing undercover investigation interferes with free speech.

The results of the poll are quite compelling and show that Ontarians place high value on whistle-blowers, oversight and transparency, and while I do not have time to review all the results here, I urge you to review them in detail. I have submitted a complete copy of the polling results with the Clerk, and the contents of our poll have been published in today's Sun.

I urge you: There is still time to revisit Bill 156 and remove the "false pretenses" language, and if you don't, I urge you to at least change the name from the "protection against trespass and food security act" to the more appropriately named "animal abuse whistle-blower trampling act." I thank you—

The Chair (Ms. Goldie Ghamari): Thank you, Ms. Desa. That's all the time we have for your presentation.

We'll now turn to our next group of presenters. Can we please unmute everyone who is here on behalf of the Canadian Coalition for Farm Animals? I would ask if you could all please state your names for the record, and you will have seven minutes for your presentation. Thank you.

Ms. Vicki Fecteau: I'm Vicki Fecteau.

Ms. Anne Griffin: I'm Anne Griffin.

Ms. Maureen Boag: I'm Maureen Boag.

Ms. Susan Cleland: And I'm Susan Cleland.

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

Ms. Susan Cleland: Good morning. Thank you for inviting us to attend this committee meeting. My name is Susan Cleland. I am a director at the Canadian Coalition for Farm Animals. I'm joined today by fellow directors Maureen Boag, Vicki Fecteau and Anne Griffin. We are a non-profit organization dedicated to improving the welfare of animals raised for food in Canada.

Crystal Mackay, executive director of the Guelph-based advocacy group Farm and Food Care Canada, which launched the Canadian Centre for Food Integrity, said, "There are 16 million Canadians with a question mark about our food system."

Most Canadians, including those in the southwestern Ontario farm belt, are a generation or more removed from direct farm experience. But many said they worry about whether farm animals are treated humanely.

A Canada-wide study in 2018 by the same group, the Canadian Centre for Food Integrity, suggests there is increasing uncertainty about the direction of our food system. For the first time since the surveys have been done, results show a failing impression of Canada's agriculture system, with rising concerns around animal welfare as a whole. When it comes to consumers' confidence that Canadian meat, milk and eggs are raised humanely, 61% of respondents were unsure.

I hope that you have read the document we emailed in March regarding our issues with the proposed bill. To summarize:

(1) It is not clear to us why this bill is required at all. Although some MPPs have said that farmers have nothing to hide, there is no question they do.

(2) There are already trespassing laws in place, and a property owner can make a citizen's arrest of a trespasser.

(3) Some aspects of the bill are not clearly defined, such as interacting with an animal in animal protection zones.

Our main concern, though, is how animal abuse will be exposed. It will be almost impossible for employees to record abuse. An employee of a farm or slaughterhouse could be considered to have obtained consent under false pretenses and could be arrested by the owner if he or she is suspected of being a whistle-blower.

Bill 156 seems to have been written solely for the benefit of animal agriculture in order to hide practices in factory farms, transport trucks and slaughter facilities. However, animal agriculture should not be exempt from consumer oversight any more than any other industry. The very fact that animal agriculture is pushing for this law does not suggest they are trying to protect animals. Rather, it is clearly proving that they have something to hide.

It is also critical that consumers, many of whom advocate for animals, be completely aware of how farm animals are treated in the animal agriculture industry. This is made possible through whistle-blowers in the same way such oversight exists in other industries. Just recently, the Canadian military were brought into Ontario to help seniors in long-term-care homes, and they reported about the absolutely squalid conditions. Just imagine if the Ontario government enacted laws to silence these whistle-blowers. There are so many parallels here involving beings who are the most vulnerable in our society, unable to speak out against those who are in charge of supposedly caring for them.

As I mentioned earlier, the document that we submitted contains links to several undercover investigations done in Ontario. They depict scenes of extreme violence, which of course are not within the codes of practice. They are hard to watch, but they must be seen.

The first investigation was at Hybrid Turkeys, where footage showed a worker brutally killing a turkey with a variety of objects, including a shovel. Needlessly, the bird was in a tremendous amount of pain. There were also reports of punching, kicking and throwing turkeys, their spines crushed, heads bashed in, one bird left to drag its exposed intestines across the dirty ground.

The third video was recorded at Maple Lodge Farms near Brampton. Chickens can arrive dead from transportation in extreme heat or cold. They are roughly thrown onto a conveyor belt and shackled by their legs, some with broken bones protruding from their bodies. They then may survive the stunning pool and have their throats cut while still conscious. Sometimes they miss the cutting knife and an employee attempts to cut a throat by hand. The employee can process 1,000 or 2,000 birds per day.

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A fourth video at a halal slaughterhouse shows many of the same conditions as Maple Lodge Farms.

There are also additional links to undercover investigations in other provinces that were precedent-setting. An example is footage from a Manitoba pig farm that resulted in the National Farm Animal Care Council introducing a new code of practice that bans the use of gestation crates in Canada—another from a Chilliwack, BC, dairy farm, which resulted in the first time in Canada a company being held responsible for the acts of cruelty committed by its employees.

With the realities of the vast amount of inhumane farming practices, whistle-blowers are clearly needed. It is only through their actions that cruel practices have been uncovered and regulatory changes have been made to protect animals. Whistle-blowers are truly working to

protect and safeguard these animals and put in place protections—

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

Ms. Susan Cleland: Thank you.

There are more than 26,000 livestock farms in Ontario, 150 slaughterhouses and 27 livestock auctions. The recently enacted provincial animal welfare services—PAWS—inspectors could not possibly investigate all of these facilities, in addition to other investigations of zoos, aquariums and domestic companion animals.

There is no doubt that this bill has several flaws and should be amended or withdrawn.

Thank you for listening to our concerns.

The Chair (Ms. Goldie Ghamari): Thank you very much. We'll now turn to Camille Labchuk, who is here on behalf of Animal Justice. Please state your name for the record, and you will have seven minutes for your presentation. You may begin.

Ms. Camille Labchuk: Thank you. Good morning. I'm a lawyer and the executive director of Animal Justice. My name is Camille Labchuk. We are Canada's only animal law advocacy organization, representing tens of thousands of Canadians. We work to improve laws protecting animals. Unfortunately, there's a lot to do, because Canada has some of the worst animal protection laws in the western world, and Bill 156 is about to make a bad situation far worse.

This bill is what's known as an ag gag law, which attacks whistle-blowers and prevents them from exposing illegal and unethical practices on farms. This is pure protectionism for the farm industry, and it's inspired by similar laws in the US that never should have crept in to Canada.

Here's what's at stake: Last year, in this country, we killed 834 million chickens, pigs, cows and other animals for food. What they endure is far beyond our worst nightmares. They spend their lives in deplorable conditions—mostly in dark, windowless warehouses. The farming industry treats them like commodities instead of sentient animals who feel both physical and mental anguish. Standard farming practices include things like castration, de-beaking, cutting off piglet tails without anaesthesia, confining hens in battery cages so small they can't spread their wings, chaining calves to veal crates, and keeping mother pigs in gestation crates that prevent them from even turning around.

I know you're going to hear from farm commodity groups who will boast about their very high standards of animal care, but this is false. Canada doesn't even regulate or monitor animal welfare on farms. Standard farming practices are exempt from provincial animal protection laws, like the PAWS Act, so farmers get to make up their own rules through this massive loophole. The fox is guarding the henhouse.

When the public does see the truth, most of the time that's because a whistle-blower takes photos or videos. Shocking videos shot by whistle-blowing employees have resulted in hundreds of news stories and aired on high-

profile shows like CTV National News, Marketplace and W5. These investigative stories have led to animal cruelty prosecutions and convictions, and policy changes. But the bill would effectively shut down those hidden-camera videos. Under section 4(6), it would be illegal for someone to gain access to a facility through a false pretense. This would include an employee who seeks a job on a farm and follows all the rules, but didn't disclose that they care about animals and intend to blow the whistle if they see illegal cruelty. This would include investigative journalists. This would include a worker whose employment agreement says they won't film inside the farm; if that person still sees something so disturbing that they feel they have to go public, they would be punished.

This isn't only about animal cruelty; this also goes for workplace safety violations. Canada's biggest COVID-19 infections have all been in slaughterhouses, and slaughter workers are terrified to go to work. Some of them have died. Under Bill 156, a person who exposes those unsafe workplace conditions or takes a photo of inadequate protective gear could be prosecuted and fined. The bill attacks whistle-blowers who expose criminal conduct in the workplace.

The bill also attacks people who expose animal cruelty during transport. You heard from Anita Krajnc, who does vigils outside slaughterhouses. They frequently document violations of animal transport laws, and I know this because I helped them file complaints with authorities. Inspectors are seldom watching and even more rarely prosecute, even when animals are overheating, when they arrive frozen solid as hockey pucks at the slaughterhouse or when they suffer injuries from overcrowding. Citizen complaints are essential. The provisions in section 5(2) of this bill that prevent people from gathering outside slaughterhouses and interacting with animals on transport trucks would further reduce oversight and stop people from seeing suffering inside those trucks.

These aspects of Bill 156 are also clearly unconstitutional. Ag gag laws are a US import. Farmers have pushed for these draconian laws typically after undercover footage exposes cruelty that farm lobby groups don't want people to see. When they do pass, ag gag laws in the US have been repeatedly struck down in court as unconstitutional, including in Idaho, Utah, Iowa and Kansas. The reason for this is because they restrict freedom of speech, which is one of our most cherished rights in a democracy. Over 40 Canadian legal experts have already written to tell the government that Bill 156 is unconstitutional too because it attacks our charter-protected right to free expression. You will hear from some of those experts, and I'll leave it to them to elaborate.

The government says that this bill is about biosecurity on farms and stopping trespass, but it's not. Trespassing is already an offence. If the government wants higher fines to deter concerned citizens from trespassing on farms to see those conditions for themselves, that could be done without targeting employee whistle-blowers.

The bill isn't about biosecurity either. The government has never once explained how a whistle-blowing employee could pose any risk whatsoever to biosecurity. Because

this is someone who's legally employed at the farm, follows all the rules and simply films illegal cruelty if they see it, there is no risk; and not a single US court has accepted the biosecurity argument because it's not a legitimate concern.

The bill actually makes biosecurity worse by preventing whistle-blowers from exposing conditions that could lead to public health threats, like viruses or antibiotic-resistant superbugs. I remind you that COVID-19 emerged from a wildlife market in China, but a deadly virus could just as easily have come from a factory farm in North America, and they have. Strains of swine flu and bird flu already have—deadly strains. Warehousing thousands of genetically similar animals in filthy conditions creates an ideal breeding ground for pathogens.

Animal farming needs more transparency, not less. This bill is a huge step backward, and the unconstitutional aspects of it will inevitably be challenged and lose in court. We've seen this movie before. The lengthy court battle will waste taxpayer funds at a time when we're going further into debt—

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

Ms. Camille Labchuk: Thank you. The law will be struck down and whistle-blowers' exposés will once again be legal. But in the meantime, the court case will be a constant reminder of the abject cruelty and suffering that the farm industry is desperate to hide.

I want to close by reminding you that Animal Justice testified in support of the new PAWS Act last year before a committee just like this one. Government MPPs quoted me on the floor of the Legislature praising the PAWS Act in debates. The animal protection community and Animal Justice is more than willing to engage and work with the government, but this is the first chance I've had to sit face to face with anyone in the government, despite multiple meeting requests about this bill. Instead, it's the farm industry's fingerprints that are all over Bill 156.

Your job as legislators is not simply to protect the profits of farmers. It's your job to protect vulnerable members of society, and this absolutely includes farm animals. Please prioritize animals, transparency in the food system and public health. Please reject—

The Chair (Ms. Goldie Ghamari): Thank you. That's all the time that we—

Interjection.

The Chair (Ms. Goldie Ghamari): Thank you, that's all the time we have. You are able to comment further through questions.

This round of questioning will begin with the independent Green Party member. MPP Schreiner, you have six and a half minutes. You may begin.

Mr. Mike Schreiner: I just want to thank all three groups of presenters for taking the time to come to committee today and speak out.

I'm going to direct my first question to Camille from Animal Justice.

You mentioned the fact that this type of legislation has been struck down as unconstitutional in many states in the

US. Do you anticipate a charter challenge to Bill 156, and do you think that challenge would be successful?

Ms. Camille Labchuk: I think it's inevitable that there will be a charter challenge to Bill 156. I think that the stakes are too high to let this legislation stand, and in a liberal democracy, we simply can't sit back and abide by unconstitutional legislation.

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What's at stake here, as I've explained, is the ability of the public to get a glimpse behind the closed doors of factory farms. In Canada we have rights to freedom of expression, and that includes not just the right to gather and disseminate information, but the right to receive that information as well, and this bill deprives Canadians from very important information that helps them make decisions about food and their food choices.

When people see cruelty that happens on farms, that gives them information that they need to decide whether they want to continue consuming those products. When a slaughterhouse is exposed for botched killings and abject cruelty on the floor of the slaughterhouse, that gives citizens and consumers the ability to say, "I'm not going to patronize that establishment anymore." When that information is shut off by a bill like Bill 156, that does a real disservice to whistle-blowers and the public. I don't think there's any response but to challenge it, and I do anticipate that that challenge will be successful. Every single time this type of legislation has been passed in the States, challenges have been filed, and they have all succeeded there.

You'll hear from constitutional and criminal law experts who are far smarter than I am. These are professors at Canada's leading law schools who believe that Bill 156 is unconstitutional and will be struck down in court.

Mr. Mike Schreiner: Thank you for the response. My next question is going to be to Miranda.

I was very interested in your polling numbers. I ask this question as somebody who actually grew up on a farm. We raised cattle on our farm, and one of the concerns I had with this bill was that in the US, when this type of legislation has been struck down by the courts, it has undermined confidence in farming and consumers have become more wary of supporting local farmers. Do you think that that concern is reflected in your polling that you've recently done?

Ms. Miranda Desa: I think that that is a very, very valid concern. The results of our poll talk a lot about how people want and expect this information, and our poll didn't ask questions specifically about that, but I am aware of other polling information that has addressed that information. I believe you're going to be hearing from the people who commissioned that poll.

But when people find out that agricultural farms are affecting the flow of information out of the farm, it actually makes people more concerned about animal welfare and harms trust in farmers, affecting their relationships. That affects the farmers. In fact, there are examples of US farmers who have asked for ag gag laws to be removed so that they can increase their reputation and have better

respect from the community, because laws like this only protect the few bad apples, and they protect them from things that they shouldn't be protected from, because oversight and transparency are essential to our democratic governance.

We obtained a number of polling numbers that tell us about all of the things that are important, and what's really interesting is that our cause polled well across all political spectrums. People who support all of the political parties in Ontario believe that this oversight and transparency are essential—and this law will not help farmers; it will harm them.

Mr. Mike Schreiner: Okay, thank you for that.

Just really quickly—I think my time is probably running out—I'm going to ask Camille: Do you have some ways in which you think this bill could be amended to address the constitutional charter concerns that people would have?

Ms. Camille Labchuk: Yes, I do. I think the biggest problems with this legislation are found in section 4 and section 5. Section 4(4) says it's an offence to interfere or interact with a farm animal in or on an animal protection zone on a farm. That could be a very clear constitutional right. Say that there's a—

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

Ms. Camille Labchuk: —fence delineating a farm, there are animals on one side, and a neighbour or an animal advocate goes to interact or film those animals. That could capture that conduct.

The provision in section 4(6), which prohibits people from gaining access to a farm via false pretense: That's a clear restraint on speech and unconstitutional and should be deleted.

Section 5(2), which prohibits interacting or interfering with an animal in a transport truck, is constitutionally problematic.

And any reference to false pretenses in the bill is something that restrains speech and I believe would be struck down by a court. So that would be something on our list of a high priority to be deleted.

Mr. Mike Schreiner: Great. I was going to ask the Canadian Coalition for Farm Animals a question, but I think I've probably run out of time. I will just thank you for coming to committee.

The Chair (Ms. Goldie Ghamari): You had about four seconds left there.

We're going to now turn to the government side, and I see a number of raised hands. Who would like to begin? MPP Barrett, I see your hand. You may begin.

Mr. Toby Barrett: Thank you, Chair. I appreciate you letting me know that some of my other colleagues have some questions.

I thank the people at the witness table for the discussion and issues raised around whistle-blowing and false pretenses and the issue of getting permission ahead of time to go on somebody's property.

As we know, during these deliberations on committee, this proposed legislation, if it passes, would establish additional offences to address some of these issues. For

example, entering somebody's property without explicit prior consent would be an offence; also, if somebody were to go on someone's property but they give false ID or misleading information with respect to who they actually are.

Again, we have government for a reason, and we have inspectors and people who work for government. My understanding is, when they do come to somebody's property, they come to the door, oftentimes they have a uniform or they have an easily identified vehicle. It may say "OPP"; it may say "Ontario government"; it may be municipal bylaw. But—and this must go back for many years—they would identify who they are, and they would ask permission if they can go and, I don't know, inspect the footings of a building that's being constructed.

But from what I hear in the testimony, I hear arguments against that. I'm not a lawyer. I guess we've had the British common law, developed over 800 years or so, and my understanding is that you don't go on someone's property without asking permission. That could be dangerous, especially in the evening, when it's dark, for all sides, or for animals, for that matter, or for children that are around. You don't lie to somebody when you go on someone's property and say that you're an undercover policeman or something like that.

So could we just run through that again? What is the rationale to justify going on somebody's property with misleading ID or without having permission? I just want to get my head around that.

The Chair (Ms. Goldie Ghamari): MPP Barrett, who was that question directed towards?

Mr. Toby Barrett: I know Miranda raised it at the beginning. I think I saw Camille's hand go up.

The Chair (Ms. Goldie Ghamari): Okay. Camille.

Ms. Camille Labchuk: Thank you, Mr. Barrett. I'm happy to speak to that. Thanks for the question because I think it does give us an opportunity to really clarify what we're talking about here.

My concern, on behalf of Animal Justice, is not that there are people out there who are using fake police badges to try to go on to property or that they're coming on at night and that's inappropriate. We do have trespass laws in Ontario that say you can't come on to someone else's property. So that already exists.

What I think is new about this legislation that's really troubling is not that it will necessarily crack down on someone who pretends they're a police officer; I think the concern is that if somebody is legitimately employed in a food processing plant, like a slaughterhouse, or legitimately employed on a factory farm, but they didn't disclose when they got that job that they care about animals and they might film cruelty and expose it if they see it—that's what the bill would consider to be a false pretense. So this person, legitimately employed, carrying out all their duties as instructed, but simply filming animal cruelty if they see it and then becoming a whistle-blower—that's the type of person that we're concerned about.

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You could also have somebody who didn't have any intentions of filming anything when they got the job, but

while they started working on the farm—or let's say there's a slaughterhouse and they see botched slaughter after botched slaughter, and the management isn't taking any action. They get concerned about the implications of this, and that person has maybe signed an employment agreement that has an NDA that says they can't film inside their workplace—if they take those videos and expose them, even if they reveal illegal cruelty, that's what the false pretenses provision could attack. That type of person, who is trying to act in the public interest and reveal cruelty or unsafe work conditions or conditions that could lead to viruses, is the kind of person who could be covered and punished by that. We don't think that's right.

Mr. Toby Barrett: Okay, thank you. I think one of my colleagues has a question. Thanks, Chair.

The Chair (Ms. Goldie Ghamari): Do I see any raised hands from the government? MPP Smith.

Mr. Dave Smith: Thank you very much for that. My question is for Miranda.

I understand your organization has lobbied the federal government to deny COVID-19 relief funds to some farms here in Ontario. Most of those funds will be used for PPE. Don't you think it's important that those farm workers have access to PPE as well?

Ms. Miranda Desa: We put in a request and asked about specific future funding, and that it would prioritize farmers who were farming, for a transition to sustainable agriculture—

Mr. Dave Smith: So some farmers shouldn't get PPE?

Ms. Miranda Desa: Certainly I would never suggest that people should not have PPE.

Mr. Dave Smith: But you were just asking the federal government not to give them funds through COVID-19 relief, and those funds would be used for PPE for those workers. So how do you align that?

It seems incongruent when you're saying, on one hand, that the federal government shouldn't be giving any funds to some of these farmers, and yet you're also saying that these workers do need access to PPE, especially during COVID-19. So how do you align the two, then, when you're saying that, no, the federal government shouldn't give these farms money and you're also saying that, yes, you absolutely believe that the people who work on those farms deserve to have protections on these things? Where's the alignment on it?

Ms. Miranda Desa: In terms of the funding, our letter came after the funding that was released for PPE and it was with respect to additional funding.

We're also asking that funding not be provided to large agricultural factory farms and that funding prioritize smaller farmers transitioning into more sustainable practices.

Mr. Dave Smith: So larger farms don't have anyone working there?

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

Mr. Dave Smith: They don't need any of that PPE?

Ms. Miranda Desa: In terms of funding, there is a large need. We were asking for prioritization of smaller farms

with less resources and abilities. Many of the farms out there are large, massive corporations who have access to significant resources and who should be expected to provide these things to their employees, as all other employers are required to provide PPE out of their own pocket.

Mr. Dave Smith: So some workers are worthy and others aren't.

I'll turn it over to another one of my MPP colleagues.

The Chair (Ms. Goldie Ghamari): MPP Harris, you have 20 seconds for this round.

Mr. Mike Harris: I think we'll wait for the next round. Thank you.

The Chair (Ms. Goldie Ghamari): You'll wait for the next round; probably a wise choice there.

We'll now turn to the official opposition. Who would like to begin? MPP Vanthof, I see your hand. You have eight minutes. You may begin.

Mr. John Vanthof: Thank you to all the presenters.

I might be in conflict of interest: I was a dairy farmer for most of my life; I'm proud of it.

All three groups brought up an interesting issue—because in the Legislature and when I talk to farm groups, it's all about the first part of the act, about the increase of the fines to trespassing and very little about the whistle-blower part of the act. What I'm trying to explain to them, and hopefully you can do it again, is that for the farmers and the farm groups who are doing everything right, this potential overreach by the government—it's possible it will be struck down—could actually hurt the farmers who are doing it right, and the vast majority are; it could actually hurt them in the long run.

Chair, through you to Camille, please?

Ms. Camille Labchuk: Thank you, Mr. Vanthof, for that question and comment, and thank you for what you've done to attempt to explain it to farmers. We've experienced the same thing. I think the way the bill is communicated about—especially by the government—is in terms of protecting private property and protecting biosecurity. It's about trespass and the health of animals on farms, but this sneaky provision involving prohibiting people from using false pretenses to gain access isn't something that I think a lot of people truly appreciate or have knowledge of.

I think you're right, that this bill actually does a dis-service to farmers. Here's what's going to happen: The bill is going to be challenged in court. We know exactly how these cases are going to play out because they have in the States over the course of the last decade or so. Every time there's an appearance in that court case, the issue goes back into the news and television stations play footage of undercover investigations that have shown those bad apple farmers, that have shown stuff that's untoward happening to animals on farms, and the entire farm industry gets tarred with that brush. I know that by the end of litigation in many of the US ag gag states, farmers are actually begging the government to give up the fight, to stop, because it was so bad for their reputations that these issues kept getting raised in the news.

I'm concerned that the bill has been spoken of exclusively about trespass and biosecurity and a lot of farmers don't even appreciate the negative effects this would have on them.

Mr. John Vanthof: Thank you very much. One other issue—I don't know who to direct this at. If this bill passes as it stands, and if it's effective as it stands, likely the only inspection or the only supervision of the system will ever be government or industry. Would this clause stand in the long-term-care act, after what we've seen in long-term care? It's crazy that we're actually discussing this during a pandemic, but does a similar clause exist in any act in Ontario?

Ms. Camille Labchuk: Not that I'm aware of. The only similar thing is in Alberta. Alberta passed ag gag legislation just before the Ontario bill was introduced, and it covers all situations. It would cover nursing homes, daycare facilities, hospitals, other locations where vulnerable people are being kept, and that's obviously a huge concern for that province.

But here, we're singling out farms for this type of secrecy. I think you're absolutely right, that the public wouldn't stand for this in nursing homes; they wouldn't stand for this in daycares; they wouldn't stand for this in schoolyards. The question is: Why are we treating farms so differently from these other locations where there are vulnerable people?

To your point, that we're currently in the midst of a horrific crisis in long-term-care homes, I know we've all read the news stories and we're all aware at this point of how we failed senior citizens who live there, and one of the reasons we failed them is for a lack of government oversight. That lack of government oversight is exactly what we're seeing on farms. There are no inspectors who are there to look for animal welfare concerns because there are no regulations they can enforce.

I would suggest that a better response to the situation, if there's concern over people trespassing on farms—the reason they're trespassing on farms is because they have lost confidence. There's a crisis of legitimacy in the way the public perceives farming because it's not regulated. I would suggest that the better approach, instead of trying to silence protests and whistle-blowers, is to tackle the root of the problem and address the lack of animal welfare standards on farms and address the lack of oversight and publicly available information, so that people don't have to go in with a hidden camera and get that information themselves.

The Chair (Ms. Goldie Ghamari): Thank you. Maureen, would you like to respond? Sorry, Ms. Boag, your microphone is on mute. You'll have to unmute yourself on your end, I believe.

Ms. Maureen Boag: Okay. Can you hear me now?

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

Ms. Maureen Boag: Okay. We talk about COVID-19 right now and what's going on in the long-term-care facilities and how these are the most vulnerable, like animals are, and how we should be more concerned about animals too, ones who can't speak for themselves.

I just want to draw attention to the past. There was a time when children should be seen but not heard. And then, when I was young, in the 1950s and 1960s, there were a lot of cases of child physical and sexual abuse. It was brushed under the carpet because they thought it would be too traumatic for children to appear in a court. And actually, it happened to me. It traumatized me and had an effect on my entire life. And then when I had my children, I thought, “This isn’t going to happen to my children, to that generation.”

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Since then, people have come forward and they’ve blown whistles on people like that Gordon Stuckless—the incident that happened. So we have changed our laws. We’ve made it easier for children to appear in court. Again, these are the most vulnerable, and if it wasn’t for the whistle-blowers, if it wasn’t for the people like me who thought, “This isn’t right; my children aren’t going to go through this,” and then the generations after them—

The Chair (Ms. Goldie Ghamari): There is one minute left for this round.

Ms. Maureen Boag: Okay. That’s all I wanted to say. I just think that ties in with the long-term-care homes and the vulnerability of the seniors, children and animals, and how whistle-blowing has made a difference.

Mr. John Vanthof: I would just like to make one comment before my time is over on this round. Of all the farmers I know, the vast majority do a good job. Anecdotally, but in every sector—the Premier said it a couple of days ago in question period—every profession has some bad apples. I would hate to damage the reputation of all the good farmers by trying to protect a few of those bad apples.

The Chair (Ms. Goldie Ghamari): Thank you, MPP Vanthof. There is about 11 seconds left. I think we can safely say that’s the end of this round.

Because we have a hard stop at noon, what we’re going to do now is we’re going to go back to the government side and then the official opposition. Each side will have only four minutes.

MPP Harris, you may begin.

Mr. Mike Harris: Thank you, Madam Chair, and thank you all for being here virtually today. Like I said to the first group of presenters, these are unprecedented times. It’s kind of neat that we’re able to meet in this way and get everybody’s opinions heard.

I just wanted to touch quickly on something that we haven’t really talked much about yet in the first couple of hours of deputations here, and that’s biosecurity. I have the opportunity to represent a very unique riding in Waterloo region, where it’s about 60% rural and about 40% urban. That riding is Kitchener–Conestoga. We have about 1,400 working and registered farms within Waterloo region. I would venture to say that probably over 1,000 of them are within my riding. I’ve had a wonderful opportunity to get out and meet a lot of these local farmers. Some of them are larger operations and some are very small, almost hobby farms. But everybody that I’ve had the opportunity to get out and meet with has really shown that

they care very much about their animals and the things that are happening on their farms.

Just to move into this biosecurity aspect of things a little bit here: When I go to some of the larger either processing facilities and/or some of the larger farms, there’s often an inspector on-site, whether that be a provincial inspector or whether that would be an inspector from the federal Canadian Food Inspection Agency. I know the member from Timiskaming–Cochrane has probably come in contact with these folks through his day-to-day operations back when he was still farming on a pretty regular basis. You’re wearing lab coats and you’re wearing booties. Sometimes you’re wearing gloves, hairnets, beard nets etc.

Susan, I don’t think you’ve had a chance to really have too much say in the conversation, so maybe I’ll put this question to you. Farmers and food processors take meticulous care providing biosecurity for our supply chain when it comes to food here in the province of Ontario, and of course, Canada. I’m just wondering, through the action that your organization has taken over the years, whether or not people who are trespassing onto farms understand the risk that could pose to potential biosecurity measures.

Ms. Susan Cleland: Absolutely, and we at Canadian Coalition for Farm Animals absolutely do not condone trespassing onto private property. But what we are pushing for is allowing whistle-blowers, when they see something, to say something. I’d actually like to turn it over to my colleagues for—

The Chair (Ms. Goldie Ghamari): There is one minute.

Ms. Susan Cleland: Okay. I was just wondering, Vicki, if you could comment on this.

Ms. Vicki Fecteau: Yes. As Susan said, we’re not condoning trespassing at all. But someone who legitimately gets a job on a farm and goes through the training process and has all of the right equipment and clothing and so on would not be a biosecurity risk any more than a regular employee would be.

Mr. Mike Harris: So, Vicki, just to clarify, you don’t support trespassing on private property, is what you just said. Is that true?

Ms. Vicki Fecteau: Yes, that’s correct.

Mr. Mike Harris: Okay, and—

Ms. Vicki Fecteau: But there are already trespassing laws. What we support is somebody who legitimately gets a job on a farm and sees cruelty—

The Chair (Ms. Goldie Ghamari): Thank you. That concludes the time for the government.

We’ll now turn to the official opposition. You have four minutes. MPP Glover, you have the floor.

Mr. Chris Glover: The first thing I just want to comment on is something that happened in an earlier round of questioning. We heard MPP Smith talking to Miranda, and he was asking a number of questions about PPE. Miranda stated several times that she thought that all the workers should be getting PPE, but MPP Smith ended with the comment that some workers are worthy and others are not, implying that she’s arguing that some workers are worthy of having PPE and others are not. I think it needs to be

corrected in the record that that was never what Miranda said. In fact, she said the opposite of that during the comments.

I know that in the Legislature there's all kinds of debate that happens, but I think here we really do need to—we can agree or disagree with the people who are coming to speak, or we can challenge the facts that they bring and we can challenge their perspective, but I think we need to respect what they're actually saying.

The question that I have, then, is around biosecurity, and I'll direct my question to Camille. The government is arguing that biosecurity is compromised if somebody comes trespassing onto a farm, because they could bring contaminants into that space. On the other side, you're arguing that biosecurity could be compromised if unsanitary conditions in food processing are not addressed or not exposed. Can you just comment on these two conflicting concerns around biosecurity?

Ms. Camille Labchuk: Yes. Thank you for the question, Mr. Glover.

I don't see anything in this bill that addresses the problem of biosecurity. The bill addresses trespass, which is already an offence, and then it targets whistle-blowers. Just on trespass—I'm not going to say that that's not a legitimate purpose, but those offences already exist.

When we talk about addressing whistle-blowers—these are people who are trained to be farm employees, and they follow all the protocols just as any other staff does. The government hasn't presented any rationale for why they would pose a particular biosecurity risk such that they should be prosecuted and fined massive amounts of money.

I would say that this bill is quite unlike some other so-called ag gag legislation that we've seen that actually does refer specifically to biosecurity. There's a piece of legislation, a private member's bill in British Columbia, that addresses this more on point. There's a federal bill proposed by the Conservative agriculture critic that's very specific to introducing a biosecurity risk to animals, and that's quite unlike what we're seeing in Bill 156. To me, when you look at Bill 156, it's couched in the language of trespass and biosecurity—

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

Ms. Camille Labchuk: —but I think its true purpose is to target whistle-blowers who might expose those biosecurity concerns. That's important. Biosecurity is something that whistle-blowers could expose if they see concerns. It's the kind of thing where if somebody is working in a facility, and say we're talking about a biosecurity concern or a health and safety concern for workers, like the 1,000-plus workers who got sick at the Cargill slaughterhouse in Alberta—this is something that we should be relying on whistle-blowers to come forward for, without fear of prosecution.

Mr. Chris Glover: Okay. Thank you. I think we're almost out of time. Thank you all for being here and for your presentations.

The Chair (Ms. Goldie Ghamari): Thank you very much. I'd like to thank all the presenters for coming here

today and speaking with us and answering the committee's questions. I'd also like to thank the committee for their co-operation as we operate through Zoom.

At this point in time, presenters, you may step down. The committee is in recess until 1 p.m. Thank you.

The committee recessed from 1200 to 1301.

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

ANIMAL ALLIANCE OF CANADA

DR. ANDRIA JONES-BITTON

DR. JODI LAZARE

The Chair (Ms. Goldie Ghamari): At this point I would like to call upon Liz White. Is she here? Thank you. And Andria Jones-Bitton? And Jodi Lazare? Great. Each witness will have seven minutes for their presentation, and then we'll begin questioning.

At this point I would like to call upon Ms. Liz White. Please state your name for the record, and you may begin.

Ms. Liz White: My name is Liz White. I'm a director with the Animal Alliance of Canada, an organization that has been working to protect animals and the environment for 30 years.

We are strongly recommending to Premier Ford, Minister Hardeman, this committee and government to withdraw Bill 156. The bill's clear intention is to muzzle employee whistle-blowers, investigative journalists and others who may observe animal abuses on farms, and in doing so violates their rights to freedom of expression under section 2(b) of the charter.

The bill also lacks clarity as to who can and cannot report concerns about the condition in which farm animals are kept. This particularly is of interest regarding veterinarians, who may not have the consent of owner-occupiers of farms, but are also required to report abuse, undue physical and psychological hardship, privation and neglect of animals under the PAWS Act. Whether or not that's a conflict, I don't know, but Bill 156 certainly puts a chilling effect on that kind of reporting activity.

With regard to trespass: The government already has a Trespass to Property Act, and as far as I can see, no trespass charges have been laid against individuals who have entered Ontario farms. The minister, in an interview on February 26, 2020, with TVO's Steve Paikin, said, "I think we all need to understand the present trespassing law has the same authority." If that is true, why create a new piece of legislation when one already exists? And why not use the Trespass to Property Act to achieve some of the goals that are said to be in Bill 156?

I think the answer to that question is contained in some parts of the bill, specifically section 4 and section 5 of the bill. I'm going to only talk about section 4. Subsection (6)

of that section is designed to prevent inspections conducted by journalists or another entity, such as the group Last Chance for Animals, who I think appeared before your committee earlier today. That group conducted an undercover investigation in 2018 on a goat dairy farm in Caledon, Ontario. This investigation documented conditions of neglect and cruelty, and the video footage showed goats crawling on their knees with overgrown hooves and with lesions and infections.

Last Chance for Animals laid a complaint with the OSPCA, the OPP and OMAFRA. The minister, the OPP and the OSPCA were all seemingly unaware of the neglect and abuse documented in this investigation. Since the ministry does not conduct on-farm inspections, the unacceptable conditions of the animals would have continued unreported because such investigations would be made illegal under Bill 156.

In the same TVO interview, the minister said that if someone believes something inappropriate is happening behind the walls, call PAWS. In this case, it seems that nobody on the inside complained. It took an outside organization to document the condition of the animals and seek intervention on their behalf.

Why would any government not want to ensure the proper treatment of animals in these circumstances? And why would any government want to hide or cover up such conditions from Ontario residents and taxpayers?

Under normal circumstances, the government provides us with very little information about the conditions under which farm animals are forced to live. Occasionally, we would get a glimpse into the industry, as happened in the two-year trial between the Canadian Food Inspection Agency and Maple Lodge Farms, where both broiler chickens and spent hens died in very large numbers during transport to slaughter in inclement weather.

Now Ontario is dealing with COVID-19. The virus has exposed vulnerabilities in our society, such as with nursing homes, shelters, homeless folks, workers in slaughterhouses and migrant workers. What is not being discussed is the fate of animals on farms, stockyards and in auction barns during the COVID-19 crisis.

How many animals have been impacted by the closure of such facilities? I've not been able to find any ministry reports as to what is happening to the animals whose slaughter dates have been suspended due to plant closings. Are there situations in Ontario where farmed animals are being killed in large numbers due to the effects of COVID-19? And if so, how are they being killed? How are they being handled on farms?

Some headlines in the United States may give us a glimpse, talking about piglets being aborted, chickens being gassed, animals being culled through suffocation, drowning and shooting, and, yes, even ventilation shut-down.

The fact that Ontarians currently do not know what is happening on farms is deeply troubling. The intent of Bill 156 is to further suppress information about how farmed animals are forced to live. Please withdraw Bill 156. You will not succeed in keeping the condition of farmed

animals a secret. Animals have the right to live their lives free of pain and suffering.

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

Ms. Liz White: Yes. They deserve to be considered sentient beings, not production units. Ontario taxpayers have the right to know what happens to animals on farms.

COVID-19 has provided us with a very real opportunity to work together to change our approach to farm animals. We have a very real opportunity to move away from industrialized animal agriculture, which we know contributes heavily to the climate crisis we face, and we know that the animals face great deprivation, cruelty and suffering. My recommendation is, let's take this opportunity to redefine the evolution of animal agriculture.

Thank you very much.

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

I now turn to Andria Jones-Bitton. Please state your name for the record. You will have seven minutes. You may begin.

Dr. Andria Jones-Bitton: My name is Dr. Andria Jones-Bitton. I am a veterinarian, epidemiologist, professor and director of well-being programming at the Ontario Veterinary College at the University of Guelph.

I have been studying farmer mental health for the past five years. My team and I have published several articles on the topic of farmer stress, depression, anxiety, burnout and resilience.

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This research has involved a national survey of over 1,100 farmers as well as an analysis of 75 one-on-one research interviews conducted by one of my PhD candidates. I also network regularly with the farming community via conferences, annual general meetings, and research and outreach activities.

Farming is reported as one of the world's most stressful occupations. Farmers experience elevated level of stress, mental illness and suicide compared to other populations.

Despite not specifically asking any questions about animal activism, it was raised by some of our research participants in both the national survey and one-on-one interviews. In these instances, there was a strong sense of attack and vilification of farmers. Several farmers shared stories of personal attacks that they and members of their family had experienced. They reported being called things like a "rapist," "shill," "murderer" and "baby killer." We have heard stories of farm families experiencing the devastation of a barn fire and having protesters in their laneway calling them murderers while they are dealing with the tragedy. We have heard stories of farmers being goaded and provoked for a response. One farmer told us about how his name, photo and farm location was shared among an animal activist organization's global networks.

Participants describe the heavy mental load that these acts had, including them being an attack on their personal and entire way of life, their honour and their personal code of ethics. They have described these stressors as compounding their already significant occupational stress. In

some cases, participants described activist excursions and trespassing on their farms. In doing so, they described fear and safety concerns for their families and children who live on the farm. For example, one participant shared, “I have to go around to my guys and say, ‘Is your barn locked? Are there any strangers on the property?’ and that kind of stuff, and they’re pretty conscious. They have families too. Right? There’s children and there’s pets in the yard and that kind of stuff.”

It is completely reasonable for someone to experience fear and intimidation when strangers, particularly strangers who disagree with your entire way of life, come on to your property, where you and your family live and work.

Participants also describe safety concerns for their animals. For example, one participant shared, “We have to lock our barns now because we’re afraid of people coming into our barns and doing things to our animals. Right?” These participants described fears around people harming and/or causing extreme stress to their animals.

Biosecurity concerns were also described, being associated with trespassing and people entering the barns, ignoring or not being aware of the serious disease risks that they pose. These participants discuss the biosecurity and food safety risks associated with activists entering their barns or interacting with animals during transport.

Finally, participants described a need to now be hyper-vigilant and constantly on guard, which compounds their already high levels of stress and adds to their occupational stressors. For example, one participant said, “I get jumpy every time someone stops on the road to take a picture of my cows in the field, or an unfamiliar car drives in the laneway. I used to embrace it.”

Another shared, “It’s a whole other level of stress, because you never quite know when it’s going to happen and you never know what’s going to come up, and you never kind of—even Facebook, it’s like: Who’s going to say something next? I just don’t need this. With everything, I just don’t need this.”

All of these issues related to activism and trespassing compound the significant stress that many of our farmers are already experiencing, which can exacerbate issues with poor mental health. This is a serious issue not only for the mental health of the farmers and their families themselves, but may actually run counter to the goals of animal activists. This is because poor mental health may contribute to decreased productivity and reduced attention to animal health and welfare. When we are under stress or experiencing poor mental health, it becomes more difficult to perform to usual standards and to take care of ourselves and others, even when that is important to us. Several published articles describe an association between major animal welfare incidents and poor mental health of the farmers that care for the animals. Actions taken that negatively impact farmer mental health could potentially lead to decreased animal welfare.

The issue of animal activism, intimidation and coercion was explored as part of the House of Commons Standing Committee on Agriculture and Agri-Food study of farmer mental health, and was considered important enough to

have its own recommendation, number three, including: “campaigns and strategies to combat the growing incidence of cyberbullying, intimidation, and threats”; and “consider including any form of intimidation or cyberbullying targeted at any group of Canadians based on their occupation or place of residence as a Criminal Code offence.” This reflects the seriousness of the issues.

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

Dr. Andria Jones-Bitton: To summarize, the issue of animal activism and on-farm trespassing by animal activists was raised by some participants, despite not specifically being asked, highlighting the level of concerns that they experience. The on-farm trespassing events were described as a major source of stress due to the fear and risks posed to the farmers, their families and their animals—the serious risk to biosecurity, and the compounding effect of these events on top of what is already a higher level of occupational stress. Thank you.

The Chair (Ms. Goldie Ghamari): Thank you very much. We’ll now turn to Jodi Lazare. Could you please state your name for the record? And you may begin.

Dr. Jodi Lazare: I’m Dr. Jodi Lazare. I’m an assistant professor at the Schulich School of Law at Dalhousie in Halifax. I’m here today to share with you my expertise in Canadian constitutional law, which I’ve been teaching at Dalhousie since 2014. I also teach a seminar called Animals and the Law. I’ve been doing that since 2017. More recently, I’ve been doing research on the constitutional dimensions of animal rights activism, the question of constitutionally protected speech, and the impacts of legislation like Bill 156.

I’m here specifically because I’m concerned that Ontario might be on the verge of adopting a law that would not survive a constitutional challenge. In February, I signed a letter to this effect, along with more than 40 legal experts. I want to use my time here to flesh out some of the concerns expressed there.

I’m going to focus on two things, which are the two parts to a constitutional analysis, starting with the first question, which is whether the legislation limits charter rights. It’s pretty clear to me and to others that Bill 156, in its current form, does in fact restrict charter freedoms, specifically section 4(6), the false pretenses provision, and section 5 more broadly, the transport provision.

For false pretenses—the difficulty here is that the provision dictates what someone is and is not allowed to say. It targets a particular message, a misrepresentation, and says that you cannot say this. That’s a clear violation of freedom of expression. But more significant, perhaps, is the effect of the prohibition, which is, of course, as you heard several times today, that it limits the ability of undercover journalists, for example, or undercover whistle-blowing employees to share information with the public to ensure that Canadian consumers understand the consequences of their purchasing choices and to ensure that the public can make informed choices about what they buy, what they eat and what they support.

In the United States, where similar laws have been struck down, legislative reforms regarding animal farming

and food safety have often resulted from pressure following undercover exposés. The same is true of dietary choices: Research, again in the US—we don't have that research yet in Canada, to my knowledge—suggests that the majority of Americans who change their diets to include fewer animal products do so as a result of what they learn about commercial farming and about the treatment of farm animals.

Whether or not we agree with those choices, the fact is that people have a right to the information on which to base them. The Supreme Court of Canada has been unequivocal about the fact that section 2(b) of the charter, freedom of expression, protects not only the right to speak, but also the right to listen and the right to receive that kind of information that influences those choices.

With respect to the transport provision, it seems to me that it's in clear conflict with the charter right to freedom of peaceful assembly, section 2(c). It's telling people—animal rights activists, members of the state, who mean to demonstrate outside of slaughterhouses—that they cannot hold those gatherings.

I would also argue that the provision limits freedom of expression as well. People who protest outside of slaughterhouses, who approach transport trucks with animals on them, are carrying out a particular form of expressive activity. It's the act of what they call "bearing witness"—you heard about this today—to the final moments of animals' lives and documenting and sharing what they see with members of the public. The law, again, here is telling them, "You can't do that. You can't express yourself in this particular way."

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The last thing I'll say about the limits themselves before I move briefly on to justification, step 2—I just want to highlight the nature of the expression that we're dealing with here. The expression in question here is political activism. It's truth seeking. It's information sharing. These are the purposes of freedom of expression. This is expression on an issue that's deeply meaningful to activists, and it's also a proper subject for public debate. Again, US courts, in cases dealing with similar laws, have recognized this.

Courses on animal law are now offered in at least half the law schools across the country. I've given public lectures on the subject to full auditoriums. This is a subject that people care about, legally and politically, which is why it's what I would characterize as "high-value speech." I'm borrowing that phrase from the Supreme Court, which has said multiple times that political speech really lies at the heart of freedom of expression, which is itself one of our most fundamental freedoms. What that means in practical terms is that restrictions on that speech are going to be harder for the government to justify, as justification under the charter is the government's burden.

The justification test is a multi-step test. I don't have time to get into all of the steps, but what I will put to you is that the provisions are not rationally connected to the legislative objective. The bill and the accompanying materials, everything we've heard—it's very clear that the

objective here is to protect farmer safety, animal safety and biosecurity, and to prevent the risks associated with people trespassing onto farms.

As I understand things, trespassers are not gaining access based on false pretenses. They're not posing as employees. They're not undercover investigators or journalists. They're protesters. They don't get permission based on truth or on a misrepresentation before they enter farms; they just enter or trespass.

The false provision, then, seems to be aimed at something else, something more covert, like those who might pose as employees and act as whistle-blowers. But there's nothing—

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

Dr. Jodi Lazare: Thank you. There's nothing to suggest that those are the individuals that threaten biosecurity. They're not the cause of the mischief being targeted; in other words, which means that limiting their speech is not rationally connected to the objective, and that's enough for a constitutional challenge to succeed. That's also the basic reasoning underlying at least three of the US cases dealing with similar legislation restricting entry on a misrepresentation.

I would also argue that the legislation is not minimally impairing because there are other ways to achieve the legislative objective and have less of an impact on fundamental freedoms. For example, simply raising the fines for trespassing would do the job, or expressly prohibiting the introduction of biosecurity threats, like the federal private member's bill C-205 would do. Both of those things would impair rights less than the current form of the legislation. Again, that's enough for the law to fail in a constitutional challenge.

I would argue that there are similar things at play with respect to the transport provisions, but I'm at my time, so I will leave it at that.

The Chair (Ms. Goldie Ghamari): That concludes our time for presentations. We'll now turn to the government side for questions. You have eight minutes. Who would like to begin? Please raise your hand.

MPP Kramp, you may begin.

Mr. Daryl Kramp: Thank you, and welcome to all of our guests. This gives us a great opportunity to hear a broad divergence of opinion. I can certainly assure you that that's just the nature of not only politics, but I guess human nature as well.

Obviously I come from a significantly engaged agricultural community, so I certainly have some strong feelings on the matter. But I've heard a lot of witnesses here so far, and I agree with some of my colleagues from all sides here that we're definitely trying to strike, as has been said, a balance. And in that balance, transparency, scrutiny, public safety, property rights—all of that does have to come into account on this.

I participated in a round table, as a matter of fact, just a few months ago, and I've been in and around the agricultural community for many, many years, working and dealing with them, and this expression of the abuse of property

rights and trespass has been non-ending. It has always been there, and quite frankly, to pull upon the comments by Ms. Andria Jones-Bitton, it's really festering to the point where it's having some serious, serious impacts on some of our communities. I'm deeply concerned right now because farmers, particularly during this time when we do need integrity of our food supply, the pressures that they're going through—they need allies, not enemies.

I can tell you that most farmers, literally almost without exception, are great stewards of the land. They care very, very deeply. The last people they would want to impact are the Canadian public, by putting forward a product that is not acceptable, not done in a humane manner and within, basically, expectations of Canadians.

I think you know my stance on this—but just a couple of quick questions, and I'm hoping you can provide maybe a quick almost yes or no. First Ms. White and then Ms. Lazare: How much time and experience do you have either living or working within the agricultural community itself, on the land? Ms. White?

Ms. Liz White: Yes, that's an interesting question, because as an animal rights person, I often get asked that. In fact, on my mother's side, I come from a farming community. My uncle was a dairy farmer. We spent a lot of time in the agricultural community looking at, talking about and working with the animals there. My aunt used to slaughter her own animals on the farm.

So I'm pretty familiar with aspects of that, and I think that's where part of my expectations about treatment of animals came from and ultimately my work to try to protect animals—

Mr. Daryl Kramp: And would you not also agree that literally almost every farmer you know welcomes people on their property to be able to see what they have and what they are? And they're proud of what they do. Certainly it would be an exception to have someone who has not handled their responsibility well.

Ms. Lazare: Your background in agriculture, please?

Dr. Jodi Lazare: Sure. I don't have a background in agriculture. I'm not a farmer. I have been to a number of working farms on occasion. I used to ride horses, so I have a bit of experience around large animals.

But I don't claim to have that experience. I'm here as an academic. I'm here to offer you my expertise on Canadian constitutional law, the impact of this bill on the fundamental freedoms of Canadians and how, in my opinion, a constitutional challenge would unfold in a court of law.

Mr. Daryl Kramp: Well, thank you for your opinion. Certainly, that's why every piece of legislation we have goes through serious investigative counsel within the bowels of the legal professions that are accessible to the parliamentary process. I guess if that's the particular case, we will have that balanced discussion as we move forward.

Ms. Andria Jones-Bitton, what are your thoughts as far as your—obviously, you are exposed to the agricultural community by teaching and certainly instructing. Do you have any further background beyond that?

Dr. Andria Jones-Bitton: I was born and raised a city girl, but learned about agriculture when I went through veterinary college, and have been working with producers for several—well, actually, about 15 years now.

Interjection.

The Chair (Ms. Goldie Ghamari): Sorry, MPP Kramp; we cannot hear you. Your microphone is currently muted. Can you please unmute?

Mr. Daryl Kramp: Okay, it went back off. Do we have you now again? Okay.

Where I would like to go now, of course, is that—we have in place right now the Petty Trespass Act. Quite frankly, it is just that—it is petty. I served in enforcement at one particular time, and I don't know any police officer who would recognize that that is a deterrent. It's almost like you're going 80 kilometres an hour in a 70-kilometre-an-hour zone. It really means nothing. It serves as a warning. It doesn't serve as a deterrent whatsoever. Any enforcement official I've ever dealt with said, "If we need to enforce something, we need something that's enforceable and can actually deliver a result, both as a deterrent but certainly as a lesson for all sides."

I'm wondering, Ms. Jones-Bitton: Have you heard much as far as the challenges of trying to enforce the Petty Trespass Act?

Dr. Andria Jones-Bitton: Not specifically through my research, but I have heard it through my networking with farmers, in that it is very difficult to get a response, especially within an adequate period of time.

The Chair (Ms. Goldie Ghamari): Any further questions on the government side? Please raise your hands.

MPP Pettapiece, you have the floor.

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Mr. Randy Pettapiece: I would like to talk a little bit about mental health. That was brought up by Ms. Jones-Bitton.

I live in an agricultural community. I'm actually just northwest of Guelph, where my riding is. We're very heavily into the agricultural industry. In fact, it's probably our biggest industry in my riding.

The onset of COVID-19 has placed an additional amount of stress not only on farms, but on everybody—to get through this.

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

Mr. Randy Pettapiece: Okay. And one of the things that has been brought up to me is that some of our farmers are not getting very good prices for their animals right now, as it is. The COVID-19 virus is hitting them hard. They've had to go through different ways for their employees to help with their business. The other thing is, they've got to worry about people walking on their farms uninvited and scaring their children, scaring their families. These are a couple of things I hear constantly in my riding—"What's going on?"

I had a chap call me and say his wife went home one day and saw a strange car going up and down the road, and she didn't know who it was. She called him to get home, because she was pregnant. It turned out that this person

didn't have an ulterior motive, but she was still frightened enough to call her husband to come home, because—

The Chair (Ms. Goldie Ghamari): Thank you very much. That concludes our time for the government side.

We'll now turn to the official opposition. You will have eight minutes. Who would like to begin? Please raise your hand. MPP Vanthof, you have the floor.

Mr. John Vanthof: Thanks to all three presenters for coming and presenting unique perspectives.

I'd like to start with Dr. Jones-Bitton. Your research is very telling, as research should be.

Since we're doing the farm credentials, I was a dairy farmer for 32 years, so I know both ends of the cow.

Farmers are under a lot of stress. I think animal rights activists are, for the most part, well organized. You said a couple—that some farmers said they were goaded, provoked, for a response. Some farmers were getting jumpy. In this bill, the fines for trespassing are raised, but there are actually no other protections. The bill lays out how to do a citizen's arrest and that reasonable force can be used. MPP Pettapiece said the same thing about farmers' mental health. I know, as a farmer, mental health issues affect us all.

When people describe themselves as getting jumpy and goaded, are you a bit worried, as I am, that citizen's arrests may not work out that well in the long run for some? I'd hate to see the point where the first case that goes to court is actually a farmer being taken to court for assault, as opposed to the animal activist being taken to court for trespassing.

Dr. Andria Jones-Bitton: I'm sorry. What was the question?

Mr. John Vanthof: If farmers say that they're jumpy, they're feeling goaded, they're feeling attacked—are those farmers who are feeling that in the mental condition to judge what reasonable force is if they're goaded into a citizen's arrest?

Dr. Andria Jones-Bitton: I'm not a medical doctor, so I'm not going to comment on anybody's mental stability. Certainly, what I have heard from farmers is more fear, that they're afraid for their families. They're afraid for themselves. They're afraid for their animals.

I think the idea of a citizen's arrest is somewhat absurd. If I was a farmer and had a group of people come onto my farm, am I going to feel confident enough to start a citizen's arrest? I think that puts an absolutely huge amount of pressure on farmers to respond in a way that, frankly, isn't their responsibility.

Mr. John Vanthof: Thank you. That's why I'm a bit surprised that the bill—and I've brought this up in the Legislature—actually has a step-by-step process on how to proceed. The odd part for me is, the first step in the process isn't to call the police. The first step in the process is to ask for their name; it's not take a picture and go to the house and be safe. Step four is: Do a citizen's arrest—either yourself or your designate. I'm concerned, because there's no description in the bill of how to train people for citizen's arrests. I'm very, very concerned about that.

I'd like to switch over now to Madam Lazare. This actually is two bills: the trespassing part, which farmers like and farmers kind of understand—except maybe not the citizen's arrest part—but the whistle-blower part, I'm not sure they understand. Maybe they do.

What I'm concerned about is that if there is a constitutional challenge, that challenge will actually hurt the reputation of the agriculture community, because—I agree with member Kramp—the vast majority of farmers are doing things right. The vast majority of processors are doing things right. But there are bad apples in every business. I'm worried that this constitutional challenge could impact the good name of the vast majority of agriculture. Could you comment on that, please?

Dr. Jodi Lazare: Yes, I agree with you completely. The research that I've done, mostly out of the United States, which has a lot of experience dealing with ag gag bills, where they have been struck down for very similar reasons that I'm outlining—one of the real problems is that they really do erode trust in farmers and in the agriculture industry. Absolutely.

We've heard earlier today that they might do more of a disservice to farmers than a service. Members of the public will want to know what it is that farmers are hiding; and if it really is only a case of a few bad apples, then we shouldn't need this kind of legislation.

So the short answer is yes, there is social science research demonstrating that ag gag legislation does erode public confidence in animal farmers and in the agricultural system.

Mr. John Vanthof: Again, back to you: I would take it, and I might be wrong—I'm not a lawyer—if what you referred to as the ag gag part was removed, the risk of a constitutional challenge to the strengthening of the trespass side would be reduced.

Dr. Jodi Lazare: Yes. Ontario is within its rights to—constitutionally, in terms of the division of powers, provinces have jurisdiction over property and civil rights, so it's up to the province to deal with trespassing. If the objective of this bill is to prevent trespassing, then preventing trespassing would achieve that objective. We heard that the Petty Trespass Act is maybe not a deterrent. Well, there's nothing preventing the government from increasing fines through a mechanism in this bill.

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

Dr. Jodi Lazare: That would be less grounds for a constitutional challenge, I'd say.

Mr. John Vanthof: Okay.

Dr. Jodi Lazare: I just want to add, with a caveat, that the provincial government is not allowed to adopt criminal legislation. So it would have to be clear that the objective of increased trespass fines is really grounded in the protection of property, and not as a condemnation of criminal activity.

The Chair (Ms. Goldie Ghamari): Thank you very much. There are five seconds left. I'm assuming there are no further questions at this point.

We're now going to turn to the independent Green Party member. MPP Schreiner, you have six and a half minutes. You may begin.

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Mr. Mike Schreiner: Thank you, Chair. And I want to thank all three presenters for being here today. It's nice to have a Gryphon present as well.

I actually want to start by saying that I have heard many of the stories that Andria Jones-Bitton's testimony validates. I've heard it anecdotally from a number of farmers. I grew up on a farm, if we're talking credentials. I didn't have to milk cows; I just had to deal with grass-fed beef and some grains as well. So I can definitely attest to the stress that many farmers face for a variety of reasons. Those who are in animal agriculture face increased stress.

My question is actually going to go to Dr. Lazare, somewhat along the lines of MPP Vanthof. I'm looking at some ways that we can address the fears, the stress, the harassment, and maybe the private property concerns that many farmers have that is outlined in the research that Dr. Jones-Bitton has done. Can we address that without raising the constitutional and charter concerns? And with your legal expertise, could you maybe outline some ways in which we could do that?

Dr. Jodi Lazare: Sure. Again, I have a similar answer to the last question, which is that the government could address that by drafting a bill that explicitly addresses that—trespassing and protecting private property—without making the bill overbroad by limiting freedom of expression in a way that's not connected to the purpose of protecting property, farmers, animals and biosecurity. The government could adopt a bill that addresses those things, and only those things, and then they wouldn't be at risk of a challenge for overbreadth.

Mr. Mike Schreiner: I just want to follow up. I thought MPP Kramp made a good point about the fact that a lot of trespass law isn't that effective. Police don't respond. It's not much of a deterrent. Would you have some suggestions of how we could make trespass law more effective in addressing these concerns, again, without entering into the charter concerns through the potential overreach of the bill?

Dr. Jodi Lazare: Thank you. I'll say that I'm not extremely fluent in the trespass act in terms of what the penalties are. Maybe—I'm speculating here—the penalties in the trespass act are not enough to have a chilling effect on trespassers. A higher penalty, for example, might deter trespassers, but whatever is adopted would have to be limited to actually addressing the problem being targeted.

Mr. Mike Schreiner: Thank you. I'm going to shift to Dr. Jones-Bitton for a second, just to dig into your research a little bit.

We've heard today from other farmers who have talked about almost feeling some levels of harassment that have nothing to do with what's happening on their private property. You kind of hinted at that a bit in your presentation as well. It seems like there may be some other aspects to this issue that aren't even covered by this bill that would

be worth us examining moving forward. Would your research seem to indicate that?

Dr. Andria Jones-Bitton: I would say so, yes. When I provided witness at the federal level, that is one of the recommendations that came out of that—that farmers are feeling as if their entire way of life is under attack. This isn't an occupation; this is a family history, a family legacy. Many of these farms go back generations. There's a real sense of personal honour and a code of ethics in caring for animals.

Frankly, there's a lot of misleading anti-agriculture campaigns out there that are based on lies. There's a lot of good ones out there, but just like there might be some bad apples in the farming community, there are some bad apples in the anti-agriculture community as well.

And so they're really feeling that they're under attack. I hear stories of kids now in rural areas being some of the only farm kids in the schools, and they're getting picked on. They're getting called names like "murderer," "animal abuser" and things like that as well.

So yes, it's a big issue, this anti-agriculture bullying, either in person or cyberbullying, or these targeted attacks where the group in Toronto—

The Acting Chair (Mr. Mike Harris): You have one minute left, MPP Schreiner.

Dr. Andria Jones-Bitton: Yes, I would agree with you.

Mr. Mike Schreiner: I'm deeply concerned about that as well. What really concerned me is that a lot of research is showing that when constitutional challenges of ag gag bills happen, at least in the context of the US, it has actually made that harassment even worse.

I really appreciate you bringing that research to bear and having us think through its effects on farmers and farm families.

I know I'm probably almost out of time. Ms. White, I'm sorry I didn't get a chance to ask you a question, but I just want to thank you for your presentation and particularly the issues you brought up around the duty to report for veterinarians. You may have a few seconds if you want to elaborate on that a little bit.

Ms. Liz White: I just wanted to say, actually, that I think what this bill does is it divides everybody. We have an opportunity to have this bill removed so that people on all sides of this issue—

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

We'll now turn to the government side for eight minutes. MPP Barrett, your hand is raised. You may begin.

Mr. Toby Barrett: Yes. Thank you, Chair. Again, with social isolation, I hope I didn't trump any of my colleagues on the committee.

Maybe I'll continue with the first testimony. Liz White raised the issue of veterinarians and the duty to report. I'd like to direct the question to both Liz and, then after that, maybe Andria.

I was just thinking that when we have committee hearings, we certainly hear from individuals, organizations and oftentimes from professional bodies, and I don't

know whether I've seen any—I'm sure stuff has come in from some of the veterinarian associations and what their position would be. What would they say with respect to the duty to report?

We have so much respect for veterinarians—a very tough course; I couldn't get into OVC; I went to OAC instead. They are there for livestock farmers. They're on the farm and they're in the barn, and they're dealing oftentimes with some mysterious problems that a livestock person could not handle.

As a professional body, the guidelines—we talk about personal honour and code of ethics on all sides, and I'm just curious. The relevance of this debate for veterinarians and their professional work goes back many, many years. My great-grandfather was a veterinarian. I guess I'm not up to date on their professional guidelines or code of conduct. For example, duty to report, whether there's a law or not—what about the professional body?

Liz, could we ask you? I think you raised that, and then I'd like to go to Andria, please.

Ms. Liz White: Yes. Thank you very much. If the bill passes, you have two competing directions to veterinarians about what they must do. Under the PAWS Act, they have a duty to report regardless. If they see some sort of inappropriate treatment of animals, they have a duty to report, and it lays out a whole specific line of things that they report that includes psychological deprivation.

Then we come to Bill 156, where you're required, it seems to me from reading the act, to get permission from the owner/occupier if you decide that you saw something that needed to be recorded. So the question becomes: Is there a conflict between the two pieces of legislation, and how would that be resolved, should that be the case?

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Mr. Toby Barrett: Could I go to Andria, please? I think one of my colleagues has a question as well.

Interruption.

Dr. Andria Jones-Bitton: I'm sorry, there's something happening with my audio. I've messaged. I'm hearing like three lines of voice at the same time.

Interruption.

Dr. Andria Jones-Bitton: Okay. I was having an issue where I heard three different lines of audio overtop of each other.

The Chair (Ms. Goldie Ghamari): You might have to put in headphones to avoid getting feedback, so I would suggest putting in headphones if you can, Andria.

In the meantime, we'll turn to MPP Pettapiece. I know you had a few questions. You may begin.

Mr. Randy Pettapiece: Thank you. This is addressed to Andria. How are you hearing me now, Andria? You're not?

The Chair (Ms. Goldie Ghamari): Is this something that we can—

Interjection.

The Chair (Ms. Goldie Ghamari): It's already paused. Do you have the translation feature turned on, Andria? Oh, we lost her. Okay, so you're still with us; you've turned off the video.

Before we resume time, do you have questions for anyone else, or is it just for Andria? Because perhaps we could—oh, there she is. Andria, is it better now? Can you hear us? Is everything working?

Dr. Andria Jones-Bitton: It really isn't. Should I try leaving and coming back?

Mr. Randy Pettapiece: You're coming in loud and clear now.

The Chair (Ms. Goldie Ghamari): We have no issues hearing you.

Are you watching the livestream? Is it open on a website, perhaps? Because there seems to be a bit of a lag. Perhaps you can try leaving and coming back? Okay. We'll wait for you.

Thank you, everyone, for your patience while we figure out this technical difficulty.

Is it working now, Andria? Okay. We will go back to MPP Pettapiece. Could you please repeat your question?

Mr. Randy Pettapiece: Yes. Hi, Andria.

Dr. Andria Jones-Bitton: Hi.

Mr. Randy Pettapiece: I think I told you before—in fact, I know I told you before—where I'm located at. One of the things we tried to promote in our region, and certainly throughout rural Ontario, is the farm tourism business. We have quite a clientele filled up with people that come from the populated city areas into our area. They go to farmers' markets. They buy their meat and vegetables, and they have built quite a repertoire with the farmers out our way. They know them by name. They know who's coming. It's actually a great experience.

Since COVID-19 hit, that is a lot more difficult than what it used to be. Some of our farmers are—I want to get back to the mental health part—worried about their future over this and whether the farmers' market, the farm-to-consumer business, is going to be as big as what they had hoped it would be.

The other thing too is that if they have strange people they don't know come to their roadside stand or come to their farm to buy their product, they're very suspicious of who those people are; and it's getting worse. That's giving them a lot of anxiety as to who they should allow and who they shouldn't allow on their farm. Some of these people can be legitimate people. In fact, most of them are, I'm sure. But there's still that thing in the back of your mind that you've got somebody there who wants to create some trouble. So that's adding more stress on to our farming community.

We have already had several stories about farmers who are really suffering mental issues over this, and God forbid they do something terrible.

Is there a certain percentage of people in our business who say they have mental issues? I know farmers don't like talking about it. They'd just as soon keep it to themselves, and that's one of the biggest problems.

So could I ask you, have you been talking to the farming community as to if there's a growing percentage of farmers who are having mental health issues? Is that growing or is it pretty much what it was?

Dr. Andria Jones-Bitton: That's a great question.

The survey that we did back in 2015-16 used validated psychometric scales to assess various different mental health outcomes of Canadian farmers. These are not diagnostic tools—you need a medical professional to make a diagnosis—but they are screening tools that can highlight an area of concern. We did find that Canadian farmers scored in the high-stress category more. The depression and anxiety scores were higher, and burnout was higher than the general population norms that make up the references for those scales.

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

Dr. Andria Bitton-Jones: They were also higher than other occupations. So yes, absolutely, we've seen that our farmers are experiencing higher levels of mental illness than other occupations.

Mr. Randy Pettapiece: Okay. We've tried to get a message to our farming community that it's all right to talk about this even though they don't want to do that. There's always helplines to call, or whatever else, but it's very difficult for them to do this. Farmers have a higher accident rate than a lot of industries, so they're always facing that. They're working with very large machinery. So a lot of these things can play into a farmer's life, and certainly the people who think they have a right to walk on your property whenever they feel like it is putting an added bunch of stress on that community.

The Chair (Ms. Goldie Ghamari): Thank you. That concludes this round of questioning for the government side.

We'll now turn to the official opposition. You'll have eight minutes. Who would like to begin? Please raise your hand. MPP Glover, you have the floor.

Mr. Chris Glover: I've got a few questions. First of all, I want to thank everybody for coming. I'm taking extensive notes as you're speaking, and I will say that the deputations so far have been very helpful in clarifying the strengths and weaknesses of this legislation and achieving or not achieving the goals it intends to achieve. So thank you very much for being here.

Andria, I'll ask my first question to you. In response to the ad hominem question, I had the privilege of living on a farm in my younger days for a while and it was a great, great learning experience, but I'm deeply saddened to hear about locks on barns. When I was on that farm, I think there were locks on the houses, but I don't know that they were ever used. I don't remember them ever being used.

I'm also really deeply concerned—as an educator I'm deeply concerned about harassment of children in schools. That's just appalling.

I would like to see your report on the mental health of farmers. I'm wondering also—obviously, harassment, and I'm going to ask Jodi a question about harassment. But what is the economic impact or how much is economics a factor? I saw this study that showed that, overall, our GDP across all sectors had grown by 50% over the last 30 years, but farming incomes have remained flatlined. I asked the OFA about it, and the OFA said that, yes, basically farmers—I don't want to put words in their mouth, but my

interpretation of what they said was that farms are being squeezed between the corporations that sell them the inputs and the corporations that buy the products. So to what degree is economics also a factor causing this mental health stress among farmers?

Dr. Andria Jones-Bitton: Financial stress was a major, major stressor that was identified in our research interviews—absolutely crushing. People seem to think it would depend on commodity and that the supply-managed commodities are better off than not. I don't have the economic data to say it's one way or another, but I can say that across the board, regardless of commodity, financial pressures were huge.

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Again, tied in with that is the fact that it's not even like they're working an eight-hour day, right? It's often an 18-plus-hour day. They've also got the family legacy of the farm tied in with that. They've got multi-million dollars in debt hanging over their heads for some of them. So I would say finances were major.

Mr. Chris Glover: Okay, great. You know what? If you could look up my office online and send me a copy of that report, I'd like to see it.

I want to ask a couple of questions of Ms. Lazare. You mentioned the trespass act. The things that we've been hearing about seem more like harassment: online harassment, harassment of farmers near their property, harassment of a woman this morning—one of the deputants runs horse-drawn carriages through Niagara Falls, and she gets harassed all the time. What about harassment laws and those not being enforced? Can you provide any insight into that?

Dr. Jodi Lazare: I'm limited in what I can say at the level of criminal law. I do think that there are recourses in there. If something amounts to criminal behaviour, then there are offences in the Criminal Code. That's one response.

I'll add as well that with respect to children, a lot of bullying and harassment take place online, and there are certainly statutes that deal with things like cyberbullying, where children are concerned.

Mr. Chris Glover: Okay. The other legal question I have: It sounds like if this bill is passed as is, there's going to be a charter challenge. Could the government—they've done it once before. They used the “notwithstanding” clause to pass through legislation that was going to be challenged for violating people's charter rights. Could they use the “notwithstanding” clause to get this through to overcome the challenge on freedom of speech?

Dr. Jodi Lazare: Section 33, the “notwithstanding” clause, exists. It's not entirely clear—and there are many who would argue, I think myself included, that section 33 does not immunize legislation from a court challenge. It allows the legislation to operate, but it doesn't mean that it can't, nevertheless, be pronounced on by a judge. That is what's happening in Quebec with the religious neutrality law.

It also expires. Section 33 needs to be renewed every five years. So it can be used, yes. I don't know that it's a solution to a court challenge.

Mr. Chris Glover: Right. Thank you for that.

The other question I have is, somebody mentioned—I think it was Ms. White—that there was a conflict between the duty to report under PAWS and this legislation, people reporting what they're seeing if they're seeing animal abuse. Can you comment on that? Is there a conflict between those two pieces of legislation?

Dr. Jodi Lazare: I'd have to take a closer look at PAWS, but my understanding is that while it is strong animal welfare legislation, there is an exemption in there for agricultural practices. So I'm really not sure that it would be of any use to a veterinarian or someone else who witnesses cruelty on a farm.

Mr. Chris Glover: Okay. The other thing we heard about this morning: In the States when this legislation was challenged for being against, I think, the first amendment rights, it actually raised the profile of this issue to the point where farmers were saying, "Forget this legislation. It's actually harming our business more than it's helping." Could you foresee something like that happening here?

Dr. Jodi Lazare: Certainly, a challenge is going to bring attention. It's going to bring media attention. Especially in the days of social media, people can live tweet and get everything out there immediately. A court challenge would probably include evidence about agricultural practices that animal rights activists are opposed to. It would put those on the public record. It would draw a lot of attention, not just to the fact that the legislation enables the agricultural industry to hide their practices, but also to practices themselves that not everybody agrees with. So it would certainly bring attention, yes.

Mr. Chris Glover: That's great. Those are all of my questions.

Thank you all very much for being here.

The Chair (Ms. Goldie Ghamari): Thank you. There are 30 seconds left if anyone else in the official opposition—no? All right.

At this point, I'd like to thank all of the presenters for coming here today. It was a very informative discussion, and I know the committee certainly appreciates your time. You're now free to leave.

MR. CRISPIN COLVIN
CHICKEN FARMERS OF ONTARIO
MS. CHANDRA MCKINNON

The Chair (Ms. Goldie Ghamari): At this point, we would like to call upon our next set of witnesses. First, I would like to confirm: Is Crispin Colvin here? Please raise your hand if you are.

Mr. Crispin Colvin: Yes, I am. Thank you.

The Chair (Ms. Goldie Ghamari): Excellent. Thank you. And from the Chicken Farmers of Ontario, do we have Rob Dougan? Okay. Thank you, Rob. And Ed Benjamins, if you're here—yes, I see you, Ed.

Mr. Ed Benjamins: Yes, I am.

The Chair (Ms. Goldie Ghamari): Thank you. And do we have a Chandra McKinnon? Yes, I see Chandra on the screen right there. Excellent.

Each group of witnesses will have seven minutes for their presentation, followed by questioning from the committee.

At this point, I'd like to call upon Crispin Colvin. Please state your name for the record, and you may begin.

Mr. Crispin Colvin: Thank you. My name is Crispin Colvin, and I am pleased to be here today to speak in support of Bill 156.

Farms have come under increasing threat from activists and trespassers who illegally enter property, barns and buildings. This places the farm family, the livestock and the trespasser at risk. In some cases, they've seized private property, which in turn threatens the health and safety of the farmer, their property, their family, their employees and the livestock. These acts of trespass can also cause mental health issues for the farm families, who don't know the level of the threat that they may be under when such invasions occur. They not only threaten the health of livestock and crops, but they are a breach of biosecurity protocols as well, and that can put the entire food system at risk at a time when food security and sustainability are government priorities.

We are looking for provisions that can respond to the threats we face on our farms, in our homes and in our livestock buildings, and to the threat that these people pose to our property and our personal safety. Bill 156 addresses these concerns, but protection needs to be extended beyond the farm to farm animals at fairs and exhibitions as well as other events and businesses, such as the horse-drawn carriage trade. The personal space of animals, their owners and their caretakers must be respected. In 2019, in Iowa, animals had halters cut, setting them loose on the fairgrounds as well as cutting tail hair on animals, thus disfiguring them. This is why the bill needs to provide protection to animals beyond the farm.

Anyone, whether hired under false pretenses or under legitimate employment standards, has a duty to report animal abuse. The report should be immediate. If we see abuse, be it child abuse, elder abuse or animal abuse, there is a duty of care to report this immediately. Under the PAWS Act, it's an offence to permit animals to be in distress.

Activists who engage in undercover investigations and tardy reporting are not interested in animal welfare but have a specific agenda to end all animal agricultural. The current Trespass to Property Act sets a six-month limitation from the date the offence occurred to when charges can be filed. Activists break and enter and take videos of a barn and then wait for the six-month period to pass before publicizing their actions, thus avoiding charges. If the abuse is as activists claim, why wait to make it known? The length of time prevents a distressed animal from receiving care. By not reporting the abuse immediately, they are aiding and abetting the very abuse they purport to prevent.

Bill 156 is not, as some would believe, a gag law; in fact, quite the contrary. Bill 156 proposes to protect farms and families from illegal invasions. We need legislation to protect our farm animals from the risk of disease and

undue stress that illegal invasions of our homes and barns cause.

The PAWS Act and the Criminal Code of Canada include protections and penalties should abuse be taking place. Officers may enter the place where the animals are kept, including the farms, when concerns are raised about distress. In the case of the supply-managed sector, agricultural commodity inspectors also have the authority to enter buildings to ensure compliance with standards of care.

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Access to buildings and barns is restricted for a number of reasons; first and foremost, to minimize the introduction of disease. This is one of the greatest threats to livestock. Farm staff who are in direct contact with animals do not visit other farms unless they adhere to the strict biosecurity protocols. This includes different clothing and footwear. Simply putting on little booties does not constitute biosecurity.

This is why trespass creates a great risk—a risk to livestock and the biosecurity of the farm upon which the trespass takes place. To go to another farm and trespass again increases the risk of disease transmission and jeopardizes the health and security of another farm business. Movements between farms and properties can introduce new disease, and that impacts the farm operation. Without observing biosecurity protocols, animal health is at risk as well as the safety and security of the food supply. Farmed animals become familiar with the people who care for them. Unfamiliar people cause undue stress and possible death.

Transparency is another issue. Activists want the right to enter barns, abattoirs and food-processing facilities to ensure that animals are not subjected to abuse. They assume that farmed animals housed in barns and outside of public view are subject to abuse, and this is simply wrong.

As stated earlier, biosecurity is taken very seriously by the livestock industry. Simply because you cannot see inside a building does not mean that animals are stressed or in distress, and it doesn't justify breaking and entering and trespassing.

When an activist steals an animal from a farm, they take them to a sanctuary. There, the animals are confined, fed, housed and cared for in an allotted space, the same as when they were on the farm from which they have been taken. So the goal of the activist is to bring an end to livestock agriculture, not animal welfare. We need animals for food and—

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

Mr. Crispin Colvin: Thank you. As a result, it's critical that people have ready and sufficient access to safe, nutritious food. Animals raised on farms uphold the standard of care and are part of that choice. Livestock agriculture is only one aspect of our food and security and sustainability.

I'll end there and wrap it up quickly.

The Chair (Ms. Goldie Ghamari): Thank you very much. We'll now turn to Chicken Farmers of Ontario. If

the witnesses could please state your names for the record. You may begin. You'll have seven minutes.

Mr. Ed Benjamins: Thank you, Chair. And thank you to the members of the standing committee for hearing us. My name is Ed Benjamins. I'm chair of Chicken Farmers of Ontario.

On behalf of the 1,300 family farms across this province, Chicken Farmers of Ontario strongly supports the Ontario government taking action to address the increasing risk of trespassers to our birds and on our family farms.

Successful family farms are a crucial building block to Ontario's [*inaudible*].

The Chair (Ms. Goldie Ghamari): Sorry to interrupt, Mr. Benjamins. I've just paused the time. You seem to be cutting in and out and lagging a little bit. Is your—

Mr. Ed Benjamins: I apologize for that. It may be my Internet connection, Chair, and I apologize for that.

The Chair (Ms. Goldie Ghamari): That's okay. Before you resume, because I have your time saved here, if the lagging continues, what we might do is ask you to disconnect and possibly dial in and join us by telephone. But let's see how it goes.

Mr. Ed Benjamins: If it continues, I could defer to Mr. Dougans, who would be able to finish this. He may have a better Internet connection than I do here in rural Ontario.

The Chair (Ms. Goldie Ghamari): Okay. Well, let's see how it goes. Thank you. Please continue.

Mr. Ed Benjamins: Thank you, Chair. I know that our farmers—is it still continuing?

The Chair (Ms. Goldie Ghamari): No, it's good.

Mr. Ed Benjamins: Okay. Thank you. With those 330 communities across this province in which our family farms operate, we are the premier provider of trusted, family-farmed, safe, high-quality chicken. We support and encourage the passage of Bill 156, which if passed will provide greater protection for farm animals, farmers and more importantly, our food supply here in Ontario.

The proposed legislation provides a balanced approach to protecting our birds, our farms, while still recognizing a citizen's right to protest. Trespassing for any reason, including animal activism, puts the safety and well-being of our birds, businesses, our families and our employees at risk. Our farms are places of business, but they are also our homes. Our farms are where Ontario chicken farmers raise their family and play with their children. Disturbing trends have increased the risk of unwanted trespass—illegally entering people's properties, their barns and buildings, seizing private property and threatening the health and safety of farms, their families, employees and, more importantly, the birds in our care. Existing laws have not been strong enough to protect our farms and our homes from the risk of invasion. Ontario chicken farmers expect that the same level of protection be afforded to their homes as is enforced for homes in urban and suburban Ontario. Illegal trespassing and stealing private property from any other business wouldn't be acceptable, and it wouldn't go unprosecuted. Ontario chicken farmers are looking for the same consideration to be applied to our business. The new legislation will allow farmers to finally operate their

business without the fear of trespassers threatening their family farms, their families and their way of life without any legal repercussions.

I'm going to ask Rob to continue with part of the presentation, if that's okay.

The Chair (Ms. Goldie Ghamari): That's fine. Thank you.

Mr. Rob Dougans: Hopefully, you can hear me, Chair.

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

Mr. Rob Dougans: Great. Our priority is protecting food security, protecting our farmers and protecting the health and welfare of our animals. Healthy, safe farms are important for the animals and consumers, as well as the people who live and work there. Our families, our farmer families, live and work on their farms.

Ontario chicken farmers follow high standards of animal care. These standards of care include biosecurity protocols designed to protect animals from disease and safeguard Ontario's food supply. Anyone entering barns or farms, handling animals or moving between barns without following proper biosecurity protocols puts the health of animals, the safety of food and the livelihoods of farmers at risk. Now, our farmers work closely with veterinarians, nutrition specialists, regulators and other experts to monitor and maintain the health and safety of all of their animals and their property.

CFO strongly supports the regulatory stewardship and leadership role of the Ontario Farm Products Marketing Commission. Through the responsible supply management framework, CFO, as the regulator, has the ability to regulate and enforce compliance with high standards of animal welfare and food security. Animal welfare is of paramount importance to CFO and our farmer members. Ontario chicken farmers are required to comply with national standards, and 100% of our farmers are in our animal care program and fully certified and in our on-farm food safety program and fully certified. And to provide verifiable assurance to consumers, all CFO farms are audited annually and all auditors are third-party certified through the professional animal auditor certification organization.

Incidents of trespassing jeopardize our farmers' ability to meet the strict biosecurity protocols required through these national standards, and they put the health and the safety of our birds in our care at risk—

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

Mr. Rob Dougans: —as well as our food supply at risk.

Back to the Chair.

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

We'll now turn to our final witness: Chandra McKinnon. You have seven minutes. Please state your name for the record, and you may begin.

Ms. Chandra McKinnon: Hi. My name is Chandra McKinnon. I reside in rural Ontario. I'm very disappointed that in a time of mass uncertainty and in the middle of a

pandemic, this government felt this particular bill was a priority over bills such as Bill 191, the Workplace Safety and Insurance Amendment Act, that was brought by Wayne Gates of the NDP.

In Ontario, with a population of 14.57 million people as of 2019, the priority appears to be protecting corporate farming interests. This bill is taking precedence over the essential workers and other people in Ontario.

To be clear, trespass is a criminal offence under the Criminal Code of Canada, and the provincial Trespass to Property Act, RSO 1990, applies to both rural and suburban.

For further clarity, Bill 156 is a reverse-onus bill. The presumption is guilt, and the accused must prove their innocence. It is a known fact that proving a negative is a restrictively high bar.

Further, as we are all aware, if an employee reports abuse, they can be punished and accused of being on a farm under false pretenses. Then there's the two-year limitation period. What happens to biosecurity over a period of two years?

The bill, as drafted, violates the Charter of Rights and Freedoms and the whistle-blower legislation, which is federal. This has been expressed by experts in the field, and it was made clear to all parties on the floor of the Legislative Assembly of Ontario, and laypeople among the community are aware of this as well.

The current government has already wasted multiple millions, possibly billions, of dollars on litigation as a result of poorly drafted legislation, the result of which is, my taxes go up. There are 14.57 million people in this province. They're not all farmers, and they have a right to have a protest.

In reviewing the data regarding biosecurity failures in Canada, it appears that almost every single incident recorded has been a failure at the agricultural level, not a trespass by the public. Included in that is feed that has animal renderings in it.

The import and export of animals: I can state without reservation that biosecurity protocols are not regularly followed in the community that I reside in. Farmers do go from farm to farm in the same gear, some of them even going so far as to hide livestock that was banned in Canada due to the fact that they had missed the link to mad cow disease. That farmer, Suzanne Atkinson, was convicted in 2015 in the Ontario Court of Justice for hiding scrapie sheep in her dairy barn.

In fact, if one took the time to review the leaked coverage from various people that have trespassed, which is usually aired live, not delayed, they usually follow biosecurity protocols better than most farmers in rural Ontario that I live near.

I've taken the time to look at the impact of this bill on our legal system. As you are all aware—or you should be because I sent you, all 122 of you, an email months ago—sex offenders are wandering our streets. People who have prohibited-firearm offences and people who have shot and injured others are walking free right now, even after conviction, while the crown was trying to obtain a dangerous

offender designation, due to delays in our court system, and yet you want to add this to the court system we have. We can't keep sex offenders against children in jail, but we will prosecute people who give water to pigs. By the way, the court has already proven that animal activists don't harm animals; it's not their nature. They also don't harm people; it's not their nature.

"What are you hiding?" is a question that's always brought up. The Christian Farmers Federation of Ontario wrote a letter to the government which was copied directly to Ernie Hardeman, which I forwarded many months ago to every MPP in Ontario. It was forwarded specifically to Mike Schreiner because that group is in his riding. The organization specifically requested to remove "psychological" from the definition of "distress to an animal" and—pay attention—that farms be exempted from the animal fighting prohibition of PAWS. Farmers want to be permitted to fight dogs? With Bill 156, they will be explicitly permitted to run dogfighting rings as, under Bill 156, the reporter of that offence would be convicted of being there under false pretenses. Yes, the Chair received that email.

Robert Bailey made comments regarding the liability issues that a farmer may face if someone became injured on their farm while trespassing. I'm befuddled by the fact that so many MPPs are lawyers—and there is MAG—all of whom should be aware that the Occupiers' Liability Act clearly sets out that trespassers have no claim. Further, this specific act was amended in 1980 specifically to deal with rural property issues and farmers.

Today, Mr. Smith asked a carriage farm operator: When is it appropriate to intimidate people? I would ask the committee the same as it relates to protestors. Laura was clear when she said that she is upset that there are protestors and they make comments to others that they don't like what they do. Laura seemed to recognize Bill 156 impedes protests. She wanted to go so far as to increase the agricultural zones to public streets.

Farmers are their own overseeing body, a foxes-and-hen arrangement. The code of conduct is not legislated to animals. They have been transported with egregious injuries to the point where a vet has recognized and stated clearly that this was a horrendous example of the lack of oversight. The farmer knew of the injuries; they were aged injuries. The vet should have seen them when signing the health certificate. The driver that loaded the animal would have noticed these egregious injuries. But again, there are no laws to protect the livestock or those people if Bill 156 passes.

I would like to take this opportunity to point out that I'm also concerned that a lawyer that has represented the Dairy Farmers of Ontario as a client prior to election is sitting as Chair at this meeting. Lastly—

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

Ms. Chandra McKinnon: Thank you. Lastly, Mr. Barrett accused the organization represented by Miranda of lobbying the federal government not to provide funds

for PPE to farmers. She was clear: Do not give it to corporate organizations; give it to the smaller farmers. That was a jab at protesters. It fell flat.

If this government intends to pass this bill, the public will fund the charter violation claims. For clarity, you can't disrespect people who are only trying to help animals, and they don't harm you. You shouldn't have more rights than I do. That's the end.

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

We'll now begin our round of questioning. We will begin with the official opposition. You have eight minutes. Who would like to begin? Please raise your hand. MPP Vanthof, you have the floor.

Mr. John Vanthof: Thank you very much, Chair, and thank you to all the presenters. Once again, as has been raised in each of these panels, there is a wide variety of opinion, and it shows how divisive this issue is, both on-farm and off-farm.

For my first question I'd like to go to Mr. Benjamins. I think it's become apparent that there are actually two bills in Bill 156: There's the trespassing bill and the anti-whistle-blower bill. For convenience or for whatever, they're being married together.

In the trespassing bill, the only change that's actually being made is that there are two changes being made: The deterrent is higher because the fines are higher; and if there are damages, the trespasser might have to pay for those damages. Chandra raised a good point: This all has to go through court. Nothing has changed there.

One thing the bill talks about, though, is that there are no more funds for policing, so the police aren't going to come any quicker. It talks about how to do a citizen's arrest. Are you prepared for your members and their employees to conduct citizen's arrests with the liability that might [*inaudible*]?

Mr. Ed Benjamins: I'm happy to respond, Chair. Forgive me if I don't get the order correct, Mr. Vanthof.

I'm going to respond to your second question, which is, I believe, are we able to inform our farmers about citizen's arrest and how to do that? The answer would be that if this legislation is passed and it actually comes into being—and I understand that there have been cuts to different budgets from OMAFRA etc.—we would certainly look at how to inform, educate and lead our farmers through that piece very quickly and in the best time frame possible. So the answer is: Yes, we would look after that piece and inform our farmers about how to do that. That would require some education and time, but we would be willing to do that.

Your first question—if I could, can I have it repeated? Was there a question there and is it about the timing, John? I'm sorry I didn't quite get it.

1430

Mr. John Vanthof: Thank you for that direct answer. The first question—this is actually two bills. There's a trespass bill and the anti-whistle-blower bill; they're married together.

I really appreciate your direct answer regarding informing your members how to do a citizen's arrest.

What about reasonable force? Reasonable force is in the Criminal Code of Canada, and the minister told me, “Well, it’s in the criminal”—but I’m not sure that your members, if they are facing a very organized—we heard other deputants say that they provoke farmers, they goad them. And you can’t answer this, but that’s the issue: What’s reasonable force?

What we’re worried about is that the first person going to court will be a farmer having to defend himself against an assault charge, as opposed to an animal activist defending themselves against a trespassing charge. I would hope your organization takes that very seriously, because that is an issue that is going to come up.

Biosecurity is very important, and no one knows that more than you do.

On the second part, where you get in under false pretenses—I’ll give you an example, of when someone is hired in a processing plant or on your farm. I’m assuming your farm had, like my farm did—we checked references, we did all these things, and we hired the person. A year from that date, the person identifies something. The person could very well go to PAWS, but it’s not addressed. If that person then leaves the farm—I know you wouldn’t do this, Mr. Benjamins—the farmer could or the processing plant could threaten to charge that person under this act. I’m not sure that the public, when this is challenged, will accept that. The public will look at farming and will say, despite all the work that you have done—and as a former farmer, I know the work that’s been done to protect your reputation. I’m not sure that the public will accept that. If that same clause was put into our long-term-care act and it said, “You know what, government inspectors have got this all under control. If you have an issue, just talk to a government inspector and everything is going to be fine”—when this bill was first proposed, people might have bought that. Right now, I’m not sure if people are going to buy that the government is inspecting—and I’m not knocking the inspectors. They’re doing everything they can. But people’s perception of what the government is capable of has changed.

I’m wondering, and you don’t have to answer this right now, if your organization has thought about the prospect of losing the second part of this act in a constitutional challenge and, as a result, losing the trespassing issue. We haven’t heard much argument—there will be some people against it—

The Chair (Ms. Goldie Ghamari): MPP Vanthof, you have one minute left.

Can we please unmute him? Thanks.

Sorry, MPP Vanthof, you’re muted.

Okay, there we go. No, it keeps on muting. I’ve paused the time here. Let’s just make sure MPP Vanthof is unmuted.

Okay? No? What’s going on? Are you clicking anything?

Mr. John Vanthof: I click, and then the host clicks. I will give you the floor, Mr. Benjamins.

The Chair (Ms. Goldie Ghamari): I’m still paused on the time here. But I’ll let Mr. Benjamins answer in the one minute that’s left.

Mr. Ed Benjamins: I would offer the opinion that when it comes to hiring people, John, and doing things in a very trusting environment, I would look to whoever we hire—if they’re on that farm under false pretense or under some other assumed thing other than working for and looking after my farm and doing that work, I would say that the establishment of trust between that individual and the person hiring them is already broken. I think that sets a bad precedent, and to suggest that that’s not relevant—I think it is, because our family farms operate on those principles.

So I have thought about it, and I guess we’ll deal with it. But I think—

The Chair (Ms. Goldie Ghamari): Thank you very much. That’s all the time we have for this round of questions.

We’ll now turn to the independent Green Party member. MPP Schreiner, you have six and a half minutes. You may begin.

Mr. Mike Schreiner: I’m going to direct my first question to Ed and Rob from the Chicken Farmers of Ontario. But before I do that, I just want to say, Ed, it’s good to see you again. I want to thank you for your donations to so many food banks and charitable organizations that feed our neighbours who may be struggling to access food. So thank you for your work in that regard. I just wanted that to be on the record.

Following up a little bit on MPP Vanthof’s question, one of the concerns I have—and I really ask this as somebody who grew up on a farm, and we raised cattle on our farm; and I’ve spent most of my pre-political career promoting Ontario food and farmers, either through my businesses or non-profit marketing organizations. We’ve seen in the United States that when organizations have challenged the “ag gag” portion of the bill, it’s oftentimes then gone through the court process. Most of the time, the courts have ruled that as being unconstitutional, and there are concerns that we’ll see a charter challenge here in Ontario. Who knows how the courts will rule, but it will be a very contentious, high-profile litigation. It’s actually meant that farmers who are doing great work—and I would argue most farmers are doing great work and treating their animals well etc. But it ends up, at least the research has shown, damaging the reputation of all farmers, even the farmers who are doing great work.

I’m just wondering if you’re concerned about that and the potential, I guess, unintended consequences this bill might have on the good reputation of Ontario farmers.

Mr. Ed Benjamins: Thanks for that, Mike, and thank you for acknowledging our work around the CFO Cares program as well. I appreciate that.

The health and safety of our farmers and their families and the employees and the birds in our care is our number one, top priority. As a regulator, we make sure that all our farmers comply with those high standards of animal welfare and the On-Farm Food Safety Program. So there is zero—and let me emphasize, zero—tolerance for animal cruelty on our farms.

When I look at this—ag gag or whistle-blowers stopping them—private citizens, I don't believe, are trained or equipped to collect the evidence that's needed on a suspected violation. Anyone that has a concern about animal welfare on a broader farm should simply notify CFO or the Ontario chief animal welfare inspector immediately. Those authorities have the power to investigate suspected animal abuse, collect any relevant evidence and also to file charges. Those animal welfare inspectors are appropriately trained in animal husbandry and handling by a security protocol, the collection of evidence, and they too adhere to a code of conduct.

This is in no way trying to limit or stop people from coming forward. In no way do I see this as stopping whistle-blowers or looking to gag anyone from coming forward. I don't believe that exists.

1440

Mr. Mike Schreiner: Okay. I'm going to ask a follow-up to that, Ed, and I'd actually like Mr. Colvin to jump in and answer this question as well. It's really to both of you, partly because Mr. Colvin had talked about the duty to report that an employee has, if they do see abuse or inappropriate activities.

If I'm a legitimate employee, I was hired; I love working for the farm—we'll say it's a chicken farm in this case. I work there for a year or two; things are all good. And then, I don't know; something happens. I see something inappropriate happening. Then I go to report it to the appropriate authorities. The potential exists—at least from what legal scholars have told me—that under this bill, that you could actually be accused of false pretenses even if that wasn't your intention ever at all. You had no intention whatsoever to do that, but you felt like you were just adhering to the duty to report. But then you get accused under this bill. Are you concerned about that in any way?

Mr. Colvin, why don't you start with that?

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

Mr. Crispin Colvin: Thank you, Mr. Schreiner. The duty to report, I think, is pretty straightforward. If you see abuse, you report it. There should be no ifs, ands, or buts. If somebody is concerned about their employment because of that, or repercussions—and they lose their job, there's certainly wrongful dismissal. They can go through the courts for that, if need be.

Agriculture farmers, whether it's chicken, beef, dairy, pork—it doesn't matter; it's animal care, animal welfare. And there's a big difference between welfare and animal activism. I think sometimes they get muddied up quite a bit. Welfare is paramount to farmers. If somebody on my farm were to come and visit, even if it was just a guest, if you came out and said, "Boy, those cows look terrible, they're undernourished. There's something wrong," and you reported it—

The Chair (Ms. Goldie Ghamari): Thank you very much. That concludes our time for this round. We'll now turn to the government side. Who would like to begin? Please raise your hand.

From the government: MPP Smith, you may begin.

Mr. Dave Smith: My question is for Mr. Colvin. It's following up a little bit on false pretenses. I came from the software industry before I got into politics. We carefully reviewed everybody's resumé. If somebody lied on their resumé to make themselves look that much better so that they could be hired by us and we found out that they were incompetent, we'd let them go. I never experienced a situation, though, where somebody lied on their resumé and did something to get hired simply because they wanted to take pictures or do something with us. I would suspect that all of our farmers do their due diligence: they check the resumé. Someone being brought in on false pretenses to me suggests that they did something wrong or something that they shouldn't have to falsify their qualifications, to actually get hired when they had no interest in actually working.

Anyone who is a good employee, who comes in to actually do their work—as you said, if they see something wrong, they should be reporting it. I think this legislation is supposed to be dealing with those who falsify their resumé and do things in a way so that they could get hired.

Do you think that most farmers actually do look at what people have put on their resumé and trust that they're not lying to them?

Mr. Crispin Colvin: I think for the most part, sir, yes, they do. Farmers tend to be a very trusting group of people, and as we've seen in Ontario, there's a real shortage of labour, and even more so now. As a result, I think farmers tend to give more leeway to, "Let's get somebody in here working," than they do necessarily to looking into the depth of the resumé and the qualifications of the person.

Farm labour has always been a challenge, and perhaps more so today than it has been in the past. Labour shortages create those variables, if you will. I hope that answers your question.

Mr. Dave Smith: Yes, thank you very much.

Before I hand it over to one of my other colleagues, Mr. Benjamins, I want to thank the Chicken Farmers of Ontario as well. Tim Klompmaker, a local chicken farmer in our area, made a huge donation to Kawartha Food Share during COVID-19, and we greatly appreciate the support that the Chicken Farmers of Ontario have given to us.

Mr. Ed Benjamins: You're quite welcome. Thank you very much. I'll pass that along.

Mr. Dave Smith: I'll turn it over to MPP Bailey.

The Chair (Ms. Goldie Ghamari): Thank you, MPP Smith.

MPP Bailey, you may begin.

Mr. Robert Bailey: Thank you, Chair. I think I'm unmuted now.

The Chair (Ms. Goldie Ghamari): Yes, you are.

Mr. Robert Bailey: Good. Thank you, and thank you to the presenters today from the agricultural community, and Ms. McKinnon.

I found it very interesting all morning and this afternoon to hear both sides back and forth.

I should give a shout-out to Scott Helps from my area, who is well known, I think, in the chicken and egg business. He's very prominent down here and does a great job for the chicken and egg farmers as well.

I wanted to know a little bit more about the biosecurity. I don't know whether Mr. Benjamins or Rob Dougans—maybe Mr. Dougans, you might have a better connection. If you could speak a little bit more about the biosecurity and the risk to food, maybe to get it on the record about the risk to food—if someone who's unaware of the biosecurity issues was to go from one barn to another. Could that ruin the whole crop? Could you just explain the ramifications of biosecurity and the damage to those birds, in this case?

That question was to anyone there, but Mr. Benjamins?

Mr. Ed Benjamins: I'd be happy to take that as well. The risk of contamination, not only from a biosecurity aspect, is great. Transporting disease or anything else is for sure a concern. And there are many diseases that can be transported, so biosecurity is top of mind for all of our farmers, and it extends everywhere, particularly on poultry farms.

In terms of what the outcomes could be if biosecurity was breached: The outcomes can be very severe, and you have the risk of not only losing that crop, but having that disease spread to others as well.

There's also the very real aspect of food safety—because I don't know what people would do when they illegally come on to my farm; I have no idea. My buildings are locked, so if they would come in, they would have to be let in by me. So for sure, that's a concern. It wouldn't happen; it shouldn't happen. Food safety is another element of this, for sure.

Whether it's avian influenza or something else that can be put into a farm, it can easily be transmitted and it can come in on your boots. We change our footwear; we change our clothing—different coveralls. Everything is done on my farm and everyone's farm to prevent contamination, anything from the outside. You've got controlled access to the farm and then you've got restricted access. So you're taking off your boots, your clothes etc., and then you're going into a restricted area. And if those are breached, the effects of that can be catastrophic.

Mr. Robert Bailey: Okay. Just a little follow-up—I just want to understand, not being a farmer myself. I was raised in a rural community, but I'm not a farmer. So would you or any of your colleagues have to assume that if someone somehow got into that barn that—could you determine if some of that crop, like the chickens, are at risk, or do you have to assume that the whole barn has been contaminated? Is there a way you can tell?

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

Mr. Robert Bailey: Or do you have to pretty near assume the worst, that the whole barn is contaminated?

Mr. Ed Benjamins: I guess the effects of that would be known fairly quickly. Let's take avian influenza. If that were transmitted to my flock, the results would be catastrophic and you would see it in one or two days after it

occurred. You've got an incubation time and it would take time to incubate etc., but the results would be almost immediate after that and they would be horrific. You wouldn't need to do much study to see whether or not there was an impact; it would be there and the birds would be dead.

1450

Mr. Robert Bailey: Thank you.

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

We will now turn to the official opposition. MPP Glover, would you like to begin?

Mr. Chris Glover: Sure.

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

Mr. Chris Glover: Thank you. That's great. The deputations this morning and today have been very informative, and I thank you all for being here. I'm taking notes as we're doing this, and I've got a summary. It seems that everybody would agree on three different principles that we want to achieve with this legislation. One is that we want to stop harassment and trespass on farm property—harassment of farmers and trespass on their property. We want to ensure animal welfare. And the third one that keeps coming up again and again is that we need to protect the charter rights of the people of Ontario.

The second point, ensuring animal welfare: One of the challenges that has been brought forward by some of the deputants today is that there's a conflict of interest with the industry investigating complaints against themselves, especially since the industry players are the ones who are funding the organization. We've got lots of examples of third-party investigation and the benefits of having a third-party investigator.

So I would ask, then, perhaps Mr. Benjamins or Mr. Dougans: How would you respond to those issues?

Interruption.

Mr. Chris Glover: I'll just say, Mr. Benjamins, that you've made an excellent case for broadband across the province today. Thank you.

Mr. Ed Benjamins: Well, I'm going to defer that to Mr. Dougans, then, to answer, because obviously it isn't working as I had hoped. I appreciate the comment.

The Chair (Ms. Goldie Ghamari): Mr. Benjamins?

Mr. Ed Benjamins: Yes?

The Chair (Ms. Goldie Ghamari): One thing you could do, Mr. Benjamins, is that if you turn off your video and just have audio only—don't disconnect from the chat, but there should be a button at the bottom left of your screen—sorry, I'm just pausing the time here. If you disconnect the video, that might help with the lag, and we'll just have audio in that way. Can you just please let us know if you're still here?

Mr. Ed Benjamins: Uh—

The Chair (Ms. Goldie Ghamari): Yes, okay. We're just going to restart. You're still with us, so it's all good. As long as you can hear us, then it works. I'm going to restart the time here and get back to the official opposition.

Mr. Ed Benjamins: I'm going to let Rob handle the answer to this one, but that's fine. Thank you.

Mr. Rob Dougans: Thank you for the question.

Let me see if I can challenge your assumption, and that is that as a regulator, a supply management leader and a steward of, in this case for us, the chicken business, we are in some conflict or have a preferred position in this. I think that as a regulator, we're looking to continually improve our business, to ensure that our farmer members are aligned with practices and standards which are going to deliver a sustainable business and safe, high-quality chicken, and that they work within a regulated system where they understand the requirements for animal health and welfare.

We audit all of our farmers. We verify that they are meeting a number of national as well as provincial programs, which I mentioned earlier. It's very much in the role, as well as the ambition, of the board to ensure that our farmers do the right things, and if there are any deviances from that, we're going to deal with it from a compliance and enforcement standpoint. We're also going to continue to work towards what we call the next level of performance as we move into the decade of the 2020s.

Mr. Chris Glover: Thank you very much for that.

The other thing that has been brought up with this bill is—there have been a few deputants already who said, "If this bill passes as is there will be a charter challenge." I know Mr. Schreiner already asked the question about what that will do to public confidence in the food industry, if this is being run through the courts and the media at the same time.

The other question about the charter challenge is on investigative journalists. We've all seen the benefit of investigative journalism. We've seen it in the long-term-care homes—it wasn't investigative journalism, but the military went in there and they released this report, and finally decades of abuse of seniors in our long-term-care homes is being exposed. Hopefully, we've got the momentum to get it addressed.

Investigative journalism: The media is the fifth estate. It's a big part and a cornerstone of our democracy. This legislation, as is, chokes that off. It's being said that a journalist could not go in and say, "I'm here to work on the farm," or whatever, investigate abuse, and release a report. How do you respond to that criticism?

Mr. Rob Dougans: It's Rob here. I can respond. The reality is, if there is a charter challenge, there's a charter challenge. We support this bill. We support our government. We support our farmer members. And if we're doing the right things, the courts will decide. But it's important, we think, that this bill in total has the right parameters. It has the right support of our agricultural community.

With regard to the press, and again I can only speak for Chicken Farmers of Ontario, we strongly believe in transparency. I encourage you to go look to our website and/or our other communications internally as well as externally. I think, generally, it's better if folks know more about our business; then they're going to see that the

business is running well. I take that forward as, again, the way in which we should be operating.

Mr. Chris Glover: Thank you very much. Mr. Colvin, did you want to respond to that as well?

Mr. Crispin Colvin: Thank you. Very briefly: I think confidence in the food industry will not be hurt because there's a charter challenge to a specific piece of legislation. Legislation gets challenged all the time. It doesn't mean that there's a breach of confidence in how our food is produced and the quality of our food.

In terms of investigative journalists coming onto a farm or coming in to investigate, I think Mr. Dougans replied very well.

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

Mr. Crispin Colvin: We are not trying to hide anything; we want people to see what we do. And if we can improve, we want to improve, because we want you to have confidence in what we do. Thank you.

Mr. Chris Glover: Okay. Let's see, there's just one minute left. I will say I appreciate what you're doing. I appreciate that you've come here today. Thank you.

There was a question asked in the last round about farm experience. I had the privilege of living and working on a farm for a while—my uncle owned a big barn—so I'm interested in both perspectives. I do appreciate this discussion because it really does point out the strengths and weaknesses of this bill.

Ms. McKinnon, I think there are probably 30 seconds left. Would you like to respond?

Do we have any time left, Madam Chair?

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

Mr. Chris Glover: Okay, we'll let it go at that. Thank you very much, everybody, for being here.

The Chair (Ms. Goldie Ghamari): All right, thank you very much. That concludes time for the official opposition.

We'll now turn to the government. You have eight minutes. Who would like to begin? Please raise your hand. Do I see any hands raised? Okay, MPP Pettapiece. You may begin.

Mr. Randy Pettapiece: Thank you, Chair, and thanks to everyone for coming today. As it's been stated by all members of this committee, this has been very informative. A lot of information has been shared around, and certainly it's going to help us with this bill.

I would also like to thank the chicken farmers for their service to the community. Mr. Benjamins is in my riding, and I see him from time to time in the local newspaper taking a load of chicken to a food bank and things like that. I really do appreciate what you guys do and certainly what all farmers do in our areas in Ontario, whether it be chicken, hogs, beef, grain farmers, vegetable farmers. They do support their communities and certainly help those who are less fortunate.

1500

Uninvited guests to your farm is something that's been argued about all day here—who should be allowed, who

shouldn't be allowed. It's a real concern to the farming community, not only with the spread of disease, which it has the potential of doing—and I think we all know how that can devastate a farm. Chicken farmers went through that with avian flu a few years ago, I think, now where it caught on. Hog farmers went through that with a strain of a virus that came through two or three years ago, and are still dealing with it. So disease can spread very quickly.

As far as the investigative journalists and all this type of thing, the unfortunate thing about that is often it is done and they don't take the precautions that are needed on some of these farms. I'm talking about the biosecurity end of it. If they're sneaking around or trying to get into a barn without being supervised by the owner, they likely don't have preventive clothing on them, they don't have clean rubber boots or—you know what I'm talking about. So there's always a danger of this type of thing when it happens.

I do know that the bill has those who support it and those who don't. I think when you look at the whole picture, though, we are trying to provide—and we do provide—a safe product for our consumers. That's what we do as farmers, and all those in rural Ontario. It's more difficult when you're under the stress of having people come on to your farms who aren't invited and who may cause serious harm to your farm or operation.

I wonder, Mr. Benjamins, if you could address this question. We talked about mental health in rural Ontario. COVID-19 certainly hasn't helped. But I wonder, sir, in the community where you live, whether you've experienced or heard of those that are going through some real difficulties in the farming community.

Mr. Ed Benjamins: Thanks for the question, Randy.

Absolutely. I would say that for sure COVID-19 has added to the anxiety that our farmers face today because of the lack of certainty, the lack of clarity about the future, the lack of knowing what's going to happen. The fact that you are social distancing—you're already on a farm; you're fairly isolated to begin with in many cases, so now that's taken away as well. So that anxiety is felt.

I want to thank the government, particularly Minister Hardeman for some of the work that he has done around that. I know that on our website, we've got everything available to our farmers in a digital platform. Our website carries those links, and for sure, we're asking our farmers that if they feel that pressure, if they feel that need to talk, to come forward, that they do so. As Rob mentioned earlier, we will be starting meetings. We're going to be attempting to—and we're doing this for seven nights in a row. We're going to be hosting regional meetings.

By all accounts, I haven't heard of any individuals coming forward. But those are the types of things that we raise with our farmers, and we make sure that they're aware.

Very much, COVID-19 has added another level of anxiety and stress in the farming community—not just amongst our farmers, but just the uncertainty—whether you're a vegetable grower, whether you're planting asparagus, if you're needing seasonal workers, it doesn't

matter what. All of those are stressors that have just been multiplied exponentially—and then you add to that the whole risk of people trespassing on your farm and unwanted guests. Yes, there's a lot, and I think this is the type of assurance that our farmers are looking for going forward.

Thank you for the question.

Mr. Randy Pettapiece: Well, thank you for that response. I do know that we live in unprecedented times right now with this virus. Certainly, some of the issues that our farming community has faced with other issues—I'm sure you're aware that there are those commodities that are experiencing low prices and things like this that are having a difficult time.

Fortunately, the crops went in pretty good this year—at least, they did around us. I think most of them are planted. There might be a few beans to go in yet, but I think the spring has turned out fairly well, with hay crops starting to come off.

On the issue of inspections—

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

Mr. Randy Pettapiece: —I was pleased to hear how the Chicken Farmers of Ontario are doing their inspections and how they audit their inspections. To me, this is one of the best procedures that would certainly help our consumers understand that you take your business seriously and you want to have a product that gets to market safely and with good quality. I know that some of the other commodity groups do the same thing, where they have auditors come out and make sure the premises are clean and they're doing things properly. And if they're not doing things properly, they can at times have their operations suspended until they do things properly. So that gives the consumer a lot more—

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

At this point, I'd like to thank our current presenters for joining us today. It has been a very informative discussion, and I'm sure that committee members will have a lot to take back and think upon. At this point, you may step down, and we'll have no further questions for you.

WORLD ANIMAL PROTECTION

MR. ROBERT McNEIL

ROSE'S LAW: CANADA ANIMAL BILL OF RIGHTS PRESSURE CAMPAIGN

The Chair (Ms. Goldie Ghamari): I'd now like to call upon the following witnesses. If you are here, please just raise your hand so that we can confirm. From World Animal Protection, Lynn Kavanagh: Can you please raise your hand? Thank you. We have Robert McNeil. Can you please raise your hand? Thank you, Robert. And from Rose's Law, Jenny McQueen: Please raise your hand. Wonderful. Thank you very much.

Each witness will have seven minutes to present, and following that, we'll begin our round of questioning.

At this point, I'd like to invite Ms. Lynn Kavanagh. Please state your name for the record, and you may begin.

Ms. Lynn Kavanagh: My name is Lynn Kavanagh. I'm with World Animal Protection.

Good afternoon, everyone. Thank you, Chair and committee members, for the opportunity to speak on this important matter. Your government's leadership in keeping Ontario safe during these difficult times with regard to COVID-19 is also appreciated.

As I said, I'm with World Animal Protection. I'm here today to express our concerns about Bill 156 in particular, the false pretenses section and its implications for silencing and criminalizing whistle-blowing activities.

I'd like to offer some background about World Animal Protection, to start. We're a registered Canadian charity and a global organization with offices in 14 countries. We have more than 165,000 supporters across the province, and we work on a range of local and international animal protection issues. In Canada, our work focuses on increasing protections for wildlife and farm animals.

World Animal Protection is a member of the National Farm Animal Care Council—also known as NFACC—and we value the opportunity to work with representatives of the various animal agriculture sectors to develop codes of practice for farm animals. The open dialogue, trust and transparency is key to understanding the problems, the barriers to change and, ultimately, our success in improving standards for farm animals as much as possible.

1510

Bill 156 threatens to undo the good work that can be achieved by having animal welfare organizations and industry bodies together at the same table. We believe that, if passed, Bill 156 will erode consumer confidence in Ontario animal agriculture, as more people will be asking what farmers are trying to hide when people are prevented from speaking out about abuse or wrongdoing on Ontario farms.

This outcome does not benefit farmers, and it erodes public trust and engenders suspicion in the system. In fact, research shows that this type of legislation has the opposite outcome than what the government desires. Research at UBC looking into public perceptions and responses to ag gag laws in the US found a significant decrease in public trust in farmers and an increase in support for animal welfare regulations. I think you'll hear more about this research during these hearings. But these are important findings that should not be ignored by the agriculture industry or the government. We would expect that many farmers would also oppose the legislation for these reasons.

Animal protection is an important issue to Canadians. According to an August 2019 national poll that we commissioned, 73% of Canadians said it's important that the government pass stronger legislation to protect animals to ensure that they do not experience pain and suffering. This means that the public looks to the government to protect animals. If passed, Bill 156 could prevent witnesses to animal mistreatment and abuse from coming

forward to report these crimes and would also make pictures, videos and reports of animal cruelty concerns inadmissible in courts. In short, this bill does the opposite of what Canadian citizens expect from their government.

This is particularly concerning given the fact that there's a lack of existing legislation to protect farm animals in Ontario. Because of this, exposés and whistle-blower activities are needed to fill the gaps that should be covered by government oversight and adequate legislation to protect farm animals. Exposés over the past 10 years or so have revealed repeated situations of severe animal abuse on farms, such as the case in Chilliwack, BC, of the dairy farm where workers violently kicked, punched and hit animals with chains, metal pipes and other weapons. We're left to wonder: Is this really the behaviour and the activity that the Ontario government wishes to hide? And we would ask: How does this help farmers or the farming industry who are doing the right thing?

World Animal Protection represents a growing constituency in Ontario, Canada and around the world that is increasingly concerned about farm animal welfare, and this is indicated by a growing public discourse on these topics and changes in the marketplace. Consumers are demanding more information and public transparency about the treatment of animals raised for food. There's also a growing concern about how farm animals are raised and how this links to food safety, including the overuse of antibiotics.

This information is important to consider in the context of this proposed bill since the bill claims to have both the protection of farm animals and food safety in mind. We're also seeing a significant rise in animal welfare interest and attention from grocery retailers, quick-service restaurants and investment companies. This really speaks to a cultural shift and the fact that most people believe that animals deserve legal protections and a just and compassionate society.

I'd like to state for the record that World Animal Protection does not condone trespassing or any other illegal activity. However, trespassing is already a provincial offence and stiffer penalties are neither warranted nor effective. However, it's very important that farm workers, or anyone else, who witnesses animal cruelty or mistreatment of animals on a farm have a safe place to report it to the appropriate authority.

Whistle-blowers have long played a vital role in society in exposing unfair, unethical and illegal activities, and this includes situations of animal abuse and cruelty on farms. Protecting an individual's right to speak out about injustices and wrongdoing without the threat of persecution is a hallmark of a democratic and just society. In fact, some industries have dedicated and explicit policies outlining protections for those who come forward to expose immoral or illegal practices.

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

Ms. Lynn Kavanagh: The Ontario Securities Commission, for example, has a formal whistle-blower policy and program in place that not only protects individuals who

come forward, but they encourage employees to come forward if they have knowledge of misconduct. At this morning's hearings, we also heard people refer to a recent example of whistle-blowers as integral to exposing the horrible conditions in some long-term-care homes in Ontario.

These are examples the Ontario government should be following in the case of animal protection—stronger legislation to protect animals and those who speak out on their behalf, and more transparency and more accountability in the industry. This would protect both animals, one of the most vulnerable groups in our society, and farmers who are doing the right thing, and would increase public confidence in the system as a whole.

In closing, we urge to you remove the false pretenses and the interaction with animals sections of this bill for reasons of both human rights and animal protection, which will increase public trust and benefit both animals and farmers.

The Chair (Ms. Goldie Ghamari): Thank you very much. That's all the time that we have.

Ms. Lynn Kavanagh: Thank you.

The Chair (Ms. Goldie Ghamari): I'd now like to turn to our next presenter. Robert McNeil, you have seven minutes. You may begin.

Mr. Robert McNeil: Good afternoon, and thank you for letting me speak to the committee today. My name is Rob McNeil. I emigrated from New Zealand 30 years ago, and I'm proud to call Ontario home for the majority of my life now.

I have a shared life experience with animal agriculture. I milked dairy cows in the summer for many years as a teenager in New Zealand. I also had a younger brother, Patrick, who was a slaughterhouse supervisor in New Zealand and who very recently took his own life, in part I'm sure due to the violence involved in that role. Studies show that many slaughterhouse workers deal with depression, alcohol and drug use and increased violence in their homes.

I am also a full-time financial controller for a multi-million dollar construction company in Ontario. I've been an activist for over three years and work with a variety of animal rights organizations. I'm a co-host for the weekly Liberation Hour radio show—a show which focuses on the horrors that animal agriculture impacts on animals, the climate and human health. I also co-founded the Stop Maple Leaf Violence campaign, a campaign fighting a massive Maple Leaf Foods project that, along with Cargill, will crown London, Ontario, as the slaughterhouse capital of Ontario.

I take my activism seriously. I lend my privileged white male businessman voice to the benefit of the most exploited and numerous species on earth: farmed animals. But make no mistake, I'm just like each of you, just another Ontarian who wants the best way forward—the best peaceful, non-violent way forward.

I know that positive change for animals is coming, but rest assured, regardless of unjust laws, I and my fellow activists will not stop. In fact, I want to thank you in some

ways for parts of this legislation, for Ernie's law, Bill 156. When we look at the animal rights movement, broad goals include rescuing animals—who go on to become ambassadors to change hearts and minds, raising public awareness of the exploitation of non-human animals and court challenges to alter public policy and laws.

I can tell you, this law won't stop activists from rescuing animals; that's a life-and-death issue for activists, and especially for the animals. Ernie's law will only increase the risk of violence against activists by empowering farmers to make arrests—unprecedented, undefined and dangerous arrest powers. This bad law will flood the court with cases and raise public awareness. Bad laws lead to legal challenges and become focal points and rally cries—just the attention the industry doesn't want. So in some ways, thank you for Ernie's law. It's a poor bill in so many areas that it will advance the cause of fighting for animal liberation for years to come, and activists will not stop.

I'm not here to beg for change or minor amendments; I'm here to urge you to reconsider passing this divisive bill at all. Ernie's law increases the urban-rural divide. The legacy of Minister Hardeman will be sowing more division between farmers and animal rights activists. Please go back to the drawing board. Listen to all your voters, not just the lobbyists. Go around the province and this time ask what the people of Ontario want in general—less subsidies to animal agriculture, more transparency on farms, more programs to transition farmers away from harming animals and towards plant farming.

Activists who tried things the right way—we even attempted to meet with Minister Hardeman but were rebuffed in December. We've tried dialogue. We've tried system change, nationalizing as a political advocacy group that seeks changes in federal laws and policies and in different provinces. We are non-violent and we're always ready to talk. But Ernie's law has been pushed forward and rushed without our voices at the table. It's hard to imagine, in the midst of a global pandemic and now massive and awesome Black Lives Matter protests, that passing this ag gag law to silence us is the best use of government time. We've tried to talk, and the government has refused to listen.

Whistle-blowers are an essential part of any democracy. Consider the recent report about conditions in some Ontario rest homes. Would the government pass a law banning whistle-blowers in those facilities? Yet, Maple Leaf Foods killed 23 seniors from listeria in 2008 due to poor hygiene practices. This new law criminalizes the kind of whistle-blowing that could prevent these kinds of things from happening. Some of the largest outbreaks of COVID-19 have been connected to slaughterhouses. Again, eliminating whistle-blowers is not the answer.

1520

So welcome to the new wave of activism. We're organized, strategic, intersectional and still committed and relentless as ever. Activist Amy Soranno of Meat the Victims says that the problem is not civil disobedience; it is civil obedience in the face of unjust laws, and activists will not stop.

We are all earthlings here. This is the only planet we have and Mother Earth has thrown us a bunch of huge hints lately: bushfires in Australia, a plague of coronavirus, climate change. Time is running out.

If you look down on the earth from space, you'd see 77 billion earthlings: seven billion humans and 70 billion farmed land animals confined and exploited—never mind the fishes. If you could see pain from space, you would see massive centres of death and exploitation in slaughterhouses and factory farms.

Speciesism is discrimination based on biological difference. We should treat all species as we ourselves would like to be treated. Madam Chair, if you step on your lovely dog Baxter's tail, I know that you know he feels pain. Can this committee make the connection to the billions of non-human individuals exploited just for our human wants? Is every animal not worthy of the love and care that Baxter is shown? Activists feel that connection, and activists will not stop.

Look at the numbers. The Ontario Federation of Agriculture asked farmers and Ontarians to show support for Bill 156 and were able to get just a few thousand to support. Yet 40,000-plus humans signed a petition to stop Bill 156. Kindly put, there are far more—ten times more at least—votes in helping animals and encouraging transparency—

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

Mr. Robert McNeil: By giving the animal agriculture industry what they thought they wanted without considering the consequences, you just toughen our resolve to work harder and shine even more light and save even more animals. You also highlight the hypocrisy of an animal agriculture industry that says they have nothing to hide, but begs for a law to help hide it. Activists will not stop.

I would encourage any of the MPPs to come on the Liberation Hour radio show and discuss animal agriculture, speciesism and Bill 156 with me.

Thank you for letting me speak today. I look forward to any questions you may have.

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

We'll now turn to our final presenter today, Jenny McQueen. Please state your name for the record. You may begin.

Ms. Jenny McQueen: Hi. My name is Jenny McQueen, and I am one of the animal activists who has been featured in the readings of Bill 156.

Yes, I entered a pig farm uninvited. Yes, I rescued a piglet who needed medical treatment. I faced 10 years in prison. But the crown dropped my charges, deeming it not in the public interest.

What I and others have witnessed would turn your stomach. This is why I'm speaking up against the ag gag bill, which wants to silence citizens, whistle-blowers and even journalists.

I believe I'm a respectable citizen. For over a decade, I was an analyst in the Ontario government. I'm also an animal rights activist with Direct Action Everywhere. We

are fiercely non-violent. I've worn full biosecurity gear when I've entered farms.

Regarding food safety: We need to stop thinking of animals as food. It's time to transition to plant-based proteins and defund animal agriculture. The world is in crisis with COVID-19. It's another virus from the animal world. SARS, swine flu, avian flu, MERS, Ebola all come from animal use and exploitation. Animals in Canada are confined in filthy conditions, the perfect breeding ground for the next pandemic. It's a travesty how the animal agriculture industry is deceiving the public and politicians about food safety.

Animal protection zones: A real animal protection zone would be where animals are free to live their lives without being mutilated, artificially inseminated and transported to their early deaths.

Farmers do care about their animals, but in reality, they are mere commodities for them, dollar signs. Perhaps dairy and beef farmers form relationships with their animals—but pig and chicken farmers? Nope. These farmers are not bad apples; they're just struggling to work within a system that is morally corrupt.

It's time to transition to growing the plants that do so well in Canada, such as yellow peas, a delicious ingredient in vegan meats. Nation Rising, a Canadian organization, will help you transition.

Children's toys and books still portray farm animals as having a good life. An industry colouring book has pigs frolicking in the grass, with chickens pecking at the dirt around them, deceiving children too; this is criminal.

As an animal rights activist, I've personally witnessed the reality. Huge, white sheds are the new norm in the Canadian countryside—pristine from the outside, but filthy and stuffed full of animals on the inside, hidden from the public view, hidden from the sunlight and denied any basic natural behaviours. The pig farms and chicken farms I've been inside are a nightmare. There are rats scurrying around, flies everywhere, dust and cobwebs; strong ammonia attacking the electrical systems; no reasonable fire protection. One upstanding farmer who took the stand in the Anita Krajnc case was in the news in 2018 after 3,000 pigs burned to death in his building. I can't let my mind go there too much. It's devastating to think about.

We hear that pig gestation crates have been banned; they haven't. Existing farms are exempt. Mother pigs are literally unable to turn around to nurture their young. They give birth in the dead of night, with no one to take care of them. There are miscarriages with dead piglets in the afterbirth—and workers are expected to do this awful cleanup?

I filmed a piglet discarded in the corridor, obviously rotting for days. Their stomach was blackened from the inside out. At Adare Pork, there was a female pig heavily pregnant with a massive, bloody prolapse, obviously in pain.

Last Chance for Animals discovered a nasty term in another investigation called "slash and grab," a procedure where they slash open the stomach, remove the babies and then kill the mother pig. How is that allowed?

Another barefaced lie was exposed at King Cole Ducks earlier this year. Animal justice lawyers are now able to launch a formal complaint for false advertising following Rose's Law activists exposing the horrors inside. Three of them are now facing jail for their actions.

Animal rights activists are only concerned about exposing the conditions that animals endure. Farmers' homes are very rarely near any animal agriculture operation due to the strong stench of ammonia from the sheds. Bearing witness is an essential form of activism which allows the public to see how animals arrive at slaughterhouses, for example, suffering in the extreme heat of Canadian summers.

I have a message to the public: Before they fine you thousands of dollars for wanting to see the truth, join an Animal Save Movement vigil. Look an animal in the eye. That's what ignited my passion. That's why I stopped viewing animals as food.

I have a message to farm workers: Now is the time to become a whistle-blower, before they fine you thousands of dollars. Message me.

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

Ms. Jenny McQueen: Canadian citizens: Please continue to challenge unjust laws. Civil disobedience is a valid tactic. The women's suffragette movement proves my point. It can be difficult and it can be challenging, but it's something that we must stand up for. It's something that we must do. This is how laws change. We must continue to put these awful industries on trial.

It has to be said again: Animals are not food. Finally, compassion is not a crime.

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

We'll now begin this round of questioning. We'll begin with the independent member. MPP Schreiner, you have six and a half minutes. You may begin.

Mr. Mike Schreiner: I want to thank all three presenters for coming here today and being a part of the conversation. My first question is going to be for Ms. Kavanagh.

Lynn, you talked a bit about how you believe Bill 156 undermines confidence in farming. Can you elaborate on that a bit more, given some of the research that we've seen particularly out of the US? I've seen also seen some from UBC as well.

1530

I'm somebody who supports farmers. I'm not opposed to animal agriculture, but I want to make sure that we're not undermining confidence in farming.

Ms. Lynn Kavanagh: The research I cited—I believe the researchers will be giving a deputation at this hearing and so they will most definitely speak to it in more detail.

Essentially, they conducted some research where they interviewed people—they had two groups, a control group and a group that was informed about the ag gag legislation, different pieces of legislation that had gone through in the US. When that legislation was passed, it really eroded public trust in the whole farming system and farmers. It made them question why there is a need to pass this

legislation to prevent people from speaking out about what goes on inside farms, what they might see, or even for people to have a window into what goes on behind your conventional farming systems today. What that did is, it aroused suspicion and it made the public question what the industry is trying to hide. They had more trust before the ag gag rules went forward. That's it in a nutshell. It didn't do the farmers any good. I saw a presentation by these researchers from UBC, and in one state, the dairy farmers were actually asking the government to withdraw the legislation. It got so bad, because whenever the legislation was reported on in media, what would go with it would be showing undercover footage of egregious situations on farms. That didn't do the farmers any good either.

So the public backlash and the media, what they were showing, didn't do any favours for the legislation or the perceptions of farmers. It's not good for animals, and it's not good for the industry.

Mr. Mike Schreiner: In your presentation, you talked a little bit about, let's look for ways to bring farmers and consumers together, maybe work to bring farmers and people who believe in animal welfare together. Are there some amendments to this bill that you think could help bridge that divide? Most of the testimony today has been—people had two different sides of the spectrum; there hasn't been a lot in the middle. I'm trying to figure out if you have any thoughts of how we can bridge that divide.

Ms. Lynn Kavanagh: I think one of the most important things is to have more transparency and accountability, as I said. It's true; there have been a lot of exposés that show horrible conditions on farms. Some of the standard practices that are permitted, the public would not approve of. They would be considered inhumane. But even in cases where there are farms that are trying to do better and phase out some of these crueller systems—like crowded conditions, confinement, painful procedures—maybe making the conditions a little higher welfare, there's no public disclosure. There's no showing the public what is going on behind the scenes. Even the more conventional systems where farmers are trying to transition away from those—show the public what's going on and talk to them.

Our organization sits on NFACC, the National Farm Animal Care Council, and there are codes of practice, but they are voluntary. They're largely industry-led. Yes, there has been some progress through the codes, but there is still a lot more that needs to change there. Some of the codes are better than others. Some codes still endorse situations or conditions that we would consider inhumane, and the public would certainly as well, so there are changes that could be made at that level. But even once those codes are in place—the industry says that they are audited, but there's never any information that is shared around those audits.

What happens if a farmer doesn't meet the code? What happens in a case where there's a violation? This is why the whistle-blower activity is so important, because it really holds the industry accountable where there is no accountability.

I think that that's a first step from the industry. They need to be more transparent, not trying to hide further what is going on.

Mr. Mike Schreiner: Thanks. My final question—and I probably have limited time.

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

Mr. Mike Schreiner: Okay. So Rob and Jenny, really quick—we've had a number of farmers express concerns about people trespassing on their private property. Are you concerned about that and feel like that's a valid concern that farmers have? Go ahead, Jenny.

Ms. Jenny McQueen: Personally, no, because we only enter the barns where the animals are. We do not need or want to see any human when we're going into these places. As I said, the farms are not next to any houses, and if the houses are nearby, then we choose not to go there. We are only interested in the animals. We wear full biosecurity gear. We are not harming anyone.

Mr. Mike Schreiner: Rob, there might be a couple of seconds left if you wanted to add anything else.

The Chair (Ms. Goldie Ghamari): One second, actually.

Mr. Mike Schreiner: Oh, okay; forget it.

The Chair (Ms. Goldie Ghamari): Thank you very much. That concludes our time. We'll now turn to the government. I believe MPP Harris has some questions.

You have the floor.

Mr. Mike Harris: Again, thank you to everybody who has been here to participate in the deputations today. I had a question for Ms. Kavanagh.

We heard earlier that the Canadian Coalition for Farm Animals—and also yourself have stated that they don't support trespassing on people's farms and their private property. I'm happy to hear that you say that, and I'd like to maybe pick your brain a little bit on what you think, outside of trespassing on people's property, some of the best ways are to get the message across to folks if you think there might be some improprieties or mistreatment of animals happening on a specific farm or at a specific location; i.e., working with the previous OSPCA or the new provincial inspectors that have been put in place in regard to the PAWS Act. I'd just like to get a little bit more feedback on what you think some of the best practices are going forward.

Ms. Lynn Kavanagh: I think what many animal groups or animal welfare rights and advocacy protection groups have said during these hearings is that this bill will essentially hush any kind of whistle-blower-type activity. I think quite the opposite would be beneficial. Instead of this bill being passed, I gave an example of the Ontario Securities Commission, where they actually have—if you go to their website, they're a really good example, which is why I cited it. They actually have a policy in place that supports whistle-blower activity and arms people with information about how they can speak out, and ensures that their rights will be protected. I think that is a first point: letting workers know that they not only won't be persecuted, but that they should speak out in cases of

animal cruelty or animal abuse or any concerns whatsoever on the farm. So that is one approach, certainly.

Again, I think that transparency piece is really important because it then would encourage industry folks to do better. The exposés that we've seen across the country are workers that have been left to their own devices to harm animals. If they know that there are serious repercussions in place, that there are people watching over them, like some slaughter plants putting in video cameras, then I think that—and then also good training.

In essence, there's some of a philosophical element here. I won't deny things like what Robert and Jenny have been speaking to. The underlying view that animals are commodities can help to fuel, in some cases, the way people think that they can do what they will with the animals. So I think that's there's a change in the value system, too, that needs to be part of that education.

Mr. Mike Harris: Have you had any interactions with the OSPCA or the new provincial inspectors over the last few years? I'd be curious to get a little bit of your feedback as to what those interactions have been like and whether or not you are supportive of the job that they are out there trying to do.

Ms. Lynn Kavanagh: Well, yes, certainly we need inspectors. That's who would go in. We need inspectors to see what's going on inside farms, for sure, as we do in other areas, just like we would go into someone's home, if there's an issue with a dog or cat—a companion animal.

1540

I've not had any interactions, though I'm hoping to be able to have some say and input on the regulations that are going to be a companion to the new PAWS Act, for what good standards would be for farm animal care.

Mr. Mike Harris: Thank you. I'll pass my time over to one of my colleagues.

The Chair (Ms. Goldie Ghamari): MPP Smith, you have the floor.

Mr. Dave Smith: Thank you very much. My question is for Ms. Kavanagh as well.

I've got a couple of dairy farmers here—actually, I have a lot of dairy farmers in my riding—and one in particular has transitioned over to smart farming. The cows actually milk themselves. They have free run of the entire area. It was about \$1.5 million for him to switch to that. He has come to me with concerns about people coming onto the property—serious concerns about trespassing. He's obviously doing it in a very ethical way. As he has described it, happy cows produce more milk. He's milking about 95 cattle at any given time right now, and producing the same amount of milk with these cows as what he had been doing manually with about 140 milking head at any given time.

Like I said, they milk themselves. They go into the milk machine themselves. What do you say to him about stopping trespassing? Because he has come and said that this bill addresses all of his concerns with people coming onto his farm, unauthorized. He's concerned about his young kids and concerned about his wife. What do you say to him about this?

Ms. Lynn Kavanagh: Well, again, trespassing is already a provincial offence, so I'm not sure what this bill offers that's any different. He might have concerns, but people have different concerns around those—people have concerns about people coming onto their home property in the city. I don't know how to respond to that, other than to say that there's already existing legislation for that. What our concerns are here, and the groups of people who have the interest of animal protection in mind, is being able to share information about what goes on on farms and how farm animals are treated.

Mr. Dave Smith: His concern around trespassing is that you can protest out front on municipal property but you don't have to come onto his property to do it. Is that a fair assessment?

Ms. Lynn Kavanagh: We live in a democratic society, so we should be able to protest wherever we want, on public property.

Mr. Dave Smith: He's not against it, and this law doesn't prohibit anyone from protesting on public property. It's that the protesters come onto his property, come up to the barn, and they protest on his property. Do you think that's appropriate?

Ms. Lynn Kavanagh: Well, no, it's trespassing. As I said, our organization doesn't support trespassing.

Mr. Dave Smith: So what this law does is it strengthens that the trespassing, and particularly more of a deterrent for it, and—

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

Mr. Dave Smith: I don't think that that's—

Ms. Lynn Kavanagh: The deterrent is more—sorry.

Mr. Dave Smith: I don't think it's inappropriate, then, to make sure that we're doing something that protects the health and welfare of his family as well.

Ms. Lynn Kavanagh: Well, look, as I said, trespassing is already illegal. This bill is also symbolic, right? It tells the public that there's something to hide. So it doesn't do him any favours. He can defer to the existing legislation. Passing this legislation just arises suspicion in the public, as I said, and it has all the other elements that don't protect animals and don't do farmers any good. Animals are a constituency. They don't have a voice, but they are a vulnerable member of society, and we owe it to them to protect their interests, especially if we're going to use them for food, as we do, by the billions. I think that that needs to be a consideration here—

The Chair (Ms. Goldie Ghamari): Thank you very much. This concludes our time for the government side. We'll now turn to the official opposition.

MPP Glover, you may begin. You have eight minutes.

Mr. Chris Glover: Okay, thank you very much, and thank you, everybody, for being here today.

Let's see, I'll ask my first question of Ms. McQueen. You said you trespassed on a farm and you were charged, but the charges were dismissed. Could you explain?

Ms. Jenny McQueen: Yes. I filmed myself inside a pig barn as I was undertaking open rescue, so I'm completely clear and honest and open about my actions. I reported to

the OSPCA, to the fire authority, to the Electrical Safety Authority, the very next day all the terrible, terrible things that I witnessed. Then the police came about six months later, banging on my house at 6 a.m. in the morning, put me in handcuffs, and the charge was break and enter. Through the extremely slow Ontario justice system, eventually, my lawyers and the crown were talking and they dropped the charges.

I would have really preferred the charges not to be dropped; I wanted a time in court. I wanted to put this industry on trial. What I've seen inside, the public needs to see.

Mr. Chris Glover: Okay. And were there grounds for dropping the charges?

Ms. Jenny McQueen: The explanation was that it was not in the public interest. What we take from that is that perhaps there was influence from industry, or they just don't feel the waste of public money on taking someone like myself to trial is worth it.

Mr. Chris Glover: Okay. Thank you. My next question is for Ms. Kavanagh.

You said that in the States, where bills similar to this have been passed, it actually eroded trust in farming. Can you look me up online and send me the report on that, please? Because I'd like to see that.

Ms. Lynn Kavanagh: Yes, absolutely. There's a published paper about it, actually.

Mr. Chris Glover: Okay. You seem to be looking for a systemic solution. You said that one thing that should be done is that there should be stricter legislation protecting animals on farms. Can you explain that a bit?

Ms. Lynn Kavanagh: Yes, sure. The previous OSPCA Act, for example, excluded what was considered accepted practices on farm, so anything that would be considered inhumane by the average person—things like confinement housing, sow stalls, battery cages for laying hens or painful procedures that are done to some farm animals.

I think we need legislation to have a minimum standard of care for farm animals and how they're treated, but other things that could go into that as well, such as what we're talking about here today, that there needs to be more oversight and accountability and training of workers—all the kinds of things that the average person, who may not be in this community of animal protection and animal rights and welfare activism, expects animals should be treated on farms. That's the kind of legislation we need.

In some places, in Europe, animals are considered—it says in legislation that they're sentient beings and they have interests that need to be protected. In Canada's federal cruelty laws, they're still considered property. So we have a long way to go on the way we protect animals in general, but in particular farm animals. I think that's really what's needed. We need good standards for how animals, at a bare minimum, should be treated on farms. Then on top of that is the transparency and the accountability stuff that we're talking about here, to ensure that there's good oversight and they are not harmed.

We haven't even talked about transport. Transport regulations, again, need to be vastly improved. Even

though the CFIA just put out new regulations, they're not strong enough.

Mr. Chris Glover: Thank you. You were talking about systems solutions and changing values in society. That's something that obviously you're working towards, but the farmers are also part of a system. One of the things that struck me—and I mentioned this earlier today—is that farm incomes have been flatlined for the last 30 years. The only way they've been able to survive is to get bigger and bigger. The demands of the market—the corporations that sell them the inputs and the corporations that buy their products—they're constantly being squeezed, and their margin keeps getting more and more squeezed. They have to sell at the lowest prices, so they end up getting bigger. The family farm with the chickens running around, the pigs outdoors—you couldn't survive with a mixed farm like that anymore. You couldn't have survived 30, 40 years ago, even, with that.

What do you say to the farmers, though, who love farming, who want to continue farming, who have been in it for generations but are squeezed with these forces that are beyond their control, and do the best they can to take care of the animals they have?

Ms. Lynn Kavanagh: Well, I would say it also first depends on what type of farm. Maybe not so much dairy farms, but perhaps the pig farms, yes, have struggled in the economic sector.

But look, the government can do a lot there. They give a lot of money to the agriculture industry in Canada. Why not redirect some of those subsidies to improve the conditions on farms, to help the farmers get rid of sow stalls? Let the pigs be in open barns with straw. There are things that the government can do, rather than just trying to prop up the industry and increase trade. Redirect some of those subsidies.

1550

As well, we're moving forward, and one of the other speakers here today said, in talking about plant-based food—I haven't mentioned that, but really the way to support the highest-welfare farming systems is by having far less consumption of animal foods in favour of plant foods. Then when there are those animal farms, the earth's capacity can support higher welfare. Farmers would get a good payment for the animals that they're raising, because the government would support that kind of ecological, healthier system.

I think, in the short term, the farmers who are struggling now to get rid of sow stalls because of the economics and the financial costs to refurbish their barns—the government has a role there, absolutely; of course, the marketplace does too. It might be costly, but really, to date—

The Acting Chair (Mr. Mike Harris): You have one minute left.

Ms. Lynn Kavanagh:—cheap meat has come at a cost to the animals. It's because animal welfare is—

Mr. Chris Glover: Let me just ask one more question. There's a lot of activism around farms, but to what degree are you actually working on the consumers? One businessman said to me, "Tell us what the rules are, and we'll

figure out a way to make money"—and farmers need to make money. To what degree are you working with consumers to change their consuming habits to support the kind of farming that you would like to see?

Ms. Lynn Kavanagh: Absolutely. Our organization does that too. We engage at all different levels. It's not just trying to push farmers to do better—but talking to grocery retailers to get them to have higher standards in their supply chain, and that will encourage farmers to make those changes. In some cases, they might get more money, but in some cases not. It's the way the system works.

We also educate consumers around, "Eat less meat, but if you do buy meat, buy the higher-welfare stuff." It costs more, but there's a reason it costs more. Animal welfare has been externalized.

The Acting Chair (Mr. Mike Harris): Thank you very much. The time has expired for questions.

We'll now move over to the government for the next round—eight minutes allotted to the government. Who would like to start? Going once, going twice—okay.

Moving back over to the official opposition, please: Who would like to start? MPP Vanthof.

Mr. John Vanthof: Thank you for taking the time to come.

To Robert and Jenny: I've been a farmer my whole life, and I am completely opposed to a lot of the things that you said, but I really appreciate you coming here. We need to find a balance.

One thing that really intrigued me, Robert, is that you like this bill because it gives you a platform. If I could do one thing on the agriculture side, I would want to take your platform away, right? But by making it more transparent, as opposed to the ag gag part of this bill—there is the trespassing part and the ag gag part. I think the ag gag part gives you a bigger platform. I really believe that. Would you agree with me?

Mr. Robert McNeil: I would agree that this law is so badly written that it is definitely going to raise awareness on animal agriculture. I suspect it was conceived with an attempt to hide bad actors or just to deny the public access to what's there. I think that lack of transparency is not what the farmers ultimately want. They're getting something that they weren't expecting.

I note that the Dairy Farmers of Ontario, I don't believe, joined the support for certain aspects of the bill. I suspect that's because they believe they have less to hide.

More transparency is definitely a good thing. There's no denying that I would like to see the end of animal agriculture. But more transparency—if there's nothing to hide, why are they trying so hard to hide it?

I would love to talk more about this to you. If you wanted to come on the show, we'd have a good old discussion. You can set the rules [*inaudible*]

Mr. John Vanthof: To Ms. McQueen: I was a dairy farmer. I think farmers in general do feel violated when you come into their space, which they believe is their barn. That is an issue. But one thing that you brought up—and I think that this bill, like it or lump it, does not address at all—is that, at the end of the day, and I'm presuming that

people that have your beliefs aren't going to stop what they're doing, you're still going to be put in a court system that's full of other issues. Likely, these cases could very well still be ignored, and actually, in the end, could make farmers and yourself more frustrated. Because, correct me if I'm wrong, you wanted this case to go to court.

Ms. Jenny McQueen: Yes. I'm also facing criminal charges for an investigation in Quebec, in Canada.

I'd like to speak, actually, against something that Lynn said from World Animal Protection. We went inside Quebec, into Porgreg. They are an upstanding family, they are on all the organizations for that industry, and yet we go inside there and the place is broken. That's the only way I can describe it. So if someone like myself doesn't go inside, then how is this industry going to be put on the stand? It's a really valid question.

Mr. John Vanthof: Basically, on the trespass side of this bill, there are two changes, right? The fines are increased. and there is a provision where, if someone like yourself breaks into a barn, you could be charged, with costs incurred. Those are really the only two changes in the bill. There is no more protection, per se, for farmers. There's no increased funding for—one of the things that farmers were frustrated with is that they call and no one shows up. Well, that's not going to change. Their answer [*inaudible*] is a citizen's arrest. Are you concerned about that part of the bill?

Ms. Jenny McQueen: I'm concerned that no one shows up for the animals. When I reported to the OSPCA as it was, and to the fire and the Electrical Safety Authority—I don't get any feedback whatsoever that my concerns have been addressed.

I really do not believe that there's any humane way to have pigs or chickens in today's society. Walk inside any of these sheds. You'd be horrified. Your fences are overwhelmed. The animals are just miserable inside. There's no humane way to provide meat to the population who want it in a cheap form. Look up documentaries such as 73 Cows or The Last Pig, and you'll see that animal farmers absolutely want to transition away from their industry too.

Mr. John Vanthof: No further questions from me. How much time do we have left, Chair?

The Acting Chair (Mr. Mike Harris): You have about a minute and a half left.

Mr. John Vanthof: Would you like some time, Chris, or are you done?

The Acting Chair (Mr. Mike Harris): All right. Well, thank you very much for your participation. You may all leave the meeting now.

HUMANE SOCIETY
INTERNATIONAL/CANADA

MR. BRIAN BROPHEY

MERCY FOR ANIMALS CANADA

The Acting Chair (Mr. Mike Harris): I believe we've got everybody here for our 4 o'clock deputations, so we'll

just get started if everybody is ready to go, starting with Humane Society International. You've got seven minutes. Please state your name for the record and then you may go ahead.

Just put your hand up, whoever would like to speak first and we'll make sure your mike is unmuted.

1600

Ms. Riana Topan: Thank you and good afternoon. I'm Riana Topan, campaign manager for farmed animal welfare with Humane Society International/Canada, which together with its affiliates, is one of the largest animal protection organizations in the world. We represent tens of thousands of supporters in Ontario and hundreds of thousands of supporters nationwide.

HSI/Canada strongly opposes Bill 156 for three key reasons: It would reduce transparency regarding animal cruelty, it likely violates the Canadian Charter of Rights and Freedoms, and it poses risks to public health. These concerns and others are detailed in our written submission, and I will summarize our key points here.

First, this bill would make it virtually impossible to expose animal cruelty. Across Canada, whistle-blowers have exposed egregious cruelty to farmed animals. Within Ontario, they have documented baby chicks being ground up alive; chickens freezing to death during transport; turkeys being kicked, thrown, crushed and violently beaten; and other horrendous acts of animal cruelty. Some of these exposés have resulted in criminal charges. All have been a critical source of information for the public about animal mistreatment in the food system.

In the words of Dr. Maureen Harper, a vet and former Canadian Food Inspection Agency inspector, who is unable to testify today, "There are no regulations, either federal or provincial, providing required animal welfare standards for Ontario farms. It is imperative that there is both oversight and transparency with respect to the proper humane treatment of all animals."

Second, this bill represents a wholesale assault on our fundamental values. Aspects of Bill 156 would infringe on the rights to freedom of expression and peaceful assembly, violating the charter. By making it an offence to gain access to a farm or slaughterhouse under false pretenses and restricting the public's ability to peacefully gather near trucks transporting animals, this bill would curtail civil liberties. In a free and democratic society, individuals must be able to expose unethical or illegal activities to empower consumers and encourage open dialogue.

It is also unacceptable for the government to fast-track this bill while the ongoing pandemic demands the full attention of our leaders and citizens.

This bill is largely redundant to Ontario's Trespass to Property Act. It would give special treatment to an already under-regulated industry and set a dangerous precedent for this and other sectors.

Finally, Bill 156 poses severe risks to public health. Whistle-blowers often shed light on food safety issues. They have shown unfit animals being loaded for transport, dead birds being left to rot next to eggs produced for human consumption, and Canadian Food Inspection

Agency inspectors turning a blind eye to blatant contraventions of federal animal welfare and food safety laws.

Similarly, biosecurity issues often arise due to questionable agricultural practices, the very thing that whistle-blowers often expose. This has been revealed by recent studies on the biosecurity practices of Canadian poultry, dairy and rabbit farms.

COVID-19 is a sober reminder of the risk of zoonotic diseases. Factory farms subject hundreds of millions of animals to inhumane and unsanitary conditions every year, creating a perfect storm for the next global pandemic to immerge. Whistle-blowers must be able to expose poor biosecurity practices to protect public health.

Consumers want to know how their food is produced. This bill suggests that farmers have something to hide, and it will undermine consumer confidence in Ontario's food system. Recent events have proven the dire need for transparency in places like slaughterhouses and long-term-care homes, and the value of peaceful protest. It is especially critical now that we do not silence whistle-blowers.

My colleague will now share his experiences with similar bills in the United States.

Thank you for the opportunity to testify, and for voting against Bill 156.

Mr. Chris Holbein: My name is Chris Holbein. I am the public policy director for farm animal protection at the Humane Society of the United States. Thank you all very much for the opportunity to provide testimony. I have analyzed and addressed dozens of measures similar to the bill before you now.

Many of the ag gag measures in the United States shared provisions similar to the false pretenses component of Bill 156. These bills have been rejected repeatedly by lawmakers on both sides of the aisle. In fact, we've helped defeat more than 30 ag gag bills across our country in the last decade. Of the bills that have passed, several have been challenged in court and struck down because of the profound infringements on freedom-of-speech rights.

Much like how Bill 156 prohibits entering an animal protection zone under false pretenses, Iowa's 2012 statute criminalized making a false statement on an application for employment at an agricultural facility. However, a district court struck down this law, holding that it violated the First Amendment right to free speech. In 2017, a separate court struck down a nearly identical Utah law for the same reason.

In addition to the free speech concerns, the false pretenses section is extremely vague. If someone, for example, omits an old job from their resumé, is that false pretenses? If someone arguably exaggerates their role in a previous work project when applying for a job, would that set off penalties under Bill 156? I think that if we're going to make embellishment or an omission on a resumé a crime, we better start building more courtrooms.

Yet another concern with the false pretenses provision is the discriminatory nature of it. Bill 156 targets animal agriculture workers, but remains silent on the issue in other industries across Ontario. If we really believe that misrepresentation on a resumé really should be a crime,

why should only agricultural workers be singled out for punishment?

In addition to the fact that legal challenges are costly to defend, wasting taxpayer money, when laws similar to Bill 156 are struck down in the United States, taxpayers have to pay even more in judgments to cover the plaintiff's legal costs. For example, Idaho is forced to pay \$250,000 to plaintiffs, and Utah paid roughly \$350,000.

Legislation like Bill 156 has been widely unpopular with the public in the United States. Several of our largest newspapers have published editorials against these bills.

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

We'll now turn to our next witness. We have Mr. Brian Brophrey. Please state your name for the record, and you may begin. You'll have seven minutes.

Mr. Brian Brophrey: Thank you to the committee for inviting me today. My name is Brian Brophrey. I'm a private citizen speaking on behalf of myself, my wife, Stephanie, and our dog, Willow.

The bottom line: Parts of Bill 156 are legally indefensible and none of it is necessary. It should not be passed—not as is and not even with amendments. This bill should not be taking up important legislative time and attention when we need to figure out how to recover from a global lockdown and economic disruption.

The animal agriculture industry has said that current laws against trespass are not sufficient, that the problem is growing, but they have not offered any statistics or proof of that assertion—just identically scripted claims and references to a tiny number of specific incidents.

My wife and I have attended the vigils organized by Anita Krajnc's Save Movement; you heard from her this morning. I can tell you that the slaughterhouse truck drivers behaved recklessly and threateningly near these legal protests. I don't see the government proposing new laws to prevent this conduct. They simply would say that there are already laws against dangerous driving. For some reason, the concerns of protesters are ignored while the unsupported claims of animal agriculture operators are taken at face value and justify draconian new legislation.

The hypocrisy of Bill 156 can be summed up by its defined term "animal protection zone." To call a slaughterhouse an animal protection zone is an offence against logic, reality and the English language. The operators of a slaughterhouse want to protect animals for the five minutes it will take before they can cruelly kill and dismember them. Let's be honest: It is not the animals that are meant to be protected, but the profits of the slaughterhouse. I think the acronym APZ actually stands for "animal profiteering zone."

Note also the ridiculous idea that the bill is meant to protect the health and well-being of the animals from the trespassing animal rights activists. No farm animal, not 1% of the total, has ever suffered or died from activist-trespass-induced illness, as far as I'm aware, but 100% of the animals in a slaughterhouse APZ are killed long before their natural lifespans.

1610

Basically, biosecurity and food safety are just pretexts for the bill's punitive attack on animal rights activism. No problem with these issues has ever been traced back to animal rights activists. Even the biosecurity problems mentioned by the minister on the floor of the Legislature, he admits, were caused by agriculture workers themselves. So how long will the animal agriculture industry be allowed to misdirect our attention and concerns?

When I wrote my original submission back in March, I barely mentioned COVID-19, but since then, it has become clearer that this pandemic, and most pandemics throughout history, are zoonotic and can be traced back to the proximity of animals being exploited by humans: the Spanish flu, SARS, MERS, swine flu, AIDS, HIV. This time around, slaughterhouses have become epicentres of infection due to the bad conditions and close quarters that the employees are forced to work in—employees who, of course, are often immigrants or minorities.

The government says that it's okay that Bill 156 clamps down on whistle-blowers and undercover investigations of animal agriculture, but we have been reminded recently of the importance of whistle-blowers. For instance, long-term-care homes have also become epicentres of COVID-19 infection, and recent articles, such as this from the *Globe and Mail* on June 3, point out that "whistle-blower protection could have averted the deplorable conditions in long-term care."

In short, in June 2020, when it is so clear how important whistle-blowers are to publicizing and preventing police brutality and all manner of social ills, now is not the time for the Legislature of Ontario to put itself in the position of passing a law that chills whistle-blowing and exaggerates, demonizes and restricts legitimate, peaceful protest.

Thank you for your attention.

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

We'll now turn to our final witness. We have Colombe Nadeau-O'Shea. You have seven minutes. You may begin. Please state your name for the record as well. Thank you.

Ms. Colombe Nadeau-O'Shea: Hello, and good afternoon, everyone. My name is Colombe Nadeau-O'Shea. I'm delighted to be speaking to you today in strong opposition to Bill 156.

Mercy for Animals Canada, which is the organization I represent, is a Canadian not-for-profit corporation working to create a more compassionate food system. A large part of our work involves exposing some of the worst forms of cruelty on industrial farms by conducting undercover exposés.

Currently, the Canadian government minimally regulates the treatment of animals on industrial farms. In the absence of government oversight, exposés serve as the only way to expose harmful industry practices, many of which not only hurt animals, but involve unsanitary conditions that could impact public health.

To date, Mercy for Animals has conducted 12 exposés in Canada. Two of these exposés have led to criminal

charges, while others have prompted corporations to make changes essential to animal welfare, worker safety and public health. Most of my testimony today will shed light on some of our most impactful exposés, as well as the legal and corporate policy changes they have prompted.

Prior to addressing this, I would like to highlight that our goal is not to target farmers, but to protect animals, workers and public health. In fact, Mercy for Animals has made many unlikely allies in the meat industry and has partnered with many farmers to find viable income streams outside of animal agriculture. In the US, for instance, we are in a pilot year of our Transformation program, which aims to get contract poultry farmers out of debt and into growing plant-based foods.

I will now go into detail about our Canadian exposés, highlighting what they have revealed about welfare conditions of farmed animals, worker safety and public health, in that order. As a warning to those listening, many of these exposés display egregious abuse, and the content of my testimony may be upsetting to some.

Addressing animal welfare: A Mercy for Animals exposé of Chilliwack Cattle Sales documented workers kicking, punching and beating cows in the face and body, using chains and tractors to lift sick or injured animals by their necks, poking and squeezing wounds, ripping out cows' hair and punching bulls in their testicles. This exposé led to a raid by law enforcement and recommendations of criminal charges against eight workers on 20 counts of animal cruelty. Six individuals, as well as the company, were convicted on 10 counts of animal cruelty.

Another exposé, of Western Hog Exchange, showed that Canadian Food Inspection Agency, CFIA, representatives were complicit in abuse, handing prods to truckers to shock pigs. It also showed workers shocking downed animals with prods and beating them to get them to walk, and animals kept in overcrowded pens and suffering heat-stroke, heart attacks, broken necks and broken legs with no veterinary care. The exposé resulted in an internal review of the CFIA to determine whether federal rules had been broken and whether suitable inspections had been conducted.

Worker safety: Meat-packing is notoriously hazardous. Often, precautions that ensure occupational health in meat-packing plants reduce profitability on the part of the employer. In recent years, the Canadian meat-packing industry has seen an intensified labour process marked by increased mechanization and production pace and a documented rise in workplace injuries. Whistle-blowers also play an important role in protecting workers' rights and ensuring that their places of employment are safe.

Public health: Mercy for Animals's Puratone exposé documented thousands of pigs in gestation crates unable to turn around or stand up. It also showed pigs suffering from large, open wounds and pressure sores from being confined in these crates and pregnant pigs with bleeding, distended prolapses. Additionally, undercover video taken at egg farms supplying McDonald's Canada revealed hens crammed inside wire battery cages and dead hens left to rot in cages with live birds. Whistle-blowers at Délimax

veal documented calves crammed into crates barely larger than their own bodies, as well as sick and injured animals left to suffer in their own filth with no veterinary care. This revealed egregious instances of abuse, and indeed, the Délimax veal exposé led to criminal charges for animal abuse.

I would also like to highlight the consumer health risks inherent in the industry practices I've just highlighted. Studies have shown that animals raised in confinement suffer increased stress and disease. Likewise, the European Food Safety Authority has found that salmonella is more prevalent in caged egg production than in cage-free, and pigs confined in crates have constant contact with excrement, increasing their risk of infection and disease.

Consumers also deserve to know the conditions that the animals they consume are raised in. It is clear that once they know, they demand change. As a result of the exposés outlined above, Canadian retailers agreed to phase out cruel gestation crates from their pork supply chains. McDonald's announced a commitment to phasing out battery cages from its Canadian and US egg supply chains. And the Quebec veal producers' federation and Canada's top grocery chains committed to ending the sale of veal from crated calves by 2018.

In conclusion, as stated previously, a lack of adequate government oversight ensures that undercover exposés are paramount to enacting much-needed change within the industry. Criminalizing the actions of whistle-blowers who expose animal abuse would shield industrial farmers from accountability and protect abusers. Instead, Ontario should codify measures that require routine inspections of industrial farms and that regulate acceptable animal welfare conditions. Mercy for Animals Canada urges the Legislative Assembly of Ontario to vote no on—

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

Ms. Colombe Nadeau-O'Shea: —Bill 156 and instead put legislative measures in place to ensure animal welfare.

Thank you. That's all I have today.

The Chair (Ms. Goldie Ghamari): Thank you very much. We'll now turn to the government side for this round of questions. Would anyone like to raise their hand?

MPP Pettapiece, you have the floor.

Mr. Randy Pettapiece: I'd like to direct my first question to the last speaker, Ms. O'Shea. Is that—or do you say the two together? Nadeau-O'Shea?

Ms. Colombe Nadeau-O'Shea: Nadeau-O'Shea is preferable, but I will answer to O'Shea.

Mr. Randy Pettapiece: Nadeau-O'Shea?

Ms. Colombe Nadeau-O'Shea: Yes.

Mr. Randy Pettapiece: Okay. What's your definition of an industrial farm?

Ms. Colombe Nadeau-O'Shea: Industrial farming is any large-scale farming operation.

Mr. Randy Pettapiece: How large is "large"?

Ms. Colombe Nadeau-O'Shea: I don't have a specific answer in terms of what we would consider a small versus a large farm.

Mr. Randy Pettapiece: So it could be anywhere from 100 animals to 1,000 animals?

Ms. Colombe Nadeau-O'Shea: Yes. I mean, I don't have a personal definition of what's considered an industrial farm versus a non—

Mr. Randy Pettapiece: You cited some examples of stock prods being used on animals in your presentation. When was that?

Ms. Colombe Nadeau-O'Shea: I am a member of our development department, and as such, I don't have every single detail on our past investigations. I believe the one that mentions the prods—I can go and double-check for you. But did you have a question specific to the use of prods?

1620

Mr. Randy Pettapiece: Well, I know that they haven't been allowed to be used in Ontario for years.

Ms. Colombe Nadeau-O'Shea: It's possible that this was an older investigation.

Mr. Randy Pettapiece: I'm sure it was. It happened years ago.

I just wonder about farmers, because they want to—at least in my experience, and I grew up on a farm, like Mr. Vanthof of the official opposition did—take care of our animals and use best practices for our animals when we are taking care of them.

Years ago, I'm talking 20 years ago, it got to be known that the use of these types of things, stock prods in particular, was cruel. And so their use was discontinued in loading and unloading pigs and the animals and those type of things. So I just wonder if that's a valid thing to be bringing up all the time. We've heard this all day about this incident that happened with the stock prods, and I think farmers by and large have changed their practices and don't use those practices any more.

Ms. Colombe Nadeau-O'Shea: Yes, and that's really fantastic. This was actually our Western Hog Exchange exposé, and it was CFIA representatives handing the prods to truck drivers. It's fantastic that this is no longer allowed, and unfortunately this is—we're talking about one specific instance of cruelty, and that extends up till today in various other ways. So while prods may no longer be legal, a lot of these other practices are, which is a problem.

Mr. Randy Pettapiece: What other practices are those?

Ms. Colombe Nadeau-O'Shea: Well, you know, as I have mentioned—

Mr. Randy Pettapiece: You don't know?

Ms. Colombe Nadeau-O'Shea: No, I do know. In every exposé that we've done, serious neglect and abuse has been uncovered. So unfortunately, these aren't necessarily one-off instances.

Mr. Randy Pettapiece: I see. But these are all old stories, like the one with the stock prod?

Ms. Colombe Nadeau-O'Shea: They are all what, sorry?

Mr. Randy Pettapiece: Old stories, like the one with the stock prod.

Ms. Colombe Nadeau-O'Shea: Bold stories?

Mr. Randy Pettapiece: Old.

Ms. Colombe Nadeau-O'Shea: Old stories.

Mr. Randy Pettapiece: Yes.

Ms. Colombe Nadeau-O'Shea: That was a 2014 exposé. Every exposé that we've released since then has uncovered abuse, cruelty and the like. So this is not an incident that only happened once six years ago. Unfortunately, these are systemic issues that continue to happen.

Mr. Randy Pettapiece: Okay.

Ms. Colombe Nadeau-O'Shea: And I will also add, if that's okay, that it's exposés like this that have actually led to things like prods being banned. That just further highlights the importance of these exposés.

Mr. Randy Pettapiece: I think over the number of years—and I've been around a fair amount of time with the animal industry—practices change, as technology changes and all those types of things. So I would suggest that, like you say—we've heard these stories all day. They're the same stories. You should have all got together, and maybe you'd need to only say it once. But these technologies have changed, animal behaviour has changed, all those types of things. I certainly would like to show you the industry we have out here, where farms are clean, they don't smell, animals are content and all this type of thing, because of the farmers' ability—and want to treat their animals fairly and in a humane way. Those are my comments.

Ms. Colombe Nadeau-O'Shea: I just want to reiterate that a lot of these practices have changed over the years because of exposés like the ones that we've been mentioning all day, and there's a reason why we're all mentioning the importance of these exposés. Thank you very much.

The Chair (Ms. Goldie Ghamari): Thank you. I saw MPP Barrett—your hand was raised. You have the floor.

Mr. Toby Barrett: Yes, thank you, Chair and the other people at the witness table. Maybe if I could go to the first two presenters, the Humane Society International, Riana, and Chris with the Humane Society of the United States. I found that interesting, but I don't think we've heard much on this with the committee as to what has been done in various states in the United States. I think Chris mentioned Utah. I think, perhaps, in North Carolina, there was possibly a court challenge that overthrew this. Just for the information of the committee, what other states have similar legislation that has been overthrown by the court system?

I guess that would be directed to Chris.

Mr. Chris Holbein: Thank you very much. Yes, we have seen laws struck down in Iowa, Idaho, Utah, and there are currently cases pending in Arkansas and North Carolina.

The Chair (Ms. Goldie Ghamari): There's one minute left.

Mr. Chris Holbein: Just one other quick point I want to make: You asked about the scope of this in the United States. It has been defeated in red states, as we call them here, and blue states, and it's been opposed by a large variety of non-profits, including the ACLU, but also the conservative think tank R Street, Amnesty International,

the Association of Prosecuting Attorneys and the Center for Food Safety. So it's garnered tremendous opposition.

One of the reasons that so many in the agriculture community have spoken out against ag gag bills—and we've gotten dozens and dozens of farmers—is because it sends the message, especially the false pretenses clause, that these farms have something to hide, and it casts a potential negative light. Our former undersecretary of agriculture said that the industry needs to stop defending the bad actors that are in their business and needs to stop clamoring for ag gag laws that seem to—

The Chair (Ms. Goldie Ghamari): Thank you very much. That's the time for this round.

We'll now turn to the official opposition. MPP Vanthof, you have the floor.

Mr. John Vanthof: Thank you for coming here to present today.

I would like to go back to Chris and talk about—if you could expand a bit further on, was there a difference in farm perception when the ag gag laws were first introduced? Did it evolve? Because here, quite frankly, farm organizations seem pretty solidly onside. I wonder, in your experience in the States, was that also the case, and then they slowly came the other way? Or did they come the other way?

Mr. Chris Holbein: Great question, thank you. The opposition to these ag gag laws came from many individual family farmers who highly value animal welfare. HSUS is proud to—we have a wide variety of stakeholders, from vegans to cattle and pork farmers, and dozens of those folks have spoken out.

In terms of the large groups that represent more of what you might call factory farms, those groups did this all very quietly. We knew they were lobbying for these measures—behind-the-scenes discussions with lawmakers—but they wouldn't really defend it very publicly. We suspect that's because public opinion, when they learned what the true intent of these bills was, was so firmly against it. A lot of people—Dr. Temple Grandin, perhaps the world's most well-known meat industry consultant, said that ag gag bills were “the stupidest thing that ag ever did.” She said that because she believes that the way to build trust of the agricultural system is to be transparent, not to find ways that are meant to cover up undercover investigations.

Mr. John Vanthof: Thanks for that. I'd just like to continue. Was there any—the customer is always king. The grocery chains: Did they pay any attention to this in the States?

Mr. Chris Holbein: To ag gag in particular?

Mr. John Vanthof: Yes.

Mr. Chris Holbein: Yes. The corporations were hesitant to speak out either way for fear of maybe upsetting their suppliers. But we definitely heard, in private conversations, some members of retailers and grocers that were saying that they had a lot of concerns about ag gag and what it was doing to the reputation of the food industry in general.

1630

Also, it's worth noting, as was discussed by Colombe, that investigations have been a big part of the reform of the American egg and dairy industry, and for the positive. We still have a long ways to go, but by far—we don't have it all figured out; we've got a lot of issues here. But more than 200 companies in the United States have pledged to convert to exclusively cage-free—and similar numbers in terms of reverting away from gestation crates for sows. Certainly, we animal groups advocated for it, but they wouldn't give us the time of day if they didn't know their customers weren't firmly behind it.

So it's critical that investigations be allowed to occur so that the public can make an informed decision about what kind of products they want.

Mr. John Vanthof: I'd like to switch to Colombe, please. I'm a farmer; I'm pretty married to animal agriculture. But one of the responses we get is, "Well, we don't need a whistle-blower, really, because we have the PAWS Act now. So that is all going to be solved by one call to PAWS." I would like your comments—especially now, I think that people, certainly in Canada and Ontario, have lost quite a bit of trust in the government's ability to react to serious situations, as we've seen in slaughterhouses and in long-term care.

Ms. Colombe Nadeau-O'Shea: Absolutely. Thank you for the question.

Firstly, I would like to clarify that prods are still legal and able to be used.

Mr. John Vanthof: Yes, I know that.

Ms. Colombe Nadeau-O'Shea: I just want to make that clarification.

In relation to your question about the PAWS Act: The PAWS Act, while laudable and a good start, is far too vague and still requires mandated regulations before we can determine its true efficacy, so more robust laws and regulations on animal welfare are needed to ensure the welfare of farmed animals specifically. If the government were properly regulating farm animal welfare, there wouldn't be a need for exposés by organizations such as ours.

Mr. John Vanthof: Thank you for that. When the prod discussion was going on, I wasn't 100% sure, but I stopped milking seven years ago. The last time, when I was still milking and I walked into the co-op, there were prods for sale. We didn't use them in our place.

We've heard a lot of great presentations today, on both sides, and a few in the middle, but mostly people are picking sides. And I've said this before: There are two bills, or there are two thought processes wrapped up in this bill. The one thought process is that farmers need stronger protection from trespassing, and obviously, in the old trespassing bill, maybe the fines weren't strong enough. But then the bill veers into the whistle-blower part.

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

Mr. John Vanthof: Going to Chris: If the whistle-blower part was taken out, could this bill go ahead successfully without a challenge, in your opinion, based on your American knowledge?

Mr. Chris Holbein: I would like to state that I am not an expert on Canadian trespass law, and I have not analyzed it sufficiently to know the trespassing side of the issue. But I would say that the false pretenses sections are a profound concern for free speech rights and whistle-blower rights because of the free speech component. Also, why is it just targeting one sector, as opposed to the entire sector? In the United States, it has been repeatedly struck down by courts. I obviously don't have the expertise on Canadian courts—

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

We'll now turn to the independent Green Party member. MPP Schreiner, you have six and a half minutes

Mr. Mike Schreiner: I want to thank all the presenters for coming in today. Your viewpoints are valuable as we consider this bill.

I think I'm going to pick up where Chris left off, just to learn a little bit what has happened in the US. When you've talked about certain farmers and farm organizations—once they've had to deal with the negative public perception of agriculture because of these ag gag laws and they've come to you, did they discuss what the negative implications were? Did it reduce sales? Did it lead to more headaches and aggravation than they had before? What was it that prompted them to say, "Hey, we were asking for this, but we don't want it anymore now."

Mr. Chris Holbein: Great question. It's very hard, with something like this, a stimulus, to directly line it up with a downstream effect, like on sales for any particular producer. But these farmers have told us that after an ag gag bill is pushed in their state, they just feel, from talking to the community, more distrust of animal agriculture because it sends the message that industry has something to hide. If you are aimed at punishing people who conduct exposés on factory farms, that is a major red flag to consumers.

It's very hard to give really discrete examples of times that they felt the downwind impacts of these, but they did sense a greater public distrust of their industry, which was very distressing to them because so many of them are trying to do the right thing for animals and aren't afraid of an exposé of their farm because they're working hard to do the right thing. That's why so many of these farmers have really spoken out against ag gag bills.

Mr. Mike Schreiner: One of the things we hear from farmers here in Ontario—I hear it in meetings with them; we've heard it today a bit—is that some farm families feel they're being harassed. Sometimes they feel their private property rights are being violated. Sometimes they feel upset that their kids see people trespassing on the farm property and they feel afraid. Have there been things that the US has done to address those kinds of concerns while at the same time protecting people's, in our case, charter rights—I guess in your case, bill of rights?

Mr. Chris Holbein: Sure. In the United States, we haven't seen many of those trespassing bills because they're redundant. Like Canada does, we have anti-trespassing laws already. If someone did perform an action

like that, there would be methods to prosecute. We could debate separately the merits of whether somebody should be prosecuted, but regardless—and again, I’m not an expert on Canadian law, but experts like Colombe and Riana and others have argued convincingly that the existing Canadian law already covers trespass.

When you get beyond that and beyond just making even harsher penalties, you get to the false pretenses section. Whether it’s the intention of that section or just the effect of that section, the end result is a silencing of whistle-blowers.

Mr. Mike Schreiner: I’m probably close to running out of time—

The Chair (Ms. Goldie Ghamari): You have just over two minutes.

Mr. Mike Schreiner: Oh, good. I’m going to direct this question to Colombe or Brian—either one of you, or both. Maybe I’ll start with Brian, since you haven’t had an opportunity to answer a question. What would you say to those farm families who have some pretty emotional feelings of harassment at times, private property violations etc. and who are looking for ways to protect the safety on their farm? Do you have any thoughts about how you would respond to those concerns, given your role as an animal activist?

1640

Mr. Brian Brophy: Thanks for the question.

I am an animal rights activist. I would also say that my mother was born on a farm in northern Saskatchewan, which I visited frequently as a kid. So I’m not an expert on agriculture or anything, but I have lots of cousins still out in Saskatchewan in agriculture. They used to have animals as well; now they happen to all be in crops instead.

But as someone else said before me, far be it from me to hint at or think at all that farmers are bad people or deserve to be harassed. That is not the issue here. We want to express our opinions in a legal way. Certainly, if activists do trespass, they can expect that the people they are trespassing against are going to phone the police and so on. If the police are not responding appropriately, that’s not the fault of vegans or animal rights activists, and I suppose you should have a discussion about the police budget or police priorities. We certainly don’t mean to terrorize, harass, or scare farmers or their children, and that’s certainly a regrettable side effect if it occurs.

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

We’ll now turn to the government side. MPP Barrett, you may begin.

Mr. Toby Barrett: Thank you, Chair. I’d like to just finish the questions with Chris with the Humane Society of the United States. I just found that interesting. Thank you; you listed some of the states. Some of them are pretty big farm states—I think Iowa and Utah, places like that. So the legislation—was that defeated by lawmakers or was that defeated by the court system? Would it be the state court level, or was it under federal law, at their version of a Supreme Court?

Mr. Chris Holbein: Iowa was defeated by a district court. It was overturned by a district court, which is part of our federal court system. That is also the case for Utah and Idaho. There are a lot of other conservative states, and big agricultural states have rejected these in the Legislatures. We’ve seen them rejected by Kentucky, Mississippi, New Mexico and Tennessee, and some of these repeatedly. These lawmakers, both conservative and progressive, as we call them here, saw this as—all of these Legislatures are pro-agriculture, virtually. But they saw this as a bad mechanism to try to help farmers because ultimately it does the opposite—it increases public distrust in animal agriculture.

If the public feels, in a conservative state or a progressive state, that the truth is being hidden from them and that the government is giving unfair protections—“protections” isn’t the right word—or helping to cover up concerns to a specific industry, that’s why we’ve seen voters and lawmakers, as well as courts, reject them.

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

Mr. Toby Barrett: I have a lot of respect for US farmers and US agri-business. I have a farm. We run the same equipment and livestock, and product moves back and forth across the border. They have a very sophisticated system down there. In many ways, they feed much of the world—good, clean, healthy, safe operations and high-quality food, in my opinion. So we are integrated. Our laws are different. They have trespass laws; we have trespass laws. That goes back, probably, several centuries.

One difference we have here in the province of Ontario, fairly recent legislation—the PAWS legislation, the Provincial Animal Welfare Services Act, which is a very transparent system where the province of Ontario has basically taken over the responsibility completely for the protection of animals. And you use the word “progressive”; I think it is quite progressive legislation. So there are some differences there, and I find in talking about this proposed bill, it’s always important to talk in the context of that PAWS legislation and the intent behind that.

I don’t think the farm practices are that different, but are the laws that different at the state level or the federal level? We don’t have the Fifth Amendment and things like that in Canada, but I guess we have the equivalency. I’m trying to learn from the American experience, or your American experience.

Mr. Chris Holbein: Sure. Unfortunately, again, regarding how it compares to Canadian law—not my area of expertise. I defer to Riana or Colombe or Brian.

In the United States, at the federal level, there are very weak protections thanks to—we have an extremely well-heeled agricultural system that has ensured virtually no meaningful protections on the federal level for farm animals, at least when they’re on the farm. There is the Humane Methods of Slaughter Act, but it only covers a tiny portion of animals used for foods.

Where we’re really seeing robust interest in reforms is at the state level, especially around extreme confinement: battery cages for hens, crating for breeding sows and other

pigs. We're seeing states, including ones that are traditionally considered to be more agriculturally friendly, or sometimes more conservative—states like Arizona, Colorado and Florida—pass laws to crack down on those things. They're making those decisions in part because exposés have revealed to the public what those conditions look like in reality and how disturbing they truly are. Also, enough farmers have testified that they're needless, that animals can be raised in better conditions profitably. So exposés have really provided an important source to help move animal agriculture forward in those states.

I think those states that are doing it—at this moment, I'm waiting for my boss to give me an update. We are working with Colorado Egg Producers to pass a law to require cage-free conditions in the state. They are excited to work with us because they know that the public wants these reforms. The public wants these reforms in part because of the courageous people who have risked their own safety to—

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

Mr. Chris Holbein: We're very proud to work with these folks, including some who are considered industrial animal agriculture. Do we agree on everything? No. But we agree on a lot, and we all agree that consumers want kinder treatment for animals.

I see Riana has something to add.

Ms. Riana Topan: Thank you, Chris. I just wanted to quickly add one clarification as well, which is that most provinces in Canada—their animal welfare legislation overlooks farm animals entirely. Unfortunately, Ontario is no exception to that. So even though we've talked about some of the benefits of the PAWS Act, it includes an exemption for generally accepted animal practices on agricultural properties or in the agricultural system. So it's not actually a resource we can look to here to protect farm animals.

The Chair (Ms. Goldie Ghamari): If there are no further questions, that would conclude this round of questions. Thank you.

We now turn it to the official opposition. Who would like to begin? All right. MPP Glover, you have eight minutes.

1650

Mr. Chris Glover: The picture keeps getting deeper and deeper here with all the presentations, so thank you all for being here.

Let's see. I'll start with Chris. You were talking about how the Humane Society is now working with egg farmers in Colorado to develop legislation. Can you expand on that?

Mr. Chris Holbein: Sure. We—and this isn't the first time—have already worked hand in hand with egg producers in Washington state, Oregon, Michigan and Colorado. It has already passed one chamber of the Colorado Legislature and is in front of the Senate right now.

Basically, we come to them and say, "Cage-free is better for animals." And they say, "Hey, this is where our customers are driving us." Individual consumers, but also companies like Walmart and Target, who are responding

to their customers, are saying, "We want cage-free." So the egg producers are saying, "Yes, our research also indicates animal welfare benefits." There are food safety benefits to that as well—lower rates of salmonella.

We all give—HSUS and Mercy for Animals know cage-free doesn't provide a utopia for hens, and we would like a faster timeline than what these bills are done; egg producers might want a couple of years longer. But we come together and we have found common ground to give a variety of improved conditions for the hens, and we set a time frame. They accord with our national egg producers', which is called the United Egg Producers, cage-free guidelines. They really appreciate the business certainty that it provides, that they know that they're going to have a specific set of standards by a specific date that they need to accord to, and we appreciate the improving trends.

Mr. Chris Glover: Great, okay. I'll ask—there are three Canadian deputants here too—what's being done? As MPP Vanthof was saying, the customer is king, and for the most part, the farmers that I've spoken with just want to stay farming. They're trying to figure out ways to do that and to survive in an incredibly competitive, cutthroat industry—not cutthroat against each other, but being squeezed between corporations on all sides.

Are you working with Canadian farmers—or with Canadian consumers and farmers—to change the landscape so that legislation to protect animals is not going to be punitive to farmers?

Mr. Chris Holbein: Thank you for the question. Is this for Colombe or Riana?

Mr. Chris Glover: Riana, why don't we start? She put up her hand.

Ms. Riana Topan: Sure, thank you for the question. Absolutely. We engage with every stakeholder in this process to help drive forward the humane treatment of farmed animals. That includes consumers; that includes companies, whether it's restaurant companies, retailers; and that includes people within the industry as well, so industry groups that represent the different sectors of the animal agriculture industry or individual farmers, wherever that opportunity arises.

I think there's a lot of opportunity here, as you mentioned, for us to make sure that things are a lot better. There's so much room for improvement. As a millennial, I can speak to the fact that my generation—we're the largest consumer group globally, and what we are looking for when we make purchasing decisions is our values reflected in those decisions. We want to make sure that we know how things are produced and we understand where our food is coming from, what labour practices are involved, how the animals are treated, how safe everything is. Being able to see all of that and know that it is well-regulated and that there is good oversight is incredibly important. That's why this bill, in particular, would be so damaging for consumer confidence in the system.

Mr. Chris Glover: Okay. Brian, do you want to—

Mr. Brian Brophy: I'll just jump in briefly. I know most of your agriculture-sector deputants have spoken in favour of Bill 156. But if you google it, I think as recently

as 2013 or 2014, the Ontario Federation of Agriculture—I think it may have been in reaction to the American developments—came out and said, “We don’t want ag gag laws because they destroy public confidence and they make us look bad.” I don’t know what’s happened since then that they’ve changed their minds, but it does speak to the issue that has been brought up about consumer confidence.

Mr. Chris Glover: Okay. And Colombe?

Ms. Colombe Nadeau-O’Shea: Yes, thank you. I think Riana said it really well.

Just a few things: At Mercy for Animals, our vision is to create a compassionate food system. That includes, of course, the animals that live in our food system, the workers who work for our food system, the farmers, the consumers, so we take a really holistic approach. To give you an example, for the last two years at Mercy for Animals, I worked on corporate welfare policies with organizations as large as RBI across the country on adopting animal welfare policies. So we really do try to work across the aisle, throughout the entire industry, with all stakeholders.

I mentioned in my opening testimony that in the United States right now, we’ve just launched our pilot program for the Transformation Project in which we work directly with contract poultry growers. We understand this is a very holistic issue, and we really do try to reach across the aisle and work with those who we might consider unlikely allies to help move the system forward in a positive way.

Mr. Chris Glover: Okay. And are there other lessons? In the States, this seems to have had a negative impact on farmers when this was introduced. Are there any other lessons that we should be drawing from the States when we’re considering this legislation here? Chris?

Mr. Chris Holbein: Yes. I think the main ones are that consumers want transparency, not what they perceive as cover-ups. There are a variety of different ways we’ve seen that some in agriculture have tried to suppress whistle-blowers, some of which are quite clever.

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

Mr. Chris Holbein: We would group in the false pretenses clause with those types of vehicles for trying to suppress undercover investigations. But I think once American voters are explained why these measures are so damaging, they oppose them. I think we have seen a significant decline in bills like the false pretense types of bills over the past few years, and I believe it’s because animal agriculture is really tired of taking a pummeling in public opinion. I’m grateful to you all for having me as an American come on here, and it’s of course up to Canada to decide its own laws, but I humbly suggest that especially the false pretenses clause is not a good one in terms—

The Chair (Ms. Goldie Ghamari): Thank you very much. That concludes this round. I would like to thank all the presenters for coming here today and speaking to the committee. It’s been a very insightful and informative discussion. At this point, you are released and you may step down.

MS. ALEXANDRA PESTER

DR. MARINA VON KEYSERLINGK
MEAT AND POULTRY ONTARIO

The Chair (Ms. Goldie Ghamari): I’d like to now call upon the next group of witnesses. My understanding is that they are all present. At this point, I would like to ask Alexandra Pester to please begin.

Please start by stating your name for the record, and then you’ll have seven minutes for your presentation. Thank you.

Ms. Alexandra Pester: Thank you. Good afternoon. My name is Alexandra Pester. I’m a criminal defence lawyer here in Toronto. I was a law student at the time of Anita Krajnc’s trial where she was charged with mischief and ultimately acquitted. I worked on that case with Mr. Silver and Mr. Grill. I also have extensive experience with animal advocacy.

I share the concerns highlighted by a lot of the witnesses who have already testified today. Specifically, I want to adopt Ms. Labchuk’s concerns and Professor Lazare’s concerns. Professor Lazare has outlined beautifully the charter issues and the analysis that I expect to take place when this legislation is ultimately challenged, but there are some additional issues that I’d like to talk about.

There were a couple of things that came up during the discussion earlier. Someone was asking—I think it was MPP Glover—about criminal harassment in the Criminal Code. This is an offence in the Criminal Code if it rises to the level that’s captured by the section—section 264, if anyone is interested in reading it—but it is a law that exists to protect people from criminal harassment.

I’ll also point out that there was some discussion about PAWS and the duty to report. I just want to clarify that PAWS actually doesn’t put a general duty to report on anyone. It applies to veterinarians and not others.

1700

There are three main issues I want to talk about in addition to that. First, vagueness: One of the examples of vague language used in this bill is the word “interact,” under sections 5(2) and 4(4). The former prohibits interference or interaction with an animal being transported without the prior consent of the driver; and the latter prohibits interference or interaction with a farm animal, in or on one of the listed areas in the legislation, without the prior consent. The word is undefined in the legislation. It could capture and will capture broad amounts of activity. It will impact on currently lawful activities, including protesters that attend public property outside of slaughterhouses, and potentially otherwise innocent activity. It could capture and will capture speaking to animals through the holes of a transport truck, waving to them, potentially taking photos and videos of them, and it will have huge impacts on protesters’ freedom of expression and assembly, as Professor Lazare noted.

What about a non-protester who’s driving alongside a transport truck, they have passengers in the vehicle and they decide to roll down their windows and wave at the animals or say hello to the animals? That would be

captured in this legislation. What about an employee who is not an undercover investigator but already works there and decides that they need to capture an image of something they think is unacceptable and start taking photographs and videos? Are they going to be captured by this law because they didn't get consent from their employer first? If there is a deficiency in the method of treatment of animals, even if it rises to the level of what's in the Criminal Code, will these people be prohibited from taking photos or videos or coming closer to see what's going on?

Legislation must give citizens notice of what the law prohibits. It cannot be worded in a way where a charge necessarily results in a finding of guilt. The Supreme Court has told us time and again that legislation cannot also be arbitrary. The activities the legislation prohibits can bear no relationship to the purpose that it purports to have. This legislation runs a very real risk of being struck down and not in compliance with those principles.

A lot of the witnesses have talked about the purported biosecurity purposes and protection of farmers and their families and their staff, but there's no evidence that the way that this bill is worded is going to do anything, far and above what is captured already by existing laws, to protect farmers and their employees—as well as for biosecurity issues.

The second issue I want to talk about is the delegation of powers to people who are untrained. The vagueness becomes more troubling when taken together with how the bill delegates power over enforcement to private citizens who aren't trained to use that kind of authority.

First, it does this in providing the power to a transport truck driver to determine when somebody is stopping, hindering, obstructing or otherwise interfering with a motor vehicle transporting farm animals or when someone is interfering or interacting with those animals. It gives truck drivers the authority to stop protest activity that they deem to fall within those vague terms. It requires protesters and anyone else to comply, and it's an offence not to comply. Second, the legislation delegates power when it provides the right to owners and occupiers to arrest individuals where they're of the view that the activity is captured by section 4(4), among other sections of the act.

Back to the truck driver piece: As stated, the potential meaning of "interact" is expansive. Truck drivers may take one position about what the legislation means, and protesters may disagree about what's captured by the legislation. The bill makes it an offence not to comply. But what the law does is that it gives truck drivers the power to decide what expressive activity is permissible and what is not. This creates a serious risk of escalating conflict on the ground.

What about situations where protesters are picketing on a roadside and wave to the driver or ask him to stop, or are conducting a peaceful picket, in compliance with the other laws, and the driver takes the view that it's obstruction? In Anita Krajnc's case, she gave water to pigs in distress. The truck driver was already at a light and got out of the vehicle

and called her a derogatory name, or an offensive name, and asked her to stop.

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

Ms. Alexandra Pester: Are these are the kinds of requests that protesters are required to comply with?

Farmers, similarly, are going to be given the ability to decide what is captured by this legislation in order to effect citizen's arrests. They're already given the ability to effect citizen's arrests under the Trespass to Property Act, but this law is a lot more expansive. It doesn't require reasonable and probable grounds, and because they're private citizens, the charter is unlikely to apply in most cases.

These are things that the police are specifically trained to do, get tons of guidance from the court on, and that they still get wrong. I'm concerned about this also escalating conflict on the ground.

With respect to Mr. Vanthof's comments earlier about the concern over citizen's arrests, this is a real concern. I'm afraid that if farmers are feeling such pressure and stress about their citizen's arrest provision, there could be real problems.

Finally, section 16 of the bill creates a mandatory—

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

We'll now move to our second presenter, Marina von Keyserlingk. Please state your name for the record, and you may begin. You'll have seven minutes.

Dr. Marina von Keyserlingk: My name is Marina von Keyserlingk. I'm a professor of animal welfare at the University of British Columbia. Thank you for allowing me to speak.

I've been asked to just present some of the research that we did that came about because of the implementation of the ag gag laws in some of the US states. I am not a lawyer; I'm an animal welfare scientist, but I'm very interested in public trust of farmers. We were really interested in whether or not there were counterproductive effects of reduced transparency. Essentially, we asked the question: Does the awareness of ag gag laws reduce the credibility of farmers and perceptions of farm animal well-being?

We did this using Amazon Mechanical Turk, which is an online crowd-sourcing platform through Amazon Prime. We surveyed—this is sort of sciencey language—we did a power analysis in order to see how many participants we needed based on our prediction. We surveyed 716 Americans. This was done, I think, in about 2014, so just when the US was really—there was a number of states that were dealing with the ag gag legislation.

Participants were randomly assigned into either the law treatment, which I put in parentheses as "ag gag," or into what we called the control treatment, which was—and this will make more sense in a second—the hay treatment.

The control subjects: Basically, we were looking at providing an information capsule. We wanted to know what the awareness of the ag gag laws was, and then when we told them about this, if they changed their perception about the law. In the control treatment, we gave them an information capsule, but we just simply told them about hay. We had edited the informational capsule on the hay

so that it was approximately the same amount of words and had the same cognitive load requirements as the ag gag law.

With those who were in the ag gag treatment—and I should be very clear here: We never used the word “ag gag” because we wanted to avoid any negative connotation, so we continually talked about “the law.” But they were also given common arguments used on both sides, and then we asked them, those that were just in that treatment, whether or not they supported the law.

Of the participants who were in the law treatment, only 9% said they had any previous awareness of the law, but when they were made aware of the law and when we asked them their level of support for the proposed legislation, the majority, 64%, stated that they opposed the ag gag legislation.

All participants, whether or not they were in the control—hay—treatment or whether they were in the law treatment, were put through a previously validated 12-step inventory that assessed their level of trust in farmers as sources of credible information regarding farm animal welfare, farm animal care, and a series of questions about controversial farm issues, including but not limited to animal welfare. And I can get into the other things that we asked them about—farmers as credible sources for protecting the environment and things that are outside of the scope of this right now.

Anyway, ag gag legislation negatively impacted the perceived credibility of farmers and perceptions of farm animal well-being. Here, on the Y axis, we have the level of trust from one to four, four being basically neutral. The control group were those who were told about hay; the law treatment had been told about the proposed legislation. It tracked really well. We would expect those who had been told about the law to be more negatively impacted in terms of trust.

1710

This tracked really well across political affiliation. So, generally speaking—and we got all the demographics, regardless of whether or not they self-identified as Republican, Democrat or independent—those who were told about the law were less trusting. Indeed, here you can see that a Republican who read about the law was less trusting than a Democrat who hadn’t read about the law. So it tracked really well.

This also tracked across dietary affiliation. Omnivores—generally speaking, we expect them to be more trusting of farm animal agriculture than vegetarians. But even within the group, those who had been informed about the law were less trusting than those who had been told about hay.

Again, it tracked really well in terms of place of residence. We expect rural citizens to be more trusting of agriculture than those living within urban, with suburban sort of in the middle. But again, even within that demographic, those living in the country that had been told about the law were less trusting of farmers than those that had been told about hay.

We then asked a lot of questions where they had to agree or disagree. This is one where we asked participants

about whether or not farmers were trustworthy sources of information. Here again you can see those who were told about hay were much more likely to agree that farmers were trustworthy sources of information compared to those who had been exposed to the law treatment. This tracked also in terms of—

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

Dr. Marina von Keyserlingk: Okay. Yes, that will do.

Farmers provide factual information about farm animal welfare—again, it was the same thing. Those who had been given access to hay were more likely to agree that farmers provide factual information—and also that participants exposed to ag gag laws were less likely to agree that farm animals have good lives. This is a bit disconcerting, this slide, because generally speaking, even in the control treatment, we didn’t find that they were very strongly in agreement with that statement.

Lastly, the take-home points: Most people were unaware of ag gag laws, and learning about them led to a decrease in trust in farmers and an increase in support for animal welfare regulations. This study also provides evidence that awareness of ag gag negatively impacts perceptions of the current status of farm animal welfare. Thank you.

The Chair (Ms. Goldie Ghamari): Thank you very much. We’ll now turn to our third and final presenter, from Meat and Poultry Ontario. Please state your names for the record, and you may begin. You’ll have seven minutes for your presentation.

Mr. Franco Naccarato: Hi. Good afternoon. My name is Franco Naccarato, and I am the executive director of Meat and Poultry Ontario. We’re an industry association that represents Ontario meat and poultry processors. Ontario is home to over 700 meat and poultry processing plants that produce \$10 billion to Ontario’s economy and provide work for approximately 20,000 Ontarians.

We are grateful to be here today to support this important bill for our sector, yet it’s disappointing that such a bill is required to protect the businesses and employees who play such an important role in providing food for our province.

Despite being an essential service that feeds Ontarians, Canadians and people around the world, we do not have the necessary level of protection that any Ontario businesses should expect. Many of Ontario’s processing plants have been targeted by special interest groups, with malicious intent, to slander businesses and damage their reputation and image in their communities using misleading videos and information that has been obtained under false pretenses.

Meat processing plant employees have been harassed, attacked, physically assaulted and intimidated by trespassers in their workplace. Unauthorized access to processing facilities by activist groups has put animals in direct danger and poses a serious threat to the safety and security of Ontario’s food supply chain. During some of these intrusions, property has been damaged and stolen, with little recourse to deter repeat behaviours at the cost of the businesses that have been attacked.

To give you an example of what it's like to be a victim of trespass, I would like to introduce Debbi Conzelmann from King Cole Ducks to speak specifically about an incident on her farm and processing facility.

Ms. Debbi Conzelmann: Hi. I'm Debbi Conzelmann, CEO of King Cole Ducks. On February 18, at approximately 5:30 a.m., 15 animal rights activists trespassed onto our property and broke into one of our barns while the flock was sleeping. Video footage showed the activists running through the barn shining flashlights into the frightened flock, causing them to stampede, flip over and overcrowd.

These actions caused undue stress and injury to our ducks and violated essential biosecurity protocols. These activists broke the law. They trespassed onto our property, broke into a barn, stole ducks and caused stress to our flock.

They hoped to showcase a business that has no regard for animal welfare. Nothing could be further from the truth. Duck farming is our specialty and passion. The well-being of our flocks is of paramount importance to us. In nearly seven decades, we are proud to have had no animal care or animal welfare infractions. We are intensely proud of our protocols, our animal welfare program and our dedicated, trained staff. Collectively, we have 1,987 years of experience amongst the ownership and staff, who work hard to ensure our birds are well cared for and that best practices are followed.

We are regulated from four different departments of CFIA, as well as OMAFRA and our company veterinarian. We have been transparent in our practice for years, and we will continue to be proud to share the details of how and why we do what we do.

The invasion of these activists not only compromised flock health and farm security, but also created a great deal of stress for our staff. People should be able to go to work and know they are safe. Many of our staff live on our farms and after this event felt threatened not only in their workplace, but also in their homes.

We considered this a personal attack on our family, staff and business. An incident such as this is not over in one day. We now monitor social media to manage the slander and malicious attempts to damage our reputation.

To date, only three of 15 intruders have been charged. Break and enter, theft and mischief are all federal offences. They have not been charged with a provincial offence, trespassing, which obviously they did. This is why we feel it's so important to pass Bill 156. Thank you.

The Chair (Ms. Goldie Ghamari): Thank you. Are there any other witnesses as part of the third group? Do we have a Carol or a Daphne?

Ms. Carol Goriup: Good afternoon. My name is Carol Goriup, and I'm the president of Meat and Poultry Ontario. I'm here today to say why the bill is so important to Ontario's meat and poultry processors.

We need this bill to protect our workers from harassment, assault and intimidation from trespassers on company property. We need this bill to protect farm animals from unauthorized intruders who are untrained in the care

[inaudible] and introducing stressors and contingents into their environment.

We need this bill to protect our small business owners from slander and malicious attacks of special interest groups using information that is often misleading and obtained under false pretenses. We need this bill for the protection of the protesters, who are often putting their own lives in danger by stepping in front of moving vehicles and entering buildings where there are workplace dangers.

We fully support the right of others to peacefully protest but have to remember that the charter does not protect gatherings that disturb the peace and infringe on the rights of others.

I'm sure you're going to hear many opinions opposing this bill. There are certain groups whose only intention is to slander and hurt the businesses that oppose their own personal beliefs regarding animal welfare.

If there are legitimate concerns regarding animal welfare, the government has in place many regulations and layers of protection for the humane treatment of animals in Ontario. Ontario's meat and poultry—

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

Ms. Carol Goriup:—processors are proud of the work they do to feed our province and take a great deal of care in upholding the highest possible standard of animal welfare in their facilities.

Any person or group with legitimate concerns about the welfare and treatment of animals in processing facilities has several channels to register a complaint to uphold accountability to processors. Taking it upon themselves to trespass onto private property, without the proper knowledge of or understanding of the animal care, to harass business owners and employees, disrupt business operations and cause undue stress and harm to the animals which they are concerned about is not the proper channel.

There are several pieces of legislation that have been put in place—most recently, the Provincial Animal Welfare Services Act. Also, CFIA and OMAFRA have regulations on the treatment of animals both in transit and while in the care of their businesses. In addition to—

The Chair (Ms. Goldie Ghamari): Thank you very much. That concludes the time that we have for witness presentations.

We'll now begin our final round of questioning. We'll begin with the official opposition. MPP Vanthof, you have eight minutes.

1720

John Vanthof: Thank you, Chair. Thank you to the presenters. This has been a very interesting day, and all of the presentations have been—there have been lots of opposing views, but they have all been in depth, and I'd like to commend everybody for that.

I'd like to start with Debbi. I was at King Cole Ducks with the OFA field day a couple years ago. I really appreciated the tour. It's interesting, what happened. To me, that was an example of trespassing, obviously, so why isn't the province going after them for trespassing under the current legislation? Or have they told you?

Ms. Debbi Conzelmann: I believe that they're not finished with the charges yet. It's the police that lay the charges, and certainly trespassing was one of the options for them. But I feel like what I got from the police officer was that because it was provincial versus federal, it was kind of like extra work to go through two different processes, so they were going with the one that had more options, more charges affiliated with it. That's the feedback I had.

Mr. John Vanthof: So that potentially might not change under Bill 156, because basically, on that side, on the trespassing side, the penalties are bigger, but there is a part where you could see compensation from the trespassers, so that would be a difference. Is that the part that you're looking for?

Ms. Debbi Conzelmann: I think that would give us more strength in supporting a situation like what we had. I think that the police would have considered that if that had been an option.

Mr. John Vanthof: I'd like to switch to Franco, with your indulgence, Chair.

You mentioned trespassing. I would like to get a bit more on the false pretenses. We've heard from others, legal experts, that the false pretenses part of the bill could hamper investigative reporting. In the current situation we are in now, in I think almost all other sectors, that would be frowned upon very strongly. If we mentioned something like that in long-term care right now, people would be very, very leery of putting in measures that could hamper something like investigative reporting. Could you expand on why it's so necessary on the meat and poultry side?

Mr. Franco Naccarato: Sure. Absolutely. First of all, I want to say that we're very supportive of whistle-blowing. We think that every company should have a policy on animal rights and procedures on how to report animal abuse. We think that's extremely important. The challenge we have is where people come in on a temporary basis to get employment and jobs, and record things under the pretense that they're there for employment, when their only job is to get highlight footage of something that looks bad so that they can put it in a video and put it on Facebook. That's what we're looking for protection from. It hinders our progress and procedures.

There are plenty of layers of government regulations and processes, if there is suspected abuse, for reporting. There's PAWS. You can report it to the CFIA. You can report it to OMAFRA. If there's actually the level of abuse that people think there is, why are they not reporting it to the Ombudsman? Why is it not being brought up with the Auditor General? Our government has multiple layers of ways of investigating these types of places, legally and properly. Why are we not using those, instead of subjecting people to amateur videos from people who are not trained and don't know anything about food safety going in there? We have government employees who are trained to do this every day in every single plant. If they cannot identify that there's a problem, there's a problem there. The answer isn't getting private citizens to do the work of

government employees. Fix the problem—not introduce creative ways of coming up with highlight reels.

Mr. John Vanthof: I respect that response. I appreciate it. But if the same thing would have been said today by someone who runs a long-term-care home, the response wouldn't be very positive. And I'm searching for a way to come at this that is actually going to satisfy the needs of everyone.

My question is, do all of your members have a whistle-blowing clause, so that all their employees feel safe right now? Is there a mandatory whistle-blowing component to be a member of your association?

Mr. Franco Naccarato: No. There are no government-mandated laws on that. We do have a clause that if somebody is out of regulations with the government, they cannot be a member. If they did something against animal welfare, we would have to disqualify them as a member.

Mr. John Vanthof: Okay. So, in your opinion, the part of this legislation that is raising some concerns regarding whistle-blowing that might be challenged constitutionally is a necessary part of this legislation going forward.

Mr. Franco Naccarato: No, I disagree with that statement. I would say that whistle-blowing is encouraged, and I would say that we would promote it. The false pretenses is the part that we really need in this act—because it's people coming in with no intention of getting a real problem resolved. Their only interest is their private interest. That's what we want to protect our—

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

Mr. John Vanthof: So an investigative reporter from the Toronto Star would fall under that, and you would agree that they should not be allowed to do an—

Mr. Franco Naccarato: I would say that he could obtain information through the proper government channels and with the employer themselves. I don't think there's any meat plant in Ontario that would refuse an interview to discuss their treatment.

Mr. John Vanthof: Thank you. No further questions.

Mr. Franco Naccarato: We have nothing to hide.

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

Mr. Mike Schreiner: Thank you, Chair, and thanks to all the presenters for coming today. I really appreciate your insights and your views.

Debbi, I heard about the incident at your farm. It must have been a pretty difficult experience for you and everybody else on the farm. But I'm worried that Bill 156 may not solve your problem because, as MPP Vanthof said, it does offer higher penalties, which is good for trespassing, and it does allow you to access damages, but it seems to me that if the province isn't going to enforce existing laws, what's going to make this situation with Bill 156 any different? What I'm hearing today is that we may actually need to look at the way in which trespass laws are enforced or not enforced in this province and figure out a way to actually enforce them. I'm worried that Bill 156 isn't going to solve that problem. I don't know if you have

any thoughts on that—or maybe you could talk about where you are with the laying of charges right now?

Ms. Debbi Conzelmann: Yes. As I said, it's not us that lays the charges. We work with police to provide the information. It's the police that actually do that.

I think where we're coming from and why we're supportive of this is that it's a deterrent; it's not going to stop this from happening. We've had protesters in the past and, honestly, we have no issue with protesting. Everyone has the right to their opinions, and we don't tell people how to think or how to feel. But when they break in and they do illegal things, it's not okay. So for us, having this extra bill is a deterrent. The people that maybe aren't as aggressive or aren't professional protesters may think twice before breaking into someone's property and doing something that's illegal if there's a more significant penalty to them.

1730

Mr. Mike Schreiner: Yes, that's true. I'd agree with you on the higher penalty hopefully being a deterrent.

I would just say that I'm going to reach out and talk to some legal experts to see if we can address this problem we have in Ontario with trespass law and see if we can actually fix it.

I'm going to go to Franco for a second. Franco, it's good to see you. We've worked together for many years. I have a little concern about potentially a misunderstanding between a whistle-blower and false pretenses. One of my concerns is that there will likely be a charter challenge the way the bill's written right now, and we may lose the charter challenge. Then we get into the issues that Marina brought up in terms of just eroding trust in food and farming, which is something I absolutely do not want to see happen.

So one of the potential issues is—let's say you've been working somewhere for two or three years; you're a good employee; things have gone well. You see something that you know is not appropriate and you report it to the authorities, but then you're charged with having been employed under false pretenses. You're actually legally charged under this bill for essentially doing the right thing, and what I think any of us who want to support Ontario agriculture would want you to do. I'm a bit concerned that that dilemma may present itself in the way the bill is currently written. I heard you say that you're fine with whistle-blowers; you just don't want people who are activists inappropriately entering the facility. Is that correct?

Mr. Franco Naccarato: That's correct, yes. And, Mike, you know, realistically, if somebody has been there two years, they're not there under false pretenses. If somebody has been there five years, they're not there under false pretenses.

I think—and I'm not a legal expert—maybe you need clarification on what “false pretenses” means. Putting false information on a resumé, misleading your experience, misleading the intent of your job, not disclosing information that could prohibit the employer from wanting to hire you—those are questions that we could look into if that's the issue.

Mr. Mike Schreiner: Yes, that's a good point. I've been trying to think of some ways of—are there some ways to amend the bill to address some of those kinds of concerns. You may have given me some ideas around what to do there, because I see it as a potential big problem.

Mr. Franco Naccarato: There's nothing in the bill that actually prohibits people from disclosing information. It's just under the false pretenses. That's what we've got to focus on. There's nothing in there about not being able to report. Anybody could report it. And we encourage people, if there's abuse, to report it right away—not six months from now; not two years from now. Report it now. Why are people waiting?

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

Mr. Franco Naccarato: If you're an animal activist organization and you care about the animals, why are you waiting six months to report something? Report it immediately, and do it properly.

Mr. Mike Schreiner: Okay. Marina, you've sent us a copy of your report; is that correct? We have that?

Dr. Marina von Keyserlingk: Sorry? Oh, yes. I did send—

Mr. Mike Schreiner: Okay, then I'll read through it in more detail.

Dr. Marina von Keyserlingk: I attached the paper. I just gave the highlights now in graphical format so it's easy to distill in seven minutes.

Mr. Mike Schreiner: If I'm not mistaken, there are numerous reports similar to yours that other academics have done that led to similar—

Dr. Marina von Keyserlingk: We were the first that actually used a real-life example to show that—it's the downstream consequences of this type of law that we showed erode public trust in agriculture. The paper was cited in some of the—like the 9th circuit court judge in Idaho who used the paper to back down on the ag gag laws.

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

We'll now turn to the government side. Who would like to begin? MPP Pettapiece, I see your hand, and then afterwards, MPP Barrett. MPP Pettapiece, you may begin.

Mr. Randy Pettapiece: Thank you, Chair, and through you, I'd like to direct my question to Alexandra and also to Franco. Concerning the false pretense part of the bill: As you know, we've consulted widely. Minister Harde-man has travelled across the province to get input from a variety of groups on this legislation. The intention of the clause is to ensure that someone cannot lie to get access to someone's private property.

Since it's obvious that there's a lot of misinformation going around about it, what would you suggest as an approach to the matter? If I could ask Alexandra to answer that first. Where is she?

Ms. Alexandra Pester: Hi.

Mr. Randy Pettapiece: You're here.

Ms. Alexandra Pester: I'm not sure that I agree that there is an issue to be addressed with respect to that. The purpose of the bill, as stated, is to protect biosecurity of

the farms and to protect farmers, their families and employees. People who gain access to farms under false pretenses in order to capture video footage of what might be going on, to take a look at how the animals are being treated—those are people who are gaining employment, being trained on biosecurity issues and having the same ability to effect their job as anyone else that isn't also undertaking to take footage.

That speech, the creation of that footage, is protected by freedom of expression. So that's where there is going to be a problem here. The purpose is not related to the expression that's actually going to be hampered. I just fear that it's not going to survive charter scrutiny due to that.

Mr. Randy Pettapiece: If I can, I just want you to listen to one clause here: It says that the intention of the clause is to ensure that someone cannot lie to get access to someone's private property.

Ms. Alexandra Pester: Sure.

Mr. Randy Pettapiece: That's the intention of this.

Ms. Alexandra Pester: Okay.

Mr. Randy Pettapiece: Is that a problem?

Ms. Alexandra Pester: Well, the intention is to limit speech, which is contrary to freedom of expression—

Mr. Randy Pettapiece: No, the intention is that you cannot lie to get access to someone's private property.

Ms. Alexandra Pester: Right, and misrepresentation is a kind of expression. It's been covered in a lot of the US law about how to deal with that situation.

Mr. Randy Pettapiece: Okay. Franco, can I get your perspective on this?

Mr. Franco Naccarato: Yes, and I would say my personal opinion here is if someone is allowed to enter under false pretenses, where does it end? If somebody doesn't like nuclear power, could they access that under false pretenses, go on saying it's their freedom of rights to then get information about that business to sabotage the business, to take things from that business? I don't know where the limitation—where it's going to go. Where do people want to go with this freedom of rights? It's a violation of my freedom if somebody is lying to me about getting access to my property.

Mr. Randy Pettapiece: Would you have some suggestions how we can clear this up a little bit or make people understand this a little bit more?

Mr. Franco Naccarato: Yes, I think the important thing is that if there's a challenge of there being misuse or mistreatment of animals—that it is reported and we use the existing infrastructure and policies. If there's a problem with the infrastructure or the policies or the processes, fix that. You don't have to create your own avenues to solving problems. There are existing avenues that the government has provided—and multiple layers; I've listed some of them for you already. We have the SPCA/PAWS legislation to report abuse. You have the CFIA that you can report it to. You have OMAFRA that you can report it to. If those two institutions aren't doing their jobs, and they're still not satisfied, we have the Auditor General who oversees them, and we have the Ombudsman who oversees them as well.

How many more layers do we need to understand that—and all of you on this call, I'm sure at one point or another, have heard about the regulations that processors face and the multiple layers of processing regulations they have. There's no shortage of eyes on this in this case. I would welcome any one of you to visit any one of our plants to see for your own eyes what happens. If there are systemic problems, let's fix them. But having private citizens do it on their own is not the answer.

1740

Mr. Randy Pettapiece: Okay. Thank you, Chair.

The Chair (Ms. Goldie Ghamari): Further questions? MPP Barrett, your hand was raised. No?

Mr. Toby Barrett: My colleague has a question. Thank you.

The Chair (Ms. Goldie Ghamari): Who? Oh, MPP Kramp.

Mr. Toby Barrett: My colleague—I think Daryl has a question.

The Chair (Ms. Goldie Ghamari): Yes, I see your hand, MPP Kramp. You have the floor.

Mr. Daryl Kramp: Thank you very much. Certainly, good afternoon to our witnesses. Thank you so much for coming in here.

There's no doubt that we have a lot of mitigating factors that certainly are adding some definite flavour to this discussion, as well, now—one of them, of course, being COVID-19. We're in unprecedented times that a lot of us would have never even considered. Obviously, biosecurity—food protection is critical, more so now than we probably ever realized. So the last thing we need is our food supply being contaminated in a number of different ways that we had never expected. Certainly, with visitors and/or unwanted visitors coming in with no protection whatsoever, it could create some serious challenges.

I know. I have a major poultry operation. I've been in there a few times. It's interesting; it almost reminds me of going into a pharmaceutical establishment. When you go in, you have to put the coverage on the boots. You have to put the cap on. You have to put the gowns on. You have to wear the gloves. You go through the sanitation and clean room. It's just absolutely incredible. And so at times like this, we should be very, very thankful that we have an industry that really takes our protection very, very seriously. All of a sudden now, if we have a circumstance where someone is not pleased with that and they just go in—

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

Mr. Daryl Kramp: —with basically just a mild, little-slap-on-the-hand penalty or something like that for trespass, we could adversely affect thousands or millions of dollars and, significantly, a number of people. So I would really like Carol to comment on that, certainly for the groups and organizations. Are they deeply concerned with potential contamination?

Ms. Carol Goriup: Yes, it's a problem. All our plants are so careful of what they do that having someone come in like you had described is unwanted. My husband and I own a free-standing meat plant, so we don't deal with the

animals directly, but I've heard through all our members the cry for—they need more ammunition to protect their facilities, because these protesters have an agenda and it's unsafe for all of us.

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

We'll now turn to the official opposition. You may begin. MPP Glover, you have the floor.

Mr. Chris Glover: Thank you very much. It's been a fascinating day of deputations, so thank you all for coming here and sharing your experiences and your perspectives. I think, with this particular panel, there's one piece, the legal piece, that's really come to the fore here. Alexandra and Franco are expressing different perspectives on it.

Alexandra, you said earlier that you can't have arbitrary legislation, that if it applies in one area—you can't have something like a criminal act, a legal act or legislation that only applies to one industry. It has to apply across the board.

And Franco, you were saying that you support the false pretense section of this bill, which would prevent an investigative journalist from falsely coming in as a potential employee to investigate the industry or investigate a workplace. So it seems that the investigative journalists would not be able to go in with this false pretense.

But then it seems that Alexandra is saying—and I'll ask Alexandra first—that if there is such a law that prevents false pretense and prevents investigative journalism, then it would have to apply to all industries, not just one particular industry. Is that accurate? Am I accurate in what you said, in interpreting what you said?

Ms. Alexandra Pester: Thank you for your question.

That's not what I was getting at, actually. The principle of arbitrariness, rather, is a constitutional principle that the effects of a legislation cannot be completely arbitrary to the purpose of it. So what I was saying is a point that many of the other witnesses made, which is that biosecurity is an issue, is the problem, and I spoke about that a little bit earlier. If that's what the concern is, this legislation doesn't actually address that issue. It just has nothing to do with the effect this is going to have, which is to silence a vast amount of expressive behaviour, not just with respect to the false pretense piece, but protesters at the roadside dealing with transportation and other interactions that could be captured by that very vague wording. I hope that sort of clears it up.

Mr. Chris Glover: It helps a bit. I guess the question, then, is around free speech, and the definition of "free speech" versus "false pretense."

Ms. Alexandra Pester: I'm not sure I understand that question.

Mr. Chris Glover: You were saying—the question is that we as a society have generally agreed that investigative journalism is a good thing and that we want it as a society, and that it's protected under our charter rights under free speech. Is that accurate?

Ms. Alexandra Pester: Yes.

Mr. Chris Glover: Okay. So if we were to restrict investigative journalism in one industry, could there be

legislation that actually does that? Or does it have to apply across the board to all investigative journalism?

Ms. Alexandra Pester: I'm not aware of a legal principle that makes that point, but I think that, on a policy level, it's certainly a slippery slope to start to reduce the ability for people to perform investigative journalism in a whole bunch of areas. I think this is the topic of the day, but I don't think it could stop here if this is the kind of legislation we start allowing.

Mr. Chris Glover: I'm trying to get an understanding of the legality and the perspectives. But Franco, I want to give you an opportunity to respond, to make sure I interpreted what you said correctly and ask about that as well.

Mr. Franco Naccarato: Thank you, Mr. Glover, I appreciate the opportunity. You use the term "investigative journalism," and you assume that the only avenue they have is to enter the facility. Yet there are plenty of other things an investigative journalist can do to identify that there's a problem, and as soon as there's a problem identified, there are avenues to deal with that problem. Having to enter the facility is only one aspect of that. But if there's work that's done ahead of time to say, "Hey, we've identified a problem here. We need to dig deeper into this problem," let's put a process in place for that. Right? You don't need to be able to intrude onto somebody's property under false pretenses to do that.

Mr. Chris Glover: Okay. This is the new area for me too, and I'm just trying to get an understanding. It has been a generally accepted practice that investigative journalists will go in, they will get a job in a workplace because they want to investigate what's going on; they have heard some things and they feel that that's the best way to do it. But you're saying that shouldn't be allowed?

Mr. Franco Naccarato: No. All I've said is that that's not the only way to get information. There are many ways of getting investigative things. That's but one process that one investigator might use. Every investigator is different. You're not stopping their journalistic integrity by requiring them to enter a facility with intended reasons.

For protective reasons of going into a facility—there's a reason why we're protecting this. It's food that is going to go into your mouth. If somebody has a misintention and they're there, and it's not an investigative journalist; it's an activist that wants to hurt that business, and they have the ability to do so under false pretenses, what happens if they try to do something to hurt more people and make it look like it was the business that did it? That's what we need to protect against. It's not the freedom of opinion or voice; we fully support that. It's the protecting of our food system that we need to protect.

Mr. Chris Glover: Right. It's going to be interesting. We've heard from several lawyers today who said that there will be a charter challenge if this legislation is passed as is. So if there is a charter challenge, is it worth having the legislation passed as is, or would you be supportive of making some amendments to the legislation so that there wouldn't be a charter challenge?

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

1750

Mr. Chris Glover: Franco?

Mr. Franco Naccarato: Would you rather have a law that is effective and works, or do you want to have a law that half solves the problem, just because it's—

Mr. Chris Glover: Yes, but that's not really my question. If this passes as is, it's not going to be effective or work if it gets challenged because it violates the charter.

Mr. Franco Naccarato: I don't think it's a violation of the charter. I think it's there for the safety of our food system and should be protected.

Mr. Chris Glover: Okay. It's an interesting debate, and I thank you all for your perspectives and your experiences.

Debbi, I'm sorry about what happened on your farm. That's a horrible thing. I've got a lot of farmers in my family as well. It shouldn't have happened.

Ms. Debbi Conzelmann: Thank you.

Mr. Chris Glover: I'm done.

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

We'll now turn to the government for a final round of questioning. MPP Smith, I believe you had some questions. Please begin. You have eight minutes.

Mr. Dave Smith: My first question is to Debbi. It's with respect to the trespassing itself. My wife works for the local Peterborough police department, and I've actually asked a number of the officers who have talked fairly openly about this with respect to trespassing. I asked why they don't lay that charge very often, and the answer was that it is effectively saying, "Stop or I'll say stop again," because that's about as far as what that piece of legislation does.

If we had something that was much more of a deterrent, do you think that there are less of a possibility of people coming onto your farm like they did?

Ms. Debbi Conzelmann: Yes, I do think so. As I said, for a number of years we've had protesters and peaceful protesters, and we've actually had quite a cordial relationship with them. But this time was different. They were a lot more aggressive. I'd say they were a lot more professional in their approach, and they did things that really went way beyond anything we've ever seen before. I do think it's because they aren't punished with the trespassing law or they haven't been followed through on that. So it makes it easier for them to get away with it.

Mr. Dave Smith: So you're not opposed to protesters out front of the farm, on public property; your objection is that they came onto the farm and did something.

Ms. Debbi Conzelmann: Absolutely. We would never, ever—it's not our place to tell people what to believe in or how to feel, how to think, how to act. Everybody has their belief system, and we're not going to apologize. We're in the food production business. We provide food to feed Canadian people and people all over the globe. We can never argue our philosophy with somebody who doesn't agree with that. So we don't criticize; we don't do anything. We just accept them for who they are and we just work alongside.

Mr. Dave Smith: We've heard a number of presenters today who basically have said that it's okay to trespass because there's animals involved. Do you think it would be appropriate for someone to trespass on their property and go into their house, go into their place of work and do the same things that they did to you?

Ms. Debbi Conzelmann: Absolutely not. If it were turned around—as I said, we have a number of people who live on our farms. They're afraid. Many of them have come and said, "Hey, I've got children. How do I handle this?" We've done training on how to interact with protesters, but they're afraid. And that's really unfair because I don't think they have the right to do that.

Every single employee has signed off on a code of conduct for animal welfare and animal care, so it's really of paramount importance to us to be looking after the ducks, and it's too bad that people think we're not.

Mr. Dave Smith: Chair, how much time is left?

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

Mr. Dave Smith: My next question, then, is for Franco.

Franco, it's my understanding that at slaughterhouses and abattoirs, there's an inspector present whenever there is slaughtering going on. Is that the case, and do you think that that's effective right now?

Mr. Franco Naccarato: Absolutely. Any time that there's a harvesting happening at an abattoir, there's always either a CFIA inspector or a veterinarian, or both.

Mr. Dave Smith: So someone is overseeing the process to make sure that is done in a humane way?

Mr. Franco Naccarato: And it's the entire process. They're there from the minute the animals are in the barn. They inspect the health of the animals beforehand, and if there's ever a problem with the animal beforehand, it's immediately recorded and there are processes on how to deal with things. So it's part of their checklist.

And this is what I'm saying: There are plenty of regulations and steps and balances in place where it's checked beforehand and during the process. The inspectors are witnessing every single process. And afterwards, it receives another inspection, so there are three points in that touchpoint where there's an inspector during the entire process of harvesting.

Mr. Dave Smith: Thank you very much. I'll turn it over to my colleague MPP Barrett.

The Chair (Ms. Goldie Ghamari): Thank you. MPP Barrett, you have the floor.

Mr. Toby Barrett: Thank you, Chair. Actually, my colleague pretty well asked the question that I was interested in. We do hear so much of this call for undercover journalists or whistle-blowers to let people know what's going on. I don't know whether this reflects—I'm sorry, this will be to Meat and Poultry Ontario—a lack of government oversight. Franco has partly answered that.

I think of your membership, say with the provincially inspected plants. On a typical day in a family-run operation, maybe there are 12 or 15 employees. How often during the day is there a government inspector in your facility alongside you as you work?

The Chair (Ms. Goldie Ghamari): MPP Barrett, who was that question directed towards?

Mr. Toby Barrett: Meat and Poultry Ontario—to Franco.

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

Mr. Franco Naccarato: Any time there's a harvesting, there's government oversight 100% of the time. It is illegal to operate your facility—if you're harvesting, to not have a government employee there. They're there 100% of the time. They're there hours before it starts right to after it's been completed.

Mr. Toby Barrett: I would imagine they've got to do some paperwork. They would file reports and of course document any disease or things like this. So this is all publicly available? Is it readily available for the public to check up on this stuff?

Mr. Franco Naccarato: I wouldn't be 100% sure. Daphne, can you maybe help us out with the answer to that? Do you know what's publicly available through OMAFRA on inspections? Did Daphne freeze on us?

The Chair (Ms. Goldie Ghamari): Daphne, can someone please unmute—

Ms. Daphne Nuys-Hall: OMAFRA records all their inspection activities in a system called Siebel.

I feel like I'm unmuted. Am I unmuted now?

The Chair (Ms. Goldie Ghamari): Yes, you're good.

Ms. Daphne Nuys-Hall: OMAFRA documents all of their inspection activities in a system called Siebel, and those documents are readily available through a FOI-able process.

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

Mr. Toby Barrett: Okay. That wraps it up for me. And I concur with what a number of members of the committee have said. It's been quite an informative day and quite an interesting day. I'm looking forward to tomorrow. Thank you.

The Chair (Ms. Goldie Ghamari): If there are no further questions, this concludes our final round of questioning. I'd like to thank all of the presenters for joining us today. It has been an informative conversation, and I'm sure that we all have a lot to think about. At this point, you may step down, virtually.

To all the committee members, I just wanted to thank you all for co-operating and making today go very smoothly. I'd also like to thank the Clerks and Hansard and broadcasting and everyone here who is helping to make this possible.

At this point in time, that concludes our business for today. The committee is now adjourned until 10 am tomorrow. We will have a pre-hearing meeting at 9:45 am.

Having said that, everyone stay safe, and praise be.

The committee adjourned at 1759.

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