

Comments of Jane Miller on Bill C-205

There's no good reason for the wording change proposed by Bill C-205, since existing laws already address this issue. Anti trespass laws are in place in every province, and the Criminal Code makes it illegal to poison or harm animals.

Bill C-205 is claimed to protect biosecurity on farms, but the bill only penalizes individuals who do not have permission, i.e., **lawful authority or excuse** to enter a building in which animals are being kept. This would result in farm and slaughterhouse owners, operators, and employees being exempt from punishment, even when knowingly or recklessly introducing animals to diseases or toxic substances that could affect them. Alternatively, peaceful animal activists who go on farms without permission are subject to draconian penalties—even if they cause no harm or create no actual risk to animals.

Bill C-205's true purpose is to add another layer of disturbingly severe punishments for those engaging in civil disobedience by occupying farms. Bill C-205 is a form of ag gag-style legislation like that introduced in various provinces such as Ontario, Alberta, PEI, and, most recently, Manitoba.

Also problematic is that the bill creates an overly broad offense by providing violations for those entering a place in a way that **could** introduce a substance that is **capable** of affecting an animal. Such a very low standard would put people at risk of prosecution even if they took measures to respect biosecurity protocols. While it seems reasonable that if someone trespasses on a farm and introduces a contaminant, they should face legal consequences, provincial trespass laws already make it an offense to trespass on farms.

The actual threat is farm practices, as opposed to animal activists. Because the Canadian Food Inspection Agency monitors disease outbreaks on farms, which occur regularly, and carefully investigates them when they occur, usual sources of contamination have been documented. These include farm staff working on multiple farms; sharing needles and equipment; contact with wild animals; or in the case of mad cow disease, the practice of feeding ground up dead animals back to live animals. This was seen during recent COVID-19 outbreaks at mink farms in British Columbia and around the world, where infected workers passed the virus on to minks.

There has not been a single documented case of an animal advocate introducing a biosecurity threat onto a farm.

Ironically, biosecurity is threatened predominately by lack of strict adherence to biosecurity protocols by farmers. That makes the true purpose of Bill C-205 apparent: ag gag-style legislation, masked as a biosecurity bill. If Bill C-205's true mission is to protect biosecurity on farms, farmers would be subject to it as well as those on farms without permission.

Lastly, as Bill C-205 intrudes on provincial jurisdiction, it appears to be unconstitutional. It very possibly could be challenged in court and struck down as an unconstitutional interference with the federal-provincial division of powers in Canada.

If Canada wants to address animal welfare conditions on farms, it should rather enact federal or provincial animal welfare regulations protecting animals on farms. The federal government only regulates transport and slaughter, leaving animals unprotected from birth until they are transported for slaughter. In absence of any regulations covering most of the lives of farm animals, the farming industry has been left largely to make its own rules.

Ultimately, the reason people trespass on farms is that the government does not proactively monitor animal welfare conditions on farms, so this is one of the few methods for citizens to see conditions. To maintain public confidence in the farming industry, the government could better direct its efforts towards the almost complete lack of transparency and oversight.