

Brief on Bill C-205, An Act to amend the Health of Animals Act

To: The Standing Committee on Agriculture and Agri-Food

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Last month I learned from an article in the *Winnipeg Free Press* that Bill C-10 was being put on hold pending a review into whether it violates social media users' freedom of expression rights. My immediate thought was that perhaps the Committee on Agriculture and Agri-Food should consider following suit and carefully examine the constitutionality of Bill C-205.

Bill C-205 makes it an indictable offence to enter a farm building without lawful authority or excuse in a manner that could expose animals to disease. However, provinces have exclusive jurisdiction to enact trespass laws, and many provinces have already amended their farm trespass laws. By targeting trespassers, Bill C-205 may very well be unconstitutional in its intrusion on provincial jurisdiction.

The Committee should also consider the true intention and broader implications of Bill C-205. On its face, it looks like a positive piece of legislation; we all care about food safety and public health. However, the facts around how contamination in our food system happens simply do not support this bill. It is farm practices themselves that pose a threat to biosecurity, not animal advocates who trespass onto farms. Disease outbreaks are a regular occurrence on farms, and the CFIA investigates these occurrences. In examining these records, the Committee will find that there is not a single documented case of an animal advocate introducing a biosecurity threat onto a farm. Rather, contamination is usually caused by:

- Farm staff working on multiple farms;
- Sharing of needles and equipment;
- Contact with wild animals; or
- Feeding ground-up dead animals to live animals (e.g., mad cow disease)

If Bill C-205 was truly intended to protect biosecurity, it would apply to those actually working in the industry – not just trespassers on farms. Instead, under this bill, farm and slaughterhouse owners, operators, and staff are exempt from punishment, even if they knowingly or recklessly introduce diseases or toxic substances to animals. Peaceful animal activists who go on farms without permission, on the other hand, are punished with draconian penalties, even if they cause no harm or create no actual risk to animals. Indeed, the language of the provision around entering a place in which animals are kept knowing that or being reckless as to whether doing so *could* result in exposure creates a very broad offence and sets a very low standard, putting people at risk of prosecution even if they took precautions to protect biosecurity. This will clearly have a profound chilling effect on animal advocacy, and this blatant discouragement of civil disobedience in a free and democratic society is insidious at best.

I do not want to live in a country whose federal government oversteps its authority and intrudes on provincial jurisdiction. But more importantly, I do not want to live in a country that sneakily enacts laws aimed at mitigating dissent but dressed up as laws in the public interest. Bill C-205 is not about protecting biosecurity. It is about keeping animal advocates away from farms and slaughterhouses so the reality of what goes on in the animal agriculture industry stays hidden and the industry remains profitable. I sincerely hope the Committee looks past the face value of this bill and that each member asks themselves, what kind of Canada do you want to live in?