

## Committee Consideration of Bill C-205, An Act to Amend the Health of Animals Act

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1. In harsh truth is that there is no legislative gap that Bill C-205 would address and that it is fabricated and intended to meet the needs of industry lobby groups. The public is not as naïve as you might believe – we know that it is already an offence to trespass on farms, and to harm or poison animals.
  - Every province has anti-trespass legislation. People who enter farms without permission have already been prosecuted under these laws.
  - It's illegal under the *Criminal Code* and provincial animal welfare legislation to harm or poison animals. Anyone who does so while trespassing on a farm could be prosecuted.
2. The real threat to biosecurity is certain accepted, deliberately unchecked and harmful farm practices, not animal advocates.
  - There has never been a documented case of an animal advocate introducing a biosecurity threat onto a farm.
  - Disease outbreaks occur regularly on farms, and the Canadian Food Inspection Agency monitors these carefully and investigates them when they occur. Contamination is usually caused by farm staff working on multiple farms; sharing needles and equipment; contact with wild animals; or in the case of mad cow disease, by feeding ground up dead animals back to live animals. For example, recent COVID-19 outbreaks at mink farms in British Columbia and around the world were caused by infected workers, who then passed the virus on to minks.
  - The real threat to biosecurity on farms is poor adherence to biosecurity protocols by farmers. That is why Bill C-205 is ag gag-style legislation, dressed up as a biosecurity bill. If Bill C-205 was truly intended to protect biosecurity on farms, it would apply to farmers, too—not just those on farms without permission.
3. Bill C-205 may be unconstitutional, as it intrudes on provincial jurisdiction.
  - Provinces have exclusive jurisdiction to enact trespass laws. Many provinces have already amended their farm trespass laws through ag gag-style legislation, including Alberta, Ontario, and PEI. In fact, PEI recently passed legislation that is nearly identical to Bill C-205.
  - By targeting trespassers, Bill C-205 is a federal bill that intrudes on provincial jurisdiction. It could be challenged in court and struck down as an unconstitutional interference with the federal-provincial division of powers in Canada.
4. Instead of cracking down on regularly law-abiding, peaceful protesters, the federal government should regulate and monitor animal welfare conditions on farms.
  - Animal welfare is a matter of intense public concern, yet there are no federal or provincial animal welfare regulations protecting animals on farms. The federal

government only regulates transport and slaughter, leaving animals in the dark from the moment they are born until the day they are trucked to slaughter to be killed. Otherwise, the farming industry largely makes its own rules.

- The reason people feel compelled to trespass on farms is that the government does not proactively monitor animal welfare conditions on farms, so this is one of the only ways citizens can see conditions. The public is losing confidence in the farming industry because of the lack of transparency and oversight.

## **Additional Background Information**

In MP Barlow's [media release](#) regarding Bill C-205, he claims that the purpose of the bill is "protecting the biosecurity of animals and workers" and protecting the "integrity of Canada's supply chain". MP Barlow states that this Bill was introduced in response to an alleged increase in "trespassing on farms and food processing centres" across Canada which he claims has "the potential to cause massive biosecurity issues for animals and the individuals who work with them".

The animal farming industry is behind this legislation. Industry lobby groups like the Canadian Federation of Agriculture, the Canadian Meat Council, the Chicken Farmers of Canada, the Egg Farmers of Canada, and the Turkey Farmers of Canada have all expressed support for Bill C-205.

Bill C-205 passed second reading by a vote of 178-155 in the House of Commons on March 10, 2021 and is now being studied by the House of Commons Agriculture Committee. The Liberals and Greens voted against Bill C-205 at second reading. The NDP, Bloc, and Conservatives voted for it.

### **Bill C-205 Targets Animal Advocates**

Bill C-205 is supposedly meant to protect biosecurity on farms. Yet, this 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. What this means is that farm and slaughterhouse owners, operators, and employees are exempt from punishment, even if they knowingly or recklessly introduce animals to diseases or toxic substances that are capable of affecting them. Peaceful animal activists who go on farms without permission, on the other hand, are exposed to draconian penalties—even if they cause no harm or create no actual risk to animals.

The bill's supporters want us to believe that it only targets people who are unlawfully on farms, and it does not cover whistleblowers or undercover employees. On its face, it seems reasonable that if someone trespasses on a farm and introduces a contaminant, they should face legal consequences. However, provincial trespass laws already make it an offence to trespass on farms. All that Bill C-205 does is add another layer of shockingly severe punishments for people engaging in civil disobedience by occupying farms. Bill C-205 is a form of ag gag-style legislation like we have seen introduced in various provinces such as Ontario, Alberta, PEI, and, most recently, Manitoba.

Moreover, the bill creates a very broad offence: entering a place in a way that *could* introduce a substance that is *capable* of affecting an animal. This is a very low standard, and would put people at risk of prosecution even if they took precautions to respect biosecurity protocols.

#### Conclusion:

Bill C-205 is unnecessary and would not improve biosecurity at intensive livestock operations. As a law-abiding citizen and retired federal public servant, I urge the Committee to reject this Bill. Instead, the federal government should take action to create legally binding standards of care for the protection of farmed animals, as well as legally binding biosecurity standards to prevent the emergence and spread of diseases on Canadian farms. All individuals present or working at farms and agricultural facilities should be held to the same standards and subject to the same fines and penalties for entry that could cause the introduction of disease.

As a private citizen, (and a retiree who spent decades working for various levels of government in Ottawa) I ask that you read the brief submission sent this past June 2<sup>nd</sup> -- "Committee Consideration of Bill C-205: An Act to Amend the Health of Animals Act" by Animal Justice Canada (who are rare beings among us and can be counted on for objective and thorough research on this topic of grave concern – and ultimately for the well-being of us all. They are trying to do for us and the animals who serve us what our government sadly seems unwilling to do voluntarily, i.e., provide genuine advocacy for compassionate care and consideration of the voiceless others with whom we share this planet.)