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Chair: Mr. Pat Finnigan

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• (1550)

[*English*]

The Chair (Mr. Pat Finnigan (Miramichi—Grand Lake, Lib.)): I call the meeting to order. Welcome to meeting number 40 of the House of Commons Standing Committee on Agriculture and Agri-Food.

Pursuant to the order of reference of Wednesday, March 10, 2021, and the motion adopted by the committee on May 11, 2021, the committee is commencing the clause-by-clause consideration of Bill C-205, an act to amend the Health of Animals Act.

Today's meeting is taking place in a hybrid format pursuant to the House order of January 25, 2021. Therefore, members may be attending in person in the room and remotely using the Zoom application. The proceedings will be made available via the House of Commons website. So you are aware, the webcast will always show the person speaking rather than the entirety of the committee.

I will take this opportunity to remind all participants in this meeting that taking screenshots or photos of your screen is not permitted.

[*Translation*]

To ensure an orderly meeting, I would like to outline a few rules to follow.

Before speaking, please wait until I recognize you by name. If you are on the video conference, please click on the microphone icon to unmute your mike. For those in the room, your microphone will be controlled as normal by the proceedings and verification officer. Just a reminder that all comments by members and witnesses should be addressed through the chair. When you are not speaking, your mike should be on mute.

[*English*]

For the clause-by-clause consideration, we have some people from the Canadian Food Inspection Agency for assistance if we need them. We will have them as resources if we have questions.

We have Dr. Jaspinder Komal, vice-president, science branch, chief veterinary officer and World Organisation for Animal Health delegate for Canada.

Welcome, Dr. Komal.

Also, we have Jane Dudley, senior counsel, agriculture and food inspection legal services.

Ms. Dudley, thank you for joining us.

With that, we shall start the clause-by-clause consideration.

(On clause 1)

The Chair: Mr. MacGregor, would you like to address NDP-1 on the first clause?

Mr. Alistair MacGregor (Cowichan—Malahat—Langford, NDP): Yes, Chair. Thank you so much. I formally move NDP-1 as an amendment to Bill C-205.

It's a relatively simple amendment to the first clause of the bill, whereby we are replacing line 6 on page 1 so that it would read "No person shall". It's essentially removing the words "without lawful authority or excuse".

The reason I am moving this amendment to Bill C-205 is that I've been struggling throughout the proceedings on this bill between the terms "trespass" and "biosecurity". We've heard witnesses at one point or another say this bill is meant to address trespassing on farms. Others have said no, it's meant to address biosecurity. We've had some witnesses say that it does both.

I want to make it very clear that I think any intrusion on private property needs to be condemned. We know the ill effects it has on farmers and the ill effects it has on animals, but I want this bill to stay in its federal lane. It has to stay in its federal lane.

The federal government has very clear jurisdiction through the federal criminal law power in addressing biosecurity, but it does not have the jurisdiction to address crimes against property. Under our Constitution, that is very clearly a provincial power. Under Canadian law, animals are considered property, so any crimes against animals are considered a property matter. Trespass on property is a provincial matter.

We cannot intrude on the constitutional jurisdiction of the provinces. It's very clearly laid out under section 92.13 that property and civil rights are under the domain of provincial legislatures.

The reason I am proposing this amendment is to make Bill C-205 apply to everyone equally, so that if you are a farmer or farm employee, if you are a transport driver or if you are a protester, if you violate the biosecurity protocols in place on a farm, this law applies equally to you. That's the main essence of my putting it forward.

I'll direct committee members to the brief submitted by Dr. Jodi Lazare. She mentioned that the bill as originally written might run into some constitutional conundrums, but she did say that if we had a law that applied to everyone who enters a farm to those most likely to threaten biosecurity by transmitting disease amongst animals, that would be more likely to survive constitutional scrutiny, whereas in its current form this amendment might not survive a constitutional challenge in court.

The brief we received from Animal Justice went into a lot of detail on page 4 about how most of the risks to biosecurity have come from farm workers or from transports, from people who have gone from farm to farm. That's where most of the risk has actually come from, which has been properly documented. They did say that prudent regulatory measures to address biosecurity should focus on the gaps and failures within the sector, which again is another argument in favour of making this apply equally to everyone.

Also, Dr. Brian Evans, during his appearance before the committee on June 3, went into a lot of detail about how some of the more serious outbreaks in our country's history have been caused by workers who were not following the proper biosecurity concerns. That was the day I was having Internet connectivity issues, so I had to go back through the testimony as written in Hansard.

I'll wrap up there. This is really just my attempt to keep this bill within its federal lane and to not in any way intrude on provincial jurisdiction over trespass.

• (1555)

The Chair: Alistair, thank you very much for explaining in such detail the rationale behind your amendment.

I know there is a hand raised, but I just want to let our members know that if we move this amendment, it cannot be amended again. Probably down the road there are other amendments along the same line. It cannot be re-amended.

Mr. Jacques Maziade (Legislative Clerk): I just want to clarify. It's if the amendment is adopted—

The Chair: If it is adopted. I'm sorry.

Mr. Jacques Maziade: LIB-1 will not be able to be moved if NDP-1 is adopted.

The Chair: Exactly, thank you so much for—

Mr. Jacques Maziade: No problem.

The Chair: —pointing that out just to make sure.

Mr. Steinley, go ahead.

Mr. Warren Steinley (Regina—Lewvan, CPC): Thank you very much.

Mr. MacGregor, thank you for your well-thought-out amendment.

I have a couple of questions, and perhaps counsel can help.

I believe this bill has gone through legal counsel, and there haven't been any concerns about the constitutionality of it. Despite what Dr. Lazare would have said, I think this has gone through all of the proper channels, and there isn't a constitutional issue with it. That should alleviate one of your concerns, Mr. MacGregor.

We did have a lot of stakeholders liking this part of the amendment, saying that there are people who have the ability to come on and off the farms, and they go through the proper biosecurity, whether they be truck drivers or visitors. I know lots of the dairy farmers and the poultry farmers said they do have biosecurity measures in place when visitors do come. I think that has some sway where a lot of stakeholders did want “without lawful authority or excuse” in there.

The other reason that I think it should stay in is that there have been some concerns by CFIA and others that it is too broad. This amendment would make it an even broader statement of who can come and go on farms. I think having this part in there does narrow that definition a bit, and would make it easier to make sure that is properly enforceable.

Those would be some of my comments, but as always, I appreciate feedback from other members on the committee.

The Chair: Mr. Epp, go ahead.

Mr. Dave Epp (Chatham-Kent—Leamington, CPC): This is just further to what MP Steinley was saying, and this goes back to the constitutionality of it. My understanding is that this phrase is not a made-up phrase by our colleague, but it is actually a phrase used in law and used in other federal acts, which backs up the case made that it is perhaps quite clear from a constitutional perspective. I wanted to add that point.

The Chair: Thank you, Mr. Epp.

• (1600)

[*Translation*]

Mr. Perron, you have the floor.

Mr. Yves Perron (Berthier—Maskinongé, BQ): Thank you very much, Mr. Chair.

First, I have no objection to this amendment. That said, my party held several consultations before suggesting any changes. We considered some changes, but, each time, we were told that it could change how the Health of Animals Act is applied. We considered whether or not we should touch the proposed section 9.1. We were told that it was better to leave it as is, with the wording “without lawful authority or excuse.”

I'm not really opposed to the amendment, but I'm wondering, if those words are taken out, does that mean that someone who had the authority to do so could be charged later?

I'm sure my colleagues remember what we have heard from various witnesses who were concerned about there being no inspections. I'm thinking, for example, of inspectors from the Quebec ministry of agriculture, fisheries and food, who might have lawful authority or excuse.

My question is for Mr. MacGregor. Has his party dug into this aspect of the issue?

Based on the discussions and opinions that I have had, everyone said that the proposed wording should be left in place. So I would like my colleague to convince me that his amendment is appropriate.

The Chair: Thank you, Mr. Perron.

By the way, I would like to mention that Jacques Maziade is here to answer questions that deal more specifically with the legislative aspect.

Mr. Yves Perron: He could also enlighten us on the question I just asked, but I would like to hear Mr. MacGregor's answer first.

The Chair: Mr. Maziade, do you want to add anything to that?

Mr. Jacques Maziade: I would just like to say to Mr. Perron that I will be able to answer questions related to parliamentary procedure. If he wants to ask a question of a legal nature, Ms. Dudley, who is a lawyer, could better enlighten him in that regard.

The Chair: Ms. Dudley, do you have an answer for Mr. Perron?
[English]

Ms. Jane Dudley (Senior Counsel, Agriculture and Food Inspection Legal Services, Canadian Food Inspection Agency): My apologies. I'm not used to the headphones.

I've never done this before.

As you know, as a government lawyer I'm not permitted to speak to any legal advice that's been issued by the Department of Justice. Of course, you have your own counsel. I'm just pointing this out to say that I'm here to provide assistance to the committee in any way that I can, but there are real restraints on what I can say, and to provide a constitutional law interpretation is not something I'm permitted to do, unfortunately.

[Translation]

Mr. Yves Perron: Let me rephrase my concern more specifically.

Would removing this part of the proposed wording diminish the ability to enforce the act? Are you able to answer that question?

[English]

The Chair: Is that something you could...?

Ms. Jane Dudley: Well, I'm not supposed to give opinions. It might make it easier to enforce, but I think that's something that really needs to be examined by the committee's legal counsel.

The Chair: Thank you, Madam Dudley.

We have a few hands raised.

Mr. Blois, do you have some comments?

Mr. Kody Blois (Kings—Hants, Lib.): I see both sides of this particular point of concern that is being raised. What I heard from the testimony and what I think we all intrinsically know in our backyard is that farmers take biosecurity very seriously.

We heard vigorous testimony about the work that a whole host of stakeholders do, whether or not it's wearing the boots and having those measures in place, changing clothes of sorts. By going to all persons, I think it presents a situation. What if there were a particular employee who was rogue, a particular employee who wanted to cause harm or was going to go in and do something of danger?

Essentially, we have a bit of a loophole here such that if they had lawful entry, yet went and were reckless—I don't have the piece of legislation, so let me pull it up. Essentially if someone did have

lawful authority and entered a building knowing that or being reckless as to whether entering such a place could cause it, we have a bit of a loophole in the sense that they had lawful authority even though the act that they're committing would be excluded under this particular provision.

I think we all know that our farmers and our good stewards of biosecurity are not going to necessarily fall into that category, but beyond the constitutional aspect that Mr. MacGregor has raised, I wonder if it leaves open the door for a particular individual who wants to cause this harm or goes and does this particular act under a lawful authority and is somehow excluded, even though there are others who might commit the exact same type of act without lawful authority and are then deemed to be able to fit under this piece of legislation.

I think it's closing the gap a little bit, and I don't think it would necessarily bring into question our farmers and our stakeholders who actually take biosecurity seriously.

• (1605)

The Chair: Thank you, Mr. Blois.

Mr. Barlow, I believe, was the next one in line.

Mr. John Barlow (Foothills, CPC): Thank you very much, Mr. Chair.

To Mr. MacGregor, thanks very much for your insight and your input. There's always great detail.

I think it is important that we maintain this unlawful portion of the bill. As Mr. Steinley said, we did put this through a rigorous legal counsel review to ensure that there were no jurisdictional or constitutional issues with the bill, and there were none that came back. We also wanted to ensure that this protected the opportunities, let's say, for whistle-blowers, those who are lawfully on a farm, whether that's a farm employee or a family member who sees something that is below standards, and that this will be reported. I believe C-205 as it stands ensures that whistle-blowers have that protection to do that important work.

What we are trying to focus on here are those who do not necessarily understand the biosecurity protocols that are extremely stringent. If they don't understand those, we want to ensure that they are held accountable and can't use the excuse of not knowing or not understanding the signage or the rules that are in place.

I also wanted to mention that my colleague Mr. MacGregor brought comments from Dr. Lazare and her submission about her concerns, but Dr. Lazare also testified at the Ontario legislature about their bill, Bill 156. She also made a comment on C-205, and I want to quickly read that:

[T]here 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....

In previous testimony, Dr. Lazare has commented that Bill C-205 is a better way to achieve the goals of what we are trying to do. I think there has to be a balanced approach to this, and C-205, in my opinion, achieves that.

Thank you very much, Mr. Chair.

The Chair: Thank you, Mr. Barlow.

Mr. MacGregor, go ahead, please.

Mr. Alistair MacGregor: I take the comments from my Conservative colleagues with good measure. However, let's not kid ourselves. There is a perception out there, and we're all aware of it—we have all received the emails and we have received the briefs—that this bill is designed to target a specific group of people, animal activists. While we all condemn their actions of going on a farm and causing all kinds of ruckus with both farmers and animals, because they don't understand the procedures and the potential dangers they introduce, I'm trying to find a way to make the law apply equally.

If we all, as a committee, agree that biosecurity is of extreme importance, then our specific federal law that is dealing with diseases and disease outbreaks should apply equally to everyone. The evidence is out there that most farm outbreaks have been caused by farm employees. It's there. It's a fact. We have all seen it.

To get away from the perception that this bill might be targeting a certain group of people, even though we rightfully condemn their actions, I believe our amendment to this bill, if it passes and becomes part of the Health of Animals Act, needs to apply equally to everyone. We are trying to put biosecurity on a pedestal, saying this is important, and if you're the farmer, the employee, or someone who's deciding to trespass and make a point, this law is going to apply equally to all of you.

With respect, it's up to our provincial legislatures to step up to the plate and address farmers' concerns when it comes to trespass. Farmers need to be activists and start calling their MLAs to get stronger trespass laws. That's under the domain of our provincial legislatures, and I think we need to respect that constitutional division of jurisdiction.

I will leave it at that.

• (1610)

The Chair: Thanks, Mr. MacGregor.

Mr. Blois, go ahead, please.

Mr. Kody Blois: I recognize that Mr. Barlow raised his hand, perhaps as a counter to Mr. MacGregor.

With regard to my question, Mr. Barlow mentioned whistle-blowers and the concern about restricting the ability for people, rightfully, to be able to call out poor practices on farm. So that I can understand the element he's raising, is it that the whistle-blowers in question would enter the farm without taking some measure of biosecurity before going on the said farm to report the poor behaviour?

In my mind, what Mr. MacGregor is proposing about all persons is that as long as those individuals followed the biosecurity protocol in place going into the particular entry of the building, as is being

contemplated in the act, came back out and then reported, this wouldn't necessarily impugn the individual in question.

Can Mr. Barlow give me a bit more context, so I can understand his argument in that regard?

Thank you.

The Chair: Thank you, Mr. Blois.

Mr. Barlow.

Mr. John Barlow: Thanks, Mr. Chair.

Mr. Blois, you kind of led into what I wanted to conclude with.

There are procedures in place, let's say, for farmers, processors and employees. They are audited on a regular basis by their commodity groups, CFIA, provincial health officials. There is a process in place to ensure they are following the rules and the strict biosecurity measures in place, and if they are not, there are already very strict rules, and penalties and consequences to that.

To Mr. Blois' question, that is an important differentiation that we have to make here. Those whistle-blowers would lawfully be on farm because they are likely to be family members, employees, visitors, who have been brought onto the farm, and that owner or farmer or processor has taken them through the biosecurity protocols.

Many of us have toured farms as part of our parliamentary duties or as constituents. I know that when I visit Cargill, for example, I go through a rigorous biosecurity process, or when I go to Mountainview Poultry, I do the same.

That is why there would be no repercussions to those whistle-blowers, because they are lawfully on farm as an employee and they would be following those strict rules.

Thank you very much, Mr. Chair.

The Chair: Thank you, Mr. Barlow.

I don't see any other hands up, so we'll proceed to a vote on NDP-1. I just want to remind the group again that if we adopt this amendment, we will just skip LIB-1.

I'll ask the clerk to take a recorded vote on this.

(Amendment agreed to: yeas 6; nays 5)

• (1615)

The Chair: We will just skip over LIB-1 and go to BQ-1.

[Translation]

Mr. Perron, you may now move your amendment.

Mr. Yves Perron: Thank you very much, Mr. Chair.

As I explained, we really tried to analyze the bill from all angles, as a result of the many testimonies we have heard. We think it may have a loophole that needs to be addressed. We need to consider the possibility that a person could be trespassing not by entering the premises themselves, but by taking in an object, animal, substance or food that could contaminate the animals.

In order to close this loophole, we propose an amendment to lines 8 and 9 on page 1 of Bill C-205 to clarify that, in addition to a person trespassing, if they “take in any animal or thing”, it also constitutes trespassing.

The Chair: Thank you, Mr. Perron.

Does anyone wish to speak to the amendment?

[*English*]

Mr. Blois.

Mr. Kody Blois: Mr. Chair, my question for Mr. Perron, or my comments when I read through this, would be that it seems Mr. Barlow's intent is that if someone were to enter the building in a fashion that could potentially cause a biosecurity risk, regardless of whether someone was holding an animal or bringing an animal in or whether the individual brought a particular item of clothing or food or something of that nature, that entrance would be more premised on whether the entry could potentially cause a biosecurity risk. I think that's quite broad in nature now.

I know what Mr. Perron is trying to do here by making sure we're a little more specific. I just don't know if it's necessary. It's intrinsic by the way the particular provision reads now that if someone is entering the building, regardless of themselves, with 50 people, with animals, with certain items, if they do something to cause a biosecurity risk, they could potentially be impugned under this legislation.

Although I appreciate Mr. Perron's attempt, I don't know if it necessarily is needed. I wonder if he could explain to me why it's absolutely necessary, because I'm reading that it would already be covered under the current provision.

The Chair: Thank you, Mr. Blois.

We'll go to Mr. MacGregor, and then we'll come back to Mr. Perron to have him explain.

Go ahead, Mr. MacGregor.

Mr. Alistair MacGregor: Thank you, Chair.

I'm not sure if either of our witnesses from the CFIA can chime in.

I appreciate what Mr. Perron is trying to do, but again, is this level of specificity required, or would it just be assumed that if you're taking in an animal from wherever, that would not be allowed? I would assume that if I were visiting another poultry farm, I wouldn't be able to take one of my chickens with me for a friendly visit. That's just not what you do.

I appreciate what he's trying to do. I guess my question is on whether this further clarification in the clause is necessary, or is Bill C-205, as it currently reads as amended, clear enough to the officials who would be enforcing the act?

The Chair: Thank you, Mr. MacGregor.

[*Translation*]

I'll ask Mr. Perron to answer first. Then, if necessary, you can ask Ms. Dudley for help.

Mr. Yves Perron: I think Mr. MacGregor's question was more for the experts, but I can still try to answer it.

I'll start by answering Mr. Blois. We tried to keep in mind that we are about to pass a bill that may well be in effect for a long time, so we wanted to make it as effective and as stable as possible, without any loopholes. This bill applies to facilities that are closed, of course, but also to enclosed places where animals are kept. In this case, someone could walk up to the enclosure and throw in a chicken, say, as in Mr. MacGregor's example. But it could be something else. In such a case, the person would not have entered the enclosed place, but they would still have put something in it. So we just wanted to close that loophole.

Now, do we need to be that specific? Our interpretation of the current proposed wording is that the prohibition relates to entering a building or other enclosed place. So, if the person does not enter, are they in violation? It is important to remember that in court, judges cannot act at will. They have to interpret the law and stay within the law. That is why we are trying to fill in any gaps that may exist in order to make this bill effective.

Our experts may wish to add to my comments.

• (1620)

The Chair: Thank you, Mr. Perron.

[*English*]

Ms. Dudley, is there anything you would like to add to clarify or maybe explain further on this?

Ms. Jane Dudley: Of course, there isn't an interpretation that I can give, but the language is pretty consistent with what exists already, “person or thing”. I believe this is what we're discussing, Mr. Chair.

The Chair: Yes, Ms. Dudley.

Ms. Jane Dudley: This is common language in the Health of Animals Act, “any animal, animal product, animal byproduct or thing”. Consistency is usually recommended.

The Chair: Okay.

[*Translation*]

Do you have anything to add, Mr. Perron?

Mr. Yves Perron: Actually, I think we're saying much the same thing, if I can convince my colleagues. The way it is currently worded, it does not apply to any person or any thing, and that's the clarification we want to add. If I understood Ms. Dudley's answer correctly, it would be consistent with the existing act.

The Chair: Thank you, Mr. Perron.

[*English*]

Is there anything else for discussion?

Are we clear on the amendment, and are we ready to vote?

Again, if BQ-1 is adopted, NDP-2 and LIB-2 cannot be moved.

Mr. Blois.

Mr. Kody Blois: I have two questions, Mr. Chair.

I was wondering at this point whether or not there could be a different choice of words. Mr. Perron seemed to suggest it was the introduction of a said substance.

I see where he's coming from. It seems to hinge on whether or not the person has actually entered into the building or the enclosure. Mr. Perron is trying to say that any type of activity, or the introduction of a substance or thing that could cause biological harm, should be something we should be encapsulating.

I'm not particularly married to the language, but I'm wondering whether or not, even at this stage, we can do that.

My second point would be, as you're saying, Mr. Chair, if this passes, then that means NDP-2 and LIB-2 are off the table.

Is my understanding correct?

The Chair: Exactly.

[*Translation*]

Mr. Maziade, can you confirm that?

[*English*]

Mr. Jacques Maziade: You're right, Mr. Blois. If BQ-1 is adopted, NDP-2 and LIB-2 cannot be moved because they're amending the same lines.

[*Translation*]

The Chair: Thank you, Mr. Maziade.

Mr. Perron, you have the floor.

Mr. Yves Perron: Thank you very much, Mr. Chair.

Following the last statement, I invite my colleagues to judge the amendment on its merits.

I would also like to answer Mr. Blois' question. Based on the analysis we have done, we are proposing the wording “any animal or thing”, and substances would be included in the term “thing”. So it could be a contaminated object, a contaminated substance, an animal, or anything else that fits the terms “animal” or “thing”.

The Chair: Thank you, Mr. Perron.

[*English*]

Go ahead, Mr. MacGregor.

Mr. Alistair MacGregor: Mr. Chair, I was kind of on the fence with this one, not really sure where it was going, but if Ms. Dudley has said the language is consistent with what we see in the rest of the Health of Animals Act, I could possibly support it.

However, I am worried about the consequence to NDP-2 and LIB-2, so I'm wondering if the committee could entertain a slight amendment to BQ-1, whereby we discuss the word “could”, and whether we want to substitute the word “would” or, as in LIB-2, “will”. I don't want to preclude discussion of those other ones, but they seem like relatively simple amendments to this amendment.

That's something I'd like to bring to the table as well.

• (1625)

The Chair: Thank you, Mr. MacGregor.

Mr. Blois.

Mr. Kody Blois: What I think is pertinent to the discussion right now is that because NDP-1 has passed, we're now encapsulating all persons, which I think is appropriate. We know farmers and stakeholders are already doing great work, and this will still make sure those people who don't take those issues seriously face the consequences under the legislation.

I think what we need our colleagues to weigh in on is that “could” and “would” present different standards. From a legal perspective, if a judge were to look at this—and let's just say with Mr. Perron's potential amendment aside—with regard to someone entering these places, the definition involving “could” is a very low threshold. That's very wide. It could encompass a whole host of different activities, both very, very low risk and higher risk. The amendments that Mr. MacGregor and I are proposing are to try to make sure the threshold is such that, by a reasonable standard, the action in question would constitute a biosecurity risk.

That's something I think our colleagues need to flesh out before we can actually adequately address Mr. Perron's piece. If we adopt Mr. Perron's amendment, notwithstanding the fact that Ms. Dudley said it might conform to the rest of the provisions of the act, that might leave the other piece hanging. I think it's important that we hear from our colleagues about their perspective on “could” versus “would” so that we can get that threshold.

The Chair: Thank you, Mr. Blois.

[*Translation*]

Mr. Perron, you have the floor.

Mr. Yves Perron: Thank you very much, Mr. Chair.

My thanks to Mr. Blois for his comments. I was going to make the same proposal, because I was afraid that some of my colleagues would vote against the proposed amendment so that they could adopt their own afterwards.

Since it is not quite the same thing, it is important that we take the time to discuss it. Since the committee allows it, it is very appropriate to do so. So I agree with Mr. Blois that we should discuss it.

Having said that, I have very strong reservations about amendments NDP-2 and LIB-2. If we change the wording from “could” to “would” or “will”—both of which are roughly equivalent and use different verb tenses, but have the same effect—we are going to have a problem, because the burden of proof will then be on the complainants. Remember all the testimony we have heard: whether it's trespassing or anything else, the problem with enforcing the current law is proving the damage. That's what becomes a chore afterwards.

Right now, farmers who have been assaulted on their private property and are in distress have to undertake proceedings, gather evidence and spend money to hire a lawyer to plead their case and prove that they have suffered damages. At the committee, we heard an example where water was poured into diesel fuel. In such a case, how do you prove that it was the trespasser who did it, if there are no photographs or other evidence? There is no way to prove it.

The current wording in the proposed clause 1 of the bill, “knowing that entering such a place could result,” frees the complainant from having to prove damage in terms of biosecurity. By keeping this wording, it would be written into the act that this person endangered the biosecurity of the farm, and I believe that was the intent of the bill that Mr. Barlow introduced.

Unless I am convinced otherwise by the two experts, I would urge members not to adopt either of the two amendments that may be introduced after this one.

[*English*]

The Chair: I'll go to Ms. Rood, but perhaps, Ms. Dudley, you could explain the ramifications of “would” and “could”, and I don't know what the other one was.

Could you comment on that?

• (1630)

Ms. Jane Dudley: Well, without giving legal advice once again—I'm sorry that I have to take this approach—

The Chair: Sure.

Ms. Jane Dudley: —“would” sounds like it's more likely than “could”. “Could” sounds like it's not as certain as “would”. It depends on the outcome you want.

The Chair: Okay. Thank you.

Ms. Rood.

Ms. Lianne Rood (Lambton—Kent—Middlesex, CPC): Thank you.

I'd like to make a friendly suggestion that may encompass everything as a compromise, so that we can keep in the spirit of the amendment proposed by Mr. Perron, and it may also encompass NDP-2 and LIB-2, and that's just adding the word “will”. It would say “will or could”. I think that keeps in with the language that's already in the act, and it would also encompass everything that everybody is asking for here. It would provide that certainty for both, if that makes sense.

Mr. Jacques Maziade: Mr. Chair—

[*Translation*]

The Chair: Yes, that's a procedural matter, so I'll ask you to explain that to us, Mr. Maziade.

[*English*]

Mr. Jacques Maziade: I want maybe a confirmation from Mr. MacGregor.

Did you formally move the subamendment changing the word “could” by “would” or “should”? I just want this clarification.

Mr. Alistair MacGregor: No, I've not formally moved it. I was just bringing it up as a discussion. I wanted to test the room.

Mr. Jacques Maziade: Okay. Perfect.

Ms. Rood, do you want to move a formal subamendment adding the word “will” between “thing” and “could”?

Ms. Lianne Rood: I would propose that we add “will or could” and then “result in the exposure of”.

Mr. Jacques Maziade: One or the other, you mean.

Ms. Lianne Rood: “Could” is already there. I would propose “will or”, just adding “will or” in front of “could”.

Mr. Jacques Maziade: Okay. It would read “thing will or could”.

Ms. Lianne Rood: Yes.

Mr. Jacques Maziade: Okay.

Mr. Chair, it's on the subamendment. You can have a debate on this and vote on this subamendment. If it's adopted, you will vote on the amendment as amended, or if it's defeated, you'll go back to BQ-1 as is.

The Chair: Okay. We are now debating the subamendment.

Thank you, Ms. Rood.

[*Translation*]

Mr. Blois, you have the floor.

[*English*]

Mr. Kody Blois: Thank you, Mr. Chair. My hand was up originally to make sure I understood exactly what Ms. Rood was contemplating. I do have it before me.

The only issue I see with this is that when you say “thing”, in “the animal or thing”, I think we change it to say “will or could result”.

What's the standard? If this goes before a judge, what are they choosing to use? Is it simply it “could have resulted” or it “will result”, or would it be “would have resulted”?

It creates two different standards in my mind, in terms of what we're trying to move on. I have problems with the two standards. Does a judge simply take the one that they feel is best? I think that would run into real complications.

A potential individual who is charged under this provision would say, “Well, I didn't do anything where it would have impacted”, but then, what if the judge says, “Well, no, you could have...just because you happened to be in there and anything under the sun could have happened”? I think that's the problem we run into.

I don't know if it's appropriate at this stage, but I have some other language that I'd like to propose at some point after we, as a committee, decide if this language is appropriate.

Is it appropriate to maybe put it on...?

When we look at trying to find a bridge between “could” and, of course, what Mr. MacGregor said, which is “would”, and I had in my language “will”, I think both “would” and “will” are stronger in terms of burden of proof of trying to establish on a prosecution that this did indeed happen.

What if we went somewhere in between and said “could reasonably”, which then starts to become the 51%? It becomes less of it “would” absolutely be, that it absolutely had to be tied to a particular disease transfer.

The word “could” is so wide open that I think it could be anything, anyone stepping on a farm, and “could reasonably” starts to.... The judge would use those words to look at whether it's 51% on the evidence: Was it more likely than not that this particular action would have actually resulted in biosecurity?

Maybe it's not my time to move that, but I put that on the record for my colleagues to consider.

● (1635)

The Chair: Thank you, Mr. Blois.

I believe we'll have to deal with the subamendment first.

Keep in mind that we are still dealing with the subamendment that was suggested by Ms. Rood.

[*Translation*]

Mr. Perron, you have the floor.

Mr. Yves Perron: Thank you, Mr. Chair.

I would like to ask Mr. Blois a question.

The proposed subamendment is sort of the equivalent of the two amendments that might be proposed after this one. It's intended to add the same concept.

Mr. Blois may be raising an important point when he says that the two possibilities could make it ambiguous. Having said that, I would like him to explain why he wants to change the original word “could” to “would”. What is the goal?

Remember, I mentioned the danger of placing a huge burden of proof on the complainant. So the current problem would remain.

We heard from many witnesses that we don't need this bill because there are already laws in place that prohibit such acts. Yes, but those laws don't work. The goal is to make it work, and I think we all share that goal.

So I would like Mr. Blois to explain why he wants to change the word “could” to “would”.

The Chair: Thank you, Mr. Perron.

[*English*]

We'll go to Mr. Epp.

Mr. Dave Epp: Mr. Chair, I have two points. One is that the word “could” is something that is consistent already and used within the Health of Animals Act. The second point is that we heard from numerous witnesses that one of the goals, in their eyes, that we're trying to represent is that this is an act that encourages some deterrence. That's using an oxymoron in my language, “encourages

deterrence”. Leaving “could” undefined, yes, it provides a lower standard, but it certainly enhances the deterrence aspect of this bill. I would think that should be important in our thinking here.

The Chair: Thank you, Mr. Epp.

Mr. MacGregor.

Mr. Alistair MacGregor: Chair, first of all, this provision is going to come into effect after the fact, right? CFIA is going to have to determine through their investigation what exactly happened on the farm. They're going to have to see whether a person entered the building or enclosed place, and whether they knew or they were reckless as to the fact that their doing so put the animals in danger.

I actually appreciate what Mr. Blois brought forward. I think that adding the word “reasonably” tightens it up a little bit, because “could” is just too broad a term. I understand that Mr. Epp said that it is consistent with other parts of the act, but maybe the compromise here is to add the word “reasonably”.

With the subamendment we have before us and whether it's “will” or “could”, I think we have to pick a lane with regard to our language here. A judge is going to look at that and say, well, which one is it? It's just leaving a little bit too much confusion. I think I will vote against the current subamendment and try to go with the reasonable addition that Mr. Blois has included. That allows us to keep the word “could” but further modifies it to give a little bit more certainty.

The Chair: Thank you, Mr. MacGregor.

Mr. Barlow.

Mr. John Barlow: Thanks for the great discussion, everyone. I just want to add really quickly that when we picked the wording for this amendment to the Health of Animals Act, we purposely tried to keep it consistent, which is one of the reasons “could” was put in there. The idea was that the purpose of the bill is to prevent the possibility of trespassers spreading disease, not to, in essence, create an offence with respect to trespassers who intend to spread a disease.

I thought Dr. Pritchard's testimony the other day was interesting too. When Mr. MacGregor was asking about “would” versus “could”, she was pretty adamant about the importance of “could”. I'll just quickly quote her: “I spend all day reading regulations and trying to figure out how to enforce [them]. Being reckless, as to whether entering such a place could result in the exposure of animals to a disease or toxic substance, to me, is that you're not following the protocols it could. I feel that the burden of proof is not to show that the disease was transmitted, but that it could have been transmitted. I feel that that bar for burden of proof is much lower.”

Maybe we can discuss Mr. Blois' amendment, but I just want to stress that we picked “could” to keep it consistent with the existing Health of Animals Act and I would just emphasize Dr. Pritchard's testimony from the other day as well.

● (1640)

The Chair: Thank you, Mr. Barlow.

We'll go with Mr. Perron and then perhaps we can vote on the subamendment, unless there are other speakers.

[*Translation*]

Mr. Perron, you have the floor.

Mr. Yves Perron: I don't know if you feel the same way I do, but I think we're getting closer to a consensus.

I agree with Mr. Barlow and I too am very keen to keep the word "could". If we put the word "reasonably" in there to reassure the other members of the committee, I think we'll have something that could look like a compromise.

I know that procedurally, it may not be the appropriate time to suggest this change. But it's important to state your intentions so that members can make the right decision when they vote.

If we reject Ms. Rood's first subamendment to amendment BQ-1, but accept a new subamendment to add the word "reasonably", I think we will have a consensus.

Correct me if I am wrong in my impression.

The Chair: Thank you, Mr. Perron.

[*English*]

With that, I think we can vote on the subamendment, which would be to BQ-1 to have "will or" before "could". I think that's how it would read—

Mr. Kody Blois: Mr. Chair, Mr. Steinley has his hand up.

The Chair: Oh, I'm sorry. I didn't see your hand. Go ahead, Mr. Steinley.

Mr. Warren Steinley: I'm wondering if Ms. Rood is able to add "reasonably" to her subamendment. We could just vote on that, and if everyone is okay with that, we could pass that and then vote on Mr. Perron's amendment. Is Lianne able to add "reasonably"?

The Chair: We'll go to the expert on procedure.

Mr. Maziade, is that a possibility or do we have to go to another subamendment?

Mr. Jacques Maziade: Just to clarify, do you want to remove the "will or" and add "could reasonably", or do you want to keep "will or could reasonably"?

The Chair: I believe from what I'm hearing we would remove "will or" and then just add "reasonably". Is that the consensus that I'm hearing here?

Mr. Kody Blois: Mr. Chair, let me make my intentions clear.

As it stands with the current amendment by Ms. Rood, I would not be able to support it. If she would like to withdraw her amendment and instead reinsert, under the aspect of whether entering a place or taking in the animal or thing, "could reasonably result in the exposure of", then I'll support that.

If she wants to take the glory, she can. If not, she knows where I stand.

The Chair: Thanks, Mr. Blois.

We'll ask Ms. Rood after all this discussion if she still wants the amendment.

Ms. Lianne Rood: I will move to drop the "will" and instead add "reasonably" so that it reads "could reasonably".

[*Translation*]

The Chair: Mr. Maziade, is that possible?

[*English*]

Mr. Jacques Maziade: Yes. You just need the unanimous consent to withdraw the subamendment. The "will or" will be withdrawn if everybody agrees with that.

The Chair: I see thumbs up everywhere.

Mr. Jacques Maziade: Okay.

The Chair: I do believe we have unanimous consent on that.

(Subamendment withdrawn)

Mr. Jacques Maziade: We will replace it with "could reasonably result in the exposure".

The Chair: That becomes a new subamendment, right?

Ms. Lianne Rood: Correct.

Mr. Jacques Maziade: Correct.

The Chair: Yes. Okay.

Mr. Jacques Maziade: This is a new subamendment.

You can have a debate, and whenever you want you can vote on this subamendment by Ms. Rood.

The Chair: Are we ready to vote on that at this stage?

I will ask the clerk to do a recorded vote.

(Subamendment agreed to: yeas 11; nays 0 [*See Minutes of Proceedings*])

• (1645)

The Chair: Shall BQ-1 carry as amended?

I will ask the clerk to take a recorded vote on BQ-1, please.

(Amendment as amended agreed to: yeas 11; nays 0 [*See Minutes of Proceedings*])

The Chair: With that, we shall go to the individual clause.

Shall clause 1 carry as amended? I will ask for a recorded vote.

(Clause 1 as amended agreed to: yeas 11; nays 0)

The Chair: Shall clause 2 carry as amended?

Mr. Jacques Maziade: Mr. Chair, clause 2 was not amended. There was no amendment.

The Chair: Okay. My bad.

Thank you, Mr. Maziade.

Shall clause 2 carry?

(Clause 2 agreed to: yeas 11; nays 0)

The Chair: Shall the title carry?

Again, it will be a recorded vote, Madam Clerk.

Ms. Lianne Rood: Can we just apply the previous vote results to this vote?

[*Translation*]

The Chair: Is that possible, Mr. Maziade?

[*English*]

Mr. Jacques Maziade: Yes.

[*Translation*]

If everyone agrees, there is no problem.

[*English*]

The Chair: Are we all in agreement?

I see a lot of thumbs up so we shall apply.

Thank you for being efficient, Madam Rood.

(Title agreed to: yeas 11; nays 0)

The Chair: Shall the bill as amended carry?

Do we want to apply the previous vote?

Ms. Lianne Rood: Let's apply. Can we apply the vote?

The Chair: We can.

Mr. Jacques Maziade: Yes.

The Chair: I see all thumbs up. Good.

(Bill C-205 as amended agreed to: yeas 11; nays 0)

The Chair: Shall the chair report the bill as amended to the House?

We will apply the same results.

(Reporting of bill to the House agreed to: yeas 11; nays 0)

The Chair: I will bring it to the House on Monday.

Mr. Jacques Maziade: Mr. Chair, since there were a couple of amendments adopted, you have to ask the last question concerning the reprint of the bill.

Can you see it? It may be on the other side of the page.

• (1650)

The Chair: Yes. Thank you, Mr. Maziade.

Shall the committee order a reprint of the bill as amended for the use of the House at report stage?

Because of the amendments, we have to get a reprint. Are we all good with that?

An hon. member: Apply.

The Chair: We will apply the same results.

(Reprint of Bill C-205 as amended agreed to: yeas 11; nays 0)

The Chair: I think all is good, Madam Clerk.

I think we've covered it all. Great job.

Congratulations, Mr. Barlow. It went through. This will end our clause-by-clause.

I've communicated with Ms. Rood, Monsieur Perron and Mr. MacGregor that this would conclude our meetings for this session. I think everybody was okay with that, as long we got through the clause-by-clause, which we've just finished, so I think this will be our last meeting.

I really want to thank the committee. I think we've done great work, really pertinent work, and it's thanks to everyone. I'm thinking about this session and I'm thinking about way back. I've really enjoyed working with the ag committee.

If I think back a bit to business risk management, this influenced the minister, and this got a lot of things done.

On mental health issues, although maybe not with this particular session, that was important work we did.

I'm thinking of the CUSMA negotiations and our trip to Washington. I'm not saying that we were the ones who changed their minds, but I think we were all part of the whole negotiation process.

On the grain issues that we had one winter, we got both CN and CP in here and made sure it happened.

Those are just a few examples of what we were all able to do, so I really want to thank all my colleagues who have been through this.

I think Francis and I are probably the only ones from the original committee, but to all of you, I really appreciate how we were able to work together on all sides of the House on this one.

I also want to thank the magnificent clerks that we've had throughout, including this one now, and the analysts.

Corentin and Alexie, that was great work. Without you, this would not have proceeded as smoothly, for sure.

Also, to the staff, to translation and to all the other staff who make meetings happen, especially in the challenging times we've had with the pandemic, it's just awesome what you guys are doing. We really want to thank you for that.

Also, thank you to our own party staff, who we don't see on the screen but who are there working with us, sliding sheets and stuff to us to make us look, I wouldn't say "good" but maybe "better" is the word I'm looking for.

I want to say again that this has been the highlight of my stay. Of course, this is going to be my last committee for sure. Well, who knows? We might still be here in three years' time. If you believe that, let's go and buy a lottery ticket.

I want to thank all of you and, really, from the bottom of my heart, I appreciate all of you and all the work we've been able to do. With that, I'll conclude.

Mr. Epp, I know that you have your hand up.

Thank you so much.

Mr. Dave Epp: I'm going to defer to my colleague Ms. Rood.

The Chair: Go ahead, Ms. Rood.

Ms. Lianne Rood: Thank you.

Mr. Chair, I want to say thank you for doing such a great job. I got thinking about how this committee has been sitting non-stop, really, since January 2020. We didn't take a break through last summer when Parliament was in special committee. We've done some tremendous work on behalf of the agriculture sector, farmers and producers.

To you, thank you for being such a great chair. Should we not need that lottery ticket, it would be great to have you back in the fall. We wish you well in your retirement.

The Chair: Thank you.

Ms. Lianne Rood: You've just been fabulous to work with.

I want to say thank you to you for all the good things you've done, and thank you to the clerk, to all the support staff and to everyone on this team. I think we've done a lot for Canadians that we can be proud of, and we've been just a great team to work together across party lines. We haven't always agreed, but I think we've done pretty well for ourselves. This is a committee that people can look to for how we can work non-partisan across party lines for the greater good of Canadians and agriculture in Canada.

Thank you again, Mr. Chair. It's been a pleasure to work with you this term.

Thank you to my colleagues. I wish all of you a really great summer session break back in your constituencies.

• (1655)

The Chair: Thank you so much, Ms. Rood. That is very much appreciated.

Mr. Epp, go ahead.

Mr. Dave Epp: Mr. Chair, in the unlikely event that this is your last meeting, my wish for you if you were a blueberry producer would be may your juice always run blue, but since you and I share tomatoes, my wish for you is may your juice always run red.

All the best to you in your retirement.

The Chair: Well said, Mr. Epp.

[*Translation*]

Mr. Perron, you have the floor.

Mr. Yves Perron: Thank you, Mr. Chair.

I'm the third or fourth to speak, so a number of things I wanted to mention have already been said.

I was going to say that we should absolutely continue to sit through the summer to do the environmental study, but I don't think I would have overwhelming support. Of course, I am kidding.

As I think I mentioned a couple of times during the session, I am a new member of Parliament learning my job. It has been a real privilege to serve on this committee. I don't mean this in a negative way, but you've all heard stories about other committees where things don't always work out the same way. As Ms. Rood said so well, we are a great example of how politics can be done differently to advance the cause, for the good of the people and for the good of the agriculture and agri-food community. I think we can all be very proud of ourselves.

My thanks to all my colleagues from the bottom of my heart, because even though we really disagreed at times, we always worked in a very respectful way, and a lot of that is because of the chair.

Before I say a few words about the chair, I also want to talk about the staff. As a francophone Quebecker, I am extremely impressed with the quality of service. As you know, we have made motions to ensure that the language is respected, and this has not always been easy because of technological problems. I would like to acknowledge the dedication and perfectionism of the staff of the House of Commons. I am referring to the interpreters, who often had to translate extremely technical discussions. I am actually quite comfortable in English, but I still lack a lot of vocabulary. In order to fully understand the issues and to be able to present my vision, it was essential for me to have access to effective and clear interpretation, and this was always the case. So I thank the interpreters very much.

I would also like to thank the clerk and all the other staff members, who always gave us an extremely warm welcome, whether in person or online. I feel extremely fortunate to have been able to benefit from that.

Of course, I also want to thank the staff of the political parties. Someone mentioned earlier that there was no break last summer, and there was no break for the staff either. In some cases, they had even less of a break than we did because they often have several committees to oversee. I raise my hat to them.

In closing, I will turn to you, Mr. Chair. I want to give an example of your openness. I remember the discussions I had with you in the early days. I always felt very welcome. You also always made sure that you allocated the speaking time fairly, which was not easy in virtual mode, given the time lags caused by the interpretation, which are perfectly normal. When a speaker finishes a sentence, the interpreter has to continue the sentence, so we lose 5, 10 or 15 seconds each time. You were really extraordinary in this respect. I was a little bit grumpy a few times, but it was exceptional.

I wish you all the best for the future. It would be nice to see you again in the fall so that we can continue to work on all the bills that are being considered, many of which deal with agriculture. I would like to give a nod to my buddies on Bill C-216, which has not yet been referred to the House by the committee. I hope it will be done before the summer adjournment. If not, I hope it will be in the fall.

I will stop here, because I realize I am talking a lot.

In short, it has been a great pleasure to serve on this committee and I congratulate us collectively on our co-operation. The last amendment is a very good example of that. We had three or four completely opposing positions and we ended up with a common position, because the members of the committee listen to what members of other parties are saying, think about it and analyze the information, rather than getting stuck on one position. If this were the case all the time in Parliament, we would have passed more bills in this session, my friends.

It will be a great pleasure to see you all again, hopefully in person.

• (1700)

The Chair: Thank you, Mr. Perron.

Your words are very true and very touching.

[*English*]

Go ahead, Mr. MacGregor.

Mr. Alistair MacGregor: Mr. Chair, I've been a member of this committee now for three and a half years. I can remember when I moved on in the early months of 2018 joking with my colleagues that I was moving onto greener pastures. It was definitely true.

You have been a steady hand at the tiller. I think our committee can be held up as the gold standard amongst all the standing committees of how you can bring a bunch of different views together, but they are discussed in a respectful way. Look at how we handled C-205. I think that's a perfect example. I think the reason is that no matter what political party you belong to in the House of Commons, we all represent ridings that have farmers. We all care very deeply about how well they're doing and we want to see them succeed in life.

We've covered some amazing subjects in my time on this committee. I sincerely enjoy the time that we've had, the discussions we've had.

To my colleagues, I hope all of you have a wonderful summer. It's been a great honour and pleasure to work with all of you.

To you, Mr. Chair, Pat, if we don't come back in September, we will miss you. We all very much appreciate the work that you've done in guiding us through all of these studies.

All the best on your next journey in life. Congratulations.

The Chair: Thank you very much, Mr. MacGregor.

One of the highlights of our trips when we used to be able to travel was visiting your home province. We had a great time and we learned so much.

Thank you so much.

Mr. Blois.

Mr. Kody Blois: Mr. Chair, at this point, there have already been a lot of great points said, so I'll just echo what has already been said to you.

You show great deference and a great ability to help try to balance all the interests, so we will miss you if we're not back in September. As someone that has been able to see your work inside the tent, so to speak, of our caucus, you're going to be missed. You're a heck of a guy. All the best to you and your family in the days ahead.

To my colleagues, I am a relatively new MP—just since 2019—but I've had a glimpse of other committees, and as Mr. MacGregor said, we are the gold standard. It has been great to be able to come to each group, to be able to listen to the different ideas, to be able to have respectful debate and to try to advance the interests of farmers.

To Mr. Barlow, of course, thank you for your work in bringing forward C-205. I know you're very passionate about it, and I applaud you. Congratulations on getting this bill back to the House. On the basis of the feedback that you've had from the different members, this will pass when it gets to a vote, and I think that's a compliment for our ability as a committee to help put a frame that is going to help support farmers.

Well done, Mr. Barlow.

To all my colleagues, have a great summer. If you want a bottle of Nova Scotia wine, you need to send me your address so I can send it.

Finally, I'm going to miss getting little text messages from Mr. Steinley. I quite enjoy that as we have a bit of friendly banter back and forth.

Enjoy the summer, everyone, and thank you, Mr. Chair.

The Chair: Thank you all so much. I'm not going to say a whole lot, as I would choke up like I did the other night in my final speech. I really appreciate all your kind words.

I want to wish every one of you a great summer. I wish I could have been here at least when the Canadiens raised the cup, but we're not going to have time.

Thank you so much, everyone. Keep safe. Who knows what the future holds, but I wish you the best.

[*Translation*]

Thank you and have a good rest of your day, everyone.

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