



To: Board of Management

From: Chief Executive Officer

Subject: **LEGISLATION IN THE SENATE OF CANADA**

Date: 2020-11-20

Reason for Confidential Information:	This report includes information related to security of property of the municipality (or local board).
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SUMMARY

This report discusses Bill S-218, a bill that was introduced in the Senate of Canada on Tuesday, November 17, 2020 by Senator Murray Sinclair called An Act to amend the Criminal Code and the Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act (great apes, elephants and certain other animals). The bill is also titled the *Jane Goodall Act*.

This bill proposes to amend the Criminal Code to create offences respecting great apes, elephants and certain other non-domesticated animals in captivity. It also amends the Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act to require a permit for the import, export or interprovincial travel of great apes, elephants and certain other non-domesticated animals and to prohibit the importation or exportation of elephant ivory, with certain limited exceptions.

RECOMMENDATIONS:

It is recommended that:

1. the Board of Management approves the recommendations in Confidential Attachment I;
2. the Board of Management direct that Confidential Attachment I be made public upon the passing of Bill S-218 by the House of Commons or at the Chief Executive Officer's discretion.

BACKGROUND:

On Tuesday, November 17, 2020, Dolf DeJong, Chief Executive Officer of the Toronto Zoo, received a letter from Senator Murray Sinclair informing the Zoo that he was introducing legislation in the Senate of Canada "to protest captive great apes, elephants and other non-domesticated animals, and to ban the import of elephant ivory" (Attachment II).

There is no question that institutions like the Toronto Zoo that have been entrusted with wildlife should be held to the highest standards. As a leading centre for conservation, education and scientific research in Canada, we currently adhere to a number of legislative and regulatory standards by multiple levels of government in Canada and abroad including:

International

- Convention on International Trade in Endangered Species of Wild Flora and Fauna (CITES)
- World Organization for Animal Health (OIE): the main objective of the OIE is to control epizootic diseases and their spread. Canada is a member state. There is no direct regulation that pertains to us, however, there are indirect regulations under CFIA, Environment Canada.

Federal

- Environment Canada – Canadian Wildlife Services: includes permitting, funding, consultations and recovery planning relating to Species at Risk Act (SARA, 2002).
- Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act
- Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act (WAPPRIITA) – Toronto Zoo meets obligations under CITES, as well as the laws in the country of origin and for Canadian species regulated by provincial or territorial laws and species whose introduction into Canadian ecosystems could endanger Canadian species.
- Canadian Food Inspection Agency Guidelines: safeguard food, animals, and plants, which enhances the health and well-being of Canada's people, environment and economy. This is done through the Health of Animals Regulations under the authority of the Health of Animals Act to protect animals and animal health and control diseases that may affect terrestrial and aquatic animals or that may be transmitted by animals to persons.

Provincial

- Ontario Ministry of Natural Resources and Forestry (OMNRF): permitting and authorizations under the Endangered Species Act, 2007 as it relates to native species and recovery and research activities.
- Fish and Wildlife Conservation Act: issues our Provincial Zoo License under Ontario Regulation 668/98 Wildlife in Captivity that authorizes Toronto Zoo to hold and exhibit animals.
- Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) Animals for Research Act REGULATION 24: Research Facilities and Supply Facilities. The Toronto Zoo is registered as an animal research facility under the Animals for Research Act of Ontario which is overseen by OMAFRA. Requirements for registration include that the Zoo have an established Animal Care Committee, the necessities to properly care for and handle animals that are in the research facility, and to abide by the Act and its regulations.

Legislation Specific to Transport of Animals

International

- Terrestrial Animal Health Code: This is also World Organization for Animal Health (OIE)
- International Air Transport Association's Live Animals Regulations (LAR) is the worldwide standard for transporting live animals by commercial airlines to ensure all animals are transported safely and humanely by air. We apply these standards to all transport of animals by sea, by land and by air.

Federal

- Canadian Food Inspection Agency (Animal Programs): Transportation of Animals Requirements under the Health of Animals Regulations improve the well-being of animals during the entire transportation process. The CFIA regulates the humane transportation of animals and the humane treatment of food animals.

Provincial

- Ontario Ministry of Agriculture, Food and Rural Affairs: Animal Welfare and Transportation requirements in the Animals for Research Act Regulation 25: TRANSPORTATION

Legislation – Captivity

Federal

- Environment and Climate Change Canada – Canadian Wildlife Services implements the Migratory Birds Convention Act and the Migratory Birds Scientific-Capture Permit systems that regulate our care of migratory birds. The Canadian Wildlife Service (CWS) is a Branch of Environment Canada. It is also responsible for the protection and management of species at risk and their habitats.

Provincial

- Ontario Ministry of Natural Resources implement the Fish and Wildlife Conservation Act that licenses and authorizes Toronto Zoo to hold and exhibit animals native to province

Municipal

- City of Toronto - Toronto Municipal Code, Chapter 349

Legislation Specific to Animal Health and Welfare

Federal

- Canadian Food Inspection Agency: (Animal Programs) : Animal Programs focuses on terrestrial and aquatic animal health, animal pathogens, livestock feed, and veterinary biologics.
- Health of Animals Act, Health of Animals Regulations- Reportable / Notifiable Diseases: Federally reportable diseases are outlined in the Health of Animals Act and Reportable Diseases Regulations and are usually of significant importance to human or animal health or to the Canadian economy. Producers/animal owners, veterinarians and laboratories are required to immediately report the presence of an animal that is contaminated or suspected of being contaminated with one of these

diseases to a Canadian Food Inspection Agency district veterinarian. Control or eradication measures may be applied immediately.

- Disease eradication programs.
- Canadian Federal Government Criminal Code (s.444 – s.447) CFIA supports compliance by providing regulated parties with the tools, resources, guidance, and services they may need to become familiar with and follow regulatory requirements. Using a risk-informed approach, the agency conducts inspections to verify that regulatory requirements are being met. When they are not, CFIA may use control actions to address any immediate risk, as well as enforcement actions once non-compliance has been determined.

Provincial

- Ontario Ministry of Agriculture, Food and Rural Affairs.
- Animals for Research Act.
- OSPCA: The Ontario SPCA and Humane Society (Ontario SPCA) is a registered Canadian charity focused on animal protection and animal advocacy.
- OSPCA Act: Institutions registered with Animals for Research Act are exempt. Bill 50, the 'Provincial Animal Welfare Act': The new model would improve animal welfare by: introducing new offences to combat activities such as dog fighting; giving inspectors necessary powers to help animals in distress and to hold owners accountable; giving government the ability to empower others, beyond inspectors, to take action when an animal is in imminent risk of serious injury or death when a pet is left in a hot car; significantly increasing penalties for serious, repeat and corporate offenders; improving oversight and ensuring increased transparency and accountability, including establishing a one-window complaints mechanism for the public; and establishing a multi-disciplinary advisory table made up of a wide range of experts, including veterinarians, agriculture representatives, academics, animal advocates and others to provide ongoing advice to the ministry to improve animal welfare.
- The College of Veterinarians of Ontario: The College protects and serves the public interest through the regulation of the practice of veterinary medicine.
- Veterinarians Act: Veterinarians in Ontario are regulated by the Veterinarians Act and Regulations 1093 which are under the jurisdiction of the Ontario government. The Veterinarians Act provides the College with the authority to develop by-laws to define the administration of the College.

Accreditation

- Association of Zoos and Aquariums (AZA)
- Canada's Accredited Zoos and Aquariums (CAZA)
- Taxon Advisory Groups (TAG) and Species Survival Plan programs (SSP)
- Canadian Association of Zoo and Wildlife Veterinarians (CAZWV)
- American Association of Zoo Veterinarians (AAZV)
- Canadian Council on Animal Care (CCAC)
- Animals for Research Act
- American Veterinary Medical Association (AVMA)

Attached is a copy of Bill S-218 (Attachment III) and Senator Sinclair's speech to the Senate of Canada (Attachment IV) which gives more insight into the motivation for the bill.

CONTACT:

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ATTACHMENTS

Attachment I - Letter to Toronto Zoo CEO from Senator Sinclair
Attachment II - Bill S-218
Attachment III - Senator Sinclair's speech to the Senate of Canada
Confidential Attachment I