

The Security from Trespass and Protecting Food Safety Act, 2020



THE ISSUE

The *Security from Trespass and Protecting Food Safety Act, 2020* protects Ontario farm animals, farms, farmers and their families, agri-food employees, and the safety of the entire food supply by addressing the ongoing threat of unwanted trespassing and from unauthorized interactions with farm animals. The Act strikes an important balance, respecting the right to peaceful public protest, while giving the justice system the tools it needs to help protect farmers, agri-food workers and businesses, and the food supply from trespassing and harassment.



ANIMAL PROTECTION ZONES

The Act establishes animal protection zones:

Animal protection zone: with respect to a farm, animal processing facility or prescribed premises, means an area on the farm, facility or premises on which farm animals may be kept or located and that is,

- a) An enclosure for farm animals, whether or not it is marked as an animal protection zone,
- b) An area that meets prescribed requirements and is marked as an animal protection zone by the owner or occupier using signs in accordance with the regulations,
- c) An area prescribed by the regulations as an animal protection zone for the purposes of this Act.

Persons are also prohibited from stopping, hindering, obstructing or otherwise interfering with a motor vehicle transporting farm animals.



NO IMPLIED CONSENT

Persons are prohibited from interfering or interacting with farm animals in or on the animal protection zones

or from carrying out prescribed activities in or on the animal protection zones without the prior consent of the owner or occupier of the farm, facility or premises. Persons are also prohibited from interfering with a motor vehicle that is transporting farm animals and from interfering or interacting with the farm animals in the motor vehicle without the prior consent of the driver. This applies even if the trespasser has not been told orally, or in writing, to keep out or if no signs have been posted which restrict or prohibit entry.



FALSE PRETENCES

Consent to entry in or on an animal protection zone, or other prescribed activities which has been given to a person is considered invalid if it is obtained using duress or under false pretences. If consent was obtained under these conditions, the consent will be deemed to not have been given.



OFFENCES & PENALTIES

Offences under the Act carry higher penalties; up to \$15,000 for the first offence, and up to \$25,000 for subsequent offences. Higher penalties are introduced to serve as a deterrent from trespassing and breaching biosecurity protocols. Persons found guilty of an offence can be held responsible, and may receive a restitution order for any injury, losses or damages occurred as a result of the contravention.



LIMITATION PERIOD

The Act introduces a two-year limitation period for the commencement of proceeding for an offence under the Act. The two-year period begins on the later of the day the offence was committed, or the day on which evidence of the offence first came to the attention of a police officer.

O. Reg. 701/20: General



REGULATIONS

O. Reg. 701/20: General, under the *Security from Trespass and Protecting Food Safety Act* includes definitions and provisions which support the Act.



SIGNAGE

Animal protection zones that require signage can only be marked if they meet the requirements listed in the regulations. The sign serves as a warning to any person that is about to enter the animal protection zone that entry is prohibited unless the person has consent, is exercising treaty rights, or enforcement powers, or meets exemption requirements.

Signs must be a minimum of 30cm x 30cm, and be orange in colour. Signs must be erected at each ordinary point of access to the animal protection zone being signed, and must be clearly visible in daylight. The area marked will only be considered an animal protection zone when farm animals are present.



PRESCRIBED PREMISES

The *Security from Trespass and Protecting Food Safety Act* allows for the regulations to prescribe certain premises as animal protection zones. Currently, the following are considered prescribed premises:

1. Premises at which farm animals are ordinarily bought or sold and in respect of which a licence has been issued under the *Livestock Community Sales Act*.
2. Premises at which farm animals are displayed for public viewing.
3. Premises at which farm animals lawfully compete against one another.



INTERFERENCE INTERACTION

Acts which are considered prohibited interferences and interactions with farm animals are listed in the regulations. They include:

1. Directly or indirectly having physical contact with a farm animal, whether the farm animal is dead or alive,
2. Providing any substance to a farm animal, including spraying or throwing any substance on or at a farm animal,
3. Releasing a farm animal from an animal protection zone or transport motor vehicle,
4. Creating conditions in which a farm animal could escape from an animal protection zone or transport motor vehicle,
5. Any activity that causes or is likely to cause harm to a farm animal or harm with respect to food safety.



FALSE PRETENCES DURESS

The regulations outline the situations where false statements result in contravention of the Act, including false statements regarding employment qualifications. Certain exemptions exist for journalists and whistleblowers. Similar conditions exist for when consent is obtained under duress.



INCREASED PENALTIES

The regulations list certain circumstances which increase the gravity of an offence, including whether any farm animals were harmed, killed, or whether any human harm occurred. Penalties can be increased for a person who is found guilty of committing an offence under these listed circumstances.

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