

the highest health standards in the world, particularly in the animal health area. Eradication of TB and brucellosis are examples of those areas. I do not think that other countries would consider them non-trade barriers. I am not sure if Dr. Peart or Dr. Bulmer would like to add to that, though.

Dr. William S. Bulmer, Director, Animal Health Division, Food Production and Inspection Branch, Agriculture Canada: The basis of restriction by animal health or plant health certification is that a country not impose steeper restrictions on imports from or exports to other countries than are imposed on the product or commodity within its own borders. So any regulations that are implemented in this legislation would be directed at protecting the health of Canada's plants or animals. Therefore, Canada would not be able to impose more severe restrictions on products moving into the country than we do at the moment within the country itself.

Senator Frith: I understand. It is sort of the same philosophy as anti-dumping.

Dr. Bulmer: That is right.

Senator Frith: In other words, you do not sell at a price lower than you would charge at home?

Dr. Bulmer: That is right.

Senator Frith: The legislation before us now streamlines what legislation existed, or adds additional powers that you feel are necessary to control these threats effectively. Is that right?

Dr. Peart: It combines two things. First, it gives us some new powers. Some of the wording was old. Indeed, some of it appears to have been from the time that the bill was first introduced in Parliament. So it streamlines the wording. At the same time, in some areas it allows the bill to comply with the Charter of Rights.

The Chairman: Honourable Senator Hays?

Senator Hays: Thank you, Mr. Chairman. My first question relates to clause 3 of the bill, which is a new clause. Explanatory notes state that it provides that the legislation is binding on both federal and provincial governments. It goes on to confirm existing practice.

My question is: To what extent did federal-provincial consultations precede this legislation?

Dr. Peart: There was consultation. We consult regularly with provincial veterinarians. Some of the specific parts of this bill were introduced at their request; for example, the new powers over toxic substances. As to whether specific consultation was done before this particular clause was put in, I am afraid that I cannot tell you at this point.

Dr. Brightwell: Perhaps you can enlarge, Dr. Peart, on why it is there.

Dr. Peart: This particular clause is in the bill to ensure that, where we find disease in a provincially-owned poultry flock, or something like that, there is no question that we can take action against it.

At the same time, you must realize that we do have common policies and they discuss with us on a frequent basis our disease control programs. So they are in favour of our programs. We face them at least once a year in a consultative committee, attended by each of the provincial veterinarians. They can ask us questions and we have to defend our programs. Our scientists also consult on a frequent basis. So for the most part there is no question that the provincial veterinarians support our programs and, indeed, help us frequently.

Senator Hays: Of course, it would not function unless you had power to control it on a national basis. I understand that.

Quite frankly, it surprises me that this is a new legislative provision. I must say that I had assumed that that was always the case. Indeed, it was by agreement but not by law, as it is now.

Can you comment on changes, if any, that are brought about by this legislation in compensation where slaughter of animals is called for by virtue of a policy that the Health of Animals Branch has in place?

Dr. Brightwell: Dr. Bulmer, would you touch on the treatment aspect as well in your answer to that question?

Senator Hays: And you might as well talk about cost recovery in that context as well.

Dr. Bulmer: First, with respect to compensation for animals that the minister would order destroyed because of either the presence of an infectious or contagious disease or contamination by a toxic substance, within the context of the definition of "disease" in this legislation, the minister will be able to award compensation at full market value up to a maximum that may be set with respect to any species or any particular disease. That was in place in the previous legislation.

The new part of the legislation now provides the minister with the authority, on a discretionary basis, to award compensation for any treatments applied to an animal or to a product that would render it safe. Previously, the minister had only the authority to compensate for animals ordered slaughtered. That created a bit of a problem inasmuch as some diseases are responsive to therapy. For example, it might be more cost-beneficial to treat an animal with anaplasmosis through anabolic therapy, at a cost of, say, \$50 to \$100, as opposed to ordering the animal slaughtered, under the previous legislation, and paying the full market value, which might be as high as \$1,500. In that situation the owner would also lose the genetic value of the animal and all the effort that he had put into the breeding of the herd. Sometimes it is a lifetime of effort.

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In addition, there is now authority to assist with the disposal of animals ordered destroyed, if they are not permitted to go into a federally inspected abattoir and the disease is of such a nature that it must go to a landfill for burial or to incineration. The minister can now compensate those owners for that type of problem. So there is increased flexibility with respect to the payment of compensation.