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# Bill 236

**An Act to protect captive wildlife and to establish a licensing scheme for zoos**

**Mrs. L. Collard**

**Private Member's Bill**

1st Reading      December 4, 2024

2nd Reading

3rd Reading

Royal Assent



## EXPLANATORY NOTE

The Bill enacts the *Captive Wildlife Protection Act, 2024*. The Act creates a licensing scheme to operate zoos in Ontario.

Under subsection 5 (1), no person shall establish, operate or maintain a zoo without a licence. The Registrar must issue a licence to operate a zoo if specified conditions under section 7 have been met, but has the authority to refuse to issue a licence based on grounds set out in section 9. Section 10 gives the Registrar the authority to propose to suspend, revoke a licence or refuse to renew one, or to suspend a licence without a proposal if the Registrar considers it to be necessary in the public interest. The licensee is entitled to a hearing if the Registrar intends to take any of these steps under section 10 or 12, as the case may be.

The Act allows for annual inspections of zoos by the Chief Animal Welfare Inspector. The inspection powers under sections 24 to 27 of the *Provincial Animal Welfare Services Act, 2019* apply to those inspections, with necessary modifications. An animal welfare inspector appointed by the Chief Animal Welfare Inspector has the authority to issue an order requiring a licensee to remedy a contravention under the Act. In addition to the grounds for removing an animal under subsection 31 (1) or (2) of the *Provincial Animal Welfare Services Act, 2019*, the Chief Animal Welfare Inspector may, under section 15, cause a live animal to be removed from a zoo where it is located and take possession of it on behalf of the Minister if the animal is in the possession of an unlicensed zoo. Offences and penalties are listed in section 16.

The Minister has authority to make various regulations under section 19, but not before the Minister consults, in the manner that the Minister considers appropriate, with the persons or bodies that the Minister considers appropriate given the content of the proposed regulation.

Section 20 of the Act provides for transitional rules regarding the operation of existing zoos or the personal ownership of wild animals on the day the Act comes into force.

The Act also amends the *Fish and Wildlife Conservation Act, 1997* so that a person is not required to hold a licence under that Act if they already hold a licence under the Act.

**An Act to protect captive wildlife and to establish a licensing scheme for zoos**

His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**PART I  
INTERPRETATION****Definitions**

1 In this Act,

“animal” means any non-human vertebrate; (“animal”)

“conservation” means any science or research work that is conducted with wild animals in human care with the aim of measurably benefitting the long-term viability of those animals in the wild; (“conservation”)

“enclosure” means any indoor or outdoor structure that is used to contain, display or house an animal; (“enclos”)

“entertainment” means an event, performance or activity that is designed or conducted to entertain people or that requires the animal to be handled or removed from its enclosure, and includes having animals engage in unnatural behaviours, photo sessions, public feeding activities, animal encounters or animal rides; (“divertissement”)

“Minister” means the Solicitor General or such other member of the Executive Council to whom administration of this Act is assigned under the *Executive Council Act*; (“ministre”)

“prescribed” means prescribed by the regulations made under this Act; (“prescrit”)

“wild animal” means a non-domesticated animal that is usually found wild by nature in its natural habitat; (“animal sauvage”)

“zoo” means a garden, park or other establishment where a wild animal is kept for any purpose, including for the purpose of exhibition, education or entertainment. (“zoo”)

**PART II  
APPLICATION****Application**

2 This Act applies to all zoos in the Province of Ontario.

**PART III  
APPOINTMENTS****Appointment of Director**

3 (1) The Minister shall appoint a Director for the purposes of this Act.

**Appointment designation**

(2) The person appointed as Director shall not be appointed as Registrar.

**Registrar**

4 (1) The Minister shall appoint a Registrar for the purposes of this Act.

**Appointment designation**

(2) The person appointed as Registrar shall not be appointed as Director.

**PART IV  
LICENSING****Licence required**

5 (1) Except under the authority of a licence, no person shall establish, operate or maintain a zoo.

**Same, wild animal**

(2) Except under the authority of a licence to operate a zoo, no person shall acquire, possess, trade, breed or use a wild animal unless the animal is a member of a prescribed species used for a prescribed activity.

**Application for a licence**

**6** An application for a licence to operate a zoo shall be made by submitting the following information to the Registrar in a form approved by the Registrar:

1. The standards with respect to formal education, professional credentials, training and experience that the staff of the zoo will be expected to meet.
2. An inventory of animals in captivity, including the following:
  - i. The species and the number of animals for each species.
  - ii. The name, age and sex of each animal.
  - iii. The births, deaths, acquisitions and dispositions of animals, including the facilities where animals have been relocated.
3. The manner in which the zoo will be operated and the prescribed standards of care will be met.
4. A detailed site plan of the zoo, including the layout, design and intended use of all buildings, enclosures and amenities, including the location of all fencing and barriers.
5. An emergency plan that details the response to any potential emergency situations, including the following:
  - i. An animal escape.
  - ii. An animal attack.
  - iii. A fire, a flood, a storm or other natural disasters.
  - iv. A power failure.
  - v. The spread of an infectious disease.
6. Any other information that the Registrar may require.

**Issuance of licence**

- 7** (1) Subject to subsection (2), the Registrar shall issue a licence to an applicant if,
- (a) the applicant has submitted all of the information that is required under section 6;
  - (b) the applicant has provided proof of liability insurance in the prescribed amount;
  - (c) the applicant has paid the prescribed fee;
  - (d) the Registrar is satisfied that the applicant will operate the zoo in accordance with the prescribed standards of care and the staff of the applicant will meet the prescribed training qualifications;
  - (e) the Registrar is satisfied that wild animals will not be kept for entertainment purposes or used to engage in activities that may pose a risk to public health, public safety or the welfare of the animal;
  - (f) the Registrar is satisfied that the applicant will operate the zoo in accordance with this Act or any other applicable Act or regulation, including a municipal by-law;
  - (g) the Registrar is satisfied that the applicant has sufficient financial resources to comply with the requirements of this Act; and
  - (h) the Registrar is satisfied that issuing the licence would not be contrary to the public interest.

**Conditions on licence**

(2) The Registrar may impose the conditions that the Registrar considers appropriate on the licence.

**Licence not transferable**

(3) A licence is not transferable.

**Registrar to renew licence**

**8** The Registrar shall renew a licence at the end of each calendar year if,

- (a) the licensee has had an inspection within the calendar year; and
- (b) there are no orders issued under this Act or any other Act with which the licensee has yet to comply.

### **Refusal to issue a licence**

**9** The Registrar may propose to refuse to issue a licence if, in the Registrar's opinion,

- (a) there are reasonable grounds to believe that the applicant, based on their conduct or the conduct of its directors or officers if the applicant is a corporation, is not competent to operate a zoo or mobile zoo in a responsible manner in accordance with this Act;
- (b) there are reasonable grounds to believe that the applicant, based on their past conduct or the past conduct of its directors or officers if the applicant is a corporation, will manage the operations of wild animals in captivity in a manner that is prejudicial to the health, safety or welfare of the animals or the public; or
- (c) the applicant has been found guilty of an offence involving wildlife, animal cruelty or any other offence that would impede their ability to operate a zoo in compliance with this Act.

### **Revocation, suspension or refusal to renew licence**

**10** The Registrar may propose to suspend, revoke or refuse to renew a licence if,

- (a) a licensee would not be eligible for the issuance of a licence under subsection 7 (1) if the licensee were an applicant;
- (b) a licensee has failed to comply with an order made under this Act or any other Act within the time specified in the order;
- (c) a licensee has failed to submit the following documentation by April 30 of the following calendar year,
  - (i) an updated inventory of animals held in captivity at the zoo, as described in paragraph 2 of section 6, and
  - (ii) any other prescribed information; or
- (d) a licensee has otherwise contravened this Act or any other applicable Act or regulation, including a municipal by-law.

### **Notice re conditions, refusal, suspension, etc.**

**11** (1) The Registrar shall notify an applicant or licensee in writing if the Registrar proposes to,

- (a) impose conditions on a licence under subsection 7 (2);
- (b) refuse to issue a licence under section 9; or
- (c) suspend, revoke or refuse to renew a licence under section 10.

### **Content of notice**

(2) The notice of proposal shall set out the reasons for the proposed action and state that the applicant or licensee is entitled to a hearing before the Director if the applicant or licensee mails or delivers, within 30 days after service of the notice, a written request for a hearing to the Registrar and to the Director.

### **If no hearing is requested**

(3) If an applicant or licensee does not request a hearing in accordance with subsection (2), the Registrar may carry out the proposal.

### **Hearing**

(4) If an applicant or licensee requests a hearing, the Director shall hold a hearing respecting the Registrar's proposal and give the parties an opportunity to present evidence and make submissions.

### **Parties**

(5) The Registrar, the licensee who requested the hearing and such other person as the Director specifies are parties to the hearing.

### **Director's decision**

(6) After the hearing, the Director may, by order, direct the Registrar to carry out the proposal or substitute the Director's opinion for that of the Registrar and may attach conditions to the licence.

### **Requirements for hearing request**

(7) A request for a hearing under this section is sufficiently served if delivered personally or sent by registered mail to the Registrar and to the Director.

### **Temporary suspension without proposal**

**12** (1) The Registrar may, by order, suspend a licence issued under this Act without issuing a proposal if the Registrar considers it to be necessary in the public interest.

**Notice and immediate effect**

(2) The Registrar shall serve notice of the suspension on the licensee and the order made under subsection (1) takes effect immediately.

**Notice requesting hearing**

(3) The licensee is entitled to a hearing before the Director if the licensee mails or delivers, within 30 days after service of the notice, a written request for a hearing on the suspension to the Registrar and to the Director.

**Application of subs. 11 (4) to (7)**

(4) Subsections 11 (4) to (7) apply to a hearing under subsection (3), with necessary modifications.

**Expiry of order**

(5) If a hearing is requested under subsection (3), the order expires 30 days after the written request for a hearing is received by the Director.

**PART V  
INSPECTIONS AND ENFORCEMENT**

**Annual inspections**

**13** (1) The Chief Animal Welfare Inspector shall cause an inspection of all zoos operated by a licensee under this Act to be conducted annually in order to ensure compliance with this Act and the prescribed standards of care.

**Application of ss. 24 to 27 of the *Provincial Animal Welfare Services Act, 2019* to inspections**

(2) The inspection powers under sections 24 to 27 of the *Provincial Animal Welfare Services Act, 2019* apply to an inspection under subsection (1), with necessary modifications.

**Order to licensee**

**14** (1) An animal welfare inspector appointed by the Chief Animal Welfare Inspector who, during an inspection under subsection 13 (1), has reasonable grounds to believe that a licensee has contravened this Act or the prescribed standards of care may order the licensee to take such action as to remedy the contravention.

(2) Subsections 30 (2) to (7) of the *Provincial Animal Welfare Services Act, 2019* apply to an order made under subsection (1), with necessary modifications.

**Removal of animal**

**15** In addition to the grounds for removing an animal under subsection 31 (1) or (2) of the *Provincial Animal Welfare Services Act, 2019*, the Chief Animal Welfare Inspector may cause a live animal to be removed from a zoo where it is located and take possession of it on behalf of the Minister if the animal is in the possession of an unlicensed zoo.

**Offence and penalty**

**16** A person who contravenes section 5 or subsection 20 (3) is guilty of an offence and on conviction is liable to,

- (a) a fine of not more than \$50,000 in the case of an individual;
- (b) a fine of not more than \$250,000 in the case of a corporation.

**Definition**

**17** In this Part,

“Chief Animal Welfare Inspector” has the same meaning as in the *Provincial Animal Welfare Services Act, 2019*.

**PART VI  
GENERAL**

**Annual reporting**

**18** The Director shall submit a report annually to the Minister which includes information with respect to,

- (a) the number and location of all zoos;
- (b) the inventory of live animals of each zoo;
- (c) the number of inspections conducted that year at each zoo and any orders issued under this Act or any other Act against each licensee; and
- (d) any outstanding public health, public safety or animal welfare concerns identified at each zoo.

**Minister’s regulations**

**19** (1) The Minister may make regulations,

- (a) specifying any matter that is described in this Act as prescribed;
- (b) governing applications for licences, including prescribing fees and training qualifications and competencies for licence eligibility;
- (c) establishing standards of care that apply to zoos, including in the following matters,
  - (i) animal housing, care, welfare and management,
  - (ii) the design and safety of facilities in zoos,
  - (iii) the offsite transport of animals,
  - (iv) veterinary care specific to zoos, and
  - (v) public health and safety;
- (d) setting conservation requirements; and
- (e) establishing a decommissioning process.

#### **Consultation**

(2) Before a regulation can be made under subsection (1), the Minister shall consult, in the manner that the Minister considers appropriate, with the persons or bodies that the Minister considers appropriate given the content of the proposed regulation.

#### **Transition re zoo**

**20** (1) A person who is operating or maintaining a zoo on the day this Act comes into force may continue to operate or maintain the zoo without a licence for one year after the day this Act comes into force, subject to any conditions imposed by the Minister to safeguard the health, safety or welfare of the animals or the public.

#### **Transition re wild animal**

(2) Despite subsection 5 (2), a person who is not a zoo and who has ownership of a wild animal that is not a member of a prescribed species on the day this Act comes into force may keep the animal until it dies if the person does not breed the animal or use it for entertainment.

#### **Registration with Registrar and subject to annual inspections**

(3) The person referred to in subsection (2) shall register the animal with the Registrar in a form approved by the Registrar, and is subject to an annual inspection under section 13 and to an order under section 14 as if that person were a licensee.

#### ***Fish and Wildlife Conservation Act, 1997***

**21 Subsection 40 (2) of the *Fish and Wildlife Conservation Act, 1997* is amended by adding the following paragraph:**

0.1 A person who holds a licence under the *Captive Wildlife Protection Act, 2024*.

#### **Commencement**

**22 This Act comes into force on the day it receives Royal Assent.**

#### **Short title**

**23 The short title of this Act is the *Captive Wildlife Protection Act, 2024*.**