



AANS(121)

Second Session - Thirty-Sixth Legislature  
of the  
**Legislative Assembly of Manitoba**  
**Standing Committee**  
on  
**Agriculture**

*Chairperson*  
*Mr. Jack Penner*  
*Constituency of Emerson*



**MANITOBA LEGISLATIVE ASSEMBLY**  
**Thirty-Sixth Legislature**

**Members, Constituencies and Political Affiliation**

<b>Name</b>	<b>Constituency</b>	<b>Party</b>
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BARRETT, Becky	Wellington	N.D.P.
CERILLI, Marianne	Radisson	N.D.P.
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ENNS, Harry, Hon.	Lakeside	P.C.
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HELWER, Edward	Gimli	P.C.
HICKES, George	Point Douglas	N.D.P.
JENNISSEN, Gerard	Flin Flon	N.D.P.
KOWALSKI, Gary	The Maples	Lib.
LAMOUREUX, Kevin	Inkster	Lib.
LATHLIN, Oscar	The Pas	N.D.P.
LAURENDEAU, Marcel	St. Norbert	P.C.
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TOEWS, Vic, Hon.	Rossmere	P.C.
TWEED, Mervin	Turtle Mountain	P.C.
VODREY, Rosemary, Hon.	Fort Garry	P.C.
WOWCHUK, Rosann	Swan River	N.D.P.

**LEGISLATIVE ASSEMBLY OF MANITOBA**  
**THE STANDING COMMITTEE ON AGRICULTURE**

**Tuesday, October 1, 1996**

**TIME – 7 p.m.**

**LOCATION – Winnipeg, Manitoba**

**CHAIRPERSON – Mr. Jack Penner (Emerson)**

**ATTENDANCE - 11 – QUORUM - 6**

*Members of the Committee present:*

Honourable Mr. Enns

Messrs. Dyck, Helwer, Martindale, Penner,  
Radcliffe, Santos, Struthers, Sveinson, Tweed, Ms.  
Wowchuk

*Substitutions:*

Mr. Mervin Tweed for Mr. Frank Pitura

**WITNESSES:**

Bill 24–The Agricultural Credit Corporation  
Amendment Act

Mr. Ken Fegol, Private Citizen

Bill 31–The Livestock Industry Diversification and  
Consequential Amendments Act

Mr. Ronald Mentz, Manitoba Veterinary Medical  
Association

Mr. Douglas Abra, Q.C., Manitoba Veterinary  
Medical Association

Ms. Vicki Burns, The Winnipeg Humane Society

Ms. Tracy Hughes, Private Citizen

Mr. James Pearson, People Acting for Animal  
Liberation

Mr. Gary Stott, Manitoba Elk Growers' Association

Mr. Brion Whitford, Keeseekoowenin First Nation

Mr. Kelly Taylor, Private Citizen

Mr. John Rutley, Private Citizen

**MATTERS UNDER DISCUSSION:**

Bill 24–The Agricultural Credit Corporation  
Amendment Act

Bill 31–The Livestock Industry Diversification and  
Consequential Amendments Act

Bill 5–The Horticultural Society Repeal Act

Bill 6–The Veterinary Science Scholarship Fund  
Amendment Act

Bill 23–The GRIP and Related Programs Termination  
and Consequential Amendments Act

Bill 30–The Dairy Act

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**Mr. Chairperson:** Could the committee please come to  
order.

I have before me, ladies and gentlemen, the resignation  
of Mr. Frank Pitura who is a member of the standing  
committee. He is also the Vice-Chairman. He has  
submitted his resignation, so I therefore would ask for  
nominations to replace Mr. Pitura on the committee.

**Mr. Peter Dyck (Pembina):** Mr. Chairman, I would  
like to nominate the member for Turtle Mountain (Mr.  
Tweed).

**Mr. Chairperson:** The member for Turtle Mountain has  
been nominated, Mr. Tweed. Any further nominations?  
I see no further nominations. I declare Mr. Tweed elected  
as Vice-Chairman of the Standing Committee on  
Agriculture.

We have before us six bills to consider. The first bill  
for consideration is Bill 5, The Horticultural Society  
Repeal Act. What I am going to do is ask whether there  
are any presentations on all these bills, and the first bill

that comes up with presentations, we will deal with that bill and then continue on from there. The Horticultural Society Repeal Act, are there any presenters in the audience? I see none. We will leave that bill then, if it is the wish of the committee for further consideration later on.

Bill 6, The Veterinary Science Scholarship Fund Amendment Act, are there any presenters out in the audience? I see none.

Bill 23, The GRIP and Related Programs Termination and Consequential Amendments Act, are there any presenters in the audience? I see none.

Bill 24, The Agricultural Credit Corporation Amendment Act, are there any presenters in the audience? Yes, we have one. If it is the wish of the committee, we will deal then with The Agricultural Credit Corporation Amendment Act first.

Then Bill 30, The Dairy Act, are there any presenters there in the audience? No.

The last one is Bill 31, The Livestock Industry Diversification and Consequential Amendments Act. Are there any presenters on that one? Yes, I see a number.

We will deal then, if it is the wish of the committee, with Bill 24, The Agricultural Credit Corporation Amendment Act, and I will ask the Page to distribute copies of the act if you have not got those. Raise your hands for those that wish a copy of the act. All have them?

**Mr. Edward Helwer (Gimli):** Mr. Chairman, I believe we should possibly hear all the presenters first and then go clause by clause, all the bills together. I would also suggest that we have a time limit on the presenters, perhaps 10 minutes for the presenter and five minutes for questions.

**Mr. Chairperson:** Are we agreed to that suggestion? [agreed]

We will then hear all the presenters on all the acts first, and we will deal with clause-by-clause considerations after we have heard all the presenters, and we will put a

time limit of 15 minutes, 10 and five, 10 for the presentation and five for the questions to the presenters.

**Ms. Rosann Wowchuk (Swan River):** Mr. Chairman, I would just like clarification. I believe it has been traditional to have 15 minutes for presenters. I am not wanting to see us try to restrict the presenters or the questions to such a great degree. If it has been traditional that we have 15 minutes for presenters, then I would say that as long as we are not moving to restrict—we do not have that many presenters tonight. We have seen that we have several bills that will move along fairly quickly, and I can tell you that we do not have amendments, so I do not think we should try to restrict too much.

**Mr. Chairperson:** I have no problem in allowing 15 minutes for presenters if that is the wish of the committee.

**Ms. Wowchuk:** And then questions following.

**Mr. Chairperson:** And questions following. Agreed? [agreed]

**Mr. Helwer:** Mr. Chairman, I thought we had just agreed on a process, and that was the same as we did last week. We had a committee hearing last week and we went through a process, and we established a 10-minute presentation and a five-minute question period, and I thought we had agreed with that.

**Hon. Harry Enns (Minister of Agriculture):** Mr. Chairman and committee members, I am more than disposed to go along with the general liberal tendencies of our Chair to decide whether 10 or 15 minutes have elapsed.

**Mr. Chairperson:** What is the will of the committee? Is it the will of the committee, the suggestion that was made, that there be 15 minutes for presentations and then questions after?

**Mr. Helwer:** Mr. Chairman, if you would like to amalgamate the 10 and five together and make it 15 minutes altogether, but if they are longer than 10, if the questions are less, that is less than the five, that is fine, but 15 minutes in total is what we did last week, and I think we should try to keep the same rules as we had last week. They went very well.

**Mr. Chairperson:** Okay, if you allow the Chair a bit of discretion in this matter, I think it will work well. Agreed to that? [agreed]

**Ms. Wowchuk:** Mr. Chairman, as you know, if it is the wish of the committee that has the majority of membership to decide that it is 15 minutes that we are going to allow for each presenter, then you have the power to do so, but I would just like to put on the record that I do not want this committee to appear that they are trying to restrict input. I think that we should have some flexibility, if there is interest, that we should be allowed to continue our questioning.

**Mr. Chairperson:** Thank you, Ms. Wowchuk. I will use my discretion and I hope I use it honourably.

\* (1910)

#### **Bill 24—The Agricultural Credit Corporation Amendment Act**

**Mr. Chairperson:** Bill 24, The Agricultural Credit Corporation Amendment Act, we have one presenter, and his name is Mr. Ken Fegol. Ken, would you come forward, please? Have you got a written presentation for distribution?

**Mr. Ken Fegol (Private Citizen):** I have just a brief covering letter and I have some exhibits.

**Mr. Chairperson:** Copies? Would you distribute them, please? Before you start on the other bill, there are a number of presenters on Bill 31, and I would ask the committee for indulgence and ask whether they would wish to hear the out-of-town presenters first before the in-town. That is normal practice of the committee. Are we agreed to that? [agreed]

So we will ask out-of-town presenters on Bill 31, after this presentation, to make their presentations first. Will you proceed, please.

**Mr. Fegol:** I am Ken Fegol. I am a farmer and landscape contractor and gardener just north of the city near Lockport. We had a mortgage; my father and I got a mortgage with MACC back in 1971. In 1984, actually two years after 1984, we found out that our mortgage was sold. MACC sold our mortgage without giving us notice.

My dad passed away; the trustees were not notified. It has never been done in the history of MACC. It has never been done in Canada. We had our trust with MACC; we relinquished loans with the Bank of Commerce to put our trust in with MACC, then they abandoned us, sold it to a third party. I lost my house; the rest is history.

So now Bill 24 comes up, and in the covering letter there, and 31(h) there is one place in the MACC act where it says, as the mortgagor directs. That is the only place where notice has to be given to the mortgagor. Now you want to strike that out. I do not know why. It is the only protection the mortgagor has. I asked—the first letter was our letter to MACC requesting that the homestead be discharged from the mortgage as the man that bought the mortgage did not have any registered interest in the homestead. Mr. Victor replies, that is in my second letter, that in order to protect Mr. Tilley's interests he sold the mortgage.

You have \$3 million for bad loans per year approximately, it varies, and Mr. Gill Shaw states that they had to protect their mandate, and that the only way they can protect their mandate was to sell my mortgage—a breach of the Constitution, a breach of the bill of rights, many breaches of the Charter, as I say. Now you want to eliminate the notice requirement in Bill 24, in the MACC act, probably now you would be clear that you can privatize MACC like you are doing with the telephone system because the mortgagor has no say in it at all now. If this clause is removed, there is no place where the mortgagor has any feed into what is done with the act with his money.

I asked for an Order-in-Council ruling in one of my exhibits to the Minister of Agriculture, our MLA, Mr. Findlay, and the Premier. They beat around the bush, did not answer the question, would not give me an Order-in-Council ruling, and, following the reply to that letter, they say it is covered under The Real Property Act. There is nothing in The Real Property Act that says you can or cannot sell a mortgage whether there is a registered encumbrance on it or not, but that is the answer I got, see that, see your lawyer. I took it to court, 20 cases I have had, two systems. I sue them; they say, see, Mr. Tilley sued me. It has been in the court 20 times trying to stop them from removing my homestead and abandoning it. There are permits now to wreck my house and everything.

The time will come in the Supreme Court, it is not before the courts right now, I have just applied for leave, the big hydrogen bomb will go off.

I wonder why you want to eliminate all this. You do all these little things in Bill 24 to cover up the main one on Section 31(h). The other ones, the amendments that you ask for changes are just to put something in there. They are not necessary at all; it is covered in the other act, but 31(h) has the mortgagor direct on there, you are striking it out.

Ten thousand farmers are affected by your decision. The court has ruled now, the appeal court has upheld the ruling that MACC can sell any mortgage they want without notice to the farmer. There are 8,500 farmers, and all the fishermen, you could sell their mortgage without letting them know, abandoning them whether they are in arrears or not. It was sold by one person, Mr. Victor, counsel for MACC.

In his private office, I asked for a copy of the minutes of the board meeting, the board decision, to foreclose or to sell the mortgage—none exists. Of course, none exists. Three people, three lawyers, three people met in the office; your representative, Mr. Victor, took on the powers of the board himself in a small little office, he carried out. We had to have the board decision to get a mortgage, but to sell it, one man, one person, can do it.

This is a big scandal, Mr. Enns, that will come out. Somebody will pick it up. Nobody wants to pick it up in Manitoba, but it is big—O.J. Simpson's is almost as big as mine—but I just wanted to bring this up on Bill 24, and that is all I have. Thank you.

**Mr. Chairperson:** Thank you very much, Mr. Fegol. Are there any questions?

**Ms. Rosann Wowchuk (Swan River):** Mr. Fegol has raised a serious matter, something that he has brought to our attention and to many people's attention over the last while. I wonder if it might be appropriate, Mr. Chairman, if at this time—and if it is not appropriate you can advise me, too—to ask for some clarification on behalf of Mr. Fegol as to why that Clause 31(h) has been taken out, struck out. Is it right to ask that question at this time, or would that be something that we would deal with at a later time?

**Hon. Harry Enns (Minister of Agriculture):** Mr. Chairman, I would be more than prepared to respond to that question from the honourable member for Swan River. I have Mr. Gill Shaw, general manager and president of MACC, with us this evening, and I will give the committee assurance that I will have an explanation for the reason the amendments that are being presented to the committee in the form that they are when we deal with the bill clause by clause.

**Mr. Fegol:** Could I just add one thing? This is an opportune time. I would ask the committee, put in the MACC act in your amendment now. The Law Reform Committee had full knowledge for the last two or three years of what is going on. I am surprised they did not put that in the bill.

Put it in, make it clear to 10,000 farmers that they can or cannot sell the mortgage. Do not beat around the bush, put it in there, make it a law—they can or they cannot. It is simple. That is all I ask.

**Ms. Wowchuk:** Mr. Fegol, would it be satisfactory to you that when we get to the stage where we are having an explanation for why these happen, if you were here, you will hear that explanation, and if there is need, then amendments can be brought forward?

**Mr. Fegol:** Yes, put in the amendments. Clarify everything, clarify the Order-in-Council ruling. This is your opportune time. Make it clear. It is not clear now. There is no policy. Mr. Shaw states in his letters in my exhibit. We have no policy. Mr. Victor said, we have no policy. Mr. Shaw says we have no policy. Let us put a policy down. What is your policy? There are members of this committee—it is not just one person—and I think that can be accomplished.

**Mr. Chairperson:** Any further questions? If not, thank you very much, Mr. Fegol.

**Mr. Fegol:** Thank you.

\* (1920)

### Bill 31—The Livestock Industry Diversification and Consequential Amendments Act

**Mr. Chairperson:** We will move then to Bill 31, and we have eight presenters. We have three people, as I

understand it, who are out-of-town people, and if it is the wish of the committee, we will hear those first. Maybe, I should ask, were there any others? There is Mr. Stott, Mr. Whitford and Mr. Taylor, are currently identified as being out of town. Are there any others?

Seeing none, we will then ask Mr. Stott to come forward. Mr. Stott, have you a written presentation for distribution?

**Mr. Gary Stott (Manitoba Elk Growers' Association):** No, I do not.

**Mr. Chairperson:** You do not. Okay. Would you proceed then, please.

**Mr. Stott:** Mr. Chairman, honourable minister, committee members, before I start, I would just like to let the committee know that Mr. Taylor had called and was unable to attend this evening due to the weather conditions that persist out west, so he will not be here this evening.

My name is Gary Stott. I am a director on the Manitoba Elk Growers' Association, commonly referred to as MEGA. MEGA was established under the leadership of our present president, the renowned Dr. Hudson from Hamiota, Manitoba. Unfortunately, he was unable to make it this evening, too. He had some prior commitments. He also worked at establishing the Canadian Venison Council. Presently, our board consists of five directors, as well as a president, a vice-president and a secretary treasurer. So there is a total of eight of us. We presently have 40 paid-up members, and we have had, I guess, over the last six months or so, probably in excess of 200 calls inquiring about memberships and interested in getting involved in the industry.

I come to represent MEGA in support of the Manitoba government proposed health farming legislation. We see it as an excellent diversification opportunity, and we need to only look at a couple of the recent things that have happened that affect western Canadian agriculture, one of the most recent, the abolition of the Crow. As you well know, that will dramatically increase the cost of moving grain to export markets. Manitoba, being the farthest from the export markets and certainly the farthest from the ocean ports, is effectively going to have a higher

freight cost than any of its other prairie provinces in western Canada.

Since we are quickly becoming encompassed in a global marketplace, I think it is prudent to realize that we have to abide by global rulings as far as the GATT agreements and what have you go, and I believe there is some sense that possibly the fact that we do not have game farming in Manitoba could be construed as a nontariff trade barrier. The only two provinces in Canada that do not presently have game farming, of course, are Manitoba and Newfoundland.

I also see some other things that possibly could happen in the future, possibly declining global grain trade, and basically economics are going to continue to force our agricultural farmers to diversify. I believe that the impact on areas with marginal farmland, they are on the periphery, will even be further disadvantaged simply because they are further from the rail lines that are so quickly being abandoned in this country, and they commonly suffer from lower yields and also some poor quality crops, as well.

It might not be that profitable to continue growing traditional cereal crops in those areas in the future, and we may very well see a return to native pastures and grasslands, of which elk will thrive on those. Elk have a lot of natural advantages. As you well know, Manitoba elk is a unique subspecies, unique to the province of Manitoba and is in extremely high demand worldwide as breeding stock. Elk traditionally and historically were native to the plains and did, in fact, roam our wide-open plains before we put the plow to them and started growing crops. It is kind of interesting to see that if we go back years ago, when they were laying the transcontinental railroad, for example, we worked diligently to get rid of the buffalo, and now it is interesting to see we are building back the buffalo herds and getting rid of the railroads. So that seems like kind of an irony to me.

It is also interesting to see that elk thrive in the parkland areas that they have been driven back to. So they are a very resilient animal. They are very efficient converters of marginal forage and browse, and their nutritional requirements are matched seasonally with cyclical productivity. Their peak requirements, of course,

being during lactation, which occurs in June, July and the summer months, at a time when our pastures are very lush and abundant. Then in winter the metabolic rates slow down, and they do not require as adequate browse and what have you. That bodes well with what our Manitoba winters offer.

They can simply thrive where I think a lot of beef cattle could not even survive. They are very resilient animals, as I mentioned before, when it comes to weather, the cold, the heat and the snow, the rain, the sleet, like we are having this evening. They are very resilient to that as well as insects. They have some natural immunities to many diseases. They also fare very well against the predators, the coyotes and the foxes and the wolves and what have you, a trait that the domesticated animals do not have. They require minimal shelter. It is interesting to see they thrive in the wild, but they thrive equally as well in confinement from our observations. As I mentioned, this subspecies that is native to Manitoba cannot be replicated anywhere else in the world. So the only way the rest of the world has access to it is through breeding stock sales, certainly a niche market for Manitoba farmers, truly a Manitoba advantage.

This is sustainable agriculture, in our opinion. It will strengthen farm economic viability. It will give family farms the opportunity to maintain their rural lifestyle, to give their children and their families a quality of life that they so much cherish. That is why they are living in rural communities. It will do a lot to revitalize the rural towns and villages that are so quickly drying up and blowing away in areas that do not have these type of opportunities.

I think it is prudent to remember that in the future it is going to be economics and not subsidies that will dictate the trends of agriculture in the future.

We take a look at the industry, how it has been structured and designed, and we take a look to the West where game farming has been carried on for many years now. In Saskatchewan, for example, in excess of 150 elk producers; Alberta, in excess of 200; and we certainly have the advantage of drawing from their expertise and, in fact, not stepping in all the pitfalls that they may have setting up their industries. So we have an advantage coming in at this late stage, I believe, to do it very right.

It is also very nice to see that the Natural Resources department, for example, will continue administering The Wildlife Act, so that part of it will not change. Everything on the outside of the fence is going to be controlled with the present government body and on the inside, of course, will go to Manitoba Agriculture. So the focus and expertise can go where the professionalism lies.

Manitoba, I believe, can and is starting with a state-of-the-art system with, to mention a few, DNA testing for purity and the profiles, very important registration and tagging of all the animals. There are minimum requirements set out for fencing and handling facilities, and there is inspection of facilities prior to issuing of a licence, so if they do not come up to snuff, you do not get a licence. This will weed out people who may want to take some shortcuts that may not be to the benefit of the animals or the industry. There will also be random future checks on facilities as far as how they are being kept up and the density of the animals and also as far as the animal welfare and husbandry.

\* (1930)

If we go to the velvetting process, I am pleased to see that it is spelled out that that will only be done under veterinary supervision. The animals will be held in confinement and also the state-of-the-art physical restraints will be used. I understand they will be using local anesthesia. I think this assures optimum consideration for the animal.

I think it is prudent to note that farmers are in the business of farming because they like it. I have been farming all my life, and it certainly is not the money that keeps you there a lot of the time; you like what you are doing. Having said that, I think it is a fair statement to say that farmers do a good job of looking after their animals, first of all, because they like those animals, but they also realize the importance of giving the animals their every requirement. They have the highest regard for the animals' welfare and consequently that shows in the superior production that a lot of Manitoba and western Canadian farmers achieve.

In conclusion, game farming is nothing that is new. It is new to Manitoba, but it is not new to the world. Game farming has been going on for centuries around the world by early Europeans, Asians and the aboriginal



communities over there, but like I said, it is a new, exciting opportunity for Manitoba farmers at this point. We have the opportunity for breeding stock sales within our province, within our country, to our big neighbour to the south of us, as well as overseas.

Countries like New Zealand realize the benefits of Manitoba elk. We have the benefit of velveting. The tips of the antler, as you all well know, are used for growth tonics for children. The base is very calcium rich and used in the treatment of osteoporosis in seniors. The balance of the antlers is generally powdered and can be used several ways either in tea or soup and is for the prevention and treatment of arthritic conditions in people.

I also see in future that we can develop the industry for meat sales. I think that is many, many years down the road, though. And the meat, as you well know, is very, very high in protein, low in fats and low in cholesterol.

In ending, I would like to say that elk is one of the only animals in the world that offers these diversities and, in fact, these opportunities. We offer our support for this exciting new farming opportunity. Thank you very much.

**Mr. Chairperson:** Thank you very much, Mr. Stott. Are there any questions of Mr. Stott?

**Ms. Rosann Wowchuk (Swan River):** Mr. Stott, you raised several points that I would just like to ask clarification on. At the beginning of your presentation, you said that there is a possibility of trade barriers, and the fact that we do not have elk ranching in this province could be considered as a trade barrier.

Have you had any discussions and can you give us a little bit more detail as to—have you had any contact or discussion with people that have actually said that this is a trade barrier? Where are you getting that information?

**Mr. Stott:** That is a very good question. In my involvement in agriculture over the years and in my involvement with exporting some other commodities, I realize how finicky our trade partners are throughout the world, and I think it is a balance of a perception versus realism or realism versus perception in these cases.

I think, just by default, the fact that Manitoba is one of two provinces in the great country of Canada that does

not allow game farming, we have to support that position from a scientific basis. I would hazard a guess that we cannot do that, and by virtue of that it could be defined as a nontariff trade barrier. I would suggest that would be to the detriment of agricultural industries throughout the province and a lot of other industries if Manitoba gets the distinction of setting up those types of tariffs or barriers.

**Ms. Wowchuk:** So this is something that you are just anticipating that could happen. There has not been any actual evidence that Manitoba could be cited as putting up trade barriers. Are you anticipating within Canada or within international trade?

**Mr. Stott:** I am certainly hoping it does not happen. I think there are other people that are in a lot better position to comment on that, but I think it is a possibility. We need only look at other commodities and some of the barriers set up in other parts of the world, and I do not think you have to be rocket scientist to determine that that threat is a real one. I think we should take it seriously.

**Ms. Wowchuk:** It is just hypothetical that you are assuming that there could be trade barriers.

The second question I have is, you said that we can anticipate a declining global grain trade. I found that quite surprising because as world population grows there is a need for grain around the world. I have not seen any statistics that will show me that there will be a declining amount of grain trade going on. I just wonder where that information, where that would come from.

**Mr. Stott:** I guess we have to look at the efficiencies of moving grain as well, too, so that will play into the equation, whether Manitoba, taking into consideration the geographic location in the centre of the continent, if we can compete with other grain-producing areas, and as I did mention in my presentation, I felt very strongly that economics would drive most of our moves in the future, and not just with respect to agriculture either, in many different industries, as well.

I think it is interesting to note, if we look throughout the globe at some of the countries that are becoming grain exporters, countries that I guess I never thought in the past would—maybe countries like India, for example, are getting very big in grain production. We need only look down to South America, where they are cleaning tropical

forests off, I think, at the rate of about 50 acres—is it a minute or an hour? It is a big, big figure anyway, but they are getting big into grain production, corn, soybeans and what have you, so I think traditional global grain trade is going to change.

**Ms. Wowchuk:** Well, I think it will be a long time before Canada is not in the grain trade or we will see it declining, but another question that I have, just moving on, you talked about that this industry would be good for the use of marginal farmland.

Most of the marginal farmland is next to forests, and if you are saying that we should be using this land for elk ranching, do you have any concerns about elk escaping from ranches and the risk of disease spreading from the elk in captivity to wild elk or inbreeding when you bring in different species? Do you have any of those concerns when you talk about the use of marginal land to establish elk ranching?

**Mr. Stott:** Certainly, it is a concern, and it is a concern that I believe has been adequately addressed by the minimal requirements that I see set out in stipulating a minimum fence height of eight feet, for example, with posts no farther than 25 feet apart, with a barbed wire to be put along the perimeter of the fence on the outside to help prevent all types of predators from digging under there, as well as white-tailed deer and so on and so forth.

So, no, I think that concern has been very adequately addressed.

**Ms. Wowchuk:** In the interest of time, I will not pursue that, but I have one other that I want to ask, and that is, you said that Manitoba has a unique species. We all know that we have some of the best elk in the world.

Do you see a risk of losing that genetic pool by inbreeding, because the legislation does not completely cut out the risk of other elk from other areas coming into Manitoba, because as we read the act, the elk could come from the States into another province, and then they could come into Manitoba. So I would like to ask you whether you have any concern about our unique subspecies being lost.

**Mr. Stott:** No, I think that concern has been very well addressed, as well. It is my understanding that any elk

movements within the province require a permit, and when that permit is taken out, I believe the animals' IDs and their origin is designated on that permit.

\* (1940)

**Mr. Stan Struthers (Dauphin):** Would the Manitoba Elk Growers' Association be in favour of expanding further than just elk and, say, legalizing the capture and farming of bear?

**Mr. Stott:** That issue has never come up, so I cannot comment on it. We have never discussed that.

**Mr. Struthers:** The legislation provides a definition of animal that is broad enough to include not just elk but bear. We know that we have a problem with poaching with elk antlers and different parts of the elk, and we also know that we have a problem with people shooting bear and removing the gall.

I was wondering if you thought if it was good enough for your group to domesticate elk, increasing the chances of poaching, whether you thought that other groups should be allowed to do the same to other animals.

**Mr. Stott:** I take it from your remarks you are suggesting that by implementing an elk farming program in the province, you are telling me that you feel that will cut down on poaching, so if you do feel that way about elk, I would suggest we should pursue doing the same thing with bear. It will cut down on the poaching of bear.

**Mr. Struthers:** I take it then that you are in favour of going further and providing this for bear just as with elk. Can you describe for me a test that with 100 percent accuracy would determine whether an elk has tuberculosis?

**Mr. Stott:** What exactly is the question, please?

**Mr. Struthers:** Can you describe to me a test that with 100 percent accuracy can describe an elk with tuberculosis?

**Mr. Stott:** No, I cannot describe that test. Maybe there are some people in the room that can, but I do not have those qualifications.

**Mr. Struthers:** I have been asking a lot of people to describe that test to me, and it seems that there is not one out there and that we cannot give the people of Manitoba a guarantee, 100 percent, that any disease, whether it be brucellosis or tuberculosis or blue jung or indeed mad cow disease, the elk version of it, cannot be kept out of our province once we go into this concept of elk ranching. So I was hoping you would be able to tell me of a test that would give me, as a Manitoba citizen, that guarantee.

**Mr. Stott:** No, I am sorry, I cannot. I wish I could, and maybe there is somebody out there, but I know of very few things in our real world that is 100 percent. As a matter of fact, I do not know of any.

**Mr. Struthers:** If it is 100 percent guaranteed that cocaine is not good for your health, then we have laws that restrict the use of cocaine. I think it might be wise to think that the same theory would apply to that.

**Mr. Stott,** are you aware of or do you support the idea of what is called canned hunts, where an elk is released out into a large fenced-in encampment, and the great white hunters from wherever are brought in to track down this elk and shoot it and then take the head and put it over their fireplace, I presume? Are you aware of that practice, and do favour it?

**Mr. Chairperson:** Mr. Struthers, I am going to intervene as Chair. I thought before, when you had approached the question—I am saying this with tongue-in-cheek somewhat, but I had thought before, when you approached the question of hunting bear, that you might want to talk about the requirements for being dressed properly when you were hunting elk.

However, this one, I think you are going beyond the issue that we are discussing here, and I am not sure whether Mr. Stott has the expertise to answer those kinds of questions. So I am going to ask Mr. Stott whether he is willing to answer the question, but I am going to ask also the committee's indulgence that we speed this up because we have a number of other presenters, and we have gone significantly beyond the 15 minutes that we were talking about before.

**Mr. Stott:** If I understand correctly, the question is, do I agree with hunting these animals that are in

confinement? No, I do not and I do not think that is necessary. I am happy to say that we have a lot of wide-open spaces in our fair province with abundance of wild elk on there. We have a hunting system that allows us the opportunity every two years to put in for a draw, and I would think that I can speak for myself, and I think the people I am representing would feel the same way, that they will do their hunting up in the Duck Mountain Park or Turtle Mountain, wherever there is elk.

**Mr. Chairperson:** I am going to allow one more question.

**Mr. Struthers:** Thank you for your generous flexibility, Mr. Chairman. The reason that I was talking about the canned hunt is that in several other jurisdictions where they have gone to elk ranching and made it legal, that has been the natural progression of events. I know you have said that you see in several years the meat side of it becoming something and in other jurisdictions it has been that progression. I mean that is why I asked the question.

**Mr. Stott,** is there any guarantee that you see in this legislation that would prevent an elk rancher from simply using an electric current to stun the elk while the antlers are being removed?

**Mr. Stott:** In my recollection, it seems to me that the electric immobilization was not certainly one of the preferred ways of doing it. I do not recall that being one of the options for immobilizing them.

**Mr. Chairperson:** Thank you very much, Mr. Stott, for your presentation.

We are going to move to the next presenter. I understand Mr. Taylor is not here. Has he since arrived? No. We will then ask Mr. Brion Whitford to come forward. Mr. Whitford, have you a written presentation?

**Mr. Brion Whitford (Keeseekoowenin First Nation):** No, I do not.

**Mr. Chairperson:** You do not. Would you proceed then, please.

**Mr. Whitford:** Mr. Chairperson, Mr. Minister, committee members, this is the first time I have ever done this, so you will have to sort of bear with me, but—

**Mr. Chairperson:** Feel quite at home. Some of us were here for the first time at one point in time too.

**Mr. Whitford:** First of all, my name is Brion Whitford, and I am a member of the Keeseekoowenin First Nation, and I would like to sort of do maybe just a very brief history of how I am sort of involved in this, along with my band.

In 1986 or '87, I was fortunate enough to be a director on the IMAX film that was made for North Portage that was sponsored by the government of Manitoba, and I was responsible for getting the elk shot in the film. That was my first encounter with elk ranching. Now, I did not know very much at that time what was going on, but I know that they were seriously looking at it, and this is how I acquired that shot, was through the Swan River elk ranch that was going at the time. After that I had basically nothing to do with it.

In 1991, I returned back to my reserve to work as a land claims co-ordinator for my band in negotiation with the Government of Canada for the return of a portion of Clear Lake Indian Reserve. I worked for a couple of years in that community on the land claim and at the same time getting involved in the community. The one thing that I noticed was there were a few band members who were trying to get involved in agriculture. As you know, this is one of the only viable, I think, economic development initiatives that can work. A lot of the economic development and the free enterprise system that we think of is a very, very difficult concept on the First Nation, but I think that agriculture is something that has been passed down through the generations.

\* (1950)

But these young farmers are 80 years behind the times. You know, they are working small pieces of land. They have second-, third-rate pieces of equipment. They can get small loans and that is it. It is a small operation. It was during, I think, the spring of '92 or '93, and occasionally they go out, they get some meat for the summer, whatever, usually do this in May and June, and sometimes they shoot elk cows. I knew that they were leaving behind elk cows in the bush, and I remembered at that moment that, you know, there was this elk ranch up in Swan River. I did not really know what was going on at the time, but I told them why not go back and capture

these cows, try and raise them, and we can look at talking to Natural Resources or whatever in holding these animals, and that is what we did. So the first year, I think, we captured seven or eight cows, and we bottle-fed them and raised them. At the same time we attended the elk breeders' annual meeting in Saskatchewan, and we have since been to two of them. We learned about nutrition, feeding them, taking care of them.

Then we came to the, I think it was in December of '94, we met with the minister, told him that we would like to start elk ranching and where does it sit. They said that there was a moratorium on elk ranching. To make a long story short, we said that we were determined to go on with elk ranching and we would endeavour to use whatever we had within our power to do that. One of those things was to enact a by-law which would be signed by the Minister of Indian Affairs enabling the chief and council to have jurisdiction over wildlife on reserve lands. I would like to say honestly that was, you know, like a sort of a scare tactic. What our intention was was to get elk ranching going, do whatever we had to do to do it, and then get it on.

I think that in the last couple of years we have done what we have had to do. We have built excellent facilities, I think. We have a 200-acre pasture. We have numerous animals in there now. We have been meeting on and off with the government, the Minister of Natural Resources (Mr. Driedger) and the Minister of Agriculture (Mr. Enns). We have had people come down from Wildlife to inspect our facilities, to see our animals, to show them our plans for the future, and the reason that we are doing it is for economic development. I mean, there is a principle there that this is the commercialization of something that is wild and free, and that is fine.

Working out there, I have sort of taken the attitude that something has to be more practical, and these guys that I am representing are very much interested in elk ranching, very much interested in working with the government. Well, we just want to say that we are in support of elk ranching. We do not really see any reason why it is not here.

You had some questions for Mr. Stott on the disease aspect. We leave that entirely up to Agriculture Canada. I mean, they are doing a great job as it is on everything

that they do, and they are working on elk across the country. There does not seem to be any problems. I do not think there is going to be any problems here. You know, I cannot give you a 100 percent guarantee, but I just think this is one of the ways for First Nations to actually do something on their own, and I think they can do it.

We have a council right now where we have a couple of bands that are genuinely interested, and we are having a meeting Thursday and Friday. We have other bands coming down and taking part in the meeting, and we are all interested in this whole concept. You know, we are willing to work at it. There is a great deal of interest and knowledge in these communities for raising these animals and just being around them. I mean, I do not want to go on and on, but basically that is it. Basically, it is economic development, and we are in support of elk ranching.

**Mr. Chairperson:** Thank you very much, Mr. Whitford.

**Ms. Wowchuk:** Thank you, Mr. Whitford, for your presentation. Mr. Whitford, have you looked at the legislation, or has your band looked at the legislation? Do you feel that the legislation will meet your needs and that you will have the protection or the assurances that First Nations will be able to have elk ranching under this legislation? You talked about capturing elk. Do you think that under this legislation you will be able to continue to capture elk, or will you have to buy them? Have you dealt with those things with the government?

**Mr. Whitford:** We are currently now working with Natural Resources on a capture contract, where we would be more involved in this process than we have been, and we would like to be more involved. There are certain questions raised about this that I am not really prepared to answer at this time. It is more of something that would be done probably by the chiefs, because there are certain chiefs who are sort of leading this concept and bringing it together.

We are working on a capture contract with the province where we would hopefully take over the capture of the animals. What you are talking about is something that would probably discontinue once the legislation was passed, because, I mean, we are looking to work with the government on this.

**Ms. Wowchuk:** I raise the issue because it was one of my colleagues, and I think it might be somebody whom you know, the member for The Pas (Mr. Lathlin), who said that First Nations people have to be very careful because many times they think that there will be something in the legislation that will ensure that they have the opportunities and then it might not be there. So that was why I was asking whether your council had looked at the legislation and felt you had the protection.

The other question I ask is, when you talk about capturing elk, do you feel that there should be a protected area where elk should not be captured? There was a lot of controversy last year about where elk were captured. There was the whole issue of the Swan River Valley where they could not capture because the farmers disagreed with it so much, and then they moved over. People feel that the national park should be natural habitat. So do you have any concerns as to where elk should be captured?

\* (2000)

**Mr. Whitford:** The only area where they can be captured, that is the Riding Mountain area and the Duck Mountain area. The Interlake does not have enough animals to be able to capture from there—and the Manitoban elk is the biggest, big in body size and in antler size, of the four different subspecies of elk in North America.

Now, there are a lot of questions that you are asking there that really cannot be answered, like this canned hunt. This is a natural progression. After you have used all your big bulls for breeding, they get to a certain age where all they do is they just produce a massive set of antlers; and, if you do not harvest them as a green antler, then they are used as a trophy hunt. I do not know where that is going. That is certainly the progression of the way things have gone, especially in the U.S., and I think it is starting in Alberta and Saskatchewan.

Bear farms are starting to appear in China and Korea, and they are attaching something to the gall that drains the liquid in there, and it keeps the animal alive. I mean, there are all kinds of crazy things going on. I do not think that we would ever go in that direction here. There would be too much public opposition to that, and it is not something that I would look favourably upon. White-

tails are being farmed in Alberta and Saskatchewan. That is something that I think the people who are involved in the industry are going to have to determine.

Right now we are looking to work with the government. When we first sat down, we said that we were interested in the export market only, not bringing in any other animals, because then you would have a very unfair advantage for the guy who wants to start off who did not have very much money. I mean, this looks like right now that it is going to be a small hobby farm to start off with, but if big money is allowed to come in, then a lot of foreign animals will come in. We were in favour of an export market only, and that is what we said, but elk ranching at this level, you know, I do not know if you can restrict people from coming in from other provinces.

**Mr. Struthers:** Mr. Whitford, thank you for your presentation. I enjoyed listening to you very much. I am interested in the remarks that you just made in terms of a natural progression. It seemed to me, you were saying that you saw this evolving from an antler industry to a meat industry, and then it would be natural that there would be canned hunts once you had no further use for the bulls that you were taking the antlers from.

I am interested to know if Keesee has actually talked in terms of planning for that eventuality, for that natural progression that you have correctly identified has occurred in other jurisdictions that have gone to elk ranching.

**Mr. Whitford:** I do not think that we would be interested in going in that direction, and I do not think it would be realistically realized in the future. There would be too much opposition to it.

**Mr. Struthers:** There was a lot of opposition to the GST, and we have that too. I want to know if there is anything in the legislation that gives you any kind of hope at all that this government, through its legislation, would be able to prevent eventually going on to either canned hunts or prevent the setting up of bear farms, as you also pointed out. Is there anything in this legislation that says that that will not happen, or are we simply going to depend on people's anger and public pressure on the government of the day, whoever it is, to not go into these kind of crazy practices, as you and I agree?

**Mr. Whitford:** All I can say is that my personal experience over the last year and a half is that this government has been taking its time to make sure that it does it right. It does not really want to offend anybody, and at the same time, you know, it wants to bring elk ranching and it wants to do it right. I mean, they spent, I think, two years, three years studying the whole concept of elk ranching and tried to take the best of Alberta's experience.

**Mr. Chairperson:** I am going to allow one more question.

**Mr. Struthers:** Mr. Whitford, the Province of Manitoba has signed a lot of agreements and treaties over the years, and as you well know, the record of provincial and federal governments is not that good in the area of keeping their word when it comes to treaties. This provincial government, a couple of years ago, has signed a biodiversity agreement, which is a world-scale agreement, that I am just reminded the Minister of Agriculture present today put his name to. Within that biodiversity agreement, our province has committed to guaranteeing the biodiversity of the animals, which includes the subspecies of elk that we are dealing with today.

There is a whole body of literature out there that says that if we move to elk ranching, we will end up with an elimination of this subspecies of elk, and I am wondering what your thoughts are in terms of the eventuality that the elk that we have right now are going to be a different elk down the road and whether your band at Keesee has thought that out.

**Mr. Whitford:** This is one of the things that we have thought out, and we arrived at the conclusion that in the last 125 years, from where the animals did roam and where they are restricted to now, what is going to happen in another 125 years? There could be none left in these areas, and if you have these farms dotted around the area, with protection, you can—

**Floor Comment:** Guarantee the preservation of the species.

**Mr. Whitford:** That is right.

**Mr. Chairperson:** Thank you, Mr. Whitford, for your presentation.

I will call now Barbara King from the Manitoba Veterinary Medical Association.

**Mr. Edward Helwer (Gimli):** Before we hear the next presenter I think, Mr. Chairman, that you should tell the member for Dauphin (Mr. Struthers) and the member for Swan River (Ms. Wowchuk) that their line of questioning is unfair. There is a time for debate in the House on this issue, and I think if they want to question the presenters, that is fine, but this is not a time for debate.

**Mr. Chairperson:** Thank you, Mr. Helwer. I am going to ask—

**Mr. Ronald Mentz (Manitoba Veterinary Medical Association):** I am Dr. Ronald Mentz. I am the president of the Veterinary Medical Association of Manitoba, on behalf of Ms. King.

**Mr. Chairperson:** I am going to ask Mr. Struthers, have you a question or a comment?

**Mr. Struthers:** I think a response to what the member for Gimli (Mr. Helwer) has just put forward needs to be solicited from this side of the table.

I think what Mr. Helwer is saying is that it is yours to invoke closure on my ability to ask questions of the presenters, and that is something that I have as a right as an MLA. If I am going to do my job here on behalf of my constituents and the people of the province of Manitoba, then I cannot sit here quietly and listen while, essentially, a motion of censure is put forward. You, as the chairman, Mr. Chairman, have the right and have the responsibility to make sure that we in the opposition get our say and be able to ask our questions on behalf of the people of Manitoba and not have to put up with the kind of intimidation that is coming from the other side of the table.

**Mr. Chairperson:** I asked before whether I could have the indulgence of the committee to use my discretion as to when we would start and end the debates. I am doing that, and I would intend to continue doing that. Thank you. I respect the advice of the committee members, and I will ask Mr. King now—what did you say your name was?

**Mr. Mentz:** Ron Mentz.

**Mr. Chairperson:** Ron Mentz, to continue on behalf of the Manitoba Veterinary Medical Association. Have you a written presentation?

**Mr. Mentz:** No, Mr. Chairman. Unfortunately, we only heard about this meeting last night, so I do not have any written presentation. We can let the committee have it by tomorrow if they want.

**Mr. Chairperson:** Would you continue, please.

\* (2010)

**Mr. Mentz:** My name is Dr. Ronald Mentz. I am the president of the Manitoba Veterinary Medical Association, and I am representing the veterinarians in the province of Manitoba here tonight. The Manitoba Veterinary Medical Association represents 270 veterinarians in the province of Manitoba, and the association governs the veterinarians of Manitoba. We also attempt to protect the health and the welfare of animals in Manitoba. That does not only pertain to domesticated animals but also to wildlife. We are the primary health givers of domesticated animals in this province, as well as wildlife, and as president of the association, I am here tonight.

I am here tonight to present our concerns re Bill 31, The Livestock Industry Diversification and Consequential Amendments Act. We are very concerned as an association that the bill does not place the primary focus on the concern and the welfare of animals. We have gone through this bill in the time permitted, and, Mr. Chairman, Mr. Enns, ladies and gentlemen, there is more emphasis put on whether the prospective rancher is a landowner than on to the welfare of the animals that this person is intending to ranch with. So we are very concerned that these welfare issues should be put in the act and not in subsequent amendments and regulations. The welfare of the animals that we intend to ranch with comes first.

We strongly believe, secondly, that the bill would allow nonveterinarians to harvest elk antlers. Harvesting of elk antlers, ladies and gentlemen, is a veterinary procedure. The injection of local anesthetic is a veterinary act and, if performed by nonveterinarians, could place the animal in danger. Removing the antlers of elk and from game is not cutting the horns off your

cattle. You can put yourself in the position that you put yourself in a squeeze in such a position that you cannot move, and one of your limbs is removed.

At present, The Veterinary Medical Act makes provision for the removal of horns in cattle. It does not allow anybody but a veterinarian to remove antlers from game. The innervation of antlers is very different from the innervation or the way that the nerves go into horns in cattle. It is a different thing altogether.

We feel that the people that are going to ranch with wildlife should be licensed, and the licensing procedure should be put out clearly in the act and not in regulations, amendments or whatever later on. The licensing procedure should be put out in the act to what form of inspection, what form of examination that person is going to have to comply with to be able to ranch with wildlife. Also, we feel that wildlife ranchers should be subjected to regular checks to see whether they do comply with the regulations.

Ladies and gentlemen, I am not here tonight to be giving bad vibes to the whole concept of wildlife ranching. The question was asked earlier tonight whether there is anybody with experience in wildlife ranching. I think, if there is anybody in this room—I am a bloody foreigner. I come from Africa. I have been involved in wildlife ranching for the biggest part of my life. So has New Zealand been. Other countries in the world have done it. If we want to do this, we should do it right. We should place the emphasis where it belongs. We should place the emphasis on the animals first.

This is a good gain for the province. We should go for it, but let us do it right. My feeling is that we can all gain from this diversification, but if you people think tonight that the storm around the PMU industry in this province has been bad, I can guarantee you, it is going to be a picnic, according to what is going to happen around the wildlife industry. So let us try and do this right from the beginning.

I thank you for this opportunity to talk to you tonight. If there are any questions, I would like to try and answer. I am not the legal person; I am not here in a legal capacity. I have a lawyer here who represents my association. If there are any questions about the law, you might be able to help him out. We have concerns about

this course, and we would really like to, as an association, the veterinary association, be consulted on this act and on the regulations. Our feeling is that these things are very important to the province, and we would like to see it being done right.

**Mr. Chairperson:** Thank you very much, Mr. Mentz.

**Hon. Harry Enns (Minister of Agriculture):** Dr. Mentz, I appreciate very much you taking the time to appear before the committee, and I just want to understand. The serious concern that you have expressed on behalf of your organization, the Manitoba Veterinary Medical Association, is that you would like to see the more specific clauses dealing with the animal welfare in the bill itself, rather than left to regulation. Is that a fair representation of your comments?

**Mr. Mentz:** Yes, Mr. Minister. As far as the welfare of the animals is concerned, I think, first and foremost, that we should put this in the act itself and not in regulations.

I do not want to talk politics here. Changing the political field and changing regulations and changing amendments and whatever is far easier than changing the actual act. So we would like to see, as an association, the welfare of the animals addressed in the act itself, so it cannot be changed as easily.

**Mr. Enns:** Mr. Chairman and Dr. Mentz, I do not take particular issue with you, but it has and continues to be the Canadian style to have the legislation essentially represent the principle, and left to the regulatory role the specific regulations.

I remind you that the regulations carry the full force of any clause in any legislation. I suspect if I examined, for instance, health legislation that my colleague the Minister of Health (Mr. McCrae) has that deals with human welfare, human health, that much the same situation exists. It would be that you would find most of the actual description of how the Pharmacare program is run or how particular health programs are run in the body of regulations, not in something called the Canada Health Act, for instance. But that is for another day, we will take it.

I do also want to understand and have it clearly on the record that as an association—and I appreciate very much



your opening comments that indicated that while we think of the veterinarian association essentially as dealing with domestic animals, the companion animals, the pet animals, your organization also sees itself as having a particular responsibility to the animals in the wild.

I just make that reference to the point that I am asking you to confirm. With those reservations that you have commented upon, the Manitoba Veterinary Medical Association supports game farming and elk ranching in Manitoba.

**Mr. Mentz:** Mr. Enns, honourable minister, just two facts: The association is not privy to the regulations and amendments done to the act. We have only had the act to revise. That is the only factor that I am commenting on here tonight, and the association feels so strongly about the welfare of the animals that we feel it should be put in the act.

As far as the specifics on how the regulation of animal welfare is going to be done, we have no problem with it being put in the regulations. We would like to see also, to have some consultation on this act because it is first and foremost on the association's agenda, the welfare of animals, being domestic or livestock.

\* (2020)

**Ms. Wowchuk:** Thank you for your presentation. I just want to say that I think you have raised a very good point and that this should be outlined more clearly in the act. The minister says that in most cases this is dictated through regulation, but regulation does not have to come to a committee. Regulation, as I understand it, is at the minister's discretion and would not have the discussion or be spelled out the way it is in the act. So I think you have raised a very good point. You have said that you have legal counsel here, and I wonder whether your association has looked at which sections of the act should be amended to address the concerns that you have within this act.

**Mr. Mentz:** We are actually having a council meeting tomorrow on this issue, but if the group wants to, I could call on Mr. Abra to try and answer your question.

**Mr. Chairperson:** Would you call him, please. I am sorry, I did not get your name.

**Mr. Douglas Abra, Q.C. (Manitoba Veterinary Medical Association):** My name is Douglas Abra. I am a lawyer for the Manitoba Veterinary Medical Association.

**Mr. Chairperson:** Mr. Abra, would you proceed, please.

**Mr. Abra:** As I understand it, the question that has been raised is whether or not any of the sections should be amended as they presently stand. The concern that the association has is that there is really no provision in the present statute relating to the safety, the welfare of the animals. That is the concern that Dr. Mentz is attempting to express to you.

There is reference in the regulations or the authority of the minister under the regulation to make regulations respecting the humane care of game production, animals and the control of animal diseases on game production farms. There is no question that the authority is in the minister in regulation, but the concern that the association has, as Dr. Mentz has ably expressed, is that it should be in a statute.

**Mr. Struthers:** Thank you very much for bringing those concerns to us this evening. I wonder if you could tell me, in some jurisdictions they actually have a ban on the use of electric shock to remove the antlers from an animal. In some jurisdictions, they do have that. Would your association support a ban in this province on the use of electric shock to stun the animal to remove the antlers?

**Mr. Mentz:** Yes, very much so. We are part of the Canadian Veterinary Medical Association. The Canadian Veterinary Medical Association has spoken as very much against the use of electric mobilization as a totally inhumane way of immobilizing animals.

As to answer some of your previous questions to some of the previous speakers here, there are tests in place to test for tuberculosis, to test for brucellosis and most of those diseases. I believe today there is even a field test to do for BSE, so we can ensure the safety as far as humanly possible of anything to the public.

**Mr. Struthers:** As far as humanly possible and 100 percent are two different things, though. Are you saying there is still, even with the best of—

**Mr. Chairperson:** I am going to intervene here, Mr. Struthers. I am not going to allow the argumentative process that you have embarked upon previously. I am asking you to direct your questions for information, not debate.

**Mr. Struthers:** Mr. Chairman, I was looking for information. I want to know if the tests that are out there right now can indicate to the people of Manitoba that a disease like BSE can be detected, and can you tell me that no case of BSE will be imported from other jurisdictions like Saskatchewan or Wyoming into Manitoba and then infect either the ranch herd that we will have or the wild herd that will be left throughout the province?

**Mr. Mentz:** Mr. Chairman, to answer the question, at this stage, the systems used are of Europe. The concern in Europe, as everybody is aware, is being about the safety of cattle being imported or carcass being imported into the country. There was no test to be done on live animals until very, very recently to confirm whether the animal had BSE or not. It is my information that as of about 10 days ago, the scientists have come up with a test that can be done on live animals to determine before death whether the animal has BSE or not. As far as the accuracy of the test or anything else, it is out of my scope to comment on that.

**Mr. Struthers:** Can BSE or tuberculosis be transferred to humans from a diseased elk?

**Mr. Mentz:** Very much so; there is a very great possibility.

**Mr. Struthers:** And we do know that Saskatchewan does have a case where BSE has been detected, and so we do know that the disease is out there and ready to be imported into Manitoba, should we go into elk ranching.

**Mr. Chairperson:** That was a statement. Is there a question?

**Mr. Struthers:** Do you agree with that statement?

**Mr. Mentz:** I am not aware of the exact incidence or the accuracy of what you are saying, so I cannot comment on it. Whether it is possible, and, as I say, this test on testing animals is very, very new in the field, we will have to look into this for sure.

**Mr. Struthers:** One more question.

**Mr. Chairperson:** Thank you.

**Mr. Struthers:** You sound relieved.

**Mr. Chairperson:** We have others who want to ask questions.

**Mr. Struthers:** Was your association consulted before the capture of the elk began or any time from the capture of the elk till now? Has this government approached you for any advice, any consultation at all?

**Mr. Mentz:** Not to my knowledge, sir. The directorate of Natural Resources was consulted in the issue, because game in Manitoba belongs to the Crown and not to the Veterinary Association.

**Mr. Conrad Santos (Broadway):** Mr. Mentz mentioned that he came from South Africa, and he is familiar with other countries' practices. I would like to ask him whether or not South Africa's standard is laid out in the statute, or is it locked in the regulation?

**Mr. Mentz:** The question is whether the standard is laid out in regulations or in the act?

**Mr. Santos:** Yes. You are saying that the standard by which the welfare of the animal shall be protected should be written down in the statute itself rather than left to the regulations. I am asking you whether in those countries you are familiar with, with all their practices and experience, whether or not such a standard had been written down into the statute itself rather than left in the regulation.

**Mr. Mentz:** The answer to the question is that it is very much left to regulations in those countries.

I would like to point out to you, in those countries, we raise wild animals as venison. We do not harvest velvet from those animals. There is a big difference. If these animals are going to get killed or whether their horns are going to get cut off, there is a big difference in that.

So in those countries—I do not know what the situation is exactly, legally, in New Zealand. South Africa, very

much so these animals are raised either as venison or for hunting trophies.

**Mr. Santos:** You are saying then that the fact that the purpose for gaming is only for venison justifies the fact that there is no such protection for the welfare of the animal written into the statute. Is that what you are saying?

**Mr. Mentz:** Can you just repeat that, please?

\* (2030)

**Mr. Santos:** There is no harvesting of antlers in New Zealand or in South Africa, and therefore there is no danger or risk of the safety and welfare of the animal being in danger. Therefore, the regulation itself is sufficient to contain the standards by which the behaviour of people who will obtain the licences will be regulated.

**Mr. Mentz:** That is exactly what I am saying, Mr. Chairman. In those countries, when animals go to slaughter, those standards by regulation are sufficient. Wherever you are going to keep animals in captivity to harvest a product of the bodies, we should be very specific about the welfare and the conditions under which we are going to keep these animals.

**Mr. Santos:** Since we will be harvesting some parts of the animal and keeping the animal alive in Canada, you are suggesting then that the standard of welfare and safety of the animal should be written into the statutory provision itself, rather than left to the regulation. Otherwise, the regulation will have no guide, no criteria, and it will be purely arbitrary, whoever is the minister who might be writing the regulation. Is that what you are saying?

**Mr. Mentz:** That is correct, Mr. Chairman.

**Mr. Santos:** Thank you.

**Mr. Chairperson:** Thank you very much for your presentation, Mr. Mentz. I understand the minister has a question.

**Mr. Enns:** I am sorry, just a very brief question to the presenter and information to the committee. The committee should be aware, of course, that we are dealing

with another entire piece of legislation that deals specifically with animal welfare.

My question to Dr. Mentz is, would he not conclude or concede that animal welfare is animal welfare? I think that the point that he is trying to make is that there ought to be in this day and age legislation that concerns itself specifically with the welfare of animals.

Would he not view the amendments, the changes, the new act that is being brought in with specific focus on animal welfare as not covering off some of his concerns that he has expressed to the committee this evening?

**Mr. Mentz:** Mr. Enns, I would like to comment on that. I am not privy to the animal welfare act or The Animal Care Act, as it is called. It is a new act. What I am trying to say tonight is just, let us cover our backsides. Let us put these things in perspective and get this act as complete as we can for the welfare of the animals and for the betterment of the livestock diversification in this province.

**Mr. Chairperson:** Thank you, Mr. Mentz.

I call Vicki Burns of the Winnipeg Humane Society. Ms. Burns, would you come forward, please. Have you a written presentation for distribution?

**Ms. Vicki Burns (The Winnipeg Humane Society):** Yes, I do.

**Mr. Chairperson:** Would you distribute, please. I remind members of the committee that we had tentatively a gentleman's agreement or a gentleperson's agreement, I should say, that we would limit our presentations, and we would also limit ourselves and our question time. I ask for your indulgence.

Ms. Burns, would you continue, please.

**Ms. Burns:** Mr. Chairman, honourable minister, and committee members, thank you very much for giving me the opportunity to speak to you tonight. My name is Vicki Burns, and I am the executive director of The Winnipeg Humane Society.

Just as a very quick background, The Winnipeg Humane Society is really the primary animal welfare

organization in the province of Manitoba. So even though our name is Winnipeg, we really do concern ourselves with animals all over the province, in case you are wondering why we are speaking here tonight.

The Winnipeg Humane Society is opposed to Bill 31 because it will allow for the capture and sale of wild animals indigenous to Manitoba that were previously protected under The Wildlife Act.

Our opposition is based primarily on the following humane concerns. The initial one is a very basic belief that wild animals should be free to live naturally in the wild. The process of the capture and confinement of these animals to restricted areas causes them immeasurable stress. It is well recognized that the actual process of capturing the animals may cause them a physiological response that is called capture myopathy, which actually causes them to die. Basically, it causes a buildup of lactic acid in the muscles. This I am not sure whether it occurred in the animals that were captured this past winter, but a great deal of care has to be taken so that it does not cause a lot of loss.

As well, the transport of the animals is extremely difficult. There was at least one case that we know of, an elk that was actually trampled to death in the truck during the process of transporting from one area to the other. But essentially just the stress of confinement we feel is cruel in itself.

The second major humane concern we have is the de-antlering process, which will be required to harvest the main product that we are intending to get out of these elk. Basically, it involves cutting off the antlers of restrained male elk every year.

Would it be all right if I just circulate this picture around? I did not want to make copies, but I want to make sure that you all understand exactly what is going to be involved here. That picture was taken on an Alberta elk ranch, and you probably will not see any other pictures, because it is rather concerning, and I am sure you probably will not want the public to see that.

Basically, the antlers at the velvet stage, which is when they are considered valuable, consist of living tissue. That means they have a dense concentration of blood vessels and highly sensitive nerves. We understand that

it is being proposed that anesthetic be used here, but still there is no doubt that the process of manipulating these animals, restraining them and then cutting off the antlers even with anesthetic is going to cause substantial stress to the animal.

This mutilation of living tissue from a live animal will occur every year, because that is what the product is, so as well as the basic cruelty that we believe is involved in that cutting off of living tissue every year, there is also the deprivation of basic ethological needs and normal sensory stimulation which occurs with antler removal. In other words, the antlers are an important part—in the natural state the animals are using these for something important and we are depriving them of that.

The Winnipeg Humane Society believes that the humane concerns outlined above are justification for opposing The Livestock Diversification Act. We are concentrating right now on elk ranching because that is what you are intending to bring in, but, of course, there are the other concerns that it could be expanded to, for instance, eventually ranching of bear and so on.

There is a growing concern amongst many members of society around the traditional ethic that any suffering inflicted on animals for necessary reasons such as economic benefit, food production, pursuit of scientific knowledge, et cetera, is acceptable. We feel that society's attitudes are moving beyond this simplistic notion to a desire to develop a more adequate set of moral standards for guiding and constraining our treatment of animals.

We are often asked, why are you so concerned about something like removing the antlers from elk when you are not speaking up about a number of other practices that we do accept in our treatment of farm animals, such as dehorning of cattle and so on? Our answer to that is, we do not believe that condoning and legalizing a new practice in which animals must suffer routinely should be justified by the existence of traditionally accepted practices which inflict suffering.

Our goal is to work towards a time when animals used by humans will not suffer at our hands.

I want to make it clear that The Winnipeg Humane Society is a fairly middle of the road animal welfare organization. We do not oppose the use of animals by

human beings, but we are very definitely working towards limiting the amount of suffering that they have to put up with.

\* (2040)

So those are really the essential and primary concerns of The Winnipeg Humane Society, but there are a number of other issues which we really feel have not received adequate public attention and, therefore, I am going to spend a couple of minutes just highlighting those for you. They have been mentioned briefly in the previous questions.

First of all, the incidence of tuberculosis in elk and the potential for infecting humans—Dr. Anne Fanning, a director of tuberculosis services in Alberta, has published a paper in *The Lancet*, which is a well-known medical publication, in which she documents one specific case of *M. bovis* infection in a veterinarian. He was likely infected through contact with a diseased elk.

She also describes a number of other individuals working in the field who actually had more than one positive TB test. They were not actually ill at the time, but there was some cause for concern. She has recommended that control measures to prevent human infection be undertaken for anybody who is working in this particular industry, but when I have asked the questions of people who are involved, I have been told that this has not been, there has not been any discussion of putting this into place, and I think that you should discuss that.

The second concern is the incidence of TSE, transmissible spongiform encephalopathy. That is the version of spongiform encephalopathy which is similar to what you know as mad cow disease in cattle. We are concerned about the known existence of this and questions around the potential health hazard to humans consuming infected products. There have been at least 10 confirmed cases in elk in Wyoming and Colorado in the last few years, and this past winter there was one confirmed case from an elk on a ranch in Saskatchewan.

Now, the news about a new test in the last 10 days, I am not familiar with. Prior to that news, I have been told that this disease can only be definitively diagnosed through a brain biopsy which, of course, can only be done

post mortem, in other words, after the animal is dead, and the animals that die of TSE look as though they have starved to death.

The reason I am bringing up these points is that in Canada we really have not been looking for this disease and I think people are being a little naive if they think we have been. The veterinary pathologist who actually found this disease in the elk in Saskatchewan had to send a slide to the pathologist down in Colorado or Wyoming who specializes in this because she had never seen a case before and because she did not know what she was looking for.

So we have to be very clear that the recent increased attention to this disease due to the mad cow crisis in Britain is causing our specialists now to look at it, but there are many, many unanswered questions about this, and the difficulty of diagnosis as well as the lack of knowledge regarding how the disease is transmitted raises concerns about the possibility that this disease may indeed be present in our wild elk population.

Mr. Enns, I hope you do not mind me quoting you, but in a letter that you sent to the Winnipeg Humane Society in June of this year, you said: There is no concrete evidence to indicate that these diseases, TSE and BSE, can be transmitted directly from one species to another under field conditions. Based on the above factors, we are convinced that TSE is not a risk within the wild elk that will be used to stock Manitoba elk farms. For the same reasons, we believe that there are no health hazards associated with consumption of elk products. Those are your words.

With all due respect, I think this assertion seems somewhat simplistic and naive given the recent crisis in Britain.

Mr. Enns: Vicki, I do not mind you quoting me, but I do mind you calling me naive.

Ms. Burns: Okay, I apologize for that. I just want to refer to the fact that the World Health Organization in a press release in May of 1996 recommended very strongly that they ensure worldwide surveillance of TSE in all animals, and the possible link between the human disease CJD, Creutzfeld-Jacob disease, and BSE in cattle can only be proven by continued research to fully characterize

the agent causing the disease in humans, so that it can be compared to TSE in other animals.

As well, we had here in Winnipeg in May a presentation by a Dr. Susan Priola from the National Institute of Allergy and Infectious Diseases in Montana at Grand Rounds at the Health Sciences Centre in which she explained that the research that they are doing at their institute to determine how TSE is transmitted, it crosses the species barrier. In other words, how does it go from one type of animal to another? So there is obviously very serious concern in the scientific community that that is a real possibility. There is no scientific proof yet, but there is enough concern that it is causing a lot of research to be done. We feel that it would appear to be far too early to make any assumptions about whether TSE may be present in any of our Manitoba elk and about whether there are any potential health hazards in the consumption of elk products.

Another point that we have learned a little more about in our research of this industry in other jurisdictions is the potential increase in poaching activities, which has been experienced significantly in some of the other areas where elk ranching has been going on for a number of years. Specifically in Montana there have been several prosecutions lately involving elk ranchers who captured wild elk to replenish their herds. We know that the intent here is to not allow that to happen; however, the identification system that we are using with these animals is not tamper-proof. I do not think anybody can guarantee that it is. It is possible to remove the ear tags from a dead animal and place them on a living animal that you have just captured. So in order to prevent the illegal capture and poaching of wild elk, we have to have a really well-developed monitoring and enforcement system. Again, we have heard no plans about this, nor any discussion about who is going to pay for it.

Finally, we think there ought to be more attention and more discussion paid to the additional cost, potential cost to the taxpayer for reimbursement to elk farmers whose herds have had to be destroyed due to TB or TSE or possibly some other disease. I hope that you are all aware that over \$16 million was paid to Alberta ranchers whose herds had to be destroyed due to tuberculosis. These were elk who had been tested, had a TB test, so it was thought that they were clear of TB, and subsequently it was determined that that test was faulty. Now there is

a TB test that is being used now. Once again we are presuming that it is accurate, but there is not any 100 percent certainty about that, and we are aware that there is research going on in New Zealand to use a different type of test that is supposed to be much better.

As well, as recently as just within the last couple of months, over \$50,000 was paid to one elk rancher in Saskatchewan because his whole herd had to be destroyed due to the one case of TSE that was confirmed. Now, at this point in time we are not aware that there is any test that can tell whether other animals have TSE and therefore, if there is another case or suspicion of it, that means the whole herd has to be destroyed. These are substantial costs and I do not think we can be assured that similar situations will not occur in the future.

So, in conclusion, the Winnipeg Humane Society urges the Manitoba government to halt their plans to legalize the capture and sale of our indigenous wildlife. We believe that the humane concerns around the cruelty and suffering which is inherent to the capture and confinement of wild animals and to the de-antlering of velvet antlers are justification enough for not condoning this practice. Our ethic for the treatment of animals must include a conscientious assessment of whether the end justifies the means. In this case, we believe that the economic benefit does not justify the cruelty and suffering which will be inflicted on these animals. Thank you.

**Mr. Chairperson:** Thank you very much, Ms. Burns. Are there any questions?

**Mr. Santos:** Ms. Burns, you lamented the fact that \$16 million had been paid to some Alberta rancher which was heard to be destroyed due to TB. Should there be a scheme of private insurance where ranchers should insure their herds against such eventuality, so that the government will not need to come up with the cash and pay for the destruction of this risky herd in case they are infected?

**Ms. Burns:** Well, actually, I do not feel that is our jurisdiction to comment on, because I want to remind you that we are actually opposed to this in its entirety. So I am not the person to ask about that. I am sorry.

**Mr. Santos:** May I direct the question to the minister? Should you allow an insurance scheme to protect the

health of the captured herd so that the insurance company will pay rather than the government?

**Mr. Enns:** Mr. Chairman, it is quite conceivable that a private insurance company may wish to enter into that kind of arrangement with the newly formed Manitoba Health Association. I am not aware of any such initiative. There would have to be specific action taken by Agriculture Canada as to whether or not the animals would come under any compensation programs for disease prevention as the presenter alluded in several instances in other jurisdictions.

**Mr. Santos:** If there is such a remedy, then therefore if the rancher takes the risk that some of the herd may be infected and he did not insure, that is the risk of the business. Why should the government pay?

**Mr. Chairperson:** These are questions, I remind committee members, that are directed and should be directed for the clarification of the bill. I do not believe that we are dealing with an insurance bill. We are dealing with The Livestock Industry Diversification and Consequential Amendments Act, and therefore I would ask Mr. Santos, if he has any questions for clarification in regard to the bill, then I would allow the question. If not, I will ask that we proceed with the questions pertaining to the bill.

**Mr. Struthers:** I enjoyed listening to your presentation, Ms. Burns. The one statement you made though was that the end justifies the means, and I am trying to get a picture in my mind of just what the end is. Could you describe, if you can, what the elk antlers are eventually used for?

**Ms. Burns:** I do not have full knowledge of that, although my understanding is that they are being sent to Asian countries for use in a variety of medicinal purposes. My understanding, at this point, is that there is not really any scientific evidence to support the value of that, but I am really not expert to comment on it. As far as I know, it is not going to be used in Canada, which would make you wonder about that.

\* (2050)

**Mr. Enns:** I want to simply indicate to Ms. Burns and ask a question at the conclusion, and to the committee

members, no, the world is not perfect. Canada's health and food safety regulations are not perfect or offer 100 percent guarantees, but we have come a long, long way in this country. Canada is one of the few brucellosis-free nations in the world. Canada is one of the few, for trading purposes, tuberculosis-free nations in the world. When you have had the opportunities I have had in travelling to different parts of the world, you realize what a tremendous advantage and what a tremendous job our veterinary services, our health inspection systems, principally at the federal level in co-operation with our provincial laboratories, have done in this case.

I am concerned when I hear the words "mad cow disease" used loosely, for whatever purposes opponents of this bill may have. I want to assure you that you do no service to a very significant, important industry and to the meat processors of Manitoba when we do that. The very examples, Vicki, that you use with respect to what great lengths the treasuries of either Alberta or Saskatchewan, or Ottawa for that matter, went to eradicating a single disease out in Saskatchewan, \$50,000 I believe your statement was, \$16 million in Alberta, indicates to you how serious those in government, departments of agriculture, provincial and Ottawa, take this question of food safety.

I would think, and this is the question, ought that not to give us as consumers of food some comfort level that while—no, to repeat Mr. Struthers' often question, nothing is 100 percent in this world. I am not 100 percent guaranteed that I will get home tonight. Probably down to about 70 percent if the weather keeps up like this.

Let us not sell ourselves short nor our meat industry short or our capacity of caring for it. The question is certainly not the will on the parts of governments, when alerted to it, to be shy in expending significant resources to control it.

**Ms. Burns:** Well, that is a good point, and I certainly did not mean to infer that our governments are not concerned about that. However, in the case of TSE, it is a disease that you only can find out after the fact, so significant amounts of money are spent compensating farmers. At this point in time, I do not hear about significant amounts of money that are being spent in research to determine, in fact, whether there is the possibility of any of this disease in our wild elk

population, because there are many animals that you would have to agree that would die in the wild that none of us would ever see.

In the case of the wild elk, someone would have had to have concern enough to have taken a brain biopsy from the animal in order to determine whether there was anything beyond starving to death. I am not aware that that has happened here. I am aware that in Colorado and Wyoming, the reason they have had so many confirmed cases is because they made the discovery there, the link between an animal that had starved to death and the fact that they actually had this condition, TSE, and therefore they started to more routinely do that kind of testing. I am just referring to the fact that I do not think that degree of alertness about this particular condition existed in our province up until now. Maybe it will start to happen now, I am not sure. I hope so. I think it is a real enough concern that we should not deceive ourselves that we are absolutely safe here because we may not be.

**Mr. Chairperson:** Thank you, Ms. Burns. I am going to ask the next presenter then, Tracy Hughes, private citizen, to come forward. Ms. Hughes, have you a presentation to distribute?

**Ms. Tracy Hughes (Private Citizen):** Yes, I do.

**Mr. Chairperson:** Would you distribute, please. Would you continue, Ms. Hughes.

**Ms. Hughes:** Yes, my name is Tracy Hughes. I am speaking as a private citizen of Manitoba, and I strongly oppose Bill 31.

Capture and confinement of wild animals is inhumane. While governments around the world are becoming more sensitive to environmental issues—for example, the government of B.C. has decided to stop the whale exhibits in Stanley Park—the government of Manitoba is proposing to farm elk for profit. The process of removing the velvet antlers is very painful to the animals. I do not see how this cruelty can be justified for economic gain. Indeed, the entire project could foreseeably cost taxpayers money, as it did in Saskatchewan.

The Department of Natural Resources presently has an advert on TV. It states, Manitoba will not tolerate the poaching of wild animals. Poachers are stealing our

wildlife. Manitoba will not tolerate trafficking in animal parts. It is time to get tough, turn in poachers.

Bill 31 is in direct conflict with these sentiments and these policies. In fact, Bill 31 legalizes dealing in animal parts. It will also encourage more illegal hunting and poaching. Our government cannot condemn the poaching of bears for gall bladders while itself selling elk antlers. I believe that as Manitobans and Canadians we should be openly discouraging the use of bear gall bladders, elk antlers and tiger bones in the use of potions and lotions. It is totally irresponsible to perpetuate these myths at the expense of our wildlife.

If Bill 31 is allowed to go ahead, how long will it be before bears and cougars are sold for parts to the highest bidder? Of course, endangered species fetch higher prices. Will they be further exposed to risk if the price is right? I feel it is time to do the right thing, right for Manitobans and their environment. Manitoba already received a D rating by the World Wildlife Fund. How much worse does our record have to become? The seal hunts have blackened Canada's reputation around the world. I feel this elk farming will further worsen our image internationally.

That is the presentation that I prepared, and I had very short notice. I would like to add a couple of things that I picked up from the other presentations here. We are saying that because other provinces have elk farming, we should as well, but I feel that it is time for society to move ahead. For example, slavery has been abolished and so has child labour. We should not continue with these archaic ideas.

I do not believe any consultation was done on this bill with the World Wildlife Fund or, it appears, with the Veterinary Association. It does not appear any serious expertise was solicited. The minister referred to the health care act, that different things were in regulation rather than in the act, and used Pharmacare as an example. I would like to point out that Pharmacare has been seriously diminished over the last couple of years so, obviously, the regulations do not protect anything.

Another idea that was brought forward earlier was that ranches would preserve the species in the future, and I think it is widely accepted now that zoos and ranches do not preserve a species, rather they just enslave it.



There was another point brought up about tariffs and free trade. I believe that we should in Manitoba ban the import of these types of products, let alone start exporting these products. Also, another point that was brought up was that these elk are easily adapted and easy to keep in captivity, but that Manitoba had an advantage keeping elk, which is a directly conflicting statement. If the animals are easy to keep in captivity, then any country can also adapt this practice and we will have no advantage.

\* (2100)

Another gentleman was talking about the capture of bears in China and about the bile extraction that is done on the moon bears in China. I would like to point out that the Chinese government recently banned that practice. In fact, they are moving forward in this area and have freed all the moon bears that were in captivity in that country, so I would just like to point that out.

**Mr. Chairperson:** Thank you, Ms. Hughes. Are there any questions?

**Mr. Struthers:** Thank you, Ms. Hughes. We have heard a lot tonight about having to be very precise and very accurate, so there is one part of your presentation that I do want to correct. The Manitoba government did not get a "D" from the World Wildlife Federation, it got a D-minus. I just wanted to make sure you knew that.

**Ms. Hughes:** Okay, I apologize.

**Mr. Struthers:** They also got an "F" from the Sierra Club, so you might want to add that to your presentation.

**Ms. Hughes:** Yes, I am aware of that also.

**Mr. Struthers:** The question that I have for you is that I want—

**Floor Comment:** Who cares?

**Ms. Hughes:** I care, sir. I am sorry, but I do care.

**Mr. Struthers:** Ms. Hughes, I am going to put you in a tough spot here. I have some constituents who are farmers in the Dauphin area. We hear a lot these days about agricultural diversification and we as legislators

feel a great need to help these people out because the world in rural Manitoba sometimes can be a pretty tough place. We are subject to a lot of things that are just out of our control, like the weather and the grasshoppers going through the wheat and that sort of thing.

How can we go into rural Manitoba and say to farmers who have their hopes up to get into elk ranching, thinking that they are going to make a lot of money at it, and tell them that they cannot do that? What alternatives do you foresee that can help us in rural Manitoba without going into elk ranching?

**Ms. Hughes:** I believe there are lots of alternatives and I believe that profitability is not the only guiding factor. I think that agriculture could make huge amounts of money growing marijuana, and I am sure that everyone would agree. That does not mean the government will legalize it and it should not in this case either.

**Mr. Struthers:** Your proposition is that there are other things we can be doing rather than domesticating an elk, which is a beautiful creature out in the wild. Is that your main premise?

**Ms. Hughes:** I certainly think that money is not the only concern. In the world today, we should really be looking at preserving our integrity as Canadians, as well as our wildlife.

**Mr. Chairperson:** Are there any further questions? If not, thank you, Ms. Hughes, for your presentation.

I call next Mr. James Pearson, People Acting for Animal Liberation. Have you a presentation to distribute? Will you please distribute it? You may proceed, Mr. Pearson.

**Mr. James Pearson (People Acting for Animal Liberation):** Thank you. I would like to wish good evening to the Chairperson, to Mr. Enns, if he is present, and the other committee members.

I would like to start my response to the bill by taking a quotation from a respected wildlife biologist, Valerius Geist, who was recently in Manitoba: Game ranching is a self-defeating enterprise that will, in the long run, reduce public interest in wildlife, encourage poaching, pollute gene pools and spread disease to wild animals.

There is good reason why Professor Geist, among dozens of other scientific authorities, is fundamentally opposed to game farming. Geist was responsible for helping to introduce the practice of game ranching to Canada, but within five years became a staunch opponent. To quote him: "This whole concept of game ranching was an ill-conceived, badly thought-out endeavour that was likely to destroy our North American system of wildlife conservation."

Nothing has changed. The Manitoba government has reversed a long-standing policy of protecting wild elk from the international trade in animal parts. Although elk captures and ranching do not serve the interests of elk, do not serve the interests of Manitobans, and have been vigorously opposed for decades by the citizens of this province, both urban and rural, the present government has inexplicably and stubbornly decided to pursue this industry. Previous governments have explicitly stated that the capture of wildlife for commercial purposes is not in the public interest.

Business interests, at the expense of the Manitoba taxpayer, are pushing for the legalization of large scale ranching of elk for breeding and for antler velvet. Wild males and females have been captured for private interests—prior to enactment of any legislation that would allow this activity—with the hope of introducing legislation to make this type of farming legal. Despite the fact that its actions ignore present law, and the fact that many of its own biologists, to whom I have spoken but who will not come forward for fear of recrimination, oppose game ranching on well-documented scientific grounds, the government has gone ahead with its plans. It is time that this "chamber-of-commerce uber alles" mentality with profit-building plans, coming at the expense of environmental diversity and animal welfare, be abandoned. Bill 31 allows a dangerous and frightening degree of ministerial discretion to be carried out at the expense of Manitoba's wildlife.

There are a number of crucial issues raised by the dangerous prospect of game ranching in Manitoba. Each issue in this report is presented in a "Myth and Fact" format.

**Myth:** Elk are overpopulated and humans must step in to manage their numbers. This was one of the pretexts I heard early on for beginning the capture of these elk.

**Fact:** There is no substantial proof that elk have become overpopulated. "Overpopulation" is a convenient term used by those who exploit elk or the elk's habitat in order that they may "step in" and "solve the problem" for their own benefit. If too many elk subsist in the Swan Valley/Duck Mountain region, the causes lie in human activity such as loss of habitat due to logging, farming, and road building, and destruction of natural predators such as cougar and wolf.

**Myth:** There are nearly 10,000 wild elk on the Prairies. Capturing and ranching them won't threaten any species.

**Fact:** Manitoba and Saskatchewan are home to a subspecies of elk known as *Cervus elaphus manitobensis*, which is unique to this region of the world. This is the subspecies of elk being rounded up by the Tory government. Not only are the captures depleting an already jeopardized elk population whose habitat is dwindling, the risks of escaped animals displacing their wild counterparts or passing on captive-born diseases like tuberculosis, hereafter referred to as TB, and meningeal worm to wild animals, altering unique gene pools or upsetting predator-prey relationships, are very high.

Hunters across North America are shooting increasing numbers of wapiti-type North American silkies and other red deer, sika deer and elk hybrids due to open-ended and permissive legislation that allows rampant import of nonindigenous wildlife. The Livestock Industry Diversification Act proposed by Manitoba's government is just such legislation, in that it does not specifically forbid the importation of exotic species.

Game farmers will begin selectively breeding domestic elk with other species to enhance so-called desirable characteristics from a narrow economic point of view. As well, wild-born Manitobensis elk can be recorded as farm-born with ease by an elk farmer. To assume across-the-board adherence to even permissive legislation is naive at best.

The increased poaching of elk that will result will also help spell the demise of *Cervus elaphus manitobensis*. Similar agricultures in Europe have left the landscape scarred. Professor Geist, to whom I previously referred, says that Germany, quote, is de facto, one big game ranch

with predators exterminated, wildlife fed in winter and genetically manipulated to fulfill the hunters' fancies.

\* (2110)

Dr. William Pruitt, another proponent of game ranching, turned opponent, speaks of the game ranching situation in northern Scandinavia as one of, quote, a biological desert. No Canadian or North American biologist could be anything but horrified to see what has happened there, and it could very well happen here.

This vision is borne out in Section 9(1)(c) of Bill 31, which allows Manitoba ranchers to buy out-of-province animals. Here the regulations may allow even greater latitude for the source of animals game ranchers in Manitoba wish to purchase. There is no protection allowed here for the genetic integrity of indigenous species, especially when the third-party procurement of nonnative species from a broker are factored in.

This act is a free-for-all at the province's expense. Section 24(1) defines nothing regarding the criteria by which, quote, genetics can or may be tested, only referring to a mysterious, quote, genetic test that is, as is customary with this hazy, incompetent bill, left to, quote, the regulations.

**Myth:** Capturing elk and ranching them is a harmless process. The animals are not hurt during capture, transportation or incarceration.

**Fact:** The capture and transportation is highly stressful and dangerous to wild elk. To place wild animals in such crowded, unnatural circumstances is asking for stress-induced illness and death. Two and possibly more elk have already died during the government's capture program. Captivity also poses severe problems for wild animals. Bulls and does are kept in unnatural proximity to one another. Elk often manifest aggression toward other captive elk as a result of the stresses of handling, transport and confinement, according to such authorities as Dr. P.R. Wilson, Department of Veterinary Clinical Sciences, Massey University.

**Myth:** Elk shed their antlers anyway. Sawing velvet antlers off is painless.

**Fact:** Ungulate antlers are highly vascular and innervated tissue during the velvet stage of growth.

Veins, arteries and nerves flow through the live antlers as they do through one's leg or neck tissue. When elk drop their antlers in fall, the veins and nerves have died up and cease to be functional. During velvet, hacking antlers off results in extreme pain and blood loss, even if the animal is anesthetized. The chances of subsequent infection, illness, and death are increased. Antlering during this stage of development is nothing more than surgical mutilation of healthy tissue, an unacceptable practice. Velvet antler removal is banned by law in several U.S. states such as California, in many European countries, and in Britain, where Sir Kenneth Blaxter, former Director of the Rowett Research Institute, called the practice barbaric. In any case, Section 16 of Bill 31 does not even define the animal parts that may be traded, bought, or sold, an unacceptable vagueness.

**Myth:** Elk ranching poses no disease risk to domesticated animals or to wildlife.

**Fact:** Bill 31 provides no protection to indigenous species but allows Section 10 to pass this off to the act regulations yet again. Section 11 of Bill 31 suggests that only healthy animals be allowed into the province, when the process of ascertaining that health is itself in question. Further, escapes from game farms are inevitable and common. Wildlife biologist, Luigi Morgantini of the University of Alberta became a staunch opponent of game ranching after having been involved in the futile attempt to round up 25 elk who had escaped from a farm carrying unknown parasitic and biological dangers to surrounding wildlife. Elk ranches across the Prairies, including Manitoba, have seen the escapes of large numbers of animals including the disappearance of more than 20 elk from Alberta and Saskatchewan TB quarantines. These elk remain missing, but even those who are recaptured may already have had the opportunity to spread virulent disease or parasites to wild animals.

TB has been diagnosed on farms in Alberta, Saskatchewan and Ontario. According to Dr. Allen T. Rutland, as of the fall of 1991, 80 percent of Alberta's 4,200 ranched elk had been exposed to or contracted bovine TB and would have to be killed. The risk of disease is particularly high on farms in which different species come into contact with food, water troughs and even the fur or pastures of an infected animal. Even worse is the fact that wild elk in captivity are to a far greater degree susceptible to diseases that would be

entirely foreign to them in the wild. Domestic ungulates manifest TB as a respiratory-oriented disease, but when passed on to elk the disease assumes a lymph-oriented form.

As confirmed by Dr. P. G. Livingstone, New Zealand's national TB adviser, once these animals escape or otherwise come into contact with wild elk, diseases and parasites may be passed on through saliva, urine, feces, pus, food, or the very ground on which the animals walk and graze. In the case of meningeal worm and tissue worm, both of which are lethal, the larvae can be transmitted even by slugs who come into contact with the feces of farmed elk. The price of tracing, testing and diagnosing dangerous diseases and killing the thousands of ranch-confined animals who harbour them is ultimately paid by the taxpayer and by the elk themselves who pay with their lives for the greed that drives humans to farm them. This data suggests that it is conservative to estimate that the consequences of disease transmission to wild elk and other wild animals will be catastrophic.

**Myth:** Elk ranching will protect habitat for wildlife because it will remain in its natural state.

**Fact:** The fencing-off of wildlife habitat for game ranching and other agriculture is one of the single greatest threats to the survival of species in North America, according to such authorities as Dr. Allen T. Rutland, whom I have mentioned before, scientific adviser for the Humane Society of the United States. So-called marginal agricultural land is habitat of prime importance for wildlife, and this is the land that is most commonly fenced off for game ranches. Wildlife corridors, through which wild animals migrate, are irrevocably cut off by ranch fences. Wild elk, particularly males in rut, are consistently drawn into areas in which elk are captive. Inevitably, captive elk escape to mate or socialize, or the intruding males are shot in order to prevent property damage. The data suggests that elk ranches are highly harmful to the health and viability of surrounding wildlife.

**Myth:** Elk ranching will benefit Manitobans economically.

**Fact:** The government is using taxpayers' money to capture, house and transport the elk in order that private interests may reap the rewards. Estimates have surfaced

that the capture of elk during February 1996 cost taxpayers from \$300,000 to \$400,000. Subsidies hold up game ranching at every level. Captures, escapes, recaptures, veterinary tests, quarantine and even compensation for losses will come out of Manitoba taxpayers' pockets. Only a handful of Manitobans, those who have a close relationship with the industry and the government will benefit. However, even those who will benefit in the short term, like the newly struck Manitoba Venison Council, will lose in the long term.

The velvet antler market is bottoming out worldwide. Prices for antler velvet in a glutted market have dropped by more than 50 percent in recent years. In addition, many of the animals will be shipped to bidders in other parts of the world and will not remain in Manitoba. For instance, 14,000 Canadian elk presently are being held in Korea and many more in the United States and elsewhere. Not only is the government unethical for becoming involved in the international animal parts trade, it is fiscally irresponsible. Daryl Rowledge of the Alliance for Public Wildlife in Alberta suggests that Alberta game ranches have consumed \$17 million to \$18 million in compensation alone for losses incurred by disease transmission alone.

**Myth:** Manitobans want to diversify agriculture and see elk farming as the way to do it.

**Fact:** Few Manitobans, beyond the Conservative government and its industry allies who believe they stand to gain from the international trade in animal parts, support the capture or ranching of wild elk. The opposition to game farming in the Swan River area consisted not only of urban activists but of a large number of Swan Valley farmers, townspeople and wildlife enthusiasts of all types. In 1986, public consultation revealed that elk ranching was overwhelmingly opposed by Manitobans. Nothing has changed. Why then has the moratorium been lifted with a vengeance?

**Myth:** Elk ranching will deter poaching of the animals for their antlers and flesh.

**Fact:** As authorities such as Dr. Geist and Dr. William Pruitt—the eminent University of Manitoba zoologist—have concluded in numerous studies, the ranching of elk and other wild animals will not only fail

to deter poaching of these animals for their body parts, ranching will encourage poaching. When a previous illegal market is opened up for antler velvet, wildlife officials and traders will be unable to distinguish between the product of a ranched animal and that of an animal who has been gunned down by a poacher. As with trade in ivory, a legal trade will disguise the illegal trade and sign a death warrant for the species in question. Dr. Geist has said, quote, that a market in wildlife is a gold-plated gift to organized poachers. Law enforcement is presently not up to the task of policing the forests of this province. Controlling and reducing poaching will become an impossible task with the advent of commercial ranching as spelled out, or rather not spelled out, in Bill 31.

\* (2120)

**Myth:** Government regulation of elk ranching will ensure that wildlife is protected.

**Fact:** The short history of elk ranching in Manitoba demonstrated conclusively that both elk ranchers and government officials, whether through incompetence or intent, routinely allowed ranches to operate with improperly designated permits or without permits at all. The supervision of elk ranching in Manitoba has been haphazard at best. The health of ranched elk, the ease with which wild newborns may be captured by farmers to swell farm stock without authorization, the question of removing antlers without veterinary supervision and many other problems which have not and cannot be adequately regulated are grounds on their own to oppose elk ranching.

The Livestock Industry Diversification Act does not even designate which species of wildlife will be affected leaving this important definition to the regulations. This vague and open-ended form of legislation intentionally leaves the door open to exploit other species at the inappropriate discretion of the minister or committee.

Section 17 of Bill 31 allows an unacceptable degree of discretion on the part of the minister in designating regulatory inspectors. In no place are qualifications even suggested.

Section 18, like Section 17, is virtually a nepotist's paradise. In essence, the minister may choose anyone to

protect the integrity of Manitoba's wildlife. This is completely unacceptable.

Elk ranching stands to become one of the most environmentally catastrophic activities in Manitoba's history. Manitoba's government is readying itself to trade with the same animal-parts market that is decimating the world's tiger, bear, rhinoceros and panda populations. Plans for the ranching of elk and other presently wild species must be scrapped in Manitoba immediately.

The suffering of wildlife, the bacteriological effects on the environment and on human beings, the cost to taxpayers of captures, escapes, recaptures, veterinary tests and quarantine, and the risks of subspecies dilution and disintegration are each reason enough to abandon poorly conceived, vague and dangerous legislation that is in the interests of an elite few.

The Livestock Industry Diversification and Consequential Amendments Act appears intentionally impossible to assess, because its most important components are left to be defined by as yet nonexistent regulations. Thank you.

**Mr. Chairperson:** Thank you very much for your presentation. I want to indicate to the committee that I was very indulgent in allowing the overrun of time, and I would ask whether there are any questions. A few quick questions or comments?

**Ms. Wowchuk:** Mr. Pearson, I want to thank you for your presentation. You have covered off a lot of issues that we have raised concerns with and, in particular, you raised concerns that have been expressed in the Swan River Valley, and certainly there was a tremendous amount of opposition to the capture that took place.

You talked about the 1986 consultation that took place which revealed that there was an overwhelming opposition. In our opinion, we do not believe that there has been adequate consultation on this bill or this idea to proceed with elk ranching. We, in fact, have suggested that the government go back to the drawing board and consult with Manitobans more before they proceed with this.

Do you feel that this would be a worthwhile endeavour to take forward, to consult further with Manitobans?

**Mr. Pearson:** I feel the act as it stands now is lacking in substance. I have very great difficulty in finding definitions to any of my questions as to the disposition of wildlife after it is captured, the eventual use of wildlife, and what has been touched on earlier, the eventual uses of wildlife on game farms. As we touched on earlier, on many American game farms canned hunts are, of course, one of the things that have come up. I think that is also a possibility here with the very loose and vague parameters of the legislation. But in getting directly to your question, I feel that it would be very important to actually consult with Manitobans.

When the elk were actually captured I was stunned because it seemed like we had everything in reverse. Rather than consulting with Manitobans, rather than having a public consultation process, we simply went out amidst great public furor, captured elk, had them in storage with the supposition that this legislation will go through, and I found that most inappropriate and undemocratic. I think that it is time that we got back and spoke to the public as we have in past years and appreciated the opposition that is out there.

As a bit of an empirical end note to that, since I was in the Swan River Valley in February, I have gone around the province, and everywhere I go, I sometimes bring up the question, what do you think about elk ranching? This is, of course, only my own personal anecdotal evidence, but I have not spoken to one single person, and that is the honest truth, who has been in favour of this. This includes farmers, and I have to say, particularly farmers I have spoken to. I come from a farm background myself.

**Mr. Struthers:** I only have questions in one area. I want to thank you for your presentation and congratulate you on the amount of research you have done. There are more five- and six-syllable words in this presentation than I think I have ever seen in my life. I cannot say any of them, I must admit.

You put your finger on something that this government is going to have to deal with soon, and that is the dispersal of the herd that is of about 117 animals that is being stored out right now at Grunthal. You have pointed out some problems that this provincial government here is going to have to deal with. In a letter that I received from the deputy minister of Natural Resources, stemming from a question that I asked in the

Estimates procedure, this government has put in writing the fact that 60 percent of the deer in that area, southeast Manitoba, are infected by brain worm.

If you were interested in becoming an elk rancher, would you buy one of these deer, Mr. Pearson?

**Mr. Pearson:** I would think not.

**Mr. Chairperson:** I am going to allow one more question.

**Mr. Struthers:** There is some question about what deer have to do with elk. Mr. Pearson, can brain worm be transferred from one species to the next, and can it be transferred from the deer to the elk that are in captivity at Grunthal?

**Mr. Pearson:** To my knowledge, the studies that I have read, brain worm or meningeal worm is one of many bacteria and diseases that can be transferred across species. What is particularly disturbing about this legislation is that there is very little that can protect either the animals outside the enclosures or the animals from within the enclosures from transmitting diseases back and forth simply because there will be contact between animals.

I am completely opposed to the legislation as it stands, but there would be ways of improving it, such as double fencing and other things, but even these kinds of improvements are really window-dressing because the fundamental truth of game ranching in Canada and around the world is that there have been catastrophic and severe and inevitable escapes of wild animals from these enclosures. Inevitably, as with animals we have roaming the country right now, they will inevitably spread parasites and diseases to wildlife.

**Mr. Chairperson:** Thank you very much, Mr. Pearson, for your presentation.

I am going to call now a John Rutley, private citizen. Mr. Rutley, have you a written presentation?

**Mr. John Rutley (Private Citizen):** No, I do not, Mr. Chairman. Thank you.

**Mr. Chairperson:** Would you proceed, please.

**Mr. Rutley:** Mr. Chairman, honourable members, honourable minister, I appear here as a private citizen. I am a lawyer by profession but a cattle producer by choice. I have been throughout rural Manitoba in my practice for about the last 18 years and have seen the cattle industry go through the ups and downs.

It is in a tremendous difficulty right now, especially in the area where I am, in the Ashern area, where there is almost a wholesale refinancing of all the young cattle producers who have gone out to refinance land or buy machinery or buy animals. They have come to the various meetings held in Teulon to discuss the elk industry to give them some kind of a chance to get on some kind of basis and structure where they can stay in the agricultural industry.

I have also travelled in Alberta and have attended at an elk ranch at Crossfield, Alberta, and have seen what that has done for a young man and his family starting off in agriculture who were able to get loans and have seen the price of elk rise for the price of heifers from \$5,000 to \$7,000 to \$9,000, and that is very easy to explain to the guys that farm at Riverton when they are selling their cows now for 60 cents a pound. They are saying, is it possible that we have an opportunity to diversify in agriculture that will give us a stronger basis to carry on our livelihoods and there are people who are opposing it?

\* (2130)

You cannot enjoy nature when it is convenient. These ranchers—you want to talk about pain and suffering—are castrating these calves. I bet if you asked an elk bull if he had a choice whether the horns go or the testicles go, you know what the answer would be. Now I do not mean to be smug here. I am just saying that we are in a province that had an opportunity to become the Omaha of the North and it is 1,200 miles to the west. When I go to Brooks and I go to High River and I see the jobs and I see the Manitoba red calves that are there that are fought over by those Alberta buyers that are here at Ashern and Ste. Rose—because we produce top premium animals and every young producer I know in the next month is going to have to sell every one of his calves, nobody is holding replacements and they are cutting their herds in order to survive. I know. I am acting for the mortgage companies. We are rewriting loans like crazy, and now in the elk industry when I heard about poaching.

We are all from the country; we have all hunted before. I have an animal, for instance, that is worth \$16,000. I am going to put a 12-foot fence up. I am going to see him three times a day. There is nobody going to come in or nobody is going to come out of those facilities, and there are certainly not going to be any animals coming through those 12-foot fences. There are definitely programs in place through the associations, through the vet services whereby you are going to have DNA, you are going to have health testing. In order to get an export permit from the province to move any animals now, you have to do at least two tests before they go. There is no elk producer in Alberta who has got a \$400,000 herd now is going to run the risk of ever contaminating his herd. That is another issue.

But the economics of this business are so exciting and so dynamic. I just sit back—and I do not act for any particular group—I just sit back and I say, where we are situated, when you have the opportunity, and we missed the boat in the meat industry, maybe we can kill a few hogs. But we are never going to be a force again unless something radically changes. It is not unknown to the ranchers in Manitoba because they have an association based in North Dakota now trying to get a group of 300 ranchers. They have the seed stock necessary but the plant is not going to go here; it is going to go in North Dakota, and we are going to miss the boat again for that. I am just saying that now, and especially in this industry where Manitoba—and I know. I have been at the Ahatinda Ranch [phonetic] where a lot of these elk from Alberta were originally captured, and I saw those elk there, but they can in no way compare to the quality of animal that is here.

Not only are the gentlemen who are in this industry or trying to start this industry in Manitoba aware of it, but every Alberta producer and Saskatchewan producer wants Manitoba elk. So I am just saying, Mr. Chairman, that I would not like the young producers here to lose an opportunity to be able to diversify their operations and, if they have one concern, and I have talked to a number of the younger ones, they are saying, how are we going to, first of all, qualify to be able to compete with established, large farmers who are only going to get larger, and we are saying, we are going to diversify, how are we going to compete in price?

Secondly, when you look at the focus of what happened to the farm credit, where they started to understand that

we cannot all have the convenience of being full-time farmers, that a lot of us who are in agribusinesses that are trying to qualify would love, I would have loved to have come from a farm background and be able to farm—not a lot of farms in Flin Flon. We come out here and do agribusiness, but we would love to be able to qualify and to somehow get into some joint ventures or to be vertically integrated with elk producers as they start off and say to them, we will go and invest capital. We will be part of it. We cannot own the facilities, because I do not see the economics of trying to have a young producer come out and say, I want to be in the industry, my animals alone are going to be \$150,000, and then I have another \$150,000 worth of facilities.

There should be some mechanism which allows the young producers or any producer that wants to come into this industry to be able to do a joint venture with people with facilities or the capital to have those facilities in order for them to get established. I think when you look at the economics as presented by, I think, Mr. Trout from the department, he is saying, you can do this business and it is viable if there are 10 bred cows and one herd bull. The prices in Alder Flats last year for bred cows was \$17,000 each. Herd bulls, some of them are up to \$25,000. The economic viability, I think somehow in this legislation that if we are looking to deal with the matter and allow the young producers to do it, we have got to look at that.

Lastly and in conclusion, this gentleman that spoke for the First Nations, the land up in the Interlake, the land on almost every reserve I have ever seen, and I have been on a number of them, is not conducive to conventional agriculture, but it is conducive to elk ranching, and it is conducive to, for instance, buffalo, and is not as labour management. You are not milking cows or raising hogs in confinement barns. It is more conducive to the outdoor activity, and they have an ability to seek that economic independence through something that they understand and they love. Thank you. Any questions?

**Mr. Enns:** Mr. Rutley, thank you very much for your presentation. Although I do not think we have had the privilege of meeting you, you have captured in your short presentation the essence of what I am trying to capture in the proposed legislation and the new opportunities, particularly for our younger people, whom we are trying to maintain in some form of agriculture and trying to

maintain some reason, some rationale for staying on the rural landscape.

I will ask one particular question, and I would ask particularly—I know I have seen your staff in the back of the hall. I would ask them to, particularly, take note of the issue, the very legitimate issue, that is a challenge to me and to the department, but how to fairly introduce or start the industry with allowing newcomers into the business who would in the open marketplace have to compete against the established ranchers of Alberta, Saskatchewan, or the United States or the one or two individuals with deep pockets because it takes deep pockets to get in this business.

My intention is to devise a system which would provide for the distribution of those captured animals that my colleagues from, particularly the opposition, always remind me are public property to be distributed in a fair manner. I do not intend to put these animals on an auction block which the government would have no control of and that there may well be, particularly if I was induced to pricing them at something below market value, a requirement that the breeding stock, the females, at least, stay in Manitoba for a fixed period of years, say, four or five years, all in the interests of getting the industry kick started so that the trade can then take place. I would just appreciate hearing from you, Mr. Rutley, whether or not you think I am reasonably on the right track there.

\* (2140)

**Mr. Rutley:** You know, in law, we are all searching for the reasonable man, and it has been very difficult. This is an extremely difficult problem because you are going to have a number of, as you say, well-heeled coming off the Portage plains with tremendous crops, vegetable farmers, that are going to be able to have the resources there. If, in fact, you tried to go to an auction, I do not know how you would control it, because there are some major Alberta ranchers, some major Saskatchewan ranchers, that are just dying to get the genetics. This is a unique genetic pool that Manitoba has, and we have to be—and, you know, Dr. Mentz. Dr. Mentz has worked on my cattle at Ste. Rose. He is right when he says we have to have those controls in place as we go out.

But the choice as to who gets those animals—because we do not want to fall too far to the right or to the left,



because we cannot just say, well, what we will do is we will make sure we have your 32 and no money in order to qualify because, if anything, we have to make sure that this industry starts off at a very solid footing—it has to be, perhaps, on a draw system. People have to be qualified. I do not know who is going to be qualified as to a farmer that is going to qualify under this section, especially with the way farming is changing, but there are a lot of people—and I see the honourable Mr. Helwer here from the Teulon area knowing that a lot of his constituents have to work in the city. If they could stay at home, if they could ranch, if those cattle prices would have stayed, these guys would not be taking these jobs in the city.

We have to do something that is going to allow that. I do not know how the draw system is going to work, but certainly, as you say, Mr. Minister, there is no way that you could ever say it is going to the highest bidder, because there is going to be joint venture agreements from Alberta and from, probably worldwide, in order to get this genetic pool. I think perhaps something in the system where you indicate that what we do here, the value of these animals now, and a lot of young stock have been captured, that there is a moratorium on the transfer of these elk out of the province for a two- or three-year period.

Then again, it throws the economics out of it because they are buying elk, and the only way they are going to survive if they are heifers is to have them bred to get that calf crop in order to give them the economics. The thing about the antlers, right now with the way the industry is, it is not the antlers where the money is. It is in the breeding stock.

**Mr. Enns:** For the foreseeable future.

**Mr. Rutley:** And until the industry is established. But I do not want Manitoba to lose the—and they were saying earlier that the genetics are going to get cut down. They are going to be bred with fallow deer and everything else. That has happened, but any breeder—and I raise purebred cattle, as well—is not going to dilute the genetics of his herd or allow his major bull to be bred with anything else but top quality.

You can get semen. Now, the price of the top bull is up to \$2,000 a vial now. There is no way we have to

worry about dilution of this Manitoba herd because it is the dominant factor in the elk industry in the world right now.

**Mr. Enns:** Thank you, Mr. Rutley.

**Ms. Wowchuk:** Mr. Rutley, you have raised concerns that we have raised as well, and we look forward to hearing from the government as to how the captured herds are going to be distributed and how we will ensure that those animals will stay in Manitoba. We had hoped that that would be spelled out more clearly before the legislation was being implemented, but those details are not there yet.

You talked about the livestock industry being in trouble and many young people having to sell off their herds in the near future because of low prices. I am wondering, with this difficulty, and it is a true difficulty that Manitoba producers are facing, do you anticipate that it will be these people who are in difficulty who will have the opportunity to take part in this industry?

**Mr. Rutley:** A lot of young fellows are scrambling. They are selling machinery, they are selling every bit of extra equipment, and, in fact, if they get the draw, will sell off their whole herds.

They start doing the economics. They can make more money on having five elk calves on the ground than they can with 50 head of cows and with one-tenth or whatever the numbers are, I am not sure, of the costs of their inputs. The guys are saying, the hell with this, I am not going to feed those cows and calve them out all January and February, when, in fact, I can sell my herd now, sell my hay at \$30 a bale and buy seven head of elk and put the fence up, and it makes economic sense for them to do it.

**Ms. Wowchuk:** I am sorry, you have lost me a little bit in that explanation where you are saying that they will sell off their herds and buy elk. I mean, they are still going to need hay for the elk.

But do you anticipate that there are a lot of young ranchers out there who would be able to raise—just by selling their herds they would be able to raise enough money to invest in these herds and put up all the fences? Do you think that is economically viable for this, and are

you saying there are a lot of farmers who are looking to do that?

**Mr. Rutley:** The younger producers cannot take another year of depressed cattle prices. They cannot do it. They are either going to make the decision, or the banks are going to make the decision on them.

So what they are considering now is that if they can get their calves sold before the market crashes too much, or they can get their cull cows in there before it crashes too much, they can have a pool of capital available whereby when these animals come up, they are going to have to pay fair market value. The citizens of Manitoba are not giving these elk away. There is going to be some kind of price. They want to be ready to be able to get into the industry, and it is the luck of the draw. It is the luck of the draw for the elk hunters who apply year after year, and in three or four years do not get drawn. It is the luck of the draw and they understand that.

**Mr. Struthers:** Thanks, Mr. Rutley, for the presentation that you have given to the committee. I found it very interesting. I would like to pursue a little bit the comments you were making about the young farmers, as well. According to the calculations and the figures that you have given us here, you are saying that it is going to take around in excess of \$200,000 just to get the elk.

**Mr. Rutley:** That is produced directly. That is a thing that has been produced and circulated. When you make an application for interest in elk that there is a document that is forwarded by the department. It shows the economics of elk production, and that is from the department. It shows, for a bank presentation for financing plan, what would be required, and it shows how those funds flow through to get your bottom line.

**Mr. Struthers:** I have had constituents of mine, as well, on the east side of my riding who make their living cattle ranching, and I understand the frustration with the depressed price of cattle. Are you making an argument in favour of elk ranching, or are you making an argument in favour of an enhanced beef program to guarantee some kind of a decent salary for cattle producers?

**Mr. Rutley:** I am saying that the industry right now, you have an opportunity, this province has a unique opportunity to get on the ground floor of a worldwide

demand of elk product. I think that you have, as you indicate, like diversification of the agricultural base. Well, I heard one speaker here talk about BSE and mad cow disease. The exports from the U.S. to Japan on beef products has fallen by 50 percent. That is a major factor and why Canada has difficulty in marketing the beef product. They now have a demand out of Asia for a product that we can produce. The opportunity does not kick the door in, knock softly and then it may walk away. We do not want to miss that opportunity, and that is all I am saying.

**Mr. Struthers:** What is going to happen to that price of cattle when we get into elk ranching and start bringing elk into the province, who may be infected with TSE or BSE or any other disease?

**Mr. Rutley:** It is my understanding that every elk is being tested. For instance, if a producer from Saskatchewan came to Manitoba to buy an elk, they do the three tests. The vets are going to do it. You have the presentation from the veterinary association. They are going to do it. It is in everyone's best interest, and especially to the owner, to ensure that their herds are as disease free as humanly possible. I have heard it five or six times, 100 percent guarantee. There is no such thing in the industry, we are dealing with livestock here. There is no 100 percent.

\* (2150)

**Mr. Struthers:** Mr. Chair, that has been my point all along. There is no 100 percent that tells the cattle producers out there that the possibility exists that this government is bringing in animals to this province infected with TSE, BSE and that the possibility exists scientifically that that disease could be transferred to the cattle population. I think it is incumbent upon me as a member of the opposition to keep raising that, so that we have some assurance from somebody. Nobody in the government's side is willing to do it, but you could—

**Mr. Rutley:** Mr. Struthers, the transportation is governed. Before anything can move, there has to be about three departments represented. Ag Canada is involved, Wildlife resources are involved, the fellows that are hauling these elk. Whether you are the vendor or the purchaser, there is a tremendous amount of cash. There is not a lot of them. They are a very precious commodity.

They are well treated because there is a tremendous investment in them. They want to have them. They do not want to just knock the horns off and hope they die of shock. They want to have these bulls in there for 10 or 12 years.

They do not want to hurt these heifers that are transferred. They are not transferring heifers with bulls. The horns that are coming off these animals, I believe, in June, and the last date that you can transfer an elk, as I understand, is by April 30 and then there is no further movement. If the cattle industry would have one-half of the attention put on for—you know, they are talking about the concern of animals. The cattle industry could learn from this legislation.

**Mr. Struthers:** Mr. Rutley, I got a kick out of the comment you made about whether the elk could decide whether he was going to get his horns or his testicles. I would suggest that you may have a choice and the elk does not.

You are making the assumption that it is going to be the horns or the testicles. I want to suggest that that may not be a correct assumption because the horns are used, the testicles are cut off and used, the tail is cut off and used. There are—[interjection] Just let me finish—uses in the Asian market for many parts of the elk, including the testicles, including the tail, and I would suggest to you, Mr. Rutley and to members of the committee, that cutting off the testicles of the elk are used as an aphrodisiac in Asia. Is that not the case?

**Mr. Rutley:** No. I cannot even come close to envisioning any producer that is paid \$25,000 for a mature bull or has paid \$15,000 for a bull calf in any way harming that bull in anyway, because the main ingredient for that bull, the major thing producing for that bull is to hope that he becomes a herd sire and if not, then he becomes a bull that can produce antlers on a regular basis. Then when you start to say that you are going to be able to take these animals to the end-use, which will be eventually for meat production and sold farmgate, whatever, for meat production, then I hope that they are able to use every part of that animal and nothing is wasted, and I hope there is a market for their tails and ears and nose. I hope there is.

**Mr. Struthers:** Mr. Chairman, Mr. Rutley just answered my next question.

**Mr. Chairperson:** Are there any further questions? Thank you very much, Mr. Rutley.

#### **Bill 5—The Horticultural Society Repeal Act**

**Mr. Chairperson:** That, committee members, ends the presentations, and I would suggest that we go back to the first bill, Bill 5, on the agenda for clause-by-clause consideration. Bill 5 is The Horticultural Society Repeal Act. Does the minister have an opening statement?

**Hon. Harry Enns (Minister of Agriculture):** Mr. Chairman, just a very brief reminder, as I indicated to honourable members at second reading, this in essence repeals the Horticultural Society that for many years provided a useful service in the promotion of horticulture throughout the province of Manitoba. A few years ago, the funding had come to an end for the programs, and now I am being advised it is just as well to clean up the docket of legislation that is no longer in place, and it is being repealed.

**Mr. Chairperson:** Does the opposition critic have an opening statement?

**Ms. Rosann Wowchuk (Swan River):** Mr. Chairman, as well, just briefly, I want to say that as we said earlier, because this government chose to cut the funding to horticultural societies and promote them, the horticultural society is now developing their own guidelines to operate under and there is no need for this legislation. But I want to recognize what horticultural societies have been doing to promote and beautify this province and also recognize that there are still many horticultural societies in the province that are doing a good job. We do not oppose this legislation, because certainly it is redundant.

**Mr. Chairperson:** Thank you very much. During consideration of the bill, the Title and Preamble are postponed until all of the clauses are considered in their proper order by the committee. The committee will now begin the clause-by-clause consideration.

Clauses 1 and 2—pass; Preamble—pass; Title—pass. Bill be reported.

#### **Bill 6—The Veterinary Science Scholarship Fund Amendment Act**

**Mr. Chairperson:** Does the minister responsible have an opening statement?

**Hon. Harry Enns (Minister of Agriculture):** Mr. Chairman, no thanks to the arrangement that we have entered into in the conduct of our business, it is very difficult to make sure that you more or less say the same thing now that you said at second reading of the bill several months ago, but I am trying to recall very quickly that in effect what we are doing is improving and adjusting upwards the scholarships payable to a student that we have arrangements for in the veterinary college at Saskatoon.

The government of Manitoba through the Department of Education supports the training of some 48 veterinary students at the Western College at Saskatoon as I indicated. This act provides, and has in the past provided, a bursary to these students. What we are doing is revising this upwards.

I can give the committee some further information, but I think that suffices to indicate what the purpose of these amendments is.

**Mr. Chairperson:** Thank you very much, Mr. Minister. Does the critic have any remarks?

**Ms. Rosann Wowchuk (Swan River):** Mr. Chairman, we also will support this legislation because we believe it is very important to offer the students support that are training for veterinarians. It is a very much needed service in the province, particularly when you listen to the representatives of the veterinarian association talking about the veterinarians becoming more involved, playing a major role, in the proposed industry that the government is bringing forward, the livestock diversification. If the minister heeds it, we will be needing more vets. So we support this legislation.

**Mr. Chairperson:** Thank you very much. During the consideration of the bill, the Title and Preamble are postponed and will be postponed.

Clauses 1 to 5—pass; Title—pass; Preamble—pass. Bill be reported.

#### **Bill 23—The GRIP and Related Programs Termination and Consequential Amendments Act**

**Mr. Chairperson:** Does the minister have an opening statement?

**Hon. Harry Enns (Minister of Agriculture):** Yes, Mr. Chairman, I have an opening statement, and I understand we have an amendment to introduce to Bill 23.

Mr. Chairman, allow me simply to acknowledge that the GRIP program that was in force for a period of some five years in the province of Manitoba was a significant contribution to helping our grain producers through their very difficult period of time in the farming industry. The program, I am pleased to report, performed as it was designed to perform. It had certainly in the difficult harvest year of '93 paid very many millions of dollars. I can report to the committee that at that period of time, the program stood at a deficit position of some 170 millions, 175 millions of dollars.

I am particularly pleased to also be able to report to the committee that at the conclusion of the program in the crop year '95, we are in balance with a modest surplus which will be distributed, as contributed, towards the producer receiving his share, a third, and the provincial and federal treasuries receiving the balance of the surplus.

\* (2200)

The program is not totally completed until December 31, '96. There are still some final adjustments to be made. I cannot be definitive about the actual amount. There is a concern by the corporation that we pass this legislation to ensure that this program formally, and with the legislative authority, comes to an end. Some members will recall that we live in a litigious age. There is some lack of clarity as to how the program ought to terminate. It is fairly clear as to how the program, how the senior members of government, the government participants in the program be terminated, but it is not all that clear with respect to the producers themselves. Operating under the advice of capable Legal Counsel, this bill is before you for those reasons.

We will deal with the amendment in due course. Those are my comments on the bill. I recommend the passage of the bill to honourable members of this committee.

**Mr. Chairperson:** Does the honourable critic have an opening statement?

**Ms. Rosann Wowchuk (Swan River):** Mr. Chairman, I just briefly want to indicate that we have recognized that the GRIP program played an important role in the economy of the province, although there were difficulties

with the program and things perhaps could have been done different. However, it did bring a tremendous amount of cashflow into the farming community and that was welcomed. We look forward to hearing how the government is proposing to disperse of the additional funds and we have put that on the record.

I also want to recognize that the changes to the appeal process which are also addressed in this bill are something that has been recommended by the Crop Insurance Review committee and one that is well received by the farming community.

**Mr. Chairperson:** Thank you. During the consideration of the bill, the Title and Preamble are postponed as in all other bills. Does the committee wish to consider these clause by clause or shall we consider the whole bill?

Clauses 1 through 7—pass; Preamble—pass.

Shall the Title be amended?

**Mr. Enns:** Mr. Chairman, I have an amendment for the Title that should read

THAT the title of the bill be struck out and the following substituted:

“THE GRIP AND RELATED PROGRAMS TERMINATION AND CROP INSURANCE AMENDMENT ACT”

[French version]

Il est proposé que le titre du projet de loi soit remplacé par ce qui suit:

LOI ABOLISSANT LE RÉGIME RARB ET DES RÉGIMES CONNEXES ET MODIFIANT LA LOI SUR L'ASSURANCE-RÉCOLTE

**Mr. Chairperson:** Title as amended—pass. Bill as amended be reported.

#### Bill 24—The Agricultural Credit Corporation Amendment Act

**Mr. Chairperson:** Does the minister responsible have an opening statement?

**Hon. Harry Enns (Minister of Agriculture):** Mr. Chairman, we have a few amendments contained in the act that position the provincial lending institution, the Manitoba Agricultural Credit Corporation, to come more to terms with the changing times, and it would be my hope that next year we can bring a further amendment on this same subject.

The definition of livestock is being amended to accommodate the Manitoba Agricultural Credit Corporation's financing of nontraditional livestock; i.e., bison and wild boar. Additional livestock can be added by regulation as the need arises. I anticipate that need will arise if we pass Bill 31 later on at this committee and active elk ranching becomes established throughout Manitoba.

Other amendments that are before you are of a housekeeping nature. The MACC, you know, continues to be in the direct lending program and hopes to accommodate in a more efficient regulatory process. MACC has enhanced its existing programs and developed a diversification loan guarantee program as a result of the post-Crow era that we are in. The amendments to the act enable Manitoba Agricultural Credit Corporation to deliver its existing and new program as required.

Madam Chairman or Mr. Chairman—I am having trouble with you this afternoon, Mr. Chairman.

**Mr. Chairperson:** I know I do need a haircut.

**Mr. Enns:** Mr. Chairman, if the honourable member for Swan River wishes to use her privilege to ask some specific questions as a result of a presentation that we received at this committee, Mr. Shaw is with me to assist me in terms of some further explanation on the matter. I would not feel it would be out of order if Ms. Wowchuk wanted to take this opportunity.

**Mr. Chairperson:** Does the critic of the official opposition have an opening statement?

**Ms. Rosann Wowchuk (Swan River):** Mr. Chairman, rather than make an opening statement, I would rather take this opportunity, as the minister indicated, to look for some clarification that was raised by the presenter, Mr. Fegol.

Mr. Fegol has talked to many people about this concern, and he has said that by removing Section 31(h), that this is causing a problem for the landowners, and I would like to take this opportunity to ask why this particular definition, in quotations, "as the mortgagor direct" is being deleted and what the implication is going to be for landowners.

**Mr. Enns:** I am advised by my general manager that that particular clause has nothing to do with the seizure of property. It has to do with the ability of the corporation to direct its support, either in a direct loan or in a loan guarantee program which now is necessary under the new diversification program that I just alluded to a little while ago.

I want to inform the honourable member for Swan River that it has become, by regulation or by policy requirement that is imposed on the corporation, in any foreclosure situation, the corporation must deal with the Farm Mediation Board. The farmer need not deal with the farm mediation if he so chooses, but the corporation cannot move on a foreclosure or on a closing up of the deal without working through the Farm Mediation Board.

I would have to say that that offers a considerable additional opportunity to, if you like, go the extra mile or go the extra several steps if the Farm Mediation Board has a specific mandate to try to overcome the difficulties that a borrower is facing, that a farmer is facing, has some resources of its own that can be applied to enable that to be done with the credit agency involved, whether it is the Manitoba Agricultural Credit Corporation or a private, nongovernment lending agency.

\* (2210)

**Ms. Wowchuk:** What Mr. Fegol is asking, what is the policy or the law in regard to selling MACC property? Mr. Fegol is saying that MACC did not notify him and that there are other people who are at risk of not being notified when their mortgage is being sold. Is there, in this legislation, protection to ensure that the landowner will not have his mortgage sold without being notified?

The minister talks about the Mediation Board, and I am not quite sure—I do not think that will answer Mr. Fegol's question. There is a real concern here, and I am looking for a specific explanation.

**Mr. Enns:** Mr. Chairman, I have to, first of all, indicate, of course, that this goes back a considerable long period of time, the actual loan occurring, you know, it is 1972, the difficulty Mr. Fegol got into in 1984, long before the Farm Mediation Board was in place. Now it is a policy that the corporation must deal with the Mediation Board.

I have a further difficulty. I certainly will take this matter under personal inspection and reaction, but I do remind the committee members that this matter has gone through several levels of courts. Every court jurisdiction has indicated that officials at Manitoba Agricultural Credit Corporation acted properly. I also would have to indicate, and I am somewhat hesitant in discussing this much further, it seems to be an indication that it is going into a higher court, and I think it would be prudent for us and for myself, certainly, not to speak too much of a matter that could be pending before the courts.

I am looking to my friend, the sharp and legal mind of one Michael Radcliffe, who represents the great constituency of River Heights, and is rapidly becoming our kind of closet agricultural expert, Mr. Chairman. He is advising me that I am on the right course here, on the right path, and I should be prudent to follow that stern gaze that he is sending toward me.

**Ms. Wowchuk:** I thank the minister for the explanation. If it is the Farm Mediation Board that gives the farmer the protection that he or she needs now versus what they had at the time when Mr. Fegol's situation arose, then that is fine, and I can appreciate the minister hesitating to put further comments on the record, but also appreciate that he will look into it. Thank you.

**Mr. Chairperson:** During the consideration of the bill, the Title and Preamble are going to be postponed as before. Did the committee wish to consider the bill in blocks of clauses? [agreed]

Clauses 1 through 9—pass; Preamble—pass; Title—pass. Bill be reported.

### Bill 30—The Dairy Act

**Mr. Chairperson:** Does the minister have a statement?

**Hon. Harry Enns (Minister of Agriculture):** Yes, Mr. Chairman, I do have a statement. It is coming my way just about now.

Mr. Chairman, the dairy producers of Manitoba have requested, and I have been working on it for some time, in fact, some several years, as a matter of fact, to do several things. Number one, there are some housekeeping changes in here that reflect on the terminology use, the definition of some of the products, ice creams, margarines and so forth; but, more importantly, there is a general effort that is being made by the dairy industry of Canada, if you like, to position itself in a way that national standards or national codes apply across the country. They are doing this partly in preparation for changing tariff regulations, changing trade patterns that could develop, that would put the dairy industry in Canada in a stronger position to act nationally against the threats of offshore—not offshore, but U.S. product, quite frankly, from coming across the line.

If standards apply that are national of nature, that strengthens our position with respect to, and they relate to, health and safety—our definition of certain products may apply nationally—then any competitor that wishes to deal with us in these areas has to meet those standards, has to meet those health standards, has to meet those things before they can seriously move product into this market.

There are other issues that are involved. I have with me the director of our livestock branch, Dr. Taylor, and if he can be of help to me in any specific questions that the honourable members may have, I will do my best to respond to it. I recommend and commend the legislation for your consideration. It is in the interest of good dairy policy in Canada.

**Mr. Chairperson:** Did the critic of the official opposition have an opening statement?

**Ms. Rosann Wowchuk (Swan River):** Mr. Chairman, again, I am not going to take a long time on opening comments. We support the thrust of the bill and believe that we should be working towards a better inspection system, a better standard system, that will help the Canadian industry in the world market.

**Mr. Chairperson:** Thank you very much. The Title and the Preamble are going to be postponed until we have considered all other clauses.

Clauses 1 through 21 pass—pass; Preamble—pass; Title—pass. Bill be reported.

### **Bill 31—The Livestock Industry Diversification and Consequential Amendments Act**

**Mr. Chairperson:** Does the minister have an opening statement?

**Hon. Harry Enns (Minister of Agriculture):** Well, Mr. Chairman, I will be brief. I think the committee has heard an interesting representation and presentation before them earlier on this evening on Bill 31. I did not design it that way, but it turned out to be very balanced if you call it by numbers, four presenters, as I recall, speaking in support of the bill and four representing opposing views of the bill.

I want to underline and stress that those issues of health and disease, particularly those the honourable member for Dauphin (Mr. Struthers) has raised repeatedly—and I do not fault him for raising them. These are extremely important issues.

One of the presenters, I think it was the first presenter, Mr. Stott, made a quite accurate observation. The legislation before you that I am asking for your approval and the subsequent regulations that are being drawn before you have benefited greatly by the fact that we are kind of the last ones in, in terms of the elk ranching business in Canada. We have profited from spending considerable time in other jurisdictions, notably Alberta, Saskatchewan and Ontario, from having them advise us. Well, if you are drafting legislation today or if we were drafting new regulations today, we would do it somewhat differently, because their experience has shown that they have had some flaws in their legislation.

Mr. Chairman, far from suggesting that this legislation is perfect, human frailty does not permit that to happen, not even under the visionary and progressive leadership of this humble Minister of Agriculture, but the simple fact of the matter remains, and that is I can tell you that the best of existing legislation not only in this country but in other jurisdictions is represented in this legislation and particularly in the health field. We are going the one step further because we are very cognizant of the unique position that the last presenter and others made the committee aware of. Accident, fate of geography, being in the middle of the province, has provided us with possibly the best species of elk in the world, or certainly

on the North American continent, and it is highly prized and highly sought after.

\* (2220)

We would be foolish to do anything or to permit anything, to do anything wilfully, that would debase the genetic quality of our elk. That is why we are going that one step further of introducing DNA testing. Ms. Vicki Burns from the Humane Society said, well, ear tags and other markers, they can drop out, and yes they can. Cattle producers understand that, but DNA testing is probably the most definitive form of identification that human science has established.

Each and every elk that is going to be in the Department of Agriculture elk program is going to be DNA tested. I think we are underestimating the efforts that I am asking staff to undertake in the introduction of this program to Manitoba. To do what? To meet precisely some of the criticisms that I have heard about the program. I do not fall to criticism. Those are the legitimate functions of opposition to be asking these questions, but I am satisfied that the competent staff who have addressed this situation—not in any rush, I might say. This has been an ongoing assignment that the department has had now for the better part of a year, the obvious interest to maintain the security of the species by those who are going to become elk ranchers. There is a tremendous incentive not to allow some of the potential cross-breeding threats and things like that to occur when so much is riding on it, and I do not want to comment on one of man's frailer qualities, but they happen to be true—money. I mean, why would we want to cross our elk that are worth \$14,000, \$15,000, \$16,000 as an adult female with a lesser species and breed a resultant poor animal and less economically viable animal?

So I have the director with me to answer some further specific questions. I know there are other issues that particularly the last presenter raised about how this program will be introduced. Regulations, as you would expect, have not been concluded—passage of the act has to take place in the first instance—but they are well advanced. We are looking towards a draw system that will distribute those animals that we have in captivity. We are looking towards a means that we can provide many Manitobans access to these animals in a fair manner so that the animals will, in fact, help start the

industry in Manitoba. We are looking at, particularly if there is a degree in the pricing structure of taking anything less than full market value, that further conditions be applied to those animals that will ensure that they add in a specific way to the buildup of this industry. Thank you, Mr. Chairman.

**Mr. Chairperson:** Thank you, Mr. Minister. Did the honourable member of the opposition and the critic have an opening statement?

**Ms. Rosann Wowchuk (Swan River):** Just a few comments, Mr. Chairman, we have put on the record our concern with this legislation, and we believe that although the minister says there has been consultation, there has not been adequate consultation, and they are all very, very serious concerns out there. That was a commitment that the government made, that there would be public hearings, and I do not believe that has properly been handled. I urge the government to consider and think about what happened last year when the capture began in the Swan River Valley and the anger and frustration there was amongst people and really recognize that that is a concern that has to be addressed. So there are two sides of it. There is the part of the capture that causes serious concern for people, and there are still unanswered questions about how the government is proposing to deal with this.

I have put on the record our concerns, and you have heard the concerns of the public tonight at presentation, but the minister says that they will be spelling out details on how the elk will be distributed. One of the questions that I have is, have any details been spelled out as to how the aboriginal communities will be involved?

The minister knows that there are aboriginal communities that support this and were looking to get involved, and there are aboriginal communities that do not support it. But is there a plan spelled out as to how the aboriginal community will be involved? Will they also be involved in the draw system, or is there another plan that is going on?

**Mr. Enns:** Mr. Chairman, I want to make it very plain that there will be one elk program operating in the province of Manitoba. There will be no different levels of programs that will be in place. So the aboriginal involvement, First Nations involvement, will play under



the same rules that are being considered for passing legislation.

They would be eligible for any draw system that will result. I cannot quite spell out the names, because it is always a little different whether we are talking about individual situations, individual members of a band, or whether a First Nations band is making an application as a band. Those are some of the details that we have yet to sort out, but there will be one program operating. They will certainly have access to this program.

The issue that was raised, an issue that was raised just briefly by Mr. Whitford, I believe it was, from the First Nation people that made presentations, is that they are negotiating separately, not with the Department of Agriculture, but with Natural Resources. Whether or not there is a role for them to play in the future capture programs and whether in doing so there cannot be some arrangement worked out that they earn some credits, if you like, in terms of getting some ownership of elk in that manner, that is not really a part and parcel of the kind of act that is before us or the regulation of that act. That becomes very much a policy matter between the Department of Natural Resources, who at all times contains the ongoing responsibility, ownership, if you like, of the herds in the wild. This is, of course, what we are talking about. It will be the Department of Natural Resources that will determine whether or not or if another capture program should take place in the coming winter and where, under what conditions and whom they associate with to carry out the capture.

Whether they can come to an arrangement with some of the farmers in the Swan River Valley, I would dearly hope that they could be able to do so, because I genuinely would like us not to repeat last winter's performance. I certainly am not happy about it and I know the member for Swan River is not very happy about it.

The need for the continued capture program is, in my opinion, self evident. My Crop Insurance Corporation is going to pay out over a million dollars in damage largely caused by this big game damage, not to be confused with ducks or geese, largely caused by elk—a million dollars. A considerable amount was made about the cost of this program on the taxpayers of Manitoba. This program is not going to cost the taxpayers of Manitoba in its initial start-up any monies at all. We have been specifically

directed by our Treasury Board for it to be self-sustaining, with the sale of the elk, the start-up costs, the staff time, the capture time, the cost of holding animals in captivity for the better part of a year. All of those costs will be met with monies to be earned by the sale of the animals.

**Mr. Chairperson:** Ms. Wowchuk, to conclude your remarks.

**Ms. Wowchuk:** I have a few more questions with respect to this bill, and I understand that this is the time we can ask those questions.

The minister talked about the damage that is caused by elk, and that certainly is a concern. There is an Elk Management Board in place that has made recommendations as to how these elk can be managed besides capturing them. Unfortunately, the government has neglected to look at that.

With respect to the distribution, can the minister clarify for me then, has the draw been made and have people been notified as to who will be getting elk? I understand that there are fences that are going up already in some parts of the province, so has that been decided?

\* (2230)

**Mr. Enns:** Mr. Chairman, no, the draw certainly has not been made, and the final details of how that will be carried out are yet to be worked out. I can pass on the information to honourable members that we are thinking about packaging animals in groups of three females and a male. There might be a variation of that, four females and a male, but currently my advice is three females and a male. It will be on a draw system. We have certainly quite a file of interested parties that have written either directly to me or to the department indicating their interest when it becomes a legal activity in Manitoba to engage in elk farming. Those parties will all be receiving a more official form, I would suspect, to make a formal application for the draw once we can spell out what constitutes the draw. We have, I am advised by my director, upwards to 260 people that have shown this interest. Now, that does not mean that they will all do.

The honourable member indicates that she sees some fencing going up. When this bill passes, hopefully, you

know, in another month's time or something like that, elk ranching will be legal in Manitoba. I may not be in a position to do the draw till the spring, because of advice given as to moving animals during their pregnancy and so forth and/or the inability—or I may have the draw, but I may still have to hold on to the animals because the successful recipient of the draw may not be in a position in the wintertime to erect the fences and then we will have to wait for spring. But I am well aware that there are others, in anticipation, who are erecting fences who, of course, on the 1st of November or November 6, whenever this legislation receives final approval, will be in a position to commence elk ranching. They can, under the terms of the regulation that will then be in place, purchase elk from Saskatchewan, from Alberta. There will not be restrictions.

We are not anticipating the allowing of any animals being purchased from the United States, from across the line, nor from Ontario, for instance, for disease purposes. But the trade will be encouraged between Saskatchewan and Alberta. So, somebody, Mr. Derkach there who I know has his fences up pretty well, he will likely be attending the sale in Lloydminster, you know, this fall, to buy some elk. And I invite Mr. Conrad Santos to do the same in Broadway. He only needs 10 acres.

**Ms. Wowchuk:** Can the minister indicate whether this legislation will restrict or prevent any such thing as trophy hunting as was raised by several of the presenters?

**Mr. Enns:** I am advised by my director that we certainly have the ability to control it through the regulations, and we have not had, really, any serious entertainment of that feature that has been discussed.

**Mr. Chairperson:** Ms. Wowchuk, to conclude her remarks.

**Ms. Wowchuk:** The minister said he may have the ability. I hope that they can have the ability, and I hope that we will see that restricted regulation.

I have one more question to ask and I do not know whether it is under this minister's responsibility or whether it comes under Natural Resources, but one of the issues is, that is an outstanding issue that is not addressed in this, is the elk that are in captivity from back in 1988 that have not been paid for and they are still outstanding

issues? It does not say anything in the legislation about how these previous elk that were in captivity will be dealt with. Can the minister advise under whose responsibility that will fall?

**Mr. Enns:** I think that responsibility falls on a certain Leonard Harapiak.

**Ms. Wowchuk:** The minister says it falls on a certain Leonard Harapiak, and in fact—

**Mr. Enns:** He is a fine and honourable gentleman, I might add.

**Ms. Wowchuk:** He is a very honourable man and happens to be my brother, and I respect all the decisions that he made, but the legislation, as I understand it, said that the dispersal of these herds had to be carried out by 1989, and there was a change of government. I believe that it might be our Mr. Chairman who was actually the Minister of Natural Resources at that time and did not fulfill that responsibility. So I am asking—nothing against you, Mr. Chairman—for clarification, whether there is anything in this legislation that addresses that and how the province proposes to address that issue or how those people who have the good fortune of having been paid for elk and then kept them, as well, are going to be able to continue with that.

**Mr. Chairperson:** In light of the last remarks, I am going to conclude the discussion. Prerogative of the Chair, I am sorry.

**Mr. Enns:** Mr. Chairman, obviously those issues are extremely important to the successful introduction of elk ranching onto the Manitoba landscape, but not to the kinds of matters that can be addressed in legislation or in regulation. Those are policy decisions that my government will have to make with respect to how we deal with them. There are different levels, and it is complicated by the different levels. We heard from a First Nations representative how they have accumulated a number of elk animals through the capture and the nursing of the young calves. They have the constitutional right to shoot their mothers and they have, and then they have raised their calves. Quite frankly, I hope that the introduction of elk ranching will reduce or have that practice become less prevalent, because they will not be able to add to the herds without the due identification

process that will be operating in the program. But it is a complicating factor that I acknowledge.

There are several issues. The animals in possession on existing farms, the specific indication where there was actually an exchange of public monies provided. I obviously will have to address those issues, not just to the satisfaction of the honourable member for Swan River or members of the opposition but certainly from the community at large. I certainly include my own colleagues in my own caucus and cabinet on this issue who have expressed a similar kind of concern to me about that.

**Ms. Wowchuk:** I feel very strongly that the issue has to be resolved, and I look forward to hearing a more detailed response on how the department proposes to deal with it.

My final question is to deal with Dr. Mentz's presentation and the role of his concern that veterinarians have not been consulted and will not be allowed in the harvesting of antlers, and there it will be nonvets who, he says, are not qualified to do the work. This is not covered in the legislation, and I think that these are probably important amendments that should be taken into the legislation. We do not have any amendments here because this is a new issue.

I would ask the minister, we are going to be having another Agriculture committee meeting, there are two more bills to be dealt with, if the minister would consider that this might be a serious enough concern that we look at possible amendments and have this bill come back to the next Ag committee meeting where we would be dealing with The Animal Care Act and one more bill that has to be addressed, because I think that these are important issues. I ask the minister whether he would consider doing that and letting it go back to the Legislative Counsel to draft the necessary amendments to have these issues covered off in this legislation.

**Mr. Enns:** Mr. Chairman, I have a great deal of respect for the presentation that we heard, a great deal of respect for Dr. Mentz and the concerns that he expressed before us, but I have to express some concern. We have within the branch Dr. Neufeld, who is present with us this evening, who heads up our Veterinary branch, who is the director in charge of our sophisticated vet lab and diagnostic centre located on the campus of the University

of Manitoba. Throughout the formation of this program, in consultation with Mr. Taylor, these two gentlemen have co-operated and used the professional services that both branches could bring to play in the development of the program. I take exception to the fact that the veterinary medical aspect of this has not always, right from the beginning, played a very major role.

Furthermore, I am advised that the veterinary association did receive, through Mr. Burnett, an involvement in terms of the development of this program. I have to refute the general position of Dr. Mentz and I say this not unkindly. I think it is perhaps just not being fully conversant the way law is structured and developed in our country. He did acknowledge that he was a newcomer to Canada, a very welcome one, I might add, in the field of veterinary medicine coming to us from South Africa, but it is a matter of practice, again from experience, that we do not unnecessarily clutter up the legislation with items that are more appropriately dealt with in regulations, particularly in a new endeavour like the elk ranching game.

I admit that we are just introducing and will very obviously want to make an evolution of amendments as we learn our way through the program. It would be a mistake to put some of these things rigidly into legislation which could only then be altered or changed by an act of the Legislature when a regulatory change might be crying out for attention and one that can be accommodated in the traditional way.

\* (2240)

The other point that I make, and I would ask the honourable member for Swan River (Ms. Wowchuk) to take this matter to heart, by coincidence, the brunt of the submission of the concern of Dr. Mentz and that the honourable member for Swan River alludes to, was the further inclusion or the more codified inclusion of the animals' welfare issues being put in the legislation. I am bringing to this very committee, maybe next week, an animal welfare act that covers, not just elk, but cows, hogs, puppies, kittens, poodles, ostriches, emus. I was going to exclude emus, but the Chairman wanted them in.

That act specifically focuses on, and some of my farm community might say too specifically, expressing, in legislation, the animal welfare concerns. Again, that

legislation has been diligently worked on, not just in-House but through a committee, that involved as diverse people as Ms. Vicki Burns from the Humane Society, who made a presentation to us today, particularly dealing with companion and pet animals on the puppy mill question, and so forth. So I respectfully submit that I have anticipated your every demand, I say to the honourable member for Swan River, and ask her to perhaps even close her eyes and support this measure, break ranks with her party and separate herself from those lesser lights and lesser progressive mere male mortals on either side of herself and vote in support of this measure.

### Bill 30—The Dairy Act

**Mr. Chairperson:** I ask the indulgence of the committee to revert to Bill 30, The Dairy Act. I committed an unforgivable sin in deleting the Table of Contents, so I am going to ask you whether it is with your indulgence that we pass the Table of Contents in Bill 30, The Dairy Act. [agreed] Thank you very kindly.

### Bill 31—The Livestock Industry Diversification and Consequential Amendments Act

**Mr. Chairperson:** Now, we will deal with Bill 31, The Livestock Industry Diversification and Consequential Amendments Act. During consideration of the bill, the Title and Preamble are postponed until all other clauses have been considered.

Clauses 1 to 36—pass.

Clause 37, is there an amendment?

**Hon. Harry Enns (Minister of Agriculture):** Mr. Chairman, there is an amendment. I move

THAT the following be added after section 37:

#### The Veterinary Medical Act

Consequential amendments, C.C.S.M. c. V30

**37.1** Subsection 20(1) of The Veterinary Medical Act is amended by adding "or" at the end of clause (f) and by adding the following after clause (f):

(g) an activity carried out by a person who is not a qualified veterinarian if

(i) the activity is authorized in a regulation made under *The Livestock Industry Diversification Act*, and

(ii) the person carrying out the activity has received training in the activity that is acceptable to the Director of Veterinary Services;

#### [French version]

Il est proposé d'ajouter, après l'article 37, ce qui suit:

#### Loi sur la médecine vétérinaire

Modification du c. V30 de la C.P.L.M.

**37.1** Le paragraphe 20(1) de la Loi sur la médecine vétérinaire est modifié par adjonction, après l'alinéa f), de ce qui suit:

(g) aux activités d'une personne qui n'est pas un vétérinaire qualifié si:

(i) les activités sont permises par un règlement pris en vertu de la *Loi sur la diversification de l'industrie du bétail*,

(ii) elle a reçu une formation à l'égard de ces activités que le directeur des services vétérinaires estime convenable.

**Mr. Chairman,** I am prepared to make a brief explanation of what this amendment does. This makes it possible that persons specifically performing an activity that is covered in the regulation of The Livestock Diversification Act, that is Bill 31, who has trained under direction of our director of Veterinary Services can perform a certain activity under those circumstances. I am alluding specific to the handling of elk and the removing of antlers.

Ladies and gentlemen of the committee, the fact of the matter is, as the honourable member for Swan River (Ms. Wowchuk) is well aware, our efforts of maintaining adequate big animal veterinary services are often not sufficient in rural Manitoba. This enable us to meet half way that requirement, that we recognize that the removal of velvet of antlers is a more complex job than, say, the removal of domestic cattle horns. That is why this amendment is being placed that enables qualified trained

individuals working under the direction of our director of Veterinary Branch can perform these services. Thank you.

**Mr. Chairperson:** Clause 37.1 as amended—pass; Clauses 38 to 40—pass; Preamble—pass; Title—pass.

**Mr. Enns:** Mr. Chairman, I have an amendment, I move

THAT the title of the French version be amended by striking out “sur” and substituting “concernant”.

**[French version]**

Il est proposé de modifier le titre par substitution, à “sur”, de “concernant”.

**Mr. Chairperson:** Shall the amendment pass?

**Some Honourable Members:** Pass.

**Mr. Chairperson:** The amendment is accordingly passed.

**Mr. Enns:** I have a further amendment, Mr. Chairman.

**Mr. Chairperson:** Title as amended—pass. Now, another amendment.

**Mr. Enns:** That The Livestock Industry Diversification and Consequential Amendments Act be further amended by, and I move

THAT Legislative Counsel be authorized to change all section numbers and internal references necessary to carry out the amendments adopted by this committee.

**[French version]**

Il est proposé que le conseiller législatif soit autorisé à modifier les numéros d'article et les renvois internes de façon à donner effet aux amendements adoptés par le Comité.

**Mr. Chairperson:** Shall the amendment pass?

**Some Honourable Members:** Pass.

**Mr. Chairperson:** The amendment is accordingly passed. Bill as amended be reported.

Thank you for your kind consideration.

**Ms. Wowchuk:** Mr. Chairman, we would just like it recorded that we are not in support of this bill. We are not asking for a recorded vote; on division.

**Mr. Chairperson:** It will be recorded on division. The passing of the bill will be recorded on division. Thank you very much. The committee stands adjourned.

**COMMITTEE ROSE AT: 10:50 p.m.**