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of the

Legislative Assembly of Manitoba

Standing Committee

on

Public Utilities

and

Natural Resources

Chairperson

Ms. Linda Asper

Constituency of Riel



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MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Seventh Legislature

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LEGISLATIVE ASSEMBLY OF MANITOBA

THE STANDING COMMITTEE ON PUBLIC UTILITIES AND NATURAL RESOURCES

Thursday, July 20, 2000

TIME – 6:30 p.m.

LOCATION – Winnipeg, Manitoba

CHAIRPERSON – Ms. Linda Asper (Riel)

VICE-CHAIRPERSON – Mr. Harry Schellenberg (Rossmere)

ATTENDANCE - 11 – QUORUM - 6

Members of the Committee present:

Hon. Mr. Lathlin

Mr. Aglugub, Ms. Asper, Ms. Cerilli,
Messrs. Dewar, Enns, Fauschou, Ms.
Korzeniowski, Messrs. Penner (Emerson),
Reimer, Schellenberg

MATTERS UNDER DISCUSSION:

Bill 5–The Wildlife Amendment Act

Madam Chairperson: Good evening. Will the Standing Committee on Public Utilities and Natural Resources please come to order.

This evening the Committee will continue with consideration of Bill 5, The Wildlife Amendment Act; Loi modifiant la Loi sur la conservation de la faune. We have one presenter registered to make public presentation on the Bill this evening.

It is the custom to hear public presentations before consideration of the Bill. Is it the will of the Committee to hear public presentations on Bill 5 first? *[Agreed]*

I will then read out the name of the person and organization registered to speak to the Bill: Claire D'Athe, Manitoba Cattle Producers Association. This is the name of the person

registered to speak this evening. If there is anyone else in the audience who would like to register or has not yet registered and would like to make a presentation, please register with staff at the back of the room.

As a reminder to all presenters, 20 copies are required of any written versions of presentations to this committee. If you require assistance with photocopying, please see the Clerk of this committee.

Before we proceed with public presentations, when this committee last met, it was agreed to set time limits of 10 minutes for presentations and 10 minutes for questions. Is it the will of the Committee to continue these time limits? *[Agreed]*

How does the Committee propose to deal with the presenters who are not in attendance today but have their names called? Shall these names be dropped to the bottom of the list? *[Agreed]* Shall the names be dropped from the list after being called twice? *[Agreed]* Does the Committee wish to indicate how late it is willing to sit this evening? No? Thank you.

We will now proceed with public presentations. I call on Claire D'Athe. Ms. D'Athe? Okay. Her name then will be dropped to the bottom of the list. Ms. Claire D'Athe? Okay, then her name is dropped from the list. That concludes the list of presenters that I have before me this evening.

Are there any other persons in attendance who wish to make a presentation? Seeing none, if there are no more presenters to be heard from, that concludes public presentations.

The Committee will now proceed with detailed clause-by-clause consideration of Bill 5.

Does the Minister responsible for Bill 5 have an opening statement?

Hon. Oscar Lathlin (Minister of Conservation): Yes, Madam Chairperson. This evening it is my pleasure to speak again on Bill 5, The Wildlife Amendment Act. I would like to thank all of those people who were here last night to make their presentations. There was and is obviously a great deal of interest in this legislation, but I want to assure those who have spoken that I had listened carefully to their concerns last night and the viewpoints they expressed to us.

I will recall for committee members and all others in attendance that the matter of penned hunting, as most people call it, was actively discussed during the election campaign last September. At that time, each of the three major political parties, the Conservatives, the Liberals, and the NDP, each leader from those three political parties publicly stated to the media that they would, if elected, prohibit confining animals to be shot by people paying a fee to do so. In introducing Bill 5, we are delivering on a commitment to the people of Manitoba. Bill 5 is an act to amend The Wildlife Act. The purpose of this bill is to make clear the province's right to prohibit an activity that a large number of Manitobans find to be unacceptable, and that is penned hunting. This purpose is accomplished by moving the term "exotic wildlife" from regulations made under The Wildlife Act to the Act itself, and by strengthening the regulation-making powers of the Minister to prohibit the hunting of native or exotic wildlife while in captivity.

This bill supports Manitoba's hunting tradition. Hunting wild animals is still very important to many thousands of Manitobans and to those who buy the 80 000 hunting licences we sell to resident hunters each year. Many individuals and groups are opposed to penned hunting. Many hunters themselves have spoken out against this practice. They want to maintain the highest standards of hunting practice, and we wish to support that kind of hunting tradition. This is what Bill 5 is all about.

I want to be clear and to say publicly that Bill 5 is not about trying to take over or interfere with legitimate agricultural practices or pet ownership. Unless someone is trying to confine animals for the purpose of having a paying third

party come in and hunt them, regulations made under Bill 5 will not affect those people. We do not want to manage ranching. That is for the Department of Agriculture. This includes bison ranching, and elk ranching is now defined under The Livestock Industry Diversification Act. Normal ranching operations will remain clearly and only with agriculture. I also reaffirm that there will be public consultation meetings on penned hunting before we adopt any regulations that would affect it.

* (18:40)

Again, I say we have no intentions of regulating pets or the pet industry. Several presenters were concerned that Bill 5 will make possession of their pets illegal. It does not. I repeat, It does not. Nor will any future regulation do this.

With regard to exotic animals, there already is an existing regulation which quite properly controls the importation of certain non-native species into Manitoba. Human safety, the protection of property, and the preservation of the integrity of our province's natural ecology and biodiversity are the reasons for this regulation. Nutria, racoon dogs, reindeer and wild boar are controlled under this regulation. Adding the definition of "exotic wildlife" to The Wildlife Act will support this important regulation, but it in no way targets pets, pet owners or the pet industry. In fact, I believe that pet owners and professionals in the business support the protection of our ecology and from damaging non-native species.

Bill 5 clarifies the powers the Government already has. It does not signal an attempt to take over from Agriculture. It does not signal any action against pet owners or businesses. I know that when legal people discuss these issues, there can be differences of opinion. We all know that. I wish to reassure everyone that I will listen and consider very carefully advice and opinions from lawyers and the public, both as expressed here tonight, last night, on what we will be hearing before we adopt any regulations pursuant to Bill 5.

I was impressed with the concerns of the Manitoba Bison Association because, as the

presenter said last night, 40 of them took time away from their livelihood to come out last night to participate in our proceedings. They gave us the clear message that they do not oppose a ban on penned hunting. Therefore, we are not on opposite sides of this question.

You indicated you are sceptical about what governments might do with the authority of The Wildlife Act to interfere in legitimate agricultural operations. I can assure you that we will not, but I understand your unease. I have been told that only a handful of the 180 or so bison producers have contemplated involvement in penned hunting. You are unsubsidized, as you said, and represent a real agricultural success story.

I am prepared to introduce an amendment to Bill 5 this evening, which will clarify that the Bill is aimed only at captive hunting. This will be inserted as a purpose clause in Bill 5.

I am also committed to working with my colleague, the Minister of Agriculture (Ms. Wowchuk), to determine what other steps might be taken to address the bison industry's concerns. I am certainly not indifferent to the other presenters. I pledge to work with them in developing a regulation on penned hunting that is as good as we can make it.

In summary, I wish to say that the purpose of Bill 5 is to enable the prohibition of penned hunting. I look forward to support from the committee members and the general public in getting on with this job that all major political parties had agreed to last fall just prior to the election.

Those are my opening comments, Madam Chairperson. Thank you.

Madam Chairperson: We thank the Minister. Does the critic from the Official Opposition have an opening statement?

Mr. Harry Enns (Lakeside): The Government and the Minister want to make something out of the fact that expressions for support of the banning of penned hunting was provided by the Conservative Party prior to last fall's election. That may well be, and it was. I am well aware

that, under questioning, my colleague, the then minister of Natural Resources, in the House acknowledged that.

We are not the same group that we were last fall. We are woefully less in numbers, as it is apparent to me. We have a different leader. We are beginning to understand more clearly, as many of us are understanding, what is at stake when we talk about penned hunting.

Penned hunting, as one concept, still is not acceptable to many of us. But, properly managed farm hunts, when we do our research, is another matter. As the New Democratic Party Government in Saskatchewan is finding out, as other jurisdictions in the United States and other provinces are finding out, they are a worthwhile and acceptable adjunct to the livestock industry, generally, in these jurisdictions.

This bill, in my humble opinion—still, we await of course for the amendments that the Minister alluded to—is simply lack of understanding on the part of the Minister and this government as to what constitutes concern for the bison industry or for the elk industry. That concern most often gets registered in a credit manager's office at a bank or at a credit union when a bison farmer or elk farmer is looking for a line of credit, \$50,000, \$100,000, \$200,000. If that credit manager feels that the Department of Agriculture does not have clear and unimpeded rules and regulations that have made that business legitimate in the province of Manitoba and that another department, Conservation, can interfere in some way or create some uncertainty in the carrying out of bison farming or elk farming in the province, that reflects on decisions made in that credit manager's office. Any level of uncertainty in an already uncertain business, that all of agriculture is, adds to that concern.

We are convinced, and we remain so, that this is a poorly drafted bill. This bill, as I understand it, is pandering to that element within our society that, regrettably, for those of us in rural Manitoba, is becoming more and more militant and is obviously succeeding with this government in putting forward their agenda in terms of what many of us believe to be opportunities for continued diversification,

continued economic well-being in different parts of rural Manitoba.

Mr. Jack Penner (Emerson): You know, when I listened yesterday very carefully to all the presenters that appeared before this committee, there was not one of the Committee that voiced support for this bill. [*interjection*] Well, tell me which ones did. They were conditional in their support. Madam Chairperson, the Member opposite says the Wildlife Federation was supportive of this bill. Well, I think you need to read the record. The record will clearly state the conditions that they applied to their support. They were the only organization that even gave a lukewarm indication of support for this bill. I am talking specifically about this Bill 5. I think it is imperative that we, as legislators, if we want to give any meaningful consideration within this committee to what was said at this table yesterday, should seriously consider setting aside this bill, scrapping it, quite frankly, totally scrapping it, and redraft a bill that would be specific, as virtually all of them said, to penned hunting.

There is no question that virtually every political party in this province voiced its concern during the election campaign about the penned hunting issue and made some overtures towards organization, that wanted this dealt with, that there would be action taken to deal with the "penned hunting." But I do not see any definition within this bill that gives me any comfort that there will be a degree of direction given by this bill that will define what a pen is. I have said this before, and I will say it one more time, that we have thousands of pens in this province, if you use the broad definition. Every pasture that is fenced with barbed wire or other wire or log fences built are deemed, currently, under the definition within the dictionary, as pens. They are confinement areas, therefore they are pens. So how broad is the definition going to be? Under this act, there is none.

* (18:50)

All aspects of this bill, all references within this bill point to exotic animals. This is an exotic animals bill. It has very little or virtually nothing to do, as some have said yesterday, with penned hunting. I saw the essence of this bill in 1988

and '89. They were then references made to the Department of Agriculture by some groups that we should use this kind of wording within a piece of legislation. We refused to at that time. I think this minister should clearly consider doing away with this bill and start from scratch, based on what we heard here yesterday, because there have been fairly large investments made by livestock operators in this province, whether it is wild boars or whether it is elk or bison—

An Honourable Member: Fallow deer.

Mr. Jack Penner: Or fallow deer or many of the other what we call exotics. Parrot breeders, finch breeders, budgie breeders and many others are in jeopardy of losing their livelihood if the terminology within this bill is kept.

So I say to the Minister: Do yourself a favour, do your government a favour and set aside this legislation, scrap it and start all over again. Because if you are just dealing with penned hunting, that is a relatively simple matter to deal with. There is an act that we could just make one slight adjustment to and include penned hunting as an adverse operation in this province, and you would not have to write this Bill 5. It would serve exactly the purpose you have said to people you want to serve. Yet what you say, sir, is an entirely different matter than what you write. What you write will become the law. What you have said and what you will say is insignificant. That is the problem with this kind of legislation. This will become the law. Unless your amendment is so significant that it virtually scraps the whole thing, your amendment will be meaningless.

So, therefore, I say to you, and all members of the government benches, do you know what you are doing? Do you know how you are impeding the operation of a farm, a livestock operation in this province? I think not. Raise your hands if you are farmers. Raise your hands. None of you are. You do not have the slightest clue what goes on on farms these days.

There is another bill that has been proposed in this legislation dealing with drainage, which we talked about the other day, similarly, under this same minister's jurisdiction, putting the same kind of restrictions on a farmer to be able

to operate on his or her land. How many more impediments does this government intend to draw to the attention of the people in rural Manitoba, and how many more times do we want to say to rural Manitoba we really do not give a darn about how you feel?

If you proceed with this piece of legislation, you are saying to all the people who appeared before you, the whole livestock industry, that you really could not care less what they say because you are proceeding anyway, as you said the other day to the people who appeared before you and asked you to make some changes to the drainage legislation. You said we do not care what you say, we will tell you what we will do. I think this is a clear indication of where this government is in its direction, and the agricultural community is already feeling it.

The real impact of this legislation and other pieces of legislation that you are proposing will only be felt a couple of years down the road. It is the young people who sat here yesterday, the young mother that cried, and the young father that made a very emotional plea to you, Mr. Minister, and their three children whose livelihood is at stake here because this bill will put them out of business.

My request to you, my plea to you, Minister, is if you truly proceed with this bill and you put that young couple out of business, have at least the heart to compensate them adequately and give them an opportunity to get into a business that they can at least provide for those three young children who were sitting before you, Minister, because they are no different than your children or my children. They depend on mom and dad for a living. The community depends on that young couple to provide the economic base to provide a school, and a hospital, and a library, and all the other services that we depend on in rural Manitoba. The only way we can afford it is by having an economic livelihood, and this bill destroys for many people that opportunity for a livelihood.

Madam Chairperson: I thank the Member. I am going to continue with the process in consideration of the Bill and any speakers can address the clauses as we go through them.

During the consideration of a bill, the preamble and the title are postponed until all other clauses have been considered in their proper order. If there is agreement from the Committee, the Chair will call clauses in blocks that conform to pages.

Ms. Marianne Cerilli (Radisson): I just wanted to indicate, Madam Chairperson, that I do not believe many of the members on the Committee have a copy of the Bill on the table.

Madam Chairperson: Distribute the bills, please. Thank you. The Chair will call clauses in blocks that conform to pages, with the understanding that we will stop at any particular clause or clauses where members may have comments, questions or amendments to propose. Is that agreed?

Ms. Cerilli: I just want to clarify that I think we should go clause by clause.

Madam Chairperson: We have a suggestion that rather than going page by page, we go clause by clause. Is that agreed? *[Agreed]*

Clause 1. Shall Clause 1 pass?

* (19:00)

Mr. Lathlin: Madam Chairperson, I make the following motion:

THAT the following be added after section 1 of the Bill:

Purpose of Act

1.1 The purpose of this Act is to provide for the regulation of captive hunting of animals without affecting the division of responsibilities within the Government of Manitoba relating to the regulation of animals and activities involving animals.

[French version]

Il est proposé d'ajouter, après l'article 1 du projet de loi, ce qui suit:

Objet du projet de loi

1.1 La présente loi a pour objet de régler la chasse aux animaux de la faune vivant en

captivité sans pour autant porter atteinte au partage des responsabilités au sein du gouvernement du Manitoba en ce qui a trait à la réglementation concernant les animaux et les activités qui y sont liées.

Motion presented.

Madam Chairperson: The motion is in order. I would ask if there are any members who wish to speak.

Mr. Enns: I do not know what this means, Madam Chair, but I will ask the question. I am assuming that elk, for instance, is a domestic farming operation that has the responsibility of the Department of Agriculture and that the Department of Conservation is not going to interfere with it so that if an elk farmer wished to set up a hunt farm for elk, he can do that. Am I reading this right?

Madam Chair, knowing that, for instance, elk, domestic elk ranching is covered under The Manitoba Livestock Diversification Act that was passed several years ago, three years ago, is a very extensive piece of legislation that regulates the elk industry, the farming of elk in Manitoba, from everything with respect to how elk are treated, how elk are penned, how elk are fenced, how elk are transported, how elk have to be identified, how elk have to be and can be, under certain instances, slaughtered, if, six months from now or six years from now, the Minister responsible for the administration of that act brings in changes to the regulation of that act that permits a form of farm hunting for aging elk bulls, as requested last night by the industry, by the way, then I am assuming what this amendment here says is you are committing yourself, you will not interfere with that action of the Minister of Agriculture.

The Minister of Agriculture may well see the wisdom of passing, bringing forward that kind of amendment to her legislation three or four years from now or six months from now. I leave it at that, Madam Chair.

Mr. Lathlin: Madam Chairperson, this amendment that was just put forth confirms that the Department of Agriculture will continue to be involved in the regulation of legitimate

agricultural activities. The Member knows that in reference to elk, they are now governed by The Livestock Industry Diversification Act, and under that act it does not allow for penned hunting.

Mr. Enns: That is right, but fine, we will support it. Thank you for that clarification.

Mr. David Faurichou (Portage la Prairie): In regard to the amendment, it still remains extremely unclear as to what "captive" means. There is no definition. I was told by the government legal counsel to look it up in the Oxford Dictionary. How are we, as legislators, in a commitment that I know was made within the election to introduce legislation that the average person could clearly understand the full intent and what legislation meant to them? There is no definition.

It is totally unclear as to what is meant by "captive." I gave an example last night that we are all captive of gravity, and that falls within the definition of "captive." In relation to what exists here in this province right now, there is not one direction that one person can go or a wild animal can go that will not in fact encounter a barrier. So we are confined, and then there were lots of very intelligent information that was provided last night that explained about the different habits of animals and how they behave in the wild under their own freedom.

This whole act is one that I do not believe is again attempting even to address what the Minister has said publicly. I would like to ask whether in fact all of the presentations that made reference to the Bill last night, that made the statement that after counsel, legal opinion and other investigative measures taken by the presenters, the rationale as to the existence of Bill 5. If you are looking at the restricted area for the purposes of hunting, by whatever means, an animal, then why can it not be introduced as an amendment under already or by regulation, as was stated on numerous occasions last night? There was no support for the existence of this bill last night.

I know that members here stated that the Manitoba Wildlife Federation was in support of this. Well, I want members to recall that the

young gentleman, Mr. Willey, stood up here and said that in fact, on his boar ranch, the Manitoba Wildlife Federation had in fact booked a hunt, and that he was confused over that. So, in fact, I want to read the only statement in the total presentation that could anywhere near come close to saying that the Manitoba federation was in support of this legislation. It said: "We understand that Bill C-5 is a large and complex piece of legislation. Our purpose here is to give the views of our members in regards to the practice of penned hunting."

In fact, all they were doing was giving a viewpoint. They did not speak to the legislation at all, because it was too large and complex for them to understand, as stated right here in their presentation.

So, if, in fact, legal counsels and an individual who brought forward a great deal of knowledge and past experience, Mr. Browne, who flew from Toronto, who provided an expertise that not often we have at committee level, who spoke of similar legislation in other jurisdictions that were specific to a defined captive hunt as you are talking, why would we not, as legislators here tonight, listen and take in the knowledge that he possessed?

* (19:10)

This goes far beyond many pieces of legislation and debate that we have within this province and in the Legislature. Never before have I attempted to evaluate, as I have, every clause and every understanding of a piece of legislation as I have here today because it affects individuals within our own community. In fact, I have three Aboriginal communities within my constituency that are gravely concerned about this legislation and have in fact approached the Minister. It has been garnered that the Aboriginal community will not fall under this legislation, because they have every intention of managing the wildlife and have in fact commented through correspondence on one of the particular presenters last night who has gone to great lengths to, in fact, diversify and provide for animals.

If I can ask, in due diligence, each individual, because all of the members present

here this evening will be recorded as their passage of this report stage of this bill have to go home and in fact be very comfortable with exactly what they have passed this evening. It has been stated and stated and stated again that the intent is to regulate what has come to be commonly known as penned hunting, then Bill 5 is not the vehicle. There are other ways of accomplishing that.

As legislators, each one of us has to look at ourselves here and ask the question: What is the definition? If I were to ask each individual at this table what is your definition of captive—*[interjection]* Madam Chairperson, it is obvious that there are members on the Government's side of the House that feel this is laughable and not to be taken seriously. So in fact it has been indicated in that manner that the words which I speak here this evening in the greatest sincerity are taken in that light. It dismays me and distresses me immensely. For that, Madam Chairperson, I will conclude my remarks.

Madam Chairperson: Are there further speakers on the amendment? Is the Committee ready for the question?

An Honourable Member: Yes, we are.

Madam Chairperson: The question before the Committee is as follows—

An Honourable Member: Dispense.

THAT the following be added after section 1 of the Bill:

Purpose of Act

1.1 The purpose of this Act is to provide for the regulation of captive hunting of animals without affecting the division of responsibilities within the Government of Manitoba relating to the regulation of animals and activities involving animals.

[French version]

Il est proposé d'ajouter, après l'article 1 du projet de loi, ce qui suit:

Objet du projet de loi

1.1 La présente loi a pour objet de réglementer la chasse aux animaux de la faune vivant en captivité sans pour autant porter atteinte au partage des responsabilités au sein du gouvernement du Manitoba en ce qui a trait à la réglementation concernant les animaux et les activités qui y sont liées.

Madam Chairperson: Is it the pleasure of the Committee to adopt the amendment?

Some Honourable Members: Agreed.

Voice Vote

Madam Chairperson: All those in favour of adopting the amendment, please say yea.

Some Honourable Members: Yea.

Madam Chairperson: All those opposed, please say nay.

In my opinion, the Yeas have it. The amendment is accordingly carried.

* * *

Madam Chairperson: Clause 2—pass; clause 3—pass; clause 4—pass; Shall clause 5(1)—

Mr. Jack Penner: Madam Chairman, I have been waiting very diligently for the Minister to bring forward another amendment, and he might want to do that at some point in time, but I would suspect that he might have wanted to do it in the section dealing with definitions, and I thought he might want to, for clarification, define what "penned" meant in his view, and I am a bit surprised that so far there has not been any determination on this.

The second one that I am a bit concerned about and maybe I should have spoken when section 2 was being dealt with, but "exotic wildlife," the definition of "exotic wildlife," I was wondering whether he might want to amend that somewhat to give some clarity to those pet owners that were here yesterday, to the parrot breeders and the canary breeders and the finch breeders. That is quite an industry in this province, so I was wondering whether he was

actually going to make reference to this in this act.

Madam Chairperson: For clarification, Mr. Penner, Emerson, could you specify what clauses you are referring to, please?

Mr. Jack Penner: Madam Chairman, I was simply making comment on the definitions part of this bill, whether the Minister might want to put in place a definition that would clearly define what he meant by "penned," and I wonder whether he might want to give some consideration to that, and, secondly, the terminology of "exotic," whether there could be a clearer definition to give some comfort to the breeders of pets and bird pets in this, because we heard a lot of concern expressed about that here yesterday. I had hoped that he would make some reference to that section, to those issues by definition.

Madam Chairperson: I will continue with clause 5 at this point. Clause 5(1)—pass; clause 5(2)—pass; clause 5(3)—pass; clause 6—pass; clause 7—pass; clause 8(1)—pass; clause 8(2)—pass; clause 9—pass; clause 10—pass; clause 11(1)—pass.

Mr. Jack Penner: Again, I give the Minister an opportunity, after clause 11(1), to give some clarity to what the intent here is. I would have hoped that he would have proposed an amendment here, because again we are saying: "prohibiting or regulating the hunting, killing, trapping, taking, capturing, baiting or attracting of a species or type of wildlife or exotic wildlife (i) generally, (ii) in a specified area, (iii) during a specified period of the year, (iv) in a specified manner, or (v) of a specified sex or age." I really have to wonder whether this is directed at penned hunting or whether this is directed at an entirely different matter which I reflected before which I heard a significant amount about during my term in office, as minister, back in 1988-89. There was a completely different intent by this kind of wording under a proposal for an act at that time.

I wonder whether the Minister might give us some overview as to what his intent by clause 11(1) is, what he really means by this or what his intention is with 11(1).

* (19:20)

Mr. Lathlin: I think the Member is probably aware of what is happening here. In the current wording, we are trying to give some clarity to the current wording that is there in the legislation. So, if you look at the proposed changes we are making, it gives more clarity as to what the Act is all about. So that is the main reason for those changes.

I think I might also want to add here, Madam Chairperson, the Member keeps saying: Well, what are you going to do? What do you mean? Again, I remind the Member that he has been here a whole lot longer than I have. He tells me that he had been minister in previous governments, and so on. So he knows the procedure. You enact legislation. You develop regulations. You cannot put everything into the Act. You have to have regulations that flow from legislation. Even I knew that, and I knew that before I came here.

Madam Chairperson: Clause 11(1)–pass. Shall clause 11(2) pass?

Mr. Jack Penner: Yes, 11(2). I think one needs to carefully read this: "regulating the use and management of, and the hunting, killing, trapping or taking of wildlife or exotic wildlife, or a species, type or kind of wildlife or exotic wildlife, in an animal control area, wildlife management area, public shooting ground, registered trapline district or special trapping area including, without limiting the generality of the foregoing, (i) prescribing special permits and licences for hunting or trapping and prescribing terms and conditions, and (ii) prescribing periods during which hunting or trapping of wildlife or exotic wildlife, or a species or type of wildlife or exotic, is permitted; (k.1) regulating any activity associated with wildlife or exotic wildlife for the purpose of protecting persons, livestock, crops, or other property;"

Now, I ask the Minister again: What is intended here?

Mr. Lathlin: Again, Madam Chairperson, I would like to advise the Member that the reason for making the changes is that it gives the same regulation-making power to prohibit panned

hunting of exotic wildlife, as native wildlife. It does not change the meaning of the Act since the authority currently lies in the power to make regulations respecting animals.

Mr. Jack Penner: You have got me confused, sir, and it does not take much sometimes, quite frankly. I will be free to admit that. Madam Chairperson, "(k.1) regulating any activity associated with wildlife or exotic wildlife for the purpose of protecting persons, livestock, crops, or other property." What is intended here? What is the intent of that clause? What do you intend? What does your department intend to do with that? What is it for?

Mr. Lathlin: I think the Member will know that, if he reads the entire act, that provision is in the Act already. Madam Chairperson, (k.1) is there for the protection of farmers with their crops and their animals, sometimes from waterfowl. We are repeating it and at the same time providing some clarity to the wording. It says "persons" there. I think, again, the Member will probably be aware that, for example, somebody who wants to bring in lions from wherever, and they pose a danger to himself, for example. I am sure he would be coming to the Government for some kind of protection. So that this kind of activity would not go unchecked.

Madam Chairperson: Further speakers on the clause? Seeing none, shall clause 11(2) pass?

Clause 11(2)–pass; clause 11(3)–pass; clause 11(4)–pass; clause 11(5)–pass; clause 11(6)–pass; clause 11(7)–pass; clause 11(8)–pass; clause 11(9)–pass; clause 11(10)–pass; clause 11(11)–pass; clause 11(12)–pass; clause 11(13)–pass; clause 12–pass; preamble–pass; title–pass.

Madam Chairperson: Shall the Bill, as amended, be reported?

Mr. Enns: Well, Madam Chair and colleagues in the Committee, Mr. Minister, I simply think that I find all of this redundant. Not too many people are on the Committee, and quite frankly, from the answers that we received from the Minister, really know what we are doing. What we are doing is some very public window dressing that this government feels, this minister

feels obligated to, to a special group with respect to penned hunting.

* (19:30)

This could have been done very simply with a simple regulatory change under The Animal Care Act. We have the finest animal care legislation in this province of any jurisdiction in Canada. It is modern legislation, passed only three years ago, that could have clearly spelled out, that has within it all kinds of fairly serious action that governments can take and does take, and I can attest to it. I have been party to exercising the rights of that act.

Under The Animal Care Act, the Minister of Agriculture (Ms. Wowchuk) can seize an entire herd of cattle and has done so. Under The Animal Care Act, if reports come in that horses are not being looked after properly in the wintertime, they are impounded and seized and looked after. Under The Animal Care Act, a party can enter into the premises of any pet operation. It was, after all, brought on by unacceptable kennel operations in part of the province that was offensive to all of us, and those are all the kind of powers that government has given themselves with legislation under The Animal Care Act.

I might say I was pleased at that time. Unlike this piece of legislation, by the way, Mr. Minister, all the consultation took place before the legislation was introduced. An advisory committee was established by the then government. People like Ms. Vicki Burns served on that committee. Municipal people served on that committee, because they have municipal by-laws that are impacted on that. They advised the then government and the then minister, and, together with the departmental officials, we brought together the different bits and pieces of animal-care legislation that was housed in two or three different pieces of legislation into one modern piece of legislation called The Animal Care Act, a simple regulatory change, sir, a commitment.

If you felt deeply committed to this change without unnecessarily disturbing the bird keepers in Manitoba, without unnecessarily disturbing and, even at this juncture, still confusing us with

the amendments that you have introduced as to who really has jurisdiction over what species, I am leaning in a particular way and am supporting that. I am delighted, and I am delighted that you, Sir, have at least indicated here today that an operation like the domestic elk operations in Manitoba will be exempted and excluded from this act, that nothing in this legislation will interfere with the legislation that they are governed under. That is, of course, what they asked for. That is precisely what they asked for. I am reading it that way, and I will hold this government accountable for it that way.

I think there are other issues that this government has not yet come face to face with. There is a question of natural justice. I do believe that, if you take people's livelihoods away, you had better be prepared to compensate. When we took away the livelihoods 30 years ago of 12 000 insurance agents and created Autopac, there was a compensation package that was offered to them at that time.

I would assume that small individual people, several of whom you heard of last night—that young truck driver who gave up, I do not what was, if he was hauling livestock, he probably traded in a \$100,000 or \$150,000 trailer unit to stay with his family and start a modest hunt farm in Russell, Manitoba. I am hoping that that family, Sir, can look forward to having some redress when this legislation puts him and his family out of business. You can count on it that we will be there to insist on it.

I do believe that there is, as I say, some level of natural justice. I think the Government should prepare itself. You should be honest with the people of Manitoba as to what the costs of this will be. It is not simply passing this piece of legislation.

Madam Chair, I think that this is political posturing on the part of this government that we are dealing with this bill. It could have been dealt with in a very simple way with existing regulations. For those reasons, I cannot support this bill. I think it is redundant. I think it is unnecessary.

Mr. Lathlin: Madam Chairperson, before we conclude here, I would like to respond to the

Member's statements. These members, they keep saying that we are doing this because we are listening to some activists, some interest groups, like Vicki Burns.

I would like to quote from the *Winnipeg Free Press*, September 17, four days before the last election. The former premier, and I quote: "The Premier said this week that if re-elected, the Tories will close loopholes in The Natural Resources Act that have permitted the controversial killing of animals in fenced enclosures. I am prepared to change the legislation, said Filmon, during a brief break from campaigning, adding that his government intends to change the Act during the next legislative session."

Well, you know, the members here, they say, well, we are a different bunch now, but they are still the Conservatives that they were on September 17, 1999.

Then he talks about The Animal Care Act. Well, let me say this to the Member, Madam Chairperson. Yes, we know that The Wildlife Act has historically dealt with hunting and hunting issues. Yes, he knows that. He is the former minister of natural resources. He also knows, as he has repeatedly told us, that The Animal Care Act, on the other hand, deals with the protection of animals from suffering and, in fact, includes agricultural animals under its purview.

Madam Chairperson, I say to the Member this is not an issue of animals suffering. It is an issue rather of what constitutes unacceptable practice of hunting. We have had legal advice in this regard, just like the legal advice that some other members referred to earlier. The Wildlife Act is the appropriate piece of legislation under which to act.

Mr. Faurschou: Again, if I take the opportunity to put a brief word in opposition to the passage of this bill. The Minister makes a statement here this evening that he has support for this type of legislation, and that it is not in the form of a special interest group. So I am left wondering who, in fact, is in support of an undefined practice, because this legislation does not define

it. They say captive, yet the definition is not there.

Also, I look at all the members of this committee this evening that are prepared to pass this legislation without the broad-based consultative process that was promised by the Premier (Mr. Doer). The Premier stated in correspondence to different individuals and organizations that there would be broad-based consultative meetings held throughout the province to effectively analyze the legislation. Without that process, to make the Premier out to be less than knowledgeable is—well, that is effectively something that you have got to carry back to your caucus room yourselves, and stand proudly to say that you went ahead with it. Last night we had a motion that effectively asked for basically that to take place before further consideration would go, and would have had all the opportunity in the world for individuals of this committee and of the Legislature to hear very much the concerns of the individuals that this legislation will affect.

Also, the Member for Ste. Rose (Mr. Cummings) mentioned last night, that you are going ahead with a piece of legislation without compensation and effectively expropriating someone's livelihood. Much has been commented on about other acts that have reflected upon person's employ. But nowhere do you have the backstops that individuals that are employed in the medical field or in the technology field have. Farmers do not have the luxury of unemployment insurance, as they are self-employed. They have to fend for themselves. They do not have the benefits of pension plans, and sick leave, and all of the other components that you have made mention of their employees.

* (19:40)

The people that stood before this committee last night stood there on their own without any backstops. They have invested their entire self-worth in their operations. You heard from one individual that stated that it was a suggestion before the Mediation Board that they diversify. This young man took the advice of a government-sponsored agency, and now this particular act is going to contravene that advice. Without mention, I would like to debate this in

the public realm with anyone here, and ask effectively: If you are going to take someone's livelihood away from them and their entire life savings, and make it worthless, well, what are you prepared to offer? You have to be able to answer that question before you vote in favour of this bill. Any individual that is elected to this Legislative Assembly must have the self-worth to examine and understand and be able to answer the fundamental question: What is going to be the compensation for an individual whose livelihood is taken from him? There are no backstops in farming. If the members here did not know that this evening, I hope they take that home with them.

To be specific, one continues to talk about penned hunting, and yet there is not one single reference to penned hunting. You have got captive hunting here, but "captive" can mean a whole host of definitions. There are so many questions that are left unanswered. There is not an individual that can stand in front of their electorate and say I voted in favour of the piece of legislation with those questions unanswered. Thank you, Madam Chairperson.

Mr. Jack Penner: I am going to be very brief. I know that this bill will pass today, and I know that this bill will go to third reading. I only say to the Minister that I think he has a golden opportunity to bring some clarity in the definitions to this bill. I would strongly urge him to take a good hard look at the definition section and make some additions to do that. I think he should have some significant discussions with the Department and maybe also some of the legal drafts people in counsel who might give him some advice as to how to put breadth and clarity to this bill.

The second part is I think we should listen very closely to what the people said yesterday about the exotic side of the breeders and the uncertainty that this will create for many of them. I, again, only ask that maybe he wants to reflect on that and add some clarity again in that section to this act. That is my only request.

Madam Chairperson: Shall the Bill as amended be reported?

Some Honourable Members: Agreed.

Some Honourable Members: No.

Voice Vote

Madam Chairperson: All those who are in favour, please say yea.

Some Honourable Members: Yea.

Madam Chairperson: All those opposed, please say nay.

Some Honourable Members: Nay.

Madam Chairperson: In my opinion, the Yeas have it.

* * *

Madam Chairperson: That concludes the business before the Committee. Committee rise.

COMMITTEE ROSE AT: 7:47 p.m.