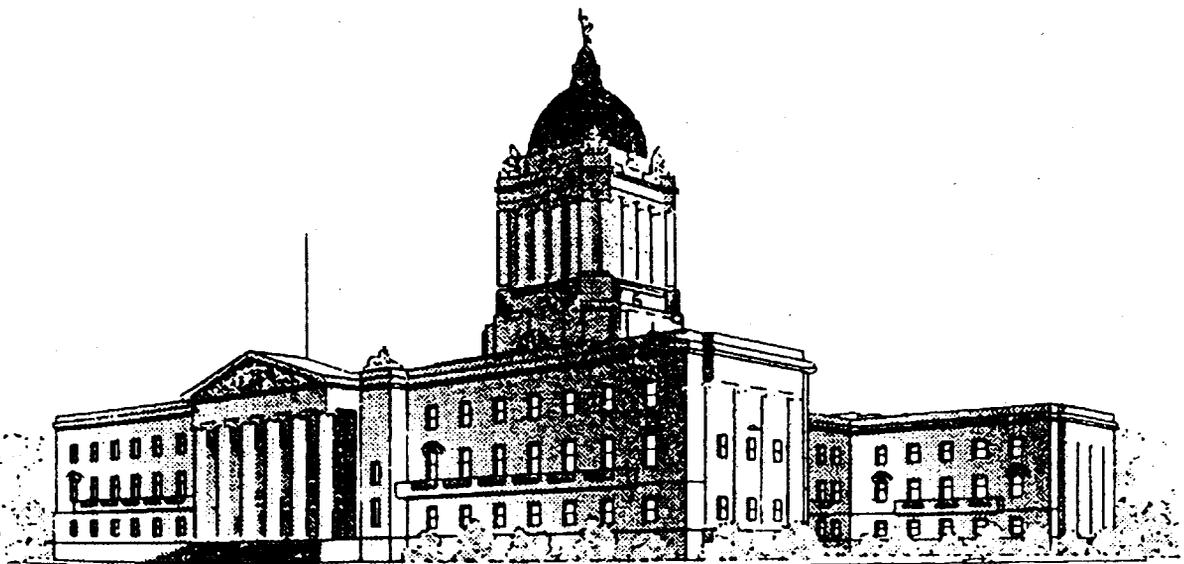




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Third Session - Thirty-Sixth Legislature
of the
Legislative Assembly of Manitoba
Standing Committee
on
Agriculture

Chairperson
Mr. Jack Penner
Constituency of Emerson



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MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Sixth Legislature

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LEGISLATIVE ASSEMBLY OF MANITOBA
THE STANDING COMMITTEE ON AGRICULTURE

Monday, June 16, 1997

TIME – 7:30 p.m.

LOCATION – Winnipeg, Manitoba

CHAIRPERSON – Mr. Jack Penner (Emerson)

VICE-CHAIRPERSON – Mr. Edward Helwer (Gimli)

ATTENDANCE - 10 – QUORUM - 6

Members of the Committee present:

Hon. Messrs. Enns, Findlay, Pitura

Messrs. Dyck, Helwer, Jennissen, Penner,
Struthers, Tweed, Ms. Wowchuk

MATTERS UNDER DISCUSSION:

Bill 18–The Emergency 911 Public Safety Answering Point Act

Bill 37–The Highway Traffic Amendment Act

Bill 57–The Highway Traffic Amendment, Summary Convictions, Amendment and Consequential Amendments Act

Bill 31–The Livestock and Livestock Products and Consequential Amendments Act

Bill 54–The Animal Husbandry Amendment and Consequential Amendments Act

Mr. Chairperson: Good evening. Would the committee please come to order. This evening the Standing Committee on Agriculture will be considering five bills: Bill C-18, The Emergency-911 Public Safety Answering Point Act; Bill 31, The Livestock and Livestock Products and Consequential Amendments Act; Bill 37, The Highway Traffic Amendment Act; Bill 54, The Animal Husbandry Amendment and Consequential Amendments Act; Bill 57, The Highway Traffic Amendment, Summary Convictions Amendment and Consequential Amendments Act.

If there are any person in attendance today who would like to speak to the bills referred to this evening, please register with the Chamber Branch personnel at the table in the rear of the room. Are there any here today?

Does the committee wish to set limits for hearing of presentations? It does not appear that there are any presenters, so I do not think we need to—[interjection] Setting a limitation, you would not have any problem with that would you?

Are there any persons in the room that do wish to present tonight? Seeing none, is it the wish of the committee to proceed with clause-by-clause consideration of the bills then? [agreed]

Is it the wish of the committee to consider the bills in blocks or clauses?

An Honourable Member: Blocks.

Mr. Chairperson: Whole bills at a time.

Bill 18–The Emergency 911 Public Safety Answering Point Act

Mr. Chairperson: Okay, we will then proceed to deal first with Bill 18, The Emergency 911 Public Safety Answering Point Act.

Does the minister responsible for the bill have an opening statement?

Hon. Glen Findlay (Minister of Highways and Transportation): Mr. Chairman, I will not hold the committee up, but I will just say that it has been a long time trying to get increased level of 911 service in Manitoba, and Winnipeg and Brandon had it for many, many years. Brandon came to us only about two years ago now indicating they had a willingness to try to enroll municipalities in signing up for 911 and set about a process to do that.

At the same time, they had some concerns that anybody could set up such a service and that maybe we should have legislation that supplies a minimum level of requirement for anybody or any organization to set up a PSAP service, and that is really what this bill does. It does not in any way interfere what Brandon and Winnipeg currently are doing. So it is something that other provinces have done, and I think that it is appropriate for public safety that we do it this way.

Mr. Chairperson: Does the critic for the official opposition have any comments?

Mr. Gerard Jennissen (Flin Flon): Mr. Chair, just a very few. First of all, I am a little concerned that although we are obviously in favour of 911, this does not extend to the farther reaches of the province particularly in northern Manitoba. Perhaps the minister could address that a little bit later on, because northern Manitobans, of course, would wish the same kind of service. It is much easier to dial three numbers than to hunt around for a seven-digit number for police or ambulance or fire, whatever.

The other thing is—and I do not know how directly relevant it is but, obviously, there is some consternation in the city that the CRTC ruled that to pay for 911, most of the telephone lines will be charged 25 cents. That may be down from the 80 cents outside the city, but you can hardly blame the city for seeing this as a bit of a money grab or a tax grab, so perhaps the minister could address that as well.

The third and final point is perhaps the future direction that this will take if public safety answering points should come under for-profit organizations rather than strictly for public service. If the minister could address those, I would be very happy.

Mr. Findlay: I notice that the member for Flin Flon made comments in his second reading in the House. The issue of the North to me is an issue that has an answer. When we were in the discussion, there were technology limitations of going into the far North. As the years have moved along here, it was our feeling the technology, ultimately, is there. If a community has a landline, it can be part of 911. If it has responding services like ambulance or fire, then they should be part of 911. If they do not have responding services, there

is not much point of calling 911 from X community, if there are no responding services.

Along the way—you know, Brandon started out small. We are really talking southwest Manitoba, and then they thought they could do a much larger area of Manitoba as they talked with MTS about the service provision. The city of Thompson had come into the picture and talked about setting up a northern service out of Thompson. I know discussion happened between Brandon and Thompson, but if Thompson or any other community up there is not prepared to supply the service, there is no technical limitation to prevent Brandon from supplying that service. So it is a matter of those municipal governments wanting it and approaching Brandon and to sign the kind of agreements that, say, Portage is signing or Shoal Lake is signing or Melita is signing. The same kind of agreement can be signed, but I know discussion happened between Thompson and Brandon. To this point, nothing has materialized, but there is no limitation to prevent Flin Flon, Thompson, The Pas, Cranberry Portage, Lynn Lake, from having 911 service with the technology that currently exists out of Brandon or out of Winnipeg, one or the other.

The next question was the 25 cents mandated by CRTC. Again, I will have to go back in time. Going back, say about five years, there was some approach to the city, well, would you be part of a province-wide and they passed a resolution saying, no. So they were not part of the discussion thereafter and the application to CRTC to cover the telecommunications costs was on the basis of 80 cents per telephone per month in rural Manitoba and not including the city at all. That was the application that went forward and that is the application of which the financing of the system was done, along with the \$2.58 per capita that each signing-up municipality committed to. CRTC, in their wisdom, said that this is what it shall be.

Now, it saves the city certain costs they are currently paying, certain telecom costs, and neither MTS nor the government had any knowledge that CRTC would rule in this way, because MTS went forward with an 80 cent per capita tariff for participating municipalities outside of Winnipeg. So it is one of those things that happens by a regulator to which we have no input after the fact. So they made the decision that they want a universal

rate across the province for the telecom component of 911. I mentioned the telephone component because there is also the municipal cost component, the cost of running the PSAP itself, and that is where the \$2.58 per capita that the Melitas and the Russells will pay. So I want to express strongly, it was not the MTS requesting it. It was not the province requesting it. It was CRTC deciding that this is the way it is going to be.

I would assume it respects something else they have decided or want to decide with regard to other provinces that are offering 911, but I could not say for sure.

Mr. Chairperson: During the course of debates, normally the title and the preamble are set aside till the rest of the bill has been concurred in. Is that the wish of the committee again, we set the title and the preamble aside? [agreed]

Having agreed to that, then we will go to the clause-by-clause consideration. Is it agreeable that we could do page-by-page consideration? [agreed]

Clause 1—pass; Clause 2, 3(1)—pass; Clauses 3(2) to 4(1)—pass; Clauses 4(2), 5, 6(1), 6(2), 6(3), 6(4)—pass; Clauses 6(5), 6(6), 7(1)—pass; Clauses 7(2), 7(3), 8(1)—pass; Clauses 8(2), 9, 10(1)—pass; Clauses 10(2), 10(3), 11, 12—pass; Clause 13—pass; Clause 14—pass; title—pass; preamble—pass. Bill be reported.

Now, I wonder whether it would be the will of the committee to ask the Minister of Highways (Mr. Findlay) to stay, and we will set aside the agricultural bills that were on the agenda next and ask the Minister of Highways to do Bill 37. Is that agreeable? [agreed]

After that, we will ask him to do Bill 57.

An Honourable Member: Agriculture is always accommodating.

Mr. Chairperson: We thank Agriculture for their accommodation.

Bill 37—The Highway Traffic Amendment Act

Mr. Chairperson: Does the minister have an opening statement on Bill 37?

* (1940)

Hon. Glen Findlay (Minister of Highways and Transportation): Again, Mr. Chairman, I will be fairly brief. There are three initiatives in this bill: the stolen and wrecked vehicle program, the dual-plate program, and charter bus and bus parcel express deregulation.

I think the critics are very clear that the initiative of stolen and wrecked vehicles is a big initiative because it is a nationwide initiative to clear up some problems that are happening in the stolen and wrecked vehicle area. I have made my comments in second reading, and I am open to any questions that the critics might have. But it is an issue that if we do not pass this bill, we will be the one province which will be out of the stolen and wrecked vehicle program of information exchange, and that would not be a good thing for Manitoba to be in.

I think it is three provinces currently are in and seven are coming in. The U.S. did it two years ago with the same sort of an initiative. They do not quite have the information-reporting process as refined as Canada does, so I think that in one sense we are behind and in the other sense we are ahead of them.

Mr. Chairperson: Thank you, Mr. Minister. Does the honourable critic have an opening statement?

Mr. Gerard Jennissen (Flin Flon): I made most of my statements in the House today, but just briefly perhaps point out a few things. We have no disagreement with the stolen- and wrecked- vehicle initiative that the minister has pointed out. I think that brings us in line with other provinces, and certainly for us on this side of the House we would support that strongly as well. As well, the charter and bus parcel express deregulation that the minister talks about, I think, is inevitable, although I am not sure that the lack of competition will necessarily lead to a lot better service in some of the more remote northern isolated communities.

However, I do have a few concerns about the dual plates. Basically, I was under the assumption at some point that this was going to be revenue neutral, but I am making a quick calculation at \$7 a plate times roughly 700,000, that would be pretty close to \$5 million, so,

indeed, that would be a considerable amount of money for the province. I would like the minister to answer that. Also, is it true that the plates themselves were not manufactured in Manitoba? I am not clear on that. Thank you.

Mr. Findlay: The plate charge was designed to make it revenue neutral. Approximately \$7 for a pair and \$4 a single was considered to be what the cost would be. When the tenders were put out, there were four or five or six people that bid, and the successful tender was received by a company in Nova Scotia who are manufacturing the plates. In the process, there turned out to be an element of profit in the plate fee. That amount of money has been retained in the Department of Highways and Transportation and applied against capital construction projects. So whatever profit there is in the plate fee goes right back into road capital construction activities in the province of Manitoba. So the users of the plate, usually you put it on vehicles and drive on the roads, and the benefit goes to them that way. But the tender came in lower than was expected, and the successful company was in Nova Scotia.

Currently the company that is manufacturing the existing plates, I believe, is in Edmonton. I think that is right.

Mr. Chairperson: Thank you very much, Mr. Minister.

As before, the title and the preamble will be set aside until the bill has been considered.

Clauses 1 and 2(1)—pass; Clauses 2(2) and 3(1)—pass. Clause 3(2).

Mr. Findlay: I have an amendment.

THAT subsection 3(2) of the Bill be amended.

(a) by striking out “Subsections 4.2(2), (3) and (4)” and substituting the following “Subsections 4.2(2) and (3)”; and

(b) by striking out the proposed subsection 4.2(4).

[French version]

Il est proposé que le paragraphe 3(2) soit amendé:

a) par substitution à “paragraphes 4.2(2), (3) et (4)” de “paragraphes 4.2(2) et (3)”;

b) par suppression du paragraphe 4.2(4).

Motion presented.

Mr. Jennissen: Could we have an explanation of why the amendment? I am sorry, I did not catch it.

Mr. Findlay: In the process of developing—you can see it is a fairly large bill—this is a transitional amendment, initially proposed, and now seen as not necessary. So we are back to square one. This is the department after further consideration of what the amendment might do.

Mr. Chairperson: Amendment—pass; Clause 3(2) as amended—pass; Clause 4.2(2)—pass; Clause 4.2(3)—pass; Clause 4—pass; Clause 5—pass; Clause 6—pass; Clause 7—pass; Clause 8(1) and 8(2) and Clause 9—pass; Clause 10, 11 and 12—pass; Clause 13 and 14—pass. Clause 15.

Mr. Findlay: I move,

THAT the proposed subsection 21.12(1), as set out in section 15 of the Bill, be amended

(a) in clause (a), by striking out “clause 319(1)(1.5)” and substituting “clause 319(1)(1.6)”; and

(b) in clause (c), by striking out “clause 319(1)(1.5), (1.7) to (1.10) or (1.12)” and substituting “clause 319(1)(1.6), (1.8) to (1.10) or (1.12)”.

[French version]

Il est proposé que le paragraphe 21.12(1), énoncé à l'article 15 du projet de loi, soit amendé:

a) dans l'alinéa a), par substitution, à “l'alinéa 319(1)1.5”, de “l'alinéa 319(1)1.6”;

b) dans l'alinéa c), par substitution, à “alinéas 319(1)1.5), 1.7) à 1.10 ou 1.12”, de “alinéas 319(1)1.6), 1.8) à 1.10) ou 1.12)”

Motion presented.

Mr. Findlay: You may ask why. It is just some number clarification.

Mr. Chairperson: Amendment—pass; Clause, as amended—pass; Clause 16—pass; Clause 17, Clause 18(1), Clause 18(2), Clause 19(1)—pass; Clause 19(2), Clause 20, Clause 21, Clause 22—pass; Clause 23, Clause 24—pass; Clause 25, Clause 26, Clause 27, Clause 28—pass; Clause 29(1), Clause 29(2) and Clause 30(1)—pass; Clause 30(2)—pass; Clause 31—pass; Clause 32—pass; Clause 33(1)—pass; Clause 33(2)—pass; Clause 34—pass. Clause 35.

* (1950)

Mr. Findlay: Mr. Chairman, I move,

THAT Clause 35(a) of the bill be amended

(a) in the proposed Clause 319(1)(k) by striking out “clauses (1.7) to (1.10)” and substituting “clause (1.6) and clauses (1.8) to (1.10)”;

(b) in the proposed clause 319(1)(l), by striking out “clauses (1.6) to (1.9)” and substituting “clause (1.6) and clauses (1.8) to (1.10)”.

[French version]

Il est proposé que l'alinéa 35a) soit amendé:

a) dans l'alinéa 319(1)k), par substitution, à “des alinéas 1.7) à 1.10)”, de “des alinéas 1.6) et 1.8) à 1.10)”

b) dans l'alinéa 319(1)l), par substitution, à “des alinéas 1.6) à 1.9)”, de “des alinéas 1.6) et 1.8) à 1.10)”.

Mr. Chairperson: Amendment—pass; Clause as amended—pass; Clause 36—pass; Clauses 37, 38(1) and 38(2)—pass; Clauses 39, 40, 41, 42(1), 42(2)—pass; Clause 42(3)—pass; Clause 42(4)—pass; preamble—pass; title—pass. Bill be reported.

**Bill 57—The Highway Traffic Amendment,
Summary Convictions Amendment and
Consequential Amendments Act**

Mr. Chairperson: Does the minister for Bill 57 have an opening statement?

Hon. Glen Findlay (Minister of Highways and Transportation): Mr. Chairman, I think the good news is, I have been promised there are no amendments.

After considerable discussion with police forces, it was decided that we could improve the safety on our streets in Brandon and Winnipeg in particular, particularly at intersections where red lights are, if we had cameras that could improve the police's ability to enforce the fact that you do not go through a red light when it is red—or roll through an intersection when the red light is red. We also included in the bill the ability to use such technology at railway cross arms, particularly because there have been some serious accidents, and there are a number of incidents, particularly in Winnipeg, where people, for some strange reason, want to cross a railway track when the cross arms are down. That is hard to believe, but it does happen. So that is why this bill is being brought forward and, to quote an honourable gentleman who is in the room here today, what we are really doing is authorizing the admission of evidence from a machine versus a person.

Mr. Chairperson: Thank you, Mr. Minister. Does the honourable critic for the opposition have an opening statement?

Mr. Gerard Jennissen (Flin Flon): Mr. Chair, just a few points. There is no doubt that this side supports this initiative because it is rather important. These collisions of people going through red lights, these right-angle collisions are costing the province a lot of money and causing a lot of grief and bodily harm, and so on, so I do not object to that. I guess the concern that I have a little bit or to some moderate degree is the fact that it is being farmed out, that is, allowing the city to use the camera, as it is a turnkey operation where another private enterprise, a business is involved. I do not know how they share the results of the fines, and that brings up the other question and that is the size of the fines themselves. I know a large deterrent is probably necessary, but what was wrong with the old system \$50-some dollars and a couple of demerit points, I am not quite sure. Going the other route, I think the argument could be made that it might be a cash grab by the city, that it is not entirely just a safety matter. The moment you bring in industry and you are

deregulating it to that point, then the concern is that, you know, safety, yes, but you are sneaking in maybe another agenda. That is one of the concerns.

The other concern is, of course, why are we the first in Canada to do this? Have we looked at the evidence?

An Honourable Member: Progressive.

Mr. Jennissen: Well, the honourable member says progressive, but we could have waited for some of the results, I guess, in cities with the larger densities of population—not that I am saying that we necessarily have to be second, but I am just wondering if there was any evidence from other jurisdictions within this country, and as far as I know there is not. So that is a concern. Just a totally minor thing is I know that we are theoretically opposed to photo radar, possibly because of whatever happened in Ontario, but I am not quite sure why this is any different calling it an image-capturing enforcement system. Photo radar by any other name is still the same darn thing, as far as I am concerned, and minor alteration of this system, I am sure, would be photo radar.

I have no major objection to this, because I know it is for safety reasons and purposes we are doing it. I just do not understand why the fines were arrived at and what the split is with the city and with private enterprise. If the minister would clarify that, I would be very happy.

Mr. Findlay: Mr. Chairman, the bill, as I mentioned earlier, is authorizing Winnipeg Police or the RCMP or Brandon Police to use this technology for capturing people on a film who are running a red light. We are not involved in how they will set a system up. Whether they purchase it and install it, or whether they sign a contract for a turnkey operation, that is their choice. My understanding is that they are going to do the latter, which is probably the cost-effective way for the city. So we are authorizing the use of the technology; we do not authorize how they purchase it, how they establish it. We are authorizing that it be operated under certain reasonable and correct processes.

The member says why are we first. Well, it is probably I like to be first once in a while. I think in

significant discussion with the police forces, I am totally convinced this is the right thing to do. When I went and looked at my statistics for traffic collision report 1995 and I got over to this page of “by configuration of collision type,” the number of deaths in 1995 were 18 by head-on collisions—and that is the highest category—and tied with it is intersection 90-degree-angle collisions. That is at lights primarily. It could be at stop signs, too, but they rank right up there with head-on, and the next highest category is 871,112. That just shows you how significant it is.

When you talk to the police or talk to people who drive much, the comments on how people run lights, I mean, when it turns orange, it seems for some people it is a speed-up zone, and it does cause serious accidents. I am concerned, I mean, I want to catch the person that does that because there is an innocent victim at the other side of that collision who is in a green light and should be safe in that situation.

We are first but only by a small amount because we understand B.C. is very close to doing it, and they had a pilot project which reduced the incidence of people running red lights by 40 percent. So that is a fairly convincing statistic. It is not so much that people respect the lights, they have just got a fear of being caught, and that is the best deterrent you can have.

The member asked about why the higher fine. The existing running-a-red-light, if a policeman catches you, physically catches you, and writes you a ticket, that is \$40 plus costs, which is about \$13.00. That basically covers their costs. He also gets two demerits, but they have got you, the perpetrator right there, they know exactly who ran the red light.

In this system, you will be sent by mail a picture of your vehicle going through the red light, and you will be hit a \$100-fine, plus \$37. Again, the fine is high enough. As the member for The Maples (Mr. Kowalski) commented, it is a significant deterrent, and as a former police officer, he believes that you need that kind of deterrent but no demerits. The reason there is no demerits is because you cannot guarantee that the person you sent the ticket to actually was the perpetrator.

* (2000)

The member for Crescentwood (Mr. Sale), remember his comments? He commented on his son driving a police officer's car in Ontario, and it was not long until his son understood from the police officer who was going to pay that fine because they knew who it was driving the vehicle at the time, but in that situation the person who owns the vehicle could pass the entire cost of that incident, the monetary cost, to the person that perpetrated. The two demerits you could not transfer, and it is not fair to put demerits on, in that case, the friend's licence as opposed to the person who is driving the vehicle. So that is the trade-off, higher fines, no demerits, and I think that is the right and reasonable way to work. Again, in discussion with the police, we arrived at that sort of a saw-off in the two comparative situations.

The member talks about a tax grab. It is fairly costly to set this up. I think it is about \$90,000 an intersection and plus the camera, around \$12,000-\$15,000 or so. [interjection] Yes, that is the installation sensor for the \$90,000. So there is a cost here, and you have to recover the cost somehow. The majority of the money that is collected in fine will go to pay for the cost of the technology. The city does not believe, at least the police say that you are not going to make much money on it. It is the cost of putting the technology in there, but the big saving is fewer collisions and fewer lives lost, and you cannot put a dollar figure on that. I see that as a very positive gain. Photo radar in the perception of picking up speeders is not part of this bill, cannot be implemented in Manitoba unless you bring back another bill. It is not on the agenda at all. I think that has covered the questions that were asked.

Mr. Jennissen: If I could ask one more clarification, Mr. Minister, and it was raised by the member for Elmwood (Mr. Maloway) as well as some other people. Could there be cases where, exceptions where you would have to go through a red light? The exception that was suggested was hitting black ice in wintertime and not expecting this; it is easier or better or safer to continue going through that red light than take a chance and hit the brakes and create a major accident.

Mr. Findlay: In the process of dealing with the picture after it has been taken, police officers will review it. It is not just automatically mailed out. Police officers will review it and determine that kind of a situation. There

is a manual aspect that the police get involved in, and you always have the defence of due diligence in court if you should want to pursue it there. So you have got to get two protections. One is the police officer's review of the situation, you know, where ice or something is forcing you to go through. It will certainly be evident on the picture, and the due diligence in court, of course, where you could lay your case as to why you had to do what you did. So, again, I feel that there are enough checks and balances there that innocent situations should not be victimized.

Mr. Jennissen: If I could ask the last question of the minister. Is there a gadget on the market that can deflect the picture taking, that would destroy that image capturing? I believe in the bill it makes them illegal, but there are usually inventive people who find ways around that. I am just wondering if somebody will use cigarette foil or something. Who knows?

Mr. Findlay: It is covered on Section 1(3), an obstruction of the plate number, and yes, I am told by my due-diligence staff here, there are such things that you can put on the side of the plate. You can still see the plate quite clearly straight on, but since the camera is at an angle it causes a deflection and you cannot read the plate. It is illegal to use those. They are ahead of the game. They make us look good.

Mr. Chairperson: Mr. Dyck, did you have a question?

Mr. Peter Dyck (Pembina): No thank you. I will pass.

Mr. Chairperson: In light of that, then, we will set again aside the preamble and the title.

Clause 1(1) and Clause 1(2)—pass; Clause 1(3) and Clause 1(4)—pass; Clause 1(5)—pass; Clause 1(6)—pass; Clause 2(1)—pass; Clause 2(2)—pass; Clauses 2(3), 2(4), 2(5), 2(6)—pass; Clause 3—pass; Clause 4—pass; preamble—pass; title—pass. Bill be reported.

Bill 31—The Livestock and Livestock Products and Consequential Amendments Act

Mr. Chairperson: Now we are going to ask the Minister of Agriculture to come forward. I am going to ask the committee to come back to order. Does the

minister responsible for Bill 31 have an opening statement?

Hon. Harry Enns (Minister of Agriculture): Mr. Chairman, and members of the committee, I cannot really add anything more than what I said at second reading of the bill. I would just remind committee members, as I did at second reading, that some of the legislation that involves The Animal Husbandry Act, the act that is before us, Bill 31, The Livestock Act, comes about from the fact that when we passed last year a whole new Animal Care Act, that gave reason for the branch, for the department to look generally at its livestock legislation. I am pleased to submit this bill for consideration of committee because it, in essence, is the net result of a hard look in updating various practices that are involved with the production of livestock in Manitoba agriculture.

I compliment the drafter of the bill. I refer honourable members to page 1 which has a table of contents. I note that that is not always there in legislation. It kind of, in a very fast way, gives you overview of what the bill contains, appointment of inspectors, seizure powers, operations of what to do when people refuse to admit inspectors onto their property. There is a fair bit here with respect to the identification of livestock—we are readying ourselves to get into a more sophisticated livestock registry and identification process, although it is not being made mandatory in this legislation—evidence of ownership of animals, livestock transportation requirements. We do look increasingly at how animals are being cared for, transported and looked after in the province of Manitoba, as I think all members of the committee would want me to do. This is in keeping with the kind of broad principles of The Animal Care Act that we passed last year.

Mr. Chairman, I have some senior staff with me who can further provide any answers to some specific questions that members may have. I understand there may be one or two minor amendments to the act that have been drawn to our attention that should be included.

Mr. Chairperson: Does the honourable critic for the opposition, Ms. Wowchuk, have a statement?

Ms. Rosann Wowchuk (Swan River): Just a few comments and a couple of questions that I would like to ask for clarification, but I guess I would like to thank the minister's staff for providing us the information that we needed for this bill to understand it. They were very helpful. Indeed, this is a bill that modernizes the way we treat animals, the way we transport animals, and it is legislation that we would be supportive of.

The questions that I wanted to ask the minister deal with a couple of areas where in the part of designation it says the minister can designate any qualified person or persons to do the inspection. So the question on that would be: Is the minister looking at those inspectors being part of Department of Agriculture people, or are you looking at people outside of Agriculture who would be the inspectors of these facilities?

* (2010)

Mr. Chairperson: Ms. Wowchuk, would you pull your mike up just a wee bit? Apparently, Hansard is having difficulty hearing you.

Mr. Enns: I am advised that it can be both. In some instances, inspection responsibility roles are and could be played by members of the Department of Agriculture, but it is also our practice—and the regulations permit the appointment of outside—what we call outside of the Department of Agriculture—people to carry out this responsibility. Very often we tend to solicit names for people who would be suitable for this type of work from different commodity organizations involved that have to do with the transport of a specific kind of an animal. We might ask, for instance, the Cattle Producers Association of Manitoba to submit some names. We would ask farm organizations to provide us with some names. So, to answer you directly, it can be both.

Ms. Wowchuk: The other area is on the registration of animals. Again, the minister can designate any qualified person to act as a registrar. Now at the present time when we have registration of brands, those are registered with the Department of Agriculture. We are moving to a new kind of technology of registration. How will that registry be kept? Will it be kept by some other organization, or will this registry be kept by the Department of Agriculture?

Mr. Enns: The act is permissive. It would enable us, if deemed advisable sometime in the future, to transfer this responsibility or activity to an organization such as the Manitoba Cattle Producers organization to maintain and carry out the registration as perceived in the act.

Ms. Wowchuk: As the brands are now registered with the province, it would be our opinion that there should be a central registry that could be more controlled and more accessible probably and more continuity than we would have if it is moved out, and I guess there are going to be many other animals, as in different industries, that have to be registered. The minister talks about the cattle producers having a registration. Are you looking only at registration of cattle at this time, or all species, are we looking at?

Mr. Enns: I am advised that it is not exclusive to cattle. It could be other species as well. I should also point out to the honourable member that I hear what she is saying about expressing concern about its not being centralized within government or the Department of Agriculture. Any of these arrangements, if they should in fact come to pass, would only be concluded after a satisfactory proposal was put forward that met the criteria of the act, you know, that met the requirements of the Department of Agriculture and the government of the day. We would not close our eyes to how the registration was in fact carried on in the future by some organization other than the Department of Agriculture. We would be very insistent that it comply fully with the provisions of the act and, subsequently, find itself being monitored by the Department of Agriculture to ensure that that in fact was being carried out.

It is just that we believe, and that is a trend we see in other jurisdictions, other parts of certainly in North America, where organizations who have very specific invested interest in their particular species of livestock, feel very often and are very often very capable of doing an excellent job in the registration-identification process that would further their animals. I cite, for instance, with very, very few exceptions the notable success that our purebred cattle producers have in maintenance of records for their associations. The same can be said about other animals, swine. The same thing can be said about companion animals, with the odd exception. Quite frankly, that kind of triggered

some of the rebirth. They are relooking at all our animal care welfare when we had some unscrupulous operators breaking those accepted rules or standards and then governments finding that they did not have adequate legislation to deal with it, but that is the kind of mode that we are attempting to establish in this act.

Mr. Chairperson: Thank you very much, Minister.

The preamble, the title and the table of contents will be set aside until we have finished consideration of all the clauses.

Clause 1—pass; Clauses 2, 3(1), 3(2), 3(3), 3(4), 3(5), 3(6) and 4(1)—pass; Clauses 4(2), 4(3), 4(4) and 5(1)—pass; Clauses 5(2), 6(1) and 6(2)—pass; Clauses 6(3) and 6(4)—pass. Clause 6(5), we have an amendment.

Mr. Enns: Mr. Chairman, I have an amendment that I would like to move at this time.

I move, seconded my colleague the honourable Minister of Government Services (Mr. Pitura),

THAT subsection 6(5) be amended by striking out “this section” and substituting “subsections (2) to (4).”

[French version]

Il est proposé d'amender le paragraphe 6(5) par substitution, à “au présent article”, de “aux paragraphes (2) to (4)”.

Mr. Chairperson: Amendment—pass; Clause 6(5) as amended—pass; Clauses 7(1), 7(2) and 8(1)—pass; Clauses 8(2), 8(3), 9 and 10—pass; Clauses 11—pass. Clause 12 has an amendment.

Mr. Enns: Mr. Chairman, I move,

THAT section 12 be struck out and the following substituted:

Livestock products on premises

12 For the purposes of any prosecution for a violation or contravention of any provision of this Act or the regulations, proof that a livestock product was

Mr. Chairperson: Dispense.

(a) found on the business premises of a person who owns or operates a retail sales business or wholesale distribution business and who sells or offers to sell that kind of livestock product in the ordinary course of his or her business; or

(b) found in a public market in the possession of a person who is selling or offering to sell similar kinds of livestock products in the public market;

shall be, in the absence of evidence to the contrary, proof that the livestock product was for sale, whether or not that person is the owner of the livestock product.

[French version]

Il est proposé de remplacer l'article 12 par ce qui suit:

Présomption relative aux produits de la ferme

12 Dans le cadre de poursuites pour infraction à la présente loi ou à ses règlements, sont réputées, sauf preuve contraire, être des preuves que les produits étaient en vente, les preuves que des produits de la ferme, selon le cas:

a) ont été trouvés dans les locaux commerciaux du propriétaire ou de l'exploitant d'un commerce de vente au détail ou en gros qui, dans le cours normal de ses affaires, vend ou offre en vente cette sorte de produits de la ferme, que cette personne en soit ou non propriétaire;

b) ont été trouvés dans un marché public en la possession d'une personne qui y vend ou y offre en vente des produits de la ferme similaires, que cette personne en soit ou non propriétaire.

* (2020)

Mr. Chairperson: Amendment—pass; Clause 12 as amended—pass; Clauses 13(1), 13(2), 13(3) and 14—pass; Clauses 15(1), 15(2), 15(3), 15(4), 15(5), 16 and 17—pass; Clauses 18, 19(1), 19(2), 19(3), 19(4), 19(5)—pass; Clauses 20, 21(1), 21(2), 22—pass; Clauses 23, 24(1), 24(2), 25(1)—pass; Clauses 25(2), 25(3), 26(1)—pass; Clauses 26(2), 27, 28, 29 and 30—pass;

title—pass; preamble—pass; table of contents—pass. Bill be reported.

Bill 54—The Animal Husbandry Amendment and Consequential Amendments Act

Mr. Chairperson: Now, Mr. Minister, Bill 54, The Animal Husbandry Amendment and Consequential Amendments Act.

Hon. Harry Enns (Minister of Agriculture): Mr. Chairman, as I indicated before, again, this bill is here because we have taken portions out of this bill and put it in The Animal Care Act last year. That is why the first few sections are simply repealing parts of the old Animal Husbandry Act. Other parts still have to remain. It is my hope that perhaps one more go around and we will have repealed the act entirely and have the appropriate clauses housed in the new legislation that this committee is now passing.

Mr. Chairperson: Does the honourable critic for the opposition have a statement?

Ms. Rosann Wowchuk (Swan River): Mr. Chairman, just to say that there is not very much in this act other than changing legislation that is applied to other legislation. I made my comments in the House, where I indicated that some of the amendments had to be made because of different services that have been withdrawn from the Department of Agriculture that we do not agree with, but they have happened. Of course, the act is now redundant, or parts of it are redundant and have to be repealed, and we have no disagreement with that.

Mr. Enns: Well, Mr. Chairman, I appreciate that this bill, of its own, is not of great consequence, but I am not going to let my colleague, the former Minister of Agriculture, the now Minister of Transportation (Mr. Findlay), you know, get away from talking about how he enjoys being first and leading in the snooping legislation that he is introducing to Manitoba.

Had he remained in Agriculture, he could have been first in that compassionate concern for animal care that we are doing in Agriculture and this committee and the province. I commend my department. We can be extremely pleased of the fact that in much of the

legislation, including the legislation that we passed last year, we are among the leaders in terms of animal care legislation in Canada. [interjection]

Mr. Chairperson: Thank you very much. If we could have just a bit of decorum in committee; I know we are having a good time.

For Bill 54 we will set aside the title and the preamble until we have considered the rest of the bill.

Items 1(1), 1(2), 1(3) and 1(4)–pass; Clauses 2, 3(1), 3(2) and 3(3)–pass; title–pass; preamble–pass. Bill be reported.

Thank you very much. Seeing there is no other business, committee rise.

COMMITTEE ROSE AT: 8:23 p.m.