



First Session - Thirty-Seventh Legislature

of the

Legislative Assembly of Manitoba

Standing Committee

on

Public Utilities

and

Natural Resources

Chairperson

Ms. Linda Asper

Constituency of Riel



Vol. L No. 7 - 6:30 p.m., Wednesday, July 19, 2000

MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Seventh Legislature

Member	Constituency	Political Affiliation
AGLUGUB, Cris	The Maples	N.D.P.
ALLAN, Nancy	St. Vital	N.D.P.
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ASPER, Linda	Riel	N.D.P.
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DACQUAY, Louise	Seine River	P.C.
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DOER, Gary, Hon.	Concordia	N.D.P.
DRIEDGER, Myrna	Charleswood	P.C.
DYCK, Peter	Pembina	P.C.
ENNS, Harry	Lakeside	P.C.
FAURSCHOU, David	Portage la Prairie	P.C.
FILMON, Gary	Tuxedo	P.C.
FRIESEN, Jean, Hon.	Wolseley	N.D.P.
GERRARD, Jon, Hon.	River Heights	Lib.
GILLESHAMMER, Harold	Minnedosa	P.C.
HELWER, Edward	Gimli	P.C.
HICKES, George	Point Douglas	N.D.P.
JENNISSEN, Gerard	Flin Flon	N.D.P.
KORZENIOWSKI, Bonnie	St. James	N.D.P.
LATHLIN, Oscar, Hon.	The Pas	N.D.P.
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LOEWEN, John	Fort Whyte	P.C.
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McGIFFORD, Diane, Hon.	Lord Roberts	N.D.P.
MIHYCHUK, MaryAnn, Hon.	Minto	N.D.P.
MITCHELSON, Bonnie	River East	P.C.
NEVAKSHONOFF, Tom	Interlake	N.D.P.
PENNER, Jack	Emerson	P.C.
PENNER, Jim	Steinbach	P.C.
PITURA, Frank	Morris	P.C.
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STRUTHERS, Stan	Dauphin-Roblin	N.D.P.
TWEED, Mervin	Turtle Mountain	P.C.
WOWCHUK, Rosann, Hon.	Swan River	N.D.P.

LEGISLATIVE ASSEMBLY OF MANITOBA

THE STANDING COMMITTEE ON PUBLIC UTILITIES AND NATURAL RESOURCES

Wednesday, July 19, 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, Messrs. Cummings, Dewar, Enns, Ms. Korzeniowski, Messrs. Penner (Emerson), Reimer, Schellenberg, Struthers

APPEARING:

Mr. David Faurshou, MLA for Portage la Prairie
Hon. Jon Gerrard, MLA for River Heights
Hon. Rosann Wowchuk, Minister of Agriculture

WITNESSES:

Peter Kalden, Private Citizen
Ken Overby, Manitoba Bison Association
Mervin Farmer, Private Citizen
Randy McRorie, Private Citizen
Lloyd Lintott, Manitoba Wildlife Federation
Graham Wyatt, Private Citizen
Edwin Harms, Manitoba Elk Growers Association
Dunstan Browne, President, The Avicultural Advancement Council of Canada
Dennis Saydak, Private Citizen
Sheldon Willey, Private Citizen
Dwain Lawless, R.M. of Rosburn
Garry Tolton, Manitoba Farm Animal Council
Jeannie Sasley, Private Citizen

Tracy Bell, Private Citizen
Mike Crawford, Manitoba Canary and Finch Club
Yvonne Rideout, Keystone Agricultural Producers

WRITTEN SUBMISSIONS:

Christopher Holoboff, Parrot Association of Canada
Larry and Audrey Stoski, Wilson River Bison

MATTERS UNDER DISCUSSION:

Bill 5–The Wildlife Amendment Act

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Madam Chairperson: Good evening. Will the Standing Committee on Public Utilities and Natural Resources please come to order. This evening the Committee will be considering Bill 5, The Wildlife Amendment Act; Loi modifiant la Loi sur la conservation de la faune. We have several presenters who have registered to make public presentations on this bill. It is the custom to hear the 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 names of those persons and organizations registered to speak to the Bill. Peter Kalden, private citizen; Ken Overby from the Manitoba Bison Association; Don Halbert, private citizen; Allan Gould, private citizen; Mervin Farmer, private citizen; Randy McRorie, private citizen; Lloyd Lintott from the Manitoba Wildlife Federation; Tracy Bell, private citizen; Graham Wyatt, private citizen; Jan Lapka, private citizen; Edwin Harms, from the Manitoba Elk Growers Association; Dunstan Browne, from the Avicultural Advancement Council of Canada; Dennis

Saydak, private citizen; Mike Crawford, from the Manitoba Canary and Finch Club; Sheldon Willey, private citizen; Yvonne Rideout, from the Keystone Agricultural Producers; Dwain Lawless, from the R.M. of Rosburn; Garry Tolton from the Manitoba Farm Animal Council; Jeannie Sasley, private citizen.

Those are the names of the persons who have registered to speak this evening. If there is anybody else in the audience that would like to register or has not yet registered and would like to make a presentation, please register with the 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 the public presentations, is it the will of the Committee to set time limits on presentations?

Mr. Stan Struthers (Dauphin-Roblin): I think we are all interested in giving everybody a chance to speak tonight who is on the list. In keeping with that and past practices in committee, I hope I can put forth the idea, with the consent of both sides of the table, that we allow 10 minutes for a presentation and 5 minutes for questions following the presentation, if that is acceptable to the Committee.

Mr. Harry Enns (Lakeside): Let me again remind all of us of the uniqueness of our situation in Manitoba. We are the only government in Canada that allows private citizens and organizations to speak to us legislators before we pass a bill. I hold that to be extremely important. I do not automatically agree to time limits and limitations being put on it. I know that we have done it in the past. Last night we agreed to 10 minutes for presentations and 10 minutes for questioning. I will reluctantly agree to that but request an exemption. We have several presenters here representing organizations, the Manitoba Bison Association, the Manitoba Wildlife Federation, the Manitoba Elk Growers Association, the Avicultural Advancement Council of Canada. In other words, I am saying that, when we have presenters here that are

speaking on behalf of an organization representing several hundreds of people, I would like to see the Committee be a little more lenient with respect to the time limitation and allow them to, if needed, consider bending the 10-minute rule.

I would move therefore that, first of all, we accept the 10 minutes of presentations and 10 minutes of questioning with the exception for those persons speaking for organizations.

Madam Chairperson: The motion is in order. Discussion.

Mr. Struthers: I can go along with the 10 minutes for presentations and the 10 minutes for questioning. I would want, though, that we keep in past practices of the Committee, the precedent we established the other evening of organizations and private citizens each having 10 minutes to make their presentations. The other night, it seemed to me, that the organizations that did make presentations had ample time in the 10 minutes. So I would hope that we are, No. 1, consistent and, No. 2, fair to all the presentations that are going to be made here tonight. So I would request that if we do go 10 minutes of presentations and 10 minutes for question and answer, that we have it equal for all. That would be my preference.

Mr. Glen Cummings (Ste. Rose): My point is that while I recognize the Chair will do the bidding of the Committee, there was a very tight schedule kept. I felt that if there were more than one presenter that more time could have been used to hear a comprehensive presentation. So unless there is will of the Committee to provide some flexibility to the Chair, then I would not be in favour of a 10-minute limit.

Mr. Enns: Just further to what my colleague from Ste. Rose indicated, I then amend my motion to a simple exemption for presentations made by organizations from the 10-minute rule, period.

Ms. Bonnie Korzeniowski (St. James): I guess it has been a while but not long enough that I recall being at that end of the room myself. I think that given the number of presenters, one person can make the same point for a number of

people. I see a few young people back there, and I know that I would like to have my voice heard in a shorter period of time earlier as opposed to either not at all or at an hour that is really inconvenient.

Mr. Enns: Madam Chair, I just simply submit to you that we must have the patience to hear what our people in Manitoba want to tell us legislators. I again put my motion that organizations being represented here be exempt from the time limitation.

* (18:40)

Madam Chairperson: I was trying to get a consensus here without going to formal motion. Are there any other speakers on this? If it is a formal motion, then I would need it in writing. What I have suggested then is 10 and 10, with organizations exempted from the 10 and 10.

I do have Mr. Enns's motion. Before I go to that, I would like to see if I have agreement on the 10 minutes and 10 minutes, 10 for presentation and 10 for questions, because it is not in the motion. Is there agreement on that? *[Agreed]* The motion that I have: Moved by Mr. Enns that organizations be exempted from the time limitation.

The motion would be in order. Is there agreement?

Voice Vote

Madam Chairperson: Those in favour, say yea.

Some Honourable Members: Yea.

Madam Chairperson: Those opposed, say nay.

Some Honourable Members: Nay.

Madam Chairperson: I would say that the Nays have it.

* * *

Madam Chairperson: I have been informed that one or more presenters are from out of town. Did the Committee wish to grant its consent for out of town presenters to be heard first?

How does the Committee propose to deal with 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? Hearing nothing, we will proceed with public presentations.

I would call on Peter Kalden. Mr. Kalden, do you have copies of your brief that you wish to distribute?

Mr. Peter Kalden (Private Citizen): No, I just made a few notes here so that I can touch upon the more important issues.

Madam Chairperson: Thank you. I will give you notice when there is one minute left asking you to conclude.

Mr. Kalden: I will be brief.

Madam Chairperson: I would also mention to all the presenters that it is necessary to recognize your name everytime you speak for the sake of the record.

Mr. Kalden: I am happy to have this opportunity, ladies and gentlemen and respective Committee members.

I would like to start with going back to the portion of that bill which is the campaign initiated by the Humane Society, headed by Ms. Vicki Burns. Brainwashing, manipulating, bribing and blackmailing the public, in particular, the media, and some political parties, and such we are faced with that bill now. They have been manipulating, they have been dealing with half-truth, and they have been fabricating facts and figures, just like they are doing the same now with their campaign against spring bear hunting.

The approach of this government, with respect to the Bill, was so wide it is comparable to this government trying to intend, let us say, for whatever reason to close Broadway, and they close all the streets within the city parameter,

and now they try to assure the people who live on other streets that their roads or streets would remain open. The Government could have achieved the same goal if they only wanted to target penned hunting under The Animal Care Act.

This Bill 5 gives the Minister sweeping powers and it is also an infringement and intrusion into private property. When you place animals under The Wildlife Act—this, after all, is a legal opinion I received—they automatically become property of the Crown. We are dealing here with privately purchased, privately owned animals. I do not see any reason that there is any public interest in expropriating us. That was more or less a preliminary.

I will be quick here. This bill was made by urbanites for urbanites against all rural interest. There is not a single farming organization, neither a single First Nations that I know of who is not opposed to that bill. Yet the Government still proceeded and went ahead and put it through second reading, which is unfathomable, in my opinion. This only assures my apprehension that we are living under an urban dictatorship here.

The true issue of this whole bill boils down to farm slaughter versus abattoir slaughter, because penned hunting was such a negative word, which was deliberately picked. It is just like calling hunting the wanton slaughter of wildlife. Who would be in favour of anything like that? We are trying to take the hunting word out of that penned hunting, and we are calling that harvesting preserves, or call it shooting preserves or whatever.

When you look back at, for example, bison which, under that bill, would become part of The Wildlife Act again. Without game farming, let me assure you, there would be no bison in North America anymore. Now game farming is all of a sudden being targeted as something very detrimental. It is a growing industry. It is a very economically viable industry.

Your colleagues, brothers and sisters of this NDP Government in Saskatchewan, are doing exactly the opposite of what you are doing here. This is baffling not only me; it is baffling any-

body who thinks reasonably about that. We are only targeting here rural interests from city point of view. This is very, very unfair. The city has no stake in it. Nobody asked us, the few forlorn souls left outside of the city parameter whether the city is going to put up a new bridge or a new traffic light somewhere.

The First Nations is another very interesting aspect and perspective, and it all made it very clear to the Minister. I was at that meeting that they would go ahead with it, regardless of that bill. They have two shooting preserves for elk in place. They are presently building another two. I am just saying: What is happening? They will not abide by that law, which is very good. I am happy for them. Why should we be forced to do it? I do not know what is happening here, but I would not be surprised if they were going to be exempt. I thought we were all equal before the law.

Another thing is when it comes to the whole law and the intent, which I have in writing after writing after writing from this government saying the only intent of that bill is to ban penned hunting. There is an interesting line from the Supreme Court of Canada which says: Any bill is measured by its text and not its intent. If it is not the intent of the Government to show everything and lump everything together, then why is it worded so vaguely in that bill? This bill concerns everybody who is sitting on a hedgehog, a parakeet, a llama, a bison, elk or wild boar.

As I said before, the true issue here we have to deal with is actually farm slaughter versus abattoir slaughter. Only a terribly ignorant person can deny the fact that farm slaughter, be it an old horse, be it a beef, be it a fallow deer, a wild boar, or whatever, is by far the more humane and the less stressful way.

I invited Vicki Burns to accompany only one load of whatever animals that is being shipped. First of all, they have to be corralled, and they have to be loaded, and they will be moved in a trailer to the slaughter facility, and then compare that.

Actually, to me, it is an anachronism. The Humane Society should have been supporting

what they are fighting here now, because this is what the word implies. They are supposed to stand up for the humane treatment of animals, which they apparently are not. I assure you, and anybody of the respected committee here is invited to experience that for himself. Once you have been witnessing a commercial slaughter facility, in contrast to any kind of a farm kill, whether, as I said, you have a small or a large compound, I have been in that business for over 20 years and, in every letter I receive from the government, it says: Oh, yes, let me assure you. The only intent is to ban penned hunting. Other legitimate farm business will not be touched.

* (18:50)

What does that actually say? It clearly states, in my opinion, that what I have been doing for the last 20 years was illegitimate somehow, was illegal. You know, that is a joke. I have a lot of money involved here. As I said before, the question is not whether it is a big or a smaller pen. We have very large compounds. I am not trying to, in any way, defend the hunting aspect of it. A lot of people take offense at the name, when you call it hunting within a compound or whatever. So that is why we call it harvesting animals.

It goes further than that. When we talk about the Bill, its ramifications, it will do great detrimental things to anybody who has plans to go into anything else but proper things, as it is viewed by this government.

Let me quote please from the NDP newsletter. Here it says: Our farmers are some of the most efficient in the country, never hesitating to diversify into new crops or different species of livestock when the need arises.

How can anybody do it now with the Bill? This is impossible. This is such a contradiction, it is a joke. I cannot even take it seriously. On the one hand, you are trying to promote to go into alternative livestock. The whole farming industry is under tremendous pressure right now. The world prices are poor. The weather is miserable, and now this government is doing the utmost to kill us.

In public, the Premier (Mr. Doer) states that he will protect the family farm. Opposite to the family farm, he is protecting the corporate farm. When it comes to the hog industry now, for example, they are enjoying huge subsidies on top of that, but who from the private sector can afford to go into a commercial hog business. Nobody. Not a small farmer. Anyway, not a family farmer.

Madam Chairperson: One minute.

Mr. Kalden: This is what I would like to say. I am almost pretty well finished. Just one more word here. When it comes to the future of hunting, in closing, I tell you, there is only one sustainable future way of hunting, and this is to raise the animals which are being hunted. Because if only 50 percent of the Aboriginal people would make use of their subsistence hunting rights, there would be not a rabbit left within three months in Manitoba. This is it. I thank you.

Madam Chairperson: Thank you, Mr. Kalden. Questions?

Mr. Enns: I want to thank Mr. Kalden for making his presentation this evening to us. I appreciate that you have come some distance to do that.

One particular issue that you raised in your presentation that I would like to just pursue with you. Both my colleague the Member for Ste. Rose (Mr. Cummings) and I certainly take some satisfaction in having made it possible to introduce elk farming to Manitoba and, in particular, to invite our brothers and sisters from the First Nations community to participate in that farming. I view that as an opportunity. Goodness knows, we—when I say we, government—have failed all too often in providing for some serious economic opportunities for our First Nations peoples on the kind of land base that they are on, the place that they are in, in the province. This diversified form of livestock is an opportunity for them, and several of them are, as you know, actively engaged. If I understood you correctly, Mr. Kalden, you have, from your own knowledge, information that the First Nations community

does not intend to abide by this law, whether this law passes or not?

Mr. Kalden: The Minister will probably recall, he was there.

Mr. Enns: One person said that.

Mr. Kalden: That was the spokesperson for the Western Tribal Council. These are practically the only First Nations who presently are diversified into elk. They are also doing the same with white-tailed deer and that is another big flaw with this government.

Actually, I believe this would have been the golden opportunity for the NDP to finally do something for the farming community if they had opened up the doors for white-tailed deer farming. We are talking only about penned hunting and the aspect of it here, but it encompasses a lot more. When you look at white-tailed deer and you look at elk, for example, what are you ultimately going to do with the mature animals? I believe, and there is no doubt about that, economically seen, the most lucrative outlet is in a shooting preserve to have this mature animal harvested, which is—and I want to stress and emphasize that again—by far the most humane end. There can be no doubt when you compare that to any other way of slaughtering that poor animal, then as I believe, there can be no doubt.

Any sensible, intelligent person cannot deny the fact that a farm kill, and I am deliberately leaving the word hunting out here, is a lot more humane for the involved animal than any other way. I believe. Also, as I said before, economically seen, this is the golden opportunity, really, to offer the few remaining farmers possibilities and opportunities to diversify, but not with over-regulating everything and not with closing the doors to white-tailed deer and whatever else. Marginal ranchlands like the Interlake and on many First Nation premises, that is the only thing they can do. I am happy that there are so many of them involved in it now. They might force the hands of the Government ultimately.

Mr. Enns: Thank you, Mr. Kalden. I simply want to alert all of us on the Committee to the

fact of the potential of passing legislation that will be a two-tier type of legislation applicable to some, not applicable to all. Quite frankly, that is not acceptable to me, and I will continue to fight that.

Mr. Jack Penner (Emerson): Mr. Kalden, I heard you mention the Humane Society and Vicki Burns and others that have lobbied long and hard to curtail penned hunting. I wonder if you have the information as to how many penned animals the Humane Society kills every year, or how many penned animals Vicki Burns and her organization would kill every year.

Mr. Kalden: There will be thousands of them killed. This, of course, is all sanctioned, and it is protected and well done and approved by the people here in the city, because they are not actually killed—that is the way she puts it—they are just getting a needle. They are being needled. I question this practice very much. I tell you one thing, if you take a dog and you needle this poor bugger so that he dies, or you take him outside, and you shoot him with a loaded shotgun, I guarantee you the latter way is definitely faster, quicker, and more humane.

Mr. Jack Penner: Mr. Kalden, a number of us are farmers sitting here. I pride myself in having been born and raised on the farm. My father was born and raised on the farm, so was my grandfather, and my three sons are continuing their farm operation. It has been made very clear to us that the federal government has cut us loose. We will have to compete with the American treasury and the European treasuries as individuals because there is no federal support, nor is there any provincial support, quite frankly. Under the new agreement that we have just struck, it is very clear that there are dramatic cuts in the support mechanism that was in place before. The only chance for survival that we are going to have on the farm is diversification. It is very clear that the areas of diversification are going to have to be livestock driven. Whether we like it or not that is the only chance for survival of our farm community in this province. Can you tell this committee how you would see that diversification taking place and what kind of impediments this legislation will put before the people and the uncertainties that will create in drafting and putting forward this kind of legislation?

Mr. Kalden: Actually, if this bill will pass third reading and will become law, it will certainly add the biggest nail ever driven into the coffin of the family farm because it practically eliminates the opportunity to diversify which is the only hope for survival.

If I may add something quickly, in the state of Texas, for example, shooting preserves, and let me tell you most of them are not even fenced. The perception here is that is why the word "penned hunting" is so negative. Everything has to be taking place in a five- or ten-acre area which has a high game fence around it. But, if you are in charge of a large enough area, actually it does not take a fence around it. You can manage and raise whatever species of animals you want in there. In Texas, for example, the game industry—and most of these places are not fenced as I said before—is out-performing cattle by far, even though cattle is riding an all-time high. In the neighbouring province where your brothers and sisters are forming the government, the game farming industry is making the cattle industry look pretty pale. There, the farmers have the opportunity—that is all we are asking for—that we can diversify into whatever we, the individual, or the family farmer deems proper in order to survive without getting subsidies.

As the Honourable Member just said here and as I pointed out before, farming is under immense pressure from all corners right now. If you take this opportunity to diversify away, then you may as well tell 50 percent of the family farms: Go on welfare, boys.

Madam Chairperson: Questions?

Mr. Struthers: Thank you, Mr. Kalden, for your advice to us here tonight.

Madam Chairperson: One minute.

* (19:00)

Mr. Struthers: I am sure there are a lot of people who think that in the Legislature, those of us on this side just fight with those on the other side and vice versa. But I want to assure you that given the comments of the Member for Emerson (Mr. Jack Penner) here a few minutes ago, just this afternoon we came out of the debate on

agriculture in which both sides of the House did co-operate, come to an agreement and passed a resolution pinpointing the federal government for their lack of support in agriculture.

As with this issue today, my understanding at least is that there is agreement from both sides of the House that penned hunting is something that should be banned in this province and that both sides of the House would agree in the former leader of the Conservative Party and former Premier Filmon's words: closing loopholes in The Natural Resources Act, not The Animal Care Act, but The Natural Resources Act.

So I just wanted to make sure you understood that there is agreement in the House on both sides on this issue, and unless the members opposite are changing their minds, they are in agreement with the intent of this bill.

Madam Chairperson: Thank you. That concludes our 10 minutes. Thank you, Mr. Kalden. I would call on Mr. Ken Overby, please, from the Manitoba Bison Association. Mr. Overby, do you have written copies for the committee members?

Mr. Ken Overby (Manitoba Bison Association): Yes, I do.

Madam Chairperson: Yes. Thank you. I would ask you to proceed with your presentation please.

Mr. Overby: Madam Chairperson, members of the Committee, fellow presenters, fellow bison producers, ladies and gentlemen, I am Ken Overby, elected Director and Treasurer of the Manitoba Bison Association. Seated behind me are 40 members who raise bison in our audience, representing 60 percent of the bison produced in Manitoba, who on short notice, in prime and holiday season, came to this meeting. This indicates the level of concern that bison producers have about Bill 5.

I would like to direct your attention to the MBA position paper. Due to time constraints, I will only read highlights from our presentation, and I may take some quotes under context.

The first three pages outline the history of the Manitoba Bison Association, history of the bison industry of this province, and the importance of the bison industry to Manitoba. If you could turn to page 4.

The bison industry is a self-sufficient livestock industry which relies on no government subsidy. It has been an excellent sustainable farm diversification. Several first nations in Manitoba are raising bison for meat and for cultural and spiritual benefits.

We understand the main reason for the writing of Bill 5 was to address the issue of penned hunting. The Manitoba Bison Association, on several occasions, has stated that we are not opposed to the banning of penned hunting. We however feel Bill 5 may introduce red tape and legislation which is harmful to our industry. The Manitoba Bison Association has never been consulted as to how to deal with penned hunting. Consultation meetings were scheduled across the province and then cancelled.

The Manitoba Bison Association feels that under Bill 5 the Conservation Minister has too much power to set regulations as to how we ranch bison. One example is the word "baiting." As bison producers, we regularly use grain as a lure or bait to move our bison from a grazed down pasture to a fresh pasture. When we raised these concerns and other concerns to members of the Department of Conservation, they assured us that the intent of Bill 5 was not to impede the ranching of bison but to stop penned hunting. If the sole intent of Bill 5 is to ban penned hunting, the Manitoba Bison Association feels this could be done using The Animal Care Act rather than The Wildlife Act. A legal opinion on The Animal Care Act was obtained at Manitoba Bison Association cost. I would like to reference appendix A, a legal opinion from the law firm Suche and Gange.

Please refer to item 4, appendix A2. 4. Based on statements made in the Legislature, it appears that the government obtained a legal opinion to the effect that The Wildlife Act may have no application to bison, other than the protected status given to the small population of wild wood bison, and that one of the weaknesses of the Wildlife Act is the ambiguity of certain definitions.

I would now like to quote the Honourable Jon Gerrard, appendix B, from Hansard, page 3032, paragraph 3: "The definition 'wild by nature' is put there clearly to differentiate what is the domesticated species from what is the wild species, but it is important, therefore, to remember that all the species which are domesticated now were wild once and that, indeed, where and how long does something need to be in a domesticated state before it is considered domesticated as opposed to wild? Where does the bison fall?"

Referring to item 9, appendix A2. During the debate on Bill 5, numerous statements were made in the Legislature by members of the Government to the effect that the only intention of Bill 5 is to ban penned hunting, and that there is no intention to cause hardship to those who raise bison as all or part of their livelihood. However, it is acknowledged in the Legislature as well that Bill 5 is enabling legislation and that the actual scheme for prohibiting penned hunting will be produced in the regulations.

In response to questions of the Opposition from Mr. Enns, appendix C, Hansard, May 25, the Honourable Minister of Agriculture and Food, Ms. Wowchuk, is quoted: "We have met with people from the Bison Association, and we have told them that we have no intentions of shutting down this industry. The intention of this legislation is to stop penned hunting."

In response to the Manitoba Bison Association President Dave Giesbrecht's letter to the Honourable Minister of Conservation, Oscar Lathlin is quoted, appendix D1: Bill 5 in no way is intended to impede that progress and will not regulate the bison industry other than it will prohibit the hunting and killing by a party other than the producer of the bison that are in captivity. All producers can continue to conduct on-farm slaughter in terms of which would entitle the sale of heads or hides to those who view them as wildlife trophies. Development of a regulation will be undertaken in consultation with the industry and other stakeholders. At this time I would like to refer to items 11 and 12, appendices A(2), (3) and (4).

Item 11 from our legal opinion: The amendments to The Wildlife Act will serve to

make all bison in Manitoba subject to The Wildlife Act. Thus, not only the provisions pertaining to penned hunting, but all other provisions of The Wildlife Act will be applicable to bison, whether or not the bison are privately owned or raised for agricultural purposes.

* (19:10)

Item No. 12: The Association is of the view that it is more appropriate that agricultural industries such as bison production in Manitoba be governed by the Department of Agriculture and Food, not the Department of Conservation. The Association is particularly concerned that The Wildlife Act was drafted to address the management and conservation of wildlife, not to govern legitimate practices in agricultural industry, and, therefore, many provisions of The Wildlife Act are inappropriate to apply to an agricultural industry.

The next part of our legal opinion outlines how the government can use The Animal Care Act to ban penned hunting. Referring to appendix A4, paragraph 3, last sentence: Therefore section 5 of The Animal Care Act would apply to prohibit persons from engaging in penned hunting in Manitoba, and I quote section 5: No person shall engage in a practice or procedure specified as prohibited in the regulations.

Accordingly, our legal opinion states the current framework of The Animal Care Act may be used to prohibit penned hunting in Manitoba. Thus it is the Manitoba Bison Association's position that The Animal Care Act should be used to stop penned hunting rather than Bill 5. It has been brought to our attention that pheasants and wild turkeys are exempt from the penned hunting legislation. Is this true? If this is true, bison should be removed from The Wildlife Act and placed under the jurisdiction of the Department of Agriculture and Food whereby penned hunting could be regulated under The Animal Care Act with any necessary consequential amendments. Bison could be regulated by The Animal Care Act which is considered to be one of the most progressive pieces of legislation for any animal, non-human living being with a developed nervous system and other acts which pertain to this commercial meat-producing agricultural industry.

When amendments are made to Bill 5 or regulations are developed which affect the bison industry, the Manitoba Bison Association wants to be consulted.

At this time, I want to quote the Honourable Gary Doer, Premier of Manitoba, appendix E: I am very pleased to have the opportunity to clarify for you that our government has no intention to impede in any way the activities of legitimate Manitoba agribusinesses. Prior to this legislation becoming formal regulation, there will be an extensive consultation process involving all stakeholders and that any appropriate exemptions will be established accordingly. Quoting the Honourable Minister of Conservation, Oscar Lathlin, appendix D2: If Bill 5 is passed by the Legislature, I assure you that consultation with stakeholders will take place prior to development of any regulation to implement a ban on penned hunting.

Madam Chairperson: One minute.

Mr. Overby: I appreciate the effort taken by the association obtaining a legal opinion respecting the use of The Animal Care Act instead of The Wildlife Act for the purpose of prohibiting penned hunting. This document will be reviewed in consultation with legal counsel and action taken.

Quoting the Honourable Minister of Agriculture and Food, appendix X: If there are other changes that we have to make to other legislation to ensure that the livestock industry in this province can grow, and for those people who have invested in various species such as bison and elk, if there are areas of legislation that have to be changed to address their concerns to ensure that they can continue to operate viable businesses, then we will bring those changes first.

In conclusion, Madam Chairperson, the bison industry in Manitoba is a viable, sustainable, diversified, agricultural entity. The Manitoba Bison Association's position is that the banning of penned hunting can be done under existing legislation, The Animal Care Act, with consultation of the bison industry. Therefore, we, the Manitoba Bison Association, agree with the elimination of hunting in small enclosures,

but we ask that the broad issues of Bill 5 be dealt with honestly, forthrightly, instead of pretending that this is a bill solely about ending the hunting of animals in small enclosures. Respectfully submitted by the Manitoba Bison Association.

Madam Chairperson: Thank you, Mr. Overby. Questions?

Mr. Enns: Again, thank you, Mr. Overby, for that presentation on behalf of the bison growers in Manitoba. Allow me, Madam Chair, to put on the record it is truly a remarkable achievement that the bison growers of Manitoba have accomplished in bringing back that species that we virtually extinguished—I say we, mankind—from the face of North America, to its present status. That speaks volumes of the care and the nurturing that the bison farmers provide to these animals.

I just have one question; my colleagues no doubt will have others. Mr. Overby, I am sometimes teased about it in this Legislature, but I cannot deny the fact that I have had a bit of experience. I have served in this legislature for a bit of time. My presentation to the Minister on the first or second reading of this bill is I simply cannot understand the order of things. He is assuring us that: Pass this bill now, and we will consult with stakeholders later. That, to me, seems to be just the wrong way around. My understanding is that, prior to this bill even appearing in the Legislature, meetings were scheduled with your organization and, I assume, with others to do that consulting. Can you confirm for the members of the Committee that, in fact, consultation and meetings had been set up, dates had been set up, and that they were then cancelled for one reason or another?

Mr. Overby: Yes, I can confirm that meetings were set up, and they were cancelled. If I could add to that, our president, Mr. Giesbrecht, had asked to have meetings with the Honourable Minister of Agriculture and Food (Ms. Wowchuk) last November, and it took a very long time. It was not until this spring, in April, before he could meet with her, well after Bill 5 was launched.

Mr. Enns: The other concern that I have is that those, I call them, non-traditional livestock,

whether it is bison, elk or others, are covered by some very stringent rules and regulations, for instance, The Manitoba Livestock Diversification Act that talks about how they can be transported, the necessary permitting of them, fencing and all the rest of that. We are now introducing by this bill, by bringing them under the aegis of The Wildlife Act, a whole new regime of regulations. Surely that is unnecessary and confusing to the producer.

Mr. Overby: Yes, Bill 5 could potentially make the working of our industry difficult. It could be at the whims of the Conservation Minister as to how we ranch bison. I outlined one of the possibilities on the word "baiting," where baiting is not supposed to be allowed under The Wildlife Act, and yet we have to use it in order to move our livestock from one pasture to another, or to move them into a corral.

Another fear that has been expressed by many bison producers is that, if we are part of Wildlife, then we might be required to erect game fences. Game fences are usually eight feet high. Traditionally, bison have been fenced in five-foot fences, and they have never gotten out. They have been contained, and it has worked very well. So those are a few of the concerns that Bill 5 has caused us.

Another area of concern has been financial institutions are uncertain about what Bill 5 is going to do for our industry. I have had many producers who are going to obtain a loan or are wanting to start in our industry or are wanting to expand their farming operation, and the financial institution has indicated that, oh, there is some uncertainty here. We know financial institutions, they do not like uncertainty. They are unsure. Where are bison? Are they wildlife, or are they agricultural?

Mr. David Faurichou (Portage la Prairie): I would just like to ask after hearing your presentation. Although I was not seated at the table, I heard the presentation from the back of room. I do want to ask you in your position representing the bison industry here in Manitoba, do you see any reason for the legislation even coming into place as far as the bison industry is concerned? Is there any value in Bill 5 as you see it, period?

Mr. Overby: I would like to reiterate our position. We feel that penned hunting could be banned by The Animal Care Act. There are several provisions where it could be done with some of the consequential amendments and that Bill 5 was not needed for that purpose.

Mr. Faurschou: I just want to clarify my question. Is there any benefit to the bison industry from having Bill 5 made law here in the province of Manitoba? In fact, is there any reason for Bill 5 being a law, required for law? You stated the penned hunting, that being the preface for which the Bill is to be here, but if it is handled someplace else, is there any reason for Bill 5 being passed into law?

Mr. Overby: A one-word answer, no.

* (19:20)

Hon. Rosann Wowchuk (Minister of Agriculture and Food): Thank you for your presentation, Mr. Overby. I certainly have had a lot of discussion. In your comments, you had indicated that it was difficult to get a meeting with me, and I want to say that there were people who had discussions. I have met with Mr. Giesbrecht and people involved in the bison industry. We had given them, as you outlined in your presentation, our assurances that we recognize the bison industry as a very important industry, and we want it to continue as an industry and that our concern was with the ending of penned hunting.

You just indicated that you see no need for this legislation. However, your association has said they are in favour of ending penned hunting in Manitoba. I thought I heard you say earlier that you were in agreement with the ending of penned hunting, and then you said there is no need for legislation. So I am just trying to clarify because, indeed, when I met with Mr. Giesbrecht—and I do not remember who else was at the meeting—they said that they were not opposed to ending penned hunting.

Mr. Overby: Yes, I have stated the Manitoba Bison Association's position. We are not opposed to the banning of penned hunting. We would support you on that. When I answered no to the previous question about Bill 5, we have a

legal opinion from a legislative lawyer firm indicating that the banning of penned hunting could be done under The Animal Care Act. What we would really like to see is bison removed from Wildlife and become part of your department, the Department of Agriculture and Food.

Mr. Jack Penner: Madam Chair, just a very brief question. I thought I heard you say that you had asked for a meeting with the Minister in November and it took till April for you to get a meeting.

Madam Chairperson: One minute, Mr. Overby.

Mr. Overby: Yes. Possibly the Minister could confirm that for us.

Mr. Jack Penner: Second question: As far as you are concerned, is this the only province in the country right now proposing this kind of legislation?

Mr. Overby: I do not know if I am in a position to answer that fully. I want to just state our position again that we want bison removed from wildlife, exempt from wildlife, and become part of Agriculture and Food.

Mr. Jack Penner: Thank you very much. I just want to make a personal comment here. My personal comment is to you. I encourage you strongly as an organization to continue the good work that you have done. We encourage the expansion of the bison industry. Hopefully the ministers and the Cabinet, Mr. Doer and his cabinet, will come to their senses and realize how restrictive this legislation is and the uncertainty it will create in the agricultural community. That is the last thing we need, in my view, at this time.

Madam Chairperson: Thank you. Time has expired. I thank you, Mr. Overby.

I would call on Don Halbert, private citizen. Mr. Halbert. Mr. Halbert, then, will be dropped to the bottom of the list.

I would call, then, on Allan Gould. Mr. Gould. He also, then, Mr. Gould will be dropped to the bottom of the list.

Mr. Mervin Farmer. Mr. Farmer, private citizen. Mr. Farmer, do you have copies you wish to circulate?

Mr. Mervin Farmer (Private Citizen): Yes, I do.

Madam Chairperson: Thank you. Please proceed, then, with your presentation.

Mr. Farmer: Madam Chairman, the Honourable Minister of Conservation, Oscar Lathlin, and members of the Standing Committee on Public Utilities and Natural Resources.

I must say that I am disappointed that you have limited me to 10 minutes. I got two days' notice on this. I missed all day yesterday out harvesting hay. It rained last night, so I am out of luck today, and now you cannot even afford more than 10 minutes to hear my presentation. So what I am going to say is going to have to be in rapid-fire motion.

I am a farmer, owner and operator of a family operation known as Stonewood Elk Ranch located in the Stonewall area in Manitoba's Interlake Region. I am currently vice-president of the Manitoba Elk Growers Association and a director representing Manitoba on the Elk Breeders of Canada Board, an organization representing elk breeders across Canada, from Québec in the east to Alberta and the Yukon in the West, an organization dedicated to being the distinctive leader in enhancing growth and integrity in the Canadian elk industry.

Elk farming in Manitoba is a relatively new branch of diversified livestock farming, becoming legal in March of 1997. In just over three years, 90 licences have been issued to farm elk in Manitoba, with a population of approximately 1900 without counting this year's calf crop.

Well in excess of \$22 million has been invested in this new livestock industry in three years, all private money, with no financial assistance from any form of Government. Manitoba, with its famous breed of Manitoban elk, progressive thinking and planning by entrepreneurial farmers and government officials, is

and can be a real leader in the industry across Canada. There are now close to 150 000 farmed animals in Canada, creating millions of dollars in economic and taxable revenue.

I have serious concerns with the proposed changes in the wording of The Wildlife Amendment Act, Bill 5, as presented in the Manitoba Legislature for first reading December 14, '99, and second reading, April 26, 2000.

The Bill contains a number of amendments to The Wildlife Act. I have listed them there, but I do not have time to list here. Should these changes as presented receive third reading by our honourable members of the Manitoba Legislature, virtually any animal not indigenous in Manitoba now farmed under Agriculture can, and I repeat "can", come under the authority of The Wildlife Act. Bison, buffalo, elk, wild boar, ostrich, emu, llama, and, yes, even some breeds of cattle could fall into the new changes.

These sweeping changes, I think, are overkill if the intention of the amendment bill is just to so-called ban penned hunting. The proposed changes will give the provincial government full powers over the movements, sale and parts, transportation, chemical immobilization, propagation, trapping, building and husbandry of animals now farmed under agriculture. The sweeping changes will give the provincial government powers to control every aspect of the livestock industry in Manitoba.

I and many, many others involved in the livestock industry strongly object to this type of provincial powers over our agricultural industry here in Manitoba. It is totally ludicrous to think that livestock now farmed under Agriculture could fall under the jurisdiction of the Minister of Conservation portfolio. I want to know why.

The government of the day tells us we have nothing to worry about this proposed legislation. Yet nowhere in this proposed legislation does it tell me it will not impact or affect the ownership of domestic pets or it will not impact on legitimate agricultural activities here in Manitoba.

I have 13 llamas at home at present. I have been farming llamas for the last 25 years. Now you want to tell me that the jurisdiction of these animals is going to fall under Natural Resources.

Put Bill 5 through in its present form and you have done just that. Is this democracy?

We have organizations here in North America out to ban legitimate livestock operations. Many members of these various organizations have no idea how livestock is reared on the farms. They have just one purpose in mind and that is to stop all livestock production.

* (19:30)

We have the Animal Liberation front, a violent and destructive terrorist group. We have Mr. Rob Sinclair in the International Welfare Fund pouring thousands of dollars into Manitoba here to ban certain aspects of the livestock industry, one of which is penned hunting.

Liz White of the Animal Alliance suggests there are 350 to 400 organizations across Canada. She tells us the Animal Alliance formed in the summer of 1990 went from zero to 20 000 members in a matter of months. Is it any wonder those of us in the livestock operations are concerned and worried? We need government legislation that will protect our livestock industry, not to pass legislation that could give some radical or radicals the power to destroy our industry. I am not for a moment insinuating that members of the government of the day are radicals.

But with this proposed legislation, I fear for the livestock industry in Manitoba and particularly the elk industry in which I am involved. I cannot believe officials of the Government can undertake to pass such a piece of dangerous legislation as Bill 5 without even consulting the various livestock industries here in Manitoba. I am concerned that we have certain government officials listening to those groups who have a problem with the livestock industry.

I am concerned when I place two telephone calls to the Minister of Conservation's office and asked for a meeting with the Honourable Oscar Lathlin to discuss Bill 5, and I do not even get a reply. I am concerned when the directors of the Manitoba Elk Growers Association meet with the Honourable Rosann Wowchuk, our Minister of Agriculture, and she would not even listen to

our presentation on hunt preserves, showing the operation of two very successful farms, one in Saskatchewan and the other in North Dakota. Our presentation would have pointed out just how humane these operations are, how they operate and the economic benefits to both producers and the province of Manitoba.

I am concerned when a series of public consultation meetings are scheduled throughout Manitoba during April and May to give residents and stakeholder groups an opportunity to present their comments to the advisory group, and then to find out after placing numerous telephone calls and spending a couple of hours arranging for people to attend these meetings, the meetings are all cancelled.

I am concerned now that the Minister has decided to hold these meetings in Winnipeg only with two days notice, and in some cases, one day. Bill 5 can have serious implications for the livestock industry in Manitoba. It is a rural concern and these meetings should have been held throughout Manitoba so as to enable all parties interested to voice their concerns. At the very least, these two public consultation meetings should have been made well known in advance.

Although the government of the day appears to have a closed mind with regards to penned hunting, I would like to take this opportunity to explain how a few regulated hunt preserves throughout Manitoba could benefit livestock producers, and at the same time, produce substantial financial income to the Government. Hunt preserves contradictory to those opposing them are not inhumane when run properly.

Four or five hunt preserves strategically placed throughout Manitoba with rules and regulations and properly monitored could be an outlet for culls from livestock herds, thus enhancing herds as well as the method of disposing of our old bulls. Fourteen hunt preserves in Saskatchewan last year generated over \$4.5 million. Ban penned hunt preserves in Manitoba and you will add greatly to the financial coffers of Saskatchewan and even North Dakota.

Hunt preserve operations in North Dakota are already soliciting bulls for Manitoba in

anticipation of the border being opened and the cancelling of hunt preserves here. I had a call just yesterday, a guy wanting 10 bulls if I can give them to him for North Dakota once the border opens up.

I ask you in your judgment: Which is more humane—trucking animals for several hours and hundreds of miles to North Dakota and Saskatchewan or, for a maximum, two hours to a preserve here in Manitoba? When that animal leaves my farm, does it really matter in the eyes of humanity whether the animal is killed at an abattoir or in a section of land, fenced and partially treed?

I ask you: Which is more humane, allowing several animals to run down a chute to be put down with the smell of blood permeating the air in front of them at an abattoir or allowing several animals to roam a section of land with a hunter looking for one with a large set of antlers? There are no guarantees that when you hunt in a hunt preserve you are going to bag an animal.

I ask you: Which is more humane—shooting and wounding an animal in the wild which may never be found and to die a painful death or shooting an animal in a confined area and, if wounded, will not be left to die a painful death? This may sound harsh and crude, but I ask you: What is the difference between an animal being shot with high-powered rifles with bullets strategically placed and some 3000 dogs and cats that nobody wants being removed from cages here in Winnipeg and killed with a strategically placed needle? Let us face it. Both animals have died a painless death.

In the elk industry there are, or will be, four sources of income: that of breeding, stock antlers for nutraceutical purposes, meat and hunt preserves. I ask you: Which makes more economic sense in view of what I have stated earlier—selling an old bull elk to the meat packers for \$500 for sausage or selling that same animal to a hunt preserve for \$1,000 to \$5,000? You do not have to be much of an accountant to figure that out. To think that our provincial government wants to throw that income for livestock producers out the window, I just cannot understand it.

At the present time, there is only one licensed abattoir in Manitoba that is allowed to kill elk, that being in Swan River. For any of us in southern Manitoba that means a minimum drive of eight hours pulling a trailer. Can you imagine the stress on that animal when it gets to the abattoir? At least, when taken to hunt preserve, the animal is released to a fenced compound and, in all likelihood, will remain there for at least three to four months. In some cases they are even there for more than a year before being put down.

Madam Chairperson: One minute.

Mr. Farmer: Trucking for eight hours or more to an abattoir and then killing it will, in all likelihood, cause severe stress. I explained in my address here what happens to meat because of stress, but I do not have time to read it. But I hope the members of this standing committee will read it.

Studies in domestic livestock will show that it can take as much as a week to recover from transport and handling stress so that proper acidification can occur at slaughter. Thus, taking an animal for slaughter to hunt preserves to be strategically placed is far more beneficial and humane. I would like to point out contrary to what some people and organizations would have you believe, that regulated hunt preserves are not even humane. I firmly believe the livestock presently farmed under agriculture in Manitoba should be left the same, as there are strict governmental and industry standards already in place governing the welfare and well-being of such animals.

In conclusion, if those responsible for Bill 5 are adamant that the Bill proceed in its present form or even close to it, please consider adding the following clause: Animals otherwise subject to the provisions and applications of The Wildlife Act are excluded from those provisions and applications of those animals that are held and maintained for captivity under authority of a licence issued by the Minister of Agriculture.

Madam Chairperson: Questions? Mr. Enns.

Mr. Enns: Thank you, Mr. Farmer, for your presentation. I just want to confirm with you

again that, although it is a very new industry, the elk industry, that you operate under, and I know that, having helped arrive at them, there is a pretty strict set of rules and regulations that define how you look after your animals, how you fence your property, how you move and transport those animals. It is a well-regulated industry that you are occupied in. Is that not the case?

Mr. Farmer: Yes there are very stringent rules and regulations for those of us that are in the elk industry. These are all set down by the Government of Manitoba under The LIDA Act. The rules and regulations are, in fact, sometimes a little overbearing.

Madam Chairperson: Questions?

Mr. Enns: Mr. Farmer, as I read your concern throughout the brief, and I regret that we have to rush you the way we are in this committee, an overriding concern that those of us in rural Manitoba, those of us involved in any kind of farming, we are very much a minority in our society. Governments of whatever political makeup tend to listen to majorities. The ambiguity in this bill, the lack of clarity in this bill, the enabling features of this bill, will make it possible for a future minister or a future senior bureaucrat, for that matter, to pander to this majority urban view from time to time. That could have very serious consequences for those of us engaged in this kind of farming. Is that a fair statement to make?

Mr. Farmer: That is exactly what my concern is. There are so many people today, urban people, who have no idea what an elk even looks like out there, or a bison for that matter. They have no idea how we farm those animals. They are so humanely handled out there. We are governed by the Health Act. We are governed by the Department of Agriculture. We are governed by the food industry. The business of livestock industry is so well governed that it is ludicrous to think that you want to put Bill 5 through and put us out of business. Basically, that is what could happen, as I said in my address here, if you get some radicals here, and there are lots of them around in our country.

Mr. Enns: As you also indicated, these groups have the capacity of being very well funded, reaching out for the dollars and cents where they need them. We have only the wild fur industry to look at. The success of virtually driving fur out of the clothing industry has left us with humongous problems. We have livestock populations out of control, notably beaver, costing us thousands if not millions of dollars throughout rural Manitoba and the flooding damage that they are doing, and members on both sides of the House are aware of that. But that is a very real example of how an interest group can affect the situation that could well apply to this situation.

Mr. Farmer: Yes, you are exactly right, Mr. Enns. As I mentioned before, we have Mr. Rob Sinclair and the International Welfare Fund pouring thousands of dollars here into Manitoba to defend this bill. I was told, and it came from a Wildlife branch, there was a million dollars came into here to defend this, and there is another million dollars sitting out there to see that it goes through.

When I read the article in the *Winnipeg Free Press* by Rob Sinclair, it said if the Government reneges on their word on allowing the penned hunting, they have a big fight on their hands. That was reported in the *Winnipeg Free Press*.

Mr. Jack Penner: Just one very brief question. Are you suggesting that there might even be money filtering through to the NDP party organization by these organizations?

Mr. Farmer: No, by no means am I, but I know there is money coming into Manitoba to other organizations.

Mr. Cummings: Would you describe your understanding of a hunt preserve? Could you describe your understanding of a hunt preserve?

Mr. Farmer: In my opinion, a hunt preserve should probably be approximately 640 acres, and I would think one third of it should be treed. That, to me, is no different than a hunter having a licence from the Province of Manitoba and going out to capture an elk.

* (19:40)

Mr. Faurschou: I first off want to thank you for the time spent. I know how hard it is to get the hay this time of year and under the climates that we have been experiencing, and for you to dedicate the time for this is greatly appreciated.

The question I was going to ask is your definition of a large penned area, of which you have just responded to my colleague Mr. Cummings. I will just repeat my question presented earlier. Would you see any reason for Bill 5 proceeding, as far as it pertains to your industry? Is there any reason for Bill 5 if, in fact, penned hunting can be dealt with in another sector of legislation?

Mr. Farmer: No, the elk industry here in Manitoba is already controlled by the Department of Agriculture. It is also controlled by the Wildlife branch. In fact, 87.1 of The Wildlife Act will tell you they have the delegation of powers to the Minister of Agriculture on The Livestock Industry Diversification Act.

Ms. Wowchuk: I just want to ask one question. In your presentation, you talk about there are four sources of income in the elk industry. You have the breeding stock, antlers, meat and hunt preserves. When the elk industry was getting started here in Manitoba and when we asked the questions, I was under the impression that the goal of the elk industry was for the antlers, for the meat market and for breeding stock. We were always told that hunt preserves were never part of the intention of the previous government when they were bringing elk ranching into this province.

Was it your impression when you got started in the elk industry in Manitoba that hunt preserves would be part of it at that time?

Mr. Farmer: Yes, it was. I felt that we would be able to get rid of some of the bulls when we were finished with them or culling our herds for genetic purposes. I really figured that we would be able to take some of these, because there were hunt preserves already operating here in Manitoba. I felt that well, fine, we can take these animals to there. I could take mine less than two hours from Stonewall to one that is operating now. I was not too concerned, but, yes.

At the same time, I must say that I was not involved in the Manitoba Elk Growers Association. It is a new endeavour for our family.

Madam Chairperson: Are there further questions? Seeing none, thank you very much, Mr. Farmer.

I would call on Mr. Randy McRorie, private citizen. Mr. McRorie, do you have any copies you wish to circulate?

Mr. Randy McRorie (Private Citizen): No. These are just some notes.

Madam Chairperson: Fine. Proceed with your presentation.

Mr. McRorie: Good evening, ladies and gentlemen. In early March, I visited Dauphin to attend an annual general meeting of the Elk Growers Association of Manitoba. My sole purpose in attending this meeting was to listen to Bob Carmichael. We all know who that is, Manitoba Conservation. He was to give a presentation on Bill 5, The Wildlife Amendment Act. From the outset of his presentation, Bob Carmichael attempted to distance himself from the Bill by claiming that he had no involvement in the preparation of the legislation. Nevertheless, it was his understanding that the Bill was only intended to address penned hunting.

Zeroing in on the issue of penned hunting, I asked Mr. Carmichael the following question: What was more humane, an animal being loaded into a truck on a trailer and hauled to a slaughter plant or being shot in the stress-free natural environment. Mr. Carmichael's answer was, without question, shooting the animal is far, far more humane. Bob Carmichael then advised the audience that Bill 5 had nothing to do with biology, logic, economics or what was more humane. It did, however, have everything to do with public perception, and I believe that is what this bill is all about.

It is comforting to know that our provincial government is prepared to interfere with citizens' ability to earn a legal and honest living just to address public perception. There is no doubt hunting in general is perceived negatively by the

non-hunting public. People like Vicki Burns of the Humane Society and other animal rights activists and fanatics are responsible for the disbursement of misinformation. If she and her gang of fanatics are not targeting hunting, they are criticizing the hog, poultry and other livestock production industries in this province. My question to Doer, Lathlin, Wowchuk, and all the NDP party: Who did you get your facts from? Where did you go to gather the information on harvesting preserves? As we all know now: Why public perception? My family and I are stakeholders in this one-sided debate. Why my family and I are not asked to participate is beyond me. We are questioning it. We have a lot at stake here.

Education is the most important tool in the evolution of decision making. I have not once heard a response from Wowchuk, Lathlin, or Doer on numerous invitations to sit with me and be educated. Come visit my harvesting preserve. It took me six weeks to get a response from Wowchuk and Doer. A handful of words, that was what I received as a response. The response was: We have made a decision. Okay, if that is the case, you tell Manitobans how you make decisions and rulings without facts, the facts from both sides. Is this democracy or a dictatorship? Please let us know. We need to understand this now. You are going to make a decision on public perception, and you have not even been educated.

I have done my homework and researched all arguments for and against harvest preserves. I gained an education of disturbing facts. You are going to act on public perception. My fact-finding mission has revealed that the minority of lobbyist groups, which make up less than 3 percent of our voting population in this province, has the influence to persuade politicians to pass bills which cost all taxpayers in the pocketbook: lost revenue for the Province, expropriation of livestock, and the livelihoods of farmers. Have you even researched the losses and the millions that it is going to cost this government? Every last dollar I generate in this province benefits every single citizen of Manitoba. What do the lobbyists have to lose? Nothing. They have not invested their life, their dollars into this industry to benefit all Manitobans, have they?

Since when do animals have more rights than my children? They do not. Our children are the future of this province. We must assure them that our leaders of this province are going to stand behind them to encourage economic growth for their future. If it is a question of inhumanity, why has not one politician, civil servant, or lobbyist taken me up on my offer to educate and walk my harvest preserve? Not one. I have an open invitation to any and all visitors that would like to visit my harvest preserve, and sit down with me and discuss and be educated on this industry. Not one well-educated participant would partake, not even the Department of Conservation, the creators of this bill. Conservation has received an invitation. Response was, no time for fact-finding mission.

* (19:50)

Is it humane to have harvest preserves? Yes, it is. Wild boar will not come off my trailer at the slaughter plant. I physically have to go on that trailer and drag each and every one of them off that trailer individually because they hear and smell death in the air. **Those are the facts.** When I deliver wild boar to my harvest preserve, I hardly get the door open two inches on my trailer, and they storm the door and come out three abreast. They are released into nature. Within days they have explored every inch of the land several times, which provides a heavy advantage in the animal's favour.

At a slaughter plant, the sticker moves four wild boar into a five-by-five kill pen, or should we call it a penned hunt in a slaughter facility. Then he hops in with them. These wild animals cower down in that kill box. He reaches down, shackles one by the back leg. As he lifts it to the ceiling, he sticks a knife in its jugular. The blood gushes out of that animal. He spins around on a shackle, crying and bleeding to death. Is that humane? No, but it is acceptable, is it not? It is acceptable.

Now, look at this alternative. On a harvest preserve, the wild boar is roaming in a stress-free environment, not a worry or smell of death in the air. There is a guide that assists the client during the harvest of the animal. The guide also ensures that all conditions are ideal. Safety for the public, safety for the client, and to ensure

that only quick and clean harvests of these animals take place. Ninety-nine percent of the time when an animal has been harvested, they are generally rutting, grazing, and swatting flies with their tail and have no stress of what the end result is, which is ultimately death for these animals that we raise. They are not here for a free ride. They have to pay their rent.

Animals have been harvested in this manner since the turn of time. You are going to let fanatics of this society play God with our livelihoods and our future. You tell me what is more humane, slaughter plant or harvest preserve.

I also hear hunting organizations calling it unethical. They have been invited. No takers. Nobody wants to sit and be educated. Nobody wants to walk the preserve. You need the same skills and physical conditioning as hunting in the wild. That is the hard facts. Come and join me.

How about ethics and the Winnipeg Humane Society? They kill animals at will with no recourse, no fear of losing their livelihood.

Madam Chairperson: One minute.

Mr. McRorie: They kill at will. No matter what they do, a death is a death, plain and simple.

Doer touts that we are a have-not province. Well, let us compete with our neighbouring province and allow Manitoba to prosper and be a competitive province. My family is proud to be Manitobans. Let us create jobs, economic growth, and tax dollars for this province. You the politicians and civil servants have been hired by me, as a taxpayer, to protect, assist and ensure my family a right to make an honest living and a humane living.

It is so much more humane to have harvest preserves than slaughter plants. Please take the time to become educated before you act on public perception. We deserve the same rights as activists and the opportunity as voters and revenue providers to this province to have our industry studied and the facts made public before a decision is made on this bill. You must take the time to be educated on harvest preserves in this industry. Education is the most important tool.

Madam Chairperson: Thank you, Mr. McRorie. Questions?

Mr. Faurchou: I am disappointed the other committee members would not go along with us to give you leave to finish your presentation. I would like to ask you: Being that this is, in fact, your livelihood, and this legislation would preempt you and significant financial loss would be pending, have you had any correspondence or information provided to you as to the compensation that you would receive, should this legislation pass?

Mr. McRorie: No, I have not been approached by anybody. Like I have said earlier, I have invited Wowchuk, Lathlin and Doer and the whole NDP party to educate me so I know where it is going. And I will educate them on hunting or harvesting preserves. So, no, to answer your question. Left out in the dark.

Madam Chairperson: Further questions?

Mr. Faurchou: I might just say, Mr. McRorie, it is Minister Lathlin, Minister Wowchuk do the protocols. However, I would just like to ask you for your response. You have garnered no information at all in this regard? Because this is your livelihood that this legislation is dealing with. You have asked the questions and the responses have been not forthcoming, or what have the responses been?

Mr. McRorie: I have received no response. No response.

Mr. Cummings: To follow on the line of questioning on the Member for Portage (Mr. Faurchou), it would appear that you are on the verge of expropriation without compensation if your livelihood is to be eliminated. Have you sought any legal counsel or support in light of the fact that your organization or your operation could be at risk?

Mr. McRorie: Yes, yes.

Mr. Cummings: We have seen before where governments can create confusion by starting, stopping, and changing direction in the early days of the elk industry. There was considerable angst about whether or not the elk ranching

should begin. Then it was stopped, and there was a lot of confusion, and a lot of expense both on the part of private and government. I would encourage you to, if we cannot get this bill amended or stopped, continue to stand your ground, because in this society no one should have his property or his living expropriated.

Mr. McRorie: Yes, I agree 100 percent, fully.

Mr. Jack Penner: Well, thank you very much, Mr. McRorie. If this legislation is, in fact, passed and the situation as some of you or some of the people that have presented here before, can you give us an indication of what you perceive the industry as a whole to be let us say a decade from now? Can you see any growth in the industry? Or do you see a deterioration of the growth? Where do you see the legislation or the industry going, if and when this legislation is passed?

Mr. McRorie: I can see a depleting future for the Manitoba farmer. I heard a report back. The NDP party visited Brandon to gather all the municipalities together to speak on the plight of the family farm. Let us save the family farm. Help family farm diversify. This is an opportunity for all different, especially livestock producers.

An Honourable Member: The Minister of Agriculture should be fighting for it.

Mr. McRorie: Exactly. Very much so. Very disappointed. Here is an opportunity for farmers that are struggling to diversify in more than one area such as Mr. Farmer said. There are four different areas of diversification just with his species.

Mr. Jack Penner: Very briefly. I had the opportunity to travel to Ukraine, which was formerly a country of Russia taken over by the Russians. Many of the stories that we heard there of the people that still remain there, some of our people still remain there, reflect very similar kinds of comments in that, first of all, they were given legislation and told do not worry about this. Then when the legislation was brought to bear, the true controls were brought in. I am wondering whether you see this kind of attempt being made here. There have been few

comments made about the dictatorial aspect of this legislation, and I wonder how you see this.

Madam Chairperson: Order, please.

* (20:00)

Mr. McRorie: I agree with you 100 percent that this is just a dog-and-pony show and they are going to ram it down our throats. Then they are going to look at us and try to wonder why we cannot make it in rural communities when they are shrinking day by day. Let us give the rural community something to strive for, not take it away.

Mr. Faurshou: Mr. McRorie, you mentioned a game preserve. Can you give me a definition or does your association have a definition of what would be qualified as a preserve? We asked Mr. Farmer earlier. He designated his definition of a preserve. Could you do likewise?

Mr. McRorie: I believe size is not of importance. I believe the terrain, how rugged, how challenging it is, and at the utmost, in the animal's best interest and favour.

Mr. Faurshou: Your operation, as obviously none of us has visited there, do you have other people that are familiar with your preserve and could attest to and support your continued livelihood, that have first-hand knowledge of your operation?

Mr. McRorie: Yes, I do. The South East First Nations Tribal Council visited my harvesting preserve and gave me two letters of support suggesting that the harvesting preserve resembled and mirrored the image of what they do in the wild.

Mr. Faurshou: My understanding is that those who are familiar with your operation, such as our First Nations community here, which are stewards of the land and the wildlife thereof, are in support of your continued operation.

Mr. McRorie: Yes, the South East First Nations Tribal Council and other tribal councils in this province are supporting us wholeheartedly. There is a need for hunting, harvesting, shooting, whatever types of preserves you want to call them for specialty livestock.

Ms. Wowchuk: Thank you for your presentation. You had indicated that the size of the preserve to you did not matter, it was the terrain. Can you tell me what the size of your operation is?

Mr. McRorie: It is 160 acres of granite rock outcropping, swamps, ash swamps, willow swamps, few to no meadows, a total of maybe 10 acres of meadow throughout.

Ms. Wowchuk: Do you have elk on your operation or is it wild boar or is it both on your operation?

Mr. McRorie: It is wild boar, sika deer, fallow deer, and different varieties of rams. I have as well been approached by elk producers in this province, hoping that the support of harvesting preserves will take place because they need a place to move their culled bulls as well as the bison industry. I am very surprised. I have had a number of calls from the bison industry requesting that I have a look at purchasing their bulls that are no longer useful for breeding.

Madam Chairperson: One minute. Are there further questions? Seeing none, thank you very much.

The next presenter is Lloyd Lintott from the Manitoba Wildlife Federation. Mr. Lintott, do you have copies you wish to circulate?

Mr. Lloyd Lintott (Manitoba Wildlife Federation): Yes, I do.

Madam Chairperson: Thank you. Please proceed with your presentation.

Mr. Lintott: Good evening, ladies and gentlemen, Madam Chairperson. My name is Lloyd Lintott. I am Vice-President of the Manitoba Wildlife Federation. I would like to take this opportunity to thank the Standing Committee for the chance to express the views of the Manitoba Wildlife Federation on the proposed legislation referred to as Bill 5, and specifically penned hunting.

Established in 1944, the Manitoba Wildlife Federation is the oldest and largest conservation organization in the province. At present, we

represent 14 000 members in 110 affiliate clubs throughout the province. Our membership consists of anglers and hunters who strive for the wise use of our natural resources and, most importantly, the continuation of our rich hunting and fishing heritage. We understand that Bill 5 is a large and complex piece of legislation. Our purpose tonight is to give the views of our members in regards to the practice of penned hunting which we hope this legislation will effectively deal with.

The Manitoba Wildlife Federation has been opposed to the practice of penned hunting for several years. In fact, our long-term opposition to game ranching has been partially based on the fact that penned hunts have always been the next obvious step in the progression of the game ranching industry.

The majority of the members of the Manitoba Wildlife Federation believe that penned hunting has the ability to have a very negative effect on the true hunting heritage that we know and respect. To shoot a semi-domesticated animal in an enclosure and try to sell this as a hunting experience makes a mockery of the tradition of hunting.

In today's society, 8 to 10 percent of the population hunt; 8 to 10 percent are anti-hunters, and the remaining 80 percent to 85 percent are neither opposed to or are in favour of hunting. It is the undecided portion of the population who will ultimately decide the future of hunting as we know it. Unfortunately, the average undecided person will not differentiate between the time-honoured tradition of hunting wild free-roaming animals and the so-called practice of hunting semi-domesticated animals confined in escape-proof enclosures. We do not want legitimate hunters to be painted with the same brush.

Proponents of penned hunting use several arguments to justify their reasons in support of penned hunts. The membership of the MWF feels that these arguments are not justifiable. The game ranching industry would have us believe that what they offer in their so-called Cervid Hunting Preserve are ethical fair chase opportunities to harvest game.

How can shooting semi-domesticated animals in an escape-proof enclosure be considered ethical? It certainly cannot be considered fair chase. Regardless of the size of the enclosure—and economics will dictate that the enclosures would not be very big—any animal hunted has no chance to elude the shooter. If pens are large enough to include some heavy bush cover, it would only lengthen the time before the animal is tracked down and shot. It would in no offer security or escape. These animals could conceivably be pursued until the hunter is satisfied. There would be no consideration given to length of season, shooting seven days a week, et cetera. As long as the animal carries its trophy rack it would be considered shootable.

The game ranching industry sees this legislation as an attempt to restrict their economic prosperity. Should the economic gain of a few individuals be more important than the economic impact generated by the thousands of Manitobans who take to the field each year to enjoy to what to many of them has become an integral part of their lives, that being hunting?

In the past, the Manitoba Wildlife Federation has been accused of selling out to the anti-hunting movement because of our position on this. I assure you that nothing could be further from the truth. The anti-hunting movement's opposition to penned hunting is understandable. However, it is just a veiled attempt by those organizations to attack hunting as their mandates are clearly to eliminate all hunting, and this is just one more attempt to do.

The Wildlife Federation is opposed to penned hunting because of the detrimental impact that it will have on our traditional hunting heritage.

In closing, I would like to stress to you the passion that the majority of our members feel toward this issue. As hunters we are constantly bombarded by negative images which portray us as unethical slobs whose sole purpose is to shoot and kill animals. The harvesting of an animal is the culmination of, in most instances, weeks of preparation and hard work, not the easy quick fix that penned hunting would offer. Hunting is

about the entire experience. More often than not, the hunter goes home empty-handed.

Hunting any species legally according to established fair chase principles is not easy, and it should not be. It requires fitness, alertness, and an understanding of the landscape and prey. By substituting that with an enclosure, and, in some cases, a guaranteed kill makes a mockery of hunting. Proponents of hunt farms claim that their killing farms offer just another form of hunting. They are wrong. What they offer behind the wire fence of their compounds has nothing to do with hunting. For a client to kill pen-raised domesticated animals is a travesty to the predatory process that hunting truly represents.

* (20:10)

The majority of the 14 000 members of the Manitoba Wildlife Federation are not willing to risk the future of their chosen recreational activity over the economic benefit to a handful of people who are motivated by money and who are trying to find ways to dispose of the leftovers from the game ranching industry.

If this legislation ultimately leads to a ban on the practice of penned hunting, you can be sure that the Manitoba Wildlife Federation would fully support such a position. Thank you for your time.

Madam Chairperson: Thank you, sir. Questions of the presenter.

Mr. Faursehou: Madam Chairperson, I would like to ask you, Mr. Lintott: Have you hunted on a recognized wildlife preserve?

Mr. Lintott: Personally, no, I have not.

Mr. Faursehou: So everything that you say in this document, then, is hearsay or perception and someone else's viewpoint, so therefore that is the extent of your presentation then.

Mr. Lintott: I would like to think that some of the opinions that we got and people that I have talked to were like-minded individuals like myself, had the same views on this as myself.

Mr. Faursehou: Madam Chairperson, therefore, what you are saying is that you talked to people,

but can you tell this committee that your language here is derived from somebody that has first-hand knowledge of a preserve? Can you guarantee that to me?

Mr. Lintott: Yes, not necessarily in the jurisdiction of Manitoba, but I have talked to people who have used the services of hunting preserves in other provinces.

Mr. Faurichou: Therefore, you are basing your presentation on something of a hearsay based upon another jurisdiction and telling of that experience, and that is how we are to be understanding of your position. Therefore, there is nothing in this presentation that pertains to Manitoba.

Mr. Lintott: I believe that I am representing the opinions of the majority of our 14 000 members.

Mr. Faurichou: I am a little bit behooved here to understand, then, about the presentation. You state that a preserve makes a mockery of hunting, and yet you have absolutely no premise to make that statement. So we will disregard everything that you have stated here, then, the reserves, that gives an opinion on a preserve, and that is what I appreciate.

Now, currently you say you have 14 000 members here in the province. That is current paid-up membership?

Mr. Lintott: Yes, it is.

Mr. Cummings: Madam Chairman, prior to the introduction of this legislation, as you have heard tonight, there have been operations including wild boars that were not listed under The Wildlife Act. Did the Federation take a position on some of those other species?

Mr. Lintott: I can only answer that by saying that a lot of that happened previous to my being involved with the Federation, so I would not want to speak for past presidents or vice-presidents of our organization at the time.

Mr. Cummings: This is not a hostile question, but my point is that we have had this activity regulated under The Wildlife Act where it referenced species that were included under The

Wildlife Act. Some were not, and I wondered if there was any discussion recently with the Wildlife Federation about that situation.

Mr. Lintott: Not that I am aware of.

Mr. Struthers: Thank you, Mr. Lintott, for your presentation. I would like to know, just to follow up on the questioning of the Member for Portage (Mr. Faurichou), Mr. Lintott, have you ever given birth to a child?

Mr. Lintott: No, I have not.

Mr. Struthers: Is it your opinion that that is painful?

Mr. Lintott: I would imagine, extremely.

Mr. Struthers: Mr. Lintott, given the questioning of the Member for Portage, how would you know? Would it be through hearsay and second-hand information? Are you pretty sure that it would be painful?

Mr. Lintott: I would suspect, yes, from my wife screaming in my ears, that that would be hearsay and that that was be a pretty good indicator.

Mr. Struthers: But is that not hearsay and should we just disregard that kind of information? I am not saying to base public policy totally on hearsay and rumours and innuendo, like what happened here in the last 11 years, but, Mr. Lintott, is it not an unfair comment for members of this committee just to take your organization's viewpoints and throw them out the window like was just done by the Member for Portage? Would you not think that is a little unfair?

Mr. Lintott: I certainly think it is, and I would hope that that would not be the case.

Mr. Struthers: Could you, Mr. Lintott, maybe educate the Member for Portage (Mr. Faurichou) and anyone else in this room who thinks that they should simply disregard out-of-hand any organizations, any democratically elected person representing a Manitoba organization, whether it be the Manitoba Wildlife Federation or the Elk Growers or the Bison Association or the Progressive Conservative Party or the New Democratic Party?

I do not care what organization we talk about, should anyone simply dismiss out-of-hand the opinions, the surveys, the research that had been done, and could you maybe indicate for us how you went about getting the information that you presented to us tonight in committee?

Mr. Lintott: Well, I would hope that the effort that I put into this presentation is not going to be just discarded because some members of the Committee may not feel that it is along their lines of thinking. I can tell you that I spent a great deal of time on this whole issue; the whole federation has in the past year to 18 months.

It has been a topic of discussion at most of our general meetings over the past year where our membership has had an opportunity to voice their concerns on that very issue. I have spent countless hours on phone calls to different jurisdictions across Canada trying to get in touch with people who are experiencing or have experienced the same things that are happening here in Manitoba now.

So I would hope they would see this as being more than just hearsay and take it for the spirit that it is given in.

Mr. Faurchou: Madam Chairperson, I did not want to get into a debate about hearsay or whatever, insofar as you just said you had personal experience and know that it is painful to have a birth because you were there. I want to then bring you back to the traditional hunting heritage. Would you not say that the Aboriginal community within this province understands traditional hunting heritage?

Mr. Lintott: Certainly they do.

Mr. Faurchou: Thanks for the response. Therefore I will read into the record the Brokenhead Ojibwa Nation and their specific understanding of the preserve to which the gentleman has just made a presentation, that, in fact, the space of land will ensure hunting environment that is similar to any hunting existing in this province today.

So, therefore, I give you the opportunity to comment in regard to the First Nations'

understanding of a preserve here in this province as it exists to Mr. McRorie's.

Mr. Lintott: I guess I can say that I do not know how many people those individuals are speaking for. I am giving the opinion of the majority of our 14 000 members. I hope that carries some weight.

Mr. Faurchou: I want to say that one of those memberships is probably my own, as I have been a member of the Canadian Wildlife Federation for so many years I cannot remember. So when you state that you are, in fact, representing all of that membership, I would like to say that—*[interjection]*

Madam Chairperson: One minute, Mr. Lintott.

* (20:20)

Mr. Lintott: I would just like to say not one time did I say I was representing all of our membership. Several times I said the majority of our membership. As with all democratic organizations, there are going to be people with differing viewpoints. At no time did I say I represented the viewpoints of all of our members.

Madam Chairperson: Did the Minister have her hand up earlier? Minister of Agriculture, then I have Mr. Penner, Emerson, and then Mr. Cummings.

Ms. Wowchuk: Thank you, sir, for your presentation. I appreciate the work that you have put into this presentation and the fact that you are speaking on behalf of many Manitobans.

I guess the point that I find very interesting, and one that I am glad you have pointed out is the fact that, when you put domestic animals into pens, no matter what size they are, those animals are domesticated and are not the same as wild animals. You have said you have talked to many people or have heard from people who have had experiences hunting on game farms. I would ask what their comments were with respect to those animals that had been moved from a game farm onto a preserve, and indeed what the similarities were to the wild hunt versus a semi-domesticated animal that had been moved into a preserve.

Madam Chairperson: Very briefly, please, Mr. Lintott.

Mr. Lintott: Just briefly, one comment comes to mind. I was talking to an individual in the States as a matter of fact. He was saying it was like going out into your barnyard and shooting your milk cow. It had nothing to do with hunting, and he was totally disgusted with the whole process, after it had been advertised and marketed as being a hunt.

Madam Chairperson: Thank you, Mr. Lintott, for your presentation.

I call on Graham Wyatt, private citizen? Mr. Wyatt? Fine. I will put his name then at the end of the list. He is here? Mr. Wyatt, do you have copies you would like to circulate?

Mr. Graham Wyatt (Private Citizen): Yes.

An Honourable Member: Out-of-towners first.

Madam Chairperson: I have a revised list, committee members, in terms of who is here and not here as of six-thirty. We also have sorted the list, of course, for out-of-town first. So, thank you. Mr. Wyatt is circulating copies. Please proceed.

Mr. Wyatt: Thank you. I am here today as a concerned citizen of Manitoba, but also as an owner and breeder of lizards as well as Asian parrots, some of which are the only ones in the province. No other person owns some of the birds that I do.

My objection to Bill 5 is that the wording is too broad and that it does not define what it is intended to do. For example, it does not even mention panned hunting. I also do not see what sperm or body parts have to do with panned hunting. If this bill is to stop panned hunting, then I would like to see the words "exotic animals" removed. I would like to see an exemption to be put in to exclude animals and birds that are commonly kept as pets, and that a grandfather clause be put in place for the existing animals that are already here.

I have heard it said by the Honourable Oscar Lathlin, the Minister responsible for this bill,

that the intent of this government is to stop panned hunting. But what is to stop some future government from interpreting the Bill totally different? This bill is not needed. There is legislation already in place that covers the issue at hand. Yours truly, Graham Wyatt. Thank you.

Madam Chairperson: Thank you for your presentation. Do the members of the Committee have questions?

Mr. Jack Penner: First of all, a comment to the previous presenter of The Wildlife Federation. I have listened with interest to your comments. I want to congratulate you on not having changed your position during the last 12 years that I have had an involvement with the federation previously as a Minister of Natural Resources, and I know what your position was—

Point of Order

Madam Chairperson: A point of order.

Mr. Struthers: Madam Chairperson, I think it is inherently unfair for the Member for Emerson (Mr. Jack Penner) to direct comments to people who do not have a way of defending themselves. We decided on the parameters, whether the Member likes the parameters or not, of 10 minutes for presentations and 10 minutes for questions, and that we would stick to that. I think it is absolutely unfair of the Member to comment to somebody who has no way of defending themselves or responding to the Member. I think that is inherently unfair.

Madam Chairperson: On the point of order, Mr. Penner, Emerson.

Mr. Jack Penner: On the same point of order. If the Honourable Member for Dauphin (Mr. Struthers) would have just had a bit of patience, he would have heard me compliment the Wildlife Federation for the position that they are taking. Because it has not deviated from the position they had 12 years ago. I commend any organization for putting forward a position protecting its members' interests. I think that is what he was doing, and I commend the president of the Wildlife Federation for that.

I find it very interesting that the Honourable Member for Dauphin is so emotional about this issue.

Secondly, I also commend the Member that has just made a presentation, Mr. Wyatt.

Madam Chairperson: On the point of order, I would like to encourage all committee members to direct their questions to the presenter who is at the podium at the time.

* * *

Madam Chairperson: Further, then on questions to this presenter. Questions? Mr. Penner, Emerson.

Mr. Jack Penner: A question to Mr. Wyatt. In discussing this bill a couple of weeks ago with probably the largest franchiser of pet sales stores who has their head office in the city of Winnipeg, he indicated to me that if this bill proceeded, they might as well, and I quote, "shut down all their operation in the Province of Manitoba." Because he did not believe that they would be able to continue the sale and marketing of many of the so-called exotic species that they sold and which was a large part of their market.

Can you tell me what changes you would see that could make this act more amenable to your industry and your breeding operation?

Mr. Wyatt: What I would like to see, if this is the intent of this bill, is to see some exclusion put in there that would exclude pet animals, whether it be a parrot, a lizard, a rabbit or a mouse or whatever it is. It needs to be put in there to be excluded from that.

Also, there are thousands and thousands of pets in this province already, but there is no provision given in here for a grandfather clause that would see those animals kept as pets. If this bill goes through, there is nothing to say that anybody could come along and say we are confiscating those animals. If they do that, another question comes up: Where do these animals go? Who looks after these animals? What happens to these animals? None of this is addressed.

Madam Chairperson: Further questions?

Mr. Jack Penner: Thank you, Mr. Wyatt. Do you see another way of dealing with this whole matter of penned hunting? If so, how would you prescribe that the Minister might, in fact, regulate or control or for that matter eliminate penned hunting?

Mr. Wyatt: If that is the intent, well, then, put that in the legislation. There is no need for the legislation as it is now. The provision is already there, and if they want to control penned hunting, well, then, specifically say that.

Mr. Jack Penner: In other words, you are suggesting that they could have drafted a penned hunting bill.

Mr. Wyatt: Exactly.

Madam Chairperson: Questions from committee members. Are there further questions? Seeing none, thank you very much, Mr. Wyatt.

Mr. Wyatt: Thank you for your time.

Madam Chairperson: I would like to call on Jan Lapka, private citizen. Jan Lapka. The name then will go to the bottom of the list.

Presenter Edwin Harms, the Manitoba Elk Growers Association. Mr. Harms, do you have copies of your presentation that you would like to circulate?

* (20:30)

Mr. Edwin Harms (Manitoba Elk Growers Association): Yes, I do.

Madam Chairperson: Thank you. Please proceed then with your presentation.

Mr. Harms: Thank you very much, Madam Chairperson. Committee members, ladies and gentlemen, my name is Edwin Harms. I am the President of the Manitoba Elk Growers Association. Our association has approximately 15 members. There are 91 farms, as was stated before. I believe we, as an organization, represent about 80 percent of the elk producers in this province, being that the Natives have their

own wapiti and bison council and are not members of our association. A lot of the producers in the province are father-son operations or brother operations, have more than one licence per farm, and that is why our number is where it is.

First of all, I found it very difficult preparing for this presentation because of the responses I got from the Premier (Mr. Doer) and from the Minister of Agriculture (Ms. Wowchuk) when I asked them why they were supporting implementing Bill 5. Both said it was because it had been election promises. In trying to find out more about the reasons, they both had the same response about how the Conservatives had made the same promise. This promise that both you people have made was directly for getting votes to get re-elected. That is all it was. There was no reason, other than to get votes.

To argue the pros and cons on this issue, you need to know about more than it is an election promise, so I am going to try to give you our side of what we would like to see happen. First of all, farmed elk in this province should not be regulated in any form under the department of natural resources. This department has made it very clear that they are totally opposed to elk farming in Manitoba, and we, which is MEGA, feel that they should not regulate our industry.

The elk industry is regulated under Agriculture by The LIDA Act, and we feel we want to stay totally under Agriculture. MEGA feels that we do not want to be included in Bill 5 in any way.

If the Committee feels that Bill 5 has to be implemented, we would request that farm elk not be included. We are not supportive of Bill 5 and would ask that it be tabled and a closer view be done before any ban be placed on the harvesting of farmed elk.

To address the terms around penned hunting I would first like to say that we are opposed to penned hunting. I am a farm person. I have been on the farm all my life. When I hear someone talking about a pen, it is a small enclosure. A pen. It is not a big acreage. When you are talking penned hunting, like the wild boar person talked

about, how they put them in a small enclosure and kill them. Other terms have been used like "canned hunting." These terms refer to shooting fish in a barrel. Putting an animal in a pen and shooting it is not a hunt; it is a slaughter.

These two terms are being used to describe what we are asking for, and this is not right. Putting an animal in a baseball-sized enclosure and having someone shoot it is like a slaughter, like I said before. What is wrong with this issue is that it stirs up strong emotions in some people. They say that the animal has not a chance to escape, and there is no challenge for the hunter.

Let us look at these two arguments. This animal, in the case of an elk, is an animal that is either an old velveting bull that is 10 years or older and is too old for the prime meat market, or a bull that is unmanageable on a velvet farm, too dangerous to handle, a problem animal. This animal is taken to slaughter, like some people would suggest we do with them. What chance does it have? Is it going to hide and escape? Has the animal any chance of hiding and living for another day? No. This animal is going to die. It is a cruel reality, but nevertheless, the reality of all the animals on this planet, as we will all die one way or another.

Animals are slaughtered. They are put down. Put to sleep everyday. The reality in farming is we produce a product that has a life span, and at the end of that it has to be harvested. On the issue of a hunter not having a challenge, if the right terrain is used and large enough, the challenge can be far greater than a hunt in the wild. I know. I have hunted elk around Riding National Park. There is no fence. The challenge is to wait and hope that the elk does not go back into the park before legal shooting time in the morning, or I would just like to add, if the game wardens are around to chase them back in before the hunter has a chance to shoot them.

The challenge is to wait beside a trail and shoot the animal as it walks beside you. The fence should be seen as a protection for the wildlife outside the preserve rather than an entrapment for the elk inside. If the Wildlife Association would look at this from a little different point of view, they would see that it is the protection. We also want to protect the

wildlife in this province. We do not want to infringe on the wild hunt in any shape or form.

A properly run hunt preserve can have a lot more than just an opportunity to harvest elk. The resort styles of the lodges in the U.S. have trout fishing, snowmobile riding, hiking, cross-country skiing. They offer the hunter a challenge to bring his or her family, the whole family, along to enjoy the outdoors. Not only do they put more money into the pockets of the elk farmer, but they also would add tourism dollars to the province. It would add to the employment of outfitters and guides and bring new money into the province. One thousand elk bulls three years and younger if slaughtered for wapiti meat would return about \$1.5 million for the Manitoba producers. These same elk bulls harvested at 10 years or older on a Cervid Harvest Preserve would return more than \$4 million to that producer. The Saskatchewan operations took over \$5 million in direct revenue in '99 for their first year of operation, and the Saskatchewan Department of Agriculture estimated that that turned around and brought in \$14 million in additional revenue to their province.

The bulls in Manitoba are not going to die of old age in this province. They will be shipped to the U.S. or to Saskatchewan to be harvested, and they will benefit from the income spinoff that we will lose in this province. Many people have mixed emotions, like John Willmott who is the President of the Regina Humane Society, and I quote from an article written by Ed White in the *Western Producer*: "I am a farmer to begin with, so I see both sides of the equation. The Humane Society official policy opposes farmed hunting because captive hunts rob animals of their inherent honour, dignity and respect."

Willmott does not entirely agree with the Society's description of inherent characteristics and is also wrestling with the ethics of farmed hunts. He instinctively recoils at the idea of captive hunts being shot for entertainment but wonders if that is a good enough reason to legally ban the practice.

If I go out there and start picking off gophers, is this any different, he wondered on a recent day when his dogs were off hunting local

ground squirrels. Willmott believes farmed hunts can be ethically allowed but only if they are subject to strict rules, regulations and the practice of codes.

Attached is an article by Pete Crow of the *Tracker* magazine who talks about the move from cattle-raising into the area of harvesting of white-tailed deer and how lucrative this kind of industry is. This is in Texas, and the need for better returns per acre is made very obvious.

* (20:40)

Madam Chairperson: One minute.

Mr. Harms: Agriculture in Manitoba is no different than in Texas. We also need to make money to stay farming. Harvesting farm animals is a very emotional issue with hunters and urban people. We must not allow the emotions to cloud our judgment and to make a realistic view of the new diversification in agriculture.

In closing, MEGA does not support Bill 5 and would ask that it be tabled, but if not, ensure that farmed elk are not included in this bill. Attached is the article from Pete Crow. I guess you can read that at your leisure, seeing my time is up.

But I would just like to add that the Minister did state that the animals were domestic, and I was wondering why we are being included in natural resources if you were referring to those animals being put in a pen as domestic.

Madam Chairperson: Thank you, sir. The Committee open for questions.

Mr. Enns: Thank you very much, Mr. Harms, for your presentation. Could you indicate to the Committee whether you, yourself, or perhaps other members of your association have made themselves directly informed about the Saskatchewan hunt farm? Are you aware if any of your members visited the farm or had specific discussions with the managers of the Saskatchewan farm?

Mr. Harms: Not with Saskatchewan, but I have direct contact with some of the people who have hunt reserves in North Dakota, and I have spoken to them.

Mr. Enns: I think, Madam Chair, for those who carry the illusion that somehow by passing this bill we will somehow stop some animals from being killed, simply is not the case. First of all, all animals die, as we all die. Secondly, I think the point that you make very clear is that your colleagues in the industry will ship and cull animals out, as good animal husbandry will call for from time to time, and they will, along with the economic benefits, go to other jurisdictions other than Manitoba. They will be moved on to hunt farms out of Manitoba. Is that your position, Mr. Harms?

Mr. Harms: There are people outside this province wishing behind our backs that this be imposed, so that they can come in here, buy our bulls and take them into their province, or stay and have them harvested there. They will make the money, and we will lose. We will be 10 years behind like we were starting with the elk farming. Why can we not be aggressive once and be the first ones in line, not always the last ones?

Mr. Enns: This may not be a fair question to ask to the presenter, but could it be, Madam Chair, the New Democratic Party Government in Manitoba is passing this bill to help out the struggling New Democratic Party Government in Saskatchewan, to do them a favour, to help their economy? Is this somebody scratching somebody else's back? One New Democratic Party government scratching another New Democratic Party government? I really do not think that the Minister is doing this, but it leads to that conjecture.

Hon. Jon Gerrard (River Heights): The question that I have relates to the figures that you gave for the size of the industry in Saskatchewan. What are the projections for the industry in Saskatchewan, and what would be your estimate if the farmed and hunting, ranching of elk were to occur in Manitoba as to the size of the industry 5 to 10 years from now?

Mr. Harms: From 10 years from now? If you look at Saskatchewan, they have quite a large base to draw their animals from. I am not exactly sure how many farms. There are in the neighbourhood of over 400 farms.

We only have 90. So, we are going to grow at a tremendous pace if we can be allowed to do

that. I would think \$50 million should be very achievable in the producers' pockets in a couple of years. If they did \$5 million in 14 farms in the first year of operation, they are estimating from the Canadian Venison Council, Ian Thorlason [*phonetic*] estimates that they will double that this year and be at \$10 million if they can find the bulls.

Mr. Gerrard: One of the points that you raised had to do with what a pen is. One of the problems I have with the Act as it is put together at the moment is that the word "pen" is not there, let alone being properly defined. There is reference to a shooting preserve which could be anything.

If you were to put in an act which banned penned hunting, as you define it which I think is appropriate as small enclosures, how would you define a pen as separate from what you are trying to develop which is an elk ranch?

Mr. Harms: Okay, a pen would be like a baseball-sized enclosure, a couple of hundred feet by a couple of hundred feet. As our association put out in our newsletter, we would recommend that a hunt preserve be no less than 320 acres, which is a half a mile by a mile and be at least 30 percent to 40 percent with trees so that there would be a sufficient amount of ground cover for that animal to escape and to elude the hunter.

I mean, these people are coming in here paying a lot of money for the hunting experience. No one else can come into this province, no one. The only people that can hunt elk in this province are Manitoba residents. We are not trying to infringe on their hunting at all. We are trying to open up a whole new industry here which could bring all kinds of money from different places. We are not looking for the people in downtown Winnipeg to come and hunt in our reserve. We are looking at the Americans, the Europeans, the Asians.

I mean, Walt Disney has made a terrific amount of money on entertainment. As farmers, we have to look at other ways of generating money, and entertainment seems to be one of the big things to do.

Mr. Gerrard: Another question I have relates to the quality of the land that would be used for the elk ranching. In many cases, my assumption would be that it would be relatively marginal in terms of traditional agricultural practices and therefore would provide a form of agriculture in an area which has not been all that valuable in terms of grain farming and so on. Can you comment?

Mr. Harms: Well, if you read that article that I have on the back of my presentation, they talk exactly about that, how the land that they are using to hunt their white-tailed deer is very, very marginal land and is very unproductive for cattle. They are able to make a considerable amount of money on the hunting aspect of managing those wild animals with no fences around them.

Madam Chairperson: Further questions? Seeing none, thank you very much.

Mr. Harms: Well, thank you very much for this opportunity.

Madam Chairperson: I would call on Dunstan Browne of the Avicultural Advancement Council of Canada. Mr. Browne, do you have copies for the Committee?

Mr. Dunstan Browne (President, Avicultural Advancement Council of Canada): Yes, I do, Madam Chair.

Madam Chairperson: Thank you. Please proceed with your presentation.

* (20:50)

Mr. Browne: Madam Chair, let me introduce myself. I am a lawyer from British Columbia. I think I am probably the only outsider who will address you this evening, so you might regard my comments as somewhat objective. I am President of the Avicultural Advancement Council of Canada, and I am a non-governmental organization representative to the CITES, Conference on the International Trade in Endangered Species. I have in that capacity attended two conferences of the United Nations organization. I am chair of the CITES committee

of the AACC. Together with Mr. Holoboff and Mr. Rason, we represent Canadian aviculture.

Aviculture, for those of you who do not know, is the breeding of birds in captivity.

Let me congratulate you, first of all, for this forum. We do not have that in British Columbia, and I think that is a great pity. But at the same time let me say I am sorry that you have restricted the times for presentation. This is serious business.

I have, what looks like I would have said, walked into but in view of my qualifications, flown into a local fight over pens. I cannot offer you any bloody, gory stories of how we take our birds to the abattoir, because we do not. What we have is a whole number of people, ranging from the lady or the little person who has a budgie that talks, to the supplier of the pet industry, which has always found Manitoba as a very, very good position to distribute many of their goods.

Unfortunately, Chris Holoboff, who is our counsel on this matter for the AACC, could not make it on the short notice, so I am going to talk to his paper this evening.

First of all, though, can I just for reference purposes refer you backwards to the cover of what is called *The Avicultural Journal*. There are four pages in there. The first is just the cover with the beautiful picture, but you cannot see it because it is black and white and I did not have time to bring you colour. The second shows you, if I am not mistaken, the affiliated clubs. We have 35, I think it is now 36, even since that was printed, affiliated clubs in Canada. They range from anything from 20 to 200 members. We have many, many private members of the AACC, I would say the majority of whom come from Manitoba because Manitoba is an area where the breeding of parrots, in particular that species is very, very prominent. So, I am representing here this evening between 3000 and 5000 aviculturists in Canada. We have international affiliations, particularly in the United Kingdom, and the United States, Australia, South Africa and most of the European countries.

The second part of the third page will show you the contents, details and information where, if you are interested, you can find on our Web site, far more information than I am able to give you this evening and I will leave that there for your information. Page 4, of course, has a picture of me and I would hate to leave Manitoba without at least leaving you some memory of me because, when I leave I am sure you will not remember who I was this evening.

Floor Comment: A fine picture.

Mr. Browne: Thank you. Let me take you then to the second part of the presentation. The first is a letter from Chris Holoboff to you when he thought that he could not come and I could not come. I could only come because I had an arbitration cancelled and it allowed me the time to be here to speak with you. Chris is the vice-president, a director, and legal counsel for the AACC. He also was very prominent in our fight against the Toronto by-law which was proposed last year which was very similar, quite frankly, the wording is almost identical to what you are putting forward in your Bill 5.

It came about because Toronto was being consolidated into a megacity and so it meant they had to take into account 12 or 13 sets of by-laws. Then suddenly, although they were not incorporated in any of those by-laws, but they were very hardly pushed by the Humane Society, we found this sort of wording coming in to by-law legislation. We were faced with a huge onslaught. Our budget probably will come out at about \$6,000 or \$7,000 for a year to run our affairs. We were faced with full paper ads in Toronto at \$35,000 a pop, and we did not have the ability to counter that. However, we spoke to the city councillors. They listened to us and they declined that piece of legislation, and I am hoping I can repeat that here this evening.

I will have to talk to you first as a lawyer and then as a politician. Let me read to you from page 2 of Chris Holoboff's letter, second paragraph: I have reviewed the proposed amendments to The Wildlife Act and I agree entirely with what he says, and I have identified a number of serious problems with it and their effect on the keeping, breeding and studying of all birds in Manitoba. It has been said that they

deal only with penned hunting of animals and private shooting preserves or wildlife farms. After a careful review I, and that is including me, can say that they have almost nothing to do with penned hunting and have everything to do with banning of so-called exotic birds and other animals in Manitoba.

The current Wildlife Act deals with hunting and trapping of native wild animals. The proposed amendments would make it illegal not only to hunt but also to own and possess almost all animals. The amendments introduced a definition for exotic wildlife which is so broad that it includes birds and animals that have nothing to do with penned hunting. By defining exotic wildlife as wild by nature, it effectively includes many pet companion birds such as parrots, budgies, lovebirds, cockatoos, macaws—and I can go on with a whole lot of the rest of the list—which have been domestically bred in Canada and which have been owned for many years, some of them 400 years out of the wild.

Most birds would be considered wild by nature. The Act would prohibit the possession of these birds and would automatically make all pet companion and aviary birds illegal in Manitoba. There is no exemption allowed for existing pet birds which have been cherished members of families for many years. There is no exemption for pets in domestic breeding programs or in zoos or university. This would have serious consequences, not only for the owners but for aviculture and society in general.

These amendments clearly have little or nothing to do with penned hunting. How does one hunt an egg, a sperm, an embryo, or a body part? This wording is more appropriate to endangered species legislation, not a law dealing with hunting. That is the crux of the matter. In Canada, several hundred thousand people own one million to two million pets and aviary birds. The AACC each year sells 80 000 identification bands. That is just to our members. That is a half of what is bred in this country.

So-called exotic birds like parrots now come exclusively from domestic breeders, are bred in Canada and are not taken out of the wild. It is a common public misconception that these beautiful creatures are trapped in the wild and

brought here to spend their lives in cages. This simply is not true. Domestic breeders are contributing to the preservation of these species, not endangering them.

Madam Chairperson: One minute.

Mr. Browne: Let me talk to you as politicians. I sat here this evening, and I watched your debate. And very interesting it was. I know nothing of your politics here. I know you have a new government. What I would urge you to do, please, with respect to this matter, is be non-partisan. This is not something you are going to play with. This is the lives of people. I could stand here and tell you for hours and enthrall you of the stories of aviculturists.

This is a tradition. This is an Anglo-Saxon tradition; it is a European tradition; it is a North American tradition. It goes back years of having pet birds. If you bring this legislation in, you will exclude them. You do not need this legislation. Goodness me, you have so much legislation. But think of it, you have got an international CITES. You have got WAPPRIITA, the national federal. You have got Customs and Excise; you have got Food and Agriculture; you have got the Criminal Code.

Madam Chairperson: Thank you, sir.

An Honourable Member: Leave. Let him finish his statement.

Madam Chairperson: Is there leave?

An Honourable Member: Leave.

An Honourable Member: No.

Madam Chairperson: There is not leave. Questions? Are there questions from the Committee members?

* (21:00)

Mr. Cummings: Madam Chairperson, you caught the presenter in mid-flight, and I would give him an opportunity to finish his statement as part of my time to question. Go ahead, sir.

Madam Chairperson: Do you have a question?

Mr. Cummings: Madam Chairperson, I just said I would give the presenter a couple of moments to refinish his statement in response to my unasked question, if he wishes to finish his statement.

Mr. Browne: I take it, Madam Chair, that the question—

Madam Chairperson: Sir, I have not recognized you yet. I am getting advice.

Mr. Struthers: If I understand what the Member for Ste. Rose is saying is that he is putting forward his time in the questions, which means if he takes a couple of minutes to finish off his statement, there will be eight minutes left for questions, and I think that is acceptable.

Madam Chairperson: Is that agreed by the committee? [*Agreed*]

Mr. Browne: Thank you, Madam Chair, and thank you, ladies and gentlemen. I appreciate that. Just let me recap. You have got CITES. You have got WAPPRIITA, a very powerful act of Parliament, a federal act. You have got the customs and excise, you have got the food and agricultural people, who can come and take birds away and kill them. They have the power to do it. You have the Criminal Code. Here you have your Animal Care Act, you have got your health act, you have got your Wildlife Act, you have your agricultural regulations. I am not aware of them, but I presume you have them. You have got your municipal by-laws. You have got all this legislation. What do you need this act for?

I came here puzzled, I must tell you. I could not understand why you wanted this act because it has nothing to do with penned animals. There is nothing in the Act that says anything about penned animals. If you want to do that, if that is what Manitoba wants to do, create a bill.

There is here for your information, as well, a synopsis, which was presented also by Mr. Holoboff. I am not going to go into it. I am just going to ask you please to read it. It is very important for the wild bird life people here.

They approached me to come here to talk on their behalf, and I am coming here as a national

body to talk to you. I am doing it because we are really concerned. There is no other provincial jurisdiction in this country that is even considering this sort of legislation, and I would ask you please to consider it very, very carefully before you move ahead on it. I know you have some ministers here. I know you have that power to influence. I would ask you please to do that.

Madam Chairperson: Are there further questions from committee members?

Mr. Faurshou: Madam Chairperson, this evening I have to welcome you to the Committee. You bring a point of view that brings an observation from a greater distance than just the jurisdiction which we are considering. The one statement just puzzled me insofar as you were saying that Manitoba is unique in this particular legislation. You mean no other jurisdiction has proposed this type of legislation in this country?

Mr. Browne: Yes, there are some municipal jurisdictions in Ontario. There is one in British Columbia, which we did not catch in time. There is Kitchener and one other in Ontario. Toronto was the first major effort to bring in this sort of legislation. There is no proposed legislation from any other province to deal with this sort of legislation, this sort of wording, at all.

Mr. Faurshou: Madam Chairperson, so, in regard to the legislation then, similar legislation has been proposed, as you mention now in Toronto, but it was very well discussed and examined, and it was found that the legislation was not needed and was not, in fact, pursued.

Mr. Browne: Yes, Madam Chair, what happened in Toronto is they did not have one evening for it; they had four days. They heard everybody. They heard members of every wildlife and all the Humane Society. They heard representatives from our society, the Parrot Association of Canada, who I represent as well and are well represented in Manitoba. They went through this, I would think, ad nauseam for three days, after which they deliberated and decided that the proposal would be tabled, and it has never been brought forward again.

Madam Chairperson: Further questions?

Mr. Cummings: I, for emphasis, would like to ask you a rhetorical question. It is your opinion that this would set a dangerous precedent or certainly an unwelcome precedent in those that you work with, if this type of legislation went forward, and that you consider it quite unnecessary?

Mr. Browne: Madam Chair, that is precisely my opinion; it is totally unnecessary in all contexts. I talk as a lawyer here. I found no credibility for this at all. I did not understand, and I was confused. Why is it being proposed? It has got wording in it which has been tried in three or four of the states in the United States. They come with a lot more power than we do.

I wish I bred chickens, for heaven's sake, then I would have some money to come here with 10 lawyers and tell you why I am not. There is no money for us, but it is a huge industry. It is a huge industry and it goes from the pet owner right through the pet breeder, right through the pet industry of supplies. It covers a whole ambit of industry. I do not know the statistics for Manitoba. I did not have the time to pick them up, but you would have those statistics. The Government will have those. Look at them. You will be surprised at the statistics.

The whole industry has also changed. It is not what it was 10 years ago. Zoos are not zoos anymore. Zoos are conservation places where people are breeding, where people are looking at genetics, where they are bringing in pools, where the international community are stopping you from bringing these things in with CITES. You have to have so much paperwork now. There is no more simply bringing birds from the wild. They did that. They did that in the beginning of the '90s. The United States have stopped that really effectively, and Canada. That was the cause of WAPPRIITA.

I have been dealing with the Environment Canada federal bureaucrats in Ottawa for years trying to form that. You talk of this as enabling legislation. This enables you to absolutely cripple the avicultural industry.

Mr. Jack Penner: Mr. Browne, thank you for appearing before the Committee. I think you have attempted to demonstrate to this committee

that the exotic pet industry is no longer what is perceived of the industry, that what you have described is a very intricate and very distinct agricultural entity that is very precise and needs to be dealt with in a very precise manner. To attempt to put the species under this kind of an act would demonstrate to me a will to move way beyond controlling an industry, I mean an industry in its entirety, than just the hunting of certain species.

Now could you give us a bit of an overview as to how extensive in dollar terms your industry really is, what sort of dollar terms do you generate within your industry, not just from the sale of the actual livestock but the expanded industry as you described?

Madam Chairperson: One minute, Mr. Browne.

Mr. Browne: I had occasion to visit HARI, H-A-R-I, it is the Hagen Research Institute, in Montreal last year. It is a multimillion-dollar institute. Hagen's, for instance, which are the Canadian distributors of pet supplies, are a multi-multimillion-dollar industry. As far as I recall, Manitoba was the centre of distribution for that industry for western Canada.

The only stat I have for you is that the importation of cages for birds alone into Canada three years ago was something like \$26 million, and that is import, mostly from Italy. We are trying to get that to happen here. We are conservationists now. You are not talking anymore to the little bird keeper. We are very much involved in conservation.

Madam Chairperson: Thank you for your presentation. The next presenter, Dennis Saydak, private citizen. Sir, do you have copies that you wish circulated?

Mr. Dennis Saydak (Private Citizen): Yes.

* (21:10)

Madam Chairperson: Please proceed, then, with your presentation.

Mr. Saydak: Honourable Members of the Legislature. My name is Dennis Saydak. I am a

lifelong member and resident of Manitoba. I am an aviculturist and owner of The best little Hen House, which is a parrot-breeding facility located in Anola, Manitoba. I am also a pet bird supply retailer. I am the Manitoba Director for the Parrot Association of Canada, and I am a long-term member of the Avicultural Advancement Council of Canada which Mr. Dunstan Browne heads.

I am here today to present my concerns about Bill 5 for your consideration and also to add my support to those who collectively oppose this legislation. I understand that our government is attempting to do some good regarding the prohibition of hunting and killing of any native exotic wildlife animal in captivity. However, I firmly believe that Bill 5 is the wrong vehicle to accomplish that task.

My concerns involve two major areas. The first is the preservation of exotic bird aviculture in Manitoba; the second is the protection of the legitimate exotic pet industry in Manitoba, which involves my livelihood. That is how I earn my living.

Independent legal counsel and the Honourable John Gerrard have previously stated that the existing Wildlife Act is adequate to control panned hunting in Manitoba. Therefore, I believe that Bill 5 is redundant and a waste of government resources. Bill 5 does not contain a definition of its intended purpose, and that has me extremely concerned. In fact, it does not even contain a definition of, or any reference to, panned hunting.

Therefore, this proposed legislation could easily be applied to other areas at the whim of government. For example, it can be used, figuratively speaking, to tie the legitimate pet industry in this province to a tree and kill it without firing a single shot. It will do this simply by banning the possession of exotic animals and controlling all related activities. Similarly, Bill 5 will also kill the conservation work being done by dedicated breeders of exotic animals such as myself. Consequently, it will contribute to the extinction of endangered animal species. This is not an acceptable consequence of conservation legislation. This omnibus-style legislation amounts to loading a machine gun completely in

the Government's favour and supplying the people of Manitoba with absolutely nothing with which to defend their existing rights.

Legislation should be written so clearly that there is no doubt about its intended purpose and no opportunity for its abuse or misinterpretation. Bill 5 does not even come close to meeting this basic criteria. Because of this, I am concerned that a hidden agenda has been written into this legislation that is not consistent with the majority of Manitobans. There will be no public debate in the future on regulations related to Bill 5, so it is absolutely essential that the purpose of Bill 5 be clearly defined up front and that a definition of "penned hunting" also be included. Without that information, Bill 5 is nothing less than an outright attack on the owners of exotic animals and the legitimate pet industry in Manitoba.

It is inconceivable to me how our government could come up with proposed legislation that would effectively make instant criminals out of such a huge number of Manitobans, not for the possession of illegal drugs or other contraband, but for the possession of exotic wildlife. It is doubly inconceivable that, under this legislation, a person is considered guilty as charged and is then required to prove their innocence. Drug dealers, murderers and the like are not placed in this situation, but people who have exotic pet and companion animals will be.

Numerous unofficial assurances have been given by the Minister of Conservation (Mr. Lathlin), the Premier (Mr. Doer) and others that Bill 5 is not intended to affect the legitimate pet industry in Manitoba and therefore will not impact upon aviculture in general. One would have to be extremely naïve to believe these claims, especially after a careful review of Bill 5.

Independent legal counsel has stated that Bill 5 has almost nothing to do with penned hunting and has everything to do with banning so-called exotic birds and other animals in Manitoba. This begs the question: How can Bill 5 be so far removed from its intended purpose? It serves to raise the alarm that either the Government does not understand the far-reaching effects of this legislation and the effect

it will have beyond penned hunting, or it is not being completely truthful in this matter. Neither possibility is acceptable. The reality of this situation is Bill 5 has the potential to inflict great harm on the pet industry in Manitoba and cause serious grief for pet owners.

In 1996, my wife and I invested our life savings into a perfectly legal parrot-breeding business. We took early retirement so that we could apply ourselves full time to this new venture. An important motivating factor for us was the opportunity to contribute to exotic wildlife conservation, thereby making our world a better place. We have made all the personal sacrifices necessary and have been working extremely hard seven days a week since 1996. This is livestock. They do not go to the fridge to be fed. We have to look after them on a daily basis. We have been working extremely hard to build our business to where we can earn a decent living and recoup our investment. If Bill 5 passes in its present form, we see the distinct possibility of being driven out of business because of it.

Instead of having hopes, goals and dreams for the future, we could be left unemployed and with a serious financial loss at a very difficult age to make a new start. Our financial investment would essentially be forfeited due to government error, as far as I am concerned. When I consider that our business would continue to be legal in the eyes of the federal government as well as in all provinces except Manitoba, I am simply astounded at the gall of the authors and the promoters of Bill 5.

In conclusion, I oppose Bill 5 for the reasons previously stated. I ask the Government to do the right thing and replace Bill 5 with legislation specific to the stated objective of prohibiting penned hunting if that is deemed necessary. This government should provide legislation that protects the existing rights of exotic animal pet owners as well as the pet industry, in general, when introducing new legislation affecting these areas.

I thank everyone for the opportunity to voice my concerns and recommendations about Bill 5. Thank you.

Madam Chairperson: Thank you, sir. Do committee members have any questions?

Mr. Jack Penner: Thank you very much, Mr. Saydak. You have indicated or made reference a number of times to the drafters of this legislation. Have you been able to find out who has penned the essence of this legislation and whether that person or those persons have a personal agenda here? Is this the Minister's work, or whose work do you perceive this to be?

Mr. Saydak: I am not aware of who the authors of the legislation actually are, but I do know that Chris Holoboff, the lawyer for our two avicultural associations, has asked that question of Mr. Lathlin, and to my knowledge Mr. Lathlin has not responded.

* (21:20)

Mr. Jack Penner: Well, thank you very much. I will ask you how many breeders would consider themselves agriculturalists in this province, as many other breeders of other species would today. Do you consider yourself part of the agricultural community?

Mr. Saydak: I live in a rural community. I have a small breeding farm. I live on five acres, and, yes, I consider myself, in that respect, part of the agricultural community. I am small potatoes compared to somebody who has 200 or 400 acres or whatever.

Mr. Jack Penner: Do you consider this as a piece of legislation that is an attack on the agricultural community?

Mr. Saydak: Very definitely so, yes.

Ms. Wowchuk: Thank you for your presentation, Mr. Saydak. You have indicated your concern of the impacts that this legislation will have on the exotic bird industry, but under The Wildlife Act there is already authorized regulation to prohibit possession of any species or any type of animals, not just wild animals.

Can you indicate which part of this bill causes you concern that there will be new authority to prohibit the possession of exotic birds? We have indicated that this legislation does not apply to exotic birds. So I wonder where it is in this legislation that is causing you this concern.

Mr. Saydak: It is specifically in the definition of exotic wildlife, because every bird that I breed falls under that definition. Further on in the act, every aspect of my operation is nailed to the wall, from possession, importation, the sale. Everything associated with my operation is to be controlled.

Ms. Wowchuk: But under clause 90 of The Wildlife Act, there are already those regulations in place that prohibit possession of species or any other animals. So those regulations are there already. There is nothing new that would indicate that this is going to affect the exotic bird industry.

Mr. Saydak: I am sorry, I do not understand the question. I do not believe the existing Wildlife Act specifies exotic wildlife. It is native wildlife. Is that not correct? I know it is illegal to keep native bird species such as blue jays, things of that nature. It is illegal under The Wildlife Act, but we are talking about exotic wildlife that are considered pet and companion animals.

Also, we have to consider the conservation aspect where in their native habitat these creatures, many of them are on the brink of extinction, and the only hope of saving the species for this world lies with conservationists such as myself who breed them.

Mr. Gerrard: I think that you have raised some important points in this legislation. I think there are multiple problems with it. If you look at the original definition, and I have the original act here, wildlife is defined under the previous act as it was, as a vertebrate animal of any species or type that is wild by nature in the province. So it probably would not include exotic wildlife, from elsewhere particularly.

I think, quite frankly, this should go back to the drawing board and be redrafted specific to penned hunting, if that is the Government's objective. But if indeed you have spent some time looking at this and you want to be sure that the parrot industry was not affected, what would be the simplest change to make absolutely sure that the industry that you are a part of is not affected?

Mr. Saydak: The change that I would like to see is a unique piece of legislation that is applicable

to penned hunting, if that is deemed necessary. Regardless of whether the animal is native or exotic, that is immaterial. That is the simplest change that I can see. There is no need to attempt to control the exotic pet industry with omnibus legislation.

Mr. Gerrard: In your view, there is not a simple change to this bill, as it is now drafted, that would make sure that the parrot industry was not affected.

Mr. Saydak: That is correct, yes.

Mr. Struthers: Mr. Saydak, thank you for your advice tonight. I thank you for presenting here to the Committee. I do not want to put words in your mouth, but I do not want to leave the table confused, as I am now.

Number one, in your report, your submission, I think you have hit the nail on the head as to what we intend to happen with this legislation. That is the prohibition of penned hunting. What we do not want to do, as we do that, we do not want to cast our net and destroy other things along the way.

From there, that is where my confusion comes in. On the one hand, you have mentioned that you want to see a unique law presented and debated in the House and eventually passed, but you have also suggested that what we could do is make a more precise definition of the term "penned hunting." At some point, that advice will be considered by this committee. Which would be your preference, a new law or a more precise definition of penned hunting?

Mr. Saydak: I believe a new law with a very precise definition of penned hunting is absolutely required. I think this is just so confusing it is unbelievable.

Mr. Enns: Just one question. I, too, thank you for your presentation and the organization that you belong to for their presentation. I am aware that Canada, in fact, is signatory to all kinds of international conventions, et cetera. There is a legitimate concern that we all have about an industry—if I can call your occupation an industry—when we are talking about the importation and, particularly in the past, some of

the record in the past, from other lands and so forth. That, from my understanding, has become a thing of the past and a pretty efficiently regulated business.

Madam Chairperson: One minute.

Mr. Enns: Are you aware of any specific incident that caused difficulty, that sufficient control was not on the exotic birds and pets that you are involved with, that would bring about this kind of reaction from government?

Mr. Saydak: I am not aware of anything. I can speak very, very clearly about parrots. Parrots have not been imported from the wild for the pet industry into Canada in over a decade. The importation of parrots is strictly controlled by CITES. You need permits to bring them in. They do not issue permits if you want to bring something in as a pet animal.

There has to be a legitimate reason for pairing up a very rare bird that you have, just being one example, perpetuating the species, preserving and perpetuating the species. It is all strictly regulated and controlled, and it is working extremely well. I have heard no complaints from aviculturists or anyone.

* (21:30)

Madam Chairperson: Thank you for your presentation tonight, sir.

Mr. Struthers: Would it be the pleasure of the committee to take a short five minute recess?

Madam Chairperson: Is that the will of the committee?

Mr. Jack Penner: Did time run out for this section?

Madam Chairperson: Yes, it did. It was over, actually. Seven presenters.

Mr. Cummings: There are, I believe, a significant number of members on both sides of the table to continue hearing the presenters. If we want to save everybody some time, I would encourage us to proceed.

Madam Chairperson: We do not have agreement.

I would call on Sheldon Willey, private citizen. Mr. Willey, do you have copies that you wish to circulate?

Mr. Sheldon Willey (Private Citizen): No, just a few notes.

Madam Chairperson: Please proceed with your presentation.

Mr. Willey: Part of my presentation includes some of the people who just walked out. I wanted them to hear this. It is one of frustration. My name is Sheldon Willey. My wife, Eugenia, is here. We have four children, and we run Wild Things Outfitters where we basically do wild boar hunting on our private land as well as outfitting for ducks and geese and white-tailed deer on open land.

Our Agriculture Minister is not here. That is where I want to start. You know, I do not have a lot of faith in the governmental system.

Madam Chairperson: Sir, if you do not mind, I would just like to interrupt. I am being advised that we have both ministers out of the room. We have one back. Thank you, I am sorry, sir.

Mr. Willey: Good. Well, anyway, as a farmer, as I was saying, I do not have a lot of faith in the governmental system. I am 33 years old, and things do not always seem to turn out right. Farmers have been fighting. It has been really tough on the farm, and I imagine you know a lot about that. Anyway, so we diversified in 1997 after being to the Farm Debt Review Board with a grain farm, and I was trucking at the time. I had to sell my truck. I wanted to sell my truck. I wanted to be with my family, you know, four small kids, and we came up with this idea of enclosed hunting for wild boar.

All through this process of Bill 5, never once, as some of my counterparts have mentioned, have we ever been contacted. It is just that Bill 5 is in the air. We have to run around like I do not know what to get some

information, make phone calls to no end. I phoned the Agriculture Minister because that is who you would think you would phone, got her on the phone after waiting for a day, with two copies of the *Manitoba Co-Operator*. I wanted to quote some things to her on how she was saying she was going to help young farmers and be there and diversification and value-added is the way to go. She hung up on me.

An Honourable Member: What?

Mr. Willey: Yes, you did, and Mr. Oscar Lathlin is gone. His secretary, Glen Holmes, or his assistant, whatever, Glen Holmes, I phoned there for help on this, want to know what to do. He says: Really, Mr. Willey, there is nothing to worry about; this is simply, we are going to put some regulation into place.

I said, that is funny, CKX Television has just faxed me with a copy of Bill 5. Oh, you have the copy. Well, I am not going to lie to you. We are trying to shut you down. Why the cat-and-mouse game there?

Then, tonight, I have heard a lot of good arguments on the side of banning the Bill altogether and getting rid of that bill. That is what we should be banning here tonight, not the enclosed hunting. Of the arguments for, a few people have said well, maybe Bill 5 should continue, like the speaker who was just up a minute ago, Mr. Saydak. When he was questioned here, he said yes, if you have to make a bill, make a bill. But I really do not believe Mr. Saydak really cares about that bill or not. Now that he has been asked, maybe it has been put down on the books that it should be a bill. But the common person does not even care about this.

Mr. Lintott was up from the Manitoba Wildlife Federation—it was very hard for me to sit in my chair—spouting 14 000 members and the majority giving support. Ray Walker is the president. Ray Walker wrote an article in the *Manitoba Lodge and Outfitters Association* magazine in the winter. I had a chance to meet with Ray Walker about a month ago. I asked him how, how, when the Brandon Wildlife, the chapter, Brandon Wildlife, have bought a hunt from me—they had no problem with it—for a

prize. That is really bothering them, is it not? There are 114 chapters of Game and Fish. That is where these members come from, these 14 000 members come from. They know nothing about this. They were not asked. There was no letter given out, a vote taken on it. What happened, Ray Walker said, told me when I questioned him, there was the annual meeting about the time just after the election when this came up, 83 members or something like that present, a few remained undecided, about 40 voted. So that is what we are talking about. We are talking about 40 people from 14 000 that really said anything on this bill, so to me I cannot understand how that carries any clout at all or his statement of unethical hunters.

We had 14 hunts this spring for wild boar, 10 were successful, 4 were not. One guy was from Colorado, hunts Rocky Mountain elk all the time, said this was way harder. He went home after a week without a boar. Unethical, not for the real hunter? Who are these people saying that?

The truck that I sold. I used to truck livestock from the Winnipeg livestock yards to kill plants. That is what I did. I have experience in that. I have been in a lot of kill plants—Sioux Falls, Marion Street here, they ship a lot of hogs to Sioux Falls, John Morrell packing plant; cattle to IVP in Nebraska; Minnesota, the Twin Cities, St. Paul, there are a lot of kill plants I have been to, and I have got to tour some of them while we were waiting.

I do not have a problem with mass kill because, I mean, that is how we have to do it. But these arguments about not being a humane thing because it is enclosed—possibly we need some regulation because unlike that example of a woman bearing a child, everybody knows a hunt farm is not the same. You cannot compare one to the other. There might be a bad example of a hunt farm out there, but I do not think that is a fair shake at all. So possibly there could be some regulation to check these places out, but as far as I see and have heard tonight, anything against the hunt farm idea is just being misinformed and uneducated. That is really sad because I know around this table there is way more education any one of you have had than I have had. Yet, because of that, you know, we

start up something, we are diversified, value-adding, and then Bill 5 just crawls out of the woodwork and we are not going to do that anymore.

It is just frustrating. Like I said when I first came up, it is very frustrating how that works. I am glad for this little part to be able to say my feelings on it. I do believe, as it was mentioned here before, that it was just an easy target for political votes. Penned hunting. Nobody likes it. Boo. And everybody got on board and it made sense. Again, agricultural minister, you can have your personal view on it, but to come across as an agricultural minister spouting helping the family farm and being there for the small guy. We were just about finished in 1997. It is not going great. We are only three years into it, but I can see it coming. People want to hunt. It is just in some people to hunt. Hunt farms, I think, are a way of a future.

Madam Chairperson, 1975, four billion people on the planet; 1990, five billion people; 1999, six billion people. As people take over habitat, animals lose habitat. Maybe it is not a great thing, but that is what is happening. That is the reality of it. It is coming. It is great to have a place where you can go hunt in the wide open and all that, but really, to keep up with hunting, there are going to be hunt farms somewhere, if not in Manitoba, in a lot of other places there will be hunt farms, and that will be a way of diversification and value-added things for the farmers to do. We still farm a little bit of land. We downsized. We do the wild boar hunting, and I have been able to stay at home and see my kids at least once a day and run the hunt farm, meet a lot of nice people. They seem really ethical, unlike Mr. Lintott's description of them.

Just ending here, if you take that away from us, I do not know what we would do. I have tried a few things. I really do not think that the Government wants people to just give up and go on social assistance, but it starts to get frustrating after a while. I just ask you to abolish this bill.

* (21:40)

Madam Chairperson: Thank you for your presentation.

Ms. Wowchuk: Thank you very much for your presentation, Sheldon. I appreciate it. I wanted to ask you a couple of questions, but before I ask those questions, I want to indicate to you that, although you have said that someone hung up on you on the phone, and that that was me, I certainly do not recall that, and I certainly will check to see what that is. I am very much in support of the family farm and want to look at ways in which we can help people to continue in their livelihoods. I very much appreciate the comments that you are making this evening. We will certainly take your comments into consideration, as we look further and listen to the presentations that have been made. So I want to thank you for your presentation.

Mr. Cummings: Sheldon, you need not apologize for being very succinct in how you have stated your problem. I think we understand, from the emotion in your voice, the concern that has been created and what drove you to come here.

I have a couple of questions. One is self-explanatory, but I want to make sure that you have a chance to state your view on it. Until this bill was introduced, wild boars were not listed under The Wildlife Act and therefore were exempt from regulations regarding hunt farms or whatever other terms were being applied to them. Is that the basis upon which you proceeded?

Mr. Willey: Yes, value added. Wild boar was brought into Manitoba to diversify with, right. It was supposed to be a leaner meat and it is. It is a very good meat, but there are a few complications with them. They take a long time to grow, and right there, they get to live a little longer, right. For instance, we generally try to get the hunt boars about 200 pounds roughly. So they need to be two years old to get to that, and just addressing your comment there, yes, I have to keep mine penned. It is the law.

Mr. Cummings: There has been a number of suggestions about this bill tonight, the full range from throwing it out to proceeding with it. I am asking where you see government of any stripe should move on this issue. Is it something that would be better appropriately regulated, as opposed to being regulated out of business?

Mr. Willey: Well, it has been a very informative evening. A lot of things have come up here. Some of the acts that are in place already seem that they would deal with it. But any hunting preserve, I do not have a problem with, although it possibly would need some type of regulation where we would sit down with a board, and the people that are in business doing it already could work with a board and some kind of regulation, if there had to be.

Mr. Cummings: You touched on it, others touched on it, but I wonder if you could phrase, for the record, whether or not you would consider the operation that you run a humane operation.

Mr. Willey: Yes, like I say, from trucking to running a hunt farm. I call it a hunt farm, maybe that is not the going term, but I do, that is what we do. The animal, like Mr. McRorie said, when we had kill plants, when we were at John Morrell's, and you try to get those hogs out of a trailer, it is just, I mean, there are laws being broken all the time, every day at those plants, because you are not supposed to do this, you are not supposed to do that, but it is very frustrating trying to get them out of a trailer.

At the hunt farm, when we open those doors of the trailer, those animals are gone. They see that bush. They just know it is there and they are gone. When the kill happens, it is generally fast, and the animal does not even know what hit it. It is in its environment. I think the animal really does not see 1 percent of it coming.

Mr. Cummings: Thank you for your presentation, and thank you for your obvious commitment to what you believe is the right thing.

Mr. Gerrard: I would like to ask or enquire about the size of the hunting area that is included on your farm.

Mr. Willey: Actually we do a hundred acres. Someone mentioned before about it being marginal land. I bought the land in '91. We were able to do nothing with that land. It is just hills and valleys. We were not even using it for pasture. It is just really marginal land, mostly all treed. So we fenced 40 acres originally, and it

proved to be good and exciting, so we added on 60 for our rifle area. I started off bow only. We do a rifle area now. I do watch how I manage it.

I do not believe in a guaranteed kill. I do believe in hunting. In fact, right now, if there is anyone in this room that would take me up on a challenge, you can come and hunt for free. But if you do not get one, you need to pay me. That is how we are at this time in the summer when we are at depleted stocks and the foliage is very heavy. You will not get one.

Mr. Gerrard: So you have a fairly large enclosure relative to the size of the animal, the wild boars that you have got, and it is very difficult to find them, particularly at the moment. It would really not fit what an ordinary person would consider a penned small enclosure where the animals would have no ready means of escape.

Mr. Willey: That is exactly right. I remember phoning one of the *Winnipeg Free Press* writers when it first came out as penned hunting. I realize it has been changed since then, but in quoting him from the *Webster's Dictionary* what it means to be "penned," which means: "to be closely confined in an area without escape."

Well, we have a 60-acre area and I have at least three boars that have been in there since we opened it in '98. So they have gone all summer of '98, all summer of '99, until now, and those three have not been harvested yet. They were approximately 2 years old when they were released. Now, they are around, obviously, 3 years, 5 years old. Over a domestic hog's 5- to 6-month life span, I think that is pretty good.

Mr. Gerrard: The question I would have for you, with the former presenter in the area of elk farming, he described a pen, of course, is relative to the size of the animal. What would you consider a pen, a small enclosure, where the animal would not have a reasonable chance of escape for a wild boar?

Mr. Willey: Depending on the terrain, like it was mentioned before, it does make a bit of a difference but like 320 acres, that is going to be a lot of acres when you are talking bush and the ravines and everything. The Toronto SkyDome,

I do know if any of you have been there, but it only covers 8 acres, so that might give you some idea.

Mr. Gerrard: A baseball-size enclosure would be an operative definition of what a pen might be?

Mr. Willey: That would be getting a little bit smaller, maybe.

Mr. Gerrard: The question on the quality of the habitat for birds and other wildlife in the acres that you have enclosed, it would seem to me that one of the things which is a by-product of your industry is that, in fact, you are preserving some fairly high-quality habitat for a lot of birds and other species. Is that true?

Mr. Willey: Yes. Actually, I am not really a bird watcher, but it is amazing how many of the hunters have picked up on stuff like that. Right now, I am told, we have a pair of golden eagles that have nested there for the last three years. They have not seemed to be bothered by that, and I hear that is quite rare. As well, I only have a five-foot fence which white-tailed deer jump in and out of all the time, but for some reason during hunting season my white-tailed deer stocks go up, and then they just jump out later. They seem to know they are safe, because we do not hunt white-tailed deer there. You know, we are not supposed to.

* (21:50)

Madam Chairperson: Mr. Penner, Emerson, one minute.

Mr. Jack Penner: I will only take a minute. You are the right age. You look like the right kind of a person that has farming in his heart. It would appear to me that the Minister of Agriculture (Ms. Wowchuk) would look very favourably on having you or people like you in her community. I certainly would. I would be absolutely elated if we had a hundred of you in our community, and it would make our community, I think, a better place to live, because you are the right age to raise families, to support schools, to support health care facilities and support building an economy.

I just want to congratulate you for taking the initiative. Everybody that has been through debt review knows what debt review means. Having been there on a number of occasions with people that have gone through that system, I know how emotional that can be.

For you, having gone through that and coming out and taking the initiative and diversifying, I think you need to be congratulated. You do not need legislation that would drive you out of business. My only—

Madam Chairperson: Thank you, our time is up. Thank you for your presentation. I would like to call on Dwain Lawless, R.M. of Rossgburn. Do you have copies, Mr. Lawless? Thank you. Please proceed with your presentation.

Mr. Dwain Lawless (R.M. of Rossgburn): You do not know how close a couple of us were a few minutes ago to taking those fans and turning them the other way. It is not that bad.

I guess I am quite disappointed. First of all, I thank you, Madam Chairman, and the Legislative Assembly for giving us a chance to make a presentation. On your request, I will maybe deviate from this presentation. I will so-called wing it. A lot of things we have in here have already been discussed. I, however, have a couple of points, probably two or three points that I would like to bring up, things that only have been touched upon and possibly some new points.

I come from the same area that Sheldon comes from. In fact, his farm is probably two miles from mine. Our council felt it very, very important that we speak out on this issue. For someone that does not know where Rossgburn is, the R.M. of Rossgburn, it is about three and a half hours from Winnipeg. We are just south of Riding Mountain National Park. We do have a lot of wildlife. I should not say problems, but there are a lot of wildlife-landowner confrontations. Like I say, Sheldon set up, I think he said in 1997. We have not had a problem at all. They are very well enclosed. One thing he did not mention—or maybe you did, Sheldon—that he has two boars that have not been caught yet, and I think there is a very, very low percentage rate of actual kills.

Anyway, I guess the point I was trying to make or I am trying make is the fact that the federal government, the provincial government, and for that matter the municipal government, promoted diversification, and a lot of farmers did diversify. Of course, all of a sudden this particular bill comes along, and I do not know what the proper way to address this, whether to modify it or improve it or completely throw it out. I know our council is very adamant that, particularly in our municipality we do not have that much industry. We have 70 quarters of Crown land that we would be lucky to collect \$100 minus school tax off. We are very low assessed, and we are looking for any diversification we can get. This particular venture of Mr. Willey's, he brings people from the States and all over, and they leave money in the community, absolutely.

I guess the other point I wanted to make is the effect that special interest groups can have on politicians, in that case I certainly include myself. I had the opportunity last September to attend a beaver conference, no less, in Denver, Colorado, put on by the Humane Society. Well, there were three of us went down to that, and boy were we going to go down there and tell them a few things, that the only good beaver is a dead one type of thing. Well, we went down, and there were a lot of animal rights people there and the Humane Society. We stayed pretty quiet, but we picked up a lot of ideas. The point is there are four states that I am aware of that actually do not allow trapping. Can you imagine what would happen to us if that happened in Manitoba? Our municipality right now, we take about 1200 beaver out a year, the bounty program.

Anyway, the CBC caught up to this, and we were looking at ways of working with the beaver now in culverts and roads. It has been quite successful. Anyway, the CBC caught up to this and did a special on it, and, lo and behold, the BBC phoned me one day. They wanted to do an interview. Well, I got thinking here, what do they want to interview me about. The lady talked for about 10 minutes. They want to talk about the beaver bounty, but I know that in England the Greenpeace or the animal rights people have adversely affected our pelt prices. I would not talk about the bounty. I talked about the deceiver, the level, the thing we protect our

culverts and roads which are working quite nicely. She said, well, I do not know whether I want to interview you or not. She said, if I want to talk to you, I will phone back in 10 minutes. But you can bet your dime to a dollar that, if I had talked about the bounty that was in Manitoba, Greenpeace would have been over here.

I guess the point I am trying to make is the special interest groups have affected our beaver. Special interest groups, I think, have lobbied government to come in with this penned hunting or Bill 5. The point I am trying to make from a municipal perspective, we feel it should be modified at the very least because we are going to put a lot of people out of business. I have a couple of options here or opinions. I think for the people who have actually gone into it, diversified like governments told them to, there should be a grandfather clause, absolutely.

These people are going to go broke. I am sorry that the Minister of Agriculture (Ms. Wowchuk) is not here, or maybe she is at the back. If not, my council feels that they should be at least compensated for their investment. I think that is only fair. The Government told them diversify. You know, you cannot make it in grain. Do not get me wrong; it is rough out there. A grain farmer is having a lot of difficulty making ends meet; 75 percent of the farm wives in our municipality are working off the farm. That is not right. What do you do? Diversify. Get elk, get hogs, do whatever you can to make the farm viable.

Basically, I think that is all I have here. Like I say, there were a lot of good presentations tonight. I did not want to do a lot of repetition. There were two or three points that I wanted to bring up. You can read the actual presentation at your convenience, but I am really surprised that other municipalities are not here that I am aware of. I do not know what stance AMM has taken on this situation. I have not talked to Jerome, or anyone, but we are very adamant that something has to be done here. Thank you.

* (22:00)

Madam Chairperson: Thank you for your presentation, Mr. Lawless.

Mr. Cummings: Thank you for your presentation. Living on the other end of the mountain, I can appreciate your analogy of the beaver issue, but I would like to press you a little bit more on whether you have advice for this committee and for government about the Bill.

You just referenced the range of options, but it seems to be that because this is not an illegal activity until this bill becomes law, particularly wild boar. In fact, it would be better if the Government wrote a more simple, more targeted bill if they choose to live up to their promise to eliminate "penned hunting" or if you believe there needs to be expanded regulation in this area.

Mr. Lawless: Mr. Cummings, I have been on council for 13 years now, and I have talked to you before. I have talked to most of you before. My experience in a difficult situation, whether it be mostly in the municipality, if we have difficulty, I get all the players at the table. Like, you have a confrontation. If you get a drainage problem, you get the one downstream, you get the one upstream, and you hash it out at the table. The same situation here. Maybe it was done, I do not know, but I think all the stakeholders should be at the table.

Mr. Cummings: Well, I think your experience and your advice is very wise, because if all the players were at the table, and after having heard the variety of presentations here this evening, in terms of this legislature, that means that the Minister needs to make a choice. In support of what you said, that would mean that it would be a recommendation that he consider carefully before they put this bill into law. I am wondering if you see an urgency.

Almost every presenter tonight, save maybe a couple, have talked about the need for careful consideration of the potential implications of this. Is there absolute urgency anywhere that you know of that this bill or something similar to it should be in effect quickly?

Mr. Lawless: Not that I am aware of. I am generalizing more or less. From what I am hearing here there should be more input from the various stakeholders. Basically that is it. I am sorry, I cannot give you a better answer.

Mr. Cummings: But, nevertheless, your comments are valuable because as I understand the position we find ourselves in today, the Bill could go through the Legislature, and then discussions would occur around the regulations, highly discretionary, as I read the Bill.

Can I assume that it is your advice that the discussion should occur before the Bill goes through final reading in the Legislature, as opposed to afterwards once the Bill is in place?

Mr. Lawless: Yes, I think it should before.

Mr. Gerrard: Mr. Lawless, as reeve of an area which has a number of what one might term as hunt farms, from wild boar to other species, how many hunt farms would be in your municipality?

Mr. Lawless: I am not aware of any. I know in the R.M. of Park there are wild boars, but I do not think it is hunt. Sheldon would be able to answer that. Only one in our particular municipality. I know there have been wild boar problems, at large, but there has not been a problem with this particular one.

I am not sure. I cannot answer that for certain. I am just addressing a wild boar, the one we have. We do not have any other so-called diversification in our municipality, other than that.

Mr. Gerrard: Would you see the hunt farms of the type Sheldon has as an important contribution to agriculture in Manitoba in terms of diversification from existing circumstances?

Mr. Lawless: Mr. Gerrard, we will take anything we can get. Absolutely. We do not have that much. I think, when other people see how successful he may be, absolutely. We have had people who have had chinchillas and emus and ostriches that went by the wayside. This has probably hung in longer than anyone has.

We are looking for diversification. If we cannot get industry, we cannot get government to put something in our municipality or town, we will take anything we can get for employment.

Mr. Gerrard: The average citizen, it seems to me, considers that a pen would be a small

enclosure from which an animal cannot readily escape from the hunter. As a municipality which has had a hunt farm in it, maybe you could comment on the definition of a pen. If one proceeded with legislation to ban hunting in small enclosures, what would you—

Mr. Lawless: A pen would be a normal farm corral, I would say. That is how I envision a pen. Sheldon's 40 or 100 acre enclosure for wild boars is very large, very large, in my opinion. I am not a hunter. Do not get me wrong. I do not hunt. I have never been into that. But a pen, I would say like your normal farm corral where you keep your cattle in the wintertime. That is my version of it anyway.

Mr. Gerrard: Thank you very much.

Mr. Struthers: Thank you for your presentation, Mr. Lawless. I found myself agreeing with much of what you were saying. I guess maybe it is the rural roots coming out in me, but I understand completely. The pressure that we feel in our areas to look for economic development ideas that are successful that we can foster and that we can use to provide economic activity and life in our rural communities. I think that should be fundamental to any decisions that we make.

I am also very concerned and have been very bothered for a long time about one part of your presentation that I think you accurately put your finger on as a big problem in this province. It has been a big problem for quite a while. That is the amount of influence that special interest groups have on the decision-making process in Manitoba and quite frankly across the country. This is more of an observation than a question, but that is something we are attempting to deal with, with legislation we have introduced in this session that I am hoping gets all-party support, and that is limitations to the amount of money that third parties can put towards elections so that they do not influence the decision making.
[interjection]

Madam Chairperson: Order, please. I realize that we have been at this for almost four hours. Order, please. Your response, Mr. Lawless, if any. [interjection] You are not finished, Mr. Struthers?

Mr. Struthers: Maybe I spoke too early when I thought there would be co-operation from the other side on doing what you want to do with special interest groups.

Our goal is to limit the amount of money that could be spent to influence the outcome of provincial elections. I think that, in the long run, that will provide some kind of comfort for people who do not want the large amount of money going into large, outside-of-the-province, organizations who you and many of us are worried about having undue influence on the decisions in this province.

Madam Chairperson: One minute, recognizing Mr. Enns, on a point of order.

* (22:10)

Point of Order

Mr. Enns: I really, first of all, think that you ought to allow us a minute and a half of additional time because this last minute and a half certainly was not relative to Bill 5. I would simply ask that you call the Honourable Member for Dauphin (Mr. Struthers) to order and ask him to discuss Bill 5.

Mr. Struthers: On the same point of order, I believe the Member for Lakeside has been listening all night to one presentation after the next that has put their finger on this problem, which I think needs to be addressed. The problem of special interest groups who do have undue influence on our government and your government before then, are we going to do something about this with the legislation, or is the opposition unwilling to take that step?

Mr. Jack Penner: On the same point of order, I truly believe that the Honourable Member for Dauphin, I think, put his foot in his mouth because I think what he is saying or should have been saying is that we should be dealing with The Endangered Species Act and that he might, in fact, be an endangered species if he keeps on talking this way. Next election comes early.

Ms. Wowchuk: I know that this a very important issue, but Mr. Lawless is here to comment. Can you assure me that Mr. Lawless

is not losing his time to speak while this point of order is being addressed?

Madam Chairperson: Before I rule on that point, the clock is stopped during a point of order. On the point of order, I do not think there is a point of order, but there is a good point. I would remind all members that we are asking questions of Mr. Lawless on Bill 5.

* * *

Madam Chairperson: At this point, did you have a response to any question asked, Mr. Lawless?

Mr. Lawless: I guess to Mr. Struthers, during my opening remarks, the only point I was trying to make is, in Denver, the animal rights people have had a large effect in outlawing trapping in at least four states. When the BBC phoned me about how we were dealing with beavers, I knew that it was the Greenpeace of animal rights that would hear me there and would have a tremendous effect, again, on our beaver prices in Canada. So I would not say anything. That is the only point. What I am trying to say is: Is it possible that the animal rights people have lobbied whoever to have this panned hunting outlawed? That is basically my presentation.

Madam Chairperson: Forty-five seconds.

Mr. Struthers: Mr. Lawless, you make a good point and thank you for your presentation.

Madam Chairperson: Further questions?

Mr. Jack Penner: Just one further point, I know that, if my colleague the Member for Russell (Mr. Derkach) was here, he would certainly concur, and he would congratulate you for having come before this committee to make comment.

Mr. Lawless: I would have phoned Leonard, but, to be quite honest, hearing all the presentations of much more knowledgeable people than I, I was reluctant to say a lot of the things I did. But I think there were points well taken.

Madam Chairperson: Thank you, Mr. Lawless, for your presentation.

I would just like to remind everyone that we did decide at the beginning of the meeting to have the out-of-town presenters first, and that is the order in which I am calling people.

The next presenter, Garry Tolton from the Manitoba Farm Animal Council. Mr. Tolton, do you have any copies you wish to circulate?

Mr. Garry Tolton (Manitoba Farm Animal Council): I do not.

Madam Chairperson: Thank you, please proceed with your presentation.

Mr. Tolton: I am sorry I do not, but I heard, just got notified at about four o'clock today, so it did not give me too much time to prepare.

I am the Chairman of the Manitoba Farm Animal Council. The Manitoba Farm Animal Council is a group of livestock producers in Manitoba that promote responsible animal care. I guess, really, to put it very bluntly, we are the best animal welfarists in the country, and a lot of people standing behind me are in that group. Livestock producers are very good at raising animals. They do not criticize; they go out, they do the job; they do the job very well, and they are very caring about how they do it.

I would, at this time, like to congratulate both the bison and elk producers. Although they are not members of our association at this time, they are both very good thriving industries that are important for Manitoba. The group I represent does not have a position on penned hunting. We have not really discussed it, but we do have a position that we believe that all animals being raised for agricultural purposes should remain with the Department of Agriculture. We cannot see why we would want to give away something that is doing a good job, and it is definite right now that the bison and elk are doing a much better job than a lot of us game farmers are.

We definitely do support animal care. All the associations I represent fully accepted The Animal Care Act when it was introduced in Manitoba. We have codes of practices for the way we raise animals. We abide by those codes of practice, and we get very concerned when we

are criticized by special interest groups. I guess I do not want to really mention names, but I have heard a name today that seems to take a run at me now and then.

Looking at what Manitoba has done, I would congratulate the previous government on The Animal Care Act. It was a great step forward. Possibly, right now, the Liberal government in Ottawa should look at our Animal Care Act and maybe they could solve a lot of their C-17 problems just by adopting what we have accomplished.

So, at this time, I would like to encourage this committee to not go ahead with the Act or Bill 5 and put bison and elk under The Wildlife Act. I do not think it is necessary. If you choose to control penned hunting, I understand it can be done under The Animal Care Act. It leaves agriculture in place. Just do not give up a good part of agriculture. Thank you.

Madam Chairperson: Thank you for your presentation. Are there any questions from the Committee members?

Mr. Enns: Madam Chair, I want to thank the presenter for this presentation. The hour is getting late, but I am familiar with the organization that represents, and I want to commend the organization. They are truly doing a responsible job in two ways, and that is, first of all in service and providing livestock producers throughout Manitoba a forum, an opportunity to get together to re-enforce the importance of proper animal care.

Secondly, and perhaps this is more important, that is, in this sense, germane to Bill 5. Animal and livestock producers in Manitoba are not insensitive to the fact that many of our urban friends are being fed misinformation in a highly sophisticated way by very specific and very intelligent, I might tell you, and militant animal rights groups. At different times, different sectors of our livestock industry have been attacked by them, whether it is the PMU industry in certain instances, poultry, hogs, and the manner and way in which they are being raised. So the organization that this gentleman represents is extremely important.

I simply want to ask you whether it has not been your experience in working with the organization—The Animal Care Act that was put in place a few years ago in Manitoba was, at that time, and I am led to believe still is, among the best animal care legislation on the books anywhere in Canada. Would you give your opinion about that?

Mr. Tolton: Yes, thank you, Mr. Enns. When I was looking into making a presentation or a written presentation for Bill C-17, we looked at the Manitoba act and basically said, if they would just adopt this act, we could forget all this red tape down there, and we would have a better act and a whole lot less trouble.

Mr. Jack Penner: Mr. Tolton, thank you for waiting this long and sitting and enduring this long to make your presentation. We truly appreciate your taking the time to come before this committee and voicing your opinions, because we believe that your organization represents, in most part, virtually all of the livestock industry in this province.

As the former minister of Agriculture has stated, truly the livestock stewards in this province, I think, do an exemplary job of ensuring that the livestock that they hold within their premises, and care for, are cared for probably in a better manner than most are anywhere in the world, if I daresay that. I truly believe that the legislation that has been provided by the previous administration, by the Conservative administration, looked at the livestock industry and said what would be best for the livestock industry and then proceeded to draft legislation. And I believe the Farm Animal Council, I think, has done an exemplary job in lobbying and directing, keeping us as politicians informed and giving us the correct information that we might, in fact, draft that kind of legislation.

If you and your organization had been asked, what sort of advice would you have given to the current minister if you would have been given the opportunity to appear and visit with the Minister before the Minister even considered drafting this kind of legislation?

* (22:20)

Mr. Tolton: We would definitely have suggested that there be no change in the status of major animal livestock in Manitoba, that they would be left under the Department of Agriculture. That is where they began raising animals, expecting to be under that jurisdiction. I would be very alarmed if my livestock was being turned over to somebody that is looking after natural resources.

Mr. Jack Penner: Thank you very much. I think that statement came from the heart. I was a bit surprised at the Minister of Agriculture's (Ms. Wowchuk) response in committee, here, before, when she indicated that they did not intend to make any changes to section 2 of the Act, or section 1. Clearly, this bill, Bill 5, indicates: "2, Section 1 is amended (a) by adding the following definition in alphabetical order: 'exotic wildlife' means a live or dead animal of any species or type that is (a) wild by nature but not indigenous to the province."

Similarly, when you read this legislation, section 11(2) of this legislation: "(k) regulating the use the 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," and it goes on.

I think that is clearly an indication of the intent of the Minister to ensure that much of the currently designated agricultural livestock will be prescribed for under The Natural Resources Act. That is the fear that many of us have in agriculture, because we believe that we should be given further freedom to enjoy the expansion of the industry instead of being restricted and maybe even done away with entirely. Seeing they put forward this kind of amendment, how would you prescribe to the Minister that they change direction on this? Should we stop this legislation now for six months maybe and reconsider drafting new legislation or putting it under The Animal Care Act?

Mr. Tolton: I believe they should stop this legislation. If they want to stop penned hunting, then use The Animal Care Act. As the Bison

lawyer has shown, it can be done, and stop it that way. Possibly the economic ramification should be considered before they even do that.

Madam Chairperson: Further questions? Seeing none, thank you very much.

The next presenter, Jeannie Sasley, private citizen. Do you have copies that you wish to distribute, Ms. Sasley?

Ms. Jeannie Sasley (Private Citizen): No, I do not.

Madam Chairperson: Thank you. Please proceed with your presentation.

Ms. Sasley: I am a local deer producer. Going against, what you guys are calling it, penned hunting, will affect my son and our way of life. I think the term penned hunting is a misleading term. It should be addressed as the real term. It is really a harvesting preserve. A harvesting preserve is a regulated area where animals are safe from outside predators, starvation. They are fed and cared for and monitored for their well-being.

Harvest preserves concern for safety. Every hunter is guided one-on-one to ensure the safety of the public and the hunter, and also the safety of the animal. With a harvesting preserve, we have no more lost 8-year-old boys, three personal family friends who lost their lives hunting in unregulated areas, no more lost young men who suffer frost bite, loss of limbs, all at the taxpayer's expense.

In closing, for those looking at this from a spiritual view, I state, in the Bible, I am going to hit everybody with this, all of you people: Whoever kills an animal will make it good, animal for animal. Whoever kills an animal shall restore it.

Harvesting preserves are replacing animal for animal and protecting animals that are indigenous to Manitoba from starvation, exploitation, and unethical hunting by those who will not conform to a harvesting preserve's rules and regulations.

Animal activists, 3 percent of the voting population, cry inhumane. You are hypocrites.

You cry inhumane to animals, but you wear leather shoes, gloves, coats, have leather seats in your automobiles and sit on leather furniture. Do you believe it is more humane to cause hardship and ruin to families' livelihoods, our children, our future? All Manitobans are affected with the financial losses and lost lives. This is inhumane, in your eyes.

Hunting is and always will be a God-given way of life. Harvesting preserves ensure safety, well-being and economic growth for all Manitobans. Bow hunters, ABM, Manitoba hunting heritage, Mr. Lintott of Manitoba Wildlife Federation, anybody against the harvesting preserves, you are uneducated. You have a misconception of what a harvesting preserve is. You cry the animal is fenced in. If you were educated, you would know the facts. The facts are an animal will only live within its territory, never to cross over it, whether it is fenced or not. The animal will only move within its territory, depending on wind direction, researched as a one-mile square, but that is dependent. It also goes smaller. It goes to a half mile, if it is very rough terrain. The animals will move only within their section, a quarter section at a time.

These hunters who do not want to accept a hunting preserve or a harvesting preserve, it is because they do not want to abide by the rules and regulations in place at harvesting preserves, because the animals' advantages outweigh the hunters'. You would rather bait, sit up in tree stands or wait for animals to come to their feeding area. You cannot do this in a harvesting preserve.

All politicians and political economists, shame on you. Your job is to protect Manitobans, to keep us economically viable. You expect us to pay your wages and your pensions. For all of you that are against it, shame on you, by taking away my family's way of life, my child's future. Are you going to tell the taxpayer what they are paying out in compensation for your expropriation of our way of life? Are you going to tell the taxpayers—shhh, pay attention. *[interjection]* Excuse me, I am talking and I deserve respect. This is my livelihood.

Are you going to tell the taxpayers the \$9.5 million they will be losing in lost revenues to this province? Are you going to tell the taxpayers how you are going to recoup the lost millions from them every year through raising property taxes, school taxes, utilities, surcharge taxes, the gas taxes, the food taxes, the job layoffs and the downsizing? I doubt you will tell the taxpayer anything, but I will tell them. Maybe we should downsize some of the politicians. If your way of life was threatened and you were fired or could not make a living, maybe that would make up the lost millions that you guys are causing. Get rid of a couple of you.

In case you are unaware of the people and the businesses you will be affecting with the lost revenues, all Manitobans will lose. Think of what your responsibilities are to Manitobans to keep us economically alive and viable. Are you going to tell all these Manitoba businesses and their families what incomes they have lost by passing this bill? Every other province except this one does not have a bill. But you guys are passing it. Shame on you.

All businesses and families affected, this could be either negative or positive. By passing this bill, it will be negative. The revenue lost and the ways of life for so many Manitobans, you are going to affect economically the provincial and federal governments, lost revenues to tourism, local farmers who provide feed and livestock, transportation industries, Air Canada, bus, car rental, gas stations, hotels, motels, everybody who is coming in to use our harvesting preserves, convenience stores, shopping malls, small shops, fishing industries, the minnow producer. They come here to a harvesting preserve, they are going fishing too. Taxidermists, the butcher shop, the veterinarian, our families. You guys are killing us. Shame on you.

Three percent of the people are against us, and those are the animal activists. I would say that this bill is going to affect 100 percent of the people out there, not 3 percent, 100, because we are all going to have to pay for these losses. It is about time you guys do your jobs. You are here to protect us and keep us viable and make us grow. Enough of this crap. Excuse me, I am upset; I am tired. If you politicians do not do your job and protect us and keep us viable, how

dare you pass a bill that is going to affect so many Manitobans in such a negative way. I am done.

* (22:30)

Madam Chairperson: Thank you for your presentation. Are there any questions from members of the Committee?

Mr. Enns: Thank you very much, Ms. Sasley, for your presentation. Fellow committee members, let us be sensitive to the fact that when we are hearing these presentations, we are hearing the young man before this from the Russell area, we are hearing from people who went out on their own to invest in an entrepreneurial enterprise, encouraged, I might say, by the Department of Agriculture. There was nothing illegal about what they were doing when they went into it, and who are now facing real threat of being put out of business. Nobody has talked about compensation, as the presenter has indicated. Simply what I ask you: when did you start your operation?

Ms. Sasley: A few months ago.

Mr. Enns: You are a new entry into this business and are looking forward to making it work.

Ms. Sasley: Yes, and for my son. I had the market researched and what would be a viable, growing industry that my son could do with me. With all the research, I came up with this. Unfortunately, I was not aware of what was happening. I thought this was all acceptable.

Mr. Enns: No further questions, but let me simply comment that she brings to the Committee two remarkably well-behaved youngsters who have sat here now since 6:30 watching us deliberate their future. Thank you.

Mr. Gerrard: I think you have spoken eloquently and passionately, and thank you. Maybe you could tell us a little bit more about the operation that you have got and your hopes for building the operation.

Ms. Sasley: I raise fallow and sika deer which are taken to local harvesting preserves, also over

to the States. It is a growing industry, unbelievable demand. It is also very limited, these herds. It is growing, and raising them to grow, taking the females and the males and sending them actually out to a harvesting preserve to grow and reproduce, to get the stocks up.

Mr. Gerrard: You did a marketing study, and things so far, up until this came along, were panning out and it was working well.

Ms. Sasley: Extremely viable, a great industry, and growing industry. Researched the States and how the growth has been in there, across Saskatchewan, Alberta, everybody who is doing this. It is great. I thought it was a great future for my son.

Mr. Gerrard: Your background before this, had you come from agriculture and this is a diversification?

Ms. Sasley: Yes.

Mr. Jack Penner: Thank you very much, Ms. Sasley. You are again one of the younger people that is trying to make a living in rural Manitoba in a rural community. God only knows that we badly need your generation to continue the economic development of rural Manitoba. I am reminded of many of the things that, when a few of us travelled this province a few years ago on the value-added task force, people told us, in rural Manitoba, what they needed for economic activity, and the diversification that you are involved in was certainly one of the key ones that was constantly pointed to, how we would have to diversify.

Here we have a bill that actually, in essence, could kill your business, could kill many businesses in rural Manitoba. How does this affect you directly, even though you sell product that you raise to other entrepreneurs?

Ms. Sasley: The issue that I want to bring up is that Manitobans, our natural resource is our forested areas and our wildlife. We do not have gas revenues, things like that. This is what we have, so let us use it and let it be viable and pay your wages and taxes. Let us work. That is what we are here to do is work. Why do you want to

make us dependent on an NDP society? I am sorry, I am really against NDP.

Mr. Jack Penner: Ms. Sasley, just one more question. Do you see the industry that you are in as a significant growth industry for young people to get into and make a living in rural communities and see them, in fact, causing growth in rural communities?

Ms. Sasley: Absolutely, had it researched, and I thought of my son's future. It is a great industry for him to be in and to go into. It is a re-usable product that is continually made. Hey, we are recycling. We make the animal; we have a need for it, and we replace it. It is great. It will always be in demand. It is always a way of life. I thought it was fantastic until some politicians got a little too creative and did not understand what they were doing. So we will just break it down to our livelihoods and how much you are going to lose on taxes and tell everybody out there how much they are going to pay for these losses.

Mr. Jack Penner: Just to thank you for coming and presenting for us, and thank you for bringing your youngsters with you. I think it is great to have them here. They will be great politicians.

Mr. Faurschou: I know the hour is late. I just wanted to say thank you for taking the time and your presentation. The show of emotion is I hope registering with the colleagues opposite that this, in fact, is your life's work and your passion. Is there anything further you would like to add before you leave this evening? I will give you the floor for another minute.

Ms. Sasley: Table it. Bow down and table this. You have caused more damage than you have done good. Do you not see that?

* (22:40)

Ms. Wowchuk: Thank you for your presentation, Ms. Sasley. I want to understand your operation. You had indicated that you were raising deer, a specific type of deer for export to the U.S. market. Is it part of your plan to start a hunt farm of your own? You also indicated, I believe I heard you say that you were raising animals for the U.S. market. So I am wanting clarification for what market you were raising

and whether it is your intention to extend that. Was that part of your plan to have a hunt preserve as well?

Ms. Sasley: It was to start just here, but it could also be done in the States. It is a great market in the States, and they do not have the regulations that it seems you guys are trying to do. It is supposed to be for here.

Madam Chairperson: Further questions? Seeing none, thank you.

I would like to inform the Committee and the audience that we are now starting the in-town presenters, followed by those names that were dropped to the bottom of the list. So I would call on Tracy Bell, private citizen.

Ms. Bell, do you have copies you would like to circulate? Please proceed with your presentation.

Ms. Tracy Bell (Private Citizen): Hello. My name is Tracy Bell, and I am a parrot owner. I have been told a number of times that the sole purpose of Bill 5 is to ban the practice of penned hunting in Manitoba and that it has nothing to do with pet animals such as exotic parrots.

If this is, in fact, the case, please reword the Bill or add a clause that would specifically exclude birds and animals commonly kept as pets, as the way Bill 5 is presently written, it would make owning even a single canary or pet budgie illegal. I am a law-abiding citizen and would not like to be considered a criminal. I have owned at least one exotic pet parrot for the last 17 years of my life, and I cannot imagine how empty it would be if it were against the law to keep a caged bird.

Although my husband and I do not have any human children, we both refer to our exotic parrots as our kids. In other words, they are our substitute children, they are members of our family. Because of a parrot's ability to deeply bond with their human family, their natural curiosity and their amazing ability to talk and mimic human speech, it is sometimes easy to forget they are not, in fact, human.

Although I devote a great amount of time, energy and money into looking after our birds properly, the benefit they provide us far outweighs the work. Being able to keep, breed, and nurture these birds that either are extinct or may soon become extinct in their natural origin gives me a deep feeling of pride, accomplishment and satisfaction. I know I am one of those people in this world who care enough to try my best to give these wonderful feathered creatures a chance to survive on this earth.

Please do not take away the right of the citizens of Manitoba to love, cherish and provide for our pets who in return give us so much back. Please reword the Bill or add a clause that would specifically exclude birds and animals commonly kept as pets. Thank you.

Madam Chairperson: Thank you for your presentation. Are there any questions that committee members wish to ask?

Ms. Wowchuk: You had said that you understood the sole purpose of this bill to be to ban the practice of penned hunting and that you have a concern with exotic birds. I want to give you our assurance that this bill is to deal with penned hunting and that your concerns are taken very seriously. The advice we are given, in the drafting of this legislation, is that there is not going to be any impact on exotic birds. But we certainly take your advice seriously and will take it into consideration as we move forward with the Bill.

Ms. Bell: Thank you, and if that is the case, then there should not be a problem to reword the Bill, because, as it is presently written, saying that exotic wildlife includes any animal that is not indigenous to Manitoba will be against the law. Parrots, as well as many other animals commonly kept as pets, are not indigenous to Manitoba, and even though the intent of the Bill is not to include us in it, it does the way it is presently written.

Mr. Faurchou: I want to thank you for that clarification. I was going to ask, in regard to the legislation which we are studying tonight, specifically it does include your parrot.

Ms. Bell: I agree. My opinion on penned hunting is irrelevant. My purpose here today is to make the importance known, that the way the Bill is presently written it does involve the parrot owners. I have been assured many times, as well as many people, that we are not the ones you are targeting, but the way the Bill is written, it does include us, and we have to have that changed.

Mr. Jack Penner: Certainly those of us on this side of the table concur with you in your assessment of the Bill. It would even include the egg that your parrot would lay and/or an embryo that would be taken out of any animal and tried for sale, that you could not legally keep that under this act. If you look at the definition and you look at clause (c) of the definition in section 1, when section 1 is amended, it is clear that parts—eggs, sperm—are all included, including the exotic birds that you speak of.

Ms. Bell: I have read the Bill, and I am aware of that. When it says eggs, embryos, feathers, that has nothing to do with penned hunting.

Madam Chairperson: Are there further questions? Seeing none, thank you very much, Ms. Bell.

Ms. Bell: Thank you.

Madam Chairperson: I would like to call on Mike Crawford, Manitoba Canary and Finch Club. Mr. Crawford, do you have copies you would like to have circulated?

Mr. Mike Crawford (Manitoba Canary and Finch Club): Yes, I do.

Madam Chairperson: Thank you. Please proceed with your presentation.

Mr. Crawford: Madam Chairperson, members of the Committee, thank you for providing me with the opportunity to speak on behalf of myself, as well as the members of the Manitoba Canary and Finch Club. I will keep my presentation brief, and hopefully you will have questions for me at the end.

Let me firstly tell you something about the Manitoba Canary and Finch Club. The Club was formed 10 years ago with the goal of promoting

the advancement of aviculture and fellowship amongst club members. Our members have been involved in setting up permanent finch and canary displays in classrooms, the Fort Whyte display at The Forks, as well as also in senior citizens homes. We have given talks to private groups. I have given talks at the zoo, and we have held displays for the public a couple of times a year at the Assiniboine Park Conservatory.

Some of our members have only one canary or finch, while others have many, many birds. They are all hobbyists and none of our members are in it for profit. Our members breed domestically bred canaries and finches and are keenly interested in the welfare of wildlife. It is the love of wildlife, in general, and in our case, specific to birds, that got us involved in the hobby in the first place. Bill 5, as it now reads, will jeopardize our hobby.

The bird I breed is called the Lady Gouldian finch and is native to Australia. It is considered to be one of the most beautiful birds in the world and is currently fighting for its survival in Australia. Most Australians themselves have never seen a Lady Gouldian finch. It is fighting for its survival due to loss of habitat, farming, insecticides, pesticides, and disease, specifically air-sac mites. In the wild, this condition cannot be treated. In our aviaries, we can treat this problem, breed the birds and promote awareness of its plight. If it were not for the hobbyist, this bird would seldom be seen, probably never be seen.

I and my fellow club members, as well as over 300 people who have signed our petition opposing this amendment as it now stands, are concerned about the broad scope of the proposal and the impact it will have on Joe Citizen to keep and breed pet birds. The amendment is supposed to be about penned hunting, yet the amendment is not specific about penned hunting and focuses nearly entirely on the term "exotic wildlife." My understanding of the definition of exotic wildlife is any live or dead animal that is wild by nature but not indigenous in the province and is declared by the regulations to be exotic wildlife. In the amendment, the term "wildlife" means an animal, excluding fish, that is wild by nature and indigenous in the province.

By this definition, the common sparrow would be considered to be exotic.

Provincial wildlife regulations already prohibit the keeping of any migratory finches such as the purple finch and the American goldfinch. A serious hobbyist would not even consider housing any migratory finches. Under the proposed amendment, we would not be able to keep any finches that were wild by nature and not indigenous to the province. When I add the two up, I get zero. That is the amount of birds I would be able to keep. This may keep the animal rights activists happy; however, it will destroy a part of my life, that is, the keeping and breeding of birds for over 25 years.

* (22:50)

Our club, the Manitoba Canary and Finch Club, actually represents a very small portion of the people who keep pet birds. Pet birds, usually finches, canaries, budgies, cockatiels and other assorted birds, including large parrots, all are domestically bred. There has not been a finch exported out of Australia, or any bird for that matter, since 1962. When you start dabbling with something a person loves, people are going to react. That is why we had no problem in gathering over 300 signatures on one afternoon during a display we had.

The amendment as it stands touches on areas it should not impact on, that is, the law-abiding bird hobbyist. These are domestically bred birds, have never known freedom, and are as much a part of our life as our cats and dogs. International and national laws and regulations govern the importation and exportation of exotic wildlife and plants, and there is no need for the broad scope of this amendment and its impact on the bird hobbyist.

My 82-year-old mother has been in the Grace Hospital for over a month. When I visit her on a daily basis she always asks how her pet budgie is doing. She has put me in charge of it. The budgie is an important part of her life when she is at home. It is her companion and another living thing she can relate to on a daily basis. According to the amendment, the budgie would also be considered to be exotic wildlife, and she would be prohibited from keeping it. This may

sound absurd. However, with the proposed definition, this would be exactly the case.

What I am asking of you is very simple. That is, to take a piece of proposed legislation whose wording is misleading and make it specific to the original intent of the amendment. The proposed amendment is supposed to be about penned hunting. Yet, when one reads the amendment, it is not clear that this is what it is about.

Also, if I were in the pet industry, I would really be worried. During the past several months I have visited at least two dozen pet stores and pet supply houses and none of them were even vaguely familiar with the amendment. They all said they had heard something about banning penned hunting only. The intent—underline intent—is not clear. The intent to ban penned hunting is not clear. What is clear is the definition of the term "exotic wildlife" and "wildlife." While the definitions are spelled out, the intent is not.

I have received correspondence from the Minister and other MLAs to the effect that the intent of the amendment is not to infringe on my ability to keep pets or eliminate my hobby. I do not feel assured that this is the case. If this is the case, then it should be spelled out clearly. In this case, no matter how honourable the intent is not to impact on the hobbyist, once this legislation is passed, then it is subject to the interpretation of the person enforcing the legislation. The intent then becomes a non-issue.

None of our birds kept by the members of the Manitoba Canary and Finch Club are indigenous to the province of Manitoba. We are all at the mercy of those interpreting the law, should this amendment be adopted. When I read the amendment, what I see is a heck of a lot of references to exotic wildlife with very little reference to penned hunting. In fact, I do not even think the words "penned hunting" are in there.

The use of and definition of "exotic" in "exotic wildlife" seems to be at the root of a lot of confusion and anger at this amendment. As I have previously stated, the common sparrow would be considered to be exotic. The same is

the case with our canaries and finches. I am requesting you reconsider the proposed amendment and its wording. If you are speaking about panned hunting, then please be specific about panned hunting and do not cast a broad net over everyone else.

Please do not just reassure me of the intent. Spell it out for me in writing so I can clearly see that the pet bird hobby, in my case canaries and finches, will not be affected. Laws are already in place, and there is no need for this amendment, especially as it now reads it is an impact on my hobby.

Thank you for listening to my concerns.

Madam Chairperson: Thank you for your presentation, Mr. Crawford. Are there any committee members who have questions?

Mr. Cummings: Thank you for your presentation. I think you made your concern clear from a legislation or regulatory point of view. This committee would be interested in your recommendation. Number 1, if the government forges ahead with the Bill, the regulations will not be discussed until after the Bill is in law, if the current intent is followed. I am asking a redundant question then: Would you encourage the government to consult this bill before they put it into law?

Mr. Crawford: How do you mean, consult this bill, sir?

Mr. Cummings: There were plans for public input, meetings other than here in the Legislature which have not occurred, but there does appear to be an attempt to consult the regulations once the Bill is in law. I am suggesting that that is backwards, and I wonder if you and like-minded people such as yourself believe it would be better to consult the Bill as a total rather than consult the regulations before it is put in place.

Mr. Crawford: I think it is just a matter of common sense when you do any kind of planning. You consult the parties that it impacts on, people from panned hunting groups, buffalo groups. None of them knew about it. The only way I found out about this is I got a newsletter from my MLA in St. Vital whose wording stated

that the government already passed a bill, Bill 5. That was back in the spring sometime. So I sent her an e-mail right away, and she corrected that. That was the only way I knew about this thing.

There are a lot of parrot enthusiasts in the province. Our club has approximately forty members on a yearly basis. I personally know probably a hundred people who keep just canaries and finches, and if we can gather 300 signatures in four hours from the little old ladies who go to the Assiniboine Park Conservatory to see our display, then a tremendous amount of people in this province keep birds, and probably in this room, if there were a show of hands, there is probably no one in this room who has not had a pet bird or was raised with a pet bird or has one now. It is our hobby.

Madam Chairperson: Further questions?

Mr. Faurschou: I want to thank you very much for your presentation tonight, because you do bring in the perspective that, I believe, has gone without notice, even on members of the government side of the House, saying the intent, but when one is debating and examining the legislation, your presentation is entirely accurate. This is, in fact, what legislation is saying. So, having said that, I would like to ask you. You have alluded a number of times, saying you knew nothing of this bill, and that you have been talking to others that did not hear about it either. So this public process, which the Minister said would be adequate to discuss this bill, you are saying that that is to the contrary.

Mr. Crawford: Exactly. I think there should have been more time given. I am on my holidays. I was given 48 hours' notice to be here. There are other people. Gentleman said he was advised at four o'clock this afternoon. I thought maybe they would use the media to publicize this. As I said, it was quite by accident that I found out.

Madam Chairperson: Are there further questions?

Mr. Faurschou: Are you aware that there were originally going to be public consultations on this, and that the meetings were, in fact, cancelled?

Mr. Crawford: Yes, I heard that after the fact.

Mr. Faursehou: Well, it was stated by the Minister in the House of the Legislative Assembly that this particular process that we are going through tonight is an adequate public consultation process for this particular bill.

Would you or anyone you have talked with confirm or accept that being an accurate statement?

Mr. Crawford: No, not entirely. I would have thought we would have had a lot more time to prepare. There are a lot of the people from the rural areas. I think there are only a couple of us from Winnipeg. I would have thought that this format would have taken place in other areas.

* (23:00)

Madam Chairperson: Further questions?

Ms. Wowchuk: Madam Chair, you have indicated that you had wished that this process had taken place in other areas. I want you to know that this is the normal process for all legislation no matter which government is in power. When there is a bill, the presentations on the Bill take place in this building. There is normally 48-hour notice about when the Bill is going to come to second reading and people have the chance to have the presentation. So I just wanted you to be aware that on the Bill stage, this is the normal process. There is no exception. This is not an exception to the rule.

Mr. Crawford: Okay, I understand that now. I guess it is this whole issue of putting the cart before the horse. You had mentioned about regulations. We do not even know what they are going to be. We do not get them until the Bill is passed. To me, that is really scary. In my job, I interpret legislation all the time and it can be subject to my interpretation depending on how ticked off I am at my client, or how early I got up in the morning. I mean, no two people interpret something the same. That is really scary to me.

Ms. Wowchuk: Madam Chairman, I just want to indicate again, to Mr. Crawford, it is quite common. The normal process is for regulations

to be passed after a bill. In fact, just recently the Minister of Agriculture passed a bill dealing with the Agricultural Credit Corporation last year and the regulations are just drafted this year. So I can understand your concern, but I want to also indicate to you that the intent of this bill is to deal with penned hunting.

We have taken your concerns seriously. We have had advice that there are regulations under The Wildlife Act now which regulate the way birds are kept, and this bill is not going to change anything to what you are doing now.

Mr. Jack Penner: Certainly, Madam Chairperson, the Minister is correct. In the normal proceedings of legislation, legislation gets introduced in the House and then it is proceeded with first and second reading in the House. When it passes second reading in the House, it comes before a public committee. This is the only jurisdiction in Canada that allows public input into bills once they have passed second reading.

However, what the Minister fails to say is that any government normally would, when they are dealing with a very contentious area that would affect a broad sector in society, as this bill does, have some significant discussions on this kind of bill way in advance, and would very often put out a white paper, a discussion paper into the general community and have this kind of legislation discussed.

I think this was the intention of this government. When they first initiated and said that they would hold public hearings on this bill, I think that was their intent. When they started feeling the public reaction on this, I think they ran scared and cancelled the public hearings.

So I say to you, sir, that you are absolutely correct. This government should have had broad-based discussions, public discussions, on this. I think they would have found that what their perception was, was absolutely correct, that there would have been a huge reaction to this drafting of this bill. I think you are absolutely correct in your assessment.

Mr. Crawford: I really think that the Government has kind of got a tempest in a teapot here.

We have heard people, like I say, from businesses, from the pet industry, but I do not think the general hobbyists, like myself, in the province are really aware of the impact it is going to have on—like, I say, you get the little old lady who has a pet canary or budgie, there are a lot of them in this province and I do not think they realize what this means to them.

I have been reassured by the Minister that the intent is not there, however, like I say, intents can be honourable but if the regulations are in place it is hard to enforce that intent. I would like to see it put in writing that there is no way, shape or form that pet birds should be included.

Madam Chairperson: Thank you, Mr. Crawford, for your presentation.

Mr. Crawford: Thank you.

Madam Chairperson: I would like to advise the Committee that in lieu of Don Dewar being here for the Keystone Agricultural Producers, Yvonne Rideout is prepared to make a presentation. I would ask leave of the Committee for Ms. Rideout to make the presentation. Is that agreed? *[Agreed]*

Ms. Rideout, do you have copies that you would like to circulate? Thank you. Please proceed with your presentation.

Ms. Yvonne Rideout (Keystone Agricultural Producers): Good evening. On behalf of Keystone Agricultural Producers, I am pleased to present our organization's position with respect to Bill 5, The Wildlife Amendment Act. KAP is a democratically controlled general farm policy organization which represents and promotes the interests of agriculture producers in Manitoba. It is a grass-roots organization run and funded by its members, farm units throughout Manitoba.

In today's changing economical environment, agriculture is becoming increasingly diversified in an effort to remain sustainable and face the challenges of the global marketplace. One area of diversification is the farming of exotic species. Such proposed legislation as The Wildlife Amendment Act, which establishes a

new classification of animals called "exotic wildlife," cause producers to be hesitant when considering starting or increasing production of exotic species. KAP does not want producers to face any more uncertainty than those that are currently present, that is low commodity prices and poor weather conditions. In addition to causing hesitation for farmers, this proposed legislation also causes uncertainty and uneasiness for investors.

Bill 5 will place such diversified livestock operations as elk and bison farming under the jurisdiction of The Wildlife Act rather than under Agriculture where it belongs. Keystone Agricultural Producers question the need for Bill 5 and agriculture activities, specifically farming of exotic species, will be managed by Manitoba Conservation.

It is quite apparent that Bill 5 was introduced in an effort to stop trophy ranching, penned farming. By placing exotic species under Bill 5, it allows all aspects of farming exotic species to be governed by The Wildlife Act. Not only trophy ranching, but all other provisions of the Act will be applicable to these species. Since The Wildlife Act was introduced to govern conservation of wildlife, many of the areas of the Act are not pertinent to agriculture and only serves the purpose of placing our industry at an immense disadvantage. I would also like to point out that the current framework of The Animal Care Act may be used to prohibit trophy ranching in Manitoba.

The humane control of other livestock species are under the auspices of The Animal Care Act, and it would be rational to have exotic species covered by that same act. Farming practices, whether it be traditional livestock or exotic, should all be under the Ministry of Agriculture.

Another aspect of this process which has caused much unrest is the lack of consultation with the stakeholders on the potential outcome and impact on activities if this legislation of the Bill takes place. Does Manitoba Conservation suggest that it has the necessary resources to operate within the framework of the agriculture industry?

Considering the fact that there have been activities that Conservation has passed on to the private sector, for example, the placement and maintenance of scaring devices for waterfowl, does the Department feel that taking on the jurisdiction of exotic species is to their benefit? We feel that it is unnecessary for your department to have control of a portion of our agriculture industry and more so over private business. The owner of private business should have control over that business and although must follow regulations and live within guidelines, the legislation governing the business must ensure compliance by experienced individuals.

As stated earlier, if you want to accomplish abolishment of trophy ranching this can be done without placing unnecessary duties and responsibilities on conservation. Keystone Agricultural Producers does not agree with Bill 5 and believes that if this is enacted into legislation, not only will Manitoba Conservation be placing an undue burden on the farming of exotic species, but it will be doing so in a manner that is unacceptable to the entire agriculture industry. Keystone Agricultural Producers asks that you reconsider legislating this bill while keeping in the forefront the obstacles and uncertainty it will bring to our industry and the strain it will place on resources, both personnel and financial, of Manitoba Conservation.

Agriculture is a very unique industry and it requires an understanding of both the sustainability of the natural resource and the livelihood of those who invested time and thus have contributed to the growth of the industry. These individuals are farmers, should be governed by the Ministry of Agriculture and not Conservation.

Thank you for the opportunity to present our views on The Wildlife Amendment Act.

* (23:10)

Madam Chairperson: Thank you for your presentation, Ms. Rideout. Questions from the committee members?

Mr. Jack Penner: Thank you very much, Ms. Rideout, for your presentation. As a repre-

sentative of the general farm organization, have you been contacted by the department of resources or by the Minister of Agriculture (Ms. Wowchuk) for input into this bill and/or consultation? Have you been consulted on this bill?

Ms. Rideout: I would say to you that I have been in this province and in this position for only six weeks. It is my understanding that we have not been consulted. I have not been informed that we were. I do not know. I cannot answer it any better than that.

Mr. Jack Penner: As a farmer, and as a legislator, I find it rather astounding that the Minister of Agriculture would want to give up jurisdiction over a large portion of the agricultural industry and place that portion of the industry under legislation of Conservation. Not only do I find that interesting, I find that it is regressive for the Department of Agriculture to even allow the consideration of this, and so I ask you whether your organization has met with the Minister and discussed the value-added perspective and what this means to the agricultural community from a legislative perspective and whether you have asked the question why the Minister would want to give up the jurisdiction that the agricultural community holds dear.

Ms. Rideout: We have discussed this at the KAP boardroom. We also brought it to the attention when we met with the Premier (Mr. Doer) back in the latter part of May. At that time the Minister of Agriculture (Ms. Wowchuk) was present. We discussed the impact on agriculture. We have discussed it around the KAP table several times in the past six weeks. We have also had consultation with members of Keystone on this issue, and we feel that it would be a real loss to agriculture for this exotic species to be under conservation.

Mr. Gerrard: In your presentation you refer to trophy ranching. You have heard some of the discussion here today about what a pen means and what the size of a pen would be, the size of a baseball field or something like that. I wonder if KAP (a) has any news on what a pen should be and penned hunting, if it were banned, what that should mean.

Ms. Rideout: We have used the term "trophy ranching" because of the concept that is out there about "penned" and exactly the connotation that is behind that. That is why we have decided to use "trophy ranching."

Mr. Gerrard: Does KAP have a position in favour or against trophy ranching?

Ms. Rideout: We have discussed this and had consultation. If the Government had done proper review into this and also had the consultation with the various stakeholders and could prove that penned hunting should be banned, then Keystone would stand behind that.

Mr. Gerrard: I would ask what kind of evidence would you think the Government should look for in terms of evidence that penned hunting should be banned, if that is what they want.

Ms. Rideout: The evidence that it is inhumane. Prove that. You could also say what the financial impact of banned penned hunting would be for the agriculture industry and the province as a whole.

Mr. Gerrard: The members of KAP, does KAP have, in its membership, members who are involved in what you call trophy ranching as part of their agricultural effort?

Ms. Rideout: There are some involved, but not a large number.

Mr. Gerrard: And do you see this as a legitimate form of diversification?

Ms. Rideout: Yes, I do.

Mr. Gerrard: Thank you.

Ms. Wowchuk: Ms. Rideout, you indicated in your comments to Mr. Penner's question that you were disappointed that we were giving up some responsibility to agriculture and turning it over to the Department of Conservation. Are you aware that bison are not under the jurisdiction of the Department of Agriculture, that, in fact, bison are governed by the department of Natural Resources, and that it is not covered?

Ms. Rideout: Okay, I have talked in the presentation about The Animal Care Act, and I talked about if penned hunting were to take place, were to be enacted, it would be under that, not under Conservation.

Madam Chairperson: Are there further questions from the Committee? Seeing none, thank you for your presentation.

On the presentation by Audrey Stoski from the Wilson River Bison, Ms. Stoski asked for leave to consider a written presentation in lieu of a verbal presentation. Is it agreed that we can circulate her presentation? [*Agreed*] It will be circulated, and I would ask you to peruse that.

I will now go back to the names of presenters who were not here earlier on. Don Halbert, private citizen. Mr. Halbert? As agreed then, we will be dropping the name from the list. Allan Gould, private citizen. Mr. Gould? As agreed, Mr. Gould's name is dropped. Jan Lapka, private citizen, Jan Lapka's name will be dropped. 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, is it the will of the Committee to conclude presentations and to proceed with detailed clause-by-clause consideration of Bill 5?

Mr. Enns: Madam Chair, I move

THAT Bill 5 be withdrawn and not proceeded with at this time until the consultations that the Minister had arranged and subsequently cancelled have, in fact, taken place.

Madam Chairperson: I would like to advise the Committee that I will declare a five-minute recess in order to consult on this.

The Committee recessed at 11:19 p.m.

The Committee resumed at 11:27 p.m.

Madam Chairperson: I would like to thank the Committee for your patience. The motion is in

order. Mr. Enns has moved that Bill 5 be withdrawn and not proceeded with at this time until the consultations that the Minister had arranged and subsequently cancelled have, in fact, taken place. Shall the motion pass?

Mr. Enns: Madam Chair, may I address the motion just briefly?

Madam Chairperson: On speaking, Mr. Enns.

Mr. Enns: Very briefly, I appreciate the hour is drawing on, but with all sincerity that I can muster, we have heard tonight representations from wide cross-sections of Manitobans. Without being unnecessarily hard on the Government or on this minister, the simple fact of the matter is and the overriding fact of the matter is that there seems to be utter confusion about what Bill 5 is all about and what it can potentially do.

I want to give this government some good advice. That is not the way to proceed with legislation. Our citizens are often confused enough with what we do in this building without unnecessarily muddying the water.

Now, we have heard from people, whether they are parrot, pet owners, budgie owners, finch owners. We have heard from the Bison Association. We have heard from the Elk Growers. We have heard from other people, young entrepreneurs who are just getting into the industry, which was legal at the time, no prohibition against them entertaining this kind of hunt farming that some of them have occupied into. Let us give ourselves a little bit of time. Give yourselves a little bit of time to think about these issues.

Surely, if the Government wishes to proceed, you have it within your right, you are a majority government, the people of Manitoba elected you, but there are other issues that have to be considered, including compensation if people are being expropriated. I do not think these issues were really considered at the time this bill was introduced, and you have all stated it at second reading when the bill was debated in principle, and you keep on restating it here. Your object is to stop some form of hunting, penned

hunting. You called it penned hunting, but nowhere in Bill 5 is that even referred to.

So, Mr. Minister, Madam Chair, I genuinely appeal to members of the Committee, the members of the Government, to consider holding this bill in abeyance and giving yourselves some time to think it through a little bit more. Thank you.

* (23:30)

Madam Chairperson: Mr. Gerrard; Mr. Cummings; Mr. Penner, Emerson.

Mr. Gerrard: Madam Chair, I would like to make some comments, but I would also ask whether it is possible to ask any questions of the Minister at this stage.

Madam Chairperson: We are on the motion and anything should be directed to the motion.

Mr. Gerrard: It seems to me that, in this case, in support of what the Member for Lakeside has indicated that there is clearly a lot of concern in the public about this bill, that the Bill as it has been drafted at this point has a lot of vagueness. It has a lot of elements which clearly do not pertain to penned hunting, unless the Government is proposing to hunt eggs and sperm and body parts and so on. It would seem to me quite logical that before proceeding further that the Government should regroup and reconsider and have some consultations.

So I would argue in support of the motion as it is now put forward, and suggest that it would be a wise move to withdraw it as it now exists and have some more time for consideration and consultation and development of a more focussed bill in the future.

Mr. Cummings: Madam Chairman, I can well appreciate that members of the Government may feel that there could be posturing going on, that government has the majority that they can pass this bill into legislation if they want. They may or may not have amendments they want to make themselves. They may wonder if there are amendments that are being contemplated on this side of the table.

I would offer advice along the same lines as my colleague did earlier, and that is that from time to time we cast a wider net than we intend to when we put legislation together. I think I can confess to having been guilty of that more than once. So I do not want the Minister to feel that this is a direct hit on his or his department's competency. It is a matter of reflection on some of the issues that have been raised here. These are important issues, and it is complicated by the fact that the Minister of Agriculture (Ms. Wowchuk) in an industry that those of us on this side, particularly, are very close to, and we have a lot of personal collateral tied up in the fact that we spent 10 years encouraging farmers in rural Manitoba to diversify, to consider other opportunities because this is about and has become the most expensive place in North America to ship grain from.

Now, to compound that with the net that has been cast intentionally, otherwise, or by perception in this bill, we have a situation where people who are breeders of rare birds are even concerned about whether or not there could be implications here. It is fine for the Minister of Agriculture, the Minister of resources, to say look we have no intention of getting into that area. Frankly, if they are honourable ministers—and I believe they are—they mean that when they say it, but you are creating a situation where there is concern, there is unease.

When you talk about unease in a community where buffalo ranching is an example, elk ranching is another example, where bankers have been somewhat uneasy, and if anything at all that government should do—and frankly governments have a reputation for being a little bit unpredictable—when governments start to do things that can create just a little bit of squeaking in the wheel there, it creates difficulties for those on the landscape trying to manoeuvre through the shoals of low grain prices, difficult marketing situations and expensive transportation that we are all faced with right now.

While the Government may feel there is no such thing as a friendly argument or friendly gesture coming from opposition benches, we are very firm in suggesting, and I truly mean it when I say that this is a friendly suggestion, that it would probably be better for all concerned if the

Government took the opportunity to take a deep breath and examine the presentations that have been heard tonight to consider if it has clearly stated its intention to stop penned hunting.

It now has created a situation, I would argue, where there are people who, in good faith, began businesses with wild boars, being one example, where they have invested their life's savings and they see their careers, their life opportunity disappearing into the sunset, if penned hunting in and of itself is going to proceed, but it was legal under The Wildlife Act because they were not a named species.

So there are a lot of ramifications to this bill that I would encourage the Government to consider. When they have duly considered that, then, as a majority, they can proceed. I can foresee that there are some very difficult and concerned citizens, and there is a lot of concern by those of us who are also legislators on this side of the table who believe it would be wise on the part of the Minister of Agriculture and the minister of Resources, and I know it is hard. It would not be an easy decision if you were to make it. I am saying that those of us on this side of the table who had an opportunity to serve in government recognize that these situations do arise.

I can remember lots of environmental bills that I had to put on hold and amend before I could satisfy the broad sector of the community that wanted to be satisfied that they were being heard, they were being considered, and they were not being inadvertently sideswiped. I will leave my comments there, Madam Chairman, but I think that the Government should consider these recommendations and the motion from my colleague as, in fact, having a friendly consequence.

Mr. Jack Penner: I just ask the Minister to look straight ahead and look at those three young children and that young family sitting there. We all listened to what they said, what both of them said. They said they have invested a life. They are trying to make a life in rural Manitoba, in a rural community, to help build communities, to build an economy in rural Manitoba. Those three youngsters there are here, and I give them a tremendous amount of credit for listening as

intently as they have. I believe Mr. Minister and the Minister of Agriculture (Ms. Wowchuk) should pay very close attention to that kind of dedication to the agricultural industry. We have far, far too few young people these days that want to make the kinds of investments, and most of these investments now are huge investments, that will encourage the retention of our schools in our rural communities, the retention of our health care facilities in our rural communities, and the retention of our recreational facilities in our rural communities, and indeed our churches and all the other activities that go with rural life.

Farming is not an easy life. To take as many species as can be identified under this act and designate them under the Ministry of Conservation and take them out of the realm of Agriculture in my view is, first of all, inconceivable, but secondly, it puts in jeopardy the livelihood of those three youngsters that you have sitting before you, Mr. Minister, and it jeopardizes their ability to speak, that young family's ability to speak to their banker and try and convince the banker to keep the line of credit or to expand the line of credit to allow them to expand their industry so that they can, in fact, support their family.

That is what this bill is all about. This bill puts in jeopardy the certainty that is there now and causes a great deal of uncertainty. Those young children cannot survive in an uncertain atmosphere in rural Manitoba. There is far, far too much uncertainty in rural Manitoba right now. The previous administration spent a huge amount of time consulting with people on the value-added industry and how to proceed to develop the value-added part of the agricultural community. What these people have invested in was exactly what many of the recommendations encouraged government to get involved in and to create an environment, to create an atmosphere that would encourage these kinds of investment.

* (23:40)

This is exactly what rural Manitobans, what urban Manitobans told the value-added task force should happen. These young people have made the commitment, have made the financial commitment, and with one stroke of a minister's pen, can lose their entire livelihood, lose their

home, lose everything that they have worked for until now. We have all heard this. I know the Member for Selkirk (Mr. Dewar) said well, it is similar to MTS. Sir, you have no idea what that means. You have no idea what it means to lose your farm; you have no idea what it means to lose your home, and if you do, MTS has nothing to do with it. I am sorry, sir. But these people here have invested their life, their livelihood in an industry that is now in jeopardy because somebody, some activist somewhere convinced this minister that this was not in vogue to allow a hunt farm to be established in Manitoba. It is different than what we have seen up till now, but let me say this to you, the bean industry is different than what we had viewed 10 years ago. The ostrich industry is different than what we had envisioned 10 years ago, and so is the emu industry and many of the other exotic species that depend on this legislation not proceeding because they need stability, and stability is what we talk about.

So I urge you, Minister, to take the advice of the former minister of Agriculture and the former minister of Natural Resources, and it is good advice, and put this bill on hold for the time period prescribed in the motion and look at those children, look those children straight in the eye before you say no to it. Because when you say no, you are saying to those children we do not want you in rural Manitoba because that is what these ministers will say if they say no. So we beg you, we beg you to reconsider this bill. We beg you to give enough time for the industry and the ministry to look at other alternatives to deal with this matter.

Mr. Struthers: Madam Chairperson, nothing like a good old-fashioned lecture to bring me around onside. My advice to the Committee will be that we should not accept the motion that is put forward by the Member for Lakeside (Mr. Enns), but I do accept some of the more persuasive comments made by members opposite.

We have every right as the Government side of the House to now move through the natural process of going clause by clause through this bill tonight. My advice for the Committee, however, would be that we should not do that tonight and that we should reflect on some of

the, I think, very good advice that we did get tonight from people who presented to the Committee and proceed on another evening to go through the Bill once the Minister and others have had a chance to sleep on the advice that we have been given.

My suggestion would be that we not pass this motion, because I do not want to kill the Bill tonight. That would be my advice and that we vote down the motion that was put forward by the Member for Lakeside (Mr. Enns) but not proceed with clause by clause.

Mr. Faurshou: I, again, have said a number of times this evening the intent of a legislation should be very clear. I am new, as many of you are here tonight, looking at legislation and trying to understand it, and most assuredly one would like to see common language, so we all can understand legislation as it is intended.

We have had so many individuals here this evening that have emphasized time and time again that the intent of this legislation, they believe, is not in keeping with what is wanted to be accomplished. One talked about penned hunting. I am trying to find, as a layperson, what penned hunting is all about. I have yet to find a definition of penned hunting.

The closest reference to a "pen" is the term that is used, "captivity," within this amendment. So I went looking for the definition of "captivity" to see whether "captivity" was defined, because unless you define "captivity" you do not know what it is. So you can go to the *Oxford Dictionary* or the *Webster's Dictionary* and ask for what "captivity" is. In fact, it is "to restrict to an area by some means." But it also says that those means may be restricted only to those of the individual's capability. I cannot fly, so I am captive to the earth. Is that what you mean by the word "captivity" and all wildlife is considered captive because they cannot leave their bounds? Like, a buffalo cannot fly either.

I might be going off on a tangent that might be losing the attention of some of my honourable colleagues, but that is just another point that indicates this legislation is not well thought through. With the presentations here this evening, there was not one single presentation

that was in support of this. The wildlife presentation said that the legislation was too complex to comment on, so they would limit their statements to penned hunting. And that is the phrase they used.

So there was no support for Bill 5, none whatsoever. So, being that as it may, I would encourage those persons to reflect upon the legislation, and no matter how we accomplish that here this evening, whether it is to support the motion as presented by the Honourable Member for Lakeside (Mr. Enns) or whether it is to support a further motion that may come to the floor as the Honourable Member for Dauphin-Roblin (Mr. Struthers) alluded to.

But I do believe that it is absolutely paramount that we, as representatives that have the privilege to serve our constituents, it would be a travesty to represent our constituents' views and to sit here this evening and to pass further to report stage something that is so poorly worded as to not reflect the intent of the Government.

The intent of the Government is to ban penned hunting. Throughout this evening we have heard it alluded to by members opposite. However, that is not in the legislation, so we have an obligation as legislators to debate and pass or defeat the legislation that is in front of us. I implore all of you here this evening to reflect upon what legislation we have before us.

In fact, to the Minister, in regard to a presentation this evening, the operation that the gentleman presented before us in his presentation is very highly scrutinized by First Nations people. They have concurred that his operation is very much in keeping with the sustainability of the nature and wildlife that we have within our province of Manitoba at the present time. So, effectively, the motion that is on the floor here today gives that opportunity to First Nations people to give the presentation, as they have provided by correspondence, to the Minister and to the Premier, that one must recognize the difference in perception of a pen versus something that is referred to as a preserve. I encourage all members here this evening to reflect very cautiously before voting here this evening. Thank you.

* (23:50)

Mr. Harry Schellenberg (Rossmere): I agree with Mr. Struthers, to defeat this motion which was on the floor. The intent of this bill was not to take away anyone's livelihood or wipe out elk ranching or wipe out bison ranching or wipe out the exotic birds or animals or someone's pet. I guess there is room here for the Opposition to play some politics.

I would agree with Mr. Struthers to defeat this motion on the floor. The aim of Bill 5 is to wipe out penned hunting. It is very simple. I agree with what Mr. Struthers says here. That might give us more time to look at it, maybe fix it up or whatever it needs. Thank you.

Madam Chairperson: Are there any other speakers?

Some Honourable Members: Question.

Madam Chairperson: The question is called. On the proposed motion moved by Mr. Enns that Bill 5 be withdrawn and not proceeded with at this time until the consultations that the Minister had arranged and subsequently cancelled have, in fact, taken place.

Voice Vote

Madam Chairperson: All those in favour, shall the motion pass? All those 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 Nays have it.

* * *

Madam Chairperson: Is it the will of the Committee to conclude presentations and detailed clause-by-clause consideration of Bill 5?

Some Honourable Members: No.

Mr. Cummings: I move that this committee adjourn.

Madam Chairperson: Non-debatable. All those in favour?

Some Honourable Members: Yea.

Madam Chairperson: The Committee will rise.

COMMITTEE ROSE AT: 11:54 p.m.

WRITTEN SUBMISSIONS PRESENTED BUT NOT READ

Re: Bill 5.

I respectfully request that you accept this written deputation in lieu of an oral presentation. Unfortunately, I could not make arrangements to travel to Winnipeg on such short notice, since I was only informed about the hearing date late this evening.

I am the Vice-President, a director and legal counsel for the Avicultural Advancement Council of Canada, which is the national organization of pet bird owners, bird breeders, clubs and aviculturists, and a director of the Parrot Association of Canada, the national organization of parrot owners and breeders for conservation.

AACC was a consulting member to the federal government committee that implemented WAPPRIITA, the federal legislation on endangered species. I serve as a public consultation representative of aviculturists to the Canadian Section of CITES, the international body that classifies endangered species.

I have owned parrots for many years and know a bit about "exotic birds." I have practised law for over 20 years and have considerable knowledge of various local, provincial and federal legislation dealing with animals. I was involved in the implementation of the Toronto Animal Control By-law, which deals with the keeping of exotic animals in the city, and I am a member of the Animal Services Advisory Committee to Toronto City Council.

I have reviewed the proposed amendments to The Wildlife Act and have identified a number of serious problems with them and their effect on the keeping, breeding and study of all birds in Manitoba. It has been said that they deal only with penned hunting of animals in private shooting preserves or wildlife farms. After a careful review, I can say that they have almost nothing to do with penned hunting and have everything to do with banning so-called "exotic" birds and other animals in Manitoba.

The current Wildlife Act deals with hunting and trapping of native wild animals. The proposed amendments would make it illegal **not only to hunt but also to own and possess** almost all animals.

The amendments introduce a definition for "exotic wildlife" which is so broad that it includes birds and animals that have nothing to do with penned hunting. By defining exotic wildlife as "wild by nature," it effectively includes many pet companion birds, such as parrots, budgies, lovebirds, cockatoos, macaws and others, which have been domestically bred in Canada and which have been owned for many years. Most birds will be considered wild by nature.

The Act would prohibit the "possession" of these birds and would automatically make all pet, companion and aviary birds illegal in Manitoba. There are no exemptions allowed for existing pet birds which have been cherished members of families for many years. There is no exemption for birds in domestic breeding programs or in zoos and universities. This would have serious consequences, not only for the owners, but for aviculture and society in general.

These amendments clearly have little or nothing to do with penned hunting. How does one hunt an "egg, sperm, embryo or body part?" This wording is more appropriate to "endangered species legislation," not to a law dealing with hunting.

In Canada, several hundred thousand people own one to two million pet and aviary birds. AACC each year sells eighty thousand identification bands for birds that have been bred in Canada, and this represents only one-quarter of those that are bred here.

So-called exotic birds like parrots now come exclusively from domestic breeders, are bred in Canada and **are not taken out of the wild**. It is a common public misconception that these beautiful creatures are trapped in the wild and brought here to spend their lives in cages. This simply is not true. Domestic breeders are contributing to the preservation of these species, not endangering them.

Both Canada and the United States have passed legislation that imposes tremendous penalties for smuggling endangered or threatened bird species. A breeder has recently gone to prison in the United States for seven years for smuggling endangered birds. They do not jail drug smugglers for that long!

If the amendments are passed, there is no doubt that they will be subjected to a legal challenge because of the serious abrogation of people's rights and the clear **infringement** on an area of federal jurisdiction **which** has already been legislated. Can you **imagine** the public outcry if provincial enforcement officers tried to seize beloved pet birds and valuable breeding stock?

Enclosed is an analysis of the effect of the proposed amendments which I have prepared and which goes into considerably more detail. Please read it and I would be happy to discuss it with you if you wish to telephone, e-mail or write to me.

I hope this material will be of assistance to you in your deliberations, and I would ask you to seriously consider substantial changes to the draft legislation. As it is currently written, it will have serious implications for parrot and other bird owners. I understand that the intent of the legislative changes is not to target these people, but please understand that will be the legal effect.

Also, as a side note, consideration should be given to providing more notice to your constituents. Even residents of Winnipeg would have difficulty rearranging their work schedules to attend the Committee hearing on what amounts to less than two days notice. Such short notice makes it almost impossible for there to be any meaningful public input into the legislative

process and raises negative connotations as to its purpose.

Thank you for allowing me the opportunity to make this presentation and I would certainly be pleased to provide any additional information or answer any of your questions if you wish to contact me directly.

Addendum:

The proposed amendments to The Wildlife Act will have serious consequences for all bird owners in the province. People with pet birds, such as budgies, cockatiels, parrots, macaws and others, breeders for the pet trade and for conservation, researchers and educators, pet store owners, suppliers and manufacturers, zoos and aviculturists will all be affected.

The Purpose of the Amendments: The stated purpose of the amendments is to prohibit or regulate "penned hunting" of animals in private shooting preserves or wildlife farms. The amendments are supposed to deal with the commercial hunting of certain animals like wild boar, antelope and others that are currently carried on in private preserves.

The Effect of the Amendments: **Unfortunately, the actual effect is to prohibit the keeping of all "wild" animals, exotic or native. The amendments as proposed will ban all exotic birds and animals even though they may be domestically bred, are completely tame and have never been in the wild.**

The current Wildlife Act regulates hunting and trapping of native wild animals and deals with licensing hunters and trappers, regulating what animals can be hunted and creating offences for illegal hunting and trapping. The legislation promotes a conservation perspective and sections 2 and 3 clearly state that the purpose is the "better management, conservation and enhancement of the wildlife resource of the province."

It deals primarily with animals in the wild and only peripherally with wild game farms and hunting preserves. The proposed changes will go much further.

Simply put, the amendments will make it illegal to own so-called "exotic wildlife" which will include all birds, parrots, budgies, canaries, lovebirds, macaws, finches and others. The new definition will include any animal **wild by nature** not indigenous to Manitoba and will apply to almost every non-native bird and animal in existence. The Act states that no one shall **possess** such an animal, which will include owning, keeping, breeding, selling or dealing with them in any way. The amendments go on to create strict liability offences **presuming guilt and requiring a person charged with an offence to prove their innocence.**

Summary of the Amendments: Exotic Wildlife Defined: The amendments introduce a new definition: "'Exotic wildlife' means a live or dead animal of any species or type that is (a) **wild by nature but not indigenous in the province**, and is declared by the regulations to be exotic wildlife, (b) **a hybrid descendant** of an animal described in clause (a), or (c) **an egg, sperm, embryo or body part** of an animal described in clause (a) or (b).

There are several problems with the definition: It includes birds "wild by nature" even though they may have been domestically bred and kept for many years. It does not exempt birds that have been bred domestically and that have not been taken out of the wild. It does not exclude birds that have been legally acquired under federal legislation. Any bird can be declared prohibited merely by regulation; that is, a government official will decide which ones will become illegal.

One has to ask what this has to do with penned hunting. How do you hunt "an egg, sperm, embryo or body part?" This wording is taken right out of "endangered species legislation" that is intended to prohibit the keeping of exotic animals entirely.

"Wild by nature" does not mean "wild caught" and is extremely broad and unrestrictive. Most birds are considered to be wild by nature, and the definition will include all parrots, budgies, cockatiels, canaries, finches, cockatoos, macaws and all other birds, whether native or foreign. Gordon Graham, a legislative specialist with the Manitoba Wildlife Conservation Branch

has readily admitted that parrots and other pet birds definitely fall within the definition.

It will include tame birds and pets, aviary birds, birds that are bred domestically and birds in zoos, universities and other research facilities. It will include all birds except chickens. It will probably include by definition turkeys, geese and ducks.

It will include birds bred in Canada that have not been taken out of their wild habitat. It will include birds brought in legally under the Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act, the federal legislation which establishes a comprehensive code dealing with endangered species. It will include all species of birds regardless in which CITES Appendix they appear and even if they do not appear on the Control List at all. **It will make birds illegal everywhere else in Canada under the federal legislation.**

The proposed amendments ignore entirely the fact that all birds ordinarily kept as pets and companions and as aviary birds have been bred by domestic breeders and are domesticated for all intents and purposes.

Possession Prohibited: Section 45 of the current act then kicks in and provides that: "No person shall capture alive or **have possession of any live wild animal.**"

This will make it illegal to own and keep exotic birds, not just hunt them. It will make it an offence to simply possess them. Mr. Graham has said the legislation will only prevent "hunting of parrots," not keeping them, and that clearly is not the case.

Enforcement officers will be able to search premises and vehicles, seize animals without a warrant and dispose of any live exotic wild animal in captivity by "selling, donating, killing and destroying it, **or setting it free.**"

Some other serious consequences of the amendments are: In Manitoba it would be illegal to own, keep, possess, breed, propagate, import, export and otherwise deal with any exotic wildlife, including birds like parrots, budgies,

lovebirds, macaws, canaries, finches and all other birds. It would be illegal to possess an egg, sperm, embryo or body part of exotic wildlife. This would include feather. It would allow permits to possess exotic wildlife only for "education or scientific purposes." Where a person is charged with keeping any exotic wildlife that is prohibited or having had it in his possession, **he is presumed to have committed the offence with which he is charged.** In other words, you will be presumed guilty until proven innocent.

It would regulate the sale of exotic wildlife raised and kept in captivity and the sale of exotic wildlife brought into the province. This is considerably more prohibitive than the current provisions which merely regulate the sale of wild animals raised and kept in captivity on wildlife farms or brought into the province to start wildlife farms or private shooting preserves. **In fact, it appears that the current law is sufficient to regulate penned hunting without the amendments.**

It would require licences for the possession, raising and propagation of exotic wildlife in captivity. Again, this is much more prohibitive than the original section which dealt with licensing and regulating of shooting preserves and wildlife farms and the keeping, raising and propagation of wild animals on them.

Penned Hunting Not Defined: There is no definition of "penned hunting" anywhere in the Act or in the proposed amendments. It is not even implicitly referred to. There is no specific provision that states penned hunting is prohibited or controlled. There is no reference whatsoever to the activity for which the amendments are supposedly intended. No matter how far you stretch legislative interpretation, there is no way to state unequivocally and with certainty that these amendments deal only with penned hunting.

Conclusions: **The amendments clearly go far beyond the banning of penned hunting. Either the changes have been carelessly drafted or this is an attempt to expand the scope of the Act beyond regulation of hunting in order to target ownership of all exotic species, including birds.**

By definition, it would be illegal to keep a bird that is "wild by nature and not indigenous in the province," whether or not it was domestically bred or allowed under federal legislation.

If the purpose is to control or ban penned hunting, why is there no definition of what constitutes penned hunting and no specific provision that states penned hunting is prohibited? Why introduce concepts of "keeping and possession" when the Act currently refers throughout to "hunting, killing or taking?" Why include "egg, sperm, embryo or body part" in the definition? How does this relate to penned hunting or to "the better management, conservation and enhancement of the wildlife resource of the province?"

The attempt to create what is known in law as a strict liability offence and reverse the burden of proof onto the owner of the animal—in other words, a presumption of guilt—is an extremely serious abrogation of a basic legal right and should not be included at all.

Given the broad scope of proposed regulatory powers, extensive work and expense will be involved in administering and enforcing the new law if these amendments are implemented. In addition to regulating penned hunting, an entirely new bureaucracy will have to be created for the regulation of the breeding, importation, keeping, sale and "other activity" involving all exotic animals, birds included.

Why duplicate a system that the federal government already has in place and pays for?

Proposed Changes to the Amendments: If the Government of Manitoba wants to prohibit or regulate hunting on private preserves, the legislation should deal specifically with it and not try to amend existing legislation designed to regulate hunting of animals in the wild. Frankly, I believe that the current Wildlife Act already provides for regulation of penned hunting in section 90(gg) and (hh).

Penned hunting does not involve only exotic animals; it also involves native species that have been bred for that purpose. Since this falls outside traditional hunting activities, it should be carefully drafted and extensively debated on its

own merits so that it is clear what is intended and what rights are being affected.

As a bare minimum, the following changes should be made to the proposed amendments: Since "exotic" birds such as parrots, budgies, canaries, lovebirds and others are not kept for hunting, penned or otherwise, it makes no sense to have a definition that includes them in an act regulating hunting. The objective is to prohibit penned hunting of all wildlife, and the definition of "exotic wildlife" should be deleted entirely.

Words like "own," "possess," "breed," "raise," and "propagate" should be deleted. **The only thing that should be prohibited is captive or penned "hunting" which must be clearly defined and specifically dealt with.** Animals that are kept for purposes other than hunting should be clearly excluded. There is no reason to include birds that are kept and bred for pets, companions, conservation and research. Penned hunting should be dealt with in its own legislation or, at the very least, in an exclusive part of The Wildlife Act.

If, on the other hand, the Government wants to pass laws banning exotic species outright, including those that have been historically kept as pets, then they should do so by tabling a specific act for that purpose and not try to hide it within unrelated legislation. It should be careful not to infringe on federal jurisdiction where comprehensive legislation already exists. It makes it extremely difficult for people to understand the laws that govern them if there are several conflicting versions at the provincial and federal levels.

It should not be illegal in Manitoba to own pets and other birds that you are allowed to bring into Canada under WAPPRIITA.

It is both unfair and dishonest to attempt to disguise such serious legislation in an act which is intended only to regulate hunting and trapping. It is particularly disturbing to hear it defended as a response to "strong concerns over the ethics of penned hunting."

In drafting such legislation, the Government should ensure that all stakeholders, including pet owners, breeders, retailers, manufacturers and

aviculturists have input and are heard. There are thousands of people in Manitoba who will be affected by this legislation and who will not appreciate its implications until after it has been passed and after it is too late to do anything about it.

Otherwise, the legislation will bring untold grief and suffering to innocent owners of pet and companion birds that happen to be "exotic." It will damage a healthy and responsible pet industry in the province and open up pet retailers to harassment and prosecution. It will discourage the production and manufacture of food, cages, toys and other related products.

Most regrettably, it will discourage and eliminate breeding both for the pet trade and for conservation purposes. Domestic breeders of exotic animals are helping to preserve them from extinction, not endangering them.

Christopher Holoboff
Vice-President & Director, Avicultural
Advancement Council Canada
Director, Parrot Association of Canada

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Re: Bill 5.

I will be unable to attend the third reading of Bill 5 this evening due to the lack of notice. In 1992 we purchased our first plains bison and have since continued building our bison herd. Although bison are wild in nature and were indigenous to the province of Manitoba at one time, they have all been reintroduced into the province and are being raised domestically as livestock on private ranches like ours. All ranched bison in Manitoba are contained in fences and are the responsibility of the owner. They are not like wild moose, white-tailed deer, foxes, beavers, et cetera, who roam freely on and off of private and public land.

Manitoba does not have free roaming spaces to which these wonderful creatures can reside other than private ranches. I strongly believe that ranched bison should remain under the umbrella of agriculture and not be moved to The Wildlife Act. Placing bison under The Wildlife Act will do nothing but create a bureaucratic nightmare.

Bison ranchers have great respect for their animals. Ranches are known to have bison cows in their late twenties and early thirties still producing calves and living contentedly in ranch settings. As with the cattle industry, genetically strong males and females continue to breed with lesser bison being put into the meat market. The majority of bison slaughtered are males under the age of 30 months. The meat is wonderful, healthy and there is a strong demand for by-products such as hides, horns, skulls, et cetera. Bison ranchers have invested in and designed special handling systems and techniques for the humane handling of bison.

Penned hunting in the bison industry is known to add profit to bison ranches across North America. Not all ranches are set up and able to offer this niche service to a select group of hunters primarily from the U.S.A. Any bison that would be placed into a penned hunt would be destined for slaughter regardless. No ranch would put a top-quality productive male or female into a hunt. Mainly retiring herd sires who have surpassed their productivity in that ranch setting would be placed into such a market.

These bulls, for example, would bring in only one-third of the value being made into sausage as they could in a private hunt. Eliminating the option of a penned hunt will not save that individual animal. The bottom line is that ranches could not afford to continue to house and feed non-productive animals, and nature has nowhere for them to go.

It is sad that through Bill 5 this option is being taken away from ranchers choosing to set up their operations to accommodate this faction of tourism. Establishment of guidelines for penned hunts would be encouraged.

The bison industry is a co-operative industry. It works hard to keep the industry disease free, thus even bison movement within Canada is being tracked by use of Record of Movements, et cetera. Each bison is identified by a health of animal tag. The bison industry is pleased to see the cattle industry also moving into a nine-digit identification code in order to track these animals throughout their lifetime. This takes management to accomplish and again

proves that these are ranched animals and no longer wild ones.

Bill 5 will take away our ability to market our owned ranched bison as live breeding stock or to slaughter. It horrified me to think that this well-meaning bill will potentially kill one of the

best agricultural commodities today. Please do not place ranched bison under The Wildlife Act, as they do not roam free outside ranch fences.

Larry & Audrey Stoski
Wilson River Bison
Gilbert Plains, Manitoba