



Second Session - Thirty-Sixth Legislature

of the

Legislative Assembly of Manitoba

Standing Committee

on

Agriculture

Chairperson
Mr. Jack Penner
Constituency of Emerson



MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Sixth Legislature

Members, Constituencies and Political Affiliation

Name	Constituency	Party
ASHTON, Steve	Thompson	N.D.P.
BARRETT, Becky	Wellington	N.D.P.
CERILLI, Marianne	Radisson	N.D.P.
CHOMIAK, Dave	Kildonan	N.D.P.
CUMMINGS, Glen, Hon.	Ste. Rose	P.C.
DACQUAY, Louise, Hon.	Seine River	P.C.
DERKACH, Leonard, Hon.	Roblin-Russell	P.C.
DEWAR, Gregory	Selkirk	N.D.P.
DOER, Gary	Concordia	N.D.P.
DOWNEY, James, Hon.	Arthur-Virden	P.C.
DRIEDGER, Albert, Hon.	Steinbach	P.C.
DYCK, Peter	Pembina	P.C.
ENNS, Harry, Hon.	Lakeside	P.C.
ERNST, Jim, Hon.	Charleswood	P.C.
EVANS, Clif	Interlake	N.D.P.
EVANS, Leonard S.	Brandon East	N.D.P.
FILMON, Gary, Hon.	Tuxedo	P.C.
FINDLAY, Glen, Hon.	Springfield	P.C.
FRIESEN, Jean	Wolseley	N.D.P.
GAUDRY, Neil	St. Boniface	Lib.
GILLESHAMMER, Harold, Hon.	Minnedosa	P.C.
HELWER, Edward	Gimli	P.C.
HICKES, George	Point Douglas	N.D.P.
JENNISSEN, Gerard	Flin Flon	N.D.P.
KOWALSKI, Gary	The Maples	Lib.
LAMOUREUX, Kevin	Inkster	Lib.
LATHLIN, Oscar	The Pas	N.D.P.
LAURENDEAU, Marcel	St. Norbert	P.C.
MACKINTOSH, Gord	St. Johns	N.D.P.
MALOWAY, Jim	Elmwood	N.D.P.
MARTINDALE, Doug	Burrows	N.D.P.
McALPINE, Gerry	Sturgeon Creek	P.C.
McCRAE, James, Hon.	Brandon West	P.C.
McGIFFORD, Diane	Osborne	N.D.P.
McINTOSH, Linda, Hon.	Assiniboia	P.C.
MIHYCHUK, MaryAnn	St. James	N.D.P.
MITCHELSON, Bonnie, Hon.	River East	P.C.
NEWMAN, David	Riel	P.C.
PALLISTER, Brian, Hon.	Portage la Prairie	P.C.
PENNER, Jack	Emerson	P.C.
PITURA, Frank	Morris	P.C.
PRAZNIK, Darren, Hon.	Lac du Bonnet	P.C.
RADCLIFFE, Mike	River Heights	P.C.
REID, Daryl	Transcona	N.D.P.
REIMER, Jack, Hon.	Niakwa	P.C.
RENDER, Shirley	St. Vital	P.C.
ROBINSON, Eric	Rupert's Land	N.D.P.
ROCAN, Denis	Gladstone	P.C.
SALE, Tim	Crescentwood	N.D.P.
SANTOS, Conrad	Broadway	N.D.P.
STEFANSON, Eric, Hon.	Kirkfield Park	P.C.
STRUTHERS, Stan	Dauphin	N.D.P.
SVEINSON, Ben	La Verendrye	P.C.
TOEWS, Vic, Hon.	Rossmere	P.C.
TWEED, Mervin	Turtle Mountain	P.C.
VODREY, Rosemary, Hon.	Fort Garry	P.C.
WOWCHUK, Rosann	Swan River	N.D.P.

LEGISLATIVE ASSEMBLY OF MANITOBA
THE STANDING COMMITTEE ON AGRICULTURE

Tuesday, October 29, 1996

TIME – 9 a.m.

LOCATION – Winnipeg, Manitoba

CHAIRPERSON – Mr. Jack Penner (Emerson)

VICE-CHAIRPERSON – Mr. Edward Helwer (Gimli)

ATTENDANCE - 11 – QUORUM - 6

Members of the Committee present:

Hon. Messrs. Driedger, Enns, Ernst, Toews

Ms. Barrett, Messrs. Helwer, Penner, Reid, Rocan,
Struthers, Ms. Wowchuk

WITNESSES:

Bill 51–The Civil Service Superannuation Amendment, Public Servants Insurance Amendment and Teachers' Pensions Amendment Act

Mr. Ken Pearce, Manitoba Teachers' Society

Bill 70–The Animal Care Act

Ms. Dale Langille, Private Citizen
 Ms. Vicki Burns, Winnipeg Humane Society
 Mr. John Youngman, Winnipeg Humane Society
 Ms. Debbie Wall, Manitoba Animal Alliance
 Ms. Susan Boutet Nazare, Private Citizen
 Ms. Donna Youngdahl, Manitoba Farm Animal Council
 Mr. James Pearson, People Acting for Animal Liberation

Bill 77–The Natural Products Marketing Amendment Act

Mr. Neil Van Ryssel, Manitoba Milk Producers

WRITTEN SUBMISSIONS:

Bill 68–The Farm Lands Ownership Amendment, Real Property Amendment and Registry Act

Mr. Eduard Hiebert, Private Citizen

MATTERS UNDER DISCUSSION:

Bill 18–The Payment of Wages Amendment Act
 Bill 40–The Pension Benefits Amendment Act
 Bill 51–The Civil Service Superannuation Amendment, Public Servants Insurance Amendment and Teachers' Pensions Amendment Act
 Bill 68–The Farm Lands Ownership Amendment, Real Property Amendment and Registry Act
 Bill 70–The Animal Care Act
 Bill 77–The Natural Products Marketing Amendment Act

* * *

Mr. Chairperson: Good morning, ladies and gentlemen. Could the committee please come to order.

This morning the committee will be considering a number of bills. Those bills being 18, The Payment of Wages Amendment Act; Bill 40, The Pension Benefits Amendment Act; Bill 51, The Civil Service Superannuation Amendment, Public Servants Insurance Amendment and Teachers' Pension Amendment Act; Bill 68, The Farm Lands Ownership Amendment, Real Property Amendment and Registry Act; Bill 70, The Animal Care Act; Bill 77, The Natural Products Marketing Amendment Act.

Before we can proceed, however, we need to elect a Vice-Chairperson. Are there any nominations?

Hon. Albert Driedger (Minister of Natural Resources): Mr. Chairman, I nominate Ed Helwer as Vice-Chairperson.

Mr. Chairperson: Mr. Helwer has been nominated. Are there any further nominations? I see none. Mr. Helwer, you will be the Vice-Chair.

To date, we have had a number of people registered to speak on the bills this morning and I am going to read the names of the people that are registered to speak on the various bills. I would wonder whether the committee would consider hearing all the presentations before we proceed in clause-by-clause consideration of any other bills. Is that agreed? [agreed]

Ken Pearce of the Manitoba Teachers' Society will be speaking to The Civil Service Superannuation Amendment Act. We have eight presenters on The Animal Care Act, and those names are Ms. Dale Langille—she is a private citizen; then there is Marlin Beever, president of the Manitoba Cattle Producers Association; Vicki Burns and John Youngman, the Winnipeg Humane Society; Debbie Wall, Manitoba Animal Alliance; Susan Boutet Nazare, private citizen; Barbara King, Manitoba Veterinary Medical Association; Donna Youngdahl, Manitoba Farm Animal Council; James Pearson, People Acting for Animal Liberation.

Then on Bill 77, The Natural Products Marketing Amendment Act, we have Jim Wade of the Manitoba Milk Producers Marketing Board, and on Bill 68, The Farm Lands Ownership Amendment Act, we have a spokesperson who is not named for the National Farmers Union. I wonder if that person is here and whether they would state their name at this time. If not, we will wait for them and just leave this bill then for last consideration.

Are there any other persons who are here that would indicate that they wish to present? If there are, would you register at the back of the room with the Clerk please and notify the Clerk of your intention to present?

We have a written submission for Mr. Eduard Hiebert but I would ask that we record in Hansard. Is that agreed? [agreed] That is a submission to Bill 68.

Did the committee wish to set any limits on hearing time?

Hon. Jim Ernst (Minister of Consumer and Corporate Affairs): Mr. Chairman, I suggest that we

set a 10-minute time limit for presentations and a five-minute question period following that.

Mr. Chairperson: Is that agreed?

Ms. Becky Barrett (Wellington): Mr. Chair, I think that given the fact that we have 10 or 11 presentations that have signed up and may not all be present, I think that we do not have a problem with time. We have time to listen to these people, and if they have more than 10 minutes of information we should be willing to listen to their presentation. I also assume that most people are cognizant of the fact they have other things to do, other presenters have things to do, and I think that they will not abuse the privilege. I do not think there is any reason why we should set a time limit for these bills today.

Mr. Chairperson: What is the will of the committee? All those in favour of setting limits of 10 minutes and five minutes, would you say yea?

Some Honourable Members: Yea.

Mr. Chairperson: All those opposed, would you say nay?

Some Honourable Members: Nay.

Mr. Chairperson: I declare that the Yeas have it. We will then set limits of 10 minutes for the presentations and five minutes for questions on the presentations.

Did the committee wish to set time limits on when the committee would want to rise or should we sit till we consider all the bills? What is the wish of the committee?

Ms. Barrett: Mr. Chair, I would recommend that we hear all of the public presentations and then make a decision at that point.

* (0910)

Mr. Chairperson: Is that agreed? [agreed]

In what order would you want to hear the bills? Does it matter? Should we start with The Civil Service Superannuation, Ken Pearce, and then continue down the list as before me? Thank you.

I will then call Mr. Ken Pearce to make a presentation on The Civil Service Superannuation Amendment Act. Mr. Ken Pearce, would you come forward? Have you a presentation for distribution? You may proceed.

Bill 51—The Civil Service Superannuation Amendment, Public Servants Insurance Amendment and Teachers' Pensions Amendment Act

Mr. Ken Pearce (Manitoba Teachers' Society): The Manitoba Teachers' Society appreciates the opportunity to present our views on behalf of more than 13,000 teachers of Manitoba affected by this bill. We recognize that the bill deals with a number of different acts at the Manitoba Legislature, but our comments will be focused primarily on Part 3 of Bill 51 which deals with amendments to The Teachers' Pensions Act.

Several sections of Bill 51 are primarily housekeeping legislation to meet the requirements of Revenue Canada to make The Teachers' Pensions Act consistent with the provisions of the Income Tax Act of Canada. The amendments to the Income Tax Act in 1990, with respect to pension plans and retirement savings, become through this legislation incorporated into The Teachers' Pensions Act of Manitoba. To our knowledge, these amendments change in no material way any benefit for teachers in The Teachers' Pensions Act but simply provide clarification as to the applicability of the Income Tax Act of Canada to this pension plan. It is not our intent to discuss these sections but rather to focus on those sections which do result in a material change to the pension plan covering our members.

Sections 32 to 36. These sections of Bill 51 allow some greater flexibility in the payment of benefits under some very limited, defined circumstances. The changes have no financial effect on either the Teachers' Retirement Allowances Fund or the province of Manitoba. The society is pleased that this increased flexibility has been made available to our members who may be affected by these situations.

Section 38. The society was pleased when the government of Manitoba announced in April 1995 that it would correct the pension inequities that had resulted from The Public Sector Reduced Work Week and Compensation Management Act. While the majority of

our members still suffered significant financial loss as a result of the legislation without any reduction in their workloads, at least they do not have to also suffer a permanent loss in their retirement income. This section of Bill 51 now incorporates the correction of the pension inequities into The Teachers' Pensions Act, and we are pleased to be able to put this last piece of Bill 22 of 1993 behind us.

Sections 39 and 40. As part of Revenue Canada's review of The Teachers' Pensions Act, it determined that the former reciprocal transfer agreement that had existed between other employers within Manitoba and the Teachers' Retirement Allowances Fund was not in compliance with the Income Tax Act of Canada. These sections of Bill 51 bring the old form of reciprocal agreement to a conclusion and make provision for new agreements to be entered into that will meet Revenue Canada's approval.

We are pleased with this amendment and will work with the Teachers' Retirement Allowances Fund Board to conclude new reciprocal transfer agreements.

I now turn to purchase of periods of maternity leave and parental leave as pensionable service. The society notes that in Section 9 of Bill 51, The Civil Service Superannuation Act will be amended to allow civil servants who take maternity leave or parental leave to purchase such leave as pensionable service. Since Manitoba is the only jurisdiction in Canada that does not permit such leave to be purchased, we are pleased that some progress is being made on this matter, which has been under discussion between the society and the government of Manitoba for many years.

We are disappointed that we have been unsuccessful in having the government agree to extend such an opportunity to teachers through The Teachers' Pensions Act. We must note, however, that we do not believe that provisions being outlined in Section 9 of Bill 52 meet the test of the Supreme Court of Canada in the Brooks versus Safeway decision in that those who qualify to purchase such leave are being asked to pay double contributions, both their own share and the province's share, to receive credit for that period of leave.

We would note, as well, that all other jurisdictions in Canada require that the individual purchase of maternity

or parental leave pay only regular contributions to purchase the leave, except for the Province of Quebec, which requires no contribution to receive credit for the leave.

The society, therefore, recommends that Bill 51 be amended as follows: 38.1. The following is added after Clause 62(1)(e): a new (f), any period during which the teacher took maternity or parental leave as provided in The Employment Standards Act, if that teacher resumes employment as a teacher, elects in writing to pay the fund for the period of leave taken and pays in accordance with subsection (1.1); (1) where the election is received by the board within six months of the coming into force of this clause or of the expiry of the leave, an amount equal to the amount the teacher would have been required to pay had the teacher been a contributor during that period, but based on the salary authorized to be paid to the teacher on the date of return from the leave at the contribution rates applicable to that date plus interest from the date of return from leave to the date of actual payment of the amount at a rate equal to the average rate of interest earned by the fund between those dates, compounded annually; or (2) where the election is received by the board more than six months after the coming into force of this clause or the expiry of leave, an amount equal to the actuarial liability of both account A and the pension adjustment account for the recognition of such period of leave, as determined by the board.

Board conditions, 62(1.1). The amount payable under Clause 62(1)(f) shall be calculated as at the date the board receives the teacher's election, but payment may be made at such time and under such terms and conditions as are prescribed by the board.

We are of the view that the amendment we are proposing is in full compliance with the decision of the Supreme Court of Canada in *Brooks versus Safeway* and with The Human Rights Act of Manitoba and the Canadian Charter of Rights and Freedoms. This amendment would permit those who have been historically deprived of the right to purchase such leave because of the discriminatory provisions of The Teachers' Pensions Act an opportunity to purchase such leave now within a reasonable time frame without undue penalty. It would also assure access in the future for such leave to be purchased but would not prejudice the Teachers' Retirement Allowances Fund in the event of delay in

making arrangements to purchase such leave. We urge you to consider positively this amendment. I thank you for hearing our submission.

Mr. Chairperson: Thank you, Mr. Pearce. Are there any questions? Any questions?

Ms. Becky Barrett (Wellington): Thank you for your brief and your presentation. Do you have any sense of why you have been unsuccessful in having the government agree to extending this opportunity to purchase maternity and parental leave to teachers?

Mr. Pearce: I have not been directly involved in the committee that deals with these issues, but my understanding is that anything that would have cost implications would not be considered.

Ms. Barrett: But, again, why teachers being singled out, or are teachers, to your knowledge, being singled out in this regard?

Mr. Pearce: I have no idea.

Hon. Vic Toews (Minister of Labour): Thank you for your presentation, Mr. Pearce, I appreciate the concise way in which you have raised your points and I think it is of assistance to this committee.

In respect of the last issue that you have raised, you may be aware that the liaison committee for the superannuation fund has settled this issue in respect of their pension and that this issue is currently being discussed with the teachers' pension task force, and that is the appropriate forum for raising this issue. I do not know exactly what the status of those discussions are, but just perhaps—and you can correct me—the reason one would have to deal separately with the teachers is, of course, that the teachers have a separate act in which to deal with this particular issue.

* (0920)

Mr. Pearce: In response, yes, that is true. One of the reasons we brought this before you is because this is another avenue of influence over an arena, over which we have had little success in achieving the object of this brief to you.

Mr. Chairperson: Are there any further questions or comments? Thank you, Mr. Pearce.

The next item on the agenda is Bill 68, the Farm Lands Ownership Amendment, Real Property Amendment and Registry Amendment Act. The farmers' union had indicated a presenter. Is there somebody here representing the farmers union?

If not, we will then go on to the next bill, Bill 70, The Animal Care Act, and the first person presenting is Ms. Dale Langille. Ms. Langille, would you come forward please? Am I pronouncing that right? Langille?

Bill 70—The Animal Care Act

Ms. Dale Langille (Private Citizen): Actually it is Langille, but that is all right. I have been called many things.

Mr. Chairperson: I wanted to pronounce your name correctly. By the way, have you a printed version of your presentation?

Ms. Langille: No, I do not. I just arrived home last night from British Columbia to a message that this committee was in hearing this morning. I was unaware that I could make a written presentation.

Mr. Chairperson: Could you proceed then, Ms. Langille?

Ms. Langille: To give you a little background, thank you very much for hearing me this morning. I have been a breeder of the purebred Pembroke Welsh Corgi for 20 years. I have worked extensively with the Canadian Kennel Club, most recently as chairman of the Manitoba committee, to formulate a code of ethics for CKC breeders. Of course, I discussed the breeding problem of dogs with many of our members, and the biggest problem as we see it is the problem of backyard breeders and puppy mills. That is why the Humane Society is inundated with dogs that are not purebred, dogs that are not registered.

I think this Animal Care Act is wonderful, and as Mr. Enns said this morning, it is a beginning. However, before we go any further, let us try and put some real

meat into it so that we are not coming back year after year making amendments. It is possible to bring in a really good act that is going to lead Canada. Manitoba will lead Canada if we can get the act through. Especially provinces like Ontario and British Columbia have been struggling for quite a while to do something about this problem.

To start with, under your Section 26, the licensing of kennels and breeders, many of us feel that we should all be licensed, and depending on the number of litters produced a year by the CKC members, the fee should be in line with the number of litters. That can be very easily proven if we use the resources of our CKC director, Mrs. Doreen Nevraumont, and perhaps some consideration could be given to those that are Canadian Kennel Club members and are not producing many litters. For myself, I have had years I have not had a litter at all, and the maximum I produce may be two litters a year. There are many of us like that; however, there are some that we know are producing from 70 to 170, and something should be done about that because that is another reason why we have the dog problem that we have.

We also feel that use should be made of an organization here in the province called PAWS. If you read the Free Press on Saturdays you will see a little ad in there. They call it the hotline. They have been tracking the backyard breeders and the puppy mills for at least two years, and you have an excellent resource in these people if you will use them, because the backyard breeders are really the major problem. This is somebody that has Fluffy and Fido down the street and we should have a litter because it would be good for the children to experience the miracle of birth. When somebody says that to me, I tell them to go down to the Humane Society and find out how many miracles are there ready to be put down. If they want to see the miracle of birth, they should be at the other end and let them experience the miracle of death as well. Well, that does not go over very well, as you can appreciate. However, I think that you should put something into this act that will control these backyard breeders.

When you decide to issue a licence, who is going to inspect the premises? You do not have any stipulation in there. I expect that you will have somebody that is very knowledgeable about what a good kennel should be. Under your licence appeal board, I hope that you will

consider using our director, our CKC director, again. She definitely should be on a board like that.

When it comes to the prohibition of ownership of dogs, we feel that you must—must—enforce that somehow. If somebody is told that they can only have one pet dog in their household, they should not be allowed to set up next door at their daughter's farm or someplace to set up another puppy mill, and this has happened just very recently.

As I said, just to sum up, please consider using our CKC director and please license all breeders. Do not segregate as to commercial or hobby. Anybody producing puppies should be licensed. Thank you very much for listening to me.

Mr. Chairperson: Thank you very much for your presentation, Ms. Langille. Are there any questions?

Hon. Harry Enns (Minister of Agriculture): Thank you, Ms. Langille. I want to thank you for the presentation. You mentioned the name of an organization.

Ms. Langille: PAWS.

Mr. Enns: What is it called?

Ms. Langille: PAWS. It is short for Puppies Are Worth Saving.

Mr. Enns: They are an organized group working within the province?

Ms. Langille: Yes.

Mr. Enns: Certainly, Ms. Langille, I will be in the drafting of the regulations that will follow the legislation as it is passed, take seriously some of the suggestions that you have made, particularly the utilization of people that have associated themselves with organization like the Canadian Kennel Club, which you have been a long-time member. We would be foolish not to seek out their advice and their assistance and indeed their help in serving in various capacities as the act calls for. Thank you.

Mr. Chairperson: Are there any other questions, comments? Thank you, then, for your presentation, Ms. Langille.

The next presenter we will call is Marlin Beever, president of the Manitoba Cattle Producers Association. Would you come forward, please. Is Mr. Marlin Beever here?

I will then next call Vicki Burns and John Youngman, the Winnipeg Humane Society. Would you please come forward. Have you a presentation to distribute?

Ms. Vicki Burns (Winnipeg Humane Society): Yes.

Mr. Chairperson: Would you proceed with your presentation, please.

* (0930)

Ms. Burns: Good morning, Mr. Chair, honourable minister and committee members. Thank you very much for giving me the opportunity to speak, or giving us the opportunity, rather.

My name is Vicki Burns, and I am the Executive Director of the Winnipeg Humane Society. The Winnipeg Humane Society is really the main animal welfare organization in this province with a membership of about 12,000.

To begin with, we would really like to commend the government of Manitoba for introducing the act, which is aimed at protecting the welfare of animals in Manitoba and which strengthens the ability of our society to protect those animals. We recognize that the proposed Animal Care Act is an important step towards improving the living conditions of both commercial and companion animals in this province.

There are a couple of things that we are particularly pleased about in the act, and the first one of those is the provision towards licensing of kennels and breeders. I was very pleased to hear the presentation of the previous speaker and to know that the actual, qualified breeders are in support of this as well but, again, these provisions are very progressive and we really will be leading Canada in terms of controlling and regulating puppy and kitten mills.

This is a particularly large problem that we have here in this province. As the previous speaker mentioned there is a group that has been spending a lot of their own

volunteer time tracking the number of puppy mills in particular. We know that there are at least 18 to 20 large-scale breeding operations which right now we cannot do anything about because we do not have any provisions to intervene unless circumstances are so horrendous. So this act will really go a long way towards helping us in that regard. I believe that it will be a significant deterrent to the growth of these operations, which result in unhealthy animals and significant cost to pet owners for the care of chronically ill pets.

We are also very pleased with the provisions relating to offences, fines of up to \$5,000 for a first offence and \$10,000 for a second offence and a ban on owning animals for from five to 10 years. We feel these are substantial enough to send a strong message that infliction of suffering on animals will not be tolerated in this province. So those are the really wonderful parts of this act.

Now I want to talk a little bit about the areas that concern us. The first is related to the concept of accepted activities, and I want to refer to something that came out of the report of the Manitoba Law Reform Commission on animal welfare. That is, we recognize the principle that society's interest in intervening on behalf of animals must be limited by practical considerations. There are a number of activities in which humans engage that result in animal suffering at least to some extent.

Although the goal of our society is to work towards the time when animals used by humans do not suffer at our hands, we understand that at this point in time we cannot prohibit all animal suffering. At the same time, we feel that there are certain core standards of animal care that should not be unduly compromised, and it is our view that some parts of this act do compromise those. So we are requesting that you give serious consideration to changing these parts.

Generally our concerns are twofold. First, the act's immunity provisions are so broad that they let many animal abusers off the hook. We really request that those be tightened up. Secondly, the act is bound to create confusion as to what acceptable standards of animal care are, particularly in industries with long-standing codes of practice.

John Youngman, who is a volunteer with The Winnipeg Humane Society and has been involved in reviewing this act is going to talk to you now about some of the specifics that we are requesting.

Mr. Chairperson: Mr. Youngman, will you come forward, please.

Mr. John Youngman (Winnipeg Humane Society): Thank you, Vicki. Thank you, Mr. Chair. Thank you, honourable ministers, for allowing us to be here.

First of all, I want to say that it is nice to see Mr. Enns again here. The last time I worked with Mr. Enns I was involved with the Zoological Society of Manitoba. From 1990 to '92, I was its president. Mr. Enns certainly helped us out with a number of our initiatives including the Peregrine Falcon Recovery fund. So it is nice to see you again.

The Winnipeg Humane Society has recently established formally a farm animal welfare initiative, and the purpose of the initiative is to get industries which use animals and the animal welfare community talking. Up until now, I think you will agree that the relations between us who have interest in animal welfare and industry has been at times acrimonious and adversarial at times. We are trying to change that whole dynamic and we feel that this particular act has a lot of potential. It has the ability to strengthen the bonds that now exist and will continue to exist hopefully between the welfare community and industry. I myself am chairing that initiative on behalf of the Winnipeg Humane Society and it is in that capacity that I am here before you.

I would like to share with you a newsletter that recently came out from Manitoba Pork. It is their latest edition, September 1996, and on the back you will see a photograph of myself and Vicki Burns. We were touring a hog operation at Rosebank, one of the Hutterite hog operations, and we had a chance to talk with the two managers who were in charge of that operation. We learned a considerable degree about how a hog operation works and in particular how some new forms of hog operations are working. We have also made inroads and are beginning discussions with the egg producers here in Manitoba and we intend to form alliances with a number of industries.

Our underlying philosophy and one of the main reasons we are here today is to tell you that we believe that progress in animal welfare can best be done between the animal welfare community, on the one hand, and industry talking to each other and agreeing on what the standard should be. We think that is a more useful process. We feel that that involves a lot of the stakeholders in the process, and we feel that it is simply more effective than simply having some other standards which apply which may not necessarily be consistent with the consensus reached by those two stakeholders.

With respect to the proposed Animal Care Act, first of all, I think it is important to understand that every particular industry or at least every major industry that uses animals has a code of practice. This happens to be the pig code of practice and, if you peruse it, you will see that it actually involves quite a number of stakeholders. It involves the Canadian Pork Council as well as all the provincial pork bodies, including Manitoba Pork. It involves the collaboration of Agriculture Canada, Agri-Foods Canada, the Canadian Federation of Humane Societies, Canadian Meat Council, Canadian Veterinary Medical Association, and what it does is, it sets out in a lot of detail all of the standards of care which should apply in the pork industry. The egg industry, cattle industry, they all have very, as Mr. Enns knows, similar codes of practice in place.

Mr. Chairperson: You have two minutes, Mr. Youngman.

Mr. Youngman: Yes. We feel that the language contained in the proposed act does not give due deference to those codes of practice and in effect relinquishes a number of the standards which industry and the animal welfare community have agreed on.

If you look at, for example, Section 2(2)(a), you will see that really the standards are not the codes of practice per se but rather something a little more nebulous—standard or code of conduct, criteria, practice or procedure as specified as acceptable in the regulations. I am not able to put myself in the mind of the individuals who drafted this legislation, but upon my reading of it, it seems to me that it does not clearly establish the industry codes of practice as the benchmark standards. I think it probably intends that, and perhaps that is what might find its way into regulations, but the point is, they are not

enshrined in this particular legislation and that has two effects.

First of all, it upsets the apple cart insofar as we are concerned. All of the progress we have been able to make with industry has a potential to simply fall away. As well, it causes uncertainty. Put yourself in the mind of a hog producer who is looking to comply with acceptable standards. He looks, as he perhaps should, to his code of practice which says one thing, and yet there is a piece of legislation in Manitoba which potentially sets some different standard.

* (0940)

Mr. Chairperson: Sorry, your time has expired, Mr. Youngman. Is there leave of the committee to allow Mr. Youngman to finish? [agreed]

Mr. Youngman: Those are the two concerns with respect to the failure to enshrine the code itself as the standard. Where no code is in place, such as in the case of some of the new animal industries which have developed, and I am thinking perhaps of the ostrich industry and the elk industry and others, there are no such codes of practice. In those situations then, yes, we do agree with the proposal in the legislation to leave it up to whatever the usual standards of conduct are, simply because there is not anything else in place. But clearly in 95 percent of the situations where animals are used in industry, there are codes of practice, and we feel those should be the defining benchmarks.

What we have done in our submission, and I will not go into it in too much detail, it is there for all of you to see, but we have actually suggested some alternative language which would render the codes the definitive benchmarks and would make it clear that it is only where those codes do not apply that other standards should be developed and included.

We also have a concern with respect to the wording of Section 3(1). No person shall inflict upon an animal acute suffering, serious injury, extreme anxiety that significantly impairs his health or well-being. I guess our question is, why, in a section like this whose purpose is to provide protection to animals, is the threshold set so high? We do not see the need for it. We feel that if your objective is to protect individuals who are involved in

mainstream agricultural uses, the exculpatory provisions already apply in the act elsewhere. There is no need to qualify the protection found in 3(1) with these unusually harsh adjectives, and we would advocate that they be removed and that we have also submitted some draft legislation in our submission for you to take a look at a little bit later.

The third main concern we have relates to accepted activities. Right now there is virtually no activity that I can think of in the province of Manitoba which uses animals which are not characterized as an accepted activity. We feel that is inappropriate, and we feel that perhaps a distinction should be drawn in the case of defining accepted activities between those industries which are perhaps more necessary, which involve food production on the one hand, and those which involve purely recreation, and our proposal advocates that we treat the two situations differentially.

For example, we would propose, if you take a look at our submission, that we exclude exhibition and fairs, animal discipline and training, as well as sporting events and that (b) be amended to include agricultural exhibitions and fairs as opposed to just general or generic exhibitions and fairs. That is really the thrust of our proposals.

Ms. Rosann Wowchuk (Swan River): You had said that you were working along with the industry and had been meeting with Manitoba Pork and other farm groups. I want to commend you on that, because I think many times, instead of working together, we see a conflict between those people who are trying to protect the animals and those who are making a living from it, and in reality our goal is the same, both want to have—because you make a living with those animals you want them in their best health and you want them treated properly, but the image in the public is much different. So I commend you on what you are doing in that aspect. You have put forward some suggestions for amendments and we appreciate those, and we will look at how, when we get to the report stage, they can be implemented.

Mr. Enns: Mr. Chairman, well, certainly I do want to commend the presenters of the Humane Society and those, as they identify themselves, in the animal welfare community to work more directly and positively with those involved in the animal industry. There is a need for

a better understanding between these two organizations or people who deal with animals for coming together, and the act to some extent tries to do that. We will continue to look at this legislation.

Your specific concern about the legislation not being specific to a now-existing code, my response to you would be, and I would just ask that as a question, I see these codes constantly evolving, constantly changing, and I think those who draft legislation for us legislators from time to time would suggest that it would be difficult to try to be that specific in the legislation, but more generic or more general ways of expressing that goal is in the way it is written which enables us to apply the code that may apply three years from now or five years from now to a specific condition. Would that not meet some of the concerns that you have in that first objection?

Mr. Youngman: I think our intention is the same. I think your intention and my intention is to constantly defer to the codes as the defining standards. The way in which we have tried to do that—you have done it by way of regulation in terms of constantly updating by way of regulation. We think there is perhaps a more simple solution, and it is actually found in the new definition we suggest for code of practice. We define that as whatever the prevailing code of practice is so that even if the code changes before the legislation or the regulations do, you have the definitive code speaking for the standards, so if it gets changed next month or next year, in 10 years from now, because it is referred to in the legislation, that incorporates the defining standard.

I think the wave of the future with these codes is to have more and more input from organizations like us, and as we have a chance to discuss our concerns with industry, surely the codes are going to be refined more and more. So I would suggest, if that is your intention, probably a solution which would lead to more certainty in the minds of producers, in the minds of the industries and in the minds of the public would be to simply say, in situations where there is a code, we incorporate that standard as updated from time to time by industries and the animal welfare community. That would be our solution.

Mr. Enns: Thank you, Mr. Youngman. Mr. Chairman, allow me just for the record and for the information of the committee to express certainly appreciation of the

Department of Agriculture, perhaps more appropriately the appreciation of the animals that we wish to take better care of, the work that a committee did throughout a considerable period of time in looking at this whole issue and largely being responsible for many of the measures that you see presented before you.

Members of that committee were Ms. Vicki Burns, our presenter this morning, by representing the Winnipeg Humane Society; Dr. Ken Mould from the Centennial Animal Hospital here in Winnipeg; Ms. Doreen Nevraumont, Manitoba Provincial Director of the Canadian Kennel Club; and Ms. Jacqueline Wasney, President of the Consumers' Association of Canada; Mr. Ed Peltz, representing municipalities when the issue of puppy mills locating in different municipalities was becoming a problem; Mr. Robert Bursette [phonetic], the Pet Industry Joint Advisory Council of Canada; Councillor Lillian Thomas from the City of Winnipeg; along with my assistant deputy minister Dr. Dave Donaghy; and Dr. James Neufeld, the Director of our Veterinary Services Branch.

This committee worked diligently over a period of time to bring this issue to the government's attention and I simply want to acknowledge their contribution, what I am sure will be a continuing contribution as this kind of legislation continues to evolve. Thank you very much.

* (0950)

Mr. Chairperson: For the committee's information the time has expired. There was one question on the floor. Is it the will of the committee to hear that question? [agreed] Ms. Wowchuk, it will be the last question.

Ms. Wowchuk: I thank you for leave to ask this question. You talk about, you do not want to see animal discipline and training and sporting activities included as acceptable practices, and I wonder whether you mean in that that training of horses for show and training various animals for show are not acceptable and I guess horse riding and those kinds of things would not be what you consider as acceptable practices.

Ms. Burns: I do not want to be misunderstood. We are not saying that those things should not take part. We are saying by naming them, if you read the clause in the act related to accepted activities, it is a very general clause

which states that if you are doing an accepted activity you do not have to worry really about whether you inflict suffering on the animal. So we recognize that these things all happen. We just do not want them named under that particular clause, because we do not want them to have a huge loophole. Of course, those types of events are going to happen, but we want to make sure that the animals are protected. We are not trying to say not to have those activities carried on.

Mr. Chairperson: Thank you very much to Ms. Burns and Mr. Youngman for your presentation.

We will now hear from Debbie Wall, Manitoba Animal Alliance. Debbie Wall. Is she here? Would you come forward, please. Ms. Wall, have you a prepared presentation to distribute?

Ms. Debbie Wall (Manitoba Animal Alliance): Excuse me if they are a little tattered. I was told I might only get an hour's notice and I have been carting them back and forth to work in my backpack.

Mr. Chairperson: Thank you very much. You may proceed. Do not be nervous. We are all just as nervous as you are.

Ms. Wall: Ladies and gentlemen, I am speaking to you on behalf of the members of the Manitoba Animal Alliance and as an individual who has worked in veterinary clinics for close to 20 years and has witnessed animal suffering inflicted by human hands, both intentional and due to ignorance.

I am representing the animals who are not invited here to speak on their own behalf today, especially those who have been my companions and have provided me with much love and happiness.

I am greatly disturbed by the section of The Animal Care Act entitled Protection of Animals which, upon reading, seems to provide nothing of the sort. As I understand it, this act is designed to protect only those animals fortunate enough to be bestowed with the coveted title of pet from only the most heinous and gratuitous of cruelties. But does it do even that? The guy who throws the puppy against the wall for messing in the house thus breaking the animal's leg is committing an act of cruelty. But is the suffering acute enough, the injury serious

enough or the health impaired significantly enough to result in charges being laid? Or does it really matter anyway since the guy was engaged in animal discipline and training which according to the regulations are accepted activities?

Even though the act stipulates an activity is accepted only when standards are met, where are such standards? I feel that the act is much too open to interpretation to offer real protection to the animals. It would seem that all one needs is a flimsy excuse and a good lawyer, a half-assed lawyer, to get off the hook, in one of those activities listed as accepted. It appears that our society will tolerate the infliction of acute suffering, serious injury or harm, or extreme anxiety or mental distress as long as someone is making a buck and for something as frivolous as exhibitions, fairs, and sporting events. Just because the act classifies certain activities as being accepted does not necessarily mean that they are acceptable.

If monetary gain can be used to justify suffering, injury, harm, anxiety or mental distress—if monetary gain can be used to justify cruelty—then why can it not be used to justify activity such as prostitution and the selling of marijuana? Suffering is not an accepted activity; compassion should not end where profit begins. And has euthanasia become somewhat of an oxymoron by being included as an accepted activity? By its very definition, that is painless, peaceful death, suffering and distress are excluded. Does this provide a legal loophole, for example, for people who drown kittens because they cannot be bothered with the expense of getting their cat spayed?

I have had the pleasure of getting to know animals of various species, not as my food or a fashion statement or some curiosity in a cage to be gawked at, but as two companions. I have discovered that given the freedom to do so, they have the capacity to lead such wonderful lives. How sad that they can be legally denied even the faintest shadows of those lives under the domination of man, and how ironic that we cry human rights even for those criminals who have committed the most violent acts against their fellow man, yet scoff at the notion of rights for our fellow creatures whose only crime was to be born other than homo sapiens. Ghandi had said and I quote: The greatness of a nation and its moral progress can be judged by the way its animals are treated. I hold that the

more hopeless the creature, the more entitled it is to protection by man from the cruelty of man.

Do not let the expanding perimeters of our circle of compassion come to a jarring halt at the boundaries of our species like a dog running to the end of his chain. As we enter the 21st Century, let us demonstrate our moral growth by passing progressive legislation that will provide a real tool for the abolishment of cruelty to animals. Please take this one back to the drawing board, and I would just like to end with one final quote. I am in favour of animal rights as well as human rights. That is the way of a whole human being. That, ladies and gentlemen, was Abraham Lincoln. Thank you.

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

Ms. Wowchuk: Thank you, Ms. Wall, for your presentation. You are suggesting this piece of legislation go back to the drawing board. Are there any amendments that you could suggest that would make the legislation more palatable to you?

Ms. Wall: Well, I would have to concur with Vicki Burns about the wording, “acute suffering,” “serious injury or harm,” “extreme anxiety.” Why do we have to go to such lengths before we will say enough is enough? Some parts of this legislation are great, but when you think about it, we are trying to end puppy mills. This seems to be the big thrust of it, but why are we upset about these puppy mills? It is because these dogs, who we know as our companions and our pets and our friends, are being raised like cattle or other livestock, and we find that unacceptable. So I think the same standards must be extended to animals in all of these accepted activities. I mean we cannot allow extreme cruelty to happen before we say, no, enough is enough.

Mr. Chairperson: Are there any other questions? If not, thank you very much for your presentation, Ms. Wall.

I should indicate to those that are still waiting, if I interrupt periodically when you want to start responding to questions, it is simply for the benefit of the recorders in the back of the room. It is not that I intend to be rude or anything like that, so if you will bear with me on that matter. For those, when you answer questions or ask

questions, if you wait for the Chairman to recognize you, that makes it easier for the recorders back there.

The next person I intend to call is Susan Boutet Nazare, private citizen. Is Susan here? Have you a written presentation to distribute? You may proceed with your presentation.

Ms. Susan Boutet Nazare (Private Citizen): Ladies and gentlemen, I am concerned with the area on the section—

Mr. Chairperson: Could you move your mike down just a wee bit? Both of them.

Ms. Nazare: Okay.

Mr. Chairperson: Great.

Ms. Nazare: I am concerned with the area on the section on accepted activity. As a veterinarian technician of over 10 years, it disturbs me greatly to read Bill 70. It seems, as a civilized society, we are not gaining any ground in advancing as compassionate human beings.

When we work closely with any animal, we learn very quickly they are creatures that share many of our emotions—feelings of pain, loneliness, isolation and desertion. This bill leaves many openings for legally treating animals inhumanely. It must be revised and done so with much thought to all inhumane situations and, please, let it be done in consultation with people knowledgeable in the field of animal care. Thank you for your time.

Mr. Chairperson: Thank you very much, Ms. Nazare. Are there any comments or questions?

Ms. Wowchuk: Just briefly. Thank you for making this presentation and putting on the record your concerns. They are very similar to the other presenters, and we will look at having discussions with the minister as to where some of your concerns can be addressed and what amendments can be made.

* (1000)

Mr. Enns: I want to thank Ms. Nazare for her presentation this morning. I do simply want to put on the

record and point out to her, because inasmuch as she makes it a point of identifying herself as a veterinary technician, that I have had the good advice and good services of the veterinary community, both within the Department of Agriculture as represented by Dr. Neufeld and others who have advised in the drawing up the code of practices and in the specific clauses in the bill.

Any and all of the increasing amount of animal care regulation that is constantly being compiled by the Department of Agriculture is done so with the considerable involvement of not just those people with vested interest, if you like, in the hog business or in the chicken business or in the cattle business, but always with a wider group of people including the veterinarian association of Manitoba to help us provide those appropriate recommendations.

As we heard this morning, and I accept that, I have no difficulty in expanding that loop ever wider to include such organizations as we have heard from here this morning that represent animal welfare, whether it is specifically the humane societies and others who wish to work co-operatively together with governments in moving forward the appropriate way for us to work with and to handle and to treat animals.

Ms. Nazare: That is very good to hear. I guess it was the same—I am just saying the same concern that you have already heard, that I think it is just the wording that needs to be changed.

Mr. Chairperson: Thank you very much, Ms. Nazare.

I will next call, next on the list is Barbara King, Manitoba Veterinary Medical Association. I understand that she is not going to present.

The next person then is Donna Youngdahl, the Manitoba Farm Animal Council. Is Barbara Youngdahl here? Would you come forward, please? Did I say Barbara Youngdahl?

Ms. Donna Youngdahl (Manitoba Farm Animal Council): Youngdahl.

Mr. Chairperson: Donna Youngdahl.

Ms. Youngdahl: That is right.

Mr. Chairperson: Would you proceed, please, Ms. Youngdahl.

Ms. Youngdahl: Thank you. I represent the Manitoba Farm Animal Council. I am the executive co-ordinator and we are pleased to be able to address the committee today on Bill 70, The Animal Care Act. In case you do not know of our organization, I thought I would just introduce it for a minute.

The Manitoba Farm Animal Council was formed in 1989 by the main livestock commodity groups—beef, dairy, pork, turkey, chicken, eggs and equine ranchers. The MFAC board is made up of directors from these livestock commodity organizations, as well as, a director from the membership at large, who is a veterinarian, who in turn represents some 18,000 farmers. We have associate members from livestock related industries, as well as, individual members who support our efforts to educate the public and producers about animal welfare concerns. The council has two main objectives: first, to educate the public about animal agriculture; the second, to educate producers about animal welfare issues and promote the recommended codes of practice that have been mentioned and discussed here today.

The Manitoba Farm Animal Council members would like to extend support for the proposed Bill 70. Our organization welcomes this legislation for three main reasons. The first is that as an organization dedicated to animal excellence in animal husbandry, we want to see those who abuse animals brought to swift justice. This legislation expedites the prosecution process thereby protecting animals from prolonged suffering under the hands of negligent owners. By successfully synthesizing the previous laws and by shortening waiting periods for appeals, the act reduces time spent in legal procedures. This is a positive for both farmers of Manitoba and animals.

Number 2, the fines and prohibitions associated with offences have appropriately been increased. As Vicki Bums mentioned their approval of this measure, we, too, are supportive of this. We want to see people brought to justice quickly. We feel that the Veterinary Services Branch is doing a good job inspecting and investigating cruelty charges. The Manitoba Farm Animal Council would like to promote the important work this branch does. While we would like extension and educational

work to prevent cases of animal neglect, we affirm the need for harsh penalties where people inflict needless suffering on animals.

Thirdly, with regard to the accepted codes, in Bill 70, the protection of animals has been systematically outlined within the context of a sound ethic of responsible animal use upheld by the majority of society. In the act, the duties of owners and the standards for essentials outline what must be provided to ensure an animal's well-being. The Manitoba Farm Animal Council promotes the nationally developed recommended codes of practice to all livestock producers, as does The Humane Society and other welfare organizations. This legislation, as we read it and understood it, provides a framework to promote and enforce the recommended codes of practice, and as the codes evolve and change, a process to update the legislation through the regulations. Here we were agreeing with the act by a different interpretation I suppose than The Humane Society but the baseline essential of what we were aiming for I think is in agreement with what The Humane Society is stating that we want to see the codes of practice upheld as fine standards for animal husbandry in the province and that the main intent of this legislation is to do that as well.

So that, in essence, is our presentation on the act.

In the handout I gave you, there is a little bit of further information on what the Farm Animal Council does. As well, I attached to your handout a brochure that outlines a conference that we are planning in November on animal welfare. It is called Animal Care '96, and we have invited four top academics from across Canada to come and discuss the intricacies of housing as it relates to livestock agriculture, looking at some of the recent research and its findings in how welfare can be improved and how it is addressed in livestock intensive husbandry systems.

So thank you for your time.

Mr. Chairperson: Thank you very much, Ms. Youngdahl.

Mr. Enns: Mr. Chairman, I just want to thank Ms. Youngdahl for her presentation and through her extend my very sincere good wishes to the continued good work of this relatively young council which I, as Minister of

Agriculture, am extremely pleased to see develop and come forward of its own because of heightened level of awareness and concern that those of us in agriculture who work daily with animals need to be considerably more concerned about the welfare of the animals that we are often charged with the responsibility of looking after on our farms.

I would take this occasion to invite your young council to accept the invitations of the broader animal welfare community in working together as we continue to evolve, hopefully, better codes of practice acceptable to all of us who work in agriculture, but keeping in mind the focus and the absolute requirement that the welfare of the animal must be maintained as a central concern.

Thank you very much for your presentation, Ms. Youngdahl.

Ms. Wowchuk: I, too, would also like to thank you for your presentation and making us aware of the work that your organization is doing and commend you on your work. You talk about your interest and the Humane Society's interest being very much the same. I want to ask you if you would think that the recommendations that they have made to clarify the codes of practice in the act would strengthen the act and whether you would be supportive of the recommendations that they have made that would spell out more clearly that a person must work consistent with the code of practices.

* (1010)

Ms. Youngdahl: Because I represent the council rather than my own opinion, I am not sure specifically how they would respond to changing the wording of that. We did not discuss that, but my understanding from discussions with Dr. Neufeld and others who worked on the wording was that within the regulations specific to each livestock group, codes would be outlined, and where there were not codes, regulations set in place. So this had been sufficient for our council to ensure that high standards for each livestock commodity were made. I do not think personally I have an objection to putting mention of recommended codes of practice as currently in practice. I do not think that would be out of line.

Mr. Chairperson: Thank you very much, Ms. Youngdahl, for your presentation. I will call next James

Pearson, People Acting for Animal Liberation. Mr. James Pearson, have you a written presentation to distribute?

Mr. James Pearson (People Acting for Animal Liberation): Yes, I do.

Mr. Chairperson: You may proceed.

Mr. Pearson: Good morning, Mr. Chairperson, Mr. Enns, committee members. Introducing legislation with the purpose of protecting animals and harmonizing provincial, municipal and federal laws is a difficult task. As regards its work on Bill 70, the proposed Animal Care Act, the provincial government ought to be commended for developing potential legislation that would increase protection for companion animals such as cats and dogs.

The breeding of domesticated animals is an important issue and one that requires serious consideration and sharp response. However, the proportion of animals protected to any significant degree by this proposed legislation is very small at best.

The overwhelming majority of animals, wildlife and animals used as food, are accorded little protection. A disturbing aspect of Bill 70 is its tacit approval of animal suffering. In a bill ostensibly designed to protect animals, it does not follow that after the important admission that what are defined as accepted activities cause suffering and distress to animals, nearly all human activities involving animals are subsequently exempted from the powers of the bill.

Why is the ability to suffer and the inevitable suffering of animals acknowledged by Bill 70 and then ignored? In this regard the legislation does little more than establish the status quo and in some cases weaken the general direction in which animal protection legislation on the continent is moving. Widely permissive, vague, open-ended definitions dominate the proposed legislation and animal users, not animals, will benefit from such dictates. Little enforcement power against animal abuse will arise from such terms. Even minimal protection for animals is undermined in Sections 2(2) and again in 4(2), and even the essential needs of animals are denied in the interests of profit as evidenced in Section 2(2).

Terms such as needless suffering take on a circular quality upon close investigation of the bill. As found in Section 1(1) needless suffering is defined as "suffering that is not inevitable or intrinsic to an accepted activity." However, among the criteria of an accepted activity are practices that do not cause "needless suffering." So "needless suffering" may be defined as suffering extrinsic to an accepted activity, while accepted activity may be defined as that which does not cause needless suffering.

This circular reference allows commercial animal users virtual carte blanche in terms of how they exploit and manipulate, house and transport and kill animals who are not even spared suffering on their way to their deaths. Equally inappropriate to sound animal protective legislation is the definition and description of "accepted activities" in Sections 3(2), 4(1) and elsewhere. These sections are little more than a subversion of present voluntary codes of practice which require a tightening and even a conservative estimate due to the inclusion in Section 2(2) and again in Section 4(2) of paragraphs (b) and (c).

Any further development of codes of practice or the establishment of codes of practice for animal uses for which codes have not been developed may be precluded or impeded by the inclusion of the aforementioned paragraphs. The list of accepted activities for which animal suffering can be effectively ignored, Section 4(1), denies the legislative and legal leaps and bounds that have occurred in jurisdictions in Europe, Canada and the U.S. regarding intensive confinement of animals: nonlethal predator exclusion; the restriction of animal use in teaching; the development of habitat-centred zoological displays; sport hunting; rodeos; circuses; and trapping.

Section 4(1) will impede most efforts to litigate on behalf of animals who are suffering and, even worse, Section 4(1) (o) proceeds to leave the door open to "any other activity" that may be deemed acceptable by the regulations even after such an exhaustive list of activities is designated acceptable. This whimsical loophole and deference of as yet unknown regulations should be closed by the removal of this paragraph, if indeed any of Section 4(1) deserves a place in The Animal Care Act.

A serious issue, that of nonambulatory animals transported and housed for use as food, is not addressed

in Bill 70 at all but appears to be exempt from punitive measures by the proposed legislation's exculpatory language, for example Section 4(1). The situations in which animals are injured or ill to the extent that they are unable to move by themselves are so common in the agribusiness that these animals are referred to as downers.

Despite progressive legislation in other parts of the world concerning downers and other pressing agricultural issues for which the general public is expressing decreasing tolerance, the Manitoba government has gone backward. The intensive confinement of animals such as pigs and chickens which has received so much attention in Europe is passed over as an accepted activity despite numerous groundbreaking government initiatives to reduce or ban such abuse in such countries as The Netherlands.

Bill 70 makes no such bold moves to protect animals in Manitoba. Rather than taking the lead in protecting animals, Bill 70 fossilizes legislation in a backward direction as is "consistent with generally accepted practices or procedures," which is quoted from Sections 2(2) and 4(2). The concerns raised in Section 5 are left to be addressed in as-yet-undrafted regulations, a problem found earlier in the proposed legislation. There is good reason that prohibited practices and procedures be addressed in the act itself rather than in the regulations. Regulations may hold the binding power of the act itself; however, there are already excessive ministerial discretionary powers being introduced in other pieces of proposed legislation. To go even further and allow important points of law to be addressed and defined by the more easily altered regulations is inappropriate.

An easily soluble problem in Bill 70 is Section 7(1) in which undue ministerial discretion arises. This section should be amended to more tightly restrict the criteria for which animal protection officers are chosen and to open the process of appointment to stakeholders representing the interests of animals rather than those of industry or government appointees.

Unfortunately the provincial government has developed legislation, I might add excepting that which refers to puppy and kitten mills, that is little more than a horror story for the overwhelming majority of animals used and killed by human beings. Animal use industries know that even minimal improvements in the regulation of their exploitation of animals would hurt the bottom line, so the

fact that Section 6(1)(e) for instance justifiably prohibits the undue exposure of an animal to cold or heat will not be of great concern. Section 6(2) simply exempts this unacceptable suffering as if it were somehow needful and of no concern when the profits of industry are involved. When conscious pigs are found frozen to the sides of open transport vehicles in minus 40 degree weather or a few thousand hens have been discovered to have suffocated to death during a heatwave, the producer responsible will not be subject to any punitive measures.

* (1020)

The gist of Bill 70 is this: if animals are forced to endure conditions that will cause death or suffering or acute pain, include insufficient food and water, undue exposure to heat and cold, "confinement in an area of insufficient space," insanitary conditions, prohibition of exercise, inadequate ventilation and extreme anxiety and mental distress, the keeper of said animals will be harshly punished, that is, unless the animals are suffering due to agricultural uses, exhibitions and fairs, zoological displays, slaughter, discipline and training, sporting events, fishing and hunting, trapping, research and teaching, pest control, predator control, in other words, nearly all uses of animals. This is nothing more than shameful.

People Acting for Animal Liberation agrees that an animal care bill should be enacted as legislation in Manitoba. However, Bill 70 in its present form is not acceptable as legislation the purpose of which is to protect animals. PAAL requests that Sections 2(2), 3(2), 4(1), 4(2) and 6(2) be excised from Bill 70. PAAL requests that stronger criteria for appointment of animal protection officers be included in Section 7(1) and that decisions regarding appointments not be left to ministerial discretion. As well, PAAL requests that Section 5 be amended to include a comprehensive list of prohibited practices and procedures and that this list not be addressed solely by the regulations. Passage of Bill 70, as it is presently drafted, would turn a blind eye to Gandhi's words quoted in the precis of the Law Reform Commission's animal protection recommendations as the theme of this proposed legislation: The greatness of a nation and its moral progress can be judged by the way its animals are treated.

Mr. Chairperson: Thank you very much for your presentation, Mr. Pearson. Are there any questions or comments?

Ms. Wowchuk: Just briefly, thank you for your presentation. You have raised many points that you would like to see changed. Do you see anything that is worthwhile in this legislation? Do you see any improvement to the animal welfare in this province under this piece of legislation, as compared to what it is without this legislation?

Mr. Pearson: Undoubtedly, there are improvements as regard to the puppy and kitten mills, the regulation of those types of establishments, and the punitive measures that can be exacted on those who contravene the regulations. So I do see some profound and beneficial changes in that regard. However, for the overwhelming majority of animals, I see little improvement and indeed a backward step.

Ms. Wowchuk: The act will require that inspectors will be appointed and carry out the requirements of the act. Have you considered that, and do you see that there will be any improvement to the treatment of animals with the appointment of inspectors who will then have the ability to call on various establishments where animals are to inspect the condition of these animals?

Mr. Pearson: Inspectors can only carry the weight of a law that has teeth, and in this case, inspectors who may pursue establishments that are breeding animals such as dogs and cats will definitely have proper regulations behind them to pursue wrongdoers. But as I said previously, inspectors cannot do something with nothing and for sporting events and really all other uses of animals in the province, they will have little to go on as far as regulatory work.

Mr. Chairperson: Any other questions or comments? Thank you very much for your presentation, Mr. Pearson.

That concludes presentations for Bill 70. We will now move to Bill 77, The Natural Products Marketing Amendment Act.

Bill 77—The Natural Products Marketing Amendment Act

Mr. Chairperson: We have one presenter. We had indicated previously that James Wade, Manitoba Milk Producers, would be the presenter. We are now informed that it will be Neil Van Ryssel who will be making the

presentation. Is Mr. Van Ryssel in the room? Would you come forward, please, Mr. Van Ryssel. Have you a printed presentation for distribution?

Mr. Neil Van Ryssel (Manitoba Milk Producers): Very small.

Mr. Chairperson: For distribution?

Mr. Van Ryssel: No.

Mr. Chairperson: Would you proceed please, Mr. Van Ryssel.

Mr. Van Ryssel: Mr. Chairman, Mr. Minister, distinguished committee members, we certainly are here in appreciation of having the opportunity. Manitoba Milk Producers are fully in support of Bill 77 and the amendments of The Natural Products Marketing Amendment Act.

It was brought to our attention, I guess, by Gord McKenzie from the Natural Product Marketing Council that there was a provincial jurisdiction in the present legislation that did not accommodate interprovincial pooling. We are in the process of negotiating certainly a larger pool to accommodate a movement into the future, that it accommodates changes in the World Trade Organization rules that require this.

We are certainly not in the habit of coming to the minister for retroactive amendments. The number of issues that were on the table to be discussed in interprovincial pooling were still in the discussion stage in September for August 1 pooling of '96. We certainly appreciate the efforts the government has made to put the legislation forward and the co-operation of both opposition parties. We have met with Mr. Lamoureux and Ms. Wowchuk and Mr. Doer. We appreciate the legislation being on the fast track, and it simply enables the industry to make our processors and producers equal partners in a larger pool. I guess the provincial borders are certainly being relaxed, and Manitoba processors will be accessing markets probably on both sides of us through fluid, which is new, and the stability it offers to producers in any trade challenges is certainly necessary to bring us into the new era.

I guess to add some levity to the whole situation and express the urgency that we are under, we had met with

Minister Enns, and he will recall a discussion earlier this year about the value of bull calves, and the comment I recall quite vividly from the minister was when they get down to nothing, I will take a truckload. Well, in fact, Mr. Minister, it is because of the appreciation and the good working relationship we have with you and your government that you have not had a truckload, because they are in effect worth nothing. Far be it from us to threaten. We would like some speedy resolve to this legislation, and we have a meeting early November, I think on the 9th, and the partners both east and west of us that we are attempting to pool with would certainly appreciate knowing that Manitoba Milk Producers is in the loop for a larger pool. We thank you very much for the opportunity.

Mr. Chairperson: Thank you very much, Mr. Van Ryssel.

* (1030)

Hon. Harry Enns (Minister of Agriculture): Well, allow me just to put on the record I am very much aware that there has been a series of lengthy negotiations required on behalf of milk producers across Canada to arrive at this circumstance that now, among other things, requires this relatively minor amendment to The Natural Products Marketing Act, and although I might have, in jest, chastised the milk producers somewhat for coming to me requesting legislation to be passed yesterday rather than today or even tomorrow, I do want to, through you, President Ryssel, indicate my appreciation for what the dairy industry is accomplishing in Canada.

It should be noted that I think all of us are aware that you are keeping a weather eye out on potential changes, trade agreements, that could impact on your industry, and quite frankly bring your industry into better shape and better order to respond to the challenges of the future.

As well, I want to express my appreciation to my House leader, who is with us this morning, who is working under a fairly tight regime in terms of what legislation can or cannot be presented at different times, the co-operation of my House leader as well as the co-operation of the official opposition as represented by Ms. Rosann Wowchuk, the member for Swan River, and that of the Liberal Party members as well. It was that kind of co-operation that made it possible to have this piece of

legislation, although it is a minor amendment but of some particular significance to our dairy farmers here in Manitoba.

I might just solicit from you Mr. Van Ryssel, while you are here, it does enable a significant flow of dollars to the benefit of Manitoba Milk Producers, I am told in the order of \$2 million to \$2.5 million dollars. Could you confirm that?

Mr. Van Ryssel: Mr. Chairman, in a western pool, when we do see it come to be, the benefit is probably in the vicinity of \$2.5 million per year, mainly because of the higher fluid ratio that we move into, with B.C. having the largest share, and even Alberta and Saskatchewan having about a 10 percent larger fluid market than Manitoba.

With the eastern pool, which was taking effect August 1, there is probably the equivalent benefit. We have agreed on behalf to facilitate a closer move to a national pool and try and avert any possibility of price wars. Manitoba would be the link between the two pools. There is probably an equivalent benefit in dollars when the price changes are in effect. For the fluid increases in Ontario and Quebec, the benefit will be probably in the vicinity of \$190,000 a month to Manitoba producers. So the benefit is similar both ways.

Mr. Enns: Thank you, Mr. Van Ryssel. I will hold off on the bull calves. I just sold some calves a week ago Monday and did not do much better.

Mr. Chairperson: Are there any further questions?

Ms. Rosann Wowchuk (Swan River): Thank you, Mr. Chairman. I want to also thank you for your presentation. Thank you for coming to us. When you faced this dilemma—we are often told that politicians do not co-operate. This is a good example where all parties, both the official party and the opposition New Democrats and the Liberals recognized that there was a flaw that had to be corrected, and we were quite willing to work together because, by all means, we want to see revenues that should be coming to Manitoba producers come to Manitoba producers, and we did not want to be part of any stumbling block. We are very pleased that this legislation has been able to go through very quickly.

I want to ask you a question though with respect to the pooling that you are moving towards, the larger pools, what the impact will be on Manitoba. You have said that there will be lots of revenue for the producers of Manitoba, but will there be any impact on the value-added jobs, in the processing, for example, of cheese and other milk products? Will this pooling result in the ability for more milk to be able to leave Manitoba in the raw state or will this help in any way to facilitate value-added jobs being retained here in Manitoba?

Mr. Van Ryssel: Mr. Chairman, we see the pooling as probably a benefit to Manitoba processors. There are two trailer loads of milk a week, minimum, that is surplus in the Thunder Bay market that is moving all the way to Ottawa, and Grunthal is about one-third the distance, so it would make far more sense to move that milk west instead of east. Lucerne is presently bringing Thunder Bay milk in and processing and sending it back. It would make as much sense to do that milk as fluid and send it back to the Thunder Bay market. We are also moving fluid milk from Beatrice Winnipeg to the Saskatchewan market simply because the processors tell us of the cost of jug machines, and it simply makes them far more efficient to do one line in a particular plant—and product is moving back and forth interprovincially—but Manitoba has certainly been the net beneficiary of milk being processed and moved out of province.

Mr. Chairperson: Ms. Wowchuk, one more question.

Ms. Wowchuk: Just to clarify, Mr. Chairman. You anticipate then that when these pools are complete, both the western pool and the eastern pool, we can anticipate that more fluid milk should end up being processed here in Manitoba and we should have additional value-added jobs?

Mr. Van Ryssel: That is certainly what is happening now, Mr. Chairman. Even industrial milk is being shunted from Yorkton to Dauphin and backing Dauphin milk down to the sister plant in Winkler, and it is simply a matter of being more market-responsive. In August and September, Saskatchewan was declaring a product surplus to the domestic market while there was a demand for raw product in Manitoba for Manitoba processors. When this was brought to their attention, we finally got milk moving intercompany across provincial borders to fill the demand for domestic cheese. So it is working.

Mr. Chairperson: Thank you very much for your presentation, Mr. Van Ryssel.

I will ask, are there any presenters that are here that we have missed? Have any of the presenters come that were called before that were not here? If not, we will continue then with the clause-by-clause consideration of the bill.

I want to thank all the presenters that presented today. I also want to thank the committee for the expeditious manner that they dealt with the issues.

Which order did the committee wish to proceed with the bills, as listed or—

An Honourable Member: As listed.

Bill 18—The Payment of Wages Amendment Act

Mr. Chairperson: As listed. We would call then first Bill 18. What is the wish of the committee? Do you want to deal with all the clauses in one fell swoop, if there are no amendments? [agreed] We will set aside then, as normal, the title and the preamble, and we will deal then with the bill.

I would ask first, however, has the minister got an opening statement?

Hon. Vic Toews (Minister of Labour): No, I do not.

Mr. Chairperson: No opening statement? Has the opposition any further comments to make?

Mr. Daryl Reid (Transcona): No, Mr. Chairperson, I do not.

Mr. Chairperson: No further comments. We will set aside then the preamble and the title.

Clauses 1 to 4—pass; Title—pass; Preamble—pass. Bill be reported.

Bill 40—The Pension Benefits Amendment Act

Mr. Chairperson: We will go then to Bill 40. Has the minister got an opening statement on Bill 40?

Hon. Vic Toews (Minister of Labour): No, I do not.

Mr. Chairperson: No opening statement. Are there any amendments to this bill?

Mr. Toews: Not to this one.

* (1040)

Mr. Chairperson: Shall we set aside then the preamble and the title of the bill? I am sorry, I missed—does the opposition members have any comment? No. Pardon me for the oversight. Should we deal then with the bill in its entirety?

Clauses 1 to 3—pass; Title—pass; Preamble—pass. Bill be reported.

Bill 51, has the minister got an opening statement?

Mr. Toews: Perhaps, Mr. Chairperson, if we could just adjourn this matter to the end of the list, there is one out-of-scope amendment that I should be speaking to the opposition members in respect of. Did you want to adjourn now, or do you want to put this down the list? [interjection] Yes, if we could this down the list and leave it till the last bill.

Mr. Chairperson: Does the committee agree that we leave No. 51 to the last? [agreed]

We will move then to Bill 68, The Farm Lands Ownership Amendment Act.

Bill 68—The Farm Lands Ownership Amendment, Real Property Amendment and Registry Act

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

Hon. Harry Enns (Minister of Agriculture): Mr. Chairman, honourable members from the opposition, certainly the honourable member for Swan River (Ms. Wowchuk), raised a number of concerns during second reading of this proposed amendments to The Farm Lands Ownership Act. I am certainly cognizant of the origin, the birth of this act, having been in the Legislature when it was born.

I can understand that there was, at that particular time I accept, a legitimate concern for the degree of interest shown, and some of it, I suppose, could be described as speculative in nature with respect to farmlands, certainly the concern that many Manitoba farmers had about the obvious pressures that this had on their basic commodity, namely land, and it was felt in the wisdom of the government of the day to pass some restrictive legislation that offered or set out as a principle some measure of protection for farmlands for the use of Manitoba farmers.

However, Mr. Chairman, there were some clauses in that bill that always offended me personally, and I have taken the occasion to change them, and I think should have offended Canadians at the time the bill was passed, that differentiated seriously between a Canadian, whether he was from Saskatchewan or from Nova Scotia as compared to being a Canadian living in Manitoba.

So the major change in the act is that it treats Canadians as Canadians. The same restrictions abide with respect to nonagricultural interests in acquiring farmlands. Any nonagricultural interests set-up that choose to buy farmlands in excess of what is listed in the bill, I believe it is 40 acres, must proceed through the examination, the scrutiny of the farm lands ownership bill. This, for instance, even includes Canadian organizations like Ducks Unlimited, if they are acquiring farmland for wetland purposes. This certainly applies to any other commercial organizations, Canadian organizations as well as others, and it does not fundamentally change the ongoing scrutiny and restrictions that are placed with respect to foreign ownership of farmland.

It does acknowledge, the honourable member correctly indicated, that the board has operated the act in a liberal sense, if I may say, but then why not, and I encourage that. If there are farmers from various parts of the world, including Europe or South Africa or other places that meet the requirements of the bill, that meet the requirements that enable them to achieve a landed immigrant status, the board reviews those circumstances and will approve of them.

There are, the honourable member pointed out, specific further clauses in the bill that puts an onus on that party, within a reasonable time frame, two years I believe it is,

to in effect carry out the intentions for which approval was granted.

So, Mr. Chairman, with those few comments, I should also indicate there is one amendment that I am proposing or several amendments I am proposing, and I am seeking Legislative Counsel for some assistance at that particular point in time. Here we are. I commend the bill to the members of the committee. I will move the appropriate amendments in their place.

Mr. Chairperson: Did the official opposition want to make an opening statement?

Ms. Rosann Wowchuk (Swan River): Mr. Chairman, I would just like to take a few moments to put a few comments on the record with respect to this legislation. I had the opportunity to read the minister's comments when the original bill was introduced and, in fact, yes, he did have very strong objections to the intent of the bill which was to protect farmland for farmers. The original bill does not restrict people from buying land for recreational purposes, but it does allow for the protection of farmland for Manitobans.

There is a way through the Farm Lands Ownership Board where people outside the province, other Canadians, do have the ability to purchase land, and they have been doing it, and as the minister has indicated, it has been a very liberal board because there have been very, very few exceptions that have been made. In fact, I believe all the applications from Canadians have been accepted over the last few years and very few cases where there have been rejections even from people from out of the country. So, basically, there are the tools there within the act to give those people who want to purchase land the ability to do so by appealing to the Farm Lands Ownership Board.

We object to this change. We think that we should be working to ensure that Manitobans have the opportunity to expand their operations and have control of the land in Manitoba. There have been examples and I referred to one, and there are others besides my constituency, but I know that in my constituency there are people who are quite upset that the price of land has been driven up by people from other countries who have purchased land and limited the ability of our young Manitoba farmers to expand their operations.

We talk about the need for a diversification of agriculture, and I very strongly believe that Manitoba farmers will meet that demand, and we should be looking at every opportunity that we can have our residents take that opportunity to expand in the agriculture operations and meet the demands of the diversified economy and diversified production that is coming forward. We should not be putting pressure on them to allow the speculators to purchase land and drive the price of land up and inhibit their ability to grow in this province.

We feel that the original legislation meets the needs of Manitoba farmers quite well. We believe that the Farm Lands Ownership Board has become very lenient in their exemptions and has allowed many out-of-province or out-of-country people to purchase land, and we do not support this piece of legislation.

Mr. Chairperson: We will then proceed to the bill. We will as previously agreed set aside the title and the preamble till we have finalized the consideration of the bill.

We will move then to Clause 1. Clauses 1 to 2(2)—pass. Clause 3.

Mr. Enns: Mr. Chairman, I propose a small amendment. I move

THAT the proposed subsection 3(7) of The Farm Lands Ownership Act, as set out in subsection 4(4) of the Bill, be amended by striking out “10” and substituting “40”.

[French version]

Il est proposé que le paragraphe 3(7) de la Loi sur la propriété agricole, énoncé au paragraphe 4(4) du projet de loi, soit amendé par substitution, à “10”, de “40”.

Mr. Chairperson: You are in the wrong clause, Mr. Minister.

Mr. Enns: I would just point out to my Legislative Counsel.

Mr. Chairperson: Clauses 3 to 4(3)—pass. Clause 4(4).

Mr. Enns: I have an amendment. I move

THAT the proposed subsection 3(7) of The Farm Lands Ownership Act, as set out in subsection 4(4) of this Bill, be amended by striking out “10” and substituting “40”.

[French version]

Il est proposé que le paragraphe 3(7) de la Loi sur la propriété agricole, énoncé au paragraphe 4(4) du projet de loi, soit amendé par substitution à “10”, de “40”.

* (1050)

Mr. Chairperson: Amendment—pass; Section as amended—pass; Clauses 4(4) to 4(6)—pass. Clause 4(7).

Mr. Enns: Mr. Chairman, I move

THAT subsection 4(7) of the Bill be struck out and the following substituted:

4(7) Subsection 3(14) is amended by striking out “a retired farmer, the spouse of a retired farmer or a person or the spouse of a person who has prior to the conveyance been a farmer for at least 10 years” and substituting “an eligible individual who has prior to the conveyance farmed the farm land for at least 10 years, or the spouse of an eligible individual who has farmed the farm land for at least 10 years.”.

[French version]

Il est proposé de remplacer le paragraphe 4(7) par ce qui suit:

4(7) Le paragraphe 3(14) est modifié par substitution, à “un agriculteur à la retraite, le conjoint d'un agriculteur à la retraite ou une personne ou le conjoint d'une personne qui, avant le transfert, avait été un agriculteur pendant au moins dix ans”, de “un particulier admissible qui, avant le transfert, a exploité une terre agricole pendant au moins dix ans ou par le conjoint d'un tel particulier”.

Motion presented.

Mr. Enns: Mr. Chairman, I am advised that this is just bringing the intent of the act into a more gender neutral position that acknowledges a spouse being, you know,

transferring the same rights to a surviving spouse that was originally the initial intent of the act bestowed upon the person who was the actual owner of the land.

Mr. Chairperson: Thank you, Mr. Minister.

Amendment—pass; Clause 4(7) as amended—pass; Clauses 4(8) to 6(2)—pass. Clause 7.

Mr. Enns: Mr. Chairman, I have one final and further amendment to Clause 7, and that is moved by myself

THAT the proposed clause 17(f) of The Farm Lands Ownership Act, as set out in section 7 of the Bill, be struck out.

AND THAT the proposed clauses 17(g) to 17(i) of The Farm Lands Ownership Act, as set out in section 7 of the Bill, be renumbered as clauses 17(f) to 17(h) respectively.

[French version]

Il est proposé que l'alinéa 17f) de la Loi sur la propriété agricole, énoncé à l'article 7 du projet de loi, soit supprimé.

Il est proposé que les alinéas 17g) à i) de la Loi sur la propriété agricole, énoncés à l'article 7 du projet de loi, deviennent les alinéas 17f) à h).

Mr. Chairperson: Amendment—pass; Clause 7 as amended—pass; Clauses 8 to 13—pass; Title—pass; Preamble—pass. Bill be reported as amended.

Bill 70—The Animal Care Act

Mr. Chairperson: Next is Bill 70, The Animal Care Act. Does the Minister have an opening statement?

Hon. Harry Enns (Minister of Agriculture): Mr. Chairman, very briefly, I want to thank honourable members for the consideration given to this bill both here at the committee and also at the second reading of the bill. This bill was spoken to by a number of members in the House.

Obviously, without any lengthy preamble to the passage of this bill, there is an ongoing debate, if you

like, within the animal welfare community about what in fact constitutes appropriate animal welfare legislation, animal care and the legitimate requirements of today's agriculture that, particularly in a province like Manitoba, emphasizes the importance of the livestock industry's contribution to our overall economic well-being in the province.

I am comforted by seeing the demonstration of the kind of two opposing polar sides, as you like—I should not say polar sides, we will never bring the extremes together—but seeing responsible organizations like the Humane Society representatives and others talking and working with organizations that have been created from the farm community with respect to animal welfare. We had both presentations made to this committee today that we are moving, evolving into the kind of legislation that we in Manitoba can be proud of, and I commend this legislation to the committee. There are just one or two relatively minor amendments that I will be proposing.

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

Ms. Rosann Wowchuk (Swan River): Mr. Chairman, I too want to take this opportunity to commend the people who put forward, brought presentations. Certainly we see, as the minister has indicated, people who have concerns with how animals are treated within the farming community now working together with the industry, and I think that is a very, very positive step. During the debate on this legislation we had raised some concerns. I want to say that I am very pleased that we are addressing the whole issue of how puppy mills are being operated, but I think it would have been better if we could have separated somehow the piece of legislation dealing with puppy mills out from the agriculture bill. I think that would have made things a little bit easier, but certainly this is a progressive step that we have seen in dealing with the welfare of animals in this province.

We look forward to seeing how the bill operates and, of course, making other amendments as we proceed, but I am sure that the one area that we will be having problems in is in the area of inspection, because although there is legislation now put forward on inspection of all of these facilities, we know that the inspectors are not in place. There is going to be a lot of work and a lot of cost to this, and I am sure that the government will have to

find some money to see that this is done, and we know that the government has not been very generous in many other areas as far as putting money forward.

Mr. Chairman, I want to ask the minister if he would consider, because there have been suggestions for amendments put forward by the presenters this morning with respect to the code of practices and we have not had a chance to have those amendments drafted, whether he would consider looking at additional amendments during the report stage of this bill.

Mr. Enns: Well, Mr. Chairman, I may invite the displeasure of my House leader, but having full respect for the due process of what this Legislature is all about, I certainly would have to indicate to the honourable member that it is entirely within her capacity and rights as an individual member of the Legislature to move such an amendment at that stage of the reporting of the bill. Certainly the accepting of an amendment at that stage of the bill is not precedent setting. I have not had a chance to have checked that specific recommendation out with my own staff. I understand what they are talking about.

I happen to believe that the legislation is more current and more up to date in the manner in which it was worded, because that code of practices could well change six months from now or 14 months from now. It really is a relatively new and a major priority within the department. All members will be aware that it is only in the last 14, 15, 18 months that we have really addressed the issue of codifying codes of practice for hogs, for chicken, for beef—just completed, and those will be constantly under our review. However, having said that, I am prepared to at least indicate to the honourable member for Swan River that we will give it very serious consideration if such an amendment should come forward at report stage.

Mr. Chairperson: Thank you very much, Mr. Minister. During consideration of the bill, the title and preamble and the table of contents are going to be postponed until all other clauses have been considered in their proper order by the committee.

Clauses 1 to 2(2)—pass. Clause 3.

Mr. Enns: Mr. Chairman, I have an amendment. That Clause 3 be amended—

* (1100)

Mr. Chairperson: Is that Clause 3 or Section 3?

Mr. Enns: Section 3(1). I move

THAT section 3 be amended

(a) in subsection (1), by striking out “mental distress” and substituting “distress”; and

(b) in subsection (2), by striking out “, or mental distress”, and substituting “or distress”.

[French version]

Il est proposé que l'article 3 soit amendé par suppression de “mentale”, à chaque occurrence

In other words, I am recommending to the committee to take the word “mental” out of the clause as written.

Mr. Chairperson: Amendment—pass; section as amended—pass; Sections 3(2) to 5—pass; Section 6(1).

Mr. Enns: I move

THAT subclause 6(1)(f)(v) be amended by striking out “and mental distress” and substituting “or distress”.

[French version]

Il est proposé que le sous-alinéa 6(1)f(v) soit amendé par suppression de “mentale”.

Mr. Chairperson: Amendment—pass; Clause 6(1) as amended—pass; Clauses 6(2) to 7(3)—pass. Clause 8(1).

Mr. Enns: Mr. Chairman, I move

THAT section 8 be amended

(a) in subsection (2), by striking out “subsection (1)” and substituting “this section”;

(b) by striking out subsection (4) and substituting the following:

Animal in dwelling to be produced

8(4) An animal protection officer may, at any reasonable time and where reasonably required to determine compliance with this Act,

(a) enter onto the land on which a dwelling place is located;

(b) require any person in the dwelling place to produce any animal in that dwelling place for examination; and

(c) once the animal is produced, conduct such examination of the animal as may be required to determine compliance with this Act.

(c) in the part of subsection 8(7) that follows clause (b), by adding "for the animal" after "search the dwelling place" and "in relation to the animal" after "action".

[French version]

Il est proposé que l'article 8 soit amendé:

a) au paragraphe (2), par substitution, à "paragraphe (1)", de "présent article";

b) par substitution, au paragraphe (4), de ce qui suit:

Animal se trouvant dans un local d'habitation

8(4) *L'agent de protection des animaux peut, à toute heure raisonnable et dans la mesure requise pour déterminer si la présente loi est respectée:*

a) *pénétrer sur un bien-fonds où est situé un local d'habitation;*

b) *exiger de toute personne se trouvant dans le local d'habitation la présentation, à des fins d'examen, de tout animal qui s'y trouve;*

c) *une fois que l'animal a été produit, procéder aux examens nécessaires sur l'animal afin de déterminer si la présente loi est respectée.*

c) au paragraphe (7), par substitution, au passage précédant l'alinéa a), de "Un juge peut décerner un mandat autorisant un agent de protection des animaux, ainsi que les autres personnes nommées dans le mandat et les agents de police dont l'assistance est requise, à procéder à la visite d'un local d'habitation pour trouver un animal en détresse et à prendre toute mesure qu'un agent de protection des animaux peut prendre à l'égard de l'animal en vertu de la présente loi, s'il est convaincu par une dénonciation faite sous serment qu'il existe des

motifs raisonnables de croire qu'un tel animal se trouve dans la local d'habitation et que, selon le cas:

Mr. Chairperson: Amendment—pass; Clause 8(1) as amended—pass; Clauses 8(2) to 23(3)—pass. Clause 24(1).

Mr. Enns: Mr. Chairman, I move

THAT subsection 24(1) be amended by adding "for costs of care" after "liable".

[French version]

Il est proposé que le paragraphe 24(1) soit modifié par adjonction, après "est redevable", de "pour des soins".

Mr. Chairperson: Amendment—pass; Clause 24(1) as amended—pass; Clauses 24(2) to 31(2)—pass. Clause 32.

Mr. Enns: Mr. Chairman, I move

THAT section 32 be amended by adding "or" at the end of clause (b), by striking out clause (c), and by renumbering clause (d) as clause (c).

[French version]

Il est proposé que l'article 32 soit amendé par suppression de l'alinéa c) et par substitution, à la désignation de l'alinéa d), de la désignation c).

Mr. Chairperson: Amendment—pass; Clause 32 as amended—pass; Clauses 33(1) to 33(8)—pass. Clause 34(1).

Mr. Enns: Mr. Chairman, I move

THAT subsection 34(1) be amended by striking out "for a second offence occurring within two years of the first offence" and substituting "for a subsequent offence".

[French version]

Il est proposé que le paragraphe 34(1) soit amendé par suppression de "dans les deux ans suivant la première infraction".

Mr. Chairperson: Amendment—pass; Clause 34(1) as amended—pass; Clause 34(2)—pass. Clause 35(1).

Mr. Enns: Mr. Chairman, I move

THAT clause 35(1)(a) be amended by striking out “for a second offence occurring within two years of the first offence” and substituting “for a subsequent offence”.

[French version]

Il est proposé que l'alinéa 35(1)a soit amendé par suppression de “dans les deux ans suivant la première infraction”.

Mr. Chairperson: Amendment—pass; Clause 35(1) as amended—pass; Clauses 35(2) to 38—pass. Clause 39.

Mr. Enns: Mr. Chairman, I move

THAT subclause 39(f)(iii) be amended by adding “in premises operated as a commercial breeding premises, hobby breeding premises or kennel” after “cats”.

[French version]

Il est proposé que le sous-alinéa 39f)(iii) soit amendé par adjonction, après “chats”, de “qui sont dans des locaux exploités comme lieux d'élevage commercial, lieux d'élevage domestique ou chenil”.

Mr. Chairperson: Amendment—pass; Clause 39(f)(iii) as amended—pass; Clauses 40 and 41—pass; Table of Contents—pass; Preamble—pass; Title—pass. Bill as amended be reported.

Bill 77—The Natural Products Marketing Amendment Act

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

Hon. Harry Enns (Minister of Agriculture): No, Mr. Chairman.

Mr. Chairperson: No statement. Does the critic have a statement? No statements.

During consideration of the bill, the title and preamble are postponed until all clauses have been considered in the bill.

Clauses 1 to 4—pass; Title—pass; Preamble—pass. Bill be reported.

Bill 51—The Civil Service Superannuation Amendment, Public Servants Insurance Amendment and Teachers' Pensions Amendment Act

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

* (1110)

Hon. Vic Toews (Minister of Labour): No, Sir.

Mr. Chairperson: Does the opposition have an opening statement? The critic does not have an opening statement.

During the consideration of the bill, the title and preamble will be set aside and will be considered after the passage of the bill.

Clauses 1 to 37—have you an amendment? How many amendments have you?

Mr. Toews: Section 5, Section 21.5—sorry. Sections 5, 9, 10, 42.2.

Mr. Chairperson: Clauses 1 to 4—pass.

Mr. Toews: I move—

Mr. Chairperson: Dispense.

THAT section 5 of the Bill be struck out and the following substituted:

5 Subsection 5(5) is repealed and the following is substituted:

Election of employee representatives

5(5) The Lieutenant Governor in Council may make regulations

(a) providing for the election by employees of four members of the board to represent employees or groups of employees and prescribing procedures for those elections;

(b) respecting the eligibility of persons to nominate candidates for employee representative, to vote, to be elected as employee representative and to continue to hold office as an employee representative;

(c) respecting vacancies arising during the term of office of an elected employee representative which, unless earlier terminated in accordance with the regulations, shall be for three years beginning on September 1 of the year in which the employee is elected.

[French version]

Il est proposé que l'article 5 du projet de loi soit remplacé par ce qui suit:

5 Le paragraphe 5(5) est remplacé par ce qui suit:

Élection des représentants des employés

5(5) Le lieutenant-gouverneur en conseil peut, par règlement:

a) prévoir l'élection par les employés de quatre membres de la Régie devant les représenter ou représenter des groupes d'employés et prévoir les modalités des élections;

b) prendre des mesures concernant la possibilité pour des personnes de présenter des candidats au poste de représentant des employés, de voter, d'être élues à titre de représentant des employés et de demeurer en fonction en cette qualité;

c) prendre des mesures concernant les vacances des postes de représentant des employés survenant en cours de mandat, lequel mandat a une durée de trois ans et comence le 1er septembre de l'année où l'employé est élu, à moins qu'il n'y soit mis fin en conformité avec les règlements.

Motion presented.

Ms. Becky Barrett (Wellington): I am wondering if the minister can briefly state the rationale for this amendment for the record.

Mr. Toews: This amendment has been recommended by Legislative Counsel, and it will essentially provide the

Lieutenant-Governor-in-Council with authority to make regulations to improve the process for election of employee representatives to the board. There were certain difficulties in respect of the last election, including such things as the fact that the employees failed to receive sufficient ballots and there was no way of addressing that concern. So in consultation with the employees, a draft regulation has already been reviewed and the employee representatives have, in fact, seen a draft of the regulation, are satisfied with it and the next election process is scheduled to commence in December. Therefore, even though this amendment is technically out of scope, it should be done. I want to thank the opposition critic for her concurrence in that respect.

Mr. Chairperson: It has been brought to my attention that the minister has not read the whole section of the amendment, and therefore I would ask that the committee consider this be entered into the record as presented.

Ms. Barrett: Mr. Chair, I would like to suggest that all such amendments be treated as having been read into the record.

Mr. Chairperson: Is that the will of the committee? [agreed]

Amendment—pass; Clause 5, as amended—pass; Clauses 6 to 8—pass. Clause 9.

Mr. Toews: I have an amendment to move, Mr. Chair. I move

THAT the proposed section 21.5, as set out in section 9 of the Bill, be struck out and the following substituted:

Former employees not eligible

21.5 Subsections 21.1(1) and (3), 21.2(1) and (3) and 21.3(1) do not apply to former employees.

[French version]

Il est proposé que l'article 21.5, énoncé à l'article 9 du projet de loi, soit remplacé par ce qui suit:

Inadmissibilité des anciens employés

21.5 Les paragraphes 21.1(1) et (3), 21.2(1) et (3) et 21.3(1) ne s'appliquent pas aux anciens employés.

Mr. Toews: This amendment is essentially a clarification and reduces some of the legal verbiage that presently exists, but the effect of it, I am advised by a Legislative Counsel, is identical.

Mr. Chairperson: Amendment—pass; Clause 9 as amended—pass. Shall Clause 10 pass?

Mr. Toews: I have an amendment to move. I move

Mr. Chairperson: Dispense.

THAT section 10 of the Bill be struck out and the following substituted:

10 The following is added after subsection 22(10):

Payments for employees of more than one agency
22(11) *Except as otherwise provided in this Act, where the board pays or transfers an amount from the fund in respect of an individual who ceases to be an employee on or after the day this subsection comes into force, it shall recover from the government or government agencies that employed the individual, other than an employer that made matching contributions in respect of the individual, on a pro rata basis in accordance with the records of the board, ½ of the portion of the amount paid or transferred to the employee in respect of which no employer matching contributions were made.*

[French version]

Il est proposé que l'article 10 soit remplacé par ce qui suit:

10 Il est ajouté, après le paragraphe 22(10), ce qui suit:

Paiements faits à l'égard des employés
22(11) *Sauf disposition contraire de la présente loi, si elle paie ou transfère un montant sur la caisse à l'égard d'un particulier qui cesse d'être un employé à compter de l'entrée en vigueur du présent paragraphe, la Régie recouvre au prorata, auprès du gouvernement ou des organismes gouvernementaux qui ont engagé le particulier, à l'exclusion de l'employeur qui a versé des cotisations de contrepartie à l'égard du particulier, un montant correspondant à a moitié du montant payé ou*

transféré à l'employé et pour lequel aucun employeur n'a versé de cotisations de contrepartie.

Motion presented.

Ms. Barrett: I will defer to the minister.

Mr. Toews: Just in respect of this particular amendment, for the clarification of committee members, essentially this section will allow each employer within the fund, who an employee works at in their career, is then charged with the appropriate amount of service that that employee has carried out for that particular employer. That is essentially the portions, the liability in respect of pension to the appropriate employer on the basis of the years served.

Mr. Chairperson: Ms. Barrett, no comments?

Amendment—pass; Clause 10 as amended—pass; Clauses 11(1) to 37—pass. Clause 38.

Ms. Barrett: I have an amendment. I move

Mr. Chairperson: Dispense.

THAT the following be added after Section 38 of the bill:

38.1 That section 62 be amended by adding the following after subsection 62(1)(e):

(f) any period during which the teacher has taken or takes maternity or parental leave as provided in The Employment Standards Act, if the teacher resumes employment as a teacher, elects in writing to pay the fund for the period of leave taken and pays in accordance with subsection (1.1)

(i) where the election is received by the board within six months of the coming into force of this clause or of a return from leave, an amount equal to the amount the teacher would have been required to pay had the teacher been a contributor during that period, but based on the salary authorized to be paid to the teacher on the date of return from the leave at the contribution rates applicable to that date plus interest from the date of return from leave to the date of actual payment of the amount at a rate equal to the average rate of interest

earned by the fund between those dates, compounded annually; or

(ii) where the election is received by the board six months or more after the coming into force of this clause or after a return from leave, an amount equal to the actuarial liability of both Account A and the pension adjustment account for the recognition of such period of leave, as determined by the board.

[French version]

Il est proposé d'ajouter, après l'article 38 du projet de loi, ce qui suit:

38.1 L'article 62 est modifié par adjonction, après l'alinéa 62(1)e), de ce qui suit:

f) la période durant laquelle l'enseignant a pris ou prend un congé de maternité ou un congé parental au sens de la Loi sur les normes d'emploi, si cet enseignant retourne au travail à titre d'enseignant et choisit, par écrit, de verser à la caisse pour la période du congé qu'il a pris et verse, conformément au paragraphe (1.1), selon le cas:

(i) si la Commission reçoit la choix dans les six mois qui suivent l'entrée en vigueur du présent alinéa ou du retour au travail, un montant correspondant à celui que l'enseignant aurait été obligé de verser s'il avait cotisé pendant cette période, ce montant étant toutefois calculé d'après la rémunération à laquelle l'enseignant a droit à la date de son retour au travail et d'après les taux de cotisation alors applicables et augmenté des intérêts courus depuis la date du retour au travail jusqu'à la date du versement du montant, lesquels intérêts sont calculés au taux moyen des intérêts que la caisse a gagnés entre ces dates et composés annuellement;

(ii) si la Commission reçoit le choix six mois ou plus après l'entrée en vigueur du présent alinéa ou du retour au travail, un montant correspondant au passif actuariel du compte A et du compte de redressement de pension pour la reconnaissance de la période de congé en question, selon ce que détermine la Commission.

Mr. Chairperson: I have been advised, that Legal Counsel has indicated that there is a scope issue and that

it would require unanimous consent of the committee in order to allow this amendment to proceed.

Is it the will of the committee that this amendment proceed?

An Honourable Member: Yes.

An Honourable Member: No.

Mr. Chairperson: No? We need no further comment on that, as I understand it. We will deal then with Clause 38 of the bill.

Clause 38—pass; Clauses 39 to 42(1)—pass. Clause 42(2).

Mr. Toews: I have an amendment to move. I move

THAT the following be added after subsection 42(2) of the Bill:

42(2.1) Section 10 comes into force on a day fixed by proclamation.

[French version]

Il est proposé d'ajouter, après le paragraphe 42(2), ce qui suit:

42(2.1) L'article 10 entre en vigueur à la date fixée par proclamation.

This particular amendment follows in respect of the prior amendment that I had moved.

* (1120)

Mr. Chairperson: Amendment—pass; Clause as amended—pass; Clauses 42(3) to 42(6)—pass; Preamble—pass. Title—pass.

Mr. Toews: One moment, no. I have to move a motion, Mr. Chair, and it does not have a number. It is a general motion,

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

[French version]

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

Mr. Chairperson: Agreed? Agreed, and so ordered. Bill reported as amended.

The Clerk is questioning whether we passed the title and the preamble. We will ask the question once more.

Title—pass; Preamble—pass. Bill be reported as amended.

Committee rise.

COMMITTEE ROSE AT: 11:21 a.m.

**WRITTEN SUBMISSIONS PRESENTED
BUT NOT READ**

October 28, 1996

As discussed, please provide copy to the legislative members reviewing with Bill 68.

Dear Chair and Members of the Legislative Committee:

Some of you will know who I am. I assume the Minister of AG is present, and for familiarization purposes, he may even recall early into his first term, along with Laomy, I made a presentation to them both regarding the farm purple fuel gouging going on, and your intention was to resolve the matter quickly, along with another meeting back to back with CONECTS regarding the telephone modernization program.

Now more directly to the current bill. I am a third-generation family farmer, with my grandparents as newcomers to this land. I recognize and have a meaning for what the Conservatives often say within the current term, "that we are open for business."

As I understand the phrase, I appreciate such a quality. However, I fear we have a difference in understanding. I certainly believe newcomers should and must have access to being able to buy the land.

However, I get more than uncomfortable when I see what seems to be happening in a number of other government initiatives, which seems no different than the current bill. Namely that being open for business seems not to be addressing the situation where one produces goods and/or services and sells these.

No, for this bill, as many other bills this time around, the phrase "being open for business" is actually much more basic to long-term survival and sustainability than a business selling its output.

Here, in this proposed bill, in allowing sales to foreigners, as with the MTS Bill 67, there and here it means that being open business is only a short-term, non-sustaining proposition. It means a sort of going out of business. No longer will nationals or Manitobans occupy and control the output, but this will be permitted to be done by foreigners.

I, therefore, ask that you reconsider that point. Many of your strongest supporters wish to advance right to ownership legislation, believing locals must be able to continue to own the land. Here you are going against that dream.

On the other hand, if you insist on forging ahead, and although I do not know if the phrase is actually in the bill, though I have heard the Premier make use of the phrase quite often, then I would ask that you rephrase the intent of this and other bills by indicating "going out of business" instead of "being open for business"

That, in my mind, would seem closer to the reality of what this bill allows for. Not only would I, and many of this government's strongest supporters find that unacceptable, but actually be a measure by which you will be working your ways out of a longer-term opportunity to serve Manitobans.

I certainly have heard many a farmer express much disdain for the fact that one foreign landowner, who has much land in the Starbuck-Elie region, and how much Grow payout he would receive.

I say this, because I fear you will be moving full steam ahead. Unfortunately, and despite my own previous voting pattern, I can honestly tell you that the rout experienced federally by Mulroney was not good for

Canada, nor for many of the backbenchers who were duped into going along for the short-term nod from Mulroney, only to get the long-term shrug from the electorate.

Felix Holtmann is a good example of that. Last time around, no Conservative dared even run against him. Now someone whom I never even heard of beat him to the wire.

Members of the Legislative Committee, particularly those forming government: I cannot direct you what to do. I can, however, caution you that the art of politics is not only doing what is possible now, but that one eye must also be on future possibilities.

This is no different than being open for business. Unless you, like Premier Filmon, who most likely, will be moving on after this term, then selling off may make good sense. But for those of you, who like me, if God be willing, intend to open for business a little longer, if so, then we ought to take another tack. One that provides sustainability, even if it means the Premier's relatively short-term displeasure.

Please be open for business now and into the future in a sustainable way.

Sincerely,

Eduard Hiebert
St. Francois Xavier