



First Session - Thirty-Seventh Legislature

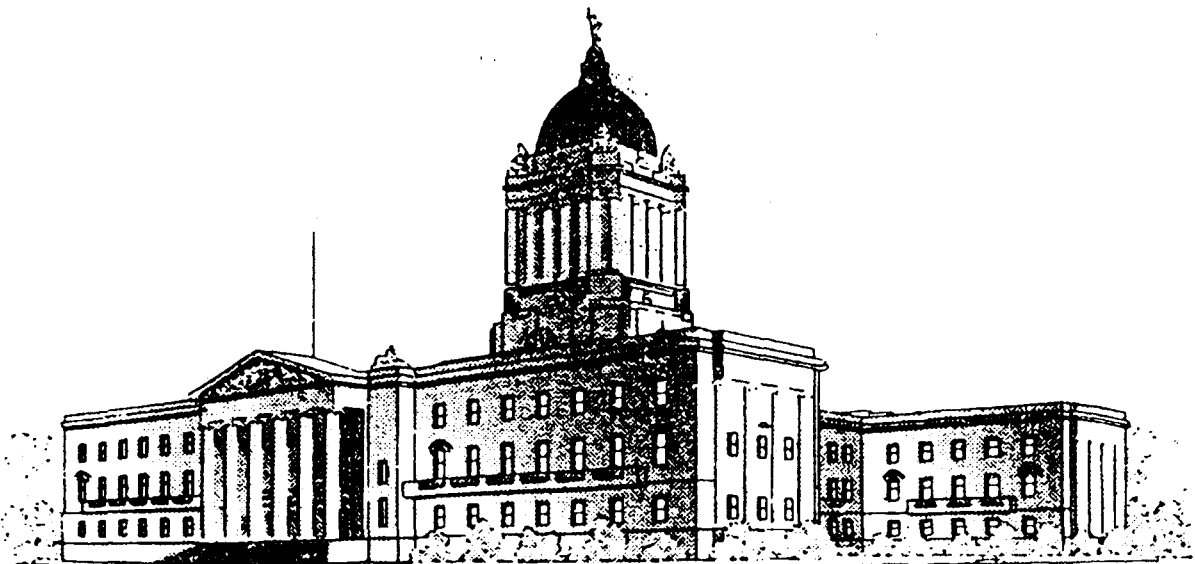
of the

**Legislative Assembly of Manitoba**

**DEBATES  
and  
PROCEEDINGS**

**Official Report  
(Hansard)**

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**MANITOBA LEGISLATIVE ASSEMBLY**  
**Thirty-Seventh Legislature**

<b>Member</b>	<b>Constituency</b>	<b>Political Affiliation</b>
AGLUGUB, Cris	The Maples	N.D.P.
ALLAN, Nancy	St. Vital	N.D.P.
ASHTON, Steve, Hon.	Thompson	N.D.P.
ASPER, Linda	Riel	N.D.P.
BARRETT, Becky, Hon.	Inkster	N.D.P.
CALDWELL, Drew, Hon.	Brandon East	N.D.P.
CERILLI, Marianne	Radisson	N.D.P.
CHOMIAK, Dave, Hon.	Kildonan	N.D.P.
CUMMINGS, Glen	Ste. Rose	P.C.
DACQUAY, Louise	Seine River	P.C.
DERKACII, Leonard	Russell	P.C.
DEWAR, Gregory	Selkirk	N.D.P.
DOER, Gary, Hon.	Concordia	N.D.P.
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DYCK, Peter	Pembina	P.C.
ENNS, Harry	Lakeside	P.C.
FAURSCHOU, David	Portage la Prairie	P.C.
FILMON, Gary	Tuxedo	P.C.
FRIESEN, Jean, Hon.	Wolseley	N.D.P.
GERRARD, Jon, Hon.	River Heights	Lib.
GILLESHAMMER, Harold	Minnedosa	P.C.
HELWER, Edward	Gimli	P.C.
HICKES, George	Point Douglas	N.D.P.
JENNISSEN, Gerard	Flin Flon	N.D.P.
KORZENIOWSKI, Bonnie	St. James	N.D.P.
LATHILIN, Oscar, Hon.	The Pas	N.D.P.
LAURENDEAU, Marcel	St. Norbert	P.C.
LEMIEUX, Ron, Hon.	La Verendrye	N.D.P.
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MALOWAY, Jim	Elmwood	N.D.P.
MARTINDALE, Doug	Burrows	N.D.P.
McGIFFORD, Diane, Hon.	Lord Roberts	N.D.P.
MIHYCHUK, MaryAnn, Hon.	Minto	N.D.P.
MITCHELSON, Bonnie	River East	P.C.
NEVAKSHONOFF, Tom	Interlake	N.D.P.
PENNER, Jack	Emerson	P.C.
PENNER, Jim	Steinbach	P.C.
PITURA, Frank	Morris	P.C.
PRAZNIK, Darren	Lac du Bonnet	P.C.
REID, Daryl	Transcona	N.D.P.
REIMER, Jack	Southdale	P.C.
ROBINSON, Eric, Hon.	Rupertsland	N.D.P.
ROCAN, Denis	Carman	P.C.
RONDEAU, Jim	Assiniboia	N.D.P.
SALE, Tim, Hon.	Fort Rouge	N.D.P.
SANTOS, Conrad	Wellington	N.D.P.
SCHIELLENBERG, Harry	Rossmere	N.D.P.
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SMITH, Joy	Fort Garry	P.C.
SMITH, Scott	Brandon West	N.D.P.
STEFANSON, Eric	Kirkfield Park	P.C.
STRUTHERS, Stan	Dauphin-Roblin	N.D.P.
TWEED, Mervin	Turtle Mountain	P.C.
WOWCHUK, Rosann, Hon.	Swan River	N.D.P.

## LEGISLATIVE ASSEMBLY OF MANITOBA

Thursday, August 3, 2000

The House met at 10 a.m.

*PRAYERS*

**ORDERS OF THE DAY**

**Hon. Gord Mackintosh (Government House Leader):** Mr. Speaker, we will do some report stage initially today. If you would call report stage on Bill 6, and then we will proceed from there.

**REPORT STAGE**

**Bill 6—The Water Resources Conservation and Protection and Consequential Amendments Act**

**Hon. Gord Mackintosh (Government House Leader):** I move, seconded by the Minister of Intergovernmental Affairs (Ms. Friesen), that Bill 6, The Water Resources Conservation and Protection and Consequential Amendments Act (Loi sur la conservation et la protection des ressources hydriques et modifications corrélatives), as amended and reported from the Standing Committee on Public Utilities and Natural Resources, be concurred in.

*Motion agreed to.*

**Bill 16—The City of Winnipeg Amendment Act (2)**

**Hon. Gord Mackintosh (Government House Leader):** I move, seconded by the Minister of Intergovernmental Affairs (Ms. Friesen), that Bill 16, The City of Winnipeg Amendment Act (2) (Loi no 2 modifiant la Loi sur la Ville de Winnipeg), as amended and reported from the Standing Committee on Public Utilities and Natural Resources, be concurred in.

*Motion agreed to.*

**Bill 14—The Provincial Railways Amendment Act**

**Hon. Gord Mackintosh (Government House Leader):** Mr. Speaker, I move, seconded by the Minister of Intergovernmental Affairs (Ms.

Friesen), that Bill 14, The Provincial Railways Amendment Act (Loi modifiant la Loi sur les chemins de fer provinciaux), as amended and reported from the Standing Committee on Public Utilities and Natural Resources, be concurred in.

*Motion agreed to.*

**Bill 42—The Public Schools Amendment and Consequential Amendments Act**

**Hon. Gord Mackintosh (Government House Leader):** Mr. Speaker, I move, seconded by the Minister of Intergovernmental Affairs (Ms. Friesen), that Bill 42, The Public Schools Amendment and Consequential Amendments Act (Loi modifiant la Loi sur les écoles publiques et modifications corrélatives), as amended and reported from the Standing Committee on Law Amendments, be concurred in.

**Mr. Speaker:** It has been moved by the Honourable Government House Leader, seconded by the Honourable Minister of Intergovernmental Affairs, that Bill 42, The Public Schools Amendment and Consequential Amendments Act—[*interjection*]

**Mr. Mackintosh:** There is a request for leave to withdraw the motion on 42 at this time. Is there leave?

**Mr. Speaker:** Is there leave to withdraw the motion on Bill 42 at this time?

**Some Honourable Members:** Leave.

**Mr. Speaker:** Leave has been granted.

**Mr. Mackintosh:** I believe there is a willingness now to proceed with Bills 21, 23, 26, 31—[*interjection*]—33, I do not believe is ready yet—36. Thank you, Mr. Speaker.

**Bill 21—The Water Resources Administration Amendment Act**

**Hon. Gord Mackintosh (Government House Leader):** I move, seconded by the Minister of

Intergovernmental Affairs (Ms. Friesen), that Bill 21, The Water Resources Administration Amendment Act (Loi modifiant la Loi sur l'aménagement hydraulique), reported from the Standing Committee on Public Utilities and Natural Resources, be concurred in.

**Mr. Speaker:** It has been moved by the Honourable Government House Leader, seconded by the Honourable Minister of Intergovernmental Affairs, that Bill 21, The Water Resources Administration Amendment Act, reported from the Standing Committee on Public Utilities and Natural Resources, be concurred in. Agreed? [*interjection*]

I would just like to remind the Honourable Member for Emerson (Mr. Jack Penner), that concurrence motion is not debatable. If you are up on a point of order, I will recognize that. [*interjection*] On a point of order, the Honourable Member for Emerson.

#### Point of Order

**Mr. Jack Penner (Emerson):** Mr. Speaker, I was not aware that we were not allowed to at report stage make comment on a bill, unless there was an amendment, and I think that needed to have been clear. But I am not sure whether that is a change in procedure that we have been into, or whether that has been here for some time. Maybe you could clarify that for me. Thank you.

**Mr. Speaker:** The only time a bill is debatable at report stage is if an amendment has been moved, and the concurrence motion is not debatable at this time.

\* \* \*

**Mr. Speaker:** On Bill 21, agreed?

*Motion agreed to.*

#### Bill 23—The Jury Amendment Act

**Hon. Gord Mackintosh (Government House Leader):** I move, seconded by the Minister of Intergovernmental Affairs (Ms. Friesen), that Bill 23, The Jury Amendment Act (Loi modifiant la Loi sur les jurés), as amended and

reported from the Standing Committee on Law Amendments, be concurred in.

*Motion agreed to.*

#### Bill 26—The Court of Queen's Bench Amendment Act

**Hon. Gord Mackintosh (Government House Leader):** I move, seconded by the Minister of Intergovernmental Affairs (Ms. Friesen), that Bill 26, The Court of Queen's Bench Amendment Act (Loi modifiant la Loi sur la Cour du Banc de la Reine), reported from the Standing Committee on Law Amendments, be concurred in.

*Motion agreed to.*

#### Bill 31—The Electronic Commerce and Information, Consumer Protection Amendment and Manitoba Evidence Amendment Act

**Hon. Gord Mackintosh (Government House Leader):** I move, seconded by the Minister of Intergovernmental Affairs (Ms. Friesen), that Bill 31, The Electronic Commerce and Information, Consumer Protection Amendment and Manitoba Evidence Amendment Act (Loi sur le commerce et l'information électroniques, modifiant la Loi sur la protection du consommateur et la Loi sur la preuve au Manitoba), as amended and reported from the Standing Committee on Public Utilities and Natural Resources, be concurred in.

*Motion agreed to.*

#### Bill 36—The Summary Convictions Amendment Act

**Hon. Gord Mackintosh (Government House Leader):** I move, seconded by the Minister of Intergovernmental Affairs (Ms. Friesen), that Bill 36, The Summary Convictions Amendment Act (Loi modifiant la Loi sur les poursuites sommaires), as amended and reported from the Standing Committee on Law Amendments, be concurred in.

*Motion agreed to.*

**Mr. Mackintosh:** I understand there is a will to deal with proposed amendments to Bill 33, but they are still being distributed, I am advised. In the meantime, I suggest we go into Supply, Mr. Speaker, to deal with the outstanding resolutions from Estimates.

I move, seconded by the Minister of Agriculture and Food (Ms. Wowchuk), that Mr. Speaker do now leave the Chair and the House resolve itself into a Committee to consider of the Supply to be granted to Her Majesty.

*Motion agreed to.*

### COMMITTEE OF SUPPLY (Concurrent Sections)

#### HEALTH

\* (10:20)

**Madam Chairperson (Bonnie Korzeniowski):** Will the section of the Committee of Supply meeting in Room 255 please come to order. The total time allowed for Estimates consideration is now expired. Our rule 74.(1) provides in part that not more than 240 hours shall be allowed for the consideration in Committee of the Whole, of Ways and Means, and Supply resolutions respecting all types of Estimates that have relevance by bills.

Our rule 74.(3) provides that where the time limit has expired, the Chairperson shall forthwith put all remaining questions necessary to dispose of the matter and such questions shall not be subject to debate, amendment or adjournment. I am therefore going to call in sequence the questions on the following matters: Department of Health Resolution 21.1; Department of Sport Resolutions 28.1, 28.2; and Community Support Resolutions 33.1, 33.2.

I would remind members that these questions may not be debated, amended or adjourned according to the rules of the House.

**Madam Chairperson:** Resolution 21.1: RESOLVED that there be granted to Her Majesty a sum not exceeding \$7,034,900 for Health, Administration and Finance, for the fiscal year ending the 31st day of March, 2001.

*Resolution agreed to.*

#### SPORT

**Madam Chairperson:** Resolution 28.1: RESOLVED that there be granted to Her Majesty a sum not exceeding \$10,389,900 for Sport for the fiscal year ending the 31st day of March, 2001.

*Resolution agreed to.*

Resolution 28.2: RESOLVED that there be granted to Her Majesty a sum not exceeding \$2,000 for Sport, Amortization of Capital Assets, for the fiscal year ending the 31st day of March, 2001.

*Resolution agreed to.*

#### COMMUNITY SUPPORT PROGRAMS

**Madam Chairperson:** Resolution 33.1: RESOLVED that there be granted to Her Majesty a sum not exceeding \$6,292,400 for Community Support Programs for the fiscal year ending the 31st day of March, 2001.

*Resolution agreed to.*

Resolution 33.2: RESOLVED that there be granted to Her Majesty a sum not exceeding \$3,800 for Community Support Programs, Amortization of Capital Assets, for the fiscal year ending the 31st day of March, 2001.

*Resolution agreed to.*

This concludes our consideration of the Estimates in this section of the Committee of Supply. I would like to thank the Minister and the critic for their co-operation. Committee rise.

#### INTERGOVERNMENTAL AFFAIRS

\* (10:10)

**Mr. Chairperson (Conrad Santos):** Will the section of the Committee of Supply meeting in the Chamber please come to order. Our rule 74.(1) provides in part that not more than 240 hours shall be allowed for the consideration of

Ways and Means and Supply resolutions respecting all types of Estimates and Supply. According to the rule, the Chairperson shall put all remaining questions necessary to dispose of the matter.

For the Department of Intergovernmental Affairs:

Resolution 13.2: RESOLVED that there be granted to Her Majesty a sum not exceeding \$1,039,800 for Intergovernmental Affairs, Boards, for the fiscal year ending the 31st day of March, 2001.

*Resolution agreed to.*

Resolution 13.3: RESOLVED that there be granted to Her Majesty a sum not exceeding \$3,549,100 for Intergovernmental Affairs, Community and Land Use Planning Services, for the fiscal year ending the 31st day of March, 2001.

*Resolution agreed to.*

Resolution 13.4: RESOLVED that there be granted to Her Majesty a sum not exceeding \$9,323,400 for Intergovernmental Affairs, Provincial-Municipal Support Services, for the fiscal year ending the 31st day of March, 2001.

*Resolution agreed to.*

Resolution 13.5: RESOLVED that there be granted to Her Majesty a sum not exceeding \$35,667,500 for Intergovernmental Affairs, Economic and Community Development Services, for the fiscal year ending the 31st day of March, 2001.

*Resolution agreed to.*

Resolution 13.6: RESOLVED that there be granted to Her Majesty a sum not exceeding \$73,029,000 for Intergovernmental Affairs, Financial Assistance to Municipalities, for the fiscal year ending the 31st day of March, 2001.

*Resolution agreed to.*

Resolution 13.7: RESOLVED that there be granted to Her Majesty a sum not exceeding \$10,605,400 for Intergovernmental Affairs,

Canada-Manitoba Agreements, for the fiscal year ending the 31st day of March, 2001.

*Resolution agreed to.*

Resolution 13.8: RESOLVED that there be granted to Her Majesty a sum not exceeding \$3,000,000 for Intergovernmental Affairs, Neighbourhoods Alive!, for the fiscal year ending the 31st day of March, 2001.

*Resolution agreed to.*

Resolution 13.9: RESOLVED that there be granted to Her Majesty a sum not exceeding \$463,400 for Intergovernmental Affairs, Amortization of Capital Assets, for the fiscal year ending the 31st day of March, 2001.

*Resolution agreed to.*

Resolution 13.1: RESOLVED that there be granted to Her Majesty a sum not exceeding \$2,412,000 for Intergovernmental Affairs, Administration and Finance, for the fiscal year ending the 31st day of March, 2001.

*Resolution agreed to.*

This concludes our consideration of the Estimates in this section of the Committee of Supply. I would like to thank the Minister and critic for their co-operation. Committee rise.

Call in the Speaker.

**IN SESSION**

**House Business**

**Hon. Gord Mackintosh (Government House Leader):** Mr. Speaker, I understand that the sitting of Supply in 255 is underway, if there is leave of the House for it to continue as we go back to report stage.

**Mr. Speaker:** Is there leave of the House for the Committee in Room 255 to continue while we are sitting in the Chamber? [*Agreed*].

**Mr. Mackintosh:** Mr. Speaker, would you please call Bill 33 under report stage?

**REPORT STAGE**

\* (10:20)

**Bill 33—The Highway Traffic Amendment and Consequential Amendments Act**

**Mr. Darren Praznik (Lac du Bonnet):** Mr. Speaker, I believe, by way of procedure, I move the motion and then I have the opportunity to speak to it.

Mr. Speaker, I would move, seconded by the Honourable Member for Emerson (Mr. Jack Penner),

THAT Bill 33 be amended by adding "provided that the person directed to store the vehicle has, and maintains, sufficient insurance to cover any damage or loss to the vehicle while impounded," after "peace officer directs," in the proposed subsection 242.1(3), as set out in section 4(7) of the Bill.

***Motion presented.***

**Mr. Praznik:** Mr. Speaker, this amendment comes out of discussion that we had with the Minister during the course of committee hearings. Although we had assurance, and I do not in any way attribute I think any ill to the Government in this particular bill, because certainly the regime has been in place when my party was in government, but we felt that it would, I think, be a suitable amendment to ensure in law that whoever is responsible for maintaining vehicles while they are impounded in their care should be required to have sufficient insurance to cover the value of the vehicle.

We as a legislature are taking that piece of property away from an individual for good and valid reason, that they have been in violation of other laws. We are storing or having it impounded for a long period of time out of the care and control of that particular individual, and many things can happen to it. Although, when it is impounded, one can argue at common law that the person impounding that vehicle has a responsibility to care for the vehicle, et cetera. There are issues in negligence of whether or not duty of cares have been met.

There may be a case in time in fact when a duty of care has been met by the impounding agency and yet a vehicle has been damaged, perhaps by an act of God, perhaps they have taken all reasonable steps yet someone has gone in and damaged a vehicle, in which case we are really adding an additional penalty to the person who has had their car impounded, because now they would have to pursue other legal action to seek redress for the damages done to their vehicle in the course of impoundment.

So we thought it was important to enshrine in law the responsibility of the impounding agency or the impounding company to require them to carry sufficient insurance to cover the value of the vehicle should it be damaged or lost during the course of impoundment.

We would hope that government members would support this amendment. I know one could argue, as the Attorney General (Mr. Mackintosh) assured us, if I am not mistaken, at committee, that usually the case insurance is kept, et cetera, but this is one just to ensure that it never falls through the cracks, that there is a legal requirement that the impounding agency has to carry sufficient insurance to cover the value of the vehicles in their particular premises. I think it is just one of those small safeguards that adds to the general workings of this bill and one that ensures that no citizen of this province whose vehicle is impounded suffers the double penalty of having their vehicle damaged when it was out of their care and control and then either not receiving any compensation for it because of the circumstances of damage or having to go through a legal process to be able to access compensation that may be theirs.

You know, just a practical matter, if you have a vehicle that may be worth several thousands of dollars or less and is damaged in a manner for which there might not necessarily be a negligence claim, or even if there is and there is some dispute, perhaps there is not an insurance policy in place and one has to go through the process of a legal action, the cost of the legal action may be worth more than what one is recovering. So, again, we have imposed the double penalty.

I would say this to the Attorney General: My concern is not so much with the big impound facilities that towing companies maintain in the city of Winnipeg, that generally where you have large organizations who are doing the impoundment of vehicles that they cover insurance and they operate. It is a bigger business for them. What concerns me more are in smaller, more remote or rural communities where a vehicle may in fact be impounded by a local garage keeper or in a particular place the Department may determine out of convenience that maybe only impounds one or two vehicles every year or so, and if they want to do that type of business, then they should have to have an insurance policy to cover the value of that vehicle.

I am really concerned, Mr. Speaker, more about remote communities. Some communities in our province in fact are, I think of Churchill for example, totally road island in our province, that there is no road link between Churchill and the rest of the province. The Island Lake communities are another example. So there are many parts of these communities where this act will apply, where a vehicle may be impounded, and it might be the only one impounded in 10 years. The Crown has to designate a facility where it has to be there. This is just to ensure that that facility, in accepting the vehicle, knows that it is a requirement that they carry sufficient insurance to deal with this particular matter.

So we would ask just out of the interests of common sense. I know the Attorney General (Mr. Mackintosh) can clearly say that this could be handled administratively, and I would agree with that, but I think as legislators, when we enact a scheme such as this for the impoundment of vehicles, ensuring that this is a legal requirement to be followed, provides just that little added bit of security and insurance, that what we are intending to happen in fact happens.

Again, my concern is not so much the larger centres of the province where I would imagine administratively this happens every day. My concern is more about the smaller, remoter centres of the province where this may be a rare occurrence. It is just good for us to remind the administrators of this act, those who will be putting it into force, that they in fact have to, that

this Legislature said that they are required to carry sufficient insurance to cover the value of the vehicle that they are impounding under this statute.

You know, again, it is not earth-shattering legislation, but it is just one little thing I think we can do as a legislature to ensure that our intent, which is not to have a double penalty here, I mean, we have already impounded the vehicle from the individual. I do not believe it is the intent of this legislature to ensure that, if the vehicle is damaged, that individual may not be able to recover the value of their vehicle or in fact have to incur great expense to recover it. So we would ask government members to support this. We have another amendment, but generally speaking we have supported these changes to the Act, and we would hope that government members would agree to this amendment.

**Mr. Marcel Laurendeau (St. Norbert):** On the proposed amendment made by the Honourable Member, I must agree that it is important. From my own point of view, I had seen a number of vehicles back in my day that went into the impoundment stage. There was a common practice used by some people who were doing this impoundment in the past. Some of them, they were pretty grey areas, because when these cars were going up for auction or when they were being displayed for the auction after the liens, in some cases these vehicles were being adjusted, prior to the auctions. The reason for that was to make them look a lot less valuable than they actually were. Headlights could be removed, tail-lights, sections completely removed, and miraculously they reappeared after the auction on that same vehicle when it was reregistered.

This amendment makes it possible for the owner of that vehicle to actually put it back to its full value and prevents some of the impounders from profiting by purchasing back the vehicles at the auction and actually having the parts available to themselves to reinstall them. It was a common practice in British Columbia, and it has been eliminated. It still occurs in our province and in other provinces. So I hope that the Government will support this very simple amendment.



\* (10:30)

**Hon. Jon Gerrard (River Heights):** I just rise to say very briefly a few words on this proposed amendment. The objective, I think, is to provide a balance which is fair to those on both sides of our system of justice. Certainly we have had earlier on discussions of The Victims' Rights Act, which I think is a positive thing, but in this case those who in fact are on the other side who have their vehicle impounded need to be treated fairly, and so I support this amendment.

**Mr. Jim Penner (Steinbach):** I also wanted to add my comments to Bill 33, and specifically to the amendment proposed by the Honourable Member for Lac du Bonnet, and that is regarding the sale of a vehicle—

**An Honourable Member:** That is the next amendment.

**Mr. Jim Penner:** Okay, we will get it next.

**Hon. Gord Mackintosh (Government House Leader):** I move, seconded by the Minister of Agriculture and Food (Ms. Wowchuk), that debate be adjourned.

*Motion agreed to.*

**Mr. Praznik:** Mr. Speaker, I would like to move a second amendment to this bill. I would like to move, seconded by the Member for Steinbach (Mr. Jim Penner),

THAT Bill 33 be amended by adding the following after clause 4(14)—I think people have seen it.

**Mr. Speaker:** Bill 33, The Highway Traffic Amendment and Consequential Amendments Act, it has been moved by the Honourable Member for Lac du Bonnet (Mr. Praznik), seconded by the Honourable Member for Steinbach (Mr. Jim Penner),

THAT Bill 33 be amended by adding the following after clause—

**An Honourable Member:** Dispense.

**Mr. Speaker:** If I could just read part of it, so Hansard will know which amendment we are dealing with.

THAT Bill 33 be amended by adding the following after clause 4(14):

4(14.1) The following is added after subsection 242.1(6):

**An Honourable Member:** Dispense.

**Mr. Speaker:** Dispense.

*Vehicle may be released if sold*

**242.1(6.1.1)** *Notwithstanding subsection 242.1(8), the owner of a motor vehicle seized under this section may at any time apply to the designated person for the release of the vehicle by*

*(a) demonstrating, to the reasonable satisfaction of the designated person, that the owner has sold the motor vehicle to a purchaser; and*

*(b) depositing a sum of money, or security for money approved by the Minister of Finance, equal to the value of the vehicle, as determined by the designated person in accordance with the regulations.*

*Certificate of Minister of Finance confirming deposit*

**242.1(6.1.2)** *The owner shall deposit the amount determined under subsection (6.1.1), or security for it with the Minister of Finance, who shall issue to the owner a certificate that confirms the amount of the deposit.*

*Designated person to authorize release of vehicle*

**242.1(6.1.3)** *The designated person shall authorize the release of the vehicle to the purchaser, or to a person, other than the owner, authorized by the purchaser subject to*

*(a) the designated person receiving a certificate issued under subsection 6.1.2,*

*(b) the designated person being satisfied the owner has sold his or her interest in the vehicle to the purchaser; and*

(c) *the payment of the lien under subsection (9).*

**Security not subject to other claims**

**242.1(6.1.4)** *The money or security for money deposited with the Minister of Finance is not subject to any other claim or demand.*

**Release of security**

**242.1(6.1.5)** *The Minister of Finance shall return the principle amount of the sum of money, or security, paid under subsection (6.1.1) to the owner, on the date the designated person determines the owner would have been entitled to the return the motor vehicle under this section, but not before.*

**Mr. Praznik:** Mr. Speaker, this amendment is one that again comes out of discussions that we had with the Minister in the committee stage. I want to just comment on that process for a moment. I must just say I enjoyed very much dealing with the Attorney General in the committee process, because we had many opportunities as we studied a bill in greater depths as to issues, to realize some of the questions that came up, and the Attorney General was very good at providing us answers.

We met as a committee over several days on some of these bills, and he was very accommodating in that way, so I want to thank him for that.

The issue that we are attempting to address in this particular bill is one of those issues that when you apply a number of minds to a particular area, you come up with some interesting areas that had not been, I think, thought of before. Again, I want to acknowledge that the Attorney General had recognized this was a particular point that had not occurred to him or his staff in developing this piece of legislation.

I want to, in fairness to the current government, point out that we have had this type of impoundment scheme in place and had built upon it while we were in government, and it had not occurred to us either. This is one where I would like to pay some tribute to my colleague and seconder, the Member for Steinbach (Mr. Jim Penner), who brought this to my attention and brought it to the attention of the Committee,

as something that for a number of years I think we as legislators have overlooked in impoundment schemes.

What this amendment in fact does is allow in circumstances where an individual's vehicle has been impounded for a period of time, to allow that individual to sell that vehicle. We are not talking about a sham sale, but we are talking a legitimate sale of that vehicle. We know that should not be done for the purposes of beating the legislation, the impoundment.

What we are asking for here is the ability of a person with a vehicle that is impounded to sell that vehicle to a legitimate purchaser and have the money, the fair-market value, of the vehicle impounded by the Crown for the same length of time. In essence, rather than the Crown holding the vehicle, the Crown in fact will hold the value of the vehicle.

Now, if the vehicle is leased or mortgaged or something, that may not be a possible thing to do, if the person has their security, but where the individual is able to arrange a sale and have the equivalent value of money impounded by the Crown for the same period, this creates another option. There are some practical reasons for doing it.

I do not think it was the intention or is the intention of this legislature to double-punish people. It was pointed out to me by the Member for Steinbach, that if this vehicle happened to be a new vehicle, in the year in which it was impounded, yes, it would not be accumulating miles, but it would certainly have a significant loss in value by year, which is a far different circumstance from the vehicle that might be worth only a couple of thousand dollars, and with the loss of a model year, maybe just about nil.

**An Honourable Member:** I do not know about that.

**Mr. Praznik:** Well, the Minister of Highways says he does not know about that, and I know the vehicle very well that he drives. I am sure that could be impounded for a while and not lose too much of its value. *[interjection]*

Yes, well, the Minister of Highways continually reminds me that after the election last fall he acquired not only my ministry, not only my office, not only the desk I used, not only my exact seat in this Chamber, but also my vehicle. I must admit that the others I miss a little, but the vehicle I do not. The vehicle, for those who do not know, was purchased from Red River Community College. It had been in an accident and been repaired by the students there, done very, very well, but it is a vehicle that had a certain shake to it at certain times. If the Minister does not drive it up to Thompson, he may be reminded of some of those very bad roads as he drives it down south with the shake that it has.

But the intent of these clauses sets up basically the ability of someone whose vehicle is impounded to sell that vehicle in a genuine sale and to deposit with the Crown the equivalent dollars of the value of that vehicle. The Crown will then hold those dollars until the impoundment period has elapsed and then return those dollars to that individual. So if our intent was to ensure that the vehicle was not available to that person, this still continues to do it, because a genuine sale of that vehicle would have the vehicle not available, so the person could not drive it, but certainly the value of that vehicle would be impounded by the Crown for the period.

It also by doing that creates the ability of someone not to have to pay all the impoundment charges that arise, which may again be a double penalty for the offences that are committed. That is not, I believe, what the intent of this Legislature was. We were not there to profit the impoundment firms. We were not there to diminish a person's value in their vehicle over the year. We were there to ensure that they did not have a vehicle.

If there is a legitimate sale of that particular vehicle and the dollars are impounded by the Crown then there has been a significant loss, the use of that individual's capital for the period of the impoundment. It provides, I think, a way of ensuring that our legislation does not in fact provide for a double penalty.

I would hope that government members may wish to adjourn this debate and give this some more consideration. I would say this to the Attorney General: I am not pretending to have the be-all and end-all answer in describing this particular scheme. When the matter was raised we consulted with Legislative Counsel, the same people who helped him draft the bill. The amendments I make today were their view as to how this could be carried out.

\* (10:40)

I would say this to the Minister of Justice: If he and his colleagues in their caucus decided that this was acceptable to them and they would support it and perhaps needed to make some change to this amendment, something I may, in fact, have missed or Legislative Counsel has missed in preparing this amendment, we would be most prepared to co-operate in ensuring that this amendment were further amended to meet whatever concerns they have, but it was an issue that again I say was raised in committee by the Member for Steinbach. I think it has certainly merit of ensuring that this legislature does not create unintended consequences of the legislative scheme we are creating. It would be a valuable addition to this piece of legislation. So I would hope the Minister and the government caucus would give this their attention, give it their consideration.

I notice that the Minister has adjourned debate on the other resolution. I assume that is to have some time to consider it and consult with his colleagues. If he were to do the same and even if some amendments to my amendment were required, I am sure if he raised them with me and they kept with the spirit of what we were trying to do, I would be prepared to accept them to this amendment.

I think this is the process that leads to better legislation for the people of Manitoba. I am delighted that this Attorney General has on a number of occasions accepted this advice and worked through this process. I am very pleased that he has done so, so far. I hope this will be worthy of his consideration and that of the Government caucus. Thank you, Mr. Speaker.

**Mr. Jim Penner:** Mr. Speaker, I will just add a few remarks to the second amendment to Bill 33 as proposed by the Member for Lac du Bonnet (Mr. Praznik). I am sure that all members of the House want to see balance, they want to see fairness. I think in the original drafting stage of some of these bills there was not the amount of time given that we had in committee to review them; and, when it came down to the importance of fairness and balance, we felt that the intent of the Bill was very legitimate. We felt that the harsher enforcement of people driving without a licence, the harsher enforcement of people driving intoxicated, could be a valuable deterrent, and such a deterrent may save lives.

So we cannot help but support the intent of this bill. It is a valid and important bill, and I certainly want to add my support to the laws that would possibly save lives. At the same time, I think the intent of the Bill, again, was a punishment for people driving without a licence and people driving that were under the influence of alcohol. But hidden in the seizure of the vehicle was an unintended punishment. A person buying a vehicle today, let us say in the \$30,000 price range, and having it seized tomorrow for one year, would only realize after one year about \$22,000 of that investment. So there is an \$8,000 fine that was not intended.

I am saying that we should make sure that we do what we intend to do and do not do unintended things. So I would be pleased to see the amendments, as proposed, added to this very important bill, and certainly we can support that.

**Mr. Mackintosh:** I move, seconded by the Minister of Agriculture and Food (Ms. Wowchuk), that debate be adjourned.

*Motion agreed to*

**Mr. Mackintosh:** I call report stage on Bill 45.

#### **Bill 45—The Teachers' Pensions Amendment Act**

**Hon. Gord Mackintosh (Government House Leader):** I move, seconded by the Minister of Agriculture and Food (Ms. Wowchuk), that Bill 45, The Teachers' Pensions Amendment Act (Loi modifiant la Loi sur la pension de retraite

des enseignants), as amended and reported from the Standing Committee on Law Amendments, be concurred in.

*Motion agreed to.*

**Mr. Mackintosh:** Mr. Speaker, please call third readings of Bill 5.

### **THIRD READINGS**

#### **Bill 5—The Wildlife Amendment Act**

**Hon. Gord Mackintosh (Government House Leader):** I move, seconded by the Minister of Consumer and Corporate Affairs (Mr. Lemieux), that Bill 5, The Wildlife Amendment Act (Loi modifiant la Loi sur la conservation de la faune), be now read a third time and passed.

*Motion presented.*

**Mr. Jack Penner (Emerson):** The Wildlife Amendment Act has received, as we all know, significant discussion and perusal during committee and before. There has been significant debate about The Wildlife Amendment Act. The reason there has been a significant amount of debate because of this act is, I think, because of the lack of clarity in this act and the intended purposes of this act described by the Minister.

I want to spend a bit of time today going over the proposals that would supposedly change the Act and the purposes for, and then I think, Mr. Speaker, we will probably have a clearer view of why the confusion in all the questions. I think the Minister has clearly indicated his will to bring much of the agricultural industry that we have seen now under the auspices and control of the Minister of Conservation (Mr. Lathlin). That is, in my view, a questionable move as far as the government is concerned because that lessens the importance of the Department of Agriculture. None of us, those of us involved in Agriculture, see any reason why the Minister of Agriculture (Ms. Wowchuk) would concur with removing bison and elk and all those other animals or bird species that are farmed in Manitoba now. You can refer specifically to the breeding of parrots or parakeets and those kinds of birds, and then you

can refer also to bison and how bison are bred today.

There was a comment made yesterday, I think by the Minister of Conservation, that there was a period of time when bison ran freely in this province, and there were probably hundreds of thousands of them ranging freely in this province. Needless to say, the bison was virtually extinct or virtually declared extinct a number of years ago, and today I understand we have some 150 000 bison in this province. That is largely due to the agricultural community. The agricultural community saw an opportunity and approached the department of resources and asked whether they could in fact start farming the bison. There was some bison captivity allowed, and indeed farming proved very successful. That has in fact restored the bison herd in this province to a large extent to where it once was, and we find it interesting.

It was all done by a previous minister's direction. Mr. Enns, the Member for Lakeside, who was the Minister for seven years, took the responsibility and saw an opportunity and said yes to farmers. So it has always been deemed to be the responsibility of the Department of Agriculture. I believe we in fact did an act that would have relegated bison and some of the other species under the jurisdiction of the Department of Agriculture.

\* (10:50)

However, now The Wildlife Amendment Act was brought forward to deal specifically, and I have the spreadsheet here, with penned hunting. Mr. Speaker, this is where I want to spend some time to clarify for members in this Chamber what in fact is happening. Penned hunting is not mentioned in the proposed amendment to The Wildlife Act. It is not mentioned.

It is interesting to note that the first amendment, and the spreadsheet says: The first proposed change is the following will be added, and the following definition will be added, and the definition is "exotic wildlife." So "exotic wildlife" means a live or dead animal of any species or type that is (a) wild by nature but not indigenous in the province, and is declared by

the regulations to be exotic wildlife, (b) a hybrid descendent of an animal described in clause (a), or an egg, sperm, embryo or body part of an animal described in clause (a) or (b)". The rationale, it says, the definition must be moved from the regulation to the Act consequential to amending the Act respecting enforcement and associated matters to enable the making of subsequent prohibition reflecting hunting of captive, non-captive wildlife under the regulation respecting such matters. This amendment is also needed to support existing regulations respecting exotic animals and associated compliance requirements. The wording has been edited for clarity and does not expand the meaning, intent or scope beyond the current form.

Now, let us examine the Act. That is the rationale. Let us examine the Act. The current wording of the Act is: "Minister may authorize killing, capturing of wildlife . . . For the purpose of wildlife management, research or the protection of property, the minister may in writing and subject to such terms and conditions as he may prescribe direct or authorize (a) an officer to kill, capture or take any wildlife; or (b) any person specified in the direction or authorization to kill, capture or take any wildlife."

Now, the proposed change here is by adding "exotic wildlife" to that clause. It simply adds "exotic wildlife."

Then, the next one is "To permit for wildlife, nests or eggs". That is clause 65. "Notwithstanding any other provision in this Act or the regulations, the minister may grant, subject to such terms and conditions as he may prescribe, a permit to hunt, trap or take or be in possession of any wildlife or the nest or eggs of any bird, for (a) educational or scientific purposes; or (b) any other purpose that the minister deems to be in the public interest."

Section 65, it says shall be "amended by adding 'or exotic wildlife' after 'wildlife.'"

So, basically, this is an act that is adding "exotic wildlife" to the current act, allowing the Department a significantly greater latitude of control. That is what the parrot breeders were

concerned about. That is what the budgie people were concerned about.

"Seizure in execution of duties 71(1) Any officer acting in the course or scope of duty who discovers any offence being committed against this Act or the regulation may seize (a) any wildlife or part of wildlife or the pelt, skin or hide of any wildlife".

The amendment "71(1)(a) is repealed and the following substituted: (a) all or part of any wildlife or exotic wildlife, or the pelt, skin or hide of any wildlife or exotic wildlife;" now, again, we are simply adding "exotic wildlife" or "part of exotic wildlife."

I will get to the explanation of why we are doing this, I think. The current wording of the Act says, under 71(2): "A justice who is satisfied by information upon oath that there are reasonable and probable grounds to believe that . . . (b) there is to be found in any building or receptacle, or any vehicle, boat, aircraft or other conveyance, or any other place in the province a book, record, document, specimen of wildlife or pelt, skin or hide of wildlife, firearm, quantity of ammunition, implement, appliance or any other thing which affords evidence of the offence; may at any time issue a warrant authorizing any officer and such other persons as may be named in the warrant, to enter and search the building, receptacle, conveyance or place for the thing, and to seize it and to bring it before a justice, or report on it to a justice, to be dealt with according to law."

71(3) says: "Where an officer believes, on reasonable or probable grounds, that . . . (b) there is to be found in any vehicle, boat, aircraft, or other conveyance in the province a book, record, document, specimen of wildlife or pelt, skin, hide of wildlife, firearm, quantity of ammunition, implement, appliance" and so on, and the amendment is simply, add "exotic wildlife," Mr. Speaker.

I think, Mr. Speaker, the current wording on 76 "Onus arising from possession" again describes what possession is "by reason of that person having trapped, taken, killed, procuring . . . or kept any wildlife or part thereof . . . the trapping, taking, killing," and so on as described

in the first part that I just read, and then the amendment is by adding "exotic wildlife."

In 84(1) "Agreements" such as "to the approval of the Lieutenant Government in Council, the minister may, on behalf of the government, enter into an agreement with the Government of Canada, the Government of a province or territory of Canada, or the Government of a foreign country or state thereof, or any agency of any of the foregoing, or with a municipality or local government district or any society, group, organization, person or individual for (a) the joint management of wildlife, or mutual assistance in the enforcement of laws relative to wildlife;" and the amendment in 84(1) is add "exotic wildlife."

Then the current wording in 85(2) "No Crown liability . . . Notwithstanding subsection (1) or any other provision of this or any other Act of the Legislature, no right of action lies and no right of compensation exists against the Crown for death, personal injury or property damage caused by any wildlife." All the amendment does here is add "exotic wildlife." *[interjection]*

I hope you are. I hear you. Similarly, we go on in section 87(2), disposal of wildlife, and all we are doing here is adding "exotic wildlife."

Then in clause 90, we repeal clause 90. The following is substituted: "prohibiting or regulating the hunting, killing, trapping, taking, capturing, baiting or attracting of a species or type of wildlife or exotic wildlife (i) generally, (ii) in a specified area, (iii) during a specified period of the year, (iv) in a specified manner, or (v) of a specified sex or age;" nowhere are we dealing with the captured hunting or the penned hunting of wildlife.

Then we go on to (k) "regulating the use and management of, and the hunting, killing, trapping or taking of wildlife or a species, type or kind of wildlife in an animal control area, wildlife management area, public shooting ground, registered trapline district or special trapping area including, without limiting the generality of the foregoing, (i) prescribing special permits and licences for hunting or trapping and prescribing terms and conditions,

and (ii) prescribing periods during which hunting or trapping of wildlife, or a species or type of wildlife is permitted;" then we say "Clause 90(k) is repealed and the following is substituted: (k) regulating the use and management of, and the hunting, killing, trapping or taking of wildlife . . . prescribing special permits and licences for hunting or trapping and prescribing terms and conditions, and (ii) prescribing periods during which hunting or trapping of wildlife or exotic wildlife, or a species of wildlife or exotic wildlife, is permitted". Now, Mr. Speaker, the reason I raise all this is this is an exotic wildlife bill.

\* (11:00)

Then the current wording in "(q) regulating the use and possession of firearms, ammunition and bows and arrows for hunting or trapping and, in particular (i) the use or possession of specified types or classes of firearms or ammunition" and so on is amended by adding "exotic wildlife."

When "prescribing the colour and type of dress to be worn by persons hunting"—hunting, addition, "exotic wildlife."

Mr. Speaker, "prohibiting the importation into, or possession within, the province of any species" then we add "or regulating" after "prohibiting" in this act.

The current wording in "(dd) prescribing conditions respecting the importation or export of any animal;"—

"Clause 90(dd) is amended by striking out 'import or export' and substituting 'import, export or possession'". Now basically all we do here is add "exotic wildlife," no mention yet of penned hunting.

The "regulating the sale of wild animals raised and kept in captivity on wildlife farms, or brought into the province to stock wildlife farms or private shooting preserves, or brought into the province for sale in restaurants or food stores."

We say clause 90(gg) is repealed and the following is substituted: Regulating the sale of wildlife or exotic wildlife raised and kept in

captivity; regulating the sale of wildlife or exotic wildlife brought into the province. So that changes that.

Then (hh): Respecting the licensing and regulating the operations of shooting preserves and wildlife firearms, or wildlife farms, and regulating the keeping, raising and propagation of wild animals therein or thereon, and the taking of wild animals thereon and therein.

Now, clause 90(hh) is repealed, and the following is substituted, and this is where it becomes interesting; (hh): respecting the licensing and operation of shooting preserves and the possession, raising and propagation of and taking of wildlife and exotic wildlife in captivity. All we do here, Mr. Speaker, is add exotic wildlife. No mention yet of prohibiting penned hunting.

Then, in (qq): Respecting the hunting, trapping, killing, taking and capturing of wildlife for gain, remuneration or reward or the hope or expectation of gain, remuneration or reward. Clause 90 (qq) is amended by adding exotic wildlife.

We have now exhausted the entire amendment of the entire Bill 5. Not a word, Mr. Speaker, not a word about penned hunting. I want to go back to the clause where we even talk about regulating the operations of shooting preserves. This bill says we will regulate shooting preserves.

I want the Minister or anybody in this legislature to point out to me in any of these amendments or the definition what the difference between a shooting preserve and a penned hunt is. Nowhere do I find that in this bill.

The only reason I raise this, Mr. Speaker, and the members opposite are having a bit of fun with this, but it clearly demonstrates to me that the members opposite have not read the amendment or the meanings of the amendment. If they had, they would have said to their minister: Be clear. If you want to abolish penned hunting, do that, but write an act abolishing it. This does not do that. This only adds exotic wildlife.

Quite frankly, this is an amendment that was proposed by the Department to a given then-minister of Natural Resources back in '88-'89. It was, in a large part, to deal with the hunting and export of animal parts. And there is currently an act in place that deals with this and prescribes what needs to be done prohibiting the export of animal parts. As a matter of fact, it is this bill. It is relatively clear. But nowhere in this bill do I see any change that would lead me, give me comfort that this Minister is, in fact, dealing under this act with penned hunting. This does not do it. And if they somehow try and finagle under these changes, under these regulations, I guarantee you they will be in court the day after they lay the first charges because there is simply no clarity in this bill of what the meaning of it is.

I understand that the Minister has now proposed an amendment to the Bill, and I will read you this amendment, and this adds further cloudiness to the clarity of the Bill: "That the following be added after section 1 of the Bill," and this addition says: "Purpose of Act." Now this should clarify it. This is the purpose of the Act. "The purpose of this Act is to provide for the regulation of captive hunting of animals without affecting the division or responsibilities within the Government of Manitoba relating to the regulations of animals and activities involving animals."

Now tell me: Who is a lawyer in this building? Tell me: What is the legal meaning of that clause? Now I will start chuckling. I will read it again: "The purpose of this Act is to provide for the regulation of captive hunting." It allows the Minister to make regulation to allow captive hunting in this province. I would suspect that is what it says. Mr. Speaker, what do you think it says? Maybe you think it says the same thing. I think it does.

I am not a lawyer. But, if I was a hunter reading this regulation, I would say: Hey, this gives me the right to set up a hunting farm. It will be regulated as to how hunting is allowed on my farm. Right? Does it do away with penned hunting? Does it deal with Mr. Schellenberg building a pen and putting a bison into that pen as big as this room and sticking a gun over the edge of it and shooting the bison? No, it does not. Where does it? Are they going to draft

regulations after this amendment is done to stop that? The Act should stop it. It should be an act that would stop it. But this act does not do it.

It prescribes for a regulation saying how you can hunt: "For the regulation of captive hunting of animals without affecting the division of responsibilities." Now what does that mean? "Within the Government of Manitoba relating to the regulations of animals and activities involving animals," I am not sure whether exotic animals are included in this, because that wording is missing from this amendment. So I am not sure whether we are excluding exotic animals now.

Another area of uncertainty—I think this is a chicken-and-egg type situation that we are into. We are not quite sure what came first, the chicken or the egg. We are not quite sure what we want to do with this act or whether we are trying to draft an act that will not offend anybody. Well, I say to you, Mr. Speaker, after listening to the presenters at committee, I would say this government has offended everybody. That is, of course, what you get when you are not clear in what you are going to do. Nobody in this government so far has demonstrated that they are clear about what they do.

\* (11:10)

I think the Minister of Highways, in bringing forward 18 amendments to his Highways bill, again, has demonstrated that he was not quite sure what he really wanted to accomplish. I congratulate him for recognizing that and making the amendments to bring some greater clarity to the highway traffic act. I think that is wise of the Minister.

Therefore, I would suggest that this Minister of Conservation (Mr. Lathlin) should seriously consider setting this bill aside and have a serious discussion in his caucus with his cabinet to come to some conclusion as to what they really want to accomplish with this bill. If it is just adding exotic animals or birds, or parts of, or skins of, or feathers of, to the Act, allowing the Department greater latitude in prosecuting the capturing, hunting and/or exporting of animal parts, I think that is accomplished under this bill. This bill will accomplish that. If that is what the



Minister wanted or if that is what the Department asked the Minister to accomplish, then I think that is what they are accomplishing.

But are they going to cause anybody to be stopped from penned hunting? I think not. I think this was an attempt by Government to give the general public a degree of comfort without doing anything. I think that is deceitful. I think when a government attempts to do that, that is deceitful. I would suggest to you that the members opposite should think long and hard before they bring forward proposals that are not clear.

I think the previous government has demonstrated how clear legislation and review of legislation prior to bringing it even to the House for first reading can help bring clarity to a bill. This, in my view, is a demonstration of not enough attention to the direction for drafting. The draftspeople only draft what you direct them to draft, and they only put into writing of a bill what the minister prescribes. So the department will bring to the minister the advice, but the minister has to make the decision. The minister has to give the direction. The minister determines what will be in a bill and what will be excluded from a bill. The minister is responsible, and the premier must, in all cases, make sure that his minister acts responsibly. This bill leads us clearly to believe that none of those actions were in fact adhered to, none of those principles were adhered to in the developing of this amendment to The Wildlife Act.

Secondly, I think I want to say that there are other acts that could have been used to accomplish what the Government told the public they wanted to accomplish. By bringing forward this bill, it is clear that the Government really did not want to accomplish what they told the general public they wanted to accomplish. They wanted to do something entirely different. They wanted to reinforce the Act that currently allowed them to prosecute those people who were exporting animal parts and/or animals and/or dealing with parts of exotic animals. That could include elk antlers and bear gall bladders or feathers of birds, feathers of eagles, those kind of things. I think this strengthens the Act in that respect.

The interesting thing is this bill causes an uncertainty in an industry that is a fairly large industry, and that is the pet industry in this province. I had no idea, until I heard the presenters, of the people who breed parrots, parakeets and finches, how large that industry really is, how large the pet industry really is. This bill, adding the words "exotic wildlife" to this bill puts all of that industry in jeopardy and in question, because they now do not know how they will be dealt with under this bill. The amendment that the Minister brought forward does not give any greater degree of clarity to this bill than was here before.

Even the people who now legally farm so-called wildlife—which I say to you, Mr. Speaker, have in large part become domesticated animals, and that includes our bison, that includes our elk, that includes our fallow deer and many other species such as ostriches and emus and many other species. They are considered by many farmers now domestic animals because they have domesticated them, and they are farming them. They are farming them for their meat. They are farming them for their eggs. They are farming them for products that are used by some Asiatic countries, and the products of the velvet of the elk or many of the other products such as the hide of the bison are highly prized in some countries.

So I say to you, Mr. Speaker, that the changes that are made by the amendments brought forward in this bill, in my view, do not accomplish what the ministers have told the general public they want to accomplish, and that is the eradication or the elimination of penned hunting. I think this still allows for the prescription and the regulation of hunting on hunt farms. Quite frankly, I am not opposed to a situation whereby you have a large acreage that is fenced in for either the raising of any of the animals, whether it is beef, cattle, whether it is sheep, or whether it is any other captive domesticated or deemed wildlife animals that are in captivity, that we should not allow a person to shoot an animal in a large fenced-in area because we do that now. We have done that for ages.

We allow white-tailed deer to be shot in cow pastures. They are fenced in. We allow that. There is no restriction against that, never has

been, and will not be under this act, by the way. There is no restriction of a farmer taking a gun out to a field and shooting a bison for his own use. No restriction. There will not be under this act. There will not be, and I think the Minister knows this. I think he put forward the perception in the general public, he left the general public with the perception that he is, in fact, going to now eliminate and eradicate that kind of hunting. Well, it is not going to happen under this act, and it is not going to happen.

The only question that is out there is how are we going to deal with our exotic birds and animals that are in a large part being used as pets and bred for pets. That is where the question lies in this bill, by the inclusion of exotic wildlife in this bill that leads to the question what is going to happen to those industries, what is going to happen to the pet industry, and how are we going to deal with very viable and very well-run stores such as Petland. How are they going to be dealt with under this bill? That, of course, has been the question continually.

\* (11:20)

So I say to you, Mr. Speaker, I would ask this Chamber to strongly recommend to the Minister and the Premier and his cabinet and colleagues and their caucus to hoist this bill, as we said in committee. Give this bill a hoist of six months and rethink what you really want to accomplish and then that will give you time to rewrite the bill to clarify what the real intent of this bill is.

Having said that, I thank you for the opportunity to make those remarks.

### Committee Changes

**Mr. Gregory Dewar (Selkirk):** Mr. Speaker, I move, seconded by the Member for Radisson (Ms. Cerilli), that the composition of the Standing Committee on Privileges and Elections be amended as follows: Burrows (Mr. Martindale) for Radisson (Ms. Cerilli).

*Motion agreed to.*

**Mr. Dewar:** Mr. Speaker, I move, seconded by the Member for Radisson (Ms. Cerilli), that the

composition of the Standing Committee on Industrial Relations be amended as follows: Rupertsland (Mr. Robinson) for Selkirk (Mr. Dewar); Assiniboia (Mr. Rondeau) for St. James (Ms. Korzeniowski).

*Motion agreed to.*

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**Hon. Jon Gerrard (River Heights):** Mr. Speaker, I rise to put a few words on the record at third reading of Bill 5. The minor amendment that the Government has put forward has in fact changed very little of this bill. There is indeed among those who have looked at this amendment some debate about its real effect one way or the other, thus my comments made at second reading, which showed and emphasized the fact that there are huge holes and uncertainties in this bill, still stand. I believe this is poorly thought-out legislation which could have been handled in a much better fashion than it was. The lack of government changes to this bill show clearly that the Government is not interested in listening to citizens of Manitoba who came forward with many, many suggested changes.

It is very disturbing that we still do not have in this bill a definition of a pen, the critical objective that the Minister had put forward to ban penned hunting, and yet we do not know what the Minister is thinking about in terms of what a pen is. We heard repeatedly during the presentations that individuals, who had thought through this very carefully and considered this question of what a pen is, believed that a pen should be something about the size of a baseball diamond. It might depend a little bit from one animal to another, but a pen clearly is an area from which an animal would not be able to escape very easily from a hunter, that a pen is a small enclosure, and this would seem to be a responsible approach to the definition of a pen. We hope that the Minister has listened to individuals who came forward and presented one after the other and provided this clear definition.

The Bill itself is one in a list of bills which are adding to the uncertain climate for entrepreneurs and business people in this province. This bill, because it does not make

things clear up front, because we now wait for regulations which could be arbitrary and changing, to have more definition will provide for many who are entrepreneurs, whether they are dealing with bison or elk or boar or exotic species, birds, budgerigars and so on, a period of uncertainty as to what the Government will actually do, and that uncertainty may continue because of the ability of the Government to change at will those regulations.

I think I would add that we would hope that the Minister at third reading will provide a clear statement that he would not make changes until he actually has those hearings that he promised us so long ago. The difficulty so far in the Minister listening to people seems to be that, first of all, he promised hearings and then did not deliver them. Second, we got to committee stage but there was no listening to the presenters clearly in what we have in changes to the bill. It is a sad and sorry day today to see us having this third reading of this bill without clear indication yet of where the Minister is going and what he intends for people in Manitoba, for many small entrepreneurs whose future of their business and employees is on the line.

I would hope that the Minister will stand up and provide much more clarification than he has done to date. This kind of uncertainty for small business, for employees, for people who are working I think is deplorable and speaks to the poor understanding on the government side of small business in this province.

Well, those, Mr. Speaker, are my few remarks, will bring to the close. I have made quite clear my feelings about this bill. I will vote against it at third reading.

**Mr. Leonard Derkach (Russell):** Mr. Speaker, I would like to add some comments with respect to this bill. I have spoken to this bill in second reading, I believe it was, and indeed made my feelings known with regard to the content and the intent of this bill.

This is a bill that I think falls very short of the mark in terms of addressing some of the issues which this bill attempts to address. I believe that the Minister started sort of on the right foot when he announced public hearings to

deal with the issue, but then for one reason or another those public consultations were abandoned and the Minister and government decided to move in a different direction.

This is a significant bill, because it does impact on a lot of individual entrepreneurs, but it also affects people who are closely associated to wildlife and people who have a love for hunting, who have a love for dealing with wildlife. It leaves a lot of questions in the minds of these people with respect to what the Government's true intentions are as it relates to this bill.

Mr. Speaker, my colleague the Member for Emerson (Mr. Penner), I think, laid out quite succinctly the issues as they relate to the confusion that one would find when going through this bill. The other issue is that it does give the Minister, under regulation, an ability to change a significant amount of the Bill. Certainly indeed it would allow the Minister, with the stroke of a pen, to bring under this act species that I think today are of some concern to people who either have these species within their holdings or are in some way associated with the industry of wildlife.

\* (11:30)

For my part, there are people in my constituency, as I said in my earlier remarks, that are somewhat concerned about the impact this bill will have on their livelihood. A number of years ago the farming population was advised to diversify their operations. Some chose to diversify their operations and to include in their operations the whole area of game preserves, if you like, or hunt farms. These hunt farms have brought some significant wealth to the family, to the community and to the area.

I think that there is nothing wrong in having some regulations, some fairly stringent regulations as they relate to hunt farms, as they relate to hunt preserves. Indeed I think many would support the Minister in moving in this direction, but if you look at this bill, it does not provide that. It does not provide any clarity with respect to hunt preserves and hunt farms. The undertone of the Bill would suggest that we are moving in a direction which will make hunt preserves and hunt farms illegal in Manitoba, but

then that is not sure. That is where the confusion comes, in that many people out there who today are operating hunt farms are left dangling in terms of what their future is going to be on their particular holdings.

Mr. Speaker, I think it is an important issue that the Minister needs to consider. My colleague the Member for Emerson (Mr. Jack Penner) suggested that we perhaps should take this bill off the record or off the books for this session and take it back to the drawing board, and perhaps, through a process of consultation, bring this bill back after that consultation has occurred. I do not think that would be an embarrassing situation for government or for the Minister.

I think, as a new government and as the new Minister of Conservation, there has been some short-sightedness in terms of how this issue is addressed. I think that, if we were Machiavellian, we would say: Well, let this bill pass and then let the chips fall where they may. But I think there are too many people impacted by this legislation. It is too important for us simply to let it pass without comment.

I hope that the Minister is listening today, because I got the fairly distinct impression that through the public presentations the Minister, although he was listening, was not hearing what was being said. I do not think the Minister really has taken to heart some of the comments that were made by people who were commenting on this legislation.

Our responsibility as legislators is to ensure that we reflect the hopes and the wishes of people through legislation that we bring forward. We are the lawmakers for the province, and, therefore, we have to do this with care and with consideration for the public that are impacted by the laws that we pass in this Chamber.

So I ask the Minister of Conservation (Mr. Lathlin) to once again pay close attention to what it is he is doing with this bill, because I think that is something the Minister has not thought through clearly enough and closely enough. I think that became evident when we heard from the different producers out there. In my discussions with members opposite, with the

ministers, it is clear that there is still some confusion with regard to, for example, the bison industry. Although this bill does not particularly speak about the bison as coming under this act, it has left a lot of producers out there with some questions, serious questions, about their operations as diversified operators of bison.

Although the bison does not run wild in the province of Manitoba to my knowledge, there are still issues because it appears now the Minister will have under The Wildlife Act the whole purview of responsibility for bison in Manitoba. That is what causes some concern. Now I think the Government needs to go back to the books, go back to the drawing board and take a look at the implications of this bill as it relates to some of the domesticated species that we have out there.

Elk is another issue, Mr. Speaker, because there is a diversified livestock act that relates to this species, and, therefore, the rules for that are somewhat different. I do believe that at the end of the day the Minister has not been careful enough to think about the impact that this bill will have on the operators in Manitoba, on people who work with wildlife, and indeed, on our ability to be able to diversify into operations, which will be significant for our families and for our communities.

Why do not we take a look at what happens in other jurisdictions? I asked the Minister to consider the issue as it relates to Saskatchewan. Saskatchewan clearly allows for hunt preserves or hunt farms, and that is a significant enterprise in Saskatchewan. A lot of people are able to generate some income for their families, but also there is income on a tourism basis for an area. I would ask the Minister to look carefully at the legislation and to consult with his counterparts in Saskatchewan, to look at how they have approached this issue and perhaps learned from them and not make some mistakes in Manitoba.

Mr. Speaker, we have tried to impress upon the Minister why it was important to go ahead with the consultations that he had scheduled in the beginning. I believe the Minister could get some valuable information through this process. There are people out there who, without a political bent, could give the Minister some

reasoned advice as to how he could improve this legislation. He could emerge as having listened to Manitobans, as having taken their advice, and having then crafted the advice that has been taken from people across this province into a piece of legislation that will be meaningful, that will meet his objectives. I think that is another thing.

I think the Minister needs to be more clear about his government's objectives as they relate to this area of responsibility and this issue. I know the Minister has to follow what election commitment was made, but there is more to it than that. The consultation process can give the Minister valued advice. The Minister can test the wind, I guess, every morning and decide which direction he wants to move in, but that does not necessarily mean that he is moving in the right direction. There are people in the Minister's own constituency, and I look at the Minister coming from a northern part of the province where people are fairly astute as it relates to wildlife, because there is a lot of hunting going on in that area. Indeed, there are people who could give this minister some good advice as it relates to this whole issue. There are people right across this province, there are people in our urban centres, who, in the committee stage, were giving the Minister some advice as to how this bill could be amended, and made stronger and better. So this government needs to open its mind and its ears. I guess it has to be open itself to what people in this province say to it as a government and to the Minister. If the Minister chooses not to, I think it is a sad day in the province of Manitoba.

I also believe that there are interest groups out there that have something to say about how we should address this issue. Now it is one thing to listen to the Vicki Burnses of the world, but there are people out there who have a much broader view and a much more practical view as it relates to this issue. I think that the Minister moved precipitously. He moved too quickly and did not give this issue enough time to be dealt with by the people of the province.

\* (11:40)

So I would encourage this minister to look at this legislation, to think very seriously about

pulling this legislation off the books for this session, and to go back to Manitobans with the legislation, and perhaps, show that he is indeed open to listening to what people have to say about this. At the end of the day, I think that this legislation would be much stronger. It would be much more practical. It would indeed meet the mark, and also meet the goals, perhaps, that the Government had established in this area. I know that through an election campaign there are promises made, and those promises sometimes are done because we sense that the public mood is in a particular direction, and we try to follow that. That certainly gives us some political points during an election campaign. But the election campaign is behind us, and this government can fulfil its commitment. But it will not lose face by going back to the people and asking people for their opinion as it relates to this issue.

During my tenure as a minister of government, there were times when I was given advice by the department that I had responsibility for to move in a certain direction, and indeed, the department made their case very well. What happened when we started to discuss this bill in the public and with stakeholders, it became obvious that perhaps the department was not quite in tune with what the rest of the world wanted. I think that this is a case in point. I think that in this particular issue, perhaps the Minister received advice from his department, who are indeed very astute and very expert in this area, but indeed the Minister did not listen carefully enough to what the people of Manitoba had to say, to what the people who are going to be affected by this legislation really want in terms of legislation at the end of the day.

Mr. Speaker, I say to the Minister that he needs to pay closer attention to that. Now the Minister has brought other legislation into the House, other legislation that is going to have some devastating impacts on Manitobans. I was in committee a couple of days ago, and I listened to the explanations that were given around the table, and the one that I would simply refer to is The Sustainable Development Act and the changes that are being made in this whole area.

I do not know who is advising this minister to move in the direction that he is, because, once again, in this whole area, the Minister is moving

diametrically in a different direction than what Manitobans want. I think the Minister needs to take a look, because I think in some instances he is burning some bridges.

When you look at the legislation that the Minister is proposing, the changes that he is proposing in the areas of sustainable development, I do believe that the Minister is moving in a wrong direction. I do not understand it, because I do not see the rush in the Minister moving quickly on some of this legislation. Yes, I can accept changes. I can accept that the Government wants to put its stamp on issues, its stamp on the directions that it is moving in, its stamp on the initiatives that it is going to undertake, and I give the Government full credit for doing that because that is exactly what the people have elected them to do, except I believe that the people also want government to listen to them.

People want government to be responsive to what their wishes are. If a government is not responsive and if the Government does not listen, then I say that the Government will not be around for that long a time. When you talk about sensitive issues like The Wildlife Act and like sustainable development, these are issues that strike at the heart of a lot of people in this province and a lot of their feelings and a lot of their, I guess, hopes and dreams and also their view of our province should develop.

So, when you start tinkering with those things, Mr. Speaker, it affects people in every walk of life. As I said in my remarks to The Sustainable Development Act in the Committee, there are young people in this province who have a fairly important view of how we are moving in the areas of sustainable development. We should listen to them as well. I think the Minister would be wise to take some of this legislation that he is proposing here before the House, that is going to be passed in the next few days and the next few weeks, to take that kind of legislation back to the young people of Manitoba as well. *[interjection]* Well, okay, the next few months.

Mr. Speaker, if the Minister would simply talk to young Manitobans about the direction he is moving in as well, I think he would get an

interesting perspective from young people in this province as well. I wonder whether the Minister, with respect to this particular act, Bill 5, has even talked to people who are involved with hunt farms. I wonder how many people the Minister or his staff have talked to who are involved in this type of lifestyle in the province of Manitoba.

I know that constituents of mine have attempted to talk to the Minister. They have attempted to contact the Minister, and I do not whether they have been able to. I have not talked to them in the last few weeks, but unless he has spoken with them in the last few weeks, I do not think he has heard what people who are involved in hunt farms really have to say about this legislation. I have heard them. I have listened to them, and they have clearly indicated to me that they will have to move out of this province, if indeed this bill is passed and if it does have the intended changes that the Minister seemed to speak about and seemed to intend in this particular piece of legislation. And that is sad because in rural Manitoba we have a sparse population, a population that is struggling to survive economically, a population that wants to live in rural Manitoba because that is their home, that is an area where they enjoy living, and indeed, a place where they want to raise their families. But, if we cut off their ability to make a living by passing legislation like this, it gives them no choice but to pick up and to move either into an urban centre or move into a jurisdiction which is more friendly to them.

I want to ask the Minister why he would not look at this legislation and write it in a way which is friendly to the people who are involved in these enterprises. I have said before there is nothing wrong with passing legislation that is going to put some parameters around this whole area. What is a definition of a penned hunting area? Does it mean that it is a quarter section? Does it mean that it is two sections? Does it mean that it is an area, as the Liberal Leader said, the size of a football field.

I think that some of those things have to be talked about. They have to be talked about in open; they have to be talked about with people who are involved; they have to be talked about with people who object to this kind of activity.

We have to hear the views of all the people before we bring this legislation before this House. That would mean that we would have to hoist this bill for a period of time until that kind of consultation can take place. I think the Member for Emerson (Mr. Jack Penner) suggested that, and I would encourage the Minister to look very seriously and very positively at doing this, because I think that it would be a positive move for him, a positive move for the people of this province, and indeed, it would allow for that dialogue to take place that the Minister had embarked on in the beginning.

\* (11:50)

It leads me to wonder why the Minister would have cancelled all of those consultations when he did. They were advertised in the papers. The Minister fully intended to go out to all regions of this province and to hold that public debate, but at the end of the day, he decided to abandon that plan and to move in a different direction. I ask the question why. What did the Minister have to gain by doing this? What did the people of Manitoba lose by his moving in this direction? It was somewhat embarrassing, I think, to us as legislators to see that a minister who had published public consultations right across the province, then moved away from it, cancelled those public consultations, withdrew from the public of Manitoba and decided to give the attitude to them that I know better; I know what I am doing, and it is not important for me to hear from Manitobans.

So, Mr. Speaker, as the Liberal Leader said in the House today, it is a sad day for our province when the Minister does not listen. When the Minister moves ahead with legislation that is very unclear, when the clarity has to come through regulation and when, in regulation, the Minister does not have to be accountable to this legislature or to the people of the province, because indeed, that is done through a signature on a piece of paper by the Minister or by Executive Council.

I think that this impacts on the rural way of life as well, a way of life that I certainly support, a way of life that I live and many out there in the province do. Mr. Speaker, I want to talk about one particular case. A family that today is raising

their children on about three-quarter sections of land, who are involved in a hunt farm. A few years ago when grain prices plummeted, this family was faced with a major decision. Either they were going to continue on the farm or they had to change their lifestyle altogether. They chose to diversify. They invested whatever money they had into fencing an area and then putting wild boars into this area. So they have been able to attract people from all over North America to hunt on their farm. Today, they are making a living and they are contributing to the community because they have been able to stay on their farm. If this legislation passes, we will have a problem in our area, because indeed it will take another family away from a small community.

I once again ask the Minister to rethink this legislation, to rethink his position and indeed to look at how he could improve it by consulting with Manitobans and bringing back a piece of legislation that is more reflective of the views and the wishes of our people in this province.

**Mr. Jim Penner (Steinbach):** I would like to add some comments on Bill 5, namely for the reason that numerous constituents in the Hanover area have approached me with a great deal of concerns about this bill. They feel threatened because some of these people have put a substantial amount of their live savings into investments. It took many years for these people to accumulate enough money to start a business. I know business is not a popular word sometimes in this House, but business does create employment. People want employment and so business is not entirely illegitimate, in my viewpoint.

Some of the questions we have been asked are: Where is this bill coming from? Who is proposing this bill? Who really wants this bill? Why is this bill being put forward? I have been told that there are enough laws in the Agriculture Department's laws that this bill is not necessary to achieve what it sets out to achieve. Somehow or other somebody has an agenda to put this bill forward.

Bill 5 has created consternation, concern, anxiety among people who are progressive in their way of life, who are serious about working

hard. I have talked to a hedgehog farmer in the Grunthal area. He says: Where does this put me? This is an exotic species. I am a farmer. I am a producer.

People unfamiliar with farming will not understand that. There is such a small percentage of the province, even of Canada, that is involved in farming. They do not understand that.

It is quite funny, but it seems to me that there are people who have not been on a farm, and they think that the owner should be walking around behind the animals wearing a plastic glove and picking up the droppings from every cow, from every dog, from every pig, from every calf, and from every chicken. This just does not happen on a farm. Farming is a production and it is a way of life. It has been acceptable over the years. People who have not been to the farms, who have not grown up on a farm, who do not visit farms simply do not understand what we are doing. Could it be that people like this are proposing a bill like Bill 5? Could it be that people with other interests are proposing Bill 5?

As we know, organizations like Greenpeace would collapse and go bankrupt if they did not have a cause that helped them raise money. These organizations have to invent a cause if they do not have a cause. Many times they have a legitimate cause. Sometimes they have to come up with a cause because they need to have the sympathy of the donors. They need to have identification with people who would fall into line with donating towards a cause that they thought was worthwhile. Because these organizations require donations, they require government funding, they require a cause. They have to have something to make an appeal to the public for money. Maybe there is an invention that some of the organizations are using exotic species bills to create a cause so that they can be the protectors of agriculture if it is not done according to their style.

I have talked to people who produce guinea pigs. These are not indigenous, I do not think, to Manitoba. I have talked to people who are producing boars. There is talk of penned hunting for boars. I have watched these farmers. Their biggest problem is keeping the boars in a pen. I would say that more often than not, farmers lose

a certain number of boars that run outside of the pen. Certainly then they would be fair game if we were not allowed penned hunting, although we do not know yet what the definition of penned hunting is and probably will not know for some time. There seems to be a great deal of vagueness in these areas.

It would surely help us a lot if we could have the terms used in the Bill properly defined. I have read the Bill several times, and I look at the words "captive hunting of wildlife" and "exotic wildlife." Well, all of us who have been hunting know that we can sit on a farm in a pen where the cattle feed all day long and watch the deer roam in in the evening, and here they are in a pen feeding off of the farmer's feed. The farmer is very appreciative of having us there because of the losses in some areas.

I remember hunting in southeastern Saskatchewan. The losses there were so serious that the Government approved a two-deer season. We were allowed to tag two deer per hunter. The same group of hunters could go to Manitoba and tag another one, and go to Ontario and tag another one. Those who are not interested in hunting, of course, would not appreciate that. Some of the people who are not interested or understanding of how the wildlife is governed and how natural resources governs probably do not realize that the natural resources department has adequate clout in their present laws to make sure that wildlife is properly protected. They make sure that species do not become extinct.

In fact, Mr. Speaker, a hundred years ago, there were no deer in Manitoba. They came up from Texas only as the farming developed here, and without farming, the deer would not exist in this province. So we have a lot of difficulty with the terminology of a bill where the terms have not been clearly defined. When laws are going to be made to enforce a bill, when there is going to be punishment for breaking the law, and the terms are not defined, I can only see one thing happening to this bill and that is that this bill will collapse in the court. It needs to have definition, and it needs to have purpose.

The people in our constituency are very seriously opposed to undefined regulations,



unclear regulations, vague regulations, and particularly when there is a lot of terminology that is not properly defined. It creates anxiety, and I can tell you that the anxiety that it creates is something that causes people to withdraw their investments. They withdraw from developing their properties, and as such, they are costing us, as a province, an economic opportunity where in fact many of these farm businesses are legitimate but are suspect under this new Bill 5.

So, with those few remarks, I would like to conclude my concerns at this time for the advancement of Bill 5. Hopefully, this bill, as was suggested earlier, will be lifted, will be hoisted until proper consideration can be given to the defining of terms. Particularly, we would love to have the terms defined, and we would

love to have a situation where there would be public input. Obviously, we are only hearing from one side.

**Mr. Speaker:** Order. For clarification, I would just like to ask the Honourable Member if he has concluded his remarks? If he has, the debate will remain open. If not, the Honourable Member will have 33 minutes remaining.

When this matter is again before the House, the Honourable Member for Steinbach will have 33 minutes remaining.

The hour being 12 noon, I am leaving the Chair with the understanding that the House will reconvene at 1:30 p.m.

# LEGISLATIVE ASSEMBLY OF MANITOBA

Thursday, August 3, 2000

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