

Third Session - Thirty-Ninth Legislature
of the
Legislative Assembly of Manitoba
Standing Committee
on
Agriculture and Food

Chairperson
Mr. Tom Nevakshonoff
Constituency of Interlake

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MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Ninth Legislature

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<i>Vacant</i>	The Pas	

LEGISLATIVE ASSEMBLY OF MANITOBA
THE STANDING COMMITTEE ON AGRICULTURE AND FOOD

Tuesday, March 17, 2009

TIME – 7 p.m.

LOCATION – Winnipeg, Manitoba

CHAIRPERSON – Mr. Tom Nevakshonoff (Interlake)

VICE-CHAIRPERSON – Ms. Marilyn Brick (St. Norbert)

ATTENDANCE – 11 QUORUM – 6

Members of the Committee present:

Hon. Mr. Lemieux, Hon. Ms. Wowchuk

Mr. Altemeyer, Ms. Brick, Messrs. Derkach, Dyck, Eichler, Ms. Korzeniowski, Messrs. Nevakshonoff, Saran, Mrs. Taillieu

APPEARING:

Hon. Jon Gerrard, MLA for River Heights

WITNESSES:

Mr. John Youngman, Canadian Coalition for Farm Animals

Mr. Robert McLean, Keystone Agricultural Producers

Mr. Miles Beaudin, Private Citizen

Mr. Shane Sadorski, Manitoba Cattle Producers Association

Mr. Bill McDonald, Winnipeg Humane Society

Ms. Colleen Marion, Manitoba Veterinary Medical Association

Ms. Twyla Francois, Canadians for the Ethical Treatment of Food Animals

Ms. Catherine King, Private Citizen

Ms. Georgina Norris, Private Citizen

WRITTEN SUBMISSIONS:

Dave Shelvey, Private Citizen

Dana Medoro, Private Citizen

Randy Tonnellier, Private Citizen

Sandra Allen, Private Citizen

Rory McAlpine, Maple Leaf Foods Inc.

Robert Kell, Private Citizen

Shane Sadorski, Manitoba Cattle Producers Association

MATTERS UNDER CONSIDERATION:

Bill 2–The Animal Care Amendment Act

* * *

Mr. Chairperson: Good evening, ladies and gentlemen. Will the Standing Committee on Agriculture and Food please come to order.

This meeting has been called to consider Bill 2, The Animal Care Amendment Act.

We have a number of presenters registered to speak this evening as follows: Shane Sadorski, Manitoba Cattle Producers Association; Robert McLean, Keystone Agricultural Producers; Bill McDonald, Winnipeg Humane Society; Colleen Marion, Manitoba Veterinary Medical Association; Twyla Francois, Canadians for the Ethical Treatment of Food Animals; Miles Beaudin, private citizen; Catherine King, private citizen; John Youngman, Canadian Coalition for Farm Animals; Georgina Norris, private citizen. Okay, that's it.

Before we proceed with the presentations, we do have a number of other items and points of information to consider. First of all, if there is anyone else in the audience who would like to make a presentation this evening, please register with staff at the entrance of the room.

Also, for the information of all presenters, while written versions of presentations are not required, if you are going to accompany your presentation with written materials, we ask that you provide 20 copies. If you need help with photocopying, please speak with our staff.

As well, I would like to inform presenters that, in accordance with our rules, a time limit of 10 minutes has been allotted for presentations with another five minutes allowed for questions from committee members.

Also, in accordance with our rules, if a presenter is not in attendance when their name is called, they will be dropped to the bottom of the list. If the presenter is not in attendance when their name is called a second time, they will be removed from the presenters' list.

We have written submissions from the following persons; they have been received and distributed to committee members. They are: Rory McAlpine; Dave Shelvey; Robert Kell; Dr. Dana Medoro; Randy Tonnellier; Sandra Allen.

Does the committee agree to have these documents appear in the *Hansard* transcript of this meeting? *[Agreed]*

On the topic of determining the order of public presentations, I will note that we do have an out-of-province as well as out-of-town presenters in attendance marked with an asterisk on the list. With this consideration in mind, in what order does the committee wish to hear the presentations?

Ms. Marilyn Brick (St. Norbert): Out-of-towners first.

Mr. Chairperson: It's been suggested out-of-town presenters be heard first. Is the committee in agreement? *[Agreed]*

We do have one individual from out of province. Does the committee have any advice in regard to that individual?

Ms. Brick: We could hear that individual first before those who are from out of town. Maybe he has a flight or something he has to go back on.

Mr. Chairperson: Move to hear that individual first? The committee in agreement? *[Agreed]*

I would like to inform all in attendance of the provisions in our rules regarding the hour of adjournment. Except by unanimous consent, a standing committee meeting to consider a bill in the evening must not sit past midnight to hear presentations unless fewer than 20 presenters are registered to speak to all bills being considered when the committee meets.

As of 7 p.m. this evening, there were nine persons registered to speak to this bill. Therefore, according to our rules, this committee may sit past midnight if necessary.

How late does the committee wish to sit tonight?

Ms. Brick: Until we've heard all the presenters. Until we finish with the bill.

Mr. Chairperson: Is the committee in agreement with that? *[Agreed]*

Prior to proceeding with public presentations, I would like to advise members of the public regarding the process for speaking in committee. The

proceedings of our meetings are recorded in order to provide a verbatim transcript. Each time someone wishes to speak, whether it be an MLA or a presenter, I first have to say that person's name. This is the signal for the *Hansard* recorder to turn the microphones on and off.

Thank you for your patience. We will now proceed with public presentations.

I call Mr. John Youngman, Canadian Coalition for Farm Animals. Mr. Youngman, do you have any written materials for the committee?

* (19:10)

Mr. John Youngman (Canadian Coalition for Farm Animals): No, I don't. It's just a verbal presentation this evening.

Mr. Chairperson: Okay, you may proceed.

Mr. Youngman: First of all, I'm here representing the Canadian Coalition for Farm Animals. Some of you know me in connection with my work with the Winnipeg Humane Society, but I'm here today representing CCFA, which is a national coalition of over 25 animal protection organizations dedicated to the protection of farm animals in Canada. Collectively, we have over 120,000 members across the country.

I'm here to address principally the downer amendments, and there's been some question as to whether all of the original amendments are going through. I've been told that the government is not proceeding with those parts of the regulations which relate to the transport of downers to slaughter. I realize there are still some provisions which allow the transport of downers for veterinary care which is consistent with the federal regulations. We're in support of that. However, we are very much dead set against any provisions which would contravene essentially the federal regulations which prohibit the transport of downers to slaughter. If indeed that is the case, that the Province is proceeding under the assumption that I have just made, then the Province of Manitoba would be in line with the feds, as I've already mentioned, and in line with the U.S.

On Friday the 13th, March 13, Barack Obama passed into law a provision which prevents the transport of downers to slaughter throughout the U.S. So, clearly, this would be a very good move for Manitoba should it decide to do so.

I think we need to do more, though, than simply bring us to where we are now federally and in North

America. Everyone knows that the practice of transporting downers to slaughter and to markets continues. I know this. The government knows this. Investigators you are going to hear from know this. The auction houses know this. The slaughterhouses know this. The farmers know this. The only party, I believe, that is not fully apprised of this fact is the public, and I believe that, in time, with all of the investigations going on out there, the public will be apprised of this practice if it continues.

I think we need to do more. Not only do we need to not legalize the practice of transporting downers to slaughter, we need to be proactive and we need to be vigilant, and that really boils down to enforcement. We need a commitment, a continued commitment to continue to make transport more humane in this province. I think we clearly need more inspectors. We can't possibly expect a contingent of inspectors we have now to eradicate a practice which is widespread and endemic. We also need to be more proactive as a province in preventing downers from taking place in the first place, which is basically on farm prevention.

That is my presentation.

Mr. Chairperson: Thank you, Mr. Youngman.

Questions?

Mr. Ralph Eichler (Lakeside): Thank you for your presentation.

You've made reference in your closing remarks in regard to inspectors. I was just wondering if you could highlight on that a little bit more for us in your opinion. How many inspectors do you feel, based on the number of livestock that's in the province of Manitoba, would be adequate to cover off those inspections?

Mr. Youngman: I don't have an answer for you in terms of numbers, but I do know that the practice of transporting downers is so widespread that whatever contingent you do have is not nearly enough. I would leave it up to the Province in its wisdom to determine what is adequate. All I can tell you is I think there's a significant problem and I think a significant allocation of resources has to be allocated to this in order to rectify the problem.

Hon. Rosann Wowchuk (Minister of Agriculture, Food and Rural Initiatives): Mr. Youngman, thank you for your presentation.

Indeed, we have had discussion on this bill and that area of moving downers or injured animals to

slaughter is one that has been brought to our attention by a variety of groups, and we will certainly give consideration to your recommendation.

Mr. Youngman: Thank you.

Mr. Chairperson: Seeing no further questions, I thank you, sir, for your presentation.

Mr. Robert McLean, Keystone Agricultural Producers. Good evening, Mr. McLean. Do you have any written materials for the committee?

Mr. Robert McLean (Keystone Agricultural Producers): Yes, I do.

Mr. Chairperson: Okay. Our staff will distribute them. You may begin when ready.

Mr. McLean: Thank you, Mr. Chairman, committee members.

On behalf of Keystone Ag Producers, I am pleased to share our organization's position with respect to Bill 2, The Animal Care Amendment Act.

KAP is a democratically controlled general farm policy organization representing and promoting the interests of thousands of agricultural producers in Manitoba. Our membership consists of farmers and commodity groups throughout the province and our organization is proud to be the voice of Manitoba farmers.

KAP is in support of The Animal Care Amendment Act as we recognize that these changes will help to ensure that animals are treated humanely. Additionally, we expect that our members should be able to accommodate any necessary changes and costs associated with the passage of this act, as the protection of animal welfare has economic benefits for producers in terms of quality of product and public perception of the industry.

We do, however, have some minor but specific concerns about the act as it has been introduced. First, in reference to part 2 relating to the loading and unloading of animals for transport that may be infirm, ill, injured, fatigued, unable to stand or otherwise be in a position of suffering during transit, we agree in full that no animal shall be loaded for sale under these circumstances. There are, however, instances where in the course of transit, an animal that was fit for transport when loaded may become injured due to unpreventable events during transit.

Under these circumstances, we have a concern that: (1) A producer acting in accordance with the

laws will be found at fault and reprimanded for a situation that he/she had no control over; (2) An animal injured in transit will not be unloaded at its destination and may instead be returned in a state which will cause further suffering and add additional costs to the producers. We ask that the receiving operator or veterinarian be allowed to exercise good judgment based on experience and training, so that when animals are identified as injured in transit, these situations not be reported to the director as a violation of this act.

Second, we recommend that in any instance where an animal has been received by a commercial animal market or commercial animal assembly station and it is deemed unfit to unload for commercial sale or further transport, a process be established by which the animal is destroyed humanely and disposed of properly. The transport driver should not bear the responsibility for this process unless they are trained and equipped to do so.

Third, in reference to part 6, we request that a member of the livestock community hold a position on the Animal Care Appeal Board and ensure that that individual has significant experience with livestock production, transport, sale and have input into the appeal process.

Finally, KAP requests that any additional duties associated with the act be carried out by animal protection officers employed directly by the provincial government and that no part of enforcement of this act be outsourced to non-governmental organizations.

We also request that the office of the Chief Veterinary Officer receive adequate funding and staffing resources to carry out the act.

Animal health and safety are of a significant concern for Manitoba's livestock producers. The actions taken by the Province with The Animal Care Amendment Act to help protect both animals and producers is appreciated by the entire farming community. Briefly, our concerns are not with the spirit and intent of the act, but rather with a few of the details. We want to ensure that producers are not faulted nor punished when they load animals fit for transport and an animal is injured in the course of transit. Also, we want to ensure that the proper programs are in place to ensure that downer animals received by an animal market or assembling station are dealt with in the most responsible and humane way possible, that the appeal board consists of at

least one livestock producer who is knowledgeable about the transport and safety of animals and, finally, that the additional workload the passage of this act brings, will be carried out by the office of the Chief Veterinary Officer and not a nongovernmental organization.

Thank you, and I take any questions.

* (19:20)

Mr. Chairperson: Thank you, Mr. McLean.

Questions?

Mr. Eichler: Thank you for your presentation, Robert. I do have a question for you in regard to consultation. I know that the bill was introduced in September 2008, then again in 2009. Was your organization consulted in the drafting of this legislation that was brought forward?

Mr. McLean: We were consulted once the act was brought forward, yes.

Mr. Eichler: Just further to that, then, some of the concerns that you did bring forward, one that you haven't touched on is confidentiality. Has your organization talked about that issue as far as farmers and other people that may receive a complaint against them, and if so, how that would be handled?

Mr. McLean: No, actually that is something that we did not discuss about and probably we should have.

Mrs. Mavis Taillieu (Morris): Thank you very much for your presentation. Just a quick question because I'm not actually familiar with this, but do you have any statistics to say how many downers there are that have been transported and how many would actually go down during transport? Do you have any numbers on that or any idea of that?

Mr. McLean: I don't have any stats. I know, as a livestock producer, and I am a cattle and hog producer, there is instances during transport that animals do get injured in course of transit, and they have to be taken in care appropriately once you get to the end place. You just can't ask them to go back. You can't ask the transporter to take them back because that would cause more stress. You have custom truckers, I mean you can't ask them to go back.

There was a mention to the member, the presenter before about downer animals. There is cases in handling animals that they do get injured on the farm. By saying that no downer animals should go to slaughter, I think, is not necessarily the way to

go. I know in some cases that we've had a downer animal. In dealing with handling animals, we want to go to our local abattoir. It's only an hour away; we want to get that animal there quickly. There's nothing wrong with that animal, but accidents do happen when you handle animals. Animals are animals. There's nothing wrong with that meat to come back into my own freezer.

So, you know, to say that no downer should be transported for slaughter, I think we have to use some, you know, common sense here. We're not shipping downer animals for general public consumption, I don't believe. You know, we're taking an animal that was hurt locally on the farm and taking it to the local abattoir and putting it back in our freezer.

Mr. Leonard Derkach (Russell): Mr. McLean, one of the concerns, I think, by producers—and I don't know how many producers you've consulted with since you said that you were consulted on the draft of this legislation, because I've talked to many producers who said to me that they have never heard from KAP on this bill.

But let me ask you, if the farmer loads animals that are healthy, is there not a responsibility on the transport company to then verify that, indeed, the animals that were loaded on a transport were healthy and were not downers because there is an assumption and we heard from the last producer that the transportation of downer animals is widespread? I don't believe that. I know that animals are hurt in transport and then they become downer animals, perhaps, at the other end, but they were loaded as healthy animals.

Don't you think that in order to prevent the accusation of a producer loading a downer animal that there is some responsibility on the transport company or on someone to sign off the fact that the animals were loaded in a healthy state at the farm gate?

Mr. McLean: Firstly, I don't believe there are any animals loaded that are injured for sale. You're not allowed to do that. You can only send animals, healthy animals for slaughter. The only time you can take a downer animal is to the local vet office so it can get some treatment or to a local abattoir, your local abattoir. So I don't see any producer in this province loading a downer animal for sale. The transporter wouldn't allow it.

Mr. Derkach: I think you and I both know that, Mr. McLean, but the problem is that there's a perception out there by, perhaps, those who have vested interests in the protection of animals, and there's nothing wrong with that, that would suggest that producers are faulty in the way in which they load animals onto transports. I'm a livestock producer as well, and I know that that's just not the case.

Yes, animals get injured in transport and that sometimes can't be avoided, and you have to deal with that in a proper and a humane way, but I think to point the finger at the producers being at fault for loading animals like that is just not fair and it's not accurate.

Mr. McLean: Well, I strongly agree. It's not accurate. Like, again, the producers—this is our business; animals are how we make money. We take proper care of our animals. We need to take proper care of our animals. We do not—and I firmly believe that we do not handle animals in a way that would cause injury. We will not transport animals that are injured. We just will not.

Mr. Chairperson: Okay. Seeing no further questions, I thank you for your presentation, Mr. McLean.

I call Miles Beaudin, private citizen. Mr. Beaudin, do you have any written materials? I see you do. The clerks are distributing them. You may begin when ready.

Mr. Miles Beaudin (Private Citizen): Good afternoon, my name is Miles Beaudin. I registered as a private citizen, but I do work for Manitoba Pork Council, so please recognize that.

I grew up on a family farm, 250 sow farrow-finish, and I worked for Elite Swine. I was producing almost a quarter of a million pigs per year, so I've got a lot of experience in farming. I've got a degree in Agriculture, an MBA in Agribusiness, and I'm a provincial agrologist. So today I'll be speaking on behalf of all the hog producers in Manitoba.

First of all, I'd like to make it clear that the hog producers of Manitoba are in support of the animal care amendments. We've reviewed the amendments extensively from our Canadian Quality Assurance Committee and from our Manitoba pig welfare committee, so we fine-combed everything.

First of all, I'd like just to review a couple of pieces of the act and then, also, I'd just like to go over some of the things the hog industry is doing in

Manitoba that should be recognized. In the section, for intervention of animals in distress, hog farmers of Manitoba fully support entry and inspection of places and vehicles, so we would welcome more of that to occur.

The hog industry is proud of our facilities. We have climate-controlled facilities. They are digitally controlled by computers, and hog farmers have capitalized over a billion dollars in the last 20 years in facilities, so our hogs are well taken care of.

* (19:30)

We encourage inspectors to also look at the way we transport our livestock. Manitoba farmers haul according to the recommended codes of practices for farm animals, more specific transportation. These are federal transport regulations. Through the national farm animal code, Manitoba Pork Council has developed some tools to help Manitoba farmers out. We've created a second generation computer program that has taken the recommended codes of practices and put it into a device for hog farmers.

Hog farmers can enter the square footage of a hog trailer, the actual temperature outside, the relative humidity and also the distance of a trip, and that will tell a hog producer how many pigs to load on that truck. So this is second generation computer modelling that has occurred and it's at the disposal of pig farmers. Several million pigs per year are transported based on this program and again it's on a national code of practice recommendation.

I would also like to mention some of the research that we're involved in. The Prairie Swine research station in Saskatchewan is conducting some state-of-the-art research for some farmers in the prairies. They have actually loaded several semi-trucks of hogs and delivered them to Maple Leaf. On every single truck the pigs had a heartbeat monitor—the same as a cyclist would wear—on the pig. They also had each pig ingest a thermometer inside the pig itself. On each truck there were cameras, microphones and this was all recorded. Again, this is the extent of the research that's going on in the prairies to promote animal transportation.

Also, I'd like to point out that within a couple of weeks Manitoba will have one of the only ambulatory services in North America for animals which is for public use. This will be rolling out very soon, and it's actually going to be an ambulatory service for animals. So that's the extent of what we're going through for transportation of animals.

So Manitoba hog farmers support government for not allowing injured animals to go on trucks. I fully support what KAP has mentioned, meaning that, as farmers, we will not load downer animals onto trucks for further sale, but we also must recognize that during transportation there are sometimes animals that do go down. So the farmers have specifically asked that we need to unload those pigs. We understand that they may not go for further sale, but we need to unload it because what are the other options? To bring them back on the same length of trip in poor condition? No. They need to be unloaded.

I've left my business card. I believe Mavis Taillieu had asked for some statistics. I can get specific statistics for several million hogs transported per year and the exact number of downer pigs either across Canada through the U.S. I could get that information to you.

Also, I'd like to mention the administration of The Animal Care Act. There are a couple of things I'd like to point out. The hog farmers of Manitoba are strongly recommending that government provide the necessary monies needed to the CVO to undertake all new amendments. We know that if you want to increase the workload, we believe there needs to be a budget, so make sure the money is there.

Also, the hog farmers of Manitoba also have a strong message for government, and that is the current way that the provincial government veterinarian manages animals' welfare is the correct way in how things should be run in the future and we're very happy about that. The office and staff of the CVO are exceptional and the way they manage animal welfare is fair, just and professional and we like to maintain that relationship. All farmers of Manitoba are eager to work with all these staff members in the future.

As far as gestation stalls, I'd like to talk about that a little bit. Hog farmers are investing heavily into research. We know it's not directly tied into The Animal Care Act, but we are investing into research because we care, and if you care about people or things, you invest money into it, and we are doing that in big ways. The two big projects: We have several hundred thousand invested here at the Glenlea Research centre and at the Prairie Swine Centre in Saskatchewan, both brand-new facilities, state-of-the-art, and through a couple of years or several years of research we'll have recommendations on how to move forward with alternative

housing. We know we can have research from Europe, but Europe is not Canada. They don't have the weather as we do. They don't have the climate. They don't have the buildings. So everything is different. So we need to our own research, and after that we'll have some recommendations to move forward with.

As far as the national codes of practice, you know, when it comes to animal care we follow the national codes of practice very closely. There are several key documents—I mention in this letter here—and these are the things we follow closely. Some of the recommendations—or it's the recommended code of practice for care of animal handling of pigs for transportation, and there's an early pig [*inaudible*] and we follow that closely.

One last thing I'd like to talk about that hog producers in Manitoba are doing is that we have the animal care assessment. Pig producers in Manitoba have one of the most technically advanced management systems in the world when it comes to animal welfare. The animal care assessment is an ISO-based program with a HACCP model based in it. This program allows the farmer to monitor critical control points in pig farming such as temperature, feeding practices and animal husbandry. There is no other country in the world that has this type of program in place at this level, and in Manitoba we have more farms than any other province in Canada. So we are greatly moving ahead in this area.

Again, I'd just like to say that we fully support KAP's recommendations. A lot of the technical parts of Mr. McLean's presentation I would have liked to have explained, but I would have been just repeated. So, again, my presentation is just more and above about how Manitoba farmers are right at the top of the pack on second generation practices in the world. Thank you.

Mr. Chairperson: Thank you.

Questions?

Ms. Wowchuk: Thank you, Mr. Beaudin, for your presentation.

I couldn't agree with you more that farmers want to follow the best management practices that they can, because they make the living from producing these animals and if they don't treat them well, they aren't going to be able to make a living.

I would also say that it is not a widespread practice where animals that are considered downers

or animals that are injured are taken to market, because it just doesn't make sense that you're going to make any money if you're loading or bringing in downers. Occasionally it may happen, but I do not think it's the practice.

I guess the one question I would ask you, you talked about animals going to market and going healthy but one might get injured in the truck. It can happen. You're moving live animals. Could you explain what the practice is now if an animal is injured and it arrives at a processing facility, and how you would like that changed or if you're feeling that that's the adequate way to deal with it.

Mr. Beaudin: First of all, if you were to say that all animals were to come on a truck healthy, okay, let's start off at that point. Based on the program we have in Manitoba, I kind of signed the rights off to TQA, Trucker Quality Assurance. So it really becomes the responsibility of that—maybe the trucker take care of those animals. There are a lot of things that can occur on a truck, like very cold weather, windy, rain and snow. So it's basically up to the truck driver to manage those animals once they get on a truck. So they do the best as they can. Now, when those trucks back up to the slaughter place or gathering yard, and if there are any animals that are downer, okay, CFIA looks at those animals and say, hey, if there are only a couple, that's probably normal. Like, if the weather is really bad, you know, it's not normal to have, but if there's like one or two, you know, this happens, right? If there are four or five and alarm bells go off, then we go back to the truck driver and say, hey, what went on? Did you have your proper ventilation in the truck? Did you water sprinkle those pigs with water, and so on. So, things are usually manageable through the education and through the truck driver.

I believe, I don't think we should penalize, start giving out fines. I have invested heavily into education to pig farmers. I have over 600 people trained on Trucker Quality Assurance. I pay all the fees, administration fees to the U.S. They just pay for the course, I pay for the yearly administration fee, and that's been great progress for transporters. If you're educated, you know what to do when it's cold, you know what to do when it's hot, and then they know it's their responsibility when the pigs get on a truck.

How much better can we get? Do you want to give fines? Well, I think a fine is wise to scare people out of the business. Increased costs reduce the number of animals. Vegetarians are happy.

* (19:40)

Mr. Eichler: Thank you for your presentation, Miles. I do have a comment more than a question. It looks like the Manitoba Pork has taken the leadership role in regard to good management practices, as we know most farmers in the province of Manitoba and right across Canada are very proud of those animals. It's been talked about earlier. That's how they make their living.

You guys got a great job in ensuring that those animals get to and from market in a safe way. So congratulations to your organization for that.

Mr. Beaudin: One thing I'd like to say is when you develop a management program, whatever it is, you try to keep it as basic as you can so everybody has the right to farm. Not everybody can afford a European truck with fans and all that. We try to keep everything as basic as we can and then whoever wants to go over and above it, that's great.

So, when you make regulations, just watch what you do because we want everybody to have the right to farm. It's basically kind of like the food safety model program I run. We make sure that guys who want to raise pigs in a biotech, that have a fence in the bush can have the ability to farm and to ship pigs to a federal slaughtering plant.

So, again, the same thing with animal welfare. We got to make sure that laws are suppressed to a point where, yeah, we're doing a really good job, but don't keep anybody from entering or not entering the business. Like, keep it open.

Mr. Derkach: Mr. Beaudin, I know that your sector does an excellent job in not only the housing and the looking after animals, but, indeed, the transport as well. All you have to do is stop and visit some of your facilities and one quickly learns that, indeed, you are doing an excellent job.

But it appears to me that there is a bit of a communication gap between what the reality is and perhaps what the perception is by some. I'm wondering whether or not your organization has thought about, perhaps, doing more in the way of public information with regard to what the current status is of your industry and how far you've progressed and the fact that Manitoba is, in fact, leading the way on many fronts.

Mr. Beaudin: Yes, I think the world's in a second generation. If you want to take the big perspective, I studied Hong Kong and China. We wonder why all

these buildings are going up. It's because people are moving to the city, not only in Canada, but in China. People are leaving the farms, going to the city. Now China's seeing that occur, okay? In Canada that's been occurring for the last 50 years. People are moving away from the farm, going to the city. So we're two generations ahead. China's seeing it right now, okay?

Yes, I agree with you there's a big gap. Glenlea Research centre should have been up and going a long time ago. We need to have buses of people going there, see how things are going on the farm. Farms going, slow progress. Frustrating, so we need to get that going.

Again, I guess MAFRI needs to help out. We need to get people to know how things are done on the farm. Buses. Truckload them here. If they don't get taught at Glenlea, they can be taught in a boardroom in Winnipeg, and that's not the way how to raise kids.

Mr. Chairperson: Time for this presentation has expired. Thank you, Mr. Beaudin.

Return to the top of the list now. I call Mr. Shane Sadorski, Manitoba Cattle Producers Association. Mr. Sadorski, do you have any written materials for the committee?

Mr. Shane Sadorski (Manitoba Cattle Producers Association): I do, indeed.

Mr. Chairperson: The Clerk will distribute them. You may begin when ready.

Mr. Sadorski: Before I launch into my presentation, if I can ask the committee's indulgence, normally, my presentation would be able to be fit into the 10-minute allotment, but I'm labouring under a very nasty case of bronchitis and that has impeded my ability to expeditiously, maybe, go through my presentation. So, if at the 10-minute mark, if you could show a little latitude by a minute or two in case I go over because of my incessant coughing, it would be greatly appreciated.

Mr. Chairperson: All right, typically, when that happens, what we do is run into the question and answer period somewhat, so why don't we see how you do? I'll warn you at nine minutes, and then at 10 minutes, if you're not quite finished, I'll ask you to wrap up and we'll go into Q and A, all right?

Mr. Sadorski: That would be greatly appreciated.

On behalf of the Manitoba Cattle Producers Association, I'd like to thank you for this opportunity to present our association's position with respect to Bill 2.

As a brief word of introduction for newer members to the committee who might not be familiar with MCPA, the Manitoba Cattle Producers Association is a producer-driven, non-profit association established under law in Manitoba under The Cattle Producers Association Act representing approximately 10,000 individual cattle producers engaged in all aspects of the beef cattle industry in Manitoba including cow-calf, backgrounding and finishing sectors.

Manitoba is home to the third largest beef cattle herd in Canada, approximately 12 percent of the national herd, which is about almost twice the amount of the herd in Ontario. Approximately 98 percent of individual commercial beef operations in the province are cow-calf operations. The remaining 2 percent are constituted in feedlots.

In part, beef cattle constitute Manitoba's single largest individual commodity in terms of individual farm operations in the province. Cattle producers thus play an extremely important role in Manitoba's overall economy. As can be seen from provincial export statistics, Manitoba's dependence on exports is undisputed, but also undisputed is the fact that agriculture constitutes the single largest block of Manitoba's exports at 28.5 percent of nominal exports between '03 and '07. I'd like to contrast that with the 8.3 percent of the province's highly visible energy sector—oil, ethanol and Manitoba Hydro—that collectively contributes to total exports, 28.5 percent versus 8 percent.

So, in short, agriculture is the single most important sector of Manitoba's export-driven economy, and beef cattle is the single most critical commodity within agriculture from a farm operation perspective. Economically speaking, therefore, it is fair to say that Manitoba's cattle industry is to our province what the auto industry is to Ontario, and any legislative measure that impacts or affects the way our industry conducts business should be a matter of interest to all Manitobans.

Now, turning to the subject of Bill 2, MCPA would like to take note to the committee that our cattle industry in Manitoba has always taken the issue of animal health and welfare extremely seriously. As a point of information, MCPA, through our national organization, the Canadian Cattlemen's

Association, has been working extensively with the National Farm Animal Care Council of Canada in developing extensive, science-based guidelines and procedures for the care and handling of livestock. Our industry is in the process of finalizing an updated National Code of Practice for the Care and Handling of Cattle. A similar draft code of practice has just been completed with respect to dairy cattle. The beef industry's draft code is nearing similar completion. The National Code of Practice codifies and standardizes our industry's rigorous approach to animal welfare in Canada to ensure that instances of abuse and neglect such as those that have occurred dramatically in the U.S. do not happen here in Canada.

In that regard, MCPA takes great pride in the fact that the number of instances of livestock abuse in Manitoba is very, very small. This is not to suggest in any way that instances haven't happened in the past nor could ever happen, but when they do, they are very much the exception. When they do happen, acts of deliberate abuse need to be dealt with swiftly and resolutely through the courts and leave absolutely no room for interpretation that our society in any way condones any active animal abuse.

It is out of such commitment to the issue of animal care by cattle producers that MCPA supports the concept of the bill in ensuring that animal protection legislation in Manitoba covers all domestic animals, whether they be commercial livestock or household pets. MCPA welcomes the attempt to hold non-livestock animal facilities up to the same high standard of care that the vast majority of cattle producers exercise with respect to their farm animals. Those sections of Bill 2 that seek to do this have our association's support.

However, the proposed amendment act before you does not limit itself to amendments regarding pet breeding or marketing. The act also proposes a variety of amendments that deal with livestock, and it is here that our association has a number of concerns.

MCPA recognizes fully that The Animal Care Act in Manitoba is likely due for some review and perhaps modification. We are aware that a number of other provinces have undertaken their reviews of animal care legislation, as has the federal government. Our industry does not object to government proposing updates to the existing legislative framework, not in the least, but we do, however, expect that legislative review and

modification to be done in a collaborative and consultative manner with industry. We are always ready to work alongside government in identifying areas of concern and to jointly devise measures that would address those areas to the satisfaction of both government and industry.

* (19:50)

Unfortunately, MCPA notes that such a consultative approach to updating The Animal Care Act did not occur with respect to Bill 2. Our association's knowledge and involvement with the proposed act was limited to a short information session held by provincial officials with our organization just a matter of days before the tabling of the original bill, Bill 48, as tabled in the legislative session last session. Until that point, there was no opportunity for our association to provide a constructive input into the bill, and no consultative or joint industry-government mechanism was initiated to review existing animal welfare legislation. This came as a surprise to our association since consultations of this type have been done in the past between government and industry prior to government undertaking or embarking on substantive legislative change. We are unsure why that practice did not occur in this case, but we would ask that, in future, the Province return to the practice of industry consultation prior to making major changes to the legislation governing our industry.

Regardless, we are here where we are today, and MCPA would like to take this one last opportunity to share with you some of the concerns that a number of the amendments contained in Bill 2 that are, no doubt, well-intentioned, but are likely to have unintended negative consequences in terms of animal protection and welfare.

Attached to the written presentation is an appendix that I would like to briefly touch on, outlining clause by clause a number of changes to the existing Animal Care Act that MCPA strongly urges the standing committee to accept prior to Bill 2 being sent out of committee. We would sincerely hope that the standing committee would appreciate the extensive experience the cattle producers have with issues of animal welfare and animal handling and that this committee will take these suggested changes to the amendment act into consideration. I would like to just briefly touch on the actual appendix contents. I will not necessarily touch on every item because for lack of time.

The citations refer to the citations as into the actual act, the actual Animal Care Act that would be amended under the amendment act.

Section 1(1), under definition of abandoned animal, MCPA finds the proposed definition of an abandoned animal somewhat problematic and would ask that the word "apparently" be struck from clause (a) in the definition of abandoned animal. Our rationale is that either an animal is ownerless or it is not, and an animal protection officer should take all reasonable steps to determine if an animal is, in fact, ownerless prior to taking any specific action.

We would also ask that the words "sold or" be struck from clause (c) in the definition of abandoned animal, our rationale being the act of selling land does not constitute or entail that the land has, in fact, been vacated and thus an animal abandoned. Vacant premises should be the only criterion in this clause and not the status of land ownership.

I'm going to jump to No. 3, section 5.1(1) and our proposal for a new section 5.1(3), loading in good faith. This is something that Robert McLean touched on from KAP. MCPA requests that the words "for transport," "or transported" be replaced "for transport" in section 5.1(1), and a further exception be added under a new section 5.1(3), loading in good faith, stating something to the effect of: the act of loading or transporting an otherwise fit animal for humane and acceptable transport which nonetheless becomes unfit during transit despite standard precautions does not constitute a violation with respect to subsection (1). The rationale being that MCPA's concern that the current wording of the proposed act unfairly places liability on a producer who in good faith loads an animal which appears to be fully fit, but which suddenly becomes unfit during transport. We would like to stress that drivers and transporters need to hold some responsibility for the undue care and attention of their cargo in those cases.

For section 5.2, auction mart reporting, we strongly recommend that the Province reconsider and put this section of the amendment act aside for further review. Our conversations, discussions with the Manitoba Livestock Marketing Association have indicated that they have serious concerns with their ability to comply or enforce this proposed section of the act. On the final page of the written submission, you will find a letter addressed to you that we received earlier today from representatives of the Livestock Marketing Association.

In particular, there's a lack of flexibility in the language surrounding this part of the act, and questions have to be raised about just how realistic it is to create the situation in which crews at auction marts at receiving sheds, who are usually working for minimum wages and without any expertise in the field of animal welfare or animal neglect, are being tasked with making determinations regarding fit and unfit animals from the perspective of abuse.

I'm just going to touch on, briefly, the veterinarian reporting. That's on page 5 of Bill 2. We would like this actually withdrawn or changed to read: subject to deliberate neglect or abuse. Here we're very concerned that, while this is a very well-intentioned amendment in the actual amendment act, we're concerned about making veterinarians reporting agents under the act will actually create a new climate of distrust between producer and veterinarian.

Producers need to be assured there's some degree of confidentiality between their vet and themselves if they're actually going to seek out veterinary aid when they need it. The proposed wording of the act is just too vague and therefore too broad in what constitutes neglect and abuse. For instance, does a vitamin or mineral deficiency constitute neglect—

Mr. Chairperson: Ten minutes, Mr. Sadorski.

Mr. Sadorski: The MCPA strongly advises caution with this section and delay its implementation.

I'll skip if I may to No. 10 to wrap it up because you can read the remaining changes as presented.

The MCPA notes actually that given today's trend for urbanites moving into the country into settings and seeking a more rural lifestyle but not necessarily agricultural lifestyle, cattle producers are increasingly experiencing cases of incorrect, uninformed and sometimes outright frivolous complaints about animal abuse by members of the public, largely because of a lack of familiarity with accepted practices such as winter bale grazing, and that relates into incorrect or wrongful complaints with respect to animal abandonment.

Incorrect and frivolous complaints are not only very frustrating and very emotionally upsetting to law-abiding decent producers, they can also be very costly in time, energy and money in having to continually prove the acceptability of their farm practices in the face of repeated false complaints. We, therefore, strongly urge that the committee, the

Legislature, put into legislation a deposit system for members of the general public when lodging animal care complaints. A \$50 deposit would be refunded to a complainant in cases where genuine abuse is found and not refunded in cases where a complaint is demonstrated without basis as frivolous or as vexatious.

You can take a look at the remainder of the document for the technical changes. Thank you.

Mr. Chairperson: Thank you.

Questions?

Ms. Wowchuk: Mr. Chairperson, on behalf of, first of all, Mr. Sadorski, I would ask that all of his comments be put into the record, even those that he didn't cover, since there's a written presentation.

My question to you, Mr. Sadorski, is you indicated that the Manitoba Cattle Producers were not—

Mr. Chairperson: Order. One second, Ms. Wowchuk.

Just for clarity, Ms. Wowchuk has moved that all the comments or just the amendments—

Ms. Wowchuk: No, all of his comments.

Mr. Chairperson: That his written presentation in its entirety be included into the record so that all of the amendments are in the record. Will of the committee? *[Agreed]*

Ms. Wowchuk: Thank you. Mr. Sadorski, you indicated in your beginning comments that the Manitoba Cattle Producers were not thoroughly consulted, and you were disappointed in the practice that was being used.

As I look at the notes that I have, I understand that there was consultation on September 4 and 5, and that the Manitoba Cattle Producers had five members at those consultations and had input. I wonder, if you say that that wasn't adequate, did the Manitoba Cattle Producers ask for further information to clarify some of their issues, or is it just your opinion that having five members there and being part of the discussion wasn't adequate?

Mr. Sadorski: The question isn't the number of members that we had. It was that was in September; that it was on the eve of the new legislative session just prior to the tabling of the bill. We would have liked to have a number of months to be able to cooperate with the government in devising the

appropriate legislation and the particular technicalities.

As you can see, we had a number of concerns with the wording of the legislation. By being able to have enough and sufficient time as an association to go over those technical details, that would have been much more useful to us because we could have made those suggestions prior to the tabling of the legislation in hopes that we wouldn't be here this evening with these particular recommendations, that maybe they've already been incorporated into the act prior to tabling.

Mr. Chairperson: Supplemental, Ms. Wowchuk.

Ms. Wowchuk: I guess just to clarify again, the act was tabled once before when it was tabled in September. There was consultation and I hear your comments, but I would hope that—my understanding was that if groups had questions they could come back and have further discussions on it. I thank you for your comments.

* (20:00)

Mr. Chairperson: Mr. Derkach, and for the record we have about two minutes left.

Mr. Derkach: I'll try to make it as brief as I can, but I want to say thank you to Mr. Sadorski for a very thorough look at this bill and indeed examined it far more critically than I think the case has been in the past by others, and I congratulate you for it.

Of course, there is a vested interest here by the Manitoba Cattle Producers Association, and I guess it's for that reason that you've gone through it more thoroughly. I think you have recommended some good changes. Now, not all of the changes will be accepted by the government. We understand that. I'm a little disappointed that the kind of consultation you had happened on the eve of the introduction of this bill. Of course, that's the government's way of consulting, but, for all practical purposes, it would have been far better to consult with an organization that has a true vested interest in this bill to ensure that all of the areas are covered up appropriately.

The other issue that I think you have hit on very effectively is the issue of the people who are actually making the judgment on the animals. You've also expanded on the area of liability and whose liability it should be when the animal is loaded and that somebody should have either a sign off or something when an animal is loaded in good health instead of

the producer being assumed to be responsible for that.

I think that your organization has done a good job, and I hope that you are going to be able to convince the government that, indeed, they need to look more thoroughly at these recommendations.

Mr. Sadorski: Well, just to clarify, one of the reasons actually that we're kind of taken aback was that we actually do have a pretty job working relationship with the folks at MAFRI. We actually communicate very extensively and we usually have a lot of consultation prior. In fact, we are presenting an ecological goods and services proposal, and we've had numerous amounts of contact. MAFRI 's done a great job of championing that with us within government and credited us to go to the minister for that.

We're just taken back by the small window of consultation time. Again, it wasn't that the consultation didn't happen; it was the time between the actual announcement of the bill and the consultation was just so narrow that we just didn't have time enough to prepare extensively when it was Bill 48. Now we can prepare extensively for Bill 2 because we've had a number of months and that's why we're here.

Mr. Chairperson: Time has expired. Would the committee like to extend questioning of this witness?

Ms. Brick: Can I seek some clarification? By how long? Five minutes?

Mr. Chairperson: Ms. Brick suggests five minutes. Is that agreeable to the committee? *[Agreed]*

I have three people on the list; bear it in mind.

Hon. Jon Gerrard (River Heights): Thank you for your thorough presentation. I just would ask for a little bit of clarification on point No. 6 which deals with the animal protection officers. You suggest that there needs to be some qualifications of the provincial animal protection officer. I just give you an opportunity to elaborate in terms of what you think should be the qualifications or credentials.

Mr. Sadorski: I know the routine. One of our issues there is we understand what the government is proposing with this bill. It's a labelling legislation. It's to enable, and the national practice would be to actually incorporate those kinds of qualifications in the regulations. We understand that.

However, one of the things that was communicated by our board of directors was we are beginning to be a little but more uncomfortable with the amount of the actual legislation that would be put into the regulations. So this is one of those kinds of areas where you actually have a generic enabling comment in the actual legislation itself and then the qualifications would no doubt be put into regulation.

We believe that it would be important to actually begin to put a little bit more detail into the actual main act as it is passed by the Legislative Assembly, because, while we have no doubt whatsoever that current MAFRI staff and the current attention of the government is good and sound and that they're not going to hire somebody straight off the street to conduct these things, we don't know what future governments down the road are going actually be able to use the legislation for. So it's just a word of caution that we would like to actually have more detail in pieces of legislation rather than just put all the details into regulation.

Mr. Eichler: Thank you for your presentation. I have a question with regard to the auction mart reporting. You had attached a letter in regard to that. What is the major concern there that they're telling you in regard to—is it the actual recognizing the fact that they're bringing in animals that may not be fit to be brought in? Or is it just the fact that they don't want to be left in that position to make that determination between their client and themselves acting as a broker?

Mr. Sadorski: I feel actually rather uncomfortable trying to put words on behalf of a different association. They're not our association. They asked us as a favour because they couldn't make it to the committee tonight to attach that letter. However, that's a fair comment, seeing as we agreed to attach their comments.

It would be the latter, Mr. Eichler. We believe that the biggest concern that we have heard from the livestock marketing side is the difficult position they will be put in as being marketers of cattle where they also have to play, maybe, provincial enforcement capacity. There's a little bit of a circle to be squared there. Part of it, again, and that goes back to my original comment about how appropriate is it to have minimum-wage, untrained staff at receiving sheds trying to make determinations as to what constitutes fit and unfit animals.

I could speak on MCPA's behalf here, we're not comfortable with that model. We're not comfortable with auction mart staff playing that role. We're not so sure that they actually have the training and the capability and the standards to make those kind of adjudications. It actually will be a setback to animal welfare practices if those people who are not familiar with animal welfare are trying to make those kind of determinations.

It's an oversight, I think, in the part of the tweaking of the wording, and so we would just like to ask the government to proceed, if they're going to proceed that, with great caution.

Ms. Wowchuk: Again, I sincerely want to thank you for making these presentations. The MCPA has looked at this act. You mentioned the process that has been used and there was no time to review the act. This happened in September when you had the first consultation, then the bill was presented. Many other groups have looked at the act and have come to us with various suggestions of things, and this happens all the time in legislation. I say to you that I wish that you would take the message back to MCPA that if they had these kind of suggestions that they would have brought them to us sooner. This is the first time that my staff has seen these and, normally, they would get these kind of suggestions from an association earlier. We have met with Manitoba cattle producers. They didn't raise these kind of concerns earlier. It would have been very helpful to have seen them sooner. Thank you.

Mr. Sadorski: The point is well taken with respect to Bill 2, and that's a fair comment. I think that the lead time between the tabling of Bill 48 and Bill 2, I think it would have been realistic. Unfortunately, we have a number of things in the industry that—we're running full tilt and it's not always we're always trying to do things at the last minute, so it becomes very difficult and challenging. It's only when we have a deadline in force, such as a committee hearing that we are able to put that at the top of the priority list.

So the comment is well taken with respect to the time between Bill 48 and Bill 2. What I'm referring to in the presentation, and perhaps I didn't make it clear, was the time between our conversation and Bill 48. So you're absolutely right, we've had plenty of time to communicate with you with respect to Bill 2, but we felt that the time period between our

initial consultation and Bill 48 was the insufficient block of time.

Mr. Chairperson: Okay, time for this question and answer—extended time period—has expired. Thank you, Mr. Sadorski.

Mr. Bill McDonald, Winnipeg Humane Society. I see you have some written materials for us, sir. If the Clerk will distribute them, you may begin.

*(20:10)

Mr. Bill McDonald (Winnipeg Humane Society): Yes, I do, Mr. Chair. Thank you, Minister, and members of the Legislature. Good evening. As I was introduced, I'm Bill McDonald, the Executive Director of the Winnipeg Humane Society. We are the largest animal shelter in this province. In 2008, we received 9,283 animals through our door.

I must point out that we have four animal protection officers on our staff who do abuse and cruelty investigations complaint work in the city of Winnipeg. Our four animal protection officers are trained, licensed and regulated by the provincial vet's office and I am very proud of the work that they do on behalf of the citizens of Winnipeg. On average, we investigate 40 complaints a month which entails about 60 visits. So I am pleased to report that I think the animal protection officer system is working well.

I would like to congratulate the government, through the Minister of Agriculture (Ms. Wowchuk), for bringing forth these amendments. Having participated in a number of puppy mill seizures, in co-operation with the province's Chief Veterinarian's office, we are very pleased to offer our full support and endorsement of all of the amendments that will assist in the shutting down of these despicable operations.

We fully support the inclusion of the amendment dealing with the veterinarians reporting suspected cases of abuse and neglect. This amendment is very welcomed along with the increase in licensing of kennels, breeders, retail stores and dealers. The new amendment dealing with the prohibition of ownership is also very welcomed as the puppy mill criminals are often repeat offenders. The amendment to increase fines is also supported by the WHS. Any additional tools that provide animal protection officers expanded inspection and quicker entry powers will help save additional animals from mistreatment and abuse.

While the WHS is supportive of the bill in many, many areas, we do have a serious concern about section 5.1(1) and the transportation of downer animals. The way Bill 2 currently reads it would seem that it is perfectly legal to transport a downer animal to slaughter. This is clearly not the case as the Canadian Food Inspection Agency regulations prohibit the transportation of downer animals. The federal legislation cannot be overridden by provincial legislation on this issue. It is our hope that the government will remove this clause in Bill 2 and follow the federal regulations concerning downer animals.

I'd also like to comment that you people here tonight, as legislators, are carrying on a very fine tradition dating back to 1822 in the British Parliament. The very first cruelty act was passed in the British House of Commons in 1822. The bill was drafted and put forward by a gentleman called Sir Richard Martin. He was a Member of Parliament for County Galway in Ireland.

His nickname was Hair-Trigger Martin. He was a notorious duellist. He apparently killed a man over the death of an Irish wolfhound, and he had scars to prove his many duels. Once the bill was passed in the British Parliament, Hair-Trigger Martin's nickname turned to Humanity Dick, and he got the nickname Humanity Dick because he would patrol the streets of London himself with a couple of hired thugs, and if he found someone beating on a horse or cattle or an animal, he would set his thugs on that person. They'd beat the stuffing out of him. Then he'd drag the guy before a magistrate, the magistrate would fine him, Dick would pay the fine, and that's how he became Humanity Dick.

So we've come a long way from duellists and vigilantes in the streets. So we commend you for the work you're doing. In 1996, the first animal amendment act came forward. So we have a lot of work still to do, but I wanted to comment that you're following a grand tradition.

I'd also like to just briefly comment on something that has occurred south of us, our neighbour to the south. In November, during the presidential election—some of you may know this—a bill was passed in the state of California. It was called Proposition 2. Proposition 2 passed with a 64 percent majority, and Proposition 2 was what was called a ballot question. The voters directly voted on the content of the question, and the content of the question had to do with confinement systems.

I want to comment on the confinement systems. The confinement systems named were three: sow crates, battery cages for hens and veal crates for calves. They're banned in the state of California, as of that legislation, and producers have until 2015 to change over their systems. I point this out to you to indicate that there is a wave of action sweeping across the United States. It's going to come here, and we should be prepared. It's occurred already in six states in the United States. The Humane Society of the United States is working on Ohio and Michigan for ballot questions, as we speak here tonight, and it's going to keep moving.

What that means is that the producers are going to have to change, and they're going to have to change by one of two ways. They're going to change through legislation and regulation put forward by you people or they're going to change because of the multinational corporations getting a message from the public that we don't want to have the animals raised this way anymore. And it's started to happen. Maple Leaf Foods, the largest buyer of pork products in this country, has told their producers that by 2014 they will only buy pork from non-confinement systems.

So the change is coming and it's going to be here and I propose to you and the Pork Council and KAP and the farmers themselves: let's work together and make this change happen. It doesn't have to be adversarial. It can go forward in a smooth way.

I'll just finish by quoting an article that appeared in the August 30, 2008, *Globe and Mail*. It's a direct quote from an author named Anita Shevelow. "Our society has arrived at a peculiar, contradictory crossroads where our attachment to animals seems to be at a level unprecedented in western history yet, at the same time, our post-industrial society inflicts suffering upon animals in vast numbers. Centuries after its birth, the animal protection movement still faces enormous challenges."

You are helping us face these enormous challenges tonight and I congratulate you for the work you're doing. Thank you.

Mr. Chairperson: Thank you, Mr. McDonald.

Questions?

Mr. Gerrard: You mention the animal protection officers. We've had a question or a comment previously in terms of what the qualifications and credentials should be for animal protection officers. I'd like to give you the opportunity to expand a little

bit on what you see as qualifications and credentials should be for animal protection officers, whether that goes in the act or in the regulations.

Mr. McDonald: Thank you, Dr. Gerrard, for the question. We simply follow the guidance of the Chief Veterinarian's office. So our animal protection officers go on their training courses. They are taught numerous things. No. 1, the interpretation of The Animal Care Act itself, their personal limits in regard to what they can do. For example, if a citizen phones in a complaint that it's a hot summer day, there's a dog trapped in a car at the mall, we get the call. Our people go out. They can determine if the dog is in distress, for example, and proceed to enter the car. Entering the car inherently inflicts damage on the car. Our staff then do not suffer any penalty for that action. We prefer, and usually do, though, call the Winnipeg Police Service and get assistance that way.

So there's a number of things throughout the act. They take courses on evidence gathering. As I said, we do abuse investigations. There's an evidence trail if charges are going to be laid against an individual.

I feel that the training is thorough. I'm very happy with my senior lead investigator. She works closely with Dr. Lees' office and seeks their advice all the time. I think this can occur anywhere in the province with qualified individuals.

Mr. Derkach: Well, first of all, I want to say thank you for your presentation because I don't know how anybody can disagree with what you have said regarding puppy mills and regarding also the need for change of section 5.1(1). I think the change has to be a little broader than even what you're recommending because there's an assumption and a perception that perhaps it's always the producer that's at fault in the transportation of a downer animal and that's truly not the case.

But you went a little overboard with the rest of your presentation. I want to ask you whether or not you have taken the initiative to work with the Manitoba Pork Council in terms of the work that they are doing in research and housing of animals and also in the care of animals.

Mr. McDonald: Short answer is yes. I've been to Glenlea myself and visited the different systems. As a previous presenter indicated, they've done a great job. There are varying degrees of confinement systems. Let's be clear, the Winnipeg Humane Society's position is not, we want to throw open the

barn doors and let all the animals wander into the hundred acres and everyone will be happy outside. We understand that confinement systems will continue. It's the type of confinement systems within the structure that we would like to see changed, and there are some very good models at Glenlea.

* (20:20)

Mr. Chairperson: Supplemental, Mr. Derkach.

Mr. Derkach: So what you're telling me is that you are working with the Manitoba Pork Council and the pork producers. Are you working with the Manitoba Cattle Producers Association as well?

Mr. McDonald: No, we don't. In regard to confinement systems of the veal crates, there is virtually no veal crate industry or veal industry in Manitoba. It's apparently more in Ontario and Québec. We meet regularly, twice a year with the Manitoba Egg Producers. We're setting up a meeting with their board. I'm going to be talking to the gentleman from KAP. We'd like to go and meet with KAP as well.

Mr. Chairperson: Second supplemental, Mr. Derkach.

Mr. Derkach: Very briefly, I'd just like to encourage you to continue to work with these organizations, because I think gaining a better understanding, going both ways, of your goals, the Humane Society's goals, also the goals of the cattle producers, all the livestock producers' sector, I think is important, so that together we find common ground in terms of what is the best way to look after animals.

I'm an animal producer. We have pets on our farm, and, certainly, they're pretty dear to us. We don't abuse them, and when you see abuse there's always a want to help. So I think producers have often been viewed as sort of the perpetrators of abuse on animals, and that's truly not the case of good producers in this province.

Mr. McDonald: Thank you for your comments, Mr. Derkach. I agree that we should be working together.

Our position is we're not trying to change society into a bunch of vegetarians or vegans. We go on a pretty simple formula. It's called the five freedoms, and when the five freedoms are talked about in regard to animals: No. 1, is freedom from hunger and thirst; No. 2, is freedom from pain and illness; No. 3, is freedom from discomfort; No. 4 is freedom from distress; and No. 5, the key one, freedom to have the capability to do some natural movements.

When you see a sow in a crate that can take two steps forward and two steps back and cannot turn around and touch its nose to its tail, you can't tell me that's natural behaviour, and these sows live in these crates for two years like that and then they go to the slaughterhouse.

Glenlea has some wonderful combinations where there are sow crates that the crates are open, the pigs can go in, they get a bale of hay, they get the space from me to you to socialize with three other pigs. It can be done and we can do it together.

Mr. Chairperson: Okay. My apologies, Mr. Eichler, time has expired. I gave your cohort two supplementals, so.

Point of Order

Mr. Chairperson: Mr. Derkach, on a point of order.

Mr. Derkach: I think it's unfair for you as Chair to cast aspersions in this committee, and I ask you to extend the time for questions to allow my colleague, Mr. Eichler—and I apologize to the committee for taking his time.

Mr. Chairperson: Well, I certainly wasn't casting aspersions on you in any way, shape or form, Mr. Derkach, but I'll put your question to the committee.

You want leave for one more question for Mr. Eichler.

An Honourable Member: Leave for one question.

Mr. Chairperson: Leave for one question. I recognize Mr. Eichler.

* * *

Mr. Eichler: Thank you, Mr. Chair, and thank you for your presentation, Mr. McDonald.

I do have a question in regard to the puppy mills, in which the bill actually was started from and then started coming into other parts of the agricultural sector. In regard to the fines, it's been increased up to \$10,000. Now that money goes into the general revenues of the Province of Manitoba. That cost for keeping those puppies or dogs that have been confiscated and brought into the shelters, do you feel a portion of that money should be going to help offset some of those costs rather than going into general revenues? Do you have any views on that particular issue about funding?

Mr. McDonald: In 2008 we participated with the province on two puppy mill seizures, if you will. One of them we didn't really term a puppy mill seizure. It

was more a straight seizure. The last one in early December was an out-and-out seizure. These animals were suffering terribly. This was a totally crooked operation for profit. At the end of the day, the Provincial Vet guides the team, us included, and we received quite a number of the animals.

We keep track of every single thing we do, from intake where we computerize the identification for the animals, the health check—they were all sick of course, so your drugs and other things are occurring—and right to the point where the Province finally makes the determination that the animals can be, in effect, turned over to the Winnipeg Humane Society.

Legally, they are redeemed to us. The minister herself gets to make that decision after, I think, seven days and the clock is ticking in that first seven days. So we are allowed to, in effect, bill the Province of Manitoba through the Chief Veterinarian's office for boarding fees, health-care costs, drugs, anything our surgeons or medical team do. Then we also do a few things like put in mileage for the long drives we take some places, and the Province promptly pays the bill. Do I want more compensation if the Province fines someone \$10,000? Yes.

Mr. Chairperson: Thank you, Mr. McDonald.

Ms. Wowchuk: Mr. Chairperson, if I could just clarify?

Mr. Chairperson: Madam Minister, on a point of clarification.

Ms. Wowchuk: So, in fact, relating to Mr. Eichler's question, all of your costs, you are—the Winnipeg Humane Society is not out of pocket when they provide a service to the government on a seizure.

Mr. McDonald: Minister, we're slightly out of pocket because we don't charge. We charge for our kennel care staff, but we don't put a bill in for our veterinary staff or our administrators like me. The vet—I make 45 cents an hour more than the vet, so.

Mr. Chairperson: Okay. Seeing no further questions, I thank you for your presentation.

I call Ms. Colleen Marion, Manitoba Veterinary Medical Association. Ms. Marion, do you have any written materials for the committee?

The Clerk will distribute your documentation. You may begin.

Ms. Colleen Marion (Manitoba Veterinary Medical Association): Good evening. My name is Colleen Marion. I am a lifetime resident of Manitoba

except for my years spent in Saskatoon training for my veterinary degree, as well as a short work term in B.C. and Alberta. Currently, I am president of the Manitoba Veterinary Medical Association, a companion animal veterinarian, and I am also an animal protection officer. I speak on behalf of the veterinary profession in support of Bill 2, The Animal Care Amendment Act.

Since its inception in 1996, The Animal Care Act has been an extremely valuable tool to express the social conscience of Manitobans and to enforce the humane treatment of domestic animals in Manitoba. The changes proposed in Bill 2 will improve government accountability and encourage responsible animal care for those entrusted with ensuring the welfare of companion and production animals.

Production or commercial animals such as cattle are transported from farm to animal slaughterhouses or auction marts on a daily basis. Bill 2 discourages caregivers of these animals to transport them if injured or ill, unless to the closest slaughterhouse for euthanasia or a veterinary clinic for medical attention to prevent undue suffering, as we've discussed this evening. Upon discovering animals in distress while being transported, caregivers will, under the amendments, be required to report these events to the director enforcing The Animal Care Act. This will enable the appropriate authority, such as an animal protection officer or a veterinarian, to intervene and prevent further suffering.

This isn't part of my written presentation, but I just wanted to give you an example of one situation that I was a part of. This, perhaps, will address some of the discussion that has been brought forth regarding reality versus perception when it comes to transporting animals. There was a situation that I was involved in where a dairy cow was reported to us to be in distress at an auction mart. Upon our arrival, she was examined by one of our veterinarians, who is also an animal protection officer, who has extensive experience working with cattle. She was diagnosed as being emaciated, had severe intestinal disease, had a ruptured suspensory ligament of her udder. Her udder, literally, was almost hanging on the ground, and she also had severe mastitis. It was determined that this animal was suffering and it was ordered to be immediately euthanized.

Now, upon looking into the situation further, it was discovered that this dairy cow was loaded by a farmer onto a truck, transported to the auction mart,

was put through the ring and sold at auction and was due to be loaded and transported to a different province the next day.

* (20:30)

What I know from that situation is nobody along that chain of events took the responsibility or accountability to help that animal who was in distress or suffering. So, for me as an animal protection officer, that's my reality, and I don't think that that situation should have happened. Somebody along that line should have taken the responsibility to do the right thing for that animal, and it didn't happen. So I'm hoping that with these amendments people will take more responsibility, and, hopefully, be accountable for their responsibilities as well.

Veterinarians are committed to a professional oath which encompasses the protection of animal health and welfare, the relief of animal suffering, and the promotion of public health. Veterinarians are also obliged to respect client and patient confidentiality. These responsibilities may conflict when a veterinarian encounters possible animal neglect or abuse. Veterinarians are compelled to assist the animal in need, but they are often concerned they may compromise laws protecting client confidentiality by reporting these concerns to the proper authorities. Bill 2 will make it mandatory for veterinarians to report suspected animal neglect or abuse to the proper authority, permitting them to fulfil their moral and professional obligation to protect animal welfare while protecting the veterinarian from liability for making these reports in good faith.

The process of domestication has resulted in companion and commercial animals depending on humans to provide them with the necessities to ensure survival. Unfortunately, some animal caregivers relinquish this responsibility and abandon their animals, leaving them exposed to extremes of weather, without access to food or water, or deprived of needed medical care. By defining and addressing abandonment, Bill 2 will allow animal welfare authorities to react more proactively, allowing abandoned animals to be taken into immediate custody and be provided with the care they require to prevent or stop undue suffering while respecting the property rights of individuals.

Within Manitoba, veterinarians, breeders, and the public are aware of the existence of substandard dog breeding facilities commonly referred to as

puppy mills. These facilities raise large numbers of animals in environments that may be crowded, unsanitary, or lack adequate light or ventilation, which results in animal suffering. These animals may lack adequate nutrition and may not be provided with regular veterinary care to ensure they are protected from disease.

These housing conditions then result in animals that typically have been socialized inappropriately with humans or other animals, making them more fearful and more prone to aggressive behaviour. They may also be inbred which makes them more susceptible to inherited genetic disease. The overall result is the production of animals whose health and welfare have been compromised and may pose a significant threat to public health.

These animals may be carriers of debilitating zoonotic disease such as giardia, also known as beaver fever, or intestinal roundworms which can be transmitted to humans, often children. They may be apprehensive to handling by unfamiliar humans and by innocent children. Puppy mill source animals may then be sold to naive buyers, potentially posing significant health risks to other animals or humans in the pet's new home. Bill 2 will require breeders of dogs, cats, pocket pets, pounds, animal shelters, animal rescue facilities and pet stores to license their establishments. This will allow animal welfare authorities to track animal trade and inspect these facilities, ensuring the best interests of animal and human health.

People who choose to own domestic animals have an inherent responsibility to ensure these animals are provided with the care required to protect their health and welfare. When an owner fails to provide this care and an animal is subjected to avoidable distress and suffering, society places an onus on animal welfare authorities to ensure that people who do not comply with The Animal Care Act are held accountable for their actions.

Bill 2 will allow animal welfare authorities to impose orders on offenders to encourage compliance and prevent animal distress. The use of orders will allow inspection officers to identify high-risk situations prior to significant animal suffering and avert that suffering. Upon conviction, the monetary fines, time imposed for prohibition of animal ownership, and imprisonment terms will all be increased under Bill 2. These changes reflect the evolving degree of importance placed on animal welfare by society.

Society demands that domestic animals are treated with respect. Commercial animals such as cattle and pigs are recognized as an invaluable contribution to Manitoba's economy. Companion animals such as dogs or horses have evolved to become human and animal protectors as well as an integral part of family life. It's my responsibility as a veterinarian and an animal protection officer to ensure the welfare of domestic animals in Manitoba. Bill 2 will allow me to fulfil my professional responsibility more effectively, protecting the interest of public health and animal welfare.

I wanted to address just a couple of the questions or comments that arose earlier. There was a comment made earlier in regard to false complaints and potentially requesting a deposit from people who are filing complaints. As an animal protection officer, if I am asked to inspect a complaint I do that in a very methodical way. Around 50 percent of the time, the complaint that is brought forth to me upon inspection is proven to be unjustified. That may be due to lack of education by the person filing the complaint, may be due to family or neighbourly conflicts. It may just be due to lack of education. If a complaint is deemed to be unjustified and we receive future complaints about the same individual within a short period of time, we don't necessarily go back and continually probe that individual. We recognize the problem that was present, if it was present. We attempt to resolve the issue if there was a problem. If not, then we keep those complaints on file and we take note, but our goal isn't to constantly be at somebody's backdoor and barrage them on a weekly or a monthly basis. I think if we were to impose a levy on people or a fee on people filing complaints, it would actually discourage people from filing complaints in good faith.

There was another question that was asked about APO qualifications. I worked for a period of time helping to manage the animal welfare program and when—

Mr. Chairperson: Ms. Marion, you're at 10 minutes now.

Ms. Marion: Okay.

Mr. Chairperson: You may wrap up, and I'll dock you on your Q & A time.

Ms. Marion: Okay, thank you.

So with the hiring process when it comes to animal protection officers, all animal protection officers are asked to submit a résumé with their

qualifications. As part of that résumé, we also ask that they submit a letter of endorsement by a veterinarian, which we take very seriously. There are many times, as well, where we know the community that individual lives in or know people who we have a professional relationship with in that community, so we also can refer to them to do a background check more extensively.

The people who do the majority of our commercial or production animal complaints are either veterinarians who have extensive experience in that field or they are employees of MAFRI who are specialists in that particular area where we are sending them out to do the complaint. So we do believe that they have adequate qualifications.

Those who we have doing inspections with our companion animals, they may be veterinarians, but they also, as well, may be animal control officers—

Mr. Chairperson: Ms. Marion, you're now well over 11 minutes. I'm going to have to seek the will of the committee here. We have 15 minutes allotted in total for this presentation. Do you have any advice?

An Honourable Member: Go to questions.

Mr. Chairperson: I'm sorry, Ms. Marion, we'll have to curtail your presentation and go to Q & A, and I have the first question.

Mr. Eichler: In regard to your authorities you referred to several times in your presentation, you're talking a lot about professional people. When you're talking about the inspectors that's talked about in Bill 2, can you outline how you see that working, because not everybody has the same training that a veterinarian does. Are these the types of people that you're going to be recommending from your organization that the government hire to do these inspections?

Ms. Marion: Sorry, when you're referring to inspections, are you just referring to inspections in general or to a particular species of animal?

Mr. Eichler: Inspectors that are going to be looking into a complaint rather than your organization when you talk about it, the animal protection officer.

* (20:40)

Ms. Marion: So you're asking what their background and knowledge will be? Well, I think that background and knowledge varies depending on that individual's profession and background. So my aim when I was employed helping to manage the

program and delegating individuals to inspection is I would do my best to ensure that the person doing that inspection was knowledgeable in that field. If they were asked to do an inspection and came across a situation that they were not comfortable evaluating, I would then encourage them to consult with experts in that field and work with them in order to come to a conclusion in regard to the concerns presented to them.

So those may have been veterinarians. Those may have been nutritional specialists or experts, if we were dealing with a starvation case.

Ms. Wowchuk: Thank you, Dr. Marion. I thank you for your presentation and for outlining that, indeed, an animal protection officer has to have animal health experience and be either a veterinarian or a technician and, in fact, also, an animal control officer has to have enforcement experience. So, as it is, it is not as if people would be hired without experience to fill these positions. That would be your view.

Ms. Marion: That's correct. The animal protection officers we have, it's not a requirement that they be a veterinarian or that they be an animal health technologist, but we do require that they have experience in their field and we do designate what their strengths and weaknesses are, so a person whose area of experience is in companion animals, we won't ask them to inspect a call or complaint in regard to a dairy farm or a dairy herd.

Mr. Chairperson: Brief supplemental, Ms. Wowchuk.

Ms. Wowchuk: You talked about an experience you had with a cow at an auction mart. In this act, there are some requirements on the part of the auction mart. Do you believe that the auction mart people, people who work at auction marts with animals on a daily basis, should have been able to stop that dairy animal—the animal you refer to as being quite ill—from getting into the system if they could? Do you support the clause in the bill 52.1 where a person shall not—those animals would not be getting into the system at the auction mart?

Ms. Marion: With the experience that I described specifically, I do believe that the auction mart should have been able to identify that animal as being injured and ill and should not have been sold in the auction ring and been due to be shipped the next day.

Mr. Derkach: One question. Are you satisfied that the definition of abuse of an animal or downer

animal is specific enough for people to make an objective decision or does the definition area need to be addressed under either the regulations or the legislation?

Ms. Marion: I think with these definitions, any definition has some degree of subjectivity. I think the objective of trying to encourage reporting of these events is so that, if there is question or doubt as to whether this animal is actually in distress and is suffering, somebody with expertise, such as an animal protection officer, can make that evaluation and then do what's in the best interest of that animal. I don't think the objective of making these changes is to point fingers and place blame. The objective is to ensure the welfare of these animals and do what's in their best interests. I think that that's a misconception. I don't think that's reality.

Mr. Chairperson: Okay. Time has expired. Mrs. Taillieu was on my speaking list here. I allowed the minister a supplemental so I'm going to allow Mrs. Taillieu one brief question.

Mrs. Taillieu: Thank you very much, and thank you for your presentation. The minister did clarify some of what I was going to ask, but I just wanted to know, when you talk about animal protection officers, you talk about those as being either veterinarians or other experienced personnel, so I'm wondering, if the technicians or technologists that are animal protection officers, what kind of educational qualifications they have. Is there a training program to designate someone as achieving, say, a certification in this or a diploma, or how does that come about?

Ms. Marion: When you're referring to certification or diploma, are you referring to the AHT program specifically or their designation as an animal protection officer?

Mrs. Taillieu: Well, I'm not exactly sure because I'm asking you the question.

Ms. Marion: I can answer both those questions.

In order to become an AHT, there is a two-year program that they do have to complete. They are educated in animal husbandry, animal handling, animal care. So they do have that educational background. Most animal health technologists upon graduating do gain clinical work experience in a veterinary clinic whether it be companion animal, mixed animal practice, so they have that background level, too.

The advantage of requiring a veterinary reference is we have somebody who most likely has worked with them and knows what their level of experience and expertise is to be able to let us know what our expectations could be of that individual and whether we think that they would do a job that we think would be adequate in being an animal protection officer.

Mr. Chairperson: Thank you, Ms. Marion, for your presentation.

I call Ms. Twyla Francois, Canadians for the Ethical Treatment of Food Animals. Ms. Francois, do you have any written materials? I see you do. The Clerks will distribute them. You may begin.

Ms. Twyla Francois (Canadians for the Ethical Treatment of Food Animals): My name is Twyla Francois. I'm head of investigations for Canadians for the Ethical Treatment of Food Animals, or CETFA, for short. I'm also the central region director with the Canadian Horse Defence Coalition. Before working with CETFA, I was head of investigation for Animals' Angels Canada.

I've been documenting violations of The Animal Care Act in Manitoba since 2005 and have submitted numerous reports to the Minister of Agriculture, Rosann Wowchuk, and her office of the Chief Veterinarian. A number of the reports are in your folders. Not one case, which I extensively documented, provided full video and photo evidence and complete information on, has resulted in any penalties to the perpetrators.

This has been an incredibly frustrating experience. It is also in complete contrast to my experience with other provincial governments. In fact, each and every report I have submitted to the Ontario Ministry of Agriculture has resulted in penalties; changes in practices and policies; direct, immediate improvements, and even in university research being commissioned to investigate findings of my reports.

My primary concern with this government's inclusion of section 5.1(2)(b), the amendment which would make the movement, loading and transportation of non-ambulatory animals or those who are too sick, injured or diseased to walk to be taken to slaughter, is the fact that when we questioned the office of the Chief Veterinarian about this amendment, we were told that it was included simply to entrench current practices.

The practice of loading and transporting non-ambulatory animals is illegal, according to federal transport regulations. Surely the minister's office is aware of this, yet acknowledges that it is in fact common practice in Manitoba. Rather than including an amendment which would strictly forbid this common practice, they instead chose to codify it.

Manitoba's non-ambulatory animals are often the culls, sows and boars or breeding pigs that have spent their entire adult lives in intensive confinement systems such as gestation crates. Boars are also similarly confined. This intensive confinement leads to the development of arthritis in some 80 percent of the pigs, pneumonia as high as 70 percent, open and often festering ulcers on their pressure points from lying on concrete and makes the animals more prone to fractures of their hips and limbs at point of transport. One recent study coming out of Iowa showed it as high as 12 percent.

These pigs are at a disadvantage when moving and loading as they are often slower than the others. This lagging puts them at risk for abuse such as kicking, hitting and the shoving of electric prods up their vaginas and anuses. This has also been fully documented, videotaped and gone unpunished. These sows and boars are most frequently shipped to slaughterhouses in the midwest U.S., to states where no anti-dragging-of-downer legislation exists.

In one instance, I trailed a downer sow en route to slaughter from the Brandon area. She passed the perfunctory border inspection and continued to Johnsonville Sausage in Watertown, Wisconsin. There she was electrically prodded 11 times and dragged off the trailer to the slaughterhouse floor.

* (20:50)

While I've provided numerous cases of the loading of non-ambulatory animals, one case in particular is reflective of the long-standing practices in Manitoba. At Manitoba Pork Marketing Cooperative, I documented the leaving of non-ambulatory sows and boars overnight at the facility with no food, water, bedding, or medical treatment. The survivors were then taken to Maple Leaf for slaughter before the CFIA inspector arrived. Regulations stipulate that these animals be euthanized on the spot to spare their suffering. It was, in fact, an employee of the office of the Chief Veterinarian who informed me of these problems at the facility and asked me to collect evidence, which I did. Still, nothing was done.

The facility eventually closed, not because the government had demanded it, but because too many Winnipeggers had been recording and documenting incidents at the facility. I was assured the facility would remain closed. However, we have just been made aware that it is, in fact, opening again—this time away from the prying eyes of Winnipeggers to the more remote location of Stonewall.

As I'm restricted for time, I will not go into the cases of Emily, the dairy cow with the twisted stomach, discovered at Winnipeg Livestock Auction which Dr. Marion talked about. She was the veterinarian called in that case. Or Beth, the downer sow with acute arthritis, at Grunthal Livestock Auction. But please read about them in the handouts I've provided. In both cases, full information and clear evidence was provided to officials. Again, nothing was done.

This amendment does little to nothing to improve conditions for these animals, as once again, farm animals are exempt, accepted practices are exempt, and these would include things such as PACing, or pounding against concrete, which is used to hopefully kill piglets—although very often it does not; the breaking of boars' teeth, which research has shown have innervated pulp canals as ours do; the intensive deprivation and confinement of sows and boars in crates barely larger than themselves which do not allow them to turn around; and the use of electric prods, which, inevitably, are used on the animals' faces and genitals.

In contrast, when these issues were presented to the Ontario Ministry of Agriculture, that government took the opportunity to make real and concrete improvements. While Ontario has five acts that protect farm animals, Manitoba has one, and farm animals are excluded. In Ontario, it is nearly impossible for a downer or non-ambulatory animal to be dragged from the sales barn, as lay inspectors are trained by the Agriculture Ministry and are in attendance at each and every sale. The inspectors view every animal and tag those that are injured or suffering. A veterinarian, trained by the Agriculture Ministry, then attends each auction to treat and euthanize the tagged animals.

While Ontario has the same number of inspectors as Manitoba, they have double the number of auctions. Yet they somehow manage to ensure the welfare of all animals in their auction system. Also, in Ontario, each auction has been provided with captive bolt pistols and training to euthanize any

suffering animals. Captive bolt pistols are the most effective and safest method of euthanasia available for most animals. For those who it is inappropriate—horses, for example, the veterinarian will use an anaesthetic injection such as euthanol.

When I met with senior representatives from the Manitoba Agriculture Ministry and asked what improvements they had planned, I was told that no new animal protection officers would be hired, no forms of euthanasia or training would be provided to livestock auctions, and no structural changes were planned. Nothing beyond this amendment was offered.

This is an opportunity that Manitoba Agriculture must take to enforce current regulations, develop clear and practical regulations for livestock auctions and collecting stations, and develop a system of inspections that ensures injured and down animals are euthanized, as they should be, rather than put through the agony of transportation.

I am always very happy to report improvements and co-operation, but I've not yet had the opportunity to do so in Manitoba.

Mr. Chairperson: Thank you.

Questions?

Ms. Wowchuk: Thank you for your presentation and the work that you have done on behalf of animals across the country, but particularly in Manitoba. You have raised many issues. You talked specifically about the section 5(101), I believe it is—501.2, where you would want some changes. What change would you like to see to that clause that would address your concerns?

Ms. Francois: Are you speaking of the amendment about the downers to slaughter?

An Honourable Member: That's correct.

Ms. Francois: It definitely needs to be excluded because it's illegal according to federal transport. You can transport an animal to a veterinarian that's down, which makes sense, but you can't transport them to slaughter. So the inclusion of it really would be contrary to federal regulations, but, beyond that, I think that the recognition that it is a routine act—and my documentation would support that. I have so much footage—that it needs to be explicitly made illegal for a number of reasons because of the welfare issue of the animals—clearly, they're suffering—and for human health, as well, because we

don't know what some of these animals are going down for.

So, yes, I would remove that and then further codify it to say that it is explicitly forbidden to take them to slaughter.

Ms. Wowchuk: I thank you for that advice. I want to say, as you heard other presenters, there have been others who have suggested this amendment to the act, and we will take that consideration very seriously.

Mr. Gerrard: In your presentation you refer to what you call pacing or pounding against concrete.

Floor Comment: PACing.

Mr. Gerrard: PACing?

Floor Comment: Yes.

Mr. Gerrard: Okay, but it says pounding here.

Floor Comment: Yes. So it's P-A-C, pounding against concrete—

Mr. Chairperson: Ms. Francois, sorry, I have to recognize you.

Ms. Francois: So the acronym is PACing and it's pounding against concrete. It's routinely used right across Canada. The piglets are grabbed by their rear legs and their heads are smashed on the concrete floor. Often the animals aren't dead and, in fact, in Ontario one of the rendering companies had to send letters out to the producers to remind them to please make sure that the piglets are dead before they're thrown into the bin. Some rendering companies have even installed cameras in the back dump truck so that they can watch on a monitor, and if they see live piglets being dumped that they can go and dispatch them.

Mr. Gerrard: So, just to clarify, this is a procedure, I take it, which is used for euthanizing animals. What would you like to see in this bill or the regulations with respect to this?

Ms. Francois: The adoption of the use of captive bolt pistols. This is a hand-held device with a metal bolt that, when pressed against the animal's head, a blank cartridge is shot. The metal bolt penetrates the head quickly. There are two sizes. It's a Shermer [*phonetic*] brand. There is a smaller one and a larger calibre. In Ontario the government actually provided these to all of the livestock auctions, provided training.

So, when I go to auctions there, yes, I will see the downers like I do here, but they're not scrambling. There's a set procedure. So what I would say is—and I think some companies have been doing this, for example, Puratone in Manitoba. I think their veterinarian has been disseminating captive bolt pistols, but because the responsibility for the welfare of all animals rests with this department, I think it's only appropriate that these captive bolt pistols should be provided to all barns to ensure that this is at least being done more humanely.

Mr. Chairperson: Seeing no further questions, I thank you for your presentation.

Ms. Francois: Thank you.

* (21:00)

Mr. Chairperson: I call Catherine King, private citizen. Ms. King, do you have any written materials? I see you do. The Clerk will distribute them. You may begin.

Ms. Catherine King (Private Citizen): First of all, I'd like to thank you that I'm able to share my thoughts and experience on this. I want to remind you I am a private citizen, so any questions that you have later, if you need statistics or need to know the authors of the scientific journals that I have read to get my information, I'd be happy to forward it to you later. I don't think I'm quite as eloquent a speaker as the other people before me.

First of all, my name is Catherine King and I've come to speak to you this evening about this animal care act. I'm not a professional speaker, but I am a consumer and I'm a concerned citizen in Manitoba. Again, thank you for the opportunity.

I'm not only here to talk to you about the current amendments to The Animal Care Act, but more so to discuss what has not been amended. The sections that I would like attention given to are those that have remained unchanged. Many of these were written into the act when farming was referred to as agriculture. The term used today is agribusiness, and this term is quite appropriate. I do commend the Manitoba government for bringing in stricter rules and regulations when it comes to breeding facilities of companion animals, also known as the puppy mills. I also commend the government for bringing in stiffer fines and even jail time to persons who are found guilty of animal cruelty offences. Congratulations, Manitoba.

However, I strongly oppose amendment 5.1(2) that states that unfit or down animals may be transported to slaughter. While we were assured at the start of this hearing that this amendment has been rescinded, my concern is that when animal advocacy organizations first asked the government why the amendment was added, we were told it was to entrench current practices. The government must know, of course, that this practice is illegal according to the federal transportation regulations, yet wanted to make an illegal act law in Manitoba. Further, while acknowledging that the illegal act was happening in Manitoba, nothing seems to be done to discourage or punish those committing it.

Let me provide you with a mental picture of the animals affected in this current practice. These are animals that are so ill, injured or diseased that they cannot even stand up. These animals have either broken bones or some other malady that's so severe they can't bear their own weight. The sick and or injured beings are being loaded and transported to be slaughtered. They are vulnerable to being kicked, bitten and trampled. They are transported without food, rest or water for hours, even days. The destinations may be as far south as Texas or to midwest states where there are no laws against dragging with chains or using electrocution to make these very weak and sick animals get off a truck.

Rather than simply excluding the legislation of this practice, the Manitoba government should be making the act clearly illegal by including it as an amendment. It should state that any down or health-compromised animal must be humanely euthanized where it lies, as soon as it is seen. Further to that, this Province must begin penalizing those that break the law by continuing to transport downers.

This brings me to the second part of my presentation. I'd like to talk about the sections of this act that have not been amended and I'll also discuss how is it that there are so many animals that get to the state known as downers.

Reading through the act, I am relieved to see that it's an offence to cause animals undue stress or pain, but I read further and this act does not extend the same due care to animals in agriculture, research, hunting, or animals used for entertainment. These are the very animals that we use in clinical trials and other testing that we justify by saying they are vital to our well-being. These are the animals whose skins we wear and these are the animals that we eat. Are these not the very animals that we owe our

compassion to? Unless we change the way we treat these animals and our laws reflect this, until we extend compassion to include all animals, they will never enjoy any semblance of life without fear, pain or stress. Don't we owe them some sort of protection?

When this act was written, alternatives to animal testing were not available, fur farms did not exist and neither did factory farms. Because of the changes in the way we are using animals, should not The Animal Care Act also be changed?

Now, again, because of time constraints, I am going to narrow my discussion to animals subjected to living on factory farm situations, but I did think it was important that animals that Manitoba Agriculture is responsible for at least get some cursory mention.

There are literally millions of pigs in Manitoba and many, 95 percent of the sows, are confined for most of their life inside a stall that's two feet wide by seven feet long. This tiny space is too small for the animal to even turn around. Using this stall is so utterly cruel it really needs to be banned, and that's the kind of amendment that I would like to read about. Laying hens are given a living space that's smaller than a piece of paper. I'm certain that we all know what a veal crate is. These are the newborn calves that have been taken from their mother, they're put inside tiny spaces, often tethered, where they never touch another living calf. Conditions for these calves are so poor, mortality rates are often as high as 10 percent.

When animals are denied everything that nature intended, when they're forced to live in cramped and often filthy places—and, yes, I have seen them—stress levels are high. This stress can cause them to bite or peck at each other. Rather than modifying the space where they live, we modify the animal. These modifications include cutting off hens' beaks, and beaks are innervated, and recent studies show that these birds suffer phantom limb pain the rest of their lives. We cut off toes and we cut off tails with no anaesthetics or analgesics. We cut boars tusks with bolt cutters. They are also innervated. This is equivalent to having your tooth sawed off and exposing a raw nerve. Male piglets are castrated and the pain is so severe that some go into convulsions. Mutilations are considered routine practice, and according to The Animal Care Act, therefore, these are acceptable.

Manitoba has a golden opportunity now to be progressive, to go through The Animal Care Act line by line and make amendments that truly will protect all animals.

I really imagine that a lot of people are like me. I thought everything was just swell down on the farm. I believed that agencies and governments and laws protected all the animals from—I'm going to call it cruelty, but now we learn that this isn't really the case, unless the animal happens to be a cat or a dog. The Internet and YouTube are showing us, the general public, many of us, really what is going on behind barn doors, and we really don't like it. The numbers of members in animal welfare groups are growing by leaps and bounds. As we become more informed, we are standing up, like I am, and speaking on behalf of the animals. We are changing the way we shop. We refrain from purchasing products where there really is a concern that we're contributing to cruelties. Yes, again, I do say cruelty. What is happening to farm animals and some other animals really is nothing less than animal cruelty. It's only our existing laws that exempt these animals from the very things that would be absolutely illegal if they were happening to a cat or a dog.

Now, at this moment, Manitoba has this prime opportunity to amend The Animal Care Act to include all animals. Practices such as those I mentioned earlier: sow stalling, teeth cutting, castration, toe cutting for chickens, tail docking; some of these need to be regulated, but most others banned, as is happening in Europe today. It's my dream to know that Manitoba is at the forefront of animal protection and welfare consideration is given to all animals, and none will fall into some category where there really is zero protection for them. I believe the world is definitely heading in this direction and with this opportunity to amend The Animal Care Act, Manitoba could truly position itself at the forefront. Then Manitoba could really boast of being a true, real leader. Thank you.

Mr. Chairperson: Thank you, Ms. King.

Questions?

Seeing no questions, Ms. King, I thank you for your presentation.

I call Georgina Norris, private citizen. I see you have some written materials. The clerks will distribute them. You may begin.

* (21:10)

Ms. Georgina Norris (Private Citizen): I just have to adjust the mike, please. Can you hear me?

Mr. Chairperson: Yes.

Ms. Norris: Committee members, my name is Georgina Norris, and I think I'm the wave that Bill McDonald was talking about. I'm here today because I'm concerned about the welfare of Manitoba's farm animals. We have laws to protect dogs and cats, but farm animals are exempt. This is the focus of my presentation.

I would like to tell you the story of one farm animal, a sow, a female pig and her life and hope that you might see the inhumanity and suffering experienced by these animals.

It was almost a year ago that I walked into the Winnipeg Humane Society and saw a replica of a sow in a stall. I stared in disbelief. It was then that I began to educate myself about our farm animals. Sow stalls were only the tip of the iceberg.

To understand the nature of the pig, I would like to give you some quotes from Grandin: Pigs are obsessed with straw. No one has found anything that can compete with straw. Pigs are highly curious animals and have to have something to do with their minds and their snouts which they stick into everything they can reach. Their seeking emotion is hyperactive. Pigs are a social animal and don't like being alone.

Depending on which study we look at, pigs are smarter than dogs, or at least equally intelligent. I had wanted to call the sow in my story Pigsy, but then I realized that she would not be treated the way a pig should be. So I thought of production unit or commodity. Commodity is shorter, so that is what I will call her. My story titled "The Sow from Manitoba.":

Commodity was born in a farrowing stall and was nursed by her mom for two weeks, but she could never get close enough to her warm body as she had to nurse through steel bars. Then she was taken away from her mom. Sows have been known to be physically upset when their piglets are taken away.

Commodity was impregnated at six months of age and was moved into a gestation stall. This would be her home now except for times when she would be moved into a farrowing stall to deliver her babies and nurse them. The stall was made of metal bars and measured two feet by seven feet. The floor was concrete. She can take one step forward and one step

back. She cannot turn around. The stall activates the rage system when the sow is first put inside because it is a severe form of restraint which frustrates the animal. As she gets bigger, the stall will become too small for her and she can get pressure sores and ulcers from rubbing on metal.

Commodity didn't like being alone. Her new home was dark and smelly. Her body waste fell through the slotted concrete floors into a pool of raw sewage beneath. Sometimes it was washed away. Other times she had to lie in it, and she could only lie down with her feet sticking through her neighbour's stall.

She noticed sows in stalls across from her and wanted to socialize with them. She stuck out her snout out through the bars at the front of her stall as far as it would go. She wanted to reach her neighbour. Her new friend does the same. After a few days of this, they both give up. The sides of their snouts are bruised or open from pushing so hard on the metal.

Commodity gave birth to her first litter 115 days after being impregnated. There were 16 piglets. After two weeks, they were taken away. She had become a mother and she missed them. She was impregnated again and returned to a gestational stall. Under-stimulated pigs will chew off each other's tails, too. It's not really aggression; pigs are desperate for something to explore and chew.

I've seen some motionless, depressed and unresponsive to anything around them. They appear to be suffering from a learned helplessness, similar to what people can experience when they lose hope. They knock the metal bars of their crates, press their snouts against the front of their enclosures or move their head from side to side.

For social animals it is a neurotic coping mechanism in response to an isolated, confined or deprived environment.

Commodity's existence continued from gestational stall to farrowing stall until her production waned at two and a half years of age. She had been confined for so long and unable to move around. Her legs were weak and stiff and arthritic. Her heart was in poor condition as she has had no exercise. She had also developed pneumonia from breathing in the harsh toxic fumes in the barn. Then one day she was let out of the stall with a large number of other sows. They were moving towards a truck. She couldn't move very fast due to her

impaired mobility so she got a first taste of the electric prod being pushed into her vagina. She managed to get on the truck very short of breath. Two nights and a day passed by. She was cold as the truck wasn't heated. There was no food or water available. She was at least happy though that the boars had been bashed before they were let on. By the time the truck stopped she was lying down and couldn't get up.

I would like to end my story with a witnessed account of a downer sow and Commodity is now a downer sow, and this could have happened to her. This was a report sent by Twyla Francois to the Minister of Agriculture and she did not get a reply.

This is an actual incident that happened. Unloading of Steve's livestock tractor trailer: We returned and witnessed the unloading of cull sows from Steve's trailer. We could see that there were two dead sows on the top level and one that was non-ambulatory but still alive. After the ambulatory sows in the rear compartment walked off the trailer, we saw the driver enter the trailer and climb up to the top where we heard him say, are you still here, presumably to the downer sow.

He then yelled out, we got a couple of dead ones. Shortly thereafter, we heard intense roaring, screaming and heavy panting and the sound of flesh being slapped for nearly two minutes as a man electronically prodded the sow and slapped her to try to make her rise to her feet. She was not able to. The driver left the trailer. Forty seconds later a man who we believed to be the manager of the facility and one of his workers entered the trailer and walked to the downer sow. We then heard the sounds of flesh being hit and another roar from the sow. The worker asked, are you getting up, Miss Piggy. You're not going to want to stand. The manager then said to the worker, she's not good, eh. Manager, well, the closer the head is, the harder she dies. Twyla has said this may explain why the sow was pulled out by attaching the cable to her fore limb rather than her hind limb as the other sows. Then they left. The driver then re-entered with his breathing mask and we heard another roar, though weakened this time. We looked into the top level of the trailer and noted that the downer sow was, in fact, still alive, lying beside the two dead sows.

At this point the driver and the workers discussed how they would remove the sows from the top level of the trailer. They decided to use a tractor and wire cable to remove them. Within a few

minutes, the tractor arrived and an attempt was made to remove them from the back of the trailer, but that was unsuccessful. They then tried from the side. One end of the wire was tied to the right front leg of the sow who just 15 minutes before was vocalizing. The cable slid off her arm and the worker stopped to reposition it. The sow was then dragged off and hit the ground head first. A pool of blood began to develop under her snout immediately. Given the amount of blood that pooled and her recent vocalizing, we know the sow was alive until she hit the ground. The fall from 10 feet up likely broke her neck and ultimately killed her. I have one more page.

Commodity was treated as a production unit, imprisoned her whole life in a small space alone with nothing, nothing—just to stand and lie down. She was tortured before she died an unspeakable death and this is not a one-time incident. She was born a pig. Then humans turned her into a production unit, or commodity. She was never a pig again until she was butchered and packaged and transported to the grocery store. We need laws that give our farm animals better living conditions, better living and transport conditions and we need to make laws so they do not suffer under the hands of abusive workers. Please and thank you.

I've included something I got off my computer about what sow stalls look like, and I also included a handout of the farming that they are doing in the United Kingdom, France and some other countries. A lot of countries in Europe are switching over to banning sow stalls and—that's it.

* (21:20)

Mr. Chairperson: Thank you, Ms. Norris.

Questions?

Ms. Wowchuk: Thank you, Ms. Norris, for your presentation and for your thoughts on the pork industry in particular. You've talked about gestation sows, and the industry is moving in the direction of moving away from gestation crates. I wonder if you've had the opportunity to visit Glenlea and to see the research projects that are going on there with the different kinds of stalls and the different ways of housing animals that are being looked at, both by Manitoba Pork, by our government here, and others, who look at different models as to how hogs can be housed.

Ms. Norris: No, I haven't. I don't think I would be allowed to go in.

Ms. Wowchuk: Actually, yes, you would be allowed to go in, and it's a very important facility in that sense because it has an education centre in it and people, schools are encouraged—people are encouraged to take their children there. Schools are encouraged to go there to learn more about farming and to see what research is doing to change the practices, and look at other models of how animals can be raised, particularly hogs.

Ms. Norris: Well, I would hope that they would come where farm animals would be treated a lot better. So far I don't think the government has made any direction toward it other than with the downers, and even that was uncertain. Things take a long time, like, even, once you make the decision and say, like with that experimental stuff that he's doing, you have to say, okay, we're going to ban the sow stalls by year 2013. We're still a long way from there. That's all I have to say.

Mr. Chairperson: Okay, seeing no further questions, I thank you for your presentation.

That concludes the list of presenters that I have before me. Are there any other persons in attendance who wish to make a presentation? Seeing none, that concludes public presentations.

We will now proceed to clause-by-clause consideration of the bill.

During the consideration of a bill, the enacting clause and the title are postponed until all other clauses have been considered in their proper order.

Also, if there is agreement from the committee, I will call clauses in blocks that conform to pages, with the understanding that we will stop at any particular clause or clauses where members may have comments, questions or amendments to propose. Is that agreed? *[Agreed]*

Does the minister responsible for Bill 2 have an opening statement?

Ms. Wowchuk: Mr. Chairman, I would like to begin by thanking all of the presenters who made comments this evening on the bill. Certainly, this is one that I believe is a very important bill with regard to the treatment of animals. For the past decade, we've had The Animal Care Act that has been protecting the welfare of animals. This act complements federal animal cruelty legislation as it emphasizes the prevention of cruelty to animals. However, The Animal Care Act is unique because it goes beyond prevention of animal cruelty to ensuring

that owners meet a minimum standard of animal care in the prevention of suffering.

The act references the most up-to-date standards in the codes of practices that each species of animal and thus ensures that the current standards of animal care are always enforced in Manitoba. I think that's important because we've heard various people talk on this piece of legislation, but it hasn't been mentioned that there are codes of practice for every species of animal that is raised here in Manitoba.

The act also makes Manitoba unique, as it requires the licensing of breeders and kennels to ensure that dogs and cats are raised under suitable conditions.

This is really leading legislation that protects the welfare of animals in Manitoba, and it has done so for the past 10 years. The amendments we are discussing this evening will ensure that Manitoba remains a leader in the area of animal welfare.

In the proposed bill, the veterinarians will be required to report suspected cases of animal neglect and abuse. New measures will be put in place to deal with livestock unfit for transport, and that's certainly been one area where we heard a lot of presentation this evening. I think it's an important area, and I think that this is the place where consultation and discussion with people is very important. In fact, this is the one section that we are listening, and certainly we will be bringing an amendment to the section dealing with animals unfit for transport. The whole section of how they should be handled, we'll address it through an amendment.

Licensing of breeding premises will be expanded beyond the premises of cats and dogs so that breeders of other species of pets—hamsters, gerbils, rabbits and other pets—will be required to be licensed as well. Licences will also be required by pet stores, by pounds, by animal shelters and other such facilities.

In addition, a registry for licensed breeding premises, kennels and other pet stores, will be established and the information on this registry will be made available to the public. This will allow a buyer of a pet to ensure that the animal that they are buying has been raised in a licensed, commercial animal-breeding premise.

To help deal proactively with situations before animals become in distress, the director, under the act, will be able to issue orders to owners regarding the care of the animals in situations where animals

may come into distress or where owners are not carrying out their duties of providing care to their animals. Failure to comply with the order will result in charges and seizures of animals.

Finally, the measures to deal with owners convicted of offences under the act will be strengthened as some members at the committee have indicated. Fines are going to be increased: \$10,000 to the first offence; \$20,000 for a second offence; jail time will be doubled to a maximum of one year; and the maximum prohibition of ownership will be extended to a lifetime. There is also an appeal mechanism.

I take seriously the comments that others have made, and I am pleased that we have been able to hear those kinds of comments on this bill.

Mr. Chairperson: Thank you, Ms. Wowchuk.

Does the critic from the official opposition have an opening statement?

Mr. Eichler: I do.

Bill 2 is a very complex bill and, when the minister first introduced it as Bill 48 in September of 2008, we had serious concerns about it. A number of those issues, the minister and her staff, I have to commend, did an outstanding job in trying to address a number of those issues.

We've heard tonight from a cross-section of presenters from the Manitoba Cattle Producers, the Keystone Ag Producers, the Humane Society, Veterinary society and the Ethical Treatment of Food Animals and also the Coalition for Farm Animals and from private citizens.

There've been a number of issues that have been brought forward I think the committee's going to have a look at when the bill comes back in the House for third and final reading. I know the minister made reference to one amendment, and I believe that is to deal with clause 5.1(2)(b) that she made reference to. We also understand that there are proposed amendments that we should be looking at in regard to issues brought forward by the MCPA, the cattle producers, in regard to 10 areas of which they have concern. We certainly feel that any consultation that has been missed should be addressed in a very timely manner so that the minister and her staff can certainly try and deal with those in good faith before moving forward on the third and final reading.

* (21:30)

We will have opportunity at a later date to bring amendments forward if the minister has not had an opportunity to get these ready. We would certainly be prepared to meet with the minister and her staff in order to ensure that these concerns in fact are met and alleviated in any way that we can to ensure that we have the best possible legislation that's brought forward for the citizens of Manitoba.

We all want good healthy animals. We want to have the best practices that we can put in place, and work together with all sectors, be it rural, urban and also with those people that have concerns, that we can address those. Because the bottom line is, I think, all of Manitoba wants to have a healthy environment for our best practices for looking after animal health care.

So, with that, Mr. Chair, we're ready to move forward on the comments or the reading of the bill.

Mr. Chairperson: We will now move to clause by clause.

Clauses 1 through 3—pass; clauses 4 and 5—pass.

Shall Clause 6 pass?

Ms. Wowchuk: I have indicated that I have an amendment and it is to this clause.

Mr. Chairperson: Okay, Ms. Wowchuk, your amendment.

Ms. Wowchuk: I move,

THAT the proposed subsection 5.1(2), as set out in Clause 6 of the Bill, be amended by striking out everything after "may transport it" and substitute "to or from a veterinarian clinic or the nearest suitable place to obtain medical attention."

Mr. Chairperson: It has been moved by Ms. Wowchuk,

THAT the proposed subsection 5.1(2), as set out in Clause 6 of the Bill, be amended by striking out everything after—

Some Honourable Members: Dispense.

Mr. Chairperson: Dispense.

"may transport it" and substituting "to or from a veterinary clinic or the nearest suitable place to obtain medical attention."

The amendment is in order. The floor is open for questions.

Mr. Derkach: Just one brief question. It says: to a veterinary clinic or nearest suitable place to obtain medical attention. Does that include: or disposal?

Ms. Wowchuk: Can you clarify what you mean by disposal? Are you talking about putting the animal down?

Mr. Derkach: Yes, I'm talking about putting the animal down, if necessary.

Ms. Wowchuk: That would be a treatment, so, yes, that would be covered.

Mr. Derkach: I'll leave it at that. I think that's fairly open.

Ms. Wowchuk: I just want to say that you've heard a number of presenters this evening. This was the clause that when we were doing consultation was causing a lot of concern. We've listened to the presenters and have made this amendment.

Mr. Derkach: If this animal can be transported for medical treatment to a veterinary clinic, if it is deemed that the animal has—I'm going to use a very practical example. Sometimes broken legs in animals can be repaired and sometimes, because of the size of the animal and the nature of break, that may not be possible, so that animal can still be used.

It's a commercial animal. We're not talking about pets here. We're talking about commercial animals—that the animal then can still be used for human consumption if it is taken to an abattoir, a local abattoir. Would that be considered in this amendment?

Ms. Wowchuk: If an animal has a broken leg on the farm and the individual wants to take that animal to a slaughter facility, they would have to have a veterinarian check that animal.

This act is the same as the federal act. They are exactly the same, and it would mean if an animal was injured on the farm, you could have on-farm slaughter of that animal and that animal could then be taken to a processing—to an abattoir. But that's what the federal law says, and that's what this law will do.

Mr. Derkach: Well, Madam Minister, I don't believe it's legal to slaughter an animal on a farm and then to take it into an abattoir. The Canadian Food Inspection Agency would not allow that. Yet there are Canadian food inspectors who are in the slaughter facility, in the abattoir, who could actually do the work of inspecting this animal to ensure that

this animal hasn't been in any way abused—no different than a veterinarian would do it, a veterinary clinic.

In other words, if that animal is taken and the Canadian Food Inspection or the inspector says no, this animal is beyond, the break is beyond repair so we'll simply slaughter it, and then they inspect that carcass as other carcasses are inspected, if you slaughter it on the farm, you can't take it. By law you can't take it to an abattoir.

Ms. Wowchuk: If you are using that—it would not go into the commercial food chain. You're right. But you could, a farmer could have a veterinarian inspect that animal. It could be put down on the farm and then taken to an abattoir to process for your own consumption, for personal use, not into the food chain, but for your own personal use.

Mr. Chairperson: Any further questions? Seeing no further questions, is the committee ready for the question?

An Honourable Member: Question.

Mr. Chairperson: The question before the committee is as follows:

THAT the proposed subsection 5.1(2), as set out in Clause 6 of the Bill—

An Honourable Member: Dispense.

Mr. Chairperson: Dispense? Okay. Dispensed.

THAT the proposed subsection 5.1(2), as set out in Clause 6 of the Bill, be amended by striking out everything after "may transport it" and substituting "to or from a veterinary clinic or the nearest suitable place to obtain medical attention."

Amendment—pass.

Clause 6 as amended—pass; clauses 7 to 10—pass; clauses 11 and 12—pass; clauses 13 through 15—pass; clause 16—pass; clauses 17 to 19—pass; clauses 20 to 23—pass; clauses 24 to 26—pass; clauses 27 and 28—pass; clauses 29 to 33—pass; clause 34—pass; clauses 35 and 36—pass; clauses 37 to 40—pass; clauses 41 and 42—pass; clause 43—pass; clause 44—pass; enacting clause—pass; title—pass. Bill as amended be reported.

The hour being 9:39 p.m., what is the will of the committee?

An Honourable Member: Committee rise.

Mr. Chairperson: Committee rise.

COMMITTEE ROSE AT: 9:39 p.m.

WRITTEN SUBMISSIONS PRESENTED BUT NOT READ

Letter concerning "the animal care amendment act" March 9, 2009:

My name is Dave Shelvey and I am submitting this letter on behalf of myself, Dave's Reptiles N'Stuff, and the Westman Reptile Gardens near Brandon, Manitoba. I apologize for not being there in person but I did have several questions and concerns regarding this amendment. I deal primarily in small animals such as mice, hamsters, rats, rabbits, etc. as well as reptiles and other animals. I breed as well as import from other suppliers and breeders.

One question I have is "If all stores, suppliers and breeders in Manitoba must be licensed, do their suppliers also have to be licensed in Manitoba regardless of where they are located?" For example, if I purchase something from a supplier in Florida, do they have to obtain a Manitoba licence first? And as far as the licensing fee goes, is it a one time licence so you can track these facilities and monitor the health of the animals as the bill was supposedly designed for or is it going to be a yearly renewal system which translates into a "money grab" for the province and a bunch of headaches for both parties?

This bill talks about veterinarian inspections on animals. Does this mean you want inspections on every animal that is being shipped to a store? How does one justify a \$60 vet visit for \$1.00 mouse or a \$4.00 hamster? I realize the health of an animal should always be the primary concern but there are economics to consider as well because at the end of the day this is a very large industry consisting of a lot of small businesses that the government both provincial and federal are constantly saying that they support and want to help, but yet seem to always be in the way.

We are in the middle of some really tough times financially right now and adding more hoops to jump through does not seem like a productive way to help the economy. The tighter things get the more likely people are to stay closer to home and also more likely to rely on pets and supplies. I have no way of getting the actual figures but if you look at the number of pet stores and pet supply stores in Manitoba I think you would be amazed about the total sales from this industry, which is very fragile right now and is largely dependant on small businesses like mine.

I have concerns also with the entry of inspectors. Who are they? Are they animal control officers with very limited knowledge of most animals or are they law enforcement officers with even less knowledge? Are they veterinarians who can tell if an animal is in distress or are they animal activists that say all animals are in distress? Are they going to be trained to know what size of enclosure is proper for a rat, a hamster, a rabbit, a ten foot python? I had a person complain two years ago about one of my Siberian huskies, they thought it was being abused because its hips were sagging and its fur was rough. I got a visit from a provincial vet that told me I should be giving my 19 year old, yes, 19 year old husky raw liver to improve his coat and steroids for the hip. I am not a vet, but even I know when a large breed dog reaches that age no amount of food or drug is going to help, it is just old.

Because we have a reptile zoo that is open to the public we are subject to people who don't understand the requirements of some animals and complaints are going to happen, although to this date, all unwarranted. I had a lady come to our facility on feeding day and reported to the health department that there were dead mice everywhere. On inspection, they came to realize that snakes don't eat tv dinners and that everything was fine. I don't have a problem registering my business with the province and following some reasonable guidelines for the safety of the animals and the consumers purchasing them and making them part of their family.

My biggest problem is allowing someone who has no idea what they are talking about to make the rules. Recently the province passed legislation stating that the only humane method of killing rabbits is with the use of CO₂. I have been breeding pet and meat rabbits for over 20 years and I have always preferred breaking their necks. Don't get me wrong, I do not enjoy doing it but it is the most humane way to kill them. If you snap the neck, they are dead instantly, no pain. Who ever passed this legislation has obviously never been around a CO₂ tank when a group of rabbits are screaming like little girls and wrestling around trying to get air before they suffocate, you will never, ever, make me believe that is more humane, it just isn't, period.

I would really like to see this province take a different approach than other cities and provinces, I would like to see you get this one right. The whole system is like a computer, you add more and more, good and bad, and eventually everything is so over

lapped that it doesn't make sense anymore. Before any more is added, a few things need to be deleted and realigned, de-fragmented if you will, and then you can implement some rules and laws that make sense. Maybe go outside the box and get a group or committee of people from all parts of the industry and government to sit down and constructively put something together that will be good for the industry and the consumer rather than just pushing yet another amendment through that really doesn't benefit anyone. I would be the first one to volunteer my services.

I don't know how familiar anyone here is with CITES, it is the Convention on International Trade in Endangered Species. The main purpose of this is to protect wildlife, that is why Canada joined. I recently applied for a CITES permit to send some baby anacondas that were born here to a distributor in Florida. It took me over two months to get the permit, but when I did, I took it and the snakes to Canada customs, got the permit validated, and shipped them off the Florida. I received a call the next day from my supplier in Florida stating that the shipment was being refused and sent back. I called United States Fish & Wildlife in Miami and they said that the permit wasn't validated properly by customs and they were being rejected. Customs forgot to write the number of snakes being shipped in the bottom left corner and for that they had to come back even though the amount was on the accompanying invoice and on the typed part of the permit. With all the modern technology we have there was no way to fix the problem, to write the number 23 on a line, wasn't possible. This happened on a Friday so they held the snakes over the weekend and shipped them back Monday. Over the weekend, one of them died but because 23 came in, 23 must come back so they packed the dead one in a separate bag, in the same box, and sent them back. I don't know if you have ever had the pleasure of smelling a three day old dead snake but it isn't pleasant and I am sure not healthy for the live ones.

To summarize, I paid for \$135 freight one way, \$185 back, \$100 for the permit and I lost one snake. This is a perfect example of a permit system that was adopted for the right reason but has been lost or forgotten through all the red tape and bureaucratic bs. These laws need to be more than job justification measures and money grabs, they need to make sense and actually benefit all parties involved.

I strongly feel that this is similar legislation and needs a much more intensive review before being

allowed to pass and I therefore must request that you do not pass this bill. Thank you for your time.

Dave Shelvey

* * *

Dear committee members,

I am writing this letter as a citizen of Winnipeg who believes in the work of participatory democracy to create powerful transformations in our world.

I am writing to gently remind you that you are not on your own as you attempt to manage the difficult task of animal-welfare legislation, for if a democratic citizenship is informed about an issue and asked to do what is good and right, then it will do so.

The legislation will lead the way and encode the behaviors for the rest of us to follow—and if the legislation is set in the name of care for the animals we use and eat, then that care will direct the citizenship toward a more hopeful future.

It is inherent within us to want to belong to something larger than ourselves and to work toward something beyond us—to bequeath to our children something better than what we had.

If the Animal Care Act asks us to make sacrifices—including the kinds of financial sacrifices that will insure the regulation of meat production—then we will make them. If people know what they're paying for (the care of animals and farmers), they will pay more.

If we are told that we must pitch in financially to make sure that farmers can afford to implement slower, more caring methods, then we will. Humans know what it means to belong to a community, and we know what it means to extend that care outward from our inner-circle of families to those who need us. We can include farm animals in that care.

Given the economic collapses occurring all around us, people turn first to the government for regulations, for controls on actions that need to be modified by the law. With a clear sense of the future—of what a caring and regulated world looks like—democracies don't need to be in constant crisis-response mode.

We don't need to see people die from outbreaks of listeria and salmonella poisoning before we send in inspectors and then contemplate the hidden costs of meat production. We won't need to send firefighter after firefighter out to the hog barns that go up in

flames because trained inspectors will make sure everything's o.k. and that the farmers have help with the raising of their pigs.

We need to think about the world we're handing our children, one that closes its eyes to the world of animal farming and seeks the cheapest meat.

With this legislation, perhaps we can imagine saying to our children, "meat is valuable; we pay for the knowledge that both the animals and the farmers are overseen by a system that regulates and honors them and their work."

We teach our children the names and voices of animals from the moment they can make syllables: a pig says "oink"; a cow says "moo." And then we betray them by refusing to enforce a system that establishes a minimum standard of care for these animals as they are collected, transported, and herded to slaughter.

I am not advocating the end of meat-eating. I am advocating a system that we could describe to our children without horror—that we could point to and say, "yes, we get meat from here, but it's o.k. The animals have water on their way; there are government inspectors to make sure they're not cruelly treated; the inspectors care about their work."

We know that intensive livestock production damages the environment; study after study shows its effects on the surrounding waterways and on the availability of water. We know from studies at the U of Manitoba that pigs fare better on straw-based systems, have more live births, live happier lives. We can help and pay for farmers to switch to this method. We can tell our kids that the waters are healing because we figured out that we took a wrong path toward speed and machinery in the 20th century. The 21st century knows better, we can tell them.

We can educate our citizenry that we owe the animals water on their way to slaughter and that we must enforce this debt with the proper personnel.

We know from several studies in the U.S. that cows who are called by individual names produce three times more milk than nameless cows. We owe the farmers time and compensation to call their cows by name and to make sure those cows are safely and humanely transported to slaughter.

With the review of the Animal Care Act, we can start to see ourselves in better relation to the animals upon whom rely for milk and food.

We can start to repair the damage we've allowed to happen. We can make food production a less violent, out-of-control system, in which the people who work within it know the rules and want to uphold them.

We can honor farm animals with the basic respect that they are not units of production and that the more we see them this way—as production units—the more poisonous they become in turn.

Animal Husbandry is an ancient art. Perhaps we can begin to bring it back with this legislation.

I wish you the best in your deliberations.

Dr. Dana Medoro
Associate Professor
University of Manitoba

* * *

Hello,

I am pleased that the proposed revisions to the Manitoba Animal Care Act call for tougher laws in dealing with run puppy mills. Manitoba should not be a province that stands idly by while people make money off the suffering of animals. Those that cause this sort of suffering deserve to be dealt with severely by the law.

I am also pleased to hear that the amendment which would have allowed the transport of "downers" to slaughter has been removed. I'm saddened however, that the proposed amendment was being considered at all. If an animal is so sick that it can no longer support its own weight, it should not be making its way to a dinner table.

Being trampled by other animals, electric prodded and dragged off the second level of a transport trailer is also often the fate of a "downer" animal. The practice on transporting them to market is utterly inhumane and should never not been considered in the first place.

Several years ago I had the opportunity to read the Manitoba Animal Care Act for the first time. I was quite pleased that it stated the following:

Infliction of suffering prohibited

3(1) No person shall inflict upon an animal acute suffering, serious injury or harm, or extreme anxiety or distress that significantly impairs its health or well-being.

However, I was not at all pleased that the following phrase occurred:

Accepted activity re suffering

3(2) Subsection (1) does not apply where the suffering, injury, harm, anxiety or distress is caused by a treatment, process, or condition that occurs in the course of an accepted activity.

I struggled to understand how a thought such as this became law. Why is it a serious offence to cause suffering to an animal that is a pet, but perfectly fine for one that is not? Is it because one has the capacity to experience pain and the other not?

In 2007, I was troubled enough by this section of the act that I wrote to the Minister of Agriculture, Rosann Wowchuk. I asked why we as Manitobans, endorse the mistreatment of animals. In her response the Minister stated that the act ensures that all animals are protected from suffering. I responded with the questions of what makes a practice an "acceptable practice?" and does this phrase not allow for the unconditional mistreatment of some animals? I did not receive a response to this letter.

The lack of response was disturbing. It is the duty of elected officials to answer questions asked by a constituent, especially when dialogue has already begun. My assumption was that the Minister simply did not care about the welfare of animals.

In my volunteer work with the Humane Society I speak to people about banning intensive confinement sow stalls in the Manitoba hog industry. The overwhelming majority of those that I speak with are appalled that the practice exists. They are equally surprised that it is endorsed by our Manitoba laws. I have, however, in the course of this work also spoken with others that have the same sense of indifference as I found in the Minister.

To be certain, ensuring the humane treatment of all animals is not a simple issue. In the case of most farm animals, the end objective is their slaughter. I have often heard the argument that with the end result being the dinner plate, why would we concern ourselves with their welfare at all? Perhaps this is the Minister's point of view as well?

My response to this is why would the final moments of an animal's life justify months or even years of grotesquely inhumane treatment? If we believe that cruelty towards animals is unjust, do not all animals deserve protection from cruelty? As Manitobans, I think that we have to ask ourselves what we believe. As it stands, the act presently tells us that Manitobans believe that it is ethical to treat some animals with extreme cruelty and indifference.

In closing, I approve of the small changes that have been made to the act, but fear that it has not gone nearly far enough to improve the welfare of animals in this Province. By taking a selective approach to animal welfare, the act endorses brutally inhumane practices currently in place in many industries. It also ensures that we lag far behind most other countries in the western world in the area of animal stewardship.

I call for additional amendments to the act that would provide for a minimum level of protection to all animals, regardless of the "activity" in which they find themselves. I also suggest that we look toward Proposition 2, recently passed in California, for guidance on this issue.

Sincerely,
Randy Tonnellier

* * *

Please allow me to introduce myself. My name is Sandra Allen, I am a senior citizen born and raised in Winnipeg. I would like to submit a written statement opposing The Animal Care Amendment Act, Bill 2, as it stands now. As an individual, I have always fought against the inhumane treatment of animals in our province. This goes back many years to the lack of humane treatment of animals, companion or commercial, and is driven by the blatant disregard for the humane treatment that I have witnessed in the past which continues even more so now.

Example: I can remember the delivery horses from my childhood. One incident that I have never forgotten, one day my mother pointing out a very ugly open oozing wound on a horse to the driver who was delivering ice to our home, my mother brought it to the attention of the driver and she being told to mind her own business. Then he proceeded to cover the wound up with black shoe polish. I still remember that horse just quivering as he did so. We lived close to Arctic Ice and my mother marched over with me in tow to complain but she was shushed away as if her complaint was of no interest to them. She got her ice right, so what was the problem?

It was not long after this incident Arctic Ice had a barn fire. Most of the horses were rescued, but a number perished. I wish we could say as much about the barn fires here in Manitoba. In 2008 alone, 30,000 pigs and piglets have been trapped and burnt to death with no chance of rescue being trapped in gestation crates. Volunteer firefighters attending

these fires require counselling after having to listen to the screams. I spoke with a firefighter myself and he said never again, the screams still haunt him. And still we allow, as they are called, accepted practises to go unchallenged. There are eg. I will bring to your attention below. Thank you for allowing me to share this personal story with you.

First, may I say a very weak thank you to our assistant deputy minister Allan Preston for announcing that the amendment allowing the transportation of downers to slaughter will be removed from Bill 2, The Animal Care Amendment Act.

But the amendment still reads:

Section 5.1(2) Despite subsection (1) as long as the animal is loaded and transported humanely, a person may transport it.

(b) Directly to slaughter at the nearest available slaughterhouse.

I strongly oppose 5.1.2(b)

This now converts into law the allowance of moving, loading and transporting of downers, which is in contravention of the Federal Health of Animals Act forbidding the transport of downers.

The wording indicates that unfit animals or downed animals must be taken directly to slaughter, but for the majority of downers, who are almost always culled breeding sows and boars and many dairy cows, the destination means long distance transportation—the Midwest U.S. for pigs; Québec or Saskatchewan for dairy cows. Surely the government knows this is an illegal act according to the federal transportation regulations yet they want to make it a legal act here in Manitoba to load such animals. The Manitoba government must make the act illegal by amending this in the Bill 2 amendments. The amendment must state that any down or health compromised animal must be humanely euthanized where it lies, and as soon as it is seen.

Farm animals are once again exempt from protection. Some of these accepted practices being: the use of gestation crates for sows—no mention of phasing out the use of gestation crates; battery cages for laying hens—no mention of phasing out battery cages. We ship calves from dairy operations to specific veal farms out of province to spend their short lives in wooden boxes, tethered at the neck where they can't touch or often see one another. We

contribute to their suffering by this practice, PACing—pounding against concrete—as a means of killing piglets, tooth breaking for boars.

All classes of animals are lumped together here in Manitoba, unlike other provinces.

For example: In Ontario each facility have staff trained by OMAFRA, the Ontario Ministry of Agriculture, as lay inspectors to monitor the health of animals and segregate any animal that is sick, injured, or diseased which is then brought to the attention of the veterinarians that are assigned to each sale. OMAFRA contracts with local veterinarians that are assigned to each sale. These vets conduct inspections of the animals at every auction each sale day and specifically look at animals segregated by the lay inspectors. This vet also has the power to order the euthanasia of suffering animals or animals unfit for sale or transport. They have the power to order the animal returned to the farm for veterinary treatment, or order that the animal be sold with conditions.

In Ontario, again each sale has a method of euthanasia—captive bolt pistol or euthanol/barbiturate for horses—and staff has been trained on captive bolt euthanasia.

At this time, I present only these two examples of how farm animals are protected in other provinces while Manitoba languishes far behind. Here you try to encompass companion and commercial animals all under one act. It cannot be done. Nice try.

We have no provisions in place here in Manitoba for farm animal health and welfare, sanitation and disease control and facilities standards—water availability, et cetera—but by adopting laws and having them in place to govern the care of Manitoba farm animals as other provinces have clearly done it ensures the treatment of farm animals is so much more important when the rules are clear and are enforced.

Every day more and more of the general public are becoming aware of the inhumane treatment that is allowed to go on in the daily lives of animals and the slaughtering conditions that farm animals suffer in Manitoba. You as leaders and lawmakers must listen and be responsible for bringing about change. People want to know where their food comes from and how it was raised.

You say it will cost more; I say horse manure! It cost to change to factory farming, did it not? But it will cost less to revert back to humane practices both for

the animals' health and for the general publics' health. People have decided and they will seek out more humanely raised food, and it will be reflected also by how they vote. I realize that a majority of the Agriculture and Food Committee are rural people and that is wonderful, as you have seen the change that has taken place.

Farmers always cared deeply about their animals, but farming has become big business and commercial animals are paying too high of a price. I hope that we can agree that changes must be made and brought into law. Change is happening already as many large restaurant chains respond to the pressure of consumers who have lobbied for humanely raised animals and egg producers must realize that this is a change for the better. The farming industry must change with the times. The world is changing; they must change with it. We are talking about animals that we know have emotional and physical needs and they deserve to be protected by laws.

I thank you in advance for your consideration and expect to see changes to the amendments to The Animal Care Amendment Act, Bill 2.

Yours truly,
Sandra Allen

* * *

Hon. Rosann Wowchuk
Minister of Agriculture, Food and Rural Initiatives
Minister's Office

Re: Bill 48 – Changes to Manitoba's Animal Care Act

Dear Minister Wowchuk:

Thank you for your ongoing support for Maple Leaf Foods as we grow our investments and create jobs in Manitoba. We were of course disappointed in the government's passage of Bill 17 and the earlier implementation date for the phosphorus standards, but trust that the government will now consider, as other provinces have done, greater financial support to help the industry manage the costs associated with enhanced nutrient management technologies.

The purpose of this letter, however, is to provide some comments on Bill 48 (changes to Manitoba's animal care act) from a hog industry perspective. As you know, our interest is significant given that Maple Leaf Agri-Farms, now employing 347 people in the province, produces approximately 780,000 market hogs annually, has ownership of 33,000 sows,

operates 48 nursery barns and has 138 feeder barns in their system.

We appreciate that the intent of Bill 48 is to address particular concerns regarding the breeding and care of companion animals and to ensure that livestock and cull animal handling practices are appropriate in the context of animal assembly and transport. We note that the existing Act currently defines "agricultural uses of animals" and "animal slaughter" as "accepted activities." However, we feel it is important to guard against unintended consequences for animal agriculture in the future and a patchwork of different animal care standards across the country. We appreciate that part of the problem at the national level with respect to regulation of livestock handling practices is that CFIA's animal transport and slaughter regulations remain un-gazetted.

Some specific observations regarding Bill 48 are as follows:

- To ensure that the interests of animal agriculture are protected, we would suggest that the bill have a statement such as "no provision of this act will contravene any existing or future legislation specifically governing production practices of food-producing animals."
- The Act would create a new Appeal Board, but there is no assurance that livestock industry interests or the veterinary profession will be represented on the Board. We would recommend that the Act guarantee such representation on the Board.
- Animal Protection Officers will be given considerable new powers under the Act, including searches without a warrant. There should be assurance that these powers will not be abused with respect to livestock premises, particularly to ensure respect for bio-security and personal privacy on family farms.
- The bill has would allow your department to seek judicial authority to restrict the number of animals on a premise. We can understand the importance of this with respect to companion animal breeding operations but not hog farms where the scale of operations is already controlled by existing zoning and licensing provisions.
- Just as there is a concern about a patchwork of animal welfare regulations across Canada, the same can happen within provinces through municipal by-laws that depart from provincial standards. We suggest that Bill 48 explicitly prevent municipalities in Manitoba from adopting by-laws that conflict with The Animal Care Act.

- The bill should make it an offence to lodge nuisance or frivolous complaints.
- With respect to penalties, we note that in B.C. there is allowance for "creative sentencing", i.e., rather than strictly imposing fines or jail time, sentencing provisions could include education, counselling and community service.

We trust these recommendations are of value. We also hope that Manitoba will continue its strong support for continual upgrading of the animal care codes of practice under the National Farm Animal Care Council. This process seems to run "hot and cold" with varying levels of industry and federal-provincial government support (both financial and in-kind). With public expectations regarding animal welfare continuing to rise, we cannot afford slow and haphazard code development at a national level. The alternative is chaos created by 10 different provincial systems (with varying standards and enforcement triggers), a probable intrusion at the federal level, and standards increasingly set by food retailers and food service operators (under strong influence from activists) as happened in the U.K. Such an outcome would only undermine the support of Canadians for food-animal production, harm the economic interests of the livestock industry and rural communities and do little to enhance best practice in animal care.

Sincerely,
 Rory McAlpine
 Vice-President, Government & Industry Relations
 Maple Leaf Foods Inc.

cc: Scott McCain, President & COO, Agribusiness Groups
 Kevin Golding, President, ML Agri-Farms Inc. & Rothsay
 Glen Gratton, Vice-President, Elite Swine
 Dr. Bill Ballantyne, Dir. Technical Service
 Dr. Joe Rogowsky, Veterinarian
 Karl Kynoch, Chair, Manitoba Pork Council
 Andrew Dickson, General Manager, Manitoba Pork Council
 Jacki Wepruk, Co-ordinator, National Farm Animal Care Council

* * *

I will be unable to attend tonight due to work commitments. I have diversified from beef cow-calf into petstock 11 and a half years ago. The copy of the bill, as received from my MLA, Blaine Pedersen, means it is time to retire and get a government job—less stress and worry. My objections include a lack of clarity or multiple interpretations. I am not sure on a few things.

If some measure of traceability is desired, let industry, with government help, make the package first—easier for everyone. What about the bedroom and basement raisers? They already cause the system grief with inconsistent supplies and sometimes questionable quality. How is an identification system to work without breaching end customer privacy? How about out-of-province suppliers? There is lots sending into Winnipeg. Are horses "companion animals"? There is lots with no other visible purpose. What kind of standards are coming in? I do not operate a laboratory type facility. I raise stock that has been "challenged" to reduce sickness down line. Some people are offended by this—not customers.

On a personal note, I experienced a bizarre, directionless quarantine from November 2005 until April 2006. Why would health administer an animal health matter that never left home? Nobody knows. What nobody would help with was a population of ducks that ended up staying with a population of pigs that had a form of swine flu (circovirus). I think that is frowned upon everywhere else.

What kind of inspections might happen? Will the people be qualified? And qualifications available to verify. (Personal observation)

I have copies of letters from quarantine period for any who would like to read them—many inconsistencies.

I can work within a framework that is clear and sensible. I cannot afford another round like three years ago (the maybe try this). If the purpose is to force us out, please be blunt. I encountered people who considered my operation "childish". Apparently children are supposed to raise the critters and give them to the stores. Where is the traceability?

Remember, my products generate sales tax for the government coffers. I think that provincial employees still get paid from these moneys.

Robert Kell
Elm Creek, Manitoba

* * *

On behalf of the Manitoba Cattle Producers Association, thank you for this opportunity to present to you our association's position with respect to Bill 2 and proposed changes to The Animal Care Act.

A brief word of introduction for members of the standing committee who are unfamiliar with MCPA, the Manitoba Cattle Producers Association is a producer-driven, non-profit organization established under Manitoba's Cattle Producers Association Act representing the approximately 10,000 individual cattle producers engaged in various aspects of the beef cattle industry in Manitoba, including the cow-calf, backgrounding and finishing sectors.

Manitoba is home to the third-largest beef cattle herd in Canada at approximately 12 percent of the national herd—nearly twice the size of the herd next door in Ontario. Approximately 98 percent of individual commercial beef cattle operations in our province are cow-calf operations and feedlots make up the remaining 2 percent. *Importantly, beef cattle constitute Manitoba's single largest agricultural commodity in terms of the number of individual farm operations in the province.*

Cattle producers thus play an extremely important role in Manitoba's overall economy, as can be seen in the province's export statistics. Manitoba's dependence on exports is undisputed. Also undisputed is the fact that *agriculture constitutes the single largest block of Manitoba's exports at 28.5 percent of nominal exports* between 2003 and 2007. This stands in contrast to the 8.3 percent that the province's highly visible energy sector (oil, ethanol and Manitoba Hydro) collectively contributes to total exports.

In short, agriculture is the single most important sector of Manitoba's export-driven economy, and beef cattle is the single most critical commodity within agriculture from a farm operation standpoint. Economically speaking, it is fair to say that *Manitoba's cattle industry is to our province what the auto sector is to Ontario*, and any legislative measure that impacts or affects the way our industry functions should be a matter of interest to every Manitoban.

Turning to the subject of Bill 2, MCPA would like to note for the committee that the cattle industry in Manitoba has always taken the issue of animal health and welfare extremely seriously. As a point of

information, MCPA, through the Canadian Cattlemen's Association, has been working with the National Farm Animal Care council of Canada in developing extensive, science-based guidelines and procedures for the care and handling of livestock. Our industry is in the process of finalizing an updated National Code of Practice for the Care and Handling of Cattle. A similar draft Code of Practice has just been completed specific to dairy cattle and the beef industry's draft code is nearing similar completion. The National Code of Practice codifies and standardizes our industry's rigorous approach to animal welfare in Canada to ensure that instances of abuse and neglect such as those that have occurred so dramatically in the U.S. do not happen here in Canada.

In that regard, MCPA takes pride in the fact that the number of instances of livestock abuse in Manitoba is very small. This is not in anyway to suggest that instances have never happened before or could never happen—but when they do, they are very much the exception. And when they do happen, acts of deliberate abuse need to be dealt with swiftly and resolutely through the courts and leave no room for interpretation that our society in anyway condones any act of animal abuse.

It is out of such commitment to the issue of animal care by cattle producers that MCPA supports the concept of ensuring that animal protection legislation in Manitoba covers all domesticated animals, whether they be commercial livestock or household pets. MCPA welcomes the attempt to hold non-livestock animal facilities up to the same high standard of care that the vast majority of cattle producers exercise with respect to our farm animals. Those sections of Bill 2 that seek to do this have our association's support.

However, the proposed amendment act before you does not limit itself to amendments regarding pet breeding and marketing; this act also proposes a variety of amendments that deal directly with livestock and it is here that our association has a number of concerns.

MCPA recognizes that the Animal Care Act in Manitoba is likely due for some review and perhaps modification. We are aware that a number of other provinces have undertaken reviews of their animal care legislation, as has the federal government. Our industry does not object to government proposing

updates to the existing legislative framework. We do, however, expect that legislative review and modification would be done in a collaborative and consultative manner with industry. We are always ready to work alongside government in identifying areas of concern and to jointly devise measures that would address those areas to the satisfaction of both government and industry.

Unfortunately, MCPA notes that such a consultative approach to updating The Animal Care Act did not occur with respect to Bill 2. Our association's knowledge and involvement with the proposed Amendment Act was limited to a short "information session" held by provincial officials with our organization just a matter of days before the original bill, Bill 48, was tabled in the Legislature in the last session. Until that point, there was no opportunity for our association to provide constructive input into the bill, and no consultative or joint government-industry mechanism was initiated to review existing animal welfare legislation. This came as a surprise to our association since consultations of this type have been done in the past between government and industry prior to government embarking on substantial legislative changes. We are unsure as to why this practice did not occur in this case. We would ask that in future, the Province return to a practice of industry consultation prior to making major changes to the legislation governing our industry.

Regardless, we are where we are today, and MCPA would like to take this last opportunity to share with you our concerns with a number of amendments contained in Bill 2 that are no doubt well intentioned but are likely to have unintended negative outcomes in terms of animal protection and welfare.

Attached to this written presentation is an Appendix outlining clause-by-clause a number of changes to the existing Animal Care Act that MCPA strongly urges this Standing Committee to accept prior to sending Bill 2 out of committee.

We sincerely hope that the Standing Committee will appreciate the extensive experience that cattle producers have with issues of animal welfare and animal handling and that this committee will take these suggested changes to the Amendment Act into consideration.

Respectfully submitted,
Manitoba Cattle Producers Association

APPENDIX

REQUESTED CHANGES TO BILL 2
AND THE ANIMAL CARE ACT

In the following list of recommendations, clause-by-clause citations refer to sections of The Animal Care Act under amendment by Bill 2

1. *Section 1(1): Definition of "Abandoned Animal" (p. 1 of Bill 2)*

- MCPA finds the proposed definition of an "abandoned animal" problematic and asks that the word "apparently" be struck from clause (a) in the definition of "abandoned animal".
 - Rationale: Either an animal is ownerless or it is not, and an animal protection officer should take all reasonable steps to determine if an animal is in fact ownerless *before* undertaking a specific action.
- MCPA also asks that the words "sold or" be struck from clause (c) in the definition "abandoned animal".
 - Rationale: The act of selling land does not necessarily entail that the land has been vacated and thus an animal abandoned. Vacant premises should be the only criterion in this clause, not the status of land ownership.

2. *Section 1.1: Delegation by director (p. 4 of Bill 2)*

- MCPA expresses concern with respect to the broad and sweeping scope of the proposed section 1.1 of the Act in granting powers and duties to "any person". MCPA recommends that delegation of authority under the act come with conditions, terms, credentials and qualifications rather than be as open ended in the manner it is currently presented.

3. *Section 5.1(1) and a New Section 5.1(3): Loading in Good Faith (p. 4 of Bill 2)*

- MCPA requests that the words "or transport" and "or transported" be replaced with "for transport" in Section 5.1(1) and that a further exception be added through a new section 5.1(3) Loading in Good Faith stating, "The act of loading and transporting an otherwise fit animal for humane and acceptable transport which nonetheless becomes unfit during transit despite standard

precautions does not constitute a violation with respect to subsection (1)."

- Rationale: MCPA is concerned that the current wording of the proposed act unfairly places a liability on a producer who in good faith loads an animal which is or appears to be fully fit suddenly becomes unfit during transport. Drivers/transporters need to hold some responsibility for undue care and attention to their cargo.

4. *Section 5.2: Auction Mart Reporting (p. 5 of Bill 2)*

- MCPA strongly recommends the Province to reconsider and put aside this section to the amendment act for further review. Our discussions and conversations with the Manitoba Livestock Marketing Association have indicated that they have serious concerns with their ability to comply and enforce this proposed section of the act. In particular, there is a lack of flexibility in the language surrounding this part of the act and questions need to be raised about how realistic it is to create a situation in which crews at auction mart receiving sheds, usually working for minimum wage and without any expertise in questions of animal neglect, are tasked with making determinations regarding 'fit' and 'unfit' animals from the perspective of abuse. MCPA strongly urges caution by government in this regard.

5. *Section 5.3: Veterinarian Reporting (p. 5 of Bill 2)*

- MCPA requests that section 5.3 either be withdrawn entirely or at minimum changed to read ". . . believes on reasonable grounds that an animal has been or is subject to deliberate neglect or abuse"
 - Rationale: MCPA believes that the well-intentioned proposal for vet reporting may in fact do more harm than good in terms of animal health and welfare. Making veterinarians reporting agents under the act will likely create a new climate of distrust between vet and client and thus increase the likelihood of producers holding back on vet consultations out of anxiety and suspicion. Producers need to be reassured that there is some degree of confidentiality between their vet and themselves. The proposed wording of the act is far too vague and therefore too

broad in what constitutes neglect/abuse, e.g., does a vitamin or mineral deficiency constitute neglect? MCPA strongly advises caution with this section and a delay in its implementation.

6. *Proposed Addition to Section 7: Qualifications for Animal Protection Officers (p. 6 of Bill 2)*

- MCPA requests that the amendment act include further amendments to Section 7 of The Animal Care Act that would further clarify and detail the qualifications of a provincial animal protection officer.
 - Rationale: MCPA has long been concerned with the wording of the existing legislation which allows the minister "to appoint any person as an animal protection officer." We believe that the current language is too loose and that some type of generic criteria with respect to training and credentials for such appointments be specified under the Act.

7. *Section 10.1(6): Timeframe for Right of Appeal of Animal Protection Order (p. 11 of Bill 2)*

- MCPA requests that the proposed section 10.1(6) be reworded to give a producer 14 days to file notice of appeal with the appeal board.
 - Rationale: MCPA believes that the proposed seven days is far too short of a period in which to file an appeal given the pace and realities of modern farm life.
- MCPA also asks that a clause be added around section 10.1(6) indicating that a producer is entitled to have their appeal heard within 30 days.
 - Rationale: Given that under section 10.1(7) an order is not stayed pending an appeal, it is vital that producers be given a timely appeal and not be left with formally legal but totally impractical right of appeal under the law.

8. *Section 10.2(1): Restriction of Ownership (p. 12 of Bill 2)*

- MCPA requests that Legislative Assembly reconsider and remove proposed clause (ii) under section 10.2(1).
 - Rationale: Clause (ii) requires that the director or justice attempt to predict the future conduct of an animal owner. MCPA

believes that this is an unreasonable standard for taking legal and quasi-legal decisions. MCPA believes that decisions regarding the restriction of animal ownership be based solely on the relevant, existent facts and past conduct. The director or courts should not be put into the position of having to make 'educated guesses' about a person's future conduct but stick to the facts of the case at hand.

9. *Section 33: Animal Care Appeal Board and Appeal Panels (p. 23 of Bill 2)*

- MCPA strongly urges the Legislative Assembly to add the following section to the act or similar section:

33.5(6) When hearing appeals involving commercial farm animals, at least one of the three members of a panel must be an active agricultural producer engaged in the commercial production of that the species of animal in question.

- Rationale: MCPA believes strongly in the legal principle of being judged by one's informed peers. We believe that it is essential that an individual who is familiar with modern farm practices and agricultural production be represented on appeal panels. MCPA would be pleased to provide the Province with a list of up to six cattle producers who would may be willing to participate as cattle producers on appeal panels.

10. *Deposits for Complaints*

MCPA notes that given today's trend of urbanites moving to country settings seeking a more rural but non-agricultural lifestyle, cattle producers are increasingly experiencing cases of incorrect, uninformed, and sometimes outright frivolous complaints of animal abuse by members of the public. For instance, lack of familiarity with acceptable practices such as winter bale grazing continue to lead to wrongful complaints of animal abandonment or abuse. Incorrect or frivolous complaints are not only very frustrating and emotionally upsetting to responsible, law-abiding producers, they can be very costly in time, energy and money in having

to continually 'prove' their acceptable practices in the face of repeatedly false complaints.

MCPA therefore strongly urges the Manitoba Legislature and the Government of Manitoba to include in legislation and/or regulations a deposit system for members of the general public when lodging animal care complaints. A \$50 deposit would be refunded to the complainant in cases of genuine abuse but would not be refunded in cases where the complaint is demonstrated to be without basis, is frivolous or vexatious. Please be advised that our association representing the auction markets and livestock dealers in Manitoba support the concerns presented by the Manitoba Cattle Producers Association.

From: rick wright [r16@mts.net]
Sent: Tuesday, March 17, 2009 10:49 AM
To: mcpa@mts.net
Subject: for shane

Please be advised that our association is concerned that these proposed changes will lump cattle production into the same category as "puppy mills."

We were not consulted prior to these changes and have no intention to act as informants on our customers. Many of our staff do not have the expertise or training to make judgment calls on neglect. Our members follow the Good Handling Code of Practice as set out by Livestock Markets Association of Canada.

We also are concerned that many of the local animal control officers currently employed do not have the proper training to judge or investigate reported neglect or abuse cases.

In the past, any member of our association that had a concern about abuse or neglect reported the issue to local CFIA and we intend to continue that policy.

Rick Wright
Manitoba Livestock Marketing Association

Shane Sadorski
Policy Analyst
Manitoba Cattle Producers Association

The Legislative Assembly of Manitoba Debates and Proceedings
are also available on the Internet at the following address:

<http://www.gov.mb.ca/legislature/hansard/index.html>