



NEWS RELEASE

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MANITOBA WILDLIFE FEDERATION CALLS FOR BAN ON SPOTLIGHTING IN AGRO-MANITOBA

WINNIPEG, MB: On September 10, 2015, 4:00 AM, seniors Victor and Doreen Sliworsky of Winnipegosis, Manitoba were fast-asleep in their bed. Both were abruptly awakened by a violent 'BANG' with a rifle bullet flying through their window frame missing Mrs. Sliworsky's head by a mere two-feet.

The Sliworsky's were victims of spotlighting – the practice of hunters using a spotlight at night to shoot wild game. The Sliworsky's son-in-law and family spokesperson, Wayne Lytwyn, says the incident has adversely affected everyone in the family. "Spotlighting, or night hunting, is an all too common occurrence in rural Manitoba," said Lytwyn. "Not only does it pose a significant risk to public safety, the damage done by poachers and night hunters is costly and disturbing."

The Manitoba Wildlife Federation (MWF) is taking the lead in calling for an outright ban on spotlighting in the populated portions of Manitoba to protect people, pets, farm animals and private property. At a news conference today, the MWF used a dramatic re-enactment to illustrate the dangers of spotlighting by demonstrating how hunters are unable to see what's behind their target – or exactly what their target really is. Along with the risk to people, numerous livestock have been killed or maimed by hunters using spotlights at night.

The tragic death in January 2010 of a hunter from Sagkeeng First Nation was preventable and MWF Board Member & Hunter Education Instructor, Fred Tait, says it's time for the Manitoba Government to stop spotlighting once and for all before someone else is killed. "Allowing anyone to hunt at night in the built-up areas of the Province flies in the face of universally accepted safe hunting practices and puts people in danger," said Tait. "How many more tragic incidents have to happen before government will act?"

Joining the MWF in the call to ban spotlighting are the Association of Manitoba Municipalities, Manitoba Beef Producers and Manitoba Natural Resource Officers' Association, who have passed resolutions supporting the ban. Nineteen individual Rural Municipalities have passed anti-spotlighting resolutions.

Enhanced enforcement by Manitoba Conservation is badly needed. According to the Manitoba Natural Resource Officers Association, there are currently at least 13 vacancies on the Conservation Officer roster of approximately 120 officers. The MWF is calling for a strong commitment from the Province to adequately and properly support Conservation Officers so that they can provide effective enforcement. Providing knowledge and background on enforcement issues at today's news conference was Dwayne Strate, who shared his experience and knowledge as a long-time Conservation Officer in Manitoba.

The MWF conducts Hunter Safety Training on behalf of the Province of Manitoba. When safe practices are followed, hunting is one of the safest outdoor activities, with accident rates lower than cycling, boating and fishing. MWF Managing Director, Rob Olson, says following safe practices and training is the key to safe hunting. "One of the fundamental principles of safe hunting is knowing your target. But how can you possibly be sure of your target at night," said Olson.

Current Manitoba hunting regulations state night hunting is legal for Aboriginal hunters only, however, they are not permitted to discharge a firearm in areas '*where it is dangerous to do so.*' Night hunting/spotlighting is banned for non-Aboriginals. The MWF emphasized the spotlighting ban is critical in agro-Manitoba, near people, farms and livestock. Fred Tait said," from our early discussions, we strongly believe that the aboriginal community understands the problems with spotlighting. We are calling on the Province to seriously commit to conducting the necessary consultations with indigenous hunters so that we can make rural communities safe."

There are other issues surrounding spotlighting which are outlined on a new MWF webpage – *NightWatch*. The *NightWatch* campaign clearly states the case for the ban on spotlighting and provides an opportunity for rural residents to come forward with their spotlighting stories and for all Manitobans to register their concerns regarding spotlighting in their communities. Visit mwf.mb.ca/nightwatch to learn more and join the discussion.

Background – Spotighting

“Spotighting” is a method of hunting that uses high-powered lights at night to illuminate and immobilize game animals such as deer, moose and elk. “Night hunting” includes spotighting and hunting after dark by moonlight without the use of artificial lights. While spotighting and night hunting were and continue to be practiced by some indigenous communities as an efficient means of food gathering, it is prohibited by most provincial wildlife legislation as unsafe and inconsistent with the principles of fair chase. In Manitoba, the *Wildlife Act* provides as follows:

[12\(1\)](#) No person shall at night use lighting or reflecting equipment for the purpose of hunting, killing, taking or capturing a vertebrate animal or attracting or confusing a vertebrate animal for the purpose of hunting, killing, taking or capturing it¹.

Federal and provincial legislation is only valid to the extent it complies with the Canadian Constitution. Section 35 of the Constitution “recognizes and affirms treaty and aboriginal rights”, and court decisions interpreting this provision have established a test to determine whether legislation is invalidated as unduly interfering with treaty or aboriginal rights. In a recent case that arose from an incident on Vancouver Island (*R v. Morris*²), the Supreme Court of Canada set aside convictions under similar provincial legislative provisions³ on the basis that they unduly interfered with treaty rights.

The *Morris* decision has resulted in an unofficial moratorium on enforcement in Manitoba of the spotighting prohibition in situations involving treaty rights holders, notwithstanding the language in the Manitoba Hunting Guide stating that First Nations hunters may not “use hunting methods that are careless, unsafe or dangerous”.

In fact, the language in the *Morris* decision makes it clear that the court felt that the ‘blanket prohibition’ of night hunting, including spotighting, had the effect of interfering with a treaty right to spotlight even in circumstances where it was not unsafe:

The blanket prohibition of s. 27(1)(d) and (e) applies, of course, throughout British Columbia, including the vast regions of the interior. Much of the north of the province is uninhabited except by aboriginal people, and there are areas where even they are seen only occasionally. To conclude that night hunting with illumination is dangerous *everywhere in the province does not accord with reality and is not, with respect, a sound basis for limiting the treaty right*⁴.

¹ The Wildlife Act, C.C.S.M. c. W130

² 2006 SCC 59

³ British Columbia Wildlife Act, s. 27 and 29 (at the time of the decision) prohibited hunting wildlife with a firearm during prohibited hours, hunting by the use or with the aid of a light or illuminating device and hunting without reasonable consideration for the lives, safety or property of other persons.

⁴ *R v. Morris*, 2006 SCC 59, p. 933.

The Manitoba Wildlife Federation is concerned about the current moratorium on enforcement, and believes the province of Manitoba should enforce a prohibition of spotlighting and night hunting in agricultural, developed and populated areas of the province where there is a risk to public safety. This is inconsistent with established policies in Saskatchewan and Alberta where unsafe hunting on private and crown lands by all residents is actively prosecuted. Appropriate consultations would be required with rights holders to respect their constitutional rights and determine where spotlighting and night hunting in Manitoba could be safely conducted.