



Fourth Session - Thirty-Fifth Legislature
of the
Legislative Assembly of Manitoba

STANDING COMMITTEE

on

LAW AMENDMENTS

42 Elizabeth II

Chairperson
Mr. Bob Rose
Constituency of Turtle Mountain



VOL. XLII No. 6 - 7 p.m., WEDNESDAY, JULY 7, 1993

**MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Fifth Legislature**

Members, Constituencies and Political Affiliation

NAME	CONSTITUENCY	PARTY
ALCOCK, Reg	Osborne	Liberal
ASHTON, Steve	Thompson	NDP
BARRETT, Becky	Wellington	NDP
CARSTAIRS, Sharon	River Heights	Liberal
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HICKES, George	Point Douglas	NDP
LAMOUREUX, Kevin	Inkster	Liberal
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<i>Vacant</i>	The Maples	

**LEGISLATIVE ASSEMBLY OF MANITOBA
THE STANDING COMMITTEE ON LAW AMENDMENTS**

Wednesday, July 7, 1993

TIME — 7 p.m.

LOCATION — Winnipeg, Manitoba

CHAIRPERSON — Mr. Bob Rose (Turtle Mountain)

ATTENDANCE - 10 — QUORUM - 6

Members of the Committee present:

Hon. Messrs. Downey, McCrae, Hon. Mrs. Vodrey

Messrs. Ashton, Gaudry, Reimer, Rose, Mrs. Render, Ms. Wasylcia-Leis

Substitutions:

Mr. Pallister for Hon. Mr. Praznik (2050)

APPEARING:

George Hickes, MLA for Point Douglas

Doug Martindale, MLA for Burrows

WITNESSES:

Bill 29—The Minors Intoxicating Substances Control Act

Peter Sim, Manitoba Association for Rights and Liberties

Barry Hammond, Private Citizen

Debi Spence, Norquay Parent Council

Wayne Helgason, Private Citizen

Bill Rumley, Private Citizen

Jack Eyer, Private Citizen

John Rodgers, Main Street Project

James Boyd, Pritchard Place Drop In Centre

Tim Henderson, Private Citizen

Donna Glover, Aboriginal Council of Winnipeg Inc.

WRITTEN SUBMISSIONS:

Ian Goldstine, Manitoba Medical Association

William W. Draper, Winnipeg Chamber of Commerce

MATTERS UNDER DISCUSSION:

Bill 3—The Oil and Gas and Consequential Amendments Act

Bill 20—The Social Allowances Regulation Validation Act

Bill 29—The Minors Intoxicating Substances Control Act

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Mr. Chairperson: Will the Standing Committee on Law Amendments please come to order? This evening the committee will be considering the following bills: Bill 3, The Oil and Gas and Consequential Amendment Act; Bill 20, The Social Allowances Regulation Validation Act; and Bill 29, The Minors Intoxicating Substances Control Act.

For the information of the committee, copies of the bills are available on the table behind me.

As is our custom, we will be hearing public presentations before we go into detailed considerations of the bills. I have before me a list of person's names registered to speak to Bill 29: Peter Sim, Manitoba Association for Rights and Liberties; Barry Hammond, Private Citizen; Debbie Spence, Norquay Parent Council; Wayne Helgason, Private Citizen; Bill Rumley, Private Citizen; Jack Eyer, Private Citizen; John Rodgers, Main Street Project; Judy Moar, Private Citizen; and James Boyd, Pritchard Place Drop In Centre.

At this time I would canvass the audience and ask if there are any other people present that wish to make presentations to any of the three bills before us. If so, would you identify yourself to staff at the back of the room and your name will be added to the list.

The committee has received two written submissions for Bill 29 and one for Bill 3. Copies have been made available for committee members and were distributed at the start of the meeting. Copies of written submissions appear at the back of the transcript of the committee's meeting.

Does the committee wish to put a time limit on presentations? No. No time limit.

It has been our practice to hear from out-of-town presenters first. Is there any presenter here who is from out of town? Would you please identify yourself? Hearing none, we will proceed then to follow the list in numerical order.

Bill 29—The Minors Intoxicating Substances Control Act

Mr. Chairperson: I would call then for presentation on Bill 29, Peter Sim, Manitoba Association for Rights and Liberties. Mr. Sim, you may proceed when you are ready. Did you have a copy of your brief to distribute?

Mr. Peter Sim (Manitoba Association for Rights and Liberties): Yes, I do. I believe there is a written presentation circulated in the form of a letter which was addressed to the Honourable James C. McCrae from the president of MARL. That letter summarizes MARL's concerns with this legislation.

When MARL analyzed this bill, we started from the premise that the primary solution to the problem of sniffing does not lie in penal legislation. The basic problem is that solvents which can be inhaled are too readily available in our society to make it feasible to control access to them in any significant way by criminal law. Put plainly, if people of any age are desperate enough to sniff, they are going to find something to sniff. It is available in every gas tank on every street.

The long-term solution to sniffing is to provide adequate treatment programs for sniffers and to eliminate the social conditions that make people want to sniff.

That said, we have to look at what can be done by legislation and consider whether this legislation will, on balance, do more harm than good. MARL's position is that for the most part, this legislation would do harm, and where it might do some good, it is inferior to the legislation that was enacted a number of years ago as The Public Health Amendment Act.

Now the most significant and controversial part of this bill is the provision which makes it an offence for people under the age of 18 to inhale solvents. In other words, the police can arrest sniffers. MARL submits that this is simply not an appropriate response to the problem. Solvent sniffing is an illness. People who are suffering an illness should not be treated as criminals. That is a fundamental principle.

If the police feel that they need additional powers to deal with people who are sniffing and who are not able to look after themselves or who are a threat to themselves or society, there are other ways of dealing with it. We can make amendments to The Intoxicated Persons Detention Act, or we can, if long-term detention is necessary, that can be done by way of a committal under The Mental Health Act.

The point is that the problem of sniffing should be treated as what it is, a health problem, and sniffers should be dealt with in that way. In all circumstances, detention should be coupled with the availability of adequately funded and effective treatment programs so that sniffers are not put in physical danger by being arrested and then deprived of access to the medical care they may desperately need.

So that section of the bill, I would suggest, should simply be discarded immediately and replaced by a more effective and humane response.

The other aspect of the bill is the provisions which make it an offence to sell solvents to young people if the seller has reason to believe that they may be used for sniffing purposes. This, once again, is a relatively limited response to the problem. In most cases, young people who cannot buy sniff over the counter are going to be able to get it one way or another. They will steal it; they will get it under the counter. Because the substances are so readily available, in a lot of cases, the police are not going to be able to catch the sellers at the source.

The point is, MARL's concern is that, even when you can catch somebody, this bill is a less effective response to the problem and a response that is more difficult to enforce than the existing legislation that was enacted but never proclaimed. I think the argument here—I would read from the written presentation.

The main weakness of the present bill is that it provides a defence to the seller where the seller took reasonable steps to ascertain that a minor would not inhale the substance. This creates two difficulties. On the one hand, responsible sellers can never be certain what amounts to reasonable steps. It may often be very difficult for somebody who is running a convenience store and whose staff are often young people themselves, to set out a meaningful set of guidelines that you can use to determine whether somebody who is asking you for

some hair spray or nail polish or glue is, first of all, under 18, and secondly, is or is not going to be using it for inhaling. It is simply that you are asking people to make a wild guess and putting a very severe penalty for guessing wrong.

On the other hand, there is an equally serious danger that irresponsible sellers will simply make some token compliance with the bill and then say: Well, I took reasonable steps; I did not know that they were going to inhale it. There is a risk that, because of the vagueness of the law, these answers may be accepted, and it will be difficult to enforce the bill in the court except against the most blatant of street sellers.

The point is that both of these problems do not arise under the existing provisions of The Public Health Amendment Act; that section does not require any reasonable knowledge. There is an absolute prohibition against selling sniff with certain narrowly defined and very clear exceptions. In those circumstances, there can be very little doubt to that. You know, if you are selling model glue and you cannot either say, well, I sold it along with the model kit, or produce a consent form from the minor's parents, you are guilty of an offence. Retailers know what they have to do to comply with the law; and, when they do not comply with the law, the police should have no difficulty getting evidence, assuming that they can prove the actual sale.

On both counts, I would submit that the existing legislation presents very few difficulties. If legal counsel, who are more learned in these matters than I am, can identify any problems, I would suggest that they can be addressed by technical amendments; and, with those amendments, should they be necessary, the bill can be proclaimed and enforced. This present legislation should be dropped entirely. Thank you.

* (1910)

Mr. Chairperson: Thank you very much, Mr. Sim. Are you prepared to respond to questions or comments from committee members?

Mr. Sim: Yes, I am.

Ms. Judy Wasylycia-Lels (St. Johns): Thank you, Mr. Sim, for that presentation on behalf of the Manitoba Association for Rights and Liberties. It would seem from your presentation that you have thoroughly studied both the present bill before us, Bill 29, and the bill that had been proclaimed in the

Legislature three years ago, Bill 91. Is that a fair assumption?

Mr. Sim: Yes, it is.

Ms. Wasylycia-Lels: Mr. Chairperson, I would like to ask Mr. Sim if he could give us some indication or some understanding of why the Minister of Justice (Mr. McCrae) and this government have for a number of years now suggested that they did not proclaim Bill 91 because it was not enforceable. We have never been given anything more specific than that; we have just been told that there were some provisions that were not enforceable. Based on your review of Bill 91 and your perusal of this matter in general, can you give us any indication of how Bill 91 may not have been enforceable?

Mr. Sim: There is only one aspect of Bill 91 that I think could create a difficulty. That is the question of knowledge of the age of the purchaser. One of the elements of an offence that the Crown must prove is that the seller knew that the person purchasing the solvent was under the age of 18. That, in many cases, will be difficult or impossible for the Crown to prove without more, but that can be corrected by simply putting a provision in Bill 91, which would be to lift it partially from the present legislation, that it is not a defence that the seller did not know the person was under the age of 18; however, further, that it is a defence if the seller took reasonable steps to determine whether the purchaser was over the age of 18. That would put an onus on sellers to establish a pattern of requesting identification from people and not selling without requesting a driver's license.

So there it would be possible for police at least to deal with this question of due diligence and knowledge of the age of a person by requiring sellers to, you know, put forward evidence that they took reasonable care to determine a person's age.

That may be difficult when you are dealing with people who are 15 or 16, but it should present no difficulties in getting convictions when you are selling to people of 11 or 12 or younger. Other than that, I cannot see any problems with Bill 91.

Ms. Wasylycia-Lels: Mr. Chairperson, is that the kind of problem that could have been identified if this legislation had been proclaimed three years ago, and, in fact, had been up and running and we had a chance to see what kind of impact the law would have had in terms of availability of intoxicating substances to young people?

Mr. Slim: I think it would have been. It would probably have been identified in the first test case that went to court, and if it proved to be a problem, you could have brought in a very simple amending bill and you would have a workable piece of legislation now.

Ms. Wasylycia-Lels: I would like to pursue the two key points in your presentation and your concerns with the present bill before us, Bill 29.

I would like to start with the question of the advisability of making a major change from the previous legislation by including provision in this bill to charge the user. You have outlined your concerns, generally. The Minister of Justice (Mr. McCrae) has suggested that this provision will allow for rehabilitation of young people. What is your understanding of the impact of this kind of a provision? Will it mean, in fact, that we can get at the roots of the problem in a more effective way?

Mr. Slim: Well, the bill will only allow for rehabilitation if rehabilitation programs are available, and if young people can be got into those programs. It assumes, first of all, that young people are going to actually be taken to court, that the court will make an order on conviction that will require some form of rehabilitation and that these rehabilitation programs will be available.

It further assumes that rehabilitation, under threat of criminal penalty, is the best way of dealing with a drug problem. That is, in itself, a questionable assumption. I think that if young people require rehabilitation, it can be provided in other ways, often voluntarily through the school system, through the child welfare system, through the committal to a mental institution under The Mental Health Act.

All of these options are available if the government is willing to provide the rehabilitation services themselves. The point is, the legal means of getting people into rehabilitation is less important than having the services there. Once they are there, then, I am sure, you will have no difficulty getting as many people into the programs as you can find as there are places for them without this kind of legislation.

In other cases, if young people are refused to go for rehabilitation and are acting as threats to the public because of their conduct, they will probably be violating other laws where they can be put into custody without the need for this specific legislation

directed to somebody whose only crime is being a sniffer.

Ms. Wasylycia-Lels: Well, that really leads into my next question which is, do we not now have legislation in Manitoba that would make it possible for young people who are intoxicated as a result of sniffing or other use of solvents to put them in custody, to provide a safe place to get them off the streets. Do we not now have legislation to do that without going the route of charging individuals and giving them a record?

Mr. Slim: I think we do. First of all, there is The Intoxicated Persons Detention Act, which was initially enacted to eliminate the need for the offense of drunk and disorderly. People who are drunk can now be arrested and held in a detoxification centre for up to 48 hours or until they are capable of looking after themselves or can be released to the custody of somebody who can look after them.

That means that intoxicated people are protected, and they are not burdened with a criminal record in addition to all of their other problems. I see no reason why this particular bill, that is The Intoxicated Persons Detention Act, could not also be applied to people who are intoxicated with solvents. If it cannot be, it should be amended forthwith.

For longer-term detention, if that is necessary, it is possible to obtain an order for committal under The Mental Health Act which allows the magistrate or judge to make an order that a person be held in a mental institution for treatment. The advantage of this legislation is, once again, there is no criminal charge involved and because of the nature of the order, you ensure that the detention will be coupled with treatment.

It is not simply going to be a question of warehousing somebody for six months and turning them out into the street no better than they were before.

* (1920)

Ms. Wasylycia-Lels: It has been suggested that this provision of charging the user or the victim is necessary in order to help gather evidence necessary for being able to lay charges against retailers illegally selling solvents to minors.

In fact, this has been stated in a letter dated May 3, signed by Stu Whitley, who is the Assistant Deputy Attorney General, and I will quote a

paragraph from that letter and ask you for your comment.

He writes: The social purpose behind this part of the legislation is to permit an intervention by police which will principally allow detention for other than child welfare purposes and permit a police investigation which will, hopefully, lead to the arrest of the supplier.

I will leave my quote at that, and maybe quote later from this letter. But I would like Mr. Sim to give a comment on that kind of statement, and indicate whether or not he can make any sense out of that kind of statement, if, in fact, charging the young person is necessary in order to be able to effectively go after the retailers.

Mr. Sim: It may be, in some circumstances, but I would submit that it is not acceptable. What Mr. Whitley is suggesting is that young people will be threatened with charges and that will then be used as a lever in order to obtain their evidence to be used later on in charges against a retailer.

First of all, I would find that objectionable on two accounts. First of all, I think it is completely unacceptable in a democratic society to use criminal charges as a way of coercing evidence. The purpose of a criminal charge ought to be to punish the person who committed the offense. I think it is really outrageous to threaten criminal charges against one person solely for the purpose of obtaining evidence against some other person.

Secondly, I would doubt whether this would really accomplish its purpose. I think if I were acting for a retailer who was being charged largely on the evidence of a minor who was giving this evidence in return for immunity from prosecution, I would have very good grounds to possibly claim abusive process, certainly to very vigorously challenge the credibility of the minor when he or she is giving evidence. I think the net result might be to put the already troubled minor through a traumatic experience for no good purpose since their evidence would in all likelihood be rejected.

Ms. Wasylycia-Lels: I will just proceed to the second part of your brief which has to do with the ability of this legislation to actually ensure that convictions are possible of retailers who actually sell, deliberately sell or perhaps unconsciously sell to people under the age of 18.

You have talked about the vagueness of the legislation. You have referenced the words, took

reasonable steps to ascertain that the minor would not inhale the substance. That concern has been reiterated by others and in particular, according to at least one media report, Inspector Lou Spado who said I do not know how enforceable it is going to be. I do not know. It looks like there might be some loopholes in it.

He goes on to say it looks like we are going to have to prove that it was, that it was purchased for the purpose of sniffing it, and if the seller says that he thought it was not going to be purchased for that purpose, then he has got an out.

To me, with your brief and your comments and those comments from the police force, it would seem to me that it is hard to imagine that we are going to get any convictions out of this legislation. What would be your assessment of that and whether or not a conviction could be possible?

Mr. Sim: I think it is very unlikely that you will get convictions. First of all, it is not enough simply that the seller says, well, I did not know that they were going to sniff. The legislation says that the seller has to take reasonable steps to ascertain whether it is going to be used for sniffing.

But the question is: What amounts to reasonable steps? If the seller says, well, you know, I did not know what he was going to do with it. He said, well, I am making models, or my mother wants it to polish her nails. The kid looked honest; I took him at his word. What more can you say? Would that be enough, or will reasonable steps mean that you need a note from your parents, or you have to be running a hobby store and selling to somebody who you know is also purchasing hobby supplies? We do not know.

Probably there are very few hobby shops that are bona fide hobby shops that would be convicted. On the other hand, you would probably find it fairly easy to get a conviction to somebody who is selling glue, not accompanied by plastic models but by little plastic bags. Those are, I would say, the two extremes of the scale, but there is a whole series of middle ground. Somebody comes to a gas station and asks for a can of gas. How do you know whether he is going to sniff it or if it for his father's lawn mower? You do not. So this bill, I think, creates a whole series of gray areas that do not exist under the existing legislation.

Ms. Wasylycia-Lels: So, therefore, looking at the major issue at hand, at least in our estimation, which is how does one control and curb the sale of

solvents to young people, could you again give us your best assessment about which of these two pieces of legislation, Bill 91, which was proclaimed three years ago, or Bill 29, which we have before us today, is more enforceable and more likely to lead to convictions of those who sell solvents to minors?

Mr. Sim: I would say Bill 91, provided that there is an amendment to make it clear that the seller must use due diligence to determine the age of the purchaser. In all other respects, I think that Bill 91 is clearly superior to Bill 29.

Ms. Wasylycia-Lels: Would it be fair to conclude then that we have in effect wasted three years when we could have been at least attempting to get at this problem by the fact that Bill 91 sat and gathered dust without being proclaimed, and in fact was a workable piece of legislation all along?

Mr. Sim: I would say so.

Mr. Chalrperson: There are no other questions or comments from committee members. I thank you very much for your presentation, Mr. Sim.

Mr. Sim: Thank you.

Mr. Chalrperson: I will now call Barry Hammond, private citizen. You may proceed, Mr. Hammond, when you are ready.

Mr. Barry Hammond (Private Citizen): Okay, my name is Barry Hammond, and I live in the Point Douglas area of Winnipeg, an area known really for sniffing concerns. So my brief tonight comes partly from my awareness of situations in my community, but also partly from working with police officers and so on who frequent this community. Let me just read my brief because I think I have tried to capture in it most of the essence of my concerns about the bill.

The sniffing of products like airplane glue, paint thinner and gasoline is a major problem for children and adults in Manitoba. Anything that is effective in reducing the abuse of these substances is to be welcomed in the province. Unfortunately, this bill appears to do little to reduce the problem of sniffing, hence its effectiveness in dealing with the issue is weak or nonexistent. Let me suggest how Bill 29 could be made effective.

I think that we can maybe amend it, and if the amendments that I propose are perhaps considered and included, then it could become effective, but otherwise, I think it is not.

I think we should remove the word "minor" from the bill wherever it appears. Many minors get sniff products from adults who purchase these products in Manitoba or who bring in these intoxicants from out of the province. If the police stop an automobile bringing in a trunk load of airplane glue from Kenora, this bill will not help them to thwart glue sniffing in Manitoba. The police tell me that children acquire most of their sniff products from adult pedophiles who trade sniff products for sex. Because this bill refers only to minors, those supplying the minors with sniff products remain untouched.

* (1930)

The bill is unenforceable. The hope is that by arresting the sniffer, the police will learn the source of the sniff products. However, if an offender states to police that he bought his sniff product at, say, hardware X, and the offender is taken to the store, the owner can either deny selling the product or state that he or she believed that the offender only wanted the product to be used as intended. Either explanation will be believed before a sniffed-up offender's word is taken.

Also, the police cannot hire a minor to go in and make a purchase at hardware X since they cannot hire a minor. The only hope is to frighten the owners of stores who knowingly sell sniff products by making the fine so stiff that the owners think seriously before selling sniff products to questionable customers.

I suggest that a minimum fine for an individual defined in Section 6(a)(i) be \$20,000 and that the minimum fine for a corporation as in 6(a)(ii) be \$30,000. Fines for second and subsequent offences, as in 6(b)(i) and (ii), should be a minimum of \$40,000 and \$60,000 respectively.

This is the only hope because the police tell me that they cannot enforce this bill as it is in its present form. Now, no doubt, their advice to the committee is better than mine, but the foot patrols tell me that it is impossible for them because they will not be believed if they find a sniffer who says that he bought the stuff at hardware X.

We have had lots of experience with Lysol, and we find that this is true. In fact, you have to go into a store and say that I want some Lysol to drink before it becomes an offence. The only people that go in and say they want Lysol to drink, of course, are people who are undercover agents; consequently, they do not get sold the stuff.

Therefore, the bill is really unenforceable, and probably, unless that has changed significantly, it will be useless.

Section 7(1) of the bill states that only a person who is under 18 years of age is guilty. Under this classification, most of those apprehended will be young offenders, and the police in Winnipeg will have no choice but to take such persons to the Youth Centre.

If the police are effective, this facility will be filled to the brim in about two months, or else the youths will be returned to the streets without any reduction in the problem which caused the person to sniff in the first place.

Unless rehabilitation services are planned, taking young sniffers to the Youth Centre is a complete waste of police time and will not help society. This reaffirms my original statement that Bill 29 is not effective in dealing with the sniff problem unless major amendments are made.

The amendments I have in mind, of course, are things like charging the sellers, because we have to have a way to do that. This is the problem.

The newspapers and the chief medical officer are reporting a phenomena called "sudden sniff death syndrome." This phenomenon was discovered when several individuals in Manitoba died after being apprehended for sniffing. If one result of Bill 29 is to arrest sniffers, then it would appear that a prerequisite is that police and workers at the Youth Centre be given the opportunity to learn how to treat sniffers who are put in their care.

Without such training, those who arrest and house young offenders are endangering the lives of young people, and they are subjecting themselves to dangerous practices.

Now this is information from the chief medical officer and so on about the sudden sniff death syndrome.

Section 3(3) makes an exception of duly qualified medical practitioners or dentists. If a person under 18 years of age has a written prescription from such persons, they may purchase sniff products, although I do not know why they would want to. I recommend that Bill 29 be amended to read that any person who desires to purchase sniff products be required to have a written prescription from a duly identified authority. Such a prescription must

carry the name of the prescriber and a phone number where they may be reached.

Without the amendments suggested above, Bill 29 will have no effect on the sniffing problem in Manitoba. If it is the government's wish to address this sniffing problem, then Bill 29 must be seriously altered.

Mr. Chairperson: Thank you very much, Mr. Hammond. Are you prepared to respond to comments or questions from the committee?

Mr. Hammond: Yes, I am.

Mr. Chairperson: Thank you.

Ms. Wasylycia-Lels: First of all, thank you, Mr. Hammond, for your presentation. I would like to ask some questions first about the significance of the problem in the Point Douglas community. Have you any understanding or any numbers to—and I know this is hard—indicate the depth of the problem in your community?

Mr. Hammond: No. I see people on the street, and there are about 35 regulars; but, as I say, sniff largely goes along with substance abuses, and so I am not sure whether everybody who is in this group of people is sniffed up as well as substance abuse disabled. I am unable to tell what the coincidence of those two intoxicants is.

Ms. Wasylycia-Lels: Could you give us some understanding of the root causes of why people turn to sniffing and substance—

Mr. Hammond: I think the root causes are very clear, and I have chatted with some of these individuals. Most of them are unemployed; in fact, I would say all of them are unemployed. When I ask if people would like jobs, they tell me that they would very much like jobs, but they do not know how to go about finding them, and they do not know how to do the preparation, I guess, that is needed in order to get jobs.

So there is a terrible hopelessness, I think, that comes from the whole business of being unemployed, unable to feed your family, unable to kind of provide food and so on, and unable to kind of find the paths that one needs to take in order to become employable. I think that it is really this hopelessness that is the root cause of the whole thing, and, of course, that is the root that has to be dealt with if we are going to deal with the problem at all.

Ms. Wasylycia-Lels: Can you think of any benefits to having this provision in the bill that actually makes it possible to charge the user? In this case it would be those under 18. Can you think of any help that that would provide, either in terms of helping the individual who is addicted or helping the law enforcement agencies identify the retailers? Can you point to anything that would help us understand why this provision has to be here?

Mr. Hammond: I also sit on the board of the North West district for Child and Family Services, and we have in the North West district about 400 children who are in care, because of being on sniff products. Now, I really sense that one result of the bill will be that Child and Family Services will not be so burdened with these people, because they will be sent to the Youth Centre.

Sending people to the Youth Centre, as I have stated, and as the previous speaker stated, will do nothing because unless there are rehabilitation facilities built in—and I have not heard of those as yet. I am suggesting training for the workers, but the training I have for the workers has merely to do with how to deal with people, one or two hours after incarceration so that they do not meet with this sudden sniff death syndrome that I referred to.

The training is not rehabilitation that I am recommending here, but unless there is some rehabilitation built in, there is absolutely no value in sending children to the Youth Centre. They will be off the streets, probably only temporarily. I know that when the police take people back to their homes after there are severe problems, enough for them to be apprehended by Child and Family Services, they find that, say, prostitutes are back on the street before they get back there. So, obviously, this is not going to solve the problems. We need to change the context of people's lives in some sense so that they can find ways out of these hopeless ends.

Ms. Wasylycia-Lels: Is it not the case that our youth centres are normally overflowing as it is? That is a question. I am not sure, I have heard that, but I am not sure, so I would like to find out your opinion.

Secondly, what, then, will happen with this in the bill? Where will kids go and what will police do with them?

Mr. Hammond: The police will take them to the Youth Centre. I think that is the only option unless

they take them back to the families. I think the Youth Centre will be clogged in about two months, as I have stated on the bill, with sniffers. I mean, if the 400 people we have in the North West district is any indication, if that number was to shift over to the Youth Centre, for example, it would be clogged in no time. Without any rehabilitation program, I see no choice, then, for the police but to not do that, because if the Youth Centre is full and there is no other place to put the people, what will be the point?

Ms. Wasylycia-Lels: Well, one of the arguments that the Minister of Justice (Mr. McCrae) has used in introducing this bill and debating this bill has been that making it illegal will make young people turn away from sniffing or using solvents. Do you have any evidence or reason to believe that that would be the case, just by knowing it is illegal, that it would actually be a deterrent?

Mr. Hammond: No, there is no evidence to that, no.

Ms. Wasylycia-Lels: I would like to ask a couple of questions about your suggestion which we had never contemplated, which was to make this bill or law apply across the board regardless of age. You are suggesting that perhaps one way to actually get at the problem of retailers selling the stuff would be to take off the age restriction. How would that work, and what would it accomplish?

* (1940)

Mr. Hammond: I think it would allow the police, for example, when they catch a pedophile who has a houseful of young people who are there simply because of the access of the sniff products, to apprehend the provider of the sniff products. The present bill says that they can arrest all the children, but not the supplier of the sniff products. So I see really no point in arresting all of the children and leaving the pedophile, who has provided them with all the sniff, free to collect a whole new houseful of children.

So consequently, I am suggesting that if we remove any mention of the word "minor," then the police will have the opportunity of arresting the pedophile, and not just sort of saying, oh, well, we will come back when the house is full again of children.

Ms. Wasylycia-Lels: You also make an interesting suggestion about—and I think it is tied to your concerns about whether or not this bill is

enforceable or not—your suggestion being that we dramatically increase the fines for the retailers who sell these products. What is the basis for that kind of a suggestion? Have—

Mr. Hammond: As I mentioned in the brief, the only basis for that is to frighten the sellers, because the police at the moment, and I know the problems the police have had in trying to convict people on Lysol charges, and they have had a very, very difficult time, and I have cited the problem. The problem is that the law is very specific about this, and the sellers know this. The sellers know that they can sell Lysol to anybody but a police officer, and there is no problem.

We know that this is going on in our community all the time, and the police are powerless, and I guess the lawmakers are powerless, to find a way to deal with this. To suggest that the same thing might hold for a sniff bill is, in my mind, very parallel. In other words, if we cannot enforce the Lysol bill unless an undercover agent goes in and makes a purchase, if the bill refers only to minors, and the police cannot hire a minor to go in, the seller can say that I sold it to an adult. If the police dress up somebody as an adolescent, I think that the sellers know very well how to get around these laws, and particularly in the Lysol bill, it is almost unenforceable even though it allows us to arrest adults.

Ms. Wasylycia-Lels: Yet this government has suggested that this three-year delay in any kind of legislation and that the changes that have been brought in under Bill 29 happened because they had to work on enforceability, and in fact have led us to believe that Bill 29 will be that much more enforceable and they will be able to get at the problem in a more effective way than was the case under Bill 91. Is there something in Bill 29 that is going to make it possible for the police to be able to go after these retailers?

Mr. Hammond: Well, my consultation with, again, rank and file police officers is that the bill, as it stands, is totally unenforceable. Now, I think the hope was that maybe by interviewing the arrested sniffers, we would find out where they purchased it.

As I am saying, we mainly know where it comes from already. The sellers know that they are immune from many types of things, and I think they know that Bill 29 will add nothing to this immunity or it will not in any sense thwart the immunity that they

now have from selling sniff products to whomever they wish.

Ms. Wasylycia-Lels: So what you are suggesting, Mr. Hammond, is that if we cannot convince this government to accept some amendments and make the bill more enforceable, we should then, perhaps, look at amendments dealing with the fine structure and recommend some very stiff fines with the hope that that will be an incentive for retailers not to get into selling these products at all?

Mr. Hammond: Yes, the only hope is to frighten the seller since we cannot enforce the bill. Therefore, I think that by putting a very stiff fine, and maybe I have recommended low, but notice I put minimum, and the bill states not more than. I think the bill, as such, will not frighten anybody because we know the fines that people have gotten when these bills stated the same thing for Lysol. People get the minimum fine in each case, and the minimum fine is about a half a day's take in selling Lysol. So why would I stop selling Lysol or why would I stop selling sniff products if I am making so much money?

Ms. Wasylycia-Lels: I believe that your recommendations for the fines would, in fact, and I do not know all the legislation in this province, but comparing it to The Liquor Control Act, exceed the fines in The Liquor Control Act. Do you think that will work, will wash?

Mr. Hammond: I recommended them as low as I did because I felt that this would wash. Now, I believe that people are making much more money selling these products than they are selling liquor products. Therefore, I think the fine ought to be higher because I really believe that the take—I know the markup on a bottle of Lysol, for example, is over \$5. So you only have to sell a few of those before you have made \$500. You only have to sell 100 of those cans and that is sometimes one day's sales. Therefore, I really think that a \$500 fine is meaningless or is kind of unworkable in the sense of deterring anybody from a crime.

Ms. Wasylycia-Lels: What is the substance of choice these days in your community among sniffers?

Mr. Hammond: It depends on where it is purchased. I mean, hardware stores are selling lots of paint thinners. I understand that airplane glue, wherever it is available, is a very big seller.

But as I say, if somebody comes in with a whole trunk load of airplane glue from Kenora, the bill, as stated, does not allow the police to do anything about this.

In fact, even if we made it an adult bill, it still would not allow the police to do anything with a trunk load of airplane glue. The person can simply say I am bringing this airplane glue in to sell it to people who are making model airplanes and the police have nothing to say.

Ms. Wasylycia-Lels: Are there places in your community where they are selling products for sniff purposes, where they would not normally sell those kinds of products? How can I phrase that? Are there businesses—[interjection] No, I mean businesses that are not normally in the business of selling products that are offering—suddenly, you see them offering products because they are catering to a particular—

Mr. Hammond: No, I know of none who are specialty shops in selling sniffs. They are mainly hardware stores in our neighbourhood.

Again, they have been observed on numerous occasions selling these products out the back of the store, but again, there is absolutely nothing that the police can do about this except take note of the fact that this is happening. It is not illegal to sell paint thinner out the back of your hardware store. This bill will not change that in any sense.

Ms. Wasylycia-Lels: Mr. Hammond, you have been working in this field on these issues for a long time, lobbying and taking a lot of community action, trying to stop the sale of certain solvents in local corner stores.

I would like to ask you, just as a final question, what your advice would be with respect to this legislation. I gather you are suggesting certain amendments. If you could just once more go over what you think should be our priorities for—give us your couple of top priorities in terms of amendments. Then, secondly, indicate if the amendments are not possible, if the government refuses to accept any amendments, what would be your advice with respect to the bill? Is something better than nothing? How should we proceed?

Mr. Hammond: Well, I think that there are three amendments that are almost crucial to making the bill, in any sense, effective. One is changing the fine structure the way I have suggested. I think the only hope the bill has of thwarting anybody from

selling sniff products is to frighten them. I believe that if we put a high enough fine on the whole business, we will be able to frighten some sellers into thinking twice about selling them, particularly the questionable individuals who come to the back door.

* (1950)

I think the second thing that is absolutely crucial is that we remove the whole mention of minors, because it seems to me that the children are mainly not getting this stuff from stores. The children are mainly getting it from other adults who have purchased it from stores. So, therefore, by allowing adults to go free and only arresting the children, as I am saying with the pedophiles, for example, you can arrest a houseful of children and take them off to the Youth Centre, but you leave the person who supplied them with all the sniff scot-free.

I think the third thing that is probably absolutely crucial here is that maybe we have this whole business of, I would call it a prescription. At the moment, the whole idea of prescription is very enforceable by the police. If somebody goes to the drugstore to buy narcotics, they need a prescription or they need a note from some person in authority who says that he has authorized this to happen. I have called it a written prescription from a duly identified authority. Now this could be the parent of the child. It could be some other authority, maybe the teacher or others, but I would see that, unless there is the opportunity for the police to follow up or for maybe even the seller to follow up, there is no way in which the seller can know whether he is selling it to a sniffer or to somebody who wants to build a model airplane.

So I think those three are crucial.

Mr. George Hickes (Point Douglas): I just have a few questions I would like to ask you, Mr. Hammond. I enjoyed your brief. I think you have put a lot of thought into it, and you have some excellent recommendations.

As you are aware, in the past in Point Douglas there has always been a problem with abuse of Lysol and hair spray—

Mr. Chalperson: Excuse me, Mr. Hickes. Could you bring your microphone a little closer, please.

Mr. Hickes: And tying that into your fine system to—what I like about your brief is that you state a minimum fine. If you look at the bill, there is

Mr. Chairperson: Excuse me, Mr. Hickes. Could you bring your microphone a little closer, please.

Mr. Hickes: And tying that into your fine system to—what I like about your brief is that you state a minimum fine. If you look at the bill, there is absolutely nothing in the bill that states what a minimum fine shall be. When I say that, I know how hard you and the citizens in Point Douglas have worked to try and alleviate the problem of Lysol and hair spray and the frustrations I have heard from the community in numerous occasions when they were able to finally find an unscrupulous corner store, they had the full evidence, and they go to court and they are fined \$500. The frustrations that I got back was just within that couple of days that business was back to selling those abusive products, because there was no minimum fine and it was \$500 and within a couple of mornings they got the money all back again. This business I have seen and I know is back in that type of a business.

So I really appreciate your idea and your recommendations to at least put a heavy minimum fine to discourage some of these individuals.

The other thing that I have great concern about, and I hope you will share them a little further with us, is the whole aspect of the letter that was written by Mr. Whitley pertaining to the fact that a young minor from 12 to 18 years old, whatever tactics they use, will tell the law enforcement officer where they purchased the product. I do not know how you feel, but I feel very concerned that by doing that we are putting these youth into further dangerous situations, because if they find out which youth told on them, surely to God they will try and go after those youth, and anything can happen. I would like your reaction to that.

Mr. Hammond: We consulted Stu Whitley on whether this was workable and, again, that was where this information came that the hope was that the children would tell the source. I think the thing that worries me most is the fact that even if the children say where they got it, this is not enough evidence for the police to make any kind of arrests in the situation. True, I think the child is putting himself in danger, but I think maybe a sniffed-up child probably would be maybe overlooked by a hardware owner who he told on in some sense, because there will be no sanctions to a hardware owner anyway.

He does not have to slow down his selling in any sense if a youth comes and tells the police in front of him or in his presence that he purchases his glue there because the owner can say one of two things. He can say, no, he did not sell it, and that would be believed by the police, or he could say that he sold it in good faith, and that would be believed by the police. So in no sense will his business be at all hurt by this disclosure.

Mr. Hickes: Mr. Chairperson, the other follow-up on that is what concerns me, and I would like you to be free to share your response to this, is that if the only evidence that the police are able to obtain is from the youth stating that so-and-so sold me this product just to get away from charges or just to get away from whatever the offence could be, is a lot of innocent people could be hurt over this. One youth could say, well, Mr. Hammond is the one who sold it to me. How would you respond to something like that, because a lot of the kids will say anything to get away from being charged?

Mr. Hammond: I would not be worried because I know that the police could do nothing with that type of information, so therefore I might be embarrassed by this information, but there is nothing that the police or any law official could do with that information. Therefore, I think it is meaningless.

Mr. Hickes: Mr. Hammond, you stated that you are on a board of a Family Services agency?

Mr. Hammond: Yes, the Northwest Child and Family Services agency.

Mr. Hickes: I would just like to ask you if your agency, because agencies do work with a lot of the youth as you stated earlier, was there any consultation done with the board or anyone from the agency pertaining to this bill?

Mr. Hammond: Not to my knowledge, no. I work only in the Northwest area, so therefore communications could have taken place with the central office and I would not know about them. There was no information presented to our council in the Northwest area. I asked them how many children they had apprehended because of sniff-related issues, and they were the ones who told me that it was over 400 people who were apprehended, 400 children in the northwest area of the province who were—well, mainly Winnipeg—who were apprehended for sniff-related charges. This is a very costly system, as you know.

Mr. Hammond: No, I know of none. Now, I hope the police were consulted, and I hope that my information from the police that the bill is totally unenforceable is wrong. However, I have no information that even the police were consulted about this.

Mr. Hickes: Looking at this bill with your experience and knowledge of substance abusers, does this problem seem to disappear when a person reaches 18 years old, because this bill seems to just deal with 12 to 18 years old?

Mr. Hammond: No, of course it does not, and in fact, as I have stated in my presentation, probably the people who are under 18 do not make the purchases. They are mainly made by adults, as I understand it.

Mr. Hickes: So if I could get this right in my own mind, what I hear from the first two presenters was that we need to look at a workable bill but also to look at a form of treatment for the individuals versus incarceration.

Mr. Hammond: Yes. Rehabilitation is absolutely vital, because I think there is lots of evidence that rehabilitative services are not really effective. What is known though is that if you take a child out of the context in which they have learned to be a sniffer, put them in an incarcerated situation or even into a rehabilitative situation, and then put them back straight into the same context in which they started sniffing, they will likely pick it up again.

Therefore, I am suggesting that we need to deal dually with this problem. We need rehabilitative services to help the children get off the sniff products, but we also need to change the context in which the child is living that leads to this type of thing.

* (2000)

Some of the front-line workers who work with these children will be able to tell you more specifically the problem of poverty, but people in Norquay catchment area for the Norquay School have a per-family income of under \$8,000 a year. When I tell people this, most people do not believe it. They say it cannot be true, but these are statistics from the Winnipeg school division who said that families in Norquay School catchment area have a per-family income of less than \$8,000 a year. I really think that is one of the root context causes and, therefore, a mere rehabilitation project, while a big help, is not the only solution.

Hon. James Downey (Minister of Northern Affairs): Mr. Chairperson, just a couple of questions for Mr. Hammond. You have covered a lot of areas here. One that, I guess, directly relates to individuals supplying sniff product or intoxicating product to individuals, you have indicated to this committee that there is no charge or no clause in the act that would allow the law enforcement officers to charge an individual that either had a houseful of individuals providing them with product and/or selling the product to them and, also, that there is no fine or any penalty that would apply.

Have you read Section 3(1) of the act and also Section 6 of the act?

Mr. Hammond: Yes, I have read it all.

Mr. Downey: You are not satisfied that 3(1) would in fact allow the law enforcement people to go in and charge an individual who is providing product to people under age?

Mr. Hammond: Well, it says in 3(1) give, sell or offer to sell. Again, it is the police that tell me that this is very hard to enforce. It is very hard to know whether it was given or whether it was sold or whether it was offered for sale, especially if it is a pedophile. I mean, suppose it is a trade. Is that covered by the bill?

Mr. Downey: So, in other words, do you have a recommendation that we could put an additional word in there that would help enforce it, because my understanding and my reading of it would be that we have in fact the ability to charge an individual of 18 who has provided sniff or intoxicant to an individual under 18 years of age. Have you got another word you would like to see added in that portion, because it is definitely there that if an individual provides in any way an intoxicating product to a person under 18, they can be charged. Then you go to Section 6 which spells out the charges that can be applied. So with respect, sir, I do not follow your argument.

Mr. Hammond: I really believe that if the word "trade" was to be added, you might be able to catch the pedophile. I think it is really the police who say that this is unenforceable.

Ms. Wasylycia-Lels: Just to pursue this point a bit further, because I think there have been some concerns expressed here this evening about just how enforceable this bill will be, and the government has suggested that this three-year delay in having any kind of legislation up and

running is justifiable on the basis that this bill is more enforceable, yet we have heard nothing from presenters this evening or from reports of experts in the field that this bill is any more enforceable.

One of the sections they cite is Section 3(1), and specific reference is made to the wording where there is reasonable basis to believe that the person will use the substance or cause or permit the substance to be used as an intoxicant, and that they say, combined with Section 8, which allows the accused the defence of proving on a balance of probabilities that before the accused gave, sold, offered or delivered possession of the intoxicating substance to the person, the accused took reasonable steps to ascertain that the person was 18 years of age or older or that the person would not use the substance or cause or permit the substance to be used as an intoxicant.

I think that is where I need to ask you a follow-up question, Mr. Hammond. Would it make sense to have a provision in this bill that specifically prohibited the sale or trade or offer or giving of any kind of substance as an outright prohibition, as opposed to a clause that left it very vague, very open, very subjective?

Mr. Hammond: I think 3(1) and 8 had in mind hardware sellers or grocery store sellers. I am not thinking of them at all because apparently they are not—well, they can go in and buy according to the bill because they are not minors. Therefore, they can go in and buy the stuff from the hardware store with absolute impunity, but then they can take it out. Then, if it is sitting on the table, I guess, in the house and the children use it, it could be maybe suggested that it was given to the children, but I think that unless there is a much stronger statement made in 3(1), it is meaningless in its present form.

Ms. Wasylycia-Lels: Mr. Hammond, you have mentioned that as far as you were able to ascertain, the police were not consulted in terms of this bill, Bill 29. That certainly seems to have been the case based on media reports. I reported earlier on the comments by Inspector Lou Spado from the Winnipeg police force. There have also been media reports pertaining to comments by police in Thompson and in Portage la Prairie where members of those police forces also suggested that this bill was questionable in terms of enforceability and missed the mark.

Have you heard anything more from the police in your community around enforceability and anything to add to that, or do these comments generally reflect the thinking and feeling in the police generally?

Mr. Hammond: Those comments reflect exactly my perception of what has happened. In fact, this is why it was really the police's suggestion that we beef up the fine because of its unenforceability. So we are hoping that if the fine can be amended that it might have the effect of frightening people, but that is the only possible enforcing that could happen from the bill.

Ms. Wasylycia-Lels: I just wanted to come back to your three priorities that you gave us for amendments. I understand your recommendations with respect to the fine structure, and I think my colleagues and I will certainly give that some consideration. The second one you mentioned about making this a law applicable to all people regardless of age is going to be more problematic for us in the sense that it had not been the basis for our legislation previously, Bill 91, and is not the framework or the basis from which this bill, Bill 29, has been written. So I am not sure how we are going to be able to get at that this evening.

You raise another whole broad question, and I think we, as legislators, have to take that seriously and determine ways and work on solutions for getting at the problem, which you are suggesting is not so much decent law-abiding retailers in our communities, but these behind-the-scenes, back-alley dealers who really are living off the vulnerabilities of young people, or people generally, taking advantage of people's insecurity and vulnerability.

I guess my final question—I know I have talked a lot this evening, and I should pass the mike over to someone—is should we be looking at another type of legislation, looking at starting from scratch with a bill that gets at this problem pertaining to adults generally?

Mr. Hammond: I do not think we can solve all the problems at once. I think if we make those two major amendments about the change in the fine structure, which is really a punitive measure against the retailers who maybe do not wish to be law abiding, and secondly the whole business of the written prescription, which was No. 3, so that the retailer who wishes to be above board and wishes to check with the parents or with the

significant adult in a child's life can in fact go over to the telephone and make a phone call just like the druggist can do.

So I really think that both of those things are workable and that would be a big step along the way. Now I do not think that without, as I say, major changes we can solve the whole problem because I have cited it as being more deep-seated than just legislative.

Ms. Wasylycia-Lels: Just a question on that last point about the idea of a written prescription, would it go some distance to meeting that objective if we attempted to return Bill 29 to the way that had been outlined in Bill 91, where it was indicated that, first of all, there was an absolute prohibition in terms of selling substances to young people, and then outlined a number of conditions which were exceptions to the rule, one of them being a written note from parent or guardian? Would that go some distance to meeting your concern?

* (2010)

Mr. Hammond: Sure it would, because this would protect the retailer who wishes to be honest. When somebody comes in and says, hey, I want to buy some glue to fix my model airplane, he can say, well, just a second, I will just phone and check and see if you have been sent for that, or if, you know, this is something that has just happened because you were in the neighbourhood and needed this stuff desperately.

So I really think that it would protect the responsible retailer who wishes to be as certain as possible that he is not violating the spirit of Bill 29.

Ms. Wasylycia-Lels: Just a final thank you to Mr. Hammond for his very excellent brief and for taking all this time to answer our questions. Thank you.

Mr. Chairperson: Thank you very much, Mr. Hammond. I will now call Debi Spence, Norquay Parent Council.

Ms. Debi Spence (Norquay Parent Council): Good evening. I hope you do not mind but my approach to this is on a more personal level, and it is due to having to two older siblings who were sniffers and solvent abusers. One is now on the methadone treatment program, and the other is on the streets in B.C., and we have not heard from him for about five years. So if I get a little, I guess, quiet at times, it is because of the deep thoughts that I have on this issue.

Through Barry's presentation he briefly introduced the area where I am from, Norquay-Point Douglas, and the solvent problem which is very evident on our streets on a daily basis does have an impact. I really felt, although this is a real nervous experience right now, that from a parent's perspective and a person who has lived in the inner city and who is raising her five children, I needed to bring across my point of view.

Sniffing—a look at the historical background of sniffing from the urban perspective. Again, too, this is more or less my own personal observation through the years.

In the mid-'60s kids were already sniffing on the street corners and in the back lanes of Jarvis and Andrews, Jarvis and McGregor and under the Salter Street bridge. I know it has been renamed since. The many who were not treated progressed into harder drugs or were killed off by the streets. Some sniffers stated that the system, which did not help them, had in fact killed them.

I take that quote from Ken Lavallee [phonetic] who was a friend of my oldest brother who was killed on Maryland Street. He was one of the two who were burnt in the house.

In the '70s, as an outreach worker at the Main Street Project, I had witnessed the trend of prescription drug trading. Double doctoring was practised by the more coherent population. Those people who were not presentable enough to even enter a doctor's office continued abusing attainable products bought over the counter at stores. We used to dub this as the Manwin wine years.

As a young worker, I was 18 at the time, I was re-educated on what people would be pushed to drink when the liquor stores were not open. This is when I started seeing people drinking after shave lotion, rubbing alcohol, liquid paper, and this was the years when Lysol drinking first started. The end result was people falling into convulsions and seizures. Ambulances were frequent at the Main Street Project.

Those who I knew that felt a sense of hopelessness with these addicting substances purposely continued on their road of self-destruction. I remember many of the streeters were warned that if they continued to sniff and to drink the substances that were destroying their livers, that they may just die the next time. Many just continued and did die.

Also at this time appeared the first baby hookers, as they were dubbed by the older workers on the street. They accepted sniff in trade for sex. Again, too, on a personal note, I remember the older street workers were telling me that they literally chased these young kids off the street, but there was just so many that they just could not chase them anymore.

In the '80s there appeared a lethal liquid called liquid heat or canned heat. This was a mixture that contained lighter fluid as well as other substances. It was distributed by a store on Main Street. This deadly mixture contributed to the death of a woman whose body was found in a dumpster right behind the building. Since there was no inquest, just the word of street people, the death and a few more were just passed over perhaps because they were only street people.

In the '90s I now see families who are third-generation sniffers and substance abusers. If the children of these families are normal, they are usually removed permanently. On occasion the family is given a few chances to keep their children. The end result of this action is that many other agencies, child welfare, Health and Justice, for example, are affected. The costs skyrocket. For example, to place a child with deformities in an institution costs more than \$1,000 per month just for daily maintenance, yet nowhere in this bill is treatment and prevention mentioned. These should be prerequisites for any action.

Again, the reason why I went into talking about the different substances is because in Section 2, it just touches on the known substances that are publicized, but there were many others. Again, too, in the 70s there was a drug called rush that gave a quick high, and it was reported that it did damage to the brain because it was so quick, and the high was so short that people kept using it. It was literally frying the brain.

Prohibition on Consumption. When I read Section 3(2), the question that first came to my mind was what about the unborn children carried by mothers who are solvent abusers and sniffers? I remember a case I had as a support worker in the '80s where a juvenile mom was placed under house arrest at the Seven Oaks Youth Centre since she was a known solvent abuser. There should be written provisions to place this order on moms who cannot make responsible decisions so that workers at such institutions know what to expect.

We were told at that time that we would be violating a person's rights, but what about the rights of the unborn? This needs to be addressed in the legislation. Again, too, I mentioned previously about St. Amant, and a friend of mine who is a worker at one of the native agencies was saying that although there have been no studies, you just need to walk in there and see the amount of native kids that are coming into care and the number of children that are just written off because no one did any type of prevention or controlled the mothers who were solvent and sniff abusers. As an end result, these are lost children again.

Blaming the Victim Approach - Charges Versus Treatment. Section 7(2) focuses only on minors. Why focus on just a small age group of offenders? Age of recognition is too late for many. By 12 years old many children are already addicted. It is estimated 400 children are under Child and Family Services care for sniffing in Winnipeg, and count another 200 from the native agencies, Southeast Tribal Council, Awasis, Dakota Ojibway Child & Family and Anishinaabe. Many of the adults are known to have childlike behaviour, and those who serve this population are aware that such people do not have the skills to help themselves or to make decisions. Therefore, they have to be looked after and cared for in the same manner as children.

If sniff researchers were to follow cases of solvent abusers, they would find out that the judgments in cases of all involving such intoxicants are always "not guilty" due to the accused not being responsible because of immaturity and not knowing what they are doing.

Again, too, on a personal note, not too long ago I was involved with a mother whose children were abused by an uncle, but because he was a solvent abuser, a sniffer, he was found not responsible for his actions, so he was let go. That has happened in several other cases. So again, too, they state, on one hand a person over 18 is an adult and has rights, but again, too, if you look at the native population, they have been treated under the colonial system where they have been taken care of. The persons that come in from a reserve expect handouts and expect you to treat them in a manner that you are looking after them, because that is the way they have been treated the past 500 years. Well, why not go a step further and help them through their addictions and help them so that they can become more responsible for their own lives.

* (2020)

Again, too, when I was an outreach worker with the Main Street Project and I used to go into the welfare offices to try to ask for assistance for some of the people, they used to always ask me, well, why are you holding onto their hand, why are you here, why are you with them? I had to explain this is very intimidating for them. They have been used to a system where they just automatically get help. When they come to the city they are lost. They do not understand the process. They do not understand they have to come out and fill out forms and request help and follow rules, because they have never followed that type of process before, and it has continued on.

Programs for prevention must be explored. At Norquay School in 1991, we had an eight-year-old and a nine-year-old who were already seasoned sniffers. We found there were no programs or treatment for these boys. It was two years ago when Winnipeg No. 1 did have a liaison worker. All she had time to do was just a brief counselling session and meet with the family. There were just too many cases, and there were just no programs out there as follow-up. Since that time, that worker has gone, and there is no money to continue on with any type of counselling or any kind of support or treatment.

In 1986, a street parent who lived a block away from myself had a six-year-old whom we believed to be only four years old since, due to the sniffing, he was developmentally behind. The boy could not talk and was—I hope you do not mind the way I worded this—jumping around like a monkey.

Bill 29 does not recognize these victims. What happens to the young children who social services does not come in contact with? This little boy was not in daycare. He was too young for school. No one would have found out about him. It was just that one time there was a big party, the police went in there and they just could not believe this little boy, the way that he was acting. How many more kids are out there?

Living in the Norquay area I see some of the families who once were on the street. They have moved up one step and are on assistance and have families. At Norquay we find that we are almost like a second parent to these kids, because the parents continue on with their bad habits but to a degree that they are able to maintain their

children and maintain a household, but the kids are lacking in so many other areas.

Overall, this bill falls short in many places. I would recommend that the people who researched this bill should come to my community and watch the corner store sell intoxicants to the street people. They might also watch the zombie-like people who wander the streets. Children, of course, do this and in turn follow these models.

The researchers might also go to the St. Amant Centre and observe the alarming rates of aboriginal children born with abnormalities. These abnormalities are brought on by moms who are solvent abusers during pregnancies. Perhaps then this bill would be a bit more humanitarian if it looks at all of these concerns. After all, it has only been 30 years that solvent abuse has been destroying communities such as mine.

As an urban native, I consider the Point Douglas area as my community. I continually believe that I want to stay there, although there are many problems, and try to get across to the many other native moms and families in our area that we have to work together with many issues. This is just one.

Mr. Chairperson: Thank you very much, Ms. Spence, for a very excellent presentation. Would you be prepared to enter into dialogue or questions with the committee?

Ms. Spence: Yes.

Ms. Wasylycia-Lels: Thank you, Ms. Spence, for your presentation. I know it must have been difficult to give us a bit of the personal experience and the insights that you have had.

I would like to know, since you have worked so long in different capacities in this community of Point Douglas and you see on a regular basis people with serious addiction problems, addicted to different solvents and sniff products, where can you now refer those individuals? Where can you try to get them help in terms of treatment and rehabilitation and just helping them overcome this difficulty?

Ms. Spence: At one time, again, too, when I was at the Main Street Project, we used to talk to the people about giving their bodies a rest and at least going to the detox for a few days and then try to think out whether they wanted to get into a treatment program. That was over 20 years ago. Now, that is not even an option for them to even straighten out their thoughts, because now the

detox unit, the beds are closed. Most of the programs that follow under AFM, the procedure is for a person to be toxified before they are into a treatment program. How can they be detoxified when there are no programs? So there is nothing.

Again, looking at this bill, I thought at one point it looked like the adults had more services and more rights because at least they were picked up and put into a safe place. Now this bill does look like it is starting to follow that approach, but there is really no local treatment programs for them. Some will say St. Norbert Foundation, but I really still believe their main focus is on alcohol abuse. They are still not really developed at the area with solvent and sniff abuse, so again, too, there is really nothing in the system.

Ms. Wasylycia-Lels: You mention that with adults, at least they can be apprehended, or at least adults who are intoxicated can be apprehended and locked up in a detox centre. You say nothing like that is available for young people, although perhaps this bill might lead in that direction.

Is it not the case now that in fact, if services were available through Child and Family, there is provision in law for children who are intoxicated on whatever to be apprehended and put in a centre or a safe place for a time being?

Ms. Spence: Again, too, you need a place for them to be detoxified at so that they can hear options once they get their thoughts together, because any time a person is withdrawing from drugs or alcohol, that is the last thing they want to do is start talking about treatment, because everybody knows that they are going to be sick. They are going to be going through the shakes, withdrawal. How can you talk to them about what their plans are when they are sick? There has to be a whole plan of action in place for the youth to realize that there is something available for them.

Ms. Wasylycia-Lels: So your real concern is that they need a place for detoxification, they need a place for rehabilitation, they need a place for treatment, but do they need to be charged under the Young Offenders Act in order to get that place?

Ms. Spence: No, again too, you look at the model that is in place for adults. They have The Intoxicated Persons Detention Act. It would have to follow a similar type of process where they are in a lockup until they are sober enough and coherent

enough so that they would not be doing any harm to themselves or out in the community, because that is the purpose of The Intoxicated Persons Detention Act, that a person is locked up until they are safe in the community and to themselves. There are still a lot of gaps.

I might mention, when I was an emergency worker with Child and Family, when we used to pick up adolescents, it was a frustrating thing for the emergency workers and for the police to be tied up picking up these kids, trying to find a place for them, and then on the other end, at the Youth Centre, they were annoyed. Once an adolescent was straightened up in their minds just from drinking, they wanted those kids picked up right away. They wanted them either returned to their legal guardian or placed in a foster home.

So that is another thing that is going to have to be looked at. If a child is picked up and once they are straightened out, the workers will be calling up and saying, where does this kid go? Again, too, there has to be a follow-up, more treatment or safe houses or some kind of system set up where the youths are sent to after they are withdrawn from the sniff or any type of solvents.

* (2030)

Ms. Wasylycia-Lels: If this bill, as it is written, passes and police then have the ability to pick up young people and charge them, what happens to them? You have mentioned there are no places now, so what is going to happen to these kids who are suddenly charged with an offence which is sniffing or inhaling an intoxicating substance?

Ms. Spence: For a youth versus an adult, they would say an adult can make that decision to go home, but again too, under The Child and Family Services Act, a child has to have a place to go to. Many of these kids do not have a place to go to.

In the community where I am from, we are in the process of looking at two safe houses for children. Also, there is Pritchard Place Drop In, and there is Rossbrook House. If something is set up where some kind of arrangements are made where these kids go into these places for the purpose of follow-up to deal with their addictions, this may be a route to dealing with the whole issue of helping these children make decisions about their addictions.

Ms. Wasylycia-Lels: Just dealing now specifically with young people or minors, people under the age

of 18, if now they can be charged under this proposed legislation, there is really no place to go. As previous presenters said, probably that means they will go to the Youth Centre for a short period of time, because there is no help there, and they will be out in a short while. So they go back to where they were, having had no help, no treatment, no whatever, but they have this charge. They have this record. What is that going to do to the person? Is it going to make that person say, gee, this is wrong, I am going to stop doing this? Some have suggested, it is only going to add to their feeling of being a victim and just bury them deeper into escaping their problems. I am just wondering, what would your assessment be of provision in this bill that is going to charge these kids? There is no place to go, no place to get help, but they are left with this record on their name.

Ms. Spence: Okay, I see your point now.

Basically, thinking over that and comparing it to the prostitution issue, it is another prevalent problem in our area, and also being on the advisory group of POWER and hearing from the women and just what charges mean to them, I think this is where a local advisory group could help out in either saying the child or adolescent has to do something in the community to contribute back, if it is a charge, if that is the way they have to carry it, or continue on with the bill, trying to see—okay, forward the case to a local justice advisory group such as what Anishanaabe RESPECT has in The Maples and seeing that they contribute something in their community or it is a prerequisite that they do something about the problem.

It is the same thing with AFM. A person with an alcoholic problem who wants assistance from welfare, they have to go through a process where they deal with the problem. The same thing with youth maybe; if they want a place to stay, if they want direction in their lives, then it would have to be required that they have to deal with their solvent and addiction problem.

Ms. Wasylycia-Lels: Just on this whole issue, as you may know, when the previous legislation was drafted and presented to the Legislature and then passed three years ago, there was a deliberate effort made, after consulting with the community, not to include any provision to go after the user or the victim. The advice we were getting from people who worked in the community was, as long as there were no prevention programs, no treatments

programs, no rehabilitation programs, it would only make matters worse.

Would it be your advice that we try to amend this bill before us, Bill 29, and try to delete the section that charges the user? If that is your advice, do you have any words of wisdom that we can use to convince this Minister of Justice (Mr. McCrae) and this government to go along with that kind of suggestion?

Ms. Spence: I always make a parallel with other issues, and again, with the prostitution issue, when you see that they charge women and not the johns, it just seems so unfair. The same thing with the kids. You are blaming the victim. You may be charging the kids and letting the people who are selling the stuff get away with it.

Just this morning—I am helping with the summer program—at our corner, there were four, the kids call them, “rubbies” standing across from the store. One of the kids was asked what was in his bag, and he had his lunch because the kids were going on a field trip this morning. That kid turned white as a ghost, and he ran down the street. This was what we were kind of fearing and watching, just to see if they were going to be approaching the kids, and trying to explain to the kids, because my kids being native and the people on the street were native, and explaining to him why native people have so many addiction problems, why the majority are living the lives that they do, and try to give them an understanding that they are not to blame. The ones who I really see to blame are the ones who are giving them the substances.

Again, too, it goes back to the people who make money off of and use the people just for a few dollars. I cannot get over that part of it. I still really feel strongly that it is the people who sell and use—I hate to say my people, but that is what gets to me and keeps me involved.

Ms. Wasylycia-Lels: The government, in accounting for the delay in proclaiming the previous legislation and in justifying Bill 29 as being a more effective way to go, has said that this legislation is basically a compromise between going after all products, which is going to make life difficult for retailers and still getting at those individuals who deliberately buy the stuff in bulk and repackage it and sell it to people who are vulnerable.

Is this bill going to make it possible to get at those corner stores and back-room dealers in your

community who are in the market, who are making a profit off of other people's weaknesses?

* (2040)

Ms. Spence: Going by the information from Barry, because Barry and I are both with the Point Douglas Residents Association—and he is on the nonpotable drinking committee. Basically this was reported, and Barry reported at one of our committee meetings that it was reported and they were able to detect that the corner store was really buying a lot of Lysol. The distributor in the States was able to also report back that, yes, Winnipeg is a high purchaser in their product. I guess they just, I do not know, at one point felt maybe we just like your product, but they realized it was a problem.

I think too, just by knowing that there should be a way to monitor the selling of such products that people purchase just to abuse and to use and to get high on, I am just thinking, with our modern technology, there is a way that purchasers and people who sell the products, there is more of a mechanism to monitor all of this. So somewhere along the line, too, I think that it has to be followed up by the province, just to be able to be a watchdog.

Our local group, just by publicizing that we are taking a stand on it—I had just heard that a new business on Isabel, a car wash, right by another school, is selling hairspray through the back door—this information is shared because they know that our group is taking a stand on this. What irritates me is, it is almost like a new business feels that this is a profit area to sell another substance to poor people and knowing that they can make money off of it, and that is the end goal.

What I am getting at is that word gets out, and I think that there is a mechanism of keeping a watch on what is being sold.

Ms. Wasylycia-Lels: I would like to just follow up that point for a moment. That was the essence of my question earlier to Mr. Hammond, if he knew of any outlets, business places, in your community that were selling stuff that they would not normally sell, and you are telling me, in fact, you know of a car wash that is selling hair spray. Now, hair spray would have nothing to do with the business of that car wash, but it is clearly taking advantage of a market opportunity and selling the stuff.

Is there anything being done about that right now? Have the police looked into? Is there any

action that can be taken with or without this legislation?

Ms. Spence: At the local level, all we could do at this point was inform the residents of that area, if they could monitor this until we see what happens in this bill and see if, okay, once it is passed, what this person can be charged with.

At this point, too, as stated earlier by Barry, is that the police feel their hands are tied. I mean, what are you going to do? In our area, the police are just great. They were the ones who were staking out the store and went in a couple of times and were sold the Lysol. So they do what they can do, but the whole thing is, there are so many businesses. There are four up along the Main Street strip. Now, there are other areas. There is the Broadway area. There is the west-end area. There is the downtown area, the Central Park area. You know, there are pockets all over the city.

So, again, too, with the small fines that these stores have to keep it, I guess it does not justify the police manpower. But, again, too, it is because we have been so involved with this at our local level, that the police are doing what they can, even though the fines have been petty and has not deterred the business from stopping.

Ms. Wasylycia-Lels: It would, in fact, seem that the only action in terms of this very difficult issue has come, not from government, but from community groups like your own, who have decided to take the matter into your own hands in a way and try to educate the public, try to spread the word about some of these questionable retailers and do whatever you can.

You may recall, about three years ago, the government made a big to-do about its war on drugs, in fact, the start of a major task force headed up by the Minister of Education who is with us tonight. In fact, maybe your group even presented and made a presentation to that war on drugs task force or whatever it was called.

Have you seen anything changed as a result of that big war on drugs, any new programs, any new approaches, any action coming from government that is making a difference in terms of your community and the problems you see with respect to drugs and alcohol and solvents?

Ms. Spence: Again, too, I really feel it falls on the community and the local parent councils. Late into the school year, it was found out that some older

adolescents were selling alcohol to 10-year-olds. So when we found that out, we asked representatives from St. Norbert Foundation to come out to our school. It was after that, that four more girls went to the school counsellor.

We have had group sessions for two years now to talk on drug and alcohol abuse, because it has been realized that already in Grade 6, there are a few of the kids who are already telling you about hot knifing. It is not just our school. It is Machray. Also, I heard of another case in DL. It was not anything from any action taken on the government level. It was the parent councils that had requested services, because they were aware that kids in elementary schools were already getting involved.

So I really feel, at the larger level, we would be left out, because we are in the inner city. Again, too, hearings like that, we are so busy with dealing with the street drugs that we do not have time to go out and make briefs. So I did not even hear about it. I apologize, because I would have a lot to say on that issue also.

Ms. Wasylycia-Lels: You do not have to apologize. I am sure your concerns were presented to this war on drugs task force. There were hundreds of presentations and hundreds of groups and individuals who appeared before this committee hoping for some action from the government. We have yet to see any sign of this war on drugs translating into anything real and meaningful.

Just in terms of your experience in the school in your area, in the education system, are there any new resources, new aids, new programs that have come forth from the Department of Education to help in terms of the prevention, on the prevention side of the equation, in terms of helping kids stay away from solvents and drugs and alcohol?

Ms. Spence: Again, too, being aware of the curriculum that is presented in the school, I still think that they have really limited elementary schools, because they do not believe that it is a concern at that level, which it is because a kid does not enter junior high and just get into abusing drugs. It has been developing slowly because they are all around it.

We had a parenting group, well, it has been ongoing for two years. Moms were asking to be re-educated and find out what is happening within the community, through child welfare, through the police, et cetera, what they had to offer on drug

awareness. It was overall interesting that parents wanted to know because they knew their kids were getting involved. Again, this is in elementary school, and they did not know how to talk to their kids about prevention. As I said, they were aware their kids were already dabbling in drugs.

Ms. Wasylycia-Lels: I want to thank Ms. Spence for her very informative presentation and for taking the time to answer all of my questions. Thank you very much.

Ms. Spence: Thank you.

Mr. Chairperson: Thanks very much, Ms. Spence.

Wayne Helgason, private citizen.

* (2050)

Committee Substitution

Mr. Jack Reimer (Niakwa): I wonder if there is leave for me to make a committee change, Mr. Chairperson.

Mr. Chairperson: Is the committee agreed to a committee change? [agreed]

Mr. Reimer: I move, with the leave of the committee, that the honourable member for Portage la Prairie (Mr. Pallister) replace the honourable member for Lac du Bonnet (Mr. Praznik) as a member of the Standing Committee on Law Amendments, effective 8:50, with the understanding that the same substitution will also be moved in the House at the appropriate recording in the official records of the House.

Motion agreed to.

Mr. Chairperson: I am sorry, Mr. Helgason. Do you have a written presentation?

Mr. Wayne Helgason (Private Citizen): No, I am presenting tonight as a private citizen.

Mr. Chairperson: That is fine. You may proceed.

Mr. Helgason: I just want to, first of all, introduce myself quickly. My name is Wayne Helgason. I am currently the director at the Ma Mawa Wi Centre. I am chairperson of the Aboriginal Centre of Winnipeg Inc., the collection of groups who have purchased the CP station and who know that in the next few years, we really need to attend to this issue of solvent abuse.

(Mr. Jack Reimer, Acting Chairperson, in the Chair)

I guess I became increasingly concerned over the presentations this evening, because I think the previous speakers have gone over the area very well in terms of the legislation. I suppose I would just like to share some thoughts in terms of the concerns I have about the fact that as a member of the aboriginal community and having worked in the inner city a long time with this issue, I believe we have already some of the statutory mechanisms in place. I believe we have an awful lot.

I think what we do not need are more children incarcerated within a system that does not understand sufficiently to respond to the nature and degree of problems they will be dealing with. We do not need any more young children in the Manitoba Youth Centre, with a Crown attorney shaking his head in the morning around what to do. We do not need any more children in the Child and Family Services system. With all due respect, it has not been effective.

In fact, we have been hopeful that any form of response with respect to this issue might have been generated out of the health community. It is a health issue. It is a poison. Having worked with many people who have been intoxicated or are part of that along the continuum, it is absolutely debilitating. It is the most scariest substance to have somebody ingest, and the outcome is absolutely tragic and long lasting at tremendous costs to our social system but particularly our health system.

So I am really concerned about this particular response and even some of the other considerations, because we do not need more systematized responses. It is a health issue, and in this context of health reform, healthy public policy, the advent of the aboriginal community taking more responsibility and ownership, I think I am a little saddened we have not been brought into the discussions a little earlier. I think we have some interesting ideas, the health and wellness clinic that we are working on at the CP station.

I have had personal experience, and let me just share that with you. I, about eight years ago, worked with a family, and sniffing was a component of the problem. The 12-year-old girl was not a sniffer, but her older brothers were.

I will suggest to you that for the most part, sniffing begins at a point in time as a group activity, and there are usually, in fact almost always, concerned people in that person's environment. I do not care

if they are single parents or they are on welfare, or aboriginal or not aboriginal, in the inner city, there are concerned parents.

They may not have all the tools to effectively respond, they may not be able to reach out effectively, but the resources that are there can and should be more effective. I would suggest that the Child and Family Service system and the Justice system has not met that challenge.

But there are people in the lives of these children that are concerned and, with the appropriate amount of support and education and encouragement, would respond.

I took a mother down to the, actually, at the time, Public Safety Building. She swore out a mental health warrant, and on the basis of a professional and a parent or a family member, that person was taken to the psychiatric unit of the Health Sciences Centre, and we had an opportunity at that point.

Unfortunately, much like the referrals I have made to the Alcohol Foundation of Manitoba, again the similar circumstance, the system at that point did not know what to do with this person who had been sniffing to the point that they were relatively incoherent, intoxicated to the point where they were very debilitated. In the case of the AFM, they phoned me and said, well, I do not think we can deal with this person in group because we have to repeat everything so many times.

The other groups members, they had been charged with marijuana offences or something, but in contrast to the absolute damage that solvent abuse—you know, it is a terrible outcome for somebody who has submitted themselves to that. It is a social and economic problem, and it is my feeling that the real solutions lie in that area in the context of a health and wellness approach rather than a punitive or judicial or even a social, a Child and Family response.

I really suggest that strongly, having been in the system, worked in the Child and Family Service system. At the Ma Mawa Wi centre, we have a bail supervision program which has been reduced as the minister knows, this year, but we also have services—and not just our centre, not just the Ma Mawa Wi centre. The friendship centre had that capacity as well at the community level.

So I really caution against more development of more government responses because: (a) for our community, it has not proven effective; (b) I think there are solutions that exist at the community

level, like some of the former presenters, but I mean some organizations that both understand some of the root causes, the social and economic, the hopelessness that some families and young people find themselves in, that drive themselves to this state of self-annihilation, and it is nothing more.

In 1983 there was a documentary done by Jim Compton, aired on CBC, and it won an ACTRA award actually. But it had the chief medical officer indicating—and it did point, it was very clear, this is a health problem. You know, I do not think we are going to deal effectively with it through Justice at all, and I do not think through Child and Family. It really needs to be integrated, as far as we are concerned, on the part of an integrated approach driven by Health. You know, this is a poison; people are ingesting it. There are community mental health and wellness issues attached.

I believe that there is a beginning of an infrastructure in the inner city community. I think Debbie referred to some. There are others. The Native Women's Transition Centre is in the process of developing the Ni Tin Away safe house, an alternative for the community to interact with those children and those families with the hopes that these children stay in the families they are in.

It is really concerning that in the last eight years, the number of children in the care of Child and Family Services has more than doubled, permanently. The numbers of children in the Manitoba Youth Centre are still in excess of 80 percent who are aboriginal. We are not getting anywhere, and I do not see this legislation, unfortunately, as being progressive and as really capitalizing on the capacity of the community to take responsibility to deal with so many of these issues in the holistic way it really needs to happen.

Now it does not mean that in every case, every solution, and a partnership does not need to exist with respect to the police who can perform an important role as they do.

We have a Bear Clan Patrol operating out of the CP station who are young people who work in concert with the police, who I believe would be as effective as a middle-class social worker in Child and Family or a Crown attorney or a defence attorney in trying to deal with this.

That is where we should put our resources and support, with people who know the problem, care about the problem, are in a position to do something about the problem, and we should do it

with haste. You know, we have limited time for some of these children.

(Mr. Chairperson in the Chair)

The development of a sports and recreation program in the inner city, as much as that might seem sort of off to the side—in fact, many of finest people in our community say that if it was not for involvement in sports and recreation in a positive way, they may be left to those other group activities and those other designs.

I guess what I said when I was concerned, I was concerned about the whole context of this discussion, is thinking government can solve this problem by what government will do all by itself. The Justice Department will not be able to solve this problem; Family Services will not be able to.

The community, in partnership with those departments and the Health Department, may have a chance, in fact, not only in dealing in a treatment perspective, but putting in place some of those preventative infrastructures that are really important.

* (2100)

I would just like to caution you that I know, from working in long standing in the community, not all children who are sniffing are from families whose parents do not care. They do. They care greatly. I have seen tears over the circumstance. But what do they do with their 12-year-old who is hanging about? There is no other sort of opportunity for activity.

It is really tragic, and I do not think I can contribute very well to comments upon the current legislation as proposed or even the former one, because I think we have a much broader problem to deal with in terms of this issue and the real difficulties so many of our children find themselves in.

This was just a personal presentation. I did not go through a process of consultation, although I know, and I think, that those from our centre at Ma Mawa Wi, those from the Aboriginal Council of Winnipeg and those from the Indian and Metis friendship centre would share my thoughts in a general way.

I am cognizant of the time. You have heard some excellent commentary previously, but I appreciate the opportunity just to share those thoughts and those cautions with you.

Ms. Wasylycia-Lels: Mr. Chairperson, first of all, I wanted to thank Mr. Helgason for taking the time and presenting such a thoughtful presentation on this whole issue of solvent abuse. Just as a footnote, you should not worry about the time. We are prepared to be here all night. We think this is a topic that deserves serious consideration. We have waited a long time for the opportunity to have this dialogue, and we would like to give it the treatment it deserves.

What you said in your remarks really, in a way, touches on the dilemma that we are facing with this bill before us. Three years ago, after consulting with some of the people involved in the antisniff coalition and then people in the organization who became people against solvent abuse and others in the community, our intention was to try to address one part of the problem. Fully acknowledging that it was only a small piece of the whole issue, and not being able to really bring forward legislation that demanded government expenditure or government action in terms of health, education and social policies, we were limited to focusing on the legal side of the issue and so felt that in consultation with community people, we would try our best to at least restrict the sale of solvents to young people.

That was the intention of Bill 91, knowing it was not a perfect bill and that it was only a small part of the problem. However, that bill, as you know, was not proclaimed, and we have waited three years to be able to address it again. Now we have been faced with a terrible predicament. A piece of legislation—it is almost like we have created a monster because, in fact, we are now dealing with a piece of legislation that does everything we tried to avoid, which was charging the victim.

Now we are faced with this decision about what to do with this piece of legislation that really victimizes people twice. It takes people who are victims of poverty, homelessness and unemployment and has a potential of making them wards of the juvenile justice system without any promise of prevention, treatment, rehabilitation programs in place.

I am wondering if you can give us any advice at this stage in the bill. I think the government is intent on pushing it through quickly. I am not sure how receptive the minister and his colleagues will be to amendments. We are certainly going to do our best.

I am wondering if you could give us some advice dealing with this piece of legislation. Our thoughts were that we should perhaps at least try to convince the government to eliminate the section that charges the user. I am wondering if you could advise on that and any other suggestions with respect to this bill.

Mr. Helgason: It has been our experience that it is regressive at this point to charge and put into a criminal justice system such an activity for youth, because it simply further complicates or substantiates the labelling process and the involvement, in a systemic sort of way, young people who begin to self-define. They understand who they are. They know when they are apprehended by the police and they are locked up. They begin to identify in a certain way. That can play itself out in a very negative way.

Rather, I really think that under the health approach, the health and wellness approach, which can be triggered by family and community people together and the Youth Centre, of course—we ran a bail supervision program for a while. What we were doing for the most part was supporting or assisting parents in meeting the standards of the court in terms of a release, whether it is a Crown, and we found that first of all, due to the location of the Youth Centre, the nature of the families with larger families often, it is very difficult to get out there.

It is really not a useful response to the circumstance. I will predict that it will have a very negative long-term implication for those young people becoming involved in the criminal justice system. No, it is regressive. I am surprised this justice system would want to do that yet again. I mean, the Youth Centre is often overcrowded, and they have difficulty dealing with the circumstances with which they are familiar, let alone having on their steps young people intoxicated or involved in sniffing.

It is quite unique. Really, it is unlike somebody involved in other form of substance abuse. These people are very disoriented. They need medical attention. They need mental health support in a reasonable and an effective way, and I do not see why, in a period of what we call health care reform, this should not be a priority. So have I answered your question?

Mr. Chairperson: Before we proceed, I would like to point out to the committee members that two

more names have been added to the list of presenters. This is just in the general sense. I think it was the will of the committee at the beginning to put no time limit on the presentations. As the member just pointed out a moment ago, we will certainly make available all the time that is necessary.

I would suggest to the committee members that considering the number of names that we have listed as presenters, it might be a courtesy to those presenters at the bottom of the list if we keep our questions and comments to the presenters at a minimum and allow the presenters to react. I would appreciate it if the committee members would co-operate.

Mr. Steve Ashton (Opposition House Leader): Just on a point of procedure, I am wondering, after we finish questioning the current presenter, it has been pointed out that, for example, on Bill 3, there are no presenters, and rather than have staff remain here for clause by clause that might perhaps not even take place, depending on when we adjourn the committee, I was going to suggest that after the presenter, we go into Bill 3 very briefly, deal with the clause by clause and go back into the current bill, because as I said, given the number of presenters, I am not sure when or even if we will get the clause by clause on the current bill, Bill 29. But I was going to suggest that we deal with Bill 3 in clause by clause in the next couple of minutes.

Mr. Reimer: Mr. Chairperson, with the suggestion of Clause 3, I was wondering if there are presenters for Bill 20 also.

Mr. Chairperson: Currently, there are no presenters for either Bill 30 or Bill 20.

It is our common procedure, for the information of the committee members, I am sure you are all aware that as a courtesy to the public, when we do have presenters here, willing and able to present, that we hear them first before we move into the clause-by-clause consideration of the bills. However, it is very much at the direction of the committee, if they wish to diverge from that procedure at the end of this presentation and deal with the other two bills. Do we have unanimous agreement for that? [agreed]

* (2110)

Ms. Wasylycia-Lels: To Mr. Helgason, yes, you answered my question. It does not make it any

easier. I know what lies ahead and the work that has to happen on the health care front.

I am wondering in that regard if you could tell us what proposals are at work in the community for providing programs and centres for individuals who need help with their addiction problems, their problems particularly relating to sniff and other solvents?

Mr. Helgason: Well, the approach by the aboriginal community and certainly the service organizations has always tended to take a holistic nature in terms of its description. So rather than reinforce the labelling process, where we have a sniffing group, or we deal with any one particular problem and label it as such and therefore impart upon those involved a label, we usually take, to the extent possible, sort of a holistic approach.

There are several proposals which have been submitted, both to the federal government, to the National Drug Strategy, in relation to dealing with individuals who are either involved in or predisposed to being involved in this kind of activity, the New Directions: Flying on Your Own training program. We have taken over 400 youth through it, many of whom were referred due to the problem of involvement in sniffing. We find it works very strongly on the self-identity aspect.

I still believe that the reversal through this will come from the individual in the context of a supportive family, in the context of a caring and supportive community, and the institutionalized systems will have a more limited role than is being proposed through this legislation. So there are proposals of that nature to the United Way, to the National Drug Strategy, to the province itself.

Ms. Wasylycia-Lels: I would like to know from Mr. Helgason what kind of response he is getting from the Province of Manitoba to proposals for any kind of substance abuse prevention/treatment program.

Mr. Helgason: We are not altogether successful in relation to the adolescent prevention program submitted both to the Victims' Assistance Committee in the past and to the Family Services department more recently.

Ms. Wasylycia-Lels: Mr. Chairperson, I think that is an important issue to take note of. I am glad to see the Minister of Justice (Mr. McCrae) is here to particularly take note of the proposals that have been submitted to government, even in his own

department, for youth treatment and prevention programs—

Mr. Helgason: Which includes the bail supervision program which, should this legislation come into effect, would be even more important to have in existence. But this year, despite a proposal having gone forward to the Department of Justice, to enhance, as per the Aboriginal Justice Inquiry's specific recommendation which was that the Ma Mawi Centre's bail supervision program be expanded province-wide.

I can report to you today that the bail supervision program does not exist. It was cut last year in the cuts. It sort of flies in the face of the Aboriginal Justice Inquiry's very well-rationalized recommendations.

Ms. Wasylycia-Lels: Could you tell us why the government cut the bail supervision program? Did they give any reasons? Is there an alternative they are suggesting? What is the rationale?

Mr. Helgason: Basically, the bail supervision program was an agreement between community & youth corrections, the inquiry initiative, and the Ma Mawi Centre. The department, through the senior, Mr. Thiessen and Mr. Demers, did not feel they could—there were cuts in their own department—they did not feel they could extend it this year. Although we provide a very scaled-down supervision program, we no longer attend in the bail supervision capacity that we were able to do for three years with the support of the Core Area Initiative as a partner.

So, although the program was recommended by the department, and I know that, and that last year Treasury Board did make up some costs in relation to that program, we were instructed by the department that we should discontinue it this year beginning April 1, '93, which has happened.

Ms. Wasylycia-Lels: Yet, is it your estimation that programs like the bail supervision program actually make a difference in terms of breaking the cycle of addiction and difficulty?

Mr. Helgason: What it would do is it would put an aboriginal worker onsite, and we dealt with over 50 young people who were incarcerated in the Youth Centre, back into contact in the community with a community-support plan involving the parents, involving a response from our centre. It may be New Directions, it may be other forms of treatment, but it was a very important mechanism, we feel, in

diverting children, young people, from a potential for a life of institutionalization, and certainly expediting them from being incarcerated in the Youth Centre for extended periods of time.

So I am sure that—it was a cost-benefit—it just was not, I guess, understood or appreciated by the department.

Ms. Wasylycia-Lels: You mentioned also that you had presented a proposal for a youth substance abuse prevention program to the Victims' Assistance program, but you were turned down. Can you give us any indication why you were turned down?

* (2120)

Mr. Helgason: It was refused in 1990, 1991, and there was no rationale around it. The Victims' Assistance Committee had looked at it, I believe recommended it, and I am advised that Treasury Board had decided that all projects that had been approved by the previous—there was a change in the terms of the membership of the Victims' Assistance Committee at that time.

Ms. Wasylycia-Lels: Is Ma Mawa Wi Centre keeping that proposal before government and still looking for a response from government?

Mr. Helgason: Yes, we are. We are there and attentive to issues within not only Child and Family Services but the justice issues as well, as well as issues of education.

Ms. Wasylycia-Lels: So what you are saying Mr. Helgason is that if we are serious about doing something about the problem of substance abuse, then we should be putting a lot of our energy into convincing the government to support some of the programs you have mentioned like the bail supervision program and the proposal for a youth substance abuse treatment centre.

Mr. Helgason: Absolutely. I know I might sound like I am speaking out of self-interest, but really I am totally convinced of the applicability and the effectiveness of those kinds of services. Whether they are run by the Native Women's Transition Centre, the friendship centre, community groups, they really have the capacity to be effective when compared to some of the institutionalized models of service delivery. It will be illustrated over time, I have no doubt about that. It is just that who has the current vision and appreciation I am uncertain, but over time it has to be the only way to go because it is quite cost-effective.

We are entering an era, I know, when I think we have reached a threshold in terms of what we can maintain in terms of the cost factor. There are 2,800 children in care in the city of Winnipeg; there were only 1,200 in 1983. Those are wards of the province. Our concern is, of course, the social costs and the personal and human costs. I know there is a dollar figure attached too, so we are watching the situation closely.

We have capacity at the community level through the groups, particularly the aboriginal groups that have established themselves, and we are moving into a framework now in the next few years through the Aboriginal Centre to really develop and deliver capacity in terms of health care, training and education and a legitimate response to reversing some of these social conditions. I assure you it is beginning.

Ms. Wasylycia-Lels: I just wanted to thank Mr. Helgason for his presentation and say we appreciate what he and other members of Ma Mawa Wi Centre and the Aboriginal Centre of Winnipeg are doing. We will try our best to keep our energies focused on the real issues at hand which are really health and well-being for all members in our community.

Thank you.

Mr. Hickers: I just have a couple of questions for Mr. Helgason. One brief I was reading was from the Chamber of Commerce and in there they stated that they were not consulted at all and they were wondering why. As a lot of the newspapers when they report their stories and stuff involving people who have solvent abuse problems, a lot of the pictures and stories involve aboriginal individuals.

I would like to ask you, as your involvement with Ma Mawa Wi and the Aboriginal Council of Winnipeg, were your organizations consulted by the government pertaining to Bill 29?

Mr. Helgason: Not whatsoever.

Mr. Hickers: Do you know if any other aboriginal organizations were consulted by the government?

Mr. Helgason: I do not know if they have or have not. I really cannot comment.

Mr. Hickers: I was very interested in a new problem that you pointed out where a lot of the youth would, after being charged, more than likely be put into youth centres, and the reference you made to staff's ability to cope with a new problem. I am sure if they are going to do any justice to their

centres there would have to be a massive undertaking of appropriate training programs for the existing workers because they will be dealing with a whole new concept and a whole new issue. Without adequate training, I do not know how they would be able to assist these youths.

When you look at that, could you see that being remedied in a short period of time, like, for timewise and dollar figure for training of the staff once this bill has passed when they start opening the doors to incarcerating these youths?

Mr. Helgason: Well, I am uncertain as to how they would handle the capacity because our bail supervision workers were onsite and it was often at capacity. In terms of training of staff, already the majority of the children in the Youth Centre are aboriginal. That training should be there. We have fundamental concerns about the Manitoba Youth Centre itself generally in terms of a number of issues pertaining to how it operates. So I would not really want to comment out of context on the issues with respect to the incarceration of young people in the Youth Centre. There are issues and problems there. It would be our feeling definitely not so many young people need to be there nearly as long as they are and there should be alternatives.

Mr. Hickers: Also with this bill, one of the shortcomings that I see is that it deals with youth, and it looks at the whole ability to charge. I have not seen any reference to adequate treatment being available. It stops at 18 years old. You have more experience than I do in this area, but what I have seen in Point Douglas is quite a few of the people who abuse solvents are much older than 18 years old, and there is no reference in here. So what happens to those individuals?

Mr. Helgason: They end up killing themselves. The gentleman I was telling you about at age 20 who we took down to the Health Sciences Centre with a mental health warrant, something could have happened at that time. His name was John Cook. He was killed at the Occidental earlier this year. His behaviour was such that he had deteriorated in terms of his operating to the point that he was very vulnerable as a person. It was truly unfortunate what happened. I wish something else could have happened somewhere along the way.

Mr. Hickers: I just have one final question. As your involvement in many aboriginal organizations—and I know your commitment and involvement by other members—would the

Aboriginal Council and Ma Mawa Wi and various aboriginal organizations, if there was a possibility that they could be consulted and hopefully work alongside and advise the government, would your organizations be interested in working with the government if they so asked?

Mr. Helgason: Of course. In fact, we currently have a working group established with all the directors of the community health centres and a subcommittee of the Aboriginal Centre of Winnipeg or the group known as having purchased the CP station.

In that context it would be very adequate to discuss what might be some of the responses to this solvent abuse problem, because I really think, whether it is within the federal discussion on health and welfare and health promotion or the provincial discussion, health has to play a major role, it really does, or else we will just have to build bigger and better penal or criminal justice facilities.

Mr. Hickey: This is more of a comment than a question. I was very surprised when you mentioned that the government had cut off the funding for the bail supervision program from Ma Mawi. I know it was recommended by the AJI, along those lines. I was under the impression that we were going to hopefully see some positive steps in implementing some of the recommendations, but to me, I am glad we are going to be going into Estimates in AJI, because those questions will be asked, and we will raise the issue.

The Minister of Justice (Mr. McCrae) is here, and I hope he will check into the reasons why, because for sure we will be raising those concerns, because it bothers me where we have been hopefully getting more aboriginal people and organizations involved in helping overcome a lot of our own problems within our own people, and I think we have to seriously address those and move forward, not start stepping backward. I just wanted to share that with you.

Mr. Helgason: If I could just comment further, I believe that was generated, and our board, when this occurred, said, well, we are Child and Family, we will localize our efforts, and if the Justice department is not interested, then we will expand this to a larger community discussion, because the bail supervision is one component of what sort of needs to happen in terms of the urban aboriginal population of Winnipeg. There are others. There are aboriginal females incarcerated in Portage, 75

percent. There are other aspects of the justice system that I suggest over the next few years really need to come into fruition.

We were carrying it, as a Child and Family agency, as a deficit cost area. So the board was almost relieved when we were not expensing into a justice area when Child and Family were our funders on a primary basis. So it is sort of a complicated circumstance, but unfortunately there is a need there in terms of some response to young aboriginal people and aboriginal women, through the capacity of the aboriginal community. There are discussions that are beginning to take place in that regard.

Hon. James McCrae (Minister of Justice and Attorney General): Mr. Chairperson, I have no questions for the presenter. I just have a comment to make, by way of point of order, when he is finished.

Mr. Chairperson: Are there any other questions or comments for the presenter? Hearing none, thank you very much, Mr. Helgason, for your presentation this evening.

Point of Order

Mr. McCrae: Mr. Chairperson, by way of a point of order, I just want to raise an issue on behalf of the presenters here. The issue has to do with relevance. We have a number of presenters still to be heard from. They have been very patient in sitting here and waiting and listening. Much of the time taken up so far we cannot blame on the presenters, we can blame it on the members of the committee who have been asking a lot of questions, questions about bail supervision, questions about youth substance abuse treatment centres and health issues, and we are also asking presenters to compare Bill 91 of 1990 and Bill 29 of 1993.

Neither bill, Mr. Chairperson, makes any pretense whatsoever about youth substance abuse treatment centres or about bail supervision or about anything else. So let us be clear. Both these bills talk strictly about sanctions for people who make these substances available to young people, and in the case of Bill 29, including also making it an offence for young people to do this.

Now, I suppose that the extension of—

Mr. Chairperson: Order, please. The honourable minister does not have a point of order. I would

point out to the committee members that we are here to discuss currently before us Bill 29, and as has been pointed out we do have a number of presenters who are listed and I am sure would like their opportunity to make their presentation this evening before we adjourn. So I would appreciate it if committee members could confine their comments as closely as possible to Bill 29 even though we all recognize that this is a very important subject.

* (2130)

Point of Order

Mr. Ashton: Just on a point of order, Mr. Chairperson, I am tempted to respond to the minister's nonpoint of order, but I would hope that members of the public would feel free to deal with related issues. I believe some of the points the minister raised were raised in the presentations that people feel very relevant. I do not think people should feel restricted. We know what a serious problem in terms of solvent abuse—

Mr. Chairperson: Order, please. The member does not have a point of order.

Mr. Ashton: Mr. Chairperson, I am referring to your specific instructions to the committee which I do feel might be misconstrued. I would point out that the tradition of this committee is to listen to members of the public who raise the points they feel are relevant, and we should not be lecturing them on what is relevant as the minister was here—

Mr. Chairperson: Order. The member does not have a point of order, and I do not think that I suggested to the public that they should be limited. I think the suggestion was made to the committee members that they try as far as possible to confine themselves to the discussion of the bill before us, which is Bill 29.

* * *

Mr. Chairperson: As previously agreed, we will now move to consideration—I will interrupt the public presentations on Bill 29 and move to consideration of Bill 3.

Point of Order

Ms. Wasylycia-Leis: Just on a point of order, Mr. Chairperson.

I just thought in the interest of informing the people waiting to make presentation that we should just clarify for them that what we are doing is taking

a very short break to deal with two bills for which there are no presenters, and it should only be a matter of minutes.

Mr. Chairperson: Thank you, Ms. Wasylycia-Leis. I can make no guarantee on how long it will take to deal with these two bills, but the fewer interruptions we have, I suppose the quicker we will get it done.

Bill 3—The Oil and Gas and Consequential Amendments Act

Mr. Chairperson: Order, please. As previously suggested there are no oral presentations to Bill 3, but we do have one written presentation which I believe has been distributed.

For Bill 3, are there any opening comments or questions?

Hon. James Downey (Minister of Energy and Mines): Mr. Chairperson, I think the bill is fairly self-explanatory. The explanation in the House did not raise a lot of questions. The bill is basically rewriting The Oil and Gas Act for the province of Manitoba. It was, in the past, a part of The Energy and Minerals Act, and we have now separated those, passing The Minerals Act a year ago and with a new Oil and Gas Act this year, which we have had extensive consultation with the industry and will be introducing some amendments following the discussions with the industry.

I guess probably what speaks to that is the fact that we do not have any presenters here tonight. We only have one in a written form, and I think we have pretty much complied with the industry, with the interest of the public in what we are presenting here tonight.

Mr. Chairperson: Thank you. Are there any other comments?

Mr. Steve Ashton (Thompson): I just want to indicate as I said in the House that we do not have any problems with the principle of the bill. A number of concerns were raised in the committee. We are prepared to see it pass largely in its present form, and we will follow up on those concerns as we see the implementation of the act. Thank you.

Mr. Chairperson: Do we have any other further comments, questions?

Very well, as is normal procedure the consideration of the Title and the Preamble are postponed until all clauses have been considered in their proper order by the committee. We will

hope to move expeditiously, and if the committee agrees we will move in blocks of clauses. But I do understand that there are some amendments to be made.

Clauses 1 to 5 inclusive—pass. Clause 6.

Mr. Downey: Mr. Chairperson, I have an amendment. I move

THAT section 6 be amended by striking out "June 30" and substituting "December 15".

[French version]

Il est proposé que l'article 6 soit amendé par substitution, à "30 juin", de "15 décembre".

Motion presented.

Mr. Chairperson: Are there any questions or comments?

Amendment—pass. Clause 6, as amended—pass; Clause 7 to 23 inclusive—pass; Clause 24?

Mr. Downey: Mr. Chairperson, I have an amendment. I move

THAT subsection 24(3) be amended by striking out "and thereafter until the appointment is revoked and a successor is appointed".

[French version]

Il est proposé que le paragraphe 24(3) du projet de loi soit remplacé par ce qui suit:

Mandat

24(3) Les commissaires siègent pendant la période fixée dans le décret les nommant à moins qu'ils ne décèdent, ne démissionnent ou ne soient démis de leurs fonctions.

Motion presented.

Mr. Chairperson: Are there any questions or debate on the amendment?

Mr. Ashton: I would just ask for the next question to this one.

Mr. Downey: Under the present wording, a member appointed for purposes of considering one issue would remain a board member until someone else were appointed. The proposed amendment would avoid this continuation of an appointment is not necessary in the context of this act.

Mr. Chairperson: Amendment—pass. Clause 24, as amended—pass; Clauses 25 to 48 inclusive—pass; Clause 49.

Mr. Downey: I move

THAT section 49 be amended by adding "and dispose of" after "remove".

[French version]

Il est proposé que l'article 49 du projet de loi soit amendé par adjonction, après "d'enlever" de "et d'aliéner".

Motion presented.

Mr. Chairperson: The honourable minister, for an explanation.

Mr. Downey: Mr. Chairperson, the amendment required is to clarify that the holder of a lease not only has the right to remove oil and gas produced from the lease area but also to dispose of the oil and gas produced.

Mr. Chairperson: Amendment—pass. Clause 49, as amended—pass; Clauses 50 to 52 inclusive—pass; Clause 53.

Mr. Downey: I move

THAT subsection 53(5) be amended by striking out ", in accordance with the regulations,".

[French version]

Il est proposé que le paragraphe 53(5) du projet de loi soit amendé par suppression de ", conformément aux règlements,".

Motion presented.

Mr. Chairperson: That is a proper amendment. Any questions or comments.

Amendment—pass. Clause 53, as amended—pass; Clauses 54 to 56 inclusive—pass; Clause 57.

Mr. Downey: I move

THAT section 57 be amended by striking out "is not renewed under subsection 52(3) or".

[French version]

Il est proposé que l'article 57 du projet de loi soit amendé par suppression de "n'a pas fait l'objet d'un renouvellement en vertu du paragraphe 52(3) ou".

Motion presented.

Mr. Chairperson: Any questions or comments?

Amendment—pass. Clause 57, as amended—pass; Clause 58—pass; Clause 59.

Mr. Downey: I move

THAT subsection 59(1) be struck out and the following substituted:

Requirement for survey

59(1) Where the director considers it necessary or advisable to have a survey made of a reservation area or lease area to settle a dispute respecting the position of the area, or where no plan of survey

exists for a reservation area or lease area or any part of it, the director shall require the applicant for, or the holder of, a disposition in respect of the area to obtain a survey of the area or any part of it, as the director may determine, in accordance with The Surveys Act.

[French version]

Il est proposé que le paragraphe 59(1) soit remplacé par ce qui suit:

Arpentage obligatoire

59(1) Le directeur exige que la personne qui demande le titre d'aliénation du périmètre d'une réserve ou du périmètre d'exploitation d'un bail ou que le titulaire d'un tel titre fasse arpenter, conformément à la Loi sur l'arpentage, la totalité ou une partie du périmètre s'il le juge nécessaire ou souhaitable afin de régler un litige concernant son emplacement ou parce qu'il n'existe pas de plan d'arpentage pour la totalité ou une partie du périmètre en question.

Motion presented.

Mr. Chairperson: That is a proper amendment. Any questions or comments?

Amendment—pass. Clause 59, as amended—pass; Clauses 60 to 69 inclusive—pass; Clause 70.

Mr. Downey: I move

THAT clause 70(1)(c) be amended by adding "or the transfer document is executed by a person who has authority to execute it on behalf of the corporation" after "document".

[French version]

Il est proposé que l'alinéa 70(1)(c) du projet de loi soit amendé par adjonction, après "sceau", de "ou est passé par une personne habilitée à le faire au nom de la personne morale".

Motion presented.

Mr. Chairperson: That is a proper amendment. Any questions or comments?

Amendment—pass. Shall Clause 70, as amended, pass? I am sorry. We have another amendment to Clause 70.

* (2140)

Mr. Downey: Mr. Chairperson, there is another amendment to 70.

I move

THAT subsection 70(2) be amended by adding "of the disposition" after "a duplicate copy".

[French version]

Il est proposé que le paragraphe 70(2) du projet de loi soit amendé par substitution, à "de l'acte de transfert", de "du titre d'aliénation".

Motion presented.

Mr. Chairperson: That is a proper amendment. Are there any questions and comments?

Amendment—pass. Clause 70, as amended twice—pass; Clauses 71 to 73 inclusive—pass. Shall Clause 74 pass?

Mr. Downey: I move

THAT subsection 74(2) be amended by striking out "a caveat or other" and substituting "an".

[French version]

Il est proposé que le paragraphe 74(2) du projet de loi soit amendé par substitution, à "une opposition ou un autre", de "un".

Motion presented.

Mr. Chairperson: Any questions or comments?

Amendment—pass. Clause 74, as amended—pass; Clauses 75 to 78 inclusive—pass.

Shall Clause 79 pass?

Mr. Downey: I move

THAT subsection 79(1) be amended by striking out "this Act" and substituting "section 91".

[French version]

Il est proposé que le paragraphe 79(1) du projet de loi soit amendé par substitution, à "la présente loi", de "l'article 91".

I, as well, move

THAT subsection 79(2) be amended by striking out "this Act" and substituting "section 91".

[French version]

Il est proposé que le paragraphe 79(2) du projet de loi soit amendé par substitution, à "la présente loi", de "l'article 91".

Motion presented.

Mr. Chairperson: Are there any questions or comments?

Amendments—pass. Clause 79, as amended—pass; Clauses 80 to 124 inclusive—pass. Shall Clause 125 pass?

Mr. Downey: I move

THAT section 125 be amended by adding "and The Surface Rights Act" after "the regulations".

[French version]

Il est proposé que l'article 125 du projet de loi soit amendé par adjonction, après "aux règlements", de "et à la Loi sur les droits de surface".

Motion agreed to.

Mr. Chalrperson: Clause 125, as amended—pass; Clauses 126 to 150 inclusive—pass. Shall Clause 151 pass?

Mr. Downey: I move

THAT subsection 151(2) be amended

- (a) in the part preceding clause (a), by adding "or relocation" after "construction"; and
- (b) in clause (a), by adding "or relocated" after "constructed".

[French version]

Il est proposé que le paragraphe 151(2) du projet de loi soit amendé:

- a) dans la partie précédant l'alinéa a), par adjonction, après "construction", de "ou le déplacement";
- b) à l'alinéa a), par adjonction, après "construit", de "ou déplacé".

Motion agreed to.

Mr. Chalrperson: Clause 151, as amended—pass; Clauses 152 to 167 inclusive—pass. Shall Clause 168 pass?

Mr. Downey: I move

THAT clause 168(1)(d) be amended by adding "property or" after "impact on".

[French version]

Il est proposé que l'alinéa 168(1)(d) du projet de loi soit amendé par adjonction, après "néfastes sur", de "les biens ou".

Motion agreed to.

Mr. Chalrperson: Clause 168, as amended—pass.

Clause 169.

Mr. Downey: I move

THAT the English version of subsection 169(2) be amended in the part preceding clause (a) by striking out "license" and substituting "licence".

[French version]

Il est proposé que la version anglaise du paragraphe 169(2) du projet de loi soit amendée

dans la partie précédant l'alinéa (a), par substitution, à "license", de "licence".

Motion agreed to.

Mr. Chalrperson: Clause 169, as amended—pass; Clause 170—pass; Clause 171.

Mr. Downey: I move

THAT subsection 171(1) be amended by striking out "The holder of a license or permit issued in respect of a well or oil and gas facility that is abandoned" and substituting "Where a licence or permit issued in respect of a well or oil and gas facility is cancelled, or the well or oil and gas facility is abandoned, the holder of the licence or permit".

[French version]

Il est proposé que le paragraphe 171(1) du projet de loi soit amendé par substitution, à "Le titulaire d'une licence ou d'un permis délivré pour un puits ou une installation gazière et pétrolière qui a été abandonné", de "Si une licence ou un permis délivré pour un puits ou une installation gazière et pétrolière est annulé ou si le puits ou l'installation est abandonné, le titulaire";

- (b) par adjonction, après "ou l'installation", de "que la licence ou le permis soit annulé ou non".

Motion agreed to.

Mr. Downey: I would further like to move

THAT subsection 171(4) be amended

- (a) in the part preceding clause (a), by striking out "rehabilitation required, within five years" and substituting "repair or rehabilitation required, within six years".
- (b) in clause (b), by adding "or property damaged" after "contaminated".

[French version]

Il est proposé que le paragraphe 171(4) du projet de loi soit amendé:

- (a) dans la partie précédant l'alinéa (a), par substitution à "remise en état devant être faite dans les cinq ans", de "réparation ou remise en état devant être faite dans les six ans";
- (b) à l'alinéa (b), par adjonction, après "ont été contaminés", de "ou des biens qui ont subi des dommages".

Motion agreed to.

Mr. Chalrperson: Clause 171, as amended twice—pass.

Clause 172.

Mr. Downey: I move

THAT subsection 172(3) be amended by adding ", and interest earned on those amounts," after "184(7)".

[French version]

Il est proposé que le paragraphe 172(3) du projet de loi soit amendé par adjonction, après "184(7)", de ", ainsi que les intérêts courus sur ces montants".

Motion agreed to.

Mr. Downey: I further move

THAT subsection 172(4) be amended by striking out "or" at the end of clause (b), by adding "or" at the end of clause (c) and by adding the following after clause (c):

(d) make an expenditure from the Abandonment Fund Reserve Account to defray costs arising in relation to any adverse impact on property or the environment resulting or that might result, in the opinion of the minister, from a well, oil and gas facility, or geophysical operation.

[French version]

Il est proposé que le paragraphe 172(4) du projet de loi soit amendé par adjonction, après l'alinéa (c), de ce qui suit:

(d) prélever sur le Fonds de réserve pour l'abandon les frais relatifs aux conséquences néfastes sur les biens ou l'environnement créées ou pouvant être créées, selon le ministre, par un puits, une installation gazière et pétrolière ou une opération géophysique.

Motion agreed to.

Mr. Downey: I move

THAT subsection 172(6) be struck out and the following substituted:

Recovery of expenditure from reserve account 172(6) An expenditure made from the Abandonment Fund Reserve Account in respect of a geophysical operation, well or oil and gas facility

(a) is a debt due to the Crown by the holder of the licence or permit, as the case may be, issued in respect of the geophysical operation, well or oil and gas facility; and

(b) is recoverable under Part 17.

[French version]

Il est proposé que le paragraphe 172(6) du projet de loi soit remplacé par ce qui suit:

Recouvrement des dépenses

172(6) Les dépenses prélevées sur le Fonds de réserve pour l'abandon à l'égard d'une opération géophysique, d'un puits ou d'une installation gazière et pétrolière:

(a) constituent une dette, envers la Couronne, du titulaire de licence ou de permis délivré à l'égard de l'opération géophysique, du puits ou de l'installation gazière et pétrolière;

(b) sont recouvrables en vertu de la partie 17.

Motion agreed to.

Mr. Chalrperson: Clause 172, as amended—pass; Clause 173 to Clause 191 inclusive—pass.

Clause 192.

Mr. Downey: I move

THAT subsection 192(1) be amended by adding "under this Act or The Oil and Gas Production Tax Act" after "by a person".

[French version]

Il est proposée que le paragraphe 192(1) du projet de loi soit amendé par adjonction, après "doit verser", de "en vertu de la présente loi ou de la Loi de la taxe sur la production de pétrole et de gaz".

Motion agreed to.

* (2150)

Mr. Chalrperson: Clause 192, as amended—pass; Clause 193 to Clause 207 inclusive—pass.

Clause 208.

Mr. Downey: Mr. Chairperson, I move

THAT Section 208 be amended by striking out "or" at the end of clause (a), by adding "or" at the end of clause (b), and by adding the following after clause (b):

(c) makes application to be registered, or is registered, as an oil and gas lease agent;

[French version]

Il est proposée que l'article 208 du projet de loi soit amendé par substitution, à "ou qui sont titulaires d'un permis, d'une licence ou d'un titre d'aliénation", de ", qui sont titulaires d'un permis, d'une licence ou d'un titre d'aliénation ou qui présentent une demande d'inscription, ou qui sont inscrites, à titre d'agent de baux".

Motion agreed to.

Mr. Chairperson: Clause 208, as amended—pass; Clause 209 to Clause 241 inclusive—pass.

Clause 242.

Mr. Downey: I move

THAT section 242 of the French version be amended by striking out "constituent" and substituting "constitue".

[French version]

Il est proposé que la version française de l'article 242 du projet de loi soit amendée par substitution, à "constituent", de "constitue".

Motion presented.

Mr. Chairperson: Anyone wish clarification on that? The honourable member for St. Boniface (Mr. Gaudry) would like a further explanation "en français."

Mr. Downey: Non, monsieur.

Mr. Chairperson: Amendment—pass. Clause 242, as amended—pass; Clause 243—pass; Table of Contents—pass; Preamble—pass; Title—pass. Bill as amended be reported.

Thank you very much. That completes consideration of Bill 3.

* * *

Mr. Downey: Mr. Chairperson, I just want to thank members of the committee but, as well, members of the public who gave us the opportunity to complete the work of this bill, so that the staff could in fact carry on with their other activities. I do respect the time that they have given us and thank them for it.

Bill 20—The Social Allowances Regulation Validation Act

Mr. Chairperson: Thank you very much. As previously agreed, we will now consider Bill 20. There have been no public presentations registered for Bill 20, nor have there have been any written presentations. As is the normal procedure, we will postpone consideration of the Preamble and the Title until all clauses have been considered.

Does the minister or any member of the committee have an opening statement?

Mr. Doug Martindale (Burrows): I consulted a lawyer about this bill, and I compared the regulations myself that were being changed, and I tried to find something wrong with this bill, and I

tried to find some evil intent with this bill, and try as I could, I was unable to. So I have nothing to say about this bill, and I regret that very much.

Mr. Chairperson: Are there any other committee members with any comments to make on this bill? Hearing none, we will move to clause-by-clause consideration.

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

That completes consideration of Bill 20. I thank you very much for your expeditious handling of Bill 20.

Given the fact that some of our presenters have perhaps stepped out in the hall for a few minutes, I would suggest that the committee take a five-minute recess before we move back into public presentations on Bill 29. Is that agreed? [agreed]

Thank you, a recess then until ten o'clock.

The committee recessed at 9:54 p.m.

After Recess

The committee resumed at 10:02 p.m.

Bill 29—The Minors Intoxicating Substances Control Act (continued)

Mr. Chairperson: We will now return to public presentations on Bill 29. On behalf of all committee members, I would like to thank the members of the public for being patient while we completed some other items on our agenda this evening.

I will now call Bill Rumley, private citizen. Mr. Rumley, your presentation is being distributed. You may begin when you are ready.

Mr. Bill Rumley (Private Citizen): As stated, my name is Bill Rumley and I have been employed for the past 10 years as a truant/attendance officer in the inner city by Winnipeg School Division No. 1. Prior to this, I worked as a counsellor at the Seven Oaks Centre for Youth.

Though I am here today as a private citizen and not on behalf of the school division, I think it is important that you are aware that my immediate supervisors have always encouraged and supported my involvement with the Winnipeg antisniff coalition and any workshops or conferences, some of which I have presented at, that dealt with problems and solutions about solvent abuse.

A number of years ago, I also volunteered time at a youth drop-in centre run by the Salvation Army where I had a fair amount of contact with many who sniffed. This and also my job have given me ample exposure to and experience with children and families involved with sniffing.

When Bill 91 was being studied, I presented to the committee at that time and supported it being legislated into law. I supported that bill not because I thought it would solve the problems around solvent abuse but rather because I thought it was a step in the right direction and a small piece to the solution of the problem. I believe having a law in place regarding the sale of inhalants to minors sets a moral standard that as a society we must support. Having no law in place convicts us as a society that is uncaring and just as much a part of the problem as those who abuse our children by selling them sniff products for the purpose of sniffing.

I am somewhat puzzled why Bill 91 needed to be replaced by Bill 29. Having said that, I would like to see legislation in place regarding the sale of inhalants to minors by unscrupulous merchants and other adults who sell sniff out of their homes or vehicles. If in your opinion this new bill will be more effective, then I would like also to give my support to it, but I do have several concerns that I would like to share with you.

My first and main concern is the provision in this new legislation to charge the user or, in this case, the victim. If this is being proposed for the sole purpose of getting the victim into a treatment program, then I could be supportive of it if it was so stated and if such treatment programs actually existed.

It is the feeling of many whom I have talked to that no such program exists. There are apparently several places that have tried to tie in treatment of sniffers with their drug and alcohol treatment programs but for those of us who have worked with sniffers, we for the most part do not see this as a suitable program.

Also, under Section 7(2) there is a reference to the Young Offenders Act. As you are aware, no one under the age of 12 can be charged with an offence and, therefore, I am wondering what would happen to those who are aged nine or 10 or younger and caught sniffing.

If this provision to charge the user or victim is meant only to be punitive then I could not support it.

If the intent or hope is to pressure the user into testifying against the seller, then I think that you are deceiving yourselves if you think that the testimony of any child who was under the influence of sniff or who has been a heavy user of sniff would be considered reliable in a court of law. If you had any contact or dealings with sniffers you would realize the serious flaw in such thinking.

I am concerned that in Section 8, Defence of accused, it is not worded strongly enough and that it will be easy for many to avoid prosecution.

In closing, I would like to see a provision, if it is possible in this legislation, that would allow for any monies received under Section 6, Offence and penalty, to be directed into programs or towards the development of programs that would deal with the treatment of those individuals victimized by sniff.

At this time I would like to thank you for any considerations you may be able to give to my concerns.

Mr. Chairperson: Thank you very much, Mr. Rumley, for your presentation. Would you be prepared to enter into a discussion with members of the committee?

Mr. Rumley: Sure.

Mr. Doug Martindale (Burrows): Thank you, Mr. Rumley, for your presentation.

I too was part of the Winnipeg antisniff coalition a number of years ago and, at that time, the City of Winnipeg Police Department always had a representative at our monthly meetings. I was a member of the coalition from about 1980 to 1985. At that time, the police were opposed to criminalizing the use of sniff products or criminalizing youth in particular.

Do you know what the current position of the police is on this and, also, what is your opinion on penalizing users?

Mr. Rumley: I am not sure what the police department's opinion is on this. Myself, personally, I would not see it as being very effective or having much, I guess, being positive in any way as far as helping the victim.

To give a charge against a person for sniffing, the way our system is backlogged right now with various offences that young offenders have, I cannot see them dealing with it for at least two or three years, so where would the benefit be in charging—and doing what? They would be back on the streets within hours if not sooner. I am not

sure what the benefit would be. Most of the kids that I have talked to and young adults that I have talked to, they know that sniffing is wrong. They know that it is killing them. Telling them that they are going to be charged when they are already in a state of committing suicide at a very slow rate is not going to change much, I do not think. So I have concerns that it would be very ineffective.

Mr. Martindale: I have not read the Young Offenders Act for a long time. I am hoping you are familiar with it.

Do you know what dispositions a judge has under the Young Offenders Act? Do any of them have to do with treatment or counselling?

Mr. Rumley: In general terms, with the Young Offenders Act, what a judge can imply to a young kid? I know several who have been told they have to go for treatment at AFM, attend a program, and that is the condition of their probation, so of course they will attend usually those programs. Whether or not they are effective or not, I think there is probably a very low rate of success not only with the kids, but even adults who are sentenced to those types of programs as part of their conditions.

* (2210)

Ms. Judy Wasylycia-Lels (St. Johns): Thank you, Mr. Rumley, for your presentation and also for your work on this issue over the years. Certainly your help in preparations for Bill 91 are much appreciated by all of us. We together grapple with this concern about what to do with Bill 29 with its significant changes.

I want to focus specifically right now on the major issue that I see in this bill, and that is the decision to make it possible to charge the user. You have expressed your concerns about that in your brief. In response to our questioning in the Legislature, the Minister of Justice (Mr. McCrae) suggested that it is not there strictly to punish young people, but also to help rehabilitate. If we can get young people before the courts to help make things happen for these people, that would be better than doing nothing with them at all, end of quote.

I would like to know, can you shed any light on that kind of statement? Is charging these young people and getting them before a judge and giving them a sentence going to make a difference in terms of the lives of these young people?

Mr. Rumley: I have already commented that I do not think it will. I am sure there is always the odd

exception where it may well impact upon somebody, but for the most part I would say no.

I think there are better avenues, as I have listened to other presenters this evening and made me aware of I guess other acts that would be more suitable to be dealing with this. There are probably other avenues that would be better to deal with if a child was picked up that was under the influence of sniff through the Child and Family, through Mental Health. It is not that we should just ignore them, but there has to be other agencies, other people involved.

I have a strong feeling that—I have to agree a lot with Mr. Helgason—if we keep on trying to institutionalize something and getting these treatment programs going, there is usually a lot of good money thrown after bad.

In my experiences in working with kids that sniff and people who have tried to help sniffers from Rossbrook House and other places, it is the grassroots really where the effect can take place. It is the person who says, hey, I am going to be there for you and is there, not some place where a kid is supposed to be sent to for six months or three months or two months or six weeks or whatever and then return back to the community with no change. The change has to happen in the community at the grassroots level. So I would say, that is where the emphasis should be going.

Ms. Wasylycia-Lels: You obviously work with a lot of different young people and have experience in that area. I would like to know that, if a young person knows that something is illegal, as in the case of sniffing, is that going to make a difference in terms of the kids that you deal with who are hooked on some of these solvents—just the knowledge that something is illegal, and that they might get sentenced?

Mr. Rumley: I would think, for the most part, no, but having said that, I want to believe that as a society, if we have a law that states it is illegal to sell and there are convictions and sentencing and fines for that, there is a standard that we are saying is not acceptable, that we cannot do that.

I do not think it will work well with kids who come from very dysfunctional homes and things like that and are not succeeding in too many areas of their life. To tell them that it is wrong is probably going to be on a list of 30 other things that they heard that they are doing wrong with their lives so that it is not really going to have a major impact.

But a society as a whole and a community, if they know there is a law on the books that says, this is wrong, I think you will find the community banding together then to try to do something about something that is wrong and on the books as being wrong. Right now we have nothing, and that is why nothing gets done.

Ms. Wasylycia-Lois: What would be your advice with respect to Bill 29? If we do not have any assurances that there will be action taken with respect to prevention, treatment and rehabilitation, and if we remain doubtful about convictions coming out of this legislation, should we support the bill? Should we try hard for amendments? Is something better than nothing, or are we creating a more serious problem by supporting this bill?

Mr. Rumley: I do not know how bills really work, to be honest. I am not a legal whiz at this, but I do not know if you can expect a bill to state that there will be treatment for somebody. I guess what I am hoping for is that from people who are in the position of power to try to provide for those different things, there is a commitment at their end, regardless of whether it is written down in a bill or not that the other parts of our health care system, whatever, are going to make a definite step in that direction to provide those services.

I do not know that you can put it in writing. I do not think that is it. We are talking about a person and their honour here, when they say, yes, it is a serious concern, we see it as a serious concern and we want to be part of the solution, not part of the problem.

Having just said that, I am not interested in words. We hear a lot of that from many levels of government, and nothing happens. You ask for it and you say there will be a commitment. I am a person who says that, if you tell me there will be a commitment there, then I wait to see that you do it.

But I do not know how you can write it into a thing saying that there is going to be a treatment centre here or there. I am not even sure what the treatment centre—if that is such a word—I am opposed to the thought, kind of.

As I say, I lean more towards Mr. Helgason's views that it really has to be happening at the grassroots level and with the people that know the families and kids and can be there on a regular basis for them. But they cannot be there if there is not even a minimum wage type job saying we need you to try to help, and those things are dried up very

quickly at all levels of government and operations, I guess, from the school division to Child and Family, whatever.

We are overwhelmed with the problem, not only with sniffing but with all problems of child welfare concerns. I think our society here has to say: No matter how big it is, we want to deal with it; we want to find a solution.

Ms. Wasylycia-Lois: Just, I guess, a final question. It comes back to really that the main purpose for this type of legislation all along was to try to restrict the sale of solvents to young people, to make it a little harder to get at the stuff and maybe even prevent one person from getting hooked on solvents.

So our goal has always been to try to find a way to get after those particularly who deliberately sell to young people and take advantage of their vulnerable position.

One of the arguments that this government has made and specifically Mr. Whitley, whom I quoted earlier, and who stated in a letter that this bill might be allowing for charges of the user, is that it might make it possible for evidence to be gathered. I am just looking for the paragraph right now—but make it easier for the police to be able to get the evidence to go after the retailer.

In other words, I guess, get a youth in custody and then try to get the information about the retailer because that is still the main, overriding problem that we are facing, whether it was Bill 91 or Bill 29.

From your experience, dealing with some of these young people, is it likely that they will provide reliable evidence and that it will help pinpoint retailers who are doing this and lead to convictions?

Mr. Rumley: I would like to say in my own personal experience that I had several opportunities to get very close with sniffers and their families. I believe that I was perceived not totally as an opposing force to them, that I was perceived somewhat as a friend and helper to the family and to the children who were sniffing.

I remember on numerous occasions that I sat down and talked with them, and I said, would you tell me where you are getting it from, if it is the house three blocks over, if it is the store, whatever? And without fail none of them would come forth and tell me. I would say, I will not involve you. Just show me the place, I said, because we will watch it.

There is—I do not know if you would call it—loyalty. They do it in groups. Their suppliers, the kids do not talk about them. I could not get them to tell me.

I know I have seen some programs on TV where someone has said, hey, that is the apartment where I got it in. I am not sure what magic they used, but I am not so sure if police holding the threat of a court charge over them or a Crown attorney or somebody is going to be very effective.

And even if they were able to say, yeah, John Doe over here sold me the stuff, if I were a lawyer just out of law school, I think I could blow that witness away because sniff does cause brain damage.

If you have ever worked with kids that have sniffed for any amount of time or seen them under the influence of sniff, you could not depend upon what they had to say as reliable information. I am talking that sometimes 20 minutes after they are starting to come off the sniff, they do not remember what the hell happened. So I am not sure how in a court you would be able to say, hey, this is reliable and good. Maybe some lawyer would be a lot better, but I would see a problem there, in all honesty.

* (2220)

For those that think not, spend some time. Go find some sniffers. Talk with them. They are all over the streets in the evenings. Go see how much sense you make out of what they have to say. Stay with them until they come off the sniff, see how much they remember. Go and talk to a sniffer who has been sniffing for five or 10 years.

We talk about the age stuff, I do not want to get into that, over 18 or not, but I know one fellow in his early 30s, I mean he is fried, he is gone. He remembers me. He says, hi, Bill, and that is all that I can get out of him. He is like a six- or seven-year-old kid in many ways.

If you were to pull someone in, who has been sniffing heavy, and were to try to present a case as them being a reliable witness, I really think you would have trouble.

Now, if you have other opinions on that, I would sure like to hear them.

Mr. Steve Ashton (Thompson): I really appreciate your perspective, representing a northern community. We have just had a number of deaths from sniff as you probably may be aware in Nelson House just recently, and—

Mr. Chairperson: Excuse me, Mr. Ashton, could you bring your microphone up, please? Thank you.

Mr. Ashton: Sorry, Mr. Chairperson—a young resident of Nelson House, two former residents of Shamattawa, which is a community that is probably 100 percent in terms of solvent abuse.

I appreciate your comments on the damage it does. It is one thing I have seen in the North in particular. It is just devastating. What scares me is the rate at which it does affect children in particular. I have seen six- and seven-year-old kids, eight-year-old kids in Thompson, virtually every northern community. I have also seen, too, a survey recently in Thompson showing that basically virtually every store that sold solvents was selling solvents virtually unrestricted.

I want to focus in on that because you mentioned here the question of dealing with merchants, and, obviously, there are unscrupulous merchants who deliberately sell sniff products. I have talked to people in Thompson, for example, who are concerned that there are legitimate merchants who feel that they cannot stop someone from buying the solvents and in fact would have been quite happy with the Bill 91 type of approach, where they could have at least pointed to the fact that they could be in trouble legally themselves if they sold something.

I am wondering what your experience of Winnipeg is in terms of that, your sense that there are some unscrupulous merchants who are selling most of the sniff. Is it dealers? Are there legitimate businesses that are selling it, who might not otherwise? Where are the solvent-abuse supplies coming from?

Mr. Rumley: I think you will find throughout different neighbourhoods that there is the corner grocery store or the small hardware that is selling it. I have known through the years different places that have existed, and they are now no longer around or they are still selling.

We have heard of some where the police have gone and tried laying charges, but there is no charge they can lay. I have heard of many places where people are just selling it out of their homes, whether it is for sex trade-offs or what, I do not know, but they maybe put it in little baby food jars and stuff like that and sell it to the kids and that.

At present, there is really no law that would stop that. This legislation, whether it was Bill 91 or Bill

29, there are provisions in both of them to provide an attempt to stop that. How successful it will be, you do not know until you try. So I am not here to knock one bill or endorse the other. I think both had some good things in it, but I am not so sure that I agree with the charging of minors. That is the biggest stumbling block for me, and yet I would like to see a commitment to dealing with the problem. How that can be handled, I am not 100 percent sure. As I said earlier, maybe it cannot be put into a bill, but there has to be some commitment from the people that are in power to make those decisions.

Mr. Ashton: Mr. Chairperson, I appreciate your perspective, because I know a lot of what I heard tonight is very similar in content to what happens in many northern communities, many reserves, for example, in dealing with the question whether they should be dry or wet reserves, whether alcohol should be available. There is often the debate in terms of whether one deals with it that way. If one does move to a dry reserve status, one of the obvious focuses often that comes is in terms of bootleggers.

I take it from what you are saying that you have problems in terms of the charging of minors, but you certainly would have no problems with charging those who knowingly supply the sniff materials.

Mr. Rumley: I think the way we have to look at it is that sniff and sniffers are usually a symptom of a lot of other problems that are going on. That is why when we talk about this bill we get very emotional and we say, there should be this, we should be doing that and everything, because it is not just a little isolated problem within itself that you can necessarily deal with.

A merchant selling stuff out their backdoor or repackaging it or a person selling it out of their home, that is a problem that adds to the symptom. You can identify that and be very accurate about that. Why kids sniff, what happens, how you get it off them, that is a whole other ball of wax type of thing. A person selling stuff illegally or would be made illegal to sell it, that you can identify and you can see it as a problem.

The bill should be trying to address that problem. I know Mr. McCrae echoed some concerns that we were going off in different areas, but it is the type of problem that is so devastating, if you have a chance to ever work with a child or family and you

have seen enough yourself, you cannot help but get emotional about it and say, there has to be more than just this. If this is an avenue or place to echo that, then that is what you are hearing.

This is nice in itself that they charge the merchant, but there has to be more done.

Mr. Ashton: I could not agree with you more. I think you have also raised the fact that treatment involves a lot of factors, dealing with some of the social and economic problems, because that cannot be ignored. Recognizing treatment is presumably involved with some detoxification, but then it involves follow-up support. The other thing I have seen too that is very frustrating is seeing people who are attempting to deal with the problem without anywhere near the resources.

They get very frustrated because people I have talked to have said that at least when it is drugs or alcohol there are more institutional systems put in place and more community supports. When it comes to sniff, it is a different thing. When you are dealing with so many more young children, it has to be pretty devastating.

I have just one final question, because I think your comments have been very useful, as have been some of the other presentations as well.

You have mentioned a whole series of things that need to be done. If you had one final chance before the committee—because I think the role of this committee goes beyond just, as you say, one bill or a previous bill. I hope it may help act as a bit of an eye opener to a lot of people in terms of how serious the problem is. I know in the North there are thousands of people; there are at least two or three thousand people from estimates, and I can testify to that because I have seen it. I know people.

I hate to say this. It sounds like a very simple question. What, from your perspective, can we do? What is the next step beyond this item of legislation, good, bad or indifferent? What could we do, say, in the next six months to a year to really start to make a difference for the people who are affected by this?

Mr. Rumley: I think that there has to be—I am not into just always dialoguing, but it really seems like a lot of people do not even know that the problem exists. A lot of agencies say, hey, we know it is there, so it is a little piece of this and that, but we have no resources to do anything with that. There

is nothing set in place. I am not saying it should be Child and Family. I am not saying it should be the justice system or whatever in being the solution.

The solution comes not only from agencies helping, but even getting in there with the families and getting the family to become part of the solution—and the extended families. But you need people out there that are at the grassroots level to encourage that and to be supportive. Maybe, initially, you are going to have to carry some of those people as being the one at the grassroots level. You may have to carry them for a while until they are able to become part of the solution, too.

* (2230)

There is a lot of discouragement out there when I go into a home and I find kids that are sniffing. You reach out and you say to people, what can we do? They just say, well, look, the Youth Centre is overloaded. There is nothing here. You might be able to get into this treatment centre, but there is a waiting list of 90 kids already. You say, no, I am talking about today, not five years from now.

So I think we have to really take a look. I would imagine that if we could take a decent look, we would not only solve some of the problems of sniffing, we would be solving some of the other problems, too. You just cannot zero it in on sniffing, but sniffing is definitely a by-product of a lot of the other concerns that are happening, whether it is alcoholism in the home, unemployment, broken homes, failing in school, not succeeding.

One thing you have to realize about sniffers, what I found out very quickly was that they are in a class of their own, and it is at the bottom of the barrel. Nobody really wants much to do with them. If you said, I have heard comments about sports centres or places where they could come and do it, nice thought, but I know some community clubs that were open and when a group of sniffers came there they were not welcome there. So maybe you have to train staff and do some education there to do something that gets them pulled in, but you can see why they would feel very unwanted and go right back to the streets. There is a lot of work to be done in the whole area. I do not know what the magic solution is, but I know doing nothing is not part of the solution.

Hon. James McCrae (Minister of Justice and Attorney General): Mr. Rumley, I have enjoyed very much listening to what you had to say to us tonight. I feel that it has been useful to the

discussion. Ms. Wasylycia-Leis asked you a question that I did not divine an answer to, and that question was: Should Ms. Wasylycia-Leis support this bill? We have had lots of discussion about all the things that are and all the things that are not and all the things that should be, but we know that we have before us Bill 29, with all of the warts and so on that it has on it, and you just finished saying that what we should not do is nothing. So I am going to ask you pointblank: Should Ms. Wasylycia-Leis support this bill?

Mr. Rumley: I can only tell you what I should support. What other people feel they should support, I mean, I can tell you I think people should, but they have to come to that consensus themselves.

I understood that the purpose of these meetings was to hear peoples' concerns and to make amendments if you thought there was enough concern expressed in a certain area. You talk as if this is etched in stone already, and if it is, then why am I here, okay?

The purpose is to hear the concerns and probably to give and take a little bit to come up with a bill that is acceptable to everybody. I assume, at this point, Bill 29 has not been received as favourably as Bill 91 was. I hate to throw that up. I am just saying the other bill did have all-party support.

In retrospect, you may have seen some problems with it, but as I heard other presenters and the person from MARL say, it was in their opinion that that bill could have worked with maybe an amendment to some area that he mentioned. I am not sure.

I would like to see something in place. I am telling you that, okay? The bill in its entirety, I have problems with it.

Mr. McCrae: That is fair, and there is one more question. I understand that your main problem is that we make an offence of this for young people, and I think that is the main feature of it that you object to.

Mr. Rumley: Yes, and I am not sure what you can accomplish with that.

Mr. McCrae: Mr. Chairperson, there is a purpose to these hearings and that is so I can hear what you have to say and so that the rest of us can too. I do not want you to think that it is etched in stone, because I happen to have an amendment in mind

that might address part of your problem, and we will hear about that later, perhaps this evening when we get to clause-by-clause discussion, perhaps at a later time. It would be nice for you to be able to be here to listen to that part of it as well, I suggest, because I know you are very interested in this.

I want to ask you, on the point of making it an offence, aboriginal people teach us that in the whole business of healing there has to be a point at which you know that you have a problem, something that needs to be healed. It seems to me that bringing this matter to the attention of a young person in this way is a way of addressing the problem and coming to grips with the point that you have a problem. If you cannot admit that, then no matter what we do with or without charging, nothing good is going to come of it. Charging to me presents a possibility for something to get done.

These young people have been described as victims. Never have they been described in these discussions as anything but a victim, and yet I am going to ask you, is there no personal responsibility on the part of these victims, these young people, in their treatment, no personal responsibility in admitting that they need healing?

Mr. Rumley: Yes, I guess at a certain time in your life you are accountable for what you are doing and not doing, and you have to stop blaming the rest of the world for whatever has happened. I have a little problem with that being it an eight-year-old or a nine-year-old who says you are really at fault here, when his whole life has been a shambles.

Mr. McCrae: You cannot charge under 12.

Mr. Rumley: I know. Then if a kid has been sniffing for four years and he happens to be 12, what is your message to him? I mean, four years of damage, what are you saying, so you are bad and you have to be good now?

I think in time there is a proper placement for that thought with proper counselling. I have never heard of the justice system being too compassionate and healing by process of sentencing. They may sentence you to some place that is supposed to accomplish that, but I seldom have seen that also.

I know where you are coming from. I hear you, but I do not see that it is going to work.

Mr. McCrae: I apologize, but I have one more point. I hear what you said about a 12-year-old and

how that problem has developed over perhaps a number of years.

What about someone who is a little older than 12, someone who is 16 years old, someone who is 17 years old? Do those young people not have any personal responsibility for the problem they find themselves in? I am not saying all of it, but I am saying enough that some kind of a sanction that will allow the justice system to play a role in helping that young person.

I heard what you said about the justice system. I suggest to you that the justice system, while it has a long ways to go, is far more compassionate than it was 10 or 15 years ago. It is moving in the right direction, in my humble submission.

You know, you have talked about a 12-year-old, but really you cannot apply that logic to all kids that are under the age of 18, I suggest. I ask you to respond to that.

Mr. Rumley: I guess the trouble with the law is that it ends up being a statement applying to a broad range of people. Problems that come up in people's lives, having worked a lot with families and everything, there is no pat answer for everybody. There is no simple one-liner that says, hey, it worked with this family, it is going to work with the rest, or with this kid, it will work with the rest. Everyone is an individual.

The one that starts sniffing at 15 or 16, you have to wonder what happened at that point in their life to get them off in that direction, because I do not see that happening too often, but I imagine it can. Whether they move into a new area and they are very introvert-type kids and do not have any friends and just do not seem to succeed and then they get pulled into that maybe at that age, I do not know. I do know of several kids that started sniffing when they were around 14. They dropped out of school, and it was probably several years before anyone even realized that they were missing.

It is a little bit too easy to have a one-liner that applies to everybody. I do not know what the solution is, okay. If I did, I would probably be sitting in your chair or above it.

* (2240)

Mr. McCrae: I do appreciate the responses of a very honest man. Thank you very much.

Mr. Rumley: Thank you.

Mr. Chairperson: Thank you very much, Mr. Rumley, for your presentation this evening. I will now call Jack Eyer, private citizen.

Mr. Ashton: Just on a matter of procedure, Mr. Chairperson, I was going to suggest that we perhaps notify staff that I feel it would be wise not to go into clause by clause tonight. There have been some discussions to that effect. I think it would give us the opportunity, as was mentioned in the discussion back and forth between the minister and the presenter previously to take into account the presentations tonight and deal with clause by clause at a subsequent meeting of the committee, which I am sure can be scheduled to accommodate the minister and staff.

I was going to suggest that we perhaps agree to hear the presenters, and deal with the clause by clause at another meeting.

Mr. Chairperson: Is it the will of the committee just to complete the presentations of the public this evening and to consider it clause by clause at another meeting? It is agreed then that we will complete public presentations this evening and postpone consideration of the bill until the committee is called again for that consideration.

Mr. Eyer, you may proceed.

Mr. Jack Eyer (Private Citizen): Thank you and good evening.

I present to you today as a concerned citizen, as several other people have come forward, as past chairman of the antisniff coalition and indeed as a parent. I certainly appreciate the dialogue that went on with the previous speaker, and I think really what needs to occur is a discussion.

The four cornerstones of the antisniff coalition when it was active were education, treatment, prevention, and some form of legislative prohibition against the sale of sniff. We, really, as a group of society, must need to explore that issue.

Previous speakers have spoken with great eloquence and insight about the devastation that sniff has taken on many communities in Manitoba, north, south, and otherwise. I would take my focus to be on the issue at hand, and that is the punitive element found in Section 7(1), subsection 1 and 2.

I think, from its inception, the Winnipeg antisniff coalition was active in pushing for legislation. In fact, we have seen previous Attorneys General or deputy Attorneys General, we have put forward the antisniff by-law. I think it is important to note that

the failure of the antisniff by-law was not because it lacked a punitive element against the sniffers, it was simply overturned as being unconstitutional. The city did not have the power to enact such legislation. I think that is an important note to make when we compare bills to past legislation.

I think these lobbying efforts have continued, and I think we must make a focus on what really the main issues are at hand. The intent of this clause, I must ask, is very unclear. The minister has indicated that the intent could be to indicate to the sniffer that, yes, you must take personal responsibility. Certainly, the issue of personal responsibility is a very fundamental one but, again, we have to put it in the context of who is being impacted. We again are talking about children.

If we ask other issues of what the intent is of these clauses specifically, and I would suggest this as the central contentious element of the bill, that these two clauses with their punitive focus, for lack of better words, strike at the heart of where the problems lie with many, many commenters, myself included.

I think the issue that we are going to successfully deal with this issue by punishing children is obviously misplaced. Other speakers have spoken clearly to that.

The issues of institutionalizing this problem through legislative means and punitive means is also very well taken and very well spoken by other presenters. I guess the question you have to ask is: Is the intent to provide information so that charges can be laid against those providing sniff? If that is the case, other speakers have spoken very clearly that this will not result. If we as a society say, this is a problem and we want you to take personal responsibility as a sniffer, I suggest that there are other methods and other means that have been successful in the past and will continue to be successful provided that the resources are there.

If we are talking about resources, I think that is a very important issue. When we talk about cost and cost-effectiveness, my suggestion would be that the punitive approach would be the least cost-effective method of dealing with this social problem. If we, as others have suggested, target some of the resources to deal with this problem less on the judicial system and its incurred costs, on the incarceration process and its incurred costs, and certainly we must take into consideration that those resources are already at capacity, if not

overcapacity, then I think we must really look at where we can get the best bang for our buck. Certainly, a punitive approach is far from the successful element in this element.

Again, another area that people have brought forward is victimizing the victim. Certainly taking personal responsibility is one thing, but when we realize the horrendous situation that these kids—again, we must emphasize the word "kids"—are coming from, is it realistic to expect personal responsibility of a 16-year-old who has gone through sexual abuse, foster care, a number of different settings, all of which have been named by several previous speakers?

I think a fundamental flaw of this legislation is its punitive approach and, as noted by several speakers previous, if the government would see fit to amend this clause either through the deletion of that or through some form of focusing it in one way or another, then I think those presenters who have come before us may find reason to support it, myself included.

I raised several questions and they all deal with one. Is this a cost-effective means of dealing with the problem? Will we, by charging a child, have a cost-effective means of this child taking personal responsibility? Certainly, the community knows who these children are. The parents know, as other speakers have said. Parents are at a loss of what to do with these kids. If we can do nonpunitive means to deal with them and allow them to take personal responsibility, then we can deal with this.

I would put a question to the minister that I would suggest that examples in other venues, whether it be from narcotics to criminal activity, the punitive approach does not necessarily bring the results you would like in that I accept personal responsibility for my action and therefore I am going to change. The prison system is filled with a lot of individuals who for lack of better reasons have not done that through the court system. The court system, I think, despite its progression in years, really lacks the resources to do just that. Certainly justices have implemented rulings that have been very punitive. Who is to say that they might not do this in these contexts.

In conclusion, I would echo the statements of others that the legislation in and of itself is not the solution. Certainly, I noticed the minister make reference of that.

I think we all are in agreement, treatment is essential. If there is anything that must be focused on, it is treatment. I think the issue was raised by my two previous speakers, community-based treatment. There are existing models. There are existing programs. There are existing experiences that have been out there but for lack of resources unfortunately have dried up.

If we can target our efforts at the community-based approach, which would be a nonpunitive way of identifying these kids and getting the resources to them and at the same time taking a social and a moral response to this problem and saying, we as a community do not accept the sale, the exploitative sale of sniff to those vulnerable people, then I think we are taking great steps but, in this current form, in this situation, I would suggest that the government undertake strong consideration to either delete this section, or if in some other form, amend it in one way or another.

Thank you.

Mr. Chairperson: Thank you very much, Mr. Eyer. Just before we move to comments or questions from the committee, I neglected to ask you, it is just a matter of procedure, whether you had a written presentation.

Mr. Eyer: No, I do not at this time.

Mr. Chairperson: Thank you very much. Let the record show that there was no written presentation.

Mr. George Hickes (Point Douglas): Mr. Chairperson, I just have a couple of questions. I hear you loud and clear that incarcerating the youth and sending them to youth centres is not the answer. Did I hear you correctly on that?

Mr. Eyer: That is correct.

Mr. Hickes: The other area that I heard you mention was the whole area of ability for the youth to access treatment. When you say treatment, would you be referring to the whole process of detoxification first and then going into a suitable treatment program, whether it is modelled after AA or whatever, but an appropriate treatment program, and then followed up with appropriate community support systems in place, whether it is through Ma Mawa or whatever organizations, that community support workers would work closely with the community and the family to offer alternatives than the individual with no support going back into sniffing? Is that what I am hearing what you are saying?

Mr. Eyer: I think certainly the issue of detox is very paramount. Previous speakers have made that point, and certainly in this case Mr. Helgason and Mr. Rumley have direct experience, and myself included in the antisniff coalition, in what kind of programs are necessary and needed.

Again, the issue must be, as you suggested in your question as well, a community-based approach, and certainly there is a very strong health component because obviously we are talking about a poison that is being ingested and having severe health effects. At the same time, we are also talking about a social and a community problem, and all those elements must be taken into consideration as noted by previous speakers.

* (2250)

Mr. Hickes: I would just like to thank you for an excellent presentation, because if the incarceration part of the bill was removed, and also an amendment was added for adequate treatment programs for the individuals, because people say there is a lack of dollars for this and that, but if the government can find \$500,000 for training two therapists for gambling because someone says that there will be or is a gambling problem, I am sure that if there is a will for that, there should be a will for this. So if the incarceration portion was removed and an amendment for treatment was in place, would you recommend to this committee that those amendments be made?

Mr. Eyer: Yes.

Ms. Wasylycia-Lels: Mr. Chairperson, I would also like to thank Mr. Eyer for his presentation and for sticking around at this late hour and also for your work on this matter for a long time. I know that the efforts go back many years and the antisniff coalition was formed a long time ago. How long have you been at this struggle to get some attention to the whole question of sniff and solvent abuse?

Mr. Eyer: Myself personally for, I would say, since 1980 in various forms, less active at this point in time, but certainly keeping note of all the issues to date. In terms of observation, I would say from 1981 to date.

Ms. Wasylycia-Lels: I was going through my files on sniff and found an article where you were actually quoted, Mr. Eyer, and I wonder if you felt the same about your comments today as you did then. I am quoting from a Winnipeg Sun article of 1988 where you said: The studies have revealed

that 10 percent of students in some inner-city schools are sniffers. The tragedy is immense, Eyer says. You see these kids, there is something under there. There is somebody with talent and resources, but their sense of themselves is so disoriented by abuse at home or abuse on the street, you cannot get so despondent that you cannot do anything. The fact that something is wrong, that something has to be done is at least a starting point.

I am wondering if you feel the same way about this issue and if you are prepared to continue the battle and where you would advise us with respect to this legislation in terms of, is it a starting point or not?

Mr. Eyer: Well, in terms of continued battle, I must refer to some of the more active people in this case, some of the speakers who have gone previous to myself and have been on the front lines, and certainly the battle must continue. I mean, you do not have to be but vaguely aware of the impact in hearing—even just reading general news stories about this issue seems to continually crop up, continually appear.

Certainly people directly affected in the communities and even in more distanced communities seem to continually find this issue and, for lack of a better word, it does not want to go away. Unless we are willing to deal with it and address it and come to terms with it, we are going to continually have to face it. It is like any social issue.

I think Mr. Rumley made the point very well that this is a multifaceted problem. It is a symptom of other issues affecting our society, and we may not have the wherewithal to deal with issues such as poverty in this context, or for that matter, sexual abuse in this context, but we have the wherewithal to deal with this specific problem, taking into consideration, yes, these are other issues, and, yes, we do have a responsibility to deal with them, but here and now we have this issue to deal with.

Certainly there are a lot of kids in activities that we have done and programs that we have run through Mr. Helgason and probation and otherwise, through Child and Family Services, these kids when you see them in a different context without the influence of sniff, they have talent.

I mean, let us not fool ourselves, these kids have been very resourceful in surviving horrendous situations—on the street, at home, and otherwise.

So let us not underestimate what resources and talent they have. At the same time we realize they have a problem, a medical problem, a social problem, and then we have to come to terms with it, but if we do not deal with it now it is, like any issue, going to continue to fester. I suggest it has been festering for some time now.

Ms. Wasylycia-Leis: Why is it taking so long for society and governments of all stripes to recognize the seriousness of this problem? Why is it still such a hidden kind of issue in our society and cannot get the kinds of attention and resources that are needed to address it?

Mr. Eyer: I would suggest it is less hidden than past, but Mr. Rumley hit the nail on the head when he said, a sniffer is the lowest of the low. If the kids who are sniffing in a group go to the recreation centre, they are turned away. Most, to be fair to some people who may be involved in recreational studies at the University of Manitoba, they may not have the background to understand the dynamics of a kid who is sniffing, or for that matter provide positive recreational alternatives to those kids, but certainly the antisniff coalition recognize that.

In some parts Rossbrook House has recognized that, Pritchard Place has recognized that, and certainly many communities in the North have recognized that. You have got to provide alternative in part to sniff. That is one element of dealing with the issue.

I think really we have to focus our attention on getting, for lack of better words, the best bang for our buck. Again, I think that has got to be your main emphasis. I am not sure if I answered your question.

Ms. Wasylycia-Leis: Yes, you certainly did. It certainly, I think, helps us all understand the issue and the need for more concerted action. I just had another question on the whole question of, again, the purpose behind Bill 91 to begin with and your efforts through the coalition over 15 years or more, which is to try to make solvents less available to young people so that we can break this cycle and prevent some kids from getting hooked on these deadly substances.

There has been some concerns expressed by a number of individuals and law enforcement people that there is such a hole in the defence sections of this bill that you could drive a truck through them because of the statements around, you know,

reasonable belief that the person was buying it for purposes other than sniff and so on.

What is your feeling in terms of that provision of the bill, and do you see it possible that we will be able to get convictions out of this legislation?

Mr. Eyer: I think there are two elements to your question. In one sense there is the issue of, can we get convictions? And certainly there is the issue of, there are so many products out there. Is it naive to assume that legislation in of itself will prevent the sale of these products? I would suggest, obviously not.

It is a naive assumption that somehow this legislation is going to dry up the sale of solvents in its form, but certainly it is going to demonstrate to those people who are involved in exploitative sale of sniff that yes, we as a society are going to punish you for that action because we as a society do not accept that kind of behaviour.

At the same time, I think we have to look at the opportunity to convict these people. I mean, I am perhaps not as informed as to what opportunities you may have under this current form of legislation. Some have suggested that Section 8 provides too much of an opportunity for an out, if I am referring to the correct section. You know, I really cannot address that question per se, to be quite frank.

Ms. Wasylycia-Leis: Thank you very much for taking the time to be with us tonight. Thank you.

Mr. McCrae: In your last comment about Section 8, I think you were saying that what it does is it makes it more difficult to get a conviction, or impossible, or some—

Mr. Eyer: No. I am not sure. I cannot address that issue. I do not think I have the wherewithal or the resources to address that.

Mr. McCrae: I just would explain to you that the reason that Section 8 is there is the reason that we say that this bill may work. Without a Section 8, which was not in the previous bill—do not do this by way of any untoward comparison, because I have always said that the honourable member for St. Johns (Ms. Wasylycia-Leis) had all the right intentions, and the history is well known of her bill, but Section 8 is what my officials, legal people who are going to be the ones who have to prosecute this thing in the first place, are the thing that they say they need in order for this bill not to be thrown out by the court. That is why it is there. It does create a defence. If there was no defence there, then it

would be thrown out immediately, we are told. That is why it is there, and I wanted to say that by way of explanation.

But you did ask me a question about the punitive approach, and I thought I would just try to answer it for you. You are suggesting that the punitive approach does not work, and there is much in what you say. That is why, when we introduced our bill, we tried to make the point that is not the object here. The main object of the bill is to get at these merchants of destruction, and that is what we hope will be very effective. We hope it will. It is certainly not put before you as a fantasy and the answer to all of it, because we know it is not.

We do know after having talked to people who understand sniff and understand the dynamics of sniff—which I do not, but we have spoken to people who do—the message of what we do as a society is very important too. We should not tell young people who engage in this that they are bad, but as a society we have to tell them that what they are doing is wrong. If we do not do it in this bill, then we do not do it, is the position that I take in putting this bill forward.

* (2300)

The Young Offenders Act, Section 20, begins and goes for several pages setting out options available to young offender judges for the protection of the public and for the good of the young offender. That is one of the fundamental principles of the Young Offenders Act. The Young Offenders Act, by the way, gets criticized quite a bit, and I join with some who do that.

I do not think anybody, including you, is going to disagree. This is what the Young Offenders Act says in Section 3: While young persons should not, in all instances, be held accountable in the same manner and suffer the same consequences for their behaviour as adults, young persons who commit offences should, nonetheless, bear responsibility for their contraventions.

I take the view, sir, that the use of sniff not only hurts the young person who does it but hurts the rest of society too. That is why I am trying to say in this bill, the government of Manitoba is trying to say in this bill, on behalf of all of society: What you do does not make you bad, but what you do is wrong. Admit it and let us get together and work together and try to solve the problems. Meanwhile, we are going to go after this guy who is trying to get this stuff to you.

Please understand that that is what I am trying to get at. We do not have any great punitive aspirations here. The idea is not locking kids up, as our critics have said over and over and over again to divert attention away from what is really happening here. What is really happening here is, we want to get help to these young people. What help there is, we want a vehicle to get it to them. If we can increase the amount of help available, so be it. I will be there to support it.

On the other hand, there is some help available now and we have no vehicle to make young people in this circumstance have to accept the help that is there. I think the point about the activity being wrong, as a statement made by the Legislature of this province representing all the people of Manitoba, is necessary. That is where I am coming from. I am not interested in throwing kids into the Youth Centre for sniffing. I hope that is clear, and I do not think anybody in the Legislature is interested in doing that.

It is in that context, when we get to clause by clause, I propose to deal with that matter of the punitive aspect of it. I cannot move away from the position that this behaviour is wrong. How it comes about is a whole other story, but it is wrong, and I think we need to say so as a society or we will not properly deal with the problem.

Mr. Eyer: I can certainly appreciate the intent. I guess the issue is context. Is this the most appropriate context of which to excise that expression of responsibility? Past experience would indicate that despite whatever intentions may exist among jurists and what may exist in the Young Offenders Act, unfortunately, that has not always borne witness in what rulings have resulted.

Again, the issue of resources certainly is very integral to that discussion. We have heard time and time again about jurists or judges making decisions and throwing up their arms in frustration and lack of resources. In the absence of resources, are the judges, in these cases youth judges, going to opt for other alternatives? For that matter, would this clause become a dead letter in and of itself? Perhaps the test of time would allow you that insight, but we would suggest that that approach could be focused elsewhere, to be frank.

Again, it is the issue of context. Is this the most appropriate context of which to get someone to say, yes, I am responsible for my action. I guess the other question is, will this result in that action?

Certainly that is a laudable action and a laudable goal, but will it result from charges being laid?

I think we also have to be realistic. There is a cost to this, the process of the court and otherwise. Can those costs and resources and dollars be put elsewhere? That is certainly a strong consideration that should go into this Section 7, subsections 1 and 2.

Mr. Hickes: I just have one question dealing with responsibility for individuals, what the minister keeps asking. From your experience of being involved since 1980, whether an individual is 17 or 16, since they can only be charged when they are 12, through a sniffing process, say they started when they were six or eight, and when they are 17 years old and they have the mentality of a six- or seven-year-old because of the abuse that they have done to themselves through sniffing, should they still be responsible for their own actions at that time when their capabilities are only six or seven?

Mr. Eyer: I think that is a point very well taken. Certainly Mr. Rumley and Mr. Helgason have pointed to specific examples, and other speakers have pointed to specific examples. [interjection] Well, I guess it is a contextual issue. Are we imposing standards that we hold up for others on those people who are unable to really exact that kind of a judgment?

Mr. Chairperson: Thank you very much, Mr. Eyer, for your presentation this evening.

I will now call John Rodgers, Main Street Project. Mr. Rodgers do you have a written presentation for circulation?

Mr. John Rodgers (Main Street Project): No, I do not, and I am not going to take that long.

Mr. Chairperson: It is not required. You may proceed.

Mr. Rodgers: You have heard of all the resources that are required, and I am not going to address that. I do not even want to answer questions regarding that. I addressed that in 1990, I believe, when Mrs. Vodrey, who had to leave, chaired Don Orchard's committee regarding an alcohol and drug abuse strategy for the '90s. If anybody wants a copy of that, I am sure Mrs. Vodrey or whoever is taking her place since she moved on can supply it.

I have the philosophy that if legislation is enacted that cannot be enforced, do not enact it. This bill on the surface looks pretty good. I am ambivalent about the issue of charging minors who are caught

sniffing. At what age do you charge them? I am not sure of that. We have sniffers that are four- and five-years-old. The question was brought up about the responsibility of 15-, 16-, 17-year-olds and are we charging the victims if we are charging them. The reason I am ambivalent is because I can see it, at a certain age, sniffers are victims. When they hit about 16, and I have had a lot of experience with sniffers, I tended to think of them as thugs, so I do not have a problem with charging them, because they probably, at that point, can be charged with something else. Kids that age are the ones that are hooking the eight-, nine- and 10-year-olds. Like I say, I am ambivalent.

I think maybe we have waited about three years for this bill, and waiting two or three more months might not hurt to think out some of these things. What I am suggesting is maybe you do not pass it at this session of the Legislature, and you go on. I did not really have time to analyze everything about it.

The other problem I have is the person who is 18 years of age or older. Well, there are a lot of adult sniffers out there. They are buying the product from the same stores the kids are, or in fact they are buying it to give the kids. I think that maybe we should have this legislation deal with anybody that is obviously sniffing and the merchant or the guy on the street that is selling it out of the back of his car for sexual favours. That person should be charged, whether it is a minor or an adult. I do not know, I mean there may be all kinds of legal technicalities. I am just throwing this out as an idea.

* (2310)

I also think that you might want to consider something like, rather than charging a child or a minor, maybe you look at something like The Intoxicated Persons Detention Act only for juveniles, and have a stay of not up to 24 hours, but maybe up to 72 hours in which time that sniffer can be dealt with by the police, by a Child and Family Services worker, because you have all heard that this comes across the whole spectrum and usually there is a problem at the family level, and we have heard about the lack of resources and all of that. That is all true. This is an idea that just popped into my head right now, so I have not really thought it through.

By the time a cop picks up a sniffer and gets him to the Youth Centre, that kid is straight again. Sniff

does not usually last that long. Sniffers, until they get to the stage where they just want to go to sleep, which is what happens to a lot of sniffers, they just want to go to sleep, have a tendency to be very violent. I know there is some very prominent medical opinion that holds that sniffers do not tend to get violent. That is not true. We know for a fact that sniffers, if you are not very careful, can be very violent. So they need to be locked up when they are sniffed up. As I say, the effects of sniff generally do not last all that long. So that is one thing you could look at.

I made a couple of notes here, and I cannot seem to find them, while I was just sitting here listening. Now the problem of proving that the person was selling the stuff, whether he knew what it was going to be used for, Section 8 seems to put the onus on the accused to prove that he did not know. I do not know if that is not contrary to law. It seems to me that the onus is on the Crown to prove guilt. So that has been criticized as being a defence, and I am not a lawyer, but it is the way it reads.

The accused has a defence that he or she can prove on a balance of probabilities that, before the accused gave, sold or offered, he took reasonable steps to ascertain all these things. On strictly a legal point, I am not sure that you have to prove that you took reasonable steps. In order to make this work—and I mean there are all kinds of stores that have been targeted. Everybody knows who they are, where they are. But the police have to be able to observe and know what is happening.

Of course, they can know what is happening, but still, they may have trouble making a conviction stick, even though they know that the person who went in there came out with a sniff. The merchant says, well, I did not know what he was going to use it for. It would take something like a few days of observing, going in and saying, look, this product you sold is being sniffed, and you sold it to X number of kids. Well, I do not know what they are using it for.

Then the police can say, well, you know what they are using it for now. We have told you on such and such a date at such and such a time. You sell it again, we will bust you, and the fine is \$10,000 or whatever. Now then, when they observe that same kid or those kids coming out of that store with that product, I do not think there is a defence. Now, I do

not know, I have not run this by the police, so I do not know if that is feasible or whatever.

Then there is the onus of proof. I want to tell you a little incident that occurred not so long ago, because legislation was brought in about selling nonpotable alcohol products for purposes of consumption.

A certain druggist in the core area refused to sell a nonpotable substance to a native because he made the assumption that this native was going to drink it. He got a call from a lawyer who also happened to be a native and told him he was going to take him to court for refusing to sell. He said, well, the reason I refused to sell was blah, blah, blah. He told him about the legislation and he had reasonable grounds. The lawyer said, I understand what you are trying to do and I sympathize with what you are trying to do, but do it again and I will take you to court. Now that is a Catch-22.

So that is basically it, and I am sorry that I did not really analyze everything here. I know that Mr. Whitley sent this out to various police chiefs and I do not know what their response was, whether or not it is enforceable or unenforceable. I do believe that we do need some legislation with teeth in it that can nail these guys.

I understand that there are going to be some amendments and I do not know what they are, but if it is not enforceable then I do not know—but if it can be enforced, fine. I do not have that much difficulty with the legislation.

I mentioned to Mr. McCrae that I thought there should be minimum fines. He explained to me why there should not be, and I have to agree. I guess it is a matter of educating the judges who tend to slap first offenders on the wrist and, in effect, the fine is just a licence to continue business, is what we found in two cases in the sale of nonpotable alcohol products.

Unfortunately, we know that somebody is going to be charged and we happen to know, we are going to try to get word somehow, that the fine should be a lot stiffer, whether it is a first offence or not, because that is the only way unscrupulous merchants will get the message. It has to be more than a licence to conduct business. So the size of the fines, I do not have a problem with.

Basically, that is about all I have to say on the legislation.

Mr. Chairperson: Thank you very much, Mr. Rodgers. You mentioned earlier on that you really did not want to get involved in questions or discussions. I hope you meant in the larger sense because I think—

Mr. Rodgers: Well, I did not want get involved in the other things that were needed, the treatment facilities, the whole thing. I mean, I could give you a brief history.

Mr. Chairperson: I appreciate that. I think the committee members would like to question or comment on your presentation.

Mr. McCrae: Thank you, Mr. Rodgers, for coming tonight.

The question I feel I need to discuss is the issue of enforceability or nonenforceability, which seems to have come up a number of times. You have asked about the police and where they stand, and indeed they were all consulted about this.

You see, the point is that it is not the honourable member for St. Johns (Ms. Wasylycia-Leis), or you, or even me, who makes a decision about whether it is enforceable. It is the judge ultimately who is going to hear the case, and who is going to put the case before the judge but the Public Prosecutions branch of my department? It is not the police, it is not the member for St. Johns (Ms. Wasylycia-Leis) or anybody else. It is that branch. That is the branch that is advising me in helping me put together this bill. They are putting together a bill that they think, they hope is their best effort at making it enforceable.

So the honourable member may very well have her opinion about that, but she is not the Public Prosecutions branch of the government. That is who is going to actually make a decision on whether it actually goes to court.

If the evidence put forward to us by the police is insufficient in our view to take it to the court, we will not take it to the court. If we feel, in our view, that it is, we will. We will put our case as best we possibly can, using the best legal talent that our department can put forward, and then the issue of enforceability will be decided by a judge, not by the member, not by you, not by me.

* (2320)

So all I am telling you is, we are putting forward to you and everyone else our best effort and our best advice about the enforceability of this. We know the by-law went down. We know the

previous bill, in our view as a Public Prosecutions branch, would have gone down. We think this one will not. That is where we are at. I mean, I am not trying to put a better picture on this than there really is, but that is where we are.

So the decision ultimately about which case goes forward will be made by my department, because the police can lay charges, but it is my department that actually puts them to the court. My department can stay charges if we do not think the police have enough evidence to help us through with this. That is the way the system works. The Pollock case sort of taught us a lot of lessons, and Mr. Hughes helped us in understanding where ultimately the decisions are going to get made. We recognize the right of police authorities to lay charges, but ultimately it is our department that has to put them before the court.

That is the issue of enforceability. I think you made a number of points, but that is a pretty important one. I thought I better at least try to respond to you on that point.

Ms. Wasylycia-Leis: Mr. Chairperson, I would like to thank Mr. Rodgers for his presentation and for his patience in waiting to this hour of the night.

I would like to ask just a couple of questions. One has to do with your suggestion about using The Intoxicated Persons Detention Act.

Mr. Rodgers: Well, a new one would have to be drafted to address the situation of juveniles.

Ms. Wasylycia-Leis: Okay, that is what I would like to ask about, because as I read this—I have a copy of the act in front of me and it does not reference age, so it, on that basis, is applicable. Where I think we run into a problem with sniff victims is in the fact that they can be released after 24 hours, or they have to be if the person is not willing to stay.

What you are saying, as I understand it, is that it might be useful to amend this legislation to have a specific section pertaining to minors and extending the provision to 72 hours. Am I correct?

Mr. Rodgers: Something like that. I mean, this is something that would have to be thought through. It just came off the top of my head when I was sort of mulling what I was hearing and everything.

Yes, I think that might be one way of dealing with it because if you have a chronic sniffer, he may be just a six-year-old or even a five-year-old—and everything would have to be judged on its merits—

but before that child was released, Child and Family Services would have to be involved.

Maybe you need a detention area for kids that is going to have Child and Family Services workers there around the clock. You need somebody who is mandated to deal with this problem, because obviously if you have a kid that young who is sniffing, there is a problem at home.

There are a lot of young kids running the streets at all hours of the night getting into all kinds of crap and are being victimized by vultures that are out there that are trading sniff for sexual favours. There are a lot of kids at risk. So I am not talking about that as a punitive measure but as a preventative measure, as a means of intervening and identifying.

Over the years, we used to pick kids up in the wee small hours of the morning and keep them at our place and truck them to a local Children's Aid Society office, which at that time was in the neighbourhood services centre, and those workers used to dread us coming because they knew we would be coming with kids. We used to say to them, do something, we do not want to have to pick these kids up again.

Invariably, we would be picking them up, and it was very frustrating because the interventions—and I do not know everything that was going on, but these kids eventually ended up at home. They came from terrible home situations and should not have been at home, in my opinion. However, there are other factors at work over which I certainly had no control. It was just a continuous revolving door. Nothing was happening with the family situations.

That is the trouble when the Child and Family Services agency intervenes. They may apprehend the kid and put the kid in a foster home or in a group home or whatever and the constant frustration has been that that kid is eventually returned to a family where nothing has been done. You know, just feed the revolving door, and it is a very costly exercise.

So I have a lot of ideas on how some of these things could be addressed, but it overlaps departmental lines, it overlaps various jurisdictions and overlaps empires, if you will, so any systemic change to the whole system will probably run into a lot of opposition, but I addressed that in my presentation to Mrs. Vodrey's 1990 committee.

Ms. Wasylycia-Lels: Mr. Chairperson, like you, we are waiting as well for the results of the big war

on drugs to see what recommendations are forthcoming, because I think some news from that end might help us deal with this particular piece of legislation.

I think your suggestion about looking at The Intoxicated Person's Detention Act as one avenue for helping chronic sniffers is a useful one. Certainly, it provides an option, I think, to charging the user and going the route of the Young Offenders Act and looking at a situation where people end up in the youth detention centre or whatever, and only for a short period of time, and then back into the same family situation.

As far as I can see, it is the same problem that we are talking about. Am I correct in making the assumption that charging the user without alternatives, like a longer stay at a detoxification centre and like alternatives to the going back to a dysfunctional family or whatever—

Mr. Rodgers: Well, I would see there is a point of intervention, but you would have to get the statutory agencies that would normally be involved, involved in this process to deal with the whole picture and that is going to cost a lot of bucks.

It was suggested that what is really needed for street kids is an operation similar to the Main Street Project for kids. I am not suggesting for one moment that we want to be involved in this, or are looking for the funds for it. We are not, because something like that, which would incorporate that type of holding area, would probably cost twice as much as the Main Street Project costs, because you would have to involve all these professionals—probably nurses, doctors, whatever—and it would have to be much more sophisticated.

Now, as I said, this idea just popped out. Maybe it was buried in my subconscious, I do not know, but it just popped into my head tonight so it is coming off the wall sort of, but it is something that I am going to give some thought to. It might have merit; it might not have merit.

Ms. Wasylycia-Lels: But I think if the issue is finding a way to get these young people in to rehabilitate them, then we have legislation, we have laws that can allow us to do that now if we back them up with a more holistic approach and co-ordinated departmental approach and we provide the resources. Is that not the case?

Mr. Rodgers: Yes, that would have to be done. I do not know if it would be legal to hold a kid for 72

hours, like I just suggested. I mean, there may be all kinds of reasons why you cannot do that. I do not know.

Ms. Wasylycia-Lels: What about this notion that putting this in the bill, this charging the user and making it illegal, is going to deter kids. Do you see, in terms of the people you see, the young people you deal with, that having that in a bill, just making it illegal, is going to make any difference to these kids in terms of trying sniff or—

Mr. Rodgers: You mean charging the kid for doing it?

Ms. Wasylycia-Lels: Yes.

Mr. Rodgers: That is the one I said I was ambivalent about.

No, I do not think anything deters anybody from doing what they want to do. I mean, we have laws in the adult criminal justice system. It does not deter anybody. I do not think anything is going to deter. I do not see it as a deterrent.

Really, what is needed, we are looking at cutting—I cannot say cutting off—trying to reduce the source of supply, getting at the obvious ones who are doing most of the supplying, and I think it is a case of making it more difficult. I think that is what this bill is addressing. Nothing you do is going to deter anything.

Let us say that a dozen stores get busted, and maybe you might get two or three convictions out of it. Who knows? No, I do not think there would be a deterrence, but I do think that there is a bill required to address these unscrupulous people who are taking advantage of these kids, you know, are the ones that take advantage of the public inebriate by selling all sorts of garbage. We have been put in the anomalous position of encouraging our clients to go to the liquor store and buy their booze, when we are not even supposed to be encouraging people to drink, right? But the reality is they are going to drink and we would sooner have them go and buy bonnet stock at the liquor store than some of the stuff they are consuming on the street.

* (2330)

When Chinese cooking wine was a problem, there were a lot of deaths as a result of that. I thought, gee, they should be able to charge a merchant with manslaughter. Maybe that was far out, but in effect, that merchant was committing manslaughter. There was enough publicity about what this stuff was doing to people, and these

merchants were aware of that. They continued to sell it, knowing that somebody might die as a result of drinking it. So, a deterrent? I do not know.

Ms. Wasylycia-Lels: Just a final question on the major issue you have raised and we have also stressed, and that is the enforceability of a law like this or a bill like this.

There was no question in our minds that with Bill 91, you know, it was not a perfect bill. There were no guarantees that we would be able to get after all the retailers who were selling the stuff, either deliberately or unknowingly, but most of the people we have talked to have said that Bill 29 is no more enforceable. The only thing it does differently than Bill 91 is that it eases up on retailers who do not want to have to worry about all these different products, and it gives them a little more, I guess, flexibility in terms of dealing with this whole issue.

In fact, related to that, Stu Whitley, in the letter I have been quoting, states: It represents the best compromise between legislation that broadly attempts to catch all sales of such material to minors and getting at the odious individuals who trade in the misery of children.

If I had assurances that this bill would get at those odious individuals trading in the misery of children, I would feel a little better about supporting this bill, but I have seen nothing so far that suggests it is going to be possible. I wonder if you feel that this bill will give us any hope of at least going after those, the back-room traders and back-alley wheelers and dealers in this stuff.

Mr. Rodgers: Well, with all due respect, I do not think it is any more or any less enforceable than the bill you had proposed. One of the major differences is your bill attacks the display of sniffable products. That opened up a whole can of worms that led to the defeat of the city's antisniff by-law, because there are too many products and they are on display. They are on display at Canadian Tire, at Woolco, K Mart, whatever, any large hardware department.

So I do not see how that can work. That is not enforceable. The small ma and pa store that is selling this stuff does not have it on display. It is under the counter. It is sold surreptitiously, so I see that part of your bill, with all due respect, as attacking the wrong problem.

The merchant, the drugstore that has—we will take it to the adult thing again—mouthwash on

display, hairspray on display, Lysol disinfectant on display—now, some smaller drugstores in the core area, as soon as they can identify something, try to keep it under the counter, but, I mean, there is a limit even with that stuff. I told you about the one who refused to sell mouthwash or one of those products to a native person and got a call from a native lawyer.

Back when rubbing alcohol was first attacked—it could only be sold in drugstores and the druggist keep it behind the counter—we got a call from a drugstore in the area that we deal with quite often. He says, something strange is going on here. We said, what? He said, my mouthwash is disappearing and I do not know what is going on. We said, well, people are boosting it because they are drinking it. Well, he did not understand they drank mouthwash.

Well, they drink Lysol—no, not Lysol, I am sorry, Listerine. Listerine antiseptic is a beverage of choice among skid-row alcoholics. Now, I do not know about you, I can barely stand to squish it in my mouth, let alone swallow it, but it happens to be a beverage of choice, as is Scope. I think that Scope is disappearing off his shelves. Hair sprays, any variety of things that can be consumed, you know, and it is everyday stuff. We all go in and buy one or the other of those products, right? This is even more so with sniff products.

There are so many products that can be sniffed. When we first started I think they were sniffing Cutex nail polish remover and also airplane glue. We were amazed at the things they came up with, plastic wood all of a sudden they were sniffing, and we were just amazed. They kept coming up with more new products.

I mean, people who want to get a high are ingenious; it is really amazing what they will find. So you really have trouble controlling stuff that is a legitimate product. One grocery store in the north end, we found out yesterday, the day before had gone to Western Grocers and bought four cases of hair spray. Well, he must have a lot of well-groomed customers. We know why he bought them but proving what he is selling it for, that is another matter.

Ms. Wasylycia-Lels: Just on this issue, I wanted to clarify something and then ask another question.

You are right that Bill 91 did include the provision for—that stated, no person shall sell or offer to sell an intoxicating substance from a self-service

display. That was one part of the bill which is certainly not in Bill 29. On the prohibition aspect of Bill 91, it clearly prohibited the sale to minors and then listed a number of exceptions, including if the kid had a note from parent or guardian, if it was part of an airplane kit, if it was used for at adult-supervised youth program, et cetera.

So the difference in the two bills is that Bill 91 prohibited it, and then said, except in these certain circumstances. What Bill 29 does is say, basically, it is not an offence if the seller took reasonable steps to determine that the minor would not inhale or use that substance.

The concerns that have been coming to us are that anybody, even the unscrupulous ones, especially the unscrupulous ones, can say, well, you know—

Mr. Rodgers: I took reasonable steps.

Ms. Wasylycia-Lels: Yes.

Mr. Rodgers: Well, I think I addressed that but from a different context, that the onus of proving, the way I read it—now, as I say, I am not a lawyer—it seemed to me that the onus was on that merchant to prove that he took the reasonable steps.

My concern was, is that legal under English common law or the law of the land when the onus is on the Crown to prove the guilt. Now it seemed to me, the way I read that and correct me if I am wrong, the onus was on the merchant to prove that he was innocent. He had to prove that he took reasonable steps. I think that is kind of hard to do, myself. Now, I may be wrong and a legal opinion might differ with me, but that is how I read Section 8. So I had a different view of it than some people did.

I do not see that as taking the guy off the hook. I see that as maybe infringing on his Charter rights by requiring him to prove that he took reasonable steps. It is a lot easier to say, well, how do you take reasonable steps? This kid walked out, we observed him sniffing. There could be a whole hairy ball of wax that may not be provable, and I am not a constitutional lawyer by any means, but it seems to me you cannot put the onus on the accused to prove his innocence. That is the way I read it—it seems to say to me.

I do not see it as taking him off the hook. I would hate to be in a position of selling something and had to prove that I took reasonable steps to

ascertain that it was going to be used for lawful purposes. But I do not know, are there any lawyers here that differ with me on that one? No lawyers here?

* (2340)

Mr. Rodgers: Well, that is my concern with Section 8: Is it not a violation of Charter rights or English common law? That was my concern with it. I wish there was a lawyer here to address that. But I do not see it as taking the merchant off the hook, it seems to me.

Ms. Wasylycia-Lels: Well, those are the kinds of questions we will be raising with the Minister of Justice (Mr. McCrae), and presumably he will have some staff around, including lawyers, to help answer those questions, because we are interested in knowing what it means, and we will certainly raise your question with them when we get to clause by clause. [interjection] Well, we have waited three years for this opportunity; I think we can wait another 24 hours or whatever it takes to call committee to do clause by clause at a reasonable hour, when we can all think and propose reasonable amendments.

But one of the things that I will be trying to find out, as well, is how one defines—it can be a very subjective thing—reasonable steps. We will be anxious to find out how that is defined—

Mr. Rodgers: I would like to prove that I took reasonable steps in a court of law if I was charged with something.

Ms. Wasylycia-Lels: It would seem that it could work both ways.

Mr. Rodgers: Yes, well, maybe it can. I do not see how it helps the merchant, myself.

Ms. Wasylycia-Lels: Okay, well, I just wanted to thank Mr. Rodgers for that presentation. It has certainly been helpful in terms of the whole issue. We will be pursuing some of those questions that he has raised here tonight.

Mr. Ashton: Mr. Chairperson, I just have one question, because I realize it has been quite an extensive presentation. I am sorry I missed the first part. Incidentally, I find the discussion on the IPDA to be a very interesting approach to this, because it came up in our own discussions. In fact, that to me seems a logical route to go. If you are looking at the real concern, the ability to pick up people who

are under the influence of nonpotable intoxicants, sniff, whatever, you need that ability.

I just wanted to deal with that specifically because, coming from Thompson, we had the short but very positive experience with the Night Riders project, which I am sure you are aware of, which had a lot of similarities to the Main Street Project, modelled on the Main Street Project. Unfortunately, because of funding it fell through. Many of us have been trying to get it re-established.

What it did, of course, is similar to what the Main Street Project does, it got people whether they were intoxicated from whatever substance or simply on the streets into a first stage—[interjection] It saved lives, definitely. There are people who were picked up who would have frozen to death in Thompson, I mean, minus 30 degree weather.

When I see what happens, now, currently, it is just by sheer force of luck that we have not had more fatalities in Thompson from the elements, from people who are without shelter and particularly people who are intoxicated. That is why I find interesting your comments, because that is what really concerns me about the situation with nonpotable intoxicants, is that element of it where people can die not only—I mean, there is the brain damage, the social, the family damage, but the sheer physical threat that can fall from it.

I have seen many occasions in Thompson where, particularly when you do not expect it, when it is the fall when you have cool temperatures but where people can still die from exposure if they are in a serious enough situation. I know the Night Riders project saved lives. I talked to the volunteers and I know specific instances.

The reason I want to raise this, I just want to ask this as a question, whether from your experience with the Main Street Project, if you think that, perhaps, it is not something that is—and I hate to sound like I am questioning the importance of this bill or any other bill—but it seems to me that this is equally as important if not more important as the outreach, the ability to pull people and put people into detoxification, the rest of it. But is not that also the thing we have to do, beyond just having legislation, if we are really going to deal with the problem?

Mr. Rodgers: Yes, I said at the beginning, though, that a lot of people have pointed this out and I had, as well, but that I was here to discuss the bill.

Yes, all these things are needed. This idea that popped out of my head about a 72-hour stay in a locked facility, bringing in all the necessary people from other departments like Child and Family Services, maybe the police, whatever, would be a very expensive alternative, make no bones about that, because we are dealing with a lot of professional mandated government agencies or government sponsored—I do not know what you would call organizations such as Child and Family Services and the Alcoholism Foundation, but they are Crown corporations or whatever.

So it is going to cost a lot of bucks and time when there are not a lot of bucks. As I said, this was an idea that just sort of popped out of my head as I stood before you. But, yes, all those things are needed.

Yes, there are people at risk and I do not know if people are still dying. We used to do extensive patrols in the early days of the project. We do not do that anymore for a variety of reasons, one is funding restraints. The other is that most people know where we are and make their way to our place, who are in our general area.

It is the intoxicated or inebriated person, not necessarily—everybody thinks that people who are homeless are going to freeze to death out there. People who are homeless manage to find ways to keep warm in the winter. It is the person who is too inebriated to get from point A to point B and passes out somewhere along the way. I imagine out there in the bush it is very easy to get lost and pass out, and nobody is going to come by and find you.

Yes, these are all probably necessary things, but as I said, I am here to talk about the legislation.

Mr. McCrae: Just on the point of the reverse onus that has given you cause to question, I want to put you in a hypothetical situation.

You are the proprietor of a 24-hour convenience store in the core area of Winnipeg. It is four o'clock in the morning. A 13-year-old comes into your store reeking of Lysol. That same kid had been into your store the day before, bought a couple of cans of Lysol, now wants to buy three more cans of Lysol at four o'clock in the morning at your 24-hour convenience store. You sell him the Lysol, and the kid is apprehended as he walks out by a police officer.

My question is, do you not owe society some kind of an explanation for your part in that transaction?

Mr. Rodgers: Oh, absolutely.

Mr. McCrae: Thank you.

Mr. Rodgers: The point is how the defence lawyer is going to deal with it.

Mr. McCrae: Well, let us wait and see how the defence wants to explain that away for his client or her client.

Mr. Rodgers: I guess my only point was I saw that as the onus on me to prove my innocence which I do not believe I have to do. That is the way I see it.

Mr. McCrae: I think you owe it to society to prove you are—

Mr. Rodgers: Absolutely, but it is what the law says, not what I think or you think.

Mr. McCrae: You owe it to the law to prove your bona fides in that situation, and the law, according to my advice, is clear, that you indeed owe an explanation, or you are going to get convicted of supplying that Lysol for the wrong purposes to that kid.

Mr. Rodgers: I hope that is true. I hope that is right.

Mr. McCrae: I do too.

Mr. Chalrperson: Thank you very much, Mr. Rodgers, for your presentation this evening.

Mr. Rodgers: My pleasure.

Mr. Chalrperson: I will now call Judy Moar, private citizen. Judy Moar?

James Boyd, Pritchard Place Drop In Centre?
Mr. Boyd, do you have a written presentation?

* (2350)

Mr. James Boyd (Pritchard Place Drop In Centre): I am sorry, I apologize for that. I got called at the last minute to talk on this.

Mr. Chalrperson: No problem, it is not required. You may proceed.

Mr. Boyd: I thank you for giving me the opportunity to talk on this subject. First off, my street name is JJ. The kids call me JJ on the street. I am involved with Pritchard Place Drop In Centre. I was a member of the Winnipeg antisniff coalition. I am a former sniffer. I am involved with Knowles as a relief worker. I am with the Anishinabe

RESPECT justice committee as a volunteer probation officer.

I have done research on solvent abuse. I have talked about treatment for solvent abuse. I have seen kids, their lives destroyed because of solvent abuse. I have seen adults take advantage of kids because of solvent abuse. I am glad this government is taking a step in trying to eradicate the problem. I am not going to talk on treatment. I am going to talk about the bill itself as much as I can, as much as I know of it. I apologize for not having a brief ready.

First off, there are people that are taking advantage of youths who are using solvents to get kids to do deviant things with them. There are people who are selling solvents to get these kids to go out on the streets for them. There are people who are using solvents as a way of making money for themselves.

It is not only an inner city problem; it is a rural problem. I have had the advantage to work up North with Indian and Northern Affairs Canada. I had the advantage to work in Kenora-Patricia Child and Family Services. I have seen the problem expand. Again, I used to be a sniffer. I was one of those kids who sniffed in the '60s, so I have a little bit of information on it. I think there should be more of a penalty put onto those people who are taking advantage of youths. I do not believe in the incarceration fact. I like what John Rodgers said about a 72-hour program set up there where the police are involved.

I think there are holes in the legislation right now of dealing with youths. You had said earlier that you were going to educate the judges, the police, MIC. Well, I work at Knowles and I am about the only one that knows anything about solvent abuse. I have worked with one youth at Knowles with solvent abuse. I am also dealing with the criminal justice system there because this kid was involved with thefts. I can tell you horror stories about it. I can tell you anything you want to know about solvent abuse. I can educate you on solvent abuse, because I do workshops on solvent abuse.

The only thing I have a problem with again is the incarceration fact. Mr. Rodgers came up with a good thing there, the 72-hour approach where there is an assessment done. In that 72 hours a thing can be done where you can work with the kid when a kid comes down. Coming down from solvent abuse is a lot different than coming down

from alcohol abuse. The tremor—everything is more intensified. Solvent abuse also does damage to the inside. If we can get the kids before they become habitual, then we have some successes going.

I think that the government should try and put more meat in going after those people that are selling the solvents.

I am going to try and make this brief, because I am tired. Okay?

Mr. Chalperson: Thank you very much, Mr. Boyd. I appreciate you staying this late and I know you are tired, but would you take the time to respond to a few questions or comments from the committee—a couple of short questions?

Mr. McCrae: I have a short one. You said that you had a problem with the incarceration part of the bill, and I heard what you said about IPDA. I think we should look at that too and see what we can come up with. The problem you have with the incarceration, let us put that aside for a minute, because I have said that I am going to look at that part when it comes to making amendments to the bill. Do you think, though, we should go so far as to allow sniffing to remain legal for young people? In other words, suppose we left in the bill the offence part for a young person but dealt in a way that you might be satisfied with on the incarceration end of it? The Young Offenders Act has a whole range of things that can be done; only one of them is incarceration.

If we dealt with the incarceration satisfactorily, would you still be comfortable with it being an offence or are you one of those who believes it should not even be an offence?

Mr. Boyd: Well, our system is cluttered. We have cases going galore, and they keep getting remanded. I know one thing, solvent abusers do not want to be treated. Mason [phonetic] did research in the States in 1975 on it, working with solvent abusers in the United States. They just do not want to get treated. They are unmotivated to get treated.

I know there has to be some type of force to get these kids to go on it. Maybe, yes, it is an offence, but it has to be acted on if the child is a known solvent abuser. Something has to be enacted that they can either go through the health system, get Child and Family Services involved. If they are in trouble with the law, probation is involved. There

has to be some type of force done where these kids will be sent for treatment. That is something that has to be looked at.

Like I said earlier, I appreciate what you guys are doing. You are doing something. It has taken awhile, but you are doing something.

Mr. McCrae: Thanks. I hear you.

Mr. Martindale: Thank you, Mr. Boyd, for coming and making a presentation to us. The committee members had distributed to us a written brief by the Manitoba Medical Association. While I do not agree with all of it, there are a couple of sentences that I would like to read to you and ask for your comments.

On the second page they say, and I quote: Solvent abuse will continue to thrive in a socioeconomic environment characterized by poverty, discrimination, lack of employment and educational opportunities, and poor housing.

Then, in the next paragraph: Until government takes action on the larger social issues, solvent abuse will remain a problem. In the meantime, these youngsters should be offered alternative recreational activities, programs and role models.

I would like to ask you, Mr. Boyd, if, in your opinion, you agree with this or disagree from your experience, from living in the inner city and the north end. Do you see socioeconomic conditions as having a causal effect on sniffing?

Mr. Boyd: First off, yes, a lot of these individuals in the north end have low self-esteem, low self-worth. There is not enough recreation. When there is recreation, a lot of these individuals cannot afford it.

A lot of them use solvents as a form of escapism. They escape what is there. Trying to encourage them to get involved in programs when they do not have the finances to get involved—I mean, I am with Pritchard Place Drop In Centre. We are constantly trying to get money for kids. We are trying to encourage these kids to come to the program. We are trying to work with them.

The conditions in the north end are rougher. It is the same up north. You go onto the reserves, they have nothing to do. There is no recreation. There are no role models they can utilize.

I have seen this, and people ask, well, what can we do? Part of it is you have to treat the community, you have treat the family and you have

to treat the individual. Each community needs a different type of approach.

Again, poverty has a big role in it. Then, some people are poor or some people are even poorer, and they do not even want to associate with those that are even poorer than them. That is a big factor. In the inner city, that is a major factor.

Then you have individuals who like to make money off of those that are striving to get something, have some type of recreation. They take advantage: Ah, come and see me, you will get this out the back door.

It is an ongoing process. We have to address those issues. We are doing it now. We have to take big chunks so that these people, these merchants, these individuals who take advantage of these young people, see that, hey, you are going to get nailed, people are going to talk. If you get nailed once, once some stiff fine is levied on them, and I mean a stiff fine, then other people will start to think twice about doing this.

Yes, economic conditions play a major part.

Ms. Wasylycia-Lels: Following up on your last comment about the fines, a previous presenter had suggested that we actually increase the fines in this bill and also add a minimum fine.

Right now, in the case of an individual, it is not more than \$5,000 on a first offence and in the case of a corporation, not more than \$10,000, and we have seen this with Chinese cooking wine, where the judge handed out a very small fine, and it was not an incentive at all to stop selling the stuff.

Do you think we should be (a) increasing the fines in this bill and (b) putting in a minimum fine?

Mr. Boyd: Yes, we should increase the fine. Yes, I know about that situation, and I do not agree with the slap-on-the-hand principle. It does not work. They are laughing. There is no meat to bill. Increase the fines, yes, set a minimum, a higher minimum. I mean, yes, if the corporation is involved, make it a major fine; a minimum fine where the individual is involved. We have to stop it. It is a major problem.

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It is not only a major problem here in Manitoba, it is a major problem throughout the world. We have had letters, when I was with the Winnipeg antisniff coalition, from New Zealand, Australia, Germany, from Florida, from Africa, asking us for information. All we could provide them was what we knew. It is

a major problem. We have to stop it. We are killing our kids.

Ms. Wasylycia-Lels: Just a final question on that whole issue of enforceability. A lot of concerns are expressed about what Section 8 means. Have you an opinion on Section 8?

Based on your experience in terms of people who sell the stuff, are they likely to find ways to and are they experienced enough in this whole area to be able to make a strong case that they believe the person would not use the stuff for intoxication purposes?

Mr. Boyd: Bear in mind with me, I was here to talk on incarceration of youth. I really cannot answer that question on Section 8 because I have not had a chance to look at the bill.

Ms. Wasylycia-Lels: Sorry. I did not mean to—[interjection] I certainly was not trying to be unfair.

I am trying to get at—since this individual presenting to us today has experience in the field of solvent abuse going back a long time, I am wondering, and I am asking the general question, if in your familiarity with the vendors, these unscrupulous vendors who deliberately buy the stuff in bulk and sell it to kids who are vulnerable, if they are not smart enough to come up with grounds to prove they took reasonable steps to ascertain that it was not going to be used for intoxication.

Mr. Boyd: The ironic thing about it, the police even know these people. Off the record, they will say, oh, we know who is selling it. They have an idea. They know who is also using the kids for pimps—not kids for pimps, who are using them for prostitution. They also know who are using them for deviant behaviours. The police know that.

My experience is they are sitting there saying, we cannot do nothing. We have no meat and potatoes on that. They know it. We have people in the community who know it. They are constantly pointing it out. We get phone calls to the drop-in centre, hey, you know, this so and so is selling so and so.

Even on the reserves, my experience with the reserves in Ontario, they knew who was bringing in the stuff—hey, paint thinner, the Crown Royal of solvent abuse, of solvents. They knew it. By the time we knew it, it was an ongoing problem. The police know. The executive level on some of the reserves know. That is my experience. I have seen it. I have talked with these people. My last

workshop was on Fairford Reserve, and they are saying, we know who is sniffing, right, what can we do?

There has to be some type of bill, some type of teeth to the law. Something has got to be done. Treatment, yes. Treatment has to be done. I could talk on treatment, and I would be here another two and half hours talking treatment, if you want to know about treatment.

Mr. McCrae, you had mentioned the judges have to be educated. There are a lot of qualified people in our community. I have been saying, yes, for the longest time, people have to be educated. We went into the school system educating the school.

You want to talk about treatment, talk about education. Start at kindergarten. Child welfare agencies know who is on solvents. You have to get them to go, yes, I agree. We have to find a way to get these people to go in for treatment.

Maybe the child welfare law should be changed to add more teeth to the law. I do not know the answers, but I am glad that somebody is taking the initiative.

Ms. Wasylycia-Lels: I would just like to thank you very much for taking the time and being with us after midnight to help us understand how to respond to this bill. Thank you very much.

Mr. Chalrperson: Thank you very much, J.J. Boyd. I hope we got it right this time.

I will now call Tim Henderson, Sagkeeng Solvent Abuse Program. Do you have a written presentation for circulation, Mr. Henderson?

Mr. Tim Henderson (Private Citizen): No.

Mr. Chalrperson: Okay, thank you, you may proceed.

Mr. Henderson: Hi, my name is Tim Henderson. I have been working with the Sagkeeng Solvent Abuse Program out on the Fort Alexander Indian Reserve. I am currently on a leave of absence. I am taking courses at the university here in the city.

We did not have much time to get something prepared, so I am just going to go from what I know. I am also a solvent abuser, like J.J. I was right from 11 to 14. All I remember about why I was doing it was to forget the hurts that I felt, and then after a while I forgot why I was sniffing and that is why I continued to sniff. Back in those days, like when the other gentleman said they were already left—

sniffers are in a class by themselves and they have to be treated like that.

I work with other chronic abusers. I have seen what it can do. I know what it can do. I know what it has done to my life. I have had what they call a problem with transference where sniffing did not appeal to me so I just moved on to alcohol.

What I am here to say is that I do not believe in Bill 29. It opens the door for a lot more hurting, on the part of the government.

I have heard that John Rogers mentioned the revolving-door process, and I know it has been mentioned a few times. It is where the problem is first identified by the police officers. Then the young offender is arrested and he is put in MYC or wherever. Then he is let out and it happens again, and he eventually ends up in a group home or a locked facility.

This happens right up until he is 18 years old, and then after, it is not a problem anymore. It is kind of brushed under the rug, and that is why we have 25-year-olds or late 30s, early 40-year-old sniffers. I know them from my younger days. That, in itself, by—I am trying to stay away from words like arresting them, charging them and having them detained. It is not the way to go.

I do not have all the answers, but I know what the treatment centre does, and that is what I am trying to promote. There is a need for northern treatment centres; not just one, I am talking many. At the treatment centre where I work, the percentage of northern clientele in the Sagkeeng Solvent Abuse Program, which is located 120 kilometres away from the city here, 74 percent or 11 out of 15 of the clients are from up north, like Nelson House, Shamattawa, Pukatawagan, Norway House, and the other four are from the communities around or the surrounding cities. Right now there is a three-month waiting list for our six-month program.

I have been fortunate enough to see some progress with some of the abusers or clients in—I am really nervous right now. I have never done this before.

While I was employed at, I will just call it SSAP, one of the things I noticed at the centre was that most of the clients, like I said, were of northern origin, and us bringing them down into, I guess, the south, to them, it was—they are Cree and we are Ojibway, and even in that, there is a class of cultures, and that is another thing that has to be

looked at, is that all Indians are not the same, and this is not an Indian problem but it seems that way.

I was reading an article in the paper the other day that said that the kids themselves know they need a program up there, a treatment centre. They biked in from Thompson, 750 kilometres. It works out to, what, 450 miles. Can you imagine?

I feel nothing but empathy for the older solvent abusers, the ones in their 30s, their early 40s. I heard some names flying around, Ken Lavallee [phonetic]. I knew him. There was a Cook fellow. All I knew him by was Cook. Kenny Cook, that was his name. I know there is a list of many more. Like yourselves, I wish I had a captive audience but, you know, it is late. There have been many things said here, and I wish I was the one who said them.

I am open to questions, you know, on our program.

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Mr. Chalrperson: Thank you very much, Mr. Henderson. I appreciate your patience. I saw you register just after seven o'clock, so I know you have been here for over five hours waiting for your opportunity. I admire your patience and your courage and your willingness to participate in a discussion.

Mr. Henderson: Could I say one thing? I am here as a private citizen right now, even though I do work for them. Thanks.

Mr. Martindale: I would like to thank Mr. Henderson very much for making a presentation—for several reasons. First of all, I remember the first time I made a presentation here and it is quite intimidating for the first time, so we appreciate your courage in being here, although I must say I enjoyed being asked questions by 10 people—July 1982. Secondly, because Mr. Henderson used to be on the staff at Northern Community Ministry as one of the leaders in the children's program, and it is good to see that you have finished your education and that you are working at the Sagkeeng First Nation in a solvent treatment program.

I would also like to thank you for the content of your presentation. I would only like to dwell on one concern and maybe let my northern colleagues pick up on a couple of others. Your concern, which is similar to what other people have said, is that you are opposed to penalizing minors for sniffing. You can foresee that there could be a revolving door of

minors going to the Manitoba Youth Centre, being let out, maybe coming back, going to a group home or going to some kind of locked facility.

We have great difficulty with this part of the bill as well, and I think what this discussion is really about is whether we see this as a moral issue that penalizes people, or a health issue and therefore we provide treatment. I think there is a parallel in society's attitudes and treatment of alcohol and being intoxicated in a public place. We have seen a major shift in legislation dealing with that in the last number of years.

Do you have some sort of alternative to penalizing minors and if there is an alternative, what would you see that it is? Would it be treatment or recreation or both, or what suggestions would you have?

Mr. Henderson: Right now, I do not really see anything else other than what Mr. Rodgers proposed or at least commented on, the 72-hour detainment. The other alternative could be that it could be put in the bill where, let us say, after a pattern has been repeated, he has been picked up more than once, three, four times, the pattern is there and he is a solvent abuser, that he could be dispositioned to a treatment centre that could be made available, and that is the way I would make the amendments to Bill 29. I hope that answers your questions.

Mr. Ashton: I really appreciate your comments, particularly from the perspective of the many northerners involved you have talked about in terms of the treatment program and also, of course, the cycling down from up North. In fact, I passed the cyclists. I was just amazed at the dedication, and a number of us here met with the kids who came in. I mean, they are committed, they know the problem and, you know, it was just a tremendous effort on their part. I just hope we can learn from their ongoing commitment.

I guess what I want to ask you, because I thought you did a very good job in terms of expressing, you know, when you were talking about the treatment facility, and there were people from up north, and cultural differences. I think that is a problem sometimes. I find, coming from the North, you know that, but sometimes people in the city do just tend to lump everything all in one group. As you said, there are totally different cultures, different languages, different outlooks, and even between different communities. I mean Nelson House is not

Norway House, even though they are both Cree communities. Neither are the Pukatawagan or Shamattawa communities—different traditions. I think that is important.

I just want to ask, sort of focusing in on that, and I know I am probably far off the bill here, but I think it is important for members of the committee to understand this, is, what makes the difference between a person who is abusing sniff or solvent or whatever and does not end up seeking treatment or getting treatment or even having treatment but not working and the person who does? What do you need?

Maybe I should ask the difference in terms of the program you are involved with. How do you get people to cross that huge bridge, you know, and I see it with kids who—how do you get them away from it? What are the key elements? What can we learn from the particular program, Sagkeeng, in terms of that?

How can we learn from that, you know, to go with the steps the kids who came down from the North wanted us to do? They did not have all the answers, but they knew there was the problem. I guess maybe what I am asking is not for the solutions, but what can make the difference?

Mr. Henderson: I would like to think it was the staff who were there, their dedication to the problem, and having the other solvent abusers know there were other solvent abusers within the program who were going to be counselling them, so they could relate to them on more of a one-to-one level, rather than approaching the whole counsellors and the whole group.

There was a lot of one-to-one counselling there, but also a lot of structured activities. Everything was structured, right from getting up to brushing their teeth at night to having their cigarette breaks. I really cannot say what the solution is.

Mr. Ashton: I think you are saying, really, in your response that a lot of what is taking place is the need to rebuild lives. People had no structure, no self-esteem, no hope, and that is why I find it particularly interesting that you are talking about the northern focus because I find in so many communities, it is so frustrating, and frustrating for people within the communities too who tell me, many of the elders in communities, that 30-40 years ago, the problems did not exist.

Solvent abuse did not exist in many communities until the last 20-30 years, and it is because of the lack of hope and the fact that the kids—I mean, because that is when it starts—feel they have no hope. Their life is really blank in their view, and they have lost track of who they are or they have very low self-esteem. So really the success is to get them to believe in themselves and to have structure in their lives again.

Mr. Henderson: But there is a transformation. When you first see them walking through the door and you see them leave six months later, you would not believe that was the same person that just walked in. When you see him just coming off a three-week sniffing binge and they do not want to talk, they do not want to do nothing, it is our intent to bring them out. We have been very successful.

Mr. Ashton: In fact, I think perhaps that is the message we all need to hear, is that there is some hope, that perhaps we do not have all the answers but there are things we can do. I know certainly in terms of the North right now that is one of the big concerns, to get more treatment available, and I thank you for your perspective. That is the kind of thing we need to hear.

Mr. Jack Reimer (Niakwa): I just wanted to say, Mr. Henderson, that you did a good job in your presentation and the time that you spent here with us and everything.

You mentioned something that twigged me to ask a question, and that is when you mentioned that you are not dealing with an Indian problem, you are dealing with a different cultural problem because of the different aspects of personalities and that.

There is the common element of destruction which is the solvent and the chemical abuse. Would you say that there possibly is more than one type of solution? There is one common element of destruction, but would there be more than one element of solution in the problem, because of the difference in cultures and areas and persuasions of peoples?

* (0020)

Mr. Henderson: For sure. Some you can reach out to and some you cannot. What works for others will not work for somebody else. These programs are based on the individual.

Mr. Reimer: The individual's culture?

Mr. Henderson: His beliefs and what he wants to explore.

Mr. Reimer: Okay, thank you very much.

Mr. Hickes: Mr. Chairperson, I just have a couple of questions, but before I do, I just wanted to commend you for your good presentation. When people mention the shortage or lack of role models in the aboriginal community, just hearing you, how you have changed your life around as an aboriginal person, I would be very proud to look at you as an excellent role model. A lot of the youth should look at you through those eyes, because you have done a lot with your own turning of your own life. You should be very proud of it and I hope you will continue.

I have a couple of questions. You mentioned you are employed at the Sagkeeng Centre. Are you employed directly with the solvent-abuse side of the program?

Mr. Henderson: Yes.

Mr. Hickes: The reason I asked that is, hopefully, sometime in the future northern people will be successful in getting a treatment program in the North.

What kind of training was provided or is provided for the staff at Sagkeeng in order to assist the individuals who come from various parts of Manitoba?

Mr. Henderson: As far as I know, from what I could gather, there were over 400 applicants for the 15 positions there. They had interviews for four, five days, eight hours a day. I think they grabbed a bunch who had experience working with troubled youth, be it the Knowles Centre or MYC or in group homes, who had some kind of background there. It was not really on education, but more of the knowledge, of what you know. I believe that is how I came to be involved—and your dedication.

As far as the training goes, for three months we had in-house training through—they also run an alcohol rehab centre. It has been running for 20 years. We were taught how to present ourselves, how to try and help the solvent abusers who were coming in. We also went into a treatment centre that is in the States, in Minneapolis, Fairview Deaconess [phonetic]. We spent a week there.

We had to structure the Sagkeeng Solvent Abuse Program from scratch, so we went around visiting Knowles Centre, Fairview Deaconess [phonetic]. We decided that we did not want a

locked setting, as Fairview Deaconess [phonetic] in the United States is a locked setting. The majority of their clients are from Manitoba and Ontario. That is what we learned, and we took back what we gathered from all the other places, and we came up with a plan.

It was a holistic approach that I hear so often, and it has been great.

Mr. Hickes: Just to follow up a little further on that, was that program, the training, delivered by Sagkeeng First Nations, or was that through a government program? Who did the training for the staff, the 15 staff?

Mr. Henderson: It was the Sagkeeng Centre itself. This is the part I am not too sure about—federally funded? I was not in the upper part of what was going on.

Mr. Hickes: The other question I have is, part of your whole treatment program—like you said, 11 came from the North and four from all over. I would imagine most of the individuals who are in for treatment would be aboriginal. Is there a cultural and a spiritual program tied in with the whole treatment program that you offer to individuals?

Mr. Henderson: Yes, right from morning until night, until they go to bed. It is all voluntary. If you do not want to participate, you do not have to.

Mr. Hickes: But you deal with the cultural and the spiritual aspects of that?

Mr. Henderson: Yes.

Mr. Hickes: The reason I ask that is, that is excellent exposure for a lot of people.

What support systems are in place for these 11 out of the 15 northerners when they go back into their own home communities? Are there any support systems you are aware of or that is through the centre to support individuals to continue with their learning process they have started at the treatment centre?

Mr. Henderson: Well, we keep in contact with the referral agents. The referral agents, then, it is up to them to work with them over there. You know, they are way up north. The ones that we have that are close to us, we will work with them. That is why I see the need for the one up in the North there.

Mr. Hickes: Are you aware of any community resource workers in those communities that the individuals come from, or is it just sort of on an ad hoc basis that the community should be delivering

through, or that they are referred by the band or whatever like that? Are there any community resource workers in any of those communities that work with your organization?

Mr. Henderson: I do not think I can answer that one. We have a group of staff that just deal primarily with the intake, assessment and what you mentioned.

Mr. Hickes: I would just like to again emphasize, thank you for your excellent presentation. Continue the good work.

Mr. McCrae: Mr. Henderson, I take it in your work at Sagkeeng, it is your job and you are paid to counsel these young people, to care for them and to work with them, and so on. Is there anybody who loves those children?

Mr. Henderson: Yes, they love themselves by the time they leave there. That is, hopefully, our goal. Most of them have parents that are supportive of them coming there. They are allowed phone calls from their parents, so we try and get the family unit back together.

Up north, the community is more involved with their problems than what you would see in Winnipeg here. Once they see the kids having a problem, the community tends to get together, decide that these kids need to go somewhere, and try and refer them somewhere. That is what happens up there.

Mr. McCrae: In your work, do you learn the reasons why they get into sniff in the first place?

Mr. Henderson: Yes.

Mr. McCrae: What are they?

Mr. Henderson: Could be anything, any form of abuse or neglect.

Mr. McCrae: So I go back to my other question, who loves them?

Mr. Henderson: Hopefully, their parents.

Mr. McCrae: I hope so, too. Thanks.

Mr. Chairperson: Thank you very much, Mr. Henderson, for your presentation this evening.

I will now call on Donna Glover, Aboriginal Council of Winnipeg Inc. Ms. Glover, you have the record for patience. Do you also have a written presentation?

* (0030)

Ms. Donna Glover (Aboriginal Council of Winnipeg Inc.): I do not know if it is a good

character or it is a bad character, but once I decide I am going to do something, I go right to the end. I do not know, I hope it does some good.

The Aboriginal Council now has moved into the CP station, so now we have a good opportunity every morning, when we leave work or whatever, to see these people and get to know them on a first name basis and everything like that. Everyone who is moving into the CP station now, we get to see it every single day, and it becomes part of our everyday activity to see the ones who do the sniffing. You get to know who they are. You know where they sit every morning. Some of them are pretty regular in their schedules.

Just with the Bear Clan being at the station, too, we get to know the cars that go around, you know dealing the stuff and all that. So everything is right there in front of us. We know who is doing it and what time is their sniffing. A lot of them we see on the weekends, or after, when everyone is going home, or sometimes in the evenings, the sniffers are behind the building, the CP building there. They go behind the tracks, and they are all right there, and the little park. They sleep under the bushes. We used to have them right here on Memorial, because I used to have to walk home by there, but they cut the branches now. So when the police drive by, they can see them, so they pick them up and they move.

Getting to the bill, I guess I can speak on this on a personal basis too, because I guess growing up and seeing young people sniff and having a mother and a father who have gone through different types of addictions, I know charging the youth is not going to do anything. I do not care, you can put in all the laws you want. I mean, you can put a life sentence on that law, and I do not think that is going to motivate anyone to stop sniffing.

I think once they have gotten to the point where they are sniffing, just knowing, speaking to people, that having to grow up with people who are sniffers, most of them wish they were dead, and sniffing is just a way of just avoiding the world.

Now, the only thing that makes sniffing different from the other drugs—I know that too, because I grew up in Fort Rouge and River Heights for part of my life. I have many friends who come from River Heights and Tuxedo and Fort Garry there, because I play on sports teams, so I know a lot of the good athletes who come out of that area, but I also grew up in the north end, so I know a lot of people there.

The only thing that makes this different is that sniff is a poor person's drug. Marijuana or hashish or coke, you get that in River Heights and Tuxedo. That is a rich person's drug, if they ever want to get away.

I can make a choice at any time. It depends what area of the city I go to. If I want to do some good stuff and I have the money, I can go to that side of the city, but if I do not have any money, then I go to the north end or Main Street. That is the only thing that makes this sniffing different, because any eight-year-old can get good drugs as long as they have the money.

The thing that also makes it different is, sniff—you could say because I have had to move so much of my life—I did not do anything wrong—I have been kind of a connoisseur of different types of drugs, and I know that sniff is a different type than hash or something like that, but it is a dirty kind of drug, whereas hash or marijuana—like I have a brother—oh, I guess, he is my adopted brother, but because he comes from the good part of town, he smokes the clean kind of drug, and it does not have as much effect on him. He has already graduated from university and everything.

Those who I know that sniff, they do not even make it. They both start at the same time, right, but my brother has graduated from university. I have brothers that for years—but they come from the good side. Then I have friends who come from the bad side, and they start at the same time to sniff, and they have not even made it to Grade 8 or Grade 9.

It is a poor person's drug, and it is real dirty, real harsh, so obviously, I guess the main thing I am saying is, I really do not think charging anyone is going to make a world of difference. That is the last thing on a person's mind.

The only thing on a person's mind—like, the difference is when it comes to drugs like other drugs, the only thing I worry about in getting caught with marijuana or whatever, is when you try to book a plane to go somewhere in the States or something. You cannot cross the border. That is the only thing I worry about. You know what I mean, but what we do is we book our ticket out of Grand Forks and we just drive across the border or take a Greyhound bus. No one asks, right?

I might make a recommendation that—these people have declared to everyone around them that they have a sniffing problem. Everyone knows

they have a sniffing problem. Their family knows. Everyone they work with knows they have a sniffing problem. So these people are going around telling people that they have a problem, and they are doing other crimes and that. So why not something like, when you have alcoholics they just declare, and then let them go through whatever healing needs to be done.

Same with sniffers. Just let them declare that they have a problem, and they will. I think you would solve a lot of the problems with the youth if they knew there was somewhere they could go that someone—I know when I was young trying to help these kids they would ask me, well, where am I supposed to go, there is no one here that is going to help me. I could not tell them where to go because I was in the same boat they were.

So I think just having somewhere they could self-declare, but charging them, I think you are just wasting—I mean, look at all the charges you can bring up against youth. And what are they doing now? They are more violent and more gutsy than ever. They know you are not going to do anything. They will go steal. They will go vandalize cars. My friend just had his car stolen by 14-year-olds because they know they will get away with it. You can put a life sentence on it, but you know what? They know they will get away with it. I knew that, too, when I was young. There was nothing you could do.

* (0040)

But if you said to me, you know what, Di, if you come to me and you declare that you have a problem and you want to do something about it, and if you promised me that you are going to help me, I would come to you. I would be there within half an hour. I would be there. But if you are going to charge me, forget it. You know, catch me. That is when you are going to charge me.

I think that if you charge a youth, too, a lot of the times what you find is they end up running into and they meet other people. This is where I learned sniffing. I met other kids that had been charged with other things. That is how I learned about sniffing. That is how a lot of them—I asked a lot of them around me, who taught you how to sniff? Parents never taught you how to sniff. I did not learn that in Fort Rouge or in River Heights. No, I learned it when I went into the Youth Centre. That is where I learned about sniffing. You learned about all the types of things you can sniff and you

learn how to sniff, all the different techniques. You are giving them the opportunity to learn how to sniff and what to sniff, and I really think you are punishing the victim again. You want these kids to take responsibilities? I have had a job ever since I was 16. I have been living on my own ever since I was 16. I finished high school, I am in university. Just for once in my life, I wish someone would be there for me.

I know why these girls, what they run away from, and you want to charge them? That is great, because you know what? I get a place to stay for the night. Sometimes those police officers, they will take the time to talk to you. The ones who come from the North, they get arrested, they come to the Youth Centre, they find a lot of—sometimes the probation officers or the police officers, they talk to them and they understand them.

Why not get arrested, because you are going to have someone who is going to talk to you, who knows where you are coming from. You are going to run into other people who know exactly what you are going through, and all you have to do is—why cannot once in their lives, cannot someone just be there, so you can say to them, I have a problem, help me. But no, the only way we can help you is we are going to charge you, and then you are going to get all the help you can, but I think to a youth, if they are really out there on their own and they are sniffing, charging them is not going to make a difference.

Some of them, it gets them out of their community. They break the law just so they can leave the North because they are so bored or whatever, right, or they want to die, but in the city, they have an opportunity to talk to someone.

But I really think that the people who sell, they have an intent to benefit from someone who is not able to protect themselves. I have seen a lot of times, especially the girls who get caught in a circle where they prostitute to get money to buy stuff, or they steal stuff so they can sell to buy stuff, but that is not always what they are willing to sell them. What they are willing to sell—I do not have good stuff for you, right? You have got to take this stuff, and they show them how to use it and all that—they just get caught in a circle. I do not know, charge them?

I think you had discussed earlier this month about, if you notice a lot of the crimes, you could charge them with lots of other things, sniffers. But I

really think it is the people who sell the stuff to these people who should be charged. I mean, you guys spend a lot of money charging people who sell marijuana or cocaine and that, and it is, I think the people who sell this dirty kind of drug that is so hard to cure someone of, once they have been on sniff, should be charged a lot more, because you are causing far more damage than someone who smokes pot.

I think we have a lot of intelligent pot smokers. I think my brother is pretty intelligent—or hash smokers, or look at Kim Campbell. But these people, once they have been sniffing, oh, man, it is such a dirty crime.

Do you know what I think? I think it takes a lot of guts and a lot of courage, but I would be a lot madder at someone who is selling sniff to my kids than someone who is selling pot to my kids. If anyone would sell sniff to my kids, I know I would take them out with a baseball bat. I do not care if you want to charge me with something, go ahead. But someone who is selling pot to my kid, well, I will pay someone else to do the dirty work. I am being realistic. For \$50 you could, you know.

I think you just need to make—I do not know why you want to charge someone who is—whereas if you had something you could just self-declare, and we are not going to give you a criminal record or whatever. We are going to give you some help, just like an alcoholic. If someone comes forth and says, I am an alcoholic, you know, help me. Take away my driver's licence, whatever, just help me. That is how you are really, I think, going to solve this problem, but charge me, well, do you want to tell me about other things you can charge me on, too?

That is about all I have, really, to say.

Mr. Chairperson: Okay, thank you very much, Ms. Glover, for your presentation this evening. You have been here for a while, so you have noticed that when we have an interesting presentation like yours, the committee members like to talk about it afterward. Are you prepared to discuss your presentation with the members? Sure you are.

Mr. McCrae: I repeat what the Chairperson said. Thanks for staying around as long as you did and not giving up and hanging in there and waiting around and saying something to us. I appreciate hearing from you.

Why is it that sniffers wish they were dead?

* (0050)

Ms. Glover: Well, nobody sniffs because they enjoy it. I mean, I am sure you have all maybe sniffed a marker or, I do not know, some paper whitener or something, just to test it, right, but nobody does it because they enjoy it. You do it so you can avoid all the pains in your life.

Mr. McCrae: What pains?

Ms. Glover: Well, everything from abuses to you see your parents doing it, kids who have done it through hunger pain, you know, because it does get rid of the pain from being hungry.

Mr. McCrae: Where is the abuse coming from?

Ms. Glover: Mostly from the family.

Mr. McCrae: From the family, so that when—

Ms. Glover: Or it is from neglect. I know a lot of them started once they were in group homes or the Youth Centre or in Marymount or something like that.

Mr. McCrae: When you say the abuse comes from the family and then you suggest that if there were somewhere people could go, I guess we cannot suggest they go home where they are supposed to get love.

Ms. Glover: No. Sometimes that is the worst place to be.

Mr. McCrae: Do you know why that is?

Ms. Glover: Why what is?

Mr. McCrae: Why there is no love, no home to go to?

Ms. Glover: Well, geez, I guess—

Mr. McCrae: These are important questions. This is the root of our problem, I think. That is why I keep asking these questions.

Ms. Glover: Well, I guess I have been trying to figure that out for a long time.

Mr. McCrae: No, and I am not putting you on the spot because I think we all—

Ms. Glover: I think because their parents did not have skills on being parents or—do you know what? There are a lot of parents who want to deny a lot of things so you cannot talk to them. I mean, we have a lot of old dinosaurs, even in government, that want to deny—not any of you, of course—there is a problem.

I know in some families the best thing is, if there is a problem just pretend it is not there and it will go

away. They do not want to believe that mixing native children and white families is—or they believe that is the root of the problem, you know, or they want to deny a lot of that.

I think there is a lot of denial, and there are parents out there—that it is a cycle that just needs to be broken somewhere.

Mr. McCrae: I agree with you. I think there is denial, and it comes right into this building. I think there is a denial, and we refuse to look at the source of the problem here. We always want to talk about spending money on programs that deal with all of the problems that are being created, because the whole of society denies that there are problems in the homes of this province and across this country.

I make that point with you, because I think what I am hearing from you is a very eloquent way of putting exactly the same thing. That is that these young people are not being loved anymore, and so they want to die and so they get into sniff. They get into other things.

I do not really agree with you when you talk about pot and these other things, because, you know, we charge people for marijuana and we say it is okay to charge them. Some of us do. Then we do not want to charge for sniff, which you told us is a worse drug. So, you know, we are going to disagree on that point.

But I do not think we disagree on the point that the source of the problem is in the homes of this province, and I think all of us better wake up and smell the coffee on that point.

Ms. Glover: But I do not think you can force parents to become responsible. You cannot force parents to love because they do not have it in them, okay? I guess where we see it coming from is—I mean, this is where we see a lot of the problems in society can be solved, where the community as a whole—I mean, when we talk about family, it is not just the biological mom and dad who are ultimately responsible. It is your neighbour. It is your friends down the street. It is the community as a whole which has to come together.

I do not really care whether it is my parents or who it is, but I know in an aboriginal community, if there is an adult there, it does not matter what the bloodline is, how far away it is, if there is one adult there who is willing to be there for you, then you go to that one parent. But what has happened here in

the city, when you come to the city, you cannot go to your neighbour. Neighbours do not want to get involved. That whole concept of community support—oh, well, we do not have any kids, so anything to do with youth problems or children problems is not of our concern. That is your kid.

Well, we all live in the same community. I think it is the community that has to come together, and trying to force parents or force these people who do not know how to love and only know how to abuse or want to neglect and are substance abusers themselves, to try and force them to take responsibility, to try to force kids who are 16, 17 years old to take more responsibility—I will tell you, when I was 16 years old, I did not know how to look for an apartment, to have a job and to finish high school. No one told me that. I had to do that all on my own. No one told me there was such a thing as city welfare. No one told me there was such a thing as student social allowances. No one told me there was such a program as student loans.

The community has to provide a—I do not know if it is through the schools. I mean, you have these things called student counsellors. I do not know, but they certainly did not tell me anything about university because that was not where I was headed, but life skills. Give them the tools. If they had the tools, then maybe they would not see the only way to resolve some of their problems or to avoid their problems is through sniffing. If they had the tools and they had some answers, they could run with it because these are smart kids, I think. I know how they get around certain things. I learned from some of them.

Mr. McCrae: I do not disagree about communities and governments and everybody providing tools to people who need them. That is what we try to do, but we have found we have come to the point where the taxpayers of the country just cannot put up any more money for tools. We have to get back to the point someday where parents are going to take more responsibility and teach their children about responsibility, too.

Ms. Glover: Well then, why are you not charging the parents?

Mr. McCrae: Good point, but some of these kids have long since not been with their parents, as you very well know.

Ms. Glover: Yes, so like after two years of—he ran away from home for two years, and who is it

who did all the things to him that cause him to want to do this? You cannot charge him.

Mr. McCrae: I think we agree on the problem.

Ms. Glover: I mean, do something about the parents.

Mr. McCrae: The solutions we have to keep discussing.

Ms. Glover: But to charge a youth, well, go ahead. If anything, charge me with something worse because I will do something worse. I mean, that is what they are going to do.

Mr. Hlckes: I just want to run something by you, then I would like a response from you. I hear what the minister is saying about love, and I think we cannot confuse love with parenting skills.

A lot of your abusers of solvent abuse and stuff, a high percentage are aboriginal children, and if you look at a lot of the families that are in deep trouble, and a lot of them are in crisis, I still have to revert back to the good old days of the residential school systems where the children were taken away from the home and never got to see their parents except for a couple of weeks here and a couple of weeks there and then one month in the summer.

How can these children learn parenting skills from their parents when they were removed from their parents, and how could the parents be parents without their children with them? I think if you look at a lot of the families right now—[interjection] Just wait until I am finished and I will give you an answer.

If you look at a lot of the aboriginal families this generation, they are products of the residential school systems, and by scrapping the residential school systems, the kids now are being able to be raised by their own parents in their own home communities, and the parents who need parenting skills, we do not have the support systems in place to help these parents to learn parenting skills, yet we have all kinds of money to staff and build our jail systems, our youth centres.

* (0100)

We have money for those kinds of programs, but if we invested some of those monies when we first scrapped that residential school system and started investing it in families and helped the families learn parenting skills—because you cannot learn to drive a car unless you have a car,

so how do you expect people to be parents when their children are not with them?

I think that is one area we have really missed the boat on, and I do not think it is too late. It is easy to stand back and say, blame the parents, charge the parents, but if they do not have the parenting skills, how are they going to get those parenting skills? They have to be learned somewhere, and if we invested money in those areas to help the families, instead of looking at and saying it is okay to spend money in our penal systems. Then we look at cutting our social allowances, you know, that try to help people to further their education, to further their career goals, to help with their families.

Are we going in the right direction? I would like to ask your opinion on that, because I know you are a treaty person, and you were probably raised on, or at least you lived on a reserve, and you probably saw some of what I am talking about. I would like your opinion on that.

Ms. Glover: Well, I guess getting back to the first part, I know being in Marymount, the biggest thing a lot of them said was a person should have a certain type of licence in order to be a parent and that a child should be able to take their parents to court, or whoever their guardian is, when something has gone wrong.

It is just like the example when women are abused or whatever. The kids are always removed. You have not done anything wrong, and you are the one who pays the price. I do not think there are enough rights for youths. You keep charging youth with, you know, run away from home so you get charged. Great. So now I have a place to stay. You are going to feed me, and you are going to do my laundry. Good. That is what I wanted in the first place because it was not happening at home, okay, and it is warm, because in the wintertime, a lot of times, there is no heat. So in the Youth Centre, there is heat.

You start off, before you are 18, you get all these charges, and it is like if you had it your way—I think, if you talked to a lot of youth, if they had it their way, it would be, I wish I could take my parents or my guardians to court because they are the ones who are supposed to be responsible.

You keep asking me to be more responsible when, hey, no one taught me about what is right and wrong, how to make decisions and why I should take responsibility. No one taught. I mean, you have parents who do not want to take

responsibility. Why the heck should I take responsibility? Like, who are you to tell me to take responsibility?

Those are things that people have to learn. People just do not take responsibility, okay? They have to be taught why they should take responsibility, and charging them, I just do not—

Mr. Hickes: I just have one last comment and a question.

Do you think it would be a good investment if we invested in programs to help parents become more responsible and better parents through parenting skills, instead of the onus being on removing all the time the children and the children living in foster home to foster home, but if we invested the money that we spend in those areas, invested it in helping the parents to be responsible and to learn parenting skills?

Ms. Glover: It certainly would be a lot cheaper on Child and Family Services. I mean, how much does it cost to keep a child in the Youth Centre, whatever? Tell whoever is doing the abusing to leave. It is usually an adult. Ask that adult to leave and go stay in a hotel, who cares, but I know it is usually an adult who is doing the abuse, and I think it is the adult who should leave. If you want to probably help heal kids too, I mean, I think the happiest day in a child's life is knowing when whoever the abuser was, they have a restraining order. You know how much relief that is?

So I just think this whole charging of youth is, I do not know. I do not know if you can charge parents or something, but I do not think you can just put the kid through—okay, the child has to go through some kind of a treatment program. Well, so now you are saying, oh, society is going to now teach this kid or help this kid heal. No, obviously, it is whoever the adults are, they have to go through some kind of treatment, too, if they are going to be going right back to these parents. I just think it is the parents who are supposed to be ultimately responsible for youth.

Maybe you should do some evaluation on the parents. I do not care. I mean, you are going to run into a lot of problems. A lot of parents are saying, hey, I am a good parent. I pay taxes. We live in a good middle-class neighbourhood, but they are in denial. They are good citizens, but they are not good parents.

Mr. Hickes: I would just like to thank you for your insight and your excellent brief here, because you have covered a lot of areas that some of the other presenters did not.

You are talking right from your heart and your own experiences, and I appreciate you for being so open and straightforward. I would just like to thank you for your presentation.

Ms. Glover: Thanks.

Mr. Chairperson: Thank you very much, Ms. Glover, for your presentation this evening.

I call for the second time, Judy Moar. Not here. That completes the list of persons registered to make a presentation to Bill 29.

As previously agreed, that brings to an end the public presentations on Bill 29. The clause-by-clause consideration will take place when this committee is again charged with that responsibility.

* (0110)

The hour is 1:10 a.m. Committee rise.

COMMITTEE ROSE AT: 1:10 a.m.

WRITTEN SUBMISSIONS PRESENTED BUT NOT READ

Dear Sirs:

Re: Bill 29, The Minors Intoxicating Substances Control Act

The Manitoba Medical Association asks that its views be provided to the legislative committee which meets to review Bill 29 following second reading.

The new legislation is intended to replace The Public Health Amendment Act passed in 1990 but never proclaimed. The MMA considers Bill 29 an improvement over the existing act because it recognizes a need to provide treatment to solvent abusers. The MMA has always been critical of The Public Health Amendment Act because of its simplistic and unworkable approach. You cannot stop solvent abuse by attempting to control the sale of thousands of abusable substances. That approach would not shut down back-alley solvent vendors, but it would unduly disrupt the legitimate sale of these products for their intended uses. In contrast, Bill 29 will allow regulatory authorities to take severe action against the minority of merchants and back-alley vendors who knowingly or recklessly sell abusable solvents to vulnerable minors for use as an intoxicant. As a tool to

regulate the sale of abusable solvents, Bill 29 is more finely tuned and, therefore, more appropriate than The Public Health Amendment Act of 1990.

The proposed act also prohibits the use of solvents as intoxicants by minors. Mr. McCrae, the Minister of Justice, stated in the Legislature that the purpose of prosecuting offenders under Section 20 of the Young Offenders Act is: diversionary or rehabilitative in nature rather than punitive. The Young Offenders Act allows the justice system to refer offenders for voluntary treatment.

We applaud the government's recognition that chronic solvent abusers need treatment. However, we are inclined to question the sincerity of that intent when there are only two treatment centres in Manitoba (St. Norbert and Pine Falls) both of which apparently are already overextended and underfunded. There is no treatment centre in northern Manitoba despite a significant number of solvent abusers in that region.

When Mr. Orchard, the Minister of Health, was pressed by members of the opposition to support MKO in its lobby of the federal government to establish a treatment centre in the North, Mr. Orchard replied: I think that, given the tenor of shift in approach to resolving problems, all of us have an obligation to work on prevention and education and avoid the problems ahead of the difficulty rather than seeking investment in treatment after the fact, Sir.

His approach is disturbing in that it conveniently ignores the thousands of children who already have a solvent-abuse problem and require treatment, not prevention.

On another occasion, Mr. Orchard stated in the House that he considered the proposed legislation: a very positive step in terms of curtailing the practice from a vendor standpoint and certainly would signal this province's commitment to try and legitimately come to the root of the problem and attempt to provide solutions.

With all due respect, the MMA does not consider exploitive vendors the root of the problem. They are simply profiting from a demand rooted in social disarray. Solvent abuse will continue to thrive in a socioeconomic environment characterized by poverty, discrimination, lack of employment and educational opportunities, and poor housing. These "social determinants" of health have been recognized by Manitoba Health in its action plan for reform. Chronic solvent abusers need some form

of "escape" to endure the daily circumstances and anxieties of life.

Until government takes action on the larger social issues, solvent abuse will remain a problem. In the meantime these youngsters should be offered alternative recreational (escape) activities, programs and role models. Targeted educational programs, perhaps offered in part by ex-abusers, should be supported to help influence current and potential abusers away from solvent abuse. As stated above, more treatment centres should be available for those children already dependent on solvents. There is no easy and inexpensive solution to the problem of solvent abuse. The MMA regards Bill 29 as one small step on the long road to preventing and treating solvent abuse.

We trust that our comments will be considered by the appropriate committee.

Sincerely,

Ian Goldstine, M.D.,

President, Manitoba Medical Association
Winnipeg, Manitoba

* * *

The Winnipeg Chamber of Commerce
Presentation on Bill 29

The Minors Intoxicating Substances Control Act

The Winnipeg Chamber of Commerce, with a membership of 3,800 individual representatives from 1,520 member firms and organizations, is the voice of business on issues of common interest to the business community.

The Chamber has reviewed the proposed legislation and has discussed it with retail members. Our comments are as follows:

Purpose of Act

Nobody can argue against the purpose of this bill. Obviously all responsible citizens would be in favour of trying to reduce the health hazards to people even though they appear insistent on injuring themselves.

Practical Application of Legislation

The effective application of this legislation in major self-serve retailers is virtually impossible. There are literally hundreds of legitimate items that are used every day by responsible people that would come under the legislation. How are these products to be identified when a customer brings one of them with a large volume of other products

to a checkout station? Cashiers cannot be expected to memorize a list or visually read the labels and warnings on every product that they process.

Many cashiers these days are themselves young people, often less than 18 years old. Asking these people to make judgments as to the age of a customer and his usage intent is unreasonable.

We are already aware of one case where an employee made a judgment and the staff member and the store were later taken to the Human Rights Commission.

One might argue that retailers could circumvent the above problems by locking up all the offending products and dispensing them like a drugstore. This would be practical if only dealing with five or six items. But this is not the case. To lock up hundreds of items of which retailers legitimately sell many thousands of each year is going to reduce efficiencies, increase costs and ultimately prices. Again, should the customer pay for the item at the secure area? If not, then you revert to the same problem outlined above. If so, you have further increased costs plus created an additional security problem because you now have customers in the store with some merchandise that has been paid for and others that have not.

Other Considerations

From what one reads in the paper it would appear that gasoline is a major contributor to the problem. How would this legislation apply to service stations? If a young person purchases gas for his car it is easily siphoned out; if he purchases it for a lawn mower, snowmobile, et cetera, using a legitimate container, you have no way of controlling the ultimate use.

It would appear that the legislation is attempting to close a few problem areas but ignoring perhaps the major one.

Penalties

As indicated above, many cashiers are young people. How anxious will they be in working in a position where they face a possible liability of \$5,000-plus based possibly on a bad judgment call on their part? Would you encourage your son/daughter to accept the risk?

If a cashier or salesperson sells a product to a person who is obviously impaired, that is irresponsible and penalties should apply. However, different people have varying abilities to

mask their degree of impairment. Look at the difficulty experienced police officers with sophisticated equipment have in getting convictions.

The onus cannot be unduly placed on retailers. The only way that retailers could be entirely safeguarded against penalty would be to:

Reprogram the many different cash registers and computer equipment so that they can readily identify any of the offending products when presented to a cashier. Similar to the costs incurred for reprogramming when the GST was introduced, government should consider subsidizing such costs, given that the costs would be generated due to a government legislative initiative.

Insist that every person purchasing one of the products produce a photo ID and that such person sign a standard form indicating that they are intending to only use the product for the purpose for which it was manufactured.

Consultation Required

Given the impact this would have on both retailers and customers, consultation with the retail sector would be a prerequisite.

Overall, we are concerned with the lack of consultation that has taken place. There is a tremendous inconsistency in government's approach to consultation on legislative changes. Just today the Chamber received an open invitation and consultation paper on planned changes to safety legislation under review by the Department of Labour. Today, we requested and received 100 copies of the consultation paper for distribution to our members who may be affected by this legislation review.

In the case of Bill 29, no notice has been given to the business community by the government about the nature of The Minors Intoxicating Substances Control Act. Surely business people in the retail sector deserve the same consideration as business people who will be affected by future changes in safety legislation. The bottom line is that more consultation is required with those who will be affected first hand. We urge you to take these steps before hastily passing legislation.

William W. Draper

Winnipeg Chamber of Commerce
Winnipeg, Manitoba