



First Session - Thirty-Seventh Legislature
of the
Legislative Assembly of Manitoba
Standing Committee
on
Law Amendments

Chairperson
Mr. Doug Martindale
Constituency of Burrows



MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Seventh Legislature

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

LEGISLATIVE ASSEMBLY OF MANITOBA
THE STANDING COMMITTEE ON LAW AMENDMENTS

Wednesday, April 26, 2000

TIME – 10 a.m.

LOCATION – Winnipeg, Manitoba

**CHAIRPERSON – Mr. Doug Martindale
(Burrows)**

**VICE-CHAIRPERSON – Mr. Jim Rondeau
(Assiniboia)**

ATTENDANCE - 10 – QUORUM - 6

Members of the Committee present:

Hon. Mr. Mackintosh

Mr. Aglugub, Ms. Allan, Mrs. Dacquay,
Messrs. Martindale, Penner (Steinbach),
Praznik, Rondeau, Schellenberg, Mrs.
Smith

APPEARING:

Hon. Jon Gerrard, MLA for River Heights

WITNESSES:

Mr. Ron Pollock, Private Citizen

MATTERS UNDER DISCUSSION:

Bill 9–The Court Security Act; Loi sur la
sécurité dans les tribunaux

Clerk Assistant (JoAnn McKerlie-Korol):
Good morning. Will the Standing Committee on
Law Amendments please come to order.

We must proceed to elect a chairperson. Are
there any nominations?

Mr. Jim Rondeau (Assiniboia): I nominate
Doug Martindale.

Clerk Assistant: Mr. Martindale has been
nominated. Are there any further nominations?

Seeing none, Mr. Martindale, please take the
Chair.

Mr. Chairperson: The next item of business is
the election of a Vice-Chairperson. Are there any
nominations?

Mr. Harry Schellenberg (Rossmere): I
nominate Jim Rondeau.

Mr. Chairperson: Mr. Schellenberg nominates
Mr. Rondeau. Mr. Rondeau has been nominated.
Are there any further nominations?

Hearing none, Mr. Rondeau has been elected
Vice-Chair.

This morning the Committee will be
considering Bill 9, The Court Security Act. We
do have one presenter registered to speak to this
bill this morning. It is the custom to hear briefs
before consideration of the bill.

What is the will of the Committee?

An Honourable Member: Let us hear him now.

An Honourable Member: Hear the
presentation.

Mr. Chairperson: Hear the brief? The name of
the presenter registered to speak to this bill is
Mr. Ron Pollock, private citizen.

If there is anyone else in the audience who
would like to register or has not yet registered
and would like to make a presentation, would
you please register at the back of the room.

Just a reminder that 20 copies of your
presentation are required. If you require
assistance with photocopying, please see the
Clerk of this Committee.

Before we proceed with the presentations, is it the will of the Committee to set time limits on presentations?

Ms. Nancy Allan (St. Vital): I would like to move we have a time limit of 15 minutes on presentations.

Mr. Chairperson: It has been moved that there be a 15-minute limit.

Mr. Darren Praznik (Lac du Bonnet): Mr. Chair, my, how the roles have reversed in a few short months. I can recall how New Democrats always fought against time restrictions on presenters on the matter of principle. The new Member of the New Democratic Party who is at this Committee was not here for those presentations, but her colleagues, including Mr. Ashton, the Member for Thompson, who was then House leader, made passionate, passionate arguments for not having time limits on presenters. It is interesting to see, and I put this on the record, how the New Democratic Party now has changed its opinion so avidly with her suggestion of 15 minutes.

Mr. Chair, our party is not going to make that kind of a flip-flop. We have always believed that there should be some reasonable time limitations on presenters and the opportunity for questions from members of the Committee. We took that position in government and I think we continue to have it in opposition. We shall not flip-flop like the New Democrats, but we took that because we believe that there should be some restriction to allow for many presenters, to have some reasonable operation of this Committee.

We ourselves as MLAs have time restrictions on how long we can present in the House and in other parts of this Legislature. So we are not opposed to time limitations. But I think the 15-minute limitation, and I look to some of my colleagues, was not what we had allowed in committees in the past. I think we had provided for 20 minutes, which would include combined presentation and questions. So first of all not only do we see a flip-flop by New Democrats on principle, but we also see them now being even more restrictive than what they

had argued against in committee just a few months ago when they were in opposition.

I would like to suggest, if the Member is prepared to amend her resolution to I think maintain some consistency in the operation of this Committee, to allow for 20 minutes, which would be presentation and questions. Also, with the understanding that this Committee has been fairly lenient in allowing people to go over, particularly with questions, if members of the Committee had questions and there were only one or two or three presenters before the Committee, we often waived that rule in the interests of hearing the public, knowing that where we had issues that attracted many, many, many presenters, we were much more firm in that rule to accommodate the many people who wanted to appear before the Committee.

So if the Member would be prepared to amend her motion to allow for 20 minutes of both presentation and questions, we would see that as a continuation of the traditions that were established in this Legislature. We hope it would be carried in other committees, knowing full well that there will be a certain amount of lenience depending on the number of presenters before a committee. So we would be prepared to support that motion if it were amended.

Mr. Chairperson: I am advised that this is a suggestion rather than a motion. So what is the will of the Committee as to time limits?

Ms. Allan: Well, I would just like to respond by saying that what I am hearing the member say is he was opposed to a restriction of 15 minutes for presentation, but now what he is saying is he can support an amendment that moves it to a 20-minute presentation plus question and answers.

Mr. Praznik: Including questions.

Ms. Allan: Including questions and answers. I can amend that.

Mr. Chairperson: Is it the will of the Committee to have presentation, including questions and answers, for a total of 20 minutes? *[Agreed]*

Did the Committee wish to indicate how late it is willing to sit this morning?

Mr. Praznik: Yes, I look to the Attorney General. I believe there is only one bill before this Committee and we have only one presenter. I believe it is a very, very short bill. I am sure the Attorney General would like us to finish our work before the Committee rises if possible. So I would suggest that we just get down to the work and do it. I am sure we will be out of here in a very reasonable time frame.

Mr. Chairperson: I did not hear a definite time, but there only being one bill, we are aiming to be out of here by 12 noon? Is that—*[interjection]* Noon at the latest. The Committee will then rise at noon unless the business is concluded sooner than that.

We will now commence with public presentations. Mr. Pollock, will you please come forward to make your presentation to the Committee? Do you have written copies of your brief for distribution?

Mr. Ron Pollock (Private Citizen): No, I just have some oral comments to make.

Mr. Chairperson: Please proceed with your presentation.

Mr. Pollock: Well, thank you for hearing me. I just found out about this hearing. I note that I am the only speaker. I think that speaks to the fact that this fast-tracking of this legislation has not given the public a reasonable opportunity to even look at the legislation thoroughly. That is one of my objections to the fast-tracking of it.

I think there are flaws in the legislation itself, which I just got a copy of yesterday. I would like to make a motion, after I speak, that this hearing be adjourned until the public has a reasonable opportunity to at least look at the legislation. Some law professors may want to speak out on the matter, some people who had experience in the courts with the security system. Then it could be smoothed out a bit. That is my objection at this point, that I am the only speaker. I know that there are other people who if they knew this meeting was on this morning would be here. I only found out by a fluke yesterday because I was in this building.

Nonetheless, the definition of the word "weapon" in the legislation presents a problem that was addressed by Justice Twaddle at one of the court hearings already. It says weapon means a firearm as defined in the Criminal Code of Canada and anything else that could be used to threaten or intimidate a person. Justice Twaddle dealt with the issue that these were considered a weapon—these are cuticle scissors—and he considered this ludicrous. He said in open court that these are not a weapon, but the Sheriff's officers were treating this as a weapon and nobody was allowed to proceed into the building with cuticle scissors. He said that that was ludicrous and immediately afterwards the Sheriff's officers then stopped taking these from people, and allowing them in.

Now it is back in the legislation. Clearly these could be construed now to anything else that could be used to threaten or intimidate a person. So what they have done is override the wishes of the Court of Appeal and they have put it back in the legislation. I assume that now if a person would pass through and insist on having these that they would be arrested and could go to jail or pay a fine. So I object. I think that is unreasonable. The wording where it says that anything else that could be used to threaten or intimidate a person, I think that that is too broad and will lead to problems.

* (10:10)

I use the Law Library on a daily basis and actually the kind of scissors that I do need are these. I do not need cuticle scissors. These are useless. I need these for doing paste-up work with paperwork, and I have been through Security hundreds of times. Yet, this might be seen as a weapon. So I think that the legislation needs to be clarified. If a person were to say: I am going up to the Law Library to do paste-up work, and I need to cut things. If you were to proceed through Security and they said, no, you cannot; you could be arrested and charged and convicted. I think that goes against the Charter, which I have with me here. The Constitution Act clearly says in section 1 that there are reasonable limits to violating your constitutional rights under section 8, which relates to search and seizure.

I think it is unreasonable that things like this are going to be construed as weapons when clearly there are reasonable people who would use them in a reasonable way, not as weapons. So I think that therefore the legislation is going back to being abusive, and I object to that, that if I were to insist on my rights to do what I am in the building for in a reasonable method that I would probably be arrested. I object to Security not being able to differentiate between somebody who might use something in a criminal manner and somebody who might use something like scissors in a reasonable manner.

I think that is why this legislation going through on a fast-track basis is wrong and could lead to a lot of problems. I think it would need a time period for these kinds of problems to be sorted out so that this could be amended properly if it is going to be realistic and fair and constitutional, because if it is going to come up.

I myself am going to insist that I have the right to do my business in the building that the Security people know who I am. I have been through hundreds of times. Yet clearly every time I brought these through I was told no.

Second of all, Justice Twaddle brought up the point in the Court of Appeal that, if a person brings through something, what do you do with it when you are turned away. Let us say you do not have a care with you. Where do you put the item? He said possibly there could be a system for those items to be put in. Right now they do not have that in the legislation. It does not address that. There would literally be hundreds of people with items. That will come up repeatedly. The wording "anything else that could be used to threaten or intimidate a person" is too vague and too broad and it is unconstitutional wording because the constitutional law books all—Hogg [*phonetic*] on the Constitution, he is the main constitutional expert in this country, and he is referred to by the Supreme Court all the time: "Vague law is not law." And when you say "anything else that could be used to threaten or intimidate a person" that could mean anything, and I think that is not reasonable. I think that the wording could be said to say: "anything else that could be reasonably construed" or some other term could possibly be replaced there.

Seeing as this whole Court Security Act, Bill 9, is about keeping it safe, it also has to be reasonable, and if the Sheriff's officers know you, repeatedly they said: "Well, we cannot make any exceptions." It is just too broad and it is an abuse of systems, so right there I see that as clearly a part of the act that will at some point have to be challenged. Rather than have a constitutional challenge on that, which I am considering doing if I am not allowed through with scissors—I am right now considering a constitutional challenge if this Legislature assents to this act—I think that this kind of a thing is something to be addressed before it is rushed through, and that is why I think the Committee hearing should be adjourned to give people time to make presentations as to the constitutionality of the legislation.

I think that the appearance of rushing through the legislation is the appearance that it is unfair to the public. The public obviously does not know yet about these hearings. The court decisions just came down five or six days ago and already it is being rushed through. I think that is not fair. When you deal with issues of a constitutional nature, basically any time a Legislature takes away a person's constitutional rights, it should be done thoroughly, and Justice Huband in the Court of Appeal stated there has never been an incident that he is aware of in the history of the courts that is of a serious nature. I think that we would know if there has ever been a major incident.

Right now people are going in and out of the courts, and there is nothing happening in the buildings. There has not been anything major happening in the Manitoba Law Courts for its history. Again, Section 1 of the Charter talks about "as can be demonstrably justified in a free and democratic society." There is no particular reason to hurry this through without reasonable people of legal minds being able to look at the legislation and to analyze it and to figure out flaws.

Also, too, the way the court security system has been brought up already has been a fiasco from Day One. It has been implemented and is haphazard and has not worked out, and that is why it has been struck down by the Court of Appeal twice. The ways that they are handling it,

we are having eight or so Sheriff's officers with brown shirts standing at the entrance. It gives a swat team appearance to the public, and it is intimidating. It is not a legal thing; it is just intimidating and unaesthetic and ugly. The Manitoba Law Courts is the most used entrance in the city, and it gives a bad impression, that there is an insurrection coming, the way it is being handled, and I think that all this is being redone, in effect that a swat team is greeting you and that they are expecting the Marines to invade.

So I think this is a very contentious issue, and I think that rushing it through is a mistake and can lead to problems. There seems to be no way to figure out what the regulations are, what are not. The public does not know what is a weapon, what is not a weapon. I think that the legislation is, just from first glance, flawed. I would like to have the time and I know other legal minds would like to have the time to look at the legislation thoroughly and to implement, if it is going to be implemented, if it has to be implemented. That would be a point, whether it is warranted, and if it is warranted, how it is going to be implemented and to possibly put the word "reasonable" somewhere.

In the legislation itself the word "reasonable" does not appear in there, I do not think, and it should be interpreted reasonably. If they have reason to believe that somebody up on charges for murder is walking in the building with a weapon, that is different than a person walking in with something that could be construed as a weapon who needs it for a reasonable purpose. I think it is just too broad and can lead to trouble.

I object to the rush and I object to the wording that anything else that could be used to threaten or intimidate a person is too broad and is going to lead to trouble. How a pair of scissors which you can buy in any grocery store or Wal-Mart is now going to be something that could get you arrested, be in jail for six months or have a \$5,000 fine is, to me, leading to trouble.

Those are some of my objections, and I think in the past we had issues of pressure-cooker situations. Meech Lake was one of them, where they tried to get members of Parliament

together overnight and to hurry it through, and that led to this very Legislature, one Member standing up and saying no. I think that when you do pressure-cooker things they lead to trouble and are perceived to be unfair and that there is no situation of urgency at the Legislature which would lead to this being an emergency.

I think that the lawyer Heather Leonoff, who was admonished by Justice Twaddle, in effect the government is disregarding his wishes on this matter and is going right back to being trivial and being silly. I think this will emerge in court again. It is ridiculous to think that innocuous things like anything could be a weapon—this pen could knock somebody's eye out. I think there has got to be some definition of the words "anything that could reasonably be construed in the situation." Take the situation, obviously if a street gang comes in all armed with scissors, that is different than a citizen coming in with a pair of scissors but, you know, there is reasonableness to it. Obviously if a street gang who is charged comes in armed with certain things, that is a situation which the Sheriff should have the discretion to look at and say this looks ominous.

* (10:20)

On the other hand, they should have the discretion to say, now, we know who you are, you are no threat. I think that the legislation is just too ominous. Because it removes a constitutional right to be free from search and seizure, unless you have reasonable cause, I think anytime a Legislature talks about the Constitution somebody in the Legislature who is of a constitutional mind should stand up and say hold it here, we have been down this road before, let us slow the process down, there is no emergency now at the courts which will possibly, in the history of the courts there has never been an emergency situation yet, there is nothing going to happen that this needs to be hurried without proper public hearings. Those are my comments.

Mr. Chairperson: Thank you for your presentation, Mr. Pollock. Do committee members have questions? I have a speaking order with the Minister of Justice first, and then Mr. Praznik.

Hon. Gord Mackintosh (Minister of Justice and Attorney General): Thanks, Mr. Pollock, for coming down here.

Mr. Pollock: Thank you for hearing me.

Mr. Mackintosh: You gave the example of your scissors, you do a cut and paste with your research. Have you been denied access to the Law Courts Building? Presumably, you are going to the Great Library with those.

Mr. Pollock: Yes.

Mr. Mackintosh: Have you been denied access?

Mr. Pollock: Yes.

Mr. Mackintosh: And when was that?

Mr. Pollock: Until Justice Twaddle admonished Heather Leonoff that that was ridiculous. At that point, they stopped doing that. I was denied access, I would say, on a hundred occasions, and I stopped bringing my scissors in order to get into the Law Library. Then I had to find the scissors. They have scissors in the Law Library, and then somebody took those from the desk so there were no scissors there. Then they started locking up the scissors in the Law Library in drawers, so then you had to go find out how to get them.

An Honourable Member: It sounds like my desk.

Mr. Pollock: Yes. It led to foolishness. It was ridiculous. So it was a ridiculous situation, and it was ridiculous to think that now with legislation that clearly I could be arrested over this and convicted over this. Clearly, I would certainly mount a challenge on that, and I think clearly I would win it. But that is ridiculous. That is why I object to this so fast because there is language. If there is justification for a system, if there is—I do not know if there is or not. You would know better than I—but if there is, it should be done in a palatable way to the public.

Mr. Mackintosh: I can respond, in part, and we will deal with this as a committee later. But you should be aware that the legislation is enabling legislation. What has been important to us is that

we strike a balance between the rights of access issues that you have been raising and the public safety issues, and the balance has been worked on since January. The legislation and regulations have been developed. It may be worthwhile for the Committee to see the regulation in draft form which will be considered, but the legislation allows for ministerial regulation with respect to what items can be considered weapons and lead to someone not being admitted or having the weapon taken away, and as well, respecting the other criteria, used to authorize persons to possess weapons in the Law Courts.

The regulations will put into law a system to deal with your concern, Mr. Pollock. The Security officer will have the ability to authorize a person to possess a weapon in the court area, in the court house, if there is reason to believe that the person will not use the weapon to cause death or serious bodily harm or threaten or intimidate. So, in a situation like yourself, where you are going in with scissors to the Great Library to do research on a regular basis, my reading is that you would now, and your right of access with those scissors would be protected under the new legislation and the new regulation. It is that kind of a balance that we have been working hard. It is because of that concern that now we have a clear directive that will be followed by court Security staff.

Mr. Pollock: In theory that sounds realistic but in practice it does not work that way. The Sheriff's officers are all over the place, and they are thinking—some are very good, and some are very abusive, and there are some clearly like to do it just because they can do it. Clearly, some have said, oh, let him in already and they are arguing amongst themselves, no, no, no, we cannot. I think that the Sheriff's officers are not highly trained, not even to the level that police officers are. Some of them abuse their authority and some are good and some are bad. But I think it is not clear to them that the public are not criminals. I think that a lot of them, not all of them, are treating people, when you go through, like they are assuming you are doing something wrong to start with. They are so used to dealing with prisoners. It is the same Sheriff's officers who you see in the Law Courts dealing with prisoners and handcuffs and shackles, and some of that mentality seeps over. I do not even think

they would have had a course in bedside manners, and I think that comes through in practice.

When they say you cannot do this and you cannot do that, when you say, well, where does it say any of this? They do not even know. Like there is one female officer especially who talks very loudly, and she berates you. She goes: Haven't I told you this before, haven't I told you many times—and she screams it abusively and like she clearly is abusing her position. She clearly does not know the law. She even says: I do not know. I said: Well, show me where it says you can do some of the things or not. She says: I don't know. Some policy.

Mr. Chairperson: Mr. Pollock, I am going to interrupt you for a second. We have reached the agreed upon time limit, but is it the will of the Committee to waive the time in order to allow the Official Opposition Justice critic to ask questions? *[Agreed]*

Since we are over time, Mr. Pollock, I am going to let Mr. Praznik ask questions now.

Mr. Praznik: Mr. Chair, is the Attorney General finished. I assumed that he had another question or two. That is fine.

Mr. Pollock, we appreciate very much your comment because all regulations and laws I think always require a degree of common sense in their implementation. I gather this policy goes back some years now being put into legislation because of Mr. Twaddle's or because of the Court of Appeal's decision, and it is a matter of striking a balance between protecting people who use the courts from those who would do harm versus the right of citizens to access courts and courts' facilities in a reasonable manner. I am particularly interested by your comments about certain Security guards and policies.

I think if there is a lesson in this it is clearly that in the administration of these rules the Attorney General's Department has an obligation to ensure that the staff are well trained in a consistent and fair policy. I say this by way of advice to the Attorney General and the Deputy Attorney General that there should be some avenue for regress there that if a decision made

on the spot is not felt to be appropriate by yourself or any other citizen that there be some immediate appeal to a supervisor or a person so it can be dealt with in a method as possible because I am sure you would agree that many of these things are judgment calls and human beings do not always make them the way we necessarily would envision.

My question to you though is, in struggling to find the right balance, have you given any thought to the way in which the airline industry—the federal government regulates access to aircraft and searches there. Obviously there is an electronic search for the metal detectors one goes through, the ability to go through baggage et cetera which contain all of the fundamental searches, seizure of property, that the Constitution protects against but again it is the balance with public safety. Have you had any thoughts about that example? Because I do not think there are many people who would disagree with that kind of screening system for people boarding aircraft. Is there any thought that you have given to what we could learn from the way we deal with access to aircraft, federal regulation that you might want to offer this Committee or to the Attorney General with respect to this legislation?

* (10:30)

Mr. Pollock: That is an interesting point. The analogy however is a different one because normally if you fly, it is not the personal involvement with the same staff on a daily basis. If you were to go to one airport and to another, you may pass through a point once here and there, but unless you are flying every day, I do not think it is the same in practice. I think here at the Law Courts it is a different situation. People are going through five to ten times a day, and they do not do that flying. I think the airline thing is reasonable to do that. It is warranted because there have been planes hijacked, and it could happen anywhere.

I think that we should really just say what this says about our city. There are cities in North America that have this security system and there are cities that do not have this system. I think, Why are we not one of the cities who possibly do not have one? Are we that crime-infested?

Are we that scared of each other that this is warranted at all? We seem to have picked ourselves the Detroit model versus the Canadian cities that do not.

I was in Halifax I think a year, year and a half ago, and as far as I know Halifax is about—it is a city not as big as Winnipeg but it does not have that, and I do not think it does now. There is one Security guard sitting at a desk at the front. It is off the water. It is a beautiful environment aesthetically to walk in and not to have that. There are other cities, I am not sure which cities, that have it and do not, but it is clearly a difference when you have overall. In all the circumstances of this I think it is being that the barricade mentality says something to the tourists coming here, says this is a city of crime and that it is a dangerous city, I think, because it is the most used building, I think there is a difference between that and an airline.

There are cities where they find it necessary, where the crime statistics may indicate it. I do not think that we are one of them, but I think it is giving the appearance there that we are. I do not think it goes with our licence plates, which say "Friendly Manitoba." I do not think in the middle of the Prairies that the whole SWAT team effect is necessary.

There are two entrances. The tunnel entrance going from the Woodsworth Building to the courts have a more realistic approach there. They usually have two Sheriff's officers. When you go through there it is not nearly the level of intimidation of when you go through the front entrance, but that is not really known to the public. To a general degree the public does not really know about that.

So it is not as if this government cannot implement a policy where all this is reasonable. It is being done sometimes but not others, and it is inconsistent. I have gone through 250 times maybe, so I know all the nuances of it. It is clearly depending on who is at the gate, who is at the barricades, whether it is one or eight. It is not consistent. It is depending on who, if it is somebody who likes you.

Mr. Praznik: All I wanted to comment was in listening to your presentation, it sounds to me that it is really a matter of how this is

implemented, that reasonableness, courtesy, consistency in policy, being a security system that does not make it look like you are passing into an armed prison or a camp of some sort. These are details for administration.

I have to thank you for your presentation, because often we as legislators create the legislative scheme. How in fact it is implemented by those who are charged with administration can make a world of difference in its application. I think your presentation here should remind us all, particularly the Attorney General and his staff, of the need to ensure that there is a reasonableness to implementing a security system. Having that presentation being made is certainly most worthwhile. So I want to thank you for coming here today on behalf of this side of the House.

Mr. Chairperson: Is there leave of the Committee to extend the time to allow Mr. Gerrard to ask a question. [*Agreed*]

Hon. Jon Gerrard (River Heights): I thank you for your comments. I spoke out at some length yesterday in the Legislature, because I have concerns about this legislation and the need for some more input into a number of areas. I would like to ask you to clarify several things. One is the point that was raised by the Honourable Member for Lac du Bonnet, whether, in fact, this can be handled just in terms of the implementation or whether, in fact, we really need changes in law. The definition of weapon that you raised I think is an important one. I think the protection of citizens' rights is always important to make sure that it is in law, and that the law, as this bill does, just does not talk only of Security officers rights and powers, that in fact this law should have some statement about the rights of individuals and citizens.

I am interested in your comments comparing Manitoba to Halifax. I would ask: Has there been a difference in the incidence of violence? Is it more violent in Halifax because of more problems because there is a lack of security there? Is there really evidence that we need this legislation? And lastly, one of the issues that I raised was the need for a holding area. If you have—whether it is scissors or a metal nail file or

anything else, it could be a pen, something which might be an heirloom. In the current circumstances you point out, if you do not have a car, you have to either throw it away or go home. It is my understanding that on occasion this has indeed led to delays in proceedings, because people have chosen to go home because they did not want to lose. This obviously is not in the optimum, in the best interests of an efficient and well-run justice system, and indeed the length of a lineup, you might comment on that. Has that led to delays too?

Mr. Pollock: I agree with everything that the Liberal Leader, Doctor Gerrard, has said. There are all these problems that you have brought up. I think a wise member of the Legislature, as you are, sees that there are inherent problems here and would be opposed to fast-tracking this legislation until all these problems can be ironed out. Justice Huband said in the Court of Appeal in answer to your question, is there any evidence that this is warranted, he said: "There has never been an incident in the Manitoba court's history."

I would imagine as a senior judge in Manitoba, he would know. There has never been an incident in Manitoba history of a violent nature. There has been none. I think that is why the Court of Appeal has been the point of where this has all come to be. The public can look to the Court of Appeal in this province for its protection because other than the Court of Appeal, at this point it has been a rush to take away the public's constitutional rights under search and seizure. If there is no evidence of a serious nature, then this act is unconstitutional because section 1 of the Charter says it has to be justified. I think if it is not justified that the whole act is not a valid law. I think there are things in this law to compare with other cities, just like you yourself said, that warrant investigation.

* (10:40)

I am sure that some law professors would like to speak to this matter. People of reasonable intellect would like to speak to this. I think that because the court decision to remove the barricades temporarily just came down before Good Friday, and it is only five or six days later is unfair for the opponents of the court security

system to gather their research, to present briefs to this Committee and I think five days is unreasonable. There is no evidence of any situation, currently or in the past, that warrants this being speeded, and I think that any member of the Legislature who would stand up to delay this or adjourn it for awhile would be considered a hero much as at the time of Meech Lake when Elijah Harper stood up. Whether you were for or against Meech Lake, there was a procedure in place and he took advantage of it. Some are saying he was wrong or right, but I think for the whole Legislature to hurry it through with all these questions hanging in the air under the circumstances where it is a constitutional issue, it is wrong.

I know the Legislature can do it, but I think whether they can do it is not the issue. It is whether they should do it or whether they should take some time and let the Opposition to this, whoever they are, speak and review the legislation, and there is no imminent emergency. So I agree with everything you said, and I would ask you to stand up if you have the procedural power to stop this or adjourn it until a proper time period can be adduced so that people have the right to gather their evidence together.

Mr. Chairperson: Excuse me, Mr. Pollock, I have been quite indulgent. I think it was a specific question. Unless there is another question from Mr. Gerrard, we will thank you. Mr. Gerrard, I will recognize you for a brief question and a brief response.

Mr. Gerrard: One of the things I asked was about the holding area and how important that is for the rights of individuals.

Mr. Chairperson: Mr. Pollock, for a brief response.

Mr. Pollock: I think that there should be definitely that. If this legislation comes into being there should be a holding room for anything that is taken from you so that you can proceed into the court, some kind of checking system where they do take or say you cannot come in here unless you give us your so-called weapons which may not be weapons, but we will hold it for you. On your way out you come in and get it. I think that is very practical thing that

should be part of the legislation itself. That is very practical.

Mr. Chairperson: Thank you, Mr. Pollock. That concludes the list of presenters that I have before me this morning. Are there any other persons in attendance who wish to make a presentation? Seeing none, is it the will of the Committee to proceed to clause by clause consideration of Bill 9, The Court Security Act? Are we going to go clause by clause now? *[Agreed]*

Does the minister responsible for Bill 9 have an opening statement?

Mr. Mackintosh: There are a few issues that have been raised today, and as well in the Legislature yesterday, I would like to address before proceeding to clause by clause. First, I think it is very important that we recognize the value of consistency in the application of this regime, and that is why the department has gone to great lengths to not only ensure a balance in the scheme but clear directions to the Security officers. The direction to Security officers would be made first of all by the law, the regulation and written policy, second of all by training, and hopefully that will deal with concerns of the presenter, for example, today. We also had an idea raised by the Opposition critic about a redress mechanism for those who feel aggrieved by the decision of the Security officers. I will undertake to pursue that to see what we can do to put in place some kind of a mechanism that can be very swift on site or perhaps with a couple of levels, but we will look at that and begin developing that now.

In terms of the issue of whether this is being fast-tracked unduly, on January 21 it was announced that the Government would be proceeding with this legislation. I would be surprised if many people in Manitoba were not aware that we were discussing this in the Legislature this week. I think it has been on almost all the media in the last few days, late last week and this week. So I think there has been notice, actually an unusual amount of notice, I think, to the public about this matter being dealt with. So I think the public certainly could have been here if more people had wanted to make presentations.

Going back to the issue of the development of the regime, the department began work on this in January intensively. We in the department have relied very much on the advice of the Courthouse Security Advisory Committee, which is comprised of judges of the Court of Queen's Bench and Provincial Court, as well as administrators.

The legislation was assisted, first of all, by models from elsewhere. For example, the Prince Edward Island Supreme Court sent its legislation to us. It should be noted, for example, in the correspondence that the reasons for enacting the legislation followed the bombing of the courthouse in 1989. But we also have the experiences in Nova Scotia, and in the Supreme Court of Canada there is a similar security system in place. Of course, there are security systems that are comparable in other areas of endeavour, and I think the example of airports is a commonly known security system.

We have relied on the constitutional law experts in the department to help us ensure that the legislative scheme was going to meet any constitutional challenge that may be posed, and it is our view that the balance has been achieved. Of course, the balance will be in both the act and the regulations. I know it is fairly unusual, but the regulations that will be presented for consideration of the Government I think we can share with the Committee. Because of the nature of the development of this particular scheme and the concerns about how it will be put into place, we are willing to distribute the draft regulation. You have to recognize that these are draft only. We are prepared to share that, and any comments are welcome.

In terms of the need to move this along, I think all of us were probably sitting here thinking that, if we fail to act and move this as quickly as we can, none of us feel that we can justify to the public inaction if a tragedy does occur. Our licence plates do say "Friendly Manitoba," but, unfortunately, what is often said in the courthouses of Manitoba and the Law Courts Building, in particular, paint an unfortunate reality of the province today. We are third in the country on homicide rates. We lead the country, all the provinces, in the violent crime rate. We have seen developed in this city a

gang culture, gang violence, which goes with it culture of intimidation.

* (10:50)

Other criminal organizations exist in this province, and we have, to a great extent, moved domestic violence to be recognized by Manitobans as indeed a crime, the crime for which it is, and the tragedies that occur from those developments in Manitoba come on down to the Law Courts Building. Things have changed. As public officials, I believe and I hope all of us here today believe that we have to do our part to make sure that all participants in the justice system enjoy vigilance by elected officials and by the justice system to ensure their safety.

I said this in the Legislature. This is not only about safety of individuals. It is about maintaining the integrity of a justice system that proceeds to sentences unimpeded by intimidation or threats or violence. So much as the flicker of a switchblade at a juror or a witness can skew the evidence in a matter and can skew the course of justice.

But let us talk in real practical terms. The year-to-date statistics from the perimeter security system at the Law Courts Building indicates the following: There have been 941 knives identified. Now, I do not know about you, but why would 941 knives be brought into the Law Courts Building this year by individuals? Are they going in there to peel an apple? Nine hundred and forty-one knives. It should be noted that Statistics Canada tells us that the methods used to commit homicide in this country notably indicate that stabbing is responsible for 33 percent of those deaths. It is the most common method of committing homicide.

So it is not a matter of proceeding on the basis of some general concern or some theoretical basis. We have had now the experience of the perimeter security system, and indeed I will admit I guess I do not have to be accountable for some of the glitches that have been encountered. But the system has developed. Mr. Pollock himself spoke to some improvement that he has noted over the course of the system being in place.

I understood that at one time nail files were being seized by Security officers, or, no, you just did not enter, I think, if you had a nail file, but what is happening now is there is a depository. There is a place where you can leave your—*[interjection]* Oh, is that right? Okay, an individual will be allowed to enter into the Law Courts Building so long as they do not bring with them the nail file. So they can go and find a place to leave it, but, no, we do not provide a depository.

Mr. Chairperson: I will wait until the minister has finished his statement, and then I will recognize the Official Opposition critic.

Mr. Mackintosh: In conclusion, the statement, for example, by Mr. Pollock, the assertion, well, nothing is going to happen because we have not had a history of this problem, I just do not think that in any way that can justify holding up this legislation. It is important that we enact it as quickly as we can considering the contributions by all members and the participant here today, and, as well, move ahead with the passage of regulation.

Those are my remarks generally. There may be some other follow-up as a result of any contributions from other members of the Committee.

Mr. Chairperson: We thank the Minister. Does the critic from the Official Opposition have an opening statement?

Mr. Praznik: Actually two questions of the Minister of Justice, because we certainly in the House indicated yesterday that we concurred in the need for passage of this bill and gave the necessary consent. There were some issues and concerns. Two questions I have for the Minister of Justice, if he would be so kind as to ask them during this period of my statement.

There was just a reference to a lack of repository for items in court. Knowing that from time to time, particularly in a rural area where you may have someone coming into a courthouse who is carrying a knife that they use in the course of their work, I represent a constituency with many people who work in bush who carry knives on their belts because it is

part of the tools of their trade. If they do not have a place with which to leave this while they are coming into a courtroom, it makes only good sense to me that as part of security that some form of repository be available so that the item could be turned in, deposited, tagged and picked up on the way out.

Mr. Pollock does raise the question, if he had a big pair of shears or scissors or something that there was some concern over at that time and he does not have a vehicle in which to store it or place to go, it is just a matter of convenience. I think particularly again in rural and northern areas where someone may be attending at court and having on them what is viewed as a weapon but for very good reason it is part of, they are a hunter, trapper, farmer, woodsman and they are carrying a knife, is there not an opportunity to at least store it? I think that makes for a more easy flow of people turning them in and collecting them on their way out. So could the Attorney General perhaps give us some thoughts on his view as to how that might be accommodated?

Mr. Chairperson: Mr. Praznik, you wish to ask some questions of the minister at this point?

Mr. Praznik: Well, if he would like to answer, I have another one, just to expedite it.

Mr. Mackintosh: I have been under the impression that there was some system in place to allow people to leave things. It is my understanding from staff that there had been some consideration of that. In fact there may have been some announcement to that effect some time ago, but it never unfolded. We will undertake to look at the pros and cons of that in terms of the resourcing and issues as to weapons that are identified as related to a crime that are turned in, for example, what we do. Again, I am certainly interested in that. I think that is a very strong argument. I think that is a common-sense concern, and we will look to see how that can be accommodated. I am sure the Member will hold us to account to report back on how the considerations have gone.

Mr. Praznik: My mother calling here. I thought I turned the ringer off. My apology to members of the Committee. My second question, just to

expedite the process, because it is a small bill, I think members have other things that they require to do this morning. In looking at the draft regulations that have been provided, section 2(2) of the draft regulation authorizes a Security officer to allow the person to be able to continue to have a weapon or what would be viewed as a weapon, to carry it on them if they believe it does not propose a threat. I think this provides the kind of reasonableness that is required to deal with Charter arguments and religious articles such as kirpans that the member for River Heights, Doctor Gerrard, raised yesterday in the House and certainly a concern to us as well, although there may be in fact some circumstances in a domestic court where in the judgment of the person on the scene that may pose a difficulty. We would just like some assurance that there will be a consistency and a reasonableness in the implementation of this bill that will allow for respect of people's religious attire such as kirpans unless there is some imminent thought of a threat in a domestic situation and that the staff who will be administering these regulations are sensitive to those issues.

I look not so much to the Attorney General, because I think he shares that concern, but certainly to the staff and the deputy attorney general, who will be in charge of implementing this. These are the nuts and bolts concerns that are going to be there every day. We heard from Mr. Pollock and others. So we just want some assurance that those types of training of staff will be administering these regulations and this law will certainly be put in place.

* (11:00)

Mr. Mackintosh: Those concerns are at the crux really of the implementation of this regime. First of all, with regard to kirpans, it has been our view that the current policy is not as accommodating as it can be. We have heard from representatives of the Sikh community and have been working with them, particularly considering their suggestion that we look at the airport security system, which allows the entrance by Sikhs with kirpans of 4 inches or less, although we still do not have any jurisdiction over decisions of the judges in the particular courtrooms, but in terms of perimeter

security we have indicated back to the representatives of the Sikh community that we are prepared to change the policy which will come into force with this new regime.

Second of all, with regard to consistency and the reasonable belief of Security officers and how that can be managed, we will also be determining policies and procedures as a third level of direction to the Security officers to assist them and their consistent application of the policy. As well, I think I indicated earlier that there will be training of the Security officers to achieve these objectives.

Mr. Chairperson: Mr. Gerrard would like to ask questions but he is not on the Committee. Is there leave of the Committee to allow Mr. Gerrard to ask questions or to make an opening statement? *[Agreed]*

Mr. Gerrard: Questions for the Minister, I would like to get a little bit of clarification on a couple of points. Let me start with the number of knives. The Member for Lac du Bonnet raised the issue of penknives or pocket knives or things like Swiss army knives—

Mr. Chairperson: Excuse me, Mr. Gerrard, I am having trouble hearing you, which means Hansard may be too. Can you use your mike. Thank you.

Mr. Gerrard: The Member for Lac du Bonnet raised the issue of penknives, pocket knives and so on, whether in rural Manitoba, where this is almost as much a way of life as it would be for members of the Sikh community with kirpans. To some extent people in urban Manitoba often use little penknives for various things that they might have on them, a little screwdriver or what have you, a handy tool.

How many of the number of knives would be in the category of penknives or Swiss army knives or this sort of thing?

Mr. Mackintosh: Of the 941 knives this year, we have no breakdown as to the different types of knives.

Mr. Gerrard: Clearly it would have been useful to have that kind of information to make some

sort of judgment. I think that the issue was raised, and maybe I can ask it directly. That is that the point was raised that there has not been an incident of serious violence in the Manitoba courts. Will you confirm that?

Mr. Mackintosh: I cannot confirm that. The head of the Sheriff Services was here on Thursday, and he as well, as I recall, had indicated there had not been any serious incident known to him lately, but in terms of historically, what the record has been I am not sure. How one defines serious is another issue. We certainly are aware of intimidation, threats made by at least alleged gang members recently in a high-profile trial. That just comes to my mind.

Mr. Gerrard: I am surprised that there are not more specifics, but perhaps you could at least go into the specifics of the incident that you referred to, that is, where there were threats and intimidation in the courtroom by high-profile gang members.

Mr. Chairperson: Mr. Minister, would you like the question repeated?

Mr. Mackintosh: Perhaps I could just add something further. We are aware of experiences elsewhere. I indicated one earlier, a bombing of a courthouse. There also was a bombing of a County Court employee. I understand in the late '70s there was a pipe bomb or a letter bomb that had been sent to a County Court, and it blew off the arm, I understand, of the employee. Perhaps if the Member could repeat his last question.

Mr. Gerrard: That was in the United States, was it?

Mr. Mackintosh: I understand that was in Winnipeg, in our courthouse in the Law Courts Building in Winnipeg.

Mr. Gerrard: You referred to threats of intimidation by gang members in the courthouse using weapons. Can you provide more details of that?

Mr. Mackintosh: I was referring to alleged intimidation by a gang member in the courthouse. I am talking about intimidation

there. I cannot recall if there was a weapon involved. I do not recall there was.

Mr. Gerrard: So what you are saying, it is an alleged incident and you are not even sure that there was a weapon involved.

Mr. Mackintosh: You know, if this Member wants to belittle the kinds of items that have been brought into the courthouse, the kind of culture that has built up in this province, in the city in particular, around the tragedy of gangs, I think we have to be vigilant, we have to do what we can to reduce the risk of not only physical harm, but intimidation. We know things, we know how things are changing. We have had experiences elsewhere and here. The tragedies that play out in the courtrooms every day attest to the violent culture and the intimidation that exists. The experience of the security system has indicated that this is not just a theory. When people say, well, we do not need this, because we have never had a serious problem, which is not true, we have never had a serious incident, my response is then let us keep it that way as best as we can.

Mr. Gerrard: I take the Minister's point in terms of being careful and agree with that. On the other hand it seems quite clear and a little bit of a disappointment that there are not more specific details provided which would give evidence that this is indeed the kind of serious problem that you are alleging.

Let me move on to one of the contentious or uncertain items in this bill. That is the definition of a weapon. Weapon is defined as a firearm and anything else that could be used to cause death or serious bodily harm or threaten or intimidate a person. That is a fairly broad definition of what could be a weapon. It would seem to me that certainly some refinement of that definition would be possible and indeed improve the function and the fairness and the reasonableness of this law. I wonder if the minister would comment.

Mr. Mackintosh: I just want to add an exclamation mark to my last point. Mr. Justice Philp of the Manitoba Court of Appeal on looking at this matter said in December: "It is a matter of notorious fact that security in the

buildings that house the courts is a matter of real and sometimes pressing concern, not just for the courts but also for the government that is constitutionally responsible for the administration of justice in the province. It may well be that a statute or a properly sanctioned subordinate legislation authorizing a perimeter security system similar to the program that is presently challenged would be found to be reasonable." And we have had other statements from the court and again in the last judgment.

In terms of the definition of weapon, as we said earlier, the regulations supplement the statutory scheme. The statute is, in part, enabling, and the regime has to be considered in the context of both the statute and the regulation. The regulation with the statute does put forward a test of reasonableness.

* (11:10)

Mr. Gerrard: Would you not admit, though, as was pointed out by the earlier presenter, Mr. Pollock, that a penknife could be construed as something that might be used to threaten or intimidate somebody, all sorts of things, and that surely the interests of civil rights and something that would be within the Constitution and the Bill of Rights, the more narrow definition would be more appropriate?

Mr. Mackintosh: It is because of that concern that there is a discretionary element built into the regime, and it is why clause 2(2) referred to by the critic is there. It is to provide that a test of reasonableness be applied in circumstances.

Mr. Gerrard: Can you comment on the phraseology that is used and whether it has been used in other jurisdictions in similar legislation? Can you comment on whether lawyers within or outside the department have looked at the issue of this in terms of rights of individuals?

Mr. Mackintosh: Well, I think that was the essential concern of the department in developing the legislation, by the lawyers and by the Constitutional Law Branch; it was to strike that balance. It is one thing to have someone come to the Law Courts Building with scissors to cut articles in the Great Library and another one to come with a two-foot knife that is hidden

down the side of their boot. There are applications of common sense and reasonableness that are going to be required and should be required for a scheme like this to strike that balance.

Mr. Gerrard: I take your issue of balance as an important one. I note here that there are powers of Security officers. There are various things which are laid out within this law and judicial powers, but there is not a clear statement of the rights of an individual in terms of access to courts in a reasonable fashion.

Mr. Mackintosh: Well, I am only reiterating I think what I said earlier. The department has looked carefully at this one since January. We have looked at the legislation from other jurisdictions in Canada. We have looked at the experience in other locales such as the airport, and we have considered the Charter of Rights and Freedoms. We have considered the constitutional issues aside from the Charter. We have considered the experience since August of 1998 of the perimeter security system, and what we bring forth now is a scheme that we believe strikes the balance that is necessary.

As well, of course, we have looked at the practice in the Supreme Court of Canada which has had for at least a decade, perhaps two, a security system that is similar to the perimeter security system that has been in place in the Winnipeg Law Courts Building.

Mr. Praznik: Just a comment for the information of the Member for River Heights (Mr. Gerrard). He talks about the right to access courts, and that is at best a limited right because certainly the judge who is presiding over that courtroom has the ability at any time to have the public removed from it for a host of reasons. There are certain types of trials involving juveniles that the public is denied to.

So there are already a host of limitations on what one would describe, perhaps, as the public's right to have access to the courts. I just raise that by way of information.

Mr. Gerrard: Perhaps because it is an important issue, perhaps it is all the more

important that it indeed be spelled out and given some consideration, I would suggest.

The issue I would like, we now have the court security regulations that are a draft. Is that right at this point?

Mr. Mackintosh: Yes.

Mr. Gerrard: To what extent are they the subject of deliberations here, and what is your plan in terms of proceeding with such regulations and/or amending them in the future?

Mr. Chairperson: I would remind committee members that the regulations are not before the Committee; only the bill is. But it is up to the Minister what comments he wishes to make.

Mr. Mackintosh: The regulations are circulated for the purpose of any comment that members might have, but that will be submitted to the Government for consideration as soon as the bill receives royal assent.

Mr. Gerrard: Will the Committee have a chance to review the regulations at some later time?

Mr. Mackintosh: No, it does not, but the Member certainly has the right to review them and to provide any comment to me at any time, including in the Estimates process if he would like his comments recorded on Hansard.

Mr. Gerrard: I take the Minister's comment that he would be interested in comments on the regulations at this point. One of the things which is clearly absent from the regulations is any reference to the ability to hold or have a repository, as was described earlier on.

In section 2(1)(b)(c)(d), there is no reference to treatment of cultural sensitivity, whether that be somebody who is a Sikh with a kirpan or whether that be somebody from Lac du Bonnet constituency who has a penknife. Clearly there should be a recognition of cultural patterns, that these are diverse and that there should be some reasonable approach given to this.

Mr. Mackintosh: The issue of the repository or depository—I am not sure what the descriptor is—will be looked at. I will look at the pros and

cons, the financial implications and any other implications with a view to determining if, in fact, we can put that into place, because on its face I am attracted to that concept. Indeed, I thought it had been in place.

With regard to a reasonable accommodation for different communities, that is contemplated clearly in section 2(2) of the regulations, but, as well, as I said, there is a third level of direction to Security officers, and that will be in the form of policy. It will be written policy, and that will be made available as well. We can make a copy available to the Member, and it will be available to the public.

Mr. Gerrard: Do I take those comments to mean that the Minister will commit to having a very clear policy which allows and is culturally sensitive for diverse groups in Manitoba society?

Mr. Mackintosh: Absolutely, and that follows from both the experience of the system over the last year and a half or so, as well as the representations from the Sikh community, in particular, and the contributions here today.

Mr. Gerrard: Thank you. I look forward to hearing those or seeing those in due course.

The question of some sort of appeal process for somebody who would like access with whether it be a pair of scissors or a penknife or a kirpan or what have you was raised earlier on. Will the Minister commit to putting in place some sort of appeal process?

Mr. Mackintosh: I think I already committed to that. If there are some barriers to doing that—and I do not know what they would be—I am sure I will be held to account. But what we will do is on a timely basis try and put into place some kind of mechanism so people who feel aggrieved by a decision of a Security officer can have another level of oversight or reconsideration. Who that will be and where it will be and what the timing issues are, I do not know. But it was raised here today, and we will undertake to put in place some kind of a mechanism.

* (11:20)

Mr. Gerrard: Thank you. I take that commitment at the Minister's word and will indeed look forward to hearing from the Minister, in due course, what that appeal process will be.

There is an issue that was raised by a number of people with me on the functioning of the court security system, and that is that on occasion there are long lineups; there are delays. It is not referenced in any fashion that the procedure is to be expeditious to enhance the smooth functioning of the courts, but I think that it is something which is clearly important and worthy of comment.

Would the Minister address this?

Mr. Mackintosh: I do not know how recently that complaint has surfaced, because it is our understanding that there have been significant improvements to the flow of persons through the security system.

Mr. Gerrard: It is my understanding that it is—not all the time—but it is certainly on occasion and particularly just before ten o'clock and just before I think 1:30 in the afternoon that there may be some significant lineups, and this, of course, does not give optimum function and is referred to as what looks like a swat team. Maybe you could comment a little bit further.

Mr. Mackintosh: Well, staff will take note of that concern and see, but I am sure the Member is not suggesting that we just shoo them through then as a result of that. We have to act diligently. It may be a matter of how we time the resourcing over there, and we will consider that.

Mr. Gerrard: I think the former minister, the Member for Lac du Bonnet (Mr. Praznik), has talked about using some aspects of the airport screening systems and other approaches which might speed things up and maybe, indeed, perhaps the Minister would at least commit to reporting in some fashion the operation of this after some period of time.

Mr. Mackintosh: My experience at airports is that there are always lineups. So if he is suggesting, you know, that that be the ideal, I do not accept that. But our system is based on the wand, the fluoroscope, it is called, which is

similar to airport security. So I do not know if there is other information the Member can share.

Mr. Gerrard: Well, I think if the system is based on the individual screening as was done in the airports and now, in fact, you have got—

Mr. Mackintosh: Well, it is the same as at the airport. Perhaps the Member might want to go there and try it, but you get a wand up and down and then you go through the doorway, and personal stuff goes through on the side.

Mr. Gerrard: Anyway, I would ask that the minister provide some sort of update on the timing of people coming through and how this is operating after it has been sort of restored, as it were.

Mr. Mackintosh: Yes, we will ask staff to keep an eye on that one and report back to me if there are any concerns about undue delays of people getting through.

Mr. Gerrard: That brings to an end the questions that I have.

Mr. Chairperson: Are there any further questions? We thank the members for their opening statements and questions.

During the consideration of a bill, the preamble and title are postponed until all other clauses have been considered in their proper order. How does the Committee wish to deal with the clause-by-clause consideration? Should the bill be considered in blocks of clauses or conform to the pages? Blocks of clauses conforming to pages. Agreed? [*Agreed*]

Clause 1—pass; Clauses 2(1), 2(2), 3, 4(1) and 4(2)—pass; Clauses 5(1), 5(2), 6(1), 6(2), 7, 8(1) and 8(2)—pass; Clauses 9(1), 9(2), 10 and 11—pass; Clauses 12 and 13—pass; preamble—pass; title—pass. Bill be reported.

What is the will of the Committee?
Committee rise.

COMMITTEE ROSE AT: 11:26 a.m.