COUNCIL OF THE CITY OF WINNIPEG
Wednesday May 28, 2003

The Council met at 9:35 a.m.

The Clerk advised the Speaker that a quorum was present.

The Speaker called the meeting to order.

The opening prayer was read by Councillor Steeves.

ROLL CALL

Clerk: Mr. Speaker Councillor O'Shaughnessy, His Worship Mayor Murray, Councillors Eadie, Angus, Clement, De Smedt, Gerbasi, Lubosch, Pagtakhan, Smith, Steek, Steeves, Thomas, Vandal, Wyatt and Lazarenko.

INTRODUCTION AND WELCOME OF GUESTS AND ANNOUNCEMENTS

Mr. Speaker: We have returning Pages with us today.

We have Madeleine Pundyk of St. Mary's Academy, who lives in the River Heights Ward. Welcome.

Nicholas Plett who's home schooled and resides in the Transcona Ward.

And David Gudel of Fort Richmond Collegiate who resides in the St. Norbert Ward.

You've all been here before and welcome back.

Announcements, I believe Councillor Steeves has an announcement.

Councillor Steeves: Mr. Speaker, it's been a busy week of course for all of us on Council and it's I think a week, a very important and proud week for this City Council and for the Mayor of the City of Winnipeg. Of course I'm talking about our hosting of the Annual FCM Conference which is taking place beginning I guess registration Thursday night. The Mayor is running the Creative Cities Conference which is taking place tomorrow, and of course the CAMA Conference and other conferences going on simultaneously. All told, we expect to have between 2,000 and 3,000 people including companions and significant others in downtown Winnipeg over the course of the next five or six days.

It truly is a great thing for this city, and I think everybody that I talked to is very very excited about coming from literally every corner of this country and everywhere in-between to see our great city. I know that everyone here will be in attendance at the Creative Cities and at the FCM Conference.

I've been Chair of the Host Committee Mr. Speaker, it has been a great great success. With me has been Deputy Mayor Thomas and Councillor Eadie who has been sitting with me on the Organizing Committee with our administrators, Karen Mott and Linda Black, and we've been working with Penny McMillan from Destination Winnipeg. All those folks, my thanks.

Of course to you Mr. Speaker for the organization of the golf tournament on I believe it's tomorrow. Which has been long since sold out at the John Blumberg Golf Course. I know that's going to be a great great success. I know you'll come back with a report on the score of Councillor Steek who we have to watch very very closely on the course.

We have a small gift, a token of our esteem for Council. It is a portfolio that I might ask the Pages to help me hand out. I'll ask them to omit Councillors Thomas and Eadie as they've already received theirs. This is a small portfolio that is emblazoned with the City of Winnipeg logo. I can say to our friends from the Humane Society, this is full leather.

I look forward to seeing everybody at the Conference. Thank you.

Mr. Speaker: Thank you Councillor Steeves.

Mr. Mayor.

Mayor Murray: Thank you Mr. Speaker. I just would like to rise on behalf of my colleagues. I'd like to thank Councillor Steeves for his extraordinary leadership

here. Councillor Thomas for all the hard work she did and time she put in.

Councillor Eadie of all the sitting members of Council and across the country has put more time in than most on the Federation of Canadian Municipalities and provided a great deal of leadership and background in the development of that. Councillor O'Shaughnessy our very elegant and distinguished speaker who was really quite charming through this whole process, I heard very nice things about you Mike. It's that Irish charm that some of us are genetically lucky to have. Councillor Eadie says, the other side of that is blarney.

I did want to say one thing though, I was talking to Councillor Thomas and we really know why we're getting such great attendance here. If any of you haven't experienced yet, we'd like to think that it's our rivers, our historic downtown, our great neighbourhoods, our great cultural life. I actually discovered that most people are actually coming to Winnipeg really because of Councillor Steeves. I spent an evening and the better part of a morning with Councillor Steeves at Darcy and McGee Pub with many other municipal officials and he's promised them many more evenings of the same in Winnipeg pubs. I just want to assure you the best time in the next week will be wherever Councillor Steeves is. There's no one who has done more for the party atmosphere and the party of life with the City than Councillor Steeves. We really have his reputation to thank for this. Thank you.

Mr. Speaker: I'm just wondering Councillor Steeves, is there significance in the point that everyone got one of these portfolios except the Speaker?

Councillor Steeves: The Speaker was suppose to get one. I'm sorry. You as part of the golf committee, I think we set yours aside. You will be getting one I promise.

Mr. Speaker: Councillor Lazarenko.

Councillor Lazarenko: Not only will you get something, but something will be in there for you.

Mr. Speaker, I'd like to welcome today to the Council Chambers guests who are sitting in the Gallery, people who have donated a lot of their time and money to help out the unfortunate such as the children in all parts of the Country.

I'd like to give a warm welcome to the Shriners and friends.

Mr. Speaker: Move onto Delegations. Councillor Lubosch.

Councillor Lubosch: No less important I would also like to welcome members of the Humane Society and their friends who have given considerable efforts and volunteer time to the benefit and welfare of animals in our city Mr. Speaker.

Mr. Speaker: Absolutely, welcome.

MINUTES

Councillor Steek moves the adoption of the Minutes of the meeting held April 30, 2003, be taken as read and confirmed. All in favour? Contrary? Carried.

Our first delegation this morning, Len Wolstenholme, on behalf of Xentel DM Incorporated, in opposition to Item 1 of the Report of the Standing Policy Committee on Protection and Community Services dated July 8, 2002.

Our other delegations to follow will be George Chapman, Vicki Burns and Rob Laidlaw. If you would like to come and join us behind the podium so when your turn comes you can come forward.

DELEGATIONS

Mr. Len Wolstenholme: Mr. Speaker, ladies and gentlemen, we weren't expecting to speak first so I apologize for not having the documents ready. We understood that those in favour spoke first, and those opposed spoke second. Our apologizes for the error. If you would bear with me.

(9:40)

Mr. Speaker: Councillor Steek.

Councillor Steek: Is it not normally the case that those supporting a clause speak initially and those in opposition speak thereafter?

Mr. Speaker: No. We have no formal policy on that. I go by what the Clerk has, they come in as they call. This is the order in which we were notified in.

Mr. Wolstenholme.

Mr. Wolstenholme: I'd ask then, I have two single page handouts, could we distribute these to members of Council?

What's being distributed to you is just some basic point coverage of some of the issues that have been raised with us by members of Council at various junctures.

I'm Len Wolstenholme. I'm with Xentel DM which produces the Optimist Circus in Winnipeg, has done for 16 years. We also produce Shrine Circuses in Ontario, Quebec and Eastern Canada.

I'm here to talk to you today about a couple of the key areas of concern that have been raised.

It has been identified and I think first came to the floor through your committee dealing with public security that some members of Council had some concerns about public safety as it relates to circuses. If you could refer to this first sheet of paper "Public Safety and Animal Welfare in Circuses", there are a few points there that are important to the discussion.

The Shrine Circus in Winnipeg has a 70 year history. Not once in that 70 years has there been an incident of risk to the attendees at the circus nor has there been a charge related to public safety in that 70 year history. The Winnipeg Optimist Circus similarly has a 16 year history of no incidents, no threats to anybody's safety.

Both circuses are characterized by comprehensive emergency response plans. Agitated or ill animals are not put out to perform. They are rested. They're characterized by strong relationships of trust between the animals and the trainers. There is of course comprehensive public liability insurance coverage in place. It's important for you to understand that the insurance industry that deals with this type of event does not consider circuses to be a high risk environment for their liability exposure. That's exemplified by the fact that premiums have not gone up in certainly the last three years that I've been able to determine for our circus, and I gather for some period before. In these days of rising insurance premiums for virtually everything, I think that says a lot.

I guess the other thing that needs to be kept in mind is between the Shrine Circus and the Optimist Circus over 44,000 Winnipeggers came. They brought their kids, they brought their nieces and nephews, they brought their grandchildren and they came this spring. From the perspective of circus patrons there doesn't appear to be an overwhelming concern about their safety while they're there.

I'm hoping that those key points will give you some perspective on the public safety issue. There is not a clear and present danger to the public welfare from a circus coming to your city.

Now let's turn to the discussion of the conditions the animals live in and their welfare. The second part of this particular sheet.

There has been never any evidence of cruelty associated with these circuses. There have never been any charges laid under Manitoba's Animal Care Act. The animals are inspected by humane societies at every stop, and in addition to that the Shriners arrange for their own independent veterinarian to come and inspect the circus. And that veterinarian is here today and can be available as a resource.

The trainers are among the most knowledgeable people in North America about the care of these animals. Their diet, their health, their physical well-being but also their psychological well-being. What it takes for these animals to have a

fulfilling and enjoyable life in the circus environment.

It's important that you understand that these animals were not born and taken from the wild. They are all at least second generation and in some cases more born in human care. Either in circuses or in zoos or in exotic animal breeding environments such as the San Diego Wildlife Park.

Another thing that I think attests to the health of the animals is that it's common for animals in circuses to outlive animals of their species obviously in the wild but also in the zoo environment. The oldest living elephant in North America is a retired circus elephant. And that talks again about the quality of care that they receive also the quality of life that they have.

You need to know that animal enclosures, transport vehicles, venues and care all meet or exceed requirements of the United States Department of Agriculture, most circuses that come to Winnipeg are in fact based in the States so that's an important thing. They meet or exceed Manitoba's Animal Care Act and the Canadian Health of Animals Act. The Criminal Code and the standards imposed by the industry which is represented by the Outdoor Business Amusement's Association Circus Division.

The second sheet that we handed out is what the experts say about circuses. Not only do we have the type if you like statements from these people, excerpts from some of their research, we've also been able to arrange for a doctor from the San Diego Wildlife Park which is owned by the San Diego Zoological Society. We've been able to arrange for him to come and be available to you as a resource to deal with some of these issues. He has a 27 year history working in this environment with exotic animals.

Let's take a look at this sheet. Dr. Dennis Schmidt is renowned for his research with elephants worldwide. He's affiliated with Southwest Missouri State University. His statement, "Circuses in North America have been active in promoting conservation, research and education about elephants. Research projects to benefit captive and free ranging elephants are being supported by circuses directly and indirectly. The physical and mental health of circus elephants is enhanced by the physical activity of performing as well as the novel environments encountered as they travel throughout North America. Circus elephants provide a hands on one on one experience that cannot be replaced by television, Internet or the movies."

The connections made between a live elephant in the public is undeniable and I think for anyone here who's been to a circus with elephants or tigers or lions probably can actually vividly remember the day that that occurred.

Then from the most exhaustive study yet done on animals in circuses and zoos, that done by Dr. Martha Kiley Worthington, it was published in 1990, it was done, it was commissioned by the Royal Society for the Prevention of Cruelty to Animals in Great Britain, and the University's trust.

(9:50)

To quote Dr. Kiley Worthington one of the world's foremost behaviour experts, animal behaviour experts was commissioned by the RSPCA and the University's Federation for Animal Welfare to carry out an independent scientific study of circus animals in comparison with animals in zoos and in the wild.

After 3,000 hours of scientific observation of animals and many visits to circuses and zoos including training, travel and performance, Dr. Kiley Worthington concludes, "while there are improvements that must be made, circuses do not by their nature cause suffering and distress in animals." She states, "on balance I do not think that animals best interests are necessarily well-served by money and activities diverted to try to ban circuses and zoos either locally or nationally. What is much more important, is to continue to encourage zoos and circuses

to improve their animal welfare along the lines represented."

I'm not sure Mr. Speaker whether the procedure is that questions come later or at the time you speak, what's the procedures?

Mr. Speaker: If there are any questions members of Council will ask them when you concluded your time.

Mr. Wolstenholme: I would like to turn over the balance of my time then to my colleague George Chapman from the Shriners.

Mr. Speaker: He has his separate time when you're done. If you're finished?

Mr. Wolstenholme: Now has there been any motion to allow additional speakers or is it just the people who are on the list?

Mr. Speaker: Our procedure by-law calls for two speakers on either side of an issue. We've been through public hearings, we've been through standing committee, we've been through Executive Policy Committee, this is where we make our decision, and we're one of the few areas that allows delegations at this level.

Councillor Smith do you have a question?

Councillor Smith: Through you Mr. Speaker. Len you distributed a video to us yesterday. And in this video it said, an educational opportunity respect for animals and I think they have an opportunity to learn about care. Can you tell me what has been done educationally with the animals at the circus in Winnipeg?

Mr. Wolstenholme: In Winnipeg, we have not yet been able to establish a school visit program around the time of the circus. That's a model that's being adopted by people in the circus community and we think it's a good one.

The primary opportunity that comes with our circus is the introduction to the animals at the circus through the ring master and their trainers. The discussion about their habitat and the life that they lead. In addition to that there are the opportunities for a certain number of people, it's a limited number of people to come into a cornered off area where they can ride the elephants.

It's interesting you should ask about the educational aspect because that is a key opportunity that circuses deliver. The Roper Organization in the '90s did some research on behalf of Ringling Brothers Barnum and Bailey Circus where they surveyed parents and teachers of children who had come to the circus, several different dates of the circus to find out what they thought the educational benefit of the circus was. It was really interesting what they identified. They identified that there's a real teachable opportunity arises when bringing a child to a circus when they see these animals it's all they talk about for the next couple of days. It's the main focus of attention. That provides the opportunity for parents as well as teachers to talk about the role of conservation, the importance of these species and so on, and the situation that many of them are facing in their native habitat.

Mr. Speaker: Supplemental Councillor Smith.

Councillor Smith: The last part of that question was an opportunity to learn about care. How do the people coming to the circus learn about care for the animals?

Mr. Wolstenholme: First of all they're able to observe. Second of all the ring master will generally before he introduces an act talk about the animals involved in the act and what their life involves on the road. This is what their living conditions are on the road, this is what they experience. This is why we think the circus environment is good for them and it talks about the psychological stimulation.

It also talks about the fact that Asian elephants for example prefer to live in matriarch like groups. That same reality is the case in our circus. We have Asian elephants and from a sociological perspective in terms of elephants socializing, they're socializing in an

environment which is completely consistent with the social if you like pecking order that they would have in other environments.

Mr. Speaker: Councillor Wyatt.

Councillor Wyatt: Thank you for your excellent presentation this morning.

I have a question. A lot has been made regarding comparison of zoos to circuses and vice versa, and there was at Standing Committee of Executive Policy Committee there was a lot of I guess confusion and I felt that at that time you shed some light on the issue, and that is there was the issue raised of the Canadian Association of Zoos and Aquariums standards. The issue of their number three standard which is that natural behaviour might be included. The issue of unnatural acts of animals and you elaborated on it, it's like comparing apples to oranges. Could you maybe elaborate on that again?

Mr. Wolstenholme: Yes. A human being is not going to convince an 8,000 pound elephant to do anything it doesn't want to do. And so the issue becomes, when you're working with an animal to develop its performance and its routine, you observe the animal when it's very young and observe what sorts of things it likes to do. How does it demonstrate an interest. What does it like to do to play. Then you take that, and you build that into your training with that animal to build its routine for the circus performance. It's very much an issue of basing the routines on the natural capabilities and the natural behaviours that these animals have inherently.

For example, when you see an elephant rear up on its hind legs, does an elephant rear up on its hind legs in the wild? Well yes it does for a couple of reasons. One of which is breeding which we won't go into. The other is reaching for food because they like to have the shoots of leaves off the tops of trees. They do numerous other things that we as lay people would look at and go, it's awfully strange for an 8,000 pound creature to be doing that but in fact its based on their natural behaviours.

Mr. Speaker: Supplemental Councillor Wyatt.

Councillor Wyatt: In other words it would be fair to say that much in the same way we train horses to do jumps and to ride around to perform that basically circuses are doing much the same thing but with different animals.

Mr. Wolstenholme: I think many of the techniques are similar.

I have to say that I'm not an expert in animal training and we do have people available to you here, as I said from the San Diego Wildlife Park which is associated with the San Diego Zoological Society to talk about those kinds of things should Council wish it.

Mr. Speaker: Councillor Steeves.

Councillor Steeves: Thank you for your presentation. My question is, and I think this is a tough one for Council to wrestle with.

No doubt historically there's been some problems with some operators in this business. You kind of alluded to this but for the circuses that come to Winnipeg, what due diligence exists to I guess that good operators or more credible operators from operators that have had problems in the past or might not be as good?

Mr. Wolstenholme: I can give you answers on two fronts to that.

(9:58)

First of all our circus that we bring for the Optimists, tourists for us from May through September and as I said we do the Optimists in Winnipeg and then east of Thunder Bay it's all Shrine Circuses. The circus operator then is contracted for an extended period of time, and we have the opportunity to impose conditions as terms of contract on that operation any standards that we wish to impose. For example, our circus is required to meet the standards of prevailing animal protection legislation obviously in each province. Because Nova Scotia is part of

our tour and because Nova Scotia has the most comprehensive legislation related and regulations related to circus animals, the circus has to essentially meet those standards for its tour.

The City of Ottawa, their council today in fact is dealing with a new animal by-law that will establish standards that circuses will be required to meet in order to be able to be produced in Ottawa.

We have our checks and balances, some jurisdictions have added additional ones. In addition to that, as I said earlier, the circuses tend to be based in the United States, larger market. All of those circuses, animals, their documentation and their condition is inspected when they come into Canada. The circus contractors required to provide Agriculture Canada with an itinerary that the circus will follow. They're being inspected, their documentation is in order, their situation and health is inspected, their conditions are inspected, and they are able to be tracked by Agriculture Canada wherever they happen to be in the country.

The final thing I would say is that quite a number of our events our local sponsors arrange such as the Shriners arrange for an independent veterinarian of their choosing to come and inspect the animals as well.

There are quite a number of safeguards in place from our perspective in terms of hiring the circus operation to come into the country for an extended tour, in terms of Agriculture Canada. In terms of provincial law. In terms of local by-laws. In terms of independent veterinarian inspections there's a lot there.

Mr. Speaker: We just have a few seconds. Councillor Lazarenko did you have a quick question?

Councillor Lazarenko: Just very briefly. We do have an Exotic Animal By-law in the City of Winnipeg but those exclude the Shrine Circus. Could you tell me in all your research have any charges been laid or any investigation by the Police, the RCMP, the City of Winnipeg Police, have any charges been laid or any complaints to the abuse of animals at the circus?

Mr. Wolstenholme: To our knowledge, none at all related to the circus or any of the Shrine Circus.

Mr. Speaker: Thank you.

Councillor Lazarenko: I still have 21 seconds. Mr. Speaker to the delegation, do you know of any other province or any other state where charges have been laid to the effect it was proven that the animals were abused at any circus?

Mr. Wolstenholme: I don't know of any charges, no. I know of lots of inspections but no charges.

Mr. Speaker: Time has expired for questions.

There are other speakers that you can ask questions of.

Next in the five minute slot, Mr. George Chapman on behalf of the Shriners.

Mr. George Chapman: Mr. Speaker I have a handout I would like to see that each of the councillors receive.

Mr. Speaker, Your Worship and members of Council. I'm a member of the Khartum Shriners and on their behalf of making this presentation. I'd like to reaffirm that the Shrine Organization is a philanthropic one. Its mandate is to assist crippled children, and the attendance by the various officers and members of the Shrine here today will I hope convey to you the concern that they have with respect to this issue.

We used to have a Shrine Hospital here in Winnipeg but some years ago it was taken over by the Province of Manitoba under the Provincial Health Services Program. Having the annual circus enables us to operate the Shrine and today our Shriners of Khartum Temple are supporting various shrine hospitals in North America, and now we are directing our activities and energies in providing transportation and assistance to those in need together with their families in order

that they can obtain treatment free of charge from some of the other Shrine Hospitals in North America. Several of the Shrine hospitals are devoted exclusively to burn injuries, others are orthopaedic hospitals.

In the last six weeks over 44,000 people have been able to attend both the Shrine Circus and the Optimists Circus and these circuses should be or could be described by any measure as being successful events.

One of the magnets that attracts people especially children to a circus are the circus animals. Besides being a fund raiser the circus provides what we believe is a type of entertainment that from the enthusiastic applause and happiness of the children we believe delivers a clear message that the entertainment value is significant. We believe that a by-law to prevent any exotic animals from participating in the circus is wrong. It could have the effect of forcing us to cancel our circus.

We are a responsible group, and we're not going to allow any mistreatment of animals. It is our belief that the proper course of action to follow is to ensure that all reasonable standards are established and facilities are met and provided. We can co-exist in conducting our circuses and the animals would be well cared for.

We do not understand the rationale of excluding the circuses as a venue for performing exotic animals while the Assiniboine Park Zoo has been allowed to hire a performing elephant. The same holds true for the Red River Exhibition, rodeos, horse racing and our position is that all of these entertainment venues should be allowed to continue to perform shows under the present by-laws of the City.

The Shrine Circus has performed in Winnipeg and Manitoba for 70 years without incident or accidents or injury to performing animals or to the public attending these performances. That's really significant ladies and gentlemen.

We believe the present laws of the land are more than adequate to protect the animal welfare issues as well as protection of the public. The circus producers contracted by the Shriners in Winnipeg are controlled by their own high standards of animal care within the Circus Producers Association to protect their investment in these animals. As sponsors of the circus the Shriners are stating that exotic animals are an integral part of the success of the circus.

(10:07)

It is the main event. Without exotic animals it is no longer a family show particularly for the children. Without the Shrine Circus in Winnipeg, there is little likelihood of Shrine Circuses in rural Manitoba because historically they have been subsidized by the Winnipeg Circus.

We understand that the Protection and Community Services Committee reported that there was no financial implication to the City. Well as far as the Shriner's are concerned there is a significant impact. We pay amusement tax, we don't get a rebate on that. There's rent paid to Winnipeg Enterprises, there are people hired, there are services purchased. It's fairly significant. We understand the Winnipeg Enterprises has filed a letter to you to the Mayor in support of our position by a letter dated September 13, 2002. This financial implication to the Shriners would be significant in the event we are not allowed to conduct our circuses.

We ask that the amendment to the by-law be defeated. We feel we should be treated the same as the Assiniboine Park Zoo, the Red River Exhibition, Assiniboine Downs and the various rodeos. All Federal, Provincial and Municipal laws and regulations are being met and our record proves that.

Mr. Speaker: Your time is up Mr. Chapman. Would you permit questions?

Mr. Chapman: I'd be pleased to answer questions. I should offer the observation that it was intended that I be the first speaker and I had a little bit longer

presentation. I did have a few other things to say, yes I would be prepared to….

Mr. Speaker: You could work a few words into your answers. It would cover the remaining points.

Councillor Lazarenko.

Councillor Lazarenko: Thank you Mr. Speaker. Welcome Mr. Chapman. The last time we sat together was close to 20 years ago when we served our time on the Winnipeg Police Commission.

The first question I have to you Sir, is the attendance of people who are visiting the Shrine Circus, those who are coming to the Circus, what percentage would you say are children who are coming from various schools in the Province of Manitoba outside of Kenora and some from the United States?

Mr. Chapman: It's a little bit difficult for me to give you a percentage or ratio but us Shriners we have what we call a circus program, whereby we solicit monies and we use that money to provide a free show for underprivileged children. In the past we have bused in children from places like Ashern, Eriksdale up in the Interlake, and down in southeastern Manitoba. We've provided all of that for these people free of charge as part of our work in the community to see that these young people have an opportunity to enjoy the benefit of the entertainment value of the circus.

I can't give you an answer as far as the percentage, but we cater to the children, we direct the circus program to entertainment for the children. If any of you have ever had the pleasure of attending a circus and heard the screams of happiness and excitement and enthusiasm of the children, I know that you would feel that it's worthwhile.

Mr. Speaker: Supplemental Councillor Lazarenko.

Councillor Lazarenko: Mr. Speaker, there's been a lot of innuendos being made the abuse of animals and so forth at any of the circuses. Could you tell Council elaborate a bit if the organization has received any kind of a complaint or any complaints and if you have, how have you dealt with them, if any complaints have come?

Mr. Chapman: Let me say to the Council that there has never been any charges or complaints that we are aware of. The only complaint in my years with the circus and the Shriners, has been from the Winnipeg Humane Society who implied the cages for the animals were too small. That was what I got from what they had to say.

I can say to you that we have brought and we are hoping that you would have an opportunity to hear from Dr. Ken Johnson a City of Winnipeg veterinarian who has been attending the Shrine Circuses since 1980, on a casual basis and on a regular every circus event since the mid 1990s. He has never found a cause to complain. He has never found a problem. He has had nothing but cooperation from the handlers and the circus producers. The animals have arrived in good health and have left in good health.

In addition to that, I was able to contact Dr. Peter Austerhaus from the San Diego Zoo and Animal Park which is the biggest, best, maybe the word best is too strong, it's probably among the very best in the world. Anybody who hasn't heard of the San Diego Zoo and Wild Animal Park hasn't been looking up anything to do about zoos. He is here today, we brought him in. Instead of us spending our money on an advertisement in the newspaper telling people to phone their councillors and say this is a bad thing, we spent our money and brought in Dr. Jim Vanderhaus from San Diego. He's here today, we're hoping to have an opportunity for him to tell you how these animals are cared for. His experience with circuses throughout various areas and we brought him here because it's positive. It's good news that he brings. We were hoping that you would have the benefit to hear it.

Mr. Speaker: Final supplemental Councillor Lazarenko.

Councillor Lazarenko: Mr. Chapman, I know the role of the Shriners with children. Could you give Council sort of a scenario as to what the Shriners do with children such as the children's burn fund, since we don't have a Shriners hospital anymore, the role of the Shriners by the fund raising you raise through circuses the role that you play to help the needy and the children?

Mr. Chapman: The role we play now because our hospital was taken from us by provincial legislation is that we are providing a service of transporting injured children to various Shrine hospitals for treatment. There are 22 Shrine hospitals in North America. Three of them devoted exclusively to burn funds. I think 17 of them devoted exclusively to orthopaedic, and the others are a combination and one of them is a spinal treatment. These hospitals are situated all over North America including there's one in Montreal.

What our Khartum Temple is doing, is we are sending these people who have been injured or who have health problems to these hospitals. We send them with their family. We pay all of their transportation and accommodation, and when they get to that hospital they are treated, and there is no charge to the family or the Manitoba Health Services Commission, there aren't many free lunches left.

(10:15)

It's an absolutely free treatment that is provided for these children. I don't want to mention any names from a confidential standpoint but there was a young boy that was injured very recently, if I told you how he was injured got his serious burns you would be able to identify him. We have already sent him down and his family down for treatment, I think in his case he went to the Boston Centre five times in the past year. This young man and his family. That's part of the work we're doing. We depend on the circus as a major source of fund raising for our operations.

Mr. Speaker: Councillor Wyatt.

Councillor Wyatt: Thank you Mr. Chapman for your excellent presentation and thank you to the Shriners and yourself for the work you've done over the years.

One of the points you make here is that there's never been an accident or incident involving the animals or spectators in 70 years of the Shrine Circus in Winnipeg. Can you maybe elaborate on that?

Mr. Chapman: The good news is, there's nothing to elaborate on. There just have not been any. We stand on our record, there is nothing. We feel for an organization to have been conducting an event like this and when you hear some of our opponents describe that the animals must be so badly treated you think they may be cause trouble. That's not happening. The animals are content, happy, and we insist on the highest of standards. We work with the circus producers Association. Anybody we deal with is accredited by that organization. We're able to ensure that the highest of standards are kept. As I say, we work with veterinarians and we're working with the best veterinarians. All I can say is that we are not doing anything to abuse or mistreat or otherwise detrimentally affect the animals. Because of their obvious, because of that treatment we have not had a problem.

Mr. Speaker: Supplemental Councillor Wyatt.

Councillor Wyatt: It was referred to by the previous speaker that other jurisdictions have chosen instead of banning exotic animals in circuses to instead regulate to ensure their well-being. Would the Shrine Circus welcome that instead of an all out ban?

Mr. Chapman: I guess I didn't get to that part in my presentation to you. I'm here before you to tell you that we would welcome any reasonable well thought out legislation that the City might feel would be necessary or important. The answer is, yes we would. We believe we follow every federal, provincial and municipal legislation. We certainly don't intend to do otherwise. We would be happy to

work with the legislative authorities to give them the benefit of our experience so if there's any enhancement or improvement we'd be glad to participate in it.

Mr. Speaker: Final supplemental.

Councillor Wyatt: From what I gather the Shrine Circus has gone to some extent and the Shriners to bring in…

Mr. Speaker: Sorry your time is up Councillor Wyatt.

By the way I would remind Council that our rules are 10 minutes for questions and answers on each side of an issue. We've gone 20 minutes. I was looking it up, we've doubled the time for questions on this issue. That includes response. If you wish to move suspension of the rules for a specific time that is of course your right because you have the floor.

Councillor Wyatt: I move suspension of the rules for another 5 minutes.

Mr. Speaker: Add an additional 5 minutes for questions and answers. All in favour? Contrary? Recorded vote. All in favour of adding 5 minutes to questions of Mr. Chapman please rise.

A RECORDED VOTE was taken the result being as follows:

Yeas

Councillors Angus, De Smedt, Pagtakhan, Smith, Steek, Steeves, Vandal, Wyatt, Lazarenko.

Nays

His Worship Mayor Murray, Councillors Eadie, Clement, Gerbasi, Thomas, Mr. Speaker Councillor O'Shaughnessy.

City Clerk: The vote Mr. Speaker, Yeas 9, Nays 6.

Mr. Speaker: The rules are not suspended.

Thank you Mr. Chapman for giving us your time this morning.

Our next delegation will be Vicki Burns on behalf of the Winnipeg Humane Society in support of the same clause.

Councillor Wyatt: I'd like to move to suspend the rules to allow other delegations to speak.

Mr. Speaker: Once we hear the legal delegations I will put that motion before the Council.

Ms Vicki Burns: Thank you. Good morning and thank you very much for giving me the opportunity to speak to you about this important subject.

I'm here on behalf of the Winnipeg Humane Society which has 16,000 supporters primarily from Winnipeg. I think it's important to note that the Winnipeg Humane Society is really a public interest group. We respond to concerns and complaints about cruelty to animals from all over this province and often from people who have had no prior involvement or not members of the Winnipeg Humane Society. I can tell you that I have had many many many calls about the circus over the past 10 years.

I also want to point out that there are a growing number of Winnipeggers who are concerned about this issue who really have had no prior involvement with the Humane Society. There was an ad that was placed in the paper on April 30 that was initiated by citizens, not the Humane Society. In that ad there were five Winnipeg veterinarians who supported this issue and I know that it wasn't the entire veterinary community who was canvassed about it.

I've also been told about a petition that was submitted to the Mayor's Office by a 12 year old girl who had her classmates sign it.

I just want to describe a little incident that someone came to me recently who I've just met in the last couple of weeks who described taking her grandchildren to the circus this year and at half time they left because her five year old granddaughter said, this isn't any fun, I feel badly for the animals. The elephants are sad. I'm just

relaying what members of the public have been saying.

As well your own Committee on Protection and Community Services twice in the past 18 months has voted to further this by-law prohibiting wild and exotic animals in travelling entertainment events.

Why is it that so many people now are starting to be concerned about this issue as the Shriners tell us we've had a circus here with elephants and tigers for 70 years? I can only liken it to a similar shift in values that happened over the past century. If you think back to what circuses were like in the 1800s, frequently the main attraction would be humans who had disabilities like the Elephant Man. Nowadays most people would find that absolutely abhorrent.

(10:25)

That's the same shift and trend that is happening towards the use of wild animals in circus. Why? Because people are becoming increasingly aware of what a very diminished and deprived life these animals have.

Let me tell you what I myself have seen when I inspected the animals at the circus on several occasions.

I saw tigers in cages where they could barely take a step or two in any direction. The trainer of those tigers when I spoke to him, and I said where do these tigers live the rest of the year, told me, well essentially this is where they live because they're on the road 40 to 50 weeks of the year. This is a large animal that is essentially confined other than the time that it's out on the ring performing to a very very small barren space.

I saw elephants the first time I was there, the elephants were shackled together in the basement. The second time I was there they were not shackled but they were confined to a very small area of the arena. The barren concrete arena floor.

Why do they have to be so confined? Because they are still wild animals. The fact that they're wild animals means that if they weren't confined and could get out amongst humans they could very likely do serious damage or even kill a human. Because of the fact that they're wild they need to be severely confined.

What message are our children really getting from seeing these magnificent animals so far removed from their natural environment and doing tricks that are so unnatural like tigers jumping through hoops of fire. It seems to me that the message they're getting is that human beings can force animals to do anything that we want them to do using whatever means necessary. Even animals that are tremendously more powerful than we are.

Just imagine what kind of training must have to happen in order to get a tiger to jump through a hoop of fire. I think that it's the complete opposite of the message that we want to be imbuing our children with. A message of respect for the environment, respect for all the living creatures that we share this world with.

It's simply unethical to be causing animals to suffer the lifetime of deprivation and confinement that's just an inherent part of the circus.

We've heard a lot from the Shriners about this is an important fund raising event for them. I have to tell you, I'm the head an organization that has to raise over $2 million a year from donations and fund raising. The circus is a very low profit margin, because the overhead of bringing all those entertainers and all the equipment to the City is excessive. If fund raising is really the primary goal here, I would like to suggest that there are many other ways to raise a lot more money.

For example the Winnipeg Humane Society in a one day event, our annual Paws in Motion Dog Walk, raises $100,000. The Children's Hospital Foundation that's raising money for a very very similar cause to what the Shriners are raising, is raising almost $2 million a year through a variety of fund raising events.

I'm very sincere when I make this offer. I've offered before to meet with Shriners and I'm serious about it. I'm very happy to sit down with the Shrine Organization and discuss fund raising events because I come from an organization that I think has a lot of expertise in that given that we wouldn't exist if we didn't raise over $2 million a year.

If on the other hand having a circus is the goal because circuses are fun family events and there's a long standing tradition of that, then that's fine. Continue with the circus but just don't include the wild animals. There are a number of cities across Canada where wild animals have been banned from circuses where they are still continuing to have successful circuses. So we know that the circus does not have to die if you leave the elephants and tigers out.

I want to remind you about something that happened here or that's happened in the past 18 months. And that is, the tremendous expression of outrage about people all over Manitoba actually all over Canada and North America about the plight of our Manitoba Polar Bears down in the circus in Puerto Rico. The public was absolutely furious with what they saw and they were demanding that something be done to remove those animals from the terrible sweltering heat and the terrible confined conditions they were in. Our own provincial government did something they've never done before. They enacted legislation to make sure that Manitoba Polar Bears never end up in circuses again. Why? For the very same reason that we're asking you now to prohibit wild animals coming to our city in circuses. Because it is simply inhumane for these animals to have to live in this stressful confined conditions. Our provincial government has already set a precedent. Why not follow it?

Finally, I want to point out that the current animal welfare laws that we have in this country do not at all address the kind of suffering that we're talking to you about. As the head of the Winnipeg Humane Society for almost 10 years, I do feel that I have some expertise in that. I've brought the Animal Care Act of Manitoba because it was referred to in last week's EPC meeting. I just want to point out that although the general provisions in this animal care act are very good in terms of what it spells out, what owners have to do in terms of providing adequate space and so on for animals, there's a very important clause called "Accepted Activities". If someone, the section where it says, "no person shall inflict upon an animal, acute suffering, serious injury or harm or extreme anxiety or distress that significantly impairs its health or well-being". That section does not apply if you are doing any of the accepted activities. There's a list of quite a few ranging from agricultural uses of animals, exhibitions and fairs. The fact is, circuses are currently exempt from our animal care act. That is why there have been no charges laid here in Manitoba.

I want to point out that just as recently as last Monday in our Winnipeg Free Press there was a very small article about a man named John Kunio who's associated with the Hawthorne Corporation. He's received 47 violations under the Animal Welfare Act in the United States, and they're threatening to remove his license. Now this is the very same man that I spoke to in Winnipeg in 2000 who had brought tigers here to Winnipeg. When we say that there have been no prior incidents, it is true that in the City of Winnipeg there have been no prior incidents because we don't have the legal means to lay charges. It is important to bring forward the information about the corporations who have supplied animals to our Shrine Circus here. And to point out, in the United States yes, they have had numerous violations. In fact now one of the main companies may lose their license.

We're not asking you to do something that has never been done before. We're asking you to have the courage and compassion to join the ranks of other cities across Canada like Victoria, Vancouver, Windsor, St. Catherines, St. John's, Newfoundland. There are 31 in total who have banned wild animals at that circus.

I know this is a difficult decision for any of you to make because no matter what way you vote there are going to be people angry with you. I understand that. I'm just about finished.

Change and especially change in a long standing tradition is difficult. I'm asking you though to demonstrate the courage to do what it is ethically right. To end a tradition that we now understand does cause (inaudible) beings to suffer. The children who have benefited, they don't need to lose out, there's still many many good ways to make even more money to help those children. We elected you because we had faith in you as our leaders.

(10:30)

Please make the right decision the humane choice.

(Councillor Lazarenko in the Chair)

Mr. Deputy Speaker: Thank you. Any questions? Councillor Gerbasi.

Councillor Gerbasi: Thank you Mr. Speaker. Thank you for your presentation.

One of the issues that's been rather hard to articulate is because of the situation where the laws don't cover the types of suffering we're talking about and charges haven't been laid. Can you elaborate on what kind of suffering you believe that the wild exotic animals suffer in circus life?

Ms Burns: The suffering is related to the extreme deprivation of any sort of activity that they would normally engage in. Actually my colleague Rob Laidlaw is much better to specifically answer that question. It's essentially like what happens when you remove any of the animals ability to really control their environment or their life. They become withdrawn, they do a lot of pacing a lot of sometimes rubbing their heads against the bars, sometimes sucking tails. I think there was an incident in Calgary where a tiger had to have part of his tail amputated because he was sucking it. Those are the sorts of long term suffering that goes on.

Mr. Deputy Speaker: Your second supplementary.

Councillor Gerbasi: There's been a lot of mudifying all the different, in this discussion, mudifying all the different types of animal care that goes on together. Do you see that this is a distinct issue from ways….for example, what's the difference between a domestic animal the way we acceptable to treat that as opposed to wild and exotic animal? A lot of people are lumping those two together.

Ms Burns: I want to make it clear that the Humane Society is not opposed to domestic animals being used at the circus like horses and dogs. The reason is, for example, the dogs yes they'll have to be confined in crates when they're actually travelling but because dogs are not wild animals they can fairly safely be let loose into a fenced area and have some freedom of movement and do the things that dogs want to do. Whereas you can't do that with the tigers, you have to keep them in the cages because it wouldn't be safe to allow them to. That's one of the differences between domestic and wild.

The other thing just by nature of being wild the animals have instinctive needs, are driven to do things instinctually. They can't do those things because their environment is so barren and so deprived.

Mr. Deputy Speaker: Your final supplemental Councillor Gerbasi.

Councillor Gerbasi: Do you believe that with the nature of performing acts in a travelling circus, is there anyway that laws could make that kind of practice anyways that we could actually protect those animals? Is there anything we could do legally other than banning it?

Ms Burns: Unfortunately the answer to that is no. Because what we're talking about is the really tiny confined places that they have to live, and it's just not feasible to change that and still have them travel across the country I don't think. All the enrichment that is possible in zoos for example, is not possible in the

travelling containers that these animals have to live in.

Mr. Deputy Speaker: Councillor Vandal.

Councillor Vandal: Vicki you made reference earlier to the Province having already set a precedent. I'm just asking for clarification of that statement.

Ms Burns: What I mean, they set a precedent in terms of recognition of the value to keep a wild animal in a circus is not a good thing, that's why they've put into place legislation which determines that if there are orphaned polar bear cubs up in Churchill and there's no possibility of having them rehabilitated to the wild, those cubs can be sent to zoos but they cannot be sent to circuses or travelling entertainment events. That's what I mean that our provincial government has already embraced that value and made sure our Manitoba bears are never going to end up in circuses again.

Mr. Deputy Speaker: Councillor Steeves.

Councillor Steeves: I guess I am curious, I have another question on that point of the Province at that stage, what did they say about allowing exotic animals into the Province?

Ms Burns: I think that the Province has delegated that authority to municipalities like Winnipeg. You have control through your exotic animal by-law. I think they've delegated that authority to the municipalities.

Councillor Steeves: Just so I'm clear, they said, although they have the right to ban they chose not to and decided they would allow the, that they said we're going to delegate that authority?

Ms Burns: I don't think that they ever considered that aspect. I don't think they considered the aspect of not allowing wild animals into this province. That was not part of their consideration. Because I think they saw it as being dealt with at different levels of government.

Mr. Deputy Speaker: Your final.

Councillor Steeves: I might have asked the question why they wouldn't have considered that, but that's not for you to answer I suppose, but it would have been a perfectly reasonable thing to ask at the time for somebody.

In any event, I am interested in your comments on Dr. Kiley Worthington's study. Did you disagree with the findings in that study that was just presented by one of the previous delegations?

Ms Burns: To be honest I haven't had an opportunity to read the study. I certainly would want to look at it in great detail.

I guess I have to resort to common sense. My common sense even though I don't have a scientific background tells me that no animal wants to be so confined for its entire life so it could only take a step in either direction. I don't think there's very much argument we can make about that. I don't understand how anybody can possibly argue that that's a good thing. Or that's a good thing for our children to be seeing. That's all behind the scenes, that's the point. People don't understand it but 23 hours out of the day that's where those animals are.

Mr. Deputy Speaker: No further questions? Thank you Ms Burns.

Final delegation is Rob Laidlaw on behalf of Zoocheck Canada.

Mr. Rob Laidlaw: Thank you. I appreciate the opportunity to address Council today on this issue.

I'm the former Chief Inspector of one of Canada's largest urban humane societies, I'm a biologist and I've been involved in captivity issues pertaining to wildlife for about 24 years.

I don't really want to talk about anything other than two points that haven't really been addressed yet. And those points are the issue of regulation and the issue of what would actually happen if you pass a measure that would prohibit performing animals.

With regards to regulation, several people have floated that idea as a possible compromise solution to this whole debate. I really really wish it was a good solution to this problem, but I don't think that anything meaningful can be achieved through regulation in this circumstance. I actually support regulation where it will work. I'm right now involved in the development of regulations for zoos in Ontario. I was involved in providing commentary in the Nova Scotia Circus regulations and I'm involved in several Asian countries in the development of regulatory measures for zoos. So I'm a supporter of regulation. But I don't support regulation of wild animal acts. As a biologist, to me it's simply self-evident, it's not possible for travelling shows to provide an environment that satisfies the biological and behavioural needs of the animals at circuses to be with which are very large complex animals.

How do you provide a tiger with an expansive grassy paddock with climbing structures, a pool to swim in, privacy areas and all the other things you would find in a normal zoo enclosure. Especially when you're in a place like an arena the hallways of an arena. How do you provide elephants with a proper social environment with objects to manipulate and play with prodigious of dirt and earth for dust bathing.

(10:40)

With rubbing posts, with swimming areas and opportunities to forage. When you're in a shopping mall parking lot you can't do it.

Just imagine taking one of the better exhibits at the Assiniboine Park Zoo and trying to travel that around. The logistics of it would make it impossible. You can't do it. That's exactly why the American Zoo and Aquarium Association and other associations don't accredited travelling shows because they can't accommodate the animals properly.

There's also practical concerns. Many animal circuses are seeing diminishing crowds. They're getting fewer dates. The returns are very marginal so it doesn't make any sense for them to invest in elaborate more costly set-ups that ultimately wouldn't accomplish very much.

As much as I'm a believer in regulation in this circumstance it won't work.

In this whole debate there doesn't seem to be a lot of people who have said to me, yeah, big animals, small cages, this is okay. Most people seem to think it's not a good situation. I think most Manitobans would agree. The reaction to the plight of the three Churchill polar bears is a good example of that. I'm sure no one in this room would dispute if the animals in the Assiniboine Park Zoo were confined in the way that circus animals are, there'd be outrage from the public. I don't think you can have that kind of double standard.

What are we advocating? We're advocating a prohibition. Now what would happen if you vote yes to it? I think this is the most important question. What would actually happen? I'm pretty damn sure that the answer to that is nothing, nothing will happen. The circus will go on with business as usual minus the wild animal acts because that's what's happened everywhere else. The majority of other jurisdictions where prohibitions have been passed to spite claims of doom and gloom the circus has continued. In fact it sometimes prospered better than it did when the animal acts were allowed.

For example, despite prohibitions being in place in many lower mainline British Columbian cites, Victoria and Vancouver, the circus is still continue to come. At the other end of the country in St. John's, Newfoundland and Mount Royal where prohibitions are in place, the circuses still continue to come. In Ontario, the City of Windsor passed a by-law in the Tarzan Sobini's Circus which visited Windsor said vehemently, we won't come, we can't come without our animals. Yet next month they're performing without their animals.

This weekend in Yarmouth, Nova Scotia the extreme circus featuring the Wolenda Family will be performing. Since enacting

the prohibition in Yarmouth, there's actually been an increase in the number of circuses visiting. And believe it or not there's been larger crowds. Half filled venues are now being replaced by full houses. And the Star Brother Circus and even the Moscow State Circus now find it viable to come to Yarmouth.

Circuses will just continue on. I don't believe in the doom and gloom because history hasn't shown that to be the case. If they don't think that circuses will work there's all kinds of other options. There are all kinds of numerous non-animal circuses that they can hire, that are within the price range of the people they're dealing with now.

Nobody likes change, that's understandable, but sometimes change is good. I believe that shifting away from wild animal acts has been a Godsend to the circus industry. I think if that's the case with the Shriners, it will prove to be beneficial to them. I would encourage you to just do one simple action, a positive and compassionate action, vote yes. Things will remain the same, things will go on, that's what's happened in other places, that's what will happen here, the circus will prosper.

Mr. Speaker: There's questions if you will permit. Councillor Angus followed by the Mayor and Councillor Gerbasi.

Councillor Angus: Just curious, you mentioned that some jurisdictions have prohibited the animals and the animals aren't showing. Do the circuses themselves not carry the animals, or do they just sort of leave them in the cage while they're in that town for the three days and then move onto the next town?

Mr. Laidlaw: It's a mixture. Some like the Moscow State Circus have decided not to tour with any animals. Last year they toured with some domestic animals. So there are circuses that are saying, well let's just get rid of the animals altogether because it has no effect. There are other circuses that do tour with their animals and they don't bring them into jurisdictions that ban them, so it's a mix.

Councillor Angus: If they came through Manitoba and as an example played shall we say Thunder Bay, and then we're coming to do Winnipeg, and then going onto Regina, they would just leave the animals in the cage in the trucks or the arena, is that what would happen?

Mr. Laidlaw: That's a possibility but I don't think it's a very distinct possibility. What I think will happen is if Winnipeg passes a by-law, I think that will send a very strong message. And most of the circuses that come through just won't bring animals at all.

Mr. Speaker: Mr. Mayor.

Mayor Murray: Thank you Mr. Speaker. Could you just explain something to me. In Canada all zoos have to have accreditation under the Canadian Association of Zoos and Aquariums. If we lost our accreditation and Winnipeg Zoo has that accreditation that would make it pretty hard for a city government to operate a zoo that wasn't accredited.

We at Executive Committee became familiar with the six conditions we have to have in the treatment of animals there. If we took our elephant or our tigers and made them jump through hoops or have elephants, mature elephants crawl under each other and do the tricks that elephants do at a circus, do you think since this is Zoocheck's area of expertise we would likely maintain our accreditation or will we likely have our accreditation under review?

Mr. Laidlaw: It would be certainly under review if you're engaging in circus type performances particularly the more offensive ones like having animals jumping through flaming hoops and things like that then certainly the accreditation team that comes to do the reaccredidation when that time came, that would certainly weigh heavily against the zoo. In fact there are some zoo associations that will not accredit at all if those types of performances are engaged in.

Mr. Speaker: Councillor Gerbasi.

Councillor Gerbasi: Thank you. Could you elaborate with your lengthy experience in looking at animals in zoos and other environments what kind of impact circus life from what you understand and have seen does have on the animals. Since we can't lay charges here it's difficult to sort of nail down the problem and explain that clearly. I'm wondering if you can help explain what kind of impacts you would see on those animals when you visit the circus.

Mr. Laidlaw: Animals non domesticated animals have certain needs, their biological needs and behavioural needs. They need to conduct themselves in a certain way. They want to do things, they have to be able to engage in normal behaviours in order to maintain physical and psychological health. They have to locomote normally, they have to do the things that they evolved to do over hundreds of thousands or millions of years.

When you restrict an animals environment to the extent that it occurs in circuses there are numerous impacts on the animal. A lot of them not readily available unless you really know what to look for, not readily recognizable unless you know what to look for.

Some of the things that may happen maybe a decrease in interaction that the animal has with its surroundings, so it may withdraw into itself more. This may manifest itself eventually in things that are called stereo-typical behaviours which are meaningless repetitive movements. I've investigated about 35 or 40 circuses behind the scenes, negotiated with circus trainers, tried to get animals out of circuses, and in all of the ones that I've seen you see all of these abnormal stereo-typical behaviours, you see the pacing, the tongue playing, the bar licking, the copper the eating of vomit things like that, but you also see other ways that these problems manifest themselves. They are things that you wouldn't really notice if you don't know what to look for. They're things like animals that just sit around a lot more, that lie more, that sleep their lives away because of their confinement. That is just as abnormal.

(10:48)

Along with these behavioural indicators of suffering that you can see, there's also in many animals both short term and long term physical consequences so you may have changes to the endocrine system elevated levels of adrenalin. You may have other fluctuations in blood hormone levels. You may have changes in heart rate or blood pressure. You may have respiratory changes. You may a decrease because of a lack of activity of physical fitness of the animal. The cardiovascular capacity, the muscle structure of the animal, and in fact it's an interesting question because I was just going through some Calgary Humane Society reports from a circus that had visited Calgary and on their official inspection they noted in one inspection of one circus with 15 cats, a number of these types of physical elements that I'm talking about and what they saw was symmetrical flesh wounds from rubbing against the bars of the cage, sore paws due to scar tissue on the paws. Amputated toes. Arthritic cats. Raw tail tipped due to tail sucking which is one of these abnormal stereo-typical behaviours. They found old compound fractures that were aggravated in the animal because it didn't have a chance to move around.

There's all kinds of ways that these problems manifest themselves, and unfortunately it's very very difficult if you don't know what to look for to recognize a lot of them and that's a real obstacle that we have to overcome.

Mr. Speaker: Councillor Smith.

Councillor Smith: The circus promoters have been saying that the exotic animals are better in the circus, they live longer, they are looked after better than they are in the zoo, that they are better off in the circus than they are in the zoos. Can you deal with that?

Mr. Laidlaw: First and foremost longevity is never an indicator of welfare, never. I've seen cats like tigers kept in chicken wire cages in people's backyards and basements in Ontario that have lived for 25 years. It really depends on the

tenacity of the individual animal. Longevity is never an indicator of welfare. I would dispute the claim that animals live longer in circuses. I don't have the statistics off the top of my head but I would certainly dispute that claim.

With regard to the overall life of the animals. I would say that there's a very real difference between zoo animals and circus animals. It's really a question of quality of life. While there are problems that are experienced by animals in some zoo settings, their quality of life far exceeds anything that most circus animals would ever experience. It's a vastly different a profoundly different situation for the animals.

Mr. Speaker: Thank you very much.

Councillor Wyatt had asked me to put a motion, I believe you have the same motion Councillor Lazarenko.

Councillor Lazarenko: Mr. Speaker I move suspension of the rules to hear additional delegations to the subject matter because it's very important that we hear all. I understand that there was an indication early by one of the delegations that they did have a person who they flown into the City of Winnipeg. I move that we hear additional delegations.

Mr. Speaker: I would point out to Council that we had four others who had requested before 4:30 yesterday and according to the Clerk, a large additional number this morning. Of course we have no control on what that number would be. They would all have five minutes.

There's a motion that the rules be suspended, a motion to suspend the rules. There is nothing in the Procedure By-law to allow it. It must be put immediately. It will be a recorded vote.

We have a motion to suspend the rules to hear any and all additional delegations for a time period of five minutes each who wish to speak on this subject. All in favour of suspending the rules please rise.

A RECORDED VOTE was taken the result being as follows:

Yeas

Councillors Pagtakhan, Smith, Steek, Wyatt, Lazarenko.

Nays

His Worship Mayor Murray, Councillors Eadie, Angus, Clement, De Smedt, Gerbasi, Lubosch, Steeves, Thomas, Vandal, Mr. Speaker Councillor O'Shaughnessy.

City Clerk: The vote Mr. Speaker, Yeas 5, Nays 11.

Mr. Speaker: The motion has failed.

Now moving onto the Report of the Executive Policy Committee dated May 7, 2003.

REPORT OF THE EXECUTIVE POLICY COMMITTEE DATED MAY 7, 2003

Mayor Murray: I would move Clauses 1 through 5 as consent.

Mr. Speaker: All in favour? Contrary? Carried.

Report of May 21, 2003.

REPORT OF THE EXECUTIVE POLICY COMMITTEE DATED MAY 21, 2003

Mayor Murray: I'll move Clause 1 Mr. Speaker.

Mr. Speaker: All in favour? Contrary? Carried.

Motions. We have a motion moved by Mayor Murray, seconded by Councillor Gerbasi asking for a time extension. All in favour? Contrary? Carried.

Motion No. 1
Moved by Mayor Murray
Seconded by Councillor Gerbasi

WHEREAS on February 26, 2003 Council referred a motion to the Executive Policy Committee which requested City Council to consider the re-establishment of the Winnipeg Police Commission;

AND WHEREAS on March 5, 2003, the Executive Policy Committee referred the motion to the Chief Administrative Officer for report back;

AND WHEREAS in accordance with Rule 16.4 of the Procedure By-law No. 5400/90, any motion which is automatically or otherwise referred to a Committee, shall be reported on, in writing, within 60 days unless Council grants some other period of time in which to report;

THEREFORE BE IT RESOLVED THAT Council grant an extension of time of 60 days for the Executive Policy Committee to report back to Council with their recommendation relative to the re-establishment of the Winnipeg Police Commission.

Mr. Speaker: By-laws.

EXECUTIVE POLICY COMMITTEE CONSIDERATION OF BY-LAWS

Mayor Murray: I'll move that By-law No. 86/2003 be read a second time.

Mr. Speaker: All in favour? Contrary? Carried.

Clerk: By-law No. 86/2003.

Mayor Murray: I'll move that the rule be suspended and By-law No. 86/2003 be read a third time, and that same be passed and ordered to be signed and sealed.

Mr. Speaker: All in favour? Contrary? Carried.

Mayor Murray: I'll move that the following by-laws be read a first time, by-laws numbered 93/2003, 94/2003, 95/2003, 102/2003, 103/2003 and 104/2003.

Mr. Speaker: All in favour? Contrary? Carried.

Clerk: By-laws numbered 93/2003, 94/2003, 95/2003, 102/2003, 103/2003 and 104/2003.

Mayor Murray: I'll move that by-laws numbered 93/2003 to 95/2003, both inclusive, and 102/2003 to 104/03, be read a second time.

Mr. Speaker: All in favour? Contrary? Carried.

Clerk: By-laws numbered 93/2003 to 95/2003, both inclusive, and 102/2003 to 104/03.

Mayor Murray: I'll move that the rule be suspended and by-laws numbered 93/2003 to 95/2003, both inclusive, and 102/2003 to 104/03 be read a third time, and that same be passed and ordered to be signed and sealed.

Mr. Speaker: All in favour? Contrary? Carried.

Question Period. Councillor Wyatt.

EXECUTIVE POLICY COMMITTEE QUESTION PERIOD

Councillor Wyatt: Mr. Speaker, I'd like to ask His Worship a question. I'm not normally quoting from the Winnipeg Sun but being a backbench City Councillor I've got to get my information where I can. I know that His Worship may have more information though.

It was quoted in the Winnipeg Sun today that regarding the tobacco issue, the Premier was asked to comment on his position about the casinos and referring to our by-law. Where we're going to be is with the spirit of the by-law Doer told the Winnipeg Sun Editorial Board. I mean, again this is him speaking, I mean there's

a lot of tours that come here but I'm not saying it's not going to be July 1.

(10:56)

Please I just want to make sure I have a little sure footed on this. Do we know, is the Province from what you've heard Your Worship going to bring in their ban on smoking in all casinos because I know that was a great part of the debate that we had in this chamber, it affected a lot of votes that a lot of folks felt in this chamber that the fact that the Province made a commitment prior to the debate here to ban smoking in all casinos, and I'm wondering is that still the case effective July 1?

Mayor Murray: Thank you very much. I would expect that the Province of Manitoba would respect the democratic rule of law as passed by the vast majority of members of this City Council. If not unanimous it was very close to that.

The second thing is, I know we've had a long discussion that because the Crown can act outside the law of city governments in Canada that one, they would proceed without having to be accommodating. It would be interesting though given the recent court cases like Spraytec and some of the recent litigation that the City of Ottawa has six lawsuits against the Province of Manitoba, including a recent override of a rule by the Chief Building Inspector of Ontario whose mandate is suppose to be provincial law, they actually just won a precedent setting court case recently where a city by-law overran a provincial legislation and a provincial statutory officers ruling because the environmental concerns involved were seemed to be in the jurisdiction of the City of Ottawa. And even though the Provincial Government had not specifically legislated in this area and their by-law superceded provincial standards, it held up in court.

I think you can't even safely say given the recent court rulings in this country that cities don't now by convention and by court ruling have the ability now to supercede a provincial legislation if their standard is lower or it's viewed within the general jurisdiction of the municipality, or if it's an area of provincial jurisdiction in which the Provincial Government has failed to legislate in, cities now are getting court rulings that say they can go there and legislate there in the public interest providing they have the good government legislation clause that we have. Our municipal legislation and our new charter which the Premier gave us is actually stronger than the Ontario legislation.

Having said all of that, in my discussions with the Premier he's led me to the conclusion that he will respect the law of the City Council and would certainly work with us. I would be very surprised if anything else happened. Quite frankly Councillor Wyatt even though you consider yourself a backbench councillor, it's two flights of stairs to my office. I've used them to come and drop in on you many times. You are always welcome, there's always a cup of coffee, and you won't have to rely on gossip and hearsay if you want to sit and chat with me. The coffee is free.

Mr. Speaker: Supplemental Councillor Wyatt.

Councillor Wyatt: Thank you Your Worship, the coffee is free downstairs too.

Further to that Mr. Speaker, through you to the Mayor, there's a concern that the Province is looking at doing something with smoking across the entire Province. Is there the possibility that we could be looking at tying into their efforts and therefore possibly seeing something at the June Council Meeting whereby we will hold off implementing our July 1 schedule for the ban?

Mayor Murray: I would say that's doubtful at this point given how far advanced it is, but I was very careful during our debate to say, I don't think we want to have an overriding provincial anti-smoking law that includes a ban coming in within months of our regulation. If the Province decides to ban smoking which it can do, and it chooses a different date or a more comprehensive law or something else, I think that we as a city council would have to give that some consideration about coordinating our

dates so we don't drive people insane with different campaigns.

Having said that, it's really getting past the point of time where that is a reasonable option given that I know Councillor Gerbasi on behalf of her standing committee have been working very diligently to get an ad campaign which I think you might want to ask her about I think is in final stages, if not, about ready to go to print. The lead time is really short.

We have had no indication from the Province Councillor Wyatt that they will be acting in the next few months or within the next 12 months on this. I just think we should in government try to be sensible in dealing with the public, residents, and businesses. We don't want to get into a competition with other governments about different smoking by-laws being introduced at different times.

My sense is, if that would ever happen we would a) have to get a request from the Province to do that. They would have to pick a date that was acceptable I think to us or partnership in consultation with us and then quite frankly we'd hope they pay for the ad campaign to its enforcement if there was a coordinated issue.

I don't think that's likely at this point. Simply because July 1 is fast approaching, and I think this week is the cutoff date because my understanding is that you'll be seeing an ad campaign within the next couple of weeks. Councillor Gerbasi if you want to help me here, is it the next couple of weeks? Suffice to say the mandate to our administration was to get on with an advertising campaign. Once we're advertising we can't really pull it back at that point. I think we're within days if not a couple of weeks when the ad is hitting the deck, and then we're committed. I don't think that's likely. But I did Councillor Wyatt as you may recall say at that time, if the Province was going to act in this area it was going to get really confusing if there were different dates being advertised and we should try and coordinate and agree on one day.

Mr. Speaker: Councillor Steek. Before you do Councillors, I want to point out one thing, Councillor Wyatt was within the rules but for the information of all councillors no question can ask whether statements made in any media report are true. You didn't do that, you used the report but didn't ask if it was true. Just for future reference.

Councillor Steek.

Councillor Steek: Thank you Mr. Speaker, through you to the Mayor. In the seminars on the introduction to the current budgets, the other day one of the phraseologies that we heard with repetition was the importance of an entrepreneurial city, and the emphasis on generating additional revenue. With that as background Mr. Speaker, many of us on this Council floor have received e-mails from the Manitoba Hotel Association wherein the Hotel Association has seen assessment reductions of $56 million of assessed value which translates between property and business taxes to a loss to this city of $3.3 million. Close to 1%.

Would the Mayor agree that the continued reductions both at the Board of Revision and at the Municipal Board send a deleterious message out, not only to the hotel community but to the business community as a whole?

Mayor Murray: Thanks. This is something that is a great area of concern to myself and Executive Committee which is why we ask Councillor O'Shaughnessy to Chair a committee a report that's been tabled with the Province. We quite frankly hoped it was going to get more attention in this provincial election, as a matter of fact we sort of hoped that the municipal agenda was going to get more attention.

(11:05)

Given the events in the next three or four days in the City I think that won't be lost on the Premier and opposition leaders that a great deal of discussion about these issues and autonomies are going to be raised.

I agree with the recommendations of the task force, I fully endorse them. We are working to get them implemented. I think they will resolve a lot of the issues. We brought some very credible business leaders onto this. Lorne Weiss, Sandy Shindleman, Martin Hak and Law, Real Estate and Development respectfully to the table. Those of us in elected office have to keep an arms length distance from the assessment branch and we cannot interfere. They have an arms length statutory responsibility, they have to be independent and free. That is a very challenging thing.

I will tell you I was not alone, and I know the Chairs of some of the standing committees including my friends Councillor Clement and Councillor Angus and others took the time to point out to Mr. Moore and Bob Gannon, and I know Councillor O'Shaughnessy raised this issue at the Standing Committee, that we were going to watch very carefully as the hotel assessments went through the process. The position of the Assessment Department was that they were accurate and right and we should have confidence in that, and clearly also we shouldn't be interfering in that.

When the court cases have run their case I think we were quite straight up with them that we were going to review those assessments once the courts and the final ruling is had. Many of those are still working their way through their stages of appeal.

If there ends up in the court judgment a very different interpretation by the courts and the Municipal Board of those rulings, it would then be our responsibility not to comment on an individual case but to be reviewing through the appropriate standing committee the assessment evaluation process to look at why and what methodology was used and what values were used. If it turns out to be a major gap and a systemic series of misjudgments, then we would review them.

I think that we should wait until this process is through. I am not happy, I think the changes that are proposed in Councillor O'Shaughnessy's report are well-thought out. I think they start to reduce the adversarial role. I think we want to take more responsibility for assessment values, and for a more customer friendly process.

We're going to be talking in the next couple of days about a new deal for cities. This is a textbook example of our principle source of legislation of revenue is completely legislated, the value system determined by the Province of Manitoba, and we can't change it substantively without a change by the Provincial Legislature. I think we can do more to improve become more customer service friendly but I don't think any of us and for all of us who read the report, I don't think there's some real dramatic changes that have to be made to the Assessment Act and the approach.

Again, I know there's a huge sense, I feel the same frustration that you do Councillor Steek regarding what seems to be a growing gap between the Assessment Department's value judgments on hotels and what the actual rulings are. But we cannot interfere in that process until it's concluded, and when it's concluded we can review the entire issue. We cannot get involved in an individual case, and I don't think you're suggesting that, but I would certainly agree, if you are suggesting that this needs to be reviewed at the conclusion of this assessment cycle this year, I think I would be very supportive of that. If you wanted to be involved in that process I would certainly work with you to achieve that.

Mr. Speaker: Supplemental Councillor Steek.

Councillor Steek: I appreciate the Mayor's offer and I intend to take him on that.

My question is very straightforward. Does the Mayor agree and in view of the ongoing repetition both at the Board of Revision and the Municipal Board and the significant reductions in most instances from one-third to fifty percent of assessed

value are a major deterrent to attracting investment within this community?

Mayor Murray: No, I do not think they're a major detractor from that, and I think the idea that we constantly take when we have the momentum of investment that we've seen in downtown and new hotel construction that we've seen in downtown when we haven't seen a hotel built here for a while, we now have one recent completed, a second under reconstruction and a number rehabilitated and massively invested in that I think we can carry these things too far.

Is it problematic? Yes. Is it discouraging? Yes. Do we have to work with the Province to make some corrections in the system? Yes. Would it be fair to say that characterizes it's a major disincentive in investment? It's certainly not helpful, but I think we are seeing significant investment in the hotel stock.

I don't want to overplay it or overstate it. It is not the way I think we should be running our assessment evaluation system if it turns out. There are legitimate differences of opinion based on value. I am not an assessor. I have no education in that. I am not a lawyer. And I do not have the legal background. What we have to do when the court cases are finished so that we're not interfering or seen to comment on or make comments that could undermine either parties rights before the courts. We should be sitting down when these court cases have gone through this year or when a majority of them have and review the process. I hope that all councillors would keep an open mind on both sides of this, hear the full explanation from the City Assessment Department, sit down and realize that we have limited authority that we have to work with the Province, support Councillor O'Shaughnessy's report, and very importantly because I've met with the Hotel Association on a number of occasions and will again on this topic, hear from them, and then make a reasoned judgment about what should be done because I don't think any of us yet have a full understanding of the issues of the various in assessment. We can't immediately jump to the conclusion that one side or the other is right. There are a lot of issues involved in this, it's not a simple black and white issue.

Certainly Councillor Steek, the essence of what you're suggesting which is, there is a need for a review here, and to either close that gap or have a very darn good explanation for why there is such a gap in the value. We certainly owe that and we certainly have to resolve this. But we're walking a little bit on eggshells here because we're talking about a number of issues that are before the courts and we have to be in this form guarded what we say.

I would be very happy and much more comfortable talking to you about this, not on the public record because I have to be very guarded about anything I'm saying here is on the public record and can potentially be used in a court case. I think I would be much more comfortable sitting down with you if you'd like to sit down with the City Assessor in a not interfering way but for both of us to get an explanation of how the City Assessment Department sees that and to meet with the Hotel Association. Again I would be open to both those kinds of things they would probably be more constructive. But these are the kinds of discussions I would prefer to have with councillors not on the public record where we have to mindful that things that we say could be used to undermine someone's rights in court.

Mr. Speaker: Final supplemental Councillor Steek.

Councillor Steek: Through you to the Mayor. Mr. Mayor today Motion No. 1 was moved back, taken as read. This is a result of a motion that I had brought initially regarding a police commission. Prior to her departure the CAO indicated that this report had been in the review process for longer than six months, this will make it eight months. Is it the intention of the Mayor that we will have a report brought forward regarding the merits of a police commission before the Council prorogue in August?

(11:12)

Mayor Murray: I think that's likely. We have not had a police commission, we stand alone as the only major city in Canada that doesn't have one. This is something I've had discussions with the Police Chief probably for longer than a year. I've also had the chance to meet with the police chiefs and mayors of other major Canadian cities. I have heard a variety of views. Some police chiefs and some mayors think their police commission is very very effective and very useful. Others have said that it's a waste of money and a waste of time, and adds very little value to their relationship much the way that it was felt at our previous police commission as done.

The issue I think is not whether or not you have a police commission, the issue that we're facing is whether or not you have effective oversight of the Police Department. Whether that is the Province or the City or a joint body, when you say a police commission the police commissions are dramatically different kinds of organizations.

We do have and I think we can certainly share that with you, what is ready is there is a survey a comparative survey that is being done right now by the Police Services and by the CAO of the various models of police commissions, and they're dramatically different. When you say you want a police commission, you're saying you could want one of 50 different types of animals some of them seem to make sense.

I don't think this is going to be a quick decision. I think this is going to be a very, we have to first figure out what our challenges are. What kinds of budget review oversight is required and then whether or not we have a police commission we have to look at different mechanisms of oversight and police commissions are only one of a number of mechanisms of oversight and there is a huge variety of powers and rules for police commissions and different roles. In some senses to be quite frank with you, our standing committee really forms the role equivalent to what some police commissions in this country do. In those cities there is no standing committee oversight. We already do have some oversight functions. Are they sufficient?

And Council I'm hoping that what we can do and what I would really like to do, it may not be before August, it would be good if we could do it before August but it may not be before August, is to bring some people into the City who have worked with some of these different types of models to talk to us about the advantages of that. And to get some assessment of what councillors think the particular challenges are in police oversight and police review. I think we've been pretty loaded up with a lot of other issues right now. I hope that gives you some sense of it.

To sum up, yes I think the idea of police oversight, I'm certainly open to a police commission. The review is underway. Police commissions get mixed reviews and they're only one mechanism of police oversight. We also know the Attorney General of the Province of Manitoba and the Premier and this is through two governments now have been talking about LERA and have been talking about different other mechanisms of police review and oversight because they have some jurisdiction there, and we need to also engage them and find out what their plans are for review.

As you may know we've had some incidents with the Police Services in the last week, and again we've gotten into a number of issues of oversight and review and what the best mechanism is. I think it's becoming extremely important, it's becoming an increasing priority and I would hope by the end of this year we will have agreed on whether or not we want a police commission or what kinds of oversight of the Winnipeg Police Service we think is appropriate. I think it's a complex issue and a police commission is just one of many possible solutions to it.

Mr. Speaker: No further questions? Move onto the Standing Policy Committee on Property and Development, the Report of May 6, 2003. Councillor Vandal.

REPORT OF THE STANDING POLICY COMMITTEE ON PROPERTY AND DEVELOPMENT DATED MAY 6, 2003

Councillor Vandal: Thank you Mr. Speaker. I'd like to move Items 1 through 7 as consent items.

Mr. Speaker: All in favour? Contrary? Carried.

Report of May 12, 2003.

REPORT OF THE STANDING POLICY COMMITTEE ON PROPERTY AND DEVELOPMENT DATED MAY 12, 2003

Councillor Vandal: I'd like to move Items 1 through 4 as consent items.

Mr. Speaker: All in favour? Contrary? Carried.

Motions, none. By-laws.

STANDING POLICY COMMITTEE ON PROPERTY AND DEVELOPMENT CONSIDERATION OF BY-LAWS

Councillor Vandal: I'll move that the following by-laws be read a first time, by-laws numbered 96/2003, 98/2003 and 99/2003.

Mr. Speaker: All in favour? Contrary? Carried.

Clerk: By-laws numbered 96/2003, 98/2003 and 99/2003.

Councillor Vandal: I'll move that by-laws numbered 96/2003, 98/2003 and 99/2003, read a second time.

Mr. Speaker: All in favour? Contrary? Carried.

Clerk: By-laws numbered 96/2003, 98/2003 and 99/2003.

Councillor Vandal: I'll move that the rule be suspended and by-laws numbered 96/2003, 98/2003 and 99/2003, be read a third time, and that the same be passed and ordered to be signed and sealed.

Mr. Speaker: All in favour? Contrary? Carried.

Any questions? None.

Move onto the Standing Policy Committee on Protection and Community Services dated July 8, 2002.

REPORT OF THE STANDING POLICY COMMITTEE ON PROTECTION AND COMMUNITY SERVICES DATED JULY 8, 2002

Item No. 1 - Prohibiting the Use of Wild and Exotic Animals from Entertainment Events within the City of Winnipeg File EL-10 (Vol. 3)

Councillor Gerbasi: I'm very pleased to introduce amendments to By-law No. 3389 that would effectively ban prohibit the use of exotic and wild animals in performing acts within the City of Winnipeg.

This is a very difficult issue today and I know a lot of us around the table are feeling we're in the middle of a very hot spot right now. We have on the one side the Shriners which is everyone in this room agrees does wonderful service for the public for children, it's one of our traditional key charitable organizations in our city and everyone has a great respect for them. On the other side of the argument we have the Humane Society which represents thousands of citizens and we also have a lot of individual citizens who are concerned about the treatment of wild and exotic animals. It's not a comfortable place to be between those two sides. Both of those sides are good people. All of us here are good people trying to do our work. We're in a very difficult situation. And sometimes we have to make a decision that is difficult and that's being in government.

Clearly all of our citizens aren't in agreement and neither are we in this room. However I happen to believe that Winnipeg is a leader in being progressive on human rights issues and other difficult issues and we've taken strong stands and

I think today we should do that again because I believe this is the right thing to do.

It's quite clear that the City of Winnipeg Charter Act charges the City of Winnipeg with the responsibility to protect animals. We clearly have the authority to take this action today, it's just hiding to try to brush it off to another level of government. Certainly improvements could be made and probably should be made to the Animal Care Act and other acts, and down the road that should happen. But that's a battle for another day, and the delegations today have made it quite clear that that's not exactly going to solve the problem anyway.

I think it would be nice to not have to be in this pressure cooker and to have to make this decision but you're going to have to make one today one way or another unless you just want to avoid it and we can come back in six months and have the same discussion.

I believe that the current practice is simply wrong and cannot be fixed by tinkering with the regulations. I think that again I want to emphasize the wonderful work that the Shriners do but I think it's been argued that this is more about the tradition of the circus itself then fund raising.

(11:22)

That there are alternative methods of fund raising and there's other choices that could be made and in fact the circus could even go on without the wild animals and still be a successful circus.

All of those arguments have been made. This is about tradition and this is about tradition and changing attitudes and it's about change.

It's very similar to the debate that we just went through with the smoking by-law. At one time we could smoke right in this chamber, teachers could smoke in classrooms, well that's laughable today. This is something that is still considered normal to some people that wild and exotic animals could be treated in this way. Well a lot of people are waking up to the fact that it isn't really acceptable anymore, and that's what this debate is about today.

At the time that these kind of changes in attitude come forward they are controversial and there's a lot of resistance to them, and this is one of those cases. I think as leaders we should be speaking out about that and doing the right thing.

It's been mentioned that we use to have as another example of this has been mentioned that we use to have people with disabilities at exhibitions displayed. That's insanity, we'd never do that now. But that happened and it wasn't all that many years ago and it was a normal acceptable practice and I'm sure the council of the day had to stand up at some point I'm sure they had a room full of people that thought we should keep that. It's the same thing in that sense, it's a similar type of situation to be in.

It's clearly wrong to put wild and exotic animals in small cages and transport them across the country all year round. It's wrong to have them trained to do unnatural acts that completely go against their instinct. Especially the only purpose of this being entertainment, not education, not further understanding of the natural environment. We've heard examples of the impact on the animals, no, our laws don't cover it so there's not charges. But we've all seen the stereotypical behaviours. I've been to the circus with my kids when they were younger when I was a child myself and you did, a lot of people worried about those animals that are scratching at themselves and their hair is coming off. You see those things and we don't really know we're not experts. The evidence before us today is pretty clear that there is not adequate justification for the suffering of animals in circuses. I think that's what the public is saying to us. Certainly the public in Fort Rouge-Fort Garry has been overwhelmingly. I know there's people on both sides. Again I point out, we need to do the right thing, we just can't count up the phone calls. If I were to count up the phone calls I can tell you which way they'd be going.

It's been argued that the animals are inspected when they are in Winnipeg and that's there's no overt indications of maltreatment. The problem is the animals are provided from contracted out companies that we cannot regulate and control because they are from other parts of the world. We have no control over what happens the other 51 weeks of the year. We have absolutely no say in that and so we can say yeah, there's nothing overtly going on while they're in Winnipeg but as Vicki Burns explained quite clearly, our animal laws don't cover the type of mistreatment that we would all find completely unacceptable anyway because circuses are exempt from that clause in the laws as Vicki pointed out.

We can't evaluate how they're treated when travelling or how they're trained. We've heard some very compelling evidence from Zoocheck about the current practice and what goes on and the damage inflicted on these animal's spirits and psychology and ultimately physical impact of the way circus life is. It's the nature of circus life and traveling shows, we can't change it by regulating that. This is why a number of other cities in Canada and the Untied States have prohibited wild and exotic animals. It is simply unacceptable to subject complex and exotic creatures to these kind of indignities. We're not talking about domesticated animals that can run around and be around humans, these animals have to be kept confined because they could be dangerous if they're not.

There's also a huge difference between zoo life and life in the circus which has been elaborated. There's rules of accreditation around zoos. They can't be jumping through hoops of fire at the zoo, they're there for education and they are given opportunities to act as they would in their natural environment.

Anther point I'd like to make as a parent, is that I would rather teach my children to respect nature and to see exotic animals in their natural beauty and dignity than to see them treated in some sort of sick entertainment. I don't think that's a good message for children. I think we're moving towards a more environmentally conscience attitude. I think we have to as we lose many of our wild animals in the world today and I think it's a changing attitude. I really think what we're seeing here is tradition butting up against change. Unfortunately it's hard for many people, it's the same thing with the smoking by-law, we've always done it this way, why do we have to change. We've had a lot of fun but the world changes and attitudes change and sometimes we have to do the right thing.

In this case I believe the right thing is to accept these changes, these changes exempt all other types of domestic animals and they certainly don't effect educational or exhibits or other things. It's very clearly targets effectively performing acts and wild and exotic animals, it's not the same as other kinds of animals we're talking about, creatures that have certain instincts and needs that just cannot be met travelling on the road many weeks of the year in a tiny little cage.

I urge Council to support the amended by-law, and I urge them to make their decision today, we can slough off the decision. If we do vote against this today as a group I think we'll see it back again because I don't think it's going to go away. I don't think change is going to be stopped by this Council not having the vision to make a progressive move today, we'll just be back next year until we're ready to make that move. I hope that you're ready to make that move today. I look forward to a thoughtful and respectful debate from all of you. Thank you.

Mr. Speaker: Thank you Councillor Gerbasi. Councillor Lazarenko.

Councillor Lazarenko: Thank you Mr. Speaker. Speaking to the clause that is before us here today. I stand in opposition to the clause what is presented to us.

When you talk about responsibility, when you talk about animals whether exotic or not, the role of Council is to enact legislation what is provided to us by the Provincial Government which we follow now under the Winnipeg Charter.

Last year when I moved the motion to break the contract with the University of Manitoba the dogs that we were sending there for research. The committee members who had presented this motion last year, the Protection Committee of banning the exotic animals at the circuses specifically with the Shriners.

Not too many were aware that we were sending animals for research at the University of Manitoba at the laboratory just behind the Health Sciences Centre. There was so much concern that calls were coming in to our administration, calls were going to all other parts of the agencies that had dealings with animal services. The MA Society was involved, I was involved with an organization from Toronto. Then the Administration decided to break the contract with the University of Manitoba. No more sending dogs to the research at the University.

What gets me is what is before us here today. They will not be exempt what we did here last fall, the exemption under this by-law relating to the Assiniboine Park Zoo.

(11:30)

What is to stop members of Council in future, members of Council that will take a role the same as someone to do over here now is to say that we will ban all exotic animals in the City of Winnipeg period including the Zoo. We're contemplating spending over $100 million to upgrade the Zoo. What will happen if you do that? What kind of animals are you going to put in there? It's education.

The University of Manitoba is exempt. The University of Winnipeg is exempt, the Health Sciences Centre and all schools to which the public act applies. I would be I guess pointed at in such a way to say, do you know what you're talking about when you were so instrumental of trying to ban abuse of dogs for animal research at the University of Manitoba that we were sending. Still this is before us, they're exempt. My question is why?

Why are we targeting certain entertainment, certain agencies to say you can not use animals, exotic animals for your entertainment. It's been a known fact, no charges have ever been laid, nothing. The Provincial Government introduces legislation. Under the prohibited practices that they have under that legislation, specifies in Article 5 tells you about the involving fund being two or more animals, the keeping of confined animals in a facility that contains items or debris that constitutes a hazard likely to injure the animals. They monitor that, that's their legislation we have ours. You don't realize what you're going to be doing to this clause. I was out of town on the weekend just last weekend, I had professors, I had school teachers, university students had approached me and the principals of various schools had said, what are you doing. We don't have the facility, we don't have the capability of having any circus in our towns except the major city of Winnipeg. And if you proceed to do this, our children will never go to a zoo, we send them by bus loads. Here you're talking about an organization such as the Shriners who have been for many years helping the needy. The burn fund, go to see a family that they're child or loved one who has been injured in a fire. These are the people that are out there, they're helping. We're targeting them.

One event per year that the Shriners put up a circus. Thousands upon thousands of people will go to see the circus coming in from far up north, coming in as far as outside of Kenora, coming from parts of Saskatchewan and coming in from Grand Forks, North Dakota. They come here to bring their children. I ask the question of the delegation, what is the percentage of people that come there of the children. I can tell you right now it's close to 80% of the people that come to see the circus are children and the parents bring the children with them. It is not to say it's an event that is being held to make a fortune, their monies are used for one reason. It's to help the unfortunate.

When you talk about cages, well how else can you detain or keep an animal that is not only for the protection but also for the protection of the individual animal, they put them in a cage. What is going to be

next? Are we going to be concerned about the cages that we have at our penal institutes. That they should be free. Are we going to be going into that direction even though we don't have the authority because we're not provincial. There is a logical reason Mr. Speaker that common sense approach that has to be taken in any move that we make such as this instant, this clause that is before us. Try and explain to the school teacher, try and explain to the parent that bring their kids to the Shrine Circus to see the animals. Without the animals what kind of a circus will you have. Trapeze artists. When you see the guy smoking fire, eating fire, are you going to see the clowns. This is not an event that people have an interest, they go and see animals because of education. When a teacher told me they do an essay after they attended the circus, the children do an essay. The school project, what did you see and what did you like. This is what you call education.

Sure the Humane Society and others, I applaud them for the move that they make in the protection of animals. Well let me tell you, I have seen when I was going down to the United States and I saw these big semi trailers bringing in pigs for slaughter into the United States and I saw turkeys jammed inside that semi trailer and you see the bottom end of a turkey, the bottom end is sticking out not even the feathers are on there because of the high velocity of the wind, where's the concern of people to say look, before they take them to the slaughter at least give them the comfort. What about our chicken farmers that the chicken never sees the light of day, never sees to squat into position, they are kept in those cages. What about the pig farms? Go to the pig farm and you'll see exactly what is happening there. How they will keep the pigs confined in an area until they're ready to take them to slaughter. There's no end to the concern that we as humans should have dealing with animals. But when you have a group of people an agency that is providing the welfare and care, and you have a provincial government that has an act that is legislated and we have police, the RCMP have been monitoring, complaints have been coming in but none have been founded to say there was enough to close them because they're in violation of the act.

The Shriners would never have been able to be in operation for 70 years to provide the service that they do mostly dealing with the children.

Mr. Speaker, today I was not going to speak to this because sometimes when I speak I raise some feathers and I ruffle some feathers and the vote may go the other way. I can tell you now hearing the delegation and the concerns what we have to do is work together Mr. Speaker, education is the key element here. What we're trying to do with the University of Manitoba on animal research. You have to educate and how do you do it? You do that through a system we have in place now the process. It's a long process, slow process but it has to be dealt with in such a way so that the young people will understand that if there's abuse, I can tell you right now, this does not happen. A farmer cannot abuse his cattle like they use to before because there's legislation to protect that animal. And if they do, they pay a fine and not even go to jail. I can't see why did we ourselves decide to do, what you're going to make the City of Winnipeg as a city without entertainment, the only entertainment we'll have is extreme boxing, extreme wrestling, where there's blood flowing to make sure that people go there they enjoy.

I will say this Mr. Speaker, I would like members of Council to seriously consider not ignore what is before us but to monitor and to use our open mind on this one.

(Councillor Eadie in the Chair)

Mr. Acting Deputy Speaker: Councillor Pagtakhan.

Councillor Pagtakhan: Thank you very much Speaker. I just want to start off by thanking the delegations this morning, Vicki Burns and Rob Laidlaw, thank you very much for coming all the way down from Toronto to speak to us today. Mr. Chapman from the Shriners, thank you very much. I didn't have a chance to ask you a question.

(11:37)

What I want to ask you is the phenomenon that's happening in Burnaby, B.C. with the Shrine Temple over there.

I did have a chance to make a call late yesterday afternoon to Burnaby, B.C. and to find out how the exotic animals by-law is affecting them. To my surprise actually they have not had a Shrine circus there for the last four years due to this by-law. I asked them if they actually tried to fill in the gap with beefing up more trapeze artists and with other things with non animal nature. Unfortunately it just didn't pan out because the kids all they wanted to do is they wanted to come there to see the animals, that's what they're there for to see the animals, the elephants, the tigers. That's what they're there for, that's the main attraction. I believe in what Councillor Gerbasi said, I think that Winnipeg is a progressive city, but we have to progress with sensitivity, with cooperation and with the right frame of mind. I think that perhaps in the future such a by-law like this will be in effect, but I don't think the timing is right today, and I don't think that the Shriners actually to enforce such a by-law like this today doesn't give them enough time. We're talking about tradition and tradition is a great part of Winnipeg. Perhaps in future the Shriners may have a new tradition and it may be a new tradition that doesn't have any animals or wild animals, who knows. But they need more time to do that.

I rise today not in support of this. There is a great deal of scientific evidence to support both sides for and against, and I think more time is required to review that. Thank you.

(Councillor O'Shaughnessy in the Chair)

Mr. Speaker: Councillor Vandal.

Councillor Vandal: Thank you Mr. Speaker. I would like to move that this item be referred back to the Standing Policy Committee on Protection and Community Services.

Mr. Speaker: You have three minutes if you wish to explain why.

Councillor Vandal: The reason I feel that way is essentially, obviously we have two solitudes here. We have two schools of thought and frankly they're both right.

I personally believe that whether the people in this room, the politicians and the people up in the gallery like it or not, there is a movement that is going to keep progressing, a progressive movement that is one day going to make it illegal to harbour wild and exotic animals, lions, tigers, elephants in cages that are 3' x 3' or 4' x 4'. Cages that are clearly not adequate for an animal that is indigenous to central Africa, to Asia. I believe that issue is not going away.

However I believe if you look up in the Council Chamber, if you talk to your constituents, there's a very significant portion of our constituency in the City of Winnipeg that have not bought in to that way of thinking. I believe that we need more time to sit down and talk to one another. I'll reference the smoking by-law as a prime example. We've had the discussion in these chambers many times, it was referred back, it was discussed, come July 1 we were unanimous on adopting a smoking by-law, near unanimous. I believe we have to sit down with the circus organizers, the Shriners included and talk about their strategic plan, where they are going. I believe we have to offer alternatives which will help the circus organizers including the Shriners make more money for the very worthwhile causes that are supported by the Shrine Circus. I believe we need more time to have those discussions.

I want to quote Councillor Lazarenko in summing up this motion where he said, "we have to work together. Education is vitally important in this and we have to learn to work together and talk about the issues here". I believe that there's merits to both sides of the argument. By sending it back to committee by having those conversations, by being proactive I think one day we will arrive at a solution that everybody can live with certainly the

vast majority of people can live with. However we are clearly not there today. Thank you.

Mr. Speaker: Councillor Gerbasi you may speak against the motion to refer to a maximum of three minutes.

Councillor Gerbasi: Thank you. I'm not supportive of referring this back. I think Councillor Vandal raises some good points. There certainly could be a discussion with the Shriners if the City in some way could help them adjust or make changes if they wanted to do that.

I think that referring it back is really, we've had two years of discussion of this at all the different committees. We had delegations, some of the councillors maybe weren't on those committees and weren't there, but we had many many citizens and many many people on both sides come and speak to us. We've heard the information. The fact of the matter is we've got to make a decision. We can put off that decision, we could send it back to committee and sit around and waste the committee's time having discussions we've already had because people just aren't there yet in their opinions. I think the Committee has other more valuable issues that we need to learn more about things that we haven't already heard the information.

I think that there's a year until this by-law takes affect, I think that gives time for an adjustment period to that. If you don't agree with it, if you don't think it's the right thing to do, then vote against it, take a stand. I don't think there's anything wrong with taking either side. There's nobody that's been hooked into taking a position. If this doesn't pass today I predict it will be back because I think the public will continue to raise it. Then we will have this debate again and maybe at that point people will view it differently.

I think it's just really a tactic to avoid making a very tough decision that's difficult to make. It's not an easy spot that we're in, and I'm sympathetic to not wanting to make that decision because you are going to upset another group of people. I think there has been enough information to make this decision. I think there has been enough time to get, we've had the facts on both sides of the issue. We aren't going to make everyone happy. We didn't make everyone happy with the smoking by-law either. Maybe this council just isn't ready to make this decision today. I'd rather bring it back when this council is ready than have it sit at a standing committee and have a bunch of hearings when we've already done that three or four times basically at EPC and at other committees. We're a busy council and this is an important issue. If this council doesn't want to make that decision then that's what we're here today to do. I think the citizens deserve to know what their politicians think and take a stand today. Thank you.

Mr. Speaker: Thank you. Recorded vote has been called for. All in favour of referral please rise.

A RECORDED VOTE was taken the result being as follows:

Yeas

Councillors Pagtakhan, Smith, Steeves, Vandal.

Nays

His Worship Mayor Murray, Councillors Eadie, Angus, Clement, De Smedt, Gerbasi, Lubosch, Steek, Thomas, Wyatt, Lazarenko, Mr. Speaker Councillor O'Shaughnessy.

City Clerk: The vote Mr. Speaker, Yeas 4, Nays 12.

Mr. Speaker: The motion to refer is defeated. I dread saying this, but I have no other speakers. Ah Mayor Murray.

Mayor Murray: Thanks. Mr. Speaker we've all been through if you're on EPC or a standing committee wherever you've heard this, you've heard I think a very very thorough debate. I'd first like to start by thanking the Shriners and their presentation. I think they really took a huge amount of time to make their case. They did it very thoughtfully and for all of

us as kids who went to Shrine Circus have very fond memories of those experiences. We recognize that they're a contribution.

There's very few groups of citizens who put the time in and energy that Shriners do and care about children, and we know that's not only a sincere commitment, it's a huge amount of energy and fund raising that I think all Winnipeggers are very grateful for.

(11:45)

The Humane Society and Zoocheck are two of the most credible and fair-minded organizations in dealing with protecting the rights of beings that can't speak to us and often are discounted because we as human beings make the rules for animals they don't make the rules for us. It takes a lot of work and a lot of concern and care. If anyone has ever visited the Humane Society and the number of stressed animals abused animals that they have rescued and the amount of time their volunteer support because the Humane Society is very much a volunteer based organization as well.

Here we are as a council faced with the very cogent arguments of two groups of volunteers who care deeply about our community, and to both groups of volunteers we owe a legacy of a great investment in children and great entertainment, better health care for children and to the Humane Society the freedom of abuse of animals and caring and nurturing of animals and a great concern for the environment. Yes Councillor Lazarenko they are concerned about the conditions that pigs live in in barns. If you picked up the paper in the last while you can see some of the issues that they've been raising. They've been concerned about domestic animals as well as wild animals.

When all is said and done in the end I was at first not entirely comfortable with my position and in the weeks since as I've talked to people I've become extremely comfortable with it. Because I don't think we really have much of a choice as a city council if we're going to have a lot of credibility. I've said to everyone, I come to council when I got elected as Mayor or I have something in my mandate on behalf of all citizens who voted for me which was an absolute majority, that I really press people to support it. I know when you as a council collectively have a position you often come to me and say relentlessly, this is something that's important in my constituency or my ward and I really make an effort to support it.

This is an issue of conscience, and it's something I've encouraged everyone to go out and talk to their constituents and really come to their own judgement on that because I think it's important.

It's become very simple for me. Why is it simple? Because it's not about people taking a baseball bat to an elephant and beating the crap out of him. That you would get charged for under our law, and that would be wrong and we would all be appalled by that, and we'd shut it down in about two seconds if we had the power to. No one is suggesting that. No one is suggesting that the Shriners and the people who run the circus are anything but decent caring people who sincerely care about the animals. No one is accusing them of being abusive, they're not abusive people quite the contrary, quite the opposite the other end of the citizen perspective.

But that's not what this issue is about. The issue is about putting an elephant or a tiger in a small cage for 40 or 50 weeks a year and shipping around North America. To take a large mammal that lives in the wild all the time and at best can be made comfortable in a zoo but even in a zoo never enjoys the freedom that that species was intended to have. We as human beings having a very free spirit understand what freedom is. We use incarceration for human beings because it is one in our view one of the most effective deterrents that we can have.

I've toured a number of zoos, I was in Florida at a zoo. There was not a single cage in the place. If you've read the report on the Winnipeg Zoo that's prepared by ACE TORY, there isn't a cage in the new zoo proposal. We're past

the point in zoos. We're one of the last zoos that is actually using smaller cages to contain tigers. Is that cruel? No. Is it abusive? No. Do we meet the standards of the Canadian Association of Zoos and Aquariums? Yes we do. Do we believe does zoology and the practice of zoo keeping say that is the optimum way to keep animals? No it's not. The optimum way to keep animals now is in cage free restraints. If you've seen every single proposal for the Zoo the new zoo that we've been asked to invest in, it's steering in two directions. One to circumpolar and North American animals and away from exotic animals because it's hard to house them in tropical houses, and it's expensive and it's difficult and it's complex, and to restrain free. So that animals we can learn about are appropriate there.

This issue to me is beyond what some of the debate even on either side has been. The other issue is, why then if there is no difficulty in having tigers jump through hoops, elephants do tricks and stand on two feet or one foot or have mature elephants walk under the other, then if we introduced those practices in our zoo and we had tigers jump through flaming hoops or jump through hoops and we had elephants do those kinds of things, then why would we risk our zoo accreditation? Why likely would those practices be considered inconsistent with good zoo keeping? That if we ran our zoo like a circus like any circus it would really compromise the role of the Zoo as an education in the treatment of animal rights. Because the focus of the Zoo is the entertainment of children predominantly. That's a very noble goal. We're asked to try and look at what the impact and stress on the livelihood and life of a large wild mammal is.

It was interesting, my vacation in Florida, I went to Animal Kingdom at Disney which is set up for the entertainment of children. There weren't animals doing tricks. It was very interesting because they have a large entertainment tent there right at Animal Kingdom which is basically a zoo. All the animals in the Disney Zoo that I went to and they tell a story of the Lion King, there were no real lions in this, it was all puppets, it was all actors, it was brilliantly done and all the entertainment for children and all the tricks that were done, were done by actors. I commented to one of the people afterwards, I said, you didn't use real lions when you were doing Lion King, because if you've got lions that have got this large uncaged area which you go in a special vehicle where the human beings are in the cage interestingly enough and they drive through in this caged vehicle through open landscape and the animals are free. They talked a lot about how they had moved to that being a good practice.

I agree with Councillor Gerbasi when she says, if you look at this century about animal care and you get out of the issue of bad guys and good guys and abuse of animals, we're moving into a generation where our understanding of the complexity of the ecology of this planet and the relationship to animals is that we really ought to as best practices be as cage and restrictive free.
I was born in 1957, I'm probably in the median age of this city right now. But I as a child had huge entertainment choices. Huge entertainment choices. We still have a very good zoo which we're going to make a better zoo than this one. A child growing up in 2003 has even ten times many entertainment choices and access to animals and more discovery channels and more opportunities to go to zoos and see animals in the wild.

We should make a very strong commitment though if this by-law passes. I think I trust in the majority of you, whether I'm in the majority or the minority today, I really trust each of you as parents, as people who care about the environment, as people who are civil people who understand the importance of the volunteer commitment of the Shriners and the Humane Society. We're not talking about the character of these people, but to try and make a fair minded judgement about what is the best thing to do here. Not what does the law say, not suggesting that people are doing bad things, but what is the best thing. When you go to bed at night and this is the question, did you do the right thing? The right thing I find is easy to figure out to do. I don't think most people would stuff a

large elephant into a cage and move it around the country for four weeks and think that's a good thing. I have trouble imagining that even the person who loves circuses most would say gees, if there was a better way to do it do it. The only way I can go to bed tonight and put my head on my pillow and I know some people will be upset with me but if you're going to be a wimp don't go into politics, it's not what leadership is about.

(11:55)

I'm going to go to bed tonight on my pillow knowing that there are a lot of animals out there who are living in conditions that are less than optimal to put it that way. But if we do this today we will make a contribution to I think improving a more sensible kind of policy for the treatment of animals. It's just the better choice and it's the better practice.

I have full respect for people who have different views, I listened to Councillor Pagtakhan, I listened to Councillor Lazarenko, I think you put the other case very well and I give you credit for that. This is not an easy issue as Councillor Gerbasi says. Again I'm hoping that whatever decision whichever way it goes and it's nice to say it blindly because we don't know at this point, we know this will probably be a close vote today and people have really been struggling with this, that I hope that the Shriners will leave here today feeling that this City Council respects them and appreciates their work because I've heard everybody on either side of this issue who's been alive understand the contributions that that community of people has made. And that the Humane Society as well who's done great service as well to this community will leave here with a sense that this council value them. I think that you as councillors and all your remarks are to be credited because I think you've shown the citizens who have come down here this has been an elevated debate and whatever its outcome I think you should feel proud about participating and the way you participated in. Thank you.

Mr. Speaker: Thank you. I have no other speakers listed. If we can allow Councillor Gerbasi to sum up we can go before lunch and these people can go home. If we have other people who insist on speaking we will have to break for lunch come back at 1:30 p.m. to continue debate. I see four more speakers hands up. Councillor Eadie.

Councillor Eadie: In view of that Mr. Speaker, I'm going to propose that we call it 12:00 o'clock. But before I do if I could just have the indulgence to acknowledge the presence in our gallery of a couple of distinguished visitors. Alderman John Schmal from the City of Calgary who's President of the Federation of Canadian Municipalities accompanied by Mr. James Knight, the CEO of FCM who are here for the beginning of the FCM Conference this week.

Mr. Speaker: Councillor Eadie has moved that it be 12 o'clock. When we come back the speaking order will be Councillors De Smedt, Steek, Smith and Clement and anybody else who wants to speak.

Council recessed at 12:00 p.m.

After recess

Council reconvened at 1:30 p.m.

Mr. Speaker: Meeting will reconvene. Dealing with the Protection and Community Services Report of July 8, 2003, Clause 1. Our next speaker Councillor De Smedt.

Councillor De Smedt: Thank you very much Mr. Speaker. I really hadn't intended to say anything until I heard the Mayor express a few comments in relationship to this by-law to future of the Zoo.

This is not about the Zoo though, this is about a very important by-law. I'm on the page that I don't think this by-law's time has come. I think we do have a significant opportunity to continue to model ourselves and to ask if there are other regulatory authorities that wish to review the regulations that exist in controlling these type of activities to

amend them if necessary. I think we've all seen a presentation from the Ottawa by-law which permits these kinds of things to happen. It's fairly strict, but I'm sure our colleagues who are running the circuses and are sponsoring them would probably fall in line with these regulations and accord them due respect. In fact they so indicated here this morning.

I guess the relationship to the Zoo that I bring up, I was heartened by the Mayor's comment that in future we should be looking at some very significant interactive displays in this technology era that we live in of information. It's pretty simple to try and develop these things, and I too would like to see the Lion King plus polar bears where in a kind of interactive display. I would hope that before we get ready to spend anywhere from $96 million to $150 million in upgrading the Zoo that we would have some conscience analysis of what indeed does the public want. That's going to be botany versus zoology and I guess I would be on the side of botany in most cases except that we know that our citizens and their families and their children expect to be able to have that experience, and so making the future of our zoo one that meets the intention of the 21st Century will be very important.

I do take the Mayor's remarks in kind but I don't see exactly at this point in time the relationship between having to implement this by-law and to quote from another councillor who had spoken in favour of it, to say, that if we don't the credibility of this Council will be in question. I hardly understand that particular point of view.

My purpose here is to simply indicate that we have a lot of work to do in the years ahead to try and find a policy for the next 25 years, today is not the day. I am sure that things like entertainment ventures such as the circus as being presented in this community sponsored by our friends at the Shriners meets the interests of our community at-large. There are significant regulations in place to ensure that the safety of the animals and the health of the animals are taken care of. So I'll not be supporting the by-law. Thank you.

Mr. Speaker: Thank you Councillor. Councillor Steek.

Councillor Steek: Thank you Mr. Speaker. This is a particularly interesting debate for me because of the fact that I had sat on the Protection Committee at the time that this clause was initially introduced and I was supportive of it.

Interestingly enough though when I reviewed the matter at the time I had indicated to my EA that to the best of my knowledge I hadn't changed positions on a clause on this council. But I had a certain trepidation about this particular one feeling that perhaps at the meeting of Protection we didn't have all the information that we should have.

The thing that causes me some dismay is the fact this morning when delegations were coming forward there was a motion by Councillor Wyatt for a suspension of rules which was not realized and the folks from the Shrine delegations in particular Mr. Chapman acknowledged the fact that we had a late addition of the delegation list in the form of a veterinarian doctor from San Diego. I'm dismayed frankly that we didn't have a suspension of rules so that other members of this Council would have the opportunity of hearing his perspective.

Some of us availed ourselves in the course of the lunch break and there are some marketedly different pieces of information that have come forward.

The issue in front of us though was divided into two broad categories when this thing first came forward to the Protection Committee. The first was the issue of safety for the actual attendees at events. It was shown by previous delegations in 70 years of these events, there has never been any issue of the safety of the audience.

Then the second primary issue really centred around the care of the animals. The Mayor and Councillor Gerbasi both said, "we've had both sides of the issue discussed thoroughly". The Mayor reiterated that there had been a very thorough debate.

One of the nice things about the Council process that we have is that ultimately a clause that is an important winds its way through the standing committees and ultimately to the floor of Council.

The gentleman that is here from San Diego refuted many of the things that we heard from the delegations that came from both the Humane Society, and I just want to read you something in this because I think it's critical. This particular gentlemen is a doctor of veterinarian medicine and is practice is of the zoo animal medicine and surgery for an 1,800 animal park in the San Diego Wild Animal Park Zoo. Which has a total of 420 species in it.

The bottom line is, he stated categorically, said some of the statements made here were inflammatory about the care of animals. First of all we heard repetitively from the folks in the Shrine about the way the animals were looked after. There was nothing brought forward in the way of information that at any time had there been any kind of prosecutions made nor was there any specific example of the animals being harmed so I think we can dismiss that.

The question really in front of the Council then is, is it inhumane to have these animals being used in circuses the way we know them today? The information that we have is that these animals were not wild animals any longer they were second or third generation animals. They breed, they are well fed, well watered. They are deemed to be in better condition than what animals in a large zoo are.

The Mayor spoke at some length about the six criteria for retaining your status as a zoo but nevertheless when he asked Mr. Laidlaw if these acts were performed would you lose your zoo status. And Mr. Laidlaw's response was very careful, he said it would come under review.

The fact remains is nothing has come forward here categorically. This is an issue of personal preference for a lot of people around the table. It's not about freak shows. The question is simply and Councillor Gerbasi has indicated, this is a contentious issue for this Council. If you don't make a decision on it today it's going to come back. I think there will be a decision here today and I think it will be the right decision from this Council.

(1:40)

The fact is that there is no evidence to indicate harm to any of these animals. The fact remains is that, if these events don't occur in Winnipeg there's every likelihood they will occur immediately outside of our jurisdiction.

Of course there's the interesting corollary to all of this relative to impact on the Shrine Circus.

Do I belief that the Shrine Circus would fold if the exotic animal acts are removed? I don't think so. But I also question why we would want to pass this piece of legislation and run the risk of finding out that we might be wrong. One needn't say anything about the contributions the Shrine has made to this community. This is an important decision as Councillor Gerbasi has indicated and I'm in complete agreement.

I will not be supporting the amendments to this by-law because one of the things that we always have is the opportunity to review a decision because of additional information. There's absolutely no information that has come forward to support the fact the animals have been injured and inhumanely treated. I would suggest that although there are other jurisdictions that have the opportunity namely the Province for whatever reason they have not seen fit to pass anymore stringent legislation than what we now know.

Accordingly Mr. Speaker, I will not be supporting the clause and I would urge all of my colleagues on this Council to think very carefully about this decision. Would urge to vote against the clause. Thank you.

Mr. Speaker: Thank you. Councillor Smith.

Councillor Smith: Mr. Speaker, this is a very very difficult issue. I've been on that

Committee of Protection and Community Services longer than anybody else in this chamber. This issue was before us. I phoned the Shriners in Vancouver. I talked to the local veterinarian. I'm left with the background that there is really some doubt. We hear conflicting things today.

I looked at this video a couple of times, I think three times, and you know what the video was called? Many dimensions, Animal Welfare and Education. When you view the video it sounds like a group of people promoting the welfare of animals. Now the Humane Society does that.

One of the quotes in this is, "an educational opportunity in respect for animals" and I think they had an opportunity to learn about care. I asked the question. There is very little education going on except, you see the animals, you see the performances but there's nothing about care.

Just for your information, I have attended the Shrine Circus in Vancouver about eight times. I think that attitudes are changing. We've had a lot of new information just yesterday and today.

The thing in this video that disturbs me is that they picked the extreme people to argue against. They have quotes from PETA that compares a circus to a concentration camp. They argue against that. I had not heard the extreme statements from the Humane Society here in Winnipeg. I have not heard a condemnation completely of circuses. I've heard their concern about animals. These are from people that live in our community.

I've got mixed feelings but I'm going to be supporting this ban. To show you how bad this video is they even talked about it being a slippery slope. That next thing we're all going to be vegetarians. It's wild. Actually when I viewed this video I became more convinced that the ban was necessary.

I spent half an hour at lunchtime talking with the veterinarian from San Diego Wildlife Reserve. It threw a few more doubts in my mind.

The fact is I would have liked this to have gone back quite truthfully. I thought Councillor Vandal's motion was a worthwhile one.

I know it takes a lot of time and effort. You know, it seems to me that the argument made by the Humane Society is very compelling. The idea of having these magnificent creatures in cages and transporting from city to city. I threw this out to someone I said, you know I went over to London, England by plane and came back by plane and I was exhausted in the cramp quarters. I can imagine what wild animals magnificent creatures in cages how it must be for them not to be roaming about. I also suspect by the way the comments about the circus being a better place for exotic animals than zoos doesn't seem right to me either. These magnificent animals can stretch out in the Zoo, there's room. There's not that room with the circus.

Much as I support the Shriners and the work that they do, I do think there are other ways of raising funds. That was pointed out very clearly by Vicki Burns. It is possible for them to also have a circus. There are many many circuses now travelling across the country that do not have exotic animals. It doesn't mean the death of the circus. The circus by the way people here seem to think the circus or at least the proponents against the clause, seem to suggest that the circus main thing is the exotic animals.

(1:48)

Let me tell you this. There's more to the circus than the elephants. There's the whole excitement of the throng of people, the music, the skills, the clowns. The circus will go on. It's a tradition that will go on year after year. But it will change. I think Councillor Gerbasi is right. It will change as you see public opinion is changing in effect saying, exotic animals in a circus should be banned.

I'm supporting the clause but I'm doing it with a faint heart in a way because I really

do believe we should have had more discussion with the Shriners, more discussion with the evidence that has been produced. I borrowed this book for example. I didn't have time to read it. We've got a lot of information just last minute, just yesterday, and the lobbying effort has been tremendous.

We've had a lot of time to deal with this issue. But why did it all have to be done such intensively by the Shriners and the circus promoters the day before we have our council meeting. They give us quotes. I'd like to check these quotes. I'd like to check these sources. To just go ahead and take these quotes out of context and put a lot of weight behind them without checking the whole is full hearty. We're being pushed into a position I wish we didn't have this vote today but we have it, and I will support the clause.

Mr. Speaker: Thank you. Councillor Eadie.

Councillor Eadie: Mr. Speaker, I'll try not to repeat too much here what I said at Executive Committee last week or what I said at Protection Committee last summer when I Chaired that particular committee and we dealt with this issue at that time.

I first of all will indicate again as I've said before that I'm personally not a fan of zoos or of circuses. I don't criticize people who run them and I don't criticize people who go there but I personally am not entertained by circuses and zoos so I don't attend. I have attended but I don't attend any longer. Let me just put that on the record.

Mr. Speaker, the reason I didn't vote to suspend the rule to hear a whole pile more delegations on this issue today because delegations were heard last July, 22 of them at a special meeting of Protection Committee that I arranged in concert with my colleagues on the committee at that time to deal with this issue specifically. And that was the time for representation to be made. When it gets to the Council Chamber it's time for the elected officials to have their say after the public has already had their say at the Committee stage.

Mr. Speaker there is nothing new under the sun that's been presented as far as I'm aware. The last minute documents that Councillor Smith complains about, most of that information is already on the record because it was presented at the Committee last July. It's on file in the Clerk's Office. If you read the letters and if you read the presentations and Councillor Smith was there for that special meeting in this very chamber in July of 2002, there's not much new information other than perhaps the very latest statistic but the basics are all the same. A lot of the documents that we have received in the last few days on both sides of the issue and the e-mails and the phone calls are virtually repeating what we were hearing last summer when we had that special meeting of committee specifically to hear what the public had to say about the proposal that's in front of us now. We didn't need to spend anymore time here today other than for the four delegations who came here under the rules because now it's our turn. That's why we're elected Mr. Speaker because it's our turn to make a decision.

I don't support this proposed by-law change, I didn't support it last July. Nothing has happened between then and now to change my opinion. In my view this change to our exotic animals by-law is not necessary. There is nobody that can make a case today that there has been any abuse of animals in circuses in this city or in this province. Nothing is documented, nothing has been documented, no charges have been laid under existing statues, nothing has been laid at least in the last 10 years that I personally tried to look back and see if there were any violations.

What is the issue? And why is this an issue only in Winnipeg? I said this last week. We've got a provincial election underway in Manitoba today. People go to the polls next Tuesday. Is the issue of exotic animals in circuses only a problem in some people's minds within the City of Winnipeg? If the same circus travels to Portage la Prairie or Brandon, all of a sudden it's not a problem outside of our boundaries? That doesn't make any sense to me. If this is an issue for some

people why aren't those special interests groups making it an issue in this provincial election? Why aren't there newspaper ads extolling candidates running for the legislature to take a position on whether or not there should be exotic animal acts in circuses? Surely to goodness if it's a problem in Winnipeg it's got to be a problem in other communities where circuses go. But obviously they don't have the courage of their convictions to consider this a provincial issue. What better time to make it an issue when there's a provincial election going on and before people go to the polls next Tuesday to elect a new legislature. It's obviously not a provincial issue. It's not even an issue in the City of Winnipeg. Apparently sow stalls are an issue. Big ad in the paper just a couple of days ago, sow stalls are an issue in Manitoba. There's a big ad calling on political parties to take a position on whether or not there should be sow stalls. But circuses according to the same group of people are not a problem except if you're in Winnipeg. Then for some reason animals are abused, animals are mistreated, circuses are bad that have exotic animal acts but only in Winnipeg. Try to make some sense out of that. Sow stalls apparently are an issue anywhere in Manitoba because there's an ad in the Winnipeg Free Press criticizing sow stalls and wanting provincial candidates to take a position on whether or not sow stalls should be continued.

There's a lot of hypocrisy going on. This is not an issue for the City of Winnipeg. It is not a municipal issue. It's not an issue of concern I would suggest to you to the majority of Winnipeggers or of Manitobans.

The Shrine Circus has already indicated the kind of great care and attention they give to the animals that they have in their circuses. There's been no proven cases of any mistreatment or any abuse. Again there is no issue.

We have some social engineers who think that these kind of things are bad and they want to impose their will on an unwilling public.

Reference has been made to the Canadian Association of Zoos and Aquariums. They have a code of ethics. And if it was applied to the Shrine Circus it wouldn't meet their criteria. Well of course not. The Canadian Association of Zoos and Aquariums has nothing to do with circuses. They are there to promote zoos and aquariums. They don't have a single circus representative on their board of directors and it's a national organization. And why? Because their terms of reference and their mission statement don't talk about circuses. So you can't compare what their code of ethics are as it applies to zoos and apply that to circuses because it's not the same thing. That's why any reference to them in the past is really irrelevant because they have nothing to do with each other.

Mr. Speaker I think thousands of Winnipeggers speak for themselves. They attend the Shrine Circus every year.

(1:55)

They bring their kids. Are Winnipeggers stupid? I don't think so Mr. Speaker. Do you think if there was a single citizen of our city who saw animal abuse going on that they would tolerate that for one minute? Do you not think that they would be filing charges with the appropriate authorities against the perpetrators of animal abuse in these circuses? Of course they would. Winnipeggers are just as caring and just as compassionate and just as concerned about those kind of things as our citizens across this country. But they're not doing that Mr. Speaker because it's not happening. They're voting with their feet and they're voting with their wallets in droves by attending this circus because they like what they see. They're entertained by what they see and they come back year after year and bring their kids for many years to be entertained by these acts because they like that. Not a single person would go if there was any evidence of abuse and mistreatment that would offend all of us if that happened.

Again Mr. Speaker, it's not an issue. I'm not usually one who refers to newspaper articles or editorials when I make

comments on the floor of this chamber but I do think this issue has been well reviewed by the Standing Committee over the last couple of years and I don't think there's any need to send it back for any further chit chat because there's nothing new being said and nothing new that could be added.

Mr. Speaker, I will just simply end my remarks by reading or looking at an editorial that appeared of all places in the Winnipeg Free Press last July after the Committee I then Chaired had dealt with this issue. They make some points, I'm just going to read a couple of sentences. They first of all say and I've said this in my own comments, if someone has evidence that animals have been maltreated in Winnipeg or any other place in Manitoba, the Humane Society should be informed and the abusers of animals should be charged. Exactly right. It hasn't happened. There's no proof.

It goes onto say, "that the Manitoba Agriculture Department is in a better position to judge when animals are being properly treated. And that is the case. That department has the authority under provincial legislation to enforce the animal care act in this province. It says, that the City Council should send animal rights advocates to the Provincial Government to ask for a closer look at the care and feeding of circus animals if there's any issue with mistreatment. Well that isn't going to happen they can't even run a campaign and get candidates for the legislature to become interested and get the voting public of Manitoba to become interested. There's a lost cause Mr. Speaker.

Finally Mr. Speaker, this sums it up. Some people enjoy watching animal acts and some people don't. Isn't that wonderful it's a free society. When the vast majority disapprove, circuses will get the message. If lion tamers are falling out of favour, it may be time to send in the clowns.

Mr. Speaker I oppose this by-law change and I hope the majority will agree with me on that.

Mr. Speaker: Thank you. Councillor Steeves.

Councillor Steeves: Thank you. Like Councillor Smith I was disappointed to see the motion for referral was not accepted by this Council however I guess that's the way it is.

I guess the reason for my disappointment based on what I heard this afternoon, is that we come out of EPC with a motion that was supported that I'm aware of on a 4-3 basis, one of the four who at least seems to be a little concerned about the way this process has gone which leaves us with a situation where three of seven members of the Executive Policy Committee in terms of the way this motion got to floor don't seem enamoured with this. It's not necessary all the time I suppose to have unanimity in terms of these policies but it does raise a little bit of concern in terms of the confidence of this council and the way we move forward on these very very important issues. At least it concerns me.

The Chair of Protection and Community Services spoke quite eloquently on her position. I completely respect it. What does cause me a bit of concern frankly however, I guess the difference that I have is I've never been a great proponent of simply saying, well here it is, vote for it or don't vote for it. I think frankly we could do a little bit better than that as a Council if we did spend a little bit more time.

It's exceptionally clear to me that if this by-law is in fact supported by this Council it certainly isn't strongly supported by this Council and if it's not it's far from unanimous. Personally I would just say I hate to go forward on issues like this where there isn't at least a little bit more consensus. Nobody ever expects 100%. But we've experienced a lot more consensus on a lot of other issues that have been extremely extremely difficult over the course of time and it presents a real challenge to me.

I guess fundamentally I should state the way I feel about this issue in terms of the way that I'm going to vote. I would like to

say that fundamentally it does not offend me Mr. Speaker that somebody would take an animal from place to place to place so people could see that animal and people could in some measure interact with it or at least have the experience of seeing that animal either up close or from a distance. That's a fundamental disconnect that I might have with this by-law. I'm aware that the by-law has some things in it which may or may not regulate the types of things that I'm talking about. I just think it's over encompassing. When we start to talk about the ideal that we want to achieve in this realm I suppose I should say from my part the ideal in terms of where I would like to see this go is I would like to have people in Manitoba to have the opportunity to see an elephant. We have no elephant in Manitoba that I'm aware of unless it comes through town with the circus. And if I'm wrong I'm wrong but I certainly know that at the City of Winnipeg Zoo we don't have such an animal.

I'll be frank, I have some concerns about when we start talking about the way the animals are treated in terms of the shows in terms of the time that they're on the road, in terms of the size of the cages. That stuff does really cause me some concerns but can we not regulate that. We've heard some smattering of different regulatory regimes that attempt to address that. Is that completely beyond the ability of this council? And if it is why is that not within our realm? Why could we not say, if you want to bring one of these acts one of these circuses through our town you have to do this this this and this. The animal could only be on the road for this amount of time and the animal has to be checked out this amount of time. He or she has to pass a certain bill of health. The cage size has to be this big. That will allow us to achieve again what I think is the ideal I would strive for. A situation where people aren't deprived of the benefit of actually seeing the beast. And maybe we could address the issue of the animal being held in its proper dignity. I think fundamentally at its root that's where my fundamental belief is a little bit in conflict with the proponents of this by-law who I do not believe in any circumstances and I completely respect their position on that, but I do not think in any circumstances that we should allow that.

I don't know anything about running a circus, I really don't know anything about it. I can tell you if I was charged with the responsibility of bringing animals through town, from city to city to city, I could do it responsibly. I know that I could. I know I could do it with respect, I could have shows in place where the animals were treated with dignity that weren't held in contempt and it wasn't abused.

(2:05)

I could do that. I would like to think there's other people in the world that could do that as well. Maybe I'm wrong, perhaps I stand to be corrected on that point. That's the fundamental difference. What worries me a touch about the position of this by-law is, we're purporting to deal with problems in other jurisdictions. If we compare this to the smoking by-law as I think someone has just done, the issue of smoking was an issue, if it's a health issue it was definitely an issue in our community. We have to acknowledge I think at this stage that there has not been or there's been precious little documented evidence of problem.

I fully respect somebody's right to come forward and bring forward examples such as a polar bear example from Mexico which was truly abhorrent. If we don't play a role in regulating these things, if we don't play a role in advancing more positive more progressive regulation who exactly is going to do that. I certainly see a role, I certainly see us as being able to achieve that.

Like the councillor who spoke before me, I have to say, I was a bit disappointed in the light in which the Province was held and I don't do this as a rule, I know the Province has their own challenges to deal with. I was concerned with the Province's being held up perhaps a bit falsely as being a champion on this issue. If they were dealing with the issue of polar bears and how we shouldn't be exporting our animals, what then is the position of the Province on this issue. Are they saying

that it's not right for our animals to go to other circuses but the Province is saying it's okay for other animals to come through? I just do not understand that argument and I'd like to hear a little bit more about that as time goes on. I think it's only proper that we would in those circumstances and it causes me some concern.

We have to also look at the evidence of support. It was presented this morning that Dr. Kiley Worthington who came forward with the study that indicated, it looks like quite an extensive study and on balance she doesn't think that this is a problem. Now there's no shortage of studies no doubt that would go either way. But what concerns me about this study is who sanctioned it and who brought it forward. This was done by the RSPCA and the University's Federation of Animal Welfare. This was their study. Am I to make, regrettably the delegation didn't have any information on it and I appreciate you can't have information on all the studies that come forward. Are we to make the assumption that there's not consensus in the community on this issue? I really don't know and it causes me a great deal of concern because it does look to be a very credible study by two very very large incredible organizations that have advanced this position. I would like to see that faired out at some point so we know where we're going which is another reason I was hoping that we have a chance to sort of push this through or push this back and look at a more progressive and comprehensive regulatory regime.

It should also be said and it was said in jest and it was also mentioned by Councillor Lazarenko it was mentioned a bit in jest but it should be noted I think for the record that I think our society has made a choice a long time ago about our relationship with animals. The choice that we have made if we look at an example like horses, we have made the choice. But it is okay rightly or wrongly for animals to assist us in our lives. The argument about the domestic versus wild animals does resonate to a certain extent with me. Can we honestly say that any horse that is given a choice to travel with a circus or not would make that choice. I don't believe that you could say that a horse who is a classified domestic animal. But the truth of the matter is, the horse is kept I assume in similar caging as the rest of the animals on the tour. That would be the circumstance I can only imagine if we're going to I suppose excuse that we have to be fully cognizant of the fact this is a choice of society seemingly has made and rightly or wrongly that seems to be where we're at. I don't see this as a problem whereby we have to single out just one type of animal. It's a tough argument to make but it's very very important I think to acknowledge that in the proper circumstances we as a society have made the choice that we can look after animals properly and responsibly. We've done it with other animals and these animals I understand to a large extent are born in captivity and I can't see any reason why we as a society can't look after them responsibly and with dignity. Thank you. I apologize again for the one about the horse.

Mr. Speaker: Councillor Wyatt followed by Councillor Gerbasi summing up.

Councillor Wyatt: Mr. Speaker the Acting Deputy Mayor gave a tremendous speech. I would like to call the question and recorded vote.

Mr. Speaker: Since you're the last speaker anyway even on the recorded vote she would have the right to sum up.

Councillor Gerbasi.

Councillor Gerbasi: Thank you Mr. Speaker. I appreciate it and it has been a very interesting debate and I think the whole process around this issue I think we as a Council should give ourselves credit. We have been open we've heard from many members of the public on both sides of the issue. We've had two separate administrative reports. We've looked at this very very thoroughly. It would be tempting to keep looking at it further and further but there does come a time where it is appropriate to make a decision. I think we have come to that time.

A couple of issues that were raised I just wanted to mention. Mayor Murray had referred to the accreditation standards for the Zoo. In case everybody didn't see them they are in that report that was at Executive Policy Committee they're referred to there. They mention the things that are not allowed to happen at zoos, that animal subjects are trained at zoos they are trained to perform only actions or tasks which are an accepted part of their natural behaviour. That's one part.

Another is that every opportunity is made to appropriately interpret the tasks involved in the performance as it relates to the animal's natural behaviour physiology and anatomy. There's are just a couple of points that were raised.

The municipality clearly has the authority on this issue. We already have a by-law in this issue. Sure the Province could look at their animal care act and make some improvements and perhaps they should. And perhaps this whole exercise will increase the awareness of that. I don't that would really solve the problem with circuses today because in my view even whatever regulations we put in place, we would not have control over what happened with the animals when they're outside the City of Winnipeg or the Province of Manitoba which they are most of the time. Because they're not animals living here that we can control they're travelling on the road and we cannot apply our regulations to animals that are on the road. That is the whole fundamental nature of the problem

There is a difference between a horse and a tiger. There is a difference between a domestic animal that is trained in their natural nature to let a person ride it and so on.

(2:12)

There's a big difference between that and having a tiger jump through a hoop of fire. I just think that that's a distinction that's pretty obvious.

It has been a difficult discussion on both sides. I think that people, I'm surprised that some people have completely changed their mind because frankly the information we had a year ago is not particularly different than what we had today.

Having said that, I'll respect the will of this group and may as well just get to the question. Thank you.

Mr. Speaker: Those in favour of the clause please rise.

A RECORDED VOTE was taken the result being as follows:

Yeas

His Worship Mayor Murray, Councillors Gerbasi, Lusbosch, Smith, Thomas.

Nays

Councillors Eadie, Angus, Clement, De Smedt, Pagtakhan, Steek, Steeves, Vandal, Wyatt, Lazarenko and Mr. Speaker Councillor O'Shaughnessy.

City Clerk: The vote Mr. Speaker, Yeas 5, Nays 11.

Mr. Speaker: The clause is lost.

Now moving to the Report of May 12, 2003.

REPORT OF THE STANDING POLICY COMMITTEE ON PROTECTION AND COMMUNITY SERVICES DATED MAY 12, 2003

Councillor Gerbasi: Mr. Speaker, I'd like to move the Report of May 12, 2003, Items 1 to 11 as consent items.

Mr. Speaker: Item 6.

Point of Order

Councillor Eadie: Just on a point of order. I wish to be recorded against Items 4, 5, 6 and 7.

Mr. Speaker: Councillor Clement as well.

Clauses 1 through 5, 7 to 11 as consent. All in favour? Contrary? Carried.

Item No. 6.

Item No. 6 - Community Incentive Grant - Munroe Junior High School Parent Advisory Committee File PR-2.6 (33) (Vol. 11)

Councillor Gerbasi: I'll just defer to hear what Councillor Steek wanted to mention.

Councillor Steek: Thank you Mr. Speaker. This is a little bit of déjà vu only because of the fact that in February of this year we saw a clause for an intercom system come forward from the River Heights Ward. I can't possibly deliver this particular commentary from Hansard with the bluster and muster and the occasional shrieking that it was but I would just like to let you hear what it had to say.
It says, "this is not within our mandate. This is within the mandate of the school system and the school system completely. It doesn't have a recreational component whatsoever and it's within the teaching component. And it's a safety issue. I feel there's not enough money to meet the needs of the recreational program. And I do not believe that money should be spent on something that is simply outside the purview of the criteria of the grant".

I'm going to be supporting this Mr. Speaker, there's not even a doubt about it. I bring it forward because of the fact that these are the kinds of issues that everybody faces in community incentive grants. This is the identical grant coming forward out of another jurisdiction that was opposed by members of EPC.

All I'm saying is this, is that the ward councillor clearly knows the need for a sound system in her area. It isn't just safety, it's something that's of benefit to a community as a whole. It's a paltry amount of money overall. Those are my comments on it.

I would close on the last quotation that I noticed in the meeting of February 28 as well. And it reads simply as follows. "I intend to vote against these things. That this particular policy is getting wildly out of control when we can support intercom systems in schools." That particular quote was from Councillor Angus. The other ones of course were from Councillor Thomas who brings forward this. Thank you.

Mr. Speaker: Deputy Mayor Thomas.

Deputy Mayor Thomas: I brought this item forward to the Protection and Community Services Committee from my area. I'd like to point out several things that are different between an intercom system for the whole school and a sound system for the gymnasium.

One, it was by the parent council and not by the school. Two, it's for use of the public. I brought forward a copy of the type of things that they do by having speakers come into the gymnasium. We had a person come and talk about gang activity. It was free to the general public to come in there. The parent council felt that they needed an appropriate sound system in order to have those kind of activities taking place in the school taking place for free. This is not a facility that was being rented to other things. They were activities that are taking place for free to the community at-large.

I brought copies of the paper that went out to the whole of the community so that people could see that it was something that was for the general community. That's your choice. If you choose to see these matters as the same, that's your choice. If you choose to follow it in that regard but I wanted to say that it's a parent council and it's for community activities.

I was actually concerned about the report that came in from our administration on this. The only point of difference that they had was that it was not, even though they acknowledge it was by the parent council and it was for recreational activities, they didn't for some reason call this is a long term expense.

(2:20)

I'm not sure how they came to that conclusion but it's something that has to be upgraded every two or three years. The parent council did say that they imagine that the system would last them

at least 20 years same as a play structure.

I'd just like to point out that there's different activities in different areas that help the public and I think it's really important in my area that these kind of activities are supported. Thank you.

Mr. Speaker: Councillor Gerbasi closing debate on the clause.

Councillor Gerbasi: Just in closing I would just like to say that I don't think the comments in opening were warranted in using the word shrieking describing Deputy Mayor Thomas. I find that rather offensive. She's brought forward her points whether you agree or disagree with them. I'm really disappointed with that level of commentary. At least she stuck to her guns on her principle and didn't change her mind. I just wanted to put that on the record.

Mr. Speaker: All in favour of the clause? Contrary? It will require a recorded vote I'm informed by the Clerk. All in favour of the clause please rise.

A RECORDED VOTE was taken the result being as follows:

Yeas

His Worship Mayor Murray, Councillors Gerbasi, De Smedt, Lubosch, Pagtakhan, Smith, Steek, Steeves, Thomas, Vandal, Wyatt, Lazarenko, Mr. Speaker Councillor O'Shaughnessy.

Nays

Councillors Eadie, Angus, Clement.

City Clerk: The vote Mr. Speaker, Yeas 13, Nays 3.

Mr. Speaker: The clause is carried.

Report of May 20, 2003.

REPORT OF THE STANDING POLICY COMMITTEE ON PROTECTION AND COMMUNITY SERVICES DATED MAY 20, 2003

Councillor Gerbasi: I'll introduce the report of May 20, 2003 which is the mosquito control by-law.

Item No. 1 - Mosquito Control By-law
File PA (Vol. 11)

It was part of the blueprint for action Mosquito Strategy.

Mr. Speaker: Are you denying moving it by consent?

Councillor Gerbasi: I guess because it was a special meeting I didn't think I could just move it.

I don't think we need to have a discussion on it.

Mr. Speaker: All in favour? Contrary? Carried.

Motions, none. By-laws.

STANDING POLICY COMMITTEE ON PROTECTION AND COMMUNITY SERVICES CONSIDERATION OF BY-LAWS

Councillor Gerbasi: I'll move that By-law No. 101/2003 be read a first time.

Mr. Speaker: All in favour? Contrary? Carried.

Clerk: By-law No. 101/2003.

Councillor Gerbasi: I'll move that By-law No. 101/2003 be read a second time.

Mr. Speaker: All in favour? Contrary? Carried.

Clerk: By-law No. 101/2003.

Councillor Gerbasi: I'll move that the rule be suspended and By-law No. 101/2003 be read a third time, and that same be passed and ordered to be signed and sealed.

Mr. Speaker: All in favour? Contrary? Carried.

Questions? None. Public Works Councillor Angus Report of May 13, 2003.

REPORT OF THE STANDING POLICY COMMITTEE ON PUBLIC WORKS DATED MAY 13, 2003

Councillor Angus: I'm pleased to move Items 3 and 4 of the Report of Public Works as consent items.

Mr. Speaker: All in favour? Contrary? Carried.

Items 1 and 2 have been laid over.

Motions, none. By-laws.

STANDING POLICY COMMTTEE ON PUBLIC WORKS CONSIDERATION OF BY-LAWS

Councillor Angus: I'll move that by-laws numbered 97/2003 and 100/2003 be read a first time.

Mr. Speaker: All in favour? Contrary? Carried.

Clerk: By-laws numbered 97/2003 and 100/2003.

Councillor Angus: I'll move that the following by-laws be read a second time, by-laws numbered 97/2003 and 100/2003.

Mr. Speaker: All in favour? Contrary? Carried.

Clerk: By-laws numbered 97/2003 and 100/2003.

Councillor Angus: I'll move that the rule be suspended and by-laws numbered 97/2003 and 100/2003, be read a third time, and that same be passed and ordered to be signed and sealed.

Mr. Speaker: All in favour? Contrary? Carried.

Questions? Councillor Smith.

STANDING POLICY COMMITTEE ON PUBLIC WORKS QUESTION PERIOD

Councillor Smith: As I brought to your attention already, McGee north of Ellice they put in a curb, five inches high. With all the garages, it serves as a backlane for Maryland Street. These people could not get into their garages. They didn't want a curb. We have many backlanes that need work that money could be better spent. Why and who is responsible for this ill-advised decision?

Councillor Angus: I want to thank Councillor Smith for alerting me that he was going to ask this question. I have been working with him and the department on it.

It's almost a Monty Python comedy of errors Mr. Speaker, in that the designing engineer made the first mistake in assuming of course that this was just a normal curb that was going to go in. Then the contractor who put it in made a subsequent mistake by not recognizing that people were going to have to drive over these curbs to get their cars in and out of their garages.

Mr. Speaker it is all going to be repaired. The appropriate people have been spoken to. It will be done at no cost to the City, and I hope it will be done very very quickly. I hope that satisfies Councillor Smith.

Mr. Speaker: No further questions.

Fiscal Issues.

Questions? None. Alternate Service Delivery. Councillor Angus Report of May 15, 2003.

REPORT OF THE ALTERNATE SERVICE DELIVERY COMMITTEE DATED MAY 15, 2003

Councillor Angus: I'm pleased to move two reports, one and two of the ASD Committee.

Mr. Speaker: All in favour? Contrary? Carried.

Councillor Angus: Mr. Speaker while I'm on my feet I want to pass comment and thank Councillor De Smedt for all the

work he did on the fleet management agency and allow me to bring it to Council. He did all of the work and he deserves all the credit for what I hope will be a very successful SOA. Thank you.

Mr. Speaker: Councillor De Smedt's reward will be he gets to move adjournment. All in favour? Contrary? Carried.

Roll Call.

ROLL CALL

Clerk: Mr. Speaker Councillor O'Shaughnessy, His Worship Mayor Murray, Councillors Eadie, Angus, Clement, De Smedt, Gerbasi, Lubosch, Pagtakhan, Smith, Steek, Steeves, Thomas, Vandal, Wyatt and Lazarenko.

COUNCIL ADJOURNED AT 2:30 P.M.

COUNCIL OF THE CITY OF WINNIPEG
Wednesday May 28, 2003
CONTENTS

ROLL CALL.....398

INTRODUCTION AND WELCOME OF GUESTS AND ANNOUNCEMENTS....398

MINUTES.....399

DELEGATIONS.....399
Mr. Len Wolstenholme.....399
Mr. George Chapman 404
Ms Vicki Burns.....408
Mr. Rob Laidlaw.....412

REPORT OF THE EXECUTIVE POLICY COMMITTEE
DATED MAY 7, 2003.....416

REPORT OF THE EXECUTIVE POLICY COMMITTEE
DATED MAY 21, 2003.....416

Motion No. 1.....417

EXECUTIVE POLICY COMMITTEE CONSIDERATION OF BY-LAWS.....417
By-law No. 86/2003 417
By-laws numbered 93/2003, 94/2003, 95/2003, 102/2003, 103/93 and 104/93 417

EXECUTIVE POLICY COMMITTEE QUESTION PERIOD 417

REPORT OF THE STANDING POLICY COMMITTEE ON PROPERTY AND DEVELOPMENT
DATED MAY 6, 2003.....423

REPORT OF THE STANDING POLICY COMMITTEE ON PROPERTY AND DEVELOPMENT
DATED MAY 12, 2003.....423

STANDING POLICY COMMITTEE ON PROPERTY AND DEVELOPMENT CONSIDERATION OF BY-LAWS.....423
By-laws numbered 96/2003, 98/2003 and 99/2003.....423

REPORT OF THE STANDING POLICY COMMITTEE ON PROTECTION AND COMMUNITY SERVICES
DATED JULY 8, 2002 423

Item No. 1 - Prohibiting the Use of Wild and Exotic Animals from Entertainment Events within the City of Winnipeg - File EL-10 (Vol. 3)..... 423

REPORT OF THE STANDING POLICY COMMITTEE ON PROTECTION AND COMMUNITY SERVICES
DATED MAY 12, 2003..... 441

Item No. 6 - Community Incentive Grant - Munroe Junior High School Parent Advisory Committee - File PR-2.6 (33) (Vol. 11) 442

REPORT OF THE STANDING POLICY COMMITTEE ON PROTECTION AND COMMUNITY SERVICES
DATED MAY 20, 2003..... 443

Item No. 1 -Mosquito Control By-law - File PA (Vol. 11)..... 443

STANDING POLICY COMMITTEE ON PROTECTION AND COMMUNITY SERVICES CONSIDERATION OF BY-LAWS 443

By-law No. 101/2003..... 443

REPORT OF THE STANDING POLICY COMMITTEE ON PUBLIC WORKS
DATED MAY 13, 2003..... 444

STANDING POLICY COMMITTEE ON PUBLIC WORKS CONSIDERATION OF BY-LAWS 444

By-laws numbered 97/2003 and 100/2003 444

STANDING POLICY COMMITTEE ON PUBLIC WORKS QUESTION PERIOD..... 444

REPORT OF THE ALTERNATE SERVICE DELIVERY COMMITTEE
DATED MAY 15, 2003..... 444

ROLL CALL..... 445