

THE DRYDEN OBSERVER

Serving Dryden, Red Lake, Eagle River, Ear Falls, Vermilion Bay, Sioux Lookout, Ignace, Wabigoon and surrounding communities.

Founded in 1897

Year 106 No. 29 - DRYDEN, ONTARIO - WEDNESDAY, FEBRUARY 4, 2004

Registration No. 07813

Fox enters race - Nault throws in towel

By Warner Bloomfield

As Charles Fox entered the race for the federal Liberal nomination in the Kenora riding, current MP Robert Nault stepped away.

Nault announced on Feb. 2 that he would not seek his party's nomination for the next federal election.

"After a great deal of reflection and discussion with my family and friends, I have decided not to seek the Liberal nomination to represent Kenora-Rainy River in the next federal election," he says.

Nault has represented the riding since 1988 and was the Minister of Indian Affairs and Northern Development for four years. He was removed from that post in December when Prime Minister Paul Martin appointed a new cabinet.

"This decision has been very difficult, both personally and professionally. It has been one of the toughest decisions I have had to make in my life. I have determined however, that it is the right one for my family, myself and the constituents of Kenora-Rainy River," Nault adds, explaining it has been on

He also considered stepping away from politics prior to the 2000 election but chose to run after being appointed to cabinet.

"It's time to move on to a new chapter in my life," he says, adding he hopes to return to private life in Northwestern Ontario and is not seeking any government appointment.

Fox, meanwhile, announced his decision to seek the nomination from Eagle Lake First Nation on Jan. 29.

"I'm making a leap of faith to join the Canadian political system," Fox told people at the news conference.

He notes that up to this time, he has made a point of staying out of mainstream politics, considering it foreign.

Fox says he made the decision to join the race after his involvement in opposing Nault's governance legislation.

"I saw the power one can wield by dealing directly with people of influence," he explains.

Fox's goal is to foster a greater sense of cooperation between Northwestern Ontario's aboriginal and non-aboriginal communities, point-

economic development.

He is now focusing his efforts on recruiting new members to the Liberal party.

"We're going to mobilize all sectors of the community," he says.

He hopes to eventually bring 4,000 new members to the party, 1,500 within the next two weeks. A member of his campaign team says they are well on the way to meeting that goal.

Nault is not impressed by Fox's credentials and encourages the Liberal Party to find other candidates for the next election.

"I don't see him as a credible candidate. He would probably cause the Liberals to lose the election in a seat I consider very safe," he states.

However, Treaty 3 Grand Chief Leon Jourdain, says his organization is throwing its support behind Fox, saying, "Nault does not represent aboriginal interests."

Fox thanks Nault for 15 years of service and wishes him well in future endeavours.

There will be a Charles Fox Meet and Greet at the Royal



Pleased that by-laws were upheld by the court

Continued from front

By-laws 11-03 and 12-03 were passed on Mar. 19, 2003 and the old smoke-free bylaws put into effect Jan. 1, 2003 were rescinded.

In all Baizer was found to have breached six counts of by-law 11-03 and two counts of 12-03.

For the breaches to the Municipality's "Smoke-Free Public Places By-Law" he was fined \$500 plus a \$110 victim surcharge for each count.

For the breaches to the Municipality's "Smoke-free Workplaces By-Law" he was fined \$1000 plus a \$125 victim surcharge for each count.

For the charges, all of which occurred in 2003 at the Sioux Hotel relating to the events of Mar. 22, Mar. 25, April. 17 and May. 8, Baizer was given six months to pay.

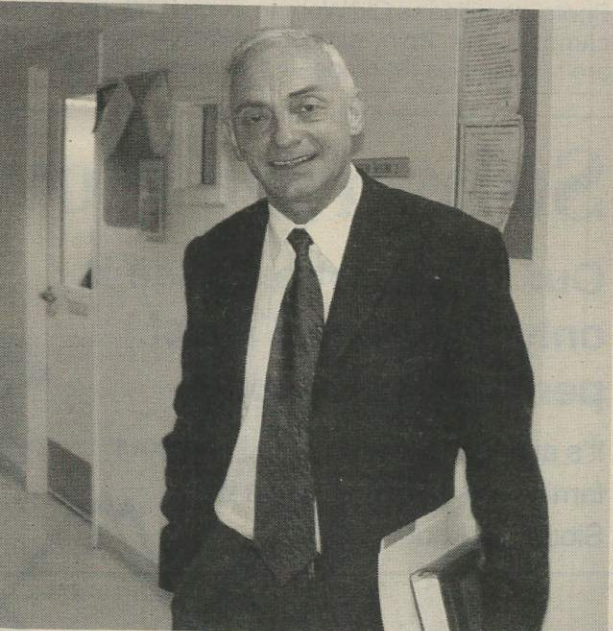
For the charges relating to the events of July. 7 and July. 15, Baizer was given 90 days to pay the money back.

"We're pleased that the by-laws were upheld by the court," said Sioux Lookout Town Clerk/Director of Legal and Planning Services Mary MacKenzie.

Dr. Pete Sarsfield, Medical Officer of Health and Chief Executive Officer of the Northwestern Health Unit, commented of the convictions.

"I'm happy they have these bylaws as it is protecting the health of community members as is appropriate, I'm applauding the town for doing this," he said.

The Sioux Hotel has been closed since having its liquor licence revoked on Jan. 9 due to breaches of the Liquor Licence Act and Regulations.



Bulletin file photo

Philip Baizer at a court appearance, July 2003.

First convictions handed out for non-compliance with smoking by-laws

Tim Brody
STAFF WRITER

CONSPICUOUS by his absence, Philip Baizer, Owner of the Sioux Hotel located at 54 Front Street in Sioux Lookout, was found guilty on eight counts of being in violation of The Corporation of the Municipality of Sioux Lookout's smoking by-laws during proceedings of the Ontario Court of Justice Court Feb. 4.

Baizer pleaded not guilty to the first two charges relating to an incident that occurred on Mar. 22, 2003 during his trial held on Dec. 17.

That trial continued on Feb. 4 with Provincial Prosecutor Keith Boomhower calling for Trial In Absentia stating that after 10 months it was time to bring things to a conclusion.

Her Honour Judge Baas who presided over the Trial in Absentia held to deal with each of the

counts, issued pleas of not guilty on behalf of Baizer for the six counts he was not in attendance to plead to.

Before dealing with each charge, Baizer's name was called three times to give him a chance to appear if he was in the building.

After hearing the prosecution's case and with Baizer not in attendance to dispute the facts, Baas was not able to find reasonable doubt with any of the evidence presented by the prosecution and found Baizer guilty on all eight counts.

These included The Corporation of the Municipality of Sioux Lookout By-Law Number 11-03, being a by-law to create smoke-free public places in the Municipality of Sioux Lookout and The Corporation of the Municipality of Sioux Lookout By-law Number 12-03, being a by-law to create smoke-free workplaces in the Municipality of Sioux Lookout.

See PLEASSED, page 6

Sioux Bulletin - Feb 11/04

Sarsfield warns of further NHU levies

Arner Bloomfield

Northwestern Ontario municipalities should brace themselves for even higher health unit levies in the coming years.

Medical Officer of Health Pete Sarsfield told delegates to the Kenora District Municipal Association on March 15 that this year's 36 per cent hike in levies is only a

prelude. "I don't think you can expect the same kind of increase, but there will be a rise. This is absolutely a fact. I would think somewhere between 10 and 15 per cent next year," Sarsfield says.

Just a few weeks ago the NHU released its 2004 budget. That budget raised municipal levies by 36 per cent. While the increase angered local politicians, Sarsfield insists the extra expenditures are necessary to provide the

range of mandatory services set out by the provincial government.

He adds that over the last five years the NHU has limited its budget increases while other health units in the province have seen expenses climb sharply.

"This is a catch up," he notes.

Sarsfield explains the programs include health education, inspections, chronic disease prevention and promoting physical activities.

Recent studies of the Kenora and Rainy River districts indicate the leading cause of death among men here is cardio-vascular and respiratory diseases. For women it is complications from pregnancy.

"Health is my primary concern and I hope it is yours too," Dr. Sarsfield told KDMA delegates.

Those delegates argued

that while public health is a huge concern, they must also focus on a wider range of issues, all with an impact on the quality of life in Northwestern Ontario.

The doctor agreed that it is unfair to have the costs shifted to municipalities, but adds it is the only rules with which he can work.

He adds provincial transfers to cover the cost of unincorporated residents have been frozen at just over \$1 million since 1991.

KDMA delegates later passed two resolutions put forward by the City of Dryden.

In one, the KDMA agreed to ask the province to take over complete funding of disease prevention and health promotion services in Ontario. A second resolution asks the NHU to reconsider the increases in its 2004 budget. ☆

KDMA resolves to band together to stop downloading of responsibilities

Michael Pelham
STAFF WRITER

MUNICIPALITIES must join together and tell the Provincial Government that downloading services on municipalities doesn't work, according to MPP Howard Hampton, who spoke last weekend at the Kenora District Municipalities Association (KDMA) annual conference in Sioux Lookout.

He was a guest speaker on Feb. 7 at the conference, hosted by the Sioux Lookout municipality at the Sunset Inn. Also at the event was Chief Medical Officer of Health for the North-

western Health Unit (NWHU), Dr. Pete Sarsfield. He came to town to tell politicians that a 36 per cent funding levy is necessary for all municipalities to pay in the region in order to fulfill greater service.

Although the KDMA passed a resolution at the conference, held on Feb. 5, 6, and 7, to petition the budget request for increased funding, Sarsfield said the answer lies in getting the Provincial Government to take on a greater funding roll. The resolution passed said the levy will potentially cause "significant hardship for local municipalities and taxpayers."

"Every municipality in Northwest Ontario should

present information," to the Ontario Government as proof that downloading services such as NWHU funding, land ambulance, daycare, and other responsibilities is too hurtful to small towns, Hampton said in his speech to the delegates.

Also, Hampton said that increasing taxes for outlying "unorganized" areas wasn't going to produce any meaningful solutions.

"You can get more money out of unorganized areas, but it's not going to fix the problem," Hampton said.

"We've been pleading with the Province for more money in the 10 years I've been here,"

See BUDGET, page 7

Sioux Bulletin - 2/11/04

Years of 0 tax hikes draining, mayor says

BY BRYAN MEADOWS
NORTHWEST BUREAU

Citing years of no tax increases, Fort Frances municipal council faces some tough decisions in its budget deliberations this year.

Mayor Dan Onichuk said yesterday that six to seven years of no tax hikes has drained the border town's ability to adjust to higher operating costs.

While inflation was running at one to two per cent several years ago, Onichuk said town council didn't pass on those costs, or other levy hikes for policing, home for the aged, and other services to ratepayers. Instead, money was taken out of reserves to balance the budget.

Council is now faced with limited reserves and limited flexibility in balancing the budget, he said.

"We've got a lot of work to do."

Council is to review a second budget draft this week in which department managers have trimmed about \$500,000 from the first draft which projected a \$2.8-million deficit.

"We told managers to go and take a

FORT FRANCES

hard look at (expenses) . . . to come up with a bare bones/absolute needs operating budget," Onichuk said, adding, "It would only be a guesstimate" at this point to speculate on a potential tax hike.

He said all options will be considered by council to balance the budget, including higher user fees, increased taxes, and possible cuts to town services.

With the town's assessment base, it takes a one-per-cent hike in municipal taxes to raise \$42,000 in revenue.

Onichuk said the public will be involved in the budget process.

Council meetings are open and information sessions are being planned for the coming weeks.

"We're going to show them" what the costs are for running the municipality and how outside agencies contribute to the town's financial picture, Onichuk said.

Last year, Fort Frances ratepayers were hit with a tax hike of almost seven per cent.

Chenide - Feb 11/04

Budget increase putting unbelievable pressure on municipalities

Continued from front

Sarsfield told the conference earlier when justifying the need for 36 per cent more funding from each KDMA municipality.

He said money has been asked for unincorporated areas that aren't getting the benefit of services bigger towns are. Currently, 79 per cent of the NWHU's programs, much like in the rest of the Province, are being carried out, even though provincial health units are mandated to carry out all of the programs.

"These are proven programs, they have proven effectiveness," Sarsfield said, pointing to a graph that shows overall, the NWHU has received the least amount of funding from 1998 to 2002. Per capita, it has received about the third or fourth least highest amount of funding.

Sarsfield also pointed out that life expectancy is the lowest in Canada in Northwest Ontario.

"We've received the lowest investment since 1998," he said. "This (36 per cent levy) is needed."

Sarsfield said he believes

been saying, 'let's put this in the lap of the Province.' The province hasn't blinked. People have died, not fictitious deaths, but real deaths. Can we gamble?"

If regional municipalities do provide the 36 per cent increase in funding, he said mandated programs for the NWHU will reach 85 per cent. However, it

wasn't enough to convince the majority of those in attendance at the conference.

"This 36 per cent increase for the new budget is putting unbelievable pressure on municipalities," said Jerry O'Leary, Mayor of Sioux Narrows.

Bill Brown, president of the KDMA, agreed with what Hampton said about lobbying the Province for

more assistance with these kinds of issues.

"We are a lobbying body, we should be doing more of that," said Brown, who is also a councilor for Dryden. "We take our unified voice to Queens Park, to Parliament, for the betterment of the region. In some cases downloading can work, but we're talking about issues that are way beyond our

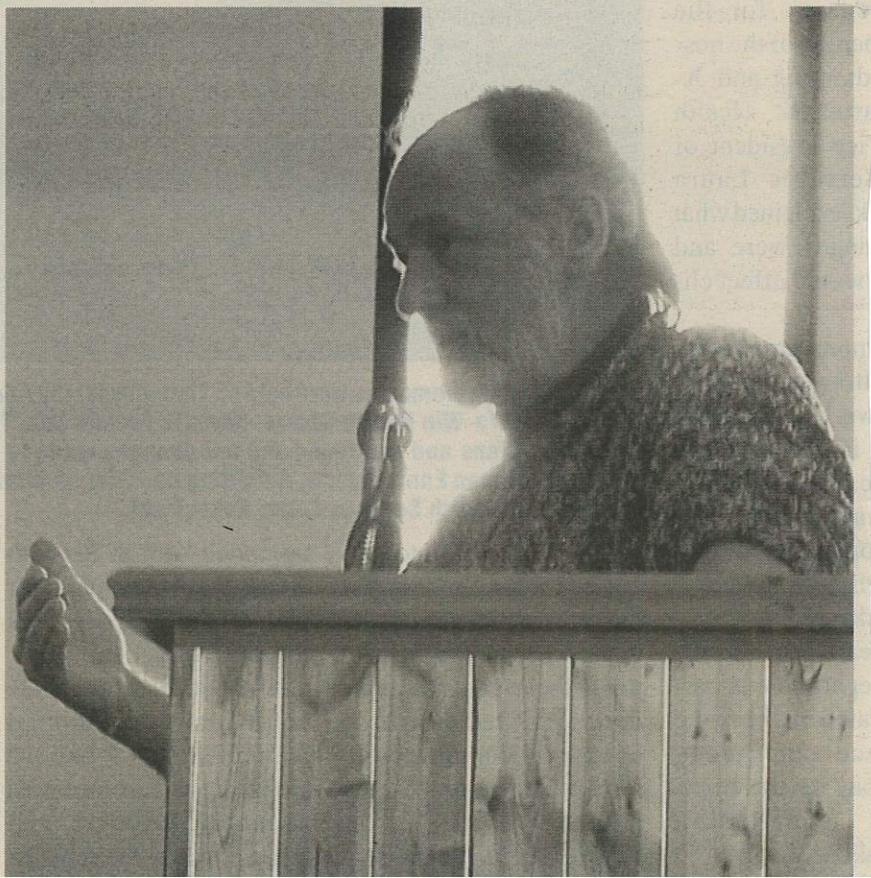
capabilities."

He said that municipalities in the Kenora district should be receiving the same services from the NWHU as towns and cities in other areas of the Province.

John Albanese, Chair of the NWHU board, was at the conference and told attendees before passing the resolution to petition

the levy that the KDMA needs to focus on lobbying the province and not avoiding the increase.

"We should lobby the Province to pay 100 per cent for the programs," he said afterwards in an interview. "Municipalities have other things on their plates. It's the province that mandates the programs, they should look after the health unit."



OPP detective questions validity of racist letter

Mishkeegogamang councillor calls for public appeal for information

by Adrienne Fox-Keesic
adriennef@wawatay.on.ca

After the Ontario Provincial Police were called to investigate the origins of an Aug. 22, 2003 racist letter addressed to Mishkeegogamang "reserve leadership," no one could have guessed at that time that the investigation would head back into the First Nation.

But in a Jan. 20, 2004 letter addressed to Chief Ronald Roundhead, titled "Alleged Hate Crime Investigation - Pickle Lake," Det. Sgt. Wade R. Meeks from the Northwest Region Crime Unit of the OPP questions the validity



Coun. Tom Wassaykeesic

of the letter after a key witness refused to undergo a polygraph test. The witness, a Mishkeegogamang band member, had been the recipient of the anonymous Aug. 22 letter and had forwarded the letter to the chief and council.

In his Jan. 20 letter, Meeks reiterated concerns he had originally raised with Roundhead during a

meeting held on Dec. 1, 2003.

"As you may recall," stated Meeks, "at our meeting I expressed concerns about the reliability of information provided by a key witness in this matter."

"These concerns were significant enough that I asked this witness if they would agree to take a polygraph test to establish that they were telling the truth."

After initially agreeing to the polygraph, related Meeks, the witness later declined.

"Obviously this causes me even greater concern about information provided by this witness."

"Despite all this," he continued, "an extensive investigation has failed to reveal any legitimate suspects who match the description of the white

male described by this witness."

Meeks also explained that even if the author of the Aug. 22 letter was found, according to a legal opinion given by assistant Crown attorney Rupert Ross, "There would be no reasonable prospect of convicting him under the 'hate mail' provision of ... the Criminal Code."

"In essence," quotes Meeks, "we appear to have someone writing a letter which expresses his own 'hatred' and giving it directly to a member of the group he 'hates'. As such, it would be characterized as a 'private' communication with no component of trying to get other members of the public riled up. This communication, as distasteful as it is, is not proscribed by the Criminal Code, as it focuses only on the public promotion of

hatred."

In addition, Ross advised that the reference to "shooting" made in the Aug. 22 letter, "is carefully expressed not as a stated intention but as a suggestion only, and as the suggestion of some other person, not as the author of the letter." Ross said that because the author doesn't use the suggestion as his own, it would make it problematic to go ahead with a "threatening charge."

Mishkeegogamang Coun. Tom Wassaykeesic doesn't agree with the case assessments by Meeks and Ross.

He said the investigation focused too heavily on the Mishkeegogamang band member who originally passed the Aug. 22 letter to the Mishkeegogamang leadership.

Wassaykeesic said some

of the statements made by Meeks about the key witness "were very insulting."

He says the decision by the witness to decline a polygraph test was well within the rights of the witness.

"Just like everybody else in this country here, [the person] has rights too."

In addition, he said the witness, whom he knows, "would never put [themselves] or anybody else through this kind of stress and anxiety"

Wassaykeesic said he approached Meeks with two suggestions regarding the investigation.

"What I suggested to [Meeks] was 'Why don't you guys put out a ... public appeal for information ... and I suggested they should offer some kind of a reward, just like with Crime Stoppers.'"

Board nixes area smoking ban

BY BRYAN MEADOWS
NORTHWEST BUREAU

The Ontario Health Services Appeal and Review Board has dealt a blow to the Northwestern Health Unit's push for smoke-free spaces.

The three-member panel has rescinded a workplace smoking-ban issued last year by medical officer of health Dr. Pete Sarsfield, stating that the order was "beyond the scope of his authority under Section 13 of the Health Protection and Promotion Act."

In its almost 60-page decision released yesterday, the appeal board sided with Kenora-Rainy River district bar and restaurant owners who maintained that Sarsfield lacked the authority to ban smoking in their establishments.

Kenora pub owner Mark Bissonette said he was pleased but not surprised by the ruling.

"Right from the onset, we felt that Sarsfield didn't have the power to make that decision. This will hold him accountable."

After Sarsfield was unable to lobby district municipal leaders to approve smoke-free spaces, Bissonette said, he used the Health Protection and Promotion

Act, which the panel said he did not have the authority to do.

"We felt strongly that it wasn't up to the him to make the decision on his own. It is for elected officials to do so," Bissonette said.

Bissonette is a member of the Freedom of Choice Coalition, a group of 19 restaurant and bar owners who launched the appeal after some members were charged last year for failing to comply with the order.

The amount of smoking in those bars and restaurants isn't expected to change as the board had granted a stay on the smoking ban during the appeal.

Health unit spokesman Bill Limerick said he was disappointed by the decision.

"We've lost the legislative part of it. (But) I think we've gained a lot," Limerick said, noting dozens of restaurants and bars in the districts have gone smoke-free since the health unit launched its push.

Limerick said the board has made "a narrow decision based on-jurisdiction."

He did not rule out an appeal to divisional court.

• Continued on page A5

Sarsfield bucked ministry advice

• Continued from page A1

Bissonette said that "an important thing to remember in all of this" is that business owners were willing to consider additional ventilation among other measures to address concerns about second-hand smoke.

However, he said, Sarsfield was unwilling to compromise.

"It was his way, 100-per-cent smoke-free, when we were willing to go up to 75 per cent so as to not hurt our businesses," Bissonette said.

"It's in his court now. We've won the battle and (Sarsfield) can decide to take (the smoke-free issue) wherever he wants."

The Health Services Appeal and Review Board had conducted 13 days of hearings and interviewed dozens of people last year in Dryden, Thunder Bay,

Kenora and Toronto.

In its report, the board stated that representatives of the Ministry of Labour and the Ministry of Health and Long-Term Care "had told Sarsfield, repeatedly that the authority to regulate smoking lies with the municipalities under the Tobacco Control Act and the Municipal Act."

The board agreed, noting in the final pages of its report that a medical officer of health's mandate — with respect to general health concerns associated with smoking — is to promote smoke-free living through co-operation and education, and assistance in the enforcement of other provincial legislation such as the Tobacco Control Act.

"We are satisfied that exposure to environmental tobacco smoke (ETS) is a significant health concern," the board stated.

"We are further satisfied that Sarsfield was genuinely and deeply concerned about the health consequences of exposure to ETS and acknowledge his efforts to educate the people of the Northwestern Health Unit about these health concerns.

"Nevertheless, we have found that his statutory authority to act on his concerns about ETS is not broad enough to support the orders banning smoking that give rise to these appeals."

The board is an independent judicial administrative tribunal that hears appeals and reviews of decisions made by health units under the Health Protection and Promotion Act.

Chronicle - Feb 18/04

Winter road limits under study

BY RYAN MEADOWS
NO. WEST BUREAU

Ontario Transportation Minister Harinder Takhar is reviewing Manitoba's winter road exemption for driving time limits on truck operators.

And he has sent officials to Pickle Lake to discuss the limits with trucking companies.

NDP Leader Howard Hampton said yesterday he met Wednesday with Takhar and was assured the ministry "would look at the Manitoba trucking regulations right away."

Ministry spokeswoman Danna O'Brien said Takhar recognizes the importance of getting supplies into remote communities in a timely fashion.

Hampton, trucking operators and provincial police all believe Ontario's 60-hour driving limit placed on transport operators travelling over winter roads in Northern Ontario is restrictive.

Hampton said the ministry is sending two people to

Pickle Lake "to go through the issue with trucking operators, provincial police and the community" to determine if the Manitoba exemption addresses the local matter.

Manitoba's winter road permit allows transport drivers to be on duty for 15 hours, including 13 hours of driving, with eight hours of sleep.

The exemption applies to the period of time the driver is on a winter road system and for an additional four hours, from the time the driver leaves a winter road and drives on a provincial roadway.

The permit restricts a motor carrier from requesting, or permitting a transport operator to drive while fatigued.

Information accompanying the Manitoba winter road permit states that its purpose "is to recognize the practical time and operating difficulties encountered on winter roads in relation to the urgency and necessity of resupplying the isolated communities on the winter

road system."

Citing "a six-week window" to transport goods over Northern Ontario winter ice roads, Hampton has been pushing for exemptions after being contacted by area truckers this week.

"The limit on driving time is there to protect the public and the rest of us on very busy highways. The reality is, on winter roads no one else is there," he said.

Trucking operators told Hampton that until last week, police had rarely enforced the 60-hour-per-week transport-driving maximum on winter roads north of Pickle Lake.

Pickle Lake fuel dealer Carter Rice said "it's not hard to eat up 60 hours, especially when the trucks are travelling between 10 and 15 km/h on these bush roads."

Pickle Lake OPP Sgt. Dwight Monck said the "two-day winter road initiative (conducted last week) . . . was more of education, than enforcement." Three tickets for log book infractions were issued.

Province has \$1M more for telehealth in NWO

BY BRYAN MEADOWS
NORTHWEST BUREAU

The province will provide more than \$1 million to improve health care access for residents of 19 remote First Nations in Northwestern Ontario, Northern Development and Mines Minister Rick Bartolucci said yesterday.

The Northern Ontario Heritage Fund will invest \$1.093 million in telehealth services to link the communities to the Northern Ontario Remote Telecommunications Health (NORTH) Network.

The NORTH Network is a telemedicine project that currently provides consultations and continuing education to 38 rural and remote communities in Northern Ontario.

In announcing the funding in Red Lake, Bartolucci said the Liberal government is delivering on a promise to provide quality health care to people wherever they live.

The Keewaytonook Ojibwanak Chiefs Council will help facilitate the NORTH Network's expansion into the 19 communities. Telehealth isn't new to the council, which has developed and operated a two-year pilot project in five of its six member communities.

Health Minister George Smitherman noted that the telehealth services will be working together with the Northern Ontario Medical School to improve health care for all northerners.

The NORTH Network was de-