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71 patients in ICU; model predicts worst-case 124 by June 21

Intensive care cases hit record high

DANIELLE DA SILVA

THE number of COVID-19 patients requiring an intensive care bed climbed to new heights Sunday — setting a pandemic record for the province — as another 534 infections were reported and four more Manitobans died from the disease.

The number of COVID-19 patients in intensive care was 71, the greatest number reported since the pandemic began. The province reported 70 such patients Saturday.

The Manitoba government said COVID-19 hospitalizations reached a third-wave high, with 258 people being treated for the disease Sunday, an increase of 17 from the day before.

The majority of the people currently in hospital are infectious, the province said. Of the 71 patients in intensive care, 53 were considered active cases; nine were under the age of 40.

In the second wave of the pandemic, the province saw the greatest demand for intensive care related to COVID-19 on Dec. 4, when there were 54 infectious patients in one of

four Manitoba hospitals equipped to provide critical care.

However, the total number of COVID-19 patients needing critical care was higher at the time as the province did not begin regularly reporting the number of non-infectious hospital patients until later in December.

Overall intensive care unit capacity peaked last winter on Dec. 19, with a total of 129 patients of all types.

On Sunday, Shared Health said that there were a total of 119 patients, including with COVID-19, in intensive care across Manitoba. The province's

pre-pandemic ICU bed base was 72.

Pandemic modelling released by the Manitoba government on Friday showed intensive care unit stays due to COVID-19 have already exceeded the projected worst case, or extreme, scenario.

That model predicted as many as 124 COVID-19 patients could require critical care by June 21.

On Friday, acting deputy chief public health officer Dr. Jazz Atwal said COVID-19 demand on intensive care units tends to peak about a month after a lockdown is implemented.

Sunday's deaths included a man in 50s from the Northern health region and a woman in her 50s from the Winnipeg health region, both sickened by the highly infectious B.1.1.7 variant, as well as a man in his 50s from the Winnipeg region, and a man in his 80s linked to an outbreak at Holy Family Home in Winnipeg.

A total of 1,010 Manitobans have died from COVID-19.

● ICU CASES, CONTINUED ON A2



PANDEMIC AT THE PARK

With COVID-19 restrictions barring gatherings at homes, Winnipeggers are flocking to the city's parks. Carly Elder (front), with friend Ann Schein, says most people at Assiniboine Park Sunday were following the rules. See story on page B1.

JOHN WOODS / WINNIPEG FREE PRESS

Prime minister vows to levy 'heavy price' on Hamas

Israeli airstrikes pound Gaza

FARES AKRAM AND RAVI NESSMAN

GAZA CITY, Gaza Strip — Israeli warplanes unleashed a series of heavy airstrikes at several locations of Gaza City early today, hours after Israeli Prime Minister Benjamin Netanyahu signaled the fourth war with Gaza's Hamas rulers would rage on.

Explosions rocked the city from north to south for 10 minutes in an attack that was heavier, on a wider area and lasted longer than a series of air raids 24 hours earlier in which 42 Palestinians were killed — the deadliest single attack in the latest round of violence between Israel and the Hamas militant group that rules Gaza. The earlier Israeli airstrikes flattened three buildings.

Local media reports said the main coastal road west of the city, security compounds and open spaces were among the targets hit early today.

The power distribution company said the airstrikes damaged a line feeding electricity from the only power plant to large parts of southern Gaza City.

There were no immediate reports of injuries.

In a televised address on Sunday, Netanyahu said Israel's attacks were continuing at "full-force" and would "take time." Israel "wants to levy a heavy price" on the Hamas militant group, he said, flanked by his defence minister and political rival, Benny Gantz, in a show of unity.

Hamas also pressed on, launching rockets from civilian areas in Gaza toward civilian areas in Israel. One slammed into a synagogue in the southern city of Ashkelon hours before evening services for the Jewish holiday of Shavuot, Israeli emergency services said. No injuries were reported.

In the Israeli air assault early Sun-

● ISRAEL, CONTINUED ON A5

Kitigay — to plant — grows jobs, hope at Brokenhead

Opportunity sprouts up at First Nation

JULIA-SIMONE RUTGERS

NEAR the shore of Lake Winnipeg, where wild rice once grew, sits a plot of land with huge potential on Brokenhead First Nation.

Nitrogen and phosphorus-rich fish bones have been mixed into the earth, preparing the soil for cultural, economic and social growth through a collaborative program with the University of Manitoba.

The program, called Kitigay, an

Ojibwa word meaning "to plant," will link Brokenhead residents with professors and students, to develop a farm.

"It started with wild rice, and it grew to many more interests and many more people," Prof. Shirley Thompson said. "Wild rice is integral to the history of this community."

Wild rice can be a tricky crop — the original proposal, more than a year ago, suggested a locally grown source would bolster food security of the community and nearby communities.

Now, with a funded internship farm program that includes more than rice, Angela Petrash of the Brokenhead Development Corp. said the project is an economic opportunity for the First Nation.

"This means some really cool jobs for our community members — jobs that we currently don't offer," she said. "The bonus is that they're getting an education through this as well."

● FIRST NATION, CONTINUED ON A2



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Shelley Cook

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U of M students argue to alter mandatory minimums on low-income tax offenders

Charter challenge from classroom to courtroom

JULIA-SIMONE RUTGERS

A GROUP of University of Manitoba law students has taken on a unique charter challenge, arguing hefty mandatory minimum fines are “cruel and unusual” punishment for low-income tax offenders.

In May 2020, Larissa Campbell, student supervisor at the university’s Community Law Centre (known as the Legal Aid clinic), was in charge of several cases of Manitobans who had brought cigarettes into the province from a First Nations community just across the Ontario border, without having paid the required taxes.

Many of the files tacked offenders with minimum penalties ranging from \$8,000 to more than \$15,000 — far more than any of her clients could pay.

All of the centre’s clients fall into a lower income bracket, Campbell explained, meaning a multi-thousand-dollar fine is “significant — to the point where it raised some red flags.”

As a third-year law student, armed with fresh perspective and a passion for fairness and equality under the law, Camp-



JESSE BOILY / WINNIPEG FREE PRESS

Larissa Campbell inherited the files in the early months of what would become an ever-shifting year for the Manitoba courts.

bell and fellow students Dan Jr Patriarca and Brayden McDonald began putting together a case arguing such crushing fines violate Section 12 of the Canadian Charter of Rights and Freedoms.

“What’s the purpose of imposing significant penalties on people who probably either can’t pay, or it would be such a burden on them to pay that it just would be cruel and unusual to do so?” Campbell said in an interview Tuesday.

“It really came down to the fact that for some of these people it would basic-

ally vitiate their ability to live for a year, if not longer. They couldn’t spend money on anything in the next couple of years if they wanted to pay this fine off.”

Campbell inherited the files in the early months of what would become an ever-shifting year for the Manitoba courts.

The hearing before Judge Timothy Killeen happened nearly a year later, in March 2021. COVID-19 restrictions changed the process for the student team, who had to apply for special applications to allow clients to appear by video conference.

Supervising lawyer Michael Walker, with the Legal Aid clinic, said the case is one of the most significant students have tackled in his more than a decade with the program.

If successful, it will be considered in other cases and can have ripple effects through the legal system, Walker said.

Clients at the Legal Aid clinic must pass both a financial means test and a risk-of-jail test. Those with low risk of jail time, such as those facing large fines, are less likely to be represented

by the centre’s lawyers, Walker said.

Without the students’ initiative and volunteer hours, he added, “Who knows if this would ever have been raised?”

Similar issues with mandatory minimum sentences had come before the courts in the late 1990s, Walker said, but recent Supreme Court of Canada decisions and the elimination of the Fine Options program for certain offences opened a new opportunity for challenge.

Campbell and her team are hoping Killeen will allow some remedies for the clients.

The team asked courts to consider systems applied in Finland and other Nordic countries, that propose fines proportional to the offender’s income, or “day fines” that would take an amount from the offender’s daily income until the fine is paid.

Campbell said proportional fines for her clients would amount to approximately \$1,000 each.

Walker believes the judge, who is expected to make a written decision at an undetermined time, will have a difficult task ahead balancing a desire to discourage smoking through the tax sys-

tem, differential taxes on First Nations communities and the charter element of the challenge.

As students, Campbell said the team found the experience “really rewarding,” allowing them to put the skills learned in Robson Hall’s moot court into practice.

Clients, she said, have been grateful.

Campbell said the case concerns access to justice for low-income offenders navigating a legal system that often takes a “one-size-fits-all” approach.

“I think it definitely highlights the importance of responding to the needs of Manitobans, as well as being responsive to the fact that people of different income levels should be treated equally before the law and not be almost secondarily subjected to a kind of punishment that they aren’t able to pay,” she said.

“If we adjust... to ensure that there’s more of an equal approach to penalizing people, I think we could see more change, as well as a more responsive justice system.”

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BLAKE ANDERSON PHOTO

FIRE CREWS IN ACTION

Water bombers scoop up water from the Red River near Selkirk on Sunday to fight a wildfire near Breezy Point, about 46 kilometres northeast of Winnipeg.

FIRST NATION • FROM A1

The program will host just over a dozen community members — as paid interns and undergraduate students — as well as students pursuing master’s degrees and doctorates. It will be taught by U of M professors and Indigenous knowledge holders from Brokenhead.

Getting a university-certified education has been a big draw for community members, Petras said, and will further develop the nation’s economic base.

“We’re able to solve some local and non-local food security issues — we all just lived through a pandemic. We knew where there were shortages. This is a way for Brokenhead to contribute to a local economy and benefit its members as well,” she added.

Brokenhead Chief Deborah Smith said food security plays an important role in the First Nation’s approach to education, health and wellness, culture and traditional knowledge, land and infrastructure, and economic development.

“We’ve always had food sovereignty. It got lost as Brokenhead changed historically, and we had access to roads. Historically, people gardened; we had people that hunted and gathered and trapped, and so we had our own food systems,” Smith said.

She noted that affordable, readily available food has long-term health benefits for community members of all ages.

“All the food initiatives that we’re



MIKE DEAL / WINNIPEG FREE PRESS

Brokenhead Chief Deborah Smith said food security plays an important role in the First Nation’s approach to education, health and wellness.

working on, it is to reconnect our people to the land, to their history, but also I think to grow potential in them — to embrace a healthier future,” Smith said.

The program will offer students an opportunity to deepen their understanding of Indigenous food systems and strengthen their social and collaborative skills, by bringing together on and off-reserve members, as well as Indigenous teachers and professors.

The internship program, funded by Mitac, a national not-for-profit orga-

nization, starts in September with two full-year cohorts.

In the beginning, the farm will have test plots of a variety of crops. As the farm matures, the team hopes to collaborate about what to grow and sell. Thompson noted climate change strategy will be integral to the design; water runoff will be reduced, and the team hopes to create a regenerative style of agriculture that maintains biodiversity and the health of the nearby creek.

Students will build a tiny home as

part of the project. Smith noted the project will equip community members with skills to address the housing deficit in First Nations communities.

“Something that’s maybe taken for granted is the importance of collaboration in this project,” agriculture Prof. Kyle Bobiwash, who will help teach the program, said.

“We do a fairly poor job at the university of allowing that level of self-determination for people or for communities. We generally prepare people for things that already exist in

society; I think it’s really important to give them those opportunities to think beyond.”

The wild rice aspect of the farm — grown inland as opposed to the usual marsh land — presents a “new modern, contemporary way to grow wild rice,” Bobiwash offered as an example.

“We often think traditional knowledge, Indigenous knowledge is something from years ago that we need to bring back and do the same way, but we often don’t consider that we’re creating Indigenous knowledge by adapting.”

One day, there might be chickens, berries or honeybees on the farm. Participants will be able to create their own priorities and ensure the farm serves their needs, Bobiwash said.

“Society is at the space where everything is transitioning. There’s a lot of anti-capitalist thinking, there are bigger wealth gaps... we know we need to really start changing that dialogue and allow communities to have input in how their people are meeting success,” he said.

The goal is to allow community members to lead all aspects of the project.

“It’s giving them skills to be adaptable and allow them to do whatever they want on their own, but it’s also making sure that the skills they’re developing are responsive to who they are as Indigenous people and what that community wants going forward,” Bobiwash said.

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