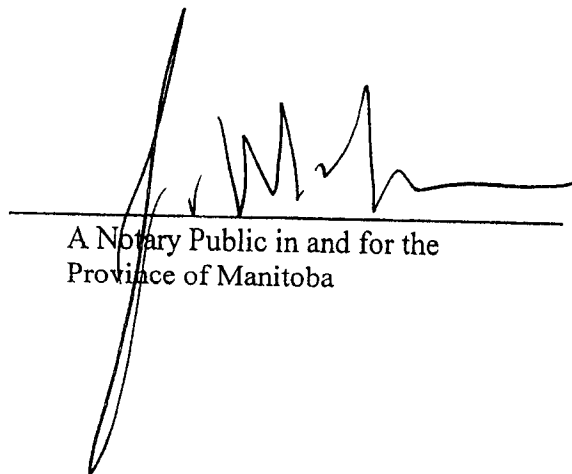


**THIS IS EXHIBIT "40"  
REFERRED TO IN THE  
AFFIDAVIT OF WARD P. WEISENSEL  
SWORN BEFORE ME  
THIS 19<sup>th</sup> DAY OF JUNE, 2007**



A Notary Public in and for the  
Province of Manitoba

SOURCE: TELECONFERENCE  
DATE: MARCH 28, 2007  
TIME: 11:15

MINISTER STRAHL ANNOUNCES BARLEY PLEBISCITE RESULTS

MUCK STRAHL (Minister of Agriculture): My Parliamentary Secretary for the Canadian Wheat Board, David Anderson, and I'd also like to highlight just for later, for the benefit of the media, that if they would like, that we are also here in the presence of Ross Rivali, who is here this evening.  
Ross, thank you. Richard Philips, Executive Director of the Grain Doors of Canada, Jeff Neilson, the President of the Western Barley Growers Association, and Stephen Vandervault, the Alberta Vice President of the Western Canadian Wheat Growers Association, and I thank them all for being here today as well.

As you know, barley producers have been given an opportunity to express themselves in a plebiscite on how they wanted to market their grain. This consultative process was part

a commitment we made during the last election campaign to provide marketing choice for Western Canadian grain farmers, and we moved as quickly as we could to make good on that promise.

From the beginning we were committed to a broad-based consultation that would ensure that everybody growing barley in the prairies and in the Peace River region of British Columbia would have a chance to participate.

That's why we opened up the eligibility process to anyone in the designated zone who had grown grain in 2006, and who also grew barley in at least one of the years between 2002 and 2006. We wanted to hear from all of those people who actually grow barley. They're the ones who make the decisions and they take the risks in their day to day operations and so just think it's the right thing to do to ensure that they also have the right to decide whom they want to sell that product to. If they want to sell to the Canadian Wheat Board, that's fine and that's to be encouraged. If they want to sell to someone else, that's fine too. The internationally recognized financial services firm KPNG was contracted to run the plebiscite, which it did from mailing out the ballots to counting and tabulating the votes, which does bring me to the results.

I am very pleased to be able to tell you today that a very clear majority of those who participated in the plebiscite have told us they want change, that they want the opportunity to sell their barley to whomever they choose. 29 067 farmers voted. The clear majority of farmers have spoken in favour of marketing choice; 62 percent of barley producers have told us they want to remove barley from the Wheat Board monopoly. I should also add that this desire for change was expressed across all the provinces of the Canadian Wheat Board designated areas. From BC to Manitoba, voting for marketing choice was strong and the message from farmers is clear. I've said from the beginning that I was holding this plebiscite as a consultation with barley growers and that I was going to listen to what they were telling us. Farmers have spoken and we are listening and we're going to act on their expressed preference. ~~We will soon begin working on the appropriate amendments to the Canadian Wheat Board regulations to take barley out of the Canadian Wheat Board's monopoly~~ and provide Western Canadian grain producers with the freedom to market their own barley. I will be consulting with the Canadian Wheat Board's board of directors as we move forward with marketing choice and I am hopeful that we will be able to work together in the best interests of Western Canadian barley producers who so have clearly expressed their wishes in this plebiscite. We want to move quickly to give producers and the entire industry clarity and market certainty. It is the government's intention that marketing choice for Western Canadian barley growers will be reality by August first of this year. This is, in my opinion, a wonderful day for Western Canadian barley producers. They have a world-class product and should have the option to maximize their returns and earn their money directly from the marketplace if they choose to. I'm looking forward to moving ahead with a new era of marketing choice in which barley growers will be able to sell their product to the buyer of their choice, whether that buyer is the Canadian Wheat Board, another Canadian entity or even a foreign buyer, and I see a bright future for a voluntary Wheat Board for producers who choose to pool together and use its services. So, ladies and gentlemen, Canada's new government promised to give Western Canadian barley producers the opportunity to choose if they wanted marketing choice, and their message was clear. This is the option they want. We're going to give them that choice. We made that promise in the campaign and we're keeping that promise now. And I want to thank you for coming, and I'm ready to take your questions.

REPORTER: Minister Strahl, I have two questions. Barry Wilson with Western Producer. First of all, since the majority of the support for your position came to question two, which is open market or a Wheat Board, and the board is essentially suggesting that they will not be in the barley market if they don't have the monopoly; I wonder if that second question now is a bit irrelevant if the board isn't prepared to actually work in the barley market in an open market?

CHUCK STRAHL: Well, I'm going to be very surprised, and I think farmers are going to be very disappointed if the Wheat Board sticks to that position. Frankly, you know, we already have marketing choice in barley as far as feed barley goes, and even in the feed barley market, which is marketing choice market, the Wheat Board currently offers an opportunity for farmers who choose the Wheat Board, if they want to use the board even for that very small market. So it does seem to me that farmers have clearly spoken.

The Wheat Board says they represent farmers, and if that's the case, then I think they have an obligation to come up with a business plan that addresses that concern. It is? It's also important to note, Barry, that we're going to continue of course with barley? Well, covered under part three of the act, they still get, you know, cash, they still get

the government guarantees. You know, things continue for them. They have some advantages that your average grain company doesn't have, and I expect and I hope that they'll come up with a working business plan to address those concerns of farmers who want to still use the Wheat Board.

REPORTER: Secondly, I understood you to say that you plan to make the change through regulation rather than trying to amend the Wheat Board Act. Doesn't that require a CWB Act amendment rather than simply a regulatory, which I'm the critics will call kind of a back-door way of making the change?

HUCK STRAHL: No, there's two provisions of the act. In section 47, 47-1, and those sections talk about change, bringing in a new piece of legislation if you want, and there's another section talks about regulatory change and the ability to add barley or take it out by regulation. So we're quite sure we can take it out by regulation. We did have this consultation, which I think was a very good process, included lots of debate, lots of discussion. We've heard lots of pros and cons as I knew we would, and as we should, but in the end I think all of us from grain companies to wheat boards to governments have an obligation to listen to the clear majority of people who say it's time to move to more marketing choice, and we want to do that as quickly as possible.

REPORTER: Minister, not only am I a bad dresser, but I'm bad at math, so please forgive me here. If I'm looking here at the total votes cast, and it looks to me like when you're doing the percentages, you're not weighting that, because you're looking, for example, BC, 56 votes cast; the fact that 49.4 went to the option two, that skews things vis-à-vis that the vote totals are in Saskatchewan and Manitoba. Anyways, if I look at this, more than roughly, I would say, 60 percent of the ballots cast were coming from Manitoba and Saskatchewan, and the vast majority of farmers in those two provinces said their preferred option was option one, retaining. So I'm wondering here at a certain level, as much as you're trying to say that prairie farmers have overwhelmingly voted in favour, I'm going to challenge that math and say that in fact the preferred choice from those ballots cast by farmers was for option one. I'm wondering if you could comment on that.

HUCK STRAHL: Ok, well?ok, I'll talk?I'm not going to talk directly about your math, but I will comment on a couple of fronts. One is that the number that I mentioned there, the 62 percent is all of the votes combined from the entire collection area. So it's not averaged, you know, not first figured out by province and then averaged out. The only way you can address this is by taking the entire collection area. Now, some years ago Alberta, for example, said they wanted to have an Alberta stand-alone policy for Alberta only. That was rejected. You have to move forward as a collection area. So those numbers in total are for?there was, you know, 38 percent that said they want the status quo on average across the collection area. So, and even in Saskatchewan for example. A minority of people said they want the status quo.

REPORTER: But the preferred option?

HUCK STRAHL: No, it's not the preferred option. A minority?

REPORTER: With all due respect, when you ran and your colleague standing behind you, all right, it was first past the post, all right, and this is probably going to be the argument that some of the producers are going to be making. And they're saying that the (inaudible) in Saskatchewan, and granted, you're looking for surveying the whole collection area, the preferred option, and indeed in Manitoba, the majority was the status quo, not rolling things together.

HUCK STRAHL: I mean, it's?I think?

REPORTER: I just think you want to have to respond to that because your critics are going to be challenging you on that.

HUCK STRAHL: Well, I mean, I can respond to it. I think that's questioning, pushing regulatory to the limits to say that somebody who says they don't want to deal with the Wheat Board at all is to be lumped in with those who want the status quo, which is what the proposition is. (inaudible) a minority of people, a significant minority, 38 percent, but there's still an obvious minority say they want the status quo. 62 percent say they want either marketing choice by including the Wheat Board, or marketing choice with no Wheat Board at all. I mean they're willing to take their chances on a completely free market. So what is

...ous here is that the vast majority, 62 percent have said that they want choice in marketing, and you're left with 38 percent who say the status quo is what they want. It's still significant; that's why we say the Wheat Board should continue to market for that, for anybody who wants to market through that, through the Wheat Board, but clearly this, I mean, it's pretty hard to misinterpret this. A majority, and a significant majority of barley growers want marketing choice.

REPORTER: Graham from CTV. I just?you do have a problem in Saskatchewan, don't you? Like, looking at your own numbers? I mean, single-desk, 45.1 percent; that's the highest number in Saskatchewan, is it not?

HUCK STRAHL: Well, but again, it's a minority of?look at it this way, and this is way?I don't think you could misinterpret this, really. A minority of people want the status quo.

REPORTER: In Saskatchewan, though, that's not the case.

HUCK STRAHL: 40?a minority wants?45 percent say they want the status quo.

REPORTER: And 42?

HUCK STRAHL: 55 percent say?

REPORTER: Yeah, you add the two together.

HUCK STRAHL: Well, and you have to, because people say, what barley producers are saying is one of two things, a majority are saying.

...either want complete and utter free markets. I want to do away with the Wheat Board. I want nothing to do with the Wheat Board and I want the right to market my grain as I see fit. Now, that's not my choice. Our choice was for keeping the Wheat Board as an option, but it's pretty hard to misinterpret this, that somehow a 45 percent for the status quo as a majority. Even in Saskatchewan the majority say they want something other than the status quo, and that is some degree a choice. Now, our idea of choice is exactly that. If you want to use the Wheat Board, you should use the Wheat Board, but if you want to hit the free market and you think you can do well, you should have that choice as well, and that's certainly what we hear loud and clear in those numbers that we got from this debiscite.

REPORTER: Some of your critics suggest, you know, sort of a Jacques Parizeau question here: why wasn't the question simpler and clearer? Why do you have to ask three questions?

HUCK STRAHL: Because really, those are the three options. I mean, some people?it's a valid policy option to say, "I don't want the Wheat Board. I know, I want to get rid of it. I don't want it at all." Some people believe that. As you see, there's some significant numbers, but as I thought, nowhere near a majority that says "get rid of the Wheat Board." What's clear in the majority is people want more choice, and there's, you know, there's no way of misinterpreting that. The three options are really the status quo, monopoly situation, get rid of the Wheat Board, just turf it. That's not my choice, but I mean, it's a valid policy option, and the third choice, which is, you know, keep the Wheat Board for those that want it, but allow marketing choice if you want that as well, so there's no doubt about it in these numbers that people want to move past the status quo. There's only 38 percent for the status quo. And everyone else that voted, 62 percent said, "I want some choice." They either want complete freedom or a choice that includes the Wheat Board, but what they don't want is the status quo, and that's clear. 62 percent say the status quo's not an option for them.

REPORTER: Mr. Strahl, you're proposing to end this monopoly for the '07-'08 crop year. What steps do you plan to take to ensure or to protect the sales of farmers that are already on the books for this crop year?

HUCK STRAHL: Right. Well, we're going to move as quickly as we can to take barley out by regulation. I've always said to people, as I've said to the board, that you know, this doesn't, of course, do away with contractual obligations. If people have signed on already to market their grain in a certain way, you know, they better check their

contracts. They may well be obligated to do that, right? And, but anyway, I've said I could sit down with the Wheat Board as well to talk about a way forward, and I'm happy to hear those concerns and we can address them as needed, but people who sign on in a contract to, whether they're selling their product to a local feed mill or selling their product to a local feed mill or selling it elsewhere, I mean, have already, some of them have signed contracts. Just because you change regulations, doesn't do away with a legal contract for any farmer.

REPORTER: Will there be any legislation required at all to make these changes?

HUCK STRAHL: No. We are considering proclaiming sections of the act that were not proclaimed, passed in 1998, but were not proclaimed. It's an expanded section 47-1 that deals with both regulation and legislation and the necessity to have a plebiscite. We think the intention of Parliament at that time was quite clear, that that act did pass. For some reason, the previous government never proclaimed those sections of the act, even though they passed the House, so we are going to consider proclaiming that to make the act complete, as it were, as it was passed in 1998, but that's really the only?that's not really a change in legislation, it's just a change in an order in council to proclaim that part of the act.

REPORTER: Hello Mr. Strahl, Alex Binkley. I'm curious, you had 29, just over 29 000 ballots returned out of how many were mailed out?

HUCK STRAHL: There was about 86 000, give or take, that were mailed out. Because of the way the voting list was put together, it was a merged list. There is no permanent voter's list, so it's a merged list of production insurance data, grains and oilseeds payment data and CAIS payment data. So all of those things were put together. KPNG merged the list. They came up with 42 000 exact duplicates which they took out of the system right away. Then they mailed out whatever was left, 86 000 ballots, give or take, but in that, of course, was the, there was a declaration form saying that each farm entity only gets one ballot. So some farmers, depending on how their farm was constructed, a partnership or a corporation or whatever, may have received more than one ballot, so they had to fill out a declaration form saying, "We're only sending in one ballot from one farm," and in the end, what our grains and oilseeds data tells us is that there were, there are actually about 56 57 000, close to 57 000 barley producers, actual barley producers in the collect, and so the turnout is just over 50 percent, which is about what you expect in a plebiscite, and we're pleased with that.

REPORTER: Well, this wasn't just an ordinary plebiscite. I mean, there was a tremendous amount of publicity, hoopla, whatever you want to call it, and you still only get half?

HUCK STRAHL: Well, I mean, all you can do is throw the doors wide open and encourage people to participate. You know, some people didn't, tell me they didn't participate because they don't use the Wheat Board anyway, you know, for example. I mean, they sell all their product? this is a big deal in Alberta? they sell all of their product perhaps to farm-fed grain. They're not they never use the Wheat Board. They haven't used the Wheat Board in ten years, and so they just say, you know, "This isn't for me, because I'm just not going to participate" even though they're entitled to, they're barley producers. But you can't force someone to vote. All you can do is, again, just throw it open, make it as inclusive as you can, and encourage people, and we certainly did that, encourage them to vote and we'll take this result that they've given us.

REPORTER: Mr. Strahl, just want to return a bit to Paul's earlier questions about the numbers and in particular I'm looking at Manitoba where a majority actually support the status quo, support the board monopoly. So I just wonder if folks like James Bezan standing behind you, if this is kind of bad news, if this is a ballot question, in other words, for farmers on the prairies.

HUCK STRAHL: Ok, well, maybe after the conference you could buttonhole James and ask him that question, but I?you know, all you can do in a Canadian Wheat Board issue is to ask farmers in the entire Wheat Board area. You know, you can't, as everyone knows, you can't say I'm going to do this riding by riding. I can't do it province by province. It just can't be done. I mean, the Wheat Board collection area is clear. You know, it is the Peace River of British Columbia and the three prairie provinces. It's, you know, we didn't ask the question of barley producers in Ontario, for example. It just doesn't

apply to them, and all you can do is say that we're going to ask the question broadly, inclusively.

Everybody gets the vote, and in this case they spoke clearly across the Wheat Board collection area. If you start to say I'm going to pick one province or one region or one ending, I mean, it's impossible to do, and everybody knows that. And even the Wheat Board says, you know, it has to be a policy that applies across the collection area for all farmers. And that's why we're moving by regulation to bring that freedom of choice to all barley growers in the collection area.

REPORTER: And just a clarification on an earlier answer you gave. Do I understand that the act, as it has now been proclaimed, you couldn't move by regulation? There's the bit of the act that hasn't been proclaimed that would allow you to take barley out (inaudible).

HUCK STRAHL: No, you can still move by regulation. The part of the act that we're considering proclaiming talks about the need to have a plebiscite. You know, what's been a little puzzling for some people is that, you know, what was passed back in 1998 said before you make changes by either regulation or by legislation, you should consult farmers first in a plebiscite, basically, and for some reason that second part was never proclaimed that you should consult if you're going to make changes by regulation. In other words, what this does is if we proclaim this by OIC, this will move us ahead to be consistent with that any changes you have to have a consultative process with farmers. And this of course what we promised on wheat, for example, we won't make any moves on wheat. We've already promised farmers this. We won't make any moves on wheat before we consult them in a plebiscite. And that was a promise we made some months ago, and but again, this just shows, this would show consistency between whether the changes are regulatory or legislative that plebiscite has to take place. We've done the plebiscite anyway, because we felt it was necessary, but regulatory change is possible under the act that currently stands.

REPORTER: I'm wondering what you say to farmers who are going to say that the results of the plebiscite shouldn't be respected because of the multiple-ballot issue? There are those who are saying already that this process has been tainted.

HUCK STRAHL: Well, I expect, you know, there's people that want the status quo have said almost everything about me, about, you know, my heritage, my parentage and on it goes. I mean, they will say whatever they feel is necessary to cast doubt on the process. I'm convinced it matters not what question I ask, how it was done, who I asked, the time frame, it's all to people who want the status quo, they just simply don't want the question asked. I mean, they just, they won't accept anything I do on this. We've called me, for proceeding with a campaign promise, they call me an ideological ballot. I say, well, actually it was a campaign promise. The front page of our agricultural brochure, all we're doing is fulfilling the campaign promise to consult farmers and to move toward marketing choice. People that are against marketing choice are against it no matter what. They will not, they will say this isn't valid, they'll say it's, you know, it was the wrong time of year, the sun didn't come up early enough in the morning, they'll say something, it'll always be wrong, but the truth is 29 000 farmers voted, 62 percent said they want choice. You can't misinterpret this. Farmers want choice on barley.

REPORTER: But aren't there legitimate concerns given that some farmers that received three ballots, that there could have been some mistakes made where ballots were counted twice?

HUCK STRAHL: That's why KPMG? you can talk to KPMG about that, but they made every effort to make sure that that didn't happen. You know, it's interesting to me, somebody said that a farmer received three ballots and this is outrageous. Well, of course it's not good, although they do have to sign the declaration saying they'll only return one of them. So when KPMG followed up with, in those cases where they saw duplicates come in, they phoned up, they followed up with a phone call. You know, "Are you aware, sir or madam, that you're only allowed one ballot?" Some farmers said, "Well, I didn't know that, or I didn't realize or?" So now the people that are against marketing choice say well, they shouldn't have got two ballots, and then if they did get two ballots, you shouldn't have phoned them. You should have counted them. You see, well, I mean, you can't have your cake and eat it too. KPMG did yeoman service to make sure this was done as fairly as possible in every way to prevent duplication, to prevent photocopying, to prevent protect all privacy concerns in every manner possible, but people who were against marketing choice will not accept the verdict because they just simply don't want

a change, and I accept that as a political position, but I don't accept it in light of what farmers have clearly said in this plebiscite, they want marketing choice.

REPORTER: Notwithstanding any ideological zealotry that may remain inside, looking forward? this is barley, you dealt with barley, all right? You've made your announcement about barley wheat. What is the timeline for wheat, and when might you be looking at consulting producers on wheat?

BOB STRAHL: Well, we don't have a timeline for that. I have told farmers that this year or sure they should count on using the Wheat Board as is to market their wheat that both buyers and sellers should count on using the Wheat Board process. There won't be any change for this marketing year, and you need to do that to send a message both at home and around the world to our buyers that the status quo exists for wheat and will exist for wheat going forward. There is also our promise that before there's a change, and I don't have a timeline for this, but if there was to be a change, we would consult in a plebiscite, but it won't happen this year, this crop year, because I've already made that promise to our international buyers that if they sign on they know they can get the crops that they've ordered up under the Wheat Board system. Ok? Ok, thanks, and I encourage people if they want to talk to some of these executives from the producer associations, they'll have a point of view as well, and I encourage you to talk to them as well afterwards. Thanks to my colleagues for their support and thank farmers for their support of the plebiscite, which again, clearly laid out their support for marketing choice. Thanks folks.