

Fifth Session – Forty-Second Legislature
of the
Legislative Assembly of Manitoba
Standing Committee
on
Justice

Chairperson
Mr. Len Isleifson
Constituency of Brandon East

Vol. LXXVII No. 3 - 6 p.m., Wednesday, May 10, 2023

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MANITOBA LEGISLATIVE ASSEMBLY
Forty-Second Legislature

Member	Constituency	Political Affiliation
AL TOMARE, Nello	Transcona	NDP
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<i>Vacant</i>	Morden-Winkler	

**LEGISLATIVE ASSEMBLY OF MANITOBA
THE STANDING COMMITTEE ON JUSTICE**

Wednesday, May 10, 2023

TIME – 6 p.m.

LOCATION – Winnipeg, Manitoba

**CHAIRPERSON – Mr. Len Isleifson
(Brandon East)**

**VICE-CHAIRPERSON – Mr. Bob Lagassé
(Dawson Trail)**

ATTENDANCE – 6 QUORUM – 4

Members of the committee present:

Hon. Messrs. Goertzen, Teitsma

*MLA Asagwara, Messrs. Isleifson, Lagassé,
Ms. Lathlin*

APPEARING:

Mr. Matt Wiebe, MLA for Concordia

Ms. Cindy Lamoureux, MLA for Tyndall Park

PUBLIC PRESENTERS:

*Bill 7–The Liquor, Gaming and Cannabis
Control Amendment Act*

Brandon Guenther, Pedal Pub Winnipeg

Kevin Selch, Little Brown Jug Brewing Company

MATTERS UNDER CONSIDERATION:

*Bill 7–The Liquor, Gaming and Cannabis
Control Amendment Act*

*Bill 16–The Domestic Violence and Stalking
Amendment Act*

*Bill 27–The Intimate Image Protection Amend-
ment Act*

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Clerk Assistant (Mr. Tim Abbott): : Good evening. Will the Standing Committee on Justice please come to order.

Before the committee can proceed with the business before it, it must elect a Chairperson.

Are there any nominations?

Hon. Kelvin Goertzen (Minister of Justice and Attorney General): Sir, I would like to nominate the honourable member for Brandon East.

Clerk Assistant: That would be Mr. Isleifson. Mr. Isleifson has been nominated.

Any other nominations?

Hearing none, Mr. Isleifson, please take the Chair.

Mr. Chairperson: Good evening, everyone. Our next order of business is to elect a Vice-Chairperson.

Are there any nominations?

Hon. James Teitsma (Minister of Consumer Protection and Government Services): I nominate Mr. Lagassé.

Mr. Chairperson: Mr. Lagassé has been nominated.

Any further nominations?

Hearing none, Mr. Lagassé is elected Vice-Chairperson.

Okay, so this meeting this evening has been called to discuss the following bills: Bill 7, The Liquor, Gaming and Cannabis Control Amendment Act; Bill 16, The Domestic Violence and Stalking Amendment Act; and Bill 27, The Intimate Image Protection Amendment Act.

I would like to inform all in attendance of the provisions in our rules regarding the hour of adjournment. A standing committee–pardon me–a standing committee meeting to consider a bill must not sit past midnight to hear public presentations, or to consider clause by clause of a bill, except by unanimous consent of the committee.

Prior to proceeding with public presentations, I would like to advise members of the public regarding the process in which we use for speaking in committee. In accordance to our rule 92(2), a time limit of 10 minutes has been allotted for presenters, with another five minutes allotted for questions from committee members. Committee members' questions shall not exceed 30 seconds in length, with no time limit for answers. Questions may be addressed to presenters in the following rotation: first, the minister sponsoring the bill; second, a member of the official opposition; and third, an independent member.

If a presenter is not in attendance when their name is called, they will be dropped to the bottom of the list. If the presenter is not in attendance when their name is called a second time, they will be removed from the presenters' list.

The proceedings of these meetings are recorded in order to provide a verbatim transcript. Each time someone wishes to speak, whether it be an MLA or a presenter, I first have to recognize the person and say their name. This is the signal for Hansard recorder to turn the mics on and off.

Thank you all for your patience, and we will now proceed with public presentations.

Bill 7—The Liquor, Gaming and Cannabis Control Amendment Act

Mr. Chairperson: And I will call on Mr. Sean Jackson. Mr. Jackson?

Okay, well, one more time for Mr. Jackson. Then now, we'll move Mr. Jackson to the bottom of the list.

Our next presenter is Mr. Brandon Guenther from the Pedal Pub Winnipeg. Sir, I just ask you to come to the podium.

And do you have any materials that you want to hand out to the committee?

Brandon Guenther (Pedal Pub Winnipeg): I do, actually.

Mr. Chairperson: Okay, we will get those handed out.

Okay, sir, you have ten minutes. The floor is yours.

B. Guenther: So, hello, everyone. My name is Brandon Guenther. I'm here on behalf of my business, Pedal Pub Winnipeg.

I would like to start off by talking a little bit about my business and what we do. So, we are an ecofriendly tourism business that offers a two-hour tour to some of Winnipeg's best and brightest breweries and restaurants. We operate three 15-person pedal-powered bikes that run solely on electricity and power generation from guests pedalling.

Our certified pilots, who are trained on the bike, operate these tours and have full control at all times. We are a franchisee to Pedal Pub Canada, which was brought over from the US in 2018. Pedal Pub has been around since 2007 and started in Minneapolis. We only use the highest quality bikes on the market which are Het Fietscafe. They're built in

the Netherlands, shipped to Nashville, then up-fitted with electric assist before being shipped to their final destination.

We truly believe Pedal Pub Winnipeg, combined with the city's own cultural elements enhances the vibrancy of an engaged tourism sector, brings boldness and liveliness to the downtown core and offers a completely unique, shared experience that strengthens Winnipeg's economy.

After our first year, we have already seen impressive community impact beyond our own immediate scope, as well as an amazing feedback from the local police departments, businesses we interact with, our customers and communities we work in. Some of these impacts include the economic impact, so we did a study and each of our two-hour tours results in over \$1,200 in direct spending to local vendors.

Job creation: local establishments that we provide tours to have extended staffing and hours of operation in order to realize new revenue from Pedal Pub guests. Pedal Pub's own immediate staffing requirements include over 20 full and part-time personnel.

Traffic calming: Pedal Pub tours run in pedestrian-centric locales, operating safely and diligently by maintaining a slow, predictable and consistent pace within the city of Winnipeg.

Through our own efforts we've also been able to create a mutually beneficial partnership with the Winnipeg Blue Bombers. So those are some of the impacts that we've had.

In 2021, the Manitoba government reintroduced its intention to modernize the LGCA's liquor service framework to provide more flexibility for the industry to meet shifting consumer preferences. With the ever-changing tourist industry, we continue to look for ways to grow and expand the experience offered to our own customers.

We see the modernization of the liquor service framework as an essential project for the Province of Manitoba that could not only be an important key for the growth of our business but will also help other local businesses thrive.

Today, my primary goal is focussed on working with the Province of Manitoba and the LGCA to create, develop and launch a new licensing model that would allow safe and responsible alcohol consumption while on board our large format 15-passenger bikes.

We understand that our business model may not currently fit with the traditional mold for licensing. However, the opportunity to work together on creating a new framework is a chance to revolutionize how our city and residents spend their time and money within it.

We strongly feel that should Bill 7 pass it would provide us with the chance to create the appropriate licensing model that will define how we can make this function work for our particular business, which I believe is extremely advantageous for Manitoba's tourism, night economy and cultural sector.

The absolute safety of our guests and the greater public is of critical importance to us. We know that with the appropriate policy underpinning all of our training, responsible consumption on our bikes can be safely and seamlessly introduced to our operation, should Bill 7 be passed.

* (18:10)

Elements aimed at mitigating onboard consumption risk are: a mandated clean driver's abstract for all Pedal Pub pilots; mandated LGCA Smart Choices Certification for all Pedal Pub pilots; comprehensive annual pilot training and certification; tours are booked online in advance, eliminating hop-on, hop-off functionality and cash on board; waivers starting—stating a guest may not arrive intoxicated; Smart Choice certified staff may disallow service to intoxicated patrons, despite it being a prepaid tour; no glass containers allowed on board—zero tolerance; one opportunity to pre-purchase a limited number of beverages before the tour with no possibility of purchasing during.

We would also have strictly enforced onboard rules to ensure tours are operated in a safe and respectful manner; pilots will have the authority to cancel a tour and provide customers with a safe ride home; electric-assist vehicle requirement, to ensure consistent speed in traffic and the ability to overcome changes in terrain, irrespective of the level of effort put forth by the guests on board.

Currently, Alberta and Saskatchewan have approved their Pedal Pub locations to sell and serve liquor on the bikes, and those respective locations have since seen an increase in bookings of between 150 to 200 per cent once receiving their licenses.

We are hopeful that the Province of Manitoba will also see a benefit in encouraging and supporting Bill 7 so that the governing bodies can work with a new and unique business like ours in the creation of

a framework that could support the safe and responsible consumption on board our large-format bikes within the province of Manitoba.

That's all I have. Thank you.

Mr. Chairperson: Thank you very much for your presentation.

We will go to the opposition first, if you have questions.

Mr. Matt Wiebe (Concordia): Well, I just wanted to thank you, Mr. Guenther, for presenting here tonight. Exciting venture that you're embarking on. And it does sound like you've thought this through in a responsible way. I appreciate that.

Before this committee hearing, have you had any opportunity to share these thoughts with the government? Have you been consulted, or has this information that you're sharing here today, has that been communicated to government before this opportunity?

B. Guenther: Yes, we have talked to the LGCA. We've talked to the minister of the LGCA about this, as well.

Hon. Kelvin Goertzen (Minister of Justice and Attorney General): Thank you very much, Mr. Guenther, for your presentation.

I just wanted to confer with our executive director and CEO of LGCA, who does a tremendous job.

So, my anticipation is that, if this bill passes, we will be able to provide a licensing framework for the business as you described it. Requires regulatory changes. We would do our best to get those regulations through as quickly as possible, but the bill would provide a framework, my understanding is from the regulator, for you to have licence provisions on Pedal Pub.

B. Guenther: Sorry, could you repeat the question? You kind of trailed off there.

Mr. Goertzen: Less of a question and more of an assurance for you that, if the bill passes, we should be able to provide a licensing provision for you for Pedal Pub, and we'll need to get some regulations passed. We would do our best to get them in for summer, but this bill would be important for you to get a licensing provision, as you've requested.

Mr. Chairperson: Any further questions from committee members?

Hearing none, thank you very much, once again, for your presentation this evening.

Next we'll move on to Little Brown Jug Brewing Company, Mr. Kevin Selch.

And, Mr. Selch, did you have any documents to hand out to the committee members?

Kevin Selch (Little Brown Jug Brewing Company): I didn't know I was allowed to hand out documents, so I didn't make enough copies.

Mr. Chairperson: That's okay. It's—we can have some made and sent around.

In the meantime, sir, the floor is yours.

K. Selch: Little Brown Jug Brewing Company supports bill C-7. Currently, we are the beer sponsor for Pride Winnipeg, Jazz Winnipeg, and the Winnipeg Folk Festival.

For our contribution, the festivals serve our products in their beer gardens. The sale of our product partially offsets the cost of the festival sponsorships. The festivals, for their part, rely on sales from beer gardens to help fund their operations, and festival goers enjoy a hot—a cold beer on a hot day.

The LGCA legislation restricts the sale of beer to 750 millilitres per person at a time, which would be two beers just under 13 ounces. In discussions with the LGCA, no one seems to know why that volume was selected, although I suspect it was based on the largest common beer bottle at the time. This legislation would have allowed for the service of two of them.

The beer industry has moved away from glass and into aluminum cans, and a common can size is 473 millilitres, or 16 ounces, which is often called a tallboy. This is truer in the craft beer industry where the tallboy can is the industry standard. Moreover, a standard beer cup is designed to hold 16 ounces, and it is the same volume a customer expects when ordering a standard pint from their local watering hole.

However, added together, two tallboy cans, or standard pints, are more than the LGCA allowable serving amount. This means that festivals are not able to serve customers two full pints or two tallboy cans. The difference equates to 98 millilitres or about 3 ounces per drink. As I like to call it, it is the tale of two sips.

Now, this issue may seem a little silly or esoteric, but it unnecessarily costs festivals and it costs local

businesses like Little Brown Jug. It diminishes the festival-goer experience as they are served cups that are clearly not full, and it creates tension with serving staff, all of which are volunteers. The festival is less equipped to manage lines with this restriction, and there is an environmental impact to the added waste.

It is here where I need to explain that for small producers like Little Big Jug, it isn't as simple as filling smaller cans for festivals. The cost to retool and redesign packaging would make any potential sponsorship untenable.

Supplier sponsorship is an important source of revenue for the festivals, so this is an important relationship both ways.

For two and a half years, Little Brown Jug, as well as festivals, other suppliers and organizations have failed to gain traction on this issue with the LGCA or its board. The LGCA currently grants an exception to the major sporting venues to serve two 16-ounce pints to one patron. So, there are places in Manitoba where you can buy two standard pints at a time—just not at a festival.

What we would like to see is equal treatment between venues and operations. The LGCA has informed us that they're not willing to consider any changes to serving sizes or current exemptions until they gain the powers—the new powers under bill C-7.

The summer festival season is fast approaching, with Pride, June 4th; Jazz Festival, June 14th to 24th and Folk Fest, July 6 to 9. I am hopeful that we can remove this frustrating barrier for the upcoming festival season. These changes would demonstrate that Manitoba is open for business, is serious about removing red tape and regulatory burden and is working to create a culture of yes.

For this reason, Little Brown Jug supports the swift passage and royal assent of bill C-7.

Mr. Chairperson: And thank you very much for your presentation.

The floor is now open for questions. Do we have any questions of the presenter?

Mr. Wiebe: Well, thank you very much for your presentation and for the visual representation of what you're talking about. And I think we can all appreciate upon looking at that exactly what you're talking about.

It's similar to the question I asked before. You've obviously thought these issues through very carefully.

You want to be responsible. You've communicated this to LGCA.

Is the—are you getting a good response? Is it—have—do you feel that your concerns are being listened to and that if this was passed that you would, in fact, be able to serve as you think you need to?

K. Selch: I am optimistic. I mean, my understanding is that the authority exists to provide this exemption now, that this will greatly simplify it, and that's the reason why they're waiting on C-7 to pass to simplify the powers that they have within it so that it doesn't require legislative change.

It would require legislative change, is my understanding, to make it permanent, but an exception could be given on a temporary basis.

Mr. Goertzen: Thank you very much, and thanks for being here for your presentation and for the letters and for the service you provide to the community.

The bill is important to help achieve what you're trying to achieve. I know that exemptions can be brought forward. But I think it's also important that when it comes to social responsibility we don't have a framework that's overly complicated and has lots of different exemptions that are sometimes confusing and complex.

My understanding, though, is similar to the previous presenter, the Pedal Pub, that we'll be able to bring forward after this bill has passed, a—can I get leave to go a little longer?

Mr. Chairperson: Is there leave? *[Agreed]*

Minister, there has been leave. The floor is yours.

Mr. Goertzen: That we'll be able to bring forward a package of regulation changes, we hope, by the summer that will not only allow Pedal Pub to be able to find a licence for their business but also larger serving sizes as you've requested.

* (18:20)

K. Selch: Do you think that would be likely before the festival season this summer, which starts June 4th?

Mr. Goertzen: We'll absolutely do our best.

I am always hesitant to make commitments on the timing of the Legislature because it's not all entirely within our control. But I can assure you we'll do our best to achieve that.

I do also want to say, while I have the floor, Kristianne Dechant, who I am conferring with, who is

the CEO and executive director of LGCA is—does an outstanding job.

And, I really appreciate the work that she does, so I know she has to do—sometimes give difficult messages, but she does it through social responsibility and ensuring that we're doing things the right way.

But I think we're getting close to achieving what you want.

K. Selch: That would be—if it is possible that the government knows where they're going with this change in regulation, and it's not quite ready, an exemption would make a big difference for this festival season as we follow through with the regulatory process.

Ms. Cindy Lamoureux (Tyndall Park): Thank you for your presentation.

I just wanted to provide the opportunity for you to share a little bit about why it would be important that, if this legislation goes through, it take effect sooner, rather than later. If you can speak to that a little bit.

K. Selch: Last season we had this restriction. This year, in particular, the festivals want to serve cans as well as draft, so it's even going to be more difficult to provide that level of service.

And the cost to—the cost in terms of—I know for the Folk Fest on how they price their products, the cost of lost revenue to us for something that is pretty trivial in a small amount can make a big difference for the overall festivals.

Mr. Chairperson: Are there any further questions?

Mr. Goertzen: Only again to thank you. You know, this is something we've been trying to move towards in a lot of different ways—more broadly in terms of trying to provide more options for licensing.

The bill hasn't moved as quickly as we'd hoped through the Legislature for a variety of reasons—I won't get into politics tonight—but I think we're closer than we've been in a long time, so I hope we can achieve what you've been looking for.

K. Selch: I know that the LGCA was—had also signalled to us that they were hoping this—to move along so then they could bring along regulations as well.

So, thank you for your time, I appreciate it.

Mr. Chairperson: Okay, and thank you very much for your presentation.

So, we'll move on to Mr. Sean Jackson, who was moved to the bottom of the list. We'll call Mr. Jackson one more time.

And seeing no one, we will remove Mr. Sean Jackson from our presentation list.

I haven't seen anybody else walk into the room, but just want to make sure there was no one else to do any presentations, as that is the conclusion of my presenters list.

* * *

Mr. Chairperson: So, to the committee, in what order does the committee wish to proceed with clause-by-clause consideration of these bills?

Mr. Goertzen: Numerical, with the lowest number going first.

Mr. Chairperson: Numerical has been recommended.

Is that all right with everyone here around the table? *[Agreed]*

So, numerical. We will now proceed numerically, starting, of course, with Bill 7.

**Bill 7—The Liquor, Gaming and
Cannabis Control Amendment Act**
(Continued)

Mr. Chairperson: Does the minister responsible for Bill 7 have an opening statement?

Hon. Kelvin Goertzen (Minister of Justice and Attorney General): I do. Thank you very much.

At second reading, I gave more detailed comments in terms of the content of the bill. I don't think there were any questions that were asked that we weren't able to answer at that time, so I can't report on any answers as I traditionally do at committee.

I do just want to say that, you know, this bill is, you know, some of the things we learned during the COVID years, some of the complexities that we've learned about the licensing system when it comes to liquor service in Manitoba, it's about modernizing that, making it more accessible.

You heard some of the new service providers, the new ways in which people are delivering service of alcohol. I know this sounds ironic, sometimes, coming from the MLA for Steinbach, where we didn't have beverage rooms up until 11 years ago, but the reality is that there's a lot of different ways, now, that people are looking to consume alcohol as part of their broader

entertainment in safe and socially responsible ways. And this bill allows for more of that to happen.

I think maybe there was some misunderstanding about what the bill did or didn't do, in the past, from the opposition. I'm glad that, this time around, it's being advanced. I appreciate that from the opposition. I think we have a clearer understanding of what it is and what it isn't.

And again, I want to echo my thanks to Kristianne Dechant, who's the executive director and CEO of LGCA, who does an outstanding job of ensuring that, you know, we're doing things that move us along in terms of modernization, but doing it in a way that is socially responsible and that doesn't create even more complexity in an already complex environment.

And so, with those few comments, I look forward to a quick passage of the bill, and we can start working on those regulations that had been requested by the two individuals today.

Mr. Chairperson: We thank the minister for those comments.

Does the critic from the official opposition have an opening statement?

Mr. Matt Wiebe (Concordia): Once again, I just want to take the opportunity to thank our presenters here this evening.

Not only did I think they present their own specific cases and how this legislation will help them in terms of furthering their business and being—you know, continuing to be successful in that realm, but I also appreciated the fact that they came to this committee, as I said before, you know, obviously very informed, knowing the current rules, but also understanding how we can advance the rules, we can make things easier and more accessible for people and, at the same time, being conscious of serving responsibly.

And I think that's what I'm hearing very clearly from both presenters. And I think, in general, that's the message that we're getting from the industry and from folks who want to, as I said, start businesses or find new ways of delivering services and, you know, delivering good times to people.

I do think I am concerned when I hear the minister say, you know, sort of on the fly, well, we'll approve this, we won't approve that and, you know, we'll move these things through quickly or we won't move other things through quickly.

It does give me concern, and part of that is because much of the legislation that we've seen come forward has been, you know, without many specifics and without those kind of clear guidelines that we expect in legislation. It can work in the benefit of some, but not always. And so, we're always concerned when it's being left to regulation and some of the intent is not as clear as I think it should be.

We also want to be very clear that, as the Manitoba NDP, we support the public delivery of liquor in this province. And while we want to work with our partners in the, you know, in the entrepreneurial space and with private business, we also want to make sure that Manitobans know that public—our public liquor system does work. And by modernizing it in ways like what we see in Bill 7, I think we can certainly achieve that.

But, as the minister referenced, we're always wary when this government has made it clear they want to privatize liquor sales in this province in a variety of different ways that I think just don't meet the needs of community and aren't responsible in the bigger sense.

So, as I said, we support Bill 7. We do expect it to move quickly through the legislative process beyond this point, and we look forward to making sure that those regulations, as they're implemented, do meet with the needs of the industry and that ultimately the customers are happy with what they're receiving.

And maybe I'll just editorialize a little. When I hear about festival season coming, that certainly piques my interest. I know a lot of Manitobans look forward to that time. So, hopefully we can all enjoy it together responsibly and we can enjoy ourselves as Manitobans, enjoy the beautiful weather and experiences that we have.

So, with those few words, I look forward to seeing the bill move forward.

Mr. Chairperson: And we thank the member for those comments.

Just a reminder, during the consideration of a bill, the enacting clause and the title are postponed until all other clauses have been considered in their proper order.

Clause 1—pass; clause 2—pass; clause 3—pass; clause 4—pass; clause 5—pass; enacting clause—pass.

Shall the title pass?

Some Honourable Members: Pass.

An Honourable Member: Comment.

Mr. Chairperson: Minister Goertzen.

Mr. Goertzen: Yes, I'd—I just want to put on the record quickly, Mr. Chairperson, there was a comment made about assurances that were made quickly.

* (18:30)

I'd like to repeat, in terms of the two presenters who presented here tonight, these are requests that they've had before LGCA for months, if not years. They're not new requests. They're not things that haven't been considered. But they needed a statutory framework around it.

So, I think the member for Concordia (Mr. Wiebe) likely misspoke. He'll correct me if he didn't misspeak, but if he did misspeak I suppose he'll leave it at this. But the—these are not new requests. They've been presented for quite a long time and been considered for a long time, but we needed a statutory framework to build around them.

Mr. Chairperson: Any further comments on that? No?

Hearing none, then we'll go on.

Shall the bill be reported—oh, we did that one already. Okay, well, we'll do it again, sure.

Title—pass. Bill be reported.

Bill 16—The Domestic Violence and Stalking Amendment Act

Mr. Chairperson: So, next we'll move on to Bill 16, The Domestic Violence and Stalking Amendment Act.

Does the minister responsible for Bill 16 have an opening statement?

Hon. Kelvin Goertzen (Minister of Justice and Attorney General): Just briefly, there aren't—there weren't any questions at committee that were left—or, sorry at second reading Q & A that were left unanswered and I gave comments at second reading that were fulsome, and there'll be more at third reading.

But just again, this is really in response to the different ways now in which we try to deal with family matters out of court. There's a lot more options for families to be able to be involved outside of court and have shared custody in a variety of other ways for supervised parenting time and child exchanges. And this is generally seen as best practice, to try to find ways to resolve things out of court.

However, what has caused and has been advised in terms of changes is that at times, when people have orders against them, protection orders, it might inadvertently cause them to be in a breach where the two parties have agreed to enter into some sort of a supervised situation, perhaps involving their kids and—or, their children. And it takes away the opportunity, then, to have those resolutions and to do things in a way outside of court.

So, we want to ensure that we're not causing harm by actually putting in things that are supposed to benefit parents and their children and I'm advised that this will certainly assist in that.

Mr. Chairperson: We thank the minister for those comments.

And does the critic from the official opposition have an opening statement?

Ms. Amanda Lathlin (The Pas-Kameesak): Bill 16 amends The Domestic Violence and Stalking Act to make changes to protection orders.

Protection orders are an important safety measure for people experiencing domestic violence. Domestic violence, particularly gender-based violence, is an epidemic that we need to address. We know that domestic violence is gender based and racialized into who it impacts, and we need to take—we need to always take this into consideration.

Protection orders are a critical way that people experiencing domestic violence can protect themselves. However, it is not a preventive measure that stops violence from occurring in the first place. For this, we need to invest in women's health and safety in all areas so we can better provide support to people experiencing dangerous situations at home.

I'm happy to support this bill.

Ekosi.

Mr. Chairperson: We thank the member for those comments.

So, once again, during the consideration of a bill, the enacting clause and the title are postponed until all other clauses have been considered in their proper order.

Clause 1—pass; clause 2—pass; clause 3—pass; clause 4—pass; clause 5—pass; enacting clause—pass; title—pass. Bill be reported.

Bill 27—The Intimate Image Protection Amendment Act

Mr. Chairperson: Next we'll move on to Bill 27, The Intimate Image Protection Amendment Act.

Does the minister responsible for Bill 27 have an opening statement?

Hon. Kelvin Goertzen (Minister of Justice and Attorney General): I do.

There were two questions that I committed to come back to committee with answers for. One was by the member for Concordia (Mr. Wiebe), who asked who had been consulted in the crafting of this bill. I indicated at the time that the Canadian Centre for Child Protection had been consulted. That, in fact, is true, but in addition to that, the project was also supported by the Gender-Based Violence Committee of Cabinet.

Also, an environmental scan determined that several other jurisdictions in Canada—excuse me—have comparable legislation, placing consent onus on the defendants, including Saskatchewan, New Brunswick, PEI, Newfoundland and Labrador. As well, the Uniform Law Conference of Canada recommended these changes in their January 2021 report, and there was also—due diligence was completed by obtaining a legal analysis by the Constitutional Law branch of the Justice Department.

My friend, the MLA for Tyndall Park, asked to confirm whether or not the bill would be retroactive, including cases that were currently ongoing. I indicated at that time that I did not believe that that would normally be the case, in terms of making laws retroactive.

The department advised that the general rule is that a change in the law does not affect litigation that has begun before the change of the law—section 50 of The Interpretation Act—and we don't normally want to change the rules in cases that have already begun because the parties have conducted their cases on the basis of the law that existed at the time.

Also, the department indicated that civil—because there was a question about how many cases might be involved—civil court proceedings under the statute are not tracked in court information systems, and so we're not—we are not able to advise whether any cases are currently before the courts.

So, I hope that satisfies my friend from Tyndall Park, and with that, we look forward to this bill passing at committee tonight.

Mr. Chairperson: And we thank the minister for those comments.

And does the critic from the official opposition have an opening statement?

Ms. Amanda Lathlin (The Pas-Kameesak): Bill 27 shifts the burden of proof during legal actions regarding the non-consensual distribution of intimate images.

Under Bill 27, the distribution is presumed to have occurred without consent, requiring the person responsible for distributing the image to prove otherwise if it was consensual.

This is an incredibly important change. Everyone has a right to not have their intimate images distributed without their consent.

The effects of non-consensual intimate image distribution can be devastating and life altering. In extreme cases, it has caused people to take their own lives.

Bill 27 is an important step in helping empower people who have had intimate images distributed without their consent. And I'm happy to support this bill.

Ekosi.

Mr. Chairperson: And we thank the member for those comments.

So, again, during the consideration of a bill, the enacting clause and the title are postponed until all other clauses have been considered in their proper order.

Clause 1—pass; clause 2—pass; clause 3—pass; enacting clause—pass; title—pass. Bill be reported.

The hour being 6:38, what is the will of the committee?

Some Honourable Members: Committee rise.

Mr. Chairperson: Committee rise.

COMMITTEE ROSE AT: 6:38 p.m.

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