

Fourth Session - Thirty-Ninth Legislature
of the
Legislative Assembly of Manitoba
Standing Committee
on
Justice

Chairperson
Mr. Tom Nevakshonoff
Constituency of Interlake

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MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Ninth Legislature

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

Tuesday, June 15, 2010

TIME – 6 p.m.

LOCATION – Winnipeg, Manitoba

**CHAIRPERSON – Mr. Tom Nevakshonoff
(Interlake)**

**VICE-CHAIRPERSON – Mr. Doug Martindale
(Burrows)**

ATTENDANCE – 11 QUORUM – 6

Members of the Committee present:

Hon. Messrs. Ashton, Swan

*Messrs. Dewar, Eichler, Goertzen, Jennissen,
Martindale, Nevakshonoff, Pedersen, Schuler,
Whitehead*

MATTERS UNDER CONSIDERATION:

*Bill 7–The Highway Traffic Amendment Act
(Suspending Drivers' Licences of Drug Traffickers)*

*Bill 13–The Civil Remedies Against Organized
Crime Amendment Act*

*Bill 14–The Body Armour and Fortified Vehicle
Control Act*

*Bill 21–The Highway Traffic Amendment Act
(Immobilizers and Air Bags)*

*Bill 28–The Drivers and Vehicles Amendment
Act*

*Bill 30–The Strengthened Enforcement of Family
Support Payments and Miscellaneous Amendments
Act (Various Acts Amended)*

*Bill 36–The Statutes Correction and Minor
Amendments Act, 2010*

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Mr. Vice-Chairperson: Good evening. Will the Standing Committee on Justice please come to order. Our first item of business is the election of a Chairperson.

Are there any nominations for this position?

Mr. Gregory Dewar (Selkirk): I nominate the member for Interlake, Mr. Nevakshonoff.

Mr. Vice-Chairperson: Mr. Nevakshonoff has been nominated. Are there any other nominations?

Hearing no other nominations, Mr. Nevakshonoff, will you please take the Chair.

Mr. Chairperson: Okay, this meeting has been called to consider Bill 7, The Highway Traffic Amendment Act (Suspending Drivers' Licences of Drug Traffickers); Bill 13, The Civil Remedies Against Organized Crime Amendment Act; Bill 14, The Body Armour and Fortified Vehicle Control Act; Bill 21, The Highway Traffic Amendment Act (Immobilizers and Air bags); Bill 28, The Drivers and Vehicles Amendment Act; Bill 30, The Strengthened Enforcement of Family Support Payments and Miscellaneous Amendments Act (Various Acts Amended); Bill 36, The Statutes Correction and Minor Amendments Act, 2010.

First question for the committee, how late do we wish to sit this evening?

Mr. Doug Martindale (Burrows): Mr. Chairperson, I recommend we sit until we've dealt with all of the bills before us.

Mr. Kelvin Goertzen (Steinbach): I'd prefer more definition, so I would suggest midnight and then we'll reconsider.

Mr. Chairperson: Midnight and we will reconsider. What's the will of the committee? *[Agreed]*

We have no presenters registered to speak to these bills this evening.

Is there anyone in attendance who wishes to make a presentation?

Seeing none, in what order would the committee like to proceed with clause-by-clause consideration of these bills?

Mr. Martindale: As printed.

Mr. Chairperson: As printed. *Agreed? [Agreed]*

During the consideration of the bill, the table of contents, the enacting clause and the title are postponed until all other clauses have been considered in their proper order. Also, if there is agreement from the committee, I will call clauses in

blocks that conform to pages, with the understanding that we will stop at any particular clause or clauses where members may have comments, questions or amendments to propose.

Is that agreed? *[Agreed]* Thank you.

We will now proceed to clause-by-clause consideration of the bills.

**Bill 7—The Highway Traffic Amendment Act
(Suspending Drivers' Licences of
Drug Traffickers)**

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

Hon. Andrew Swan (Minister of Justice and Attorney General): Very briefly, the purpose of this bill is to suspend driver's licences for those individuals convicted of drug trafficking. The way this will be done is by adding drug trafficking to a category A offence, listed in section 264 of The Highway Traffic Act, which provides for an escalating series of penalties. We believe that drug trafficking is inherently tied to the use of motor vehicles, and that it's appropriate for the Province to use its jurisdiction to add this provision to take driver's licence away—licences away from those who are trafficking drugs.

Mr. Chairperson: Thank you.

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

Mr. Kelvin Goertzen (Steinbach): And congratulations on your nomination as committee Chair tonight.

I have a few comments, but they largely reflect the comments that were put on the record. This afternoon in the Legislature we had a fulsome debate on the bill. I appreciate the government taking a part of the suggestion that I brought forward in the previous sitting of the Legislature.

An Honourable Member: They stole the whole bill.

Mr. Goertzen: My friend from Springfield indicates they've stole the whole bill, and he's partially right. They certainly photocopied half of the bill, but they sectioned off the portion that would have had the vehicle forfeitures, which I know the minister might consider to be a redundancy. I'm not of the same view, but, in any event, I'm glad part of the bill has made it to the committee and to the Legislature here this session.

There might be some debate, and I would correct myself from my own legislation about whether or not the bill should have in place the immediate suspension of driver's licences where an individual is found with a quantity of drugs that would be considered to be for trafficking under the Criminal Code. But I'm not expecting that amendment to come forward, so sometimes you take what you get and you try to work on the rest later. And I will assume that position for tonight, and I think we're prepared for a clause by clause, Mr. Chairperson.

Mr. Chairperson: Thank you, Mr. Goertzen.

No further speakers or comments; we'll move to the clauses.

Clauses 1 through 3—pass; enacting clause—pass; title—pass. Bill be reported.

**Bill 13—The Civil Remedies Against Organized
Crime Amendment Act**

Mr. Chairperson: We will now consider Bill 13.

Does the minister responsible for Bill 13 have an opening statement?

Hon. Andrew Swan (Minister of Justice and Attorney General): Mr. Chairperson, Bill 13 responds to the advice of police, particularly police chiefs, which we received during a comprehensive assessment of all of the many innovative legislative initiatives that the Province has taken on to combat organized crime and gangs.

Police chiefs told us, quite clearly, that the existing bill for civil remedies against organized crime could be improved. Their experience was that their focus was best spent on criminal investigations and they found that they really couldn't take on the additional responsibility of civil law measures.

So this will place the responsibility for enforcing this act and bring proceedings under this act in a director in the employment of the provincial government. We've already had some success on The Criminal Property Forfeiture Act. The director has already been successful in having a number of properties forfeited.

We're very looking forward to having more action under this act as well, and we think this amendment will go a long way to doing that.

Mr. Chairperson: Thank you, Minister Swan.

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

Mr. Kelvin Goertzen (Steinbach): Mr. Chairperson, we view this as largely a procedural amendment to the act, that we hope will result in it being more successful. Certainly, I know that there have been some actions taken under the legislation, and we would hope it would become more robust as time goes along. Whether or not this will be a tributing effect for that or not, I guess time will tell.

* (18:10)

Having the applications come from someone other than the police chief, I think, makes sense and—in terms of time allocation and process, I think, we're in favour of that. We've had similar discussions in the past regarding—in the far past—regarding different acts, such as The Safer Communities Act, and who brings forward applications, whether it's the public or whether it should be a director. And some of those, I think, are legitimate concerns sometimes in terms of who should be bringing forward an action.

So we hope that this will result in this legislation, which has been on the books for some time, and which has been the subject of some public debate, but maybe not the level of success that we'd like to see in opposition or from the public, or perhaps even the government would say that they were hoping for more success. We hope this will result in that success and to strip the assets from those who are involved in organized crime.

So with that—there may be a question posed in the context of the bill, but we are generally in support of the bill.

Mr. Chairperson: Seeing no further speakers, shall clauses 1 through 3 pass?

Mr. Goertzen: Sorry, Mr. Chairperson. I wonder if the minister could indicate—I know there have been, and he's made public, some seizures of assets, including a couple homes in the R.M. of Ste. Anne, I believe, last year. Maybe it was earlier this year.

Can he give us a bit of an update if there's been any further seizures of assets under the act?

Mr. Swan: I thank the member for Steinbach for the question.

With respect to those forfeitures, I understand that there continues to be about \$6.6-million worth of property which is in the queue. Of course, the actual forfeiture can only happen after a court application. We are hopeful there'll be more court orders to that effect in the near future.

And, if there's one thing I can guarantee the member for Steinbach, when we have further successful applications, we will make sure that you and everybody else who's interested will be aware of those successes.

Mr. Goertzen: I'm not opposed to the minister putting out press releases where they have substance, and those don't always appear as often as I'd like, but that might be one of substance. So I'd look forward to that.

Can he indicate the—if he's able to—the assets that are in the queue? Will they be homes that would be coming from grow operations, similar to what was happening in Ste. Anne?

Mr. Swan: Yes, I understand that those proceedings are now being continued to try and seize not only real property but also vehicles and also cash. I should comment that we've received outstanding co-operation from law enforcement. Certainly, our police forces across the province are certainly interested in providing assistance to the director, and we do look forward to more successful forfeitures under this legislation.

Mr. Chairperson: Seeing no further questions, clauses 1 through 3—pass; clauses 4 through 7—pass; clauses 8 through 12—pass; enacting clause—pass; title—pass. Bill be reported.

Bill 14—The Body Armour and Fortified Vehicle Control Act

Mr. Chairperson: Does the minister responsible for Bill 14 have an opening statement?

Hon. Andrew Swan (Minister of Justice and Attorney General): Bill 14 introduces a comprehensive plan to regulate who can possess and sell body armour and who can own and drive fortified vehicles. Law enforcement in Manitoba have told us, first of all, they've encountered individuals including youth, in some cases as young as 15 years of age, wearing ballistic body armour. The police have also told us that, although fortified vehicles have not been something we've experienced in Manitoba, the experience in other provinces suggests that they may be coming, and we certainly want to be out in front of this and give law enforcement the tools they need to crack down on both of these areas.

I was very pleased that the introduction of the bill, the press conference, to have both Chief McCaskill of the Winnipeg Police Service and also

Assistant Commissioner Robinson of "D" Division of the RCMP stand with me and support this bill and provide a great deal of detail on the need for this legislation.

Mr. Chairperson: Thank you, Minister Swan.

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

Mr. Kelvin Goertzen (Steinbach): Just briefly, I know we also had opportunity to put significant comments on the record this afternoon regarding this piece of legislation. To the extent that the government's acting proactively on the fortified vehicles portion of the act, we are supportive of that. We will take them at their word that it is about acting proactively, and not acting proactively in a political sense, but we don't want to see some of the circumstances that we've seen in other jurisdictions like British Columbia.

Also, in relation to body armour, I think that is certainly a more present concern in the province of Manitoba, and so we support those provisions. May have a couple of questions regarding the application of the act as we go through the clause by clause, but, otherwise, we have general support of the act and are looking forward to seeing it go to the House for third reading.

Mr. Chairperson: Thank you, Mr. Goertzen.

Due to the size and structure of Bill 14, is it the will of the committee to consider the bill in blocks of clauses corresponding to its five parts, with the understanding that we will stop at any particular clause or clauses where members may have comments, questions, or amendments to the proposed. Is that agreed? *[Agreed]*

Part 1, pages 1 to 3: Shall clauses 1 and 2 pass?

Mr. Goertzen: I'll perhaps just lob all of my—even though they mightn't correspond to the right sections, I know the talented staff in the department can handle a bit of audibling. So, if I just want to ask the question regarding—and I raised it, I think, in the briefing, about fortified vehicles. And a constituent of mine who owns a tank for reasons of parade purposes, and he's not planning any civil unrest, for parade purposes and Legions, is the assumption that he will have to make an application under the act to maintain that vehicle?

Mr. Swan: I thank the member for Steinbach for having raised this a while ago, so the department has looked at some of the various options to ensure

that those individuals like your constituent that you mentioned who are legitimately involved in collecting, restoring, displaying those historic vehicles can do so. At the same time, we want to do that without creating loopholes that organized crime could try to exploit. So I don't think an exemption is in order, but I think we do have some common-sense ways that we can work this out.

What we propose to do is to address this through regulations. We recognize the educational and historic importance of these military vehicles from our past, which are restored for display, for public awareness, and other legitimate purposes. These legitimate collectors weren't the intention or the focus of the bill, but their vehicles will be covered to make sure there aren't loopholes for other individuals.

So those regulations would allow us to recognize legitimate collectors of those vehicles, and we would still require an application to be made, but I can put on the record that it's our intention to waive any fees for those individuals. It may be best—I understand there's an organization that the gentleman you raised is a member of. It may be that membership in that organization would be the easiest way, then, to have the fees waived so that there is certainly just the awareness of these vehicles for the department but also the ability of individuals to register the vehicles and get their permit without having to pay for it. So it seems like a reasonable compromise, and I thank the member for raising that.

* (18:20)

Mr. Goertzen: And I thank the minister and his staff for addressing that concern, and my constituent will be happy. I can assure you he doesn't drive the tank down the street randomly and with great excess. I maybe say once a year at best.

The other question I had regarding security guards, and that was from a local constituent about—I'm assuming that they're going to be caught under the body armour portion of it. They'll have to have a permit with—and do you know when the acts—when those provisions of the act would take place so they can have some preparation?

Mr. Swan: I can tell the member that the act comes into force on a day to be fixed by proclamation. So that will be at such point in the future as we've prepared the regulations. It's also our intention to make sure that there's some public notification given to make people aware that these provisions are

coming into effect and also give them a reasonable amount of time to make the necessary application.

Mr. Goertzen: And that's a fair comments. The question then: How would that notification happen? Would it go to the individual security agencies, the registry of those who provide security? And so you'll provide written notification; it won't simply be a notice in the paper. I'm sure there'll be some direct contact?

Mr. Swan: There already is legislation dealing with private investigators and security guards. So it's our intention to go through the members of the—that have already registered under that act which should cover providers of security services in Manitoba.

Mr. Goertzen: I thank the minister and his staff for those undertakings, and I think we're—subject to other questions from committee members, we can continue on with clause by clause.

Mr. Chairperson: Seeing no further questions, clauses 1 and 2—pass; part 2, pages 4 to 8, clauses 3 through 12—pass; part 3, pages 9 to 16, clauses 13 through 24—pass; part 4, pages 17 to 19, clauses 25 through 29—pass; part 5, pages 20 to 23, clauses 30 through 38—pass; table of contents—pass; enacting clause—pass; title—pass. Bill be reported.

Bill 21—The Highway Traffic Amendment Act (Immobilizers and Air Bags)

Mr. Chairperson: Does the minister responsible for Bill 21 have an opening statement?

Hon. Steve Ashton (Minister of Infrastructure and Transportation): This is to ensure that we don't have tampering with air bags and immobilizers.

Mr. Chairperson: Thank you, Minister Ashton.

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

An Honourable Member: No.

Mr. Chairperson: No? Thank you for that.

Let's move to the clauses.

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

Bill 28—The Drivers and Vehicles Amendment Act

Mr. Chairperson: Does the minister responsible for Bill 28 have an opening statement?

Hon. Andrew Swan (Minister of Justice and Attorney General): Yes, Bill 28 will now allow for the full disclosure of names and administrative actions taken by the Registrar of Motor Vehicles, with Manitoba Public Insurance. This is a consumer protection bill which will give consumers an additional tool to use in making a decision about dealing with a particular service provider or permit holder.

Mr. Chairperson: Does the critic from the official opposition have an opening statement?

Mr. Kelvin Goertzen (Steinbach): I believe that the critic for our party, the member for Morris (Mrs. Taillieu), articulated her comments and concerns with the bill this afternoon, and I don't think I could—don't think I could improve upon those comments, so we will leave it at that.

Mr. Chairperson: We thank the member.

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

Bill 30—The Strengthened Enforcement of Family Support Payments and Miscellaneous Amendments Act (Various Acts Amended)

Mr. Chairperson: Does the minister responsible for Bill 30 have an opening statement?

Hon. Andrew Swan (Minister of Justice and Attorney General): This bill makes substantial amendments to part 6 of The Family Maintenance Act in order to enhance enforcement tools and options available to the Maintenance Enforcement Program. It will also permit the implementation of a new computer system, which, we believe, will improve maintenance enforcement in the province of Manitoba.

Mr. Chairperson: Thank you, Mr. Minister.

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

Mr. Kelvin Goertzen (Steinbach): I made some specific comments in the House this afternoon regarding concerns about what's happening in Maintenance Enforcement and the long-awaited computer program, and I won't add to those. We'll leave those as well.

Mr. Chairperson: Thank you, Mr. Goertzen.

Due to the size and structure of Bill 30, is it the will of the committee to consider the bill in blocks of clauses corresponding to its three parts, with the understanding that we will stop at any particular clause or clauses where members may have comments, questions or amendments to propose. Is that agreed? *[Agreed]*

Part 1, pages 1 to 26: Shall clauses 1 through 27 pass?

Mr. Goertzen: I had raised some questions regarding maintenance enforcement and staff procedures, I think, which—or staff turnover, which relate to this bill, along with some other general questions with the department in Estimates about three months ago, I believe. I wonder if the minister could give an indication when the fulfilment of his commitment to respond to those questions will be forthcoming.

Mr. Swan: I can't give a firm date. The member asked a number of questions, and certainly we take those questions seriously. I wouldn't want to provide an answer that isn't accurate, so we'll continue to pull together that information.

Mr. Goertzen: Rather than a firm date, would it be his expectation it would come before the end of June?

Mr. Swan: That's unlikely.

Mr. Goertzen: End of July?

Mr. Swan: I'm sorry, I can't commit to a particular date. Again, there's a large number of undertakings that are outstanding and I'm having my staff deal with those, keeping in mind the resources and keeping in mind the fact that we want employees of the Department of Justice actually out there providing front-line services.

Mr. Goertzen: I wonder, then, if the minister could confer with his staff. Some of the questions are very routine questions about information I know that the department collects on a regular basis. Those obviously wouldn't be the obstacles. Can he at least commit to having those provided, and then the ones that are causing more of a difficulty in terms of collating could be provided at a later time?

Mr. Swan: My department is aware of the need to pull this information together and we'll be—we'll provide it when the information has been pulled together.

Mr. Goertzen: So is he indicating that I'll have to just simply FIPPA for the information that I know is already existing and sitting in the department, as opposed to doing it in a reasonable fashion and just having the information provided that is available, and the rest that takes some time to put together come at a later time?

Mr. Swan: Given that the member for Steinbach filed FIPPA's only days after the end of the Estimates process, if he doesn't want to wait, he has the option to do that.

Mr. Goertzen: I'm not sure that I filed FIPPA's. It may have been staff that filed FIPPA's. The minister might have more information about who's filing FIPPA's than I do, which would be of interest, but, in any event, we'll have to proceed in different manners, I guess.

Mr. Chairperson: Clauses 1 through 27—pass; part 2, pages 27 and 28, clauses 28 through 31—pass; part 3, page 29, clause 32—pass; schedule—pass; enacting clause—pass; title—pass. Bill be reported.

Bill 36—The Statutes Correction and Minor Amendments Act, 2010

Mr. Chairperson: Does the minister responsible for Bill 36 have an opening statement?

Hon. Andrew Swan (Minister of Justice and Attorney General): Yes, this bill, I think, is a bit of an annual tradition. It corrects typographical numbering and other drafting errors. It makes minor amendments to various acts and it also repeals two obsolete acts.

Mr. Chairperson: Does the critic from the official opposition have an opening statement?

Mr. Kelvin Goertzen (Steinbach): It's just worth noting that every time that the government indicates that they're bringing something in on a routine basis it tends to have hidden within it significant changes.

I'm reminded, as I mentioned this afternoon about Bill 31, the BITSA bill, which used to be a routine piece of legislation which had a bit of a ticking political bomb within it, and other pieces of legislation which have come before—the said election bill date which was supposed to be routine and then tried to claw back all of our mailing privileges and vet communications through a government-run committee. So I'm more suspicious than ever when the government says things like we're bringing

forward a routine piece of legislation, Mr. Chairperson.

Mr. Chairperson: Thank you, Mr. Goertzen.

Due to the size and structure of Bill 36, is it the will of the committee to consider the bill in blocks of clauses corresponding to its three parts, with the understanding that we will stop at any particular clause or clauses where members may have comments, questions or amendments to propose?
[Agreed]

Part 1, pages 1 to 30, clauses 1 through 74—pass; part 2, pages 31 to 35, clauses 75 through 89—pass; part 3, page 36, clause 90—pass; table of contents—pass; enacting clause—pass; title—pass. Bill be reported.

The hour being 6:33 p.m., what is the will of the committee?

Some Honourable Members: Committee rise.

Mr. Chairperson: Committee rise.

COMMITTEE ROSE AT: 6:33 p.m.

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