

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

Chairperson
Ms. Erna Braun
Constituency of Rossmere

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MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Ninth Legislature

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

Tuesday, December 7, 2010

TIME – 6 p.m.

LOCATION – Winnipeg, Manitoba

CHAIRPERSON – Ms. Erna Braun (Rossmere)

**VICE-CHAIRPERSON – Mr. Mohinder Saran
(The Maples)**

ATTENDANCE – 11 QUORUM – 6

Members of the Committee present:

*Hon. Mr. Blaikie, Hon. Ms. Marcelino, Hon.
Mr. Swan*

*Ms. Braun, Messrs. Dewar, Faurschou,
Goertzen, Saran, Schuler, Mrs. Taillieu, Mr.
Whitehead*

APPEARING:

Hon. Jon Gerrard, MLA for River Heights

PUBLIC PRESENTERS:

*Bill 7–The Polar Bear Protection Amendment
Act (International Polar Bear Conservation
Centre)*

Mr. Bob Williams, Polar Bears International

MATTERS UNDER CONSIDERATION:

*Bill 2–The City of Winnipeg Charter Amendment
Act (Winnipeg Police Service Auxiliary Cadets)*

*Bill 7–The Polar Bear Protection Amendment
Act (International Polar Bear Conservation
Centre)*

*Bill 12–The Highway Traffic Amendment and
Drivers and Vehicles Amendment Act*

* * *

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

Your first item of business is the election of a Chairperson. Are there nominations?

Mr. Gregory Dewar (Selkirk): I nominate Ms. Braun.

Clerk Assistant: Ms. Braun has been nominated. Are there any other nominations?

Seeing none, Ms. Braun, will you please take the Chair.

Madam Chairperson: Our next item of business is the election of a Vice-Chairperson. Are there any nominations?

Mr. Dewar: I nominate Mr. Saran.

Madam Chairperson: Mr. Saran has been nominated. Are there any other nominations?

Hearing no other nominations, Mr. Saran is elected Vice-Chairperson.

This meeting has been called to consider the following bills: No. 2, The City of Winnipeg Charter Amendment Act (Winnipeg Police Service Auxiliary Cadets); No. 7, The Polar Bear Protection Amendment Act (International Polar Bear Conservation Centre); and No. 12, The Highway Traffic Amendment and Drivers and Vehicles Amendment Act.

How late does the committee wish to sit tonight?

Mr. Kelvin Goertzen (Steinbach): Until the work of the committee is complete.

Madam Chairperson: Is that agreed? [*Agreed*] Thank you.

**Bill 7–The Polar Bear Protection Amendment Act
(International Polar Bear Conservation Centre)**

Madam Chairperson: We have one presenter registered to speak this evening, so at this point I would like to call on Bob Williams, chairperson of Polar Bears International, to speak to the committee on Bill 7.

Do you have any written materials for the committee?

Mr. Bob Williams (Polar Bears International): No, I don't. It's kind of a impromptued edition, Madam Chair, so.

Madam Chairperson: Thank you. Then please begin.

Mr. Williams: My voice carries all over the place. You won't have to worry about that.

Thank you, Madam Chairperson, and for allowing me to speak in support of this bill. My name is Bob Williams. I am chairman of Polar Bears International for Canada.

Polar Bears International, just to give you some history, was founded, born on the tundra up at Churchill. About 20 years ago, some passionate photographers would travel up to Churchill to take pictures of the polar bears. At that point in time, all you did was you rented a car and drove out to the dump and took pictures. We've come a long way since then where now we've 30,000 people every year going to Churchill to photograph our bears.

There's two wonderful things about taking pictures of polar bears up in Churchill. You have a very short daylight period, but that means that you have a very long twilight and evening, which creates a very long and—the committee will appreciate this—a very long cocktail hour. And, during that time, these impassioned individuals thought, what can we know about polar bears? And there wasn't much. And they didn't want to be standing there saying, save the bears, save the bears. They thought that, instead, that they would fund research so that the lawmakers would have at least some fact-based information to help them in their decision making. So that's our motto: conservation through research and education.

Each year we bring over 30 students or caregivers up to Churchill to study with our scientists on the tundra. We have a tundra buggy called Buggy One, which is a virtual TV station. This year, for example—and there'll be video conferencing out of this buggy in the middle of the tundra, thanks to MTS, where we have the students talking to their students down in, oh, Adelaide, Australia, or Hong Kong or wherever. Like, this year, two weeks ago, Martha Stewart was up there using our facilities. And just yesterday she was on her show talking about Manitoba, Churchill, and our polar bears.

Manitoba has led the world in polar bear conservation, long before it was fashionable. Thirty-odd-plus years ago when they established Polar Bear Alert Program, polar bears, when they wandered into Churchill, were shot. Polar Bear Alert Program now has saved—oh, you can't count—but I would say, easily, over thousands of polar bears through Polar Bear Alert.

And through Manitoba Conservation, when these bears come in, they're weighed, they're sexed, they're photographed, so there's more research on the

ground, research on polar bears right here in Manitoba than anywhere else in the world. Nobody has the type of research that we have—that the Manitoba government has established.

Not only that, but then they go and they establish a protocol for keeping bears in captivity. It's now—we call it the Manitoba standard. This standard is now the minimum standard for keeping bears anywhere in North America, and the American zoological society and the Canadian all say you must meet the Manitoba standard or exceed it.

And Manitoba was also the first that—in my knowledge—the first government in the world that said polar bears were endangered. They are the leaders. And this act raises the bar once again, raises it by \$31 million to establish an International Polar Bear Conservation Centre in the new Assiniboine Park. Each year at PBI, we hear of abandoned polar bears, and Mother Nature looks after them. You might remember the story of the—I think it was last year—an Inuit hunter out of Coral Harbour was abandoned from his family on an ice floe, and on the same floe there was a polar bear mother and two cubs, so he shot the polar bear mother. I'm chairman of Polar Bears International, if I was on that floe, I would have put some lead in her myself. The next day, the good news is that young man was rescued. The bad news is that those two cubs had a slow, painful, starvation death beside their mother—wasted lives. They're going to correct this right now, right here in Manitoba. This centre will not only be a place for rescue for polar bears, it will be much more important; it'll be a research, an education centre.

I mean, right now, the polar bear centre for research is in San Diego Zoo. Why shouldn't it be in Manitoba in the polar bear capital of the world? Manitoba has led the world in polar bear conservation. They are doing it again. Polar Bear International heartily supports this bill.

Thank you very much.

Madam Chairperson: Thank you, Mr. Williams.

Mr. David Faurichou (Portage la Prairie): I would like to thank you for taking time out of your very busy schedule to be with us this evening in discussion of the bill before us.

You've obviously studied the bill. Do you have any commentary on the makeup of the committee which effectively will guide and direct the monies to which you referred to earlier?

Mr. Williams: As a matter of fact, I was just talking about this a half an hour earlier, and right now, the committee would be made up from four from the government, the minister appointing four, and four from Assiniboine Park, and they have to be people of—with knowledge of the polar bear. And, you know, it would be nice if the Polar Bear International was on that committee, but I think that we'll be on it anyways because the government will want to have a non-partisan environment group represented. So we don't have any problem with either APC or the Manitoba government picking the right people.

It is said that they should be people that have experience with polar bears, and that's a good suggestion, I think.

* (18:10)

Mr. Faurchou: I don't believe the legislation refers to the qualifications of the individuals to be appointed to the committee. Is that a recommendation from yourself, that they have a broad ranging—it does refer to persons that have scientific training or that regard, and zoo administration. Is that sufficient to your understanding of the qualifications for committee members?

Mr. Williams: I would like to see it opened a little bit to people that have a vested interest in the polar bear, who are passionate about the polar bear, but I wouldn't want to change—I believe that they will do that. I have faith in our—in both APC and the government to put people on the committee.

Madam Chairperson: Thank you.

Hon. Bill Blaikie (Minister of Conservation): Well, just on this point, Madam Chair, and in—partly in response to the question from my colleague—it is certainly the intention of the government, and I said so in the Legislature at second reading, that the intention is to appoint people to the board who have knowledge of polar bears, not just some vaguely scientific orientation. So that would certainly be the—

Mr. Williams: Mr. Blaikie knows in Churchill that would—you know, don't have the degrees behind their name, but they know more about polar bears than a lot of researchers and I'm—

Hon. Jon Gerrard (River Heights): Mr. Williams, just a question for you. You spoke of the importance of the research component—

Floor Comment: Yes.

Mr. Gerrard: —and just—I'd like to get your input in terms of how you would suggest that that research component be funded, first of all, whether or not it should be connected to post-secondary education institutions? Whether—how broad a range of research should be contemplated?

Mr. Williams: We're talking dreams and I love the question because, you know, why do we care what a polar bear hears? And that's the research they're doing down in San Diego. Well, I can tell you that the oil companies care because they don't want to be driving over a polar bear's den in search—or doing seismic research and disturb a female and her cubs. That's the last kind of press that they want. So they're quite anxious to fund this type of research, and they usually want to fund it through people like Polar Bears International or World Wildlife Fund because then it comes through a party that makes sure that it's not tainted by the—by what they are. So there's lots of funding for that.

I would, in particular, love to see one of our veterinarian, maybe Saskatoon, have a chair established here to work on research. That would be really my goal I would think—and we have the facility. So that would be the next step because then you would get students here for a long period of time working on research.

Mr. Gerrard: Now, you mentioned funding from companies like the seismic companies. Do you think that this should be exclusively funded from companies, or do you think that there should be and there needs to be a core of government funding for—to make it a, sort of a major research centre?

Mr. Williams: Well, just like the park, it's a conglomerate of business and public and government, so I see it to be no different format. That seems to have worked in the park and I think it would work there very well.

An Honourable Member: Thank you.

Madam Chairperson: Seeing no further questions, thank you, Mr. Williams.

Mr. Williams: You're welcome. Thank you again.

Madam Chairperson: There are no other presenters registered to speak to any of these bills.

Is there anyone in attendance who would like to do a presentation on these bills?

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

Hon. Andrew Swan (Minister of Justice and Attorney General): In consideration of Mr. Williams being with us tonight, perhaps we can start with Bill 7, The Polar Bear Protection Amendment Act, and then go to Bills 2 and 12.

Some Honourable Members: Agreed.

Madam Chairperson: Agreed.

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. Also, if there is agreement from the committee, for the longer bills, 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 this agreed? [*Agreed*] Thank you.

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

Bill 7 clause by clause.

Does the minister responsible for Bill 7 have an opening statement?

Mr. Blaikie: Just a brief opening statement. As members already know, Bill 7 is—will play an important role in establishing the International Polar Bear Conservation Centre in legislation and establishing an advisory committee which will provide recommendations regarding the centre's operation. It'll be a state-of-the-art facility which will educate the public about polar bears, the Arctic environment, and the effects of climate change on polar bears and their surroundings. This will be accommodated through the development of facilities which will include a research and education building, a polar bear exhibit which replicates the bear's Arctic environment and a transition centre for orphaned polar bear cubs.

The centre, I'm sure, once it's completed, will be a source of pride for all Manitobans and also a way of showing the world the part that Manitoba is playing to preserve such a majestic creature, but also to help educate on the effects of climate change and, I'm sure, also to be something that will bring many, many people to Winnipeg and to Manitoba.

So it's a great pleasure to have Bill 7 brought forward this evening, and I trust that the committee—or the bill will have the support of the committee.

Madam Chairperson: Thank you, Mr. Minister.

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

Mr. Faurchou: Not a statement at this time, however, I would like to ask the minister the rationale behind the final clause, that this act will come into force the day of the fixed by proclamation. Is there a reason for delay of the implementation of this bill?

Madam Chairperson: I'll just interrupt you, Mr. Faurchou. I think the question would be appropriate at the point when we get to that clause. Thank you.

We will move on to the clause by clause.

Clauses 1 through 3—pass; clause 4—pass.

Shall clauses 5 through 7 pass?

Mr. Faurchou: May I restate my question, then, at the appropriate time?

An Honourable Member: Please.

Mr. Faurchou: Could the minister, perhaps, enlighten the committee as to why the bill's implementation is going to be delayed rather than be implemented upon royal assent?

Mr. Blaikie: I'm just going to consult with somebody who—

An Honourable Member: Knows.

Mr. Blaikie: —might have—know something that I don't.

It has to do, Mr. Faurchou, with the fact that the centre will be operated pursuant to an agreement reached between the government and the Assiniboine Park Conservancy, and because that agreement has not yet been finalized, we would be—if it were to simply come into existence on—before the agreement—if the bill passed before the agreement was finalized, we would have a difficulty there, so it's a matter of aiming to proclaim the bill when everything is in order, so to speak.

Mr. Faurchou: Does the minister have any idea as to what time frame we're looking at for the agreement to be signed?

Mr. Blaikie: The facilities, you know, haven't been constructed yet, but I understand that the agreement itself will—should be ready in short order, so there may not be any significant delay, you know.

Madam Chairperson: Clauses 5 through 7—pass; enacting clause—pass; title—pass. Bill be reported.

* (18:20)

Bill 2—The City of Winnipeg Charter Amendment Act (Winnipeg Police Service Auxiliary Cadets)

Madam Chairperson: Does the minister responsible for Bill 2 have an opening statement?

Hon. Andrew Swan (Minister of Justice and Attorney General): We're very pleased that the Winnipeg Police Service has recently established an auxiliary cadet program. I'm pleased that the Province is a partner in this initiative. This bill will amend the City of Winnipeg Charter to allow these cadets to perform additional duties and enforce provisions of certain provincial acts specified by regulation. It also confirms the cadets will be subject to The Law Enforcement Review Act.

Rather than say more in my opening statement, I'll certainly take any questions that members may have about particulars of what the cadets will and won't be doing.

Madam Chairperson: Thank you, Mr. Minister.

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

Mr. Kelvin Goertzen (Steinbach): Members of the Progressive Conservative Party support the cadet program and support the legislation to enable them to enforce provincial statute.

Madam Chairperson: Thank you, Mr. Goertzen.

Clauses 1 and 2—oh, I'm sorry, Dr. Gerrard.

Hon. Jon Gerrard (River Heights): I thought I would take up the minister's offer to give us—

An Honourable Member: Do you want to speak into one microphone?

Mr. Gerrard: Sorry. Madam Chair—

Madam Chairperson: Dr. Gerrard, you will have to have a question.

Mr. Gerrard: Yes, exactly.

Madam Chairperson: When the clause—when you come to that portion of the clause by clause.

Mr. Gerrard: Yeah.

Madam Chairperson: Thank you.

Shall clauses 1 and 2 pass?

An Honourable Member: Pass.

Madam Chairperson: Clauses 1 and—Dr. Gerrard.

Mr. Gerrard: I thought it would be worthwhile to take the opportunity to have you outline what in regulation you expect the cadets to be doing and what you expect them not to be doing, and I thought it would be important to have that on the record, so maybe you could tell us.

Mr. Swan: This is being worked out in final detail between the City of Winnipeg Police Service and our government, but I can tell you generally in terms of what the cadets will do.

The police service tells me they would like them to attend as a visible presence in assigned areas of the city and in conjunction with assigned duties to foster and build positive relationships with the community and citizens as a whole.

The plan is for them to attend as a visible presence at community celebrations and events, and the intention is they will perform safety pamphlet distribution of informational materials on safety in the community. They'll be asked to conduct neighbourhood safety audits. They'll receive initial information and commence report taking on things like minor property-related offences and motor vehicle collisions within a police facility. The hope is they will provide and perform minor administrative duties like photocopying, cruiser car checks, equipment checks to help out police officers at approved police facilities and assist in the performance of ground searches for evidence and missing persons as directed by the attending police officers.

They'll be asked to enforce various municipal bylaws. They actually likely don't need this specific act to work on the municipal bylaws, but they will also be asked to enforce a number of provincial statutes. The exact scope of those haven't been finalized, but some of the acts that I expect will be part of the final regulations will be the IPDA, The Intoxicated Persons Detention Act; The Liquor Control Act; The Highway Traffic Act; The Off-Road Vehicles Act; and very limited powers under The Mental Health Act, not to transport people, but to stay with people awaiting medication or a psychiatric evaluation.

The police tell us that it is their intention that cadets would not actually transport or apprehend persons under The Mental Health Act. They would not conduct escorts, for example, funeral escorts or parades or things. They wouldn't be assigned or directed to specific enforcement duties. They wouldn't be assigned to specified patrol duties with the police. They would not conduct criminal investigations. They wouldn't accept reports of crimes against persons. They would not take wanted persons into custody. They wouldn't deal directly with complainants for domestic disputes, violence, or breach of court orders or other such offences. They wouldn't perform supervisory duties. They wouldn't reduce or replace any station duty positions already performed by police officers. They wouldn't be dispatched to any calls for service other than to assist police officers already in attendance, and they would not be put in harm's way by being assigned to large sporting events or strikes or protests where there's a likelihood of violence or civil disobedience.

So, in a nutshell, they will do what they can to assist police officers. They will not have the job of apprehending people, investigating crimes. That will be left to police. There'll be some final work to be done to make sure the regulation is both helpful for the city and acceptable to the Province, but that sets out roughly the scope of what they will and will not do.

Mr. Gerrard: Just one part of that, just a clarification when you talked about dealing with individuals that are intoxicated. Sometimes such individuals can be rather argumentative.

What is the scope of their activities in that circumstance?

Mr. Swan: Yes. Their duty to take intoxicated persons into custody in a detoxification centre. It's important to note that cadets will either be working directly under the supervision of a Winnipeg Police Service officer or if two cadets are out on their own, they will still have radio contact and constant contact with the police service. So if there winds up being a situation that puts the person of the officers, or the cadets rather, in danger, we're assured by the Winnipeg Police Service that there will be an immediate pipeline for assistance.

Madam Chairperson: Thank you.

Clauses 1 and 2—pass.

Shall clause 3 pass?

Mr. Goertzen: One question regarding the equipment that cadets may or may not be carrying. Would they be carrying mace or anything along those lines?

Mr. Swan: Yeah, the intention that they would have what's called ASP batons and holders and also they would be outfitted with pepper spray. I understand that their training will include the proper use of both of those.

Madam Chairperson: Thank you.

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

Bill 12—The Highway Traffic Amendment and Drivers and Vehicles Amendment Act

Madam Chairperson: Bill 12.

Does the minister responsible for Bill 12 have an opening statement?

Hon. Andrew Swan (Minister of Justice and Attorney General): Bill 12 is a further step as we crack down on impaired driving in the province of Manitoba. There's several key aspects to this act. Number 1, it'll expand the scope of The Highway Traffic Act, motor vehicle driver's licence sanctions to persons found operating a vehicle under federal jurisdiction, such as boats, aircraft, or railway equipment, who have a blood alcohol concentration of .05 or higher, who fail a physical co-ordination test, who refuse a police demand to provide a breath or blood sample, or refuse to participate in a physical co-ordination test, or are grossly impaired and can't respond to a demand.

The second piece is it will introduce tiered, short-term suspensions by changing the range of the motor vehicle driver's licence suspension for driving between .05 and .08 or failing a physical co-ordination test from 24 hours to 24 hours for a first violation, 15 days for a second, 30 days for a third, or 60 days for a subsequent violation within 10 years.

Third, it'll provide an appeal process first of all to the registrar of motor vehicles and if the suspension is upheld, to the licence suspension appeal board for a conditional licence if the suspension will result in undue hardship such as job loss.

Fourth, it will eliminate the seven-day driving permit that currently applies between

the end of the short-term suspension and the start of the three-month administrative driver's licence suspension.

And fifth, it'll provide drivers who are over .08 or who refuse to participate or comply with breath, blood, or physical co-ordination tests, to receive the three-month administrative driver's licence suspension immediately at roadside rather than receiving both a tiered short-term suspension and then a three-month administrative driver's licence suspension.

Madam Chairperson: Thank you, Mr. Minister.

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

Mr. Kelvin Goertzen (Steinbach): We certainly appreciate there's a three-pronged approach at least to reducing drinking and driving involving public

awareness, enforcement, and legislative punishment, and to the extent that this bill provides additional legislative punishment and may reduce drinking and driving, we support it and look forward to it going to third reading in the House.

Madam Chairperson: Thank you, Mr. Goertzen.

Clauses 1 and 2—pass; clauses 3 and 4—pass; clause 5—pass; clause 6—pass; clause 7—pass; clauses 8 and 9—pass; clause 10—pass; clauses 11 through 13—pass; clause 14—pass; clause 15—pass; enacting clause—pass; title—pass. Bill be reported.

And the hour being 6:31, what is the will of the committee?

Some Honourable Members: Committee rise.

Madam Chairperson: The committee shall rise.

COMMITTEE ROSE AT: 6:31 p.m.

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