

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

Chairperson
Mr. Alan Lagimodiere
Constituency of Selkirk

Vol. LXXV No. 5 - 6 p.m., Wednesday, April 21, 2021

ISSN 1708-6671

MANITOBA LEGISLATIVE ASSEMBLY
Forty-Second Legislature

Member	Constituency	Political Affiliation
ADAMS, Danielle	Thompson	NDP
ALTOMARE, Nello	Transcona	NDP
ASAGWARA, Uzoma	Union Station	NDP
BRAR, Diljeet	Burrows	NDP
BUSHIE, Ian	Keewatinook	NDP
CLARKE, Eileen, Hon.	Agassiz	PC
COX, Cathy, Hon.	Kildonan-River East	PC
CULLEN, Cliff, Hon.	Spruce Woods	PC
DRIEDGER, Myrna, Hon.	Roblin	PC
EICHLER, Ralph, Hon.	Lakeside	PC
EWASKO, Wayne, Hon.	Lac du Bonnet	PC
FIELDING, Scott, Hon.	Kirkfield Park	PC
FONTAINE, Nahanni	St. Johns	NDP
FRIESEN, Cameron, Hon.	Morden-Winkler	PC
GERRARD, Jon, Hon.	River Heights	Lib.
GOERTZEN, Kelvin, Hon.	Steinbach	PC
GORDON, Audrey, Hon.	Southdale	PC
GUENTER, Josh	Borderland	PC
GUILLEMARD, Sarah, Hon.	Fort Richmond	PC
HELWER, Reg, Hon.	Brandon West	PC
ISLEIFSON, Len	Brandon East	PC
JOHNSON, Derek, Hon.	Interlake-Gimli	PC
JOHNSTON, Scott	Assiniboia	PC
KINEW, Wab	Fort Rouge	NDP
LAGASSÉ, Bob	Dawson Trail	PC
LAGIMODIERE, Alan	Selkirk	PC
LAMONT, Dougald	St. Boniface	Lib.
LAMOUREUX, Cindy	Tyndall Park	Lib.
LATHLIN, Amanda	The Pas-Kameesak	NDP
LINDSEY, Tom	Flin Flon	NDP
MALOWAY, Jim	Elmwood	NDP
MARCELINO, Malaya	Notre Dame	NDP
MARTIN, Shannon	McPhillips	PC
MICHALESKI, Brad	Dauphin	PC
MICKLEFIELD, Andrew	Rossmere	PC
MORLEY-LECOMTE, Janice	Seine River	PC
MOSES, Jamie	St. Vital	NDP
NAYLOR, Lisa	Woleseley	NDP
NESBITT, Greg	Riding Mountain	PC
PALLISTER, Brian, Hon.	Fort Whyte	PC
PEDERSEN, Blaine, Hon.	Midland	PC
PIWNIUK, Doyle	Turtle Mountain	PC
REYES, Jon	Waverley	PC
SALA, Adrien	St. James	NDP
SANDHU, Mintu	The Maples	NDP
SCHULER, Ron, Hon.	Springfield-Ritchot	PC
SMITH, Andrew	Lagimodière	PC
SMITH, Bernadette	Point Douglas	NDP
SMOOK, Dennis	La Vérendrye	PC
SQUIRES, Rochelle, Hon.	Riel	PC
STEFANSON, Heather, Hon.	Tuxedo	PC
TEITSMA, James	Radisson	PC
WASYLIW, Mark	Fort Garry	NDP
WHARTON, Jeff, Hon.	Red River North	PC
WIEBE, Matt	Concordia	NDP
WISHART, Ian	Portage la Prairie	PC
WOWCHUK, Rick	Swan River	PC

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

Wednesday April 21 2021

TIME – 6 p.m.

LOCATION – Winnipeg, Manitoba

CHAIRPERSON – Mr. Alan Lagimodiere (Selkirk)

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

ATTENDANCE – 6 QUORUM – 4

Members of the Committee present:

Hon. Mr. Friesen, Hon. Ms. Gordon

*Ms. Fontaine, Messrs. Isleifson, Lagimodiere,
Ms. Lathlin*

APPEARING:

Hon. Jon Gerrard, MLA for River Heights

PUBLIC PRESENTERS:

*Bill 213 – The Reporting of Supports for Child
Survivors of Sexual Assault Act (Trained Health
Professionals and Evidence Collection Kits)*

*Mr. Garrison Settee, Manitoba Keewatinow
Okimakanak Inc.*

*Ms. Renee Kastrukoff, The Pas Family Resource
Centre–Minisewin Waska*

MATTERS UNDER CONSIDERATION:

*Bill 5 – The Liquor, Gaming and Cannabis
Control Amendment Act (Cannabis Social
Responsibility Fee)*

*Bill 6 – The Liquor, Gaming and Cannabis
Control Amendment Act*

*Bill 60 – The Liquor, Gaming and Cannabis
Control Amendment Act (2)*

*Bill 213 – The Reporting of Supports for Child
Survivors of Sexual Assault Act (Trained Health
Professionals and Evidence Collection Kits)*

* * *

Mr. Chairperson: Good evening, everyone. The hour being 6 p.m., will the Standing Committee on Justice please come to order.

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

Ms. Gordon. I believe you're muted, Ms. Gordon.

The Honourable Mr. Friesen.

Hon. Cameron Friesen (Minister of Justice and Attorney General): We may be having some trouble there, technically.

I would make the nomination that the member for Brandon East—can I say your name?—the member for Brandon East, Len Isleifson, be the Vice-Chair.

Mr. Chairperson: Len Isleifson has been nominated. Are there any other nominations?

Hearing no other nominations, Len Isleifson is elected the Vice-Chair.

This meeting has been called to consider the following bills: Bill 5, the liquor, gaming, cannabis control amendment act, cannabis social responsibility fee; Bill 6, The Liquor, Gaming and Cannabis Control Amendment Act; Bill 60, The Liquor, Gaming and Cannabis Control Amendment Act (2); and Bill 213, The Reporting of Supports for Child Survivors of Sexual Assault Act (Trained Health Professionals and Evidence Collection Kits).

I would like to inform all in attendance of the provision of our rules regarding the hour of adjournment. 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.

Public present—presentation guidelines: prior to proceeding with public presentations, I would like to advise members of the public regarding the process for speaking in a committee. In accordance with our rules, a time limit of 10 minutes has been allocated for presentations, with another five minutes allowed for questions from committee members

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 our 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 say the person's name. This is the signal for the Hansard recorder to turn the mics on and off.

Also, if any presenter has any written materials for distribution to the committee, please send the file by email to the moderator who will distribute it to all committee members.

Thank you for your patience.

We will now put the question to the committee, in what order would you like to consider the bills.
[interjection]

**Bill 213—The Reporting of Supports for
Child Survivors of Sexual Assault Act
(Trained Health Professionals and
Evidence Collection Kits)**

Mr. Chairperson: We will now go on to public presentations.

I will start with Grand Chief Garrison Settee and ask the moderator to invite them into the meeting. Please unmute yourself and turn your video on.

Good evening, Grand Chief Settee. Please proceed with your presentation.

Mr. Garrison Settee (Manitoba Keewatinowi Okimakanak Inc.): Good evening. It is my distinct pleasure to appear before the Standing Committee on Justice, and, in my capacity of grand chief of the Manitoba Keewatinowi Okimakanak, I'm here in support of Bill 213.

And I want to cite a resolution that was passed at a special chiefs assembly on health at the Opaskwayak Cree Nation on January 22nd and 23rd of 2020, and chiefs in the assembly supported Bill 213 as it was introduced in its concept in support for sexual assault kits to be made available along with relevant specialized support systems in the North, including nursing stations.

And I want to greet everyone on this committee. Thank you for allowing me to speak. And this is a very important issue for us here at MKO and for our First Nation citizens in the North. We believe that this report is essential and this bill is essential, imperative and that it needs to be recognized by health authorities, and on the number of health professionals that are required with special training to examine children who have been sexually assault and on sexual assault evidence kit inventory.

Sexual assault causes acute physical, psychological and emotional trauma to survivors, particularly

child survivors. And this trauma can affect survivors for their entire lives, especially if they don't get the help that they need. We recognize that too many women and girls who experience sexual assault or sexual violence are afraid to report their experiences or testify in court, which has led to the widespread under-reporting of sexual assaults in northern Manitoba.

Sexual assault survivors need to be examined by specially trained health professionals, and evidence of sexual assault needs to be collected and preserved in the manner that furthers the administration of justice. Although this process is necessary, it can be traumatic for many victims. We should be working towards making this process as easily—easy as possible. However, many northern First Nation communities suffer from lack of specially trained health professionals and sexual assault evidence kits.

This lack of resources disproportionately affects child survivors who are forced to travel to Winnipeg for specialized medical attention that they require. This drags out this process for victims, making it more traumatic for them. Often, victims will have to fly all the way to Winnipeg without being able to take a shower until a health 'professioner'—until a health professional gathers DNA evidence.

This is a real obstacle in finding perpetrators of sexual assault. It is already hard enough for many victims to report the result—report their assault due to fear and guilt. This lack of resources only makes more youth no longer want to report their assault after learning that they must travel all the way to Winnipeg to do so.

Travel can also be expensive and time-consuming. Children need someone to take them, which can be very difficult to organize when parents and guardians have to work. The purpose of this bill is to help children and young people in the northern, isolated communities access crucial health care when they have been sexually assaulted.

This bill will require that the minister releases annual reports that break down health authority by how many professionals there are with special training to examine children who have been sexually assaulted and the inventory of sexual assault kits must be available.

Access to health services is a right for all Manitobans, and the government must consider northern First Nation children. And the government must be publicly accountable for failing to hire staff

that have this special training to examine children who have been sexually assaulted.

I hope that this spurs us to take to action to ensure that northern children have access to proper health professionals and evidence kits.

In the North, girls are more likely to be victims of sexual assault than boys. And young women and girls in the North are eight more times likely to be victims of sexual offence than males, so this is a very serious concern that I bring before you. So, when interpreting rates of sexual offences, it is important to recall that only one in 20 sexual assaults are reported to police, and therefore sexual crimes reported by police likely underestimate the true extent of sexual assaults and sexual violence against young women and girls.

* (18:10)

Sexual assaults have also have the longest delays in reporting, especially if they involve family members. So, the under-reporting of sexual results is because of the lack of resources, and the process is very cumbersome and we must take a look at how can improve the status quo because it affects First Nations in the North, especially young children.

Nine out of 10 women do not report their incidents of sexual assault. They often fear police investigations and the court process is a deterrent to reporting. So, rape myths and victim shaming has long kept women and girls from speaking out about their experiences. And unfortunately, remote northern community, Manitoba child victims of sexual assault are faced with even greater barriers to reporting their assault due to not having the access to specially trained health professionals.

So, we should be trying to foster an environment that encourages victims to come forward so that abusers face the consequences of the law. This is actually—this is exactly the predicament that many northern children face. When children are forced to travel to Winnipeg simply for law enforcement, to get the necessary DNA samples as evidence for them to get the help they need, it creates a very big problem.

So, we must commit ourselves, and MKO will stand up for and with women and girls who have survived sexual assaults and sexual violence. We will continue to fight for women and girls' safety and equity.

Ekosani. Thank you for allowing me to present on this very important bill, and we will support it

wholeheartedly and unequivocally. Ekosani; thank you.

Mr. Chairperson: Thank you, MKO Grand Chief Garrison Settee, for your presentation, and do members of the committee have any questions for the presenter?

Ms. Amanda Lathlin (The Pas-Kameesak): First of all, I would like to thank my good—very good friend and one of the people I really look up to, Grand Chief Garrison Settee, for providing his very important voice on this bill and embracing this bill when I introduced it to—when we last gathered as a nation, in January, in Opaskwayak Cree Nation with MKO.

So, again, it's quite the honour for you to be here with me and go through this legislative process with us. Thank you.

Mr. Settee: Thank you very much. It is incumbent upon me as a leader to defend the rights and the safety of our women and children in the North. It's something that I really, truly and passionately support and will continue to fight to ensure that their safety is paramount to—as an organization, it's very important to us. Thank you.

Hon. Cameron Friesen (Minister of Justice and Attorney General): Grand Chief, I also want to thank you for being present at committee tonight to speak to Bill 213, introduced by the member for The Pas-Kameesak.

I know that you have—you and I speak often. We are involved in several initiatives all at once to advance certain policies to help Indigenous persons in Manitoba. I thank you always for your partnership and I know that the member for The Pas-Kameesak approached you early in this process and I'm understanding that your support was immediate and unequivocal.

So, I thank you for being here tonight. I thank you for your advocacy on behalf of the member, and the words that you've put on the record this evening. Once again, much thanks.

Mr. Settee: Thank you so much, Minister Friesen. It's something that I believe that we can all work together because of the nature of this bill and the nature of the victims. This is something that we all wholeheartedly need to get behind. Thank you so much.

Mr. Chairperson: Are there any other questions from committee members?

Hon. Jon Gerrard (River Heights): Grand Chief, thank you very much. You make a very compelling case over this legislation.

What I would ask you is this. If we can get this bill passed, how many sites around the North do we have to have people who are well trained in performing the sexual assault examination? Do we need one in person in every community?
[interjection]

Mr. Chairperson: Grand Chief Settee.

Mr. Settee: We have 26 First Nations, Honourable Mr. Gerrard, and—and we have 26 First Nations. Yes, it is important that we have that in every clinic in the North for 26 First Nations. That's my advocacy.

Mr. Gerrard: Thank you.

Mr. Chairperson: Are there any other questions from committee members?

We will now move on to our next presenter, Renee Kastrukoff, representing The Pas Family Resource Centre—Minisewin Waska. I will now call on Renee Kastrukoff and ask the moderator to invite them into the meeting. Please unmute yourself and turn your video on.

Renee Kastrukoff, please proceed with your presentation.

Ms. Renee Kastrukoff (The Pas Family Resource Centre—Minisewin Waska): It's my honour to present to you this evening on this very important matter, Bill 213.

My name is Renee Kastrukoff. I'm the executive director of The Pas Family Resource Centre—Minisewin Waska. It's a non-profit organization located in The Pas, and we are an Indigenous organization that works primarily with families, children and youth. And we run a multitude of programs that stem from, you know, education, mental health, holistic health, nutrition, crime prevention, gang prevention, sexual exploitation, ending violence against Indigenous women and girls and two-spirited, and parenting, parent life skills, early childhood education and so on. The majority of the people who participate in our programming are Indigenous and live in The Pas and surrounding area, within our tribe community.

A little bit about myself: I am a Cree Métis, Red River Métis. My mother was a member of Pimicikamak Cree Nation. She was a residential school attender. I am an intergenerational survivor.

And she is also amongst our missing and murdered Indigenous women and girls. So this type of work is basically very, you know, near to my heart, and I bring a lot of personal experience to the work that I do.

When I look at our area and the people that we work with—we call them participants, we don't refer to them as clients—and we, you know, we engage mainly with, you know, a lot that live in conditions of risk. Basically, poverty is a huge one. We have—our riding has the highest child poverty rate in all of Canada—all of Canada, the highest child poverty rate. We also have the highest Indigenous population. We have the highest single parent population—no, sorry, second highest, only just below northern Saskatchewan. Our regional health authority, I believe, has the highest teen pregnancy rate still. We—our region has the greatest disparity in income. We basically have, you know, the fewest resources because we are geographically challenged, and we are also economically challenged in many ways.

And if you're wondering where I'm getting at with some of this stuff with the bill, it basically comes down to women and children, in particular, and those who are vulnerable are most often at risk of sexual assault, sexual abuse, when they live in conditions of risk. And if things aren't treated properly when an assault does occur, and it's not reported, or if it is reported and then they have to go to Winnipeg, just the trauma of being sexually assaulted is bad enough, but to have to, you know, get on a plane with a bunch of people, or a bus, depending on how they're going to send people, and not be able to be clean, be showered, you don't know who's taking you because you don't know if, you know, your mom or your granny or whoever, your dad, or whoever might have to take you. It's a really big deal.

And I don't think, you know, people who have access to resources, like in Winnipeg, really understand what it means to have a trip like that. A lot of times our children haven't even really travelled much, so it's a really big deal. And it just compounds the trauma.

* (18:20)

And for those of you that are, you know, informed about trauma, I think you're well aware that trauma can—unresolved trauma can lead to things like, you know, addictions and homelessness, mental health issues and numerous other issues that affect an individual in a holistic sense and also their abilities to—

you know, for sustenance, for self-sustaining themselves, you know, with a home and, you know, getting an education and a job and stuff.

And I don't know. When was the last time anybody here, you know, drove downtown Winnipeg and even through downtown The Pas? There are a number of people who, you know, are frequenting the street because they don't have homes, because they don't have the ability to care for themselves or to provide for themselves because of unresolved trauma.

And something that may seem simplistic in terms of if there's a sexual assault, a child or a youth can be seen at home by a professional in a professional manner with appropriate care, can make a—will actually make a huge difference in the whole process for them—than having to add to the trauma of, you know, going down south or going wherever it is that they have to go.

And, you know, I think emotional support, you know, is delayed. Emotional support is delayed because they're looking at the medical aspect, they're looking at the reporting aspect. And that emotional support will make all the difference in how that person will recover and heal from the trauma, or not.

And a lot of times, the people that you see out on the streets that are struggling, it's because they have unresolved trauma, and a lot of it has to do with sexual assault. And because they're vulnerable, a lot of times they're exploited because they live in poverty and they have to find some way to sustain themselves or to get what they need.

I agree with everything that Grand Chief Garrison said in terms of the whole legal aspect and in what needs to be done in that regard. What I'm looking at basically is from, you know, a perspective of the kids that you see downtown, the kids that you see going to school, the kids that you see on the streets, the kids that you see playing basketball or in the parks and stuff, you know, that—you know, any of them would not have access to something as basic as care if they're sexually assaulted.

It should be as basic—a need that is basically—is met as basically as if they had sprained their ankle or, you know, if they had hurt their head and had to go to the doctor. That type of care should be provided for all children and youth.

In our region, a lot of kids, you know, face a lot of barriers and have disadvantages, and that shouldn't be one of them. I think, you know, anybody who's been violated shouldn't have to go through, you know,

a bunch of processes and travel and whatnot to receive the treatment, and I—we are not doing our children and youth justice if we cannot ensure that their needs are met in every aspect.

And we owe it to our kids. Our kids in our region are suffering because, like I said, we have the highest child poverty rate in the country. We have the fewest resources. We have very few resources here in The Pas for children and youth and especially for those who, you know, don't receive help that they need, especially when it comes down to physical and mental health.

And I think in order to ensure that every kid has, you know, equal opportunity and fair access, that the training and the sexual assault kits need to be provided in every northern community; the 26 First Nations communities that Chief Garrison mentioned but also, you know, Flin Flon, The Pas, Snow Lake, Cormorant, Moose Lake and all the other communities. There has to be somebody, like, at the hospital, the nursing station.

If somebody's been sexually assaulted, they want to go and get whatever physically needs to be done so that they can go home and have their emotional needs met and try to figure out where to go from there. That shouldn't be—that shouldn't have to be a part of the trauma.

So I support Bill 213 in its entirety and I believe that it's absolutely necessary. And I believe that if we don't have something like that, then we aren't supporting our children and our youth in the North and rural areas, I guess, if there is a need there, as well.

And our children and youth are basically—they're going to be having your seats one day. We don't know which kids that, you know, are going to be having your seats one day, so we want to make sure that they have the best starts in life and the best supports that we can offer them. And I know that we can do this. I know you can do this.

So, I look forward to seeing this being implemented, and thank you.

Mr. Chairperson: Thank you for your presentation.

Do members of the committee have any questions for the presenter?

Ms. Lathlin: Thank you, Renee, for joining me with this process again, with you, too, last year when we last gathered at The Pas family resource AGM at the Metis Hall in The Pas. I was glad that I had the opportunity to address our crowd there and that's

when I was talking about this bill and you committed that you would join me and—on this journey and be here with me today.

So, I want to thank you for that and, again, you're one of the folks in The Pas that I look up to and thank you for joining me on this journey, Renee. Thank you.

Ms. Kastrukoff: Thank you very kindly, MLA Lathlin. It was my honour to be here with you and I really applaud the work that you're doing for us here in the North. And this—implementing this bill is so essential and so important, and I'm really grateful to the work that you have done on our behalf.

Thank you and thank you for having me be part of this.

Mr. Friesen: Thank you, Ms. Kastrukoff, for being at committee tonight to represent your community and to represent professionally and provide the context that you have tonight for members of this committee.

Thank you for the information you've been able to provide about how important it is to have the right resources in place in The Pas, in the northern region. So, just thank you again for being present. Thank you for your advocacy, both for the MLA's bill and the proposal, the first time you heard it and for being present tonight to, once again, give us that context.

Ms. Kastrukoff: Thank you very much for your kind words and it's been my pleasure. Thank you. Ekosani.

Ms. Nahanni Fontaine (St. Johns): I mean, Renee, I just wanted to say miigwech for attending this evening and for supporting, obviously, our sister colleague, the MLA for The Pas, but I also wanted to just take a quick second to acknowledge your mom.

You shared with the committee tonight that your mom is one of our MMIWG to us and so I just want to acknowledge your mom and I just want to take a quick second to acknowledge all of the critical, important hard work that you do, not only in your communities, in the surrounding communities but on behalf of all of us. That's important work and it's hard work and I honour you for that.

Miigwech.

Ms. Kastrukoff: Ekosani, miigwech for your kind words, MLA Fontaine. Thank you so very much and I thank you also for, you know, the work that you do; working alongside our MLA Amanda and our other MLAs for the hard work that you do. And I know it's not easy and I don't know how you guys do it but I

look up to all of you and you're paving the way for the rest of us. So I thank you for that.

Mr. Gerrard: Thank you very much for your presentation and for being so concerned about this particular issue.

Perhaps you can tell me two things: one is whether there are any individuals at all who are trained and could be doing the sexual assault examinations in the North at the moment and, secondly, if we pass this bill, how quickly would you hope that we would have people in all communities in?

* (18:30)

Ms. Kastrukoff: Thank you for your questions. I actually don't know how many are trained in the North right now. I—last I heard, it's, like, I think nobody, actually. And everybody that I'm aware of has had to come down to the south, down to Winnipeg, to receive a sexual assault examination. As far as how quickly I would like to see something like this be implemented—as soon as possible. As soon as possible, for sure.

Something that might seem so simple—this step in the process may make all the difference between a 15-year-old girl being sexually assaulted who may end up going this way and going on to complete her education and, you know, having received the supports and stuff and go on to, you know, becoming involved in the economy, or it may—if those supports aren't there, all those steps along the way, she may end up being, you know, struggling and struggling to find ways to cope, and it could be addictions and it could be other things.

So it's really, really key. The first steps right after a sexual assault are so important, so the quicker it's implemented, the better, because it's happening a lot more than people are aware. So I really implore the, you know, for this to be—this process to be rolled out as quickly as possible.

Mr. Chairperson: That concludes the time we have for presentations. It also concludes the list of presenters I have before me.

* * *

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

Mr. Len Isleifson (Brandon East): I would suggest or recommend, because we do have two presenters online that may still be joining us, that we proceed

with Bill 213 first and then revert to—numerically with 5, 6 and 60.

Mr. Chairperson: It has been recommended that—by Mr. Isleifson that we proceed with clause by clause of Bill 213 first and then go chronologically in order—5, 6 and 60—following that.

Is that the will of the committee? *[Agreed]*

**Bill 213—The Reporting of Supports for
Child Survivors of Sexual Assault Act
(Trained Health Professionals and
Evidence Collection Kits)**
(Continued)

Mr. Chairperson: We will now proceed with clause by clause of Bill 213.

Does the bill sponsor, the honourable member from The Pas 'keemesak' have any opening statements?

Ms. Fontaine—or, sorry, Ms. Lathlin?

Ms. Amanda Lathlin (The Pas-Kameesak): Thank you to all committee members for being here tonight, and thank you to the presenters who spoke to Bill 213. The purpose of this bill is to help children and young people in northern and isolated communities access crucial health care when they have been sexually assaulted.

This bill is incredibly important for all Manitobans, as it requires the minister to report annually by health authority on the number of health professionals with special training to examine children who have been sexually assaulted and also report on sexual assault evidence kit inventory.

Bill 213 will increase the government's accountability and transparency to survivors as well as to health professionals and will inform the government how they can best invest in supports for survivors for years to come. Sexual assault causes physical but also emotional, spiritual and psychological traumas that survivors live with throughout their lives.

Survivors need to be examined by trained professionals, and evidence must be collected in a timely manner to further administer justice. Health professionals need to be empowered with adequate reporting mechanisms and resources to support survivors in crisis.

A current lack of resources also disproportionately impacts child survivors who are forced to travel to Winnipeg for specialized medical attention.

It is incomprehensible to imagine boarding a plane and being away from your community when you have—when you are already going through something as terrible as an assault.

By passing Bill 213, it shows we are committed to reducing sexual violence against women and girls, increasing resources in the province where necessary and empowering the health-care sector to complete their job no matter where they reside in Manitoba.

I would like to thank again all the committee members and presenters for providing their valuable input in participating in the democratic process. We hope that we have full support of the minister and his colleagues with the complete passage of Bill 213.

Ekosi.

Mr. Chairperson: We thank the member.

Does any other member wish to make an opening statement on Bill 213?

Hon. Cameron Friesen (Minister of Justice and Attorney General): I want to thank the member for The Pas-Kameesak for bringing this bill forward.

We were more than willing to have this bill accommodated this evening at committee and we know how important this bill is in the province. I won't speak on content so much, but simply to say that this is an important bill that brings an important remedy. And as government members, when we became aware, we were only too eager to support the work of this member.

What I will speak to, just for a moment, is the process, because I think, in many ways, this bill represents the form in which good policies should come forward. I respect the member for The Pas-Kameesak; she's in this place—public service goes a long way back in her family. She serves her constituency with dignity and with professionalism, and you can just hear from her constituent how that respect runs two ways.

And so I want to say that I watched with interest and humility to see how that member conveyed with courage across the aisle to other members the need to support this legislation. And there was never a question, there was simply good discussion back and forth.

We got to see a very non-partisan approach where everyone could come alongside and understand the merit of the bill, understand what the remedy was designed to do and then get behind it in debate and

then see the bill through from second reading to this important committee stage.

What that tells me as a legislator is it's very important to have relationships in place in this Legislature so that we can transcend our differences and pass good policy that helps Manitobans. I think we can never lose sight of the fact of how important it is to have that trust and that camaraderie in this place.

As different as we all are, as different as we see some issues, we need to find more opportunities to reach across the aisle. We must inculcate the relationship that makes moments like this possible.

And I'll only say this to conclude: That I had the great privilege of being present on the day when this was debated in second reading. And I've got to tell you, that was profound just to be present that day and to hear this member speak and to hear other members speak; and that was moving.

And it was good because those stories, as shared by members, helped to inform our understanding in the Legislature of the timeliness, the urgency of this. So that was a debate that I will cherish. It was meaningful. I was humbled to be able to be witness to that proceeding.

It is with full support, it is without reservation—I know I've spoken to numerous ministers and members today, and that member should know that she has full support to bring the changes that she first saw and commended to this Legislature for changes. We are only too happy, all of us, to see this bill tonight through to this stage.

We will bring, with the support of committee, one small change that would be designed tonight to see this enacted even quicker, and the member for The Pas-Kameesak (Ms. Lathlin) is aware of the change that is coming. And we commend—we look forward to commending this bill back to the Legislative Assembly for report stage and third reading and passage.

Mr. Chairperson: Does any other member wish to make an opening statement on Bill 213?

Seeing none, during the consideration of a bill, the preamble, 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, the Chair 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*]

Clauses 1 and 2—pass; clause 3 through 7—pass.

Shall clause 8 pass?

Some Honourable Members: Pass.

Some Honourable Members: No.

* (18:40)

Mr. Chairperson: I hear a no.

Mr. Friesen: Mr. Chair, I move

THAT Clause 8 of the Bill be replaced with the following:

Coming into force

8 This Act comes into force on the day to be fixed by proclamation.

Mr. Chairperson: It has been moved by the Honourable Mr. Friesen

THAT Clause 8 of the Bill be replaced with the following:

Coming into force

This Act comes into force on a day to be fixed by proclamation.

Mr. Chairperson: The amendment is in order. The floor is open for questions.

Any questions from the floor?

Seeing none, debate is concluded.

Is the committee ready for the question?

An Honourable Member: Question.

Mr. Chairperson: The question before the committee is as follows.

It has been moved by the Honourable Mr. Friesen

THAT Clause 8 of the Bill be replaced with the following:

Coming into force

This Act comes into force on a day to be fixed by proclamation.

Amendment—pass; clause 8 as amended—pass; preamble—pass; enacting clause—pass; title—pass. Bill, as amended, be reported.

Bill 5—The Liquor, Gaming and Cannabis Control Amendment Act (Cannabis Social Responsibility Fee)

Mr. Chairperson: We will now move on to Bill 5.

Does the minister responsible for Bill 5 have an opening statement?

Hon. Cameron Friesen (Minister of Justice and Attorney General): I'm pleased to make a few opening comments about Bill 5, The Liquor, Gaming and Cannabis Control Amendment Act (Cannabis Social Responsibility Fee) and the merits of this amendment for the benefit of Manitobans.

I would also want to mention I'm joined this evening by the exec director and CEO for LGCA, the Liquor, Gaming and Cannabis Authority of Manitoba, Kristianne Dechant. So we're happy to have her at committee resourcing this committee this evening.

As always, Mr. Chair, our government is committed to the health and safety of Manitobans. The legalization of retail cannabis in 2018 brought with it many benefits, economic and otherwise, but it is undeniable that clear social costs accompany those benefits, and that is why this amendment is predicated on four principles that have guided our approach to the sale and regulation of non-medical cannabis in the province, including our commitments to social responsibility, preventative education and addictions treatment, protecting children and youth and eliminating illegal cannabis sale.

It's only fair and reasonable that retail cannabis stores, who benefit from this new innovative and growing industry, also share in offsetting the social costs that come with the sale of cannabis. And so this bill allows for the collection of the social responsibility fee based on 6 per cent of a retailer's gross revenue from the sale of non-medical cannabis. The fee may be adjusted in the future as the new retail sector develops and evolves and its associated social costs continue to be measured and better understood.

A cannabis social responsibility fee is not a tax. It is not a punishment. It is not a disincentive to legitimate business owners. It is simply a cost of business, and it makes good societal sense. Unlike a tax, which would generate revenue for general public purposes, the social responsibility fee generates revenue specifically to offset the regulatory and social costs associated with the sale and consumption of recreational cannabis.

Moreover, cannabis retailers are already remitting this fee, as Manitobans will know, and they've been doing so since 2020. Right now, this requirement is in each of the retailers' agreements with the Province. That makes it difficult for industry to be assured that this is a fair cost for all players. So, by embedding the requirement in legislation, the bill provides transparency and consistency for cannabis retailers in terms of their fee payments.

As such, the bill not only protects the public by generating revenue to offset the cost of this legal industry, it also protects the industry from arbitrary fee adjustments.

I'm proud to support the amendment as a way to protect both the public at large and cannabis retailers in a way that makes good sound economic sense and in a way that meets our collective obligation to act in a socially responsible manner.

Thank you, Mr. Chair.

Mr. Chairperson: We thank the minister.

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

Ms. Nahanni Fontaine (St. Johns): Bill 5 requires cannabis retailers to pay a 6 per cent social responsibility fee on all gross revenue except for on medical cannabis sales. Cannabis has been legal in Manitoba for well over a year now, and yet the Pallister government continues to report little of their net income from cannabis sales.

The NDP are worried that they are either (a) hiding these revenues; or (b) they are running the public business into the ground; or (c) they've deferred it, which would mean that they have to provide an explanation for the plans for this income.

It's important to note that there is no mention of cannabis in the 2019-2020 Public Accounts, and it begs the question whether or not the Pallister government is hiding something in respect to this revenue.

We know that states in the US, such as Colorado, which is four times as big as Manitoba, have reported net incomes of over \$200 million from cannabis sales, yet the government claims to have lost money on cannabis in 2018-2019, and MBLL's most recent report pegs the net income at \$7 million.

Another question that remains to be answered and that the NDP are concerned is whether this is really a social responsibility fee where revenues will be dedicated to initiatives such as drug addiction

treatment centres, or will the money just be added back to general revenues.

And so the question remains, if it is, then we should just call Bill 5 what it is, and that is a tax.

We are also concerned that this tax will increase the price of cannabis and push even more Manitobans to illegal cannabis sources. Currently, according to Stats Canada, 60 per cent of Canadian cannabis consumers buy their cannabis illegally, which is, in large part, due to cheaper costs.

And if this tax increases the percentage of Manitobans who purchase cannabis illegally, it means continued activity outside legal means and less net income from cannabis sales.

The NDP do not believe the government should be adding more fees to cannabis until Manitobans know how the Pallister government and the Cabinet intends to spend the initial net income from cannabis.

Miigwech.

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 6—The Liquor, Gaming and Cannabis Control Amendment Act

Mr. Chairperson: We will now call Bill 6.

Does the minister responsible for Bill 6 have an opening statement?

Hon. Cameron Friesen (Minister of Justice and Attorney General): Mr. Chair, I am pleased to speak this evening about Bill 6, The Liquor, Gaming and Cannabis Control Amendment Act, with respect to the prohibition on public cannabis consumption.

Manitobans expect our government to legislate with the public's best interests in mind. Bill 6 serves as an important legislative amendment that takes into consideration the health and safety of consumers of cannabis and the health and safety of the general public.

* (18:50)

Bill 6 proposes to prohibit the consumption of—in public—all forms of non-medical cannabis products, as defined federally, under the Cannabis Act. With this legislation, it would be a summary offence to consume cannabis in public, whether cannabis is eaten, ingested, smoked or vaped.

While smoking and vaping cannabis in public is already prohibited through existing legislation, that's not the case right now for other types of consumption. The bill is all the more important as the cannabis market continues to rapidly grow and evolve, including through the introduction of new topical, edible and other forms of ingestible cannabis products, bringing with it new opportunities, but also bringing new risks for Manitobans. Cannabis, like other intoxicating substances pose a variety of health and safety risks, including driving high and personal vulnerabilities associated with public consumption, overconsumption in an uncontrolled environment, and the normalization of cannabis consumption among children and youth.

Manitobans have long understood that intoxicating substances are best consumed in private and not on streets, in parks and on playgrounds. This approach for cannabis aligns with long-standing prohibitions in Manitoba on the public consumption of liquor. Also, it is expected that enforcement of the prohibition on public consumption of cannabis would be handled in a manner similar to the prohibition on public consumption of liquor.

Law enforcement would have the ability to hand out fines for those found to be consuming cannabis in public, just as they now do for liquor. However, I note that, given that there are non-intoxicating cannabis products, and more on the way, the bill would establish authority via regulation to permit certain exemptions and exceptions, to allow the public consumption or use of non-intoxicating cannabis products, like topical lotions, which would be exempted under regulation.

As well, I remind members that a liquor, gaming and cannabis control act does not apply to medical cannabis that is authorized via Health Canada by users that are authorized by Health Canada. On this point, I remind authorized cannabis users to carry their proof of medical authorization with them at all times.

The risks, impacts and consequences of the public consumption of cannabis is all still very new ground in Manitoba, and indeed, in Canada. We believe this bill allows the Province to be adaptable and responsive to change on the ground, while adopting a fair and cautious approach that protects consumers of cannabis, Manitoba's young population, and the general public.

I look forward to the committee's deliberation and approval of the bill. The sooner we have these additional protections in place, the more confident

Manitobans can be that their health and safety are being meaningfully protected.

Thank you, Mr. Chair.

Mr. Chairperson: We thank the minister.

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

Ms. Nahanni Fontaine (St. Johns): Bill 6 expands the Pallister government's ban on smoking and vaping recreational cannabis in public spaces, to also include edible products, oils and other formats. Manitobans expect that provincial rules around cannabis will be fair for all businesses and prices will be competitive. Manitobans want to see progressive legislation like has been introduced in other jurisdictions.

Cannabis edibles provide a significant opportunity for entrepreneurship with Manitoba's small businesses, but there is a lack of clarity of how the Pallister government plans on allowing the sale of edibles to all businesses that may be interested. The Pallister government is spending time creating restrictions and enforcements surrounding cannabis and edible use, but it is certainly unclear how all of this will be enforced. It is nearly close to impossible for officials to identify who is taking edibles in public and who is not. They are introducing this law in the midst of a pandemic, when they could be spending time investing in health care, education and supports for Manitoba families.

The Pallister government has already taken a very heavy-handed approach against cannabis and edibles and restricting where people can smoke and consume products. The restrictions in this bill are unlikely to show the results that the Pallister government thinks it will. It is difficult to enforce provisions on cannabis consumption, so perhaps we should be using existing tools, such as provisions for public intoxication, rather than creating an unenforceable provisions.

We believe that the public education for those who use cannabis is essential. If people have all the information they need it equips them to make safe and responsible choices.

Miigwech.

Mr. Chairperson: We thank the member.

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

Bill 60—The Liquor, Gaming and Cannabis Control Amendment Act (2)

Mr. Chairperson: We will now discuss Bill 60.

Does the minister responsible for Bill 60 have an opening statement?

Hon. Cameron Friesen (Minister of Justice and Attorney General): Mr. Chair, I am pleased to speak this evening about Bill 60, The Liquor, Gaming and Cannabis Control Amendment Act (2).

Bill 60 provides an improved regulatory model that better serves the needs of Manitobans by reducing red tape, mitigating risks that impact businesses, improving compliance with existing regulations and meeting the growing and changing needs of the public. The legislation will amend The Liquor, Gaming and Cannabis Control Act in three beneficial ways.

First, the bill creates a new, modern licence category that allows third party companies to deliver liquor and cannabis on behalf of existing liquor retailers, service licensees like restaurants and lounges and retail cannabis stores. Both prior to but especially during the COVID-19 pandemic, demand for the delivery of these products has understandably grown and is expected to continue to grow well into the future.

Right now, if a third party company delivers alcohol or cannabis on behalf of a liquor or cannabis licensee, like a restaurant or a lounge, to a minor young person or intoxicated person, it is actually the licensee and not the third party company that is liable. This is not fair, and we've certainly heard this. It places the entire risk of non-compliance on the retailer or restaurant rather than on the third party delivery company.

This bill rightly shifts the accountability for responsible service and delivery to the delivery company itself. It ensures that third party delivery companies are licensed and trained to deliver liquor and cannabis so that they understand and comply with the legal requirement not to deliver to people who are underage and not to deliver it to people who are intoxicated.

Second, the bill significantly enhances the LGCA's enforcement capacity by allowing for the proactive testing of a licensee's compliance as opposed to simply waiting for an opportunity to catch someone in the act. Bill 60 permits the LGCA to hire minors and young persons aged 16 to 19 years old.

These individuals would work with LGCA inspectors to attempt to purchase regulated products, like liquor and cannabis, in order to monitor a licensee's compliance with prohibitions for underage sales.

Now, I want to emphasize that all of this would be carried out under the watchful supervision of an LGCA inspector. I know that there was a lot of interest in this particular part of the bill and this amendment at the second reading stage, and that is fair, but I wanted to make sure to underscore the safety of this exercise. It is safe. It is legal. It is appropriate. And it is a time-tested approach that has been successfully rolled out in other provinces.

Now, some in second reading expressed concerns that the approach somehow amounts to entrapment. The member for River Heights (Mr. Gerrard) had raised this issue. I do want to assure that member, all members of the House and the public, that this is not the case. Entrapment strongly conveys that people are being tricked and that efforts would be made to trick a person or somehow find an issue of compliance where none legitimately existed.

Rather than that, this is a tool to enforce prohibitions that are—have already been clearly established and that licensees are already expected to comply with. So, moreover, entrapment is inducing someone to commit a crime, which clearly this bill does not do. Responsible licensees who keep Manitobans safe, who do not sell to underage or intoxicated people, will not have any issues here. This is no more entrapment than a server in a restaurant checking for ID would be considered entrapment.

* (19:00)

I also want to indicate that similar programs have been employed in other provinces in Canada with success, including in BC and Saskatchewan. These examples highlight how these types of enforcement strategies are effective in identifying illegal sales of regulated products to minors and young persons and also how enforcement can work to reduce instances—incidences of non-compliance.

I would want to make clear, is this the only way that the LGCA inspectors will be testing for compliance? Of course not. Is it one more important tool that needs to be available to them to enforce? We believe it is.

Finally, (3) Bill 60 removes the requirement for liquor marketing representatives who provide liquor samples at retail stores to register with the LGCA.

This is an old convention, and eliminating the liquor marketing representatives' registration requirement just reduces red tape for an activity that does not pose significant risk to public safety.

Our government is committed to protecting the health and safety of Manitobans while providing greater consumer choice when purchasing regulated products. Bill 60 supports this objective. It will ensure Manitoba's regulatory framework for liquor, gaming and cannabis better serves Manitobans.

I also just wanted to add, for the purpose of the committee, I wanted to underscore again, LGCA would not hire children. Minor agents would only be hired who are 16 years old and older.

And I also wanted to mention to the committee, because I did not have a chance to do so in second reading, that in other jurisdictions, like BC, it was determined that in 2015, in BC, nearly 40 per cent of attempted liquor purchases by minors resulted in a sale. That number dropped substantially where these efforts were brought in—these monitoring and compliance efforts to use minors to test for compliance. That number there dropped from 40 per cent to 10 per cent in just four years. That example demonstrates that such programs both enhance compliance and deter non-compliance.

I look forward to the passage of this bill this evening with the support of the committee and the debate at third reading.

Mr. Chairperson: We thank the minister.

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

Ms. Nahanni Fontaine (St. Johns): Bill 60 amends The Liquor, Gaming and Cannabis Control Act in a variety of ways. A licence from the Liquor, Gaming and Cannabis Authority of Manitoba is required to deliver liquor ordered from licensed premises or a liquor retailer and cannabis ordered from a cannabis store.

A licence is not required if employees of these businesses make deliveries directly to customers or if a person is making a delivery is exempted by regulation. The authority may now employ or retain minors and young persons to help determine whether persons licensed under the act are contravening rules that prohibit certain conduct involving minors or young persons. Minors will be sent into cannabis stores to try and illegally purchase cannabis in order

to ensure that vendors are not selling to underage customers.

The Pallister government was elected in 2016 and the current federal government was elected in 2015 on a platform that included the promise to legalize the sale and consumption of cannabis. The Pallister government, therefore, had plenty of warning that cannabis was going to be available for sale in the near future. Instead, they are only now introducing this legislation to crack down on underage cannabis sales, two years after the sale of cannabis has been legal in Manitoba.

There is not enough detail in Bill 60 on what minors in question will be doing as part of their employment. It's not clear whether minors will be sent into cannabis and/or licensed liquor vendors to purchase products illegally and/or whether they will be purchasing cannabis and alcohol via the delivery services also introduced in this bill.

Miigwech.

Mr. Chairperson: We thank the member.

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

Is that agreed? [*Agreed*]

Clauses 1 through 3—pass; clause 4—pass; clauses 5 through 9—pass; clauses 10 and 11—pass; clause 12—pass; clause 13—pass; enacting clause—pass; title—pass. Bill be reported.

The hour being 7:05, what is the will of the committee?

Some Honourable Members: Rise.

Mr. Chairperson: Committee rise.

COMMITTEE ROSE AT: 7:05 p.m.

The Legislative Assembly of Manitoba Debates and Proceedings
are also available on the Internet at the following address:

<http://www.manitoba.ca/legislature/hansard/hansard.html>