



Second Session - Thirty-Seventh Legislature

of the

Legislative Assembly of Manitoba

Standing Committee

on

Law Amendments

Chairperson
Mr. Doug Martindale
Constituency of Burrows



Vol. LI No. 4 - 10 a.m., Monday, June 18, 2001

ISSN 0713-0586

MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Seventh Legislature

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LEGISLATIVE ASSEMBLY OF MANITOBA
THE STANDING COMMITTEE ON LAW AMENDMENTS

Monday, June 18, 2001

TIME—10 a.m.

LOCATION—Winnipeg, Manitoba

CHAIRPERSON—Mr. Doug Martindale
(Burrows)

VICE-CHAIRPERSON—Mr. Tom
Nevakshonoff (Interlake)

ATTENDANCE - 11—QUORUM - 6

Members of the Committee present:

Hon. Messrs. Sale, Smith (Brandon West)

Mr. Aglugub, Ms. Allan, Messrs. Faurschou,
Laurendeau, Martindale, Mrs. Mitchelson,
Messrs. Nevakshonoff, Santos, Mrs. Smith
(Fort Garry)

APPEARING:

Mr. Glen Cummings, MLA for Ste. Rose

MATTERS UNDER DISCUSSION:

Bill 24—The Liquor Control Amendment and
Consequential Amendments Act

Mr. Chairperson: Good morning. Will the Standing Committee on Law Amendments please come to order. It was previously agreed at the June 14 meeting that the committee would hear a presentation from Mr. David Rattray on Bill 24, The Liquor Control Amendment and Consequential Amendments Act. The Clerk contacted Mr. Rattray on Thursday, June 14, after the meeting. Mr. Rattray advised that he had a previous commitment, and it would be unlikely that he would be able to attend this morning's meeting. He had indicated that he may submit a written submission, but one was not received.

Is Mr. Rattray in attendance this morning? Shall his name be dropped to the bottom of the list? Mr. David Rattray, please. No, he is not here. Okay.

Is it the will of the committee to proceed with the detailed clause-by-clause consideration of Bill 20, The Liquor Control Amendment and Consequential Amendments Act? *[Agreed]* Did the committee wish to indicate how late it is willing to sit this morning? *[interjection]* Till completed. Is that agreed?

Mr. David Faurschou (Portage la Prairie): Mr. Chairperson, I think in the past we have agreed to a time limit at this committee, and I think we have all set our schedules as past practice. I think at 12 noon the committee should rise, regardless of whether we are done or not, and reconvene another meeting as has been the past practice, because all of us, I believe, have scheduled events after 12.

Hon. Tim Sale (Minister of Family Services and Housing): Mr. Chairperson, I understand the feelings of the member from Portage la Prairie, but perhaps we should reassess our progress at, let us say, 11:45, and see if we think we can conclude, if we have not already done so. We may find we have already concluded by that time. But, rather than agreeing to quit at 12, if we could finish it by a few minutes after, I think we should reassess our progress at a quarter to.

Mr. Chairperson: Is there agreement that we reassess our progress at quarter to 12? *[Agreed]*

Does the minister responsible for Bill 24 have an opening statement?

Hon. Scott Smith (Minister charged with the administration of The Liquor Control Act): Mr. Chair, it is a pleasure to be back in this morning to follow up clause-by-clause on this bill. Not to take too much time, I guess I would

just ask for your advice. I have been presented with some information from the Association of Manitoba Municipalities that had asked that the committee receive this written submission from them. I would like to enter that to the committee in a written submission, if that is okay.

Mr. Chairperson: Is it agreed that this letter be included in the transcript as a written submission? *[Agreed]* I will give it to the Clerk.

Mr. Minister, continue.

Mr. Smith: I guess that is my opening statement, Mr. Chair. I would just as soon continue on with the clause by clause to complete the work.

Mr. Chairperson: Does the critic for the Official Opposition have an opening statement?

Mr. Faurschou: In regard to this bill, there are a number of amendments that we will propose through the process of this committee hearing this morning. I have no further comments at this time. I hope that the committee members will allow me the opportunity to convey thoughts at the time appropriate.

Mr. Chairperson: We thank the minister and the critic.

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 an 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]*

Shall clause 1 and 2(1) pass?

Mr. Marcel Laurendeau (St. Norbert): Mr. Chairperson, I have a question of the minister at this time. Mr. Minister, I wonder if you might consider an amendment. It would take us a period of time to draft it. That is why we have not got it drafted as yet, but would you consider an amendment that would put the responsibility of the opening of the bars on Sunday and the

other sections of this bill, that the municipalities would have to pass a by-law for it to take effect?

Mr. Smith: Just a bit of noise, I did not hear your last part.

Mr. Laurendeau: I understand that there is the ability for communities at this time to say no and pass a by-law against it, but would the minister consider putting an amendment in this bill which would make the municipalities pass a by-law to put it into effect?

Mr. Smith: At this time, I believe that it is fair as presented, quite frankly. I believe that we have allowed the municipalities the option of saying no. That is certainly within their right. For consideration of local jurisdictions or municipalities, the ability is there now for them to do that. So to amend it to any other change, I would not be in favour of that.

Mr. Laurendeau: Mr. Minister, then with the clause that you have in this bill, it does not permit them to say no to a portion of it. It is all or nothing. Is that not correct?

Mr. Smith: Right now, they have the ability to say, as prior. If, in fact, a municipality chooses not to have Sunday opening, in fact that will stay. If, in fact, they choose this piece not to come in, they will have the ability, as well, in the new piece to say no to Sunday opening as well.

Mr. Laurendeau: But now will you give the opportunity to those communities to say no to, let us say, the bars being open, but yes to the vendors, yes to the wine stores, yes to the individual components, or are you going to stay tight to the line where it is all or nothing?

Mr. Smith: It will be all or nothing.

Mr. Laurendeau: Is the minister going to sit tight on this, or will he consider amendments, or will he look at amendments? I mean, that is what we have public representation for. Our jobs are to go out and seek information from the public and see what types of things they want.

Would the minister consider those types of amendments, or are we just wasting our time at the committee?

Mr. Smith: Mr. Chair, certainly, open and public communication is very important. We had that at the committee stage. That was not brought forth by the communities. It is being brought forth by yourself, out of order in my opinion, but I will let the Chair judge that.

Certainly the ability is presented to the communities to have the right. At clause by clause, it is more than your right to do that, bring that up at the appropriate time that you would like to bring that up. It was not brought forth at committee stage by any of the presenters or people who were out there.

This was a wide-open and public review. I certainly agree with that 100 percent. To say wasting time, the comment of your wasting time, I do not believe it is wasting time. I believe clause by clause is the way to go. If there are any comments members would like to bring forth, absolutely, that is what this process is all about. Quite frankly, this Government prides itself on being very transparent, very open, and this process is part of that.

If there is a problem at any time throughout the process that you would like to bring forth amendments, that is certainly within your right. We all realize that, and that would be the appropriate time to do that. The committee has been struck. We have heard public presentations. Certainly, it has been very valuable. We have had some good information brought forward and brought back. That was not a piece that we heard during the public presentations. Certainly, if it is something members would like to bring forward clause by clause, absolutely bring it forth. That is what the committee is doing here, to consider every piece of information or any suggestion we might receive.

*(10:10)

Mr. Laurendeau: I would hate to stand above the rules, and I am sure the Chair would bring me into line if I step over the line, but we are discussing at this time the hearings. You were on clause 1 of the Liquor Control amendment. Is it clause 1 you were on?

Mr. Chairperson: We were on clauses 1 and 2(1).

Mr. Laurendeau: Thank you very much. Clauses 1 and 2 do reflect the entire act because

The Liquor Control Act is amended by this act; that is what the first line is. It does reflect all the principles of this act or the bill that you are bringing forward, so I do feel this is a good opportunity to bring forward my questions. If the minister thinks I am out of line, he can bring it to the Chair's attention.

Mr. Chairperson, I guess what I am hearing from the minister is that he believes in this, the wholesale, wide-open liquor seven days a week, almost three hundred and sixty-five days—I guess we are going to close three days out of the year. I guess that is what I am hearing from the minister. I am also hearing that he is not prepared at this time to listen to any amendments, even though we might consider bringing some forward.

Given the proper time after the public hearing process, I think we could have probably come up with some positive initiatives that would have worked to correct some of the inequities in this bill. Being the short time, this Government is just going to force this thing through this morning, I can see that, by not supporting us or giving us time to sit back and study it a little further so that we would have the opportunity to bring forward positive changes for the protection of the public. We heard several presentations that spoke about the necessity. We heard one gentleman saying it was just one way of basically keeping them off the streets and keeping them housed in the institutions downtown. Well, I did not agree with that principle, but we heard of the other one about the bloodbaths in downtown Winnipeg on Sundays and giving a break to our emergency personnel throughout the city. We should have at least taken an opportunity to look at that type of positive aspects of making some changes. Seeing as this Government is being closed and not willing to look at any changes, at the appropriate time during each clause-by-clause, I guess we will be bringing forward our amendments.

Mrs. Bonnie Mitchelson (River East): I just want to put a few comments on the record, because I found some of the presentations that were made at the committee hearings certainly should have opened all our eyes to some of the issues that are faced, especially in the downtown area of the city of Winnipeg.

I look at the recent announcement that was made that we are wanting to revitalize and rejuvenate the downtown part of our city, and this Government has committed significant public dollars, public funding to a new arena in the Eaton's building. I would believe that the intent of the Government was the right intention, that was to rejuvenate, to revitalize, to bring families into our downtown area and create a more positive atmosphere and liven, in a very positive way, the downtown part of our city.

We did hear some issues that were raised. I think the minister and this Government has heard before Downtown BIZ have some concerns about overserving and about certain premises in our downtown area that have been somewhat problematic in the past. I think what this bill is doing is ensuring that the kinds of activities that have been ongoing will be perpetuated and broadened and expanded as a result of Sunday opening. I thought the message came across pretty loud and clear during the committee hearings from a couple of presenters that maybe we should take a second look at what is happening and what is being proposed with this legislation and maybe it was not just the right approach to be taking.

I listened very carefully and very intently to the presenters. I know there are mixed feelings around the issue about wide-open, wholesale sale of alcohol on Sundays. It is certainly not something you would get unanimous consent on from the public. I believe what the minister is saying today with his comments earlier is that he is not open to amendments, that it is the policy and it is the decision of him and his Government that wide-open, wholesale Sunday sales and drinking are condoned. I really believe that the minister should have a bit more of an open mind around whether, in fact, the amendments or the changes to the liquor laws that he is bringing in today and wanting to force through today are those that could possibly have a bit of a negative impact on certain parts of certain areas within our city or our province.

I guess I would like to ask the minister a question of whether he has met with or sat down with the Minister of Justice (Mr. Mackintosh) and done any analysis of what impact Sunday openings are going to have on our law

enforcement agencies. Has there been any study or any analysis done on what the increased cost will be for enforcement, whether it be through the Liquor Control Commission and inspectors, or whether it be the Police Service in Winnipeg or the RCMP? Has the minister got any study or any analysis of what the increased cost might be for implementation on the Department of Justice, Mr. Chair. Is he expecting the municipalities to pick up the additional costs for the police service, or is there money in this year's budget in the Department of Justice for additional resources for the police service to monitor Sunday opening of liquor stores and beverage rooms?

Mr. Smith: The member raises a number of points, and certainly this bill brings a lot of extremely positive changes that are concise to the legislation, that modernize and bring this legislation into modern format. The social benefits from a lot of this legislation are very evident not to mention part of the process that brought us to this point. Certainly, throughout June of last year, there was heavy public consultation regarding this bill with a number of presenters throughout the entire province bringing their views forward on some potential changes, and the potential changes have been introduced in this bill.

She has focussed strictly on one piece, on Sunday opening being a cost impact and having some negatives, but, certainly, that has not been identified with the 1944 licensed premises now open here in the province. The addition of this has been done on numerous times; throughout the Pan Am Games, a six-week period throughout all the province of Manitoba, the openings during that time did not reflect any negatives. There were no negatives brought forward to my attention in the office. Through a special permit throughout the entire province, as the members know, which is done very frequently, quite often now, there is no information provided to the office that there is a negative impact. In fact, many positives have been identified in many ways.

The responsible sale, service and consumption of beverage alcohol in the province is optimum within this bill. We agree wholeheartedly that irresponsible behaviour is not to

be tolerated. That has been reflected in many of the bills brought forth by the Justice Minister (Mr. Mackintosh). Certainly, impaired driving of a motor vehicle in the province is not acceptable. We all would agree with that. In fact, our Government is moving ahead with initiatives to enhance legislation that is there to make sure that does not happen.

The Sunday openings, or regardless of whether it be Monday, Wednesday, Thursday, Saturday or Sunday, irresponsible behaviour should not be tolerated. I do not think, and I have made this statement before, that people when they choose to be irresponsible do not punch a clock, whether it be Sunday or Monday or whatever day of the week that happens to be.

* (10:20)

We are promoting with this legislation, certainly, legislation that will promote responsible consumption in Manitoba with the responsible server committee, made up of a number of people throughout the province and organizations. The Addictions Foundation of Manitoba, the Manitoba Hotel Association, the Manitoba Restaurant Association, the Winnipeg Police Service, is a very big part of that. The Manitoba Liquor Control Commission and the Manitoba Public Insurance Corporation had input, as well as did the Manitoba Tourism Education Council.

The recommendations from them, with the mandatory server training here in the province of Manitoba, have been extremely positive and very beneficial in regard to promoting responsible consumption of alcoholic beverages in this province. The large amount of people from this province and from outside of our province that come to visit our communities are extremely responsible folks that enjoy a beverage of alcohol, regardless of what day of the week that might be. They do not choose to be irresponsible and, quite frankly, have suggested that the day of the week does not cite their choice for responsibility or irresponsibility.

The minimum pricing that was established by the responsible server committee as a suggestion, has had very positive benefits here in the province. It was identified through the responsible server committee as an holistic

approach to making Manitoba a more responsible environment for people to consume and be responsible for their consumption of alcohol in the province. As well, the elimination of the sale of pre-poured drinks in the province that the responsible server committee had put forward as a positive solution, have all been taken into account.

The addition of social responsibility in the public interest clause in this bill, highlights our Government's commitment to responsibility for communities and for neighbourhoods within this province, and has been brought forward by the community throughout the process of June 2000 by a number of people who wanted responsible consumption, regardless of whether it be a beverage room or a sports facility or any establishment that serves liquor. The extension of the patron's disorderly conduct offence, including the parking lot areas and such, is a very positive step in this bill.

The offence section regarding the borrowing of ID by minors. Certainly, previous governments had identified, back in 1993, some changes that were made and proposed, that this was not a responsible action for people to be undertaking, and have drafted some legislation to make it a major offence in that area. We heard from some of the presenters on the positives and negatives of that consideration and some suggestions that were brought forth by that—good suggestions, as well, regarding trespassing of people onto property, as the person presenting had mentioned, to put more teeth into the legislation for consideration of making it a more serious offence, so they can control their establishments and try to maintain a good environment for people to consume alcohol.

Certainly, this is open process. It has been an open process from June of last year involving a great deal of public input in our province, and we very, very much value suggestions by presenters. We will definitely value any suggestions or amendments anybody around this table has to make throughout this process. That is a positive way to conduct the process and this committee, as a whole, will act responsibly on considering anything that is brought forward, as will I.

Members have displayed that they intend to do that. That is a positive step. That is a positive process and certainly will be listened to.

Mr. Glen Cummings (Ste. Rose): Mr. Chairman, the minister has talked about the open process and how he saw some suggestions earlier regarding trespass law, and there were some questions raised around enforcement. Just setting the trespass issue aside for a moment, before we start dealing clause by clause, can the minister provide us with his concerns, if he has any, about whether or not he has adequate personnel available through the Commission for enforcement of existing and new regulations that will be implemented as a result of this act? If this is indeed an open process before we get into the clause by clause, I would wonder if the minister would share with us: Does he plan on making any amendments as we go through this bill?

Mr. Smith: Mr. Chair, dealing with the last question that was asked by the member, the amendments are not proposed to be brought forth at this time. Certainly information that was gathered from the presenters was taken very seriously and looked at for potential changes that could be made to the bill. At this time, I will not be bringing forward any amendments to the bill. The member had asked about regarding public process. People had brought suggestions forward, many of them; suggestions were brought forth, and certainly open for consideration and certainly will be open for consideration and further discussion with a number of presenters that had brought forth some information for potential and considerations for an additional session in the fall.

Mr. Chairperson: I did have Mrs. Mitchelson on the list, but will allow Mr. Cummings to finish his questions.

Mr. Cummings: Well, I think there was a fair bit of common sense in the presentation that we heard around the trespass regulation. Very often, where potentially complaints arise is where there can be rowdiness in the area. In the parking lot, very often is where issues arise between patrons and others who may have overconsumed, or between themselves and the operators of the facility. That was my reason for asking the

minister if he, in fact, was considering any amendments because it struck me as being a logical extension of concern presented by the operators. Regardless of the hours and the days of opening, that probably is an outstanding issue, as I understand it at least, not just from the presentation but from other discussions that I have had, that I would encourage the Government to take a serious look at that down the road if they do not intend to make an amendment at this time, and Mr. Chair, I do not need an answer from the minister. I will relinquish the floor.

Mrs. Mitchelson: Mr. Chairperson, I guess I will try to maybe be a little more direct in my questions. Is there additional money in the Department of Justice's budget as a result of these amendments, or has the minister researched the issue? Has he come to the conclusion that there will be no additional cost to enforce Sunday opening?

Mr. Smith: The member brings forward a question that was brought forth during our last session, where here in Manitoba the information provided to me is that we have presently more inspections per facility than any other province across Canada presently, now, that, in fact, our inspection department is into all our establishments throughout the entire province to a greater degree than anywhere else in Canada.

* (10:30)

The anticipation of extended hours of operation for people, Mr. Chair, has certainly been considered. It has been brought to my attention that there will not be the expansion of costs in the province in doing this.

As I had mentioned before, there are 1944 or some-odd facilities now open that are inspected and inspected to a greater degree and to a better degree than any other province in Canada now. The addition of the 287 beverage room facilities or so that are being proposed will not add substantially to the workload. Basically it will be considered at the time once it is potentially implemented to see what avenues need to be followed, but, right now, if, in fact, we continued with our process, it will not be onerous for the staffing that we have presently.

That is the information provided to my office, that, in fact, the degree that we have and

enjoy here in the province of Manitoba presently will be maintained.

Mrs. Mitchelson: I am not sure we are talking about the same thing. The minister seems to be talking about liquor inspections and liquor inspectors who would be MLCC employees and that we do have a fairly rigorous approach in Manitoba, and I would imagine the research that has been done bears that out.

The question that I am asking is about the Winnipeg Police Service and the RCMP. I do not know how often in a day or a night or whether some days or nights are busier than others, but I would imagine that there are calls to law enforcement agencies as a result of disorderly conduct or issues that take place around any type of liquor outlet being open.

So my question is pretty simple to the minister: Is he indicating to me that there will be no calls or additional calls on Sundays as a result of the opening of beverage rooms and liquor vendors? Has he been assured? What research has been done? What have the RCMP and the Winnipeg Police Service indicated to this Government or this minister as to what additional resources will need to be available or on the streets, or have they indicated that they should be able to manage within the resources that are presently allocated? Have they made any comments to the minister about what additional resources might be needed or what that additional cost might be?

Mr. Smith: No evidence or no indication from other jurisdictions negatively on their openings has been brought to the office. Any business, whether you be a retail outlet or expand any area where you are dealing with cash and money has a potential, I suppose, for robberies and such and many of the other things that may have need for police officers. Any establishment you open throughout the province, in addition to some 1940 that are open presently, whether it be on a Sunday or on a Saturday or a Friday or a Thursday or a Wednesday or a Tuesday or Monday, certainly, there are calls to establishments now. The addition of the beverage rooms in most or a lot of the rural municipalities, has

not indicated be it a Wednesday night or a Saturday night or a Monday night, depending on what their venues are provided for entertainment and such, at those establishments, and how busy they may be on a particular night, that Sunday will require more resources.

Certainly, the police are on staff in all our communities, very appropriately, throughout the entire province, 24 hours a day, 7 days a week. Obviously, it is a service that needs to be provided, regardless of what business is open and closed. It has not been the indication brought to this office that, in fact, consideration of one given day to be closed, whether we should close on Wednesdays or Sundays, the indication has not been given by the police service to my office that it will be any busier. Other provinces have not brought that to our attention. Many of the positives have been brought forward. Certainly, responsible drinking and consumption of alcohol any day of the week is the target of the bill. People have asked for responsible consumption here in the province. We are dealing with that within the bill and believe strongly that, regardless of what day of the week that might be, consumers have requested that choice be given to the consumer. The option for municipalities to participate can be part of an open process. That is being given.

In tourism throughout the province, as numbers go up and the amount of people move from community to community, regardless of whether it be the middle of the week or the last day of the week being Saturday, whether or not that has a major impact on communities. We have no evidence to indicate that it will be onerous on any of the services, regardless of what day of the week it might be.

Mrs. Mitchelson: I guess the minister then is, in essence, saying there will be no additional cost to the Winnipeg Police Service as a result of Sunday openings of liquor. Has that been confirmed with the minister? Has the police service, in fact, put anything in writing to the minister or to the Government? I would imagine that this is one of the issues that would have been discussed between the Minister of Justice (Mr. Mackintosh) and the Minister responsible for the Liquor Control Commission (Mr. Smith). Has there been any indication by the Winnipeg

Police Service, and I will focus it specifically on Winnipeg, that there would need to be an increased amount of resources on the streets as a result of Sunday opening?

Mr. Smith: Dealing with hypothetical situations is difficult. Hypothetically, we could conjure up just about any type of situation we might want to develop, regardless of what we are talking about. The six-week period throughout the Pan Am Games was a good test for the entire province of Manitoba. The police service did not indicate at that time to the previous government that there were a lot of problems in regard to opening up the entire province during that six-week period that the previous government did do to indicate that there was onerous problems or staffing shortages or problems of any sort.

The information has not been provided to this office and was not provided to the previous government negatively addressing that situation. On special permits throughout the province that are done very frequently, the indication from police services has not come to the MLCC or to the Government in regard to negatives on staffing or potential problems in that area. That has not been highlighted by the police service, certainly not brought to MLCC or to the Government, recognizing problems from past experience that has been done throughout the province.

Mrs. Mitchelson: One of the other issues that we heard at the public presentations was the whole issue of emergency services and emergency vehicles and a sense that there might be an increased need for emergency vehicles as a result of Sunday openings of liquor outlets. Has the minister had any discussions with our emergency services people to discuss the issue of whether additional resources might be needed as a result of Sunday opening of liquor outlets?

Mr. Smith: Again, this area has not been highlighted by any other provinces, most other provinces throughout Canada, that have gone to Sunday openings or expansion of Sunday openings. This, in terms of openings, certainly is a percentage of what is already open right now for licensed establishments here in the province of Manitoba. Again I mention 1950 establishments that are open on Sunday as opposed to

2500 that this will allow or so. In fact, from some of the emergency personnel and emergency in terms of police service and law enforcement, it has been identified that the amount of bootlegging establishments and problems that they have in terms of that area that goes on apparently in the province right now will be minimized and reduced.

The RCMP have mentioned problems in that area and certainly a lot of private citizens have highlighted that and brought that forward to the office. On a Sunday, that end of it will not be a problem with the police service. The ambulance personnel, if you are speaking in terms of motor vehicle accidents and as such regarding liquor, certainly this bill, as I have mentioned prior, highlights responsible drinking and consumption in Manitoba. In fact, with other legislations being brought in by the Justice Minister (Mr. Mackintosh), we know it is totally unacceptable to drink and drive, so ambulance service in regard to consumption of alcohol on vehicles in the province, it has not been identified that Sunday hours in other provinces, have not been identified to this office, as being a negative by any other jurisdiction.

When you speak in terms of other emergency responders and, I guess, fire personnel and such, it has not been identified to this office that there are more fires or potential for more fires by having the expansion of the beverage rooms and liquor marts and vendors and such being open on Sunday. It has not been identified as a problem to this office. For ambulance personnel and such, as I have mentioned before, when people choose to be irresponsible, consideration, regardless of what day that is, has not been identified that the expansion of the beverage rooms and liquor marts opening in the province of Manitoba that that is a financial problem. It has not been identified to our office.

* (10:40)

Mrs. Mitchelson: Mr. Chairperson, I am not really sure I got an answer from the minister. He seemed to avoid the question. He indicates that other jurisdictions have not brought this forward as an issue, and this would lead me to believe that it was not a question that was asked, and

that there has not been any research done, and there has not been any data gathered or information gathered.

A presenter, too, at committee the other night did indicate that the emergency rooms, especially in our downtown hospitals, could see an increase in activity as a result of disorderly behaviour, fights that might break out, domestic violence.

Has the minister had any discussions with his colleague, the Minister of Health (Mr. Chomiak), or have there been any discussions with emergency room staff, whether it be doctors or nurses at the Health Sciences Centre or St. Boniface Hospital? Has there been an analysis done of how many emergency room visits on a daily basis would be the result of alcohol-related activities? Has there been any discussion with them around what the impact might be on the resources that are available in the emergency rooms as a result of Sunday opening?

Mr. Smith: The bill, in its entirety, certainly promotes and addresses responsible sale, service and consumption of the beverage of alcohol in the province of Manitoba. I guess I would tend to agree with you that that is a very important area to target. This bill has targeted on that specifically, that the responsible consumption of alcohol is optimum for the citizens of Manitoba and those who are choosing to consume. This bill addresses specifically many of the points being raised, not only on Sunday but, in fact, seven days of the week. In fact, the responsible server committee, and many of the suggestions that were brought forth by them, will have, I believe, a positive impact within our province.

The mandatory server training in the province of Manitoba, to specifically identify people who are in the opinion of the server and licensee overconsuming, should be addressed. In some of the areas you mentioned, some of the downtown areas of the Capital Region here, speaking strictly from Winnipeg—you mentioned Winnipeg—there have been problem areas for a great number of years that have been addressed and brought forward on numerous occasions, both in the community and the province, and certainly in the city. I know they are very

concerned about a number of issues. Many of those are being addressed in this bill in a very positive way, and should have a very positive impact.

The establishment of the responsible server committee in recommending that pre-poured drinks not be, and I mentioned this before, sold in establishments for simply the reason to promote not overconsuming alcohol that is not ordered and the availability of those shooter-type drinks. Eliminating that from the equation certainly will have a positive impact.

The extension of patron disorderly conduct in this legislation: The downtown Winnipeg business association recognizes it as an extremely positive step that they feel is long overdue, that should have been brought forth over the last decade or so. They had highlighted on many occasions to the previous government, that certainly, a community and a neighbourhood should have the ability to have some say in what is going on in their neighbourhood. They wholeheartedly agree with that, mentioning and targeting a few of the areas you had mentioned within the inner city and Capital Region. I dare say that probably in other communities, there are specific organizations or specific establishments, if you will, that many communities have identified as problem areas for numerous reasons and a number of reasons.

This bill goes a long way in certainly making sure that responsible consumption every day of the week, all seven days of the week, is identified and addressed within those establishments. The intent of the bill is certainly and most positively identifying the section where the licensees will be accountable and hold responsibility for the patrons within their establishment to a greater degree. The people that are serving beverage alcohol in the province of Manitoba will certainly be more accountable to a degree, and the public awareness and education from the MLCC in some of the literature and visible pamphlets that are being distributed throughout the bars in an educational information campaign by MLCC is a positive.

So the areas that you have mentioned regarding some of the problem areas you have highlighted in downtown in the Capital Region,

the introduction of this bill will have extremely positive consequences, I believe, for the community, for people and businesses in and around the establishments, for the city of Winnipeg in general, to look at the responsible service every single day of the week in the 1940-some-odd establishments that are presently open, and certainly give the choice for the great deal of Manitobans and travellers that act responsibly every day of the week, seven days a week, twenty-four hours of the day, and do not choose to pick a day to be irresponsible.

Information for the public on the public interest clause within this bill, for the licensee to meet the needs and wants of the community, has been identified as a very positive step by a lot of neighbourhood and local communities, as well as by the downtown business association. The ability to have a choice for the consumers certainly on all days of the week is a positive, with the reflection to the mandatory training and such that is in this bill. So I will leave the comments at that.

Mrs. Mitchelson: Mr. Chairperson, I would just like to ask the minister whether he has had any discussions with the Minister of Family Services (Mr. Sale) or whether there has been any analysis that has been done on whether in fact Sundays openings will have any impact on the services that he provides, whether it be any of the crisis lines for abuse or whether there has been any analysis done on whether there might be an increase in domestic violence as a result of Sunday openings of liquor outlets. Has there been any research? Has there been any analysis done, or has there been any discussion with any of the women's organizations that provide the services for abused women? Have those discussions taken place? Has there been any comment made on whether Sunday opening of liquor outlets might have a negative impact on women?

Mr. Smith: I value the question from the member. Certainly, there has been a great deal of analysis done throughout every department, not only from the Government, but from many, many of our private-sector interest groups that are out there regarding, as you mentioned, just to name a few, women's rights, and some of the activists that have seen negative effects from

alcohol. Certainly, it was brought forth in the process throughout June of last year on the positives of some training and some educating into the system, that would have some significant benefits to the consumption of alcohol in the province. Again, I will refer to the responsible server committee that has identified a number of positive changes that were recommended from many organizations, just to name a few, Mothers Against Drunk Driving and many of the others. But the information that was brought forth was certainly taken into consideration and identified that this bill needs to consider and look at, after many years of not being reopened and considered and looked at, responsible serving and consumption and an educational component and process for people that choose to consume liquor in the province of Manitoba. Mr. Chair, the responsible server training certainly has highlighted and addressed many of the areas which the member has mentioned on the potential of alcohol and the effects of alcohol, and that is identified to the servers.

* (10:50)

The obvious one that is of benefit is, in the mandatory server training program, the identification of intoxicated people within an establishment, the 1950-some-odd that are open now and any extension of that to not serve people that are intoxicated and certainly identify and make recommendations to such things as obviously pregnant women, to name one, where the suggestion is to have something other than an alcoholic beverage when they are out for an evening enjoying friendship and camaraderie in an establishment and the suggestion of an alternative beverage to those folks.

The legislation now drafts an important piece that I think is extremely important, not only the person that is intoxicated being cut off, if you will, within an establishment but anyone surrounding them to provide them with alcohol is now an offence, which is an extremely positive step that that person not be provided alcohol once they have been discontinued service from the trainers that have taken the training course, trainees, if you will. Obviously, the impact of alcohol all days of the week, seven days, 24 hours can have negative effects, and the

promotion of this bill with the promotion of the responsible sales, service and consumption of alcohol throughout the entire province seven days a week, 24 hours a day is an optimum view and point on this bill. As I mentioned before in a few previous statements, people may choose to irresponsibly abuse or overconsume alcohol in some way, regardless of whether that day happens to be Monday or Wednesday or Friday or Sunday. Certainly, this needs to be addressed.

It highlights in educational, even future, opportunities for education within the Manitoba Liquor Control Commission system. It certainly has been targeted by this Government as being a major responsibility for Manitobans to identify and consider the effects of alcohol, the use of alcohol and the responsible consumption by the majority of the people in Manitoba that certainly do. But the negative effects that may occur on any day of the week certainly need to be addressed in an educational program. The first steps in this bill and certainly the great steps that have been taken by the Manitoba Liquor Control Commission, with the responsible server committee suggestions that have been brought forth already within the last 18 months, have had positive steps and positive effects in many, many areas and, I believe, will just continue to grow as the educational component in the responsible server training continues to grow.

Mrs. Mitchelson: I think I heard at the beginning of the answer to the question, that the minister said there had been some analyses done. Could he share with us and maybe table them? I know he would not have those analyses available to him right at this moment, but he indicated that there have been analyses done within and throughout the Government. Could he provide copies of those analyses? Would they be cost-benefit analyses? Social impact analyses? Maybe if you could just give me an indication of some of the things that he may have had an opportunity to read, and share those analyses with us in the not too distant future?

Mr. Smith: Certainly, the member asked for—and as I responded, positive announcements that were made by many people on the new initiatives that have been brought in by this Government, on the positives of the server training, and such. We will provide the member

with information, or any information, that I have had the chance to peruse on positive and negative effects, and what the positives are on educational benefits, certainly, on alcohol consumption, and, obviously, the analysis of the positives that have been introduced by the responsible server committee. There has not been a paper done on the positive effects on that, but certainly, once that information is available, I would be more than willing to present that information to the member on the analysis of the responsible server committee changes to the act over the past six months or so.

Verbally, I have had responses from many of the licensees and establishments and from the Manitoba Hotel Association regarding the positives of the changes of the responsible server committee and benefits that they see in the changes. Once that analysis is completed, I would be more than happy to provide the member with that information.

Any information on educational information that has been provided that I have had a chance to peruse, I would be more than happy to provide that to the member.

Mrs. Mitchelson: I think this has been valuable discussion. I think what I have learned from this discussion is that the minister seems very adept at talking around the issues, but is not very specific on any analysis or any research or any discussions with his colleagues around what some of the negative social impacts might be, or what some of the costs might be to enforce this legislation. I have not heard anything clear and concise from this minister.

I have lost track of the count, but I think in answers to my questions, the minister has used the words "positive aspects" of this legislation, I would venture to guess, probably up to one hundred to two hundred times. But he has not, really, taken the opportunity to discuss or admit that there might be some negative social impacts, some negative impacts on our justice system; some negative impacts and some costs to our health care system; and some negative impacts on women within our province, as a result of this legislation.

I have not heard him admit that there could be negative impacts. I have not heard him talk about what this Government has put in this year's Budget and will have to be annualized in subsequent budgets in the province of Manitoba as a result of some of the additional costs. I think this minister has his head buried in the sand if he does not believe that there is going to be some negative social impacts, and that there is going to be a cost to the treasury and to the taxpayers of Manitoba as a result of this legislation.

So it is fine to talk around all of the positives and all of the good things that this legislation is going to do and all of the responsibility that people are going to take to make the right choices and do the right things when it comes to consumption of alcohol.

* (11:00)

You know, this Government tends to have a mentality or a philosophy that says we just trust everyone to do the right thing. The Minister of Family Services (Mr. Sale) has said, yes, we will provide an additional \$80 per month to every pregnant woman in the province of Manitoba, and we trust that they will buy food with every penny of additional resource that they get, so that they will nutritionally feed themselves properly and ensure that that new life is growing and will get off to a good start.

We hear the Minister responsible for The Liquor control Act in the province of Manitoba just today saying that we trust that all Manitobans will make the right decisions and will drink responsibly.

Well, Mr. Chair, I believe that the minister is living in a little bit of a dream world and it is unfortunate. He obviously did not listen very carefully to the presentations that were made at committee the other night. I would like him to admit, just admit that there may be some social costs and that there will be an increase in the amount of resources that are required, whether it be for police services, for emergency services or health care and for services for women in this province as a result of more availability of alcohol.

Just with those comments, Mr. Chairperson, I know that some of my colleagues have some

other issues or some other questions that they would like to ask, and I will leave it at that for the time being.

Mrs. Joy Smith (Fort Garry): I would endorse all the comments put forth by my colleague. Mrs. Mitchelson came up with some very good questions. The presentations the other night were extremely compelling, particularly when one presenter got up and talked about the social cost, talked about having one more day open for wholesale liquor consumption.

I have seen some threads, some patterns that I find very disturbing from members opposite. The other day in the House I heard the Minister of Advanced Education (Ms. McGifford) promoting advertising to enable young people to understand the benefits of casinos. Today I am listening to the minister responsible for Bill 24, The Liquor Control Amendment and Consequential Amendments Act, saying that there really are not any problems out there; I mean, one day is the same as the rest, when quite clearly we know that there is a lot of opportunity for Manitobans to acquire, indeed, all the liquor they need, and there is special provision for special events already.

We have asked the minister to entertain an amendment to his bill which the minister has flatly refused to do at this time. My question to the minister: Does the minister believe that opening wholesale liquor sale on Sunday will benefit the people in, particularly the large cities, Brandon and in Winnipeg? Is that going to indeed benefit the community that this minister comes from in Brandon? Secondly, has this minister consulted not only with the Winnipeg Police Service, but with the Manitoba Association of Police and indeed, with the police force in his home town of Brandon, Manitoba?

Mr. Smith: The member mentions some of the hypothetical problems that could occur in any legislation, or potential problems that could be out there, and had not identified that alcohol does not, in fact, create some forms of problems within certain sectors of society. That was not brought forward by me. In fact, quite frankly, I had mentioned that this legislation enhances this Government's views that alcohol, regardless of what time or what day, should be responsibly

used by anybody who consumes alcohol in the province of Manitoba.

We all know some of the negative impacts that have been expressed by different groups and many people who are out there. It certainly has not fallen on deaf ears ever since prohibition was lifted and probably before that time. It targets around problems being addressed from folks who choose to irresponsibly consume or over-consume alcoholic beverages.

The Government is not blind to those views and realizes that problems do exist in society in a great many ways, in many forms. With the educational component and the direct responsibility of this Government to want to enhance education and responsible serving in the province of Manitoba, it is something I was speaking about as being quite a positive. I believe that the promotion of education in as many forms as you possibly can regarding servers within the province, and licensees and licensed establishments that serve alcoholic beverages in the province of Manitoba, and that the more you can enhance their educational component and have them dealing with alcohol responsibly, as they do now, but to enhance that in many ways, is a positive and a plus, both to society in general, vis-à-vis in terms of police service, medical services and local businesses around downtown business organizations, the general public, neighbourhoods. I feel there are positives in this bill in terms of that.

As well, I believe quite strongly, that the 1940-some-odd establishments that are open now, do act very responsibly. Certainly, the owners of the establishments have worked very closely with the Hotel Association, with the Restaurant Association, with many of the others, in having some great, positive input into some changes in this legislation and in promoting choice for consumers out there in a responsible way, which I very strongly agree with.

The educational component from the responsible server committee—the Hotel Association which, in fact, has a lot of the beverage room facilities under their wing, believe very strongly in the minimum pricing and the mandatory server training, as well as in the elimination of pre-poured drinks. As the member

had mentioned, some people do run into problems with alcohol and overconsumption, so the educational component has been strongly advocated by that industry, which we are talking about here, right now.

The industry has indicated a lot of different potential, possible views for consideration of the responsible server committee that is made up of a broad base of the community, and those people believe extremely strongly in a positive element for responsible serving of alcohol in the province of Manitoba. The choice for consumers has been advocated by a great deal of people out there.

The member asked if there are positives of consumption, or extension of sales into Sundays. That has been identified by a great many people that presented throughout last June throughout all parts of Manitoba, by individual citizens and people who strongly believe that consumers should have the choice of consuming alcohol throughout the entire seven days of the week, as they do now, but with the expansion into a lot of rural communities where a lot of the beverage rooms, in fact, are established.

* (11:10)

There are a number in Winnipeg, of course. There are some 75-odd beverage rooms in Winnipeg, and the majority of the 280-some throughout the province are on the outskirts of Winnipeg to provide people with the options. I know the tourism society here in Manitoba believes that there are positives of extending the Sunday to beverage rooms in many of the rural municipalities. Many of the communities outside the Capital Region and outside of Brandon, as the member had mentioned, and in larger centres like Thompson, Portage, Dauphin and such, give people a choice to attend these facilities and, as the member says, I do feel that most people are very responsible, but an educational component is important and will continue to be highlighted. The responsible server committee looks at a lot of information that has come up with some very, very good suggestions on the responsible consumption of alcohol in the province of Manitoba. Those have been implemented very responsibly by the MLCC.

As I mentioned before, I believe time will tell, but from every indication I have had from the industry, and from neighbourhoods and people out there, there has been some very positive steps in a direction of focussing on responsible consumption, all days of the week, every day of the week, not just one day of the week. So it is an overview that I believe is positive, and I have no problem in saying that. I believe that there are some very positive recommendations.

The potential all days of the week would be greatly enhanced, if we could eliminate some of the problems that are out there every single day of the week, not on any specific or given day. I believe that this bill certainly addresses that and it addresses it in a number of areas, in a number of the changes that are being made. It also provides the opportunity for the neighbourhoods to have valuable input that will be provided by this bill and that is an important part.

So, the police service has been a part of this responsible server committee. They have had many suggestions on some positives that are being implemented and are being considered. The member's suggestion, in looking at the responsible server committee, the Winnipeg Police Service, obviously, was one of the obviouses for the server committee because they are the largest police force in the province of Manitoba. Certainly, in one capital region that takes in over 70 percent of the province and they are included in it.

Many of the other members from other jurisdictions, I am sure, contact those folks of the Winnipeg Service with their suggestions. Even an expansion of that responsible server committee could include the RCMP. That is a very possible solution for the future, that we include all police services throughout the entire province of Manitoba to have input. Winnipeg Police Service has certainly been a big part and has made some very good, positive suggestions on all days of the week, not just one day of the week, and these have certainly been taken into account and acted upon. But the Police Service certainly would like to see people in Manitoba, in the use of alcoholic beverages, in our province, act responsibly, and I agree wholeheartedly with that, as does this legislation.

The member mentions: In my community in Brandon, are there some positives of the potential of this bill? Yes, it has been highlighted and identified to me that there are a great number of positives in terms of choice for consumers on the opening of beverage facilities in the province, from the tourism folks throughout the province of Manitoba who have identified that there is a potential for problems.

No one has ever identified that with new legislation and things that are drafted, there is not a potential for some negatives. Certainly, that is not the indication that I am giving. That is why it has been drafted in here, that this will be reviewed, as all things should, more frequently than has ever been done in the past.

A number of years went by without considering this legislation. After a year's period, both positives and negatives should be considered and should be looked at. Community participation in bringing forth comments on both positives and potential negatives, obviously, are very important. To access any change, regardless of what it is, is a positive process and is built into this bill for consideration.

Mrs. Smith: It has all been said, so I will just leave some last comments. Everything has been said previously that needed to be said at this table. It is hoped that this minister will change his mind and allow some amendments to be put forward immediately with this particular Bill 24. The minister did not answer the question as to whether or not the police have been consulted in Brandon and in Winnipeg in terms of this bill. He sort of went off on the rabbit trails of responsible drinking. It is not the responsible drinkers we are concerned about at this point. I would ask the minister to reconsider as we go clause by clause, and reconsider taking a look at the amendment that this side of the House has submitted, because I think that each territory in Manitoba is different and our amendment would address that. Thank you.

Mr. Smith: Just in terms of a two-minute recess, I am not opposed to that. Just in terms of answering before we take that recess, the member mentioned that I had not considered anything that may happen at this committee. That is not true. I was asked whether or not, in

fact, I was proposing to bring forth, at this time, amendments. I had answered no.

Certainly, if members opposite have some positives regarding this bill, that is the process. That is what we should be doing and it was never said. If in fact it was, it was taken either out of context in my remarks, or in fact, misinterpreted by the member that I made the statement that I would not consider it. Certainly, my mind is open to positives in dealing with this bill regarding Manitobans. If there are positives brought forth in any way, I am sure that the committee, not only myself, but the entire committee, will be open to any suggestions that are brought forth that are positive and absolutely, wholeheartedly agreed to, if they are positive.

Mr. Chairperson: Is it the will of the committee to recess for two minutes? *[Agreed]*

The committee recessed at 11:18 a.m.

The committee resumed at 11:25 a.m.

Mr. Chairperson: Law Amendments Committee will please come to order. Are we prepared to continue?

Mr. Faurchou: Before we move to clause by clause, I do want to ask the minister in regards to his press release which accompanied the introduction of Bill 24 to the Legislative Assembly on June 6. He made reference to prohibition of VLTs and exotic entertainment within the beverage facilities and I would like very specifically for him to explain to committee how he could make that particular statement. Does it fall within his jurisdiction? Does it not? If it does fall within his jurisdiction, then is he committed at this time to maintaining that position into the future?

Mr. Smith: The question certainly is not being considered by this office. VLTs, as the member knows, certainly fall under another ministry and, in this bill in terms of this department, it is not being considered at this time because it does not fall within this department. VLTs are not open in the province of Manitoba presently. This bill

does not address in any way the opening of that. The consideration would be given by another ministry and it is not being considered at this time in regard to my office with the other ministry in terms of discussion stage or issues regarding that.

So on the statement, No. 1, this bill has nothing to do with the VLTs; in essence the statement is that this bill does not change what is in place now. I think back that beverage rooms do open on a Sunday. They are not allowed to open presently, and this bill does not make any changes in that area.

The MLCC staff people, in terms of regulatory authority for regarding secondary stage of your question regarding exotic dancers, will be continued. On Sunday there will not be allowance of it through regulation, and that is being done by MLCC, on consideration, in this bill.

Mr. Faurchou: I appreciate the minister's response. I do want to give him the opportunity to make his position crystal clear, as far as the VLTs, on Sunday operation as it pertains to beverage rooms throughout the province. As he will fully appreciate, many rural beverage rooms made their case on numerous occasions that profitability of their operation, on a day-to-day basis, in many cases, hinged on the operation of VLTs. Is he clear then in his opposition to operation of the VLTs? When he has opportunity to express this position through to the other minister who is responsible, I would like very much for the minister to put that to the record that is what he has stated already.

Mr. Smith: Certainly, as I had mentioned before, it deals with a completely different ministry, and all information, regardless of when that can be brought forth, will be looked at, certainly as in all information, no matter what it might be. So, to say that I would come up with a conclusion about something we are not even considering or discussing right now without looking at information on all sides, it would probably be premature to say that. There are positives and negatives in anything, regardless. That is not the ministry that I deal with. That has not been brought to my attention for consideration in any form, in any way, by any

minister, regarding the issue. To say down the road what might be, what might not be, certainly, it has not been the consideration of this Government, or brought to my attention. The minister and I have not discussed in any way even the consideration of doing this. This bill does not regard that. Come time that any bill or anything is suggested or brought forward, in information, I am a strong believer in looking at things with a positive attitude, regardless of the positive and negative, regarding that the issue. Certainly, it is not the intention of this bill to do that.

The member mentions the option of beverage rooms in municipalities that have stated, obviously, to the member that it is not feasible for them to open without the use of gaming machines in their establishment, and that is the beauty of this bill. Certainly this bill that I am dealing with does not ask anyone to open an establishment, a licensee to open their establishment against their will. This provides the option for those people who work within the system to have the ability to do it and provides a choice for consumers based on whatever might be their mainstay.

* (11:30)

I can not speak for the large number of members out there. I think many of the members have expressed to me from the Hotel Association that a large piece of it is from their food industry. Within their establishment, that is the biggest piece of their operation, and certainly that would be a benefit to them on a Sunday, that this bill would create the option for them if in fact that was what their establishment based their business case on, on their food service providing and opening that day with the choice for them to open. There are probably many views. This bill would not, No. 1, in any municipality or jurisdiction, force it on that municipality; No. 2, it certainly does not force any licensed establishment. That should be a business decision that is based on the facts of that business and the situation that they deal with and allow them, in fact, to say yes or no, that it would work for them or it would not work for them. That is exactly what this bill does, and that is the way it should be.

Mr. Faurschou: I appreciate the minister's stance. I would like to go through it clause by clause, but I do want to make the statement that the minister should be prepared. I do not believe he is naïve to the fact that there will be beverage room operators attending to his office and the Minister of Gaming asking for a revision to this Sunday prohibition of VLT operations. It will come, as sure as the sun rises over the eastern horizon every morning. They will come to the minister's office requesting this, and to say it is not a consideration when we are looking at this is truthful because of the text. However, it is inevitable.

Now, Mr. Chairman, I am prepared to move to the bill.

Mr. Chairperson: Clauses 1 and 2(1)—pass; clauses 2(2) and 2(3)—pass; clauses 3, 4(1) and 4(2)—pass.

Shall clause 5 pass?

Some Honourable Members: Pass.

Mr. Faurschou: My apologies for a slight delay, Mr. Chairperson. I do want to ask at this time to introduce an amendment to Bill 24. I propose, I move

THAT the proposed section 66.3 as set out in section 5 of the Bill be replaced with the following:

By-law re Sunday opening

66.3(1) The council of a municipality may pass by-laws restricting the hours during which liquor stores, liquor vendors, beverage rooms, private clubs or different kinds of private clubs, or licensed retail premises in the municipality may sell or serve liquor on Sunday.

Regulation re Sunday opening

66.3(2) Where the Lieutenant Governor in Council is satisfied that a majority of the inhabitants of a territory so desire, the Lieutenant Governor in Council may, by regulation, restrict the hours during which liquor stores, liquor vendors, beverage rooms, private clubs or different kinds of private clubs, or licensed retail premises in the territory may sell or serve liquor on Sunday.

Motion presented.

Mr. Chairperson: The amendment is in order.

Mr. Faurschou: Mr. Chairperson, in light of the overwhelming public presentation to the diversity of our province and opinion in regard to Bill 24, I think that we as legislators must be responsive to that call. We have, since our inception into Confederation in 1870, had what has been commonly termed as the local option whereby municipalities have had the right to say yes or no to liquor sales within their jurisdiction of which they are duly elected.

Over the course of time, we have had many a referendum to determine as a province as to whether liquor is available, or is not. However, since 1923, liquor has been available to the general public in the province with the exception of municipalities which have chosen through their elected representatives or through referendum their right to say no to liquor sales within their jurisdiction.

Over the course of time, however, our legislation has only been reviewed on a couple of occasions extensively, that being in 1954-55, again in 1980, and presently where we are again reviewing. However, Mr. Chairman, only minor changes are being considered. Within this time, there has been an expansion of recognized licensees; in other words, those entities that are allowed within this province to sell, either on premise or off, alcoholic beverages.

Those expansions have been in varied classifications. Originally we had only one classification. Then we had two. Then we had three. Currently we have eleven, eleven separate classifications of licensee which has the ability under the MLCC to operate in their premises to serve alcohol, either for consumption on premise or off.

We must recognize, and I am certain the minister appreciates, having been a municipal councillor, that there is significant diversity within communities and between communities of this province, from community to community. It is imperative that we as provincial legislators recognize the responsibility that is given to municipal councillors who are duly elected

within their own jurisdictions within the province. It would be the gravest error for us to consider that we know it all.

* (11:40)

The diversity of which I speak must be addressed by the change which I propose. The changes that this amendment would speak to will provide the municipalities with that ability to recognize the different licensed establishments under the MLCC and to effectively have the option to say yes or no to the different classes of licensee, as well as the ability within a classification to restrict the hours of operation as well.

There are communities that may very well want to go to the limit of the law and allow those facilities to open at noon and go through to eleven o'clock in the evening. But I was just concerned that we are not recognizing how things have changed, and it is imperative that we do. That is why I am proposing this particular amendment that empowers our elected municipal councillors, of which the minister was once one who has that ability to recognize within his own community that certain classifications of liquor sales outlets may or may not be appealing to his community.

There may be communities that want the liquor marts to be open, and that very same community may not want to have the local hotel beverage room open. There are communities that would like to have the private club, the legion, the golf course, open and they may not want the liquor mart to open, nor the beverage room, or perhaps the vendor at the local hotel. But these are the type of local decisions as provided by that same clause in which we entered Confederation, that we respect that local option that has been in place for the better part of 131 years.

So I ask all members at this table to consider very, very carefully this particular amendment because it does not change the intent of the bill. All it does is allow the flexibility to the municipalities because, as it is written currently, it does not allow for that flexibility. All this act allows for is a yes or no with all classes of licensee in one. That, Mr. Minister, is not in

keeping with the times, and it is not recognizing the diversity to which we have heard at the public consultations that were carried out last year under a review of the MLCC, nor were they the opinion of those presented before this committee on the 14th of June.

So, with those opening remarks, I would appreciate colleagues' input from both sides of the table.

Mr. Chairperson: We have reached an order of the day, a quarter to 12. I would like to canvass the committee as to how much longer we should sit. What is the will of the committee?

An Honourable Member: Let us sit till we go clause by clause.

Mr. Smith: I move that we continue, as members have stated to continue, and complete clause by clause.

Mr. Chairperson: It is agreed that we will continue until we are finished clause by clause.

Mr. Laurendeau: We cannot go beyond one o'clock.

Mr. Chairperson: We will continue with clause by clause. That seems to be the agreement.

Mr. Smith: Thanks very much, Mr. Chair, and I would like to thank the member for his amendment as proposed. Just a few comments in terms of the amendment as opposed to what was originally drafted and presented.

The standardization of the hours, control, and regulation. Many of our municipalities throughout the province of Manitoba are side by side, even in townships and facilities, in many locations throughout the province. Regulation of the hours is certainly something that has been brought forth often as a positive for regulating and a fairness for all municipalities. The many that are side by side in many jurisdictions in many municipalities, they would not want to put them at a disadvantage.

Certainly, the Association of Manitoba Municipalities appreciates that the understanding of the proposed changes is to retain the rights to

prohibit the sale of alcohol through referendum. We are very conscious of that in the reply to the committee and, in fact, appreciate that the amendments allow municipalities to make their own individual decisions on the issue; and, if the municipalities prefer, they can prohibit the sale of alcohol on Sundays through by-law. Certainly the AMM reflects a great deal of the province of Manitoba and brings issues forward regarding all the municipalities outside, and including, the Capital Region, that are reflective of the way the bill is drafted presently as being a positive in their statement.

With the amendments as proposed, the large amount of municipalities throughout the province that have considered and looked at the bill had not highlighted, or had an issue with that piece of legislation, in fact, supported it as drafted. So I would say that consultations by the AMM are pretty extensive. It is a pretty good indicator in their comments regarding this issue that they reflect positively on the bill and that piece as drafted.

Mr. Sale: I appreciate the intention of the member in bringing forth the amendment, and I understand the concern that he is raising, but I think that we have to remember the process that we went through in getting to this stage with a very long consultation process undertaken by a quite independent consultant who talked with AMM in which there were public hearings, there were opportunities for people to make their cases known, and I think all of us, particularly members from rural areas which I am not, but I know the Member for Portage (Mr. Fauschou) is and the Member for Ste. Rose (Mr. Cummings) is well aware, I guess, of the confidence with which AMM represents its members. I guess I read this letter this morning as essentially endorsing the Government's legislation and not requesting the kind of flexibility that I think often is used to set one community against another as opposed to having a uniformed approach across the province.

No, I understand the intentions of the member and his good intentions, but I think that the proper representation on this issue surely comes from AMM. I do not see anything in the letter that we have received this morning suggesting that such an amendment should be

put forward. I think the main concern in most communities would be whether they want to have Sunday opening or not. I think that is the sort of issue that often attracts people on a sort of moral or ethical ground, but the regulation within municipalities, especially in situations, Gimli for example, where the R.M. and the town are virtually cheek by jowl in terms of main streets and establishments, I think what we would wind up with would be something that will be totally baffling to the public, a hodgepodge of hours and regulation which would be very difficult both for the vendor community to explain and for the public to accept. I think it is fairly clear whether it is open or closed but open for this set of hours and closed for that set in this town, but under a different set of hours in this town, I do not think is something that AMM wants. So I would not challenge the intention of the member, but I do think that, if AMM wanted such amendments, they would have made it known to us some time back. So far as I am aware, they did not do so.

Mr. Faurschou: I appreciate the ministers' comments, both the Family Services and Consumer and Corporate Affairs, and I do appreciate and thank the ministers for showing respect and recognition of the AMM as an organization. I would, though, like to ask specially, if the AMM were to endorse flexibility within classes within their own jurisdictions, I would then look to the ministers as being in support then of this amendment. I do appreciate their comments.

Mr. Chairperson: Shall the amendment pass?

Some Honourable Members: Pass.

Some Honourable Members: No.

Mr. Chairperson: Yeas and Nays.

Mr. Cummings: I would like to just make one comment before we move forward. The example that Minister Sale used in the town of Gimli, in fact, even with the bill as written, you still could have two different situations almost cheek by jowl. So, in that sense, the argument my colleague made is still valid, would add a bit more discretion to the municipalities involved.

* (11:50)

Voice Vote

Mr. Chairperson: We will go back to Yeas and Nays on Mr. Faurschou's amendment. All those in favour, please say yea.

Some Honourable Members: Yea.

Mr. Chairperson: All those opposed, please say nay.

Some Honourable Members: Nay.

Mr. Chairperson: In my opinion, the Nays have it.

* * *

Formal Vote

Mr. Laurendeau: A recorded vote.

Mr. Chairperson: A recorded vote has been requested, or a count-out.

A COUNT-OUT VOTE was taken, the result being as follows: Yeas 4, Nays 6.

Mr. Chairperson: The amendment is defeated.

* * *

Mr. Chairperson: Clause 5—pass; Clause 6—pass; Clauses 7 and 8.1—pass; Clauses 8.2, 8.3, 9.1, 9.2 and 10—pass; Clauses 11, 12.1, 12.2 and 12.3—pass; Clauses 12.4 and 12.5—pass; Clauses 13, 14.1, 14.2 and 15—pass. Shall clauses 16.1, 16.2?

Mr. Laurendeau: I have got an amendment after 16.2, in between 16.2 and 17.

Mr. Chairperson: Then we will deal with them separately. Clause 16.1—pass; Clause 16.2—pass. Clause 17.

Mr. Laurendeau: If you will just wait a minute, while the printer is warming up. I cannot even speak to it. There is one slight change. Can I speak by leave to it? No?

Mr. Chairperson: I am advised that we have not seen the amendment, so you cannot speak until we see it.

Mr. Laurendeau: Can I just talk for the heck of it then? [*interjection*] This will be normal.

I think we can talk on something else at this time. That is one of the issues that we have around the province of Manitoba. We are the only place that has these committees that will review all the legislation. We have the opportunity to make positive legislation for exactly that reason, that we have a time to think about the representation that was made at the committee, as well as to go out on our own and hear from the public on input. There are certain issues that we hear at committee from time to time. One that I think I heard loud and clear on Thursday night from Mr. Ledohowski was that he saw a need for reinforcement on the trespassing side.

Within my constituency we have had people who have been banned from the facility, have come back and have actually shot the place up. We have had people who are banned from the place who actually are the ones who cause all the trouble and keep coming back. They know who they are, but they have no tools at this time to keep them off the property, which makes it very difficult for an establishment either in my constituency or downtown to actually get some of these rowdies out, even though you know who they are.

We have had some who have been banned for five and six years, and at least once a week they are being thrown back out again, and there are no real teeth in the law that gives the bar owners or the establishments any way of getting rid of them.

So, you know, I think it is interesting that we have here today an opportunity to look at the positive aspects of what we heard at committee. I know the minister heard Mr. Ledohowski's speech and his plea for assistance. We pass legislation to make it tougher on some of these people, yet we do not give the tools necessary to the establishments to get rid of this unwanted clientele. They are unwanted. They are the ones who cause the grief. They are the ones who go in

and drink beyond what they should drink, and then they drive their vehicles home. In some cases, a lot of them do not even have drivers' licences, but they still manage to get in that car and drive on home. In some cases, they do not have residence to speak of, but they tend to be able to give a bad name to an area and a bad name to an establishment.

If we want these establishments to clean up, we have to give them the tools to clean up. I am looking forward, in the very near future, to bringing forward possibly an amendment that would deal with exactly that stand, if he can print it a little quicker.

I think at this time I am prepared to move an amendment, Mr. Chairperson, as soon as we get more than three copies.

So, Mr. Chair, I am happy that we have the process that we do have in Manitoba, not that we always agree from one side to the other. You may disagree with what we bring forward, but at least we have had the opportunity to discuss those initiatives, even though we think we are right all the time and you are wrong and that we have many more positive changes that we would make to legislation than you are making.

But we can understand where you are coming from. This is just the way you think. I mean, we saw how you voted on the last one. You do not support the initiative of giving communities more strength. We do. We believe in the municipalities. We believe in the councillors. We think they should have the tools necessary to do their job. You do not. I mean, you put that on the record today. It was straight and to the point. Coming from a minister who used to be one of those councillors, to not support the councillors out there today was very irresponsible, completely.

I was a councillor at City Hall back in '88-89. We took stands back then for our community. We had a lot of powers, but we asked for extra powers so that we could make some of those positive changes. Some of them we had requested back in '89 were around The Liquor Control Act, so that we could clean up some of the downtown. I do not see anything in

this bill that will really do any of that, what we requested in cleaning up the downtown.

As a matter of fact, some of the presentations I heard on Friday night were saying that some of Mr. Sale's clients were going to have a place to attend. That is what he wanted to do, was give them a place to attend, is what he was saying. I had to disagree with that stand. I mean, I think Mr. Sale should find a lot better place for them to attend than a bar.

I think, if they need help, it should not be given to them in the bar. They should find another avenue. Housing them in those facilities is not the proper avenue to go. Yes, I disagree with a lot of where the Government is going in this type of legislation, and I sure wish the printers and photocopiers would work a lot faster.

* (12:00)

Mr. Cummings: Well, this basically falls along the question that I asked the minister to begin with. There is certainly no disgrace or no harm in the minister considering an appropriate and useful amendment to a bill. Certainly, we would want to claim some credit for having brought it forward, but I think this is a type of an amendment that is not necessarily owned by any one party. This act, we do not see opened very often. It is an opportunity to look at some improvements that I think responsible operators were looking for, and frankly, far too infrequently, we get useful suggestions brought forward, and we think, because they came forward in what is, by tradition, an adversarial system in our discussions around legislation, that we are duty-bound to reject them. Having lived through a minority situation, I realize that there can be mischievous amendments made that can cause grief and are deliberately intended to create difficulty for whoever might want to administer an act.

If the minister had or legal counsel that support him have any legitimate concerns about the operation of this amendment, then I would like to hear them. I think it is a useful amendment.

Mr. Laurendeau: Mr. Chair, I move

THAT the following be added after section 16 of the Bill:

16.1 That the following be added after subsection 96(3):

Persons required to leave

96(3.1) A person who is directed to leave a licensed premises under subsection (2)

(a) shall immediately leave the premises; and

(b) if the person has been given an oral or written notice to that effect by the licensee, shall not enter the licensed premises again except with the prior approval of the licensee.

Assistance from a peace officer

96(3.2) The licensee may, in order to maintain order in licensed premise or to enforce a notice given under clause (3.1)(b), require adequate assistance from a peace officer.

Offence

96(3.3) A person who contravenes this section is guilty of an offence.

Court order relating to offence

96(3.4) When a person is convicted of an offence under subsection (3.3), the court may, in addition to imposing a fine, make an order having one or both of the following effects:

(a) prohibiting the person from entering the licensed premises in respect of which the offence was committed;

(b) requiring the person to comply with any conditions the court considers appropriate in the circumstances for securing the person's good conduct and for preventing the person from repeating the same offence or committing other offences.

Mr. Chairperson: I regret to advise the member that amendment 16.1 that he has proposed, is beyond the scope of the bill before us. In other words, it is out of order.

Mr. Sale: Mr. Chairperson, we just want to say to all members of the committee that I think we were all impressed by Mr. Ledohowski's

concerns. I think that the member from St. Norbert has made a very good case that communities deserve the same kind of protection from people who are committing offences of whatever nature outside a licensed premise, as schoolchildren deserve, in terms of protection on a school playground outside the school.

I think that while it is regrettable that this particular amendment is out of scope, it also may have some other drafting issues in it. I should tell all members that the Government also is considering an amendment in this regard, and that having looked at some of the draft wording, they are quite different, but intend to accomplish the same purposes. Therefore, what we would like to do is indicate to the committee that we would make efforts to resolve some of the drafting and scope questions, although that may be difficult in regard to report stage, but if that is not possible to do, then we would commit to bring in legislation in the fall sitting that would address this issue. I think there is virtually unanimous agreement that ought to be done.

I appreciate the efforts of both the minister and the Opposition to raise this issue before the committee.

Mr. Laurendeau: I still have difficulty not seeing why we could not seek leave of the committee to bring this forward. I think six months from now. We can have some more shootings within my community. I do not want those to happen anymore. I want the power to be there for these associations to be able to deal with this very difficult situation. I do not think we have six months. We have been dealing with this on and off for a long time. It is not getting better. It is getting worse. The sooner we deal with it, the better. At least this is a tool that we know works. It has been working in The Public Schools Act. This is exactly the version that Mr. Ledohowski had asked for; that was to copy it over from The Public Schools Act directly over to this act.

It is a tool that would work in the meantime, until the Government could see fit to bring in something that they said would work. I would like to seek leave, Mr. Chair, to bring forward this amendment at this time, and at least attempt to deal with this one motion. We can always deal

with the matter later in the fall session to bring in another tool if the Government so sees fit.

Mr. Chairperson: The member has asked for leave of the committee. Is there leave?

Some Honourable Members: No.

Mr. Chairperson: Leave has been denied.

Mr. Faurschou: That is the question I was going to ask. Do all committee members recognize that this committee has the power, by unanimous consent, to accept this and bring this into scope, which is all ready?

Mr. Smith: Mr. Sale has identified a number of the issues that I have been wanting to raise for concern. Certainly, we have all heard Mr. Ledohowski in some positive changes that he had mentioned. Unfortunately, being out of scope—and certainly, we had considered the issue and looked very strongly at the issue with legal counsel. Considering ourselves of some of the information we are provided, some of the considerations we had were very, in fact, extremely similar, but do have some differences. Quite frankly, the drafting issue—the minister has already indicated we would be willing to come back and consider this issue. We believe it is very important as well. The members have a good draft here, but I know we all want to do it properly.

Mr. Chairperson: Shall clause 17 pass?

Some Honourable Members: Pass.

Mr. Chairperson: Clause 17 is accordingly passed.

Mr. Faurschou: Clause 17? You were working on 16.

Mr. Chairperson: It is passed.

Mr. Faurschou: I would like to propose an amendment to Bill 24, The Liquor Control Amendment and Consequential Amendments Act,

THAT the following be added after section 17 of the Bill:

17.1(1) *The following be added after subsection 111(1).*

Sale of wine by specialty wine store to another 111(1.1) Nothing in this Act or the regulations prevents the operator of a specialty wine store from selling to the operator of another specialty wine store a product offered for sale to the public in the first operator's store. In such circumstances the second operator is deemed to have purchased the product from the commission.

17.1(2) *Subsection 111(6) is amended in the part before clause (a)*

(a) *by striking out "or wine manufacturer who" and substituting ", wine manufacturer or specialty wine store operator who"; and*

(b) *by adding "or a product or products offered for sale by the specialty wine store" after "manufacturer,".*

17.1(3) *Subsection 111(7) is amended*

(a) *by striking out "or wine manufacturer who" and substituting ", wine manufacturer or specialty wine store operator who"; and*

(b) *by adding "or a product offered for sale by the specialty wine store" after "manufacturer,".*

17.1(4) *The following is added after subsection 111(7):*

Complimentary sample to prospective buyer

111(8) Nothing in this section prevents a specialty wine store operator who is otherwise in compliance with this Act and the regulations, or an officer, employee or agent of the operator, for the purpose of promoting a product offered for sale by the specialty wine store, from giving a complimentary sample of no more than 50 mL of the the product to a prospective buyer of the product for consumption in the specialty wine store premises.

Mr. Chairperson: I regret to advise the member that the amendment is out of order as the subject matter in the proposed amendment is beyond the scope of the bill before us.

* (12:10)

Mr. Faurshou: I do realize and have been advised by leg counsel that this is out of scope. However, I will seek unanimous consent of the committee; that is, we as legislators have the responsibility to act on the recommendations which we have heard. The specialty wine stores are in competition with the MLCC-owned liquor marts. In this bill, we are acting on the parameters of operations of MLCC- owned and operated liquor marts. On that premise, in order to remain competitive, there has to be some changes made into the operation of the specialty wine stores. On that specific note, this amendment is very much within the scope of this bill, because when you are changing parameters for one entity and not changing them for the other, then we as legislators must step forward and represent our constituents—

Mr. Chairperson: Excuse me, Mr. Faurshou. Your amendment was ruled out of order and, therefore, you can challenge the ruling of the Chair but you do not have the right to speak.

You are asking for consent. Let us deal with that. Is there leave?

Some Honourable Members: No.

Mr. Chairperson: Leave has been denied.

Clause 17—pass; clause 18—pass; clause 19—pass.

Shall clauses 20, 21, 22, 23, and 24 pass?

Mr. Faurshou: I want to ask the minister: In regard to other acts, in making this in harmony with other acts, does this act use language that corresponds with the Sunday opening law that has been passed in this province?

Mr. Smith: The simple answer is yes.

Mr. Chairperson: Clauses 20, 21, 22, 23, and 24—pass; the enactment clause—pass.

Shall the title pass?

Some Honourable Members: Pass.

An Honourable Member: No.

Mr. Chairperson: We had some noes.

Voice Vote

Mr. Chairperson: All those in favour of passing the title, please say yea.

Some Honourable Members: Yea.

Mr. Chairperson: All those opposed, please say nay.

Some Honourable Members: Nay.

Mr. Chairperson: In my opinion, the Yeas have it.

Formal Vote

Mr. Faurshou: I would like a recorded vote, please.

A COUNT-OUT VOTE was taken, the result being as follows: Yeas 6, Nays 4.

Mr. Chairperson: The title is accordingly passed.

* * *

Mr. Chairperson: Shall the bill be reported?

Some Honourable Members: Agreed.

Some Honourable Members: No.

Voice Vote

Mr. Chairperson: All those in favour, please say yea.

Some Honourable Members: Yea.

Mr. Chairperson: All those opposed, please say nay.

Some Honourable Members: Nay.

Mr. Chairperson: In my opinion, the Yeas have it.

Formal Vote

Mr. Laurendeau: Let us try it one more time. A recorded vote.

Mr. Chairperson: A recorded vote has been requested.

A COUNT-OUT VOTE was taken, the results being as follows: Yeas 6, Nays 4.

Mr. Chairperson: The bill is accordingly reported.

* * *

Mr. Chairperson: Shall the committee rise?

Some Honourable Members: Rise.

Mr. Chairperson: Committee rise.

COMMITTEE ROSE AT: 12:16 p.m.

**WRITTEN SUBMISSIONS PRESENTED
BUT NOT READ**

Re: Bill 24.

The AMM has reviewed the proposed amendments to *The Liquor Control Act* contained in Bill 24: *The Liquor Control and Consequential Amendments Act*. The AMM understands that this legislation will allow the sale of alcohol on Sundays across Manitoba. As well, the AMM understands that municipalities will be able, by by-law, to prevent Sunday sales in their municipalities. It is also our understanding that under the proposed changes municipalities retain the right to prohibit the sale of alcohol through referendum.

We appreciate the amendments that will allow municipalities to make their own individual decisions on this issue and, if the municipalities prefers, can prohibit the sale of alcohol Sundays through by-law.

The AMM supports this provision and we would appreciate this letter being forwarded to the Standing Committee on Law Amendments meeting on Monday, June 18, 2001, for their consideration.

Thank you for providing this amendment to *The Liquor Control Act*.

Sincerely,

Joe Masi
Director of Policy and Research
Association of Manitoba Municipalities