

Fourth Session – Forty-Second Legislature
of the
Legislative Assembly of Manitoba
Standing Committee
on
Social and Economic Development

Chairperson
Mr. Dennis Smook
Constituency of La Vérendrye

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MANITOBA LEGISLATIVE ASSEMBLY
Forty-Second Legislature

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LEGISLATIVE ASSEMBLY OF MANITOBA
THE STANDING COMMITTEE ON SOCIAL AND ECONOMIC DEVELOPMENT

Wednesday, November 2, 2022

TIME – 7 p.m.

LOCATION – Winnipeg, Manitoba

CHAIRPERSON – Mr. Dennis Smook
(La Vérendrye)

VICE-CHAIRPERSON – Mr. Brad Michaleski
(Dauphin)

ATTENDANCE – 6 **QUORUM** – 4

Members of the committee present:

Hon. Mr. Pivniuk, Hon. Ms. Squires

*MLA Marcelino, Messrs. Michaleski, Smook,
 Wiebe*

APPEARING:

Ms. Cindy Lamoureux, MLA for Tyndall Park

PUBLIC PRESENTERS:

*Bill 43–The Disclosure to Protect Against
 Intimate Partner Violence Act*

Debra Danco, Canadian Centre for Child Protection

Bill 46–The Highway Traffic Amendment Act

Roland Boille, RB Telecom Solutions

WRITTEN SUBMISSIONS:

*Bill 40–The Hospitality Sector Customer Registry
 Act and Amendments to The Child and Family
 Services Act and The Child Sexual Exploitation
 and Human Trafficking Act*

*Lianna McDonald, Canadian Centre for Child
 Protection*

Hunter Doubt, Expedia Group

Emmett O'Keefe, Booking.com

MATTERS UNDER CONSIDERATION:

*Bill 40–The Hospitality Sector Customer Registry
 Act and Amendments to The Child and Family
 Services Act and The Child Sexual Exploitation
 and Human Trafficking Act*

*Bill 43–The Disclosure to Protect Against
 Intimate Partner Violence Act*

Bill 46–The Highway Traffic Amendment Act

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Mr. Chairperson: Good evening. Will the Standing Committee on Social and Economic Development please come to order.

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

Hon. Doyle Pivniuk (Minister of Transportation and Infrastructure): Mr. Chair, I nominate Mr. Michaleski.

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

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

This meeting has been called to consider the following bills: Bill 40, The Hospitality Sector Customer Registry Act and Amendments to The Child and Family Services Act and The Child Sexual Exploitation and Human Trafficking Act; Bill 43, The Disclosure to Protect Against Intimate Partner Violence Act; Bill 46, The Highway Traffic Amendment Act.

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

Written submissions from the following persons have been received and distributed to committee members: Lianna McDonald, Canadian Centre for Child Protection, on Bill 40; Hunter Doubt, Expedia Group, on Bill 40; Emmett O'Keefe, billing.com, on Bill 40–billing.com? Oh, booking–sorry, Booking.com, on Bill 40.

Does the committee agree to have these documents appear in the Hansard transcript of this meeting? *[Agreed]*

Prior to proceeding with public presentations, I would like to advise members of the public regarding the process for speaking in a committee. In accordance with our rules, a time limit of 10 minutes has been allotted for presentations, with another

five minutes allowed for questions from committee members.

Questions shall not exceed 30 seconds in length, with no time limit for answers. Questions may be addressed to presenters in the following rotation: first, the minister sponsoring the bill; second, a member for the official opposition; and third, an independent member.

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

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

Thank you for your patience. We will now proceed with public presentations.

**Bill 43—The Disclosure to Protect
Against Intimate Partner Violence Act**

Mr. Chairperson: I will now call on Debra Danco.

Ms. Danco, are you on the screen? Can you hear us?

You may proceed with your presentation when you are ready.

Debra Danco (Canadian Centre for Child Protection): Good evening, Chairperson and distinguished members of the committee. Thank you for the opportunity to present on Bill 43.

Tonight I am speaking with you from Treaty 1, the territory of the Cree, Anishinaabe, Oji-Cree, Dakota, Dene people and Homeland of the Métis people.

My name is Debra Danco and I am a senior associate counsel with the Canadian Centre for Child Protection. I am here to express our overall support for the aims of this bill and to speak to two aspects of the bill, namely the definition of intimate partner violence and the bill's protection of children from sexual violence.

The Canadian Centre for Child Protection is a registered charity, operating nationally out of Winnipeg. It is dedicated to reducing the sexual abuse and exploitation of children. For the last 20 years, we have

operated Cybertip.ca, Canada's national tip line to report the online sexual exploitation of children.

The centre is also designated under regulations pursuant to two Manitoba laws: The Intimate Image Protection Act and The Child and Family Services Act. Under these designations, we receive and respond to requests for assistance from Manitobans impacted by the non-consensual distribution of an intimate image and we also receive reports of child sexual abuse material, or CSAM, from Manitobans.

By operating Cybertip.ca, we bear witness to the horrific offences occurring online against both children and adults, especially during the COVID-19 pandemic. And each month, we hear from Manitobans who are concerned about something happening to them or their child online.

A person impacted by or concerned about CSAM or the non-consensual distribution of an intimate image can contact us in a variety of ways. The assistance we offer varies depending on the circumstances but, in general, Cybertip will assist victims in the removal of their images and videos from public display, connect them to community supports and also provide victims with basic information about legal avenues that might be available in their case, such as peace bonds and civil actions.

The first point I wish to make is that Bill 43 should clearly incorporate technology-facilitated intimate partner violence, such as the non-consensual distribution of an intimate image, in its definition of intimate partner violence.

That definition specifically means a number of forms of abuse that are important to cover, such as sexual abuse, psychological abuse and threatening or actually harming an animal. We would like to see the same unambiguous recognition of technology-based sexual violence. Technological aspects of intimate partner violence must be recognized and addressed in all legislation and services seeking to combat this scourge.

We're all too aware that a violent or abusive partner does not need to be in physical proximity to create fear, harass or control their partner. Intimate partner violence via technology includes: non-consensual distribution of intimate images, including sexual deep fakes which involve the use of artificial intelligence to make it look like the person is involved in a sexual act that they are not; threats to distribute intimate images; threats to distribute photoshopped

images of the victim; persistent and harassing messages, which can also be sent anonymously and using multiple online accounts; impersonating a victim online; doxing, which is the release of private information about the victim on the Internet; tracking or surveilling the victim through technological means; and voyeuristic recordings, including the threatened or actual distribution of the recording.

We are concerned that without listing these forms of intimate partner violence or including a clause that states that intimate partner violence may be perpetrated in person or through digital means, there is a risk that not all decision makers will appreciate that digital violence is intimate partner violence.

For example, we often see that the distribution or threatened distribution of an intimate image happens in conjunction with other violent or controlling behaviour, and that the threat on its own is a very powerful way to influence behaviour and engender fear. Yet, in our experience, technology must be specifically called out or people will only think in terms of physical violence.

* (19:10)

Our second recommendation is that the definition of intimate partner violence be expanded to cover human trafficking as defined in The Child Sexual Exploitation and Human Trafficking Act. Traffickers will sometimes deliberately foster intimate relationships with their victims, and use the context of the relation to manipulate, coerce and control their victims.

We think this would be an important inclusion because Manitoba, like other provinces in Canada, has witnessed a rise in human trafficking of minors and adults. Winnipeg specifically is one of the stops on the Trans-Canada Highway human trafficking corridor.

Another aspect we wish to address is the inclusion of the abuse of a child in a Clare's Law regime. This is groundbreaking, and it is a move we wholeheartedly support. The law is clearly intended to protect the intimate partner's child, and consistent with that purpose, we respectfully suggest that consideration be given to defining child abuse separately, so that there is no room for doubt that an application for disclosure can be made whether the person believes they are at risk for intimate partner violence, or they believe their child is at risk for child abuse, as defined in the law.

The reason we feel strongly about this is we know that some individuals with a sexual interest in children will seek out single parents in order to gain access to

a parent's child. The sexual abuse of a partner's child can be framed as violence against the partner, but that is not what is commonly understood by the term intimate partner violence, and positioning it as such may create confusion.

Bill 43 is an excellent start, and tackles some important scenarios, but there are other scenarios where disclosures to prevent sexual violence against children would be welcome. Parents need information to help them determine who is safe for their child to be around. We urge Manitoba to consider developing a specific law tailored to child protection through disclosure of information in certain circumstances which more closely mirror the unique risks to children.

For example, it is not sufficient that only current or former intimate partners of the child's parents can be the subject of disclosure information. Children may also be put at risk by other adults, such as a parent's roommate who also lives in the child's home, may be alone with the child and would be perceived by the child as being in a position of trust or authority.

Our province is a leader in having a Child Abuse Registry. But that registry is primarily designed for use by child-protection agencies, and in some cases employers. We are not suggesting that the registry should be open to just anyone, but there is an opportunity to consider leveraging the information within this registry through a Clare's Law designed for children.

The application process could be similar to Bill 43, and incorporate privacy safeguards, but be more tailored when there is a risk of sexual or other violence towards a child from a specified class of individuals not limited to intimate partners. Implementing this recommendation will require further consultation from all perspectives, keeping in mind the safety and security rights of the child, as well as individual rights such as privacy.

Before closing, I wish to briefly address the regulation, overall it is our hope that our regulations—the regulations will reflect processes that are trauma informed, and that different avenues will be available to accommodate the applicant's abilities, language, safety and other circumstances.

In conclusion, we believe Bill 43 is an important and innovative law that will make Manitoba a safer province, and we hope to see technology-based intimate partner violence and human trafficking clearly

brought into scope, as well as more tailoring to the unique situation of children.

Thank you for your time and consideration.

Mr. Chairperson: Thank you for your 'presentations'—presentation, Ms. Danco.

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

Hon. Rochelle Squires (Minister of Families): Thank you very much, Ms. Danco. And I had the opportunity to visit the centre not too long ago and see the good work that you do, and I just cannot express my gratitude enough for the work that you do on keeping children safe. And I know how hard that work is, and I trust that you and all your staff and your team at C3P are taking good care of yourselves because it is quite challenging work.

You've brought some really, really good amendments, and I just commit to you that we will certainly look at these amendments so that we can have the strongest legislation possible to protect children.

D. Danco: Thank you for that.

MLA Malaya Marcelino (Notre Dame): Yes, Ms. Danco, I also want to thank you from the bottom of my heart for all the work that you do and that your organization does to protect our children here and across man—and across Canada.

I also wanted to echo the minister's remarks about these recommendations that you've suggested. They're all excellent and very detailed, and obviously stem from your vast experience on this day-to-day type of work that you do here for our children.

I wanted to just ask you a little bit about the technology-based—

Mr. Chairperson: The member's time has expired. There's only 30 seconds allowed for questions.

Is there leave to allow—*[Agreed]*

Leave has been granted.

MLA Marcelino: Ms. Danco, I just wanted to briefly ask: Are there any other jurisdictions that have included this type of technology-based violence in your experience?

D. Danco: I don't specifically remember seeing that when I did look at the other bills.

I do know that this is something that the federal government dealt with. In 2019, they brought cyberbullying legislation, and one of the things they

did was clarify that communication can happen through digital means. So, that could be one model of doing it.

I believe I also saw some other legislation, not specifically the Clare's Law, but another piece of legislation in Saskatchewan that said that sexual violence could happen in person or through digital or electronic means.

So, there's some precedent for it, but I can't point to a specific other provincial piece of legislation that's parallel to what Manitoba is looking at right now.

Mr. Chairperson: Ms. Lamoureux, do you have a question?

Ms. Cindy Lamoureux (Tyndall Park): I'd just like to echo the thoughts that my colleagues have already shared and thank Ms. Danco for her presentation. I think it's a really important point and we should be bringing forward an amendment on it.

And just thank you for helping educate us as legislators a little bit more on the role that technology actually plays in intimate partner violence, as well. I believe this is actually growing because of all the technology and the advances that we continue to make, and this is one way that we can, ideally, be preventative.

So, thank you for your comments.

Mr. Chairperson: That concludes questions we have for Bill 40, and concludes presenters we have for Bill 40. We will now move to present—oh sorry—for 43. My mistake. It was for—Ms. Danco presented on Bill 43.

Bill 46—The Highway Traffic Amendment Act

Mr. Chairperson: We will now move to presenter for Bill 46.

Roland Boille, are you there? Are you ready?

Roland Boille (RB Telecom Solutions): Yes, can you hear me? I don't know if my camera is working. I'm having a problem with my camera for some reason.

Mr. Chairperson: Your voice is coming in fine.

There, we can see you now. You may proceed with your presentation, Mr. Boille.

We lost your audio now. We have your visual, but we don't have an audio for you. Nothing is coming.

R. Boille: Sorry.

Mr. Chairperson: Now we can hear you.

R. Boille: Okay. Let's try this again. Can you hear me now?

Mr. Chairperson: Yes. Please proceed, Mr. Boille.

* (19:20)

R. Boille: Okay, so my name is Roland Boille. I'm the owner of RB Telecom Solutions in Brandon. In reference to Bill 46, I see Bill 46 has the potential to create chaos during all kinds of emergencies.

The law appears to be vague when dealing with providers that need to operate these situations, but are not included or labelled as emergency vehicles. Bill 46 should be more specific as to who qualifies as the operator of infrastructure equipment, or have other classifications included.

During these times, it would be impractical or possibly impossible to get permissions via the police to travel on a closed road. I have worked for the telecom industry for many years, and now I am a contractor for it. I am called by the telecom providers to provide assistance during unforeseen emergencies: events such as storms, floods, power failures, during the summer or winter.

This was prevalent during the pandemic, and various snowstorms and flooding events. Road closures in an emergency maybe require a specialized person in the following fields, just to name a few: the cable and fibre industry, telecom services, electricians or electrical contractors, doctors, medical staff in rural areas and refuelling services.

Why would a professional, a company or a contractor put themselves in such a situation as to fight an infraction in court instead of just to say, sorry, but no. How do you address when a load-road is closed but there is still some vehicles that have yet reach their destination prior to the road closure? This has happened to me before.

A bit of general information on the cellular systems: cellular phone, sites typically have towers every 30 kilometres or so; operate on hydro during normal hours, when-then on batteries. Some major sites may also have generators during hydro outages. Cellular and fibre communications systems have limited operating times from hours to a few days, depending on the configurations with batteries, generators and fuel capacity.

Cellular 911 uses cellular towers, and may use microwave sites and fibre sites. Fibre sites feed vast

amounts of data across the country, affecting TV, cellular, 911, possibly police and fire department. And we've noticed that with Rogers when they went down. A lot of people were affected.

The domino effects can happen during emergency outages, which could affect a very large area, from town to province to country. Technicians or contractors would be dispatched if possible to restore or keep communication systems functional. This is especially critical for 911, since now most people use cellphones, as land lines are mostly gone.

Within the fibre communication infrastructure, again extended power failure and/or generator failure because of loss of fuel could cause province- or countrywide outages and affect data, voice or video communications.

Bill 46 doesn't appear to account for such issues or clearly indicate who might classify it as an operator of emergency vehicles or operator of instructing equipment. During many storms or emergencies, I've—have had the opportunity to provide assistance or service to keep telecommunications such as cellular, fibre and Internet systems operational.

Perhaps a yellow beacon or more visible system would be appropriate in these types of situations. Or perhaps Autopac or driver's licence, some sort of a code on it might specify. I don't know.

That's all. Thank you for your time.

Mr. Chairperson: We thank you for your presentation, Mr. Boille.

Hon. Doyle Piwniuk (Minister of Transportation and Infrastructure): Mr. Boille, thanks again for your presentation tonight. It's very valuable for situations like your own.

When it comes to this bill, Mr. Boille, it wasn't intended to, you know, to get fines to people who are on the roads. It was more for the safety of people who were on those highways, that go on the highways and put other people—especially professionals like EMS providers—at risk, and that includes paramedics to fire-fighters to police officers.

And because of the situation that you've explained to us, because we can't list of all essential—because everybody might think their job is essential. And so this where the—

Mr. Chairperson: The minister's time has expired. We've only got 30 seconds for questions.

Is there leave for the minister to—?[Agreed]

Mr.—the Honourable Mr. Piwniuk, you may continue.

Mr. Piwniuk: Okay, yes, thanks Mr. Boille. And I'll keep it quick here.

Basically, what it is, basically, is that when you have a situation like your own, this is where you go, like, there—when the roads are closed there's going to be signage. But there also is going to be RCMP officers.

But if it's essential service like to provide cell service, that'll be something that the police will have their discretion to allow you to go and make sure that you provide, when it comes to cell service, especially for emergencies.

These are kind of examples that would probably be able to be—warrant for you to get on the roads if, again, if it's safe. But also at the same time, don't forget, if it's—a storm is forecast, hopefully that, you know, it gives you a couple days ahead of time to make sure that if there is fuel that has to be put in those locations, we would really recommend you to do that at that point.

But, at the same time, we still want to keep you safe, too, along with other people who are on the highway who are providing emergency services.

Thank you, Mr. Chair.

R. Boille: Yes, the problem is—isn't the—this has happened a lot of times, is when the roads are closed, there is no police—usually, there is no police there, and so you end up going there.

These generators, if they're running, if you have to refuel them, they—we've had generators running for four or five days because of the storm, and you can't—there's just not enough fuel at the site to provide that much power.

And if—like I said, if a fibre site goes offline, you can affect all of the country because they run along the tracks and they affect Telus, Bell, the whole system. And they run on generators, but they only have maybe one or two days of service, that's it.

So, this is why it's important if the police—I'm not sure if the police would know what to—you know, how to determine that. That's the thing is—I don't want to have to go to court because I got a ticket because of this.

Mr. Matt Wiebe (Concordia): Thank you, Mr. Boille, for taking the time to come present here to committee.

Thank you for the work that you do. It's so important, and I appreciate you giving us that perspective, you know, because as you said, I mean, cell service is absolutely essential right now.

Based on what the minister has said and your reading of the bill, I think you've already answered this, but if there was a road closure and you were instructed to go—or, you, as part of your job, were instructed to go through that barricade onto a closed highway, under this current bill as it stands now, would you feel comfortable doing that?

Would you break the law? Would you take that risk of going to court—or, I guess, what would your decision be in that case?

Mr. Chairperson: Mr. Boille, do you have an answer for that?

R. Boille: Yes, I've gone on the road a number of times. In fact, last year when we had that storm for four or five days, we had to refuel the generators. And the company will call and they'll say, can you go there? And—because they can't get the other tech to go there, and so you—they subcontract you to do that, to refuel.

The problem is, is that I don't know that I would feel like—I would be scared of getting a ticket because I don't know if the police would say, well, you know what, sorry, but—depending on the day he's having, he might say, sorry, but you know, you're breaking the law. And that's happened, you know.

So, I don't want to have a bill that says—and it just leaves it to the police to make that decision. It should be something that says, you know, if you're doing something in—as an emergency type of a person, then that should say that on the bill and it gives that—that way it doesn't leave it to somebody trying to make a decision on that particular time. And that's the problem.

I have done it a number of times where I've had to go. You just have to slow down. During this—the flood, there was some places that were inaccessible via normal vehicle and I had to go there and refuel the—that particular site. I've had to do that on a number of occasions at the fibre sites, which is—like I said, this is really critical stuff.

And you ran out of power, you're affecting everybody on the—

Mr. Chairperson: Mr. Boille, your time has expired.

If you have—if you need a couple more seconds or something, we can—or, are you okay with that?

R. Boille: Yes, is there any more questions?

Mr. Chairperson: Time has expired for questions.

R. Boille: Oh, okay. So, I guess that's the thing is, is I'd like to see maybe—

Mr. Chairperson: No, we—once time has expired, that's it.

We have finished the presentation. We thank you very much for your presentation.

That concludes the list of presenters I have before me.

* * *

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

Mr. Wiebe: I think if we proceed in numerical order, that would—

Mr. Chairperson: It has been suggested that we proceed with the bills in numerical order. Is that okay with the committee? *[Agreed]*

We will proceed with the bills in numerical order.

* (19:30)

**Bill 40—The Hospitality Sector
Customer Registry Act and Amendments to
The Child and Family Services Act and
The Child Sexual Exploitation and
Human Trafficking Act**

Mr. Chairperson: Does the minister responsible for Bill 40 have an opening statement?

Hon. Rochelle Squires (Minister of Families): This proposed legislation will provide new measures to combat sexual exploitation and human trafficking, including sex trafficking, and to ensure that vulnerable children and youth are protected from harmful individuals.

I was very pleased to see support for Bill 40 during my second reading on Tuesday, and I want to thank all my colleagues for their comments, particularly in terms of this bill being a step forward in Manitoba's enduring commitment to stop child sexual exploitation, which began nearly 20 years ago with the launch of Tracia's Trust in December of 2002. Bill 40 continues those efforts by building on and strengthening Tracia's Trust.

The Department of Families had targeted discussions with a number of groups that informed the development of this bill. They included the Manitoba Hotel Association, the City of Winnipeg Vehicles for Hire branch, the Manitoba Association of Chiefs of Police and Winnipeg Police Service, child and family services authorities, agencies working with Tracia's Trust and the Advisory Council of Knowledge Keepers.

We also reached out to First Nation leaders on the proposed changes. We will be following up with them when we develop regulations and policies for Bill 30.

A few concerns were raised after Bill 40 received first reading this spring. One concern was that provisions to provide police access to hotel registries to combat human trafficking will directly harm sex workers by criminalizing their work and forcing them onto the street.

I want to emphasize that Bill 40 is not intended to criminalize sex workers. Instead, Bill 40 takes direct aim at child sex trafficking as a form of predation that is very different from consensual sex work. That is why we specifically excluded sex workers from the meaning of sexual exploitation and human trafficking in this legislation. Our government will work with law enforcement to ensure that Bill 40 is not misinterpreted or misused.

The customer registry provisions in Bill 40 are innovative in that they also include online accommodation platforms, such as Airbnb. However, we heard concerns from online brokers who, unlike short-term rentals, do not actually admit customers to occupying a lodge.

Their concerns make sense, and I thank them for their detailed explanations and for reaching out, so we will be moving forward with amendments to Bill 40 for consideration at this table tonight that will effectively exclude brokers from the registry requirements when online bookings are made clear. And we're very confident that this will not change the provisions or the protections for children by making those friendly amendments.

And with that, I thank the committee for considering this bill.

Mr. Chairperson: *[inaudible]* words.

Does the critic from the—*[interjection]*—oh, sorry.

Thank you, Minister.

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

MLA Malaya Marcelino (Notre Dame): Thank you to the minister and their department for putting this bill—very important bill through.

All people deserve to be safe from exploitation, trafficking and other forms of abuse and gender-based violence. Children and youth in particular are the most vulnerable to sexual exploitation and trafficking, and therefore require greater care and protection.

The provincial government has a responsibility to take action to protect Manitobans from exploitation, trafficking, abuse and gender-based violence, and that's why we're in support of Bill 40, as it will implement an important preventative measure to fight against these terrible circumstances.

I want to thank Ms. Danco for sharing today and sincerely hope that we can offer a productive path forward towards eliminating the conditions which lead to sexual exploitation and trafficking.

Hopefully, we can leave today knowing that her words are respected and have helped to guide us through this in future legislation. We know that more can be done in the future and that all MLAs in the Legislature will come together in a bipartisan fashion to stand up for victims of sexual exploitation and human trafficking.

Thank you, Mr. Chair.

Mr. Chairperson: We thank the member for those words. We thank the member for those words—I keep forgetting to put the mic on.

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

Also, if there is agreement from the committee, the Chair will call clauses in blocks that conform to pages, with the understanding that we will stop at any particular clause or clauses where members may have comments, questions or amendments to propose.

Is that agreed? *[Agreed]*

Clauses 1 through 3—pass; clause 4—pass; schedule A, part 1—pass.

Shall schedule A, part 2 pass?

Some Honourable Members: Pass.

Some Honourable Members: No.

Mr. Chairperson: No? I hear a no.

The honourable Ms. Squires—*[interjection]*

Schedule A, clause 4—pass. So, schedule A, clause 4—*[interjection]*

Shall schedule A, clause 5 pass?

An Honourable Member: No.

Mr. Chairperson: I hear a no.

Ms. Squires: So, I move

THAT Schedule A to the Bill (The Hospitality Sector Customer Registry Act) be amended by renumbering Clause 5 as—clause 5(1)(a)—and adding the following as Clause 5(2):

That—More than one person admitted to occupy lodging

5.2—and then under the subheading—If more than one customer is admitted to occupy the same lodging, the registry keeper must enter the information for only one customer.

And I would like to provide a moment of rationale, if I may—oh.

Mr. Chairperson: It has been moved by the Honourable Ms. Squires,

THAT Schedule A to the Bill (The Hospitality Sector Customer Registry Act) be amended by renumbering Clause 5 as Clause 5(1) and adding the following as Clause 5(2):

More than one person admitted to occupy lodging

5(2) If more than one customer is admitted to—occupying—the same lodging, the registry keeper must enter the information for only one customer.

The honourable—*[interjection]*

The amendment is in order. The floor is now open for questions.

Ms. Squires: We had reached—we had heard from many on—that operate online platforms—Expedia and Bookings.com, in particular—that have noted that they support this legislation but that the term customer was undefined and would lead to confusion over which individual would be required to provide the identification for the customer registering.

So, the purpose of clause 5(2) is to provide this clarification to make clear that only one person is required to provide information for the registry. This approach will minimize burden for the registry keeper while remaining consistent with the principle of the bill and in—is in keeping with similar legislation in Ontario, which is the Accommodation Sector Registration of Guests Act.

Mr. Chairperson: Is the committee ready for the question?

* (19:40)

Some Honourable Members: Question.

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

THAT Schedule A to the Bill (The Hospitality Sector Customer Registry Act) be amended by renumbering Clause 5 as Clause 5(1) and adding the following as Clause 5(2):

More than one person admitted to occupy lodging

5(2) If more than one customer is admitted to occupy the same lodging, the registry keeper must enter the information for only one customer.

Shall the amendment pass?

Some Honourable Members: Pass.

Mr. Chairperson: The amendment is accordingly passed as amended—correct? [*interjection*] Okay. The amendment is accordingly passed.

Okay. Shall clause—shall schedule A, clause 5 as amended pass?

Some Honourable Members: Pass.

Mr. Chairperson: Clause—schedule A, clause 5 is accordingly passed as amended.

Schedule A clause 6—pass.

Shall schedule A clause 7 pass?

An Honourable Member: No.

Mr. Chairperson: I hear a no.

Ms. Squires: I move,

THAT Schedule A to the Bill (The Hospitality Sector Customer Registry Act) be amended by replacing Clause 7 with the following:

Customer to provide identification

7 A customer must provide the prescribed identification in the following manner:

(a) in the case of a hotel, to the registry keeper, at the time the customer is admitted to occupy a lodging or another—or at another prescribed time;

(b) in the case of an online accommodation platform, to the registry keeper or to the person prescribed to be acting on behalf of the registry keeper, at the time the customer is admitted to

occupy a lodging or at another prescribed time; and

(c) in the case of any other registry keeper, to the registry keeper, at the time the customer accesses the services provided by the registry keeper or at another prescribed time.

Mr. Chairperson: It has been moved by the Honourable Ms. Squires,

THAT Schedule A to the Bill (The Hospitality Sector Customer Registry Act) be amended by replacing Clause 7 with the following:

Customer to provide identification

—A customer must provide the prescribed identification in the following manner:

(a) in the case of a hotel, to the registry keeper, at the time the customer is admitted to occupy a lodging or another prescribed time—or at another prescribed time;

(b) in the case of an online accommodation platform, to the registry keeper or to the person prescribed to be acting on behalf of the registry keeper, at the time the customer is admitted to occupy a lodging or at another prescribed time;

(c) in the case of any other registry keeper, to the registry keeper, at the time the customer accesses the services provided by the registry keeper or at another prescribed time.

The amendment is in order. The floor is open for questions.

Ms. Squires: I appreciate the committee allowing me to bring this amendment forward. It really is just about helping clarify how online bookings are handled and that it will avoid potential duplication by excluding those online brokers such as Expedia.com and Booking.com from also needing to collect the same registry information that the accommodation itself is collecting.

This addresses concerns from online brokers that they do not have the ability to verify and record—and keep those record—customer information on hand.

Mr. Chairperson: Are there any questions?

Is the committee ready for the question?

Some Honourable Members: Question.

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

THAT Schedule A to the Bill (The Hospitality Sector Customer Registry Act) be amended by replacing Clause 7 with the following:

Customer to provide identification

7 A customer must provide the prescribed identification in the following manner:

(a) in the case of a hotel, to the registry keeper, at the time the customer is admitted to occupy a lodging or another prescribed time;

(b) in the case of an online accommodation platform, to the registry keeper or to the person prescribed to be acting on behalf of the registry keeper, at the time the customer is admitted to occupy a lodging or at another prescribed time;

(c) in the case of any other registry keeper, to the registry keeper, at the time the customer accesses the services provided by the registry keeper or at another prescribed time.

Amendment—pass.

Shall schedule A—oh, sorry, here we are. Schedule A, clause 7 as amended—pass; schedule A, part 3—pass; schedule A, part 4—pass.

Shall schedule A, part 5 pass?

Some Honourable Members: Pass.

An Honourable Member: No.

Mr. Chairperson: I hear a no.

The honourable Ms.—oh.

Schedule A, clause 17—pass; schedule A, clause 18—pass; schedule A, clause 19—pass.

Shall schedule A, clause 20 pass?

An Honourable Member: No.

Mr. Chairperson: I hear a no.

Ms. Squires: So, I move

THAT Schedule A to the Bill (The Hospitality Sector Customer Registry Act) be amended in Clause 20(1) by replacing clause 20(1)(g) with the following:

(g) respecting the collection, use, disclosure and retention of information and records obtained under this Act; and

(g.1) prescribing the persons who may act on behalf of a registry keeper and the duties of such persons;

Mr. Chairperson: The amendment is in order. [interjection] Oh, sorry, yes.

It has been moved by the Honourable Ms. Squires

THAT Schedule A of the Bill (The Hospitality Sector Customer Registry Act) be amended in Clause 20(1) by replacing clause 20(1)(g) with the following:

(g) respecting the—collective—use, disclosure and retention of information and records obtained under this Act;

(g.1) prescribing—that—the persons who may act on behalf of a registry keeper and—that—the duties of such persons;

The amendment is in order. The floor is open for questions.

* (19:50)

Ms. Squires: The rationale for amending this clause is to expand regulation-making powers to include the disclosure of customer registry information and records.

This will provide clarity through regulation about who collects customer information for persons who rent their houses on Airbnb, for example, and the owner of the house could be required to collect the information and transfer it to Airbnb for storage.

Mr. Chairperson: Is the committee ready for the question?

Some Honourable Members: Question.

Mr. Chairperson: *THAT Schedule A to the Bill (The Hospitality Sector Customer Registry Act) be amended in Clause 20(1) by replacing clause 20(1)(g) with the following:*

(g) respecting the collection, use, disclosure and retention of information and records obtained under this Act;

(g.1) prescribing the persons who may act on behalf of a registry keeper and the duties of such persons;

Amendment—pass; schedule A, clause 20 as amended—pass; schedule A, clause 21—pass; schedule A, clause 22—pass; schedule B—pass; schedule C—pass; enacting clause—pass; title—pass. Bill be reported as amended.

**Bill 43—The Disclosure to Protect
Against Intimate Partner Violence Act**
(Continued)

Mr. Chairperson: We will now move on to Bill 43, clause by clause.

Does the minister responsible for Bill 43 have an opening statement?

Hon. Rochelle Squires (Minister of Families): I'm pleased to bring Bill 43, The Disclosure to Protect Against Intimate Partner Violence Act, also known as Clare's Law to this committee today.

The purpose of Bill 43 is to provide persons who may be at risk of intimate partner violence with information about the risk posed by their intimate partner, to connect them with safety planning and public or community-based resources and to ensure that any information disclosed is treated confidentially.

This bill is the next generation of Clare's Law, co-designed with input from police services, community organizations, provincial service providers and leading international researchers to identify and proactively address known gaps, risks and challenges experienced by other jurisdictions around the world.

I would like to start by thanking the honourable members for Notre Dame and Tyndall Park for their expression of support for this bill during second reading debate on Monday.

I would also like to acknowledge the questions and comments that the honourable members brought forward about this bill, as I think they are important questions and I would like to take some time to address them more fully.

There were several questions about the application process and ensuring it is accessible to all Manitobans, including newcomers and people whose first language is not English. I would like to emphasize that we are working to ensure that the application process is as low barrier as possible for applicants.

The application will be available in French and English and in multiple formats online, by phone, by mail, by fax, in person through provincial offices and community service organizations, to ensure that anyone who wants to make an application can do so.

Accommodations will be made for applicants who require assistance in completing the application and the rest of the disclosure process. This will be different, depending on the applicant, but it could mean a translator, support from a community-based

organization or the designation of a chosen support that will help the applicant through the process.

Many of the details related to the implementation of the bill will be outlined in regulation, and we intend to co-design with—the regulations with our working group to ensure that the process is easy, efficient and effective.

Another important question was related to how we—how the general public will be made aware of the bill. We know from research that awareness of Clare's Law is a barrier in many jurisdictions because people simply do not know that they can request this information and—if they feel that they are at risk of intimate partner violence.

As we get closer to the implementation of this bill, we plan to have a public awareness campaign promoting it, as well as specific training for community and public service and police agencies to ensure that they are aware of the process and can encourage their clients to apply if they feel that they might benefit.

Another question was asked about how this service can be offered in a way that will not put the applicant in more danger. This is an essential point. We want to ensure that this process helps people increase their safety.

First and foremost, the application and disclosure process is completely confidential. The applicant's intimate partner will not be informed that a request for this information has been made.

Secondly, as part of the application, applicants will be able to provide information about how and when they would like to be contacted by the disclosure support team so that their intimate partner isn't inadvertently made aware of their application for disclosure.

And finally, Manitoba's Clare's Law has a unique feature that allows the applicant to identify a chosen support, whether that be a friend or a family member, that will be able to be part of that whole process with them. They will hear the disclosure information together, will be able to discuss the information with one another and can determine the best path forward, with the applicant leading the way. It is anticipated that this will reduce the chance of a confidentiality breach that may put the applicant at risk.

Another important issue was raised about training for the director or program administrator to be able to provide these services in a culturally safe and trauma-

informed way. Specifics around training requirements continue to be co-designed with the working group. Engagement research and leading practice to date indicates training on trauma-informed harm reduction service delivery model methods, along with anti-bias, anti-discrimination training, would be key for the director and members of that disclosure support team.

Another issue raised during the debate was the need for additional funding for community-based supports that serve people experiencing intimate partner violence or family violence, and in April of this year we were pleased to introduce a new funding model for organizations funded through the Family Violence Prevention Program to improve funding equity and better protect Manitobans.

It is unclear at this stage what the overall impact of Clare's Law will be on our service providers, as other jurisdictions—as the experience in other jurisdictions has varied widely. A multi-agency review of the legislative framework is planned for one year after it comes into effect, and part of that review will be to assess the burden on service providers. This review will help inform where gaps in service exist and where additional resources are needed.

Finally, I would like to acknowledge that the honourable member for Tyndall Park (Ms. Lamoureux) mentioned that she will be bringing forward a proposed amendment, and I look forward to discussing that with her and the rest of the members of this committee.

I also want to thank that working group who is—has committed tirelessly to advancing this legislation and bringing forward this bill, as comprehensive as it is.

I look forward to everyone's collaboration and co-operation as we work to make the province safer for all Manitobans.

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

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

MLA Malaya Marcelino (Notre Dame): We are in full support of Bill 43, The Disclosure to Protect Against Intimate Partner Violence Act, commonly known as Clare's Law.

Intimate partner violence is an epidemic that we need to address. This violence is largely gender-based, and women make up the vast majority of victims. We

need to do more to protect victims of intimate partner violence and to prevent it from happening.

While the service provided in this bill is important and necessary, it can only be safely accessed if there are networks of support and community for the people using it, and if other services exist to help women who may choose to leave a relationship because of information learned from this bill.

We also need to invest in women's health and safety in all areas so we can better provide support to people experiencing dangerous situations at home.

Intimate partner violence disproportionately impacts Indigenous women, newcomer women and women in rural and northern communities, and these services provided by this bill need to take this into consideration.

* (20:00)

We must all do our part to end the tragedy of intimate partner violence in Manitoba.

I want to thank our presenters for sharing today and sincerely hope that we can offer some lasting and material change that helps to prevent and stop intimate partner violence. And hopefully we can leave tonight knowing that your words were respected and help to guide this bill in future legislation.

Thank you.

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

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

Also, if there is agreement from the committee, the Chair will call clauses in blocks that conform to pages, with the understanding that we will stop at any particular clause or clauses where members may have comments, questions or amendments to propose.

Is that agreed? [*Agreed*]

Clause 1—pass; clauses 2 and 3—pass; clauses 4 and 5—pass; clauses 6 and 7—pass; clauses 8 and 9—pass; clauses 10 and 11—pass; clause 12—pass; clauses 13 through 17—pass; clause 18—pass; clauses 19 and 20—pass; enacting clause—pass; title—pass. Bill be reported.

That concludes Bill 43.

Bill 46—The Highway Traffic Amendment Act
(Continued)

Mr. Chairperson: We will now move on to Bill 46.

Does the minister responsible for Bill 46 have an opening statement?

Hon. Doyle Piwniuk (Minister of Transportation and Infrastructure): Yes I do, Mr. Chair.

Mr. Chairperson: The Honourable Mr. Piwniuk.

Mr. Piwniuk: Good evening and—Mr. Chair and members of the committee. I'm pleased to be here tonight to discuss Bill 46, The Highway Traffic Amendment Act.

This bill will make the—our highways safer by creating a new offence and allowing a higher fine for individuals who choose to ignore signs and go around barricades to drive on closed roads. This bill was requested by the RCMP as a way to prevent this dangerous behaviour and protect emergency responders, operators as snow-clearing equipment and others.

I would like to take this opportunity to thank all of those who provided input and support for this bill. I look forward to consideration of the important legislation by this committee, and welcome and thank everyone for—to participate in here tonight.

Thank you, Mr. Chair.

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

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

Mr. Matt Wiebe (Concordia): I do.

Mr. Chairperson: Mr. Wiebe.

Mr. Wiebe: I, too, want to start by thanking our presenter here this evening. It is important to hear from members of the public, and I wanted to just—I'm not sure if he's on the call or watching the committee proceedings still, but just thank him for his time and just show our appreciation for adding his input to this particular bill.

No surprise that we are in support of this bill. We know that road safety is an issue that all Manitobans can get behind.

We have been talking—or, I've been talking about winter coming in Manitoba. Well, it sounds like, for folks in northern Manitoba right now, winter is here. It sounds like it's getting pretty nasty up in Flin Flon

and beyond, and looks like it'll just continue on over the next little while.

So, we know that it's important that roads are safe for all Manitobans and that's particularly during these winter driving conditions or during flooding conditions, that we make sure that our highways are safe.

It's also important for our folks to know that there are repercussions for knowingly disobeying instructions or barricades that have been erected and put out by law enforcement.

We do want to note, though, however, that we talk about this bill and our support of it at the same time that the minister will know we have much concerns about the vacancy rates within the department, the ability for those folks to get those highways cleared and the number of pieces of equipment that are available to them.

So, you know, not to go too far down that road, but I do think it's important to put on the record that, as I said, winter is here and we need to ensure that our highways are safe.

We also have some concerns with regard to this bill and how it impacts workers, in particular independent contractors. In fact, the presenter that we heard from this evening presented an interesting case where, you know, he, as an independent telecoms contractor, may be given direction to repair or to maintain or bring back online certain telecommunications equipment. He would be given that instruction by not his employer, in this case, but by a third party or, you know, he would act as a contractor in this case.

There are concerns with regards to liability for that driver and how that will impact the vicarious responsibility provision that's within this bill.

We also know that this extends beyond those more traditional contractors, and the minister will know I've brought forward issues with regards to gig workers and those who may be taking contracts less directly than our presenter, the case that our presenter brought forward this evening, but also may need to be protected in the case of a delivery driver or a—some kind of ride-share contractor who is—you know, accepted a certain contract, in this case, to give somebody a ride or to deliver something and then they aren't able to fulfill that. So, there are concerns with regards to liability there.

We, overall, though, see the value to this, and I think it's important to put in law and in regulations some strong penalties that do give folks pause about

breaking these kinds of rules. We know that, right now, it's illegal to be on highways when barricades have been erected. Not everybody follows those rules.

So, we understand that by making these rules more defined, there is certainly some ability for us to potentially make our roads safer, which is the goal, I think, that all of us are working towards.

So, with that, I want to thank the Chair for the time.

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

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

Clause 1—pass; clause 2—pass.

Shall clause 3 pass?

Some Honourable Members: Pass.

Some Honourable Members: No.

Mr. Chairperson: I hear a no.

The floor is open for questions.

Mr. Wiebe: I would like to bring forward this amendment. So, I move

THAT Clause 3 of the Bill be amended by adding—following after—by adding the following after the proposed clause 76.0.1(4)(a):

—and this would be—(a.1) the operator of a vehicle used by a telecommunication service provider, when the operator's use of the vehicle is required to maintain or restore telecommunication services;

* (20:10)

Mr. Chairperson: It has been moved by Mr. Wiebe—sorry—it has been moved by Mr. Wiebe

THAT Clause 3 of the Bill be amended by adding the following after the proposed clause 76.0.1(4)(a):

(a.1) The operator of a vehicle used by a telecommunication service provider, when the operator's use of the vehicle is required to maintain or restore telecommunications services;

The amendment is in order. The floor is open for questions.

Mr. Wiebe: As the minister knows, this particular amendment comes directly from the words that we heard from our presenter, Mr. Boille, this evening. I

know that Mr. Boille had reached out to myself and to the minister with regards to his concerns about how this bill might impact those in his field. I do take his words very seriously and appreciated his sort of real-world experience, on-the-ground experience. And, you know, potential issues that he may run into as somebody we rely on to keep our telecommunications services going.

And, you know, we—I think I heard the minister earlier say—called something a friendly amendment. You know, I would imagine that this would be seen as—I know that that isn't, you know, a real term within these—the confines of this committee. But if there ever was such a thing, I would imagine this would be considered a friendly amendment, as well, in the sense that, you know, I think the minister certainly wants to ensure that those who do need to use our highways in order to restore services would be given some kind of assurance and protection in the case of a closed highway when they are, you know, given the directive or tasked with the getting out there and getting our systems back up and online.

So, I think this is a very straightforward amendment and is a practical amendment. I don't see why the committee is, you know, wouldn't pass this in the sense that, you know, it doesn't change the substance of the bill, but certainly just gives, you know, a little more clarity to those who would be enforcing this on our highways. And I'm sure that law enforcement would appreciate that direction as well.

So I hope that this is a friendly amendment that we can move forward, we can pass the amendment and, you know, give some assurances to those folks who are out there, you know, working on our telecommunications systems and beyond.

Thank you, Mr. Chair.

Mr. Piwniuk: Yes, I want to add to this amendment—I don't agree with this amendment because the fact is, it really depends on the common sense of individuals. When it comes to the RCMP officers, when a person is, if the weather is so severe that you can't see in front of you—I've been in a situation as a driver, as a MLA in a system where there is a storm where I couldn't see in front of me. I couldn't see if it was up or down. If I was an airplane, I wouldn't know which—where I was. I ran into a ditch and I just said, for—ever since that time—that was only about three years ago, I would never want to have anybody in that situation because there was no way we can see anybody. It was zero visibility.

But it's going to have to be the discretion of the RCMP. Again, if it's—if it gets to a point where there is some visibility issues or if it's only a few kilometre, like, less than a kilometre of visibility and it's—warrants that a person can go out there and service those equipment, I would say that's great. But it should be up to the discretion of the RCMP. Because the fact is, if it's at zero visibility, it's going to put themselves into danger. The RCMP is going to be in danger, too. So I don't it's really—if this is what this whole bill is for, is the safety of everyone, all Manitobans. That includes even telecommunication people.

Again, it all happened—depends on the situation. If it's just a small snowstorm that, you know, with visibility or there's more snow on the road and they have bigger trucks, yes, maybe they can allow—it's the discretion of the RCMP. But if there's a zero visibility—you live in the city. I—when you go outside that Perimeter, it gets very wicked out there. And I never want—*[interjection]* Well, but—anyways, I just want to—

Mr. Chairperson: I would remind the minister to address all comments through the Chair.

Mr. Piwniuk: So, anyways, I just want to say that this is—this bill is basically there upon the request of the RCMP and it should be—if it should be really the discretion of the RCMP. If this is an emergency, they can actually even help that individual to get to that destination. I think it's really—this is what the bill's really about, is about the discretion of our emergency measures when it comes to our police officers.

So, I would say I would not be in favour of this amendment.

Mr. Wiebe: I do know that you are outside of the Perimeter and you come from a very beautiful place in the province, and I've been on those treacherous highways actually, as well, down 210 and out that way.

But anyway, I digress. I just—I guess I want to put on the record that I'm disappointed in the minister not taking this particular amendment as seriously as I think he should.

You know, we look at other exemptions that are in the bill and we clearly see that an operator of an emergency vehicle, the operator of infrastructure equipment and otherwise a person authorized by a peace officer to drive on a closed highway are exemptions that are already made in this bill.

You know, I maybe would take the point that we could expand the amendment that we brought forward to include others outside of telecommunications. However, I think the reason why we did that is because it's important to understand that those telecommunications workers are emergency workers in that case. They are trying to restore communications to people who often, as our presenter, you know, noted, that sometimes they don't have any other communications other than those cell towers that need to be serviced.

And, you know, I take the minister's comments about being in the ditch very seriously. That's—you know, I've been in some pretty tough situations as well, and luckily haven't ended up in the ditch.

And I know that for those that do, that's a scary time. And I would hope that for folks that are in the ditch, that they know that they can pull out their cellphone and that they can make that emergency call if they need to.

My concern would be that if those telecommunications workers aren't protected under this bill, that they may not feel comfortable doing that.

You know, I—as I said I'm in support of the bill, so I certainly don't want to get bogged down on this. But I hope that maybe this is something that, as we go forward, could be made more clear for those workers and others who are really on the front lines in ensuring that our highways are safe, that our province is connected and that folks have that emergency access when they need it.

Mr. Chairperson: Is there any further debate to this amendment?

Is the committee ready for the question?

Some Honourable Members: Question.

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

THAT Clause 3 of the Bill be amended by adding the following after the proposed Clause 76.0.1(4)(a):

(a.1) the operator of a vehicle used by a telecommunication service provider, when the operator's use of the vehicle is required to maintain or restore telecommunication services;

Shall the amendment pass?

Some Honourable Members: Yes.

Some Honourable Members: No.

Mr. Chairperson: I hear a no.

Voice Vote

Mr. Chairperson: All those in favour of the amendment, please say aye.

Some Honourable Members: Aye.

Mr. Chairperson: All those opposed to the amendment, please say nay.

Some Honourable Members: Nay.

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

The amendment is accordingly defeated.

Mr. Wiebe: On division.

Mr. Chairperson: On division. The amendment is accordingly defeated on division.

* * *

Mr. Chairperson: Clause 3—pass; clause 4—pass; clause 5—pass; clause 6—pass; enacting clause—pass; title—pass. Bill be reported.

The hour being 8:20, what is the will of the committee?

Some Honourable Members: Rise.

Mr. Chairperson: Committee rise.

COMMITTEE ROSE AT: 8:20 p.m.

WRITTEN SUBMISSIONS

Re: Bill 40

About the Canadian Centre for Child Protection (C3P)

C3P is a global leader with a strong focus on reducing online child sexual exploitation. To that end, C3P has created and operates advanced technology, known as Project Arachnid, to detect online child sexual abuse material (referred to in the Criminal Code and International Instruments as "child pornography") and issue removal notices to hosting providers. It also operates Cybertip.ca – Canada's national public tipline to report online child sexual abuse, provides evidence-based resources to prevent child abuse, helps locate missing children, and supports survivors of online victimization. C3P is also the authorized agency to provide support to Manitobans under The Intimate Image Protection Act (Manitoba), the authorized reporting entity for "child pornography" under The Child and Family Services Act (Manitoba), the provider of the Kids in the Know program (used in numerous Manitoba schools) and the Commit to

Kids program (used by numerous child-serving organizations in Manitoba).

Executive Summary

Given C3P's mandate of protecting children, the focus of this submission is on trafficking of children for a sexual purpose ("sex trafficking").

C3P supports the intent of the Bill, especially creating a duty to report for those who witness or have close contact with victims and traffickers and recommends the following:

1. Clarify in the Bill that the duty to report applies, not only to the online accommodation platform, but also to hosts of private accommodations (e.g., Airbnb hosts);
2. Enhance protections for children with access orders and urgent demands for access;
3. Introduce an offence for noncompliance with urgent demands in relation to children; and
4. Consider related legislative and policy changes to strengthen victim supports and provide related education.

Data on exploitation of children through sex trafficking

It is estimated that human trafficking is the third largest criminal activity worldwide (OSCE, 2020). There is a low likelihood of being detected, arrested and prosecuted, a reality which has contributed to the increase in this activity. Of significance, Manitoba, and specifically Winnipeg, is one of the stops on the human trafficking corridor along the Trans-Canada Highway (The Canadian Centre to End Human Trafficking, 2021). Statistics Canada reports that of the 593 victims who reported to the Human Trafficking Hotline in its first year, 21% were girls under the age of 18 (Ibrahim, 2021). Research also shows that sex trafficking and exploitation through prostitution can begin as early as 13 to 16 (Roos, 2013).

As of July 1, 2022, Cybertip.ca had received 2,005 reports from across Canada, including Manitoba, related to sex trafficking of children and sexual exploitation through prostitution of children, and 423 reports related to the sexual advertisement of children online. These reports come from a wide range of individuals, including victims, family members of victims, acquaintances of the traffickers or purchasers, and in a few instances, adults who identify themselves as sex workers who report having been

contacted by an adult who was seeking out a minor. The reports include instances of children "sold" on online platforms such as Kijiji.ca, Facebook, Instagram, Twitter, OnlyFans, and fetish or escort sites.

Manitoba case law examples

C3P monitors reported case law tied to Criminal Code provisions addressing sexual offences against children. Most reported case law specific to sex trafficking and sexual exploitation through prostitution of children involves a trafficker who has lured the child - online and offline. Out of view of caregivers, the public, or police, offenders have unfettered access to large numbers of potential victims through online platforms. Traffickers and purchasers of sex use the intimacy and anonymity of the internet to exploit children's naivety and vulnerabilities to coerce and manipulate them into sexual exploitation.

Examples of reported Manitoba cases that involve children sexually exploited for money or other consideration include:

- *R v Ackman*, 2016 MBQB 109 involved seven victims, five under the age of 18. Three of Ackman's victims were 14-years-old when he coerced them to engage in providing sex for money. The sentencing judge noted that, "a number of the girls were vulnerable, as evidenced by their prior involvement in prostitution, drug use, incarceration in youth centres, and either being street kids or loosely under the supervision of Child and Family Services". The offender also made child sexual abuse material of the victims, some depicting the offender engaged in sexual acts with his victims. Two victims died by suicide soon after he was arrested in 2012.
- *R v Gudmandson*, 2018 MBPC 31 involved seven young Indigenous girls in the care of Child and Family Services. The offender often contacted the victims through Facebook, and arranged to take them to his home.
- *R v Rose*, 2019 MBCA 40 involved the sexual exploitation of five Indigenous girls by one offender. All were under the care of Child and Family Services. One of the five victims died by suicide after talking to justice officials.

The above examples highlight the intersection between children under the supervision of CFS and sex trafficking. Not all victims of sex trafficking are living in care but children experiencing poverty, homelessness or who may have experienced abuse or exploitation in the past appear to be at a higher risk of

being trafficked based on the cases that go before the courts.

Use of technology

To advertise the sexual services of victims, traffickers use technology such as online advertising platforms. They book hotels or other short-term rentals online where purchasers sexually exploit victims. Payment for services may be made directly to the trafficker through online payment platforms. Traffickers can also arrange for victims to be transported by unsuspecting drivers through ride-sharing apps. At no point must the trafficker interact in person with anyone, including the victim.

As the Organization for Security and Co-operation in Europe (OSCE) states in a report titled, *Leveraging innovation to fight trafficking in human beings: A comprehensive analysis of technology tools*:

There are numerous benefits from technology that perpetrators take advantage of, from instant and secure communication among members of a trafficking ring, to remote control of victims using GPS location apps, or receiving and moving criminal proceeds using cryptocurrency (OSCE, 2020 at p.7).

The same report states, "While human traffickers are becoming more tech-savvy and are able to use technology successfully to their advantage, the same is not necessarily true of actors responsible for combating trafficking in human beings" (OSCE, 2020 at p.7). The report nonetheless highlights technology used worldwide – including C3P's Project Arachnid – and calls for increased use of such innovative tools.

As an example of how children become sexual commodities online, several reports were made to Cybertip.ca about a 15-year-old who was sexually exploited for consideration through OnlyFans, an online platform that permits individuals to create sexually explicit content for paying viewers. While used by other types of content creators, such as musicians and artists, OnlyFans is also known for hosting sexually explicit content for paying viewers. One report received by Cybertip.ca alleged a child had been "trafficked by a pimp since she was 13", held hostage, and forced to produce child sexual abuse material. Another reporting person, concerned about the child, stated that someone was "going to kill [the child] on a live stream" if she did not make enough money.

Law enforcement strategies must continually evolve to counteract the methods used by traffickers. The explicit inclusion of online accommodation platforms

in the Bill, which captures platforms such as Airbnb and Expedia, is an important step forward, and we believe there are amendments that could strengthen the Bill, as below.

Recommendations

1. Ensure the duty to report explicitly applies to hosts of private accommodations

Creating a duty to report for hotels and online accommodation platforms will help rescue more children from sex traffickers but hosts or owners of short-term-rentals, such as those rented through Airbnb, should also be expressly included in the legislation. The hosts are most likely to interact with victims or traffickers and witness behaviour indicative of human trafficking. It is unclear if the intent is to capture these individuals in regulations under section 4(c); even if that is the intent, we believe including these individuals in the Bill itself is preferred.

2. Enhance protections for children with access orders and urgent demands for access Registry access by police is limited to efforts to protect "a person subject to human trafficking." Section 3(2) of the Bill defines "a person subject to human trafficking" as one who is already experiencing human trafficking or

at imminent risk of trafficking. This is too restrictive regarding children who deserve a higher level of proactive protection. A child's best interests require that intervention occur well before the risk is "imminent", and the child is traumatized through abduction or use of force, for example.

In 1989, Canada ratified the United Nations Convention on the Rights of the Child (the "UNCRC"). The preamble states: "the child, by reason of his physical and mental immaturity, needs special safeguards, and care, including appropriate legal protection." Governments are obliged to enact protections for children specific to their unique needs. This includes intervention strategies that differ from those for adults. Accordingly, section 3(2) should be broadened to add "or, where the person is or appears to be under 18, if the person is reasonably believed to be at risk of being subject to human trafficking."

3. Introduce an offence for noncompliance with urgent demands

The Bill includes offences for a person who contravenes sections 4, 5, 6 or 7 but not section 9 regarding urgent demands. Failure to comply with an urgent demand results in police applying for an order

directing the registry keeper to comply with the demand. An order may include terms or conditions, but the Bill does not allow an order to include a penalty for non-compliance.

To give teeth to the Bill's framework for urgent demands, section 17 should be amended to add an offence for contravening section 9 when such demands are made in relation to a child. The inclusion of section 11 requiring public, annual reporting on the use of urgent demands be provided by police provides enough transparency, and ensures accountability. C3P recommends that such reports be made available through the provincial website similar to British Columbia that posts reports related to the Missing Persons Act (British Columbia) at www.gov.bc.ca.

4. Consider related legislative and policy changes

A. Legislation

Governments have enacted provisions to counter trafficking that mandate:

a) Holding online companies that permit the advertisement of human trafficking accountable (e.g., Stop Enabling Sex Traffickers Act (SESTA) and Allow States and Victims to Fight Online Sex Trafficking Act (FOSTA) in the United States);

b) A lifetime ban on commercial driver licenses for commercial drivers who engage in human trafficking (for example the No Human Trafficking on Our Roads Act in the United States);

c) Awareness and hotline posters in hotels, airports, truck stops etc. For example, twenty-nine states and the District of Columbia have laws that mandate awareness programs through the U.S. National Human Trafficking Hotline. Awareness programs create high risk environments for traffickers as communities are "more aware of trafficking and equipped to make informed choice". (Stop the Traffik, 2022)

d) Anti-trafficking education for hotel staff. Such laws have been enacted in several states in the U.S. including, California, Connecticut, Minnesota, and Texas; and

e) Human trafficking education and protocols to recognize, respond, and prevent human trafficking in all schools. One example is Ontario, which on July 6, 2021 released a policy framework mandating all school boards to implement an anti-trafficking plan. Keeping Students Safe: Policy Framework for School Board Anti-Sex Trafficking Protocols,

Policy/Program Memorandum 166 became effective January 31, 2022.

B. Other policy shifts

(a) Increase supports for children vulnerable to exploitation

i. Increased social supports

Systemic issues drive exploitation and abuse, such as poverty, lack of affordable housing, family violence, or dysfunction, or a history of abuse or neglect. For example, marginalized communities such as racialized and LGBTQIA+ communities appear to be most at risk of being sexually exploited or sex trafficked. Persons living with a disability are also at a higher risk. These risks arise because government programming to address poverty and related issues do not always specifically address the needs of vulnerable people. In addition, children who have experienced prior abuse by caregivers may be more vulnerable to grooming and other tactics traffickers tend to use.

The National Inquiry into Missing and Murdered Indigenous Women and Girls found that "Indigenous women, girls, and 2SLGBTQIA people make up the majority of those involved in the street-level sex work [and] are also more likely than other groups to be targeted for, or to experience, sexual exploitation or trafficking for the purposes of sexual exploitation" (Volume 1a, 2019).

Under the UN's Protocol to Prevent, Suppress and Punish Trafficking, state parties are to undertake measures to prevent the trafficking of persons including economic initiatives (Article 9(2)). The protection of children from predators includes the provision of adequate resources to child welfare, families, and extended supports, including to outreach organizations, shelters, and extended family members.

To effectively address the sex trafficking of children, targeted supports for victims should accompany legislative reforms (e.g., through Tracia's Trust: Manitoba's Strategy to Prevent Sexual Exploitation and Sex Trafficking), which address systemic issues and provide supports to children who may be more vulnerable to exploitation. A trafficker is less likely to lure a child into sexual activity with the promise of money, food and drugs if that child is in a stable environment, well fed, and has received age-appropriate education related to sexual consent, healthy relationships, and boundary breaking behaviour.

To underscore this point, we wish to draw your attention to a recent report issued by Parliament's =Standing Committee on Justice and Human Rights – Preventing Harm In The Canadian Sex Industry: A Review Of The Protection Of Communities And Exploited Persons Act. The report calls on the federal government to create, fund and promote more support programs for vulnerable persons and children, recommending:

That the Government of Canada invest in and support programs, in collaboration with affected stakeholders including provinces and territories and individuals with lived experience, to address the root causes for entering sex work to make entry into the industry a real choice and to protect the vulnerable. (Recommendation 15)

That the Government of Canada invest in and support the provision of additional social and legal supports for vulnerable youth at risk of sexual exploitation and individuals who wish to leave the sex industry, including nonjudgmental and trauma-informed mental health and addiction services, vocational and education programs and income supports. (Recommendation 17)

Although these recommendations are targeted at the federal government, in our view they are also appropriate for provincial/territorial governments. In addition, Recommendation 13 of the above report is directed at provincial/territorial governments as it calls for the implementation of Call 12.14 (among others) of the National Inquiry into Missing and Murdered Indigenous Women and Girls. Call 12.14 specifically calls upon child welfare agencies, which are within the mandate of provincial/territorial governments, to:

...establish more rigorous requirements for safety, harm-prevention, and needs-based services within group or care homes, as well as within foster situations, to prevent the recruitment of children in care into the sex industry. We also insist that governments provide appropriate care and services, over the long term, for children who have been exploited or trafficked while in care.

We couldn't agree more. We strongly believe that a holistic, comprehensive approach that addresses the above recommendations will decrease the number of children trafficked in Manitoba.

ii. Criminal justice system supports

The criminal justice system is difficult to navigate for any victim. Vulnerable victims, such as children, and

particularly children who may have misused alcohol or drugs (which misuse may stem from the trauma of being sexually exploited), or who lack familial or other supports, are not well-equipped to meet the expectation of providing testimony and cross-examination. In two cases mentioned above (*R v Rose* and *R v Ackman*), three victims died by suicide soon after the arrest of the offender. This suggests a need for more intensive supports to help not only rescue the victim from exploitation, but support them in their recovery and healing. It is also not uncommon to see a victim who is rescued from one trafficker and then trafficked by another. Without social and financial supports, victims can find themselves vulnerable to traffickers and purchasers of sex, caught in a never-ending cycle of abuse. Such additional supports targeted to these victims may include the provision of housing (a place to stay especially if the victim lived with the trafficker), and financial resources, either through victim compensation programs and/or restitution so victims are not further exploited for money.

(b) Education

i. Anti-human trafficking training for hotel staff, short-term rental hosts, and drivers of vehicles for hire. To ensure the reporting requirement is effective, hotel staff, hosts, owners of short-term rentals, and drivers of vehicles for hire need the offer of anti-trafficking education. This should include how to recognize the signs of

human trafficking and the unique factors that may be present when a child is a victim as opposed to an adult.

Behaviour that may not be concerning for an adult may be concerning when displayed by a child or a person accompanying a child. Any instance in which a child is in the repeated company of strangers in a hotel or other short term rental is grounds for concern and a sign of sexual exploitation or sex trafficking.

ii. Education, especially for teachers, parents, and children

Ongoing public education, notably for those who regularly interact with children, for example teachers and parents, is essential to ensure timely detection to enable protection. Children also need developmentally appropriate education that takes into account the different backgrounds and vulnerabilities of children, and children need avenues to facilitate reporting of concerns; a victim's peers may notice concerning signs sooner than adults around the child. Awareness materials must be sensitive to these

realities and recognize that all young people need to be educated on this issue. It is not enough to tell vulnerable children "not to get trafficked", or would-be purchasers "not to buy sex"; materials must aim higher. Important topics to cover include what constitutes healthy relationships, what grooming tactics look like, and what laws protect children. Province wide education of teachers, parents, and children through schools, based on Ontario's model (see 4A above) would be a good start.

Conclusion

Bill 40 is intended to protect adults and children who may be trafficked. However, children require unique approaches. We support the objective of the Bill but urge further efforts that better address the risks to children, and that tackle the systemic issues that contribute to this type of victimization.

Lianna McDonald
Canadian Centre for Child Protection

Re: Bill 40

Dear Members of the Standing Committee,

On behalf of Expedia Group – whose family of brands includes Expedia.ca, Hotels.com, Travelocity, Hotwire and Orbitz, as well as our short-term rental platform, Vrbo – I am writing to you regarding Bill 40, The Hospitality Sector Customer Registry Act, and as you consider potential amendments to this important piece of legislation.

Expedia Group applauds the Government of Manitoba for introducing legislation aimed at providing additional protections to vulnerable children and youth who are at risk of human trafficking and sexual exploitation. While we certainly support the legislation's overall intent in this regard, we have some concerns about the feasibility of implementation that we are seeking to address and that require amendment. The three amendments we have identified below would ensure that Bill 40 is feasible for Expedia Group, as a global company, to implement and are also consistent with the Government's high standards with this legislation.

Of note, we understand these three amendments have been considered by the Minister of Families, the Hon. Rochelle Squires, as well as her department officials, and they have found them to be sound, logical and indeed in-line with the intended purpose of the legislation.

Ultimately, the amendments strive to have the end operators (the hotels and the short-term rental owners) be the registry keepers. As the end operators, they provide the best line of defence for ensuring the most accurate identification of travellers staying at their accommodation, not the platforms used to book the accommodations.

We thank you in advance for your critical work and your consideration of our submission.

Proposed Amendments

1. Definition of "online accommodation platform"

Currently, the definitions of an "online accommodation platform" would cover online marketplaces that enable accommodation bookings that include both conventional hotel bookings and short-term rental accommodation bookings.

We note, however, that Part 2, Section 7 of the legislation (Customer Registry), would require customers to provide their identification, in the case of an online accommodation platform, at the time of booking online, and in the case of a hotel, when the customer is admitted to occupy the lodging.

Such a process would be extremely duplicative and unnecessary. For instance, as currently constructed, someone who books a reservation online for a hotel using Expedia would have to provide their identification at the time of booking and when they get to the hotel using that same reservation.

Instead, simply having the end operator (e.g., the hotel) collect and be the keeper of the prescribed information from a customer, rather than Expedia as a broker between the two, would ensure far greater success towards the intended goal of the legislation, provided individuals will have to show their identification in-person at the hotel. Moreover, this is already standard practice for most hotels.

2. Performance of ID verification – Short Term Rentals

In line with proposed amendment 1., in other jurisdictions that require ID collection for short term rentals, the operator (i.e., owner of the short-term rental) performs this function instead of the platform. The platform – Vrbo in Expedia Group's case – is instead the broker between consumer and operator.

Operators typically do this by asking the purchaser of the accommodation to provide a copy of their

identification (e.g., a passport or driver's license) to them by email at the time of booking, or through booking management software. Owners of the rental can then confirm that the name on the submitted ID matches the name provided by the purchaser to the platform and maintained in the customer registry. Once again, this type of verification ensures greater accuracy of identification of travellers.

3. Recording of customer's primary residence.

Section 5(b) would require the registry keeper to record the primary residence of the customer. Currently, the Vrbo platform – and all Expedia Group platforms – do not require travellers to provide their primary residence information. In many cases, this is for privacy reasons.

We believe, however, that requiring the recording of a billing address, which is connected to an electronic form of payment such as a credit card – instead of a primary residence address – would not only be feasible to implement, but it would also be superior from the perspective of Government. A billing address is an address that has already been validated by a credible third party. A primary residence address, on the other hand, could easily be falsified if a counterfeit ID were provided to the record keeper.

Sincere regards,

Hunter Doubt
 Manager, Government and Corporate Affairs – Canada
 Ottawa, ON
 Expedia Group

Re: Bill 40

Dear Members of the Committee,

On behalf of Booking.com I am writing to you regarding Bill 40, the Hospitality Sector Customer Registry Act. We urge you to support amendments to clarify this important legislation.

Booking fully supports the legislature's goal of preventing human trafficking and is willing to assist the Province to the extent capable. However, we have concerns about how this would be implemented. Specifically, the requirement that travelers provide their identification to an online accommodation platform at the time of booking. Not only would it be extremely difficult for an online platform to verify a traveler's identification, but any attempt to do so

would only duplicate what accommodation operators are already doing during the check-in process.

We understand that the Committee may be considering amendments to exclude online accommodation platforms from the registry and identification collection requirements. Booking fully supports this approach.

Alternatively, we respectfully suggest the technical amendment below as an option for ensuring that the identification collection provisions are implemented by those best positioned to review them, the accommodation providers.

We believe either of these approaches would make the legislation more workable for all concerned, while maintaining accuracy of the information and achieving the goals of Bill 40.

Technical Amendment

Amend Part 2, Section 5 as follows: in (a) remove "as shown on the identification provided under section 7;" in (b) insert "or billing address" as an alternative to a primary residence and add a subsection (d) to make

clear that accommodation operators shall collect and maintain any prescribed information.

Collectively these changes would avoid having identification information collected by both the online platforms and accommodations. Such a process would be duplicative and could not be verified online. The accommodation operator is much better positioned to review the prescribed information during the check-in process; and it is a practice that is already occurring today.

Additionally, we believe that collecting a billing address, rather than an address for a primary residence would be much better for all concerned. Not only are billing addresses already collected in the ordinary course, they are likely more reliable since they are validated by the bank or card issuer.

Thank you for your consideration.

Sincerely,
Emmett O'Keefe
Public Affairs, US & Canada
Booking.com

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

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