

Legislative Update

by Sarah Crabbe*

The following is a list of some of the Acts passed by the fifth session of the 39th Manitoba Legislature in 2011. Information is current at the time of preparing this article. While every effort has been made to ensure the accuracy of the information provided to you in this article, lawyers should refer to the specific legislative or regulatory provision. Current versions of Manitoba statutes and regulations are available online at <http://web2.gov.mb.ca/laws/index.php>.

The City of Winnipeg Charter Amendment Act (Winnipeg Police Service Auxiliary Cadets), S.M.2010, c. 44 (Bill 2, 5th Session, 39th Legislature)

Royal Assent: December 9, 2010

Amends: *The City of Winnipeg Charter*, S.M. 2002, c. 39

Summary: The Winnipeg Police Service has recently established an auxiliary cadet program. This Bill enables these cadets to perform additional duties and enforce provisions of Acts specified by regulation. These cadets will be subject to *The Law Enforcement Review Act*.

In Force: Upon Royal Assent.

The Victims' Bill of Rights Amendment Act (Denying Compensation to Offenders and Other Amendments), S.M.2010, c. 45 (Bill 3, 5th Session, 39th Legislature)

Royal Assent: December 9, 2010

Amends: *The Victims' Bill of Rights*, C.C.S.M. c. V55

Summary: This Bill provides that compensation payable to a victim of crime may be denied or reduced if the victim has been involved in prescribed illegal activity in the past. Also, the entitlement to compensation for witnesses of a criminal incident is recognized. This Bill clarifies eligibility for various types of compensation, including compensation for counselling services.

In Force: By Proclamation.

The Legal Aid Manitoba Amendment Act, S.M.2010, c. 49 (Bill 8, 5th Session, 39th Legislature)

Royal Assent: December 9, 2010

Amends: *The Legal Aid Manitoba Act*, C.C.S.M. c. L105

Summary: This Bill enables Legal Aid Manitoba to register a statement against land owned by a parent who fails to retain legal representation for a child charged with an offence when that child would not be eligible to receive legal aid because his or her parents have sufficient financial resources. Legal Aid Manitoba will only be able to register the statement if it provides legal services to the child as the result of a direction made under the *Youth Criminal Justice Act* (Canada) despite the fact that the child does not qualify for legal aid. The statement acts as a lien on the land for the value of the legal services provided to the child.

In Force: Upon Royal Assent.

The Summary Convictions Amendment Act, S.M.2010, c. 50 (Bill 9, 5th Session, 39th Legislature)

Royal Assent: December 9, 2010

Amends: *The Summary Convictions Act*, C.C.S.M. c. S230

Summary: This Bill enables an additional fee to be charged to offenders who fail to pay their fines on time. A consequential amendment is made to *The Garnishment Act*.

In Force: By Proclamation.

The Highway Traffic Amendment and Drivers and Vehicles Amendment Act, S.M.2010, c. 52 (Bill 12, 5th Session, 39th Legislature)

Royal Assent: December 9, 2010

Amends: *The Highway Traffic Act*, C.C.S.M. c. H60

Summary: This Bill makes a number of changes to the suspension and disqualification scheme of *The Highway Traffic Act*. The current 24-hour suspension and disqualification for a driver whose blood alcohol concentration is at least .05 but is not more than .08, or who fails a sobriety test, is replaced with a scheme of suspensions and disqualifications of progressive length, ranging from 24-hours for a first occurrence within 10 years to 60 days for a fourth or subsequent occurrence within 10 years. A person who receives such a suspension and disqualification may appeal to the Licence Suspension Appeal Board on grounds of exceptional hardship. Furthermore, a driver whose blood alcohol concentration is more than .080, who refuses to provide a breath or blood sample, who refuses to perform a sobriety test, or who fails to follow a police officer's instructions about a sobriety test will receive an immediate three-month suspension and disqualification, rather than the current 24-hour suspension and disqualification followed seven days later by a three-month suspension and disqualification. It is important to note that the progressive and three-month suspensions and disqualifications, and the long-term suspensions and disqualifications now set out in section 264 of the *Act*, are made applicable to situations where a person operates a watercraft, an aircraft or railway equipment under the influence of alcohol or drugs. The Bill also replaces references to "field sobriety tests" in several provisions of the *Act* with references to "physical coordination tests" under the *Criminal Code* (Canada). Under *The Drivers and Vehicles Act*, a driver who receives an alcohol-related licence suspension or driving disqualification may be required to provide an alcohol assessment from a recognized agency, and if the agency considers it advisable, to go through an educational or treatment program before being able to have his or her driving privileges reinstated. This Bill makes the language of that Act consistent with the amendments to the suspension and disqualification scheme in the *Act*.

In Force: By Proclamation.

The Preparing Students for Success Act (Various Acts Amended), S.M.2011, c. 3 (Bill 13, 5th Session, 39th Legislature)

Royal Assent: June 16, 2011

Amends: *The Public Schools Act*, C.C.S.M. c. P250

Summary: This Bill raises the compulsory school age from 16 to 18. Amendments include requiring school boards to establish policies and procedures to support pupils remaining engaged in school, enabling regulations to be made respecting activities and programs, including work training programs that provide educational benefits, in which children who are 15 or older may participate instead of attending school, imposing a penalty on pupils who are 16 or older if they fail to attend school when required to do so, and enabling regulations to be made respecting the reporting of a pupil's absence from school to their parents or guardians and to school attendance officers. Amendments are also made to give the principal the responsibility for assessing and promoting pupils in accordance with school board policies. A school board is prohibited from adopting a policy that requires promotion of pupils who have not met the expected learning outcomes. Amendments are made to *The Public Schools Act* and *The Public Schools Finance Board Act* to include capital support requirements for early learning or child care facilities in new or renovated schools. This Bill also amends *The Education Administration Act* to provide the minister with regulation-making powers concerning the form and content of pupil report cards and the scheduling of non-instructional days for teachers. A consequential amendment is made to *The Summary Convictions Act*.

In Force: By Proclamation.

The Prescription Drugs Cost Assistance Amendment Act (Prescription Drug Monitoring and Miscellaneous Amendments), S.M.2011, c. 4 (Bill 14, 5th Session, 39th Legislature)

Royal Assent: June 16, 2011

Amends: *The Prescription Drugs Cost Assistance Act*, C.C.S.M. c. P115

Summary: This Bill gives authority to establish a new category of drugs, called monitored drugs. The prescribing, dispensing and use of monitored drugs will be subject to increased monitoring under the amendments. Also, regulatory bodies that govern health professions are given clear authority to use information obtained under the Act to audit or investigate a member's prescribing or dispensing practices.

In Force: By Proclamation.

The Safer Communities and Neighbourhoods Amendment and Criminal Property Forfeiture Amendment Act, S.M.2011, c. 6 (Bill 16, 5th Session, 39th Legislature)

Royal Assent: June 16, 2011

Amends: *The Safer Communities and Neighbourhoods Act*, C.C.S.M. c. S5
The Criminal Property Forfeiture Act, C.C.S.M. c. C306

Summary: Part 1 of the Bill amends *The Safer Communities and Neighbourhoods Act*. It allows a community safety order to be made that will vacate and shut down a property that has been used to commit a criminal organization offence. It clarifies the role of investigators who conduct investigations into complaints under this Act. It also requires a notice to be filed in the land titles office when a community safety order is issued against a property. Part 2 of the Bill amends *The Criminal Property Forfeiture Act*. It creates a rebuttable presumption that a property was used to engage in unlawful activity if a community safety order under *The Safer Communities and Neighbourhoods Act* had previously been issued against the property.

In Force: Upon Royal Assent.

The Highway Traffic Amendment Act, S.M.2011, c. 8 (Bill 18, 5th Session, 39th Legislature)

Royal Assent: June 16, 2011

Amends: *The Highway Traffic Act*, C.C.S.M. c. H60

Summary: Under section 264 of *The Highway Traffic Act*, a person's driver's licence is suspended if the person is convicted of any of a number of offences, or combinations of offences, listed in that section as Category A and Category B offences. Recent amendments to the *Criminal Code* (Canada) have established a specific offence of motor vehicle theft and new offences respecting property obtained by crime, which can include motor vehicles and motor vehicle parts. This Bill adds these offences to the lists of Category A and B offences so that licence suspensions apply to them. Subsection 264(17) of the Act is amended by adding a missing referral to the *Controlled Drugs and Substances Act* (Canada).

In Force: Upon Royal Assent.

The Provincial Court Amendment Act (Senior Judges), S.M.2011, c. 9 (Bill 19, 5th Session, 39th Legislature)

Royal Assent: June 16, 2011

Amends: *The Provincial Court Act*, C.C.S.M. c. C275

Summary: This Bill allows the Chief Judge to designate retired judges as senior judges. Senior judges will conduct the business of the court at the request of the Chief Judge.

In Force: By Proclamation.

The Defibrillator Public Access Act, S.M.2011, c. 10 (Bill 20, 5th Session, 39th Legislature)

Royal Assent: June 16, 2011

Summary: This Bill requires owners of designated public premises to install defibrillators. The defibrillators must be maintained and tested, and be made available for use by the public. Owners will be required to post signs about the location and use of defibrillators installed in their premises. Owners must also register the location of defibrillators installed in their premises, so that this information can be made available to members of the public and emergency response personnel.

In Force: By Proclamation.

The Securities Amendment Act, S.M.2011, c. 12 (Bill 22, 5th Session, 39th Legislature)

Amends: *The Securities Act*, C.C.S.M. c. S50

Royal Assent: June 16, 2011

Summary: *The Securities Act* currently does not allow The Manitoba Securities Commission to recognize and regulate auditor oversight bodies or to designate credit rating organizations for the Act's purposes. An auditor oversight body would oversee the standards of practice and business conduct of auditors of issuers of publicly traded securities. A designated credit rating organization would issue ratings of the creditworthiness of securities to satisfy a requirement of the Act for such a rating. This Bill gives the commission the authority to do those things. The *Act* currently prohibits insider trading and similar unethical trading activities, but only with respect to securities that are subject to the Act's jurisdiction. This Bill extends the Act's prohibitions so that Manitobans are protected against unethical trading in securities that are issued outside Manitoba and are not otherwise subject to the Act. The Bill also generally updates the wording of the Act's provisions on insider trading and similar unethical trading activities and adds a new prohibition on making misleading or untrue statements that are likely to significantly affect the market price or value of a security. The commission is given the power to issue a reciprocal order based on sanctions against a market participant in a jurisdiction outside Manitoba.

In Force: Upon Royal Assent.

The Employment Standards Code Amendment Act, S.M.2011, c. 13 (Bill 23, 5th Session, 39th Legislature)

Amends: *The Employment Standards Code*, C.C.S.M. c. E110

Royal Assent: June 16, 2011

Summary: This Bill provides that at the request of an employee, an employer and employee will be able to enter into a written flextime agreement. Such an agreement may alter an employee's hours to a maximum of 10 hours per day and 40 hours per week. This Bill also provides that the exceptions to the holiday requirements of the *Code* will be extended to climate-controlled agricultural businesses. Also, a "just cause" standard for terminating employment without notice will replace the existing "wilful misconduct" standard. The *Code* sets standard hours of work at 8 hours per day and 40 hours per week; hours worked above these are overtime. Employers can apply to the Director of Employment Standards for an averaging permit to increase the hours in a work week or to average the hours across a longer period. Under this Bill, the director will be required to consider whether 75% of the employees affected by a permit are in favour of its being issued. The existing requirement that the director consider industry customs or practices is repealed.

In Force: On January 1, 2012.

The Inter-jurisdictional Support Orders Amendment Act, S.M.2011, c. 15 (Bill 25, 5th Session, 39th Legislature)

Amends: *The Inter-jurisdictional Support Orders Act*, C.C.S.M. c. I60

Royal Assent: June 16, 2011

Summary: This Bill enhances the process by which family support orders are obtained, varied and recognized for enforcement in cases between Manitobans and parties in other jurisdictions in Canada and elsewhere. The Bill confirms that recalculated child support orders can be recognized and enforced

in inter-jurisdictional cases. The Bill also clarifies provisions about notice to non-resident debtors to facilitate enforcement of family support orders from assets or income in Manitoba. In addition, the Bill clarifies factors to be considered when registration of a foreign order is challenged.

In Force: By Proclamation.

The Public Schools Amendment Act (Reporting Bullying and Other Harms), S.M.2011, c. 18 (Bill 28, 5th Session, 39th Legislature)

Amends: *The Public Schools Act*, C.C.S.M. c. P250

Royal Assent: June 16, 2011

Summary: Under this Bill, a school employee, or a person in charge of pupils during school-approved activities, must make a report to the principal if they think a pupil has engaged in bullying or other unacceptable conduct. A principal who believes that a pupil has been harmed by the unacceptable conduct must notify the pupil's parent or guardian. Exceptions to this requirement may be made by regulation. Unacceptable conduct is defined to mean abusing another pupil physically, sexually or psychologically and bullying, including cyber-bullying.

In Force: By Proclamation.

The Child Sexual Exploitation and Human Trafficking Act, S.M.2011, c. 19 (Bill 29, 5th Session, 39th Legislature)

Royal Assent: June 16, 2011

Summary: This Bill enables a protection order to be made when a justice of the peace has determined that a person has engaged in child sexual exploitation or human trafficking. The protection order will prevent that person from contacting or approaching his or her victim. The Bill also creates a new tort of human trafficking. This will allow a victim of human trafficking to sue the trafficker.

In Force: By Proclamation.

The Change of Name Amendment Act, S.M.2011, c. 20 (Bill 30, 5th Session, 39th Legislature)

Amends: *The Change of Name Act*, C.C.S.M. c. C50

Royal Assent: June 16, 2011

Summary: This Bill requires persons who are seeking to change their names to be fingerprinted. The fingerprints will be provided to the Royal Canadian Mounted Police to enable law enforcement officials to link a person's current and proposed name if that person has a criminal history. Persons may be exempted from this requirement by regulation.

In Force: By Proclamation.

The Manitoba Public Insurance Corporation Amendment Act, S.M.2011, c. 21 (Bill 31, 5th Session, 39th Legislature)

Amends: *The Manitoba Public Insurance Corporation Act*, C.C.S.M. c. P215

Royal Assent: June 16, 2011

Summary: This Bill cancels compensation to an accident victim if he or she is convicted of certain criminal offences related to the accident. MPI is also entitled to reimbursement of the amount paid to the victim before the conviction.

In Force: Upon Royal Assent, subject to subsection (2) of the *Act*, and applies in respect of accidents occurring on or after that day.

The Consumer Protection Amendment Act (Cell Phone Contracts), S.M.2011, c. 25 (Bill 35, 5th Session, 39th Legislature)

Amends: *The Consumer Protection Act*, C.C.S.M. c. C200

Royal Assent: June 16, 2011

Summary: This Bill provides protection for consumers who enter into cell phone contracts. Under this Bill, all important information about the contract must be clearly set out at the beginning of the contract. Also, a consumer will have the right to cancel a contract at any time and the cancellation fee that may be charged will be limited. A cell phone service provider will be restricted in its ability to make unilateral amendments to a cell phone contract. A consumer will not be required to pay for services he or she cannot receive because a cell phone provided under the contract is being repaired while still under warranty, unless the consumer caused the damage. Finally, before a consumer is offered an additional or extended warranty on any cell phone provided under the contract, the consumer must be given detailed information about any manufacturer's warranty that automatically covers the cell phone. This Bill applies to cell phone contracts made or renewed on or after the day that the Bill comes into force.

In Force: By Proclamation.

The Adult Abuse Registry Act and Amendments to The Vulnerable Persons Living with a Mental Disability Act, S.M.2011, c. 26 (Bill 36, 5th Session, 39th Legislature)

Amends: *The Vulnerable Persons Living with a Mental Disability Act*, C.C.S.M. c. V90

Royal Assent: June 16, 2011

Summary: This Bill establishes an adult abuse registry for entering the names of persons who abuse or neglect vulnerable adults protected under *The Vulnerable Persons Living with a Mental Disability Act*. By regulation, the application of this *Act* may be extended to the abuse or neglect of adults protected under other Acts. The Bill also amends provisions in *The Vulnerable Persons Living with a Mental Disability Act* that protect a vulnerable person from abuse and neglect.

In Force: By Proclamation.

The Highway Traffic Amendment Act (Accident Reporting Requirements), S.M.2011, c. 27 (Bill 37, 5th Session, 39th Legislature)

Amends: *The Highway Traffic Act*, C.C.S.M. c. H60

Royal Assent: June 16, 2011

Summary: *The Highway Traffic Act* requires a driver who is involved in a traffic accident to exchange information with other drivers and to make a police report about an accident if anyone is injured or dies or if the value of combined damage caused by the accident is more than \$1,000. This Bill eliminates the requirement to make a police report about an accident if its only consequence is property damage. Despite that change, a driver is still required to make a police report about an accident if it causes bodily injury or death, if it involves an unlicensed driver or unregistered vehicle, if another driver does not exchange the required information or stop at the place of the accident, or if the driver is informed or has reason to believe that the consumption of alcohol or another intoxicating substance by another driver was a cause or contributing factor of the accident. Also, the Bill clarifies what information a driver is required to exchange with other drivers involved in the accident and defines what constitutes an accident for the purpose of police reporting and exchanging information. This Bill makes minor amendments to the requirements. Finally, this Bill makes minor amendments to the requirements of a driver or other occupant of a vehicle that collides with a domestic animal on a highway to take certain actions.

In Force: By Proclamation.

The Condominium Act and Amendments Respecting Condominium Conversions, S.M. 2011, c. 30 (Bill 40, 5th Session, 39th Legislature)

Amends: *The Condominium Act*, C.C.S.M. c. C170, *The Residential Tenancies Act*, C.C.S.M. c. R119, *The Municipal Act*, C.C.S.M. c. M225, *The City of Winnipeg Charter*, S.M. 2002, c. 39

Royal Assent: June 16, 2011

Summary: This Act replaces the existing Condominium Act and amends various Acts in relation to condominium conversions. Schedule A enacts a new Condominium Act that sets out a comprehensive code for the creation, ownership and operation of condominium properties and the relationship between, and the rights, duties and obligations of, the various parties involved in condominium property development, ownership and occupancy. Schedule B amends *The Residential Tenancies Act* to provide that a tenant who rents a rental unit in a condominium complex is entitled to receive notice that it is a condominium unit and copies of documents related to the condominium corporation. It also permits the Director of Residential Tenancies to register a notice with the Land Titles Office that a residential complex is the subject of a rehabilitation scheme order. Schedule C amends the existing *Condominium Act* to provide that a residential complex governed by *The Residential Tenancies Act* cannot be converted to a condominium property while it is the subject of a rehabilitation scheme order under that Act or if the tenancy of any rental unit was terminated within the previous year for any reason other than a breach of the tenant's obligations under that Act. Additional statutory declarations must be filed if a declaration relates to condominium conversions. A municipal certificate of approval may also be required. Additional protection is provided for the occupancy rights of tenants and those persons who hold rights of first refusal to rent a unit when a residential complex is converted into a condominium property. Schedules D and E amend *The Municipal Act* and *The City of Winnipeg Charter Act*. Under these Schedules, a municipality may, by by-law, require a person who wishes to convert rental units into units under *The Condominium Act* to first obtain approval from the municipality.

In Force: By Proclamation.

The Real Property Amendment Act, S.M.2011, c. 33 (Bill 43, 5th Session, 39th Legislature)

Amends: *The Real Property Act*, C.C.S.M. c. R30

Royal Assent: June 16, 2011

Summary: The Bill provides a streamlined process for dealing with a loss arising from a land titles registration. Instead of applying to the court for relief, the person suffering the loss may apply to the Registrar-General. Unless it involves fraud or a wrongful act, the Registrar-General may make an order about the registration in question and may order the payment of compensation by the government. This order may be appealed to the court. If it involves fraud or a wrongful act, the Registrar-General issues a report about the matter. The report is reviewed by the court, which may confirm, vary or set aside the findings and recommendations set out in the report. Confirmation of the report makes it an order of the court. Also, if a person's loss results from fraud or a wrongful act, the person no longer needs to seek compensation from the wrongdoer before seeking compensation from the government. The Bill also requires that the witness to a transfer of land or a mortgage be a lawyer or other specified official. The Bill requires a mortgage holder to register a discharge of a mortgage within 60 days after the mortgage is paid off. A maximum fee for preparing and discharging the mortgage will be set by regulation. A development scheme imposes development restrictions on parcels of land affected by the scheme. The Bill facilitates the registration of a development scheme against all affected parcels before any of them are sold. This eliminates the need for the registration of an agreement with the first buyer of each parcel affected by the restrictions. Amendments are made to allow statutory easements to be created for public purposes and to recognize rights analogous to easements as statutory easements. The Bill also makes administrative and housekeeping amendments, and contains consequential amendments to other Acts.

In Force: Upon Royal Assent, subject to subsection (2) of the Act, which provides that certain provisions only come into force on December 5, 2011.

The Save Lake Winnipeg Act, S.M.2011, c. 36 (Bill 46, 5th Session, 39th Legislature)

Amends: Various Acts Amended

Royal Assent: June 16, 2011

Summary: This Bill amends various Acts to reduce the excessive amounts of phosphorus and other nutrients coming into Lake Winnipeg that affect the ecological health of the lake.

In Force: Upon Royal Assent.

The Accessibility Advisory Council Act and Amendments to The Government Purchases Act, S.M.2011, c. 37 (Bill 47, 5th Session, 39th Legislature)

Royal Assent: June 16, 2011

Summary: This Bill establishes the Accessibility Advisory Council. The council is to advise and make recommendations to the minister about ways to improve accessibility for people who are disabled by barriers. In addition, an amendment is made to *The Government Purchases Act* to enable the establishment of barrier-free purchasing guidelines.

In Force: Upon Royal Assent.

The Planning and Land Dedication for School Sites Act, S.M.2011, c. 38 (Bill 48, 5th Session, 39th Legislature)

Amends: Various Acts Amended

Royal Assent: June 16, 2011

Summary: This Bill requires all planning authorities, including the City of Winnipeg, to consult with school boards on the need for school sites as part of the development planning process. A developer who subdivides land must offer a portion of the land or money in lieu of land to the applicable school board. A person is considered to be a developer if the approval of its proposed subdivision will result in four or more parcels of land and a public road. If the school board accepts the offer of land it must pay the developer the assessed value of the land. The portion of the land that the developer must offer to a school board will be determined by regulation. A school board may use the money in lieu of land that it receives only to acquire school sites or to buy school buses. The school board must hold a public meeting before disposing of land that was given to it. This Bill prohibits a person who is selling four or more parcels of land in the same subdivision from advertising that a school will be built on a particular piece of land. This prohibition ceases to apply once the construction of a school on the land is approved by the Public Schools Finance Board. To give effect to these provisions, this Bill makes amendments to *The City of Winnipeg Charter*, *The Planning Act* and *The Public Schools Act*. A consequential amendment is made to *The Public Schools Finance Board Act*.

In Force: By Proclamation.

The Employment and Income Assistance Amendment and Highway Traffic Amendment Act, S.M.2011, c. 39 (Bill 49, 5th Session, 39th Legislature)

Amends: *The Employment and Income Assistance Act*, C.C.S.M. c. E98

The Highway Traffic Act, C.C.S.M. c. H60

Royal Assent: June 16, 2011

Summary: Part 1 of this Bill amends *The Employment and Income Assistance Act*. A person who applies for assistance when he or she has an outstanding arrest warrant in respect of a prescribed offence will be denied. When assistance is already being provided to a person and an arrest warrant dealing with a prescribed offence is issued for the recipient or one of his or her dependants, the assistance payable will be discontinued, suspended or reduced. The regulations set out when assistance can be paid despite the existence of an outstanding arrest warrant. Part 2 of this Bill amends *The Highway Traffic Act*. It requires

the Registrar of Motor Vehicles to refuse to issue or renew a driver's licence, permit or vehicle registration for a person who is the subject of an outstanding arrest warrant issued in respect of an offence prescribed by regulation.

In Force: By Proclamation.

The Residential Tenancies Amendment Act (Expanded Grounds for Early Termination), S.M.2011, c. 46 (Bill 217, 5th Session, 39th Legislature)

Amends: *The Residential Tenancies Act*, C.C.S.M. c. R119

Royal Assent: June 16, 2011

Summary: This Bill enables a tenant to terminate a tenancy early in the case of domestic violence or stalking, declining health that adversely affects accessibility, or a change of posting for a member of the Canadian Forces or Reserves. In addition, *The Residential Tenancies Act* currently has a provision that enables early termination when a tenant is no longer able to live independently or is accepted into a personal care home or a residential care facility. This provision is expanded so that it also applies to other persons who are named as occupants in the tenancy agreement.

In Force: Upon Royal Assent, subject to subsection (2), which provides that certain provisions will only come into force on a day fixed by proclamation.

The Justice for Victims of Child Pornography Act, S.M. 2011, c. 47 (Bill 220, 5th Session, 39th Legislature)

Royal Assent: June 16, 2011

Summary: This Act permits the minister to apply to court for an order requiring a Manitoba resident who was involved in conduct that would constitute a child pornography offence to pay damages to injuries and losses suffered by a child depicted in that pornography. The Manitoba resident need not be convicted of the offence. The child need not be identified. If the court determines that the person caused or contributed to the damages suffered by the child, it may make an order requiring him or her to pay damages into the Child Pornography Victim's Fund established by this Act. Payments from the fund may be made to certain persons or programs or the Victims' Assistance Fund under *The Victims' Bill of Rights*.

In Force: Upon Royal Assent.

* Sarah is starting her 2nd year at law school and was the MBA summer student for 2011. Thank you to Manitoba Justice – Legislative Counsel for reviewing the article.