

TO THE HONOURABLE THE LEGISLATIVE ASSEMBLY OF MANITOBA:

Your Standing Committee on LAW AMENDMENTS presents the following as its Third Report.

Your Committee met on Monday, May 29, 2000 at 10:00 a.m. and Wednesday, June 7, 2000 at 7:00 p.m. in Room 255 of the Legislative Building to consider Bills referred.

Your Committee heard representation on May 29, 2000, on Bills as follows:

Bill (No. 20) - The Farm Machinery and Equipment Amendment Act/Loi modifiant la Loi sur les machines et le matériel agricoles

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| Brian Martin | New Holland |
| Brian Martin | CASE IH Brand |
| John Schmeiser | Canada West Equipment Dealers Association |
| Brent Hamre | Canadian Farm and Industrial Equipment Institute |
| Tom McCrea | PIMA Agricultural Manufacturers of Canada |
| Scott MacDonald | Private Citizen |
| Don Dewar | Keystone Agricultural Producers |
| John Buhler | Buhler Versatile Inc. and Buhler Industries Inc. |
| Jim Gladstone | Valmar Airflo Inc. |

Written Submissions:

Bill (No. 20) - The Farm Machinery and Equipment Amendment Act/Loi modifiant la Loi sur les machines et le matériel agricoles

| | |
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| Jennifer Fiske | Canadian Bankers Association |
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Your Committee has considered:

Bill (No. 11) - The Winnipeg Stock Exchange Restructuring and Consequential Amendments Act/Loi sur la restructuration de la Bourse de Winnipeg et modifications corrélatives

and has agreed to report the same without amendment.

Your Committee has considered:

Bill (No. 20) - The Farm Machinery and Equipment Amendment Act/Loi modifiant la Loi sur les machines et le matériel agricoles

and has agreed to report the same with the following amendments:

MOTION:

THAT the proposed section 16.1, as set out in section 5 of the Bill, be amended by striking out "16.11" in the section heading and in the section and substituting "16.12".

MOTION:

THAT the proposed section 16.3, as set out in section 5 of the Bill, be repealed and the following substituted:

Prohibition on termination of dealership agreement

16.3(1) No vendor shall terminate a dealership agreement

- (a) without cause; and
- (b) subject to subsection (2), without an order of the court under subsection 16.5(3).

Exceptions

16.3(2) A vendor does not require a court order to terminate a dealership agreement if

- (a) the dealer has made an assignment in bankruptcy or has been petitioned into bankruptcy, and has not been discharged from bankruptcy; or
- (b) the cause for termination is a cause prescribed in the regulations.

MOTION:

THAT the proposed subsection 16.5(1), as set out in section 5 of the Bill, be amended by adding “, if clause 16.3(1)(b) requires an order,” after “shall”.

MOTION:

THAT the proposed subsection 16.8(1), as set out in section 5 of the Bill, be repealed and the following substituted:

Mediation

16.8(1) At the request of the dealer or vendor, the court shall by order appoint a mediator, unless it is satisfied that the purpose of the request is to delay its determination under section 16.5 unnecessarily or that mediation is not in the interests of justice. The mediator shall try to facilitate a settlement of the dispute.

Length of mediation period

16.8(1.1) The court shall fix the length of the mediation period and may shorten or lengthen the period at the request of the dealer or vendor.

MOTION:

THAT the section 10 of the Bill be struck out and the following substituted:

10 Section 62 is amended

- (a) by adding the following after clause (k):
 - (k.1) for the purposes of clause 16.3(2)(b), providing for circumstances that constitute cause to terminate a dealership agreement without a court order;
 - (k.2) for the purposes of clause 16.6(g), providing for circumstances that constitute cause to terminate a dealership agreement;
 - (k.3) for the purposes of clause 16.7(e), providing for circumstances that do not constitute cause to terminate a dealership agreement;
- (b) by renumbering it as subsection 62(1); and
- (c) by adding the following as subsection 62(2):

Retroactive regulations

62(2) A regulation made under any of clauses (1)(k.1) to (k.3) may be made retroactive to a day not earlier than the day on which sections 16.1 to 16.12 come into force.

All of which is respectfully submitted,

Mr. MARTINDALE, Chairperson

Committee Rooms
June 7, 2000