

**Second Session - Fortieth Legislature**  
**of the**  
**Legislative Assembly of Manitoba**  
**Standing Committee**  
**on**  
**Human Resources**

*Chairperson*  
*Ms. Melanie Wight*  
*Constituency of Burrows*

**Vol. LXV No. 10 - 6 p.m., Tuesday, October 1, 2013**

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**MANITOBA LEGISLATIVE ASSEMBLY**  
**Fortieth Legislature**

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**LEGISLATIVE ASSEMBLY OF MANITOBA**  
**THE STANDING COMMITTEE ON HUMAN RESOURCES**

**Tuesday, October 1, 2013**

**TIME – 6 p.m.**

**LOCATION – Winnipeg, Manitoba**

**CHAIRPERSON – Ms. Melanie Wight (Burrows)**

**VICE-CHAIRPERSON – Ms. Sharon Blady (Kirkfield Park)**

**ATTENDANCE – 11 QUORUM – 6**

*Members of the Committee present:*

*Hon. Messrs. Ashton, Bjornson, Hon. Ms. Irvin-Ross, Hon. Messrs. Rondeau, Swan*

*Ms. Blady, Messrs. Cullen, Eichler, Graydon, Helwer, Ms. Wight*

**APPEARING:**

*Hon. Jon Gerrard, MLA for River Heights*

**PUBLIC PRESENTERS:**

*Bill 5–The New Home Warranty Act*

*Mr. Chris Goertzen, Association of Manitoba Municipalities*

*Mr. Mike Moore, Manitoba Home Builders' Association*

*Bill 27–The Highway Traffic Amendment Act (Charter Bus Service)*

*Mr. Niel Henry, Prairie Coach Charter Services Ltd.*

*Mr. Gordon Hrechka, Brandon Bus Lines Ltd.*

*Ms. Shari Decter Hirst, City of Brandon*

*Mr. John Fehr, Beaver Bus Lines*

*Mr. Winston Gordon, private citizen*

*Mr. Hernan Silva, Free Enterprise Bus Lines*

*Mr. Peter Hamel, Greyhound Canada*

*Mr. Walt Morris, Winnipeg Exclusive Bus Tours*

*Bill 29–The Land Surveyors and Related Amendments Act*

*Mr. Andre Van De Walle, Association of Manitoba Land Surveyors*

*Mr. Les McLaughlin, private citizen*

*Mr. Rick Sherby, private citizen*

*Bill 41–The Highway Traffic Amendment Act (Enhanced Safety Regulation of Heavy Motor Vehicles)*

*Mr. Ken Neufeld, Manitoba Trucking Association*

**WRITTEN SUBMISSIONS:**

*Bill 6–The Highway Traffic Amendment Act (Flexible Short-Term Regulation of Vehicle Weights and Dimensions)*

*Doug Dobrowolski, Association of Manitoba Municipalities*

*Bill 27–The Highway Traffic Amendment Act (Charter Bus Service)*

*Doug Dobrowolski, Association of Manitoba Municipalities*

*Don and Vel McAdam, Kelsey Bus Lines Ltd.*

*Carolynn Cancade and Nate Andrews, Brandon Chamber of Commerce*

*Kim MacDonald, private citizen*

*Chris Henry, Intermountain Leasing Bus Charters*

*Bill 35–The Consumer Protection Amendment Act (Compliance and Enforcement Measures)*

*Ben Kolisnyk, Canadian Federation of Independent Business*

**MATTERS UNDER CONSIDERATION:**

*Bill 5–The New Home Warranty Act*

*Bill 6–The Highway Traffic Amendment Act (Flexible Short-Term Regulation of Vehicle Weights and Dimensions)*

*Bill 11–The Proceedings Against the Crown Amendment Act*

*Bill 17–The Consumer Protection Amendment and Business Practices Amendment Act (Motor Vehicle Advertising and Information Disclosure and Other Amendments)*

*Bill 27–The Highway Traffic Amendment Act (Charter Bus Service)*

*Bill 29—The Land Surveyors and Related Amendments Act*

*Bill 35—The Consumer Protection Amendment Act (Compliance and Enforcement Measures)*

*Bill 41—The Highway Traffic Amendment Act (Enhanced Safety Regulation of Heavy Motor Vehicles)*

*Bill 42—The Highway Traffic Amendment Act (Enhancing Passenger Safety)*

*Bill 46—The Statutes Correction and Minor Amendments Act, 2013*

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**Clerk Assistant (Ms. Monique Grenier):** Good evening. Will the Standing Committee on Human Resources please come to order.

Before the committee can proceed with the business before it, it must elect a new Chairperson. Are there any nominations for this position?

**Hon. Andrew Swan (Minister of Justice and Attorney General):** Yes, I nominate Ms. Wight.

**Clerk Assistant:** Ms. Wight has been nominated. Are there any other nominations?

Hearing no other nominations, Ms. Wight, will you please take the Chair.

**Madam Chairperson:** Thank you. Our next item of business is the election of a Vice-Chairperson. Are there any nominations?

**Mr. Swan:** I nominate Ms. Blady.

**Madam Chairperson:** Ms. Blady has been nominated. Are there any other nominations?

Hearing no other nominations, Ms. Blady is elected Vice-Chairperson.

All right, this meeting has been called to consider the following bills: Bill 5, The New Home Warranty Act; Bill 6, The Highway Traffic Amendment Act (Flexible Short-Term Regulation of Vehicle Weights and Dimensions); Bill 11, The Proceedings Against the Crown Amendment Act; Bill 17, The Consumer Protection Amendment and Business Practices Amendment Act (Motor Vehicle Advertising and Information Disclosure and Other Amendments); Bill 27, The Highway Traffic Amendment Act (Charter Bus Service); Bill 29, The

Land Surveyors and Related Amendments Act; Bill 35, The Consumer Protection Amendment Act (Compliance and Enforcement Measures); Bill 41, The Highway Traffic Amendment Act (Enhanced Safety Regulation of Heavy Motor Vehicles); Bill 42, The Highway Traffic Amendment Act (Enhancing Passenger Safety); and Bill 46, The Statutes Correction and Minor Amendments Act, 2013.

We have a number of presenters registered to speak tonight as noted on the list of presenters before you. We have a new registration to be added to the list of presenters to Bill 27, and that is Walt Morris, Winnipeg Exclusive Bus Tours.

On the topic of determining the order of public presentations, I will note that we have out-of-town presenters in attendance marked with an asterisk on the list. With this consideration in mind, in what order does the committee wish to hear the presentations?

**Mr. Swan:** Yes, if you ask the committee if they're prepared to hear out-of-town guests first.

**Madam Chairperson:** Is the committee prepared—

**An Honourable Member:** Agreed.

**Madam Chairperson:** Thank you very much. The committee is agreed, so ordered.

Written submissions from the following persons have been received and distributed to committee members: Doug Dobrowolski, Association of Manitoba Municipalities, on Bill 6 and 27; Don and Vel McAdam, Kelsey Bus Lines, on Bill 27; Carolynn Cancade and Nate Andrews, Brandon Chamber of Commerce, on Bill 27; Kim MacDonald, private citizen, on Bill 27; Chris Henry, Intermountain Leasing Bus Charters, on Bill 27; Ben Kolisnyk, Canadian Federation of Independent Business, on Bill 35.

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

All right, I would like to inform all in attendance of some provisions regarding the hour of adjournment and the consideration of our business tonight. In accordance with the sessional order adopted in the House on September the 11th, 2013, since we currently have less than 20 presenters registered, if this committee has not completed clause-by-clause consideration of these bills by midnight, a number of rules will apply, including,

(1) sitting past midnight to hear presentations; (2) if they are not already finished, concluding presentations at 1 a.m.; and (3) interrupting proceedings to conclude clause-by-clause on all bills at 3 a.m.

How late does the committee wish to sit tonight?

**Mr. Swan:** We're prepared to go until the work of the committee is done.

**Madam Chairperson:** Until the work of the committee is done? Everyone's agreed? *[Agreed]*

Before we proceed with presentations, we do have a number of other items and points of information to consider. First of all, if there is anyone else in the audience who would like to make a presentation this evening, please register with staff at the entrance of the room.

Also, for the information of all presenters, while written versions of presentations are not required, if you are going to accompany your presentation with written materials, we ask that you provide 20 copies. If you need help with the photocopying, please speak with our staff.

As well, I would like to inform presenters that in accordance with our rules, a time limit of 10 minutes has been allotted for presentations. I will try to remember to give you sort of a signal at nine minutes so that everybody knows you've just got one left, and if you could wind it up at that point that would be excellent. And then we have just five minutes allowed for questions from committee members.

Also, in accordance with our rules, if a presenter is not in attendance when their name is called, they will be dropped to the bottom of the list. If the presenter is not in attendance when their name is called a second time, they will be removed from the presenters list.

All right. Prior to proceeding with public presentations, I would like to advise members of the public regarding the process for speaking in committee. The proceedings of our meetings are recorded in order to provide a verbatim transcript. Each time someone wishes to speak, whether it's an MLA or a presenter, I first have to say the person's name. That's the signal so Hansard will know when to turn the mics on and off, okay, so that's why we're doing that.

Thank you so much for your patience. We'll now proceed with public presentations.

### **Bill 5—The New Home Warranty Act**

**Madam Chairperson:** Our first presenter is Mayor Chris Goertzen, Association of Manitoba Municipalities, and do you have any materials with you?

**Mr. Chris Goertzen (Association of Manitoba Municipalities):** Yes.

**Madam Chairperson:** Excellent, and our staff will help you, and you can just go ahead whenever you're ready.

**Mr. Goertzen:** All right. Good evening. It's good to be here. Normally, I'm on that side chairing the meeting, and so to be on this side is different and interesting, so good to be here. I'm here on behalf of the president, Doug Dobrowolski, of the—of AMM and I want to speak on Bill 5. I'll wait until all of you have your information.

Bill 5 is The New Home Warranty Act. Bill 5 would require all new homes built for sale to be covered by a warranty against defects in materials, labour and design and structural defects. Home builders and warranty providers must be registered under the act, and only registered builders are allowed to build homes for others or for sale. The bill also specifies the minimum required coverage under a home warranty.

Under this bill, a building permit must not be issued for proposed new home—a proposed new home unless the applicant shows that the home will be built by a registered home builder and a warranty provider has committed to provide a home warranty for the home. As a result of their authority to issue building permits, municipalities will be involved to some extent in the implementation of new—of The New Home Warranty Act.

The AMM was consulted through the process of developing The New Home Warranty Act due to the implications for municipalities and was able to voice some concerns. In particular AMM remains concerned about the downloading of administrative work to municipalities and the potential liability issues for municipalities.

First of all, the AMM understands the need for the—for minimum municipal involvement in the building permit issuing process. However, the AMM would like to ensure this role will not be a burden to municipal staff and that the duties involved are straightforward and clearly communicated. The province should communicate the home

warranty requirements to both home builders and municipalities and there should be information available for reference.

Secondly, the bill also indicates that a municipality who issues a building permit in good faith, relying on the evidence provided, is not liable, either directly or indirectly, for any damages or losses sustained by any person because the new home is not covered by a home warranty or the home builder is not registered, authorized or exempt. The AMM not only believes municipalities should not be liable for any damage or losses, but also that municipalities should not be responsible for any legal cost to provide the—to prove they issued a building permit in good faith.

\* (18:10)

We are also concerned about the additional cost to consumers which could be up to several thousand dollars due to the required terms of the warranty. This type of increase on the 'prin'—on the price of a home could have a significant impact on consumers and the affordability of buying a home. It could also affect smaller developers in rural and northern locations by adding to their project costs and ultimately increasing local housing prices or reducing the number of new homes that are built.

Furthermore, the AMM would like to emphasize the importance of consultation with the Office of the Fire Commissioner to ensure the implications of the—of this bill are clear.

In summary, the AMM is supported—supportive of the intent of the bill to protect consumers, especially in what is likely the largest purchase most consumers will ever make. As well, the AMM was pleased to hear Bill 5 has the support of the Manitoba Home Builders' Association, as their voluntary home warranty program has worked well for over 30 years. However, the AMM believes the Province of Manitoba should take responsibility for the new home warranty initiative to avoid imposing any strain or legal burden on municipal resources. Thank you.

**Madam Chairperson:** Thank you for coming down to present. We'll move now to questions from the committee.

**Hon. Jim Rondeau (Minister of Healthy Living, Seniors and Consumer Affairs):** Thank you very much and thank you for taking the time to come. And my question is, is that I understand the AMM is still discussing with my—in conversation with my

department about the role of regulations and all these issues or other issues or perceived issues that have come up. You do have members from the AMM that are directly talking to my department, discussing them and going through on the regulations. I assume that's correct. Could you confirm it, sir?

**Mr. Goertzen:** Well, I would suggest that our staff specifically is—has been talking to your department directly and has been communicating the challenges and also the opportunity that his bill has, yes.

**Mr. Rondeau:** And one of the things, sir, that we tried to do was to make it so that there is a provision in the regulations that we could exclude areas if the prices of houses went up or it was, yes, inappropriate financially. We did do that in the initial bill to make sure that we could exclude regions. That isn't in other jurisdictions. You think that might work in case we come into some of the issues?

**Mr. Goertzen:** That may work. What I would suggest is that you don't want a patchwork around the province, but at the same time not—the same regulations for all don't—doesn't always work, and so if the unintended consequence is that homes aren't being built in certain areas that need them, I would be very cautious.

**Madam Chairperson:** Thank you.

**Mr. Cliff Cullen (Spruce Woods):** Thank you very much, Mr. Goertzen, for coming in tonight. We certainly appreciate it and appreciate you sharing your concerns from AMM's perspective as well, and there's—certainly you have quite a few concerns mentioned here. Clearly, the devil's going to be in the detail and the regulation on this one, so we're kind of going into this a little blind. And thanks for putting those concerns on the record.

My other concern would be—and maybe just put on a homeowner's hat for a minute—for those that are purchasing a home under the new scheme, do you think that will give people a kind of a false sense of security with the warranty that may or may not be in place?

**Mr. Goertzen:** Well, I can't speak for something that isn't, but if regulations are very clear and what the warranty is is very clear both to the people who are implementing it and also to the homeowners that are purchasing it, they will be better off. If it's unclear, then they very well may be—yes, either have a lack of understanding or a misunderstanding. And I think the importance that we see as AMM is that things are very clear and that there is not additional work for

our municipal staff to be doing because downloading is an essential—is something that is not what we want to see. We have a lot of work to do and that is a high priority for us to not see any downloading through this Bill 5.

**Madam Chairperson:** Thank you. Seeing no further—seeing a question.

**Mr. Cliff Graydon (Emerson):** Just one quick question. Mr. Goertzen, is the—who do you suppose the people will—who will they talk to—a one-stop-shop type of thing—if they do have an issue? Where would that—where do you suppose they would phone for that warranty?

**Mr. Goertzen:** Well, what I can say is that when people have—get a building permit, they come to the city. If they may have a challenge with that building permit or have a question about it, they will come to the—a city or a municipality. What I would suggest is that it be very clear if this warranty—if this bill does come into effect and that everyone does need a home warranty, that it be very clear to everybody through documentation and through pamphlets or whatever means possible that they get the appropriate information so they know who to call if they have challenges.

**Madam Chairperson:** Thank you so much. Seeing no further questions, we'll just like to thank you one more time for coming to the city and presenting.

#### **Bill 27—The Highway Traffic Amendment Act (Charter Bus Service)**

**Madam Chairperson:** Our next out-of-town presenter is on Bill 27, and it's Mr. Niel Henry, Prairie Coach Charter Services, and you have materials to hand out, sir?

**Mr. Niel Henry (Prairie Coach Charter Services Ltd.):** Yes, I do.

**Madam Chairperson:** All right, our staff will help you, and you can just go ahead whenever you're ready.

**Mr. Henry:** I'm the owner of Prairie Coach Charter Services from Brandon. Prairie Coach has been doing business in the province since 2005. We're not a line-haul company but a charter company. We believe Manitoba needs a level playing field in the charter industry, but deregulation is not the answer. Deregulation will, at the very least, extremely hurt the existing charter industry in the province, and at the worst, it'll cripple or bankrupt many existing companies. Big companies will move in and

cherry-pick the best paying trips and leave the poor paying trips for us. This has happened elsewhere, i.e., Alberta.

At the present time, all the existing companies have spent a great deal of money and time to acquire or purchase operating authority, but deregulation would make this worthless, and thus the companies would also be worthless. Deregulation will not entice outside companies or companies within the province to come and do line haul, as some may think. Most line-haul routes do not have the ridership to be profitable, so no one is going to do this.

What we need is a level playing field for all existing charter companies within the province. Anyone with authority based in the province should have the same authority in everyone—as everyone else. We also need a threshold for all new applications to hold an authority in the province of Manitoba. All existing companies should be allowed to oppose these applications with just reasoning. If a new application is deemed as required, then the applicant receives the same authority as all the other operators based in the province. These changes will make for a strong, competitive industry that lets the customer decide who they want to hire. This keeps Manitobans working.

**Madam Chairperson:** Thank you very much for presenting. We'll go to questions now.

**Hon. Steve Ashton (Minister of Infrastructure and Transportation):** I'd like to thank you for your presentation, and I certainly look forward to the various presentations tonight. I know there was opportunity for consultation on the broader issue of both scheduled and chartered bus service. And I know that certainly during the consultations, some of the current inequities were identified. You know, there's some carriers that have no geographic restriction at all. Others do. And, actually, traditionally, some of the carriers, and, in fact, the one in particular had also, like, you know, a fairly extensive scheduled service. So it was, you know, that was part of the rationale, which they no longer provide, as you know.

But I do appreciate the feedback, and I know we will be looking at some amendments to deal with some of the concerns that are raised, which we do have a bit of luxury of time. As you know, we aren't taking this bill back to the Legislature until we resume sitting, and there'll be opportunity for amendments at report stage. But I certainly appreciate some of the issues that have been raised

both tonight in your brief and also by people in the industry. And we will be looking very seriously at them. So, again, thank you for your presentation.

\* (18:20)

**Mr. Reg Helwer (Brandon West):** Mr. Henry, through reading and meeting with you, I understand that you'd like to see, I guess, a restriction to Manitoba companies to operate in Manitoba and outside so that companies that don't—aren't licensed here can't come in and pick your fares, as such. Is that the direction you'd like to see happen?

**Mr. Henry:** Yes, I think we need everything levelled in Manitoba so it's fair for companies that are already existing in the province. And outsiders—none of us from Manitoba can go to Saskatchewan, Ontario or the US and do—take trips from them or do business with them without applying for authority. So we can't really allow those companies from other jurisdictions to come in and do that to us.

**Mr. Helwer:** So, Mr. Henry, what you seem to think that—your opinion on this bill is that it'll open up competition in Manitoba for everybody, but you're not allowed to compete in other jurisdictions. Is that correct?

**Mr. Henry:** No, we're not allowed at this time unless we apply for authority and cover their threshold and be allowed to operate in their jurisdiction. But right now it's not a level playing field in Manitoba, which needs to be addressed in itself.

**Madam Chairperson:** Thank you. Seeing no further questions, thank you one more time for coming down and presenting.

Our next out-of-town presenter, and I might mispronounce your name—please correct me—is Mr. Gordon Hrechka—Hrechka. I did that really wrong. I'm seeing people laughing, right? How do you say it?

**Mr. Gordon Hrechka (Brandon Bus Lines Ltd.):** You got it pretty close. It's Hrechka.

**Madam Chairperson:** Hrechka. All right, and did you have any materials, sir?

**Mr. Hrechka:** No, I just got a short little thing I'll read out here.

**Madam Chairperson:** Okay. Please go ahead whenever you're ready.

**Mr. Hrechka:** Okay. Hi, everyone. My name's Gordon Hrechka. I'm the owner of Brandon Bus

Lines. I'm here today to speak against the passing of Bill 27 because it would kill all the small charter bus owners in Manitoba and put a lot of people out of work, and that would mean loss of tax dollars through wages, fuel, parts, insurance, et cetera.

At Brandon Bus Lines, we approximately have about 30 people on payroll through full-time and part-time, and if we cannot survive, neither can they and they'll all be out of work. Earlier, when a few of us charter owners spoke to our local ministers, we were asking for equality within the province. In other words, we could maybe state it as deregulating Manitoba within Manitoba only and not through North America so that all of us charter owners in Manitoba have the same level of playing field, so that we can all pick up and deliver our loads throughout all of Manitoba and not just be restricted to certain areas and others can go anywhere. And presently the board has given some of us—or that who have applied the equal playing field, they've lifted the geographical restrictions and the number and size of buses, but they are supposed to be reviewing it in February and we don't know what's going to happen then. Hopefully, it stays as is and everyone will have a level playing field and be able to survive.

Yes, and in Manitoba right now we have a very good safe record. We haven't had any accidents of any major kind, and if you listen to the news, the US has had quite a few, and I believe so that in the US the safety regulations and all that are a lot lower than in Manitoba, and we're very proud of our safety conditions and we'd like to keep it that way, and if all these other companies come in it'll all get jeopardized and so will safety.

Thank you.

**Madam Chairperson:** Thank you for coming to present.

**Mr. Ashton:** Well, thank you very much, and as I indicated before, we will be listening to presentations tonight and we are looking at some amendments.

I was wondering if you could just elaborate a bit, because I'm not sure all the committee members are aware of the current situation, which is that some charter companies have province-wide ability to operate and others don't, and if you were to go through the current process other companies can object to operating in different geographic areas. And I'm wondering if you could give us some sense



of what your situation is at Brandon Bus Lines in terms of your—you know, where you're able to operate.

**Mr. Hrechka:** Yes, and at Brandon Bus Lines we are able to operate in the southwest corner of Manitoba, coming as far as the Carman highway and going up to—drawing an imaginary line to the provincial park, Riding Mountain, and the Saskatchewan-US border, that was our area. And other companies like Greyhound, Beaver, the bigger companies, they're able to come in through Brandon and, well, they had all of Manitoba. They could go anywhere and pick up their loads and take them, and we were restricted to that area.

There was other times of the year where they could—the Winnipeg companies could not handle all the freight, so they could get permits to bring us in and et cetera to haul these loads and help them out, which I didn't believe was fair, because we should all have the same level of playing field. We all pay the same amount for insurance per bus, our costs are all the same, and we're just pinned to a corner and they could pick up the better loads too or whatever.

**Mr. Ashton:** So in other words, there—certainly, your view is that there's an unfair situation, and I'm certain I've heard from other charter bus companies that, you know, the previous situation where, you know, Greyhound, for example, did offer comprehensive passenger service, which it no longer does, it has maintained a fair number of the routes, but it doesn't—but it hasn't lost its ability to operate anywhere in terms of charter. So what it means is basically they can come into the southwest Manitoba and operate in terms of charter service, but if you were to go into an area where—for example, I'm from northern Manitoba where currently the only real presence is Greyhound, you wouldn't be able to operate because it's outside your geographic area. *[interjection]*

**Madam Chairperson:** Mr. Hrechka.

**Mr. Hrechka:** Oh, sorry. Yes, no, I wouldn't have been able to before, but then a few months back I applied for more authority for all of Manitoba and, like I said, the board did do a—I don't know, I guess you'd call it a temporary 'til February and then they are supposed to review it and see how things work out.

**Mr. Helwer:** Mr. Hrechka, are there other provinces that have similar regulations to what you're

recommending, which would be a province-limited running rates? *[interjection]*

**Madam Chairperson:** Mr. Hrechka.

**Mr. Hrechka:** Oh, sorry. Yes, I believe Saskatchewan and Alberta are once you have authority, you've got the whole province and you can pick up your loads, deliver them wherever need be.

**Mr. Ashton:** Yes, and I just did want to assure you as well that the issue here is whether there—you know, there are the restrictions, it's the economic regulation, not on safety. Anyone that operates will be subject to the safety provisions.

But I certainly appreciate, you know, the arguments you're putting forward and the concerns that others have expressed, so thank you very much.

**Madam Chairperson:** Seeing no other questions, thank you again for coming to present.

Our next out-of-town presenter on this same bill is Shari Decter Hirst, mayor, City of Brandon. Do you have any materials to hand out?

**Ms. Shari Decter Hirst (City of Brandon):** I do not.

**Madam Chairperson:** All right. Go ahead whenever you're ready.

**Ms. Decter Hirst:** Brandon is a thriving and growing community and its growth in population must be accompanied by concurrent growth in the economy. Brandon has several successful charter coach companies that could build on their business successes if they're allowed the same abilities and authorities as Winnipeg companies in regards to operating authority, size and number of coaches. This aspect has been stressed in previous public consultations.

Given my emphasis on growing the Brandon economy, I can only presume that our provincial government would have that same emphasis in fostering a progressive business environment that would have a similar impact province-wide. As a province, we do not need to deregulate the charter bus industry and then open it up to national and international carriers not based in Manitoba. Our obligation is to create the level playing field within the province for the benefit of Manitoba operators, their employees and their passengers.

Competition is the nature of business. You can compete on many different levels, on price, on service and on location. While product

differentiation is an important aspect of a successful business plan, however, the product differentiation shouldn't include safety or compliance with the regulatory environment. I believe that our Brandon based carriers can compete provincially with the quality of service and with their business acumen, especially when the regulatory environment is fair for all. Bill 27 needs further reflection and amendments to best serve the people of Manitoba. Thank you.

\* (18:30)

**Madam Chairperson:** Thank you.

**Mr. Ashton:** Well, thank you very much, and I do want to acknowledge that there has been a, you know, number of previous meetings that have taken place and certainly, as mayor, you put forward some of the existing concerns, I think, which Mr. Hrechka just referenced, which is that actually many of the Brandon-based bus companies are currently unable to operate because some companies have general ability to operate.

Greyhound, for example, which is, you know—call it a national company if you want—it's actually really an international company, has province-wide ability to operate. And they—and a lot of that goes back historically to the, you know, the fact that they operated a comprehensive scheduled service. And, of course, since 2009 that's no longer been the case, and we've had to already significantly move to more flexible regulations on the scheduled bus service. But I certainly appreciate the point that has been raised.

And I think one of the key elements I want to stress with this bill is that it doesn't deregulate safety. What it does is it changes the way applicants can deal—in terms of business currently, if you want to operate—if Brandon Bus Lines, for example, wanted to operate in Thompson or in Sprague or in Flin Flon, it can't with its current authorization. It would have to go through the current Motor Transport Board. And even if it had customers, it would be subject to the economic test, which is others could object—certainly, Greyhound or other companies who are operating in that area. So the intent was very much to level the playing field, to use that term. But I do want to acknowledge there's some—have been some concerns expressed about some other aspects of—that that would result, and you certainly expressed them. And we will be listening to the presentations and looking at amendments when the Legislature resumes in a couple of months.

So, I certainly appreciate the perspective and I know you put it forward before. And it is a concern in Brandon, not the least of which is exactly what you said—that Brandon's—and the southwest is actually doing very well—booming—and there's a lot of opportunities in a lot of areas and obviously bus service is one example. And, in fact, you have a couple of Brandon-based companies that—done very well, I think is very much an indication of that, so thank you very much.

**Mr. Helwer:** Thank you, Mayor Decter Hirst, for coming to Winnipeg to present to us. And I guess what I've heard you say is that you'd like to see open competition for Manitoba-based operators, but that does create a bit of a complexity in terms of national operators then, like Greyhound or others that may wish to apply. And I guess that would be on a case-by-case basis. Is that what you might suggest for that type of thing? So you don't see people just coming in with a bus and taking up customers with no regulation.

**Ms. Decter Hirst:** Thank you very much, Mr. Helwer. I think it's important to understand that we don't have to go from all to nothing in terms of a regulatory environment and again those operating authorities—that my primary concern is to create an environment where Brandon-based businesses can thrive. And I would, as I had said in my opening remarks, presume that your priority is to create an environment within Manitoba that Manitoba-based businesses can thrive. We've seen cataclysmic effects of what happens when borders become too porous, and again we only need to look at Ontario and the devolution of the car industry. Again, I think that, as I had said earlier, our Brandon-based coach businesses can compete very effectively, as long as they have a level playing field to play on.

**Mr. Helwer:** Thank you, Mayor Decter Hirst. The minister has spoken about—this will not compromise safety, and that is a very important part in this bill. I do believe that we do have the same safety requirements for everyone, but that could be an opportunity to make sure that Manitoba-based lines are—bus lines are treated a little bit differently, if you have to have safeties done in Manitoba for all buses operating. So that may be an opportunity to have it open but make sure that those buses meet all of our safety requirements here.

**Ms. Decter Hirst:** Thank you very much. One of the biggest deterrents to compliance to safety regulations is information, and when you have national carriers

who are unfamiliar with the Manitoba regulations, they can unwittingly compromise those safety regulations. From previous experience that I've had, that happens much more frequently than we would be comfortable with, that one of the great advantages of Manitoba-based businesses is that they are very familiar with the regulations. We have a current level of inspection and audit in place to ensure that they have—that they do comply, that, again, trying to ensure that same kind of compliance with regulation through audit and inspection would undoubtedly add to significant costs of the program. So, again, I think that in terms of efficiencies, as well as human nature, again, focusing it on Manitoba-based businesses would certainly be a more efficient way to go.

**Madam Chairperson:** Thank you so much. Our time for questions has expired. Again, thanks for coming down.

\* \* \*

**Madam Chairperson:** All right, our next out-of-town presenter is on Bill 41, and it's Mr. Robert Dolyniuk, private citizen. Not here? So, Mr. Dolyniuk will drop to the bottom of the list.

Our next out-of-town presenter is Mr. Fred Hiebert, United Transportation Driver Training. *[interjection]* So Mr. Hiebert will also drop to the bottom of the list, and that is all I have on my list for out-of-town presenters.

#### **Bill 5—The New Home Warranty Act** (Continued)

**Madam Chairperson:** So now we will return to the top, Bill 5, and Mike Moore, Manitoba Home Builders' Association, and do you have materials to hand out, Mr. Moore?

**Mr. Mike Moore (Manitoba Home Builders' Association):** Yes, I do.

**Madam Chairperson:** Our staff will help you with that.

**Mr. Moore:** No peeking, though.

**Madam Chairperson:** I'm assuming they will—oh, there they are.

**Mr. Moore:** Yes, those ones. *[interjection]* That's right, focus on the speaker.

**Madam Chairperson:** And whenever you're ready.

**Mr. Moore:** All righty, thank you very much for the opportunity to present here this evening. The

Manitoba Home Builders' Association is happy that our long-standing request for mandatory third-party warranty coverage for all new homes has been granted. This legislation will be a positive step for both consumers and builders. Consumers will have the assurance of knowing that all new houses built by professional registered builders will be protected by a recognized warranty program. Professional builders will gain a more level playing field in that those people who have been circumventing the process and undercutting others by not offering warranties, not taking out necessary permits and avoiding the appropriate licences and taxes, will either have to conform to industry standards or cease operations.

MHBA members build over 87 per cent of all new homes in the province of Manitoba. Non-members who are affiliated with the new home warranty provider probably account for another 2 or 3 per cent of the market. Every builder member of the Manitoba Home Builders' Association and the Canadian Home Builders' Association must provide third-party warranty coverage. This has been the case for over two decades. The first warranty provider here, the New Home Warranty Program of Manitoba, has been in business for over 35 years. The MHBA, on behalf of the residential construction industry, has been advocating for this level playing field as it relates to the provision of new home warranty for a number of years. As a matter of fact, on my first day as president of this association, March 17th, 2008, my first order of business was an 8:30 meeting with provincial representatives and a select number of builders regarding new home warranty legislation. I'm elated to see it finally come to fruition.

Saying that, there's still much work to be done before full implementation. As you are all aware, passing an act is only the tip of the iceberg, and the regulations make up the bulk of the work. I'm confident that the government will 'wook'—will work closely with the industry in drafting these regulations. After all, as stated earlier, our professionals have been participating in new home warranties for over 35 years, and this is the Province's first foray into this territory.

\* (18:40)

Other provinces have gone down this path with various degrees of success. Ontario has chosen to create a Crown corporation, Tarion, much like an MPI here, to run the program. British Columbia rushed their program as a reaction to a situation and

has had to revamp it on a number of occasions. Alberta is approximately at the same stage as we are in Manitoba, although they've had to pull back a bit. Let's learn from the mistakes of others and create a program that is made in Manitoba for new homes built in Manitoba.

What are the—some of the key areas requiring our combined expertise for resolution as we go forward in regulations? Well, it's ensuring that the New Home Warranty Program of Manitoba and their members, many of them small businesses in rural Manitoba, continue to operate and flourish, closing the loopholes surrounding owner-builders so that they are subject to the same legislation, restrictions and obligations as professional builders, ensuring that we do not create more bureaucracy, expense and red tape through the establishment of a new office to deal with licensing and/or registration. This was a massive problem and lesson learned from British Columbia, because we have all the necessary information on various databases.

Certainly unique issues relating to manufactured housing, RTMs—that's ready to move—cottages, historical buildings and conversions, dispute resolution procedures and exclusions from the program. The Manitoba Home Builders' Association has every confidence from actions demonstrated to date that Minister Rondeau is committed to working with industry professionals to create the most appropriate legislation for Manitoba new home buyers. We've met on numerous occasions and have made considerable progress on a variety of previously outstanding issues. We look forward to participating in the drafting of the regulations and being a constructive part of an ad hoc advisory committee.

Thank you for your leadership and support.

**Madam Chairperson:** Thank you, Mr. Moore, for presenting.

Members?

**Hon. Jim Rondeau (Minister of Healthy Living, Seniors and Consumer Affairs):** Thank you very much, Mr. Moore. First I'd like to say thank you for your tenacity and patience, and second I'd like to say thank you for your advice and continued consultation with our department. I know you've been talking to the department on the regulations, on the drafting of the regulations, and I'd really like to say thank you to you, your members, members of the ad hoc committee.

And the other thing I'd like to ask is if you're talking about a timeline, when do you think a real

timeline would be for implementation of this with the regulations and all this? When do you think is a good time to pull the trigger and start the whole process?

**Mr. Moore:** I think it would be a nice Christmas present for us. Nah, I would say reasonable, based on what's happened in other provinces, I think it would be realistic that we would have this done by spring. I think that's a realistic expectation. I mean, the regulations, much like any act, the act is this big and the regulations are this big. But we have been working on them in a number of years and I think we're closer than many people would realize.

**Madam Chairperson:** Thank you.

**Mr. Rondeau:** And thank you for taking away December and saying spring, because I think Alex just stopped having a heart attack, so thank you very much.

**Mr. Cliff Cullen (Spruce Woods):** Thank you very much, Mr. Moore, for coming down tonight, and I appreciate it and appreciate your advice here in going forward. I think it's going to be pretty integral that you are a part of that discussion in regulation development.

The question comes up about some independent contractors that may not be part of your organization and the availability of getting warranty programs. Can you speak to that and also maybe speak to the potential costs for those particular programs?

**Mr. Moore:** From what I understand, that shouldn't be a problem in that, as I said before, the New Home Warranty Program of Manitoba is the oldest program and the largest as far as number of members. It has about a hundred and fifty members of that program, many of them small rural builders. If I was to use an example, the National Home Warranty program has far fewer builders but more of the bigger ones, so there are members of the New Home Warranty Program of Manitoba that might build one or two houses in a year and in more remote areas of the province that are currently part of a warranty program. And I would trust that under the mandatory third party program the same benefits that have been offered to those people who are currently part of it would be offered to all builders who are building new homes in the province.

As far as cost, it does vary by builder. I certainly won't hide that one. Those that build the most houses and have the best track record are probably able to secure a better rate than those that may not have a

good track record in building, maybe have had problems with their permits, problems with inspections. And, of course, somebody that only builds one house in a year is likely to be a greater risk just from an insurance standpoint than somebody who builds a hundred in a year and has done so for 20, 30, 40 years.

**Hon. Jon Gerrard (River Heights):** Yes, just a question for you for information. Homes which are built in First Nations communities, are they part of this act and the warranty program?

**Mr. Moore:** I believe those are federal lands, are they not? So they would not be part of provincial jurisdiction.

**Madam Chairperson:** Seeing no further questions, we'd just like to thank you one more time for coming to present, it's appreciated.

**Bill 27—The Highway Traffic Amendment Act  
(Charter Bus Service)**  
*(Continued)*

**Madam Chairperson:** Our next presenter is on Bill 27, and it's John Fehr, Beaver Bus Lines, and do you have any materials to hand out?

**Mr. John Fehr (Beaver Bus Lines):** Yes, I do.

**Madam Chairperson:** All right, so our staff will help you with that and then you can just go ahead whenever you're ready, Mr. Fehr.

**Mr. Fehr:** Yes, thank you for letting me speak, I appreciate that.

I've got a pack of information there. I—maybe I just should explain it a little bit before I start. I guess I've got—it's—what I would like to say, I hope that I can say it in 10 minutes, and those are—the first three pages is a copy of a discussion paper that was done by the Province, just kind of highlights what a scheduled and what a chartered service is—is a financial analysis on our Selkirk line, and then there's a copy of a letter that was sent from Lawrence Mercer in October of last year. And then I—actually, the last two pages was my reply to Mr. Mercer in December of last year. So, anyway, I just wanted to explain that first before.

Bill 27 introduces two major changes to the Manitoba Highway Traffic Act. The first major change is that it removes the geographical and equipment restrictions including number and seating capacity of buses and charter bus licences. This means that every current bus operator is on the same

level playing field. There are no restrictions on where the bus operator can pick up in Manitoba and how many buses or what size bus they can operate. I do not have a problem with this portion of the Bill 27.

The second major change is that a charter operator will still require a certificate of operating authority, a licence from the Manitoba Motor Transport Board, but the current economic entry test for charter bus licences would be eliminated along with the process of applying for the test, i.e., publication of applications in the Manitoba Gazette, opposition from respondents, public hearings, et cetera. A licence would be issued or renewed if the operator meets the prescribed safety and insurance requirements.

What this means is that it allows bus operators from other provinces and the USA to freely come in and pick up Manitobans and transfer them on a charter destination of their choice. This part of the legislation will create many problems for Manitobans. The first and most important reason is safety. Presently, Manitoba has inspectors who inspect our buses once a year and randomly perform audits to ensure that we have a good preventative maintenance program, all the proper paperwork concerning our equipment and the driver's hour of service logbooks are done correctly.

My question is how is the Manitoba government going to make sure that the out-of-province and the American bus operators are abiding by the same Manitoba highway traffic laws that we do? How are the Manitoba inspectors going to inspect these buses? Are they going to stop them at the Manitoba borders and perform a visual inspection with no facilities to lift the buses off the ground or do a thorough undercarriage inspection which includes brakes, airline suspension, tires and steering components? My questions are: Do you as Manitobans, who have the power to pass Bill 27, feel confident that these outside operators will be providing safe equipment and safe drivers to transport Manitobans? Has the government implemented a plan to hire more inspectors or build a facility to do proper audits and inspections on these out-of-province and American bus operators?

\* (18:50)

In a highly competitive market, the first thing that many operators will do to save money is to reduce maintenance costs. Reducing your maintenance costs reduces safety. Reducing safety

means endangering human lives. The bus industry carries people, unlike the trucking industry, which carries freight.

The second reason is the negative impact on Manitobans. Passing Bill 27 allows American and out-of-province bus operators to pick up in Manitoba and take charter revenue away from present Manitoba charter operators who employ Manitobans, purchase supplies and services in Manitoba, purchase fuel in Manitoba, purchase insurance from MPI, pay business, property and income taxes. The charter market in Manitoba is a set amount of dollars per year. Schools, sports teams, universities, seniors groups, businesses, religious groups, et cetera, only charter a bus if there's a specific need to do so. It is not like buying an extra loaf of bread at a grocery store. There are enough charter bus operators and charter buses in Manitoba to supply the buses needed to meet the economic market demand within Manitoba. Manitoba does not need American and out-of-province charter operators coming into Manitoba and taking jobs and revenue away from the present Manitoba charter bus operators.

The third reason is unfair competition. Passing Bill 27 will allow out-of-province and American operators to freely come into Manitoba and pick up Manitobans to go on a charter trip. However, the Manitoba bus operators cannot pick up Saskatchewan passengers, Ontario passengers and American passengers and transfer them on a charter trip.

I'll give you an example. In Ontario, deregulation of the bus industry has been discussed for over 15 years. In 1997, the Progressive Conservatives tried to push deregulation and it was not passed for three reasons. The first reason was the Ontario bus operators were split 50-50; 50 were for and 50 were opposed for deregulation. The second reason was Québec had made it quite clear and still does today that they will never deregulate; therefore, enforcing deregulation in Ontario would mean that Québec bus operators could freely come in and pick up Ontario passengers but the Ontario bus operators could not pick up Québec passengers.

The third reason was deregulating the scheduled service would entice more competition on scheduled runs and therefore could jeopardize the present carriers' ability to provide service in the future. In doing this, you risk the possibility of no carrier providing service in the future. In Ontario, if there's a new scheduled service that is being proposed with no

service at present, the Ontario government has no problem granting new licences for a new scheduled service.

Another example of this is an Ontario bus operator was located in Fort Frances and had two charter buses that he had operated for over 15 years. His stiffest competition was an American bus operator who was located in International Falls, which is on the other side of Fort Frances; only the Canadian-US border separated them. The people in Fort Frances would get cheaper prices from the American bus operator and they would drive their cars across the border and—so they could save money. So, over two years ago, the Fort Frances bus operator closed his doors because he said he could no longer compete with the American bus operator's cheap prices or cheap rates. As soon as he shut down his operation, the American bus operator immediately increased his prices. The Fort Frances people are upset because now not only are they paying more, but now they have the inconvenience of having to drive their cars across the border to charter a bus. There is no charter operator in Fort Frances today.

The fourth and final reason is subsidizing the Selkirk run. I have a copy of our schedule there that's—Beaver Bus Lines has been operating the Winnipeg-Selkirk commuter bus for over 60 years. We operate 22 trips per day—weekday, eight trips on Saturday and have no service on Sundays or holidays. We carry approximately 400 passengers per day and a hundred passengers on Saturdays. We operate five transit-style buses which come equipped with high-comfortable high-back seats and fully climate-controlled for hot summers and cold winters. We employ 12 part-time and full-time employees who consist of drivers and office staff at our Selkirk depot and our garage facility. We have a full-service maintenance facility and office staff in Winnipeg which the Selkirk—which support the Selkirk run and consist of another additional 12 employees.

When the scheduled service was deregulated last July, I immediately thought now is my chance to abandon the service and stop losing money. However, Beaver Bus Lines has a long history with the people who live in Middlechurch, Rivercrest, St. Andrews, Lockport and Selkirk. We have long-time, loyal employees and a bus depot and a garage facility in Selkirk. The charter regulations were not changed, and I made the decision to keep operating the Winnipeg-Selkirk scheduled commuter service.

It is no secret that our charter revenue has subsidized the Winnipeg-to-Selkirk commuter service for over 15 years. Below, you'll see, for the past five years, Beaver Bus Lines has recorded the following results. You can look at them; I won't go into detail. If you want to ask questions about it, I'd be more than happy to answer them. Passing Bill 27 will cause major reductions in charter revenue and therefore may force Beaver Bus Lines to abandon this scheduled service.

Graduated reduced regulation for Manitoba should be considered. I believe that dropping the geographical and equipment restrictions would be a good idea. This will permit greater competition with Manitoba bus operators, while continuing control over safety and equipment.

However, I do not agree with removing the current economic entry test for charter bus licence. If a person is serious about getting into the bus business, then they should do their homework and due diligence before being granted a charter authority. All new applicants should have to gather user support to see if the market warrants another charter bus operator in Manitoba. Manitoba does not need the province to flood the market with unsafe fly-by-night operators. Otherwise, you're going to have individuals who are looking for something to do, not take the charter bus licence seriously, buy an old bus, possibly drive it themselves and, God forbid, there's a serious accident to unsafe equipment or unsafe drivers. This is not safe and it will damage the good reputation of the charter bus industry in Manitoba.

In closing, passing Bill 27 will not solve the scheduled service problems in Manitoba. It will bring in unsafe, fly-by-night operators from the US and other provinces who were only interested in doing charters, not scheduled service, and therefore will be taking business away from present Manitoba bus operators who employ Manitobans, purchase goods and services in Manitoba and pay taxes in Manitoba.

Thank you.

**Madam Chairperson:** Thank you, and perfect timing. *[interjection]* Well done.

**Hon. Steve Ashton (Minister of Infrastructure and Transportation):** I'm sure that Beaver Bus runs just as on time. Right? *[interjection]*

First of all, I appreciate your very thoughtful presentation and I certainly appreciate the degree to

which you've identified the various dimensions in this issue. And I—it is interesting, looking at the Ontario experience, actually—similar legislation to this was actually also passed in Manitoba but never proclaimed around the same time and, you know, I think if you look at it, a lot of it is probably to do with the fact that one time we had regulated freight. That was completely deregulated; I think it went in the 1980s. There was some sense on the charter side, but we always continued to have a regulated scheduled service and you know this obviously with, you know, long history here. And, of course, after 2009, that system no longer worked because of the cross-subsidizations that had been—you know, that were assumed to be in place didn't work. And I know certainly that—it's a bit of a different situation here with what you're dealing with, but certainly that was what we ran into with Greyhound. So that's why we moved to the more flexible bus service regulations for scheduled service.

I'm just wondering, given the fact you do, you know, clearly operate a very important component of the scheduled bus service, and certainly the numbers speak to, you know, what I know people know, which is the degree to which you provide a very important service. Do you think there's any role of connecting those that do provide scheduled bus service on—you know, with the treatment of any applications in terms of charter bus service? The reason I'm saying that is because it used to be the model—assumed you cross-subsidized from scheduled to scheduled. What you're putting forward here really is the concern that you wouldn't necessarily have the charter revenue to subsidize the scheduled service, and I'm wondering if there's any role you would see, in terms of insuring that was in place, because I certainly appreciate you've said you don't see a problem with going to a province-wide operation on the charter side. But would that be a way of insuring that companies like yours that actually provide a service in Manitoba actually get, you know, fair consideration compared to companies that don't?

**Mr. Fehr:** I'm not quite sure I understand your question. Sorry, Mr. Ashton.

**Mr. Ashton:** Well, I'm wondering if, in the treatment of this, if the fact you operate a scheduled service should be given consideration in being able to get a charter licence.

**Mr. Fehr:** Well, that was the way it was many, many years ago. I mean, yes, that was the only way

you could get a charter licence was that you had to operate a scheduled service. And, I mean, since then, they've changed because I guess the remote areas in Manitoba where, you know, there was no bus service or it was very, you know, hard to get to, so people would, you know, apply for a charter authority, you know, for certain areas and they would get their licence.

\* (19:00)

And—but, yes, that was—the Selkirk run was always something that, I mean, many, many years ago, you know, we used to carry over a thousand people a day, and we used to have 34 trips on a weekday and 20—I think was it 28 trips on a Saturday and, you know, it was—but, you know, it's kind of like I stated in the letter to Lawrence Mercer there, that people want convenience. I mean, that's the bottom line, I think, is people want convenience. And so one thing that we've done in the last number of years is we've reduced our service. We took away our service on Sundays and we took away our—you know, scaled down our service on Saturdays. We really haven't changed the weekday service. We carry a lot of university students and workers. But, yes, to answer your question, yes, I think that's—I mean, if introducing something like that—I don't know if you'd be able to do that, you know, what your question is, you know, to say somebody—yes, well, if I get it correctly, you know, they could get their charter licence but they'd have to operate some sort of scheduled service. That's the old way of thinking, right?

**Madam Chairperson:** Thank you.

**Mr. Ralph Eichler (Lakeside):** Very quickly, in regards to safety and inspections, you mentioned in your presentation that inspections were done at your site and you had records that was checked. How many times has your company been stopped en route and checked?

**Mr. Fehr:** You know, it's—we don't really get stopped in Manitoba. Where we get stopped is when we go to Branson, Missouri. Where we get stopped is in Minneapolis, Minnesota. We get stopped there, in the States. And a lot of times in the States they'll go to major attractions where there's lots of buses. And inspectors will be there and they'll set up and they just—they do a blitz. And so that's where we get stopped. And luckily, I mean, I think because we have a good maintenance program, not that I'm tooting my own horn here, but, I mean, if you have a situation where if you get inspected down there and

if you don't pass that inspection, your bus doesn't move. Your people have to get on another bus and you have to get your bus fixed before it can go further. So, I mean, we—Manitoba, we don't get stopped. We don't get stopped in Saskatchewan. We don't get stopped in Ontario. Once in a while, maybe if you're in Toronto—I think years ago we used to get stopped in Toronto when they had sort of a blitz there for a while. But mainly in the States.

**Madam Chairperson:** Thank you so much, and I'm sorry, our time has expired a little while ago there. And thank you again so much for coming down to present. Appreciate it.

And our next presenter is Mr. Winston Gordon, private citizen. And do you have any materials?

**Mr. Winston Gordon (Private Citizen):** No, I don't.

**Madam Chairperson:** All right. Come on up. You just go ahead whenever you're ready, Mr. Gordon.

**Mr. Gordon:** Thanks for having me. I'm the owner of Five Star Bus Lines. And I agree with most of these guys. We do need changes—changes for an equal playing field. At the present time, it's not equal. Too many boundaries. Some guys are allowed so many equipment and others aren't. And we're in the same business, and it's not fair. So that part of it I would like changed.

Deregulation, Manitoba only, for Manitoba operators and for Manitobans who want to own a bus company in Manitoba, I'm for that. That's what I'm for, at the present time, for all the changes. Anything other than that, I'm not for it, because like most of these guys said, out-of-town operators, they don't want to going to want to come inside here and then a lot of us going to feel the consequences of it.

So that's where I stand. Like I said, pretty short. At the same time, too, with the present charter operators, I think there's a chance to—that some of us might want to look at some of the schedule run that's been dropped by Greyhound. Until we make changes or you guys make changes, I know some of us won't look at it, so changes need to be done. That's basically where I stand.

**Madam Chairperson:** Thank you very much, Mr. Gordon.

**Mr. Ashton:** Well, I certainly appreciate your perspective, and I'm wondering if you could perhaps explain to members of the committee what your



situation is in terms of your current operating ability, you know, where you can operate.

**Mr. Gordon:** I've got—I can pick up and drop of anywhere in Manitoba, but I'm restricted to how many buses I can have and sizes. And that's where my limitation at the present time exists. I would like to have it open because at the present time even at my shop I'm adding on four more bays because I see where there's other opportunities to expand my business, and if it's not open, I can't, because I only allow so many licences. And so I'm definitely for changes, you know, things got to be changed.

**Mr. Eichler:** Thank you for your presentation.

In regards to the proposed changes, what impact do you see that having on your current business or will it impact it with the changes?

**Mr. Gordon:** Yes, it will impact it, in the sense that you'll have other operators from out of town that I'm aware of that does want to come into Manitoba and they're pretty big operators. So, you know, I'm a small operator and it's going to affect not just me but all the operators, and not just the small operators, but everyone that's in the industry, big and small. So I think us, Manitoba, can handle Manitoba on the whole if we are—if we're all on the same playing field because, you know, we are looking at—we're all looking at different things in the sense that the North right now is wide open, so I know I am. We're looking at the North so that's where I stand on it.

**Mr. Ashton:** Well, I just wanted—yes, in addition to the question certainly, thank you for your perspective and representing Thompson, and I totally encourage you to look at the North. There's actually a lot of routes that are opening up and I certainly appreciate your perspective, you know, in terms of some of the restrictions you do currently face so that even if you do have potential customers, you have to get approval for additional buses. You can't just, you know, add another bus. It's a very cumbersome regulatory process. I really want to thank you for your perspective as an operator. Thank you very much.

**Mr. Gerrard:** What I'm hearing is you're pretty strong on opening it up for Manitoba operators. Tell us if this were open for Manitoba operators as you're talking about, how would that compare with Saskatchewan and Ontario with regard to their regulations?

**Mr. Gordon:** Well, from my perspective, it would be different, and I'm looking at it from a Five Star

perspective, not for other bus companies. We know there is quite a decline on the regular schedule runs because Greyhound did it; the passenger count is down quite a bit so that's why they let it go. So the big issue in Manitoba right now, I think, and what everyone's looking at is the scheduled runs. Is there anyone lining up to pick up the scheduled run, as far as I'm aware, right? No, there is no one lining up to do that.

When this comes to charter, if you open it up more, there's 10 of us in it, we're all of different perspectives of how we would run and operate it. For example, some of us probably would end up starting our own tour company differently from the present, now. Like, we'd do a lot of casino trips and—but, me, I'm looking at something totally different because there's enough in there. So I think, if we open it up with everyone's perspective on how they want to do things to benefit all of Manitobans, but right now it's just too restricted, you can't. Growth—everyone starts their business to grow, make it bigger, better and longer lasting, and we all need that opportunity or a chance to do that. So that's where I stand.

**Madam Chairperson:** Thank you. Seeing no further questions, we'd just like to thank you one more time, Mr. Gordon, for coming and presenting.

Our next presenter is Mr. Hernan Silva, Free Enterprise Bus Lines, and do you have materials with you?

**Mr. Hernan Silva (Free Enterprise Bus Lines):** No, I do not. It's just a note.

**Madam Chairperson:** Okay. Yes. Just go ahead whenever you're ready, Mr. Silva.

**Mr. Silva:** Thank you. If you'll excuse me—I'll be try—I'll try to be brief. We're one of those people that my colleagues were referring to those people that are most likely disappearing in this industry. My wife and I started this business in 1996. We depend fully on it, that's all we do. If this gets open to any and everybody that wants to come and do business here, we'll most likely in time and very quickly most likely disappear.

\* (19:10)

I am for a level playing field for everybody. We can pick up anywhere in Manitoba but we do not have the luxury of having as many buses as we want or sitting capacity as we want. So, therefore, I'm—I'll be okay with that portion of the bill.

The other thing is—I made some notes here—I got an email from my MLA from Seine River that's—that he informed me that in the deregulation part of it, people that want to come to this province to do business and are—quote, says, will also need to run a scheduled service, that being an amendment to what is being presented here in Bill 27.

Well, I just heard that this was a common practice in the past that if anybody wants to have a bus—a bus company here, you had to have a portion of it or, in order for you to get your licence, you need to run a scheduled run. So this is really actually not an amendment, it's something brought back that looks like an amendment but it doesn't seem like it is. So what's going to stop people from other provinces or in the United States from coming here and pick and choose any scheduled run that they think or is available to them, just to have office here, just to have their foot in here in the door and then run a scheduled—a small scheduled run and pick and choose the—what we live for, which is the charter part of the industry? That's not clear in here.

So I would be very much so for in specifying—if this is going to pass regardless of what we say, that would be a point of contention for me to know how is this going to be—is going to be decided. Who's going to decide who can come in here and who's—how and who's going to determine if a scheduled service needs to be or is just going to be used as a foot in the door for them to come in and set office? And who, if that's going to happen, is going to oppose to this applicants coming in? Is this just going to be a government thing that is going to say, well, sure, no problem, come over and open an office in Virden or whatever, because that's where the oil is right now, and run a scheduled run and then come and do business in Winnipeg because you already have an office. How is that going to be determined?

The lifestyle that we—my wife and I—my wife Vickie and I have taken us seven years to be where we are. We still don't see light of day; we're almost there, but like Mr. Fehr said, this is a set industry, it's not an expanding industry. There is so many of us who can be in business, and if this is going to deregulate and allow for anybody to come in, who's going to monitor them?

That's all. Thank you.

**Madam Chairperson:** Thank you, Mr. Silva, for coming to present. We'll go to questions.

**Mr. Ashton:** Well, thank you very much, and I appreciate again, as you—the other presenters have, the—you know, the feedback on the different portions of the bill and, you know, that your concern is not so much on the opening up province-wide of companies to operate, but the issue of Manitoba versus outside-of-Manitoba companies, and I do want to indicate that we're very much listening. We will not be bringing in any amendments in tonight because I want to look at all the presentations that have been brought forward, because the—you know, there's some differing views that we're hearing tonight on some issues, but, you know, there's consensus on some and concerns on other areas.

So I do take very seriously the concerns you're bringing forward as an operator, and we will be looking very seriously at what you put forward. Thank you very much.

**Mr. Eichler:** Thank you for your presentation. A question in regards coming back to the safety aspect in your inspections. Have you been stopped outside on one of your routes in regards to safety and have an inspection done on your vehicle?

**Mr. Silva:** In regards to safety, no. The only time that we have ever been stopped is in Ontario, in Ottawa, as a matter of fact. We were on a charter there and DOT came over and said, are you doing anything? No? Okay, come over here and we'll check you out.

That's it. We didn't have any problems, they just let us go, whatever, because we didn't have anything to be defaulted on. But, no, safety issues for us is not an issue.

**Madam Chairperson:** Thank you.

**Hon. Jon Gerrard (River Heights):** Just to be very clear on this question of whether bus lines should be required to have a—operate a scheduled service for—as—in order to have a charter service, I think what you're saying is that doing that doesn't necessarily make sense. Is that right?

**Mr. Silva:** Yes, correct.

Do I still have the floor?

**Madam Chairperson:** You do.

**Mr. Silva:** It does not make sense for the simple fact that I—first of all, I did not know that this was a common practice in the past: in order for you to get a licence you needed to have a scheduled run. But since the enlightenment from Mr. Fehr of saying that

that was a common practice, this amendment that I was—that was forwarded to me, it doesn't make any sense. In other words, they're reintroducing that as an amendment because it wasn't already—it was already a practice, and, if so, and if that's going to be a requirement for anybody from any other province or state to come here to do business, what, do they get to pick and choose any part of Manitoba and just say that they run a scheduled run even if it is five minutes from here to there? So now they can have a charter part of the business? That doesn't make any sense.

**Madam Chairperson:** Seeing no further questions, we'd just like to thank you one more time for taking the time to come and present. Thank you.

Our next presenter is Mr. Peter Hamel, director of passenger services and garage operations, western Canada, Greyhound Canada, and you have some handouts?

**Mr. Peter Hamel (Greyhound Canada):** Yes.

**Madam Chairperson:** And our staff will help you with that, and please go ahead whenever you're ready, Mr. Hamel.

**Mr. Hamel:** All right. I appreciate you taking the time to hear Greyhound's position tonight.

So as you know, Greyhound Canada is proudly serving Manitoba communities for decades. In recent years several factors have caused our business to suffer, chief among them the outdated provincial regulatory regime that prevented our company from tailoring our service offerings to the public in a manner that is timely, responsive to demand. In fact, for a number of years intercity bus passenger companies across Canada have been experiencing serious losses on their operations due to regulatory structures in several provinces that have been out of step with the times. In an era when urbanization has depleted rural populations, where cars have become ubiquitous and government-subsidized public transportation services are proliferating, it becomes increasingly more important that regulatory reforms enable local operators to adapt to changing market conditions and such reform protect these operators from unfair competition.

Greyhound remains in Manitoba despite the urgent nature of the problems we face. We are still here because we know that, notwithstanding serious declines in ridership on many of our routes in this province, there remains residual demand for our services, particularly from travellers who have few

or no transportation options available to them. This commitment to Manitoba can only succeed if we are confident that we can maintain an adequate driver group to manage our three lines of business: scheduled line-haul service, charters and package express.

Greyhound nationally continues to struggle with driver recruitment due to the competition in other areas for qualified drivers. The trucking industry is bracing for a 24,000-driver shortfall in the next 10 years. The oil industries in Alberta and Saskatchewan continue to draw qualified operators away from Greyhound with excessively high wages and bonus structure. Greyhound relies on the charter business to maintain an appropriate spare board to provide work for operators during non-peak passenger travel times. The depletion of this spare board will affect the company's ability to provide adequate coverage on scheduled service.

Dropping geographical restrictions does not create a level playing field, as Saskatchewan, Ontario and the United States remain regulated environments with no reciprocity agreements in place. The following list is a snapshot of locales that are currently serviced by Greyhound Manitoba customer base. Now, I share this just to get a sense of what the picture is here on where we're servicing and competitors that are trying to poach on this: Sky Dancer Casino in Belcourt; Shooting Star mall and casino, Minnesota; Northern Lights Casino, Minnesota; Seven Clans Casinos in Warroad, Red Lake, Thief River Falls; Fortune Bay casino, Minnesota; Black Bear, Duluth; Mille Lacs, Minnesota; Hinckley, Minnesota.

Allowing carriers from other provinces to pick up in Manitoba would have a disastrous effect on Manitoba-based companies currently offering this service. The following is a list of provincial carriers that are regularly seen—or out-of-province carriers that are regularly seen at the locales mentioned above: Maxie's, PA Northern, Westerhaug, Caribou Coach lines and Nagel Tours from Alberta.

\* (19:20)

Of far greater concern are the American companies poised south of the border with the ability to challenge Manitoba markets, but where we cannot reciprocate: Coach USA, national carrier; Jefferson, Minnesota. I touch on Fargo here and list a group of companies that are no less than four hours away that are prepared to take business: Anderson in Fargo, nine buses currently available; Minn-Dakota, Fargo,

seven buses; Valley Bus Lines, Fargo; Richards Transportation, Fargo; Red River Trails, Fargo; Schuck, Fargo. Grand Forks, somewhat closer, these companies who are prepared to take business are Dietrich, Harlows Trailways in Bismarck, Heartland in Thief River, Super Highway in Thief River.

Greyhound has not been opposed to a competitive market within the province and based on a level playing field. Phasing in charter regulatory reform should be considered and suggest that those currently operating regular scheduled service or those wishing to engage in regular scheduled service be given preference. This would ensure that those groups of companies using charter revenues to cover costs on underperforming routes would continue to remain viable and continue to service those scheduled corridors going forward. The second phase would include the elimination of equipment restrictions, which would broaden the market and provide alternate types of service. The final phase would be to consider granting additional authorities within the province when consumer demand—and only when consumer demand—warrants it.

Throwing the doors open to carriers outside of the province or country without any type of reciprocity agreement should never be considered. We cannot compete with the carriers in the US with substantially reduced fuel and labour costs.

If the recent regulatory changes to line haul services are any indication of providing expected market access to the public, it certainly has not shown that the government's expectations were met. Many of the carriers that entered into the market were not successful and subsequently withdrew. I won't list the names, but they are listed there. So should this example mirror itself and impact charter-subsidized revenues required by scheduled services, it may have a negative effect—a negative impact on the current service levels.

Currently all Greyhound vehicles are maintained in a safe, reliable and clean condition and every vehicle's inspected and maintained in accordance with the company, federal, provincial regulations and meet or exceed all relevant legislation. Every coach receives a service lane inspection each and every time it arrives at a major terminal. A complete schedule 4 is completed every 6,000 kilometres and a full, comprehensive PMI is completed every 12,000 kilometres, which exceeds the provincial six-month standard.

We remain committed to working with you and your officials to find appropriate solutions to these matters. In this regard, we are prepared to make ourselves available at a time and place of your convenience to provide additional background and suggestions pertaining to this. Thank you.

**Madam Chairperson:** Thank you, Mr. Hamel, for coming to present.

**Mr. Ashton:** Well, thank you for your presentation. And I want to sort of ask, you know, given the fact that we did move to more flexible regulation that dealt with the scheduled service situation, where, essentially, we 'eliminated' the previous system which basically required Greyhound to maintain what Greyhound said was a money-losing system and we did move to greater flexibility on the scheduled side, I was just curious here—I appreciate that you are saying that Greyhound does support some similar move on the charter side, but why you wouldn't see it as a priority to open up the province to all charter bus operators, eliminating some of the geographic requirements right now, because, you know, Greyhound does have ability to operate throughout the province that is really based on the previous arrangement where Greyhound had a—the right and responsibility to operate the predominant service. So I'm just wondering, you know, if that's consistent.

I also wanted to ask the question in terms of the definition of Manitoba-based companies, because I was wondering if you could outline Greyhound's ownership structure. My understanding is Greyhound is a—it's an international company. It has got roots in Manitoba, formerly Grey Goose which was bought out by Greyhound. But I'm really curious on this, because we are—you made some comments about some of those that have tried to enter into operating the various bus services, but many of them would've been prohibited from actually running a charter service at the time they're running scheduled service because, unlike Greyhound, they're restricted.

And we've heard tonight from some of the smaller operators that even if they have the business, they often are restricted either by geography or by bus lines. So I'm just wondering how it would be a level playing field not to move ahead to allow those companies to do what Greyhound can do, which is operate throughout the province where the business is available.

**Mr. Hamel:** Well, that's a long question. I'll go back to—I think there was two questions in there, and I think I'll address the first question.

Greyhound has not stood in opposition of any carrier obtaining operating authority or type of equipment to be used since the service maintenance agreement's expired some time ago. So you asked the question that—where does Greyhound stand on this, Greyhound is a proponent of that. I had offered three suggestions of which the third suggestion was opening this market to a level playing field, to everybody across the board as long as the demand is there. So where is Greyhound's position is now? No, we actually—we absolutely support that. We are not afraid of the competition, right? And, in fact, Greyhound used to do \$6 million of charter service—charter business in the province of Manitoba. Greyhound is now seeing one tenth of that in the province. We've gone from a fleet of 26 buses to less than 10 coaches.

So we're not standing in the way here. You can speak to any of the members here. We have not seen an opposition of anybody since the service maintenance agreement expired some time ago.

The next question is where does Greyhound stand as a company? Greyhound is owned by a company in Aberdeen, Scotland, FirstGroup of companies, first bus. That is the parent company. We have our Canadian base is in Burlington and our American base, GLI, which is a separate company from Greyhound Canada, operates out of Dallas, Texas.

So this is important to us on a federal level, because without the reciprocity—and we have cabotage agreements throughout Canada and the United States—without the reciprocity in here, this opens it up to any of the other provinces to do the same thing. I don't want Manitoba to be the leader on this. I don't think there's any need for that, and as a company, federally, this is how it affects us.

**Madam Chairperson:** Thank you.

**Mr. Eichler:** Thank you for your presentation, some good suggestions.

I am concerned about your comments in regards to phasing in charter regulatory. Would you highlight or kind of give us a bit of a scenario of how you see that happening?

**Mr. Hamel:** I think when we look at phasing this thing, is I think we need to, you know, move slowly

on this type of thing. I think that the first option is that the 'gov'—the committee here and the provincial government, stuff like that, has a responsibility to the public through the province in regards to scheduled service. So I would think that they would like to, you know, kill two birds with one stone and say, okay, well, anybody entering into this, if you're looking for full charter but if you're looking for full operating authority, you need to look at operating a scheduled service. By no means am I suggesting that that is the only option. I've given three options and I suggested this to be the first one. But if you may take a look at this and say, well, this is the direction we want to go because this will then provide scheduled service back to some of the areas, and it could be a small area. A prime example is out of Cross Lake right now. Gentleman has come in there, got the regular scheduled service and is now making application—which is in the Gazette now—for full operating authority. While they're competing on the major corridor for us, we are not going to stand in opposition to that.

So when I say trying to phase this in, I would suggest that—and this is a suggestion on how to phase this in—to try and cover two issues that we have, (1) would this still—scheduled line service is still a major issue within the province, right, and (2) the issues on the re-regulatory or regulatory form on charters.

**Madam Chairperson:** Thank you very much, Mr. Hamel. Our time has expired for questions and we'd just like to thank you one more time.

Our next speaker is Mr. Walter—Walt Morris, Winnipeg Exclusive Bus Tours. And do you have anything to hand out, sir?

**Mr. Walt Morris (Winnipeg Exclusive Bus Tours):** Unfortunately, no. It's a little short meeting that I heard about.

**Madam Chairperson:** All right.

**Mr. Morris:** So here I am for the first time. Thank you for listening to me.

**Madam Chairperson:** That's fine, go ahead.

**Mr. Morris:** If I start nervous and chuckling, you'll know why.

**Madam Chairperson:** That's okay.

**Mr. Morris:** I think I'll be able to handle it.

Winnipeg Exclusive Bus Tours, one of the newest companies out there, we're not an actual

operator because we don't have buses yet. I don't want to repeat everybody—what everybody has said so far. I definitely believe in the part of not letting the whole part come together as far as a stateside and other provinces come into our province. It's a Manitoba-based—well, I believe it should stay as Manitoba.

But for us as a newcomer, a year old in the business as a touring company and not able to get a—be able to get certificates, it's probably a bigger part of why we can't move forward in our business and try to make the bus tour company business better in Manitoba.

To my understanding—and, again, I don't have complete hundred per cent, but my understanding is that when you try to get certificates for the bus tour business, you have to do the applying and other people can oppose of it right away, and I guess we've been trying to do that. When we get opposed by other companies that are in Manitoba and national it's very hard for us to get up and running.

Not sure when the last new bus tour company opened up and was able to buy a bus, but our goal was to, obviously, go out and buy buses, you know, right away, but we found out we can't do that. So now we're restricted to renting buses from the people behind me, which are then—govern our profits and hold—they kind of hold, here's what we're going to rent to you for. So, again, we're governed under pricing and almost, like, price-fixing side of it. So we're really trying to get on the competition side in Manitoba of—for charters for our people here.

\* (19:30)

And my understanding, too, is that when you have to apply for one, in the bill, that you must show—and I'll just skip through it quickly—that, you know, you must show that the existing charter bus services do not meet the needs of the community or the public convenience will be promoted by allowing the operators, and I don't know how you can even do that. I don't know how. I'm a businessman in town here. I own several businesses. I don't know how I could actually come up and say, as a bus business, there's a tour business needed or not needed. I don't even know where I could find those measurements. We can just hear that the bus business here today is down. And is it down because it hasn't changed in the times, is it backwards-thinking, are we not forward-thinking, and how to get businesses like ourselves, and Maisie, my partner, to go forward and to get a—that we can buy a bus and actually have a

plate for it? So that was part of my other part of how do you do that. I guess my smart aleck remark would be, well, show me that we don't need it, right? So, oh, and that part, that's just me.

The other part, you know, should be open for business, local businesses. Again, don't want to go on the part where you can have just anybody come in. Again, we are the really new people in this business. And I understand why they're—other bus companies are coming to this, saying don't let it all come in. I can see that would be drastic, in that part.

All the safety standards' side of it, absolutely a hundred per cent agree on all the safety stuff. No matter what you can put in, the more the better. Then the car business, obviously, and that cannot be—that is very, very important.

We're put at a disadvantage and, again, talking about, you know, we have to rent buses from others, and we can't get our certificate. So our goal here is to—how do we get a certificate? I'm a Manitoba—I'm sure there's a way of maybe doing screening to Manitoban businesses, that we just don't have someone from the States plug in an address and all of a sudden they have a, you know, a business up and running, and then all of a sudden we have our business coming out of everywhere. There's got to be a way to say, you know, maybe you're a Manitoban for so many years or whatever, and check out the references, as we call it. But I think that it's definitely needed to expand this business and—with the Manitoba people and have some competition out there. And competition creates jobs. Competition creates jobs, no question. So that's—that is definitely my pitch to that.

Again, not just to give certificates out just to anybody. I've heard many times tonight that the business is down. And I just—not sure, and in my world sometimes I think it's down because sometimes there's not enough competition out there. I believe by us coming in, and maybe a few more, will it—will make—it'll streamline the 'busin'—it'll—people'll start seeing, oh, tour companies, we can afford that. Not everybody can afford to fly. Families are looking for this. And sometimes, if some companies aren't running it properly, that's why business is down, as well. I'm not saying they're not, just saying we want an opportunity to come in and be able to just get our certificate because of who we are.

You know, let us Manitoba—let us Manitobans move the needle in our bus tour business.

I think I covered mostly everything I wanted to. Yes, again, not trying to take out my competitors or other companies, just make it stronger and better for Manitobans. I know if we could buy buses locally, service them here, we'd supply more jobs, again as a local businessman, and that's all my goal is here today, and to figure out how we can get this bill to—that we can apply for it, go through the proper procedure and say, yes, here's your bus licence. I can go to MCI, and away we go, and we buy some buses and get going. Renting rates are our biggest issue. Thank you.

**Madam Chairperson:** Thank you very much, Mr. Morris.

**Mr. Ashton:** Well, thank you very much, and I certainly appreciate your perspective as someone entering the business because, as you've outlined, the current structure is that if you apply, others can object. So even if you have the business, you have to meet what's called the economic test, and you've read the section on the record. The second is you may get restrictions on where you can operate—we heard from other bus operators who are already in the business—geographically. And you—and the third is you may get restricted in terms of number of buses you operate, regardless of whether you do have the business. And that's certainly one of the provisions of this bill. And it's similar on the scheduled side, where a lot of the restrictions that were in place have now been removed and—if you wanted to enter the scheduled bus service.

So I certainly appreciate your perspective. We've heard quite a bit from different perspectives tonight, carriers who have been around for many years, some of the smaller, more geographically located ones, so I really appreciate your perspective as someone trying to enter the business. And I do want to also acknowledge, I think, that one thing I've heard across the board on bus service is it's just like anything else, you have to keep up with the market demand. You know, it's just like any other business out there. And certainly one of the things we've done is we've looked at—well, legislative change is trying to make sure we can actually get to the point we're growing the bus business again. It used to be, you know, the prime carrier. And we've got climate change, we've got a lot of other reasons to do it. A lot of it I think is because, you know, buses per—are, you know, certainly important in my area of the province. So I really appreciate the fact that you've made the decision—and I don't know what other businesses you're involved with, but I know this is a tough

business. Anybody here will tell you tonight but I think, you know, your commitment is really appreciated. Thanks, and thanks for coming out tonight.

**Mr. Eichler:** Thank you for your presentation. A quick question in regards to your particular business, the way you've got it structured. If you were told that you'd have a scheduled route added to your business plan, what would that do to your business plan? Would you still be interested in the carrier business if that was part of it?

**Mr. Morris:** Well, we haven't had that opportunity yet because it's been very difficult, so—just on the tour side of it. But if it was, again, operationable and doable, we have checked into the north side of things and our northern community is really, really in need. Again, with all the sports teams that schools—high schools are travelling we're out there sourcing it and, again, I kind of got backlashed on the part where we can't go get a bus, Mr. Morris. Why not? Can't we just go out and buy one? No, you can't. You got to go through this, this and this is where the whole year's come up, and so we have checked it out, yes, I would, absolutely.

Truth be known, we're actually looking at a company right now that is north that wants to sell, and, again, trying to get those running rates and you just feel like you're bogged down. So we're already there.

**Madam Chairperson:** Thank you.

**Mr. Gerrard:** Yes, just to clarify where you stand on the existing bill, I gather that you would prefer it be opened up for Manitoba but not for outside Manitoba, and does the rest of the bill meet what you need or does there need to be some other changes?

**Mr. Morris:** With what I've seen of the bill in the short time I had to look at it, I see it was very well done. It's just on some of the parts of getting certificates has been our biggest drawback to it. Safety, again, that I mentioned before, you can't put enough safety standards into that. I know nationally, if you have so many buses, they're going by national safety standard income from the US. So I hope that answered your question.

**Madam Chairperson:** Thank you. Not seeing any other questions, we'd just like to thank you one more time. You did that exceptionally well for someone who didn't even know about it. Well done. Thank you.

**Bill 29—The Land Surveyors and  
Related Amendments Act**

**Madam Chairperson:** Our next presenter is Andre Van De Walle, the Association of Manitoba Land Surveyors, on Bill 29, and do you have any materials to hand out?

**Mr. Andre Van De Walle (Association of Manitoba Land Surveyors):** No, I don't.

**Madam Chairperson:** All right, then if you could just go ahead whenever you're ready.

**Mr. Van De Walle:** The Association of Manitoba Land Surveyors was formed in 1881. It is the oldest land surveyor association in Canada. As a matter of fact, just two weeks ago we had our 133rd annual general meeting.

This bill will modernize the governing of the profession of land surveying in Manitoba. The current legislation dates back as far as 1891 and is outdated—[*interjection*] Yes. The new act will allow our association to comply with new legislation to have brought in, such as the agreement on internal trade and foreign trade professionals. The new act allows for more transparency with the inclusion of public members, non-land surveyors on our governing council on various committees such as our complaints investigation and discipline committees.

As a self-governing profession, the association will work in the public's interest by governing the admission to the professional education administration. Administration standards will be established. A code of ethics for the profession must also be established. The new act also requires the establishment of a competency review program, which means—which will ensure that our members keep up with the latest trends and changes in our industry. A two-step process will be established to deal with concerns about land surveyors, whether the complaint came from within the membership or from the general public. A committee will be formed to investigate the initial complaint. If the initial investigation cannot resolve the issue, it will—it is to be considered of a more serious matter and a discipline committee will be struck. Again, both these committees will have public members on them.

Many areas that are now governed by the existing Land Surveyors Act, such as examination, have been taken out in this revised act and will be dealt with by bylaws. The existing act actually states what courses we're supposed to be examining our students on, and you can imagine, if it was written in

1881 or 1891, it's not very current. This will allow the association to remain current in its dealings and philosophies and technological changes. This is the model that has been used by almost all of our sister land surveyor associations across Canada, most of whom have had their acts renewed within the last few years.

\* (19:40)

This bill also allows for the professional incorporation of land survey practices. All voting shares in the survey corporation must be owned by a Manitoba land surveyor. Professional incorporation does not limit or remove the individual land surveyor's professional liability. This is the same model of professional incorporation that is used in a number of Manitoba statutes that allow professional incorporation.

Thank you very much. Any questions?

**Madam Chairperson:** Thank you very much for presenting.

**Hon. Jim Rondeau (Minister of Healthy Living, Seniors and Consumer Affairs):** Thank you very much, Mr. Van De Walle, and I'd like to thank you, your association, Jim Watling, for educating me a great deal on the land survey issue and being our partners in developing the law, in moving it through the various gyrations and coming up with a very workable product. I'd like to say thank you to your association, to Jim and others, for an education of a person who didn't know a lot about surveying previously in the—previously. Thank you.

**Mr. Cliff Cullen (Spruce Woods):** Thank you very much, Mr. Van De Walle, for coming down tonight. I appreciate your comments.

I know you've been waiting for this legislation for quite some time, so I'm sure you're happy tonight. Did the government get this legislation right, or is there any amendments that you think should be brought forward?

**Mr. Van De Walle:** First of all, yes, we have been waiting for this a long time, but that's a different subject.

No, the association is very comfortable with the act the way it's written—very, very comfortable. We had a lot of input into it. We had consultations with the drafters, and we are very comfortable with it at this time.



**Hon. Jon Gerrard (River Heights):** Yes, I just want to say thank you for coming in to talk about the act and the background, and it'll be very nice when it's passed and you've got it modernized.

**Mr. Rondeau:** I think with the agreement on the party, she'll get your Christmas present. Thank you very much.

**Madam Chairperson:** Seeing no further questions, we'd just like to thank you again for coming down. *[interjection]* Thank you.

And our next presenter is Les McLaughlin, private citizen. And do you have any materials to hand out?

**Mr. Les McLaughlin (Private Citizen):** I just have some brief speaking notes.

**Madam Chairperson:** Okay. And you can just go ahead whenever you're ready.

**Mr. McLaughlin:** Good day. My name's Les McLaughlin. I'm a Manitoba land surveyor, and I'm here in support of the act. First of all, I'd like to thank Minister Rondeau for his initiatives moving this legislation forward, and I'd like to thank the committee for the opportunity to speak.

The proposed land surveyors profession act—land surveyors act, represents an opportunity for all Manitobans to be served by a modern, dynamic, professional association which will be governed by the principles of openness, transparency and accountability, consistent with public expectations for professions. The public interest will now be explicitly defined as paramount in all our dealings. We will now be able to explicitly define with clarity our entrance requirements to be consistent with The Labour Mobility Act, the Agreement on Internal Trade, fair registration practices in regulated professions. And this represents a significant step in levelling the playing field for both new Manitobans and for young Manitobans who aspire to become land surveyors.

I can go into detail about the deficiencies in the current act in comparison, but we have to be out of here by 3 o'clock this morning, so I'll just wrap it up. If anybody has any questions, feel free.

**Madam Chairperson:** Thank you very much, Mr. McLaughlin.

**Mr. Rondeau:** Again, I'd like to say thank you for your education of a poor minister that learned a lot about The Land Surveyors Act. The one thing that

I found interesting is the whole idea about bringing up to date, but also, having public input and making sure that there's public that's represented in your association and on the different committees. Can you comment on some of the things that you think will be a strength that'll let other people in the community know about land surveyors and become engaged?

**Mr. McLaughlin:** Well, first of all, my perspective on public members is, I guess, in a nutshell, could be encapsulated as, well, it's about time.

And I think it's a wonderful opportunity to have members of the public represented and to learn what it is that we actually do. There's not many people that understand the quasi-judicial role of the land surveyor in the hierarchy that we play with the courts in the determination of boundaries and, you know, boundary disputes. It's just—they see us with tripods and transits, and that is not exactly what we are. We're legal surveyors, and I'd like to put the emphasis on legal. We're part of that system, and that's the environment that we operate in.

**Madam Chairperson:** Thank you.

**Mr. Gerrard:** Thank you for coming in. It's nice to have got this act finally here and ready to be—go through the rest of the process.

How many land surveyors are there in Manitoba and tell us what do you think is the piece of the legislation which will actually make the most difference in terms of the—advancing the practice of land surveying?

**Mr. McLaughlin:** Currently in Manitoba right now, I believe there are 52 practising land surveyors. That number is up from when I was last president in 2007, when it was down in the lower 40s. We've made a concentrated effort to try and bring our numbers up. The new act, by bringing our educational requirements under the auspices of bylaw, will allow us to be a little bit more flexible in recognizing qualifications, prior learning assessment, that kind of thing. The old act, as Andy said, was completely prescriptive in its requirements. The—it required prescribed article times, it prescribed exams at certain times of the year, et cetera, et cetera. And, you know, by giving us the flexibility, for an example, actually, I—my daughter wanted to become a land surveyor, so in her best interests, basically, I sent her out to Alberta to learn, go through the schools, learn—become an Alberta land surveyor and then come back here through the AIT, because our

system is so prescriptive, out-of-date and not responsible—not responsive at all.

**Madam Chairperson:** Thank you.

**Mr. Cullen:** Yes, Mr. McLaughlin, thank you very much for coming down tonight, and I appreciate your comments and I just want to wish you all the best when you move forward in this new framework. Hopefully, everything goes smoothly for you. Thank you.

**Madam Chairperson:** Thank you. Thank you very much.

Our next speaker is Rick Sherby, private citizen. And do you have any materials to hand out?

**Mr. Rick Sherby (Private Citizen):** No, this is my presentation. Just kidding, just kidding.

**Madam Chairperson:** It will be three, then. Go ahead whenever you're ready.

**Mr. Sherby:** I'd just like to thank the committee for having this opportunity to speak. I don't know if I can really reiterate much more on what the—Mr. Van De Walle and Mr. McLaughlin have said already, but I think from a personal point of view this is certainly something that I am looking forward to receiving the third reading. I—this is something I've been working on personally as a committee member for the association for probably over 20 years—ah, yes. It—I think it originally started when I first came on with this act—committee. We were looking at the old act and thinking, well, we'll just do amendments to the old act, and I think we quickly came to the realization that that just wasn't going to work. So that's when we came up with this idea of the, well, we need a total rewrite. Looking at what some of the other associations have been doing with respect to modernize it, open it up, may had—lay representation on the various committees and on council of our association to streamline and make our complaints to the discipline process quicker and also to deal with the educational requirements of the AIT. Thank you.

**Madam Chairperson:** Thank you, Mr. Sherby.

**Mr. Rondeau:** Thank you very much, sir. I'd like to say thank you for your patience. Twenty years—that's impressive. I understand Al's been waiting about 85 years, so that would be good. And again I'd like to say to the executive, thank you very, very much. Your were—the staff have complimented your professionalism, all your organization. It was really well done and I think it's an example of how co-operation between government and industry can

work, so thank you very, very much for your expertise and your association's expertise. *[interjection]*

**Madam Chairperson:** Oh, sorry. Mr. Sherby.

**Mr. Sherby:** Oh, sorry. I'd also like to thank the government for helping us out on drafting this legislation and working co-operatively with them.

\* (19:50)

**Mr. Gerrard:** Thank you, and 20 years is a long time. It's good that we're finally here. Tell us a little bit about where you see the land surveying profession going in the next 20 years.

**Mr. Sherby:** We hope to see, you know, continuing growth with it and open it up to other individuals in terms of maybe even possibly looking at expanding the profession maybe into some other areas possibly, which we'd like to see happen. But we'd certainly like to see the continued growth in the profession and continuing on the road that way.

**Mr. Cullen:** Thank you very much, Mr. Sherby, for coming in tonight. I appreciate that and appreciate your work over the years in terms of trying to move this legislation forward, so I just want to say thank you very much and appreciate your support on this one and we look forward to passing this legislation as well. Thanks.

**Madam Chairperson:** Thank you. Seeing no further questions, we'll just thank you once again for coming down.

#### **Bill 41—The Highway Traffic Amendment Act (Enhanced Safety Regulation of Heavy Motor Vehicles)**

**Madam Chairperson:** Our next presenter, on Bill 41, moving to Bill 41, is—it is—no—it's Mr. Ash—Minister Ashton's—you guys *[inaudible]*—and it will be Mr. Ken Neufeld, Manitoba Trucking Association, as our other two gentlemen were dropped to the bottom of the list.

And do you have any materials? Yes. Our staff will take care of that. And you can go ahead whenever you're ready.

**Mr. Ken Neufeld (Manitoba Trucking Association):** Good evening. Just want to say first off that normally you'd see, from the Manitoba Trucking Association, Bob Dolyniuk or Terry Shaw. They're both in Montréal on some policy meetings with their provincial counterparts, so you get the

third stringer tonight, okay? So thank you for the opportunity to address this committee this evening.

The trucking industry plays a vital role in Manitoba's economy. There are over 20,000 Manitobans directly employed in the truck transportation section, and figures show that for every 10 jobs created in the trucking industry seven jobs are created in associated industries. The transportation and warehousing industry employs 5.7 per cent of Manitoba's labour force and consistently makes up 6 to 7 per cent of the provincial GDP. Not only is trucking a major contributor to Manitoba's economy, it is a critical service provider to the rest of the industries driving the Manitoban economy, such as wholesale and retail trade, manufacturing, construction and agriculture.

We very strongly believe that a safe and efficient trucking industry is good for the economy of Manitoba. We are therefore here today to provide our comments on Bill 41, The Highway Traffic Act—Highway Traffic Amendment Act (Enhanced Safety Regulation of Heavy Motor Vehicles).

The MTA supported the original intention of this bill based on the fact that it was supposed to enhance safety regulations for trucks in Manitoba. Specifically, we believed it was to include T-plated vehicles with a gross vehicle weight rating, or GVWR, greater than 4,500 kilograms within all requirements of the National Safety Code, NSC. That said, the initial version of the bill did not show this to be the case. In discussions with the minister responsible and the Transportation critic, amendments to Bill 41 were drafted. These amendments are scheduled for presentation later in this committee meeting.

Bill 41 as to be amended will cause more trucks to be treated in the same manner, essentially viewing a truck as a truck regardless of how it's licensed. As these vehicles will be subject to all aspects of the National Safety Code, it is our view that this is a very positive step forward and will improve road safety in Manitoba.

The MTA is also pleased that the bill as to be amended retains its focus as a bill that speaks to the issue of increased safety and no others. The serious issue being addressed by the amended bill should not be detracted by any attempts to use this bill to increase registration fees. Removing this very significant concern is what allows for the Manitoba Trucking Association to support this bill once amended.

Thank you.

**Madam Chairperson:** Thank you, Mr. Neufeld. We'll move now to our questions, and I will go to Minister Ashton.

**Hon. Steve Ashton (Minister of Infrastructure and Transportation):** And I certainly want to put on the record I appreciate the presentation.

I was actually talking to the charter bus operators, and I do want to indicate that the origins of this bill are very much the case put forward by the MTA, and I wish I could table this for the public record. My colleague who's critic for the official opposition has seen it. And it really has the same vehicles, two categories, those that are currently fully plated and those that are under what's called a T—you know, the T plate, and we've seen—I wish I could table that. And, unfortunately, Hansard doesn't allow for pictures, because they're the same vehicle, as it really is just a question of the—where they're operated. You know, in some cases, the same company may have a combination of different vehicles, and we want to make sure that safety is protected.

And I certainly appreciate the MTA made a very compelling case that many of the vehicles that were not currently required to go through the full inspection process were significantly failing. I think we've had upwards of 30 per cent failure rates, and I know the MTA has been a key part of driving safety, and thanks for your input on this bill.

**Mr. Ralph Eichler (Lakeside):** Thank you for your presentation. Yes, we will be bringing an amendment forward when we get to that point of the debate here this evening, but I do want emphasize and thank the minister, of course, and Manitoba Trucking Association for helping us draft that amendment. It's a very integral part. As you said in your presentation, it's about road safety, and we get that, we understand that and that's what the bill was intended to do. And I realize through talking with the MTA, it was about the restoration fees being used as an alternative to raise those increases. So we're certainly pleased to see the government's more than prepared to assist us in that, and I want to thank the association on your behalf of them to present here tonight, so thank you for that.

**Hon. Jon Gerrard (River Heights):** Thank you for coming and presenting. And it's good to have—know the amendment is coming. Just a question for you, in terms of from the Manitoba Trucking Association

perspective, you know, what is needed to make sure that there is fair inspections of all vehicles to ensure that the safety is there?

**Mr. Neufeld:** I think that would probably require some increased funding from the inspector's standpoint. It's a matter of getting out and checking trucks and doing it more consistently and more regularly. The National Safety Code requires a daily pre-trip inspection. That's the start, getting the drivers to do one each and every day before they go to work for the day. It makes them safer for their entire day.

**Madam Chairperson:** Thank you. Seeing no further questions, we'll just thank you once again. You certainly sound like a first-stringer. Thanks for coming down.

All right, we will now return to those dropped from the list before and recall them for the last time. Mr. Robert Dolyniuk, private citizen. *[interjection]* Pardon? Oh, he's in Montréal, of course. He will now be dropped off the list. And Mr. Fred Hiebert, United Transportation Driver Training. Perhaps he's also in Montréal. He will now be dropped off the list as well.

And that completes our list of presenters. That concludes it, yes. And are there any other persons in attendance who wish to make a presentation? Seeing none, that concludes public presentations.

\* \* \*

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

**Hon. Andrew Swan (Minister of Justice and Attorney General):** Yes, Madam Chairperson, to minimize the substitutions in shifting with four ministers with bills, could I ask we move in the following order: bills 6, 27, 41, 42, 35, 5, 17, 29, 11 and we'll bring it home with Bill 46.

**Madam Chairperson:** All right, and is the committee in agreement with that? *[Agreed]* Excellent, then we'll proceed with that.

**Bill 6—The Highway Traffic Amendment Act  
(Flexible Short-Term Regulation of  
Vehicle Weights and Dimensions)**

**Madam Chairperson:** All right, so we will begin with Bill 6. Does the minister responsible for Bill 6 have an opening statement?

**Hon. Steve Ashton (Minister of Infrastructure and Transportation):** I just want to indicate that this does provide for greater flexibility. That's again something we've been hearing from various stakeholders, and it will allow for a more prompt response that will recognize the actual situation dealing with highways, so I recommend it to the committee.

**Madam Chairperson:** Thank you.

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

\* (20:00)

**Mr. Ralph Eichler (Lakeside):** Yes, just in regards to the weights and dimensions, we have been very supportive of this bill and we certainly understand the need for change. And I have in the House several times put on the record, as a businessman, how important it is for the flexibility, and this certainly gives the minister the flexibility. So we're pleased to see it move forward and finalized at the next session.

**Madam Chairperson:** We thank the member, and we will move to the clause by clause.

Shall clause 1 in—*[interjection]* Sorry.

During the consideration of a bill, the table of contents, the preamble, the enacting clause and the title are postponed until all other clauses have been considered in their proper order. Also, if there is agreement from the committee, the Chair will call clauses in blocks that conform to pages with the understanding that we will stop at any particular clause or clauses where members may have comments, questions or amendments to propose. Is that agreed? *[Agreed]*

We will now proceed to the clause-by-clause consideration of the bills—*[interjection]* All right, so we'll carry on.

Clauses 1 and 2—pass; clause 3—pass; clause 4—pass; enacting clause—pass; title—pass. Bill be reported.

**Bill 27—The Highway Traffic Amendment Act  
(Charter Bus Service)  
(Continued)**

**Madam Chairperson:** All right, we're now moving to Bill 27, clause by clause. Does the minister responsible for Bill 27 have an opening statement?

**Hon. Steve Ashton (Minister of Infrastructure and Transportation):** Yes, I want to reiterate what

I indicated earlier, that this is a—it's a bill that has some complexity to it. There are various different dimensions. We certainly heard tonight that there are various different needs on the different dimensions.

I do want to stress that we have already seen the complete deregulation of freight in this province, some time ago in the 1980s I believe. We did move on the scheduled service side to more flexible regulations which were mentioned tonight but really reflect the fact that the cross 'subsidation' with the scheduled services was not working, and this was to ensure that we could continue to have service operate and, I might add, without subsidy. We did have an interim subsidy, but we no longer have a subsidy.

And what this bill does is it does address some of the ongoing concerns that have been expressed in terms of the ability of charter companies to operate province-wide without economic tests, which as I—as people heard from the presenters, could often mean that people that do have customers aren't able to either get the proper licence or the buses to operate.

But some concerns have been raised about possible implications of the bill in some other areas. So what we will be doing is encouraging the committee to support the basic elements, but I can indicate that I will be looking at some of the presentations tonight for possible amendment at report stage—and perhaps I'm anticipating 41 here—we'll certainly appreciate any discussion and advice from my critic and others who are to be at the committee.

I want to stress that—I think you heard tonight there's—I wouldn't call it a consensus because there's some diverging views on every issue, but there are areas where there's greater consensus and areas where there's less consensus and, of course, this is amongst presenters. Like, you know, there's also many people aren't here. So we are looking at this bill in terms of basic principles, but we will be looking at amendments and we do have the luxury of time here on this, and we won't be debating this bill in the Legislature until December so we will use that time wisely.

**Madam Chairperson:** Thank you. We thank the minister.

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

**Mr. Ralph Eichler (Lakeside):** Thank the minister for his comments. Tonight we did hear from the public, and that's the beauty part of hearing

committee presentations. And here tonight we did hear a number of concerns, and I'm going to take the minister up on the opportunity to have a little more dialogue on this particular piece of legislation.

Tonight we heard some of those concerns that it needs to be more provincial designated as opposed to opening the barriers to other provinces or other countries. We need to make sure that we get it right and we're certainly prepared to work with the government on that, and we do have some of those concerns that have been brought forward tonight as well from other presenters and certainly want to share those with the minister as well and we'll be doing that in between now and when the next session resumes. So looking forward to working on the amendments together.

**Madam Chairperson:** Thank you. We thank the member.

Clauses 1 and 2—pass; clauses 3 and 4—pass; clauses 5 through 7—pass; clauses 8 through 11—pass; clause 12—pass; enacting clause—pass; title—pass. Bill be reported.

**Bill 41—The Highway Traffic Amendment Act  
(Enhanced Safety Regulation of  
Heavy Motor Vehicles)  
(Continued)**

**Madam Chairperson:** And our next is Bill 41. Does the minister responsible for Bill 41 have an opening statement?

**Hon. Steve Ashton (Minister of Infrastructure and Transportation):** Yes, I do, and I want to indicate that the principle of this bill, I think, is clearly established. It is to ensure that we have greater safety with heavy motor vehicles. It moves a number of motor vehicles into similar treatment in terms of inspections to the fully licensed and inspected vehicles. I'd indicated before that there's a very interesting scenario if you look at the same vehicles being—some being subject to the full inspections, others not being subject. So I won't get into the details.

I do want to indicate that—and I'm probably going to get my opposition critic in trouble here for saying we've had a very co-operative working relationship. *[interjection]* I know. When I was an opposition critic, I always worried that was the kiss of death when the minister said that, but I think we've all agreed early on, and I know the—my critic, member for Lakeside, was reflecting his caucus's approach that the bill has important implications in

terms of safety. The stats speak for themselves; 30 per cent plus of vehicles being inspected randomly that aren't subject to the ongoing inspection failed those inspections. It was interesting, my home community, MPI work with the RCMP on inspection of vehicles and more than two thirds failed, which is—has to be quite concerning and it shows that—first question you ask of the bill is why are we doing it. Well, it's because we need to do it.

But I do want to say that one of the clear concerns that was brought forward and it was reflected in the MTA's presentation and it was brought forward by the member for Lakeside was the issue of whether it necessarily had implications in terms of registration, and, in fact, we had some interesting discussions. I've always said that there's, you know, there's a bill every session that—and I used to be the opposition House leader and I know others who have played, you know, various roles will know that I joke that it's, you know, the sleeper, one—the one that involves various different dimensions you don't expect. Well, this one actually ended up in our discussions around where the session was headed, and without getting into—maybe I'm giving away the sausage-making side of legislation. What we did agree to, arising out of that, given the fact that the intent, I think, was shared by all parties, was to, first of all, provide a full list of the regulation that will list the exemptions, because there are clear exemptions in place, basically in the livestock and forestry area, recognizing some of the unique circumstances in our primary industries. So I can actually—I can provide this. I don't think it's normal practice to table draft regulations. So I don't want to actually do that, but that list is there and it does reflect all of the exemptions that were discussed. So the—those exemptions continue under the bill.

\* (20:10)

And I will be, in a few moments, moving some amendments that will clearly establish that there is a change, basically, that will reflect a class of licence, if you like, a class of registration, that will bring many of these trucks under the inspection side, but issues regard to registration, you know, will be quite separate. And when I say quite separate, obviously, those are decisions made sort of through budget rounds, but they're—they will not be moved into the same category as—you know, as the existing licensees, which I think reflects what everybody said, which is the focus of the bill should be on the safety side, not revenue or other, you know, registration considerations.

So we will be moving amendments that have been agreed to in advance by the opposition, and I certainly appreciate the member for Lakeside (Mr. Eichler) and member for River Heights (Mr. Gerrard) as well, because, I think, by extension, you know, the reason we're going to have some consensus on this bill is because we all recognize safety's important and we've also figured out that there are some reasonable amendments we can bring in to make sure the intent is clear, and I will introduce these in a few moments.

**Madam Chairperson:** We thank the minister.

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

**Mr. Ralph Eichler (Lakeside):** Thank the minister for, hope not the kiss of death, but whatever that kiss may be, I hope it's not for me, but anyway. *[interjection]* Yes, stay tuned for more. *[interjection]* Yes, who knows. Devil's in the details, they say.

But, yes, we're looking forward to amending this particular piece of legislation, and there was a lot of people at play here, and I know the minister and his staff had received a number of calls from concerned trucking associations and business leaders in the community, and it wasn't easy coming up with the wording that would be acceptable by all those that were involved in this particular piece of legislation. And I won't repeat what the minister said in regards to some of the other ideas that we talked about, but certainly looking forward to getting into those amendments once we get into the bill.

But the gist of it all is, No. 1, about safety. And one accident is too many. If we can save one—we all live on a busy road, and we know how important the trucking industry is to the province of Manitoba and the impact that it has. But it has to be done in a way that's safe, and we're all for that, and we get that, as I said earlier. So having said that, we'll look forward to moving into the bill and getting on the amendments.

**Madam Chairperson:** Thank you. We thank the member.

Clause 1—pass.

Shall clause 2 pass?

**An Honourable Member:** No.

**An Honourable Member:** Amendment.

**Madam Chairperson:** Amendment?

**Mr. Ashton:** Given our earlier discussion, I would like to move, and with an honorary seconder from the opposition here, not required in committee, but maybe I've set a new precedent here,

*THAT Clause 2 of the Bill be amended by:*

*(a) by replacing the proposed definition "commercial truck" in clause (a) with the following:*

**"commercial truck"** means a truck that is not a public service vehicle, but does not include

- (a) a truck, regardless of registered gross weight, that is used solely for personal transportation,
- (b) a farm truck,
- (c) a limited-use commercial truck, or
- (d) a truck or—sorry—a truck or class of trucks that is excluded from this definition by regulation; and en français, (« véhicule commercial »)

*(b), in clause (b),*

*(i) by adding the following definitions:*

**"limited-use commercial truck"** means a truck that

- (a) that
  - (i) is operated within 35 km of the place of business of the truck's registered owner if the place of business outside Winnipeg,
  - (ii) is operated in or within 20 km of Winnipeg if the place of business of the truck's registered owner is in Winnipeg,
  - (iii) is used for transporting gravel, sand or other material for use in highway construction or maintenance, or
  - (iv) is designated as a limited-use commercial truck by regulation, and

(b) that would be a commercial truck in the absence of this definition; (« véhicule commercial à usage restreint »)

**"limited-use public service vehicle"** means a truck

(a) that

(i) is used for transporting gravel, sand or other material for use in highway construction or maintenance, or

(ii) is designated as a limited-use public service vehicle by regulation, and

(b) that would be a public service vehicle in the absence of this definition; (« véhicule de transport public à usage restreint »)

*(ii) by replacing the proposed definition "regulated vehicle" with the following:*

**"regulated vehicle"** means a commercial truck, limited-use commercial truck, self-propelled public service vehicle, limited-use public service vehicle, school bus or other motor vehicle that meets either or both of the following criteria:

(a) its registered gross weight is 4,500 kg or more,

(b) its seating capacity is 11 or more persons, including the driver,

but does not include a motor vehicle or class of motor vehicles that is excluded from this definition by regulation; (« véhicule réglementé »)

*(c) by adding "and" at the end of clause (c) and adding the following after clause (c):*

*(d) in the definition "public service vehicle", by adding "limited-use public service vehicles," after "does not include".*

And I think that's longer than my speech on the bill, actually.

**Madam Chairperson:** Shall—the minister's motion is as written, if that's acceptable and agreed.

*THAT Clause 2 of the Bill be amended*

*(a) by replacing the proposed definition "commercial truck" in clause (a) with the following:*

**"commercial truck"** means a truck that is not a public service vehicle, but does not include

*(a) a truck, regardless of registered gross weight, that is used solely for personal transportation,*

(b) a farm truck,

(c) a limited use commercial truck, or

(d) a truck or class of trucks that is excluded from this definition by regulation; (« véhicule commercial »)

(b) in clause (b),

(i) by adding the following definitions:

**"limited use commercial truck"** means a truck

(a) that

(i) is operated within 35 km of the place of business of the truck's registered owner if the place of business is outside Winnipeg,

(ii) is operated in or within 20 km of Winnipeg if the place of business of the truck's registered owner is in Winnipeg,

(iii) is used for transporting gravel, sand or other material for use in highway construction or maintenance, or

(iv) is designated as a limited use commercial truck by regulation, and

(b) that would be a commercial truck in the absence of this definition; (« véhicule commercial à usage restreint »)

**"limited use public service vehicle"** means a truck

(a) that

(i) is used for transporting gravel, sand or other material for use in highway construction or maintenance, or

(ii) is designated as a limited use public service vehicle by regulation, and

(b) that would be a public service vehicle in the absence of this definition; (« véhicule de transport public à usage restreint »)

(ii) by replacing the proposed definition "regulated vehicle" with the following:

**"regulated vehicle"** means a commercial truck, limited use commercial truck, self propelled public service vehicle, limited use public service vehicle, school bus or other motor vehicle that meets either or both of the following criteria:

(a) its registered gross weight is 4,500 kg or more,

(b) its seating capacity is 11 or more persons, including the driver,

but does not include a motor vehicle or class of motor vehicles that is excluded from this definition by regulation; (« véhicule réglementé »)

(c) by adding "and" at the end of clause (c) and adding the following after clause (c):

(d) in the definition "public service vehicle", by adding "limited use public service vehicles," after "does not include".

And it has been moved by Minister Ashton

THAT—

**Some Honourable Members:** Dispense.

**Madam Chairperson:** Thank you. The amendment is in order. The floor is open for questions.

Seeing none, is the committee ready for the question?

**Some Honourable Members:** Question.

**Madam Chairperson:** The question before the committee—

Amendment—pass.

Shall clauses 3 through—

**Some Honourable Members:** No.

**Madam Chairperson:** Oh, shall clause 2 as amended pass?

**Some Honourable Members:** Pass.

**An Honourable Member:** No.

**Madam Chairperson:** We have another amendment.

**Mr. Eichler:** Further to our discussions in regards to this bill, I move

THAT Clause 2 of the Bill be amended

(a) in clause (a), in part before clause (a) of the proposed definition "commercial truck", and by adding "or a local commercial vehicle" after "public service vehicle";

(b) by adding the following after clause (a):

(a.1) by amending the definition "public service vehicle" by adding "local commercial vehicles, or" before "the passenger-carrying motor vehicle"; and

(c) in clause (b), by adding the following definition:

**"local commercial vehicle"** means a truck



- (a) that is operated
- (i) in, or within 30 km of, any city, town, or village, other than Winnipeg, in which the registered owner has his or her place of business, or
  - (ii) if the owner's place of business is in Winnipeg, in, or within 20 km of, Winnipeg,
- (b) that is used for transporting gravel, sand or other material for use in construction or maintenance of public highway or bridge,
- (c) that is used exclusively for transporting one or more commodities, items or things specified in regulations;

**Madam Chairperson:** It has been moved by Mr. Eichler

*THAT—*

**An Honourable Member:** Dispense.

**Madam Chairperson:** And dispense, yes. The amendment is in order.

The floor is now open for questions.

**Mr. Ashton:** Yes, it might be useful if the member could explain the intent.

**Mr. Eichler:** The intent of the bill is—or the amendment is to create another category. And by creating this category, simply, it used to be defined as T-plate designation for a vehicle. What this does is does away with the T plate and substitutes that for local commercial vehicle, which makes it easier to identify those vehicles for registration purposes, again, for safety and not for revenue generating.

**Mr. Ashton:** The issue concerned here is actually—the amendment I moved does create that class of vehicle. So I'm wondering if we're—I think there's only one, you know, as we proceed through, we're creating the LCV, I think there may be some confusion in wording and intent here.

\* (20:20)

**Hon. Andrew Swan (Minister of Justice and Attorney General):** Given the conversations going on, could I suggest that the committee briefly adjourn just to give everybody an opportunity to review the material?

**Madam Chairperson:** Recess?

**Mr. Swan:** Recess, yes.

**Madam Chairperson:** Is the committee in agreement with that, for having a recess? *[Agreed]*

We will have a short recess. I don't know how long that is—five minutes.

*The committee recessed at 8:22 p.m.*

*The committee resumed at 8:32 p.m.*

**Madam Chairperson:** The committee is now back in session.

**Mr. Eichler:** Madam Chair, I'd like to withdraw my amendment. I would like to have the opportunity to consult with the MTA and other organizations in regards to the intent of the original amendment, as we all know the procedure that we used in the House to determine whether or not the House would adjourn is part in regards to Bill 41. So if I have the minister's go-ahead on that, and if need be, a further amendment need be done at report stage, I would like the minister's authority to be able to do that.

Also, with in regards to the fees, it will be understood that the definition of limited-use public service vehicle be that the same of a local commercial vehicle in the intent of the amendment that was brought forward by the minister.

**Mr. Ashton:** Yes, I also want to indicate that the clear intent coming into tonight was to bring in amendments that did two things. One is to clearly identify exemptions. I mentioned the general class, but we also provided the regulations so we have both clear identification in the act but also through regulation what is exempt from the additional requirements of this bill in terms of inspections, the—you know, basically the safety regime.

And the second was to establish a separate registration class, which was the intent of this amendment, which was also included in the previous amendment, and I want to indicate that with the—with this amendment being withdrawn, it doesn't preclude us from bringing it back further amendment at report stage, and we will also advise—I'm sure the House leader is—and, of course, the member for River Heights (Mr. Gerrard) is here as well. I know he was very much part of those negotiations, so the intent is clear. If anything comes up from the review of the amendment that we brought in that doesn't cover that intent, which is really what's behind this amendment,

we would either support an opposition amendment or bring in one on—with agreement from the opposition. So this doesn't preclude bringing it back, but the bottom line is that, you know, where we do have a clear consensus, then we will ensure that that's followed through right through to the final stage of the bill.

**Madam Chairperson:** Okay. Is there agreement to withdraw Mr. Eichler's amendment? [*Agreed*]

Clause 2 as amended—pass; clauses 3 through 6—pass; clauses 7 through 9—pass; clauses 10 and 11—pass; clause 12—pass; clauses 13 through 15—pass; clauses 16 through 18—pass; clauses 19 and 20—pass; clauses 21 and 22—pass; clauses 23 and 24—pass; clauses 25 and 26—pass.

Shall clauses 27 through 29 pass?

**An Honourable Member:** No, we have an amendment.

**Madam Chairperson:** No, we have an amendment to clause 27. Minister Ashton—no, sorry.

Shall clauses 27 through 29 pass?

**An Honourable Member:** No.

**Madam Chairperson:** No. [*interjection*] Good, and the amendment?

**Mr. Ashton:** A much shorter amendment. I move

*THAT Clause 27 of the Bill be amended by adding the following after clause (d):*

*(e) by adding the following after clause (tt.1)—I've never seen that, actually, before in a bill.*

(tt.2)—which is really 3.2, I guess—excluding

(i) trucks or classes of trucks from the definition "commercial truck" in subsection 1(1), or

(ii) motor vehicles or classes of motor vehicles from the definition "regulated vehicle" in that subsection;—and

(tt.3) designating trucks or classes of trucks

(i) as limited-use commercial trucks for the purpose of the definition "limited-use commercial truck" in subsection 1(1), or

(ii) as limited-use public service vehicles for the purpose of the definition

"limited-use public service vehicle" in that subsection;

**Madam Chairperson:** Thank you.

It has been moved by Minister Ashton

*THAT—*

**An Honourable Member:** Dispense.

**Madam Chairperson:** Dispense.

The amendment is in order.

The floor is open for questions.

**Mr. Eichler:** Again, I believe the intent here is to bring it in line with the amendment that was presented in regards to clause 2. I just want that to be verified and on the record. Is that correct, Madam Chair?

**Madam Chairperson:** Minister Ashton.

**Mr. Ashton:** Yes.

**Madam Chairperson:** Is the committee ready for the question?

**An Honourable Member:** Question.

**Madam Chairperson:** Amendment—pass; clause 27 as amended—pass; clause 28—pass; clause 29—pass; clause 30—pass; clauses 31 through 33—pass; enacting clause—pass; title—pass. Bill as amended be reported.

#### **Bill 42—The Highway Traffic Amendment Act (Enhancing Passenger Safety)**

**Madam Chairperson:** We're moving on to Bill 42.

Does the minister responsible for Bill 42 have an opening statement?

**Hon. Steve Ashton (Minister of Infrastructure and Transportation):** Yes, I do. I want to acknowledge, first of all, that this—it deals with—probably it's one of the more interesting bills, to my mind, because it deals with something that most Manitobans aren't even necessarily aware of, but these are two loopholes that currently exist in terms of carrying passengers.

\* (20:40)

One is you're actually not required to have a seat belt if the number of passengers exceeds the number of seat belts in a car. I'm not quite sure who the unlucky person is in those type of scenarios that doesn't get that extra security, but that is left over from the original introduction of seat belts which was done in the 1980s. The second is the—since the

1990s it's been illegal to transport dogs in the back of pickup trucks but not people, and that will correct that. And, by the way, it does not define people as dogs for the purpose of the act. I did think that was a more creative way of doing it, but this is a more direct approach.

It also, very importantly, requires that wheelchairs and other mobility devices be secure, providing the same kind of securement to people that are in wheelchairs.

And I do want to acknowledge that it was a private member's bill that was dealt with—I think Mrs. Rowat brought in a private member's bill that dealt with some of this, and I want to put on the record that one of the things I do as Minister of Transportation, I get a report on every fatality in the province. It really hit home a few years ago when we actually had a fatality where somebody was ejected from the back of a pickup truck in The Pas area, and I think this really does bring a direct way of dealing about it and ensures that we have proper passenger restraints, proper safety. We've learned that lesson, you know, for several decades, so it is a very important bill.

And, again, I do want to acknowledge the fact that this has been debated in the Legislature before, and we often don't give credit where credit is due. In my mind, that's an important role of all MLAs bringing forward ideas—in some cases internally, in some cases on the floor of the Legislature. Sometimes you're ahead of your time. It takes a few years before it's passed, but this is one of those where I think there's a cross-party consensus, and it will make a real difference for safety.

Thank you very much.

**Madam Chairperson:** We thank the minister.

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

**Mr. Ralph Eichler (Lakeside):** Yes, very quickly, in regards to the member from Riding Mountain and all members of the House for that matter, really like to focus on safety. And whenever we have vehicles travelling at high rates of speed down the highway, we know that sometimes a small turn or a swerve can put somebody at risk, and whatever we can do to protect those individuals, be it through legislation or regulations, we're certainly always prepared to look at those. And I, too, want to congratulate the member from Riding Mountain on a job well done and thank the minister and his staff for looking at that particular

piece of legislation. And even though it didn't go quite far enough, we know the intent of the bill, when she brought it in, was certainly in the right mind. And so I think she needs to be congratulated for that as well.

In report stage, I will have some friendly amendments that I'll bring forward, but not tonight.

**Madam Chairperson:** We thank the member.

Clauses 1 and 2—pass; clauses 3 and 4—pass; clause 5—pass; clause 6—pass; clause 7—pass; enacting clause—pass; title—pass. Bill be reported.

#### **Bill 35—The Consumer Protection Amendment Act (Compliance and Enforcement Measures)**

**Madam Chairperson:** Does the minister responsible for Bill 35 have an opening statement?

**Hon. Jim Rondeau (Minister of Healthy Living, Seniors and Consumer Affairs):** Sure. The bill enhances and consolidates the compliance and enforcement provisions of The Consumer Protection Act and clarifies how and when they can be used by the Consumer Protection Office in the administration and enforcement of the act. This amendment will benefit consumers and businesses by making it clear what steps a Consumer Protection officer can use to remedy a marketplace issue or complaint.

**Madam Chairperson:** We thank the minister.

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

**Mr. Cliff Cullen (Spruce Woods):** No, Madam Chair.

**Madam Chairperson:** We thank the member.

Clauses 1 and 2—pass; clauses 3 through 5—pass; clauses 6 through 11—pass; clauses 12 through 15—pass; clauses 16 through 18—pass; clauses 19 through 22—pass; enacting clause—pass; title—pass. Bill be reported.

#### **Bill 5—The New Home Warranty Act** (Continued)

**Madam Chairperson:** Does the minister responsible for Bill 5 have an opening statement?

**Hon. Jim Rondeau (Minister of Healthy Living, Seniors and Consumer Affairs):** I'm pleased to bring The New Home Warranty Act up. It's going to protect homeowners by providing a warranty: 12 months for materials, labour, design; 15 months for common areas in condominiums and common

areas in other buildings with two or more dwelling units under one ownership; two years for the building code issues and defects that make the home unliveable, defects on electrical, plumbing, heating, ventilation, air conditioning, defects in the building envelope including water penetration, exterior cladding, caulking windows, doors that lead to detachment; and seven years for the structure. I think that this is a major step to protect consumers.

**Madam Chairperson:** We thank the minister.

Does the critic have a statement?

**Mr. Cliff Cullen (Spruce Woods):** Yes, briefly, I—we did hear some concerns tonight from presenters. Clearly, there's still some work to do on this one, and there's a lot of detail in regulation. Certainly, we look forward to seeing what the regulation looks like. It looks like it could take some time to develop that regulation, but that certainly will be very important to this legislation. So with that, we look forward to seeing what the regulations look like.

**Madam Chairperson:** Thank you. We thank the member.

Clause 1—pass; clauses 2 through 4—pass; clauses 5 through 7—pass; clause 8—pass; clause 9—pass; clause 10—pass; clause 11—pass; clauses 12 through 14—pass; clauses 15 and 16—pass; clauses 17 and 18—pass; clauses 19 and 20—pass; clause 21—pass; clause 22—pass; clauses 23 through 26—pass; clauses 27 and 28—pass; clause 29—pass; clause 30—pass; clauses 31 through 34—pass; clauses 35 through 37—pass; clauses 38 and 39—pass; table of contents—pass; enacting clause—pass; title—pass. Bill be reported.

**Bill 17—The Consumer Protection Amendment and Business Practices Amendment Act (Motor Vehicle Advertising and Information Disclosure and Other Amendments)**

**Madam Chairperson:** Does the minister responsible for Bill 17 have an opening statement?

**Hon. Jim Rondeau (Minister of Healthy Living, Seniors and Consumer Affairs):** I'm pleased that, Madam Chair, we've been able to work with the industry to make sure that we have further consumer protection as far as motor vehicle advertising and information disclosure. I think this is providing people the information they need to understand what they're getting into. The total price, including all fees, charges, levies, are included, and advertisements have to be accurate and in detail, and I'm

pleased that this is moving forward because it's actually getting people to understand what they're getting into when they walk into a dealership.

\* (20:50)

**Madam Chairperson:** We thank the minister.

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

**Mr. Cliff Cullen (Spruce Woods):** No, Madam Chair.

**Madam Chairperson:** Thank you.

Clause 1—pass.

Shall clause 2 pass?

**Some Honourable Members:** Pass.

**An Honourable Member:** Wait, I have an amendment, Madam Chair.

**Madam Chairperson:** We have an amendment. It has been moved—would you like to go ahead with the amendment?

**An Honourable Member:** Madam Chair, the amendment is

*THAT Clause 2 of the Bill be amended by striking out the proposed section 236.*

**Madam Chairperson:** It has been moved by Minister Rondeau that clause 2—proposed—

*THAT Clause 2 of the Bill is amended by striking out the proposed section 236.*

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

**Mr. Rondeau:** Madam Chair, the reason why we did clause 30, the section 35 of Bill 35 first, was that bill now covers this part of the act.

**Madam Chairperson:** Thank you.

Is the committee ready for the question?

**Some Honourable Members:** Question.

**Madam Chairperson:** Amendment—pass; clause 2 as amended—pass; clauses 3 through 8—pass; clauses 9 and 10—pass; enacting clause—pass; title—pass.

Shall the bill be reported? The bill—oh.

Bill as amended be reported.

\*\*\*

**Madam Chairperson:** Twenty-nine is next.

**Bill 29—The Land Surveyors and Related Amendments Act**  
(Continued)

**Madam Chairperson:** All right, does the minister responsible for Bill 29 have an opening statement?

**Hon. Jim Rondeau (Minister of Healthy Living, Seniors and Consumer Affairs):** This is a bill that's been in development for 133 years. We've been in consultation with industry. I think that because it's been in development for such a long period of time, we have had good consultation. The industry is supportive and it'll help us move forward.

**Madam Chairperson:** We thank the minister.

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

**Mr. Cliff Cullen (Spruce Woods):** Yes, just briefly. I certainly want to acknowledge the good work the land surveyors do in the province of Manitoba and we certainly support them and their endeavours, and good to see that we've got this particular legislation right, that they're happy with it. So we wish them all the best when they move forward with the new framework. Thank you.

**Madam Chairperson:** We thank the member.

Clause 1—pass; clauses 2 and 3—pass; clauses 4 and 5—pass; clause 6—pass; clauses 7 and 8—pass; clause 9—pass; clause 10—pass; clause 11—pass; clauses 12 and 13—pass; clause 14—pass; clauses 15 and 16—pass; clauses 17 through 19—pass; clauses 20 and 21—pass; clauses 22 and 23—pass; clauses 24 and 25—pass; clause 26—pass; clauses 27 and 28—pass; clauses 29 through 31—pass; clauses 32 and 33—pass; clause 34—pass; clauses 35 and 36—pass; clauses 37 and 38—pass; clause 39—pass; clauses 40 through 43—pass; clauses 44 through 46—pass; clauses 47 and 48—pass; clauses 49 and 50—pass; clauses 51 and 52—pass; clause 53—pass; clauses 54 and 55—pass; clause 56—pass; clause 57—pass; clauses 58 through 60—pass; clauses 61 and 62—pass; clause 63—pass; clause 64—pass; clauses 65 through 67—pass; clause 68—pass; clauses 69 and 70—pass; clause 71—pass; clauses 72 and 73—pass; clauses 74 and 75—pass; clauses 76 and 77—pass; clauses 78 and 79—pass; clause 80—pass; clause 81—pass; clauses 82 through 84—pass; clauses 85 and 86—pass; clauses 87 through 89—pass; table of contents—pass; enacting clause—pass; title—pass. Bill be reported.

**Bill 11—The Proceedings Against the Crown Amendment Act**

**Madam Chairperson:** All right. Does the minister responsible for Bill 11 have an opening statement?

**Hon. Peter Bjornson (Minister of Entrepreneurship, Training and Trade):** Yes, I do. I thank you very much, Madam Chair.

I've been waiting a long time to say this: go Jets go. And, as far as the bill is concerned, this is bringing us in compliance with the Agreement on Internal Trade proceedings against the Crown in terms of dispute resolution mechanism and the provisions set in the act for that purpose.

With those words, I welcome any comments in debate.

**Madam Chairperson:** We thank the minister.

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

**Mr. Cliff Graydon (Emerson):** No.

**Madam Chairperson:** We thank the member.

Clauses 1 through 3—pass; enacting clause—pass; title—pass. Bill be reported.

\* \* \*

**Madam Chairperson:** Excellent, and 46.

**Bill 46—The Statutes Correction and Minor Amendments Act, 2013**

**Madam Chairperson:** Does the minister responsible for Bill 46 have an opening statement?

**Hon. Andrew Swan (Minister of Justice and Attorney General):** Well, I know this is the bill that everybody's been waiting for tonight.

It's an annual tradition that there is a statutes correction and minor amendments act to correct typographical numbering and drafting errors that have been made in the past. This year, there's also minor amendments to several acts that I spoke about in some detail at the second reading. The bill also repeals a private act and three acts that we can consider to be outdated or obsolete.

**Madam Chairperson:** We thank the minister.

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

**Mr. Reg Helwer (Brandon West):** No.

**Madam Chairperson:** We thank the member.

\* (21:00)

Clause 1—pass; clauses 2 through 4—pass; clauses 5 through 8—pass; clauses 9 and 10—pass; clause 11—pass; clauses 12 and 13—pass; clauses 14 through 17—pass; clause 18—pass; clauses 19 and 20—pass; clauses 21 through 24—pass; clause 25—pass; clauses 26 through 28—pass; clauses 29 through 32—pass; clauses 33 through 35—pass; clauses 36 and 37—pass; clauses 38 through 40—pass; clauses 41 and 42—pass; clause 43—pass; clauses 44 and 45—pass; clause 46—pass; clauses 47 through 50—pass; clauses 51 through 54—pass; clauses 55 and 56—pass; clauses 57 and 58—pass; clauses 59 through 62—pass; clauses 63 and 64—pass; clauses 65 through 67—pass; clauses 68 through 70—pass; clauses 71 through 74—pass; clauses 75 and 76—pass; clauses 77 through 79—pass; table of contents—pass; enacting clause—pass; title—pass. Bill be reported.

\* \* \*

**Madam Chairperson:** All right, excellent, that concludes our business.

The will—[interjection] The hour being 9:03, what is the will of the committee?

**Some Honourable Members:** Committee rise.

**Madam Chairperson:** The committee rise.

**COMMITTEE ROSE AT: 9:03 p.m.**

#### WRITTEN SUBMISSIONS

Re: Bill 6

Dear Committee Members:

On behalf of the Association of Manitoba Municipalities (AMM), I would like to provide comments about Bill 6: The Highway Traffic Amendment Act (Flexible Short-Term Regulation of Vehicle Weights and Dimensions).

Bill 6 amends several provisions of The Highway Traffic Act to provide more flexibility for short-term and seasonal variations in permissible vehicle weights and dimensions. It will allow quicker action to allow recently upgraded roads to carry higher weights or to create a detour if a particular road or bridge is damaged. In addition, the Bill will also allow the extension of winter weight allowances based on favourable weather conditions.

The AMM supported the Province of Manitoba's revised Spring Road Restrictions instituted in 2012. These more flexible, weather-based policies and procedures were designed to protect Manitoba's surfaced highways from damage during spring thaw conditions by reducing allowable weights.

This approach has generally been beneficial to municipalities by reducing damage to municipal roads caused by large truck traffic. As a result, the AMM is pleased to see a more flexible approach to decrease or increase permissible weights and dimensions over a short-term. The AMM hopes these amendments result in more efficient and effective regulation of vehicle weights and dimensions to better reflect transportation trends. These amendments may also provide a boost to Manitoba's rural economy.

Thank you for your consideration. Sincerely,

Doug Dobrowolski  
President

\* \* \*

Re: Bill 27

Dear Committee Members:

On behalf of the Association of Manitoba Municipalities (AMM), I would like to provide comments about Bill 27: The Highway Traffic Amendment Act (Charter Bus Service).

As the organization representing all Manitoba municipalities, the AMM identifies and addresses the needs and concerns of its members in order to achieve strong and effective municipal government.

The AMM supports these new measures to give companies more flexibility to meet consumer demand in the form of intercity charter bus service.

The AMM is also pleased that these measures will provide opportunities for local operators to provide bus services, and that safety requirements will be maintained.

In order to help ensure that all communities with residents requiring bus service have transportation options, the AMM also suggests the Province of Manitoba consider incentives for local companies or

communities interested in providing bus service. Particularly where there are no other options for intercity bus travel, incentives could help to meet local needs.

In addition, the AMM encourages departmental cooperation to allow more flexible uses of vehicles in practice, such as handi-transit vehicles, providing the service can continue to provide adequate service to handi-transit users.

The AMM appreciates the opportunity to provide these comments. Thank you for your consideration.

Sincerely,

Doug Dobrowolski  
President

\* \* \*

Re: Bill 27

"There is no such thing as a free breakfast."

A quick, cheap fix will only ever be just that – a quick, cheap fix.

Change in haste, repent at leisure!

Hopefully, you get the message. Simply stated, your Bill 27 will not fix the problem presently facing resident Manitoba travellers! Rather it will force already established transportation companies to-

i. Close their doors

and/or

ii. Run their already established business "on the cheap"

and/or

iii. Lay off hard-working, tax-paying Manitoba employees

and/or

iv. Purchase equipment, supplies, insurances, maintenance items, etc. out-of-province (where they are often significantly cheaper)

and/or

v. Look for qualified mechanics, custodians, technology experts, etc. who may be willing to work "under the table" or "on the cheap" for whatever reason(s) to help reduce high operational expenses

and, the list could go on, but most importantly it does not "Focus on Safety" as the recent press release claims, but rather diminishes safety for several reasons which we continue to reiterate (hopefully more successfully this time) for your edification.

We are an established Bus Transportation Business that is completely set up for and has provided professional service to Manitobans for more than 50 years. We have struggled over those years, financially, personnel-wise, and under what seems to be excessive government regulation(s) to maintain an excellent level of service. At present, the bus industry in this province has so much competition that even the largest of carriers are having trouble maintaining their business. This is only one of the many reasons non-profit "runs" have had to be shut down, causing difficulties for your constituents, but Bill 27 will not rectify the situation, just complicate it and could place the travelling public in an unsafe travel environment.

The September 11 (911) bombing of the Trade Center in New York, the unpredictably high fuel costs, the beheading of a patron on a bus near Portage la Prairie, the higher costs of parts and labour, the greater expectations by drivers, the safety of our drivers and patrons, and in the case of First Nations transportation opportunities, the uneven playing field (20 – 25% tax advantages) – all continue to generate and escalate significant stress on the existing bus transportation industry. Competition can be a good thing, but in light of the above and other stressors not outlined in this epistle we would like to suggest that it can and is, in this case, just the opposite. Let us give you yet another example; our weather here in Manitoba. Here in this province, winter and winter weather related hardships are a travelling reality. Our bus garage and full time mechanic are able to keep our equipment in first class running condition at all times, even during the extreme weather conditions dumped upon us by Mother Nature. Over the years our experience has taught us that cold weather driving is hard on equipment, ours and others – as we have stored and maintained equipment for other companies. While storage is usually reasonable, maintenance can, and often is, expensive. New operations, by their very

nature, can sometimes be "shoe-string" operations and sufficient operating capital can be a problem. So, when/if only absolutely necessary equipment maintenance is the financial order of the day – I'm sure you can begin to understand that safety could become a major issue (and we would add, not just in winter).

If the argument is being made that Manitoba lacks enough qualified services to meet inter-city transportation requirements in this province, then let us address that issue. Bill 27 would not appear to do so. Ever since the horrific episode of 911 and other stressors already mentioned, our charter work demands have declined and it is not uncommon to have equipment sitting idle for days. We know that this is not a phenomenon unique to our company. Why not begin to explore ways to utilize already existing, well-maintained equipment to help fill this need, keeping in mind that the transportation industry is an expensive industry to maintain and any "fixes" would need to reflect that – not cheapen it?!?!?

There is also the matter of the unfair competition which Bill 27 has the potential to create. We, as a Manitoba based company, do not have the authority to pick-up outside of the province of Manitoba and we have been fastidious in explaining that to prospective clients, even when it made proper sense to try to accommodate their charter requirements. (i.e. – a recent request to move cadets from Humboldt, SK to and from a function in The Pas). We had to turn this request down for obvious reasons. Why, then would this province encourage operators from outside of this province, who make little to no economic contributions to our province, to undercut/mine existing operators?

Finally – to focus specifically on your recent "press release," let us comment specifically on its content.

".....more opportunities....." More is not necessarily better, safer and will not necessarily meet the existing need(s). Also, it cannot help but be more expensive and who we would ask, could afford to provide such service(s) safely?????

While consumers may "demand," they do not always deliver. Count on the fact that if an opportunity to avail themselves of a cheaper and/or quicker method of transportation presents itself to them, you know which one they are going to choose. empty (or nearly empty) \$500,000.00 (plus) pieces of equipment

plying Manitoba highways "wherever there is consumer demand" is not a financially responsible answer. Neither is older, cheaper, constantly requiring maintenances coaches the way to go!!!!

The "old rules" have served Manitobans well. How many serious accidents have there been from a legitimate Manitoba bus operator in the last 50 years? Will any or all potential competitors be expected to abide by the same rules and regulations and will there be the regular audits and inspections for all coaches plying Manitoba's highways whether they come from within or without of provincial boundaries? Our understanding is that, presently safety inspectors and officers are in short supply. How will adding a plethora of "unregulated" bus operations solve this problem?????

"Restrictions" and/or "number and seating capacity of buses" – how do these relate to vehicle and operational safety in any way? (Perhaps a larger number of people travelling on a larger bus would/could increase hospital costs if this bigger bus were not properly maintained)?????

How do you arrive at "more affordable fares" without compromising an industry that is already very expensive to operate and maintain and one upon which expectations continue to be heaped?????

You're right, "Charter bus operators are based in cities and towns throughout the province." Enough is already too much! How will adding "Charter bus operators" with expanded chartering rights enhance the need for inter-city travel anyway?????

It isn't even correct (or fair) that "a number of charter bus operators" need to expand their companies to meet the existing charter needs in this province. Let us reiterate – there already an excessive number of "charter" bus operators to meet current needs. Also, there is no recognition of the many other "outside" companies this bill could/would allow to operate within our province. Many potential invaders do not experience the high costs associated with operating a transportation business in Manitoban, and as has already been asked, would they (or would they not) be subject to the regular inspections required of Manitoba operators?????

In conclusion, at the risk of sounding offensive, we would have to say that the proposed Bill 27 is rubbish. It does not address the existing problem(s)



of inter-city transportation needs in the province of Manitoba and it does have the potential to decimate existing transportation companies who strive on a daily basis to provide good, safe charter opportunities for the constituents of our province. Please, scrap it in favour of possible sober, second thought which could result in realistic, positive change(s) for the industry!

Respectfully submitted,

Don and Vel McAdam  
Kelsey Bus Lines Ltd.

\* \* \*

Re: Bill 27

Support For Brandon Charter Bus Companies

The Brandon Chamber of Commerce is an independent, membership funded, not-for-profit organization that represents Brandon businesses at the grassroots level. The Chamber is dedicated to encourage growth in the Brandon community by fostering a progressive business environment, favorable to enhancing existing and attracting new business.

The Brandon Chamber of Commerce strongly supports changes to charter bus regulations to allow Brandon motor coach operators to have the same operating authority as those in Winnipeg and across the province. Current circumstances have even allowed for Saskatchewan companies to operate in areas in Manitoba, while Brandon companies are restricted from providing services.

Competition in the marketplace benefits consumers and business alike, and the Chamber believes that regulations should encourage and support, not hinder the marketplace. Current restrictions place Brandon businesses at an unfair disadvantage and we would encourage an immediate change to allow for a fair and level playing field for all motor coach enterprises to operate across our province.

I look forward to hearing the results of your review of Bill 27. If you have any questions, please call the Brandon Chamber office at 204-571-5340.

Yours Sincerely,

Carolynn Cancade  
General Manager  
Brandon Chamber of Commerce

Nate Andrews  
President  
Brandon Chamber of Commerce

\* \* \*

Re: Bill 27

I am writing today as a private citizen and Manager of the Selkirk Division of Beaver Bus Lines to request the passing of Bill #27 be denied. Please find attached a sample of the petition that was signed by approximately 1,000 passengers and supporters who do not want Bill 27 to be passed.

Ridership over the years has decreased dramatically. In the year 2000, the people travelling with Beaver Bus Lines in a day could be anywhere between 1000-1500 passengers. Now on a good day with students back in school and holidays over, we carry at best 350-400 passengers. The revenue that was once coming in is no longer. If Bill 27 was to be passed, it would in return put the Beaver Bus Lines Selkirk-Winnipeg run in jeopardy, as the Selkirk run depends on the Winnipeg charter service to subsidize it. Beaver Bus Lines does not, in any way, shape, or form, receive a subsidy from the government. Without the revenue from the Winnipeg charter service, Beaver Bus Lines Selkirk run would have no alternative but to shut down. No business can run at a continual loss and be expected to survive. The people and services that this would affect are quite substantial.

Beaver Bus Lines Selkirk run sells commuter books which consist of 20 tickets. This gives the regular rider and students a reduced rate. In the commuter book, there is an area that the passengers may fill out with suggestions, complaints, or whatever is on their mind. The compliments that we receive regularly regarding our service are always very commendable.

University of Winnipeg Students:

Beaver Bus Lines takes thousands of students to and from university every year. With the bus stop being across the street from the university, it couldn't be more convenient. The students do not have to worry about parking, bad road conditions, the cost of gas, or the maintenance of their vehicles, if they have one. Also, the time spent on the bus allows them the opportunity to read, do their homework, or just relax.

Seniors:

Seniors and people who do not drive in Winnipeg depend on the bus service for doctor's appointments, shopping, and social outings such as Rainbow Stage, Concert Hall, MTS Centre, and many attractions that the City of Winnipeg has to offer. These people would not be able to attend these functions if bus service to Winnipeg was not available.

#### Working People:

The working person who takes the Selkirk bus daily depends on Beaver Bus Lines for a safe, reliable service. Beaver Bus Lines has always over the many years maintained the highest standard of safety and service. Without the Selkirk-Winnipeg run, many people would have no alternative but to quit their jobs in Winnipeg as they would not have transportation to get them there and back. This would, in return, drive the unemployment rate up. During the winter months when road conditions are bad, a lot of people who would normally drive themselves do rely on the bus so they do not have to contend with these conditions.

#### Government and Service Agencies

Manitoba Family Services supplies their clients who are on social assistance with bus tickets for several reasons, one being medical appointments. If bus service was not available, their clients would either not be able to attend their appointments, or the other alternative would be to take a taxi. Could you imagine the budget that they would need to supply a taxi for every client who needed to get to Winnipeg? At \$100.00 a trip for a taxi, compared to \$6.40 for a bus ticket, there really is no comparison.

The Selkirk Mental Health Centre has residents who travel the Selkirk-Winnipeg run daily. If bus service was not available, they would also need a service to take them to and from Winnipeg, thus, in return, driving their budget through the roof.

Nova House is a centre for battered and abused women and their children. Nova House supplies their clients with purchase orders for bus tickets. This is an organization that relies largely on donations, and does not have a budget to supply these women and their children who are at risk with a taxi. Every human being has the right to live free from violence and to be and feel safe. Without the Selkirk bus service, these women and their children could and/or would be put in jeopardy.

Metis Child and Family Service, First Nation Inuit Service, and Manitoba Correctional Services are a few more - all government-run agencies who provide purchase orders on a regular basis for bus tickets for their clients. There again, if taxi service, or hiring from a private service is their only option, their budgets are also going to be astronomical, as again, it would be a far cry from \$8.50 for a bus ticket.

#### Tourism

Departing from Winnipeg, Beaver Bus lines Selkirk-Winnipeg run carries a lot of tourists to Lower Fort Garry. This experience would not be possible if bus service was not available.

As Selkirk is a vital, growing city, it offers many attractions that draw tourists and citizens from Winnipeg: The Highland Gathering, Selkirk Fair and Rodeo, the Art Gallery, Pow Wow Days, just to name a few. Tourism plays a great part in our economy. If bus service is not available to attend these events, everyone loses.

Beaver Bus Lines has passengers who come from Winnipeg to go fishing in Lockport. This is a boost for the Lockport economy. These people would not be there eating, drinking, and buying fishing supplies if there was no transportation available.

Beaver Bus lines Selkirk-Winnipeg run carries quite a number of people who travel from Winnipeg to visit the cemeteries in Middlechurch. They stay for a few hours and then take the bus back to Winnipeg. Beaver Bus lines' run is the only transportation they have and it would be a shame to deny them this time with their loved ones.

#### The City of Selkirk

Another large aspect to consider would be the effect of not having the Selkirk-Winnipeg bus service available if someone was to consider moving to Selkirk. If you do not drive or have children who do not drive, this would definitely be a deterrent. Why would you possibly move somewhere if required services are not available?

Beaver Bus Lines Selkirk run also supports the Children's Festival, National Child's Day, and the Selkirk Steelers, just to name a few. Beaver Bus Lines provides free transportation for the day care centres in and around Selkirk to attend the Children's Festival and National Child's Day. Without the

generosity of this service, these day care centres have expressed that there would be no possible way for them to attend these events.

Freight

Another concern of no bus service would be the freight that we carry daily.

Brokenhead Health Centre has frozen vaccine and medical supplies shipped by Beaver Bus Lines to Selkirk. Without the bus service available, they would also be on the list for a much larger budget. With their Health Centre being north of Selkirk, a courier, if they would even go that far north, would be an unnecessary added expense.

Medical supplies for pharmacies, as well as private individuals, are quite often shipped. Some of these businesses and individuals do not have a budget for the price of a courier, and, in some cases, the time. Medical supplies should not be something that could be delayed when people need them.

The Selkirk General Hospital sends and receives their dialysis equipment on the bus regularly. Anyone on dialysis knows this is something that is life-threatening. Does the Manitoba Health Organization have it in their budget to have this delivered by taxi or courier? I would think every penny that they could save should and could be put towards something more than taxi service.

Employees

Last, but not least, are the employees who, for the majority, have been there for many, many years. If the Selkirk-Winnipeg Beaver Bus Lines run was to be discontinued, some might be able to collect early pension, but the rest would definitely be on unemployment. Either way, instead of contributing to the government, they would be another draw on it.

The standards by which Beaver Bus Lines charter service, as well as the Selkirk-Winnipeg run, operates is above and beyond any government requirements. Allowing out-of-province charter companies to come in and take away revenue that is needed to support the Selkirk run would force Beaver Bus Lines to abandon the Selkirk run.

Passing Bill 27 would not only shut the doors on Beaver Bus Lines Selkirk-Winnipeg run, but would

also have a disastrous effect on all of these people, businesses, organizations, and the economy.

I ask you, please: Do not pass Bill 27.

Yours truly,

Kim MacDonald

Re: Bill 27

Passing Bill 27 will allow out of province and American Bus Companies to take away the charter revenue which is needed by Beaver Bus Lines to support the Winnipeg to Selkirk scheduled service. As a concerned constituent and passenger, I am not in favor of the government passing Bill 27.

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Re: Bill 27

Greetings and salutations,

My name is Chris Henry, I represent Intermountain Leasing Bus Charters out of Dauphin, Manitoba. I am relatively new to the charter bus business having

been appointed manager/partner of our company this summer. The owner has been in.

The charter business for the better part of 25 years and is one of the few charters to own running rights through out Manitoba.

We are very concerned with the new proposed changes to bus charter services within our province. As it stands, we currently operate with 3,48 passenger coaches. We know what our costs are to operate these units and we follow all necessary safety and handling codes as per provincial traffic laws. All units are gone through a safety twice per year and are inspected once per year ensuring a safe operating bus.

With the proposed changes allowing neighbouring provinces and American based buses to operate in Manitoba, it's our fear in a short time that our business will not survive. Competition within the province is already fierce and its all we can do from our little corner of the world to hold on to what we have. Our rates are based on what each trip would cost us. We would love to go to a flat rate, however on occasion we may need a second driver to complete the trip because the first would run out of driving hours for example.

Would the rules we follow both in safety and in highway laws be followed by these out of province businesses? If so, how do you regulate all these buses? The term "fly by night" operators could swoop in and grab trips using unsafe buses, no liability insurance, and no regard for customer well being all the while pocketing some quick and easy cash. There wouldn't be anything stopping them from doing it. Who is going to police that?

They will undercut us to a point where we are no longer making a profit or braking even, leaving only unsafe options for charter renters around the province. When we disappear and the others have made their cash grab and fled the province, where will the people turn for their transportation needs?

Thank you for the opportunity to express our views,

Sincerely,

Chris Henry  
Manager - Intermountain Leasing Bus Charter

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Re: Bill 35

RE: CFIB Submission on Bill 35 – The Consumer Protection Amendment Act (Compliance and Enforcement Measures)

Dear Committee Members:

On behalf of the Canadian Federation of Independent Business (CFIB) and our 4,800 members in Manitoba, thank you for the opportunity to share our members' views on Bill 35, The Consumer Protection Amendment Act (Compliance and Enforcement Measures).

By way of background, the Canadian Federation of Independent Business (CFIB) is a non-partisan, not-for-profit, political action organization. We are dedicated to giving independent businesses a greater voice at all levels of government on important issues like taxation, regulation, and labour, among others. With 109,000 members across the country, the small- and medium-sized businesses that we represent are located in all regions and with diversity in activity that closely parallels our national and provincial economies. CFIB is funded solely by our members' voluntary annual membership. All major CFIB policy positions are also set by surveys of our members in a one member-one vote system.

Understanding small business

It is important to first paint a picture of small business, which should assist the Committee in understanding the amendments to this Act through the lens of a small business owner.

- Most Manitoba businesses are small
  - o 98 per cent of all businesses in Manitoba have fewer than 50 employees – the traditional definition of a small business.
- A majority of Manitobans work for a small- or medium-sized business
  - o 29 per cent of employed Manitobans have a job in a small business, while another 23 per cent work for a medium-sized business.

Indeed, small business is big business in Manitoba. Aside from their economic contributions, small businesses are also massive contributors to community and charitable causes throughout the province.

Bill 35 – The Consumer Protection Amendment Act (Compliance and Enforcement Measures)

It is our understanding that the amendments to The Consumer Protection Act have been introduced to assist in identifying and prosecuting problematic businesses who may have contravened the Act. While CFIB members take consumer protection very seriously, some of the amendments to the Act outlined in Bill 35 go too far and are very concerning since all businesses regulated under the Act will be subject to increased compliance and enforcement measures.

Amendments allowing the Director to request records and information from a business, authorize a person to inspect the business, and to apply for a court warrant to enter the business are particularly concerning to small businesses. Our members strive to follow the law in the operation of their businesses. However, these amendments will allow for the request for records and inspection with or without a specific complaint, meaning businesses will be under a constant threat of having to produce records or go through an inspection. As you consider these amendments, and as the Department moves forward on any related regulations, small businesses would like to know:

- What is the plan for selecting businesses for inspection or requesting records? Will it be random or will the Director only use these tools in cases where it is suspected that the Act is not being followed? If the latter is true, why not only allow for the use of these tools in cases of recurring complaints?
- Will inspectors be provided small business sensitivity training? Too often inspectors are unaware of the many challenges faced by small businesses and may put unreasonable demands on a small business owner to provide records or conduct inspections, disrupting the operation of the business.

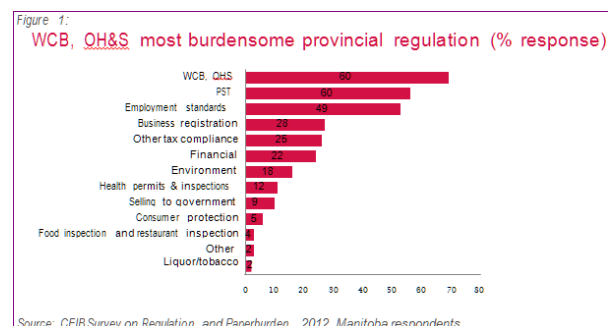
We also have serious concerns about the vagueness of some of the wording in these amendments. For example, section 135.6 states that the Director may issue an order and require a business to do any one or more of the following, including "(g) any other prescribed thing." This sets no limits on government intervention within the confines of this Act. We would encourage the removal of this phrase to ensure that the purpose of the Act is clearly laid out in full.

In addition to concerns we have with how the government intends to roll out any changes and

communicate any new regulations, including the rationale for, and what compliance looks like, we are concerned about the overall red tape burden small businesses face. Amendments also call for further regulation-making powers as well as the ability to make regulations that apply differently to different classes. In other words, all businesses would need to become acquainted with a raft of new regulations. Increasing the regulatory demands on Manitoba's small businesses is the wrong way to get at a few offenders, and takes time away from a small business owner who could better spend their time by creating jobs and growing the economy.

#### Less government red tape

For additional context to our concerns, it is important to outline some of the red tape challenges business owners already face in Manitoba. In 2013, CFIB released our third major study on government regulation and its impact on Canadian businesses. The research found that complying with regulation and paperwork from all levels of government costs Canadian businesses a staggering \$31 billion each year. When asked about the most burdensome provincial regulation, those regulations related to consumer protection were thankfully located near the bottom of the list (Figure 1).



While some may say that this is evidence of the need for more consumer protection regulation, CFIB believes focussing on only the essential regulations and keeping red tape to a minimum is critical. To be clear, small businesses care very much about consumer protection and ensuring their customers are treated fairly. We're not talking about getting rid of essential safety and health or consumer protection regulations. We're talking about getting rid of unnecessary red tape, which has a major impact on small business efficiency and our provincial and local economies (Figure 2).



Policymakers must realize there are no departments of regulatory compliance in small firms. It's the business owner, often on evenings and weekends, that is trying to manage all the government regulation – often at the expense of their own time with family and friends.

How can we improve the implementation and administration of regulations? Part of that has to do with adopting regulatory reform legislation such as in British Columbia and Saskatchewan, but other practical suggestions to move from red tape to 'smart tape' include things like:

- Ensuring adequate communication of existing and proposed rules in plain language.
- Ensuring that new regulations are reasonable, absolutely necessary, and don't impact a broader group of businesses just to deal with a few problematic ones.
- Carefully considering the impact of new regulations on small business and ensure that procedures are easy to implement.
- Keeping compliance flexible and provide basic examples of what constitutes compliance and non-compliance. For example, providing policy templates.

Finally, this Bill amends the maximum administrative penalty from \$5,000 to \$20,000. As this is an increase of three hundred per cent, we strongly believe consideration must be given to the size of the firm when deciding the amount of the fine.

Thank you for considering the views of small businesses as you review this legislation. Should you have any questions or concerns please don't hesitate to contact our office at 204-982-0817.

Sincerely,

Ben Kolisnyk  
Policy Analyst, Prairie

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

**<http://www.gov.mb.ca/legislature/hansard/index.html>**