



Fourth Session - Thirty-Fifth Legislature
of the
Legislative Assembly of Manitoba

STANDING COMMITTEE

on

LAW AMENDMENTS

42 Elizabeth II

*Chairperson
Mr. Bob Rose
Constituency of Turtle Mountain*



VOL. XLII No. 18 - 7 p.m., THURSDAY, JULY 22, 1993

MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Fifth Legislature

Members, Constituencies and Political Affiliation

NAME	CONSTITUENCY	PARTY
ALCOCK, Reg	Osborne	Liberal
ASHTON, Steve	Thompson	NDP
BARRETT, Becky	Wellington	NDP
CARSTAIRS, Sharon	River Heights	Liberal
CERILLI, Marianne	Radisson	NDP
CHOMIAK, Dave	Kildonan	NDP
CUMMINGS, Glen, Hon.	Ste. Rose	PC
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EDWARDS, Paul	St. James	Liberal
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ERNST, Jim, Hon.	Charleswood	PC
EVANS, Cliff	Interlake	NDP
EVANS, Leonard S.	Brandon East	NDP
FILMON, Gary, Hon.	Tuxedo	PC
FINDLAY, Glen, Hon.	Springfield	PC
FRIESEN, Jean	Wolseley	NDP
GAUDRY, Neil	St. Boniface	Liberal
GILLESHAMMER, Harold, Hon.	Minnedosa	PC
GRAY, Avis	Crescentwood	Liberal
HELWER, Edward R.	Gimli	PC
HICKES, George	Point Douglas	NDP
LAMOUREUX, Kevin	Inkster	Liberal
LATHLIN, Oscar	The Pas	NDP
LAURENDEAU, Marcel	St. Norbert	PC
MALOWAY, Jim	Elmwood	NDP
MANNES, Clayton, Hon.	Morris	PC
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McALPINE, Gerry	Sturgeon Creek	PC
McCRAE, James, Hon.	Brandon West	PC
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MITCHELSON, Bonnie, Hon.	River East	PC
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PALLISTER, Brian	Portage la Prairie	PC
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PLOHMAN, John	Dauphin	NDP
PRAZNIK, Darren, Hon.	Lac du Bonnet	PC
REID, Daryl	Transcona	NDP
REIMER, Jack	Niakwa	PC
RENDER, Shirley	St. Vital	PC
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<i>Vacant</i>	The Maples	

LEGISLATIVE ASSEMBLY OF MANITOBA
THE STANDING COMMITTEE ON LAW AMENDMENTS

Thursday, July 22, 1993

TIME — 7 p.m.

LOCATION — Winnipeg, Manitoba

CHAIRPERSON — Mr. Bob Rose (Turtle Mountain)

ATTENDANCE - 10 — QUORUM - 6

Members of the Committee present:

Hon. Mr. Driedger

Messrs. Helwer, Lamoureux, McAlpine,
Pallister, Reid, Reimer, Rose, Sveinson, Ms.
Wasylycia-Leis

APPEARING:

Steve Ashton, MLA for Thompson

Jean Friesen, MLA for Wolseley

Clayton Manness, MLA for Morris

WITNESSES:

Bill 24—The Taxicab Amendment and
Consequential Amendments Act

Benjamin Famakim, Private Citizen

Elizabeth Adams, Private Citizen

Ed Zurawzuk, Private Citizen

Sukhdeu Garcha, Private Citizen

MATTERS UNDER DISCUSSION:

Bill 24—The Taxicab Amendment and
Consequential Amendments Act

Bill 52—The Manitoba Foundation Act

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Mr. Chairperson: Order, please. Will the Standing Committee on Law Amendments please come to order. The following bills will be considered: Bill 52, The Manitoba Foundation Act, and Bill 24, The Taxicab Amendment and Consequential Amendments Act. Copies of the bills are available for the committee at the back table.

As was mentioned at the committee meeting this afternoon, we will now continue with clause-by-clause consideration of Bill 52, and will revert back to Bill 24 when this bill has been disposed of.

Bill 52—The Manitoba Foundation Act

Mr. Chairperson: I believe we had covered everything in Bill 52 except Clause 8. Shall Clause 8 pass?

Ms. Judy Wasylycia-Leis (St. Johns): Mr. Chairperson, I have an amendment. I move, in both English and French

THAT subsection 8(3) be struck out and the following substituted:

Other trustees

8(3) Subject to subsection (2), when the first institution is designated by regulation in a category of institution that represents

- (a) all educational institutions;
- (b) all hospital institutions; or
- (c) all museum institutions;

the board shall include two trustees in respect of that category of institution, appointed by the Lieutenant Governor in Council from a list of nominees submitted by each category of institution set out in clauses (a) to (c).

[French version]

Il est proposé que le paragraphe 8(3) soit remplacé par ce qui suit:

Autres administrateurs

8(3) Sous réserve du paragraphe (2), le conseil comprend deux administrateurs représentant celle des catégories d'établissements suivantes dès qu'un établissement particulier est désigné, par règlement, comme en faisant partie:

- a) les établissements scolaires;
- b) les établissements hospitaliers;
- c) les établissements muséaux.

Les administrateurs sont nommés par le lieutenant-gouverneur en conseil à partir d'une liste de candidats dressée par les établissements faisant partie de ces catégories.

Motion presented.

Hon. Clayton Manness (Minister of Finance): Mr. Chairperson, my comments will be brief. I hope

provide an explanation to the member and to the Opposition Party as to why it is we cannot accept the amendment at this time. We sense in the fledgling period of this new foundation that we should not force upon the foundation a requirement that all of the institutions listed below have fixed representation.

In due course, as designations under the regulations increase, at that time I am sure the foundation will provide that all of the institutions so classified will have two representatives each.

Ms. Jean Friesen (Wolseley): I welcome the minister's comment, and I hope, in the event that this resolution is defeated which is what I sense is going to happen, that that does in fact occur, and the intent here was to change the "may" to "shall" to ensure that categories of institutions are represented by people selected from their list.

I think perhaps the minister should recognize that what this particular wording does is ensure that categories of institutions are represented only after the minister has designated that category is going to essentially kick in to this particular board of trustees.

Mr. Manness: Mr. Chairperson, now that I have a fuller understanding of the amendment, I do not have the same difficulty with it that I may have had earlier on. I am thinking back to this morning when I thought it was just a word change, but now that there is greater clarity to it, I do not have difficulty with accepting the recommendation.

Mr. Chairperson: Amendment—pass. Clause 8 as amended—pass. Is it the will of the committee that the bill be reported as amended?

Mr. Manness: Mr. Chairperson, I would like to finish off some of the business before we pass the bill. It will take exactly one minute. I want to respond to a question put by Ms. Friesen with respect to The Heritage Manitoba Act. The Heritage Manitoba Act was proclaimed, as the member probably knows, in 1975 and was established to promote property of historical, architectural, recreational, esthetic, or scenic interest to Manitobans.

The Heritage Act has remained dormant since its inception. The Heritage Act cannot extend the same 100-percent tax-deductible donation entitlements to universities and hospitals that the proposed Crown agency foundation was able to provide.

Moreover, The Heritage Act contains provisions which are not necessary, if the primary function of the Crown agency foundation is to act as a conduit of donations to qualifying institutions. There are concerns that the type of entities covered under The Heritage Act go beyond the intent of a Crown agency foundation, based on criteria established by the federal government, namely, that qualifying entities must receive a significant portion of their funding from the provincial government. And I stress that significant portion. Indeed, the federal government would not even allow us to set this up were it not construed as being for those institutions who are receiving a significant portion. I would say if you wanted to define significant by degree, I would suppose 70 percent and beyond of their support from the provincial treasury.

For example, small independent community-organized and operated heritage sites do not qualify under the proposed foundations. Entities not eligible under the proposed Crown agency foundation but which may be deemed to qualify under The Heritage Act could be interpreted as an abuse of the federal guidelines governing Crown agency foundations.

Mr. Chairperson, in closing, all I can tell members is that we are really walking a very fine line here. The federal government has told us that if we were to designate to any degree in the act that in many respects we would be in contravention of the right which allows an individual to donate a gift to the province. Even though the New Brunswick legislation has laid out some greater designations, it ultimately may be challenged by the federal government, so that is why we have taken the approach that we have. Hopefully that answers the query of the member.

Mr. Brian Pallister (Portage la Prairie): Just one point of clarification for the minister. When you say the federal government, are you referring to tax authorities, that is, Revenue Canada, in their interpretation of this?

Mr. Manness: Most definitely. The federal government is very much in control of the tax policies that we try to implement through the combined tax form. Many Manitobans believe that as a province we have the right and indeed the power to, at will, change the tax form. I am here to assure all members, in case they have forgotten, the federal government ultimately accepts the changes with respect to the combined tax form.

Mr. Chairperson: If there are no other comments, shall the bill as amended be reported? [agreed] Is it the will of the committee that I report the bill as amended? [agreed]

That completes consideration of Bill 52.

* (1910)

Bill 24—The Taxicab Amendment and Consequential Amendments Act

Mr. Chairperson: We will now move to public presentation on Bill 24. The list of persons registered to appear before the committee has been distributed and a copy of that list is at the back of the room for the public to consult. If there is anyone that wishes to make a presentation and whose name does not appear on that list, would they please identify themselves to staff at the back of the room and their name will be added to the list.

Also, I would ask if anyone has a written presentation that they wish to have copied and distributed, would they please identify staff.

Hon. Albert Driedger (Minister of Highways and Transportation): Mr. Chairperson, with the concurrence of the committee, before we hear presenters, I have certain information that I would like to present to the committee. Based on four different hearings that we have had and listening to the concerns of the taxicab industry, I have had the occasion to meet with the representatives of the industry, the opposition critics Daryl Reid and Kevin Lamoureux, my colleague Marcel Laurendeau, and this afternoon we have come to an understanding.

Basically, the understanding is that the representatives of the industry will establish an advisory board consisting of representation from driver representatives, owners and other stakeholders from hotels, chambers, City of Winnipeg, to deal with the many issues facing the industry and to make recommendations to the Taxicab Board in future.

We expect that this advisory board is going to be established and functioning within three months, and ultimately in the next three months after that there are going to be recommendations to the Taxicab Board worked out between this advisory board. So they will jointly make recommendations for the representatives on the Taxicab Board.

In return for the consideration, there has been an understanding that we will pass Bill 24 with amendments that were contemplated, and that the

bill will be based not on implementation of when the session ends, but it will be based on proclamation. Basically I have agreed, together with consulting with all the industry, that we will allow them three months to develop their advisory committee and six months to come forward with recommendations, and that the bill will not be implemented. There are many complex problems that we are facing in the industry, and we hope that the advisory board will then come up with dealing with various issues.

We also have agreed that between the advisory board and all stakeholders involved, and I am talking opposition critics as well as myself, that we will try and fill that vacancy with somebody that is going to be acceptable to the various groups involved.

Mr. Chairperson, I just want to say that I think everybody, you know, all political parties, certainly the taxicab industry, has a lot at stake here. Many problems and complexities of the issues that are at stake—it is going to take something that the representatives from the industry, including the Taxicab Board and myself, everybody—it will be a real challenge to make this thing work. It is my understanding also that the fact that opposition members have concerns about the amendments and the bill itself that there will be opposition to that, which is fair enough providing that there is a certain amount of trust among all the people involved in this thing.

I feel confident that all portions of this, the people involved, the government, industry, all the stakeholders, that we can make this thing work. It has been a very complex, difficult time for many people, including the board, including the industry. We will try and see whether there is a better way of doing it.

I am asking the indulgence of the committee. We have many presenters. There is hope that we can take and make this thing work, so I feel that I want to take this opportunity to thank the ones who have been involved in terms of trying to see whether we can develop a system that is going to be more amenable in terms of dealing with the issues.

Mr. Chairperson, I just wanted to make these comments in the beginning because as you know we had many presenters. We have listened to four different hearings about the concerns that are there, and we know there are problems. So if we can proceed on that basis, then I would like to take

and see whether we can maybe pass the bill and not proclaim it at this time, and allow the system to see whether we can sincerely try and make it work. Thank you.

Mr. Chairperson: We will be required to go through the list of presenters by name. Has anyone else any comments before we proceed?

We will proceed then with calling the names of the presenters listed. I would indicate to the committee that those that are marked with an asterisk have already been called once. When their name is called, if they do not appear, they will automatically drop off the list. Those that are not so indicated will be called twice.

Sukhdeu Garcha, Benjamin Famakim, Brar Jagjit. [interjection] Would you mind coming up to the microphone, please?

Mr. Benjamin Famakim (Private Citizen): Mr. Chairperson, ladies and gentlemen, please, on the advice of the industry, I beg to withdraw my presentation today. Thank you.

Mr. Chairperson: Thank you.

Dhalla Navtej, Harnam Dhillon, Stevesidhu, Elizabeth Ogidan, P.W. Hendricks, Hardayan Rukhra, James Edmonds, Harpreet Bagri, Tarsem Cheema, John Monks, Mr. Carrington, G.S. Nirula, Anthony and Bola Olorundare, Emile Stelmack, Susan Johnston, Jasdev S. Chahal, Narinder Dhanjoon, Bob Watson, Paramjit Sran, Tom Johnston, Phil Walding.

Elizabeth Adams.

Ms. Elizabeth Adams (Private Citizen): The honourable minister, I just wish to not make a statement. The industry has advised me not to. Thank you.

Mr. Chairperson: Thank you very much.

Galvinder Singh Gill, Plavinder Gill, Sammel J. Alkana, Ram Sharma, Ajit Thindh, Harbhajan Dhaliwal, Jagrup Brar, Yadvinder Basrao, Harkewl Brar, Chahal Deep Singh, Ed Zurawzuk.

Mr. Zurawzuk, do you have a written presentation you would like to have distributed?

* (1920)

Mr. Ed Zurawzuk (Private Citizen): No, I do not, just an oral one. I will be very brief.

I would like to thank the minister, honourable members and others for giving the industry the opportunity so that we can present our best

position. We can present the position that we think and feel will adequately service the citizens of this province, will resolve some of the problems that we have within the industry, the problems that we have that are labour orientated, the problems that we have that are financially orientated.

If we work together, we can resolve some of the issues that we have. I think that we appreciate the fact that the efforts were put forward by all the particular parties in this particular case. We feel very confident that if we work together, we can resolve all of these issues. These issues are not just our issues; they are all of our issues.

We thank you very much today for giving us that opportunity, and we will deliver. We promise. Thank you very much.

Mr. Chairperson: Thank you very much, Mr. Zurawczuk.

Gordon Seaman, Satnam Khakn, Tony Panchhi, Satwant Brar, Ray Voskoboynik, A. Kester and George Meshe.

I will read then again for the second time those remaining.

Sukhdeu Garcha.

Mr. Sukhdeu Garcha (Private Citizen): I would just like to withdraw my presentation. I would also like to thank the members of this committee for working hard. Like Ed said, we will deliver. Thank you.

Mr. Chairperson: Thank you very much, Mr. Garcha.

Benjamin Famakim—[interjection] Thank you.

Elizabeth Ogidan, P.W. Hendricks, Paramjit Sran, Tom Johnston, Phil Walding, Galvinder Singh Gill, Plavinder Gill, Sammel J. Alkana, Ram Sharma, Ajit Thindh, Harbhajan Dhaliwal, Jagrup Brar, Yadvinder Basrao, Harkewl Brar, Chahal Deep Singh, Gordon Seaman, Satnam Khakn, Tony Panchhi, Ray Voskoboynik, A. Kester, and George Meshe.

Mr. Driedger: Mr. Chairperson, first of all, let me say I want to compliment you on trying to express some of the names. I probably would have had the same difficulty because people have sometimes difficulty expressing my name.

I just want to say that I have amendments here that basically were discussed with members of the industry from time to time. I would like to recommend those amendments to the bill, again

with the understanding that it will not be proclaimed until we see whether we can make this system work. I know that members of the opposition had various amendments that they wanted to put forward. We have that understanding that we will give this system an opportunity to work. Before we go into clause by clause, if the two critics of the opposition want to make some comments I am prepared to have their comments on the record.

Mr. Chalrperson: Before we do that, I would like to declare public presentations officially closed on Bill 24.

Mr. Daryl Reid (Transcona): Clause by clause?

Mr. Chalrperson: Did you wish to make an opening statement?

Mr. Reid: I guess I will do a closing statement.

Mr. Chalrperson: Did you want to make an opening statement, Mr. Lamoureux?

Mr. Reid: Sorry for the confusion at this point, I thought we were going to move into the clause by clause first and do closing statements.

In that sense, I will put my comments on the record now and then we can, if it is the will of the committee, move into a clause by clause after that. I will express my concerns at this time.

We have moved into the fourth day of hearings on this legislation during the public presentation process, and I would like to start by thanking all of the presenters that came out from the communities of the city of Winnipeg, members of the industry, who have come before us here and raised their concerns on this piece of legislation and in turn have made myself and, I hope, other members of the committee aware of the difficulties that the industry currently faces and the concerns that they have had about various aspects of their industry over the course of their years of experience working in the taxicab industry.

We heard many concerns relating to safety and those concerns still remain. We have heard over and over again the concerns of the industry relating to the current financial difficulties that the industry finds itself in. I do not think that these concerns will disappear. I hope that the committee, that the minister has talked about and that the industry has agreed, can move forward with recommendations. I hope that it will work towards solving the safety and financial concerns of the industry members. I know that the industry members had talked about that

there was no consultation process taking place. I hope that this is the first step in the direction of an ongoing dialogue that will take place between members of the taxicab industry and the Taxicab Board and the government of Manitoba. I think this is a positive first step in that direction.

I know that the advisory board the minister talked about is going to be comprised of representatives of the industry and other stakeholders that will have, hopefully, a real role to play in this process now in advising the Taxicab Board and the government of Manitoba on how to bring forward positive recommendations that will help to improve the quality of service to the public in the city of Winnipeg.

I sense from the meetings that we had today that there was a genuine willingness to work to resolve the outstanding issues that are there and the concerns that are out there. I hope that when the subcommittee, the advisory body, gets established, and the minister has indicated it is going to be some three months leeway that will be given so that they can establish that body, that they will then be able to come forward with some positive recommendations that will help to address the concerns that not only the industry has but members of the public at large may have as well.

I know the industry has indicated that they are willing to work with all of the stakeholders, and I compliment them for the positive suggestions that they have brought forward, not only in committee process but at the meetings that we had late this afternoon. I think they were constructive suggestions, and I compliment them for their efforts.

I know that the minister has made suggestions here that he is willing to bring in an amendment that will change the way the force of the bill—it will not be brought in until it is proclaimed. In that sense it will give the advisory body and the Taxicab Board the opportunity to move forward on the suggestions. I think that is a reasonable amount of time, and I compliment not only the members of the industry but the minister as well for being somewhat flexible in realizing that there should be that willingness to work together on the part of both parties. So I thank the minister and the members of the industry for their efforts on that.

The concerns that we had, of course, we were looking forward to bringing in some amendments

on this piece of legislation, because we thought, and we still do, in principle that this legislation, if it is proclaimed, will hurt the industry. We genuinely believe that it would hurt the industry if it is proclaimed, but we are willing to give the members of the industry and the Taxicab Board and the stakeholders the opportunity to work together to resolve the issues.

I hope that the minister will follow through, and I have confidence and trust that he will, and appoint a member of the current industry to sit on the Taxicab Board. Now, I am sure there are ways—members of the committee have said that there is potential for conflict-of-interest situations. I think that those can be resolved. Each member of this Legislature from time to time has to decide whether there is conflict of interest on specific pieces of legislation that we bring before us. I think members of the taxicab industry are responsible enough to recognize once they are appointed to the Taxicab Board that they should withdraw themselves from any of that discussion or any voting on those matters. I have confidence in the industry that they will be able to do that.

So I think with that, Mr. Chairperson, while we are opposed in principle to this legislation, and I will indicate that we will be voting against the legislation in principle, we are willing to allow members of the industry and the Taxicab Board and the stakeholders and the government of Manitoba to work to resolve the issues that are out there. I think it is reasonable to allow that six-month period of time to resolve those issues if there is real progress. As the minister has stated in our meetings, we can continue to withhold proclamation of this legislation as long as there is progress being made.

I thank members of the taxicab industry for their efforts to this point and wish them every best wish and success in their efforts to resolve the concerns that they have. Thank you.

* (1930)

Mr. Kevin Lamoureux (Inkster): Mr. Chairperson, I am very encouraged in terms of what has transpired over the last couple of days. You know, we can actually start off by thanking the number of presenters that came forward to indicate to all the committee members and to the chairperson of the Taxicab Board some of the heartfelt feelings that they have about the industry as a whole. I think that

the committee was able to capitalize on the presentations that were brought forward. We saw earlier this afternoon a considerable amount of consulting that was done with industry representatives and opposition critics.

The minister was able to come up with an idea that at least is giving the industry as a whole some hope in terms of being able to have some real input in terms of trying to turn the industry or to make the industry as a whole that much better. I think that is very positive, because the public hearing process in committees, as everyone knows around this table, sometimes can be very frustrating when we do not get amendments or it does not seem that things are getting done, especially from an opposition perspective, I guess, more so than a government. When issues come before us it is very easy for us to play politics with an issue. This afternoon, you know, I participated, as the member for Transcona (Mr. Reid) and the member for St. Norbert (Mr. Laurendeau) and the minister himself, in putting politics to the side and to deal with the issue at hand. We had conversations with representatives from the industry that were doing the same thing. Putting the politics and self-interests aside, we talked about the industry as a whole and how important it was that it was necessary to do just that. Out of those discussions, we have this advisory board that is going to be created that will help in terms of promoting or developing the industry so we will have a healthier and stronger industry 12 months from now.

The member for Transcona made reference to the board appointments and the minister was very sympathetic to that. In fact, we are going to see something that I am sure everyone will be able to live with. I think the member for Transcona—I know he was going to be moving an amendment and so was I, and we both had the same amendment suggesting that a member from the industry should be on the board. There is a way in which we can accomplish something of that nature, but instead of us talking about that now, I think it is imperative that the advisory board itself get together and look at the whole act and see what amendments should be brought forward, because I know in the discussions that we had as a group of seven or eight individuals earlier today, there were a lot of good ideas and a lot of positive feelings towards, let us get this industry back on track, and let us see if we can possibly even forgive some of the personalities that

have been involved in the past and so forth, and if, in fact, we can ultimately prevent this bill from being proclaimed. That is ultimately what we want to be able to do is prevent this bill from being proclaimed, because like the NDP opposition critic, on principle, we too do not support the bill.

I trust and I have faith in the industry in terms of being able to come forward and ensuring that this bill is not proclaimed, but only time will tell. I feel a lot better about the process, and I am very encouraged by the quality of individuals that came before this committee and shared with us their experiences. I look forward to hearing from the advisory committee as to what they feel is necessary and wait for the government to act upon the advisory board's recommendation. Having said those few words, I am quite prepared to go into clause by clause of the bill.

Ms. Judy Wasylycia-Lels (St. Johns): Mr. Chairperson, I am wondering if you would just permit me a few words now while we are at this stage on the bill. I would just like to add a few comments on record in my capacity as supporting role to our critic for this bill. It has been a long four days, but for me and I think for everyone around this table, it has been quite an experience, quite an enlightening educational experience. For me personally, these last four days will stand out in my memories of this place as I am about to leave after seven years in this building, and it stands out for a couple of reasons.

I just wanted to indicate two reasons I was moved by this committee and the process around this bill. All of us were impressed by the individuals who came forward with their real human stories. They took a lot of courage to come here, and they also lost dollars, important income, and they lost time with their family. All of them came to share what kind of life it is to be in the industry, and for me it was very informative and educational.

I had no idea of the kind of danger on the job that these individuals face, the kind of threats, some racism that they must deal with. I had no idea of the risks involved, and I had no idea of the economic situation facing many of those in the industry.

I saw also incredible human integrity and spirit in this whole period of public presentations, people determined, no matter what happened, not to go on welfare, but to keep finding jobs no matter what they had to do in order to provide for their families,

and to be an important part of their community and Manitoba's economy.

The other reason this experience has been so important and worthwhile for me, and I am sure for everyone, is the way it is now ending with one of those rare moments in our Legislature when we actually find a way to collaborate and compromise and find consensus despite our political differences. I cannot tell you enough how significant it is for me to be a part of this process and to end a fairly long, often confrontational, period in our history with this kind of collaboration and willingness to achieve some good, no matter what it takes.

So I just wanted, with that, Mr. Chairperson, to indicate, especially to the minister and to the two critics, their contribution to this important part of our economy, and to thank them all for trying to work towards a compromise and a peaceful solution. Thank you.

Mr. Chairperson: Thank you. If there are no other comments, we will move to—

Mr. Gerry McAlpine (Sturgeon Creek): Mr. Chairperson, my comments are very brief, and I have spent enough time at this committee to appreciate the concern of this industry in our province and the impact and the importance that these members serve in our communities. I would like to—I think it would be remiss not to at least put this on the record that I am encouraged by what we have achieved here as a committee, and putting all politics aside I think that this would not happen without a minister with the understanding and sincerity that he has approached this serious concern. I think that he has really approached the issue in trying to serve this problem and the members of the Taxi Board and the taxi industry, and I think that we will all benefit from this. I would just like to commend the members of the committee and the minister for the sincere efforts that they have put forth in solving this very serious issue. Thank you.

Mr. Chairperson: Thank you.

* (1940)

Mr. Steve Ashton (Thompson): Mr. Chairperson, I have only a few comments. Much of what I would have said has been said in terms of the contribution of people at the table, but I think that we must emphasize the fact that in this province, as was demonstrated by this committee process, the

people are the influence. I think the people that came before the committee, from the first to the last presenter, really are the ones that are responsible for what we are reaching today, which, I think, is an important compromise, a start. It is not the end of this issue. Hopefully, some of the issues that are outstanding can be dealt with, but I want to give full recognition to the people who are really responsible here today. It is not us at the table or those of us that were at the other tables at various different times, but the many people, and let us be direct about it, the many taxi drivers who came before this committee.

In a way, this was an education process for everyone, and if we can at least now have a better understanding of the reality of the taxi industry and the reality facing taxi drivers in the city, I think that is a major contribution.

I find it ironic here being an MLA from Thompson, that perhaps because I do end up taking the taxis in Winnipeg so much as I do and having talked to many taxi drivers, that, as was pointed out in some of the presentations, each taxi driver has a story to tell.

An Honourable Member: And they are all about Steve Ashton.

Mr. Ashton: Well, they are not necessarily all about me, I am not saying that. What I am saying is that they all have stories to tell. The point of what I am saying is that we have to break down some of the barriers and we have to recognize and listen to people.

I have listened to a lot of stories from people in the taxis that I have taken, and that is why, as I said, it is ironic I am the MLA for Thompson and this bill does not affect taxi drivers in—[interjection] Well, the Minister of Finance (Mr. Manness) says, for now. I am worried. I do not want this bill to affect my constituents in Thompson. I hope that was just an off-the-cuff remark.

I have got to know people on a personal basis and quite frankly, as was pointed out, the stories that people work 50, 60, 70, 80 hours a week in conditions that most people would not accept in terms of threat to personal safety, for wages that are often less than the minimum wage, Mr. Chairperson, I am glad we have reached some sort of accommodation today. It is not the end of this discussion, it is only the beginning.

I give them credit. The people who made presentations to this committee from the first presenter to the last are the reason why we have at least a beginning if not an end on this issue.

Thank you, Mr. Chairperson.

Mr. Chairperson: Thank you. If there are no other comments, we will proceed to clause-by-clause consideration, and I would ask the committee's indulgence, since we have a number of amendments, that we move slowly and methodically.

Shall Clauses 1 to 4 inclusive pass?

An Honourable Member: No.

Mr. Chairperson: On division?

Some Honourable Members: On division.

Mr. Chairperson: Those clauses are accordingly passed on division.

Clause 5.

Mr. Driedger: Mr. Chair, we have a series of amendments that basically were worked out with the people from the industry over a period of time. I would like to move them as we go along and then ask for approval for the amended versions.

I move

THAT the proposed subsection 4(1), as set out in subsection 5(1) of the Bill, be amended by striking out "directly or indirectly".

[French version]

Is est proposé que le paragraphe 4(1), énoncé au paragraphe 5(1) du projet de loi, soit amendé par suppression de "directement ou indirectement".

Motion agreed to.

Mr. Driedger: Mr. Chairperson, I move

THAT subsection 5(2) of the Bill be struck out and the following substituted:

5(2) Subsection 4(2) is repealed and the following is substituted:

Penalty

4(2) Any person who contravenes this section is guilty of an offence and is liable on summary conviction

(a) for the first offence, to a fine of not less than \$100. and not more than \$500.; and

(b) for a subsequent offence, to a fine of not less than \$250. and not more than \$1,000.

[French version]

Il est proposé que le paragraphe 5(2) du projet de loi soit remplacé par ce qui suit:

5(2) Le paragraphe 4(2) est remplacé par ce qui suit:

Peine

4(2) Quiconque contrevient au présent article commet une infraction et encourt, sur déclaration de culpabilité par procédure sommaire:

a) une amende d'au moins 100 \$ et d'au plus 500 \$;

b) en cas de récidive, une amende d'au moins 250 \$ et d'au plus 1 000 \$.

Motion agreed to.

* (1950)

Mr. Chairperson: Clause 5 as amended—pass. Shall Clauses 6 to 9 inclusive pass?

An Honourable Member: On division.

Mr. Chairperson: Those clauses are accordingly passed on division. Shall Clause 10 pass?

Mr. Driedger: Mr. Chairperson, I move

THAT subsection 10(2) of the Bill be struck out and the following substituted:

(10(2) Subsection 11(3) is repealed and the following is substituted:

Penalty

11(3) Any person who drives a taxicab without first obtaining the licence referred to in subsection (1) is guilty of an offence and is liable on summary conviction

(a) for the first offence, to a fine of not less than \$50. and not more than \$250.; and

(b) for a subsequent offence, to a fine of not less than \$100. and not more than \$500.

[French version]

Il est proposé que le paragraphe 10(2) du projet de loi soit remplacé par ce qui suit:

10(2) Le paragraphe 11(3) est remplacé par ce qui suit:

Peine

11(3) Quiconque conduit un taxi sans avoir obtenu auparavant le permis mentionné au paragraphe (1) commet une infraction et encourt, sur déclaration de culpabilité par procédure sommaire:

a) une amende d'au moins 50 \$ et d'au plus 250\$;

b) en cas de récidive, une amende d'au moins 100 \$ et d'au plus 500\$.

Motion agreed to.

Mr. Chairperson: Clause 10 as amended—pass; Shall Clause 11 pass?

An Honourable Member: On division.

Mr. Chairperson: Clause 11 is accordingly passed on division.

Shall Clause 12 pass?

Mr. Driedger: Mr. Chair, I move

THAT the proposed clause 14(1.2)(c), as set out in section 12 of the Bill, be amended by striking out "left in custody" and substituting "if the holder cannot be found, left in the custody".

[French version]

Il est proposé que l'alinéa 14(1.2)c), énoncé à l'article 12 du projet de loi, soit amendé par adjonction, après "de la Commission", de "si ce dernier est introuvable".

Motion agreed to.

Mr. Driedger: Mr. Chair, I move

THAT the proposed subsection 14(1.3), as set out in section 12 of the Bill, be struck out and the following substituted:

When notice is given

14(1.3) A notice is deemed to be given

(a) on the third day after the date of mailing if sent by registered mail as provided under clause (1.2)(b); or

(b) on the day when it is left in the custody of an adult person as provided under clause (1.2)(c);

unless the holder of the licence or permit to whom it was addressed establishes that he or she, acting in good faith, did not receive the notice until a later date, through absence, accident, illness or other cause beyond his or her control.

[French version]

Il est proposé que le paragraphe 14(1.3), énoncé à l'article 12 du projet de loi, soit remplacé par ce qui suit:

Expédition de l'avis

14(1.3) L'avis est réputé signifié au moment visé à l'alinéa a) ou b), à moins que le titulaire du permis ou de la licence à qui il était destiné ne démontre que agissant de bonne foi, il ne l'a pas reçu dans le délai prévu en raison de son absence, d'un

accident, d'une maladie ou pour toute autre raison indépendante de sa volonté:

- a) le troisième jour suivant la date de mise à la poste s'il est expédié par courrier recommandé conformément à l'alinéa (1.2)b)
- b) le jour où il est remis à un adulte conformément à l'alinéa (1.2)c).

Motion agreed to.

Mr. Driedger: I move

THAT proposed clause 14(1.8)(c), as set out in section 12 of the Bill, be amended by adding "if the holder cannot be found," before "left in the custody".

[French version]

Il est proposé que l'alinéa 14(1.8)c), énoncé à l'article 12 du projet de loi, soit amendé par adjonction, après "Commission", de "si ce dernier est introuvable".

Motion agreed to.

Mr. Driedger: Mr. Chair, I move

THAT the proposed subsection 19(3) as set out in subsection 17(3) of the Bill be amended by striking out "Every" and substituting "Subject to subsection 14(1.8) every".

[French version]

Il est proposé que le paragraphe 19(3), énoncé au paragraphe 17(3) du projet de loi, soit amendé par substitution, à "Les", de "Sous réserve du paragraphe 14(1.8), les".

Mr. Chairperson: First, shall Clause 12 as amended pass?

An Honourable Member: On division.

Mr. Chairperson: On division. Shall Clauses 13 to 16 inclusive pass?

An Honourable Member: On division.

Mr. Chairperson: Those clauses are accordingly passed on division.

Shall Clause 17 pass?

Mr. Driedger: Mr. Chair, I will now move that one again.

THAT the proposed subsection 19(3), as set out in subsection 17(3) of the Bill, be amended by striking out "Every" and substituting "Subject to subsection 14(1.8), every".

[French version]

Il est proposé que le paragraphe 19(3), énoncé au paragraphe 17(3) du projet de loi, soit amendé par substitution, à "Les", de "Sous réserve du paragraphe 14(1.8), les".

Motion agreed to.

Mr. Driedger: Mr. Chair, I move

THAT the proposed subsection 19(6), as set out in subsection 17(4) of the Bill, be struck out and the following substituted:

Completion of proceeding

19(6) Where a quorum exists at the commencement of a meeting of or hearing or other proceeding before the board, and thereafter a member thereof dies, resigns or for any reason becomes incapable of acting, the remaining members may complete the meeting, hearing or proceeding or any adjournment thereof; and any decision with respect to that meeting, hearing or proceeding made by a majority of the remaining members shall be deemed to be a decision of the board as if a quorum had been present.

[French version]

Il est proposé que le paragraphe 19(6) énoncé au paragraphe 17(4) du projet de loi, soit remplacé par ce qui suit:

Achèvement de la procédure

19(6) Dans le cas où il y a quorum au début d'une réunion ou d'une audience de la Commission ou de toute autre procédure ayant lieu devant elle et où, subséquemment, un membre décède, démissionne ou est empêché d'agir pour toute autre raison, les autres membres peuvent mener à terme la réunion, l'audience ou la procédure ou l'une quelconque de ses reprises, auquel cas toute décision rendue par la majorité des membres qui restent relativement à cette réunion, à cette audience ou à cette procédure est réputée une décision rendue par la Commission comme si le quorum était présent.

Motion presented.

Point of Order

Mr. Reid: On a point of order here, Mr. Chairperson. I fail to see how this amendment changes the content of the existing clause in there. With the wording in the amendment showing "for any reason," does that not provide the same intent as the original clause?

Mr. Driedger: Mr. Chair, my chairman of the board advises that this is the same form that is used in the Motor Transport Board, and so, you know, I can read it again: Where a quorum exists at the commencement of a meeting of or hearing or other proceeding before the board, and thereafter a member thereof dies.

This is the same wording that is used in the Motor Transport Board, where basically we try and be consistent in terms of who the people are that are dealing with it.

* * *

Mr. Chairperson: Shall the amendment pass?

An Honourable Member: On division.

Mr. Chairperson: The amendment is passed on division.

Clause 17 as amended—pass.

Shall Clause 18 pass?

An Honourable Member: On division.

Mr. Chairperson: Clause 18 is passed on division.

Clause 19.

Mr. Driedger: Mr. Chairperson, this is a section that deals with people who do not pay their fares. In consultation with the industry and the chairman of the board, we would actually like to have the rest of the bill come into effect on proclamation, but this is a section that we would like to have come into effect when the legislation is passed.

This deals with the penalty for nonpayment of fares, about which my chairman consulted with the industry members just now, and I think it is something they feel very concerned about. I would ask the indulgence of the committee that this is a portion that will come into effect when the bill gets passed in the House. The rest is going to be under proclamation.

If that is agreeable, then I move

THAT section 19 of the Bill be struck out and the following substituted:

19 Section 21 is repealed and the following is substituted:

Penalty for non-payment of fares

21(1) Any person who engages a taxicab that is licensed under this Act and who, on demand being made at the termination of the trip, fails to pay the proper fare to the driver or owner of the taxicab, is

guilty of an offence and is liable on summary conviction

(a) for the first offence, to a fine of not more than \$250.; and

(b) for a subsequent offence, to a fine of not more than \$500.

Payment of fares and costs

21(2) When a court or justice convicts a person of an offence under subsection (1), in addition to and at the time of imposing any fine, the court or justice

(a) shall order the person to pay the proper fare to the driver or owner of the taxicab if it has not been paid; and

(b) may assess costs against the person payable to the driver or owner of the taxicab.

Order filed in court

21(3) The driver or owner of the taxicab may file in the Court of Queen's Bench of Manitoba a certified copy of an order made under subsection (2) and, on being filed, the order may be enforced in the same manner as a judgment of that Court.

[French version]

Il est proposé que l'article 19 du projet de loi soit remplacé par ce qui suit:

19 L'article 21 est remplacé par ce qui suit:

Peine pour non-paiement du prix

21(1) Quiconque prend un taxi à l'égard duquel un permis a été délivré en application de la présente loi et, sur demande faite à la fin de la course, omet d'en payer le prix au chauffeur ou au propriétaire du taxi commet une infraction et encourt, sur déclaration de culpabilité par procédure sommaire:

a) une amende maximale de 250 \$;

b) en cas de récidive, une amende maximale de 500 \$.

Paiement de la course et des frais judiciaires

21(2) En plus d'imposer une amende à la personne qu'il déclare coupable d'une infraction visée au paragraphe (1), le tribunal ou le juge de paix, au moment où il impose l'amende:

a) lui ordonne de payer le prix de la course au chauffeur ou au propriétaire du taxi s'il ne l'a pas déjà fait;

b) peut lui imposer des frais et dépens payables au chauffeur ou au propriétaire du taxi.

Ordonnance déposée au tribunal

21(3) Le chauffeur ou le propriétaire du taxi peut

déposer à la Cour du Banc de la Reine une copie certifiée conforme d'une ordonnance rendue par le tribunal ou le juge de paix en application du paragraphe (2). Une fois déposée, l'ordonnance peut être exécutée comme s'il s'agissait d'un jugement du tribunal en question.

* (2000)

Motion agreed to.

Mr. Chairperson: Clause 19 as amended—pass; Clause 20—pass.

Clause 21.

Mr. Driedger: Mr. Chairperson, I move

THAT section 21 of the Bill be struck out and the following substituted:

Coming Into force

21 This Act comes into force on a day fixed by proclamation.

[French version]

Il est proposé que l'article 21 du projet de loi soit remplacé par ce qui suit:

Entrée en vigueur

21 La présente loi entre en vigueur à la date fixée par proclamation.

I ask the indulgence of the committee for a second here.

Mr. Chairperson, we have a little technical problem here. I wonder if we could have the indulgence of the committee for a few minutes to get certain things straightened out here.

Mr. Chairperson: I will declare a five-minute recess.

The committee recessed at 8:01 p.m.

After Recess

The committee resumed at 8:04 p.m.

Mr. Driedger: Mr. Chairperson, I thank the committee for their indulgence. I want to try and move that last section one more time.

THAT section 21 of the Bill be struck out and the following substituted:

Coming Into force

21(1) Subject to subsection (2), this Act comes into force on a day fixed by proclamation.

Royal Assent

21(2) Section 19 comes into force on the day this Act receives royal assent.

[French version]

Il est proposé que l'article 21 du projet de loi soit remplacé par ce qui suit:

Entrée en vigueur

21(1) Sous réserve du paragraphe (2), la présente loi entre en vigueur à la date fixée par proclamation.

Sanction

21(2) l'article 19 entre en vigueur le jour de la sanction de la présente loi.

Motion agreed to.

Mr. Chairperson: Clause 21 as amended—pass.

Mr. Driedger: Mr. Chairperson, I move

THAT the French version of the title of the bill be amended by striking out "à d'autres lois" and substituting "à une autre loi".

[French version]

Il est proposé que la version française du titre du projet de loi soit amendée par substitution, à "à d'autres lois", de "à une autre loi".

Motion agreed to.

Mr. Driedger: [German spoken]

Mr. Chairperson, I move

THAT Legislative Counsel be authorized to change all section numbers and internal references necessary to carry out the amendments adopted by this committee.

[French version]

Il est proposé que le conseiller législatif soit autorisé à modifier les numéros d'article et les renvois internes de façon à donner effet aux amendements adoptés par le Comité.

Mr. Chairperson, I move all of these amendments in English as well as French.

Motion agreed to.

Mr. Chairperson: Shall the Preamble pass?

An Honourable Member: Division.

Mr. Chairperson: The Preamble is accordingly passed on division.

Shall the Title be passed?

An Honourable Member: Division.

Mr. Chairperson: The Title is accordingly passed on division.

Shall the bill as amended be reported?

An Honourable Member: Division.

Mr. Chairperson: That is agreed on division.

Mr. Driedger: Before we conclude the hearings, I just want to make a final comment on the fact that there has been co-operation in terms of what we have tried to do here. This was the easy part. The challenge now is to make it work, and I look for the support of all people involved, including opposition members, in terms of trying to make this thing work.

This has been very difficult, and I think there has been good co-operation and I thank everybody. Thank you.

Mr. Chairperson: Thank you, Mr. Minister, and I would like to echo your sentiments and also add the thanks of the committee to our Clerk who has very carefully guided us through considerable difficulty with this and other bills. I would like to

point out just briefly for those who have not had the experience of chairing these meetings, that we do have a rule book, but it is a little bit like referees in a hockey game—they work from the same rule book, but you would not know it from time to time.

On behalf of the committee, I sincerely thank Bonnie Greschuk for her assistance.

Is it the will of the committee that I report the bill as amended?

Some Honourable Members: Agreed.

An Honourable Member: Agreed on division.

Mr. Chairperson: Agreed on division. Thank you very much. That completes consideration of Bill 24. Committee rise.

COMMITTEE ROSE AT: 8:08 p.m.