

Hearing Transcript

2017 Automobile Insurance Review

June 13, 2018

PRESENT:

The Board:

Darlene Whalen, Chair and CEO
Dwanda Newman, Vice-Chair
James Oxford, Commissioner

Board Counsel/ Staff:

Jacqueline Glynn, Board Counsel
Ryan Oake, Board Staff

Parties (Alphabetical Order)

Atlantic Provinces Trial Lawyers Association
Ernest Gittens

Campaign to Protect Accident Victims

Colin Feltham
Jerome Kennedy, Q.C.

Consumer Advocate

Dennis Browne, Q.C.
Andrew Wadden

Insurance Bureau of Canada (IBC)

Terry Rowe, Q.C.
Trevor Foster

Spinal Cord Injury NL

Lara Fraize-Burry
Michael Burry

Presenters

Jason Sharpe – President, Insurance Brokers
Association Of Newfoundland and Labrador

Kent Rowe – Chairman, Insurance Brokers
Association of Newfoundland and Labrador

Ken Moyse – Lawyer, Rogers Moyse Personal
Injury Law

Paul Prowse – Owner/Operator,
SmartDRIVER Training

Jeremiah Perry – Ordinary Citizen

Robert Rogers - President, 50+ Federation of
Seniors Clubs of Newfoundland and Labrador

Dave Fleming - Owner, Northwest Taxi

Doug McCarthy – Owner/Operator, Jiffy Cabs

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1 CHAIR:
 2 Q. Good morning, everybody. Some new faces in
 3 the room this morning, but not many. I'd
 4 like to welcome everyone. Welcome. So part
 5 of the ongoing automobile insurance review
 6 being conducted by the Board, we're
 7 providing the opportunity for interested
 8 persons to provide input to the Board on any
 9 of the issues under review. This can be
 10 through participation as an intervenor
 11 making a presentation directly to the Board
 12 or providing written comments. So, today we
 13 have six presentations scheduled and we'll
 14 proceed in the order that we—well, I've been
 15 given. I think it's the order that was
 16 scheduled previously. And so, before we get
 17 started, just in terms of process, we're
 18 just going to have the presenters come up in
 19 the order, just introduce yourself for the
 20 purposes of the record, and when you're
 21 ready, you can just carry on and you can
 22 have the floor. So, I'll turn it over to
 23 you.
 24 MR. SHARPE:

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1 A. Great. I'm Jason Sharpe. I'm the President
 2 of the Insurance Brokers Association of
 3 Newfoundland and Labrador. Also, I guess a
 4 part of my industry, I've been in the
 5 industry for about 18 years and I'm also an
 6 owner of Steers Insurance Limited, along
 7 with my brother. Steers Insurance Limited
 8 is an operation that has nine locations
 9 across the province and have about 70
 10 employees. That's a little bit about my
 11 background.
 12 MR. ROWE:
 13 A. So, my name Kent Rowe. I'm the chairman for
 14 the Insurance Brokers Association of
 15 Newfoundland and Labrador. I'm also vice-
 16 president for the Insurance Brokers
 17 Association of Canada, and in my paying job
 18 I'm vice-president of Wedgwood Insurance
 19 Limited, and we have two offices throughout
 20 the province and we employ 62 people.
 21 MR. SHARPE:
 22 A. So, I'll start by saying thank you very
 23 much. We very much appreciate the
 24 opportunity here today to speak on behalf of

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1 the Insurance Brokers Association of
 2 Newfoundland and Labrador. We feel like
 3 we're an important stakeholder in this
 4 process. So, we have a lot on the line I
 5 guess when it comes to the auto insurance as
 6 that's one of our biggest products we sell,
 7 and we do appreciate giving our views and
 8 our opinions and our recommendations here
 9 today. So, I'll start with who are we? We
 10 are the Insurance Brokers Association of
 11 Newfoundland and Labrador. We're a non-for-
 12 profit trade organization or association
 13 comprised of 16 brokerages. Our members
 14 employ 1100 people in Newfoundland and
 15 Labrador where—and we are responsible for
 16 about 80 percent of all insurance sold in
 17 this province. I'll give you a little bit
 18 of background because people sometimes get
 19 confused of our association and other
 20 associations particularly Amada that's here
 21 from IBC, and people get confused on what we
 22 do versus what IBC does. And just a little
 23 background on that, is we represent the
 24 brokers and brokers sell for the insurance

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1 companies. So, if a client comes to us as a
 2 broker, we choose which insurance company is
 3 best suited for that particular client,
 4 depending on their needs and values and
 5 everything else. So, the difference between
 6 that and IBC is that IBC represents the
 7 insurance companies when we represent the
 8 brokers that represent the companies if that
 9 makes sense. Clear as mud I'm sure. So,
 10 what do we do? We're also members IBAC
 11 which is the Canadian arm of our association
 12 which actually represents 30,000 brokers
 13 across the country. So, we work for the
 14 consumer and not the insurer. So, we buy—we
 15 provide choice through the buying process.
 16 We provide advice throughout the policy
 17 term, and also, we provide advocacy during
 18 the event of a claim. Now, I'll hand it
 19 over to Kent for the Insurance Challenge
 20 Speech.
 21 MR. ROWE:
 22 A. Thank you, Jason. So, we're all aware that
 23 there are many challenges in the auto
 24 industry in this—in Newfoundland and

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1 Labrador today, and some of those challenges
 2 that we just wanted to highlight were--you
 3 know, probably the most obvious one is that
 4 drivers in Newfoundland and Labrador pay
 5 approximately 40 percent more for their
 6 insurance premiums that they do in the other
 7 Atlantic Canadian Provinces. We have the
 8 most concentrated auto insurance market in
 9 Canada with only four insurers available
 10 through the broker channel for selling home
 11 and automobile insurance. Over the course
 12 of the last three years, two insurers have
 13 withdrawn from the province for various
 14 reasons, and so, as a result of that
 15 concentration, I mean there's certainly a
 16 continued fear of withdrawing of insurers
 17 from the market which would of course be,
 18 you know, extremely problematic from our
 19 perspective in terms of our ability to
 20 offer, you know, choice and competitive
 21 pricing and competitive products to our
 22 consumers. We also have a very high rate of
 23 uninsured drivers, and I think all of us can
 24 attest to, you know, waking up in the

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1 morning and checking the news and almost
 2 every day you hear a story about, you know,
 3 somebody being pulled over and having excess
 4 fines, but also having no insurance. So,
 5 one of the things that we see as being a
 6 major challenge and something we'd like to
 7 see some corrective action on is, I guess,
 8 some measures to tighten up the controls
 9 with respect to registration and insurance
 10 of vehicles. It's extremely easy for people
 11 to circumvent the system these days. If I
 12 buy a vehicle today, I can register that
 13 vehicle online through the Department of
 14 Motor Vehicles using fictitious policy
 15 number and a fictitious insurance broker.
 16 Insurance companies are actually not
 17 required to be listed when registering
 18 vehicles; it's brokers. We think that's
 19 wrong. That should be changed. So, I think
 20 we need to make sure that we fix some of
 21 those issues as well, because ultimately the
 22 more uninsured drivers on the road, the
 23 fewer people contributing to the pool of
 24 insurance premiums that we work with in the

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1 province which are used to pay losses. So,
 2 if we could, you know, if we could address
 3 that, we'd certainly be happy to see that
 4 happen. So, our approached is, you know, we
 5 just—I think, you know, a little bit of
 6 background just to kind of touch on what
 7 Jason said is what we do every day is we
 8 deal with consumers. We're there--you know,
 9 the face to the buying-insurance public.
 10 So, we're hearing their concerns every day,
 11 and you know, listening to their thoughts on
 12 the challenges with respect to automobile
 13 insurance and insurance in general. So, you
 14 know, we've kind of got our fingers on the
 15 pulse with respect to what the public is
 16 looking for or looking at when we talk about
 17 auto insurance. You know, we live in the
 18 province with a low, a small population and
 19 it's pretty dispersed. And you know, we
 20 have some regulatory challenges in our
 21 opinion and some unique competitive
 22 pressures in our market. Can you slide down
 23 there? That really contributes to some of
 24 the factors that we—that we're face in

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1 dealing with here. So, our biggest thing is
 2 we want to make sure, and we've said this
 3 from the start, when this process first
 4 started that we are willing to work with
 5 government and whatever systems they choose
 6 to implement. Our biggest concern is that
 7 we want a product that's going to be fair
 8 and equitable for consumers. And fair and
 9 equitable consumers is a fair-reaching term
 10 that includes everything from having a
 11 better product in terms of what the auto
 12 insurance looks like, but also more
 13 competition in the marketplace, and
 14 stabilization of rate is also critical in
 15 that conversation. Your turn.
 16 MR. SHARPE:
 17 A. So, some of you might have already seen this
 18 but we'd like to show a short video of some
 19 frequently asked questions we are always
 20 getting from clients and also just some
 21 information on our recommendations during
 22 the automobile process and automobile
 23 review. And if you wouldn't mind just
 24 taking, I think it's three minutes long,

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1 just to watch a short film.
 2 (PLAYING VIDEO)
 3 (9:15 a.m.)
 4 MR. SHARPE:
 5 A. So, thank you for that. So, I may repeat a
 6 few things in the video. Obviously, that's
 7 kind of an overview of how we feel and the
 8 recommendations we would put forward to
 9 people involved in the automobile review.
 10 I'll start with our recommendations. We
 11 broke it down into three sections; the
 12 product itself, the number of uninsured
 13 drivers and improved safety. So, under the
 14 first section which is the auto insurance
 15 project, we start by the minimum liability
 16 limit. Currently as probably everybody in
 17 this room knows, the current liability or
 18 minimum liability limit is \$200,000, and of
 19 course, us as--I think probably a lot of
 20 people in this room feel that that's a very
 21 low number when it comes to people getting
 22 into an accident and being insured properly.
 23 So, certainly we recommend--well, first off,
 24 I would say--I'd like to say that we feel

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1 very, very proud of not selling that as much
 2 as we can. So, only six percent of the
 3 population right now carry 200,000
 4 liability, and we're proud that we--unless we
 5 absolutely have to, we--and clients are
 6 adamant that they have the minimum coverage,
 7 we try to up-sell them to at least 500,000
 8 or preferably a million dollars which we
 9 think it should be really the minimum
 10 coverage. It will be a million. Five
 11 hundred thousand certainly is an upgrade,
 12 but a million dollars would be something we
 13 would really like to see as a minimum
 14 liability limit. The second point in our
 15 presentation is about Section B, accident
 16 benefits. And right now, we're the only
 17 province in Canada that this coverage is not
 18 mandatory. Section B is a very important
 19 coverage. It gets people up, and gets the
 20 rehabilitation that they need, and it no-
 21 fault at the time of a loss. So, it's a
 22 very important coverage when it comes to
 23 people getting rehabilitated, and not only
 24 is it not mandatory, but we feel the limits

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1 are a lot lower than the rest of the Canada,
 2 and even when you're reviewing it against
 3 Atlantic Canada which we do a lot of times
 4 because, you know, we're Atlantic Canadians.
 5 Even when you look at the other Atlantic
 6 Canadian Provinces, our limits are quite low
 7 when you compare it PEI, New Brunswick and
 8 Nova Scotia. We touched on digital proof of
 9 insurance. Digital proof of insurance is an
 10 important topic for us for a couple of
 11 reasons. For one, it gives access to a
 12 liability card without receiving anything in
 13 the mail. I mean, obviously, every industry
 14 is pushing towards a paperless environment
 15 in the fact that, you know, it's not only a
 16 cost savings, but it's a convenience for the
 17 client. So, being able to take your phone
 18 out on app in your wallet and being able to
 19 show that to a police officer, it--there's
 20 technologies out there now that it's
 21 password protected, there's no need for, you
 22 know, the police officer to go through your
 23 phone for any other information or anything
 24 like that. So, it's very safe. The

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1 technology is available and it's very easy,
 2 especially for people that, you know, want
 3 to use that technology, you know, the
 4 Millennials and so on. I'm not saying
 5 that's the only, you know, way that we would
 6 show pink slips any more. Obviously, we
 7 have parents and grandparents and people
 8 that don't want to use their mobile phones
 9 or even have a mobile phone. So, obviously,
 10 other options will be available, but this is
 11 really what we're hearing from our clients
 12 that they want, and it's a digital proof of
 13 insurance. And it's not only because, you
 14 know, it's easy for people to do and you
 15 know, you don't have to get mail, but
 16 eventually we want to see this in real time.
 17 And what I mean by real time is that if the
 18 police officer takes your phone and sees
 19 your pink slip, and you cancelled that
 20 policy yesterday, I wanted to say
 21 "cancelled" on the pink slip. So, that
 22 would cut down big time on uninsured
 23 drivers. We're not there yet with
 24 technology. I think a lot of folks are

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1 working on a solution to that, and in the
 2 meantime, I think can we work on a solution
 3 together until that gets developed, but I
 4 think eventually that's the way of the
 5 future, and I think there's a big benefit of
 6 digital proof of insurance. The last point
 7 under the insurance product is the DCPD
 8 which is the Direct Compensation for
 9 Property Damage. And picture us as a
 10 broker, okay? And we have a client, and
 11 they come to us, and they've been into an
 12 accident, and they've been rear-ended by a
 13 third party. And they come to us looking
 14 for help and if they are not at fault, we
 15 have to push them to the insurance company
 16 that was insured for the person that was at
 17 fault. So, even if we're their broker, we
 18 cannot help them. We've got to push them to
 19 a different insurance company to get paid
 20 for their claim. We feel we are at a loss
 21 with customer service, with advocacy for the
 22 client, that we should be able to help that
 23 client if they wanted to deal with us a
 24 brokerage. So, right now that's a

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1 disconnect in our industry. We have to push
 2 them towards the third party's insurance
 3 company.
 4 MR. ROWE:
 5 A. Yeah, it will enable, you know, people's
 6 claims to be settled in a much more
 7 efficient fashion which will ultimately, you
 8 know, we believe will reduce costs in the
 9 claims process. And you know, just think
 10 that it makes sense to follow what some
 11 other provinces do with respect to DCPD.
 12 Just to quickly touch on a couple of other
 13 points, Jason mentioned that, you know,
 14 about six percent of the population, excuse
 15 me, maintains a 200-thousand-dollar limit of
 16 insurance. It's similar numbers for the
 17 accident benefits. Our data kind of
 18 indicates that only about nine to ten
 19 percent of the population does not have
 20 Section B coverage. So, you know, we look,
 21 at these things as being relatively easy
 22 wins, you know, changing the liability limit
 23 and the implementation of mandatory accident
 24 benefits. The bigger issue would be the

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1 improvement of the accident benefits
 2 coverage which I think is certainly a larger
 3 undertaking, but certainly believe it's
 4 necessary. You know with respect to the
 5 digital proof of insurance, you know, very
 6 important issue. You know, we're looking at
 7 this from, I guess, a few different lenses.
 8 And you know, a lot of the conversation with
 9 respect to the auto review is around cap and
 10 deductible. You know, we wanted to take a
 11 peripheral look and include some of the
 12 other topics that are contributing to
 13 losses, excuse me, losses in our province,
 14 auto losses particularly, and certainly
 15 having, you know, all of the thing that are
 16 having an impact on premiums. This is one
 17 of them. I can walk into Jason's office
 18 today and buy an automobile insurance policy
 19 that says I'm insured until June of 2019. I
 20 can cancel that policy tomorrow and still
 21 have that liability card. So, there's no
 22 way for, you know, law enforcement to—if
 23 they pull me over for any reason, there's no
 24 way for them to validate whether or not I

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1 have an insurance policy in place. So, you
 2 know, as I mentioned in an earlier slide,
 3 we'd really like to see that tightened up,
 4 and we'd like to see some better controls
 5 implemented to make sure that it's more
 6 difficult for people to cheat the system for
 7 a lack of a better term.
 8 MR. SHARPE:
 9 A. Thanks, Kent. So, I'll move on to our
 10 second, I guess, topic, another of our
 11 recommendations which is the uninsured
 12 drivers. And I know Kent has brought this
 13 up a few times as well as myself already,
 14 but assigning licence plates to individuals
 15 and not vehicles, obviously that's a process
 16 that's done in a lot of districts across the
 17 country and we feel it's a better one, not
 18 only for the convenience of it, but also for
 19 the uninsured drivers. And I'll give you a
 20 good example on that, is if anybody goes on
 21 any used car dealership sites, Kijiji, eBay,
 22 you know, Autotrader or any of them, you'll
 23 see that one of the first things in the ad
 24 is how long it's registered for. And you

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1 know, why do people care? Are they caring
 2 that they're going to save the 100 or 125
 3 dollars registering the vehicle? No, that's
 4 not what they're looking for. They're
 5 looking for how long the vehicle is
 6 registered for, so they can buy and don't
 7 have to deal with the insurance part of it.
 8 Now, I mean that's very sad in our industry
 9 looking at that, when we see the ads on
 10 these sites, and I can't see any other
 11 reason why people would advertise that other
 12 than the fact that people are buying these
 13 vehicles because they don't have to register
 14 them, and they don't have to insure them
 15 until the registration comes up for renewal.
 16 So, that's very disturbing for us in the
 17 industry. To require disclosure of
 18 cancelled policies, and I mentioned digital
 19 pink slips which is going to be an important
 20 factor going down the road. Unfortunately,
 21 the technology is not there where it's not
 22 real time yet. I think it is coming soon,
 23 but I'm not a technical person. I have no
 24 idea on a timeline for something like that.

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1 So, I think even in the meantime, it's very
 2 important to develop something for cancelled
 3 policies. I mean, we're work with whoever
 4 to try to get a certain system in place to
 5 try to do that. We think it's important,
 6 definitely an important thing for everyone
 7 to consider is to try to get the uninsured
 8 drivers off the road. It's not good for
 9 anybody's safety and it's not good for the
 10 insurance companies because that's a lot of
 11 leakage of premium, that that could be going
 12 towards claims paid. Then, the last, but
 13 not least is the issues on safety and our
 14 recommendations on that. Mandating winter
 15 tires, I think it's a really good way of
 16 cracking down on safety in our province for
 17 vehicles. I mean, winter is obviously the
 18 biggest season for us for claims. There's
 19 people slipping into each other. There's
 20 people slipping off the road. And I'm not
 21 saying it's the be-all-end-all because they
 22 don't have winter tires, but I'm—certainly,
 23 it would help if everyone had the proper
 24 tires on their vehicles. We live in a

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1 climate, unfortunately, that our winters are
 2 pretty treacherous, and they're not easy to
 3 drive around in. And so, for a climate like
 4 ours, I think it's only prudent to try to
 5 mandate that or at least put something in
 6 place to have the proper equipment on
 7 people's vehicles when it comes to tires.
 8 And it may be not even just winter tires,
 9 but I'm talking about tires in general. I
 10 mean I don't know what the training will be
 11 for a law enforcement person to know that,
 12 but I mean, if someone has a bald set of
 13 tires--it's very important for people to
 14 have traction on our roads, especially in
 15 the winter. And you know, if they don't
 16 have the proper equipment, then I think it's
 17 worthy of a ticket or a fine or whatever,
 18 whatever you guys decide is the proper
 19 procedure around that. And also, when
 20 mandating inspections for older vehicles,
 21 and I know that's probably a conversation
 22 you guys are probably having with the taxi
 23 cab drivers later today or earlier the week,
 24 and it's not—I don't think it's just for

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1 public transit we need that. I think we
 2 need that on every vehicle. If it gets to
 3 a—if a vehicle gets to a certain age, it
 4 needs maintenance, and if it's not inspected
 5 every year before it gets registered, then
 6 who knows what's going on the road and who
 7 knows what safety (sic.) everyone is putting
 8 themselves into, not only the people driving
 9 the vehicle, but also the people in front of
 10 them, behind them, on the side of them. So,
 11 I mean, everyone is at risk when a vehicle
 12 is not properly maintained on the road. And
 13 we think it's an easy win for—to put
 14 something in place to have inspections on
 15 older vehicles. And I mean, you're probably
 16 going ask, what are you considering an older
 17 vehicle? Well, in the insurance industry we
 18 probably consider eight to ten years an
 19 older vehicle. So, I mean, you can decide
 20 if that's the—that's within your guidelines
 21 of what you think, but that's certainly kind
 22 of a guideline that we use in insurance as a
 23 broker, and as most insurance companies do,
 24 we require inspection after that amount of

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1 time. So, I'm hoping that something gets
 2 implemented that everyone would be deserving
 3 of that and I'm almost willing to say I'd
 4 rather it be earlier than later.
 5 MR. ROWE:
 6 A. Um-hm. One of the obvious things we didn't
 7 talk about here is distracted driving.
 8 Clearly that's been the cause of certainly a
 9 lot of automobile losses over the last, you
 10 know, five to seven years. We didn't
 11 include that because we think there's a
 12 number of interested parties undertaking
 13 various campaigns to deal with that, and
 14 certainly a lot of information in the public
 15 with respect to managing or eliminating
 16 distracting driving. You know, from our
 17 perspective, the best indicator of future
 18 losses is the analysis of past losses. And
 19 I think we look at what causes accidents on
 20 our highways and on our roads, the two
 21 factors that we point out here, the two
 22 recommendations, I think would contribute to
 23 quite a number of those accidents. You
 24 know, people having inappropriate tires on

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1 their vehicles given the seasonal
 2 conditions, and you know, people driving
 3 vehicles that were essentially unfit to be
 4 on the road. So, we think that, you know,
 5 the improvement of two of those conditions
 6 would have a pretty significant impact on
 7 mitigating accidents on our roads. I'm
 8 going to put down a couple of slides because
 9 I think we're—so, again, I mentioned earlier
 10 that a lot of the talk in this review seems
 11 to be generated around the topic of a cap
 12 versus a deductible. So, I just want to
 13 make it clear that IBAN really takes no
 14 position on the issue of cap versus
 15 deductible. Our goal is simple, and our
 16 goal is to really just present the merits
 17 and potential drawbacks of each approach.
 18 We just wanted to highlight what we thought
 19 those were. So, with respect to a cap, you
 20 know, the—I guess the positive elements of a
 21 cap would be that it would set a limit on
 22 non-pecuniary type losses for minor injuries
 23 for pain and suffering. It certainly would,
 24 we believe, help to reduce and stabilize

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1 insurance premiums and create a more
 2 sustainable auto insurance product in the
 3 province on a long-term basis. It would
 4 reduce litigation time and costs in our
 5 justice system, and it really—and of the
 6 more intriguing elements to us and I think
 7 most desperately needed in terms of consumer
 8 protection and, you know, just having—you
 9 know, enticing the new markets, new entrants
 10 into our market. I mentioned earlier we've
 11 had two withdraw over the last three years.
 12 We are one of the only provinces in the
 13 country that doesn't have a grey market auto
 14 facility.
 15 (9:30 a.m)
 16 So, what I mean by that is—I also said
 17 earlier we have four insurance companies
 18 through which brokers sell home and auto
 19 insurance. There are more, obviously, that
 20 sell auto insurance in the province, but as
 21 brokers, we only use four. If we can't
 22 place a client with either of those four
 23 auto insurers, they have to go with Facility
 24 Association. There is no market that are

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1 going to take risks that may fall between
 2 the underwriting appetites of those four
 3 major companies, NFA. So, we think that's a
 4 major gap in the market and we think that,
 5 you know, potentially, if there are some
 6 changes made to cap versus deductible, it
 7 could entice some new entrants. The
 8 downside of a caps certainly would be that
 9 it would limit it. It would provide
 10 limitations on people's ability to be
 11 compensated for those non-pecuniary type
 12 losses, and you know that is important to
 13 consumers, to some consumers. So, you know,
 14 it's something that, you know, they would
 15 lose the ability to, you know, to maximize
 16 on that component of losses. It also
 17 introduces some ambiguity about what
 18 constitutes or makes up a minor injury. So,
 19 there are some concerns obviously with
 20 respect to that as well. You know, it's
 21 important also to point out, like we said in
 22 our video, that you know, our perspective is
 23 that, you know, if a cap only takes away the
 24 person's ability to sue with respect to the

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1 minor injuries, it certainly doesn't impact
 2 their impact to sue with respect to serious
 3 and more debilitating long-term injuries.
 4 On the deductible side, you know, the plus
 5 of the deductible is that of course, a
 6 similar point, is that it does not limit the
 7 amount of pay-out from an insurer on those
 8 types of losses. It removes the need to
 9 define what really consists of bodily injury
 10 with respect to the pain and suffering
 11 elements. The downside of the deductible is
 12 that, you know, it certainly can, you know,
 13 increase claims costs because it gets
 14 factored in the amount of legal settlement
 15 which ultimately contributes to the total
 16 cost of a loss. Auto rates have gone up
 17 over the last—you know, since the last
 18 review, since the implementation of the
 19 deductible system. So, you know, we think
 20 that there's a possibility the auto rates
 21 can continue to rise to catch up and
 22 maintain loss costs. And again, we talk
 23 about the possibility of insurers exiting
 24 the market and that would be a real problem

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1 if—you know, the concentration is such in
 2 this province that, you know, we have four
 3 markets. I said, you know, two of those
 4 broker markets account for about 70 percent
 5 of the auto premium. If one of those
 6 companies decided to pull up their tent and
 7 go home, we'd be in serious trouble here.
 8 So, you know, we need to consider that as
 9 well when we're having this discussion.
 10 The next thing we want to talk about is
 11 just some regulatory framework/market
 12 conditions and I think it's important for us
 13 to preface this by saying that, you know,
 14 this topic is really more designed to be
 15 spoken of on behalf of the insurance
 16 companies. We don't file rates, we don't go
 17 through the regulatory process, so from our
 18 perspective, this is purely anecdotal, this
 19 is things that we hear from our insured
 20 partners with respect to some of the
 21 challenges with the regulatory environment.
 22 And so we really wanted to make sure we
 23 emphasize that at the start because, like I
 24 said, it's not something that we're hands-on

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1 in dealing with.
 2 MR. SHARPE:
 3 A. Yeah, I just wanted to say, I mean, but that
 4 is a concern for us because of the amount of
 5 insurance companies we deal with, and every
 6 time we go to approach another insurance
 7 company to come into the market, I mean,
 8 that's one of the first things that they
 9 say, is you know, the regulatory environment
 10 is very stern, so I think Ken will give some
 11 points on that, but it's definitely a
 12 concern, even though we don't file rates, we
 13 hear it all the time from insurance
 14 companies.
 15 MR. ROWE:
 16 A. Yeah, I mean, just as an example, I had a
 17 conversation with an insurance company who
 18 does not do business in this province about
 19 a year and a half ago and I was personally
 20 trying to entice them to do business here
 21 and one of the reasons that they gave me for
 22 not wanting to consider doing business in
 23 the province was the regulatory environment,
 24 the expense that they would incur in filing

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1 rates, the time that it takes and, of
 2 course, the payoff, you know, in terms of
 3 their market share after going through that
 4 process certainly wouldn't be commensurate
 5 with the amount of time and effort required
 6 to do so. So just a couple of other points
 7 we wanted to make there, you know, the PUB
 8 uses industry wide benchmarks to modify or
 9 reject proposed rates of insurers, not a
 10 file and use system, which I think a lot of
 11 other provinces in the country use, which
 12 would certainly, I think, give insurance
 13 companies more freedom and more, I guess,
 14 easier, more ability to set the rates that
 15 they needed to set. Again, PUB must approve
 16 a proposed rate prior to its use in the
 17 market. The cost of the PUB hosting public
 18 hearings to review rate applications
 19 certainly, you know, all play a contributing
 20 factor as well and certainly the scope of
 21 rate regulation.
 22 So current approach to regulating
 23 rates, we've already talked about some of
 24 that. Risks having volatile changes in

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1 premiums are subject to certainly more
 2 scrutiny and, you know, if an insurance
 3 company is struggling on a loss side, I
 4 think the general consensus is that if their
 5 loss ratios are high, they can't get
 6 premiums to match up to those ratios,
 7 therefore, in terms of the automobile line
 8 in the province, are operating at a loss.
 9 This high administration cost that insurers
 10 and consumers have to incur spreads scarce
 11 regulatory resources across all applications
 12 for rate changes instead of just the ones
 13 that require greater scrutiny. It maintains
 14 rates for consumers that do not necessarily
 15 reflect the level of risk. So again, we
 16 think that just by making some improvements
 17 to the regulatory process and insurance
 18 companies' ability to review and file rates
 19 in a more fair and efficient manner, would
 20 be beneficial to everybody.
 21 MR. SHARPE:
 22 Q. Thanks Kent. So when do we have a right?
 23 We kind of got closing remarks here of when
 24 we have the insurance review right, and we

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1 have a right when we have a sustainable auto
 2 insurance environment. There's a pro-
 3 consumer reform, an improved auto insurance
 4 product and its long-term competitive market
 5 and it's, the thing I want to drive home the
 6 most is it has to be long term, so we can't
 7 look at, you know, next year or the year
 8 after. I mean, these reviews take time and
 9 certainly it's been long overdue since the
 10 last one. But I mean, I understand how
 11 these can't happen every year either, so I
 12 think to look long term to have a
 13 sustainable auto product is very important
 14 in this process, and I look forward to
 15 hearing more when you guys come up with more
 16 solutions and to hear your decisions and we
 17 really thank you for having the opportunity
 18 to present today and more than happy to
 19 answer any questions you have.
 20 MR. ROWE:
 21 A. I'd just like to quickly say, I mean, you
 22 know from our perspective, you know, the
 23 biggest concern, just to reiterate our
 24 point, outcomes we'd like to see, is we'd

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1 like to see, you know, the product improved
 2 and we talked about some of those issues.
 3 We'd like to see rate stabilization, we'd
 4 like to see choice in the market, we think
 5 that's critical for consumers and we'd like
 6 to see, you know, some stability with
 7 respect to loss costs and we think some of
 8 the ancillary items that we mentioned, along
 9 with some of the more direct ones, will
 10 enable us to do that. So thank you very
 11 much for your time, and like Jason said,
 12 we're happy to answer any questions.
 13 CHAIR:
 14 Q. Thank you very much. Opportunity for panel
 15 members to ask questions, do you have any
 16 questions?
 17 VICE-CHAIR NEWMAN:
 18 Q. No questions.
 19 COMMISSIONER OXFORD:
 20 Q. No.
 21 CHAIR:
 22 Q. I have one and it's more for you, Mr. Rowe,
 23 I guess in your role as vice-president,
 24 you're vice-president of the Insurance

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1 Brokers of Canada, so you have a national
 2 lens, I guess, as well as the provincial –
 3 MR. ROWE:
 4 A. Yes.
 5 CHAIR:
 6 Q. In terms of challenges that brokers face
 7 locally, what unique challenges would there
 8 be here compared to brokers on—do they –
 9 MR. ROWE:
 10 A. Good question, thank you. I think the
 11 biggest issue, the biggest difference for us
 12 compared to any other province in the
 13 country is the lack of availability and lack
 14 of choice for automobile insurance. Even if
 15 you go as far as Prince Edward Island and
 16 Nova Scotia, New Brunswick, you know, like I
 17 said, we have four insurance companies that
 18 sell auto and home insurance through
 19 brokers. In those provinces, they have
 20 upwards of 16. That's a significant
 21 difference in terms of the ability to
 22 provide choice and breadth and depth of
 23 product to consumers, and that's the same in
 24 every other province across the country is

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1 that there just seems to be more selection
 2 in the market, more choice, and that's as a
 3 result of a number of contributing factors.
 4 The regulatory environment, certainly,
 5 again, our stories, we've been told is a
 6 contributing factor. The size of our market
 7 is a contributing factor and, you know, some
 8 of those things are definitely
 9 considerations, but I would say that would
 10 be the number one difference in my opinion
 11 is the limited number of markets that do
 12 business in the province.
 13 CHAIR:
 14 Q. Thank you. And this digital proof of
 15 insurance is interesting to me, again on the
 16 national, is that something that's available
 17 or sort of on the cusp of becoming
 18 available?
 19 MR. ROWE:
 20 Q. It is, Nova Scotia was the first province in
 21 the country to allow digital proof insurance
 22 and I think that was only within the last
 23 six or seven months that that's been
 24 approved.

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1 CHAIR:
 2 Q. Okay.
 3 MR. ROWE:
 4 A. I do know that most other provinces are
 5 working towards a uniform approach to
 6 dealing with that because you have
 7 provinces, like Quebec, where laws are a
 8 little different, of course, but that's
 9 certainly in the works. We just want to
 10 make sure that we're—and I know we are part
 11 of that conversation in speaking with the
 12 superintendent of insurance, he's involved
 13 in a national organization that's having a
 14 look at that. We just want to make sure
 15 we're part of that conversation and we want
 16 to make sure that, you know, we're staying
 17 on that cutting edge and enabling the people
 18 of this province to avail of the same
 19 benefits with respect to technology that
 20 other provinces are.
 21 CHAIR:
 22 Q. Thank you so much, very interesting.
 23 MR. ROWE:
 24 A. Thank you.

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1 CHAIR:
 2 Q. I'd suggest you'd have careers before the
 3 camera if you are ever looking for something
 4 else to do.
 5 MR. ROWE:
 6 A. Thanks.
 7 CHAIR:
 8 Q. That's good, thank you so much. You can
 9 step down whenever you're –
 10 MR. ROWE:
 11 A. Thank you.
 12 MR. SHARPE:
 13 A. Thank you very much.
 14 CHAIR:
 15 Q. Thanks again. Our next presenter according
 16 to the schedule is Mr. Moyses from Rogers
 17 Moyses Personal Injury Law. Whenever you're
 18 ready, sir.
 19 MR. MOYSE:
 20 A. Good morning. Thank you for hearing me this
 21 morning. I promise you I will be brief.
 22 CHAIR:
 23 Q. You have the floor as long as you need it,
 24 sir.

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1 MR. MOYSE:
 2 A. Thank you. I know now after a week or so of
 3 these hearings you've had some fairly dense,
 4 technical, complicated information provided
 5 to you. What I'm going to give you this
 6 morning is nothing like that, it's a very
 7 straight forward concept that I don't know
 8 has been canvassed yet before these
 9 hearings, but I think it's very important
 10 and it goes to the whole issue of rate
 11 stabilization that we've heard an awful lot
 12 about in the last little while. When
 13 government initiated the review on auto
 14 insurance, the industry was very quickly
 15 putting out there the importance of a cap
 16 and reducing insurance rates. They had been
 17 saying this for quite some time, they said
 18 it throughout Canada, they've been saying it
 19 since, well we heard yesterday, this was
 20 brought up in the 2004 review, so it's been
 21 a topic that they've been going through for
 22 quite some time. And they've been saying it
 23 again throughout the country, and they've
 24 been doing it publicly now here in

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1 Newfoundland, of course, with the review
 2 that was announced last year. And I'll give
 3 you a couple of examples because that will
 4 lead to what I did, the brief sort of
 5 layman's review of things. On March 1st of
 6 this year, Don Forgeron, who of course is
 7 the president of the Insurance Bureau of
 8 Canada, he gave an interview to "The
 9 Telegram" our local paper, and in that
 10 interview, he discussed the industries'
 11 concerns on insurance rates back in 2004, he
 12 brought us back to that time where the
 13 industry was concerned on where rates were
 14 going throughout Atlantic Canada. And he
 15 indicated in that interview that the rates
 16 were, the problem that was going on at that
 17 point in time was resolved in the Maritime
 18 Provinces when they put in a cap on, of
 19 course, injury claims. And as compared to
 20 Newfoundland where we had the deductible, he
 21 says we need to fix the problem. And to
 22 quote him, he says, "Fourteen years later
 23 the Maritime Province's solutions worked and
 24 the solution in Newfoundland and Labrador

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1 didn't." So he's very clear in this opinion
 2 that in the Maritimes with putting in a cap,
 3 they solved the problem of increasing rates.
 4 More recently, and again through the IBC,
 5 Ms. Dean who we heard from yesterday, of
 6 course, she gave an interview on the VOCM
 7 Radio Show on April 24th and during that
 8 interview, she made a statement that minor
 9 injury caps can provide rate stability. And
 10 she, in fact, points us to our neighbouring
 11 provinces, Nova Scotia and New Brunswick, as
 12 the examples of where that's been put in
 13 place and where it's worked. She actually
 14 used the term "reasonably stable rates
 15 within those provinces", they've actually
 16 enjoyed what she called reasonably stable
 17 rates. It's interesting to note that at
 18 that point, we're not talking about rate
 19 reduction anymore, we're not talking about
 20 rate stability. As well outside of the IBC
 21 we also heard from, actually from, you know,
 22 insurance providers who publicly went out
 23 and said the same thing. We had an
 24 interview from Natalie Higgins of Intact

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1 Insurance in April where she says again,
 2 "The cap allows us to better stabilize
 3 premiums within the province."
 4 (9:45 a.m.)
 5 And, of course, we just heard from IBAN and
 6 they're taking the position, of course,
 7 they're not taking the position on whether
 8 caps should be in place or not, but they're
 9 also saying one of the benefits of a cap on
 10 injury claims would be a stabilization of
 11 rates. So the industry as a whole has been
 12 saying for quite some time, not so much rate
 13 reduction anymore, but they're saying rate
 14 stabilization is an outcome from
 15 implementing a cap on injury claims. And
 16 they're saying again that we can look at our
 17 provinces, our neighbouring provinces, Nova
 18 Scotia and New Brunswick, as examples of
 19 that. So knowing this is their position, I
 20 decided I would take a layman's look at this
 21 and looked at New Brunswick and Nova Scotia.
 22 Now this isn't a review by me of the
 23 insurance industry in the two provinces,
 24 it's a very rudimentary look at what's gone

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1 on in the last few years, in terms of rate
 2 applications being—or rate increase
 3 applications being brought by the various
 4 insurance companies to the regulatory
 5 bodies, their counterparts in Nova Scotia
 6 and New Brunswick. And really what I found
 7 is anything but, I would say rate
 8 stabilization. Now I know, I don't know if
 9 there's a definition for rate stabilization.
 10 I haven't heard one, but I expect what you
 11 would think of rate stabilization is a
 12 fairly, nothing fluctuating of, you know, up
 13 or down either way and fairly consistent
 14 amount of people looking, or insurance
 15 companies looking for increased rates. So
 16 in looking at these two provinces, I found
 17 quite the opposite, quite honestly. And
 18 again, this is just a review of how many
 19 times these applications were brought by
 20 various insurance companies. I went back as
 21 far as 2016, going back to the early, you
 22 know, 2005, 2007, New Brunswick and Nova
 23 Scotia, probably won't give a whole lot of
 24 help for us to determine if a cap is

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1 necessary in this province, I would think,
 2 but most honestly because limited of
 3 resources of my own to go back any further
 4 than that. I also only looked at private
 5 passenger vehicles. As we know there's
 6 insurance for commercial vehicles, for
 7 taxis, public vehicles, all the rest, and
 8 that would be a monumental undertaking to
 9 look at all of those things. So I've looked
 10 at only private passenger vehicles for these
 11 two provinces from 2016 to now. If we could
 12 have the first slide, please? So looking at
 13 Nova Scotia, of course there's been a cap in
 14 place now for about 15 years. Starting in
 15 2016 we see 11 rate increase applications
 16 brought by the various insurance companies
 17 for that year. There's a range of a low of
 18 2.2 percent to a high of 7.1, averaging 3.95
 19 percent for that year. Now, I would say in
 20 2016 11 increase applications brought by
 21 various insurance companies is probably not
 22 significant, but then you go to 2017, last
 23 year, and we see things have doubled. 21
 24 times in 2017 in Nova Scotia on private

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1 passenger vehicles alone, an insurance
 2 company brought an application saying, "We
 3 need to increase our rates". And those
 4 applications were granted. And this time we
 5 see a range from 2.9 percent to what I
 6 consider to be staggering at 21.8 percent,
 7 and an average of 8.5 percent. So we're
 8 looking at significant times now insurance
 9 companies feeling pressure on their rates
 10 and looking for higher rates which generates
 11 higher premiums. This year, in Nova Scotia,
 12 we've seen 16 rate increase applications
 13 already heard and approved. At that rate,
 14 you could probably expect to see
 15 approximately 30 again this year. The range
 16 so far this year is 2 percent of 50 and .9
 17 percent, an average of 7.9 percent. Now my
 18 point in this is not to get you mired in
 19 numbers, but to give you some important
 20 figures. What I'm saying to you is that in
 21 a very short period of time, in one
 22 province, on one aspect of insurance,
 23 private passenger vehicles, in Nova Scotia
 24 in two years and five months there have been

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1 48 times an insurance company has felt the
 2 need to go to the regulatory body, again
 3 your counterpart, and say, "We need to
 4 increase our rates". When we talk about
 5 rate stabilization, 48 times in 29 months
 6 seems, to me, to be beyond rate
 7 stabilization in my opinion.
 8 If we could have the next slide,
 9 please? Looking at New Brunswick, now I
 10 stand to be corrected, but my understanding
 11 of New Brunswick is the process for a rate
 12 increase by an insurance company is they can
 13 bring an application for less than 3
 14 percent, less than once a year and there's
 15 no full-on hearing as what we're
 16 experiencing now. It's basically follow the
 17 proper paperwork, they'll review that and
 18 more or less the application is granted. So
 19 for that reason, we see a lot, there's a
 20 high volume of applications being processed,
 21 and a high volume of increases being
 22 allowed. Now grant it, and to be upfront,
 23 these are generally at 2.99 percent or 2.95
 24 percent, so they're not very high, but

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1 they're happening frequently, and they
 2 happen every year with mostly the same
 3 insurance company year after year after
 4 year. So there's always a process where an
 5 annual filing by an insurance company, but
 6 looking at 2016, there was 35 of these
 7 applications and a lot of them were a lot
 8 more than 2.95 or 2.99 percent. There were
 9 some at 10, 10.4, so they aren't always just
 10 a small increase, but more importantly 35
 11 times that happened in 2016. Last year,
 12 same number again, more or less, same
 13 insurance companies, more or less, and most
 14 of them looking for the 2.99 and the
 15 occasional one for 8 or 7 or 12 or whatnot,
 16 and this year already we've seen 13, so
 17 you'll probably see in excess of 30 again
 18 this year in New Brunswick. What's
 19 important, though, is that looking at these
 20 two and a half years, or two years and five
 21 months, we've seen New Brunswick experience
 22 80 applications on private passenger
 23 vehicles alone where they were approved for
 24 a rate increase, and again, I'm looking at

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1 this and I'm hearing from the insurance
 2 industry, "We can count on rate
 3 stabilization in Newfoundland because it's
 4 happened in Nova Scotia, it's happened in
 5 New Brunswick." But yet we see 80 times in
 6 New Brunswick in two years and five months
 7 where an insurance company says, "We need to
 8 increase our rates." Now again, most of
 9 these are less than 3 percent, but what
 10 insurance companies tend to do in New
 11 Brunswick is bring their 2.9, bring their
 12 1.5 the next year, and then they'll bring
 13 something like 9 or 12 and within three
 14 years, you've got an insurance company that
 15 suddenly has 16 or 15 percent increase in
 16 rates. So these just aren't small, these
 17 are adding up over time. For example,
 18 Intact insurance, which is one of the
 19 biggest insurance companies in this
 20 province, increased their premiums or
 21 increased their rates in New Brunswick over
 22 the same period of time to almost 17
 23 percent. So what does all this mean? What
 24 is my point here? If we could open the next

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1 slide, please? Again, this was not a review
 2 of the insurance industries in two
 3 provinces. I'm not capable of that, wasn't
 4 set out to do that. It was simply just to
 5 add up the amount of times an insurance
 6 company has gone and asked for a higher
 7 rate. Where we've seen it happen on private
 8 passenger vehicles only in 29 months, we've
 9 seen that happen 128 times. And my point is
 10 we're told that this province is going to
 11 count on, not rate reduction anymore, rate
 12 stabilization. Because we can count on
 13 that, we've seen what's happened in Nova
 14 Scotia and New Brunswick. Well when you
 15 look at New Brunswick and Nova Scotia, you
 16 see anything but stabilization, you see an
 17 enormous amount of times insurance companies
 18 are feeling pressure, asking for rate
 19 increases and getting those rate increases.
 20 And that's really what I wanted to point out
 21 to the Board today, that's the extent of
 22 what I wanted to say. I'm happy to answer
 23 any questions, if there are any.
 24 CHAIR:

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1 Q. Thank you, Mr. Moyses. Interesting.
 2 COMMISSIONER OXFORD:
 3 Q. Just one question, okay, on the number of
 4 claims that has been made in these
 5 provinces, multiple claims, was that the
 6 same insurance company going back and forth,
 7 different claims at different times
 8 throughout the year, or was that multiple
 9 companies going in, different companies
 10 going in for the same rate increases?
 11 MR. MOYSE:
 12 A. Each company, my understanding, and again,
 13 I'm not an expert on other jurisdictions by
 14 any means, but these applications are
 15 brought by individual companies. Now
 16 oftentimes there may be a company and a
 17 subsidiary within the same application, that
 18 kind of thing, but it's not a group of
 19 companies doing an application increase,
 20 it's a company and maybe their subsidiary
 21 looking for a rate increase.
 22 CHAIR:
 23 Q. And I have no questions. Thank you for your
 24 efforts, Mr. Moyses.

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1 MR. MOYSE:
 2 A. Thank you.
 3 CHAIR:
 4 Q. Our next presenter, according to my schedule
 5 is from Smart Driver Training, Mr. Prowse.
 6 Good morning, sir. Welcome.
 7 MR. PROWSE:
 8 A. Good morning. Can everybody hear me okay?
 9 CHAIR:
 10 Q. Just introduce yourself when you're ready.
 11 MR. PROWSE:
 12 A. Sure. My name is Paul Prowse and I own and
 13 operate Smart Driver Training, a driving
 14 school that I started off, well I started
 15 off at Metrobus, I was an employee of
 16 Metrobus for 28 1/2 years, 25 of them as a
 17 driver and instructor and then I worked half
 18 a dozen years with Newfoundland and Labrador
 19 Safety Council or better known today as
 20 Safety NL as a driving instructor, and then
 21 I started my own fully graduated licensing
 22 program in 2015 because I was getting near
 23 retirement from Metrobus. I spoke to the
 24 superintendent of insurance with concerns of

<p style="text-align: right;">Page 49</p> <p>1 the high rate of costs for my two—we have 2 two cars that are presently insured and high 3 rate of costs, and we’re in the same pool as 4 other commercial vehicles, taxis, busses, 5 delivery van drivers and so on. I don’t 6 believe that we should be in that pool. I 7 really believe that the driving school 8 vehicles are the safest ones on the road 9 because we practice rules of the road 10 according to the Highway Traffic Act and the 11 Road Users Guide. The reason I say that is 12 I don’t think we’re at a high risk. For us 13 to be certified under the graduated 14 licensing program, we had to, first off, we 15 had to get the instructor certified and for 16 the instructors to be certified, we had to 17 do a theory test and we had to get 90 18 percent to pass it, plus we had to do a 19 driver’s exam, an hour in length, in where 20 we had to not only drive according to the 21 rules of the road, but we also had to be, 22 explained to the examiners how we would 23 teach somebody to do a lane change, approach 24 a merging sign, to yield, so I explained all</p>	<p style="text-align: right;">Page 51</p> <p>1 where they did their lessons and at the end, 2 all the tests that were completed while we 3 were in class. As well at the end, we’ve 4 got to give them a certificate for the 5 completion of the program. Records are kept 6 of all these tests and scores that are in 7 the folder, so at the end of the day I will 8 give the student that certificate and we 9 will keep this folder, I keep it in records 10 in my office at home. The vehicles then 11 have to be certified. So we have signs on 12 all sides of the vehicles. We have to have 13 a dual brake on the passenger side of the 14 vehicle and we also have to have a rear-view 15 mirror, what we call an instructor’s mirror 16 on the instructor’s side of the vehicle. So 17 there’s actually two rear-view mirrors and 18 two brakes, right? So then we have to bring 19 the vehicle out to Motor Vehicle and they 20 had to test it to make sure that it was up 21 to par. Registrations are checked, I heard 22 the gentleman say earlier about inspection 23 certificates all had to be done before we 24 could get approval to do any classroom</p>
<p style="text-align: right;">Page 50</p> <p>1 that to the examiners while the test was 2 going on, right? So that’s what—I had to do 3 that back in 2000 when the graduated 4 licensing program came in, but when I 5 started my own, it was suggested again that 6 I take a second test because it was a 7 different company and so on, which I had no 8 problem doing, right? So the in-class 9 instruction is 25 hours of in class that we 10 put the students through. There’s 10 hours— 11 we do this at the College of the North 12 Atlantic, Prince Phillip Drive campus. The 13 material all had to be approved by MRD and I 14 brought copies just to show you the manual 15 that we use in the driving school, and this 16 is the book that we pass out to the students 17 in the class. So all that had to be passed 18 over the Motor Vehicle and approved before 19 we were certified under the graduated 20 licensing program. We also have to keep 21 records of everything that goes in the 22 classroom. So this is one student, we have 23 to have a sign-in sheet to say when they 24 were in class. We have to have in class</p>	<p style="text-align: right;">Page 52</p> <p>1 instruction or take any students on board, 2 it all had to be recognized under the 3 program. The biggest part of my issue here 4 would be compared to the other schools or 5 the other people that are in the commercial 6 industry, we preach rules of the road 7 according to the Road User Guide and the 8 Highway Traffic Act, that’s what we teach 9 people on a daily basis every time we’re out 10 there. 11 (10:00 a.m.) 12 Totally understand that we’re out there long 13 hours of the day and in the evening, but 14 we’re safe. The instructor has control of 15 the vehicle. At any point in time if a 16 student is doing something that the 17 instructor is not comfortable with, the 18 brake can be pushed, and the vehicle can be 19 stopped, or we can reach over and take 20 control of the wheel. I’ve never, in all 21 the years that I’m at this, have ever put in 22 a claim, have never been involved in an 23 accident in a driving school car. My 25 24 years’ training at Metrobus, we had a 97</p>

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1 percent pass rate at Motor Vehicle. I'm
 2 very good at what I'm doing. The
 3 instructors that I have in all had to be
 4 certified, we are very, very good at what we
 5 are doing. The in-car instruction, if you
 6 go on our website, smartdrivertraining.ca,
 7 you'll see that it's ten and a half hours
 8 and 25 of class, you can actually click on
 9 each day and it will tell you what's done on
 10 each day and it will also tell you each day
 11 the certificate—or each day the in-car
 12 lessons, what's covered and how it's done,
 13 right. We've got 6 hours of 120-minute
 14 lessons. We've recently just changed that.
 15 I sat with the other instructors and we
 16 decided that we were going to go with the
 17 five two-hour sessions because it helps us
 18 get it together a little bit longer, the
 19 last day being a two and a half hour day to
 20 complete the ten and a half hours. Records
 21 are kept of all of the lessons and the in-
 22 car sheets, and if you look at the road test
 23 and certificate, I took a picture of Abby
 24 here, and that's our car, one of our cars in

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1 the background with the signs on it, and
 2 just so any of you will know, one of the big
 3 things that I have concern with is if any of
 4 you had somebody that was going to go for a
 5 driver's license and if you sent them to our
 6 school, we'd put them through 25 hours of
 7 instruction, ten and a half hours of driving
 8 and I tell you if you go on our in-car
 9 sessions, three of those lessons are in the
 10 downtown area in St. John's. We don't just
 11 take them to Mt. Pearl and show them how to
 12 pass the test, all right? So if I had one
 13 of your loved ones and I had them in the
 14 class, at the end of the day, similar to
 15 Abby here, I would present them with a
 16 certificate to say that they completed the
 17 course, similar to this one here. So when
 18 Abby here or your loved one went down to
 19 your insurance company and presented that
 20 with the MRD number on it, 161, they would
 21 actually get a benefit on their insurance,
 22 and I had difficulty understanding why I
 23 don't get it. You know, Abby is just coming
 24 up on 17 years of age with no experience and

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1 boy, I tell you, I got a tonne, you know,
 2 and I've been nationally recognized by the
 3 Canadian Urban Transit Association, I've
 4 been recognized by Natural Resources Canada.
 5 I was involved in a smart driver training
 6 for Transit Program to cut down on fuel
 7 emissions, you know, I've been involved in a
 8 tonne and I've competed in National Bus
 9 rodeos where I placed as high as top 5 in
 10 the country, yet I don't get recognized for
 11 being very good at what I'm doing, you know.
 12 And I heard a couple of the presenters
 13 earlier talk about distractive driving, the
 14 tires on vehicles, I actually got pictures
 15 that we show in the classroom of a bald tire
 16 that we got at Murphy's Service Centre, who
 17 is a good buddy of mine. You know, we show
 18 that to the kids. There's a video that we
 19 show, it takes 3 seconds to put on a seat
 20 belt, you know, and I actually stopped the
 21 video and there's people a hundred feet in
 22 the air, you know, just to show the people
 23 that are in that room, I mean, this can
 24 happy to you if you don't have a seat belt

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1 on, this very well can happy to any of us if
 2 you're not cautious. The other video, 20-
 3 year-old young woman was killed on the Outer
 4 Ring back in November and, you know,
 5 unfortunately she slid and hydroplaned off
 6 the road. They figured she was doing about
 7 80 kilometers an hour, didn't have her seat
 8 belt on and they were pretty confident that
 9 she had her phone in her hand when this
 10 happened, right. We show that to the
 11 students that are in the room, right? So
 12 this is why I don't think that we should be
 13 in the same category as the other commercial
 14 vehicles. Like I said, we preach the rules
 15 of the road. We are very safe in what we've
 16 been doing. I spent half a dozen years with
 17 Safety Services, no accidents. I've spent
 18 on my own for the past ten years almost now,
 19 never been involved in a collision in a
 20 driving school car, and there's only a
 21 couple that I was involved in while training
 22 at Metrobus and we weren't even at fault on
 23 those, right. You know, so there's a tonne
 24 of experience here, as well as all of our

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1 credentials and everything we had to go
 2 through to be recognized and be safe, yet we
 3 pay an astronomical amount of money for a
 4 driving school. One of our biggest expenses
 5 is for the past, since 2009, we pay roughly
 6 around four to five thousand dollars a year
 7 for insurance, right? In 2012, I purchased
 8 a second vehicle, so obviously that number
 9 doubled, it fluctuates with the age of the
 10 cars, right? And then we purchased the
 11 second vehicle and currently we have two
 12 vehicles on our site. We had to retire one
 13 of them. We had a 2012 that we retired for
 14 the simple fact that our insurance would
 15 have went up to just over \$1,500 per month
 16 and the 2012 car we didn't even want, all I
 17 wanted to use that for was for advertising.
 18 My three kids are all postsecondary, what a
 19 better place to have a car than over at the
 20 university or at the College of the North
 21 Atlantic where all the younger people are
 22 that are getting their driver's license,
 23 right? So we pay all that kind of money.
 24 Presently right now it's \$886.00 a month

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1 that we're paying for the two vehicles to be
 2 insured and I don't think we should be in
 3 the pool. I got up here, this is our
 4 biggest expense and Mr. Tom Hickey who is
 5 president or CEO of Wedgewood came out there
 6 a couple of months back and he made a
 7 comment in the media, he said, "If you're a
 8 speeder, if you're aggressive, if you're a
 9 distracted driver, if you're an impaired
 10 driver, we don't want your business." And I
 11 don't blame the man; however, he said if
 12 you're currently insured and you get
 13 involved in any of these things and you're
 14 one of our clients, they're going to put you
 15 in the high Facility, exactly where I'm to.
 16 And it's frustrating, can't understand why
 17 I'm in the same category, you know, a lot of
 18 the driving schools out there today, I've
 19 spoken to many of them at Motor Vehicle,
 20 there's not a lot of us that have been
 21 involved in any collisions and my school,
 22 for one, we haven't been—I haven't been in
 23 an accident in a driving school car, never,
 24 right? And some of the other schools can

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1 say the same thing. So we feel that we
 2 shouldn't be in the same category as the
 3 other people in the commercial industry.
 4 There should be a second section for us
 5 because as I indicated at the start of this,
 6 in my opinion we're probably the safest on
 7 the road because we practice rules of the
 8 road according to the Road User Guide and
 9 the Highway Traffic Act and that's what
 10 we're insistent upon kids. And I briefly
 11 spoke to Andrew there earlier, we were
 12 talking about some of the collisions that
 13 are on the roads and he was saying about
 14 Kenmount Road and stuff. I do lessons up
 15 and down Kenmount Road, Torbay Road, Topsail
 16 Road, they're all 50 kilometers an hour, and
 17 boy it's some hard to tell a student you're
 18 doing it right and everybody around you is
 19 doing it wrong, yet they think they're doing
 20 it wrong, right? You know, so—and it's
 21 slowly starting to improve. I mean, you
 22 know, I did say to Andrew earlier that, you
 23 know, statistics that I had from the RNC
 24 back in early 2000 from the Village Mall

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1 right over to Torbay Road, seven of those
 2 intersections were in the top ten for
 3 collisions in the City; yet we do a driving
 4 lesson right through them, every one of
 5 them, just to show the students what we're
 6 doing, right? So thanks very much for
 7 listening. Greatly appreciated. I hope
 8 something can be done and I thank Mr.
 9 O'Brien for giving me the opportunity and
 10 encouraging me to come down to see you
 11 people and hopefully we can get something so
 12 that we can probably get out of this
 13 category that we're in.
 14 CHAIR:
 15 Q. Thank you so much, Mr. Prowse.
 16 COMMISSIONER OXFORD:
 17 Q. No questions.
 18 CHAIR:
 19 Q. No questions from me either. Thank you so
 20 much.
 21 MR. PROWSE:
 22 A. Thank you.
 23 MS. GLYNN:
 24 Q. We need to check, just before Mr. Prowse

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1 started, Mr. Rogers hadn't arrived yet, and
 2 so Mr. Perry, I think, will go next while we
 3 try to track Mr. Rogers.
 4 CHAIR:
 5 Q. Thanks again, Mr. Prowse.
 6 MR. PERRY:
 7 A. I'm a little bit nervous. Bit on the
 8 nervous side there, so you'll have to bear
 9 with me. Is this going to be very, very
 10 short?
 11 CHAIR:
 12 Q. I'm sorry, could you just introduce yourself
 13 just for the purpose of the record and then
 14 you can take it away, and just take your
 15 time.
 16 MR. PERRY:
 17 A. Yes, my name is Jeremiah Perry, I'm just an
 18 ordinary citizen in the community. Yes,
 19 thank you very much. My name is Jeremiah
 20 Perry. I'm here today with my wife,
 21 Dorothy. We're not here from a perspective
 22 of articulation or from any legal
 23 parameters, neither from any PowerPoint view
 24 or litany of statistics, but rather we are

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1 simple people who are very frustrated with
 2 this broken system, and so we felt compelled
 3 to voice our concern. It is our hope that
 4 at the end of this process, screaming
 5 lawyers on both side of the isle will be
 6 silenced and that ordinary folks, like us,
 7 will see some justice. As I was leading up
 8 to this moment, we, my wife and I, took some
 9 time to visit quite a few insurance firms as
 10 our policy was expiring this month, in June.
 11 One thing stood out upon entering, these
 12 folks were working in million dollar
 13 facilities, state of the art, lavish, for us
 14 not an indication of poverty. When you hear
 15 from them that "Mr. Perry, insurance rates
 16 will never go down", that indeed is a very
 17 bold statement and cavalier. While I was
 18 waiting one day for an agent on the
 19 telephone, instead of music in the
 20 background, it was indeed the company
 21 advertising itself to the world, declaring
 22 itself as the corporate citizen. Here's
 23 what caught my gander, it was singing the
 24 praises of good drivers and how they would

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1 be awarded with a 25 percent discount. Wow!
 2 Good start! Finally then a live voice.
 3 Thank you, ma'am. I noticed on your
 4 intercom there while waiting that your
 5 company offers 25 percent discount to
 6 drivers like us, who incidentally has your
 7 top rating, accident and incident free.
 8 Came the reply, "No, Mr. Perry, we only
 9 reward the people of Nova Scotia for clean
 10 driving records." What? Shameful,
 11 despicable, unconscionable. Here we go
 12 again. Discrimination? Only in this
 13 province, there I say. Madam speaker, my
 14 presentation here will be minimal, hopefully
 15 under 8 minutes. For now I would like to
 16 deviate from the process at hand and
 17 possibly offer an opinion of causation.
 18 When my wife and I go to the gym or to the
 19 grocery store, we drive at a speed of
 20 between 40 to 50 kilometers per hour. Is
 21 there a reason in the city to drive faster?
 22 I suggest not. Meanwhile the rage that
 23 permeates our highways and bi-ways as
 24 immensely downright scary and ugly. None of

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1 us are perfect drivers, but pardon the pun,
 2 it is not by accident that we have the top
 3 rating, my wife and I. The very fact that
 4 we do not drink, we do not smoke, we do not
 5 gamble and of course, we do eat very healthy
 6 and exercise regularly. Studies have shown
 7 a direct correlation and linkage of a
 8 healthy mind and/or unhealthy mind as a
 9 deficit resulting from the aforementioned.
 10 Simply put, these unhealthy habits lead to a
 11 very frustrated and raging mindset. If
 12 indeed we continue to recklessly and
 13 blindly rape the society, then my fear
 14 is that we will be back here in this room in
 15 three years in greater desperation. We have
 16 to address the causes of this nightmare.
 17 And one other note, just as the "selfie
 18 boy", I'll say the Prime Minister, can't use
 19 his name, one other note, just as the
 20 "selfie boy", the Prime Minister, was a
 21 stroke of a vote getting pen, signs off on
 22 another poison, marihuana, I fear once again
 23 we will be witnessing zombies on our
 24 highways and bi-ways. This province is in

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1 crisis and on the precipitous of a tipping
 2 point. All the lawyers in the world can
 3 stand in this room and mud sling, cap or no
 4 cap, the fact is we have a bigger problem,
 5 our everyday lives should not be predicated
 6 on how many unhealthy restaurants open up,
 7 it should be based on healthy living and
 8 clear healthy minds. Finally, I would like
 9 to thank you for the opportunity and thank
 10 all other participants within this process.
 11 Let me just conclude by saying that fist
 12 pumping and swearing will not resolve this
 13 predicament within this room or outside this
 14 room, rather the resolve lies with each and
 15 every one of us to stop, smell the roses,
 16 take a deep breath and be calm. We have to,
 17 Madam Speaker, for the other side is
 18 catastrophic.
 19 (10:15 a.m.)
 20 Statistics are not on our side, including
 21 our driving. At the end of the day, my wife
 22 and I, we wish for a fair insurance system
 23 for all participants in honesty and
 24 goodwill, if indeed that can be achieved.

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1 Thank you, that's all I have to say.
 2 CHAIR:
 3 Q. Thank you very much. Very well said.
 4 MR. PERRY:
 5 A. Thank you.
 6 MS. GLYNN:
 7 Q. So Madam Chair, I would suggest if we could
 8 take a five-minute break because the rest of
 9 our presenters are not here. So if we could
 10 take five minutes so we can attempt to track
 11 them down.
 12 CHAIR:
 13 Q. Okay.
 14 (BREAK – 10:17 a.m.)
 15 (RESUME – 10:28 a.m.)
 16 CHAIR:
 17 Q. Good morning, Mr. Rogers. Welcome.
 18 MR. ROGERS:
 19 A. Good morning.
 20 CHAIR:
 21 Q. You can just introduce yourself for the
 22 purpose of the record and then the floor is
 23 yours, you can take it away.
 24

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1 MR. ROGERS:
 2 A. Okay, my name is Robert Rogers and I am the
 3 President of the 50+ Federation of Seniors
 4 Clubs for the province. Okay, first of all
 5 I probably should tell you who I am and what
 6 connection I have with the seniors of the
 7 Province. And I think the best way to do it
 8 is to go down through some of my volunteer
 9 recognitions over the years. I retired from
 10 the federal government after 30 years of
 11 service, moved from St. John's when I
 12 retired to Glovertown and that's almost 20
 13 years ago. I'm not going to tell you my
 14 age, but I'll tell you that in 2 years' time
 15 I'll be 80 years old. I'll give you a short
 16 history of some of my volunteer recognition
 17 in the province and outside the province. I
 18 have been awarded the Melvin Jones Award,
 19 that's the highest award a person can
 20 receive from Lions International for
 21 humanitarian service and that was in 2009.
 22 I've also received the Judge Brian
 23 Stevenson's Fellowship Award. This is the
 24 highest recognition that the Lions Club

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1 Foundation of Canada can bestow on an
 2 individual for achievements, involvement in
 3 their community. Also have an award from
 4 the Knights of Columbus State Council for
 5 volunteer of the year in 1997.
 6 (10:30 a.m.)
 7 When I moved to Glovertown 20 years
 8 ago, I think within the first year I was
 9 elected, I suppose elected, to citizen of
 10 the year for the town. Also was volunteer
 11 of the year with Crime Stoppers. And after
 12 all that the Government of Newfoundland
 13 recognized me as a Senior of Distinction for
 14 a lifetime contribution to the province. I
 15 don't know when they gave me that if they
 16 thought if I was going to retire or not, but
 17 that was in 2014. Since my retirement I
 18 moved out of St. John's. I took over the
 19 Terra Nova Goodwill in Glovertown. I have 3
 20 employees. It's a volunteer position and I
 21 look after it. One of my employees is a
 22 young fellow with autism. I also serve on
 23 the Board of Gambo Employment Agency, a
 24 corporation, an organization with over 90

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1 people working in central Newfoundland with
 2 disabilities. For the past 15 years I've
 3 held a position, senior positions, in the
 4 Newfoundland and Labrador 50+ Federation, an
 5 organization with over 130 clubs throughout
 6 the province with a combination membership
 7 of 6800 members. Our clubs or groups are
 8 located mainly in rural Newfoundland.
 9 In 2010 I was elected as president of
 10 the Newfoundland 50+ Federation, a position
 11 which I presently hold. For the past 10
 12 years I have always ran for election and
 13 have been elected by acclamation. For the
 14 past 10 years I have visited perhaps 90
 15 percent of the communities in the province
 16 of Newfoundland and Labrador. To give you
 17 an insight, in the last two weeks—and this
 18 is in order—two weeks ago I started in
 19 Clarenville, had a meeting—we had a meeting
 20 with the seniors' advocate and we met people
 21 from Hillview. And then I had a meeting the
 22 next day, I believe, in Eastport, met with
 23 the seniors in Eastport, Happy Adventure,
 24 Salvage, Burnt Side and Glovertown.

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1 Conception Bay South, their 25th anniversary
 2 dinner last Saturday night. I was able to
 3 meet a number of people and there was a
 4 couple of people there, MPs there, I think,
 5 Ken McDonald, the MHA and we discussed
 6 seniors' problems and concerns. And one of
 7 the concerns I talked about was the cap on
 8 insurance.
 9 Continuing on my two-week thing, I then
 10 had a meeting with the Seniors NL in St.
 11 John's. I gave a presentation to the
 12 Provincial Advisory Board Council on aging
 13 and seniors. And I had a meeting with the
 14 Seniors Advocate. I left St. John's and had
 15 a meeting with my Board from all over
 16 Newfoundland and Labrador in Gander. I left
 17 Gander and went to Deer Lake, had a meeting
 18 there, I think, Friday night with the people
 19 and concerns they had. I left Deer Lake,
 20 went to Port aux Basques, met with Isle aux
 21 Mort, St. Fintans, people from Ramea and
 22 people from Port aux Basques, seniors. We
 23 had a good meeting and today I'm here to
 24 present our concerns to the Public Utilities

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1 Board.
 2 All my meetings across the Province and
 3 the numbers of people I've talked to, not
 4 one person is in favour of the caps on the
 5 automobile insurance claims. I sent a
 6 letter out to all our clubs encouraging our
 7 close to 6900 members to oppose any
 8 implementation of caps or deductibles by
 9 making their views known to the members of
 10 the House of Assembly. I've also sent a
 11 letter to all the MHAs and our MPs. To
 12 date, I had one reply. It was from an MHA
 13 in the House and he didn't know if he was
 14 for it or against it, but he wanted more
 15 information. I am aware of two clubs that
 16 had a petition, Alexander Bay 50+
 17 Association in Glovertown wrote Collin
 18 Holloway, MHA in Terra Nova District and
 19 expressed their concern about the caps. New
 20 Wes Valley, Badgers's Quay, Derek Bragg was
 21 written, he's district of Fogo and Cape
 22 Freels. No reply has been received. The
 23 caps would take away the rights of seniors
 24 for fair compensation. In my opinion, the

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1 two objectives of the insurance companies
 2 and banks are to sell their products, make a
 3 profit for their shareholders. It is my
 4 understanding that many of the banks are
 5 main shareholders in insurance companies.
 6 It is also my understanding that one of the
 7 largest insurers in the Province, Intact
 8 Insurance, has stated that caps on soft
 9 tissue claims would not reduce premiums, but
 10 would stabilize them.
 11 Seniors with no automobile insurance
 12 would lose proper compensation to receive
 13 possible remuneration or benefits by lower
 14 premiums. And what I mean by that, if
 15 you're not paying insurance and you're 85
 16 years old or 90 years old in a home and
 17 insurance company is going to lower their
 18 premiums. If you're not paying premiums,
 19 how are they going to lower them? It's my
 20 understanding again in the province that
 21 insurance companies, last year made a
 22 profit, not a hundred million dollars, but
 23 nine, nine million so many, so close to a
 24 hundred million dollar profit.

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1 Should caps be approved by the
 2 provincial government? It's estimated that
 3 insurance company will increase their
 4 profits. My understanding again, could be
 5 wrong, but I had heard an estimate of
 6 \$50,000,000.00 more in profit. We should
 7 not allow insurance companies to make money
 8 while accident victims lose their right to
 9 compensation that they deserve. Perhaps the
 10 time has come to look at the rate of return
 11 for the insurance company and maybe we
 12 should put a cap on the rate of return for
 13 these insurance companies.

14 In summary, on behalf of the 150 clubs
 15 in Newfoundland and Labrador is totally
 16 opposed to any implementation of insurance
 17 caps or deductibles. Seniors in the
 18 province should have the right to sue for
 19 proper compensation if they're involved in a
 20 motor vehicle accident as a passenger or a
 21 pedestrian. An insurance company should not
 22 have the authority to make a decision on
 23 compensation as we feel that only the courts
 24 should make this decision. Thank you.

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1 CHAIR:
 2 Q. Thank you, Mr. Rogers. Any questions? I'd
 3 like to say if there is an award for the
 4 most impressive resume, I think you would
 5 get it, hands down.

6 MR. ROGERS:
 7 A. That's only half of it.

8 CHAIR:
 9 Q. I'm sure it is. Thank you so much for your
 10 input.

11 MR. ROGERS:
 12 Q. You're welcome.

13 MS. GLYNN:
 14 Q. I'm not sure if Mr. Fleming—were you able to
 15 track down Mr. McCarthy in any which way?

16 MR. FLEMING:
 17 A. Pardon?

18 MS. GLYNN:
 19 Q. Were you able to get us any information on
 20 Mr. McCarthy?

21 MR. FLEMING:
 22 A. I phoned (inaudible) and where he was and
 23 that he was supposed to be here and they
 24 tried calling his car number and they

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1 couldn't get no response. And Mr. Gulliver
 2 is up in Foxtrap.

3 MS. GLYNN:
 4 Q. We've spoke to Mr. Gulliver and he's going
 5 to be rescheduled for September, but –

6 MR. FLEMING:
 7 A. But I could speak a bit on it if the
 8 Chairperson will permit me.

9 CHAIR:
 10 Q. If you wish.

11 MR. FLEMING:
 12 A. Pardon?

13 CHAIR:
 14 Q. Are you prepared to do that today, Mr.
 15 Fleming? You're okay with that?

16 MR. FLEMING:
 17 A. I'd like to speak, if Madam Chair will allow
 18 me.

19 MS. GLYNN:
 20 Q. We'll have to get him to come to this
 21 microphone perhaps.

22 CHAIR:
 23 Q. Yes, I'm just trying to think of the best—
 24 yes. We need to get you to a microphone.

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1 MR. FLEMING:
 2 A. Pardon?

3 CHAIR:
 4 Q. We need to get you to a microphone.

5 MR. FLEMING:
 6 A. Thank you very much. First I would like to
 7 thank you, Madam Chair, for allowing me to
 8 speak today.

9 CHAIR:
 10 Q. It's nice to see you again, Mr. Fleming.

11 MR. FLEMING:
 12 Q. Yes. My name is Dave Fleming. I'm 67 years
 13 old. I'm the owner of Northwest Taxi. I
 14 spent a few years taxing when my father
 15 owned it. My father passed away in 1988.
 16 So, he asked me would I give up my job and
 17 look at the business. It was only a small
 18 business and look after my mother. So, I
 19 told him yes, I would do that. So, I looked
 20 after my mother until she passed away 2011,
 21 it was 25 years. I kept the taxi stand
 22 right up until this present day. As an
 23 owner it took a lot out of me because as a
 24 business you have to be around day and night

<p style="text-align: right;">Page 77</p> <p>1 and you have to make sure when you're hiring 2 the people, I've always done it. Bring you 3 police conduct, your driver's license, front 4 and back photocopied, a copy of your police 5 conduct and your driving abstract. So, the 6 brokers who were hiring that person, they 7 had to bring them to me with those 8 credentials and then I'd make the decision 9 as to whether he could go to work for that 10 broker, depending on what was in front of 11 me. That's the way I've always done it. I 12 was involved with Service NL a few years ago 13 on safety issues with the taxi industry. 14 So, I implemented a code system for any cabs 15 having trouble on the road that needed 16 assistance or to call the police. We put in 17 a coding system. I did up a pamphlet, three 18 or four pages on safety tips. So, before 19 that driver went to work, he had to work the 20 safety tip pamphlet and then sign it for me. 21 And I keep it in my file that he read those; 22 what to look out for and how to be safe. 23 That was what the pamphlet was about. So, 24 I'm not here for me as a taxi owner.</p>	<p style="text-align: right;">Page 79</p> <p>1 streets, we still hang on the road to get 2 people home. That's what taxi men do. And 3 regard if I got customers with me who've 4 been with me for years, who've been with 5 Northwest Taxi, dealt a lot with seniors 6 from St. Luke's, Agnes Pratt, we got the 7 nuns down to St. Bride's convent, got all 8 kinds of contracts. And I've never had a 9 problem with my company, never. I've kept 10 it clean; I kept the best men I could get at 11 the office. And anyone with that come that 12 had impaired on their driving abstract, 13 nope, sorry, that was a "no no" for me 14 because I didn't want to hear tell of, well, 15 one of my drivers knocked down and killed 16 somebody through impaired. I always had 17 that fear. That's why I go down around my 18 stand in the night times and check around 19 and talk to the drivers and make everything 20 was what it was supposed to be. If I had a 21 complaint or a problem with regards to a 22 driver, people would come and meet me and 23 also the broker that he was driving for 24 would have to come and see me. Depending on</p>
<p style="text-align: right;">Page 78</p> <p>1 (10:45 a.m.) 2 I don't know, I could be dead next 3 month; I could be dead next year. I don't 4 know, but I'm here for my men, some that 5 have been with the company 30, 40 years, 34 6 years, 25 years, have clear conducts and no 7 accidents and to turn around and see those 8 men have to take their cars off the road 9 because of the cost of insurance. I had 28 10 cars two years ago; right now, I presently 11 have 15. Right now, I'm considering 12 getting out of the business, but when I have 13 my stroke in 2011 I could have threw in the 14 towel then and sold my business; I could 15 have given up on it, but I couldn't give up 16 on them men. They have families and they're 17 on the road to feed them and pay their bills 18 and that. So, I felt that I couldn't walk 19 away from them. But sometimes somebody 20 needs to walk in other peoples' shoes to see 21 it's not an easy life. You're on the road 22 12, 14 hours a day, some of them, we're out 23 in the rain, and we're out in the snow. 24 When the City removes the busses from the</p>	<p style="text-align: right;">Page 80</p> <p>1 the complaint was depending on how I 2 handling it. And I also talked to the 3 customer to get both side of the story and 4 then I'd make my decision. 5 But what I'm trying to say to you here 6 today is a taxi man's life is a different 7 life. The past two years the economy that we 8 faced and the losses that we faced and the 9 companies that have closed up and the 10 companies that have cut out their accounts 11 with us or their accounts, they don't use 12 them as much and all this and that, it take 13 its toll. It takes its toll on it. And 14 these insurance companies, when are they 15 ever going to end. They want to use you and 16 abuse you. Pay your premiums and go away 17 from me. If something comes up and you goes 18 to them, not covered under this; not covered 19 under that. The back of my insurance policy 20 would—I told my agent the other day the back 21 of this policy, I would need to be a lawyer 22 to understand my coverage, that's how 23 difficult it is. It's like you watch the 24 ads on the TVs, you see the ads and then</p>

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1 you'll see the fine print. You wouldn't be
 2 able to pick it out with a telescope, but
 3 yet it's there. And what the insurance
 4 companies are at, like I said, to me is a
 5 bit unbelievable. How a man can go out—I've
 6 always kept the cheapest stand rate in this
 7 city, always with my men. Because my father
 8 was a taxi man and as a teenager I watched
 9 my father come home when he state that
 10 business, 2:00, 3:00 in the morning he'd go
 11 in an lie on the bed with his shirt and tie
 12 and pants on because he had to promise
 13 somebody he'd pick them up and take them to
 14 the airport. Then he'd be up and gone
 15 again. It was no easy life, like I said,
 16 and the taximen out there, I wouldn't be
 17 able to tell you the times that they've been
 18 ripped off. In the taxi industry, we call
 19 them, "runners", and I wouldn't be able to
 20 tell you how many times that these guys have
 21 been ripped off. The procedure is call the
 22 police, call the police. "Oh, you're 13th in
 23 line, sir". So, as a taximan I have to be
 24 robbed the \$20 and he's 13th in line? Sure,

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1 his whole night is gone just waiting for the
 2 police to show up. I've brought it up to
 3 the RNC, I've brought it up, but the system
 4 is today they only got a certain amount out
 5 on that street at any time, not what's
 6 required, but what they're doing.
 7 We're not being helped, we're being
 8 dictated to. My drivers drove on the
 9 streets here in this City in the mornings at
 10 six and seven o'clock that a plow was never
 11 out, because council cut back on the hours,
 12 but yet you're expected to be out on that
 13 street bringing people to work or to the
 14 airport or this or that. Here, this is what
 15 you're driving on; 10 centimetres of snow
 16 beat down by the cars, turned into ice and
 17 that's what their driving on and they talk
 18 about accidents?
 19 Like I said, there's a lot that a
 20 taximan has to go through. Then what we
 21 pick up on the weekends, a lot of nice
 22 people downtown, at a restaurant, or a
 23 husband and wife or whatever, but you also
 24 deal with the George Street. Some of them

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1 are excellent people, you bring them down,
 2 you bring them home; others, you got
 3 problems in your car because of the drug
 4 issues that are on the go on the streets and
 5 then that driver is put through hell.
 6 I approached City Council about 15
 7 years ago about having a safety light put on
 8 the back of taxi cabs and it would be a red
 9 light. The switch would be down by the
 10 driver, so they wouldn't even know and on
 11 top of that it would say, "I need help,
 12 please call the police". The council said
 13 to me, "go get an estimate of cost, estimate
 14 date of getting it done". So, I went, and I
 15 got two estimates done up at the Hickman
 16 Motors and Regatta Ford. Anyway, I brought
 17 it back to him, I never heard tell of him
 18 after. I said, that's how much interest
 19 that they had in it and I think at that time
 20 there was even a piece in the paper of what
 21 I had suggested.
 22 The new Canadians coming into our
 23 country, we assume that they're vented
 24 through the federal government. I asked the

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1 chief of police, the former chief of police
 2 at a round table discussion at City Hall,
 3 because of incidents that were involved in
 4 rape cases. I told him down there, the
 5 deputy mayor was chairperson of it, so I
 6 told him I was there representing the taxi
 7 stands and all that, and I told her, "before
 8 we starts, I'm not going to sit here and
 9 listen to the taximen being hauled over the
 10 coals", this situation didn't involve our
 11 own people, it was someone who had came into
 12 the country. So, I asked the chief of
 13 police, "is it wrong for me to assume that
 14 those people are vented before the come into
 15 the country"? He didn't even answer my
 16 question, he didn't even answer my question.
 17 We're under the assumption that they're
 18 checked out, got nothing wrong with them,
 19 I'd hire him tomorrow if they knew the
 20 streets and this and that, no problem with
 21 it. I'm not down on nobody, that's me as a
 22 person.
 23 So, I phoned the Association of New
 24 Canadians and I talked to them out there and

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1 I had the idea about setting up classes for
 2 the new Canadians that came in that wanted
 3 to come into the taxi industry, and I said,
 4 it would help them, it would help us as
 5 stand owners and that, you know, the owner
 6 go there and explain what would be expected
 7 of them.
 8 (11:00 a.m.)
 9 A driver go another night, have a
 10 question and answer thing about being on the
 11 streets and driving and all this and that,
 12 which I thought it was good to help educate
 13 them and get them in and even allow them to
 14 sit with the driver while the driver was
 15 doing his calls and experience it with
 16 people and all that.
 17 I approached City Hall with the same
 18 idea. No interest, never even heard from
 19 them. City Hall, they were expecting those
 20 drivers to go home and feed their wife and
 21 children and the City Hall stipulates that a
 22 taxi driver cannot overcharge on his meter,
 23 which is right, but he can undercharge.
 24 What's that saying? Dog eat dog, that's

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1 what that's saying. The run is \$10, "oh,
 2 I'll do it for eight", "oh, I'll do it for
 3 five". You know, and it was brought into
 4 the governments too and all this stuff,
 5 that's where it's brought into, that the
 6 drivers are ripped off. "Do it for this
 7 amount, phone the company, get a quote on
 8 this, phone another company to see if you
 9 can get it cheaper for me".
 10 That's the system that they're out
 11 there dealing with and when it comes to City
 12 Hall, there was never a taxi committee
 13 meeting in three years, that's how much City
 14 Hall cares about this industry, in three
 15 years. Well, I've asked to meet with Mrs.
 16 Hanlon, because she's supposed to be
 17 spokesman for it and Jason Sinyard at City
 18 Hall. Now, I had a meeting set up with him,
 19 but what happened that I didn't get to it, I
 20 had to phone him, because I had a chest
 21 infection and I had two doctor's
 22 appointments to deal with that, but I phoned
 23 her about two weeks ago and I had a
 24 conversation with her on it. She wasn't--

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1 didn't know when. I said, "what's your
 2 position, Jason"? He said, "I'm chairperson
 3 of the taxi committee". I said, "what taxi
 4 committee are you talking about, there is
 5 none. So, how can you be chairperson of
 6 something that's not there"? That's the
 7 response I got, and absolutely nothing, like
 8 I told you.
 9 The taximen on this street, which I
 10 believe there's almost 80 cars that parked,
 11 pulled off the street because of the
 12 insurance problem, that's what happened.
 13 You take almost--if this goes ahead, you'll
 14 be looking at nearly a 300 percent increase.
 15 \$12,000 dollars per driver with a clean
 16 abstract who's on the road 25 to 30 years
 17 with no accident. That's what he got to
 18 pay. "Go to the commercial insurance", I
 19 went, I went to every one of them that's in
 20 the book. "No, I'm sorry, we don't take
 21 taxi cabs", "but you're commercial", "yeah,
 22 we are, but we don't take taxi cabs", "go to
 23 Cal LeGrow". That's what I got out of every
 24 place that I went to for commercial

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1 insurance, that's what I got out of them.
 2 That was a set-up system, that was a
 3 monopoly set up allowed by the provincial
 4 government at that time. They allowed the
 5 insurance companies to set up a monopoly and
 6 don't tell me those guys don't meet, those
 7 four insurance companies don't, I heard it
 8 up here.
 9 You can--numbers, you can do anything
 10 with numbers, you can do anything with
 11 words. Take out all the big words, all the
 12 big figures and all of that, but if there's
 13 three different reports, who do you believe?
 14 The Utilities Board is supposed to have a
 15 report, then this lawyer, Mr. Sparkes is
 16 supposed to have another report of their
 17 profits and their this and their that and
 18 apparently the provincial government,
 19 Service Newfoundland had a different report
 20 altogether.
 21 So, who's who? You know, who's who?
 22 Where are you left to turn as a person?
 23 Nowhere, nowhere, and what I feel sorry for,
 24 when I got to close my doors is for what's

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1 walking away from me, that's who I hurt for,
 2 that's who I hurt for. Not insurance
 3 companies, not City Hall; as a matter of
 4 fact, City Hall doesn't want anything to do
 5 with the taxi industry, anything, and for
 6 someone to put that in that you can't
 7 overcharge on your meter, which is right,
 8 which is right, your meter is checked once a
 9 year, you don't take nothing from nobody in
 10 regards of overcharging, but you can't
 11 undercharge. We were caught up, Co-op taxi
 12 went going bankrupt over paying out to the
 13 universities, to the airports; we're the
 14 service provider and we're paying them to
 15 provide the service.
 16 How do you do it if, you know, like I
 17 said, it's becoming next to impossible and
 18 like I said, all you here are well paying
 19 jobs, all of you. The increases may not
 20 hurt you as much as it hurts those people
 21 and I've been with my insurance company 35
 22 years paying insurance and I never had one
 23 cent out of that as a claim. This will tell
 24 you about insurance companies, here I am,

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1 disabled, after having two strokes,
 2 diabetes, I'm still taking four needles a
 3 day. My furnace went 10 years of a high-
 4 efficiency furnace I had put in was supposed
 5 to be good for 20 to 30 years, I was told.
 6 It's inspected every year, stickers were on
 7 it for the 10 years and when I phoned, which
 8 I thought I was insured with the auto
 9 company I was with, then I was told, "no,
 10 the money you're paying for insurance only
 11 covers certain parts if this goes or that
 12 goes or to have your furnace cleaned". So,
 13 I went to my own insurance policy. "No,
 14 nothing we can do, it has to be an accident
 15 or something like that". I said, "but I'm
 16 covered for content", "no, that's not
 17 considered a content on your home, your
 18 furnace". So, okay, my policy says I got
 19 \$68,000 if I has to move out of my home that
 20 they'll cover up to. So, I said to her,
 21 "can I use that section of it"? "No, no,
 22 that section only covers if a tree falls in
 23 on your house, if your kitchen burns out, if
 24 this happens". So, I said, "well, what do I

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1 do?" She said, "I suggest you go out and
 2 buy a few heaters, Mr. Fleming". Two weeks
 3 I stayed in that house with no heat and
 4 that's how I ended up with the chest
 5 infection. So that's how much insurance
 6 companies cares about you.
 7 I had an oil barrel, tag is on it,
 8 approved by the government, five years left
 9 on it. They sent me a cut-off notice giving
 10 me 30 days to have the fibreglass tank put
 11 in or they were cancelling my policy. Now,
 12 they sent the--they hired a company or
 13 something to come in, go through your home,
 14 upstairs and downstairs, checking all this
 15 and that. Anyway, then they sends me out
 16 this notice. It's done, but it cost me
 17 \$3,000 out of my own pocket that I had to
 18 pay and then I had to bring it out to them.
 19 I said, "you're doing all right, I'm paying
 20 a premium, which is supposed to be what
 21 you're telling me is one of the best
 22 coverages you offer, but when you come,
 23 well, you're offered nothing". Denied,
 24 denied, like I said.

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1 This is the things with the insurance
 2 company that the government needs to look at
 3 and investigate and what some of the lawyers
 4 came up with in figures and profits, I
 5 believe them, because everything today that
 6 you look at in my book; I'll give you an
 7 example, all the bread companies collusion,
 8 what was done about it? Oh, Presidents
 9 Choice issued \$25 gift cards, but you had to
 10 spend that \$25 back at Presidents Choice, so
 11 they not only ripped you off for so many
 12 years on the bread thing, then they sends
 13 you out a card to insult you again, but that
 14 card is only good to come back here and
 15 spend your money, it's laughable. So, if
 16 you wanted to talk about things that goes on
 17 behind the scenes, it's like having a
 18 meeting with somebody in the government,
 19 they wants to know your issues before you
 20 gets there.
 21 I've been around, I'm not the smartest
 22 book on the shelf, but I'm not the dumbest.
 23 Then, when you has your meeting with them,
 24 they got all the answers right on the thing,

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1 because they're after getting together two
 2 or three or four--Mr. Fleming is coming here
 3 and how about the taxi thing and all that.
 4 So, they got all their answers put
 5 together, same down to City Hall. City
 6 Hall, that man right there, I bet you 100
 7 times since last year, "nobody in, none of
 8 the councillors are in. No, nobody in
 9 today". I said, "I thought they had a job
 10 here". Never, never there. Phone them by
 11 phone, leave your message or you'll get an
 12 answering machine. "Leave your message and
 13 your issue that you're calling about, I'll
 14 get back to you". You don't hear back from
 15 them, because they don't want to talk to
 16 you. When you comes out, like I said, when
 17 you comes out or you're against that or
 18 you're trying to get something changed for
 19 your men or your drivers that you figures is
 20 doing them wrong, that's taking money out of
 21 his pocket, that's taking money out of his
 22 wife's, that's taking bread and butter out
 23 of his children's mouth. What he loses,
 24 take off your meter, he only charged this

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1 for that run. Sure, the men are on the road
 2 for 12 to 14 hours, pays stand rent, car
 3 repairs, insurances, like I said, you can go
 4 on and on as to what they go through.
 5 In the winter the supermarket
 6 deliveries, that's one of the things that
 7 the taxi industry are in. No problem, it's
 8 just the part of the business that you're
 9 in, but when you got to get out, if your
 10 car, as a driver and walk up over banks of
 11 snow where that street was after being
 12 plowed, banks of snow with your two hands
 13 full, four or five in this hand, four or
 14 five in that hand, and you try to get up
 15 that bank, down that bank, in over that
 16 sidewalk, in the driveway that's not plowed,
 17 up over steps and put their groceries in on
 18 the thing, here's your five dollars for a
 19 taximan, that some of what a taximen, that
 20 they do.
 21 They take, it could be your mother out
 22 to the hospital for her appointments, to the
 23 doctors for her appointments, like I said,
 24 she could go up to Walmart. They take your

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1 children home if they're stuck and you can't
 2 get them at school, they do things like
 3 that. They look after people that got an
 4 airport run, they look after Water Street
 5 and Duckworth Street, because it's the
 6 commercial section and go through all of
 7 that. So, who we're talking about, they may
 8 not be well educated. I'm not, but they
 9 know how to deal with good times, bad
 10 customers, whatever, everything has to be
 11 taken in stride like I says to them. You
 12 meet a lot of good people, a lot of good
 13 friends that have grown with me and we sort
 14 of got a personal relationship and this and
 15 that, an account set up with me for years.
 16 (11:15 a.m.)
 17 So, I've been lucky, I guess, the last
 18 30 years, but I've also been lucky for the
 19 men that I had, because them ones is who
 20 helped build my business where it was two
 21 years ago. They were the men and that's
 22 some of the stuff that they went through,
 23 and I can only say, this cap that we're
 24 talking about, Madam Chair, I would like for

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1 you to get an answer from the insurance
 2 companies, if this cap is brought in, what
 3 does it mean to the people, what does it
 4 mean? Because that gentleman I see there
 5 this morning talking about Nova Scotia, New
 6 Brunswick and all of that, as far as I'm
 7 concerned, and I'm sorry to say, but they're
 8 rip-off artists. The poor, hungry mouth,
 9 this and that, I'd like to find out what the
 10 chairperson of Intact gets home with a
 11 salary for that year; his benefits, his
 12 bonuses.
 13 The rich lives rich, the poor lives
 14 poor, but that's who ultimately pays for it.
 15 Now probably I'm rambling on too much, but
 16 I'm trying from my heart to explain to you
 17 the life that a taximan goes through. I
 18 said to the insurance company where is the
 19 pedestrians' responsibility, what do we have
 20 crosswalks for with lights, and then turn
 21 around and watch somebody run out between
 22 two cars and get knocked down. The car or
 23 the driver are blamed for it because she ran
 24 out between two cars half drunk, but the car

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1 and the driver is the one who takes the
 2 fall. Like I said, it's their
 3 responsibility for those crosswalks. That's
 4 what they're put there for.
 5 Now an accident is an accident, and I
 6 don't like to see nobody get hurt, nobody,
 7 but sometimes they got a responsibility to
 8 use their head too as a person. I mean, you
 9 talk to children, you look before you go
 10 across the street, you're taught that as a
 11 child. Anyway, Madam Chair, I want to thank
 12 all of you here for listening to me. I
 13 tried to keep it on track and explain it the
 14 best way I could to you all. I want to
 15 thank you from the bottom of my heart,
 16 everyone one of ye here for listening to me,
 17 and I hope I did a bit to educate you on the
 18 life of a taxi driver. That was my most
 19 important point of speaking here this
 20 morning, so I'd like to thank you very much,
 21 ma'am, and the rest of you on the committee.
 22 Thank you for listening to me.
 23 CHAIR:
 24 Q. Thank you very much, Mr. Fleming.

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1 MR. FLEMING:
 2 Q. Thank you.
 3 CHAIR:
 4 Q. Very well done, very well done.
 5 MR. FLEMING:
 6 Q. Thank you so much for allowing me.
 7 CHAIR:
 8 Q. I noticed you've been with us for the last
 9 seven days, you've listened to us for all
 10 that time.
 11 MR. FLEMING:
 12 Q. Yes, I took a lot in. The only thing, Madam
 13 Chair, is I had a hard time hearing with the
 14 sound system.
 15 CHAIR:
 16 Q. Oh, did you?
 17 MR. FLEMING:
 18 Q. A few of the lawyers, I never had a problem
 19 with. What's his name – Jerome was one of
 20 them, but, you know, it was still a bit hard
 21 to get it.
 22 CHAIR:
 23 Q. Well, we'll have a look at that.
 24 MR. FLEMING:

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1 Q. Once again, thank you very much.
 2 CHAIR:
 3 Q. Thank you very much, Mr. Fleming.
 4 MR. FLEMING:
 5 Q. Okay, darling, thank you.
 6 MS. GLYNN:
 7 Q. Mr. McCarthy has arrived.
 8 CHAIR:
 9 Q. Good morning, Mr. McCarthy.
 10 MR. MCCARTHY:
 11 Q. Good morning.
 12 CHAIR:
 13 Q. Let's take a few minutes and we'll get Mr.
 14 McCarthy organized. I think you're the last
 15 presenter for the morning, anyway. Thanks
 16 again, Mr. Fleming. We'll be back in about
 17 three minutes.
 18 (OFF RECORD)
 19 CHAIR:
 20 Q. Good morning, Mr. McCarthy.
 21 MR. MCCARTHY:
 22 Q. Good morning, Madam Chair.
 23 CHAIR:
 24 Q. Nice to see you again.

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1 MR. MCCARTHY:
 2 Q. I hope so.
 3 CHAIR:
 4 Q. The floor is yours. I'll just ask you to
 5 introduce yourself and who you represent for
 6 the purposes of the record.
 7 (11:30 a.m.)
 8 MR. MCCARTHY:
 9 Q. Good morning. My name is Doug McCarthy
 10 and I'm an owner/operator, I'm affiliated
 11 with Jiffy Cabs here in St. John's,
 12 Newfoundland. I am presenting as an
 13 owner/operator, and I will present some
 14 information that has been provided to me by
 15 Mr. Newell, the owner of Jiffy Cabs. At
 16 this time, I would like to thank the Chair
 17 and the Board for allowing me the
 18 opportunity to make my presentation
 19 regarding this important review. As I
 20 stated, my name is Doug McCarthy, and I'm a
 21 private owner/operator of a taxi and I'm
 22 affiliated with Newfound Cabs Incorporated.
 23 Today I would like to address the issue
 24 of the skyrocketing insurance premiums for

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1 the taxi industry. Let me start by saying
 2 that we acknowledge that within our industry
 3 we have a problem with the amount of events
 4 that occur within any one given year.
 5 However, after that, we have major concerns
 6 with the manner in which we are treated by
 7 the insurance industry when it comes to
 8 obtaining insurance coverage for our
 9 vehicles.
 10 The Automobile Insurance Act
 11 specifically states paragraph 6.11, the
 12 requirements required, “The agent, broker,
 13 or representative shall, in writing, inform
 14 the person to whom it provides insurance
 15 through Facility Association; (a) of the
 16 reasons why the insurance is being placed
 17 through Facility; how long the person is
 18 anticipated to be provided with insurance
 19 based on the person’s driving record”, and I
 20 emphasize “driving record”, and (c) what
 21 steps the person may take to qualify for
 22 insurance other than through the
 23 Association, and shall provide a copy to the
 24 Association”. It further goes on to state in

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1 paragraph 6.12, “An agent, broker, or a
 2 representative shall annually, while it
 3 provides automobile insurance to a person
 4 through the Facility Association, inform
 5 that person in writing”. It then goes on to
 6 repeat the same three sub-paragraphs as
 7 stated in 6.1(1).
 8 I have been provided insurance by a
 9 broker for the past 14 years, and not once
 10 yet have I ever received such a letter, nor
 11 will I ever will. The reasons I would like
 12 to make this statement is simple; no matter
 13 what I do to improve my driving skills, no
 14 matter how long I drive, I will always be
 15 insured through Facility regardless of my
 16 personal driving record or provincial law.
 17 So my first question then is, who gave
 18 my broker and Facility the authority to by-
 19 pass provincial law. Secondly, with a
 20 perfect driving record and being insured
 21 through Facility, that would tell me that in
 22 order to be removed from Facility, I require
 23 an abstract that contains multiple
 24 infractions and accidents using their own

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1 logic that if I’m a perfect – with a perfect
 2 record places in Facility, then a lousy
 3 record, by their standard, should remove you
 4 from Facility. You can’t have both.
 5 Five years ago, as of September 13th, my
 6 insurance cost me \$1,890.00 for full
 7 coverage on my taxi. My insurance cost for a
 8 new family vehicle with two drivers and full
 9 coverage cost me just over \$1,100.00.
 10 September, 2017, my taxi insurance cost me
 11 \$6,965.00 for full coverage, and in
 12 September of 2018, that same coverage will
 13 cost me \$8,260.49 plus tax. Using those
 14 numbers my insurance over the past five
 15 years will have increased by over 230
 16 percent with no end in sight.
 17 In the year 2014, the taxi industry in
 18 this province had at that time, according to
 19 motor vehicle records, 2,165 TX plates in
 20 use. That’s taxis and limousines. As of
 21 December, 2017, we now have 1,877 TX plates
 22 in use. This means that in the past three
 23 years 288 vehicles have been removed or just
 24 over 13 percent of the entire fleet. The

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1 sole reason for the removal is that the
 2 owners could no longer afford to pay the
 3 increased insurance rates and still earn a
 4 living. This decline in numbers will
 5 continue so long as the rates continue to
 6 increase yearly by double digit.
 7 Facility has already stated that they
 8 will keep seeking these high increases until
 9 such time as their premiums are greater than
 10 their payouts, plus their 6 to 8 percent
 11 ROI. The reason that we keep hearing that
 12 we have to be insured through Facility is
 13 because we are high risk. Would someone
 14 please define high risk, because Facility’s
 15 definition and my definition are not in the
 16 same ballpark. As an industry, with now
 17 just 1,877 vehicles on the road, we still
 18 average just over 100,000 kilometres per
 19 vehicle per year. Therefore, in any one
 20 given year, we will drive 187,700,000
 21 kilometres. When you divide this by the
 22 number of events, as we now seem to call
 23 accidents, rather than using any one year,
 24 let’s just say we have 250 events per year.

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1 This will give us a figure of one accident
 2 for every 834,220 kilometres. Considering
 3 that the average driver drives approximately
 4 25,000 kilometres per year, this would work
 5 out to the equivalent of one accident for
 6 every 33.3 years for the average driver. If
 7 I drove for 33 years plus without an event
 8 for some other industry, I would receive an
 9 award of some type. However, in this
 10 industry, I'm penalized right from the start
 11 regardless of my personal driving record. I
 12 and others who have a clean driving record
 13 are being discriminated against simply
 14 because we are taxi drivers.
 15 However, an owner/operator with over 20
 16 years of clean driving is required to pay
 17 more for insurance than an individual who
 18 has three convictions for impaired. Who's
 19 the greater risk; the taxi driver or the
 20 individual who's already proven that he
 21 cannot be trusted with the control of a
 22 vehicle. Why is it that a newly licensed
 23 driver cannot obtain insurance through the
 24 normal market and are shipped off to

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1 Facility for the first six years. Once
 2 again the insurance industry is by-passing
 3 legislation and doing whatever they please.
 4 Years ago it used to be that male
 5 drivers under 25 were targeted as high risk.
 6 Now regardless of age or gender, any new
 7 driver is deemed high risk. How can that be
 8 if the law states, "Insured on your personal
 9 driving record". Well, a new driver has no
 10 record. They have neither proven that they
 11 are a good driver, nor a bad driver, yet the
 12 insurance industry determines they are
 13 automatically bad drivers and sticks them
 14 into Facility and forgets about them for the
 15 first six years.
 16 Moving forward, the taxi industry in
 17 this province is not just a convenience
 18 industry. We are, for all intents and
 19 purposes, an essential industry. We provide
 20 a valuable service not just in the city, but
 21 all across the province. In some cases, we
 22 are the only means of public transportation
 23 for residents living outside the areas
 24 served by a transit system. We are the

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1 first person of contact to travellers
 2 entering through our airports. Where would
 3 the tourism or convention industry be
 4 without a reliable taxi industry. In some
 5 cases, we act as the eyes on the road for
 6 the RNC when they are looking for somebody.
 7 We are the ones who drive impaired
 8 individuals home and in some cases drive
 9 their cars home as well, so that they are
 10 not on the road placing people's lives in
 11 jeopardy, which in one way I find amazing
 12 that of all the people represented here at
 13 this hearing, there's no representation from
 14 MADD. One would think that they too would
 15 be concerned over the rising cost of taxi
 16 industry insurance. For every car that we
 17 have to remove because we no longer can
 18 afford the insurance is one less car
 19 available to drive home the impaired
 20 individual who would otherwise drive
 21 themselves.
 22 I was not fully aware of the demand for
 23 accessible transportation until I started
 24 driving with Newfound Cabs. However, I

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1 realise that this is a very essential part
 2 of our industry. Speaking with Mr. Newell
 3 yesterday, I asked him what is the cost of
 4 insurance for each of his vehicles? His
 5 response was that as of right now it costs
 6 between \$11,500.00 to \$12,000.00 per
 7 vehicle, plus the RST, and does not include
 8 the rate increased approved as of March 1st,
 9 2018, of a further 18.6 percent, which will
 10 drive his rates to \$13,935.00 per vehicle if
 11 we use \$11,750.00 as an average. So just
 12 for those ten vehicles his rates will
 13 increase by \$21,850.00. What type of an
 14 industry can sustain those rate increases on
 15 a yearly basis and still remain in business,
 16 or to do so will have to reduce the size of
 17 their fleet, thereby impacting the service
 18 provided to our clientele and their ability
 19 to carry on with their normal daily routine.
 20 Over the past week, I have sat here and
 21 listened to various groups speak about
 22 profit and loss, and for the lack of
 23 knowledge, I call it primary reserve and
 24 secondary reserve, funds held by the

<p style="text-align: right;">Page 109</p> <p>1 insurer; however, no one has yet explained 2 where do these reserve funds go after the 3 event has been closed? Do they go to 4 general profit? Do they go back as 5 reserves? Are they invested for profit 6 growth? One thing that we do know is that 7 they are not used for premium reduction. So 8 where does the money go? If it is used for 9 investment growth and it earns dividends, 10 why do my rates keep going up? If Facility 11 indicated that they are losing millions of 12 dollars per year to higher payout versus 13 lower revenue, then where are they getting 14 the funds to stay in business, or is it 15 coming from investments. One thing that I 16 do know is that they are trying to recoup 17 their losses by dramatic increases to our 18 rates, but this in itself will not cover 19 their losses, so where are they getting the 20 money from to stay solvent. If their 21 reserves and investments are that high, then 22 perhaps the reserves need to be readjusted 23 to a more reasonable amount. 24 If over the period of 2006 until 2016,</p>	<p style="text-align: right;">Page 111</p> <p>1 applicants to have a current drivers 2 abstract, a record of conduct, a vulnerable 3 sector clearance prior to starting work. 4 Newfound Taxi has also implemented a number 5 of required courses that a driver must 6 complete as well. Newfound was the first 7 company to introduce driver ID placards on 8 the dash so the clients would know who they 9 are being driven by. Newfound has also 10 installed GPS tracking units in their cars, 11 so they monitor the vehicle's speed, 12 braking, starting, and turning, so as to 13 determine the conduct of the driver while on 14 the road. Should that driver be speeding, 15 the dispatcher will automatically receive a 16 notice on the master board and the driver 17 will be advised to slow down. If he 18 continues to drive above the speed limit, 19 the manager's cell phone will then start to 20 ring indicating that someone is speeding and 21 his phone will ring at all hours of the day 22 and night. 23 Newfound has already severed the 24 employment of several drivers for speeding</p>
<p style="text-align: right;">Page 110</p> <p>1 the auto insurance industry in this province 2 can generate a gross profit of 1.2 billion 3 dollars after claims payout, then they are 4 definitely getting a very good rate of 5 return on their investments. Perhaps this 6 is an area that the provincial government 7 may want to consider should they opt for a 8 provincial insurance claim. That type of 9 revenue would certainly help in reducing the 10 provincial deficit. 11 As I stated in the beginning, we as an 12 industry realize that we have a problem with 13 some of the individuals within our business. 14 Therefore, in conjunction with the Minister 15 of Service NL, we have been working to 16 improve the requirements for an individual 17 to acquire a Class 4 licence, and that 18 requirement to retain that privilege. We, 19 as an industry, are taking steps to improve 20 the quality of our drivers, providing them 21 with additional training, so that they have 22 the necessary skills to provide safe, 23 reliable service to the clients we service. 24 Most companies now require all new</p>	<p style="text-align: right;">Page 112</p> <p>1 because of this new system. We are not the 2 only company in the city to add these 3 features and requirements to our operators. 4 Others are also following suit. We are 5 trying to be as proactive as we can, while 6 still providing the service to our clients. 7 Just like everything else, it will take time 8 to improve. In order for this to happen, we 9 require relief on our insurance rates. The 10 system has to change. We need insurance 11 based on our driving record, not on 12 statistical data compiled by the insurance 13 company. We are all individual drivers who 14 collectively form an industry. 15 The Telegram, on June 5th, published a 16 front page article by Glen Whiffen, where he 17 had conducted an interview with three 18 lawyers from the firm of Roebothan McKay and 19 Marshall, in which they stated they are 20 fighting against a cap because people have 21 to know what might happen in the future if 22 they were involved in an accident and they 23 were, "not looking out for their own self- 24 interest". Well, in an industry that</p>

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1 currently lists over 20 different firms that
 2 deal with accident and personal injury in a
 3 city this size, it must be a very lucrative
 4 business, especially when you stop to
 5 consider that they are paid on a percentage
 6 of a settlement. I have heard various
 7 numbers thrown around from 10 to 40 percent,
 8 plus expenses and HST. So it would stand to
 9 reason that they would fight to oppose a cap
 10 on soft tissue injury. Would they rather
 11 earn, for the sake of picking a number, 25
 12 percent of a \$5,000.00 settlement, or 25
 13 percent of a \$40,000.00 settlement. Why is
 14 it that for months now all you see, hear, or
 15 read about is the ad campaign, and I quote,
 16 "Insult to Injury". Who's paying for this
 17 campaign; is it the insurance companies, the
 18 clients of the law firms, or is it the
 19 lawyers themselves. Why has it been for
 20 years one would constantly see large
 21 billboards all around town from this very
 22 same firm telling all to see how many
 23 hundreds of millions of dollars they have
 24 collected in settlements, yet since the

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1 start of the "Insult to Injury Campaign",
 2 there has not been one. Why?
 3 Now are suddenly they embarrassed to
 4 rave about how much money they've collected.
 5 It has been stated here this week that 82
 6 percent of all events are represented by a
 7 lawyer with settlement amounts that range
 8 between \$35,000.00 and \$40,000.00, whereas
 9 those who don't have a lawyer settle for
 10 approximately \$9,900.00.
 11 So in the long run, who is better off
 12 in the event that settles for \$9,900.00 or
 13 the one who settles for \$40,000.00 minus the
 14 lawyers' fees, their expenses, HST, and who
 15 knows how long they have to wait for a
 16 settlement.
 17 I'm not here to bash the legal
 18 profession, I'm merely stating fact as it
 19 pertains to this review. Whether they agree
 20 or not, they do not have to admit that they
 21 add cost to the settlement.
 22 (11:45 a.m.)
 23 At the beginning of this hearing, a
 24 presentation was put forth by the Provincial

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1 President of CUPE, wherein the idea of a
 2 provincial insurance plan based on some sort
 3 of principles of those provinces who
 4 currently operate such programs. Looking at
 5 some numbers here in the province, as of
 6 April 1st of this year there were
 7 approximately 248,600 licensed vehicles in
 8 this province. If one were to use a number
 9 between \$1,500.00 and \$2,000.00 per vehicle
 10 and maintained the same cost payout as for
 11 the year 2016, the province would generate a
 12 profit of approximately 100 million dollars
 13 per year, and with a cap in place, they
 14 could generate more or further reduce the
 15 premium charge to all vehicles in the
 16 province. This would also help to eliminate
 17 the uninsured driver because the vehicle has
 18 to be insured. I'm not saying that we will
 19 eliminate all uninsured, but this could be a
 20 start.
 21 The province also has to bring in a
 22 plate removal system as in other provinces.
 23 Currently when I sell my vehicle, the plate
 24 goes with the vehicle. It is then the

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1 responsibility of the new owner to insure
 2 and register the vehicle. However, that is
 3 not always the case, as we know just by
 4 listening to the local news reports, whereas
 5 if I keep the plate myself, I paid for it,
 6 not the car, then the new owner would be
 7 required to obtain a plate, and in order to
 8 do so would have to show proof of insurance
 9 and a licence. This will not completely
 10 stop people from driving without insurance.
 11 Today, I have it; tomorrow, I don't, and MVR
 12 never knows. However, should I cancel the
 13 insurance on my taxi, within hours the whole
 14 world knows. Why; because my taxi
 15 insurance, my broker, notifies MVR, who
 16 notifies City Hall, who then notifies
 17 Newfound Cabs that my vehicle is not insured
 18 and get it off the road until such time as
 19 everyone is satisfied that I do have a
 20 policy in place. Then and only then can I
 21 go back to work.
 22 There are many other aspects that need
 23 to be addressed in an effort to save not
 24 only our industry, but also provide relief

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1 to the general consumer in a quest for a
 2 reasonable insurance rates.
 3 The VOCM question of the day for last
 4 Tuesday asked the general public if the PUB
 5 should make a recommendation on soft tissue
 6 injury and a cap. There were 2,210
 7 respondents and 62 percent voted in favour
 8 of the question, 29 percent voted against,
 9 and 9 percent didn't know. The question
 10 that has to be answered here is now how is
 11 government going to bring in effective
 12 changes to the insurance industry in this
 13 province so that all individuals are insured
 14 on their personal driving record, as the law
 15 currently states, not on what they drive or
 16 how long they drive, or where they drive in
 17 this province.
 18 Once again, Madam Chair, thank you very
 19 much for allowing me the time to make this
 20 presentation.
 21 CHAIR:
 22 Q. Thank you, Mr. McCarthy. Do you have any
 23 questions?
 24 MS. GLYNN:

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1 Q. No questions, thank you.
 2 CHAIR:
 3 Q. And we don't have any questions for you, so
 4 thank you so much.
 5 MR. MCCARTHY:
 6 Q. Thank you very much.
 7 MS. GLYNN:
 8 Q. That concludes our presentations.
 9 CHAIR:
 10 Q. Okay. I'd like to thank all the presenters
 11 who went through the efforts to appear
 12 today. It's really important that we hear
 13 from those who have an interest in or who
 14 will be affected by some or all of the
 15 issues we've been asked to review. Your
 16 input is very much appreciated, and will be
 17 considered by us as we complete our report
 18 to government. I'd also like to note the
 19 opportunity for any interested persons to
 20 make a written presentation to the Board
 21 remains open over the next few months. I
 22 think, Friday, September 14th, is the final
 23 date that has been set for receipt of final
 24 written comments. Thank you, everyone, for

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1 your efforts over the last seven days, and
 2 with that, I think we'll adjourn at the call
 3 of the Chair. Thank you so much.
 4 (UPON CONCLUDING AT 11:49 A.M.)
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CERTIFICATE

I, Judy Moss, hereby certify that the foregoing is a true and correct transcript in the matter of the 2017 Automobile Insurance Review, heard on the 13th day of June, 2018 before the Board of Commissioners of Public Utilities, 120 Torbay Road, St. John's, Newfoundland and Labrador and was transcribed by me to the best of my ability by means of a sound apparatus.

Dated at St. John's, Newfoundland and Labrador this 13th day of June, 2018.

Judy Moss

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