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**Official Report
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(Hansard)**

**Journal
des débats
(Hansard)**

Wednesday 30 October 2002

Mercredi 30 octobre 2002

Speaker
Honourable Gary Carr

Clerk
Claude L. DesRosiers

Président
L'honorable Gary Carr

Greffier
Claude L. DesRosiers

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LEGISLATIVE ASSEMBLY
OF ONTARIO

Wednesday 30 October 2002

ASSEMBLÉE LÉGISLATIVE
DE L'ONTARIO

Mercredi 30 octobre 2002

The House met at 1845.

ORDERS OF THE DAY

HIGHWAY TRAFFIC AMENDMENT ACT
(EMERGENCY VEHICLE SAFETY), 2002

LOI DE 2002 MODIFIANT LE CODE
DE LA ROUTE (SÉCURITÉ
DES VÉHICULES DE SECOURS)

Resuming the debate adjourned on October 24, 2002, on the motion for second reading of Bill 191, An Act to amend the Highway Traffic Act to ensure the safety of emergency vehicles stopped on a highway and people who are outside a stopped emergency vehicle / *Projet de loi 191, Loi modifiant le Code de la route afin de garantir la sécurité des véhicules de secours arrêtés sur une voie publique et celle des personnes qui se trouvent à l'extérieur de tels véhicules.*

The Deputy Speaker (Mr Bert Johnson): I'm looking for leadoff speakers, and I'm starting with the government, to my right. I'll look to my left, the Liberal caucus.

Mr Dave Levac (Brant): Mr Speaker, I'll be sharing my time with the member from Elgin-Middlesex-London.

Mr David Caplan (Don Valley East): The outstanding member from Elgin.

Mr Levac: The outstanding member from Elgin-Middlesex-London. He's extremely outstanding. I want to put on the record, Mr Speaker, that there was a large guffaw on a previous bill that was voted on that I'm going to make reference to only for a short moment. I know the member who is going to be speaking will comment on it. When time allocation gets used as often as it has been in this sitting, it's very standard practice not to vote in favour of doing that because it stifles debate. That's what was voted on just before dinner. I think it's important to point out that the member beside me is an extremely active and large advocate for our farmers in Ontario. I've heard from members across my riding and across the province how proud they are to know of the hard work Mr Peters does on behalf of farmers in this province. I don't need to be speaking on him.

Mr Tony Martin (Sault Ste Marie): On a point of order, Mr Speaker: My colleague is putting some very

important comments on the record here on a piece of legislation, a piece of work that we're doing here tonight, and I don't think we have a quorum to hear him. That would be really unfortunate.

The Deputy Speaker: Would you like me to check and see?

Mr Martin: Yes.

The Deputy Speaker: Would you check and see if there is a quorum present.

Deputy Clerk (Ms Deborah Deller): A quorum is not present, Speaker.

The Deputy Speaker ordered the bells rung.

Deputy Clerk: A quorum is present, Speaker.

The Deputy Speaker: The Chair recognizes the member for Brant.

Mr Levac: Thank you again, Mr Speaker, for that opportunity to put the clarification on the books. With that, I will move to my discussion of Bill 191. By introduction, Bill 191 is called An Act to amend the Highway Traffic Act to ensure the safety of emergency vehicles stopped on a highway and people who are outside a stopped emergency vehicle.

I want to thank the Minister for Public Safety and Security for continuing the fine tradition I've been able to continue with his predecessors, and that is, introducing legislation that is very concise and pronounced in terms of the issues we're speaking about. I can offer him my assurance that I have spoken to caucus, and we intend to support the bill because of its level-headedness and the abilities of what we're trying to do here with this. There are a few options that I will be presenting him, and he knows that I take that job seriously. Recommendations that I will be making to the minister I hope will be taken seriously and given due diligence in terms of improving this particular piece of legislation.

1850

I do believe that going to public inquiry and looking at public consultation is an important aspect. I hope that we can get it to a committee and hear from the experts and from people who have expertise in this area. There are actually people out there who have expertise in the construction of highways, the use of vehicles on the highways, driving on the highways; in particular, police officers in pursuit and those that do follow-up on stopovers on highways. We do need to hear from them.

I will make the assumption that the minister was advised on this issue, and some of the things that he has in the bill have been referred to by professionals. But I want to point something out: it may be seen as simple, as

trivial, but I can guarantee you that the people of the province of Ontario, when they hear this, are going to say it must make sense.

If we listen to what the bill says—I want to read it one more time and then I'm going to ask the minister to consider even the title of the bill. He says, "An Act to amend the Highway Traffic Act to ensure the safety of emergency vehicles stopped on a highway," and then he proceeds to say, "and people who are outside a stopped emergency vehicle." Might I respectfully suggest that we reverse those priorities, that we put the people first? That's who we're protecting. I know that's the minister's intent. I don't want to call into question the minister's desire in the introduction of this bill. But I think in terms of turning the title around, you get to say that you're interested in making sure that the person who's outside of the stopped vehicle is the first person we want to lay safety to, and then we'll talk about the safety of the vehicle, which, by the way, does not imply that we don't need to keep that safe, because quite frankly we've heard in the province of Ontario of the people who were inside the vehicle. So we're not talking about the safety of the vehicle; that's second. The most important part is making sure that we keep those people safe on the highway.

So I want to move on to support of this bill. Recommendations will be made. We look forward to public hearings to obtain very sound and professional advice that will be available, that is available, and has already been offered. I've already spoken to some people who have brought up a few small points about this bill that I hope we will be able to get changed, modified and improved.

We do support legislation that protects our police officers, be they OPP, municipal, RCMP, special constables, correctional officers in transport or probation and parole officers. We make sure that we make it very clear on this side of the House, as I know it is on that side of the House, that we value and support our police officers in the line of duty. We know that it is an extremely dangerous job, day in and day out, because you don't know what's going to happen from day to day. And because we don't know what's going on from day to day, we anticipate that we will be able to try to provide legislation that supports them by the best possible means we can. That means changing a culture, and I think we have to understand that that's what this means.

We need to change a culture of thinking about what's going on on our highways. That has happened over the years with Mothers Against Drunk Driving. It was no more than 10 or 15 years ago that, when people who were tried in court for drunk driving, the jury would sit back and say, "Jeez, that was me Saturday night. I can't find this guy guilty because I was doing that myself on the weekend." Now we've changed the culture of expectation. We've changed the culture of what we expect to have happen in our communities across the province, and what's going on in drinking and driving. So that's what we're actually going to try to do with this type of legislation: change a culture. We want to try to change the driving habits that people have.

I want to bring the attention of the minister to what he knows exist in this House right now that the government could actually take and move along; that is, private members' bills that presently exist, that are in the House, that have been introduced and are accessible. One I would like to mention: the member for Sudbury, Rick Bartolucci, has a bill on studded tires. I know they were banned in the past because they did some damage to highways. Well, that was 15 years ago, I believe, and from then to now, I hope the minister realizes, studded tires have made a resurgence because of innovations in technology and the design of the studs. We know for a fact that they are endorsed by many organizations that realize that for the safety of our citizens, particularly in the north and in snowy areas and icy areas, on particular highways but also in municipalities, studded tires can provide more control on the roads.

So I would invite the minister to do some research and take a look at that and consider that that may be an option that is considered a valuable tool in the exercising of this particular bill. The reintroduction of studded tires is an opportunity that I think we should not throw away easily. So I would commend the member from Sudbury for his work on that and ask the minister to give that some consideration to improve the status for that opportunity.

It doesn't mean that it has to be in this particular bill, but as a companion bill that helps you with your purpose. Your purpose is to protect those officers and those emergency service people from being hit by any other car or vehicle. In bad weather studded tires do have a role to play in getting control of those vehicles so that they don't go into skids. That's an opportunity, and I hope that serious consideration is given to this.

The private member's bill I had also mentioned—there are some helmet bills, there are some safety issues that are being proposed on highways that need to be considered. All of those could be considered companion bills to the minister's. But I'd like to tell him one more time for reinforcement that the idea that you're presenting a bill today that's not cluttered with an awful lot of information provides us an opportunity to support, then turn around and ask for some improvements and some serious debate and conversation about that. When that takes place, I believe we would be better served. We want to make sure that we are advocating, on behalf of all, safety for all citizens, inclusive of what the minister is getting at in Bill 191.

I would mention Pat Hoy, the member from Chatham-Kent Essex, who has done a crusade, basically, on safety on the 400 series in his riding and around it. There are improvements, and I would suggest that the minister talk to the Minister of Transportation and make sure that he understands there's an opportunity for two ministries to work hand in hand to provide that safety that's necessary for our public safety/security people who offer those emergency responses, one being improvements on the highway shoulders to provide shoulder room so that when they pull these vehicles over, it's less likely to cause a problem in the next lane.

Rick Bartolucci, Highway 69; Pat Hoy, 400-series highways: that brings me to a point I'd like to raise for my own municipality, and that's Highway 24. Highway 24 is an exceptionally dangerous highway in my riding. It has actually taken quite a few lives, and unfortunately it's safety issues. Right now, in my conversations with Ministry of Transportation staff, there are an awful lot of segments of that highway that need rejigging, reworking, in particular focusing on safety issues. I would say to you very clearly that if our emergency workers are pulled over on Highway 24, I would be very much in fear of what would happen on that highway. That stretch of highway is absolutely dangerous.

I would submit to you that, working with the Ministry of Transportation, working with the Minister of Public Safety and Security, you could provide companions, again, to help me take care of Highway 24 and all of the citizens that are working very diligently and very hard on making sure that Highway 24 is safe and secure.

There are two issues that have come up. I'd like to give credit to the chamber of commerce, who have picked this up and asked for input on how to improve it, because it's an economic issue as well. I would suggest, and I've suggested this as a by-product of looking at Highway 24, that consideration be given to a 400-series highway connecting Highways 401 and 403 south and north, between Brant and further down in Haldimand-Norfolk and up to Cambridge, Galt, Kitchener, Waterloo, Guelph. That is an economic boom waiting to happen in terms of a proper transportation corridor to connect another segment. That in itself can be designed in a way that would keep it very safe for our police officers who have to do their duty on the highway.

1900

Those are three areas that I've mentioned that are an important aspect of the subsidiary of this bill. The bill itself needs to be passed, but we have to consider what else affects it. Those things, in clear contrast to what I'm trying to say, affect the safety and security of our police officers by improving the highway system so that when they do pull over—and it's not just an illegal thing that's happening. Our police officers, our emergency response people, pull over to help people who are in distress. They pull over for other reasons: for abandoned vehicles, to inspect and check. Because of that, they are putting themselves in jeopardy, specifically just themselves, in order to protect people on the highway.

Making those highways better and user-friendly, shall I say, for those who have to pull over—when you think about it, everybody who has driven on the highway system in Ontario can think of spots in their ridings they know should be improved. I understand that would be a very large burden on the province to do that but I think there are opportunities here to identify those.

I'm quite aware that staff in the Ministry of Transportation do projections—five, 10, 20 years down the line—of things that are happening and things they want to improve and fix up. So we definitely need to work toward the safety issue that is involved in Bill 191.

I will compliment the member because he has offered us another opportunity to say to the families who have lost loved ones how much we grieve for those officers. I've made the conscious effort that I will not review the individuals, in respect for their families, because in this House each of us has paid tribute to those officers. We've sent them our statements; we've sent them our comments of grief and sorrow and prayers. So I don't want to revisit the individual cases, but rest assured we are quite aware of the numbers of people who have been affected by what brought the creation of this bill. So in respect for those families, I will not name names. I think the minister knows that we could go through that, but I've chosen not to do that, in respect for those families, in respect for their memories.

It's important to point out that it must not be done in vain. It must not be done in a way that doesn't take into consideration the future of what we're trying to accomplish this evening.

Let's look at some of the background behind this. In the past five years we know that four OPP officers have been killed while giving out routine tickets, and some in traffic accidents in the past, some involved in chases and apparent chases, some involved in helping somebody else and while they were helping somebody else were tragically killed. In some cases we ended up with people who are injured seriously and can't resume their job as they know it.

In the United States, over 200 officers have been killed in the very same way that we're talking about in Bill 191: pulling people over. We've all watched those video shows that show the video cameras in the police cruisers taking pictures of cars wiping out cars that the officer pulled over. They've shown people getting hit on the highway. The videotape is a very stark reminder of the dangers that police officers go through on a regular basis. We know that it affects you, for sure.

I'd like to point out what the bill does and doesn't do. The bill makes it clear that any car approaching an emergency vehicle on the side of the road with its lights flashing must slow down, proceed with caution and must move into another lane. I'm assuming that means into the middle lane, depending on the circumstance behind the particular highway we're talking about. It's inconsistent, though, because we know that there are two-lane highways, there are four-lane highways and there are six-lane highways. So there needs to be some shoring up in that particular wording.

We also know that the member for London-Fanshawe, Mr Mazzilli, introduced this as a concept. As a former officer, he was quite aware of what was going on—and a diligent member of provincial Parliament, making that particular private member's bill out and turning it into legislation.

Here's a commercial that I would put in during this particular debate: I've offered a few pieces of legislation that I actually want the government to steal; I'm asking them to proceed with it and to move on to it, and those would be my private member's bills on anaphylactic

response for schools across the province and on school safety zones around our schools. We're talking about safety of individuals; now we're talking about safety of children. I would invite any of the ministers over there or any of the caucus members to grab a couple of those ideas and take a look. I would welcome you to introduce that as a bill. My roster is too far down the road. I'm back in 2004, and I can't get these bills out faster. It's talking about safety.

So I think it was a commercial, but at the same time it relates to the concept that the minister is applying across the board here, and that is to look out for the safety, in this case, of our police officers, our emergency response teams, and in my case, the safety and security of students. I would ask him to consider doing that.

Anyone who contravenes this law is guilty of an offence and liable for conviction of one of three things: on the first offence, a fine of between \$40 and \$2,000; and for subsequent offences—God knows that it does take some time for people to change their habits—of a fine between \$1,000 and \$4,000 and/or imprisonment for no more than six months. The court can also suspend the driver's licence of a person convicted of the offence. I'm hoping a court would think very seriously of automatically suspending somebody's licence for doing something like that. I don't think they should have that right for a long time. Hopefully they would lose their licence for quite some time.

The area that I'd like to talk to you about is what the bill really doesn't do. It doesn't explain what speeds cars must slow down to. It just says that they have to slow down. This is a judgment call. But if the minister is implying that police officers have that leeway to judge whether or not the cars slowed down enough, that opportunity exists already with police officers. Police officers make that judgment on a regular basis with all the laws that already exist. I'm suggesting that you need to at least have a standard that the police officer can judge it on. If the police officer has that knowledge that they must slow down to 10 or 15 kilometres less than what they're travelling or what the natural flow is, the police officer can really make a judgment because he or she is expert. They can say, "Man, they didn't slow down one kilometre, so I'm going to nail them." Or if they see somebody is trying to slow down to 10 or 15 kilometres less than what the natural flow is, then the police officer should have that as a natural thing to discuss. But just to simply say that we would provide them with an opportunity to make that judgment call—I think we need to have it even more specific, and I'll very clearly explain to you later on why I'm suggesting that.

The Ontario Provincial Police Association, the OPPA, is suggesting we reduce the speed between 10 and 15 kilometres. The people who are front-line officers—that's what the OPPA is, and they're the experts on the highways already—are suggesting it should be 10 or 15 kilometres for sure, because they feel comfortable slowing them down to that limit. So the suggestion would be, let's take a look at shoring up that section by giving it a speed constraint.

Police officers are supposed to catch those drivers who disobey this law. So the question would be, while they're doing this, do they have enough police officers on the road to take care of that emergency that stopped them there in the first place and then to follow the person who's not going slow enough? So it begs the question: how do we catch those people? I wouldn't assume for one minute that maybe the government would want to do photo radar. That might be an option that could be considered by this government: maybe we should put radar on them and say, "You were going, so you can have the ticket, and I can still attend to my emergency here." If they're going 15 kilometres over the speed limit they're supposed to go when an accident takes place or when you see those flashing lights, you could probably say to yourself that it makes sense that photo radar is an opportunity that could be used in that case. Because if they do, it's a very specific place, it's a very specific reason why they would use it, and it also says very clearly, "Do you know what? We do it."

Can you support it? It's a good idea. I think it's an opportunity that we should be discussing, because it does slow them down.

Hon Chris Stockwell (Minister of the Environment, Government House Leader): Why did you vote against it?

Mr Levac: I didn't vote against photo radar; I proposed it. I'm sitting back saying, "Where is it?" We've got a private member's bill that wants to put it in. So if we've got you guys here, we can put it in right now.

The bill is supported by the Ontario Provincial Police Association. The OPPA basically says, "Yes, we like it." But there are some things we need to take a look at and I'm looking forward to getting it to committee so we can have those experts come in and say, "You know what? We should tweak this thing and make these opportunities there."

1910

By the way, for the people listening, the OPP are the ones who actually oversee the 400 series. They are the ones who are on that highway, day in and day out, and know of the things we've been talking about.

This is a potential lifesaver, and I say this cautiously. This one could save somebody doing their duty. I think it's an important aspect of the bill that we can't under-score enough.

I'd like to give you examples. Minister, I did a little homework and found a few jurisdictions that use the type of legislation you're talking about. I'll run over the states that you have an opportunity to take a look at, to find out one of the differences in your bill that is absent, that needs to be looked at. They are Indiana, Ohio, Kansas, Wyoming, Michigan, Minnesota, Oklahoma, North Dakota, Montana, Maine, Illinois, Wisconsin, North Carolina, Louisiana, Kentucky and Florida.

One of the things that appeared to me to be the constant, that was there all the time, was the differentiation between flashing lights. The minister mentions red flashing lights only in this bill, and there are many different

types of flashing lights that are emergency response. The one that is painfully absent even from the United States that I would recommend the minister give serious consideration to is green lights.

Interjection: Volunteer firefighters.

Mr Levac: The volunteer firefighters. It wasn't mentioned in any of the states and it wasn't mentioned in this bill. So I'm giving the minister an opportunity to improve his bill again.

Mr Caplan: In committee.

Mr Levac: In committee. Include green lights, white lights, blue lights, amber lights, and the other emergency vehicles that are not covered by red, by law. Some people can't have red lights but they have other flashing lights that protect them as well. Is this specifically designed for police officers only? I don't think the minister is strictly saying that. I believe he's looking at the safety and security of all people who are providing emergency services and who have to stop on the highway. If that's the case, I'm suggesting to him that we really need to seriously consider the other lights, the other situations we find on those emergency vehicles. Green lights are an important aspect of that. I would suggest to him that those lights translate into who is affected. The authorized emergency vehicles in Indiana, for example, are fire, ambulance, police, recovery or highway maintenance vehicles. We need to say that we are concerned for all of our people who work on the highways. We want to make sure.

I introduced a bill a while ago that basically said, "We're going to double the fines and try to slow the speed down in construction zones." We also have to take into consideration that some of the dolts who are driving on the highway don't even slow down in a construction zone. There are people working right beside the highway, some in the middle of the highway, some on the other side, and in some cases they have to shut the highway down altogether. But the ones they don't, you've got construction workers who are working on the highway and, believe it or not, they have been dinged by cars going too fast. So I'm going to suggest that we take considerable time before we say, holus-bolus, that the bill's got to go. We need to talk about this. We need to make sure that we at least give the minister an opportunity to consider putting these little nuances I'm describing in the bill, because we want to make sure we get this right. We could be negating some people in there.

I couldn't believe the differences in the penalties: a 90-day suspension; a year in an injury to a person; a suspension of 100 days to two years upon a death; a two-year suspension in addition to any other penalty. That's a statement that I want us to remember, "in addition to any other penalty that's imposed," because it ended up in almost every single one of the states that did it. I don't want any of those catchphrases that say, "This is the penalty we're going to impose." I want it on top of any other penalty that's imposed. That should be in the bill; it's not in the bill.

There are fines that range from \$60 to \$6,000. I believe, on this side of the debate, the minister has the

penalties right. If we want to talk about increasing those, we can always do that, and I'd appreciate that opportunity.

I did find there is one in Canada: the Highway Traffic Act in Saskatchewan. Page 22, section 37.1(1) reads:

"Passing emergency vehicles:

"37.1(1) No person shall drive a vehicle on a highway at a speed greater than 60 kilometres per hour when passing an emergency vehicle that is stopped on the highway with its emergency lights in operation.

"(2) Subsection (1) does not apply where a vehicle is being driven on a highway that is divided into two roadways by a median and the vehicle is travelling on the opposite roadway from the emergency vehicle."

I want to bring to your attention that it did make it a commitment; they must have done some studying. I called the people in Saskatchewan and they basically told me, "Our research indicated that the more you drop the speed, the safer people are." So they dropped it to 60 kilometres an hour. That's it. You've got to go down to 60. As you know, speeds increase by the way the traffic is moving, so the OPP have that flexibility to allow it to go.

I believe right now the average speed on the 400 series is somewhere in the neighbourhood of 120 klicks, so if you slow it down by 10 kilometres, you're slowing it down to legally still speeding on the highway. Dropping it to 60 and bringing it down, you're sending a clear message that you're interested in saving lives.

That refers me to my other bill, the school safety zones I'm asking for. In the school safety zones, research showed me that for each 10 kilometres by which we drop the speed—there is a 98% chance of death if you're driving 70 kilometres an hour and you get hit. As you drop that speed down by tens, it diminishes. So when I drop the safe school zones down to 30 kilometres an hour, the chance of death when hit by a vehicle was 32%, which means you drop it from 98% all the way down to 32%. So we are talking about the old adage, proven by that research and proven by the OPP, that speed kills.

I would encourage this government to consider very seriously that this speed needs to be dropped, and we need to take that number and then give the OPP some flexibility in how it wants to apply that rule.

There's no doubt in my mind that this bill is intended for the very reason that the minister intends it in the first place. I appreciate so much the fact that this bill was created just by itself as a stand-alone piece of legislation, that it wasn't attached to several other things that could be unpalatable to accept. The legislation is a clear example of the minister's commitment. I respect him for that and I appreciate the fact that he's given us a piece of legislation that indeed is supportable. But I reiterate that there are some things to do in this bill to make it even better.

I clarified those recommendations, I hope, and I want to offer a couple of new ones that the minister should take seriously.

Number one, let's include all the flashing lights. Let's include in particular the green in support and respect of our volunteers. The green lights do not appear in this legislation. The green lights are for our volunteers. That should be included, absolutely, because the green lights are there and are important, as are amber and white and blue. I will tell the honourable member that in my research, the states that have this type of legislation have included in a very different way all the different systems being used in emergency stops. The idea is not simply the red. The idea is to include all of them because when there's one set of lights, it usually attracts another set of lights. It makes sense: tow trucks, emergency vehicles, the fire department.

1920

Mr Peter Kormos (Niagara Centre): Make it "any flashing."

Mr Levac: Any flashing. I like that as an amendment and I support you on that. I think one you forgot to mention, if I'm not mistaken—I reviewed it. You didn't say green.

Mr Kormos: Yes, I did say green.

Mr Levac: Did you say green?

Interjection.

Mr Levac: Absolutely. I'm glad for it. I withdraw that and give you back the credit you deserve. I appreciate that so much. So green was included in what the NDP member commented on the first time this bill appeared. I am supportive of that and I do think it's the right thing to do.

To improve the highway structure is the other—

Interjection.

Mr Levac: I think I got a nod of approval from the member over there, who said, "That's right," because if you don't deal with that, you're not taking care of the symptom. That is to say, we need to improve the highway structure, the shoulders.

Here's one I'm suggesting. I don't know if it was mentioned. Unfortunately, I was attending a funeral when the bill was first introduced and I didn't get a chance, but I reviewed this. I don't think they mentioned this. The Ministry of Transportation is instructed to include education in our driver education courses and the tests, to include that in the test before they get their licence so they have to prove they know that rule.

Mr Kormos: And a promotional campaign.

Mr Levac: Absolutely. You're ahead of me. And that we use now a promotion, which is mentioned in some of the states. They have a promotion.

Here's another one, which I know we use quite well here in this province but need to do more of and need to do it better, that is, our message boards on the highway structures, those message drivers that appear before us: "Drinking and driving is bad." "Highway 23 is closed." "Take this turnoff." Those message boards are quite effective. I saw the research on that and it does improve driving habits. It tells us, "Don't use that phone." As a matter of fact, if you see it, some people actually turn the phone off when they see those message boards. So let's

use the message boards to tell people about the safety vehicles on the side of the road.

I want to come back to this one, which was here in this province but we subsequently decided was not good for our highways so we took it off the road: studded tires. The new technology of studded tires being used in Europe now is much better than the old metal studs and they don't destroy the roads. The old excuse that was used to get rid of them was, "They're hurting the roads." I'm suggesting we need to re-evaluate the studded tires and go back to the drawing board. The science behind it has indicated that when used properly, the studded tires actually do give more control on the roads. Quite clearly, you need to add that to this bill, because that's another component that helps keep those police officers and emergency response personnel safer, if you don't skid when you slow down in front of those vehicles stopped on the side of the road.

Now, some people might be sitting here kind of bored with this discussion. They're sitting back and saying, "Oh, come on, let's cut this off." But I've offered seven different ways in which we can improve this particular bill, and I know the member from Niagara Centre offered some opportunities as well to improve the bill. When we get that to committee—I'm assuming that's what we're going to do—those recommendations, along with those from our professionals—

Mr Kormos: I bet you the CAA would want to comment.

Mr Levac: Absolutely. There's the CAA, there's the OPPA, there's the OPP, there's the truckers association, there's the people who produce the studded tires who could provide us with the science. If we can pull those people together, we can have a piece of legislation that is not only going to be of great value for our police services officers but for the safety of all the people who drive on the highways of Ontario. As we produce this, as we go forward with these recommendations, I'm sure the minister intends full well to hear those arguments. I'm sure he has done some consulting already.

Mr Kormos: Maybe he needs time to reflect on them.

Mr Levac: The member for Niagara Centre says he needs time to reflect on these ideas. Some of them are so good and so easy that I think you can adopt them immediately.

Mr Caplan: But others?

Mr Levac: But others need some time and they need some committee work and they need public consultation from the experts. Once that happens, there's no question in my mind that we'll have legislation about which each and every one of us can stand up and say, "Do you know what? This is the right thing to do and we're going to support it."

I want to ask one more thing. The member wasn't here when I said this and I want to come back to this. This sounds petty, it sounds simple, but I want us to send a message. Listen to the title of the bill: "An Act to amend the Highway Traffic Act to ensure the safety of emergency vehicles stopped on a highway and people who are

outside a stopped emergency vehicle.” My request is, let’s flip them around. Let’s put the people first and then worry about the vehicles after. Isn’t that interesting? Did you really read that? It says we’re interested in the safety of the vehicle. Isn’t that interesting? Isn’t it sad? Maybe it’s my warped sense of priority, but I want the people saved first, then the vehicles. But as I pointed out, I’m assuming the minister meant the people inside of the vehicle, that we want to keep them safe. If that’s the case, then I’m all for it.

I’ve made so many points that I don’t want to confuse anybody. I think it’s understood that we have some ideas we’re going to apply, we have some things we want to do. I am going to move adjournment of the House, Speaker.

The Deputy Speaker: Mr Levac has moved adjournment of the House. Is it the pleasure of the House that the motion carry?

All those in favour say “aye.”

All those opposed say “nay.”

In my opinion, the nays have it.

The division bells rang from 1927 to 1957.

The Deputy Speaker: All those in favour will please rise and remain standing until counted by the Clerk.

All those opposed will please rise and remain standing until counted by the Clerk.

Deputy Clerk: The ayes are 8; the nays are 22.

The Deputy Speaker: I declare the motion lost.

The Chair recognizes the member for Brant.

Mr Levac: The bill I was referring to as a private member’s bill was Bill 137, An Act to amend the Private Investigators and Security Guards Act to require a minimum level of training for licensees and to require that uniforms and vehicles of security guards be readily distinguishable from those of the police. That bill basically says we need to move toward having our security guards licensed and making sure they can’t have any kinds of lights on top of their vehicles that mimic those of the police. This particular section in Bill 191 would allow them to make sure there’s a distinction between the two.

Finally, it’s now time to relinquish my time to the member from Elgin-Middlesex-London.

Mr Steve Peters (Elgin-Middlesex-London): I appreciate the comments my colleague has made this evening advocating support for the legislation in front of us. I’m very pleased to stand up and speak in support of this legislation here this evening.

It’s very interesting to hear the kibitzing taking place across the floor and the comments that have been made about how you don’t support agriculture, but I think it’s very important to send a message out not only to the agricultural community but to everybody in this province that the time allocation motion we dealt with this evening is effectively shutting down and stifling debate and not encouraging good debate within this Legislature.

This is important legislation in front of us. It’s important that we do what we can to provide support for our emergency personnel, be they police, fire or paramedics.

Comments that have been made in the Legislature this evening bear listening to and require us to give consideration to some aspects of this legislation that may require amendments. We know right now that a number of emergency personnel vehicles on the roads do not necessarily have a red light. You will see at times, even with police vehicles, if you’re driving down a highway and approaching a vehicle that you would be coming at, some of the police vehicles are using a yellow light now. I think that needs to be taken into consideration with this legislation. We need to recognize, as has been pointed out this evening, that the volunteer firefighters in this province now have a recognizable light on their front dash: a flashing green light. I think we need to incorporate that into the legislation.

As well, consideration maybe should be given to those individuals who operate tow trucks in this province. Three constituents from my own riding three years ago were killed on Highway 401 in the course of doing their duties as tow truck operators.

If we’re truly committed to protecting those individuals out patrolling the roads of this province, we need to make this is an all-encompassing piece of legislation. I trust we will be having public hearings on this bill to allow all those individuals who have comment to make about this bill that opportunity to come before a standing committee of this Legislature and make their comments known. I think every one of us wants to do everything we can to ensure the safety and security of those individuals who keep the road safe.

I want to make comment on some things that, when this legislation passes, we need to do. I think a lot of common sense courtesy has been lost by drivers in this province. One only needs to look, as an example, at a funeral procession. I attended a funeral on Thanksgiving Monday for a good friend of mine, Craig Stevens, 37 years old, passed away as a result of an epileptic seizure. Craig’s funeral procession was probably three kilometres long. As we left St Thomas and drove to a small rural cemetery, I was amazed by the lack of courtesy of oncoming drivers. Recognizing that a funeral procession is taking place, you should have that courtesy to pull off to the side of the road. We’ve lost that sense of understanding what a funeral procession is all about.

I sense with this legislation as well that we need to undertake an aggressive education campaign, an education campaign that of course we have to start in the high schools with the driver training program, for those individuals out there providing driver education. We need to ensure that any changes such as those being proposed this evening are incorporated into driver training manuals.

Mrs Margaret Marland (Mississauga South): That you are trying to oppose.

Mr Peters: Who said we were opposing this?

Mrs Marland: Why did you just try to close off the debate?

Mr Peters: I didn’t try and close off debate. I came here this evening to speak to this bill.

Mrs Marland: Why did you move adjournment of the House?

Mr Peters: I did not. Mr Speaker, I take exception to that comment. I did not stand up and move adjournment to this debate, so don't say that.

The Deputy Speaker: Order. We can't have this talking back and forth. I will ask the member speaking to address his comments through the Chair. I would ask those other members to get themselves under control.

Mr Peters: I think it's incumbent that when this legislation is passed and receives royal assent, we do everything in our power to ensure that we start to educate the public.

Also, much like when a municipality will pass a resolution on a specific issue and then in turn send that resolution to another municipality and another municipality for endorsement, I think what we need to do when this legislation passes in Ontario is to make the other provinces and states, those that do not have similar legislation enacted—my colleague named a number of US states that have similar legislation in place. I think it would be a very good thing for us to do in Ontario to make the other provinces in Canada and the other American states aware of the legislation we've passed and encourage them to pass similar legislation. What that in turn will do is not only protect police, fire and ambulance and potentially tow truck operators all across this province but start to raise awareness across Canada, across North America, so when an individual crosses the border from Michigan into Canada, they know that those same rules applicable in the state they come from are going to be applicable in Ontario.

I don't think we do enough of that. Legislation that has the unanimous agreement of all of us in this Legislature, legislation that is good for this province, is going to be good for other provinces. So why not follow the example that municipalities pass when they endorse a resolution? Why don't we do a similar thing provincially, of encouraging other Legislatures across North America to adopt similar legislation? That way we develop that consistency across the country.

We hear a lot of comments about advertising and how advertising dollars are spent. My beef has always been partisan advertising, advertising that definitely is of a partisan nature. But I think there is advertising that the government can initiate that isn't of a partisan nature and is not going to be of concern to us in the Legislature. As an example, I've always supported the tourism advertising we undertake in this province, because we all win. It's a non-political issue. This is another piece of legislation that I think would be worthy of advertising, because it's done in a non-partisan way, to protect individuals. That's what we truly need to do.

There are other issues that I think we need to consider. One of my beefs has always been, as a southern Ontario resident—I see my colleague from Nipissing here today. I've always been envious of northern Ontario's use of passing lanes. Why passing lanes have not been used in southern Ontario as they've been used in northern

Ontario is beyond me. I see that the passing lane will work toward reducing accidents on the road, give the driver more confidence of knowing they don't have to take a chance to go out and pass. But we don't do that in southern Ontario.

Gosh, the most dreadful ride is the ride from St Thomas to Fort Erie. Highway 3 is a slow ride. It's a scenic ride—you see some of the finest country in southwestern Ontario—but it's a slow ride. Why we haven't initiated passing lanes, I don't know. Look at the highways in northern Ontario, where they not only have passing lanes, but I can remember the days when they used to have the nice paved shoulder. They've done away with this, where you used to be able to drive along and out of courtesy you would pull over to the side on a paved shoulder and you had a clear path to pass—good, paved shoulders.

We need to ensure that we have adequate shoulders in southern Ontario, of good width, to allow not only the vehicle that's being pursued but that security vehicle, be it police, fire or paramedic, the opportunity to adequately pull off the road. But some of that may require some resources, and those are resources that need to come from the provincial government.

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I look within my own riding, and I'll use Highway 3 as an example. Highway 3 east of St Thomas is still under the control of the provincial government. Highway 3 west of St Thomas has been downloaded to the municipalities. The municipalities have had a number of highways downloaded to them, and the costs to maintain those roads have become quite high.

As we're talking about highways and security and safety, I want to make a point about something that has really troubled me about this government. It deals with the 400 series of highways, and I'll speak specifically of Highway 401. My riding of Elgin-Middlesex-London has 82 kilometres of Highway 401 passing through it. When I leave Oxford county and cross into Middlesex county, it's a three-lane highway, and that three-lane highway exists until just west of Highway 4. But at Highway 4, we go back to a two-lane highway, no longer with a cement median but ditches. Highway 4 just south of Lambeth, from the municipality of Tempo to the Chatham-Kent line, is a two-lane highway.

I think we need to give consideration to widening the 401 in those areas in particular. In the area between the Oxford-Middlesex line and Tempo, we've got good, wide shoulders, but when you get beyond Tempo at Highway 4, the shoulders are much narrower. So I think consideration needs to be given from the Ministry of Transportation's standpoint to extending and widening the 401.

Another issue I would love to see our Minister of Transportation address is the whole question of when Highway 401 is shut down because of emergencies. When Highway 401 is shut down, we need to keep the lifeline of this province. We live in a just-in-time-delivery province right now. When Highway 401 is shut

down, those vehicles must leave the 401, exit the 401, and move on to a county road. I commend the county of Elgin for what they've done in developing emergency detour routes so that we ensure a way for vehicular traffic in this province to get around a shutdown on the 401. But the county of Elgin has never been compensated for their work at keeping this province moving. The county, at their own expense, has erected signs identifying an emergency detour route. The county bears all the costs associated with that emergency detour route. The county of Elgin has undertaken this to ensure that we keep traffic moving in this province, but they have not been compensated for their initiatives by this province. I see that as a real failure of the Ministry of Transportation to recognize the important role the county of Elgin plays in keeping traffic moving within Ontario today.

We need to recognize the important role our emergency personnel play. I think the Minister of Public Safety and Security recognizes that. The minister wouldn't be here this evening if he didn't recognize it. The minister would not have introduced this legislation if he didn't recognize that we have to do everything we can to ensure the safety of our emergency personnel in this province.

I'm proud of the emergency personnel I have within my own riding. I look at the police services that are there, from the OPP to the Aylmer Police Service, the London Police Service, the St Thomas Police Service. I have 11 municipalities in my riding. I have full-time fire services that exist in St Thomas and London. I have volunteer services that exist in the other municipalities. We have ambulance or paramedic personnel stationed in St Thomas, in Dutton, in London. They're stationed in areas just outside of my riding, in places like Tilsonburg and Ingersoll, that all play a role at looking after my constituents. Those are individuals that we need to not only pay tribute to, but it's incumbent on every one of us in this Legislature to do everything in our power to look after their safety on a day-to-day basis.

I want to pay tribute, as well, within my riding, just outside of Aylmer at the Aylmer Technical Training School, which was part of the Commonwealth Air Command that was part of the Second World War that helped train individuals to fly planes as ground personnel, a whole variety of areas. Then back in the 1960s, at the urging of one of my predecessors, Mr Ron McNeil, who served this Legislature and served the constituents of Elgin for well in excess of 30 years—Ron McNeil successfully advocated for the Ontario Police College to be established in Aylmer. The Ontario Police College has played such an important role at training police personnel all across this province.

Hon Robert W. Runciman (Minister of Public Safety and Security): He's talking about Peter North.

Mr Peters: It's way before his time. You're the ones that are trying to get him back.

The police college has played such an important role, and I am pleased that the minister—

Interjection.

Mr Peters: Maybe last time I might have been afraid, but not this time.

I'm pleased that the minister recognizes the important role that the police college plays, even including in his announcements this week that the police college is going to play a very important role in trying to help the police services in this province. It's important that, at the police college level, we train our police officers in the best procedures and proper procedures, and I know that's going to happen. I know that staff at the police college are going to work to train those new recruits at proper methods of pulling over a vehicle that they're pursuing.

But we need to ensure that we take that education beyond the police college, and that we take that education and we put it into the driver training programs, we put it into the classroom, we put it out on the streets so that the public understands. I truly would encourage the minister to take this legislation to public hearings so that we make sure that there are no holes left in this legislation. Like anything that we do in this Legislature, let's make it the best. If there are other amendments, and I know some of my colleagues have other amendments, and colleagues on all sides of the House have amendments for the Highway Traffic Act that they would like to see incorporated instead of an omnibus bill that covers a whole variety of ministries, why not look at some sort of an all-encompassing bill that looks at the Highway Traffic Act?

Speaker, I thank you for the time, and I'm pleased to stand up and support this legislation.

The Deputy Speaker: Comments and questions?

Mr Kormos: I acknowledge, I was a little late getting here. I was down at the Ontario professional firefighters' convention in Niagara Falls earlier today, and then I stopped by St Mary's school in Welland, where they were having a book fair for the youngsters and their families. So I stopped by, I read some kids a story and encouraged them to become interested in reading, and so many of them are. But I walked into this chamber tonight and was struck by the acrimony, the heated exchanges that, quite frankly, embarrassed me a little bit, shocked me. I was frightened by the volatility of some of the members.

Look, the opposition doesn't call the government's bills; it's up to the government House leader to determine the order of business and to prioritize. We in the opposition, in both caucuses, have demonstrated a great deal of interest in this bill and a great deal of support for it. In fact, when I spoke last week and when Mr Levac spoke today, both of us made it clear that we'd dearly love to see this bill go to committee promptly, and get some consideration around amendments. Yes, I would like to hear from the CAA and tow truck drivers, and from the police in response as to whether or not those tow truck drivers with their amber lights should be included. I'd like to hear from volunteer firefighters with their green lights in their vehicles, again, who are in similar positions of risk. But you have to understand, our job is to utilize the scarce debate time allowed us by this government to express the concerns that we have, as we do about this bill, and our support.

Earlier the member, in the interests of creating a short hiatus here so there could be some reflection on the issue around committee hearings, called for an adjournment—

Hon Helen Johns (Minister of Agriculture and Food): What a weak excuse that is.

Mr Kormos: Please—people became incredibly heated and irate. I'm asking folks to calm down. We've got to work together, friends.

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Mrs Marland: Tonight we are debating Bill 191, and we have witnessed the worst example of politicizing and manoeuvring that I have seen on a life-and-death bill. When this bill is passed, it will save the lives of police officers all over this province in all police forces. This Liberal opposition who moved adjournment of the House tonight would have lost us today's debate. How two-faced can politicians be in this chamber—

The Deputy Speaker: I'm sorry—

Mrs Marland: I withdraw it, Mr Speaker.

Everybody knows what it means when you stand up and speak in support of a bill, as the Liberal and NDP caucuses are doing on this bill, and yet vote for adjournment of the debate. The following members: the member for Brant, Mr Levac; the member for Elgin-Middlesex-London, Mr Peters; the member for Don Valley East, Mr Caplan; Scarborough-Rouge River, Mr Curling; Glengarry-Prescott-Russell, Jean-Marc Lalonde; Sault Ste Marie, Mr Martin; Timmins-James Bay, Mr Bisson; and Niagara Centre, Mr Kormos—they all voted to adjourn this House and not get on with this bill so we can start saving lives immediately for our police forces around this province.

The interesting thing is that the member for Brant, Mr Levac, and the member for Niagara Centre, Mr Kormos, are the critics for policing, and yet they do not want to immediately process this bill to its final and third reading and proclamation to save the lives of those people who are protecting us every single day.

This bill requires motorists to move over when police vehicles are engaged.

Mr Caplan: I certainly want to congratulate the members from Brant and Elgin-Middlesex-London for their comments.

Neither of them mentioned that the Minister of Public Safety and Security didn't even bother to get up to speak to this bill. I am shocked that no government member would even want to talk about this bill.

The member who just got up from Mississauga South said, "You've got to get it out and get it done." The government could have sent this off to committee after first reading if they had wanted to. The government could facilitate the business of this House in so many easy ways, yet they choose not to speak to a bill, not to send it off to committee.

We're very interested in talking about this bill. We support not only our police but we support safety on the roads for all drivers, for all pedestrians, for the people who are there. It would be the only responsible thing for any member of this Legislature to do. But there are very

legitimate questions, very legitimate points of view, that need to be heard. We want to hear them at the committee level, and I think my colleagues have indicated that very clearly.

There's a question, of course, of how this bill would even operate, of what speed cars would have to slow down to. When Mr Runciman introduced the bill, he said that it would be a judgment call. Well, that's a very nice thing, but I think there needs to be some clarity around this kind of a point of how an officer would even catch a driver who didn't slow down to whatever that judgment would be. Are they supposed to write up the ticket or adjudicate the accident at the side of the road, get in their cruiser, speed away and catch whoever it is? There are certain practicalities.

We want to understand these things; we want to talk about them. That's a very legitimate and responsible attitude to take. I'm disappointed that no government member would even want to enter into this debate and talk about this matter.

Mr Martin: I want to say that I was sitting here very calmly listening to this debate, hoping to hear some good information that would help me make decisions about what I would support from our caucus in terms of amendments to this bill and how we might improve it so that at the end of the day we all felt that we'd done the best that we possibly could to put in place a piece of legislation, a framework within which police could feel safe doing their job on the road. I listened to the member for Brant, who talked about an issue that this government played politics with around the safety of police officers in this province, which was photo radar.

Photo radar: do you remember that? We brought in photo radar, supported by the police in this province so that we could reduce the carnage on highways, slow the traffic down so that police officers weren't put in danger. What did you do when you first came in here in 1995? You threw out photo radar. Where was your concern then about police officers and killing them on the highways and the carnage on the highways in this province?

The statistics that were coming out the year after and two years after photo radar was put in were absolutely phenomenal, the reduction that was out there for accidents on the highways and carnage. The police were 100% behind photo radar. They thought it was the best thing since sliced bread. They were 100% behind photo radar. They came to committee because when we were government we actually went to committee and listened to people and we received amendments and we allowed some of those amendments to pass through. It didn't matter where they came from. If they were—

Mr Kormos: Five days of debate plus committee.

Mr Martin: Five days of debate, yes, absolutely. When we heard amendments, it didn't matter whether they were from the public out there or the opposition or the government. If it was a good idea, we accepted it and we passed it and made it part of the legislative framework of this province.

What about the fact that you've reduced the number of police officers out there to protect each other as they try

to protect our communities across this province? Literally thousands—we had the chiefs of police in here yesterday and they told our caucus very clearly what they needed. They need more police officers out there on the streets.

Interjections.

The Deputy Speaker: Order. I just wanted to point out that passion isn't any more passionate because it's loud and right isn't any righter because it's loud. There is nothing in our rules that allows any kind of bickering back and forth. Grab hold of yourself; bring yourself under control.

We have had four comments and questions. Now we'll go back to the member for Brant for two minutes of windup.

Mr Levac: As is the tradition of this place, I want to acknowledge and thank the members for Elgin-Middlesex-London, Niagara Centre, Mississauga South, Don Valley East and Sault Ste Marie for their comments and concerns regarding this presentation that I've made.

I want to make it perfectly clear that the concerns raised by the member for Mississauga South have indicated to this place that the bill is now lost and the bill is gone. Quite frankly, I think there was more disruption and concern and consternation about having to bring people out of bed than there was in terms of speeches from members on that side about this.

I had people saying things to me while I was speaking. I had people saying to me, no more than five minutes into my presentation, "Cut, cut; don't say any more. Let it fall. Just go to sleep. We don't want to hear anything more." So I'm disappointed just as much in this particular tactic as I am to see those people who wouldn't allow me to make a presentation on this situation. I had four members approach me, looking at me straight in my eyes, walking right across the House and saying, "Don't talk any more. Forget it. Don't make any comments; don't make any points." So if you want to be upset about it, then be upset with your own members who walked around saying, "Don't talk about what the efficiency of this bill is all about."

I'm trying to provide opportunities to the government in terms of correcting the bill and making it better. I heard a member on the other side simply say, "You guys don't approve of anything we do." What do you know: there is no perfect legislation. There are ideas that need to be cultivated and improved upon. If we can't do that in this place, we're lost. If we think that everybody on that side is absolutely perfect and correct and we think everybody on this side is perfect and correct, we've got it all wrong. We need to enter into this debate with an open mind and simply say, "Let's get to it. Let's offer those amendments, let's offer those suggestions and let's do good legislation for the people of Ontario."

2030

The Deputy Speaker: The Chair recognizes the minister from Leeds-Grenville on a point of order.

Hon Mr Runciman: This government believes this legislation is an urgent priority and we're prepared to see it referred to committee right away.

The Deputy Speaker: That is not a point of order.

The Chair recognizes the member for Mississauga South on a point of order.

Mrs Marland: Mr Speaker, I would agree to unanimous consent for this to go immediately to committee, which is what the opposition is now asking, after having tried to adjourn the debate, the House. I'm requesting unanimous consent—

The Deputy Speaker: But you have to stop in order that I can put that to the House.

Mrs Marland is asking unanimous consent to move the bill immediately to committee. Is that unanimous consent agreed? It is agreed.

It's my understanding—

Interjections.

The Deputy Speaker: When you get a minute, I'd like to proceed with the business of the House. I'm advised that in order for it to go directly to committee, as has been agreed, it must be approved for second reading.

Mr Gilles Bisson (Timmins-James Bay): On a point of order, Mr Speaker—

The Deputy Speaker: If you'll just have your seat for a minute, I'll recognize you on a point of order after I have researched this a little further.

Interjections.

The Deputy Speaker: If you'll just listen, I think this might clear it up for you. I'm going to standing order 72(a): "At any time before the commencement of second reading debate on a public bill, during 'Motions,' the government House leader may move the following motion, no debate or amendment being permitted, 'That the order for second reading of the bill 'be discharged and the bill be referred to the standing committee on....'"

Since second reading debate has started, my ruling is that in order for this to proceed to committee, it must pass second reading. I'm going to just ask, if I can—

I'm informed that you need to be informed, that you have to be informed that in order for the unanimous consent that was just requested and just was given, that before you would consent to that you should be aware of the consequences of it, and that is that I then have to go directly to putting the question on second reading of the bill. Because I didn't make all of you aware of that, and I was ignorant of this fact myself, I'm going to ask you once more for the consent on the member for Mississauga South, Mrs Marland—she asked for unanimous consent that it go directly to committee. Now, after you have been informed what the consequences of that are, I am asking, is there unanimous consent for that motion? Agreed? It is not agreed.

Hon Mr Stockwell: On a point of order, Mr Speaker: As I understand it, the House did give consent to go to committee. I appreciate the fact that some members may not have been fully cognizant of what that meant, but it would seem to me implicit that since you gave consent to send it to committee, you would be implicitly giving consent to pass it on second reading.

The Deputy Speaker: If I hadn't already made a ruling, I think that would have been a very proper item to bring up, but we are going to proceed the way I have.

I'm going to recognize the member for Timmins-James Bay on a point of order.

Mr Bisson: I'm at debate.

The Deputy Speaker: I'll recognize the member for Mississauga South on a point of order.

Mrs Marland: Mr Speaker, I move that we proceed with the second reading vote to move this bill, to complete this bill through second reading. Then it can go to committee.

The Deputy Speaker: I want to be sure that I understand. The member for Mississauga South is requesting unanimous consent that this House consider the question on second reading of the bill. Is it agreed? It is not agreed.

Hon Mr Stockwell: On a point of order, Mr Speaker: I'd just like to say that we didn't get consent to send it to second reading, to committee, because the opposition voted against that.

The Deputy Speaker: That is neither a point of order nor a point of privilege.

Further debate? The Chair recognizes the member for Timmins-James Bay.

Mr Bisson: I'm most pleased to participate in this, our leadoff to this particular debate. It is an interesting evening that we've had here. I think the most interesting part was watching the government House leader run into the House at the fastest jog I've seen him run into this place in a long time. I've just got to say that was rather interesting.

I just want to say to the members in the House, especially the government members, that here they are trying to put on this act that they're really mad, that the opposition is holding up debate on this legislation and that somehow or other we're going to prevent passage of this bill. They're making it out to be just an awful thing. But they forget to mention that they're the government that changed the rules in this House. This government changed the rules of this House to the point where this House has become dysfunctional. You guys have to take responsibility for what you have done.

We are at the point now where basically the government controls the entire agenda of the House. They are able to pass a bill in this House in a period of five days. If the government decides, they come in, they do first, second and third reading, the fourth day they do a time allocation motion and on the fifth day they pass this second and third reading. Done. The government accuses the opposition—

Mr Martin: And they don't have the consent to even speed that up.

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Mr Bisson: Yes, this is where I'm going. The government's saying, "Oh, the opposition is holding this up. Oh, poor us. The OPPA and everybody else is going to get a Hansard about all this stuff." I'm saying to the government and I'm saying through Hansard to the OPPA, my, my, what are you guys all upset about? You're the ones who changed the rules of this House. You can do anything you want here in basically a one-week period.

You come in Monday, do second reading; come in Tuesday, do the second day of second reading; come in Wednesday, do the third day of second reading; time allocation on Thursday—bam, you're out of here on Monday.

So don't come to me and say we're holding up legislation on the bill. It's your incompetence in ordering the bills in the House to get this. If you wanted this bill, you would have called it on Monday, you would have called it on Tuesday, you would have called it on Wednesday, you would have had your time allocation on Thursday; you'd have been out of here by Monday of next week. So don't come to us in the opposition and say, "Oh, the opposition. We're sending out Hansards." Send Hansards to yourself.

The reality is that you guys control the agenda, and if you guys can't get your agenda straight and can't figure out how to run the House, don't come in here and start blaming the opposition for your mismanagement. In fact, we came in the House tonight and we were rather helpful, I thought. My good friend from Don Valley East knows I came into the House tonight—

Interjection.

Mr Bisson: Exactly. There were two points tonight where we came into the House—on the first point, we said to the government, "We're prepared to do a quick evening tonight." I said, "We'll each do 20-minute speeches and we'll be done this evening."

Mr Kormos: To expedite the passage.

Mr Bisson: To expedite the passage. The whip said, "Oh, we can't do that. I want you to give me two other bills." I'm going, "Well, come on. Whoa. Give me a break, Doug." You guys can do anything you want in four days, and you want me to give you two bills for what would be a saving of one day? Come on. On top of that, we suggested that we send this bill directly to committee, and the government didn't like it. So don't come to us and tell us that we're holding up the bill. We can't hold anything up here any more.

Imagine if we had rules in this House as it used to be when I first came here. I remember, when I was first elected, a bill would come into the House—

Mr Kormos: That was after the Peterson rule changes.

Mr Bisson: Yeah, yeah. But I just say, when I first came here in 1990 a bill would come into the House, a member could get up and stand as long as he or she chose to speak at debate. There was a case when Mr Kormos spoke for 17 hours on auto insurance—seventeen and a half; make sure he gets the full 30 minutes. Basically, members had the ability as the opposition to really hold up a bill if they wanted to. At the end of the day, what that did, in my view, is that it made the negotiations at the House leaders' meeting a little bit more meaningful. The government wanted to get their agenda passed. They basically had to sit down with the opposition and try to order the business in a way that was acceptable to the opposition, so rather than holding up the bill for a long period of time, maybe there was a bit of to-ing and fro-ing.

We're having a hard time trying to get government members to come in to even participate in this debate. Tonight we haven't had one government member get up and speak on this bill, except for a two-minute comment by the member from Mississauga East or West or whatever part of Mississauga she comes from. Here we are tonight—Mr Speaker, we don't even have a quorum here. I would ask you to check quorum so we can at least get members to come into the House and listen to debate on this every important bill. Mr Speaker, is there quorum?

The Deputy Speaker: Will you check and see if there is quorum, please?

Deputy Clerk: Quorum is not present, Speaker.

The Deputy Speaker ordered the bells rung.

Deputy Clerk: A quorum is now present, Speaker.

The Deputy Speaker: The Chair recognizes the member for Timmins-James Bay.

Mr Bisson: I'm so glad we were able to get some government members who care so much about this bill in here to at least listen to the debate. I implore them to get up and actually speak to the bill.

I was surprised tonight. I walked into the House and fully expected the minister of safety and whatever he does, Mr Runciman, to get up and tell us the reasons why this bill was important, but he didn't even get up. He didn't get up to speak on the bill and it automatically went to the opposition. The government is saying to us that, oh my God, we're not taking this bill seriously. I'd say to the government, you're the ones who are not taking it seriously. You don't want to debate it.

To go back to the first point I made, before I get on to talking about the bill: the government comes in here and cries a big river. They say, "Oh, my Lord, the opposition is holding up debate on the bill." You're the guys who changed the rules in the House. You can have everything you want in four days. Don't come crying to us. Monday, Tuesday, Wednesday, time allocation on Thursday—boom, it's out of here. So don't come to us and say, "Oh, opposition, you're holding it up." I say you have some incompetence on your side. You don't know how to do the agenda of the House.

Do you know what's the worst part? And I know my good friend from Niagara Centre will understand this. We do two sessional days per day. When I first got elected here we had, in one day, one sessional day, and we were able to organize the bills of the House and we had rules that said you can have debate as long as you want on a bill. We got our bills through the House because we sat down and negotiated with the opposition party and the then third party, the Tories and the Liberals, how we would get legislation thorough the House.

So let's get this straight. They don't get one sessional day per day, they get two sessional days per day, and they're saying they can't pass their bills? My Lord, what are the Tories coming to? What incompetence.

Mr Kormos: They couldn't organize a drunk-up in a brewery.

Mr Bisson: Well, tonight they could organize a drunk-up in a brewery probably, but on a normal night

they wouldn't be able to do it. I just thought it was rather a lame excuse for the government to come in here and say we're holding up the bill. We couldn't hold anything up here if we tried. All we can do is hold it for three days. Quite frankly, a number of pieces of legislation take a certain amount of debate. How many times have we seen bills come into this House where the government says to us, "Pass this in one day on unanimous consent."

Interjection.

The Deputy Speaker: Member for Nipissing, come to order.

Mr Bisson: "It's an easy bill. There's nothing to it. It's a no-brainer." And then we raise some issues—

The Deputy Speaker: The Chair recognizes the member for Niagara Centre on a point of order.

Mr Kormos: Mr McDonald doesn't get it. You're the heckler. You're supposed to be making Mr Bisson look stupid.

Hon Mrs Johns: On a point of order, Mr Speaker: I think that's unparliamentary.

The Deputy Speaker: That is not a point of order.

Interjections.

The Deputy Speaker: Order. I'd encourage you to reflect upon your behaviour. I'll give you that opportunity. If you'd rather, I'll reflect on it. If my meaning isn't absolutely clear, let me know.

The Chair recognizes the member for Timmins-James Bay.

Mr Bisson: Thank you very much, Mr Speaker. As I was saying, the government comes in here and says, "You can pass this bill lickety-split." And how many times have we seen the government come in here and say, "We've got this bill. It's a one-page bill; there's not a lot to it. We want to pass this in one day because it doesn't require any debate and it doesn't require any kind of committee time—"

Interjections.

The Deputy Speaker: The member for Oxford and the member for Simcoe North, you aren't reflecting enough. I'll not warn you again.

The Chair recognizes the member for Timmins-James Bay.

Mr Bisson: I was just saying that the government comes in here and says we're trying to hold up debate on this bill. There are a number of occasions where the government has come in here and said we only need one day of debate on a bill because it's so simple. I remember a number of bills the government brought in. For example, there was one particular bill where they dealt with assessment issues. They brought it into this House and said, "We want to deal with this in one day because it's so simple. There's nothing to it and we don't need any committee time." They passed that bill—actually, we held it up for three days. We had a fourth day where we did time allocation and the bill was voted on on the fifth day. Since then, we've had to bring in about four or five bills to fix the problem they had with the first bill.

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There are all kinds of examples where the government has hurried into the House and said, "We've got this bill.

We don't need a lot of debate and we don't need any committee time. Just trust us." After the bill is actually passed and has had an opportunity to be scrutinized by the House and the public, we find out it doesn't do what is purported in the title.

For example, there was the bill that Justice Day commented on, the Victims' Bill of Rights. Do you remember that one? The government brought in the bill; it was a very short bill. They introduced it and called it the Victims' Bill of Rights. The government came in and said, "Oh, the opposition is trying to hold up rights that individuals in the province could get if you'd only pass this bill in quick order and give the people in Ontario new rights as victims." We said, "No, there are problems with this bill. There are things you need to put in it to give it some teeth. You've got to make sure this bill is written in such a way to give the people of Ontario the rights you purport to give them in the Victims' Bill of Rights." The government said, "No, no, you're wrong. You just have to pass this. Trust us." We held up the bill as long as we could. It ended up that the government got their way because they're able to pass everything by time allocation. The bill was passed and eventually it was proclaimed.

Then one day in Ontario, a person tried to claim their rights under the Victims' Bill of Rights and weren't able to get their rights as a victim. They went before the court and Justice Day said, "There are no new rights given in the Victims' Bill of Rights. There is nothing in this bill that gives you any new other rights than what you had prior to the bill being passed."

There are all kinds of examples where the government says, "Pass this bill. It's so important. It's going to do something," but in fact it does exactly nothing that the government purports it's going to do.

I say to the government, take the time to draft your legislation properly. One of the things we need to do around here from time to time is take the time to draft a bill properly and send it off to committee. For example, when they did franchise legislation, there was an opportunity where a bill was referred to committee at first reading. That was a wonderful process, and I give the government full credit for that. Our critic, Mr Tony Martin, who's done a whole bunch of work on the issue of giving franchisees some rights around the contracts they get into with the franchisors, did a lot of work with the other committee members from all three parties in this Legislature to build what was a good bill.

We say that's a good way of doing things. At the beginning, you could say, "Here are our ideas as a government." For example, if we took this red light bill you're doing here, you could say, "We'll send that out to committee at first reading. There will be a chance for the police, for motorists, the CAA and other people to come before us to tell us what they think about this bill, to tell us if they think there are things that are missing or things we may have done wrong in the drafting of the bill." Then, once you bring it back for second reading, you've had a chance to amend the bill and you can have a good

debate at second reading. It wouldn't have to be for very long; because of the rules of this House, you'd only go three days. You'd be able to say, "The government purports to give a particular initiative some weight in law. We've sent it out to committee. There have been some amendments made." You bring it back for second reading and find out at second reading that there are maybe a couple of other things you've got to do, so off to committee it goes after second reading, and eventually you pass what is a good bill.

There are processes we can follow here in the Legislature that would make this place much more relevant as an assembly. At the end of the day, we'd probably serve our constituents much better. I think it's a disservice to our constituents to have a process such as has been established here where government introduces a bill and four days later it's passed. There's no real committee time, no real time to reflect on what a bill should do.

I'm just going to give you a couple of examples on this bill. On this particular bill, I've got to say that what the government is trying to do is a laudable thing. I don't have a problem with what the government's trying to do. They want to improve the safety of emergency workers like police officers, ambulances and firefighters in Ontario by making it mandatory for a vehicle coming upon an emergency vehicle parked on the side of the highway to slow down. That makes some sense; no argument.

Mr Martin: We supported photo radar, and we support this.

Mr Bisson: Yes. We think this is not a bad thing. I'll come to photo radar in a minute because I think that's very relevant to this debate.

We're saying, "That's fine, but we think you've missed a couple of things." For example, there are not only vehicles with red lights parked on the side of the road doing emergency service or providing service to the motoring public out there on Highway 400 or Highway 401 in terms of a vehicle stopped on the side of the road or an accident. For example, we have volunteer firefighters in Ontario. We passed a bill in this House last year, I think it was, that said volunteer firefighters have the right to take a green flashing light and keep it inside their private car so that if they're called to an emergency, they're able to put the green light up on the dash or on top of the car or truck they're driving and, within reason, hurry to where they're going without putting people in danger. We thought that was a good idea.

What happens if the emergency—because in communities that my good friend Mr Martin represents and in communities I represent, in many cases emergency vehicles and emergency workers are volunteers. In many of the communities I represent, Fauquier, for example, Opatatika and a whole bunch of other communities, the emergency response team are not paid people. They're not on full-time staff. My good friend Mr McDonald has the same situation in his part of the province. When you actually call in an emergency, it could be that the closest person to the emergency is a volunteer firefighter. He or she gets a page on the pager, takes the green light and

puts it on top of the vehicle and rushes to the scene of the accident, giving initial service to whatever the emergency is until the emergency vehicle, staffed by other volunteers, comes to the scene of the accident. It's very possible that the first vehicle on the scene of the accident is the volunteer firefighter who shows up in his or her private car. So we're saying, why not extend this legislation, this regulatory or legislative law that tries to protect emergency workers, to that volunteer firefighter?

In fact, there was a tragic situation in Tony Martin's riding of Sault Ste Marie but a couple of weeks ago where a young volunteer firefighter was involved in a vehicle accident on the way to an emergency. I don't know, maybe we couldn't have saved her life by way of this bill; I'm not sure exactly what the circumstances of the accident were. But it's not inconceivable that the first person at the scene of the accident would be a volunteer firefighter. If that's the case, shouldn't we try to extend the same rights to volunteer firefighters that we're trying to give to other emergency vehicles out there responding to emergencies on our highways? I would think that's a reasonable thing to do.

When the government says to me, "Oh, you're holding up the bill and you're not allowing us to pass it," I say we have a responsibility here, all members of the House, to point out ways we can make legislation better. Imagine if we had just given you, bang, first, second and third readings all in one shot on the first day, one fell swoop by unanimous consent. We wouldn't have had the opportunity to raise the case for volunteer firefighters.

I use others. At the scene of an accident, once the emergency vehicle secures the accident scene and the ambulance takes the victims who are injured or in some cases deceased away, what is often the next vehicle to show up? Tow trucks. Are we saying we should not afford the same safety to tow truck operators on the scene of an accident?

I just recount one story—I've seen this a number of times—where I was driving along Highway 400 in September, I think, to bring some office equipment to my office in Toronto. I had my pickup truck and was on my way down the highway, basically driving along with everybody else, and there was an accident that had happened in the northbound lanes of Highway 400. I was in the southbound lanes. I noticed that there was a police officer and then parked behind him was a tow truck, in other words, more on the south side of Highway 400 toward Toronto. The first vehicle you would come up on in the accident was the tow truck. Here was the tow truck on the inside lane trying to hook up the accident vehicle to get it out of there. It was kind of late and there was not a lot of traffic. I'll tell you, I saw one guy slam on the brakes. I don't know how he or she avoided hitting that tow truck that was trying to manoeuvre itself into the inside lane to get that vehicle out.

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In that case—just picture it—you're driving in the northbound lane of Highway 400. The OPP officer was parked further toward the Barrie side of the accident. The

rushing oncoming vehicles were coming from the Toronto side of the accident and the first vehicle they came up on was the tow truck. That tow truck driver, I'm telling you, I swear to God that guy must have jumped about 10 feet to get out of the way. He was getting out of the driver side to walk to the back of the tow truck to do whatever he had to do to hook up the vehicle, and that guy jumped.

Shouldn't we be talking about affording the same kind of safety to people who drive tow trucks and have amber lights on their vehicles by way of this legislation? Again I say to the government, you come to me and say, "Oh, opposition, you're holding up legislation. You're endangering the lives of police officers." I say, "You're going to get this bill in four days." There's nothing we can do beyond four days to get debate on this bill, to hold it up, and we're not even holding it up. All we're doing is trying to make legitimate points. So we're saying, why not extend the rights to people who drive tow trucks in regard to amber lights on tow trucks or any other emergency vehicle that comes upon an accident?

Let's take our time. Let's send this bill either to committee or committee of the whole to do some amendments. We'll be very agreeable as the opposition to limiting the time we send this bill into committee, if you're prepared to give it a few amendments. We basically say in this bill that motorists who come upon the scene of an accident or come upon whatever kind of incident there might be where there are amber lights, red lights or green lights flashing, have got to slow down.

Mr Kormos: Or blue lights.

Mr Bisson: Or blue lights. That's what I mentioned. They have to slow down and do what is called for in this bill when it comes to calming—

Mr Kormos: By how much? How much do you have to slow down?

Mr Bisson: That's the other thing I was going to get to in this debate. Let me get to that in a minute.

I'm just saying that on that particular point, if we can at least afford the same respect to people who drive different kinds of emergency vehicles, like volunteer firefighters, tow truck drivers or whoever it might be with an amber, blue, red or green light. We're just saying, treat them all the same. They're on the scene of an accident dealing with something. You see that light flashing; everybody should slow down and make sure they're not speeding to the point they would endanger the worker or the emergency worker who happens to be at the scene of an accident.

My good friend from Niagara Centre raised exactly a point I wanted to raise: by how much do I slow down?

Interjection.

Mr Bisson: Exactly. This is exactly the point I wanted to make. This legislation says—and this is why I think you have to have proper time for debate—in subsection 159.1(1), an amendment to the Highway Traffic Act, that "Upon approaching an emergency vehicle with its lamp producing intermittent flashes of red light"—and we say we should extend that to others—"that is stopped on a

highway, the driver of a vehicle travelling on the same side of the highway shall slow down and proceed with caution”—what does that really mean?

Mr Kormos: It's so subjective.

Mr Bisson: It's very subjective. You're driving at 140 clicks—you're breaking the speed limit. That's what most people do on Highway 400. I drive at 120 clicks. Oops, I shouldn't have said that. But as I'm going down Highway 400, I've got people passing me at 140, 150 clicks.

Mr Kormos: And some guy's on your tail.

Mr Bisson: I'm telling you, people right up my tailpipe, honking the horn to get me out of the way.

Here's the scenario. Somebody's coming at 140 clicks down Highway 400, heading southbound and they see an emergency vehicle—only a red light because that's the only one they've got to slow down for in this bill. To what point do they slow down? We say “proceed with caution.” The driver says, “I was doing 140. I got it down to 120.” He slowed down.

Mr Kormos: It's the speed limit.

Mr Bisson: It's the speed limit. What's the point? “What did I do wrong? I slowed down. I wasn't doing anything wrong. I got by there real fine.”

Mr Kormos: “And I was cautious.”

Mr Bisson: “And I was very cautious,” as the member from Niagara Centre says. He was in control of the vehicle. “What's the problem, officer? I didn't do anything wrong.”

Mr Kormos: The road was dry.

Mr Bisson: Yes, perfect conditions, dry road, nice day, no rain. Everything was fine.

Do we need to, in some way, try to tighten that up a little bit? I think we do. Exactly what we need to do, I don't know. That's why I would like to have the police and others who are experts come before us and talk about what the speeds should be when we talk about slowing down and proceeding with caution. “Slow down and proceed with caution” with me as a driver might be me going from 120 to 100. For somebody else it might be 120 to 60. I don't know. It's very subjective, and I don't know how that will be dealt with in court.

I didn't hear anybody talk about this one—maybe the member from Niagara Centre did, but here's the other point. We've got the same accident on Highway 400. We're driving northbound on the 400 and we're on our way to Barrie. As you're driving up the 400, you've got a situation where there's an emergency vehicle stopped. A police officer has pulled somebody off on the side of the road to give a ticket. The police officer is out of the car giving somebody the ticket and all of a sudden somebody doesn't slow down.

Mr Kormos: A couple of government members are laughing. Are they laughing about the bill?

Mr Bisson: I know the government members are laughing because they're not taking this debate very seriously. We know that. They haven't gotten up to debate yet. But I want to make the point because there are members of the opposition who are at least listening, and

I want to speak to them. I'm sure there are other people watching through the television services we have here at Queen's Park.

But let's take that scenario. You've got a police officer who has stopped somebody on the side of the road who's giving a ticket. The legislation says that if the flashing lights are on, you've got to slow down. What's the police officer to do? “Oh, God, he didn't slow down.” Is he going to jump into the car and chase another car down the highway?

We saw an example just recently where there was an elderly couple killed—where was it? I read in the paper this morning that there was an elderly couple who were killed just south of Ottawa as a result of a high-speed chase that happened in the city of Ottawa. By the way, the police—and I don't fault the police. They were trying to do their jobs. That's not my intent. But the point is, we know we have a problem when it comes to car chases. Far too often, the people who get injured are not necessarily the people being chased or those doing the chasing. They're the innocent vehicles that happen to be out there when somebody runs a red light or goes through a stop sign, or somebody loses control and crashes into an oncoming car or shoves another car somewhere on a freeway.

I'm saying, is this really doable the way we're doing it? Does it mean we have to put more staffing out there? If there are emergency vehicles at an accident scene, the ambulance, the fire truck, the tow truck and the police officer, to make this legislation work does it mean we have to have a second police car ready to do the chase? I don't know. I just ask myself that question. I just wonder how practical this is the way it's written.

Mr Kormos: How many demerit points are we going to give this? Is this going to be more serious or less serious—

Mr Bisson: This is the other part of it. That's under subsection (2) of the bill, and I was going to get to that.

How are we really going to make this work? I don't think an OPP officer or a local police officer in one of the cities or towns across Ontario is going to jump into their car to chase after somebody who didn't slow down when they're on the scene of an accident somewhere in Ontario. I don't think it's going to happen. I don't think the police have the power to say, “I took the licence plate down. I saw that person not slow down. I'm reporting them and I've got their plate number.” I don't think that would stand up in court either. I'm wondering how practical.

I've got to say again, government members are in here laughing. They're not taking the time to debate this bill.

Mr Kormos: In that respect, is it going to be vicarious liability?

Mr Bisson: If I knew what “vicarious” was.

Mr Kormos: That's like leaving the scene of an accident where the owner of the vehicle is fined, regardless of who's driving.

Mr Bisson: That's a very good point. We're having a debate in our own caucus about this as we speak. But I

just say to the government, if you think this is really a serious issue, and I think it is, and that it deserves the attention of the House, and I believe it does, I would think the government would get up to debate or at the very least they would listen to what we have to say. But so far, all they've said is that they want this bill and they want it lickety-split. "We're only going to apply it to red lights and we don't worry if the bill's going to work or not." As a responsible member of the assembly, I'm saying, let's do it right. This is not a bad idea.

Mr Kormos: Amend it to make it vicarious liability. That way the police officer could record just the licence plate and the owner would be liable.

Mr Bisson: I didn't know what that meant, but that's basically what I was saying. My argument is that if we're going to have a situation where you've only got the one police officer at the scene of an accident, and we don't want him or her jumping into the car and doing a high-speed chase down the highway to try to catch up to somebody who didn't slow down, then maybe in the legislation we have to give police officers some sort of mechanism to charge a person by way of taking the plate down. Maybe that's something we need to do. I don't know.

Mr Kormos: Sounds like a good amendment, Mr Bisson.

Mr Bisson: There might be a good amendment, but I want to see the OPPA, the chiefs of police and others come in and tell me about this.

Mr Kormos: We didn't get consensus to go to committee.

Mr Bisson: We gave consent to go to committee to deal with this, and the government didn't want to go to committee. I'm a little bit confused about where they're going.

With regard to how this is going to work, I'm not too sure it's going to work the way it is because I know police officers in this province take their job very seriously. They're professionals at what they do. I can't believe that a police officer in the city of Timmins or an OPP officer who is on the scene of an accident, who is the only officer on the scene and sees somebody not slow down, is going to leave the scene of an emergency where they're giving service, jump in the car and chase somebody down the highway, and we're not prepared to give them at least the right to charge the person by some mechanism in a bill that says, "I've got your plate number. You're caught. We're getting you."

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The other issue is that we're saying by way of penalty in this bill, if somebody is charged under this bill—that means the police officer had to get in the car and had to do chase to get the person to pull them over, and again I'm not so sure that's the way I want to do it—there are a couple of mechanisms we come in to in regard to fining. They're saying, under subsection (4):

"Every person who contravenes subsection (1) or (2) is guilty of an offence and on conviction is liable,

"(a) for a first offence, to a fine of not less than \$400 and not more than \$2,000; and

"(b) for each subsequent offence, to a fine of not less than \$1,000 and not more than \$4,000 or to imprisonment for a term of not more than six months, or to both."

What happened to the demerit point thing? It seems to me that's the best way to deal with it.

Interjection.

Mr Bisson: It's by regulation, but I haven't seen the minister come in and talk about regulation.

Mr Kormos: I'd like to hear it.

Mr Bisson: That's what I'm saying. I'm saying to the Minister of Public Safety, or whatever they call his ministry these days, it seems to me that the reason people don't do things is the fear of getting caught. I'm not convinced that people think they can get caught if they don't slow down. And if they do get caught, 400 bucks without demerit points—most people can afford the loose change. They'll pay the fine. But 400 bucks and three demerit points: "Ooh, that hurts my insurance."

Mr Kormos: It should be seven.

Mr Bisson: That's my point: three points or six points or whatever, because we all know that if you get charged and you lose demerit points, the insurance person is going to get you at the end of the year.

So I raise the issue. I want to have this debate. I want the government members to get up and tell me what you think of this. Shouldn't we be adding demerit points as a way of offering some sort of deterrent to the action of not slowing down, should you come upon an emergency vehicle?

Mr Kormos: We're getting pretty close to a quorum call. Not yet, but close—as soon as Mr Martin and I leave.

Mr Bisson: That's right. I need that to happen.

Anyway, I say to the government members who are saying, "We don't need a debate. We don't have to deal with this," that it's a good bill, not a bad idea, laudable goals, a step in the right direction—I give you full kudos for it—but I don't think we've thought this out.

I just want to get back to the issue of what happens in regard to the attention people give to this bill. The government says, "Boy, we need to have real debate when it comes to this bill." The government takes this bill so seriously. They say, "This is such an important bill." I saw them do backflips in this House today because they were so concerned about the bill, and they can't even hold quorum in the House.

Mr Speaker, can I ask you, is there a quorum in the House?

The Deputy Speaker: Would you check and see if there is quorum?

Deputy Clerk: Quorum is not present, Speaker.

The Deputy Speaker ordered the bells rung.

Deputy Clerk: Quorum is now present, Speaker.

The Deputy Speaker: The Chair recognizes the member for Timmins-James Bay.

Mr Bisson: I'm going to make a proposal to the government that we put an amendment to this bill. I hope the

government takes this suggestion as a friendly amendment, because it's an amendment I would like to bring to this bill, should this bill actually make its way to committee. I think we need to have a clause in here for vicarious liability. I'm going to go back and explain what that means.

If you have an accident somewhere in Ontario and there are emergency vehicles present at the scene of the accident or the incident, whatever it might be, and somebody doesn't slow down, I don't believe that we, as members of the assembly, want to force a high-speed chase on some municipal road or some highway in Ontario. One of the ways of ensuring that we don't encourage a high-speed chase is to give in this legislation a mechanism that allows the police officer to take the plate number of the car that slowed down and to issue a fine or issue a charge, I would argue, by way of charging the vehicle that went by, as we did with photo radar with failure to remain at the scene of an accident, or when it comes to red light cameras.

We already have the precedent in law that says, "If a car jumps a red light and has a picture taken by way of a red light camera," that we've passed in this House before—if a police officer sees a car leaving the scene of an accident, or for that matter a member of the public sees somebody leave the scene of an accident, you can register the licence plate number. The police officer is able to issue a charge and eventually a warrant, depending on what happened, to take action on that based on just taking a licence plate number.

I would argue, probably as an issue of public safety—and I'm sure the Minister of Public Safety doesn't want to encourage high-speed chases on our highways—we need to put a vicarious liability clause in the bill. That way we can ensure that the police officers or the emergency workers on the scene have the tools necessary to do the job of taking care of the emergency situation they are attending to and can at least write down the plate number to later on go after the person who didn't slow down at the scene of the accident.

Here's the other issue. This is the point I wanted to make before we end the debate tonight. What happens if the first on the scene of an accident is just an ambulance, and a police officer for whatever reason doesn't show up? What happens? The ambulance driver and his or her partner or the paramedics or the fire department are at the accident scene and are ministering at the scene of the accident, and the police officer isn't there yet, and all of a sudden, whoosh, the car goes by—

Hon John R. Baird (Minister of Energy, minister responsible for francophone affairs): How does that go again?

Mr Bisson: It was "whoosh"—it almost hits the emergency worker on the side of the road, as the car doesn't slow down. What's a paramedic to do—jump inside their truck and chase the guy down the road? Certainly not. They don't have the right to do that. But if we had a vicarious liability clause in the bill, the emergency worker could say, "Ah, look at this. Here's the licence

plate number of the person who didn't slow down. When the police officer shows up at the scene of the accident, we will give them that plate number and we will be able to issue a charge based on the plate number."

That way you don't have to have the police officer on the scene to make this legislation work. The emergency workers don't have to jump in their vehicle and try to chase the person down, leaving the scene of the accident themselves—which they would never do, obviously, but that's sort of what the bill entails them to do—or when the police officer shows up, say, "Don't stop here. Go after that guy," because then you're encouraging a high-speed chase somewhere in a town, city or highway in the province.

Over the years we've had a number of incidents that were very unfortunate. Police officers have been put in a position where they've had to give chase to somebody who might have blown a stop sign or left the scene of an accident or done something they thought was suspicious. They've taken off after the individual driving the car and there have been accidents where innocent bystanders have been killed. Every time that happens we say, "Oh, how are we going to deal with this? This is such a terrible thing."

I say to the government members that one of the ways we can deal with this is to put a clause in the bill that says that police officers or emergency workers on the side of the highway, or a member of the public who happens to be on the scene of the accident, can take down the plate number of the person they saw putting the emergency workers in danger by not slowing down their vehicle, so that later on they can issue a charge under this bill, under section 159.1(1) of the Highway Traffic Act, and deal with it.

Hopefully the Minister of Public Safety would be able to accept such an amendment, that I think would go a long way to making sure that not only the police officers but other emergency workers on the scene of an accident are made safe, and at the same time not putting the motoring public in danger by the police officer having to chase down the car to give the ticket in the first place.

I think I know what's going to happen. Most police officers—because all the ones I know are responsible—are not going to give chase. I don't believe they will. I look at my friends on the Timmins police force and the OPP up in my area who are doing the policing in our communities, and I don't believe one of them is going to give chase unless there was a really flagrant violation of the law. It would have to be pretty bad for an OPP officer or Timmins police to jump in their car and take off after somebody if they happen to break 159.1 (1) of the Highway Traffic Act. I think one of the ways to do it is to do as we had suggested: do a vicarious liability clause inside the bill. I've learned something tonight by going into this debate on that one.

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The other thing that I want to say, and we've made the point before, is the issue of penalty. The government seems to think that the only way you can do penalty is by

either charging a person a fine or giving imprisonment. That is one way of doing penalty, but there may be other, more effective ways of giving penalty to people that happen to break this law. One way to do that is possibly by adding some demerit points, three or six demerit points for the offence. The more I think about it as we get into this debate, probably six or seven demerit points is better than three. If people know it's against the law and they can lose demerit points for not having slowed down at the scene of an accident for an emergency vehicle, I think they are less likely not to slow down.

Mr Kormos: It's a reflection of the seriousness of the offence.

Mr Bisson: Exactly. The member from Niagara Centre makes the point well: it's a reflection of the seriousness of the offence and how seriously it has to be taken by the driving public to be able to deal with this.

Mr Tony Ruprecht (Davenport): On a point of order, Mr Speaker: I am delighted to introduce to you and to this House my good friend Aldo Sforza and a small delegation from South America. Let's welcome them.

The Deputy Speaker: That is not a point of order, but welcome to our Legislature.

The Chair recognizes the member for Timmins-James Bay.

Mr Bisson: He needs a geography lesson; they're from Italy, not South America, Italy and Colombia. Now we've got it straight. We have visitors from Colombia and Italy, and I know that people driving in Colombia and people driving in Italy would be very interested in this bill. That's why they've come here to lend support to what I'm saying, because in Italy and in Colombia they're saying that this is an important issue. We need to make sure we have a bill that works so that at the end of the day police officers and other emergency workers are safe, that there's some mechanism to deter people from committing this offence in the first place, and that if there is an offence, there's a mechanism for police that doesn't involve a high-speed chase.

On the high-speed-chase issue, I just want to say again that it's really a problem in many of our cities that, unfortunately, police get put in the position of having to give chase to a car, for whatever reason. Far too often, as I mentioned earlier, people are put at risk or actually killed because of the high-speed chase—not the fault of the police officer, I would argue, but because they're trying to give chase and the car they're chasing does something, runs into another car, jumps a red light, runs over a pedestrian. One of the things we really need to think about as legislators is trying to find ways to minimize high-speed chases. One of the ways that you do that is by putting the amendment to the bill that we suggest that doesn't force the police officer to jump in the car and pursue to charge the individual.

If government members took this bill seriously, as I think they should, I would have heard comments from the minister on this particular part of the bill. He would have told us why he has decided we don't have to have those types of amendments in the bill. He would have

responded and we would have been able to reflect and say, "Maybe there's an issue we didn't look at. Maybe there's a reason he omitted other suggestions that were made in the debate about the bill we're having tonight."

I just hope, as we come back to the third day of second reading of this bill, that we're going to actually have the minister get up and speak to this bill and give us some indication of what he thinks about some of the amendments we put forward. The amendments are very simple, as we said. First, we think you should include all vehicles that come upon the scene of an emergency, be it a red light, a green light, a blue light, or an amber light. We need to protect all those various classes of vehicles and workers, emergency workers and others, who come upon the accident so we make it safe for them to do what they have to do on the highway when they're assisting at the scene of an accident. Second, we have to have a mechanism that allows the police officers to make the charge without having to jump in their car and run down the highway and do a high-speed chase to catch the individual.

Hon Mr Stockwell: When you jump in your car, you're not running, Gilles.

Mr Bisson: Well, he has to run to the car, jump in and then drive. That's very good.

Anyway, we need something that doesn't force the police officer to jump in and make chase, some sort of amendment that says that when it comes to failure to remain at the scene of an accident, a member of the public or an emergency worker or police officer writes down the licence plate. We charge the car and we figure out who was driving it after.

The biggest thing is that we try to create a deterrent in the first place. There's one thing I've come to appreciate. If people think there's a chance of getting caught, they're less likely to break the law.

Mr Kormos: The greater the likelihood of getting caught, the greater the likelihood of compliance.

Mr Bisson: Exactly. A good example of that is what happened when we introduced photo radar. Everybody slowed down. With photo radar, if people thought there was a chance they were going to get caught, they slowed down. Why? Because they knew they could get caught.

So I'm saying, if somebody's driving down the road and knows there's a law that says you can lose six points for not slowing down when you come upon the scene of an accident and there are emergency vehicles or other vehicles with flashing lights, they're going to slow down.

To the government members, there are a number of amendments we've put forward that I think are fairly important. I've got to mention this. The other day I was with Michael Prue, the member for Beaches-East York, driving to a meeting on Dufferin, up by the 401, and exactly the same thing happened. There was an emergency vehicle beside the road and somebody—I don't know why they weren't paying attention—almost clipped the guy as they went by. This bill probably would have been a good thing. If the government had taken the time to introduce this earlier, we could have done this in four

days, and if we had had the amendments that we're suggesting in place, maybe we would have been able to prevent what potentially could have been a fairly serious accident up in the Dufferin area where I was with Mr Prue the other day when we were attending a meeting.

I know I've still got a fair amount of time left and I'm going to get an opportunity to come back to speak to this tomorrow. I hope the government calls this bill tomorrow. I think this would be an excellent bill. In fact, I'm going to the House leaders' meeting tomorrow and I'm going to ask the government to order up this bill tomorrow. I don't care if it's tomorrow afternoon or tomorrow night. I want to know that the government is serious and will call this bill tomorrow, because that will be the third day. I also want to know how much time they're prepared to give at committee so we can deal with this.

Interjection: One hour.

Mr Bisson: We don't need a lot of time in committee, I would argue.

Mr Kormos: More than an hour.

Mr Bisson: More than an hour, because it will take longer than that to do the amendments, but we need some time in committee to propose the amendments we think we need.

I look forward to going to the House leaders' meeting tomorrow and meeting with the government House leader, with him telling me that they feel so seriously about this bill that they're going to call it tomorrow for third reading and then next week we're going to have an opportunity to deal with it at committee so we can put forward our amendments, and then that they're going to bring the bill back next week. So by the time we leave for the Remembrance Day break, police officers and other emergency workers across Ontario will have the confidence of knowing they have a little bit more safety when they're at the scene of an accident. I know the government House leader and the government whip are going to support me in my request tomorrow that we debate this bill tomorrow afternoon, that we go to committee next week to deal with the proposed amendments, that we get third reading started and hopefully finished by Thursday of next week. I think that would be a really wonderful thing.

Mr Speaker, seeing that it's almost 9:30 of the clock, I would suggest we adjourn the House and come back again tomorrow to finish this most important debate.

The Deputy Speaker: A wonderful idea. It being 9:30, this House stands adjourned until 10 am tomorrow.

The House adjourned at 2129.

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