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Monday 6 June 2005

Lundi 6 juin 2005

Speaker
Honourable Alvin Curling

Président
L'honorable Alvin Curling

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LEGISLATIVE ASSEMBLY OF ONTARIO

Monday 6 June 2005

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Lundi 6 juin 2005

The House met at 1845.

ORDERS OF THE DAY

TRANSPORTATION STATUTE LAW AMENDMENT ACT, 2005

LOI DE 2005 MODIFIANT DES LOIS EN CE QUI CONCERNE LE TRANSPORT

Resuming the debate adjourned on April 25, 2005, on the motion for second reading of Bill 169, An Act to amend the Highway Traffic Act and to amend and repeal various other statutes in respect of transportation-related matters / Projet de loi 169, Loi modifiant le Code de la route et modifiant et abrogeant diverses autres lois à l'égard de questions relatives au transport.

The Acting Speaker (Mr. Michael Prue): It's my understanding that on the last day of debate Mr. Bisson, the member from Timmins–James Bay, had the floor, but he is not here to resume debate. Therefore, it will rotate in the normal manner. Further debate?

Mr. Robert W. Runciman (Leeds–Grenville): It's regrettable that the government members do not want to participate in this debate, because we think this is important legislation to be dealt with.

I think it's important as well that I put on the record the fact that our transportation critic, Mr. Wilson, can't be here this evening because we were unaware of what legislation was going to be called until perhaps an hour or so ago. That is unfortunate with respect to the whole issue surrounding democratic renewal and the role of opposition members in this place and the fact that we have to, in some respects, operate from the seat of our pants as opposition members in terms of dealing with legislation being called. We don't have control over the agenda. We hoped to be able to discuss these issues, and we did discuss them but, as I said, it was a couple of hours ago—less than two hours ago—when we were advised that this would be the first order of business.

This is an important piece of legislation in some respects. I want to indicate that Mr. Wilson, the member for—wait till I determine his riding; I want to conform to the rules of the House—Simcoe–Grey, our critic for the Ministry of Transportation, has indicated that in most respects, he is supportive of the legislation. We're also supportive of it going to committee for hearings during

the intersession, and I think the government has agreed to doing that.

But I want to put on the record Mr. Wilson's concerns as critic. They tend to centre on the elements related to taxis or limousines operating out of Pearson airport. I'm not sure what the section of the act is with respect to that. I'll ask some of the staff to try and determine what section of the act deals with the elements surrounding taxis and limousines at Pearson airport.

I think the critic, the member for Simcoe–Grey, Mr. Wilson, is concerned about the fact that this is making the Toronto taxicab operators, Co-op, Crown—what's the other? Mr. Speaker, you're a Torontonian; you would know for sure. There are three major taxi companies in the Toronto area and a great number of independents. They're very concerned about the restrictions placed on them with respect to picking up passengers at Pearson. I think the most offensive element of the legislation is restricting Toronto taxi drivers from picking up passengers at Pearson but, at the same time, if one of the limousine companies picks up people at Pearson to bring them into downtown Toronto or one of the environs, they are permitted under this legislation to pick up Torontonians or residents of the GTA.

1850

This a strange double standard, where one group of companies or individuals is allowed to work in a two-way pattern, but when it comes to the Toronto cab companies, who are under pretty serious restrictions now—I think they been maltreated in many ways by the taxi committee, I think it is, of Toronto city council. I'm not sure what it is; the Toronto taxicab commission, or whatever it is called. Who's the guy who has been the chairman of it for many years? You would know, Mr. Speaker; you served on council with him. He's been a member. He makes signs. Moscoe. Howard Moscoe. I think that Mr. Moscoe, in terms of the decisions made by the commission in the generation of licences, has made operating a taxicab or a taxi business in Toronto a very difficult proposition, a business with a very modest margin, if any.

If you get into a cab—and we all have to get into cabs in this city as part of our role as members of the provincial Legislature—and talk to a cab driver or a cab owner about this, an independent, they will tell you how tough it is because of the proliferation of licences and the proliferation of cabs in the city of Toronto and how difficult it is to make a living. Some of these people are working 14, 16, 18 hours a day, six days a week—some seven days a week. That's how difficult it is for many of

these people. A lot of them are immigrants, new Canadians, people who are trying to make their way in this country, to establish themselves, buy a home, raise a family and become productive citizens of this great country. And they're finding it extremely difficult as a result of decisions taken by the taxi commission, which have obviously been supported to some degree by the city council.

The decisions that are taken with this legislation, Bill 169, only compound the challenges that the taxi industry in Toronto is facing. Now, as well as the challenges in over-licensing and the significant over-proliferation of cabs in the city, they're being told through this legislation, "OK, you can pick somebody up at the corner of Charles and Bay and you can take them to Pearson airport. But, by golly, we'll charge you. You might lose your licence." If you happen to see someone waving at the curb wanting transportation into downtown Toronto, your natural inclination is to pick that person up. That's your job; that's the business you're in. But the government of Ontario, the Liberal government, the McGuinty government, is now saying, "You can't do that. You're breaking the law. You're not allowed. We have given a monopoly to a certain segment of the industry. They're the only folks who can do that. Oh, by the way, they can also pick up people in the city of Toronto. We won't let you pick up people at the airport, but they can pick up people at the airport and they can pick up people in the city of Toronto." Why is that happening? What's the explanation for that?

I want to tell you, there was an article in one of the media publications a while ago where the limousine operators—they have an umbrella organization; I do not know the name of that organization. The news article indicated that this umbrella organization for limousine operators that operated out of Pearson airport had a fundraiser for the Liberal Party of Ontario and they raised \$200,000 for the Liberal Party of Ontario. Premier McGuinty and the Minister of Transportation, Mr. Takhar, were also present at this lavish "Here's a big buck for you, thank you very much." This is really symptomatic, indicative of the way this government operates.

We saw it with respect to the construction industry in Bill 144, where the Minister of Labour introduced legislation restoring card-based certification in the construction labour union sector. What's the analogy here? How can I draw the analogy with Bill 169? In the midst of public hearings on Bill 144, the construction labour unions hold a thank-you-Dalton-McGuinty dinner: caviar, champagne, the whole nine yards. What do they do? They present the Liberal government—

Hon. Jim Watson (Minister of Consumer and Business Services): No, that's your fundraiser.

Mr. Runciman: I don't know if Minister Watson was present at this. Maybe he's feeling apologetic. He may get up and express his apologies to the public of Ontario this evening, if indeed he did attend this function. I know there was quite a cadre of ministers of the government. I know that the Premier was there. I don't have a list in

front of me, but I'm assuming the Minister of Labour was there.

Interjection.

The Acting Speaker: Order, please. Order.

Mr. Runciman: Thank you, Mr. Speaker.

The bottom line was, the construction unions, in the middle of public hearings on legislation that would benefit them to a significant degree, gave over a quarter of a million dollars to the Liberal Party of Ontario. The fundraiser was called Thank You, Thank You, Thank You to the Liberal Party of Ontario and Premier Dalton McGuinty.

If the Progressive Conservative Party had done something like that, that would be front-page headlines in the Toronto Star, but there is a bit of a double standard. We can gripe about this. It is a mug's game. I know it's a mug's game to complain about media coverage. Clearly, when you look at that situation, there is a double standard. If we had done something like that, we would have been raked over the coals, torn to shreds, but the Liberals, in the middle of legislation, before public hearings, get a quarter of a million dollars. What a thank you. You talk about a big, fat thank you, that was it: a quarter-of-a-million-dollar thank you.

We go back to 169, Mr. Speaker, which I know you want me to do, and I respect that. This is a similar kind of situation. It has received virtually no media coverage. If it hadn't been for that one media article, we wouldn't know about it in this Legislature. I suppose we might know when we get the Elections Ontario annual report. We might be able to glean from that what the implications of this are, but it will be long after the fact. It will be stale news. If we have any hope of gaining public interest or attention for this kind of thing, it will be extremely difficult. That's obviously something the government counts on, and they're supported by their friends who obviously make editorial decisions on what's news and what's not news.

I have to, once again, point this out: a quarter of a million dollars from the construction unions for giving them card-based certification, and the limousine operators giving \$200,000 to the McGuinty Liberal government while we have legislation in front of us. Why couldn't you, as members, especially veteran members of the Legislature—and I don't want to pick on anyone. I know there is one veteran in here anyway, who has been around a while, who should be offended by this. These things, to some degree, happen in politics. There are two examples, I say to the Minister of Consumer and Business Services, in the middle of legislation before this House. We haven't even sent this bill out to committee. It's going to go to committee, and you're going to hear a lot more about this contribution during committee hearings. We should call these people before the committee. I would hope that our subcommittee representatives will insist that these major contributors come before the committee and explain why, after this bill is tabled—after this bill is tabled; let's get that straight—"We're not going to give you the money until you do your part. Your

part is tabling legislation that's going to benefit us to a very significant degree." That applies to Bill 169, which we're debating this evening, and it applies to Bill 144.

1900

Those monies that flowed into the coffers of the Liberal Party of Ontario didn't flow until you kept your part of the bargain, your part of the promise. It's not like an envelope in a restaurant—I will indicate that it's not quite at that level—but this is very, very odiferous. If the Liberals want to participate in this debate, let them stand up and indicate where the Progressive Conservative government that served over the past eight and half years did something comparable. I do not recall. If that's the case, I will get up in this place and apologize, but I do not recall our ever doing something like this.

This is so shabby, so shameful. This is really the sort of thing that casts shame upon us all. The message this sends out, whether it's right or not—I don't want to suggest that you folks are somewhat like your federal colleagues, but the reality is, here we have the perception—

Interjection.

Mr. Runciman: With two pieces of Liberal legislation, I say to our chief whip, where after it's tabled, in one instance you get \$200,000 and in another instance you get a quarter of million dollars, what does that say to you? If the Minister of Agriculture were sitting over here, what would that say to him? I know he'd be one of the first on his feet to say, "That was a payoff."

The construction union—naively, perhaps—even sent out a brochure. They sent out a big invitation, a glossy brochure saying, "Thank you, thank you, thank you."

Mr. Richard Patten (Ottawa Centre): We don't work that way. You think that way.

Mr. Runciman: I can't believe this Ottawa member. He's a very experienced member here. He knows from his own experience that this is unseemly at best. You should be upset, as someone who believes in the dignity of this place and in ensuring the perception that everything is above board. As a government, you and your colleagues would want, I would think, from a public perception point of view if nothing else, to be seen as operating above board. You've soiled your own reputation. You've been fortunate that the media is not paying attention—your friends in the fourth estate. Again, I express my frustration at the fact that they're not looking at these kinds of issues. I don't have an explanation for that other than there's a hangover from our days in government and the fact that we apparently don't have people who are committed to taking a serious look at indiscretions, which is too mild a word with respect to the activities of this government.

I want to put one other thing on the record. I'm glad we have a number of backbenchers here from the Liberal government. We have two members of the executive council. One of the reasons that we want to debate this legislation, even though we're prepared—we support this legislation generally, with our critic's one exception, which we share, with respect to the limousine and taxi

drivers and the unseemly activities of the government with respect to how that development occurred.

Why we are debating this legislation and other pieces of legislation, for the edification of backbenchers—and I hope they're listening, because they have a caucus meeting tomorrow morning. Our main concern is focused—

Interjection.

Mr. Runciman: Our main concern, Mr. Patten, if you'd like to listen to this, is around the adoption bill, Bill 183. We've asked for some changes to that legislation, and the government has not responded adequately. We've also said, "Look, you brought in almost 40 pages of amendments." We had more of them today. We're saying, "Carry over this legislation. Get your act together and deal with the legislation in the fall."

We've waited 50 or 60 years for this. What's the problem? We can move on with other legislation. We can get on with the business of the House and get back to our ridings in a reasonable period of time to do what we want to do in our constituencies. For some reason—I don't know. Someone's threatened to slash their wrists or something. I'm not sure what's going on here, but it doesn't make any sense to me.

This bill—you're clearly not ready. You've tabled so many amendments to this legislation. You clearly don't have your act together. I encourage you, as backbenchers, at your caucus meeting tomorrow, to bring some common sense to the discussions and the deliberations here. Take the summer to think this over. Get your act together. Bring it back from a committee report in the fall, and then we'll deal with third reading in the fall. That makes good sense to me, and I hope the members opposite will consider that.

The Acting Speaker: Questions and comments?

Mr. Jean-Marc Lalonde (Glengarry-Prescott-Russell): In reference to my colleague from Leeds-Grenville, our bill does not seek to change the municipal licence regime for taxis. All we're looking for at the present time is the safety and security of passengers who are taking a taxi, because, let me tell you, at the present time, all those taxis waiting at the airport—again, yesterday when I got off the plane, this guy came in when I had just got out of the first door and approached me to see if I needed a taxi. Those people are not paying a penny to pick up people at the airport. There's no guarantee that those people have insurance covering passengers, and this is what we are after. All we are doing at the present time is giving the necessary tools to all the municipalities, not only Toronto, but Toronto, Ottawa—any airport that we have in Ontario. It would give the necessary tools to stop those people, because we know that too often they're paying a lot of money to be there. Every time they pick up passengers, they have to pay a fee.

There will also be committee hearings on that. Later this year, we will hold hearings across the province to listen to what people have to say about the bill. The bill has five components at the present time, which are very important. The components are to promote public transit,

which will increase ridership and relieve traffic congestion; to ensure a smoother flow of traffic to relieve congestion; to improve road safety for motorists; to improve road safety for workers, children and pedestrians; and the last item is illegal taxi operators. This is part of the bill.

In reference to the member for Leeds-Grenville, it is very clear that it is up to the municipalities.

Mr. Garfield Dunlop (Simcoe North): I'm pleased to respond tonight to my colleague from Leeds-Grenville on his opening comments tonight. To begin with, I want to say to the House and to the citizens of the province that tonight we're debating second reading of Bill 169. As far as I know, we've only had the leadoff speeches until this point, because this is our second day.

I can tell you that, once again, I'm extremely disappointed that the government members, although they're willing to call this bill tonight, are not willing to debate this bill. That's what we've seen throughout the last 18 months here in this House. The government wants to push a piece of legislation through instead of time-allocating, which they will do in a lot of bills. Instead of time-allocating, what we're doing here tonight is just not debating the bill. I think that's a sad day for this Legislature when no one wants to stand up on the government side and speak—

1910

Hon. Jim Watson: He just did.

Mr. Dunlop: I look forward to the next speaker being a government member speaking for 20 minutes in this House. It would be nice to see that actually happen on second reading debate or on third reading debate. You just don't do it. That's the problem. You do not debate legislation in this House, and that's a sad day. That's all I'm saying.

Hon. Mr. Watson: We've had about four hours of debate on this.

Mr. Dunlop: No, we haven't. On the second reading we've had not even three hours of debate. When you were in opposition, you wanted to debate every bill. That's the problem. Now when you're in government, you don't even want to stand up and debate anything, and I think that's very sad.

We're willing to debate the bill. We're going to be here until midnight tonight, guys. Get ready. I know you want to be. That's the way it will be tonight because, as Mr. Runciman said, there are a number of issues that we have with the government, concerns about the things they're trying to force through. We will be debating Bill 169 until midnight tonight, so look forward and have a nice evening.

Mr. Phil McNeely (Ottawa-Orléans): This bill is a very important bill in many ways. We have to use our highways better, and this is one of the bills that will make our highways safer and better. The ability to create high-occupancy lanes is extremely important. We have to get the high-occupancy vehicles special rights on our highways. It's unfortunate that in the last 40 years or so we've gone from having three or four people per car

commuting in the morning down to slightly over one person per car. That is just not a proper way of doing it.

As a consulting engineer, this is one of the issues that was coming forward, of all the transportation demand management issues, where we could use our infrastructure much better. This legislation will permit us to do that. It will give the government the authority to do that and we'll move ahead.

I have a niece who works in this field. She's an engineer with a consulting firm from Ottawa. That's what they're looking at all the time: How do we make our infrastructure more useful? One of the things is, we have to get more than 1.1 or 1.2 people in vehicles in the morning. This will certainly help.

Anyone who drives our highways when they're under construction will know the safety factor in going through these construction zones. We have to be more careful. It has to be done. I'm glad to see that is part of the direction in which this legislation is going as well. We're going to raise the traffic fines when people are going through these areas marked for safety.

There are many parts of this bill that are excellent. I'm glad to see it moving forward. It will give the government lots more tools to provide more capacity with the existing infrastructure. That's what this is all about today. We have to make sure that we use our infrastructure better, because we just don't have the dollars to construct sufficient infrastructure.

Mr. Norman W. Sterling (Lanark-Carleton): This bill contains many of the initiatives that we started back in the government two, three or four years ago with regard to, for instance, doubling fines for speeders in construction zones. I'm glad the government has picked up the good ideas from the former Mike Harris and Ernie Eves government and is carrying those forward, because we had a very, very proud record in government during our period of time.

I think one of the greatest attributes of the government was when Al Palladini was the Minister of Transportation and brought forward legislation dealing with trucks. We had a lot of problems with trucks, coming into 1995 when we took over the government. Mr. Palladini brought forward legislation in this Legislature to increase liability and we increased the inspections on the road. As a result, we haven't heard about flying wheels or a lot of debris causing accidents and deaths on our highways.

The other thing the former government did in terms of highway safety is, we put more money per year into construction than any government had ever done before and has done since; even this government this year. Last year was a very, very small year in construction in Ontario on our highways. But in doing that, by creating more capacity, you in fact create safer roads, because you allow car drivers—vehicles—to pass, to be able to operate on our highways more safely. So we're very, very proud of our record as a government, and we'll continue to look very, very progressively at this piece of legislation.

The Acting Speaker: The member from Leeds–Grenville has two minutes in which to respond.

Mr. Runciman: I appreciate the contributions of all members.

I found it interesting the member from Glengarry–Prescott–Russell talked about the limos picking up people at the airport and the Toronto taxis not contributing a penny, I think he said. It's my understanding these limos are based in Mississauga, but they're allowed to pick up people in the city of Toronto. They're not, to my understanding, paying a penny of licence fees or taxes to the city of Toronto. So I would ask the member, how do you jibe that? How does that give you justification for what you're doing to these hard-working, in many respects new Canadians, who are just trying to make a living and support their families?

No one on the Liberal side who responded talked about the \$200,000 contribution they received from these same limo companies after they had tabled the legislation. Is no one disturbed by this? Is no one upset? Does no one recognize the perception of payoff that this suggests? We have raised the \$250,000 contribution by construction unions after they tabled Bill 144. I think both of these should be extremely disturbing to members of the Liberal Party of Ontario.

The Minister of Consumer and Commercial Relations was complaining about the debate. In fact, the Liberal members are not debating the legislation. He says we're wasting time by debating. This is the government that professes to believe in democratic renewal, and the minister won't even let me debate without heckling me. He won't even let me make a contribution here. Shameful, shameful, shameful.

The Acting Speaker: Before I call for further debate, please, it is starting to get a little raucous in here. Mr. Minister, please. Members of the opposition, please. I'm not going to name anybody yet, but please don't keep it up. Further debate?

Mr. John Yakabuski (Renfrew–Nipissing–Pembroke): Excuse me while I drop my copious notes here, Mr. Speaker.

I find it interesting and, to coin a phrase of the government which seems to be in vogue for them at this time, I find it a bit rich. They like those words: "a bit rich." I find it a bit rich—

Interjection.

The Acting Speaker: Order, please.

Mr. Yakabuski: I find it a bit rich that my colleague from Leeds–Grenville would be heckled by the Minister of Consumer and Business Services on a transportation bill.

I must say, on this point, I agree with the minister. You see, the minister is on record now; he was in the Ottawa Citizen, which is his home paper. They weren't doing a story about his fancy new apartment or house or whatever he had bought and decorated this time, no, sir; they were doing a story on his opposition—do you like that word, "opposition?" I want you to get used to that

word, because some day you're going to know a lot more about it—to the speed limits in the province of Ontario.

Now, interestingly enough—

Interjection.

The Acting Speaker: Please, the minister of consumer affairs, you are heckling to excess, and I would ask you to please stop.

Mr. Yakabuski: I'm only trying to make a point here.

The Acting Speaker: You're supposed to be sitting down. Thank you.

We'll get back to a civilized debate. The member has the floor.

Mr. Yakabuski: I would certainly hope so.

Would it be possible to get a couple of glasses of water here too, please? I'm sorry; I could have picked those up on the way in, but I was in a bit of a rush. No pun intended. I was in a bit of a rush.

The minister is speaking out about a bill that talks about increasing fines—thank you very much, Laura—for speeding infractions, so we will have the same fine attached for driving 35 kilometres over the speed limit—I don't know who would ever drive that much over the speed limit—as driving between 35 and 50 kilometres per hour over.

1920

I must say that I am very supportive of the minister's bill—not necessarily this bill here; we'll talk about that a little later. The Minister of Consumer and Business Services has not brought legislation, nor has he proposed a private member's bill, but he is looking at the possibility of increasing the speed limits on 400-series highways. I can tell you, Minister, I'll be there with you on that one. I think that there is good reason to be talking about that and having a fair debate. Unfortunately—

Interjection.

Mr. Yakabuski: You can only get so many private members' bills through here. The member for Brant will know that he's doing pretty well on private members' bills. We're pleased and very proud that his private member's bill, Bill 3, concerning a plan for anaphylaxis in schools throughout Ontario was unanimously supported in this House. I was pleased to work with the member for Brant on that, but I have to caution the member: I think he knows that you can't get every private member's bill through. Sometimes you have to take your victories and take your defeats as well.

Interjection.

Mr. Yakabuski: This government here is not going to be famously known for its treatment of opposition members, I can tell you that. We have seen egregious examples of poor treatment of opposition members in this House—not necessarily myself. I must say that, for the most part, people have been fair to me as a new member and as one who does not have a great deal of experience in the House here. They've been fair to me in allowing me to learn the ropes, but they've certainly been much harder on people like my colleague from Simcoe North, our whip, who has had to deal with a great deal of

government heckling when he's speaking, to be quite honest with you.

However, I think it is important that we talk about the matter at hand as well. The matter at hand tonight is, of course, Bill 169, interestingly enough, An Act to amend the Highway Traffic Act and to amend and repeal various other statutes in respect of transportation-related matters, by the Honourable Harinder Takhar, Minister of Transportation.

I wasn't surprised, because it's not something I could say I was surprised by, but it certainly got my interest when I listened to my colleague the member for Leeds-Grenville talk about portions of this bill that will give a guaranteed monopoly to a particular taxi or transportation service with regard to pickups—we'll be careful how we use that word—picking up fares at Pearson International Airport, and how the taxi drivers in Toronto would be excluded from being able to participate in that. Yet there is no way of ensuring that those same airport taxi drivers, the limo drivers—there's no way to protect the turf here in Toronto from their picking up fares and taking them to airport. Granted, it's a lot easier to police Pearson International Airport than it is to police metro Toronto with regard to who's picking up whom in their taxicab. That is certainly a concern.

Then, when I heard the mention of a significant sum of money—I hope I've got this correct, but I heard numbers like \$200,000, money raised and donated to the Liberal Party, post the introduction of this bill.

As I said, I've only been here since the last election, so my experience does not go back 28 years, as would that of the member for St. Catharines or the member for Lanark-Carleton. I suppose they've seen it all here in this Legislature. But I am very concerned as a relatively new member, and I would think that the people out there watching in TV land would be very concerned, if a government tables a particular piece of legislation that may be slanted in such a way—that's not a fair word, I suppose—or drafted in such a way that it may appear to favour one particular group over another—listen carefully here—and that particular group makes a significant financial contribution to the party that is responsible for tabling that bill.

We're going to bracket that off and we're going to border it there, and I really think the people out there should draw their own conclusions on whether they feel that is correct or incorrect. In light of what's been going on in Ottawa with the Gomery commission inquiry and the sponsorship scandal and monies allegedly being laundered on behalf of the federal Liberal Party, you would think that any provincial counterpart would want to be doubly—no, no, triply—careful. They would want to be triply careful that none of that kind of stuff could ever come back on them. So I'm very surprised to hear that in a certain way, because I do believe that the honourable members across the aisle would be cautious and careful that something like that might come back to bite them, so to speak, you know where. That's an issue that I think probably bears a little bit of investigation.

My colleague did talk about—and this is one that certainly concerns me with regard to Bill 144—significant contributions on the part of the construction workers' unions.

Hon. James J. Bradley (Minister of Tourism and Recreation): You never liked the unions.

Mr. Yakabuski: Au contraire, Mr. Member from St. Catharines. I'm sorry, but I can't subscribe to or accept that statement at all.

Do you know what I don't like? I don't like inequality, and I don't like unfairness, and I don't like special favours, and I don't like behind-the-back, under-the-table deals. That's what I don't like. That's what I don't like, I say to the honourable member from St. Catharines, who has been here long enough to see just about everything, I am sure.

About \$194,000 in donations prior to the campaign for that particular construction union and, abracadabra, here we have magically appearing a bill which allows card-based certification to that union and that union alone. It makes me wonder. I don't know if it makes you wonder, Mr. Speaker. I'll bet it does. But it certainly makes me wonder, and I believe that it makes a lot of people out there wonder, just what is going on here.

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Interjection.

Mr. Yakabuski: I appreciate the reminder from the member for Brant. He is very good. He is the government whip, and he is very good at putting people back on the topic because he has to work with 70-odd members there—

Mr. Dave Levac (Brant): One hundred and three.

Mr. Yakabuski: Well, yes, he works with 103, but puts the whip to about 70 of them or so. I have never seen the whip over Premier's back yet, but I'm guessing around 70 or so, and that is a tough job. We have our whip here, the honourable member for Simcoe North, and that's not an easy job with 24 independent-minded people, so it is certainly not an easy job with 70-plus. So I commend the member there, and I appreciate his getting me back on topic, because I think it is very important to stay on topic when we're trying to inform the House and to assist in possibly improving legislation that may be before the House. I really do believe that, at the end of day, we all have that same goal and it is laudable. I appreciate the contributions of all members on all sides of House here today—

Ms. Marilyn Churley (Toronto-Danforth): Gone tomorrow.

Mr. Yakabuski: —from the past—some of them will be gone tomorrow. Some of them could be gone the minute a federal election is called, I say to the honourable member for Toronto-Danforth.

Having said that, I believe that we all have the same, if not very similar, goals. We want to do what we believe is best for the people in the province of Ontario. We may differ on how we're going to arrive at that result, but I think in general we share those same goals, and I think that is why we work and strive to join this venerable

group of only 103 in the entire province of Ontario. With a population approaching 12 million people, we are a privileged and honoured group, but we must take that privilege and accept it with a great deal of responsibility as well. One of those responsibilities, of course, is speaking to bills as they are debated, and I am arriving at that as we speak.

Now, 169 is a transportation bill. I think I may have said that. It is governing rates of speed; it is governing controls, signal devices, many different things. We don't have any problem with much of this stuff. I have some problems with the transportation ministry in general. There are items in this bill that I am going to get to if the clock doesn't run out on me. I do think it is probably running at a bit of an accelerated rate tonight. I'm noticing the clock is ticking very, very quickly.

With respect to transportation issues in my own riding of Renfrew–Nipissing–Pembroke, if I may digress for just a moment, we have been fighting long and hard for improvements to Highway 60. That's been going on some time and I have to credit my predecessor as well. The fight did not begin with me. I would be disingenuous to try to take credit for that. The battle has been going on for some time, but we have accelerated and raised the volume of that, if you will, because Highway 60 is in deplorable condition. I am quite thankful that after many attempts and conversations with the minister to make this point and get this point across, we are going to see some improvements to two of the most deteriorated sections of Highway 60 this year. We're pleased to see that, but there is so much more work to be done.

The highways in my riding and the highways in rural Ontario in general require an awful lot of work. We are going to continue to press those issues with the minister and the government, because there is no possible way that the highways are going to survive much longer in some parts of rural Ontario if massive rehabilitation is not part of the plan of this government. This government is not big on plans, or certainly not big on sticking with plans. It likes to talk about plans, but it's not real big on sticking with plans.

That brings me, quite frankly—I'm very, very concerned about the fact that one of the plans, or the apparent plans, of this government, is that they are not going to speak to bills that they table in this House on third reading debate. I'm not sure if they just want to get out for an early summer recess or if they're trying to avoid the heat—not just the heat of the day but the heat of the public and the media when it comes to the scrutiny of this government with regard to some significant issues that we're facing here in the province of Ontario.

With that, because the government will not debate, it leaves me with little option but to move adjournment of the debate. So I move adjournment of the debate, Mr. Speaker.

The Acting Speaker: The member from Renfrew–Nipissing–Pembroke has moved adjournment of the debate.

All those in favour will say "aye."

All those opposed will say "nay."

In my opinion, the nays have it.

There being more than five members standing, call in the members. There will be a 30-minute bell.

The division bells rang from 1936 to 2006.

The Acting Speaker: The members will please take their seats.

All those in favour will please stand and remain standing.

All those opposed will please stand and remain standing to be counted.

The Deputy Clerk (Ms. Deborah Deller): The ayes are 7; the nays are 25.

The Acting Speaker: The motion is lost.

Mr. Yakabuski, you have the floor again.

Mr. Yakabuski: It wasn't quite as close as I thought it might be, but one of the reasons it wasn't as close is that the Minister of Community and Social Services came in for the vote, and that brings me to my next issue. One of the reasons we are having a problem working with the government to pass good legislation in this chamber right now is the obstinacy of the government on Bill 183. They won't look to improving this bill in a meaningful way. For that reason, I move adjournment of the House.

The Acting Speaker: Mr. Yakabuski has moved adjournment of the House.

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion, the nays have it.

There being five members standing, call in the members. There will be a 30-minute bell.

The division bells rang from 2009 to 2039.

The Acting Speaker: Order, please. Members will please take their seats.

Mr. Yakabuski has moved adjournment of the House.

All those in favour will please rise and remain standing to be counted. You may be seated.

All those opposed will please stand and remain standing to be counted. Please be seated.

The Deputy Clerk: The ayes are 7; the nays are 24.

The Acting Speaker: The motion is defeated.

Mr. Yakabuski, I believe you have the floor for 29 seconds.

Mr. Yakabuski: Not much time left, Mr. Speaker, but a little closer vote this time. Next time, we may have it. I'm going to have a little more time in the two-minute wrap-up to deal with the—well, we'll have some questions and comments here shortly, and I will have two minutes to wrap up.

Hon. Sandra Pupatello (Minister of Community and Social Services, minister responsible for women's issues): Let me just say quickly how disappointed we all are to see that the leader of the Conservative caucus has absolutely no control whatsoever over his own members.

Let me suggest his resolution that read, "To conduct legislative proceedings in a way that reflects the values of all Ontarians...." So I'd ask the members of the Tory caucus who are here tonight, is this what you think reflects the values of Ontarians, that kind of lazy, "I'm

going to stand up and vote to close down debate,” the same group that has a leader who suggests there is going to be a new decorum?

Hey, John Tory, talk to your own caucus. Have a look at your own backyard. Have a look at who you can’t tell how to behave, how to dress properly, how to show up here and do some work for a change.

Here you have a bunch of Liberal MPPs. We’ll be here until midnight if we’re going to have proper debate in this House. No. Instead, we get 30-minute bells, a complete waste of time. Wasting taxpayers’ money—how dare you? That’s what I have to say to you.

To John Tory specifically, how dare you want to be the leader of a party you can’t even control? How dare you suggest that we need decorum, and then this is what you’ve got? You need to talk to your own caucus members. You need to tell them, “Hey, yoo-hoo. I’m the new leader of the Conservatives. Give me a little bit of in-charge here.”

You boys are an embarrassment to your own leader. I will tell you this: I can’t wait until the next election. I can’t wait until John Tory wants to walk around Ontario saying, “Look at me—new decorum.” Hey, John, look at your own caucus. They’re embarrassing you, big guy. You’ve got to do some homework before you come in this House. When you stand up and want new decorum, stand up at your own caucus. You tell them what it is that you want them to do and let’s just see how many you’ve got along for the ride.

I’ve got a feeling, come the adoption bill, that John Tory is going to be standing up all by himself voting in favour, because he can’t bring his own caucus along, even though he knows that he gets a very good bill.

Interjections.

The Acting Speaker: Order, please. Further questions and comments?

Mr. John O’Toole (Durham): I am very disappointed too, Minister of Community and Social Services.

I think what’s happened here is that she really started to yell to build confidence in her argument, because she was obviously out of control.

Mr. Speaker, you would know that she should not call the member by name; She should refer to the riding. I’m surprised at her actions this evening as a minister, because we know that the member for Renfrew–Nipissing–Pembroke, like most of us—

Interjections.

The Acting Speaker: Order, please.

Mr. O’Toole: —is frustrated with the government’s inability to mention Bill 169, the bill that’s before the Legislature. They clearly don’t want to mention the bill, and I’m somewhat disappointed.

She should recognize the member from Dufferin–Peel–Wellington–Grey by the riding, not by the name. It appears that the argument made by the opposition leader from Dufferin–Peel–Wellington–Grey has gone past her without any notice. By that, I’m disappointed by a member of caucus and her comments. I’d encourage the people of Ontario to read Hansard, to see the per-

formance here tonight, that yelling tends to be their way of building confidence in their argument.

There is much more to be said on this and other issues. It’s clear that the members of the government don’t want to debate the issue.

Interjections.

Mr. O’Toole: I can barely hear myself for the barracking by the minister and by others. The member for St. Catharines might—

The Acting Speaker: Order, please. Stop the clock.

Minister of Community and Social Services, you’re being as loud in heckling as you were in your statement. I don’t think the others interrupted you to quite the same extent.

The member from Durham.

Mr. O’Toole: She seems to be relishing this outrageous behaviour. Clearly, if any of us are to learn—and I would include myself in that—the ministers here tonight should be exemplary in their conduct.

Interjections.

Mr. O’Toole: The member from Renfrew–Nipissing–Pembroke did try to make an argument. They weren’t prepared to listen.

The Acting Speaker: Questions and comments?

Ms. Churley: I want to be the mediator here and be the voice of reason and stop the histrionics, the hysteria, from both the Liberals and the Conservatives.

Hon. Mr. Bradley: The histrionics.

Ms. Churley: The histrionics, yes. As you know, I’m never histrionic.

As I understand it, what’s going on here tonight is that the Conservatives are ringing the bells because they object to the adoption bill. I would just point out to people that maybe it’s a lot of fun for you to be here ringing the bells tonight because you object to the adoption bill. If that’s not what’s going on, please clarify, because that’s what one of the members who was speaking earlier said.

As somebody who has been working on this bill for a long time and this particular piece of legislation that I’ve brought forward five times, I do believe the minister has been trying to listen. In committee today, Mr. Jackson said that the amendment put forward went a long way—not all the way, but a long way—in terms of answering their concerns, and I believe that there is an effort being made to go there and make that happen.

In all seriousness, I will say to everybody here tonight that if ringing the bells to try to stop this bill from going forward is what’s happening tonight, it’s very, very disappointing to the thousands of people who have been involved in this issue since the 1970s and trying to get it passed.

Here we are, coming to the end of a session once again. I can’t tell you how many times, whether it’s coincidence or not, these bills come forward at the end of a session and then they fall apart—and Mr. Sterling knows this. The House is often ended and prorogued and we have to start all over again. Please do not do that to the adoption community again this time.

Mr. Sterling: Nothing could be further from the truth, in terms of the Tory position, the Conservative position, with regard to the adoption disclosure bill. We are only asking what every editorial is asking of this government: that a disclosure veto be included in the bill so that women who have been sexually assaulted have the right to say, “I don’t want my name divulged to the adoptee whom I have given up,” because of the traumatic experience that they went through.

This minister, this government, wants to force that particular individual back through the whole experience again by demanding that she has to go in front of a board to maintain her privacy. We are not giving that woman her privacy as a matter of right.

Our caucus has made our position clear. If the disclosure veto goes into that bill—

Interjections.

The Acting Speaker: Order, please. I perhaps have been too lenient, but we are talking about Bill 169, and the comments should—

Interjections.

The Acting Speaker: I know, and I was perhaps too lenient.

Interjection.

The Acting Speaker: Go ahead. You’re right. But please try to confine it to Bill 169.

Mr. Sterling: We’ve made our position clear time and time again. Put the disclosure veto in, and 3% to 5% of the people will take advantage of it—it’s what they did in BC, Alberta, Newfoundland—and you can have your bill tomorrow, done.

Interjections.

The Acting Speaker: Order, please. The member from Renfrew–Nipissing–Pembroke has two minutes in which to respond. I would appreciate it if he responded on the nature of the bill.

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Mr. Yakabuski: I thank the Minister of Community and Social Services, and the members from Durham, Toronto–Danforth and Lanark–Carleton for their contributions, although they didn’t speak much to the bill we’re debating tonight, 169. So in fact I do in some respect have to speak to what they had to say and the very reason I moved adjournment of the House on the last vote.

The minister—what do we say? “She doth protest too much.” It’s getting under her skin because she’s feeling the heat on this bill. There are cracks appearing in her own caucus, because it is clearly fundamentally flawed when you want to go retroactively forcing disclosure on people who would feel absolutely threatened if that disclosure were to be forced upon them. That is the key element that we’re asking for.

The minister brought forth 40 pages of amendments today. They brought amendment after amendment, but they are not addressing the key problem here. Day after day, the case against that portion of the bill is building. People out there are asking themselves, what is fair about forcing someone who was victimized once to be vic-

timized again? This is a fundamental right. People have a right to privacy. Take away the retroactivity and allow the disclosure veto with regard to retroactivity and this bill would have no problems passing. Everybody is in favour of opening up adoption records and giving more access to adoption, but this bill, with its lack of disclosure veto, is not acceptable.

The Acting Speaker: Before I call for the next debate tonight, I’m asking again. We are debating Bill 169, the transportation bill.

Ms. Churley: That’s not why we’re here.

The Acting Speaker: That is precisely why we are here. It is for the transportation bill. Is there further debate on the transportation bill?

Mr. O’Toole: I’m going to have to beg your leave to remove my coat because of the temperature tonight in Ontario. Each of us is suffering a heat wave in Ontario. It’s recorded that the temperature will rise to 37 degrees today. In fact, I questioned the minister today. Our leader, John Tory, made two very good points that should be part of the record, and I’d like to put them on the record again, when he questioned the robust contingency plan that the Minister of Energy, Dwight Duncan, had for the potential risk of the energy professionals on strike today.

So in the climate of this warmer temperature, my intention here tonight is to discuss at some length Bill 169, An Act to amend the Highway Traffic Act to amend and repeal various other statutes in respect of transportation-related matters. It’s quite an omnibus bill. For those interested viewers, this bill is about 17 pages in length and, by and large, it is relegated to several schedules which amend the Highway Traffic Act.

I’ll try to go through it for the members of the government who haven’t read it. They’ve just read the briefing notes they have been given; I understand that. What it does, by and large, is increase the fines substantially.

I’m going to start, just to give a demonstration or an example of the one section that I think is extremely important—I think it is section 35. I’ll read it here. It’s in the preamble to the bill, the explanatory notes, which are four or five pages long because it amends several sections.

“Section 35 of the Act creates an offence for having or displaying a fictitious, altered or fraudulently obtained driver’s licence. This is amended to add the offence of having or displaying an imitation ... licence. The penalty”—this is the key, here—“is increased from a fine of not less than \$60 and not more than \$500 to a fine of not less than \$400 and not more than \$50,000.”

This is about the traditional practice of Liberals’ tax-and-spend attitude. You’ve got to watch this. I’m going to repeat this. Section 35 is just one of many parts that increases the penalties and fines. This is outrageous. Quite honestly, that is why I’m here tonight to say that this bill, by any measure of reasonableness, is outrageous.

Here's the point: As it currently stands today under the Highway Traffic Act, it's fine. I agree with the intent here, that persons who have or display a fictitious, altered driver's licence—I completely agree with the intent; completely. I want to make that very clear. What I have a problem with here is that we have people who, for a variety of social or other consequential reasons, are using these fraudulent identification papers, which is often a driver's licence. So I agree.

The fine today is between \$600 and \$500 depending on the will of the court. What they're doing is moving it from \$400 as a minimum up to \$50,000. What reasonable person today would have \$50,000? They mean to diminish the individual before the courts, with legal fees and costs of court and court time, for an infraction under the Highway Traffic Act.

I'm going to actually read this, because it's worth pursuing. This section has some length to it, and I am going to read it. It's on page 3 of the bill, and it's really subsection (4.1): "Every person who contravenes clause (1)(a) is guilty of an offence and on conviction is liable to a fine of not less than \$400 and not more than \$50,000." This is in reference to "display or cause or permit to be displayed or have in his or her possession a fictitious, imitation, altered or fraudulently obtained driver's licence." The issue of that one particular section is what I have a problem with in this particular bill today.

If I was to stray from the bill in any way, I want to put on the record very clearly at the outset that some of the contents of this bill, Bill 169, came before our government when in fact we were government and some of the issues were addressed. But the issue of what I call the "scoopers bill," dealing with the taxis and the airport limousine service, has been talked about. I remember Raminder Gill, a member of our caucus at the time, introduced a private member's bill. Mr. Speaker, you were here. You would probably remember the member from Bramalea—Gore—Malton—Springdale: an excellent member, a very qualified member. He met, listened to and consulted with constituents in his area who dealt with the airport limousine service issue. There's a broad-ranging aspect of this bill that deals specifically with that ability to scoop customers.

I probably support many of the sentiments here within this bill. But for those interested tonight, I think it's important to read some of the explanatory notes that will eventually surface as the infrastructure for these amendments to the Highway Traffic Act. With the attention of the members here and those listening—there are both here tonight; some are in attendance, some are actually listening:

"The following amendments create new ways of using highways:

"Section 128 of the act is amended to permit municipalities to pass bylaws prescribing a speed limit of 30 kilometres per hour in traffic calming areas."

Who would disagree with this innocuous change? Think of school safety zones, which we implemented. Think of parks and playgrounds and complete residential

areas. I think it's purely a responsibility of the municipal level of government to seek approval by the minister.

"New section 128.0.1 allows for the use of variable speed limits on designated highways or parts of highways. The ministry may set different speed limits to apply, at different times, to different highways or parts of highways and to different lanes, directions of travel and classes or types of motor vehicles on a designated highway."

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This is where it becomes complicated. If you're driving down a controlled-access highway, which would be a provincially controlled highway, you could conceivably have preferential lanes. You and I would probably agree with this. If it's a commuter lane, you may allow a speed of a certain amount. But think of people crossing from lane to lane, where one speed was not to exceed 100 kilometres, the next speed limit on the middle zone might be 110 and the outside lane might be 120 for express to move along traffic, to avoid gridlock, to avoid congestion. Think of the electronic implications of this. Think of toll highways. Think of the enforcement. Think of the fines and the schedule of fines that aren't attached to this that will create problems and work for lawyers and problems for drivers who, through no fault of their own, may be trying to get out of one lane and into another lane to avoid blocking traffic. This, on implementation, is more government interference.

What we should be looking at, respectfully, is this. I drive often—not always; I often take GO Transit. I often drive on Highway 401. I'm generally coming in at around 6 o'clock to 7 in the morning. That's generally my time. I'm driving along with my constituents on Highway 401 from Clarington through Courtice, Oshawa, then Whitby, Ajax and Pickering. There's more and more gridlock. I've noticed that quite often at that time of the morning, the gridlock is unavoidable. In fact, it often is two hours. I would encourage government to find ways of traffic management and to avoid gridlock.

I don't see a lot in this bill as it is currently presented—and I've read it. I've read all the sections. I believe there are six pages of regulations—actually, there are four pages of regulations and amendments to the Highway Traffic Act. In the limited time I have, I'm going to get around to—I may not have enough time. But my point here is that when I look at that, I think there are other ways. I think there are solutions here, traffic-calming mechanisms. I think there are mechanisms of differentiated lanes, commuter lanes.

Mr. Speaker, I'm going to digress for one moment, with your indulgence. I have a private member's bill. The House leader and others have an understanding of this bill. Bill 137 is my bill. This bill comes from one morning when I was on the GO train riding to work, to Union Station, and a constituent mentioned to me that their pass to take the GO train and the TTC to Queen's Park or thereabouts was about \$100 a week. That's after-tax income. I thought, "You know, many companies provide parking as a taxable benefit." Bill 137 provides a tax

credit—up to the Minister of Finance's discretion, Greg Sorbara, as to what that rate is and what that table is—for everyone who uses transit. My intent here is not to prescribe what the tax relief should be but to encourage people to buy that monthly pass, to get out of the car, to make the first step toward a commitment to public transit, to reward and give an incentive to people who use public transit for a lot of economic and other reasons.

Looking at alternative ways, I encourage the government, and I fully relinquish—I have spoken with Minister Takhar, the Minister of Transportation, about Bill 137 and encourage him to pursue this as an instrument to encourage people to get out of their vehicles during commuter times and use public transit. It's one of the solutions we need to speak to. As a Conservative member of the John Tory caucus, I encourage people to use public transit. The way to do that is to encourage them, to reward them if they buy that monthly pass. If they were to pay \$100 a week and they worked 50 weeks of the year, that's \$5,000 a year in after-tax income, Mr. Speaker. You know what that means. If they were to get a tax credit, they would actually get out of their car and say, "Look, I may even get a \$100 or a \$500 tax credit at the end of the year." It wouldn't necessarily be dollar for dollar; I understand that. I see it as a more productive instrument than the gas tax transfer, which is very complex. It doesn't affect all people. People in my riding, for instance, may start out their journey in Port Perry or Burketon or Solina or Enniskillen, and they have to drive to Oshawa or Whitby and then get on the GO train. They've already driven, in many cases, 30, 40, 50 kilometres. And the gas taxes—you won't incent any money for Solina or Burketon to develop public transit solutions.

I'm putting that on the table here as a clear, sincere commitment to work with the government to find solutions other than the, I would say, overarching, overtaxing solutions that are recommended in Bill 169. In fact, in my quick review of the bill in the very limited time I've been given by our party whip, Garfield Dunlop—he has sort of limited my time, and I don't understand why—I probably agree with section 128 of the act, governing the rate of speed; and section 214.1 of the act, governing the rate of speed in community safety zones, is amended to increase the fines for drivers between 30 and 35 kilometres per hour over the speed limit to the same fine applications for drivers between 35 and 50 kilometres per hour over the speed limit.

Section 128 is also amended so that drivers found guilty of driving more than 50 kilometres per hour over the speed limit more than once in every five-year period are subject to progressively longer licence suspensions: 30 days to 60 days, and eventually an additional year. Quite honestly, in community safety zones—I don't have a problem with that one. Due warning, a progressive disciplinary policy—I have no problem. It makes very good sense to me. We must put community safety first. Municipalities, under the current laws, have the ability to identify community safety zones, be they around parks, schools or neighbourhood facilities, and it makes good

sense. People who don't learn the first time, and the progressive discipline—I can tell you I would agree with that part of sections 128 and 214 of the act.

A new subsection 128(15.4) is added to provide that a certificate of offence for a speeding offence against a driver cannot be amended to reflect a charge against the person as the owner of the vehicle. Now, here's the obsequious nature here. Traditionally, the licence plate number, today, is registered against the owner, not the vehicle. If you sell the vehicle, the licence plate goes with you. So it's registered against the owner. Now here is the issue under the school bus passing issue, which came up earlier this year. If someone anonymously reports that you passed or did some infraction, you as the owner of that plate number are subject to a fine. That I completely disagree with. That's an onus on the owner of the vehicle to report who was actually driving the vehicle. The vehicle may be stolen. Issues that address congestion and gridlock, our government and our critic, Jim Wilson, have spoken long and hard—in fact, there's a Web site that addresses the issue of gridlock. We, as government, had a Smart Growth plan that I think was moving in the right direction without imposing undue penalties, as I outlined earlier, on the people of Ontario. Give them due warning. Educate the consumer.

Mr. Speaker, you may recall I had a bill—and the bill is still on the books. I'm surprised that the minister hasn't just adopted it. This was to prohibit the use of hand-held cell phones while driving. What better use of—

Interjection.

Mr. O'Toole: Yes, improving. It's still on the books, and the member would know that it was unanimously endorsed here. Members of all caucuses recognized that the invading and pervasive use, the intrusion into our space as drivers, isn't just cell phones; it's BlackBerrys, it's onboard navigation. I called it—the minister could define it in regulation—technology that deals with driver distraction. What it did was allow the Minister of Transportation, whoever is the government, to define in regulations the prescribed instruments of driver distraction and driver interference, as well as the fines that went along with it. I can't imagine for the life of me why the minister—it isn't even partisan politics; it's just good public policy. People from all walks of life, business and private sector, have agreed on the banning of cell phones while driving. In other jurisdictions—in fact, my legislation was adopted by Newfoundland and Labrador. It was my bill amended to reflect their Highway Traffic Act.

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Ms. Churley: Yay, my province.

Mr. O'Toole: Exactly. The city of New York as well; I have spoken with them.

It's just good public policy. Like Bill 137, I offered the cell phone bill to the government to just be good government policy. Much of what I see here is also contemplated in some of the initiatives.

Now, what I find causing much of the driver gridlock issue is incident management.

I've got very little time left. If I was to invoke a motion here, I would end up with no time. In the spirit of trying to be sincere about my commitment to Bill 169, before us to debate, first I must make—this was at the last moment. The House leader, Dwight Duncan, changed the order that we were to be debating tonight. The bill we were supposed to be debating tonight was the democratic renewal bill. I stayed, anticipating, as I'm sure many of us did, debating that bill. I find out it's Bill 169, which is another bill. They have gridlock themselves, it turns out. They have several bills. Mr. Speaker, it's true. You should know. You're new in the chair. Bill 183, in the intransigence of the House leader, and the Minister of Community and Social Services knows, as—

Ms. Churley: That's why you're doing this.

Mr. O'Toole: No, no. This government wants good policy that respects the people of Ontario. Ann Cavoukian, the privacy commissioner for Ontario, and a couple of articles in the newspaper, independent of partisan politics, have said it all. Good politics makes good policy, and good policy is good politics. I feel the minister—in fact, I find the leader is now listening. Dalton McGuinty is listening. There is some traction on this opposition. I encourage you, in the interest of finding resolve and inspiration to move forward collectively, to find solutions on Bill 183. Move slowly when you're dealing with people's lives. That willingness would go a long way toward goodwill in this House. I for one will be supporting the bills that try to find the greatest reasons to resolve the issues for the people of Ontario.

The Deputy Speaker (Mr. Bruce Crozier): Questions and comments?

Ms. Churley: You were going to ring the bells again, and you missed your cue?

Mr. O'Toole: I missed my chance.

Ms. Churley: There you go. There he goes again. The member gave a speech about the bill that we're supposed to be talking about here tonight. The reality is that that's not why we're here. He admitted it once again at the very end that they are holding this House and the people of Ontario hostage because they don't agree with certain aspects of the adoption bill before us. Now, I would say it's a democracy. Let's have the vote, a fair vote in the Legislature, and see what happens. That's what democracy is all about.

The member knows that the five times I brought a similar bill forward—which had no disclosure veto whatsoever. This government has, against my objections, put in some disclosure amendments and one piece within the bill itself. Yet the opposition continues, because of a few people who have always opposed the bill since the 1970s, and some of them are still here, giving the very—

Interjection: Name names.

Ms. Churley: Norm Sterling, and Jim Bradley and the Liberals too. They are making the same excuses and rationales that they were making in the 1970s when Ross McClellan brought forward the first private member's bill here that actually created the adoption registry, the first in North America. All the same things, Norm, were

said at that time—they were; I looked at Hansard—and later on in the 1980s when Sweeney brought forward a bill. They didn't happen.

I want to remind the members in this Legislature that the privacy commissioner has no jurisdiction in this matter. She admits it; she agrees to that. She says it should be decided at the end of the day by government. It's a complex situation. At the end of the day, that is what we're doing here. Look at England, which has had adoption disclosure since the 1970s, with no disclosure veto and no contact veto, and none of these things have happened. It is a red herring. It is scaring people for no reason whatsoever.

Hon. Mr. Bradley: What I am pleased about this time is that the representative of the Conservative Party who spoke this time didn't simply adjourn the debate and want to adjourn the House, which is obviously a tactic that they have been using. I'm surprised by that.

I've got to share the concerns expressed by the member for Windsor-St. Clair. I read the op-ed piece in the Toronto Star by the new leader of the Conservative Party, and I've come to the conclusion, after the few weeks that he's been here, that while he had the most votes at the Tory leadership, Jim Flaherty actually won this particular leadership, because I see that the right wing of this party seems to be pulling the leader away from positions that I know he would like. I know the member wanted to get to that in his remarks.

Interjections.

Hon. Mr. Bradley: He didn't have the time. But I'm concerned, because I see them, instead of debating—I think it's quite legitimate to debate bills, and I think a lot of good arguments are often made on many sides of the House. What I am concerned about is the Conservative Party used to denounce the opposition previously as irresponsible when they were moving the adjournment of the House and adjournment of the debate and so on and using stalling tactics. I expected, with the new leader—I may not agree with his policies, but the new leader, John Tory, was going to change things. I think I read that op-ed piece in the Toronto Star about 15 times, to see all the changes. And then he had the resolution last week that says, "To conduct legislative proceedings in a way that reflects the values of all Ontarians, such that members of the Legislature conduct themselves with the highest degree of professionalism and respect for their fellow members." Yet instead of allowing the debate to flow, we have them cutting off the debate with frivolous and vexatious motions to adjourn the debate and adjourn the House. I'm disappointed with that, but I want to commend the member for not participating in that kind of activity.

The Deputy Speaker: Questions and comments? The member from Nepean-Carleton.

Mr. Sterling: From Lanark-Carleton.

The Deputy Speaker: Lanark-Carleton, thank you. And I've vacationed in Lanark county.

Mr. Sterling: Members here are confusing decorum with the use of the rules in order to meet the ends of a

political situation. So the ringing of bells, moving adjournment of the House and moving adjournment of the debate is quite within our ability, quite within proper decorum in this House in order to drive this Parliament in a certain direction. I have been a party to doing this before with different methods and different kinds of political movements. I was the person who suggested to Mike Harris that he introduce a bill talking about all the lakes and rivers in the province of Ontario, and it was used as a political manoeuvre to stall the House for a day. Don't confuse that with decorum, because decorum is about paying respect to members when they're speaking, listening to them and perhaps even changing the policy with regard to what they say.

So listen, I have no problem moving adjournment of the House, adjournment of the debate, if that's necessary for us to achieve a political end, to bring some sense to this government, about a particular piece of legislation, in this case the adoption disclosure bill.

Mr. Patten: Move adjournment of the House.

Mr. Sterling: I can't at this particular time. You can't move adjournment of the House or adjournment of the debate during your two-minute hit.

So we do stand for better decorum, but we will also use the rules of the House to our advantage.

2120

Mr. Dunlop: I'd like to thank the member from Durham for his fine comments on Bill 169. He dealt with a lot of the issues around the bill, and he also made very clear his position on a few other topics around this House today.

I guess what I find really interesting tonight is we heard the minister a little while ago screaming away, talking about decorum. The minister—I think her name is Pupatello, the member from Windsor West—

The Deputy Speaker: Let's start early; let's go with the minister's title, please.

Mr. Dunlop: The Minister of Community and Social Services. I know she's the one who is closing down the Huronia Regional Centre in the city of Orillia—I know her very well—and the regional centre in Smiths Falls.

Interjections.

Mr. Dunlop: Yes, you can support the private member's bill to keep them open, because she's obviously not concerned about that.

What I was trying to point out here tonight to the people who are watching on TV—and I hope people are watching—is that the members of the government are not debating the bill. What is wrong with you? Why will you not debate this piece of legislation? Why don't you stand in this House, just one of you, stand for five minutes or 10 minutes and actually speak to the legislation? Can you understand why they won't do that? I think that's a good point we're trying to raise. Why would someone else not adjourn the debate or try to adjourn the House, when the government, the people who are trying to pass this legislation, don't have the courtesy to debate? That's what it's all about here tonight: They do not have the courtesy to debate this in this House tonight. That's

disappointing to the citizens of the province of Ontario. This very important bill, this very important piece of legislation, has received 10 minutes of debate on second reading from the members of the government of the province of Ontario. I find that disappointing. Mind you, they're over there heckling me as usual, but the bottom line is they refuse to debate the legislation they brought into this House.

The Deputy Speaker: The member for Durham, you have up to two minutes to reply.

Mr. O'Toole: I'm very intrigued that the member from St. Catharines responded. I appreciate that. He is here; he is dedicated. He and the member from Lanark-Carleton, as the two more senior persons here, having served in government and opposition, know the rules of which they speak and I respect that. In the past, this was always treated as a time allocation—"We just want to ram it through"—if that's the layman's term inside. But really, where you feel your principles and your debates meet your standards, you would force the legislation.

What you're doing here is a bit of a travesty in a way. I don't say this hypothetically or hypercritically. You should probably participate in the debate, as the member from St. Catharines did. What you're doing is you're not standing up any speakers, for the sake of forcing us to make long and arduous comments with respect to a bill that, for the most part, many of us would have some agreement with.

But you know, as you understand, the debate goes on. The member from Simcoe North did summarize it, I might say, with some passion. As our whip, he knows the inner workings of the House leaders' process, that there are issues that the House leaders could work, as they say, in a more open, democratic fashion. I don't know if the right House leader is in place on the government side.

I think Mr. Tory, our leader, has it right and his intentions are not impugned on the history which you refer to. What he is trying to do is move this process forward so members on the backbench, members in opposition and in the third party have a meaningful role.

So with respect to Bill 169, there's much to be agreed upon here. You are in control. You are the government. If this bill doesn't move forward—you could easily have called the vote on this bill. It is in third reading. It has been through second reading debate. As such, there's one more reason to question their ability to manage and to govern, not just 169 but other bills before the Legislature.

The Deputy Speaker: Further debate.

Mr. Michael Prue (Beaches-East York): Mr. Speaker, the first thing I wish to do is thank you again for assuming the Chair, which allowed me an opportunity to actually speak here tonight.

The Deputy Speaker: I thought you would go home.

Mr. Prue: You thought I would go home, yes. And I thought I would too, except that I really feel compelled to talk about this particular bill because I haven't had an opportunity in the House to talk about this bill at all, Bill 169. I don't know whether I'm even going to use my whole 20 minutes, because there's only one aspect of this

bill that troubles me at all. If it was not in the bill, I would gladly vote for it, because every single aspect of the bill, save and except one, meets my satisfaction. The one problem with the bill is the one that has been spoken about here tonight, and that is the scooping principle at Pearson airport, and the lack of similar legislation to assist the cabbies of Toronto.

This is an older bill. This is not brand new; this is not a government bill for the first time, as has already been stated tonight. This was before the last Parliament. Before the last Parliament, the member then from Bramalea-Gore-Malton-Springdale brought forward a private member's bill. He brought forward the bill and it was in this House for a considerable period of time. It passed second reading and went to committee. There were attempts to bring it back on several occasions, but eventually it died on the order paper because there was not unanimous consent of the members of the House.

One of the people who did not grant unanimous consent was me. I didn't do it for a very good reason—the same reason I am opposing this bill today—and that is because it does not do what it purports to do. It is intended to stop scoopers at Pearson airport. But in fact it continues an unfair practice that has existed at Pearson airport for a number of years. You see, the cabbies at the airport, those who drive the limousines, have a monopoly. They are the only ones who can pick up at the airport; they have a licence to do so. A Toronto cabby is allowed to pick up at the airport if there is a pre-existing fare and if the cab driver can pay \$10, go into a compound and wait for the name to be called. If for some reason the person seeing a cab right away said, "I called one, but it doesn't matter; I'm going to take this one," the cab driver may not know for hours and hours that his fare has not arrived, only to be told, "Your fare hasn't come, and you're gone." It would waste a huge amount of time, and it costs \$10. There is a special sticker that accompanies it. There is a whole bureaucratic rigmarole for a cab driver in Toronto to pick up a fare. So they don't do it.

But what happens the other way is the problem. Nine hundred or so people who have licences at Pearson International Airport come into the city of Toronto all the time. They not only come into the city of Toronto but into Brampton and Hamilton and all over southwestern Ontario. They go all over, literally anywhere they're required to go. But increasingly, and with some distress to the cab drivers of Toronto, they have started to come in and hang around the larger hotels and convention areas of Toronto. They then pay what is called a cookie. For those of you who may not be familiar with this, it is a bribe, usually \$5, \$10 or \$15 to the doorman of the hotel. For the cookie, the \$10 or \$15, the doorman at the hotel will ask visitors, primarily Americans and those who are not from the Toronto area, "Do you want to go somewhere, to Niagara Falls? Do you want to go to the Science Centre"—not the Science Centre; that's not far enough away. It's usually the drives that are long and detailed or that might take three or four hours, that a

tourist is willing to spend on for a tour of Toronto. "I'll get you a limousine, not a cab." All it's going to cost is the \$15 or \$20 you're going to give to me, and I'm going to give half to the offending cab driver. Then they call over and say that this is a pre-arranged ride. Then the airport limousine driver takes the tour that is an hour or two or three hours long, which might net \$100 or \$200. That's something the Toronto cabbies don't get.

So what is happening with your bill? You are making it increasingly difficult for a Toronto cabby to scoop at the airport, and maybe you should. Maybe they shouldn't be out there scooping at the airport. But what you're not doing with the bill is protecting the 10,000 cab drivers in the city of Toronto who rely on the tourist business, who line up at the hotels, sometimes waiting for half an hour or an hour or two hours to get a fare, only to see the fare of a lifetime, certainly the fare of that week, the fare they could only dream of getting, being handed over to someone who does not have a licence, because that person is willing to pay cookies to the doorman.

2130

That is why we oppose this bill; not because of all the good things in it, but because you are doing a disservice to 10,000 honest men and women in the city of Toronto who are only seeking fairness. They believe that if they cannot scoop at the airport, the airport limousine drivers should not be allowed to scoop in Toronto. What a revolutionary thought. If you outlawed scooping altogether, if your bill would do that, I would support your bill. But your bill is confined to Pearson International Airport. Your bill is confined to protect those people who, with complete ease, come into the city of Toronto and scoop fares, and yet you are not willing to give the same thing to the city of Toronto cab drivers.

They've been out. They've been honking their horns, going around and around this place several times. You must have seen them. Did you not stop to wonder why they're doing it? Did you not stop and ask them, "Why are you doing this?" They want to know why you are proposing this one tiny little section of an otherwise good bill. For the life of me, I don't know. The only thing I know is that the member in the last Parliament and the member in this Parliament both represent the same area. They both listen to the same people. They both have the same constituents who are asking them for the same thing. I don't think it has anything to do with party.

Now, I do have to tell you that I was extremely disturbed when I was handed a copy of a Punjabi newspaper. We had it translated. The newspaper article, with the smiling picture of the minister and all the other people in it, and the Premier, has the caption underneath about the airport limousine drivers having paid to attend a fundraiser, having raised \$200,000 for the government. When something is as fundamentally wrong on this one issue as is contained in this bill, I do not see how the members opposite can take this lightly. Whether that newspaper article was true or not true, it is in print. It names the minister, it names the Liberal Party and it says what reward they are going to get for the \$200,000.

That's what I see here. That's what the cab drivers of Toronto see here.

I will tell you that they need to be listened to. That portion of the bill needs to be withdrawn. The rest of the bill—community safety zones, school buses, everything else the bill does—is commendable. But I am asking the members opposite to talk to the minister, to talk to the whip, to talk to the House leader or to whomever else you have to. Withdraw that offending piece of the bill, because the cab drivers of Toronto are not willing to take this. There will be some discord in this city in the future if this portion passes. If they see that what is being denied them, i.e. the opportunity to scoop, is being made even easier for those who can pay the cookie, then I think there's not going to be peace on the streets of this city, at least not as far as the cab drivers are concerned.

Those same cab drivers are saying that this can be done in several ways, that this can be done in other ways. They have suggested to me, and probably to somebody on the government side, that in the negotiations that are taking place between the Premier and the mayor of Toronto there is an opportunity with the new city charter, or whatever it's going to be called, to empower the city to do what is necessary to stop and outlaw scooping, as opposed to having the province pass this legislation. They are willing and able and, I think, would welcome an opportunity to work with city hall.

As the member from Leeds-Grenville said tonight, the cab drivers of Toronto have had a little problem with the chairman, Councillor Moscoe. I think that is a bit of an understatement. But he should also have said that they have started to work together and to trust each other a little bit more in the last couple of years. If you withdraw this provision, I certainly think it has a place in the new city charter. I also think it has a place as a companion or separate piece of legislation that deals exclusively with this issue. If you want to show fairness, you need to sit down with both the 900 drivers at Pearson airport and the 12,000 drivers in the city of Toronto. If you want to do it right, please do it. Pass the rest of the legislation. I won't be speaking any more, but I know that if you remove that portion, I'm pretty sure that my colleagues in the New Democratic Party will support the balance of the legislation.

If you leave it in, we have to vote no. If you've heard me through, you'll know that this is a very important issue to 12,000 people. It relates entirely to their livelihood, to the sense of fairness on Toronto streets, and if you asked me whose side I'm on, I would probably tell you no one's, except that these people need a champion; they need someone to tell their story, because so far, all the government has heard from is those people at Pearson airport.

The Deputy Speaker: Questions and comments?

Mr. McNeely: Parts of this bill are very important for the safety of Ontarians, and this was part of the discussions tonight. But I'd also like to take the opportunity to talk about other things more pertinent to Ottawa. One of the things that I would like to note is that health care

funding—we have the ICES report now, and while the member for Lanark-Carleton is here—and I'd just like to address the member from Nepean-Carleton. If they'd look at that ICES report that came out in 2003-04, when this government changed, they would find that Ottawa is 14th out of 14 in wait times, the worst in the whole province. I would just like them to be aware of that.

The Deputy Speaker: I remind the member for Ottawa-Orléans, we really have Bill 169 before us tonight, and although I'm sure you're interested in that, I would ask that you stick to the comments of the member for Beaches-East York.

Mr. McNeely: Thank you, Mr. Speaker. Yes, we should be discussing the bill, and I'm sure that the parliamentary assistant will get around to the specific issues that the member was speaking about. But I would just like to say that I don't think historically, and certainly not in the 1990s, that enough was done with methods of using our infrastructure better. I touched on it before. I think it's extremely important that with this bill we get on with measures that are going to make our infrastructure work a lot better. That's what this bill is all about. Let's support the bill and get it passed.

Mr. Sterling: This bill, with respect to this scooper issue, is not unlike the experience we're going through in committee now dealing with Bill 183, and that is that the government—

The Deputy Speaker: No. Help me—

Mr. Sterling: You don't even know what I'm talking about, Mr. Speaker.

The Deputy Speaker: OK, I'll listen very carefully then. But it would help me if you'd sit down while I get up and explain my point.

Interjection.

The Deputy Speaker: OK, thank you. The member from Lanark-Carleton.

Mr. Sterling: What I'm talking about is this: These issues are complex issues, and therefore, when the government lays a piece of legislation on the table like this bill, dealing with the scooper law—they're trying to treat this as an isolated problem and solution at the airport, without taking into account the larger greater Toronto area and the effects on people who may be in competition with the airline limousines at the airport. So we have a bill that confines itself to dealing with one group, without really exploring what they should be doing overall across this greater Toronto area, as the speaker has pointed out. It becomes very, very frustrating for members of the opposition to try to get a good piece of legislation here which really takes into account what's happening on the ground. The tendency of this government is to respond to one pressure group, race in with a narrow piece of legislation, not well thought out, and as a result, they get themselves in trouble.

Ms. Andrea Horwath (Hamilton East): I have to say that I'm very pleased that my colleague from Beaches-East York came out of the Speaker's chair to speak to this bill particularly, because of the insights that he brings to the debate, being a member from the Toronto

area. I know that our critic from Timmins–James Bay had an opportunity to do maybe two thirds of his leadoff speech on the issue, on the bill, but wasn’t able to finish off tonight. In fact, he should have been here to do that but was unable to be here, unfortunately. This gave the member from Beaches–East York the chance to make comments.

2140

I have to say that I agree with everything the member has said. I wanted to add to that that although other sections of the bill are something that we do see some significant merit in—again, not talking about the unfairness that’s going to be implemented with the Toronto taxi industry, but rather other pieces of the bill around the dedicated lanes on the highway, school safety zones and all of those other pieces that are meant to be safety measures for the community, meant to be ways to try to improve the traffic safety in communities and on highways. But the problem that we’ve identified and that the our lead critic in the area talked about is the fact that enforcement is only as effective as the tools that you have to create the enforcement. He spoke about the issue of lack of resources for police, particularly the broken promise around the 1,000 new police officers. I thought that it was appropriate for me to remind this government that if they are looking to increase enforcement, increase fines, try to deal with those issues, the 1,000 police officers who are necessary in communities—and paid for by the government, as opposed to 30-cent dollars, which is what they ended up with, and municipalities just can’t afford it.

Mr. Lalonde: I just want to remind the member for Beaches–East York that this bill is not confined to Pearson airport. We are making it illegal at any airport in Ontario at the present time, so it is not only for Pearson airport. All we want is the protection of all of those people who have to jump in a cab. You’re saying that they are scooping fares at the present time. I fully agree with this, because at one time we had one complaint that it cost \$180 from Pearson airport to downtown Toronto. Those people who are trying to scoop the passengers at Pearson airport are going inside the second door, and that’s where they get the people. The people who have never been in Toronto before think it’s legal, so they say, “Yes, I’m going downtown.” And when they cross the first island median at the Toronto airport, they jump in the cab, and they’ll never know where they go. I happened to have the experience once before. I was going to the island airport, and I ended up at St. Joseph’s hospital. They didn’t know where to take me. This is why this bill will protect the passengers safely and also financially. That is the protection we want to give to the people of Ontario and to any visitors who come to Toronto.

The Deputy Speaker: The member for Beaches–East York, you have two minutes to reply.

Mr. Prue: I only have two minutes, so I want to tell to the members that I have been dealing with this issue for so many years, first of all at Metro council and then in

the amalgamated city of Toronto. We went through a whole exercise with the cabs. We went through the ambassador cabs, we went through the licences, we went through the licensing authority, and I think that I do know a little bit about what I’m talking about in terms of the cookies, about the cabbies and about what’s happening. That is the problem with the bill.

I agree with the member from Glengarry–Prescott–Russell that we have to stop the scooping by illegal cabs at the airport—at this airport or in any airport. If that’s all the bill did, that would be fine. But that isn’t what the bill does, because what the bill does is it allows the continuation of a reverse scooping practice which is taking place in Toronto. That is what your bill not doing, and that is the problem with the bill. It is the problem that 12,000 cabbies in this city are saying they want some redress. If you are going to stop them, and they are only occasional scoopers at the airport—and I will agree that some of them do—they want to be assured that the limousines cannot come and scoop their legitimate fares in Toronto. The same argument holds true. Just because you have a limousine licence doesn’t mean that you are going to treat fairly the people who get into your cab at the Royal York Hotel and who don’t know that there is no meter in the cab and you can charge anything you want—because there are no meters in the limousines. What is to stop the unfairness there?

The unfairness exists because the law is not enforceable; it is particularly not enforceable to the people who live in Toronto. If you want the bill, you need enforcement, as my colleague from Hamilton East has said, and you have to make sure that scoopers are dealt with in a way that is consistent across the airports and the cities that are close to them. That’s all we’re asking, on this side of the House. If you do that, then you’ll have a good bill; if you don’t, we have to oppose it.

The Deputy Speaker: Further debate?

Mr. Sterling: It’s great that we’re talking about a transportation act when earlier this evening many of us shared a reception with the professional engineers of Ontario, some 70,000 of them across our province. Many of their lives are involved in the construction, maintenance and improvement of the roads and bridges across our province. I was asked, along with the two other engineers from the Legislature, Ernie Parsons from Belleville—

Mr. Ernie Parsons (Prince Edward–Hastings): Prince Edward–Hastings.

Mr. Sterling: Well, you didn’t get my riding right. Phil McNeely, who spoke just a few minutes ago, is the other engineer in the Legislature. I made the observation that we needed more engineers in the Ontario Legislature and that, by some strange coincidence, all three engineers in the Legislature come from eastern Ontario. I just wonder what’s the matter with the rest of the province. What’s happening down in the Windsor–Essex area, for instance?

Mr. Levac: They’re smart enough.

Mr. Sterling: The government whip says they're smarter in other parts of the province.

This bill comes as a bit of a surprise to us, in terms of having to debate it tonight. Up to 5 o'clock this evening, we thought we were going to be debating Bill 176. That's the bill dealing with democratic renewal. So you've caught some of the members here flat-footed. Our critic, Jim Wilson, is not here tonight to hear the debate. Therefore, some people who are watching might say, "Why aren't people ready to speak, and why are the bells ringing from time to time?" My answer is that nobody knew this was going to happen till 5 o'clock tonight. So, as I say, we were going to debate democratic renewal.

The other part is that there has been some consternation in the Legislature tonight about the fact that the bells are ringing and time is a-wasting and all that kind of thing. During the last two weeks of the session, the government has the option of extending the hours to 12 midnight. Are we in the last two weeks now? No, we're not. They just did it by motion, is that correct? Yes. I'm asking the clerk those questions, Mr. Speaker. But there is a very, very negative effect to the opposition debating that in full, because they would lose their question period if in fact we debated that motion here during the afternoon when the government House leader, Mr. Duncan, calls it.

Now, one of the problems we have here of course is that you try to beat down the opposition by having debate until midnight. So we sit around here, and we're limited to 20-minute speeches after you lead off. Your leadoff speaker has an hour. So using the rules of the House to drive your overall strategy as to what bills you want to try to change the government's mind on leads us to this position that's not understood, and can't be understood by somebody who is outside of this institution, that it's in our interest to debate this bill ad nauseam so we can drive reason and rationale on some other bills that are more important than this particular piece of legislation. It is not so much that we want to debate this bill at length; it's the fact that we want to move the government with regard to some other pieces of legislation. By continually raising the issue of one other bill, we have been able to demonstrate already that the government is moving on that bill, and if they would just turn the corner on it, we probably could all be out of here this Thursday night. That's a small reality.

2150

But I want to talk about some of the issues involved in this. This is a Ministry of Transportation bill, one of the ministries I served in around 2001 for, unfortunately, only one year, because it was necessary for me then to leave to go to the Attorney General's office. I really enjoyed my stay at the Ministry of Transportation. The first Minister of Transportation was appointed in about 1937 or something like that. I was talking earlier about the engineers in the Legislature. I was the first Minister of Transportation who was also a civil engineer, so much to the chagrin of some great assistant deputy ministers like Carl Hennum, he could no longer say he was the

chief engineer at the Ministry of Transportation. He and I often kidded when people talked about who was the chief engineer of the Ministry of Transportation.

Mr. Levac: You both said "I am" at the same time.

Mr. Sterling: Yes, we both said "I am" at the same time.

Anyway, one of the things that ministry has is some great people. They have some great assistant deputy ministers. I believe their deputy minister now is somebody with whom I also had some experience and for whom I have a great deal of respect as well. You could rely on them to bring forward proposals and improvements to the whole range of topics which comes under the Ministry of Transportation.

I see in these pages some of the proposals that were brought before me as the minister back then and that we would put on the legislative timetable. Sometimes they would fall off, because there was never enough time under our government to get to them. Part of the reason we never got to them was that if a bill like this was brought forward by us, the then Liberal opposition would force us to three days of second reading debate, virtually on every bill. It didn't matter whether they did or didn't agree with it; they would force us to three days. Then we would move a time allocation motion, which would make it four days, so we would be into the fifth day by the time we got to vote on it at second reading, and third reading would be perhaps even a sixth day. Consequently, pieces of legislation like this didn't get passed by our government, because we had an obstreperous opposition.

When John Tory, our leader, is talking about doing things in a better way, we are trying for and have demonstrated, for the most part, a degree of co-operation which hasn't been seen here from an opposition party. Now, we are getting to the end of the legislative session, and there is a very, very significant issue we're dealing with, so now we have turned a little bit obstinate in terms of what we're doing.

One of the proposals that was brought forward by the former member for Brampton-Springdale—whatever all those names were; it was Raminder Gill. He wanted to bring this forward, and I think he had a private member's bill that did part of this. I'm not sure it did as much as this, but it brought forward the overall idea. Part of the problem that is not dealt with adequately here, I think, is, who is responsible for enforcing this?

The airport is located in the city of Mississauga, and it seems to me that the city of Mississauga, which receives a very substantial payment in lieu of taxes from the Greater Toronto Airport Authority, formerly the government of Canada, and benefits in terms of revenues from limousine drivers who drive people to and from the airport, should bear some of the cost of the regulatory scheme surrounding the licences to these limousines. It is unclear in this bill whether the burden of enforcing this particular scooper section would be the responsibility of the host municipality that has the airport contained within its borders. It seems only fair to me that the city of Mississauga should be given that particular burden, and

as far as I understood it, the city of Mississauga wanted no part of this. They wanted the revenue from the airport and they wanted the regulatory regime surrounding the licensing of the limousines, but they didn't want to police it.

I go through the airport quite often. Since I was elected in 1977, I think I have been on an airplane over 3,000 times. I go back and forth, sometimes twice a week. I go through that airport often, and I see the odd fellow trying to offer me a ride who obviously isn't a licensed limousine driver. If this bill comes into effect, we know how aggressive these drivers are in terms of their "territory." My concern about passing this bill without actually getting down to the nitty-gritty of who is going to do the dirty work of enforcing it is that I can see some pretty agitated limousine drivers at the airport calling on the police, phoning 911, doing whatever is necessary to get the police out to the airport to chase after a particular potential scooper.

You know what? I think our police forces in general have more important work to do than this particular work. A regulatory regime is a regulatory regime, and I really believe this should be handled at a lower level than perhaps this particular legislation calls for. I think municipal bylaw enforcers should be involved in doing this, and I don't think the police should be involved. I can't imagine how this is going to be enforced, other than to have a squad car or a number of police walking around the arrivals level of the Toronto international airport and the Ottawa international airport. I don't see that the benefits are that significant, to pay an officer, who's costing us in total somewhere between \$75,000 and \$100,000 a year, to do that.

I have some real questions of the Minister of Transportation as to who is going to take the burden of enforcing this and who's going to pay for the enforcement of it. I'd really like the parliamentary assistant, who is with us here tonight—and I appreciate the participation of Mr. Lalonde, the parliamentary assistant to the Minister of Transportation. I hope he will answer that question in an opportunity that he will have to get up and talk about that at the end of my remarks.

2200

Some of the other sections involved in here deal with the problem we have faced in many neighbourhoods in our large urban areas where the city has installed traffic bumps and islands in the middle of a residential street in order to slow down the traffic going up that street. The problem with the installation of those particular techniques comes when a fire truck or ambulance has to go down the street, and of course they are trained to go a little faster than the normal speed limit. It's very difficult for an ambulance with a sick patient to go over those bumps, therefore the legislation is allowing the municipalities to drop the speed limit even lower than the 40 kilometres per hour, down to 30 kilometres per hour. We're going to see not only all of those streets but probably every street knocked down to 30 kilometres per hour.

It's sort of odd: I think there is another section in here that will allow the minister to start regulating speed limits across the province in a different manner. I thought we already had that before. I have heard the member for Ottawa West talk about increasing speed limits across Ontario, something that I am very, very much in favour of. I did a questionnaire in my last newsletter to my constituents, and overwhelmingly they said that on a two-lane highway the speed limit should be raised to 100 kilometres per hour and on a four-lane highway to 120 kilometres per hour. I think that would be a big, big step forward toward reality, because we know, and I knew as the Minister of Transportation, that in spite of the fact that we had a speed limit of 100, the average speed that was observed along four-lane highways is about 115 to 120.

I don't think we should encourage people to break the law, but every so often you pull in behind a car—and I have driven back and forth to Ottawa I don't know how many times in the last 28 years or so, probably at least 3,000 times. If you go 100 kilometres per hour along the 401 from here to Ottawa, and the 416, you're likely to be run over. The whole idea of giving so much discretion to the police to decide to stop you and nail you with a fine—we don't really know where that discretion starts and stops. Everybody sort of takes the chance that the unofficial speed limit is 120, maybe even 125, so everybody stretches it to that. But the problem with not having a realistic speed limit is that if you actually stop somebody who is going 135, you're not just fining him for 15 kilometres over the speed limit; you're fining him for 35 kilometres over the speed limit, and that has a great effect on the insurance of that particular individual etc. I think the police are probably more reluctant to fine people now because it jumps from zero to a very serious fine if you just go over whatever their discretionary limit might be. I believe, like the member for Ottawa West—Nepean, that the speed limit should be raised. He's a minister in the government. I expect him to flex his muscle and have it done.

I also agree with him when he says that maybe we should consider the sale of alcoholic spirits outside of the LCBO. We heard that from David Peterson in the 1985 election and it never happened. I'm not sure it's going to happen here either. I think the member is perhaps on a wish list on that one. But on this particular one, it is time for us to deal with the unrealistically low speed limits on the rest of our highways.

There are some other good parts to this bill. The further regulation of our driving schools is something that we do need to do. It's something that we have allowed to operate in an unregulated fashion. It has been pretty successful so far, but it's probably time to move into that regard.

I think that in spite of the fact that we're having a long debate on this, I'll probably support this bill.

The Deputy Speaker: Questions and comments?

Mr. Levac: I thought I'd take an opportunity to mention just a couple of quick things. The member from

Lanark–Carleton did a good job of staying on topic, and I appreciate the fact that he was debating Bill 169. Just to bring to the attention of the member, and I mentioned it to him in passing, I offered a private member's bill to deal with an issue on doubling the fines in construction zones and was told that it really wasn't feasible. I think it was at the time. I think what happened was that some lawyers got hold of it and said, "We can't do this," and it got buried. So I want to remind the member that in opposition, when I offered that bill, it got buried too.

It brings me to the point I want to make. There are some ideas being floated here, and I think they deserve to be aired during the hearings. We're looking for passage of the bill tonight so that we can get them into the committee, to hear what those concerns are and to make sure that we give them the debate from the experts out there who want to make comment on the bill. So for the amount of time that everyone says we're spending not talking, we say that we know what's in the bill. Most of us, including the opposition, both parties have said, "You know, a couple of little tweaks and we can support the bill. We support the intent of the whole bill." I think we should get to it. Let's put this on the table and get the bill done tonight and get it into committee so we can have a chance to change some of those things that you think are important and worth changing and see what happens. I just think it's an opportunity.

The second private member's bill I offered was on safe school zones, talking about ensuring that the traffic has slowed down in front of every single school in Ontario, and that that becomes a habit. I think that one should get some really good air time to talk about having a safety zone around our schools, so that no matter where you go, you know that when you're in a school zone and it's marked off, you automatically drop your speed limit. They did it in the entire state of Florida, and guess what? Everybody slows down in front of a school. Why? It's safe for the kids.

Mr. O'Toole: I've stayed long enough tonight just to stay and comment, and first of all to listen to the member from Lanark–Carleton, and I think for the members here to respect the time he spent here, most of it productively. He is an engineer and a lawyer. Tonight he received one of the many distinguished awards as an engineer. He has received many over a period of time. In fact, he told me his mantels are full of the awards, and there are more to come.

With respect to the issue of this bill, there seems to be an opportunity here. I heard the chief government whip, the member from Brant, mention that potentially this could go to committee. That's an acknowledgement that there are some fine yet important amendments that would make it much more acceptable for me to represent the feelings of my constituents. But the point I'm really trying to make is that, quite honestly, when you think of it, that admission underlies the fact that they're really not participating in the debate tonight. There are—I could count them—nine or 10 members here. They have to maintain quorum. This is kind of inside baseball. There

are more members here on this side of the House who are willing to participate in the debate. But any of the persons wanting their 10 minutes on the government side aren't taking them. Either they have no knowledge of the bill and its micro-issues, or they don't wish to be fully participatory in the democratic process here.

2210

Bill 169, to me, is a kind of threshold where you could either sit down and say nothing—but I think the member from Brant, the chief government whip, has it right: Refer this to committee over the summer and there's a chance that you could get it right. I know the people in my riding want safe streets and community safety zones, which we initiated. This is the next step, the next phase. There's more to be done and I would like to support those initiatives to make our streets safer.

Mr. Lalonde: I want to make sure everybody is aware that Bill 169 makes it illegal to arrange for taxi scooping. The bill covers any hotel in Toronto if there is scooping or cookies, as he referred to. Cookies are whenever an unlicensed taxi driver makes arrangements with a hotel doorman to have a customer picked up. That is illegal, and Bill 169 is very clear.

I also want to make sure that when we're talking about the variable speed limit, yes, definitely it's part of the bill. People have been talking about it for years. Any time you drive on the 401, for example, if you happen to be driving 110, cars keep passing you on the road. I have to say that one day I got stopped on Highway 138 by the OPP, and the first thing the OPP asked me was, "When are you going to speak to Norm Sterling and tell him to increase the speed limit?" That was the time he was Minister of Transportation. So I said, "OK, I'll leave the message." I never got my ticket, though; I was fortunate.

But let me tell you what we are doing at the present time. We have verified with other countries that have a variable speed limit—like the Queensway in Ottawa, for example. During peak hours, we could say the speed limit will be 60 or 80 kilometres an hour instead of 100 kilometres an hour. This would give the power to the minister to come up with variable speed limits during peak hours or other times.

Mr. Dunlop: I'm pleased to rise tonight to make a few comments on the member from Lanark–Carleton's excellent speech on this bill. Of course he came here tonight to debate, Mr. Speaker, as you might have heard. He has made some fine comments about the bill. I understand that in the end he will likely support the bill. He gave all the reasons, and I think that's why we're here debating this bill tonight. The government and members of the opposition are here to actually debate in the House when the government calls a bill. Again, I stand here in the House tonight and question why the government is not debating the bill.

I think that in the second reading debate, if I'm not mistaken—maybe you can correct me on this—the government has only actually spoken for about 10 minutes on second reading, and that was 10 minutes on the one-hour leadoff. So here we are going into close to seven

hours of debate on this legislation, and we really haven't had any opportunity yet to hear from the government on why they support this very important piece of legislation that most members of this House likely will support in the end.

I also want to comment and thank the member, with all his years of long service here—it was nice to see him get the award tonight. As the member from Durham said, he'll likely receive many awards over the years. He's a very important member of our caucus.

Interjection.

Mr. Dunlop: No, he'll be here many more years. That's the important part of this. I congratulate the member tonight for a job well done and for winning this prestigious award.

Because I still have 21 seconds left on the clock, I want to emphasize the fact that we haven't heard from the government tonight on this debate. I thought maybe some of the members from the north might want to speak on this important piece of legislation. I'm looking forward to their comments. It's their turn up next and I look forward to many hours of debate on this very important piece of legislation.

The Deputy Speaker: The award-winning member from Lanark–Carleton has two minutes to reply.

Mr. Sterling: The award what?

Interjection.

Mr. Sterling: This is being overplayed. The professional engineers were kind enough to recognize Mr. McNeely and Mr. Parsons evenly with myself, so we're all appreciative of that.

If this bill is going to committee, that's fine and dandy, but what we would like to hear from the parliamentary assistant is what the issues are that you would like to hear about, and whether there are some proposed amendments in your back pocket that you might consider putting on the table. Our experience most recently in the social development committee has been that we had 40 amendments dumped on our desk a week ago Monday, and when we arrived this Monday we had another 25 pages of amendments dumped on our desk. We're trying to react to those in a responsible manner in committee and make amendments to the bill. So I ask the parliamentary assistant, could he help us in this case when this bill goes to committee? Do you have some amendments you would like us to consider? The sooner we get them, the more co-operation there will be at committee.

I think a committee hearing will be very loud on the scooper issue. I think it behooves the government to try to sort out some kind of compromise before the committee begins. I believe that in that way we can come out with a reasonable arrangement in amending the existing legislation to satisfy all parties.

The Deputy Speaker: Further debate?

Mr. Norm Miller (Parry Sound–Muskoka): It's my pleasure to join in the debate this evening on Bill 169, An Act to amend the Highway Traffic Act and to amend and repeal various other statutes in respect of transportation-related matters. Actually, the bill that was supposed to be

debated this evening, the bill we in the opposition thought we would be debating until probably half an hour before this evening's session, was Bill 176, which is the bill to do with democratic renewal. I think what we're seeing is democratic renewal as put forward by this government, where they're playing all sorts of games. I know our transportation critic, my seatmate Mr. Wilson, would have loved to have been here this evening had he been aware this bill would be debated. However, as I mentioned, there was no notice this evening. He would have thought we were debating Bill 176, as I did.

These are the sorts of games the government is playing. This afternoon I was in committee for Bill 133, which is the spills bill, and it's going through a similar process. They had the unusual step of public hearings after first reading on that bill and then clause-by-clause, where the bill was basically completely rewritten. There were more than 70 amendments to the bill. Then it was reported back to the House.

Last week, I was involved in that process in committee. I missed one day last week. I missed Thursday because I drove to Montreal for my oldest daughter Abigale's graduation from university. On Friday I was participating in the graduation. We were actually there an hour early to get a seat, waiting for the convocation to start. I had my BlackBerry with me, and I got an e-mail stating that Monday morning at 9:30 there would be public hearings on Bill 133. I e-mailed back saying, "No, we just did public hearings on Bill 133. It's in second reading."

Little did I know that the government had brought in Bill 133 for second reading on Thursday, the day I was away, and was bringing it back to committee for public hearings again today, Monday. Obviously, there was virtually no notice for individuals, environmental groups, companies that might want to come before the committee, and then virtually no time whatsoever for the opposition, or the government for that matter, to make amendments to the bill, because public hearings ended at noon today. Of course, we had question period etc., and then clause-by-clause started at 4 o'clock this afternoon. Certainly Toby Barrett, our environment critic, and myself sitting on the committee had virtually no time whatsoever to digest the recommendations made by those who realized that public hearings were going on and were able to attend on very, very short notice, certainly not with the time that should be given to make some substantive amendments.

2220

So here we are tonight, with Bill 169 being debated rather than Bill 176, the bill we thought we were going to be debating. I note that none of the government members are participating in the debate; they are allowing the opposition to carry the debate.

Let me refer to Bill 169. I think it's safe to say that most of us are in support of a good many provisions of the bill.

This bill increases penalties for cars that ignore pedestrian crossings. I am in support of that, so long as it's publicized well so there are no surprise.

The bill doubles speeding fines in construction zones to better protect highway construction workers. Obviously, if it protects construction workers and actually achieves that goal, it's something I would be in support of. Once again, it's very important to communicate to drivers that this is happening and to have some special signs or excellent communication so drivers are aware that the fines are going to double, especially if the goal is to slow drivers down. That's also the reason it is important to communicate that well.

It would enforce high-occupancy vehicle lanes to encourage carpooling and transit use. Once again, I think that's a laudable goal. If you've driven around Toronto and southern Ontario lately and have been involved in some of the gridlock around here, we need to do all we can to encourage carpooling, to encourage people to use public transit. I note that the member from Durham has a private member's bill meant to encourage the use of public transit, Bill 137. That bill would allow people to deduct some of their expenses in using public transit, so it would encourage the use of public transit. I think that's a very worthy bill and it's one I'm hoping the government will support, to allow that private member's bill to go through. Not too many private members' bills become law, but the member from Durham has put forward a worthwhile one where you encourage and support users, through some financial means, through the tax system, to make better use of public transit.

Mr. O'Toole: On a point of order, Mr. Speaker: I seek unanimous consent to ask the members of the House to pass Bill 137, the transit tax issue. Agreed? I heard a no from Mr. Watson, the minister.

The Acting Speaker (Mr. Ted Arnott): There is no consent. The member from Parry Sound–Muskoka has the floor.

Mr. Miller: I didn't realize that mentioning his private member's bill would get the member so excited and lead him to request for unanimous consent, which cut into my time. I'm glad to see he's participating and listening to what's going on in the debate.

Bill 169 would also create new offences for flying vehicle parts, which can cause serious injury or death to other highway users. I think the opposition parties, as well as the government, want to see our highways safer and would support this.

It would improve daily commercial vehicle inspection standards by requiring truck drivers to check for more than 70 itemized defects daily, up from the current 23. Hopefully, this actually achieves something, but in theory it sounds like a worthwhile idea.

It would allow for the use of studded tires on vehicles in northern Ontario. I have to say that is moderately controversial, and I have some questions about how that would be put into effect, particularly when half of my riding is now in the north, in terms of government funding policy, and half is in the south. That means Parry

Sound is in the north and Muskoka is in the south. I assume that means that people in Parry Sound are going to be able to use studded tires but those in Muskoka aren't. I guess if you drive back and forth, you just change your tires midway along the highway.

The new snow tires that have been around for the last 10 or so years, with the new types of rubber, are very effective. If the government just encouraged everyone to put four snow tires on their vehicle, it would probably accomplish more than using studded tires. On dry pavement, I believe studded tires actually do not have as significant performance as regular tires. If we encouraged all users to use some of the new types of snow tires—I do use four snow tires—I think that would achieve the needed safety on the highways.

I'd also point out, as someone who drives from Parry Sound–Muskoka down to Toronto on a regular basis, that some of the worst weather you run into in the province is the weather that comes off Georgian Bay. I suspect that with the icy type of conditions you get, if there is a need for studded tires further north, then there is definitely a need in the Barrie area and the area to the lee of Georgian Bay.

I believe another issue with studded tires is the damage they're going to do to highways. I would want to ask the municipalities how they feel about studded tires, because municipalities are responsible for many of the smaller highways, and they may have concerns with the damage that would be created on their highways.

This bill would also allow land to be dedicated for new carpool lots and transit stations during planning stages. I'm certainly in support of that.

It would improve transit commute times by allowing transit vehicles to pre-empt traffic signals to lengthen a green light or to change a red light to green sooner. As I mentioned, with the challenges we face with gridlock, most of these proposals make sense.

It would give police more power to clear accidents and spills faster. Police powers to remove vehicles and debris from the roadway would be clarified under the bill, which would also protect police, the province and municipalities from liability. I suggest that is coming out of some of the work that was done by the past government's Red Tape Commission, which this government has scrapped, in the incident management study they did. I'm glad to see that is making its way into this bill.

This bill also creates an offence to punish scoopers, illegal taxis that pick up passengers from Pearson International Airport. I would say that this is a relatively controversial part of this bill and I believe a part that deserves more public input. In the last number of weeks, we've seen the other side: the taxi drivers of Toronto who have concerns with this provision of the bill. We've had taxicab drivers driving around Queen's Park, honking their horns for a good part of the day, and I would suggest that is because they're not happy with this part of the bill. I believe it's important for us to get public input and to hear from the cabbies and from the limousine

drivers as well to make sure that things are balanced. Under this bill as it stands, the driver, the person who arranges the ride and the taxi owner could be fined from \$300 to \$20,000 and failure to pay could result in licence suspension or plate denial at renewal time. That's very serious business. In the case of a cabbie, it's their livelihood. It certainly is something we should be taking a further look at and holding public consultations on.

This is Bill 169. I suggest we should call it Bill 69 in reference to Highway 69. Go to page 123 of the recent budget that was just introduced in this Legislature. There is a section talking about highways. It talks about the four-laning of Highway 69. For those of you who might not remember, back in 2002, Ernie Eves committed to four-laning Highway 69 to Sudbury in 10 years; that would be in 2012. Now in 2005, in this budget, it says—I'll read from the budget: "This includes moving forward with the completion of four-laning projects on Highway 11 and 69, in seven and 12 years respectively." So now in 2005, the government is saying it'll be 12 years to four-lane Highway 69 to Sudbury, meaning 2017, versus the previous commitment of 2012, a five-year delay. I would say this bill is about speed limits, certainly. It's the "go slow on building 69" bill.

2230

The Minister of Northern Development and Mines thinks this is good news. You know, the minister was the first one to jump up and down, and demand action on 69 when he was in opposition. In fact, a recent article in the Sudbury Star, entitled "The Longest Highway," talks about that very issue. That's May 14, 2005. "It's better than no plan"—referring to the budget—"which is what northerners had last month."

Talking about Minister of Northern Development and Mines, Rick Bartolucci, the article states:

"The day the Tories finally did agree to four-lane Highway 69, then—November 21, 2002, in case you've forgotten—has been a thorn in the side of Bartolucci and the Liberals ever since.... The 10-year, \$1-billion plan was hugely ambitious.... A year later, Bartolucci would find himself Minister of Northern Development and under the gun to deliver a plan to four-lane Highway 69 that was sounder—if not faster—than Eves's. And now, 18 months after becoming minister, he still has not done it.

"Let's recap. After taking office in November 2003, Bartolucci promised an 'action plan' for completing Highway 69 within months. In May 2004, Bartolucci and Premier Dalton McGuinty again promised an action plan for the long-term reconstruction of the highway by the end of that summer"—so that's 2004—"Eventually, that action plan was pushed back to the new year. From there, it was pushed back to the budget released this past week. And, following that budget, Bartolucci insisted the action plan is completed and that David Caplan, Minister of Public Infrastructure Renewal, would be in Sudbury at some point this summer to explain it to us.

"All of the details of the government's plan are going to be rolled out by the minister as he rolls out the plan,"

Bartolucci told an appreciative group of friendly Rotarians this week. Simple....

"And now, finally, we learn that the reconstruction of Highway 69 will be completed in 12 years—by 2017, or five years later than Eves had promised. And we still don't have a price tag.

"Is it a good deal, then? It's better than no plan, which is what northerners had last month. But still not as good as the plan in place before the Liberals came to power. And there's the rub. If the Tories had offered this plan while Bartolucci was in opposition, he would have ripped it to shreds. It took too long ... it's still incomplete ... there's still no money ... Northerners can't wait 12 years, he'd argue....

"What Bartolucci has succeeded in doing in the last 18 months is lowering our expectations regarding Highway 69. This announcement appeases those lowered expectations but does not match the expectations he set in opposition. Is it good enough? Twelve years is a long time to find out."

So things have changed since the minister moved from opposition to government. We now have the "go slow" plan on building Highway 69 and four-laning it from Parry Sound to Sudbury, a five-year delay from what was previously announced. On Highway 11, we have a two-year delay, as the government has committed now to four-lane Highway 11 to North Bay in seven years.

The minister also talks about his northern prosperity plan. I note in the recent Thunder Bay newspaper that the prosperity plan seems to be having a little bit of difficulty. It says: "Thunder Bay Ranks Dead Last in Bank Survey." So obviously, the prosperity plan is not working too well. In this article, it is an economic activity index that puts Thunder Bay in the last spot of the 25 largest cities in Canada. It is done by the CIBC. It measured year-over-year changes in eight key areas, including population, housing, prices and bankruptcy statistics to come up with city ratings.

"Mary Long-Irwin, who's the president of the city's chamber of commerce, said issues facing the forestry industry—including the high Canadian dollar, softwood lumber dispute and high energy costs—are causing serious economic problems in the city.

"Long-Irwin said how well the local economy bounces back will depend on what the provincial government does to help the ailing forestry sector."

I recently completed a six-day, 3,700-kilometre trip that included stopping in Thunder Bay and meeting with the president of the chamber of commerce. I can tell you that the forestry industry is very concerned, particularly with energy costs and what effect the government's plan to shut down the coal-fired energy plants, especially the Thunder Bay and Atikokan plants, will have on the local economy and the forestry mills. Every town in northern Ontario has as its feature a huge forestry mill.

Also, highways are a big concern in that area. The four-laning of the highway is a real concern. It's my feeling, having made that trip, that the government should be involved in four-laning the Trans-Canada right

across this province and, in fact, right across the country. It should be engaging the federal government and getting them to support an initiative to have a four-lane Trans-Canada right across the country. That's very important for the economy of places like Thunder Bay that are obviously struggling under this government's northern Ontario prosperity plan. If you've visited Thunder Bay, you'll know that's a real shame, because it's a beautiful city. It has a lot of potential, and this government needs to support Thunder Bay so it can realize its potential.

I've used up all of my time speaking about Bill 169, and I look forward to questions and comments.

The Deputy Speaker: Questions and comments?

Mr. Lalonde: I just want to make it clear: The member for Parry Sound–Muskoka referred to studded tires, saying that people will have to change tires when they move from one area to the other. Let me tell you: It's where the car is registered. If it is in the south section of his riding—his riding is split in two; half of it is in the northern area and the other half is in the southern area—the people residing in the southern part of his riding won't be allowed to put those tires on. But the people who are living in the northern part of his riding will be allowed to travel anywhere in Ontario with studded tires. I just wanted to make sure that he understood that. I think he knew already, but he just wanted to bring it up.

Also, the other section that he referred to was quicker clearance of highway accidents. According to the Central Ontario Smart Growth Panel report, the cost of highway congestion is approximately \$1.8 billion a year. That is what it's costing the business people of Ontario whenever there's an accident on the 401, for example, and it takes time to clear up the debris from the accident. We want to give the authority to police officers to make sure that tow truck people are there and cleaning up the highway immediately, so traffic can continue wherever the accident occurred. That is the point.

Mr. Dunlop: I'm pleased to stand here this evening and speak to the comments made by my colleague the member from Parry Sound–Muskoka. I can tell you, as the member for a neighbouring riding, this man has received a great deal of respect for his hard work in the riding. A lot of it has to do with the way he has tried to defend against some of the actions of the McGuinty government, in particular, moving Muskoka out of the north, which seemed to be a very mean-spirited attempt by the government in the 2004 budget; and more recently, the closing of the Frost Centre. The member for Parry Sound–Muskoka has worked extremely hard trying to ask the government to reverse those decisions and treat the people of Parry Sound–Muskoka with some respect.

However, he brings some interesting points up when he discusses Bill 169—his comments on the studs in the tires in northern Ontario.

2240

I'm glad the parliamentary assistant clarified that. I had no idea that someone living around South River or Sundridge might not know what to do with their tires. If they're heading south to Huntsville, chances are they're

going to have to take the studded tires off and put on regular tires because they'd be breaking the law, and the opposite going to the north. That's going to be really handy for those people around the border of the member from Parry Sound–Muskoka's riding. I hope they don't expect to come down to Toronto. We don't have a cancer care unit anywhere up that way, so we'll have to drive all the way to Toronto because the government won't pass one in Barrie.

I thank the member for his comments; he did a great job. And I appreciate the hard work he does in his riding.

Ms. Churley: I thought I would stand and respond to the member's speech, if for nothing else than just to let my constituents know I'm still here listening to the debate tonight and participating. I've been quiet for the last little while, listening with great care to all the comments made tonight, and certainly there are a lot of good points being made; all the more reason we should just end the debate on this bill and get it to committee.

Interjection.

Ms. Churley: You haven't rung any bells lately.

There are a number of good points being made and some amendments that need to be made. From what I'm hearing, I think there are parts of this bill that members from my party and from the opposition Conservatives support, and there are others that we don't and amendments need to be made. But overall, the comments I'm hearing tonight are that there is a great deal of support for parts of the bill, and it's not contentious in that sense. So let's get it to committee, get the amendments made and get it back to the House for debate and a final vote.

I certainly wish we were here tonight debating the adoption disclosure bill, which has brought out passions from all sides of the House and where there are a lot of interesting points of view being put forward. But there is a large constituency out there who are looking forward to having the Legislature finally, after many, many years and many attempts, get an adoption disclosure bill put forward in this Legislature. It is being held up in committee, being filibustered instead of getting on with it, getting the amendments brought forward and having the bill brought back to the House for debate and demonstrating what true democracy is. Do that and have the final vote on it.

Mr. Jeff Leal (Peterborough): I listened very carefully to my good friend the member from Parry Sound–Muskoka. He certainly made some points that were worth thinking about.

I'm spending more time now on the 401 between Toronto and Peterborough. One of the things I find is that we see a lot of debris on the 401. Often you see tires and other material that has obviously become detached, particularly from heavy transport trucks. I think this bill, particularly subsection 107(1), is very, very important. I just want to read it into the record, because I think it says a lot about what we're trying to do to enhance road safety. It says, "Every operator shall establish a system, and prepare and keep a written record of that system, to periodically inspect and maintain all commercial motor vehicles and vehicles drawn by commercial motor vehicles

that are under the operator's control and that are operated or drawn on the highway."

We've all heard and witnessed in the media accounts about serious accidents, very tragic accidents, particularly on our 400-series highways, of tires flying off and hitting other vehicles resulting in serious injury or even death. What we have found out after inspections were made by the MTO is that there are no records of a lot of these trucks that are on our roads. One of the things that I think is incumbent upon us is that if there are a lot of heavy vehicles on the road, then there should be maintenance records so we have a tool to do more inspections to make sure we enhance safety on our roads, particularly the 400-series highways.

The other part of this bill that's important is some flexibility in looking at speeds. Coming from the 401 into Peterborough is a four-lane highway, 115/35. I happen to think the speed limit there should be raised from 90 to 100, which would move traffic on further.

The Deputy Speaker: The member for Parry Sound—Muskoka has up to two minutes to reply.

Mr. Miller: Thank you to the member from Glengarry—Prescott—Russell for his comments about where people in Parry Sound—Muskoka should be registering their cars if they decide to use studded tires. I can assure you that everybody in Muskoka is going to be heading up to Parry Sound to register their cars if that's the way it works. You have to register in Parry Sound to be able to get studs if you decide that you do want to use them.

I note that he mentioned the Smart Growth panel. The Smart Growth panel was put together by the past government and had many good ideas. As I previously mentioned, the part of this bill that allows highways to be cleaned up faster after an accident—a good part of that comes from the Red Tape Commission's instant management study that was done.

I note that the member from Toronto—Danforth is more or less supporting the bill and did make mention of Bill 183, to do with the disclosure of adoption records. I think it is worth pointing out that the privacy commissioner has some concerns about aspects of that bill. Certainly, I supported the bill on second reading, although I do have concerns as well and would like to see the privacy commissioner's concerns addressed as we move forward with that bill.

I note that the member from Peterborough talked about debris on the 401. Hopefully, one aspect of this bill will deal with debris coming off vehicles. I think it's safe to say that all of us here at the Legislature are in support of actions we can take that will enhance road safety.

The Deputy Speaker: Further debate?

Mr. Jerry J. Ouellette (Oshawa): Before I begin, I should say that it's been a little bit of a tough day. Suffice it to say, "So long, Bailey, old friend. We'll miss you."

We are here to debate Bill 169, although I was expecting to debate 176 earlier on; however, during government processes, or processes in this Legislature, we both use tactics, and at 5 o'clock we did find out about a change.

I would like to mention that when you're in opposition, whether it's an individual member who uses

the Legislature to bring attention to his own caucus—I've done it on a number of occasions when I didn't agree with the process and felt I was being excluded. Sometimes other processes are necessary. If people feel that we're trying to talk out the clock, then those may be the processes we need to use. But there are some issues on Bill 169 that I did want to bring forward.

I know that in the past, various aspects have been tried by various governments for assisting. I can remember that David Turnbull had a strong belief that variable speed limits would work very effectively. His belief was that the signage on the 401 would indicate the speed you're able to go. If it was raining or when there were high traffic volumes, they would reduce the speed limit, but when it was free and clear, they could increase the speed limit.

I spoke with a deputy chief of police who informed me that most of the time those are established by the roadway in itself. People see that the road is free and clear, and will be able to best decide what the speed limit should be. When you get a variable speed limit at certain times, how is the enforcement aspect going to take place? I would hope the Sol Gen's office and the AG's office have been made part of this process, because changing the Highway Traffic Act will certainly have a strong impact on the way the courts perceive this, and hopefully that has been brought forward.

I would hope that during the committee process Cam Woolley, for example, has the opportunity to present on some of the changes that are coming forward, because, quite frankly, Cam won't beat around the bush. He's an OPP officer who I'm sure everybody has seen on TV. If you haven't had the opportunity to meet him, he'll certainly lay out exactly the facts and the way they work.

I should mention before I go much further that I will be sharing my time with the member from Simcoe North.

There were a few other things I wanted to mention as well: the due diligence when you're talking about parts falling off a vehicle. When we first came in in 1995, I was parliamentary assistant to Al Palladini, the Minister of Transportation at that time. We had extensive work on a truck tire incident at that time. Due diligence was the key component to make sure it worked in the courts.

I know the PA is here. I hope that during this process they have checked with the enforcement branches, because what has taken place in the past is that they haven't taken the opportunity to check with the enforcement branches to make sure all this legislation is enforceable. I've already mentioned the variable speed limits: How is that going to be enforceable? When that time changes all of a sudden, there is a large traffic flow, you drop 20 kilometres and somebody gets charged on that aspect; whether you bring in photo radar or not, you're going to have to have time clocks and all those sorts of things to account for that.

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The other thing is the lanes. When you talk about the lanes and the number of occupants in the vehicle, I would also hope—I'm talking about Cam Woolley—that you talk to them and ask them whether they feel that their

time in enforcement on the highways is best spent in making sure how many people are in the vehicle or what's happening on the roads. From my perspective, road safety is one of the key issues, and I would want to make sure that our roads are as safe as possible.

As the member from Peterborough said, driving back and forth on a regular basis from the Legislature to the riding of Oshawa, where I'm from, you certainly see a number of various driving habits, and I would hope the OPP's focus would be on driving habits, as opposed to occupancy within vehicles.

Mr. O'Toole: What about the 401 widening?

Mr. Ouellette: The member from Durham mentions the 401 widening. Yes, the widening is going on on a regular basis, and there are a couple of things we're able to do in that area. Moving from the aluminum centre cores to the concrete ones allows for the expansion, and that way you can get tighter lanes and put more lanes in there so you don't have to expand the highway as much. Mind you, the paved shoulders aren't quite built to the same standard as the other parts of the highway.

Mr. O'Toole: What about Stevenson Road, though, the Stevenson Road interchange?

Mr. Ouellette: We're going to get to the Stevenson Road interchange.

The studded tires in the north: I know there was quite a bit of research done on this, and that's how the new technology came forward for the salt brine vehicle that was developed in conjunction with the Ministry of Transportation. For those people watching, what takes place is that when the salt trucks go down and spread the salt around, it's not until the actual salt starts to melt, and it's that salt water that expands on the road that actually breaks down the salt enough so that you can drive on the road. What MTO developed was that as opposed to putting on solid rock salt, they put on a watered solution with salt in it, which sped up that process and decreased the amount of salt being used on the roads.

When you're talking about studded tires, one of the big concerns was the amount of damage to the roads that takes place when you're using studded tires. Has that been looked at? When you take those vehicles from northern Ontario, they're going to be allowed to drive in southern Ontario with the studded tires. What's the impact going to be, and what's the impact in northern Ontario for road damage? The volumes are a lot less in the north, so you wouldn't expect the same. However, in the south, when you start getting a high number of vehicles coming down here, what is the impact going to be? Also, I would hope the PA would note, what happens if somebody has a cottage in the north? Can they register their vehicle at their cottage so they can use the studded tires if they see fit? Is that one of the issues that can be addressed as well?

The member from Durham mentioned the Stevenson Road interchange. I brought up the question several weeks ago to the Minister of Transportation, and it was mentioned that 20 of the 21 properties, or 21 of the 22 properties, have been acquired, but they were having some

difficulty. If there's anything we're able to do to speed up that process—I've made that offer in the past. I haven't heard anything from the minister, but we're certainly trying to work on behalf of the minister to speed up that process so we can get those vehicles moving that much faster. I know from my contacts within MTO that actually the reason the process for putting that interchange in at Stevenson Road is not going to be a quick two years but has expanded to four or five is because of traffic flows. What that means is that they could probably speed up the process of putting that interchange in; however, it's going to slow down the traffic congestion in that area substantially. So Mr. O'Toole, driving from Durham to Queen's Park, will come into a lot more traffic when he goes through that intersection as opposed to—

Mr. O'Toole: Take the GO train—

Mr. Ouellette: Well, the interchange is on the other side, so you might have to get off quite a bit earlier if you wanted to take the GO train.

That's the reason for the expansion there to four years, to minimize the impact on traffic flow through that area.

Those are some of the key things. The variable truck speeds as well: There was quite a bit of research done. I hope the PA has already looked at the research that has been done as it relates to two areas. In one in Alberta, they had different speeds for trucks, and they found that the accident rate changed. I don't remember the exact statistics, but I hope they have an opportunity to look that up, because statistically there were a lot more accidents when you had trucks going one speed and cars going another. It was difficult, whether it was time of day and lanes when you're changing lanes, or whether it was just the mere fact that you're coming up behind a slower-moving vehicle—the impact that had taken place in Alberta.

Also, a number of members spoke about increasing the speed limit to 120 kilometres. That trial balloon was sent out, again, with Minister Palladini when he was there. The largest response we received from the ministry at that time was actually from the emergency room doctors, who were adamantly opposed to having the speed increased to 120 because of the impact on emergency rooms at that time. The OMA had a report on what would happen if the speed limit was increased to 120, and I would hope the minister and the PA will also look at the data that's already there.

Sometimes we go through this process in reinventing the wheel, when there's a lot of information out there and a lot of things have been tried. I know that a significant number of people within the Ministry of Transportation have retired or moved on to other areas. However, that information and data are there, and I would hope that the minister would look at it, because it's certainly going to save a lot of time in making sure that the best things are taking place.

I know the member from Simcoe North has a large number of things to say, so at this time I will turn the floor over to the member from Simcoe North.

Mr. Dunlop: I'd like to thank the member from Oshawa for his comments and for sharing his time with me for

this very important part of the speech. There is getting to be a lot of competition for speaking time tonight because this is such an important bill. So many people in our caucus want to speak to it that they're coming in from all over the place tonight. Maybe we could extend it past 12 o'clock if we had to, because it's so important.

Anyhow, I need some time to prepare for my comments, so I'd like to move adjournment of debate.

The Deputy Speaker: The member for Simcoe North has moved adjournment of debate. Is it the pleasure of the House that the motion carry? I heard a no.

All those in favour, say aye.

All those opposed, say nay.

In my opinion, the nays have it.

Call in the members. This will be a 30-minute bell.

The division bells rang from 2257 to 2327.

The Deputy Speaker: All those in favour will stand and be counted by the Clerk.

Take your seats.

All those opposed will please stand and be counted by the Clerk.

The Deputy Clerk: The ayes are 6; the nays are 25.

The Deputy Speaker: I declare the motion defeated.

Mr. Dunlop: I'm really sorry that didn't pass, but unfortunately that's democracy. What's sort of undemocratic is that we've actually had an opportunity tonight for the government members and the opposition to speak for five hours and 15 minutes, a really good opportunity. The loyal opposition has spoken for—

Hon. Steve Peters (Minister of Agriculture and Food): You've wasted an hour and a half.

Mr. Dunlop: The Minister of Agriculture is nattering away over there, as usual. Tonight the loyal opposition has spoken for three hours and 15 minutes on this bill.

Interjection: Tell us how long you rang the bells for.

Mr. Dunlop: We rang the bells for 90 minutes. Do you know why we rang the bells? Two reasons. One—

Interjections.

The Deputy Speaker: Member for Simcoe North, I would like to hear a bit about Bill 169, which is under debate at the present time.

Mr. Dunlop: I will be supporting Bill 169. That's the first thing.

I think we've made some good points. The member from Lanark–Carleton had all these ideas and plans originally when he was the Minister of Transportation, and so did the member from Oak Ridges. They put it all together. Like a lot of things we did on this side of the House, you've now sort of capitalized on them. You're trying to take credit for some of the things that former Minister Sterling brought forward as Minister of Transportation, and that is shameful.

What we're disappointed in tonight on Bill 169, and I've brought this up before, is that it's only second reading and you want to go to committee. We have not heard what the government plans to do in what I would consider to be reasonable debate in this House. When the Minister of Transportation stands up for five minutes and the parliamentary assistant stands up for three minutes, and that's considered their leadoff speech, I've got a real problem with

that. You're allowed a one-hour leadoff and then 20 minute rotations.

Interjections.

Mr. Dunlop: We know one thing: He knows there is a stud tire program as part of this particular bill.

We have a problem with that, as members of the opposition. Why would the government not want to bring forward, over and over again, their concerns in this debate on Bill 169? You've heard a lot of good comments in this House tonight from the members of the opposition. I think we've done a really good job bringing forward, in over three hours and 15 minutes of debate, of loyal opposition members' time—we didn't have to sit here to midnight

The member who is under pressure, the member from Windsor–St. Clair, the Minister of Energy, has a lot of problems. He had to make sure he provoked the whole House by sitting until midnight, and that's exactly what he did. If that's what he wants to play for the next week or the two next weeks or until July 1, I can tell the members of the government right now that we're prepared to sit here until July 1 or beyond, if you wish to do that. Saying that, we understand the government doesn't want to debate the legislation they bring forward. That's what is disappointing. So we will sit here until July and we will have evenings just like this over and over again. You talk to your House leader if you want to continue down this path, because that's the path it's going.

Hon. Gerard Kennedy (Minister of Education): Until August.

Mr. Dunlop: You wouldn't sit until August. You're afraid of question period.

Interjections.

The Deputy Speaker: Order. The member for Simcoe North, I'd like you to speak through the Chair and address Bill 169, please.

Mr. Dunlop: I am so provoked by the heckling on the other side that I move adjournment of the House.

The Deputy Speaker: Mr. Dunlop 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.

Call in the members. This will be a 30-minute bell.

The division bells rang from 2333 to 0003.

The Deputy Speaker: Will members take their seats, please.

Mr Dunlop has moved adjournment of the House.

All those in favour, please stand and be counted by the Clerk.

Take your seats.

All those opposed will please stand and be counted by the Clerk.

The Deputy Clerk: The ayes are 1; the nays are 19.

The Deputy Speaker: I declare the motion lost.

It being past 12 of the clock, this House is adjourned until today at 1:30 of the clock.

The House adjourned at 0004.

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