



ISSN 1180-5218

Legislative Assembly
of Ontario
Second Session, 38th Parliament

Assemblée législative
de l'Ontario
Deuxième session, 38^e législature

Official Report of Debates (Hansard)

Wednesday 25 October 2006

Journal des débats (Hansard)

Mercredi 25 octobre 2006

**Standing committee on
general government**

Highway Traffic Amendment Act
(Seat Belts), 2006

**Comité permanent des
affaires gouvernementales**

Loi de 2006 modifiant le Code
de la route (ceintures de sécurité)

Chair: Linda Jeffrey
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Room 500, West Wing, Legislative Building
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Telephone 416-325-7400; fax 416-325-7430
Published by the Legislative Assembly of Ontario



Service du Journal des débats et d'interprétation
Salle 500, aile ouest, Édifice du Parlement
111, rue Wellesley ouest, Queen's Park
Toronto ON M7A 1A2
Téléphone, 416-325-7400; télécopieur, 416-325-7430
Publié par l'Assemblée législative de l'Ontario

LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE ON
GENERAL GOVERNMENT**

**COMITÉ PERMANENT DES
AFFAIRES GOUVERNEMENTALES**

Wednesday 25 October 2006

Mercredi 25 octobre 2006

The committee met at 1600 in room 151.

**HIGHWAY TRAFFIC AMENDMENT ACT
(SEAT BELTS), 2006**

**LOI DE 2006 MODIFIANT LE CODE DE LA
ROUTE (CEINTURES DE SÉCURITÉ)**

Consideration of Bill 148, An Act to amend the Highway Traffic Act respecting the use of seat belts / Projet de loi 148, Loi modifiant le Code de la route en ce qui concerne le port de la ceinture de sécurité.

The Chair (Mrs. Linda Jeffrey): Good afternoon. The standing committee on general government is called to order. We're here today to continue public hearings on Bill 148, An Act to amend the Highway Traffic Act respecting the use of seat belts.

**ONTARIO PROVINCIAL POLICE
ASSOCIATION**

The Chair: Can I call our first witness forward, the Ontario Provincial Police Association, Mr. Walsh. Welcome. As you get yourself seated, are you doing the presentation? Is that yours?

Mr. Karl Walsh: Yes. I just have an opening remark beforehand.

The Chair: Can I ask you to identify yourself and the group that you speak for for Hansard? You'll have 15 minutes. If you leave time at the end, there will be an opportunity for all members of the committee to ask you questions.

Mr. Walsh: Thank you. There should be plenty of time after.

Good afternoon. My name is Karl Walsh. I'm the president and CEO of the Ontario Provincial Police Association. The Ontario Provincial Police Association is the representative bargaining agent for over 5,400 uniformed and 2,500 civilian members of the Ontario Provincial Police. We're very proud of our 8,000 Ontario Provincial Police uniformed and civilian members, who provide community-based policing and specialized policing services to residents in over 460 municipalities in Ontario.

The Ontario Provincial Police Association thanks the government for providing it with an opportunity to address the committee on this very important issue.

Before I go any further, I have a short PSA I'd like to show you.

Video presentation.

Mr. Walsh: I wanted to bring this PSA to you. It was brought to us from our brothers and sisters in Ireland, and it's a graphic representation of what our officers see on crash sites. It's also an important illustration of why we think Bill 148 has to have an educational component attached to it. What you've just seen, which I've already highlighted on, are the effects an unbelted person can have in an unbelted situation in a motor vehicle accident.

The proposed legislation, An Act to amend the Highway Traffic Act respecting the use of seat belts, is a much-needed and long-overdue amendment to the act. While it's true that Ontario was the first jurisdiction in North America to make wearing seatbelts mandatory, we have not been the first to recognize the effects an unbelted party in a vehicle can have on the driver of that vehicle, other passengers, as well as the drivers and passengers of other vehicles on our roadways.

The OPP Association supports Bill 148 and encourages you to consider a few other items. These items I am about to mention can have huge effects on the health and safety of Ontarians and firmly establish this government as one that truly cares about safety on our roadways.

The exemption of commercial motor vehicles must be tightened. Police officers frequently attend crashes where multiple injuries or deaths have occurred as a result of this exemption. We frequently will see incidents where worm-pickers transport as many employees as is possible in a vehicle and where minors borrow vehicles so they can transport their friends, only to be involved in serious accidents while en route. We must bear in mind these accidents kill and maim people, impact emergency services, disrupt traffic and have adverse effects on the economy. It is a proven fact that delays on our highways and roadways have direct financial impacts on the economy.

As well, police must have the ability to identify passengers contravening this section of the act. Without this ability, the section has no credibility and does nothing to assist police and emergency workers in their duties. I understand that the proposed legislation includes that, and we thank you for that.

Furthermore, the current delays we face, which are aggravated by our inability to gain access to driver's licence information over the MTO system, should and

must be overcome. This is a long-standing issue. My understanding of this issue from my conversations with the MTO minister is that there is no difficulty with respect to the software that exists between our agency and the MTO. What we're simply asking for is the ability to gain access to the photo information that's on the MTO database. There are no software problems. I don't know what the holdup is; I wish I could tell you what it is. I'm a little concerned that there may be some empire protection going on and that the safety of Ontarians and our ability to do our job on the road is being affected by that.

Lastly, I'd like to highlight the possible abuses that may erupt with respect to pickup trucks. We've seen the effects an unbelted passenger can have within a vehicle. Imagine what an unbelted person can do to traffic on a twelve-lane highway after a driver simply takes evasive action in his or her pickup truck. That's meant to illustrate people who are transporting people in the beds of their pickup trucks. When they're tooting along down the highway and they have to take evasive action, you can only imagine what the effects would be on a passenger in the back of that pickup truck.

In 2005, the OPP laid approximately 35,418 charges relating to the provisions of section 106 of the Highway Traffic Act; 28,052 of these were for not wearing a seat belt. Transport Canada indicates that approximately 92% of Ontarians are buckling up. The 2004 Ontario Road Safety Annual Report stated that approximately one third of fatally injured drivers and passengers were not wearing seat belts. Overall, unbelted vehicle occupants involved in fatal or personal injury collisions are 24 times more likely to be killed than belted drivers.

As a 19-year veteran police officer, I feel this legislation can and will reduce the serious injuries and deaths we see every day on our roads and highways. I am aware that the Police Association of Ontario has presented to you, and I wanted to echo their comments and emphasize that our staffing levels and resources do not allow our officers to do the amount of enforcement they would like to do in this area.

I'd like to thank the Minister of Transportation for bringing this forward and the members of the Legislature for their support of Bill 148. This bill is an important part of reducing serious accidents and deaths in Ontario and strengthening safety on our roads and highways. I would like to thank the members of the standing committee for the opportunity to appear before you, and I'd be pleased to answer any questions you may have.

The Chair: You've left about two and a half minutes for every party to ask you a question, beginning with Mr. O'Toole.

Mr. John O'Toole (Durham): Thank you very much for your presentation. It's a pleasure to meet you for the first time. Thank you for the work you're doing—the police association work, the OPP—at Caledonia right now.

That being said, I hear what you're saying and I have a couple of questions on what we've heard during the

hearings. Basically, there are three or four areas that there's some controversy about—nothing of any great disruption between the parties in any way; it's just listening to the input. One is the school bus issue, the exemption for school buses; one is the motor coach issue; one is the farm vehicles, as you've described; and one is the vintage vehicles.

The most pressing one here in your presentation would probably be farm vehicles, farm workers. I think you made reference to some sort of tragedy involving migrant workers a couple of years ago. Have you got any other suggestions? In my area, for instance—and I'm only speaking on my own behalf, but with respect to what I know is somewhat of a traditional practice: moving persons from field to field or from orchard to orchard, primarily in fruit and vegetable and horticulture, where they're often working as groups. Picking apples would be a perfect example. And I would suggest if you've got any way we could safely recognize what's happening in reality—some of these areas would be policed primarily by the OPP, really. Most of them are rural areas, and you have a lot of those jurisdictions.

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Your movie is enough to scare the heck out of anyone—a projectile of a human body, or the vehicle that's coming towards that unfortunate farm vehicle is at more risk. And the issue of liability comes up.

We haven't heard from the Ontario Federation of Agriculture or the OFVGA. Some of the members from all sides here on these committees represent rural ridings. It is important to make sure that we don't red tape ourselves into a corner. What advice would you give in response to that issue that you've raised?

Mr. Walsh: I appreciate your comments. I can tell you, from my experience, I've actually been to an accident where a car got wrapped around a pole and the passenger on the right rear side of the vehicle popped out through the rear window and actually landed on his feet, conscious, outside of his shoes. I think it's really important that the committee go ahead and push this through. I think there's ample opportunity after the fact to discuss issues revolving around migrant workers, things like that. Statistically speaking, we find that most people get into accidents close to home. I think it's safe to say that those accidents also, statistically speaking, frequently happen close to work as well because, after all, that's where you're coming from or going to.

Mr. O'Toole: Just one other thing. I had heard—

The Chair: Thank you. I'm sorry, Mr. O'Toole, you've exhausted your questioning time. Mr. Tabuns.

Mr. Peter Tabuns (Toronto-Danforth): Mr. Walsh, thanks for the presentation. One of the questions I've asked other speakers has been the whole question of putting the onus on the driver to ensure that everyone in the vehicle is buckled up. Is that an amendment to this proposal that your organization would support?

Mr. Walsh: I think it's a little difficult to ask one adult to ask other adults to behave like adults. If it's a case where somebody is under the age of 16, then I can

totally accept the argument. But I think it's a well-educated society, and we all know what the ramifications are of not putting your seat belt on. So if you run across the police and you've decided to make a conscious decision not to wear your belt, I think that person is the person who should be held accountable, not the driver of the vehicle.

Besides, you're going to run into a situation where you have four occupants of a vehicle: the driver is belted, one of the passengers is and two of the passengers are not. You're leaving an officer standing at the side of the road having to make some pretty difficult decisions on how many tickets you want to pile up on that person. How punitive do you want this to be? There's got to be an educational component to it, and I think a lot of that education takes place at the side of the road. Some people may appreciate that education, some people don't appreciate that education, but it's certainly our job to point that out at the side of the road.

I would leave it up to the individual, providing they're of a reasonable age—say, the age of consent. If you're old enough to buy a bottle of beer, then maybe you're old enough to accept the responsibility of not having worn your seat belt.

Mr. Tabuns: Thank you.

Mr. Dave Levac (Brant): First, Karl, thank you so much for the work you do, day in and day out. I too want to echo a comment, but reinforce the work that's been going on in Caledonia. I've been fortunate enough, and I say fortunate because I got a chance to see on a weekly basis what's happening in Caledonia in my membership on a committee that deals with the community and the OPP. The officers have been doing an exemplary job in that community, and I thank you for it. Please pass that on.

I also thank you for the work you're doing on our highways. We are the best in the world, from my understanding and third party analysis. We're the best in the world, but this bill says we can do better. What I'm hearing is that you have no problems with the bill itself and that you're willing to take a look at other issues that come along the way. I point out that the one Mr. O'Toole talked about—John, you can help me. I think Doug Galt introduced the first private member's bill in the committee I sat on for trucks and pickup trucks, the beds. Lou Rinaldi reintroduced it, and the minister has made the commitment to deal with that. So it's not necessary that this particular issue get dealt with in Bill 148, if I'm hearing you correctly.

Mr. Walsh: You are, sir.

Mr. Levac: And last but not least, I'll just ask you maybe an educational question. The PSA that we just saw was probably one of the most powerful commercials I've seen. Do you believe the type of commercial that's showing in Ireland would be as effective in North America and, more importantly, in Ontario?

Mr. Walsh: Oh, absolutely. I think kids today are very graphic and need some sort of visual depiction of what can happen to them in a motor vehicle. I think

there's a little bit of naïveté when it comes to the youth who are out and about in their vehicles, and I would say you could probably go a step further than this. Volkswagen puts out a number of PSAs. I think they focus mainly around the safety of their vehicle, but it's also a good illustration of what can happen to a body while it's inside a vehicle. I think it needs to be as powerful, if not more powerful.

Mr. Levac: Thanks for your work.

Mr. Walsh: And I appreciate your comments on Caledonia.

The Chair: Thank you very much for your time today, Mr. Walsh. We appreciate your being here.

CANADIAN VEHICLE MANUFACTURERS' ASSOCIATION

The Chair: Our next delegation is the Canadian Vehicle Manufacturers' Association. Welcome. Thank you for being here. I know you've been here before, but I'll go through the drill. I know you have a slide deck to show us. As you get yourself settled, if you could say who you are and the organization you speak for, and once you begin you'll have 15 minutes. If you leave time, there'll be an opportunity to ask questions.

Mr. Mark Nantais: Thank you, Madam Chair. My name is Mark Nantais. I'm president of the Canadian Vehicle Manufacturers' Association. My organization represents Canada's largest manufacturers of vehicles, cars and trucks: DaimlerChrysler, Ford Motor Co. of Canada, as well as General Motors of Canada and the International Truck and Engine Corp.

The reason I'm here is to really offer our support for this regulation. It's something that we think is absolutely critical. I thought I'd start off by perhaps giving you some sort of indication of the evolution of safety technology in vehicles, because it's this evolution of technology, quite frankly, that has contributed in one of the largest ways to reducing serious injuries and fatalities in motor vehicle accidents. This particular slide gives you an indication of a whole series of vehicle safety technologies that have been introduced since the early 1960s, both voluntarily by industry and also in response to regulation. The key thing here, however, is to note the very dark bar graph at the bottom, which shows the continuous decline in fatalities as a result of some of these technologies we've introduced.

The previous speaker, in his PSA example, clearly showed what can happen in a collision. When one talks about a collision there are really three events. There's the vehicle-to-vehicle collision and there's the body-to-vehicle collision, if you will; that is, the body hitting the various hard structures of the cab of the vehicle. But in our industry we look beyond that even to the third dimension, which is—it sounds rather gruesome—the organs hitting the hard structures of the skeleton. That's all part of our research, and it's essential to how we actually design vehicles from all different aspects.

Here are the reasons why we believe that a regulation such as this is really critical. During the past 15 years, fatalities of Canadian vehicle occupants have declined, primarily because of higher seat belt usage; in Ontario, as was previously mentioned, it's 92%. There's still room for improvement there, but clearly, when an occupant is properly restrained, that person is definitely in a better position to survive a crash, both in terms of injury as well as fatality. This is an index, actually, of occupant fatalities, using 1988 as a baseline. But you can clearly see, as long as we have had higher seat belt usage, the number of fatalities, and again also serious injuries, have been kept at a lower level.

But something still is really critical here, as we move forward: 37% of all in-vehicle fatally injured persons were unbelted. This is particularly true in rural parts of Canada, where we have single-vehicle rollovers and accidents. Unbelted fatalities continue to represent roughly 800-plus, almost 900, actually, as we now look at newer numbers, as a result of not wearing seat belts.

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In Canada, in terms of vehicle design, we're governed by the federal Motor Vehicle Safety Act and the regulations thereunder, which we call the Canadian motor vehicle safety standards. That ensures that every on-road vehicle sold in Canada must actually be certified and satisfy the requirements of those safety standards.

What's also critically important is what goes on, provincially speaking, across the country. Those are the regulations that require seat belt use. Compliance and enforcement is absolutely critical there.

We must install approved seat belt assemblies at each designated seating position. That's the law. Certain seating positions must be equipped with both upper and lower anchorages for child seat installations—proper installations, I might add. All of our member companies have a great deal of literature and educational materials to help young parents, or any parent, properly install a child seat.

We also look at it not just from the idea of having seat belts, but it's really the integration of several components of a total safety system, and that includes energy management; these are the crush zones built into the design of the vehicle, the sensors involved to set off the airbags, airbag deployment. We've now gone through at least three generations of airbags and have got to a point where they're actually very smart; they can determine through sensors how quickly to deploy or not to deploy. We have the vehicle structure, the overall safety architecture, which is actually part of the safety system. Of course, there's the seat belt and the retractor systems. They all play together. When we have an accident, it really occurs in a matter of a fraction of a second, in the range of 300 milliseconds, to be exact. All these different components of the safety system must integrate and deploy within that time frame in order to deliver the safety benefit.

I'm not going to go through what is and is not in the regulations, what are currently retained responsibilities or

what the new responsibilities are, but clearly, to leave enough time for discussion, I again give you our assurances about promoting the use of safety belts for all vehicle occupants as described in the owner manuals and as required by law.

We want to commend the government for their prompt action to enhance the seat belt use requirements of Ontario with the proposed amendments to Bill 148. We believe that continued education and enforcement of seat belt use does really provide one of the greatest opportunities to continue to improve occupant protection, not just in Ontario but across all of Canada.

I'm going to stop there, Madam Chair. I'm certainly here to answer any questions you may have.

The Chair: Thank you. You've left about three minutes for each party to ask a question, beginning with Mr. Bisson.

Mr. Gilles Bisson (Timmins–James Bay): Just a couple of quick questions. First of all, would it be more effective, in your view, if the law were that the person who drives the vehicle would ultimately be responsible and can be charged if people don't put a belt on, rather than the individual? I came in part-way, so maybe—

Mr. Nantais: I did hear the previous presenter's response to your question in that regard and I think it was a very good response. There comes a point in time when adults have to act as responsible adults. I agree that when one is 16 years of age or younger, clearly that's a different scenario, and I do think there's a responsibility on the driver of that vehicle to ensure that all occupants are properly restrained using seat belts and child restraint systems. We've always maintained that not only should everybody be properly restrained with seat belts but anybody under the age of 12 should be properly buckled up in the backseat, using, in the case of a smaller child, either a booster cushion, as it may be appropriate for the size and weight of the child, or a proper child restraint.

Mr. Bisson: That's all I have.

The Chair: Mr. Levac?

Mr. Levac: Thanks very much for the presentation. If I heard this right and did the briefing in my mind with this package, you're already there in terms of providing the vehicles with one seat belt per passenger. I commend you for it and I thank you for it. It sounds to me like somebody is not getting credit for advancing us. It sounds to me like you've already done voluntary implementation into your designs, by the general surveys you've done on public safety and security; they're selling vehicles because they're safe vehicles instead of because they look good. I want to congratulate you and thank you for that.

I also want to thank you for the support on this and the comment that we acted as quickly as we could on this particular issue.

The Canadian Vehicle Manufacturers' Association has participated in the past with PSAs. My question is a simple one and maybe a little bit of an easy one: Would the manufacturers' safety council continue to be available to assist the government with participating in PSAs similar to the ones we saw today?

Mr. Nantais: We're always open to doing what we possibly can to promote vehicle safety, so a short answer would be yes.

Mr. Levac: And as part of an education process on the value of wearing seat belts? What we have now is empirical evidence, as your own work has shown, that with the use of seat belts we lessen the opportunity for somebody to get killed.

Mr. Nantais: That's right, and real-world experience demonstrates that as well.

Mr. Levac: Thank you very much for your work.

The Chair: Mr. Duguid, you've got a minute and a half.

Mr. Brad Duguid (Scarborough Centre): Really quickly: Does the technology exist to build cars that make it mandatory to wear seat belts for the cars to work and, if so, is it cost-prohibitive at this time? If not, then the answer is obviously no.

Mr. Nantais: That's been an ongoing debate. In fact, we've had a lot of discussion with Transport Canada and other regulatory agencies in other jurisdictions about what we call a belt interlock, an ignition interlock system where you can't drive the vehicle unless everyone's belted.

The cost does become an issue. We already have notification systems in the vehicle. In other words, if you're not buckled up, whether you're the driver or any passenger, then there will be an audible sound, which is quite annoying, that indeed you better buckle up. There's also probably a telltale on the dashboard, or both, to tell you that indeed you're not buckled up. That seems to be quite effective, but the question of interlock systems starts to become issues of cost as well as of customer satisfaction.

The Chair: Mr. O'Toole.

Mr. O'Toole: Thank you very much, Mark. I'd also like to extend my congratulations on the work you're doing. The chart on page 3 is excellent. Also, on the airbags, they initiated this stuff on their own and clearly did that; it's there to prove it's good work.

Just a couple of points here just to put it on the record, because the Chair will likely cut me off. The previous presenter, from the OPP Association, asked for data to be shared, and I think it's part of the enforcement issue with the MTO. I'd like that officially on the record for the parliamentary assistant or whoever, to make sure we get a response to this committee before next week so we know if in fact there is some bureaucratic nightmare. The issue of identifying those over 16 and the enforceability issue is partly what the OPP is talking about. It's the second time we've heard the issue: identification of persons over 16. On the record, I'd like to say that I don't think the over-16s should also get demerit points. They're not driving. They might be able to get fined, though. They'll whack them for \$250 or whatever it is. That's about more taxes. I get that.

In terms of the government's current response to this issue—I'm in the opposition, I'm not in government, so it's my job to point out things. It's interesting. They'll have that opportunity next term; some of them will.

I'd like to put on the record that Emile Therien, the president of the Canada Safety Council, whom you would know, wrote to the minister and to Dalton a year ago, November 15, 2005, asking for this very thing. We have had an additional series of deaths, some of which occurred on October 14. We support this. All parties have been working—

Mr. Phil McNeely (Ottawa–Orléans): Where were you eight years ago?

Mr. O'Toole: Pardon me.

The Chair: Can we just stop the cross-chatter and let Mr. O'Toole use his time?

Mr. O'Toole: See, this is what happens. When you do point something out, as it is our duty to do, they sometimes take exception. I understand that.

The Chair: Mr. O'Toole, you're using up your time.

Mr. O'Toole: We did. The Conservative government introduced this 30 years ago in October. Bill Davis did it. Mitch Hepburn never had the chance.

The point I'm trying to make, Mark, is that the industry is doing a great job. The enforceability is an issue with this.

I have one actual question. I've had the privilege of working with you over the years. I worked in the industry for 31 years myself and am quite aware of some of the strides they've made. Vintage cars: There are those that have been in contact with us and they don't want this in the vintage cars. That's one. The other is street racing. Frank Klees, one of our members and a former Minister of Transportation, has a private member's bill on street racing. There are after-market modifications for six-point belts for some of these young people with these flared-up cars with various modifications. What's your stance on those two issues: the one on street racing and the after-market, and the vintage cars?

Mr. Nantais: Let me start with the after-market and vintage cars. Any time the after-market attempts to install after-market devices or equipment that could potentially jeopardize the structural integrity of the vehicle, we have a problem. That would involve whether it's an actual structural element of the vehicle or whether it's actual original equipment—wiring, harnesses and so forth. When one taps into wiring, harnesses and so forth, because the vehicle is also a very integrated sort of computer system now—in fact, it's one big computer, in many respects—you run the possibility of creating fires and things like that, which presents a safety risk as well. So we always have concerns when any after-market equipment or jobber decides to invade the structural integrity of a vehicle. That's very much a concern to us. When one starts to mess with seat belts and anchorage points, which are already an engineering design in the vehicle—that's something people really shouldn't play with.

On your other question about street racing, it's pretty obvious what our position is: Anytime somebody breaks the law by exceeding the speed and doing it in a very aggressive and competitive way, that's something that is unacceptable.

The Chair: Thank you, Mr. Nantais. We appreciate you being here today and bringing your thoughtful presentation.

Mr. O'Toole: Chair, on a point of order, just to be on the record here: First of all, there were some questions, points of information. I would like a response to the question on the sharing of data between MTO and the OPP or police services. That question was raised and we need an answer on it, because it will be part of the enforceability. If you look at the presentation, the OPP asked for a delay of the proclamation of the bill until that issue is resolved. This happened on Monday, I guess it was. I'm going on memory, but they did mention that in their presentation, that that portion of the bill not be proclaimed—

Mr. Levac: OPP?

Mr. O'Toole: Yeah, the OPP, on Monday, Dave.

Mr. Levac: The OPP, not the OPPA?

Mr. O'Toole: This was the OPP Association. This was the OPP, the deputy divisional manager, I think.

Mr. Levac: Okay. Thanks.

The Chair: Is your question to the parliamentary assistant or to research?

Mr. O'Toole: I think the parliamentary assistant could probably get us an answer. It may be just a straight no. Sometimes it takes some initiative to move these things along. I'm not trying to prolong things here, because I'm supposed to respond to Gerry Martiniuk's speech up there in a couple of minutes.

The Chair: You said you had a couple of points?

Mr. O'Toole: That was one. The other one was that I had asked for some information from other jurisdictions from research.

The Chair: It's in front of you.

Mr. O'Toole: Is it here? I'm sorry. I apologize.

The Chair: Our researcher is so efficient that he's already provided it to you.

Mr. O'Toole: Thank you very much, Andrew. It's a great job. You could probably look into this thing with the MTO, because Phil may get tied up in the politics of it all. Thanks very much.

The Chair: That completes our witnesses for today. I'd like to thank members and committee staff for their participation in the hearings.

Interjections.

The Chair: Committee, can I just have your attention for another 30 seconds? Then you can argue with each other.

I'd like to remind all the members that amendments to Bill 148 should be filed with the clerk by 12 noon on Friday, October 27. If you need any help with drafting the amendments, you need to speak to Susan Klein, who is leg counsel.

Mr. O'Toole: Is Susan Klein here?

The Chair: No.

This committee now stands adjourned until 3:30 p.m. on Monday, October 30, 2006, for clause-by-clause consideration of Bill 148. Thank you.

The committee adjourned at 1634.

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