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Official Report of Debates (Hansard)

Monday 30 March 2015

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Lundi 30 mars 2015

Standing Committee on General Government

Transportation Statute Law
Amendment Act (Making
Ontario's Roads Safer), 2015

Comité permanent des affaires gouvernementales

Loi de 2015 modifiant des lois
en ce qui concerne
le transport (accroître la
sécurité routière en Ontario)

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE ON
GENERAL GOVERNMENT**

**COMITÉ PERMANENT DES
AFFAIRES GOUVERNEMENTALES**

Monday 30 March 2015

Lundi 30 mars 2015

The committee met at 1400 in committee room 2.

TRANSPORTATION STATUTE LAW
AMENDMENT ACT (MAKING
ONTARIO'S ROADS SAFER), 2015
LOI DE 2015 MODIFIANT DES LOIS
EN CE QUI CONCERNE
LE TRANSPORT (ACCROÎTRE LA
SÉCURITÉ ROUTIÈRE EN ONTARIO)

Consideration of the following bill:

Bill 31, An Act to amend the Highway 407 East Act, 2012 and the Highway Traffic Act in respect of various matters and to make a consequential amendment to the Provincial Offences Act / Projet de loi 31, Loi modifiant la Loi de 2012 sur l'autoroute 407 Est et le Code de la route en ce qui concerne diverses questions et apportant une modification corrélative à la Loi sur les infractions provinciales.

The Chair (Mr. Grant Crack): It is 2 o'clock. I'd like to call the Standing Committee on General Government to order this afternoon. We're here to continue clause-by-clause consideration of Bill 31, An Act to amend the Highway 407 East Act, 2012 and the Highway Traffic Act in respect of various matters and to make a consequential amendment to the Provincial Offences Act.

I'd like to welcome all members of the committee here this afternoon and all support staff, as well: the Clerk and Hansard and legal counsel.

At your last meeting of the committee, there was a request for a 20-minute recess prior to the vote on sections 49 to 53, so I will be calling for that vote at this time. There was a request for a recorded vote.

Ayes

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is carried, so sections 49, 50, 51, 52 and 53 are carried.

The next amendment is number 28.1. Perhaps in some of your packages, it's 28, but it's 28.1. I would ask Mr. Yakabuski to read it into the record.

Mr. John Yakabuski: Certainly, Chair.

The Chair (Mr. Grant Crack): No—you're subbed in, so I believe—

Mr. John Yakabuski: No, I'm not subbed in. You can't read it into the record if—

The Chair (Mr. Grant Crack): No.

Mr. John Yakabuski: You've got to be subbed in to read it into the record?

The Chair (Mr. Grant Crack): That's correct.

Mr. John Yakabuski: Oh.

The Chair (Mr. Grant Crack): You can participate, Mr. Yakabuski. We look forward to that.

Mr. John Yakabuski: It has already turned out to be a bad day.

The Chair (Mr. Grant Crack): You can participate, as I had indicated. But to read motions—Mr. Harris.

Mr. Michael Harris: Here we go. I move that the bill be amended by adding the following section:

"53.1 The act is amended by adding the following section:

"Driving with dangerous accumulation of snow or ice

"181.1(1) No person shall drive a motor vehicle upon a highway if snow or ice has accumulated on the motor vehicle, or on a vehicle or trailer drawn by the motor vehicle, to such an extent that the snow or ice is at risk of falling or sliding off while the vehicle is being operated or could otherwise pose a danger to other motor vehicles on the highway.

"Penalty

"(2) Every person who contravenes subsection (1) is guilty of an offence and on conviction is liable to a fine of not less than \$50 and not more than \$500.

"Same, commercial motor vehicles

"(3) Every person who contravenes subsection (1) while driving a commercial motor vehicle is guilty of an offence and on conviction is liable to a fine of not less than \$100 and not more than \$1,000."

The Chair (Mr. Grant Crack): Further discussion? Mr. Yakabuski.

Mr. John Yakabuski: This bill is currently on the order paper under Bill 44. It was in the previous Parliament under Bill 183. It has not changed. It died when the Parliament was dissolved. It's in response to, specifically, an incident in my riding where a man by the name of Gord Stickles was driving his Dodge Caravan on Highway 41, and around the Snake River turn he met a tractor-trailer with a 53-foot trailer. If you recall, the winter of 2013-14 had a lot of thermal fluctuations in the weather. There was a serious accumulation of ice on the top of that trailer: 53 inches long and up to five inches

thick. When he rounded that corner, the tractor-trailer lost all of the ice off the top of that trailer. It came crashing down. Had Mr. Stickles not acted in a very, very quick manner, it's very likely he could have been killed. It did completely demolish his van. It totalled his vehicle.

Once this happened, there was a story in the newspaper, and I got a number of people calling me to say that they had had similar instances, obviously not as serious. But a lady, Mrs. Denzil Ferguson, wrote in the paper about one that happened to her 25 years ago, and they're all wondering why something hasn't been done to make it mandatory, to encourage people to ensure that there's not a dangerous accumulation.

This is not about when somebody's driving through a snowstorm and there's an accumulation on the vehicle, obviously. This is one where there has been a freeze-thaw cycle, and maybe more than one, as a tractor-trailer sat in a loading yard, and no attempt was made to free the ice and snow from that trailer. It's been allowed to go through a couple of these freeze-thaw cycles, embedding that and making it far more heavy and dangerous when they hit the road. Then you get a sunny day which, as you're travelling, starts to loosen that, and all of a sudden it can come off in one fell swoop.

That winter, I'm sure there wouldn't be any one of us here who was driving—if you drive—travelling down the 401 or other highways at the time and didn't see something like this happening off another car or vehicle, because it was that kind of winter. I had it happen to me a dozen times, where you'd be driving along and something would fly off the car in front of you. Maybe it would hit your windshield, or maybe not; maybe it would hit the road in front of you. But certainly it was that kind of winter. It gave me the encouragement to put forth a piece of legislation that would deal with that.

Now, this legislation exists in the province of Quebec and other provinces. It exists in several northern continental states. It's a problem that simply hasn't been dealt with in Ontario from the point of view of actually having some teeth in the law. Everyone thinks that, as a good, safe motoring citizen, you're going to try to ensure that your vehicle is not likely to be a danger to somebody else. By having this in the legislation, it gives the police the authority to cite someone if they're not in compliance with the legislation. The fines are not excessive, but I think it would do a lot to enhance road safety. That's what this bill is all about.

My colleague and our critic for transportation, Mr. Harris, was kind enough to suggest, "Why don't we take this to the government members of the committee? They're very, very clear-thinking and reasonable people. It is very likely that they would allow this amendment to be incorporated into the act when we're making changes." This is about highway safety, and I'm confident that the five members on the other side are going to support this, because there's no reason not to. It will also send a clear message that this government is prepared to act when it comes to public safety on our highways.

That is my pitch. I can speak for an hour if you want—

Mr. Michael Harris: You only get 20 minutes.

Mr. John Yakabuski: I only get 20 minutes?

Mr. Randy Hillier: At a time.

Mr. John Yakabuski: Oh, my God. They're limiting—oh, at a time?

Mr. Michael Harris: Yes.

Mr. John Yakabuski: Oh. We could go back again.

I can give you some of the press clippings and stuff like that that happened here, but I got the call from Gord Stickles when it happened, and he was just shaking. When he asked the police—the truck, by the way, did not stop. I don't know whether he was fully aware of what happened, because the driver has never been to court or anything, but a passing motorist who witnessed it chased down the truck—the tractor-trailer; when I say "truck" I mean the tractor-trailer—and informed him that this was the case.

When Mr. Stickles and the witness, who returned to the scene, brought it up to the police, there was really nothing they could do, because we don't have a statute in Ontario that could actually do something about it. When you think about it, 53 feet by about eight feet by five inches thick—you can see a picture of a front-end loader cleaning the highway after the accident, because it took a front-end loader to remove the ice and debris from the highway after this accident. You have to ask yourself: How could we possibly not have something in our legislation that in a very real way encourages people to ensure that there's not a dangerous buildup of ice and snow on the top of their vehicle?

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There's discretion here for the police: "a dangerous accumulation of snow or ice" is the way the bill is written. It's not a case where a guy is on a long haul and he has to pull over because there's a snowstorm, because of the visibility and everything, and he takes off again. No. This is clearly a case where they have not been diligent about ensuring that as a tractor-trailer has sat through an up-and-down thermal cycle—there has not been a reasonable attempt to free any ice and snow that has accumulated on that vehicle.

I think it's a reasonable addition to the bill. I want to thank Mr. Harris for allowing me to do this and also drawing the amendment up. I would hope that members on the other side and my colleague from the New Democrats would support this addition to Bill 31, which would only make it stronger for all of us.

The Chair (Mr. Grant Crack): Ms. McGarry?

Mrs. Kathryn McGarry: The member opposite certainly speaks eloquently to a very important issue, and I would agree with him. I've heard various anecdotal stories.

I want to pass along one quick anecdotal story regarding a police officer, who was one of my friends, who actually got a conviction in court from somebody who hadn't properly cleaned off their car. I don't know the details about that, but I do know that person was charged. So there are some provisions out there.

I think that further analysis and consultation are required. The way this currently reads, more consultation

is needed, especially with our enforcement officers, because it would be necessary to determine from them if this amendment provides sufficient clarity to police officers if they were to lay a charge under this new section. Certainly, taking this back to our road safety folks and being able to analyze it doesn't preclude it from looking at legislation down the road—but it also places an extraordinary burden on the transportation industry in cases of predictable weather. That's why I'm saying I agree with you. I would hope that as we take this forward, after this bill, for further analysis and consultation, you and the stakeholders would be available and willing to come forward with some of those consultative pieces. But at the moment, I can't see it being adopted into this bill. It's not ready for this piece yet.

The Chair (Mr. Grant Crack): Further discussion? Mr. Yakabuski.

Mr. John Yakabuski: Well, I thank you for your lukewarm support.

Mrs. Kathryn McGarry: It's not lukewarm.

Mr. John Yakabuski: Well, it's a bit lukewarm. I'll use the term, and you can choose to use another one. But I appreciate the somewhat tacit support, maybe, that you're offering.

What I would say, then, because I can count—just as I can tell the difference between 53 feet on the top of a trailer and eight feet on the top of a car, I can also count the number of people on the other side of this room. So I'm under no illusions that when the parliamentary assistant tells me that she's not going to be supporting it—I can assure you that I'm quite confident that the other members of the committee on the government side won't support it either.

Having said that, I'm not going to prolong this process any longer than is necessary. I don't know if my colleagues may have something to say, as well, and my friend from the New Democrats, Mr. Mantha. But if and when it doesn't pass—the vote that we're going to have shortly—is it fair for me to extrapolate from your words, Ms. McGarry, that the minister and/or the ministry is very, very interested in bringing this bill forward into the Legislature, maybe as a—if they're not going to bring this forward as a ministry bill on its own, they have an opportunity in here. They know this is on the order paper. It has been on the order paper since last November, which is—when did Bill 31 get tabled?

Interjections.

Mr. John Yakabuski: Very close to the time that Bill 31 got tabled, so the ministry is well aware of this piece of legislation as a private member's bill. They certainly have had the opportunity to work at incorporating it in their own amendments. There's been a lot of time. We're almost into April. There has been a lot of time.

While I appreciate your words, I hope they are not just words of comfort or words to get Yak off your back: "Let him have his say, and then he'll go away quietly and we won't hear from him again." That's not quite going to be the case. I'd like to hear something from the ministry that says, "We're actually interested in this bill," because

what I hear here is, "I'm interested in getting to the vote so that we can move on with the rest of the legislation, but we're not going to support incorporating Bill 44 into Bill 31 at this point."

I'd really like to hear something a little more concrete from the ministry that says, "We're not going to do it today, but this bill actually does something that has happened in other jurisdictions. The world hasn't fallen apart because of it. It hasn't resulted in a litany of litigation or court cases. It's not the reason courts are tied up, and it wouldn't be the reason our courts were any more tied up or inefficient in the province of Ontario"—something from the ministry that actually said, "We're serious about highway safety."

Ontario has some of the greatest fluctuations of any jurisdiction in the world when it comes to winter weather. Because of those fluctuations, our climate is more subject to having these wide variations of ice and snow conditions versus other areas of the continent. Some places have mostly open winters with a little bit of snow. Winters you're going to have in the prairie provinces are going to be far more consistent in the weather that they have. You're not going to have these fluctuations.

All you've got to do is look at the city of Toronto and see how many different weather patterns we dealt with this winter because of where we are geographically. The 401 is the biggest highway in the country, and it's subject to those variances in weather as well.

If this ministry is really serious about highway safety, they'll pay more than the little bit of lip service—and I say this with great respect—that you're paying me here today on incorporating this into Bill 31. You'd actually be seriously talking about some piece of legislation or, having had the opportunity—because there's no way; I know how it works. There are people sitting back there, and I don't know their names, but I know they work very, very hard, and I know that somebody sitting in that group over there has reviewed Bill 44 because that's their job. Somebody over there has been looking at this, and they've said something to the minister to the effect of, "Maybe it's something we can consider." Or maybe they have said to the minister, "Oh, don't worry about it. Nobody's going to make a big deal about it. The world will go on just fine the way it is." Well, I don't think the world is going on just fine the way it is. This is a good piece of legislation, so I hope that somebody back there has actually been talking to the minister.

I know that he wasn't the minister when I first put in the bill, but I think he's a minister who does give a lot of consideration to the legislation he's bringing forth. There's certainly been a lot of consideration of Bill 31. I hope that he will be serious about doing something concrete on Bill 44 when we leave this room today.

I know I'm going to lose this vote. I have lost votes before—

Mr. Michael Harris: Have faith.

Mr. John Yakabuski: What I'd like to do now is turn it back to the Chair. There might be some other members of the committee who want to speak to it as well.

The Chair (Mr. Grant Crack): We'll move to Mr. Mantha, and then it will be Mr. Harris and then Mr. Hillier.

Mr. Michael Mantha: I want to just thank the member from the PC caucus for speaking so eloquently, and the other members who have talked about how they were personally affected by this in their constituency.

I can tell you that I do a six-hour drive twice a week, travelling back and forth from Elliot Lake here to Queen's Park. Although I've never had the unfortunate experience of being in back of a transport and seeing that slate of ice or that huge chunk of snow coming off and hitting you, I've been behind many vehicles that have done the same—you know, that frozen chunk of ice that's sitting on top of the van.

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Even myself, I've seen it on my own vehicle where you have that bad weather once in a while, where you have that two inches of good snow on your tonneau cover, and that tonneau cover gets wet overnight, and if you don't take that off before you leave home—everybody likes looking in that rear-view mirror and looking at that thing go up in the air. I can tell you something, Mr. Speaker, if your kids are there, they're going to be the first ones to laugh. But that's only if there's nobody behind you. If somebody is behind you, you are going to devastate somebody's life. You are going to change somebody's life forever. We need to take that seriously.

I also heard and can do the numbers from across the way. We can see that, potentially, this may not pass at this point in time, but I would urge the government to seriously look at this and bring it up as quickly as possible so we can have the discussion and we can move on it, to make our roads safe.

I look around this room and—you know, I'm not blind. I was elected here for the first time in 2011. I came here with an attitude that we're all here to do the right thing. We all want to see our roads safe. We all want to see health care. We all want to see improvements in education. We all want to see our seniors taken care of. But it's where those issues fall on our list of priorities which makes us just a little bit different from each other. This is something that we all agree on, and we should have it way up there on our list of priorities.

I'm going to be supporting this amendment, from our caucus. I would hope to see it move quite quickly in the House. Again, I want to thank the member from the PC caucus for having brought this private member's bill forward.

Thank you, Speaker.

The Chair (Mr. Grant Crack): Thank you, Mr. Mantha. Just for a point of clarification: Perhaps I'm not sure what the future holds for me being the Speaker, but as Chair, I'll pass it over now. You did reference me as "Speaker."

Mr. Michael Mantha: Oh, I'm sorry, Chair.

The Chair (Mr. Grant Crack): There's one Speaker of the House, so I don't want to steal his thunder. I want to make that clear and have that on record.

Mr. Michael Mantha: I'll blame it on my cold. I want to apologize to you and to all the committee members. I was a little bit late today. I'm under the weather, and I was caught in a cough storm, and I just had to get my bearings, which is why I was late earlier. I apologize to all of you. I didn't mean disrespect by showing up late.

The Chair (Mr. Grant Crack): It's great to have you here.

Mr. Harris.

Mr. Michael Harris: Yes, absolutely. Thanks for being here, for sure.

Look, it's important to remind the committee members that this bill's short title is Making Ontario's Roads Safer. I want to highlight the fact that that's what the bill is actually called. I think this amendment that my colleague Mr. Yakabuski has put forward is doing exactly that: making Ontario's roads safer.

He spoke about a dramatic incident in his riding. Someone navigating a van had come across an unfortunate incident with a truck. We all drive on 400-series highways where—in this case, he was able to manoeuvre out of the way. On some 400-series highways, with the traffic the way it is, often you're not going to have an opportunity at all to get out of the road. Unfortunately, circumstances could lead to fatalities if we don't send a message that you need to have your load and your vehicle cleared of any obstruction or snow or ice at the time you leave the yard. Obviously, during transport, if the conditions are snowy and it accumulates, it's a different story. But this would give the tools to law enforcement to actually lay a fine for not properly ensuring that the roofs are clear of any ice etc.

It's interesting when we talk about other jurisdictions that in fact have this. My colleague mentioned that Quebec has it. We're obviously taking advice from them on taxing carbon in Ontario eventually, and yet we simply can't take a suggestion to make our roads safer. It's unfortunate to see.

I want to just follow up on the parliamentary assistant's comments that the police in fact have already had the tools to lay fines. I'm wondering if a ministry lawyer could come up and explain what in fact those tools are that they currently have within the act that would allow for fines in this instance—if you can explain to the committee what that might be.

The Chair (Mr. Grant Crack): Mr. Harris is requesting that a member from the ministry come forward. Do I have agreement at the committee level to bring someone forward?

Any opposition? There being none, is there anyone from the ministry who would be able to help us in responding to Mr. Harris's question?

Mr. Logan Purdy: Sure.

The Chair (Mr. Grant Crack): Please have a seat. For the record, state your name and position, please.

Mr. Logan Purdy: Hi, my name is Logan Purdy. I'm the acting manager of the Road Safety Policy Office at the Ministry of Transportation.

There are a number of provisions the police can use, and I know that they do use, in terms of charging,

sections 73 and 74, which are about making sure that you don't have anything obstructing the view out of your windshield. I don't know if there's anything specific to clearing snow off your roof, but there is a wide range of charges that police can use in terms of your vehicle fitness and things like that.

In terms of the ministry's position on this, I think the PA summed it up quite clearly, in terms of much more needed consultations. We always look at some of the other jurisdictions across North America. For the last 13 years, Ontario has been either number one or number two in terms of having the safest roads in North America. If you looked at us in terms of Ontario being a country, we'd be number seven in the world. So we do have a pretty good record in terms of road safety.

But like I said, there would be more consultations needed on this one, specifically with the trucking association—they have some concerns, obviously, with their members getting up and looking at the top of the trailer; that's one of the concerns that they've mentioned—and consultations with the Ministry of Labour in terms of workplace safety and hazard; and also, consultations with the police on how they enforce this provision.

I know that there has only been one study on this particular issue, from the American Transportation Research Institute. They found that there was no empirical data that there was an increase in collisions or property damage on this issue. They did say that many of the examples they have are anecdotal.

I'm not sure of any particular research in relation to the jurisdictions that have brought in this law, but we definitely can look at the other jurisdictions and look at the issue.

Mr. Michael Harris: Right. So there's actually nothing specific to the dangerous accumulation of snow or ice that is at risk of falling or sliding off. You mentioned obstruction on the windshield that would obstruct a driver's ability to operate the vehicle, but not the dangerous accumulation that would put others at risk?

Mr. Logan Purdy: Police always have the careless driving provision. They have sections 73 and 74. I know that there are, in some cases, charges that police use, but it's their responsibility to enforce the HTA.

Mr. Michael Harris: I just think that this would be a tool for police or law enforcement to lay a fine rather than a careless driving charge that obviously would be more substantial. Nevertheless, I'll leave it at that.

I thank you for your time.

The Chair (Mr. Grant Crack): Mr. Yakabuski.

Mr. John Yakabuski: It's Mr. Purdy?

Mr. Logan Purdy: Yes.

Mr. John Yakabuski: Did you have a question?

The Chair (Mr. Grant Crack): Did you want to question him?

Interjections.

Mr. John Yakabuski: I was a little disappointed in your information there, because it leads me to believe that—you know, Ms. McGarry was saying we need more

consultation, and you've said the same, but it sounds like you have been having it.

Mr. Logan Purdy: Well, I—

Mr. John Yakabuski: Let me finish.

Mr. Logan Purdy: Sorry.

Mr. John Yakabuski: It sounds like you've been having it. I never, ever received a letter or anything from the Ontario Trucking Association, speaking against this bill, but it sounds like you've opened the conversation, or they've opened the conversation with you and you've been engaged in it. When I say "you," I say it collectively, as the ministry.

It would lead me to believe—I'm a whole lot less encouraged, having heard from you, because it sounds like you've had the discussion and that the ministry's instructions—or the minister's, through his staff—are, "Don't let this go through, because we've already decided we don't want it to happen, because we've been lobbied by the Ontario Trucking Association."

You said the Ontario Trucking Association has contacted you, or you've got something—you've had communications with them. Is that not the case?

Mr. Logan Purdy: No, I've never had formal consultations with the Ontario Trucking Association on this issue. I know, from things that they've said in the media, when this issue was raised about five years ago, that that's what their position would be.

Mr. John Yakabuski: So you're now saying you're basing it on what you saw in the media five years ago?

Mr. Logan Purdy: No, that's not what I said. What I did say was that further consultations with stakeholders such as the Ontario Trucking Association would be necessary and, I think, to back up what PA McGarry had said, that more consultations would be needed.

1430

Mr. John Yakabuski: Okay, but you just did say something about how it was in the media five years ago.

Mr. Logan Purdy: That is one example of the issue being raised by the Ontario Trucking Association. You asked me what my evidence was for their position. That would be one thing.

Mr. John Yakabuski: Right. So there has been no communication with the Ontario Trucking Association since the tabling of either Bill 183 in March 2014 or Bill 44 in November 2014?

Mr. Logan Purdy: There have been no formal consultations with the Ontario Trucking Association, to my knowledge, on this specific issue.

Mr. John Yakabuski: To your knowledge, have they contacted the ministry objecting to it?

Mr. Logan Purdy: To my knowledge, no.

Mr. John Yakabuski: No. Okay, so—

Mr. Logan Purdy: Well, I mean, I can just speak to what they have said.

Mr. John Yakabuski: In fairness, then, I have to say, Mr. Purdy, that what you said to our committee would have to be—I'd have to say it was somewhat misleading, because we're talking about incorporating this bill—

Mr. Mike Colle: Point of order.

The Chair (Mr. Grant Crack): Mr. Colle on a point of order.

Mr. Mike Colle: I just think the categorization of the ministry official as misleading this committee is totally uncalled for. He's trying to, basically, give background to a legitimate question, and he's attempting to have a legitimate answer to his questions. But this categorization is certainly out of order.

The Chair (Mr. Grant Crack): Okay, thank you. Mr. Yakabuski, I'd ask you to—

Mr. John Yakabuski: No, I will actually emphasize that I believe what he said was misleading, and I'll tell you why: because we're talking about incorporating the components of Bill 44 into Bill 31. In your original address, you talked about the view from the Ontario Trucking—that you were aware that the Ontario Trucking Association was opposed to this. But you're taking it to a point in history that was prior to the tabling of this bill.

So when you told the committee and said to the committee that you were making this comment based on—to me, and I suspect to the members of the committee, it was based on what is in front of the committee today. When you go back in history five years, that really is a different message. So what you're saying is you have nothing from the Ontario Trucking Association with respect to comments on Bill 44.

Mrs. Kathryn McGarry: Point of order.

The Chair (Mr. Grant Crack): On a point of order, Ms. McGarry.

Mrs. Kathryn McGarry: We are discussing Bill 31. You know, a ministry official isn't there to address Bill 44. At this particular time, I want to make sure that the focus is back on Bill 31 with all these things that are in there as well—

Mr. John Yakabuski: It is Bill 31. Bill 44 is being incorporated.

Mrs. Kathryn McGarry: I will finish, thank you very much. Our officials have been asked to come and address Bill 31, and I think that he has been doing that. I think that we need to hear his answers. He is certainly an expert in this field and part of MTO's staff that is addressing Bill 31. I would like to see that that's coming back here.

I just think we're moving dangerously to Bill 44, rather than what's in front of us, which is Bill 31. Thank you.

Mr. John Yakabuski: Well, you know, I've got a responsibility too. I've got a responsibility to the people who elected me here, and if I think that something is not correct, I have a responsibility to them to take it up on their behalf.

Mrs. Kathryn McGarry: I will defer to the Chair.

Mr. John Yakabuski: With respect to Mr. Purdy—and this is not personal—he may not have viewed it that way. But I have the right to interpret, as every person here has the right to interpret, and I have the right to question him as to what he has said to the committee.

The Chair (Mr. Grant Crack): Okay, Mr. Yakabuski. There was a point of order from Ms. McGarry, so I

would remind you that Mr. Purdy is here at your request, after consideration by the committee. I would ask that we focus on Bill 31 and the amendment that you have put forward. I would also ask that you guard your comments with regard to inappropriate language when it comes to being parliamentary and/or not.

Mr. John Yakabuski: I appreciate that.

The Chair (Mr. Grant Crack): Otherwise, I'll call you out of order and we'll move to the next speaker.

Mr. John Yakabuski: Thank you very much. I do believe that, as a member of the committee and an elected member of the Legislature, I have the absolute right to question an official from the government if I believe the information that they have given to us is not really supported by documentation in further questions or evidence given in further questions as to when that information was actually garnered.

Mr. Mike Colle: Point of order.

The Chair (Mr. Grant Crack): On a point of order, Mr. Colle.

Mr. Mike Colle: I think the member, who is subbed in, who is not an official member of this committee, should withdraw his derogatory comment and stop trying to say indirectly what he means to say directly. He should apologize and withdraw that comment and stop that derogatory line of questioning, which he is trying to do despite the warnings from the Chair.

The Chair (Mr. Grant Crack): Thank you, Mr. Colle, for the point of order.

Mr. Yakabuski, let's stay focused on the bill at hand. Do you have any further questions for Mr. Purdy? Otherwise, we'll move on to—

Mr. John Yakabuski: Yes, I'm going to move on, but all I wanted to do was clarify that when we first asked the questions of Mr. Purdy, the impression that was created for me, and it may be supported by others, was that the incorporation of the contents or the spirit of Bill 44, being incorporated by way of amendment into Bill 31—his comments gave me the impression that there were recent communications or discussions with the Ontario Trucking Association that—

Ms. Ann Hoggarth: A point of order.

The Chair (Mr. Grant Crack): A point of order, Ms. Hoggarth.

Ms. Ann Hoggarth: I believe what's happening here provides no new information to the debate about Bill 31. Very clearly, the debate points out that there needs to be further discussion about this. We want Ontario's roads to be safer. Very clearly, there are a lot of stakeholders—

Mr. John Yakabuski: That's not a point of order, Chair. That's an interjection.

Ms. Ann Hoggarth: —who want to pass this as quickly as possible. I move that we vote immediately.

The Chair (Mr. Grant Crack): Okay. Thank you very much for your request. I believe there is more discussion to be had on it. What I'm going to do—Mr. Yakabuski, you made your opinion and position quite clear—is I'm going to ask Mr. Purdy, do you have any final comments before we move on to Mr. Hillier?

Mr. Logan Purdy: I'm sorry I gave that impression. I was just trying to talk to a stakeholder position. There was nothing misleading in the information that I gave.

Mr. John Yakabuski: Thank you.

The Chair (Mr. Grant Crack): Thank you very much. We're going to move over now to Mr. Hillier. Thank you, Mr. Purdy; you can return.

Mr. Randy Hillier: Speaking to this amendment, I'd like to just give some further new information on this amendment and share some comments.

First off, I have a constituent whose name is John Beckwith. He's a long-distance tractor-trailer driver. He has patented a device to remove snow and ice accumulations off highway tractors. He has a manufacturer in southern Ontario, DK Manufacturing, producing them, but he has no market in Ontario. He has, contrary to the comments that we have heard from the parliamentary assistant and from—was it Mr. Purdy or Mr. Pretty?

Mr. John Yakabuski: Purdy.

Mr. Randy Hillier: He's been trying to get an audience with the ministry to talk about how we can be more effective at removing dangerous accumulations of snow and ice off highway tractors and other vehicles. He has not been able to get an audience with the emperor yet.

Mr. Mike Colle: Point of order.

The Chair (Mr. Grant Crack): A point of order, Mr. Colle.

Mr. Mike Colle: I think that comment is uncalled for. It is not a commonly used term in this Legislature. To use that term is derogatory and it's got nothing to do with Bill 31.

This is a continued attempt to get private members' bills, which are legitimate vehicles—and I have six private members' bills pending, a number of them with transportation. It's very good for me to come before a committee dealing with another bill and try to get mine in through the back door, but there's a legitimate process where many members are waiting for bills to go through the process. They go through the private members' process. They don't use this standing committee, which is seized with Bill 31, to drive their private agenda and their private members' bills, to usurp the work that we are about to do on Bill 31. I raised this last time, that we spent most of the last day dealing with a private member's bill that wasn't part of the legislation. We allowed that to take hours and hours of stalling.

Mr. Randy Hillier: A point of order, Chair.

The Chair (Mr. Grant Crack): I'm just about to—thank you very much, Mr. Colle.

Mr. Mike Colle: I'm just saying that you weren't here the last day, but we did the same thing. We spent the whole afternoon on a personal private member's bill and not on the business before us.

Mr. John Yakabuski: That's not a point of order.

The Chair (Mr. Grant Crack): Thank you for your point of order, Mr. Colle.

Mr. John Yakabuski: Which is not a point of order.

The Chair (Mr. Grant Crack): Mr. Hillier, you did use a term that I would consider borderline.

Mr. Randy Hillier: I will respect those thoughts, but I will share this: Typically, when we raise a point of order, we also identify what standing order the member is in contravention with, and not just throw out willy-nilly that something is a point of order. So—

The Chair (Mr. Grant Crack): Thank you for your point of order. Let's go back to the motion that has been put forward by your colleague.

1440

Mr. Randy Hillier: What I was speaking to was this amendment and the parliamentary assistant's comments that further consultation is required, and that she gave the impression that further consultations are under way.

I'm just sharing my perspective from a constituent, John Beckwith, who has been trying to have consultations regarding the dangerous accumulation of snow and ice, and he has yet to be successful in having those consultations.

This is a patented device, patented here in Ontario, that has a manufacturing company operating to produce these, but there has been no movement on the government's side to address this.

I want to make just one comment with regard to Logan Purdy's statement—who, if I've got it right, is the director of road safety for the Ministry of Transportation—that there's no empirical data of property damage due to dangerous accumulations of snow and ice. I think what we heard is that there is data. Read the Renfrew Mercury and some of these other publications, and there is data that there is property damage and dangerous threats to life, as well as dangers to property, that are happening in this province, and that there has been an unwillingness—obviously, from my perspective—for the government to enter into meaningful discussions and consultations on how to address it.

We see again here today in this committee, with this amendment, an opportunity to engage in meaningful discussions, and we're not getting it. The government has made the determination that this is not a forum to discuss this amendment and, from what we see, that nowhere is a proper forum to discuss the dangerous accumulation of snow and ice.

I'll be supporting this amendment. I would like to see a greater consistency of the words expressed in this committee with the actions of the ministry. So if this committee is stating that further consultations are required and ought to be continuing, or ought to start, then we should see that transferred into action, not just rhetoric.

Thank you very much.

The Chair (Mr. Grant Crack): I believe it's MPP McGarry.

Mrs. Kathryn McGarry: Thank you very much. I think that the discussion this afternoon really does identify and underscore the reason why this particular amendment needs further consultation and analysis. The member opposite has just pointed out that there may or may not be empirical data out there regarding this issue, but this is precisely why we need to move forward in a more defined way, going forward.

I will take all these comments back. I'm glad that ministry officials are here to hear the discussion today. I'm certainly hoping that the members opposite will come out and give some of these comments when asked for. I understand that our ministry has reached out about the amendments for this particular bill, and I think the members of the third party, the NDP, arrived; I don't think the members opposite did.

I just want to say that I'm supporting this going forward.

My last point is, we do have a lot of road safety partners out there. I think that there's nothing precluding them from going out on a public awareness campaign regarding this important issue—to make sure that your vehicles are fully cleaned off—while we move forward, looking ahead at further analysis and consultation in the future.

Thanks.

Mr. Michael Harris: Chair?

The Chair (Mr. Grant Crack): Mr. Harris.

Mr. Michael Harris: I'm not sure if the parliamentary assistant has got her information correct from the ministry or what have you. To make things up on the go, perhaps without getting the facts, is something that we've seen these members do over the course of Bill 31's debate.

I will tell you that I was asked if I wanted a ministerial briefing. I said no, because I know the bill already. Just for the record, I was asked if I wanted a ministerial briefing on the bill for a second time, which I said no to because I wasn't interested. I already know the bill. I debated the bill.

We're here talking about amendments to strengthen the bill. I remind committee members that this is the process which sees it through committee. We bring a government bill into committee, we table amendments—

Mr. Mike Colle: Not private members' bills.

Mr. Michael Harris: We table amendments to strengthen bills. That's what we do. That's what this is called.

Mr. Mike Colle: We don't table private members' bills.

Mr. Michael Harris: Oftentimes—

The Chair (Mr. Grant Crack): Mr. Colle.

Mr. Michael Harris: Oftentimes, ministers and government are actually inclined to accept ideas from the opposition party and even the third party to strengthen bills. Many times, that happens. Unfortunately, the case with this minister and ministry and government—are not interested in strengthening the bill to make Ontario roads safer.

Interjection.

Mr. Michael Harris: I just thought I'd get that on the record. Thank you, Chair.

The Chair (Mr. Grant Crack): Thank you very much. Okay. So I shall call for the vote.

Mrs. Kathryn McGarry: Yes.

The Chair (Mr. Grant Crack): Those in favour of Mr. Harris's motion 28.1? Those in favour?

Mr. Michael Harris: Recorded vote.

The Chair (Mr. Grant Crack): Uh—

Mr. Michael Harris: All votes have been called to be recorded votes.

The Chair (Mr. Grant Crack): Is that correct?

Interjections.

The Chair (Mr. Grant Crack): Okay. Unfortunately, I was not here last meeting.

Mr. Michael Harris: Sorry, Chair.

The Chair (Mr. Grant Crack): So is there going to be a request for all recorded votes on the amendments or even on just the sections as we move forward?

Mr. Michael Harris: Just the amendments—for us.

The Chair (Mr. Grant Crack): Okay. So there will be recorded votes just on the amendments as we continue to move forward.

Ayes

Harris, Hillier, Mantha.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

We shall move on to section 54. There is amendment number 29.1, I believe, and it is a PC motion. Mr. Harris.

Mr. Michael Harris: Yes. I move that section 54 of the bill be amended by adding the following subsection—

The Chair (Mr. Grant Crack): This is 29.1; correct?

Mr. Michael Harris: Yes.

The Chair (Mr. Grant Crack): Okay. Thank you very much. I apologize.

Mr. Michael Harris: “(0.1) Section 191.8 of the act is amended by adding the following subsection:

“Same

“(2.1) A regulation under subsection (2) that permits off-road vehicles to be operated on a highway shall not,

“(a) restrict the class of off-road vehicle that may be operated on a highway to off-road vehicles that are designed to carry only a driver and no passengers; or

“(b) prohibit off-road vehicles that are designed to carry passengers from being operated on a highway when passengers are in the vehicle.”

The Chair (Mr. Grant Crack): Thank you very much. Further discussion?

Mr. Michael Harris: Yes.

The Chair (Mr. Grant Crack): Mr. Harris.

Mr. Michael Harris: This is something, obviously, as members should be well aware, that has been debated in the Legislature now for some period of time by all parties within the House—

Interjection.

Mr. Michael Harris: Yes. I think it's important to get the rationale on the record because it was over a year ago—November 7, 2013, to be exact—that the govern-

ment member, and I'll refer to him as the government member from Glengarry–Prescott–Russell, that being our Chair, put forward a motion to make rules fair for off-road vehicle drivers across the board. We continue to wait for that playing field to be levelled, as promised through regulation.

In the wake of more foot-dragging, we've seen the member from Timiskaming–Cochrane and, later this—the previous session or this session, but just previous Thursdays ago, my caucus colleague from Parry Sound–Muskoka, Norm Miller, also brought forth a private member's bill to step in where the government has stalled. Since the motion's passing, I've written, in fact, the minister on numerous occasions asking for the regulatory update.

In my riding, of course, we have New Hamburg's own Ontario Drive and Gear, which has been manufacturing the Argo since 1960—a vehicle that has a world-renowned reputation for its versatility in navigating difficult terrain. Of course, updating regulations to reflect what is available to safely ride between trails and properties on rural highways will generate greater demand for these Ontario products and, in turn, help create well-paying jobs.

It's something that needs to be updated because, today, we see different products on the roads, like side-by-sides and two-ups, that don't fit the characteristic of the regulation as it was defined to be an ATV or a one-driver-type vehicle.

1450

I will take some time, briefly, because I really do believe that this is one of the most important amendments to Bill 31, Making Ontario's Roads Safer, which does have all-party support and has been debated and debated in the Legislature, has been consulted on numerous times. I will go ahead and actually read verbatim the member for Glengarry–Prescott–Russell's remarks on this particular amendment, as per his motion in the Legislature. I'll start midway through the remarks, and I'll be speaking as if I'm him, but it's verbatim—again, I want the committee and Hansard to recognize this.

He goes on to say:

“I think what I'd like to do now is just maybe give a little bit of history”—and I think it's just so good that I'd rather read it in verbatim because it saves me doing it—“as to why this particular issue is important to me. I've always been an avid off-road vehicle enthusiast. I first purchased a dirt bike when I was 16 years old. I was able to use the trail system from home to go and work at the Glengarry Golf and Country Club. Back then, I paid \$150 for my Honda 70,”—I think I had a Honda 50, by the way—“and as I said, I used it daily. If I have time later, Speaker, I think I'll tell a little story about my father and an experience he had on his first attempt at operating that dirt bike”—or I'll perhaps let the Chair chime in on it later.

“Just until recently, within the last 18 months, I was an owner of a Honda 150 and my son, Calvin, had a Honda 100. We no longer have those particular dirt bikes at this

point, but I'm proud to say that I own a Polaris 600 snowmobile.

“Although I never have owned a four-wheeler, I have many friends—my brother-in-law, Jean Beriault is an avid four-wheeler. He uses it for hunting. I know they're used by farmers in our region and in rural Ontario—fishermen, trappers, a very handy utility tool that provides many different benefits to the rural economy.

“I really enjoyed my time having owned an all-terrain vehicle, in particular a motorcycle. In rural Ontario, it's part of life; it's a way of life.

“When I was mayor back in 2006,”—and again, for Hansard's sake, I'm quoting verbatim the remarks of the member in his previous session's private member's slot and his motion—“the previous council did not want to entertain allowing the use of four-wheelers on municipal roads. I ran in the campaign and said that I would fully support the use of all-terrain vehicles on municipal roads, and as such was fortunate enough to have council's support. So we passed the bylaw, and I can tell you that it was well received. During the following five years that I was mayor, there were just a number of small complaints. We've never had anything, that I'm aware of, serious in nature happen that would make me second-guess that decision that I had made.

“I know that over 90 municipalities in the province of Ontario have these types of bylaws. They're writing and have written letters of support requesting our government to allow for this change in the regulation.

“Basically, what I'm asking this House to support today is to allow four-wheelers to carry a passenger—they're called two-ups—and also for side-by-sides, which is a four-wheeled all-terrain vehicle that can carry a passenger. You don't have to straddle it; you can sit on it. I think these types of vehicles are manufactured in a very safe manner, and there should be no reason why we couldn't seriously entertain this.

“I just want to give some statistics. In 2012, there were 390,821 off-road vehicles registered in Ontario, and 151,985 of these were ATVs. According to the Canadian Off-Highway Vehicle Distributors Council, 11,320 new ATVs were sold in Ontario in 2012. The interesting point in this is, actually, new sales from 2006-12 were 14,287 units annually. So in the last year, 2012, the numbers have gone down. I think this regulation change would be very good for the industry, to regain some of the market share and really promote what's important to rural Ontario.

“I can tell you, the gentleman who first brought this to my attention was a gentleman by the name of Nil Boulet. He's part of the Ontario Federation of All Terrain Vehicles, and he was quite helpful in helping me to understand the regulation. Of course, he comes from Glengarry–Prescott–Russell, one of the greatest rural ridings in the province of Ontario. Having spoken with him and working with him, he has provided me with some more information that, in 2005, Canadians spent \$3.3 billion on ATV-related activities—sales, accommodations, fuel, that type of thing. The average age of an

owner of an ATV is 37 years old, and the average purchase price is \$10,000. Those are significant investments, and given the age of the average ATV user, it's obvious that these people are responsible. They are licensed. They follow the rules of the road. They respect the municipal bylaws. That I can attest to from personal experience, having been mayor.

"The all-terrain vehicle club of eastern Ontario, which has a number of members right in my riding of Glengarry–Prescott–Russell, not only represents the interests of its members but it is also able to ensure that ATVing continues to grow and be recognized as a safe and responsible form of all-season outdoor recreation. This mandate is accomplished through education and communication, promoting the safe, lawful and responsible use of ATVs.

"In my riding of Glengarry–Prescott–Russell, there are over 300 kilometres of trails, extending from my hometown of Alexandria right up to Lefaivre. I know in this House I've spoken about"—Lefaivre?

The Chair (Mr. Grant Crack): Lefaivre.

Mr. Michael Harris: Lefaivre; I'm sorry—"and La Foire"—

The Chair (Mr. Grant Crack): What?

Mr. Michael Harris:—"and La Foire gourmande"—

The Chair (Mr. Grant Crack): Oh, La Foire gourmande—a food fair.

Mr. Michael Harris:—"that's hosted there. There's a ferry there. In the winter, ATVs could utilize the ice bridge and could use the ferries coming from Quebec and Ontario—in particular the two-ups and the side-by-sides. This would create a great economic opportunity for more tourism because, in Quebec, there is a regulation in place that does allow for two-ups and side-by-sides to use the trail systems, to use the sides of the roads. Of course, the roads are all designated as to where they can travel and where they can cross at 90 degrees. So it is safe. They're responsible.

"I believe that if this regulation change were made, it would create more opportunities for different entry points across the province, in eastern Ontario in particular, since that's where I'm from, and in Arnprior and Pembroke. I think it would be great if I could get the support of everyone in this House to support my constituent in the eastern Ontario all-terrain vehicle club.

"I recently became aware also of a newly formed group. It's the Ontario Powersports Working Group. It's a coalition of leaders from across the province. They work together, promoting healthy recreational living, cooperative relationships with related stakeholders, trail stewardship, environmental conservation tourism, and growth and rider safety. I'm starting to learn a lot more about this organization, and I look forward to working with them.

"I had the opportunity to speak the other day—yesterday, as a matter of fact—with Glenn Draper from ATV Ontario, Wayne Daub from the Ontario Federation of All Terrain Vehicle Clubs, Peter Wood from the Ontario Federation of 4 Wheel Drive Enthusiasts, Dave

Grummett of the Ontario Federation of Trail Riders, Tim West and Ron Purchase of the Ontario Federation of Snowmobile Clubs, Robert Ramsay and Jo-Anne Farquhar of the Motorcycle and Moped Industry Council, and the Canadian Off-Highway Vehicle Distributors Council.

"I really appreciated their support on this, but I think one of the things that has brought more than just support for what we're attempting to do here is that we need to really take a serious look, and I would ask the ministry and the minister to take a look, at dirt bikes as well. As I said, I was an avid dirt bike enthusiast. I think they should be given the same privilege as the four-wheelers and two-ups. Perhaps some of my colleagues will be speaking to that as well."

I think that is where I'll conclude, but I think it basically reminds this committee that the amendment we've put forward today is widely supported by all members of this House. In fact, all members of each political party have spoken in favour of this exact amendment.

In fact, the amendment is a mimic of an NDP one by a member from the third party, John Vanthof, on this particular issue that was, again, endorsed in the Legislature some very few weeks ago. But more importantly, clearly, from our caucus's perspective, Norm Miller has been a champion of this regulation.

I really wanted the members who weren't in the House back when the member for Glengarry–Prescott–Russell debated his motion in the Legislature to understand that this is an important regulation that has long been studied, long been talked about, and we're at a point today with Bill 31 that we can finally move forward, so that folks who have two-ups and side-by-sides, like Argos, can safely ride on Ontario roads.

With that, I'll conclude my remarks, but I want to thank the member for Glengarry–Prescott–Russell for his eloquent remarks that he made previously.

The Chair (Mr. Grant Crack): Thank you, Mr. Harris, because I was just going to thank you for your eloquent summary of my remarks. Thank you bringing them into the Hansard of the committee.

Mr. Michael Harris: Just one point of clarification.

The Chair (Mr. Grant Crack): Mr. Harris.

Mr. Michael Harris: I did say it was the greatest rural riding of Ontario, but again, I want to remind committee members that I was reading that in verbatim.

The Chair (Mr. Grant Crack): Yes, it's one of the greatest. Thanks for the trip down memory lane.

Any further discussion? We'll go to this side: Ms. McGarry.

Mrs. Kathryn McGarry: Thank you very much, Mr. Chair. I appreciate all comments. Certainly, it has been an issue that has been brought forward on a number of occasions in the House.

1500

I just want to reassure the member opposite that this bill does currently contain a provision that removes a restrictive tire pressure reference from the HTA which allows municipalities to permit and regulate more kinds

of ORVs. We view this as the first step towards getting these vehicles onto the provincial highways.

Our government recognizes, certainly, the importance of balancing our road safety concerns with those of developing tourism benefits associated with increased mobility use for off-road vehicle users. Indeed, this was an important enough issue across the province that, under the direction of our minister, MTO staff were starting to meet with a diverse group of key stakeholders to develop the solutions for various off-road-related safety vehicles and issues, including extending on-road access, which strike the appropriate balance.

The most recent consultations were actually held January 15 and 16, 2015, where the staff and I were joined by 30 different stakeholder groups representing enforcement, public health, municipalities, industry, agriculture groups and trail organizations. I was able to address the group at the beginning of the day, and it was a fairly robust discussion.

I want to reassure the member opposite that discussions on these issues of on-road access were well received by the interested stakeholders. We're continuing to develop those consultations, so at this point I don't see that this amendment is necessary because we've already started down that road. We'll see results of those further public consultations later.

The Chair (Mr. Grant Crack): Thank you, Ms. McGarry. We'll go to Mr. Mantha and then Mr. Hillier.

Mr. Michael Mantha: Thank you. Basically I want to thank you for the work that we did together initially when you brought this bill up in the House through some of the petitions that we had introduced under 316/03—316/03 or 316/04? It's 316/03. We were looking at bringing in these changes in order to have proper access and having these vehicles on the roads. I know that we've had several discussions about this. If we were to have a vote right now and you would join us, it would probably be four against four, and then we'd have the Clerk to break the tie. Being the positive thinker that I am, that's the way I look at it.

There has been a lot of work that has been done on this, particularly by—also the member from Parry Sound–Muskoka has done quite a bit of work, and also John Vanthof, the member for Timiskaming–Cochrane.

Let's not kid ourselves. We know the impact of what this amendment could potentially mean. Individuals across this province who are presently today knowingly breaking the law—they want to be law-abiding individuals. I have to put a shout-out to the OPP, who—not all; many; a vast majority of them—have been very generous and understanding with individuals who are breaking the law. They're being forced to break the law in order to drive their vehicles on these roads.

In my area, what I wanted to share—and I shared this when I had some words in the House—is that the actual OPP officers followed these individuals, provided them safe guidance to their homes; no lights, no big ruckus, but when they did get home they followed them into their driveway, stepped out and went and had a chat with

them. They informed them that they were breaking the law—unbeknownst to these individuals, who had no idea they were breaking the law.

Here's the next part about certain officers who are big UTV and ATV advocates. They said, "Get a hold of your MPP. Give him a call. Give her a call. Let them know that we had this chat today." That has been going around all over the North Shore, on Manitoulin Island, in the north across my riding. I know other areas have also had that type of an understanding. This is something that we can do.

I was also encouraged because, when I looked initially at Bill 31, I looked at what the government had proposed, and I was a little bit—"What's this whole air pressure regulation thing?" Again, I enjoyed the discussions that I had with the Chair when we talked about this, that this was a step going towards ultimately getting these vehicles permitted to drive lawfully on our roads.

I was also encouraged when recently the member from Timiskaming–Cochrane brought in his private member's bill, and within four days after that member's bill came up, there was a request for comments that was put out by the Ministry of Transportation where that was shared across the province, where people can come in and start having the dialogue and the discussions so that we could actually get some of these changes done. It is hugely needed.

I'll go a little bit further and talk to you about what it means to the agricultural sector, who are so much in need of the request in this. These are the vehicles they use to do their day-to-day jobs, to get to and from. It's not just a matter of leisure opportunity; this is what they use. This is the equipment they use to do their jobs.

What it means to tourism—some of you might have enjoyed a tour in northern Ontario. But the link that this gives to the northern communities—we don't have parks, slides, roller coasters, museums or art shows that you have in southern Ontario; we have our fabulous community museums, and I encourage you all to come up north and view those. But we have our back roads. What you maybe view as bush, we view as a playground for us. We view a nice pile of mud and a 10-foot hole with 12 feet of water in it as a heck of a good time. Unfortunately, to get to those playgrounds we need to cross roads. Those are our playgrounds. That's how we live. That's who we are. We hunt there. We play there. But we also work there, so it's very important.

I want to touch also on an earlier debate that I was listening to from both sides of the table that was being bounced back and forth, where I listened to my colleagues from the Conservative caucus, who were talking about an important amendment that they had. This one, too, is an important amendment. I beg to ask the question to the Clerk: Has any amendment ever been successful at committee by having a discussion? I look around this table and I see a lot of experience with my Liberal friends. I look to this side and see a lot of experience with my Conservative members. Have any amendments at any point in time ever been successful at committee?

Mrs. Kathryn McGarry: On a point of order, Chair: Does this enter into discussing the amendment in front of us?

The Chair (Mr. Grant Crack): Thank you for the point of order. I don't think he has specifically asked the question yet. He's kind of more general. I'll decide shortly.

Mr. Michael Mantha: What I wanted to stress is that this is an important amendment and it is important to our party, the NDP—by having this discussion, I'm hoping to influence the government into making an amendment. I would think that this is what we're here for: in order to be successful in working collaboratively together in order to get some of our amendments moving forward. I'm not saying that—I'm not looking at getting every single one of them. But if you can work on one—one which is this one, which is extremely solid and very much supported by everybody—there's a possibility that we can move on it.

There's just one last thing that I want to touch on. This amendment, what it means to the economy, particularly across my riding—I was talking about connecting communities; this is the vital link that we have—and the importance of having this amendment done. When you have these groups that are circulating from one community to another, on an ATV you're looking at one or maybe two individuals on a vehicle. You sometimes get groups of about four, five or maybe 10 ATVs; you're probably looking at about 20 individuals. With UTVs, you're looking possibly at three or four. You're looking at families, you're looking at large groups and you're looking at a weekend event.

What does that mean? It means that you've now boosted that up to roughly about 40 to 60 people that are travelling these trails, that are having access to these roads and that are going from one community to another. What are they doing? They're renting rooms and buying gas. They're going into the restaurants. They're spending money in your community. They're spending time and looking at what you have to offer. You're creating an economy and you're bringing revenue to every single piece of the puzzle across this province.

If we're not going to do it here—which I hoped we would; I'm hoping that we can do this quickly. I'm very encouraged to continue working with the Chair, along with the members from Parry Sound–Muskoka, Timiskaming–Cochrane and everybody. If we can get this done now, let's do it now. I know it's taking it one step forward, adjusting the pressures, but if we can take that extra step, we all agree that this is something that would benefit us all. Let's do it.

1510

I'm not expecting an answer from the Clerk, but I would hope that in the time that I spend here as an opposition member, with the discussions that I'm going to be bringing forward or even the amendments that I'm going to be bringing forward, I might have the opportunity to influence the government in order to implement them. Whether it's a Liberal government, whether it's a Con-

servative government, whether it's the NDP, when we sit as a government—that will happen soon. As long as we can work together, I choose to believe that we can improve things. I made that choice.

I hope wholeheartedly that across the table you were actually listening to some of the comments that were made on the member's bill earlier and that are being made on this bill now, and that we can actually get these changes done. A good idea is a good idea, period.

I firmly believe that when I was first elected here—I am the first one who will stand and issue a comment saying, "Kudos. You did a great job. I'll give you credit." I'll also be the first individual to stand up if you're not doing a good job. I think that's the role of what opposition is supposed to do.

But, collaboratively, we should be looking at making communities safer and helping individuals who are struggling with the idea of breaking the law when they are just trying to help their community and getting themselves to and from their work or getting themselves to and from play.

The Chair (Mr. Grant Crack): Thank you very much, Mr. Mantha. Mr. Hillier.

Mr. Randy Hillier: Just to follow up on the discussion on this amendment, a couple of items.

The member from Algoma–Manitoulin mentioned about the OPP being generous in recognizing that people are doing things safely, but are breaking the law. Unfortunately, that's not always the case. I had the occasion where a gentleman in my riding, a farmer in the southern end of the riding—his farm straddles two townships, which is pretty commonplace. He was using his UTV to go out and repair his fencelines on his properties and crossed the road and was ticketed for driving his UTV in repairing his fence.

Unfortunately, people are being fined for doing what we all recognize as the right thing to be doing. Using his UTV to repair his fenceline ought not to be considered offensive in this province. I can't see how anybody would believe that that activity is offensive and requires punishment, but that's the way it is right at the moment.

Now, once again, many OPP officers recognize the foolishness of the present legislation and, thankfully, they turn their backs to it. But there is an identified and specific group within the OPP whose mandate is to charge people on ATVs. The name of that group is SAVE; S-A-V-E is the acronym. We have had the occasion, and I have become aware of this, where people engaged in fundraising activities with bike runs and whatnot—ATV runs for the local church, for the local community—have been charged by that SAVE group of the OPP for these violations.

Before I get to my last point, I'll share with this committee that last summer, I went to Newfoundland. I took the ferry from North Sydney, Nova Scotia, to Argentia, Newfoundland. As I was in the parking lot waiting for the ferry—this is like a 10- or 12-hour ferry to go to Newfoundland—there were about 50 ATVs and UTVs on the ferry parking lot, so I went over to chat with

them. I said, “I’ve never seen somebody take an over-night ferry on an ATV. What are you doing?”

He said, “This is commonplace. We go over to Argentia, on the east coast of Newfoundland, and we ride our bikes for a couple of weeks, going across Newfoundland.”

They don’t have that problem of different municipal restrictions or requirements on their bikes. They go over and add to the economy, add to their own enjoyment, to everybody’s benefit, and add to economic prosperity. It’s not a bad idea. But here, we have these other restrictions, which, let alone attracting tourists into the province—we actually fine our farmers for using UTVs, let alone attracting tourism here into the province.

I want to make one final point. The parliamentary assistant said that there were consultations on January 15 and 16 of this year, and they met with over 30 stakeholders, and that there are changes within Bill 31 that would ease municipalities in changing their bylaws to allow this.

Specifically, what I’m going to request is this: Are you suggesting that the regulation defining what an off-road vehicle is will be modified and, if so, when? If I could have the parliamentary assistant answer that question for me.

The Chair (Mr. Grant Crack): I’m not sure if the parliamentary assistant—are you interested in responding to the request?

Mrs. Kathryn McGarry: No, not at this time.

The Chair (Mr. Grant Crack): Not at this time.

Mr. Randy Hillier: That’s what you stated to this committee, right? I want to know, and I think everybody wants to know, because if that is being done, then it will make this amendment redundant. If the government is going to redefine what an off-road vehicle is, then this amendment is redundant.

So I’ll again ask. You’ve stated categorically to this committee that you’ve met, that you’ve had consultations, and that there are alterations. The legislation is enabling, and I see it right here: “‘off-road vehicle’ means an off-road vehicle within the meaning of the Off-Road Vehicles Act.”

Will the Ministry of Transportation be altering the meaning, the definition, of an off-road vehicle through regulations, and if so, will you be doing it this year?

The Chair (Mr. Grant Crack): Thank you very much for your question.

Mrs. Kathryn McGarry: I’ve said all I’m going to.

Mr. Randy Hillier: So no response?

The Chair (Mr. Grant Crack): There is no response—

Mr. Randy Hillier: The parliamentary assistant refuses to answer a direct question.

Mrs. Kathryn McGarry: Point of order.

The Chair (Mr. Grant Crack): Point of order: Ms. McGarry.

Mrs. Kathryn McGarry: Thank you. I said what I needed to say earlier in my comments. I’m not going to be bullied. Thank you.

The Chair (Mr. Grant Crack): That’s not a point of order, but thank you very much.

Thank you, Mr. Hillier.

We’ll move to Mr. Harris.

Mr. Michael Harris: I guess we’ll go to the ministry, perhaps, to clarify the legal—because the parliamentary assistant did reference the fact that municipalities will be able to create bylaws, but will they be changing the definition of an off-road vehicle? I don’t think it will allow for that.

The Chair (Mr. Grant Crack): Mr. Harris has made a request to have a representative from the ministry come forward. Do we have the consensus of the committee to have another ministry official come forward?

Welcome, Mr. Purdy.

Mr. Michael Harris: I don’t know if you want to reference the specific section she referenced, and then answer how, perhaps, this amendment is addressed in that section.

Mr. Logan Purdy: The amendment is to create flexibility to remove the tire pressure. If the government does bring forward a regulation defining the ORVs that have expanded in the last 10 years, it would allow us to create a more free-flowing regulation.

1520

Right now, all I can say is that, similar to what MPP McGarry said, we had a consultation in January. It was quite successful—through over 30 stakeholders. I think, right now, as you might be aware, the ministry has posted on the regulatory registry, and that closes on April 13. Then we’ll provide our analysis on that to the ministry.

Mr. Michael Harris: I guess just more specifically as to what the parliamentary assistant said, that basically we don’t need this because the bill addresses it—but that’s actually not the case.

Mr. Logan Purdy: I don’t think we need the amendment at this point. It’s not what we’ve heard from stakeholders. Putting this in the legislation, based on the consultations in January, would make it more restrictive. The stakeholders see the need for it to be brought forward through regulation.

Mr. Michael Harris: That’s what this is calling for: a regulation.

Mr. Logan Purdy: Right, but it would be easier, in terms of a regulation, for the bill to pass removing that tire pressure prescription.

Mr. Michael Harris: But we’re not striking the tire pressure section. We’re adding a regulation that would change the definition to allow for more off-road vehicles to be on roads, like UTVs and ATVs.

Mr. Logan Purdy: But that doesn’t need to be defined in the legislation.

Mr. Michael Harris: No, I know, but she answered us, saying that this amendment is basically a moot point because we’re already addressing it in the act of Bill 31. But the amendment that we’re talking about is not being solved through the bill itself. That’s why we’ve added the amendment. I’m just asking you to confirm that.

Mr. Logan Purdy: Sorry? I’m not understanding—

Mr. Michael Harris: I'm just asking: The parliamentary assistant stated earlier on that to address the problem that we're trying to address through this amendment, that it, in fact, is being addressed in the bill by allowing municipalities to create bylaws so that ATVs and UTVs can drive on our highways, but that's not what we're—

Mr. Logan Purdy: The amendment in Bill 31 currently is removing the tire pressure prescription. In order for the government to move forward on allowing ORVs on the road, a decision will need to be made about bringing forward changes to regulation 316/03, which the government is currently consulting on through the regulation registry.

Mr. Michael Harris: Which, in essence, this does automatically, right?

Mr. Logan Purdy: I think, right now, the government is consulting. I think it's important to recognize—

Mr. Michael Harris: But this amendment does that, correct?

Mr. Logan Purdy: Not to my knowledge, no.

Mr. Michael Harris: This amendment is a regulation that would permit off-road vehicles to be operated on a highway. It should not restrict the class.

Anyway, we'll move on. I think my colleague has a question as well.

The Chair (Mr. Grant Crack): Mr. Hillier, was your question for Mr. Purdy?

Mr. Randy Hillier: Yes.

The Chair (Mr. Grant Crack): Okay. Mr. Hillier.

Mr. Randy Hillier: Just for clarification here: Your discussions and your consultations and comments—I think I heard you right—are finished on April 13?

Mr. Logan Purdy: Correct, yes.

Mr. Randy Hillier: Okay. And those consultations and discussions are regarding what an off-road vehicle is?

Mr. Logan Purdy: Well, there's a myriad of feedback that's—

Mr. Randy Hillier: There may be other things, but—

Mr. Logan Purdy: Expansion of what the ORV—to enable on-road access, essentially, for UTVs.

Mr. Randy Hillier: Okay. So they're having a meaningful discussion about what an off-road vehicle is. You have heard from 30 different stakeholders in this regard, or some group of stakeholders.

Mr. Logan Purdy: Yes; members of the public. I think there have been over—there has been significant feedback to the regulatory registry on what stakeholders would like to see.

Mr. Randy Hillier: Okay. Typically, we bring out new regulations—July 1 is a pretty nice day to bring out regulations. Without putting words in your mouth, but just to get a better understanding, was there an overarching view from the stakeholders and through those conversations that UTVs and two-ups and whatnot ought to be folded in with that meaning of off-road vehicle?

Mr. Logan Purdy: Yes, and I don't think the ministry is opposed to it per se. I think that once we wrap up the consultation on April 13 through the registry posting,

we'll take all that feedback into account and provide that information for decision-makers.

Mr. Randy Hillier: Okay. Thank you.

The Chair (Mr. Grant Crack): Mr. Mantha.

Mr. Michael Mantha: You talked about this regulation and the changes that are coming in under this section. You used the word “flexible.” It'll give you the flexibility by removing the reference “and low pressure bearing tires.” Can you give me the scope of what flexibility you're going to get and how that's going to work with you?

Mr. Logan Purdy: We want to be able to make sure that we remove that constraint of defining the “low-pressure bearing”, so that through the regulation there would be nothing in the legislation that restricts what off-road vehicles would be allowed. So we wouldn't want something in the legislation that restricts if there is an expansion—

Mr. Michael Mantha: And that low-pressure tire—correct me if I'm wrong—was it brought in or was it discussed based on the old three-wheeler model and—

Mr. Logan Purdy: It probably would have been dated back to—

Mr. Michael Mantha: Those old balloon tires?

Mr. Logan Purdy: Yes. I can't—

Mr. Michael Mantha: So the reference is to those tires. By removing that, this permits us—

Mr. Logan Purdy: It wouldn't have been the new expansion of—like single riders. So that's why we need to remove it.

Mr. Michael Mantha: Okay. Once this is out of the way, what's the rollout? Are you at liberty to share the shareholders that you had the discussions with in January?

Mr. Logan Purdy: Yes. We can definitely provide the list of stakeholders to you. There were over 30 from different—a cross-section of stakeholders including enforcement, public health officials, the industry itself.

Mr. Michael Mantha: Was there tourism—

Mr. Logan Purdy: Yes. There were different ministries there as well. I don't have the list off the top of my head, but I can definitely make sure that we provide it to you.

Mr. Michael Mantha: So were these government agencies you reached out to or were they actually—

Mr. Logan Purdy: These were a whole cross-section of stakeholders.

Mr. Michael Mantha: If you could indulge me, I would love to have that list. I would really appreciate it.

The comments—that is to be put out, to close on April 13?

Mr. Logan Purdy: Correct, yes.

Mr. Michael Mantha: And that is put out to the general public?

Mr. Logan Purdy: To everybody. We've had numerous stakeholders and members of the public who have commented on the issue.

Mr. Michael Mantha: Do we have a general number as far as the feedback that you've received on it, ballpark?

Mr. Logan Purdy: Ballpark, I think there have been over 900 responses, which is—

Mr. Michael Mantha: Really? I would have thought it would have been a hell of a lot more than that—I'm sorry, a heck of a lot more than that.

Mr. Logan Purdy: To be honest, that's quite a number. That's quite a significant amount of feedback on the registry.

Mr. Michael Mantha: Okay. Thanks.

The Chair (Mr. Grant Crack): Mr. Purdy, Mr. Mantha had made some requests for information. Any information, with all due respect, should be sent to the committee through the Clerk for distribution.

Mr. Logan Purdy: Sure. A list of stakeholders? I don't think that's a problem.

The Chair (Mr. Grant Crack): Yes.

Mr. Logan Purdy: Okay.

Mr. Michael Mantha: Thank you.

The Chair (Mr. Grant Crack): Ms. McGarry.

Mrs. Kathryn McGarry: Thank you very much. I appreciate all the comments from everyone in the room today. We have had lots of time to debate this. Certainly there have been opportunities for the members opposite to ask questions throughout this process. This bill was launched on October 21, and some have chosen to take advantage of asking questions of ministry officials; some haven't.

I think we've debated this long enough. I'm ready to move on. I don't want to see this bill held up and certainly appreciate the comments. We'll be taking this forward. But we need to get on to passing this legislation the municipalities are asking for.

The Chair (Mr. Grant Crack): Thank you, Ms. McGarry.

Mr. Michael Mantha: I agree with you. Like I said last week, if I would have had my way, we would have passed this a few days ago. But in all due fairness, I became the critic of this portfolio just a short while back. I did request the briefing as quickly as I could, and like I said, if I could have been involved from the beginning, I would have tried to make this bill that much better all the way through, but in all due fairness—

Mrs. Kathryn McGarry: It was Mr. Cimino before you.

Mr. Michael Mantha: Yes, it was MPP Cimino who was here before. So I'm just trying to be effective in my role. Please indulge me when I ask questions. I would have loved to have had this chat and this information before.

Mrs. Kathryn McGarry: We can connect—

Mr. Michael Mantha: Yes.

The Chair (Mr. Grant Crack): Thank you. With all due respect, Mr. Hillier, you wanted to make some closing remarks, and then I think we have had substantial debate.

Mr. Randy Hillier: Yes. I wasn't going to say anything else, but then when I heard that the government didn't want to have any more discussion, I figured I'd best say a few words.

I'm disappointed that we couldn't get a straight answer. I am glad that we did hear from Mr. Purdy regarding the process. We are hopeful that the various members from each party who have put forward this legislation to address this problem, including the Chair of this committee, are not disappointed with the consultation process and that, hopefully, this summer, farmers and others will be able to fix their fence posts and fencelines without fear of being ticketed in this province.

1530

The Chair (Mr. Grant Crack): Thank you, Mr. Hillier. I believe we have had substantial debate on Mr. Harris's motion, so I shall call for the vote. Of course, there is a recorded vote. Those in—

Mr. Michael Harris: Do you want to give up the chair so you can vote in this?

Mr. Michael Mantha: Chair, come and sit over here.

The Chair (Mr. Grant Crack): Thank you for that, but I'll call for the vote.

Ayes

Harris, Hillier, Mantha.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Mr. Randy Hillier: Point of order, Chair.

The Chair (Mr. Grant Crack): A point of order.

Mr. Randy Hillier: There was a question by the member for Algoma-Manitoulin in the last round which I failed to mention, and that is, in eight years of being on committees, probably involved with more committees than any other member of the PC Party, the first time I ever saw an amendment from the opposition pass was—I've seen two amendments pass that opposition members have passed in eight years.

The Chair (Mr. Grant Crack): Thank you very much, but that is not a point of order.

We're going to move on—

Interjections.

The Chair (Mr. Grant Crack): Order, please.

Mr. Michael Mantha: In all due fairness, what I just heard is there's hope, and where there's hope, you're going to find me at that table.

The Chair (Mr. Grant Crack): Thank you very much. We shall deal with section 54.

There are no amendments to section 54. Shall section 54 carry?

Mr. Mike Colle: There was a recorded vote called for on all sections. That was last day.

The Chair (Mr. Grant Crack): On all sections as well?

Mr. Mike Colle: On all sections.

Ms. Ann Hoggarth: Everything. Yvan Baker asked for it.

The Chair (Mr. Grant Crack): Okay. So we shall do recorded votes on all sections as well.

Ayes

Colle, Hoggarth, Kiwala, Mantha, McGarry.

The Chair (Mr. Grant Crack): Section 54 is carried.

We shall move to section 55. There is an NDP motion, number 30. Mr. Mantha.

Mr. Michael Mantha: I move that section 55 of the bill be amended by adding the following subsection:

“55(0.1) Subsection 199.1(5) of the act is repealed and the following substituted:

“Same, other persons

“(5) If a person specified in the regulations determines that a vehicle is irreparable or is salvage or has been misclassified as salvage when it is irreparable, the person,

“(a) shall notify the registrar that the vehicle is irreparable or is salvage or has been misclassified, as the case may be, and shall do so within the prescribed period; and

“(b) shall give the registrar the prescribed information in the prescribed manner.”

The Chair (Mr. Grant Crack): Further discussion? I shall call for the vote. It is a recorded vote.

Ayes

Harris, Mantha.

Nays

Colle, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

We shall move to NDP motion 31. Mr. Mantha.

Mr. Michael Mantha: I move that subsection 199.1(12) of the Highway Traffic Act, as set out in subsection 55(1) of the bill, be struck out and the following substituted:

“Submissions re classification

“(12) A person who holds the vehicle portion of the permit for the vehicle may make written submissions about the action taken by the registrar under subsection (10).”

The Chair (Mr. Grant Crack): Further discussion? Mr. Harris.

Mr. Michael Harris: I guess, from what I’ve read, that this is—that the pink slip in your vehicle is no longer required.

I do believe that the insurance bureau, or the insurance brokers’ association—when I’ve met with folks like Steve Wagler from Josslin Insurance in my community—that it’s something that they’ve long asked for.

We bank on our phones; we store a lot of information in our phones. These slips come frequently throughout

the year, or annually, and to be able to produce it, which I believe this would allow for, on a mobile device—is that what I’m reading into this, assuming that’s the case?

Mr. Michael Mantha: To have it on a mobile device?

Mr. Michael Harris: To not have to have the pink slip if you were pulled over, right? Is that what it’s basically stating? I don’t really have any notes here.

The vehicle portion—

Mr. Michael Mantha: It’s just in regard to notification when your vehicle is being classified as—it is how it’s being labelled. It’s that the individual have the opportunity to report or question how it was labelled.

Mr. Michael Harris: Good enough. All right.

The Chair (Mr. Grant Crack): Okay, any further discussion?

I shall call the vote. It’s a recorded vote.

Ayes

Mantha.

Nays

Colle, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

We shall move to section 55. No amendments—well, we are on section 55.

Shall section 55 carry? Recorded vote.

Ayes

Colle, Hoggarth, Kiwala, Mantha, McGarry.

The Chair (Mr. Grant Crack): The motion is carried. Section 55 is carried.

Mr. Michael Mantha: Chair?

The Chair (Mr. Grant Crack): Sorry?

Mr. Michael Mantha: Just a point of order.

The Chair (Mr. Grant Crack): Yes, a point of order.

Mr. Michael Mantha: I want to ask the Clerk a question. It comes from the last time we were here, in regard to how we were voting on particular sections and then the amendments.

The Chair (Mr. Grant Crack): What is the question?

Mr. Michael Mantha: I may be wrong, but when we were here last week, when the Chair, Mr. Crack, was here, this is how I understand that we were following through.

But when the Chair was changed and Mr. Dickson was in, we were following a different format in regard to voting. We were actually voting on the section before the amendments were coming in.

The Chair (Mr. Grant Crack): I was not here. Madam Clerk?

The Clerk of the Committee (Ms. Sylwia Przewdzicki): No, the procedure is to deal with any amendments to a section and, once the amendments have been

dealt with, to then vote on the section. There was no deviation from that procedure.

Mr. Michael Mantha: Is that how we were doing it with Chair Dickson last week?

The Clerk of the Committee (Ms. Sylwia Przewdzicki): Yes.

Mr. Michael Mantha: Really? Because I thought that we were voting—and again, correct me if I’m wrong; and I know I’m wrong often. We were dealing with the particular section, and then we were having discussions on the amendment.

The Chair (Mr. Grant Crack): I think perhaps there could have been some confusion when there was a new section being added. For example, there was a motion to add a new section on section 53. That would come after you’ve dealt with section 53.

Mr. Michael Mantha: All right, so the process is that you deal with the amendments, and then you deal with the whole section, as far as being carried or not.

The Clerk of the Committee (Ms. Sylwia Przewdzicki): Correct.

The Chair (Mr. Grant Crack): Correct, and again, as I have just indicated, that if there was a new portion of the section, like 53 or 53.1, which would be a new section—so I think there might be some clarification—

Mr. Michael Mantha: There was quite a bit of confusion here last week.

The Chair (Mr. Grant Crack): Let’s hope there is no confusion today.

Mr. Michael Mantha: You’re doing a great job.

The Chair (Mr. Grant Crack): I’d like to thank you very much for that compliment.

We shall move to section 56. We have a Progressive Conservative motion, number 32. I believe there was an addition, 32.1.

Would you prefer to introduce 32 or move straight to 32.1?

Mr. Michael Harris: Yes, 32.1.

The Chair (Mr. Grant Crack): Mr. Harris will be introducing PC motion 32.1. Mr. Harris—oh, Mr. Hillier.
1540

Mr. Randy Hillier: I move that section 203 of the act, as set out in section 56 of the bill, be amended by adding the following subsections:

“Copies of reports

“(2.1) A prescribed person who makes a report under subsection (1) or (2) shall send a copy of the report to the person who is subject of the report.

“Confirmation of receipt of report

“(2.2) The registrar shall,

“(a) upon receipt of a report under subsection (1) or (2), send notice of receipt of the report to the person who is subject of the report; and

“(b) within 30 days of receipt of the report, advise the person who is the subject of the report of any actions that the registrar may take under the act as a result of the report.”

I don’t know if that’s clear to people—

The Chair (Mr. Grant Crack): No, it’s not. There were just two errors—not errors, but perhaps the text on my copy is different. I just want to verify.

Mr. Randy Hillier: Motion 32.1?

The Chair (Mr. Grant Crack): When you say (2.1)—could you read (2.1) again and then (2.2)(a), if you could just clarify that, please?

Mr. Randy Hillier: “Copies of reports

“(2.1) A prescribed person who makes a report under subsection (1) or (2) shall send a copy of the report to the person who is the subject of the report.”

The Chair (Mr. Grant Crack): Who is “the” subject, yes. Okay. Then 2.2(a).

Mr. Randy Hillier: “(2.2) The registrar shall,

“(a) upon receipt of a report under subsection (1) or (2), send notice of receipt of the report to the person who is the subject of the report; and”

The Chair (Mr. Grant Crack): Thank you very much. Discussion? Mr. Hillier.

Mr. Randy Hillier: Thank you very much, Chair. Medical reviews and the subsequent consequences of them are increasingly a concern of my constituents when they come to the office, having found out that they’ve lost their licence. There is no reporting mechanism right now, when an individual meets with a health care professional, for that health care professional to inform the constituent of their diagnosis. There is a requirement for that health care professional to inform the ministry, but not the patient.

This has led to a number of situations where the health care professional has informed the MTO. The MTO has subsequently revoked or suspended that person’s licence based on the information provided by the physician, or whoever, and who by law immediately suspends the licence. The individual is driving around under the honest belief that their licence is valid. But should they get pulled over—and increasingly that’s easier now with the technology that we’re employing that identifies licence plates and who the registered owners are of those plates without pulling a vehicle over. The police can know who is basically driving that vehicle without pulling them over now. If they’ve had their licence suspended because of a health care professional, then they’re subject to even greater fines and greater consequences.

This amendment speaks to that gap and that failing that, right at the moment, there is no notification required. I can give you many examples. Here’s one—I can use the individual’s name. His name is Doug Devries, from my riding. He went to see the doctor about possible memory losses. He wanted to see if there was anything else that he could be doing, whether it be nutritional or whatever, and the doctor—because he’s prescribed by law, the doctor must inform MTO, and he did. Doug continued to drive. He was pulled over and he found out that his licence was indeed suspended. He called MTO and MTO says, “Yes, your licence is suspended. If you want us to review it, we will need 30 business days to review that diagnosis of the physician.”

I want to just give some further context to the committee here. Under this act, the numbers and the breadth

of health care professionals who will have obligations to report conditions to MTO—

Mrs. Kathryn McGarry: Point of order, Chair.

The Chair (Mr. Grant Crack): Point of order, Ms. McGarry?

Mrs. Kathryn McGarry: I just want to remind the member opposite that your constituent's private information being spoken about in a committee—

Mr. Randy Hillier: He's given me consent.

Mrs. Kathryn McGarry: And do we have a copy of that written consent?

Mr. Randy Hillier: He has given me consent.

Mrs. Kathryn McGarry: But has he given a written consent that—

Mr. Randy Hillier: Yes, yes. He has given me written consent.

Mrs. Kathryn McGarry: Okay. Could you provide that to the rest of the committee, then?

Mr. Randy Hillier: At some time. Not right at the moment. I don't have it with me.

Mrs. Kathryn McGarry: Thank you.

The Chair (Mr. Grant Crack): Thank you very much. It's not a point of order, but thank you, Mr. Hillier, for agreeing to provide the committee with consent. Continue.

Mr. Randy Hillier: Anyway, under this legislation, the breadth of health care professionals who will be obligated to inform the MTO of conditions of people is expanded greatly. I'm not sure if the committee is aware of this, but veterinarians are now included in this list. Now, I don't know how or why veterinarians would be making diagnoses of people who have drivers' licences. My dog has never had a driver's licence. But there's a whole number of people—

Mrs. Kathryn McGarry: This is good to know. It's good to know.

Interjections.

Mr. Michael Harris: Maybe we should let him, if he can.

Mr. Randy Hillier: Naturopaths are now included in this. Midwives and denturists are included. Kinesiologists, dietitians—a whole raft of health care professionals are now obligated, or may be obligated, depending on what their consultation with their patient is, to inform the MTO.

Chair, I think we have a duty and an obligation by the state—if the state is going to take an action against an individual, at the minimum we have a duty to inform that individual first, especially if there are serious consequences—and driving under suspension is a serious consequence, not only monetarily but also demerit points, etc.—and also for the constituent to have the ability to rebut.

I have another individual—and again I have consent to use the individual's name. Courtney O'Halloran went to see a doctor because she felt dizzy. The doctor said on his initial consultation that it was possibly seizures, but during the consultation, or afterwards, they found out it was an ear infection. I think we all know people who

have had some period of dizziness over an ear infection, vertigo or whatever. They're not always seizures.

Anyway, her licence was revoked and suspended, and because it got into the process, the only way to extricate herself from that process was to pay for a medical review, which cost her \$700. This lady was not very—\$700 was a substantial amount of money. It was a significant hardship.

1550

Just again to put it into context—I know for some members of the committee this doesn't need to be stated, but for others who represent more urban areas, it may be important to emphasize this: The loss of one's licence in rural Ontario is the loss of one's independence. It's a loss of their mobility, their ability to do the important and necessary day-to-day things in life. Unlike a major urban centre where you have subways and trolley cars and whatever, many, many means of transportation, those means of transportation or modes of transportation are much less available in rural Ontario.

So these individuals, when faced with this, indeed have their independence and their mobility taken away from them with significant consequences. I really would implore the committee to understand fully what this is doing. This is not changing what the physicians have to inform the MTO about. It's not reducing it. This is a duty to report, an obligation to inform.

I could go on with many other examples of this, but I don't think it's necessary. I think it should be intuitive to everybody on this committee that when an individual goes to the physician, the veterinarian or whoever it is now under this expanded list, if that health care professional is going to inform the MTO, they have the same obligation to inform their patient. The MTO then has an obligation to inform the person to whom the consequences apply.

The Chair (Mr. Grant Crack): Further discussion? We'll go to Ms. McGarry.

Mrs. Kathryn McGarry: I just wanted to point out that the Ministry of Transportation has a notification process through a public service commitment. That requires a 30-day response period. In 2013, MTO had a 92% compliance rate of meeting the 30-day commitment. For the opposition to say that there is no process is not really the case. And regarding vets, as we know, dogs don't drive—at this point, anyway.

Mr. Michael Harris: Thank you.

Mrs. Kathryn McGarry: It was important to point that part out.

The Chair (Mr. Grant Crack): Thank you—

Mr. Michael Harris: I'll defer to my colleague and then come back to it, if that's the case.

The Chair (Mr. Grant Crack): Mr. Hillier and then Mr. Harris.

Mr. Randy Hillier: That's an important consideration. There's a public service commitment; it's not a statutory obligation—a big, big difference. As the parliamentary assistant said, they had a 92% success rate over some period of time. I'm not sure what that period of

time was, whether it was over a week or a year or 10 years, but regardless of the duration that that 92% applies to, fully 8% did not get notified. Doug Devries was one of those who didn't get notified. But when we're dealing with serious penalties against individuals who otherwise are law-abiding and wish to be law-abiding, we shouldn't penalize people for wanting to abide by the law. That is just patently unjust, unfair, and it has hurtful consequences.

I can share with this committee: I've been part of that 8%, not in the medical review but in the public service commitment to notify. It happened a few years ago. I had a retired OPP officer who lives down the road from me. He was then, at that time, volunteering—helping people in the courthouse in Perth. He had been with the OPP for 35 years. He lives just down the road from me. He was on the same, at the time, rural route address as me. He came into my office because he had been pulled over and got a ticket because he was driving without a licence. His licence had expired and he wasn't aware of it.

Of course, we usually get a notification in the mail to inform us that our licence needs renewal. This retired OPP officer swore up and down that he had not been notified. Of course, unless you get pulled over, you don't check your—I don't check my driver's licence very often. I only check it if I get pulled over. I'm a little bit old to be asked for ID if I'm in a bar and whatnot—

Mr. Michael Harris: You've got to go to a bar first, though, Randy.

Mr. Randy Hillier: But here's the point that I'm going to make with this: I spoke with the ADM of the Ministry of Transportation, and he was confident that they make no errors; their database is perfect, and that this retired OPP officer—it was too bad, so sad.

He also had to restart as a graduated driver. He had to do a medical review because of his age and was deemed to be a first-time driver, and he was not allowed to drive on the 400 series in the evenings, this retired OPP officer. The next week I received a notification from the Ministry of Transportation as well. It was interesting because on the outside of the mail-out to me, it said, "Randy Hillier, RR 5, Perth, Ontario." There was a handwritten note on it: "not RR 5; RR. 3." I opened up my vehicle registration renewal and they have my home address as RR 3 and they had my mailing address as RR 5. Errors do happen.

I showed that to the ministry, that errors do happen: 92%, when we're dealing with the law, is not good enough. We must strive to ensure that law-abiding citizens of this province are not harmed by the very laws that we enact to protect them.

This amendment speaks directly to it. It puts that duty and that responsibility on the health care professional, not just to inform the government but to inform their patient. I can't believe or understand why anybody would not want to ensure that knowledge is not part of the law. Thank you very much.

The Chair (Mr. Grant Crack): Thank you, Mr. Hillier. Mr. Harris.

Mr. Michael Harris: Yes, just a couple of comments. I think we've seen this in the media more recently, as a

recent case came to light. I think it's important that the committee, for those who weren't aware of it, know about it.

It was a Scarborough man who got his licence back but credited Global News for it. In fact, "David Wallace, 67, can once again legally drive, but his brush with government bureaucracy has left him fuming.

"Initially diagnosed by an emergency room doctor as having had a mini-stroke, Wallace's driver's licence was automatically suspended. Even though within days a neurologist gave him a clear bill of health, attributing his medical troubles to an allergic reaction, Wallace was faced with a 30-business-day wait to get his licence back." So 30 business days: roughly almost a month and a half at least—a month and a half—

Ms. Ann Hoggarth: Thirty business days?

1600

Mr. Michael Harris: Yes.

"A waiting time the Ministry of Transportation called 'reasonable.'"

So, 30 business days, a month and a half—that's reasonable? That's why we're proposing this amendment.

"If it wasn't for Global News, I would still be sitting here frustrated," said Wallace, crediting media coverage for speeding up the process after ministry employees initially claimed it would be at least another three weeks until his file was processed.

"The original story on Wallace prompted numerous email to Global News from other drivers in similar situations, and opposition MPPs say calls from frustrated suspended drivers is one of the main complaints to their constituency offices."

I don't need to tell you that each one of you likely gets calls in your constituency on this same issue. That's why today, I ask that you support this amendment, in the hopes that we can help drivers get some clarity, perhaps, around their situation.

"The most recent figures for Ontario show more than 26,000 drivers had their licences suspended. Calls to the ministry hotline to begin the process of getting driving privileges back numbered more than 280,000 in the same year.

"For Wallace, getting someone to actually pick up the phone was a tall order. He says he waited on the line for hours at a time several different times and once even at 3:30" in the morning.

"No one ever answered," he said.

"With some help from his tech-savvy daughter, Wallace posted the Global News story to Twitter" etc. "He says the unwanted attention for the government clearly helped his case.

"For the government to say they are serving drivers is spurious," Wallace said.

Of course, the ministry denied the claims.

Then there was also this quote: "The head of the Ontario Safety League says the government has to do better.

"We have to get it far faster than that. Especially when the medical community can give a clean bill of health and we're just waiting for a review of that decision...."

I think it's important that the committee knows—we all want our roads to be safe. There are those out there with medical concerns who, obviously, under supervision of—medical professionals have said that they are not fit to drive. That's not what we're talking about, whether they should get their licence back quicker or not. It's the time that it takes to review a file. That's what we're talking about.

Obviously, we want to take the time to review and make sure we get it right. Absolutely; we agree with that. But it's the time to actually get the folks to review the file that's the problem. Thirty business days is ridiculous. That's why we're taking a stand on behalf of the many, many constituents. In fact, if you take 8% of 26,000 people, that's thousands of Ontarians who currently are being disenfranchised because their file is not being reviewed in a timely fashion.

I don't know if we have to get more people on board to be able to help review this, or managers assisting front-line folks to review these files. Clearly, if there's an enhanced medical situation, they elevate that to a medical professional. That is obvious, that that potentially could take time. We are simply asking for that individual to be notified of that. Currently, many people are in fact driving without a licence and they don't even know it. They don't even know that their licence has been suspended. Many are trying to find out if their file has even been reviewed, and they're not able to know.

That is simply what this amendment is calling for. Again, my colleague spoke to section 203, that deals with this. It's actually section 56. I'll be able to speak to the section later.

Again, this is the crux of it: We are simply asking for this notice that would require a review and response within 30 days, providing the ministry with one month as opposed to business days, to ensure that subject motorists are not forced to unduly put their lives and livelihoods on hold, simply for an automatic review.

Again, it's not to get your licence back. It's simply to review the file. It's far too long to have to wait. We've all experienced this, and you all know that. So let's do what's best for our constituents and put this guarantee into place.

The Chair (Mr. Grant Crack): Thank you very much. If there is no further discussion—

Mr. Randy Hillier: No—

The Chair (Mr. Grant Crack): Mr. Hillier has asked for copies to be provided to members of the committee, so the Clerk will make those. Is it a priority that it be done right now?

Mr. Randy Hillier: No, I'll let the Clerk do that. I'll make a few more comments while the Clerk is getting that copied.

The Chair (Mr. Grant Crack): We'll look forward to those comments. Madam Clerk—

Ms. Sophie Kiwala: Excuse me.

Ms. Ann Hoggarth: Copies of what?

The Chair (Mr. Grant Crack): Pardon me? Well, Mr. Hillier has a document—

Mr. Michael Harris: Correspondence.

The Chair (Mr. Grant Crack): —“correspondence” is a good word for it—to share with the committee. That is within order. Mr. Hillier?

Mr. Randy Hillier: For the committee's knowledge, it is just the expanded health care professional list of who will be having an obligation to report to the MTO a concern that they may have about somebody's ability to drive. That is the list that includes veterinarians, as well as the denturists etc.

Just picture this: We're going to have all these health care professionals—many, many thousands. We know that there are about 30,000 physicians in the province. When we expand that list out to include everybody else, I would hazard a guess we're into the hundreds of thousands, when we look at nurses, midwives, dentists, denturists and veterinarians. They will all have a statutory obligation to report.

Mr. Mike Colle: Point of order, Mr. Chair.

The Chair (Mr. Grant Crack): Point of order.

Mr. Mike Colle: I think we've discussed this amendment long enough, and thoroughly. We've all been enlightened about this serious situation, and I think we should vote on it.

The Chair (Mr. Grant Crack): Okay. Thank you very much. I'll just allow Mr. Hillier a few more minutes to wrap up.

Mr. Michael Harris: We come back to that in section 56.

Mr. Randy Hillier: I don't want to drag this on, but just for the members' knowledge, I have 20 minutes of speaking to this matter.

Mr. Michael Harris: Uninterrupted.

Mr. Randy Hillier: So, as I was saying, hundreds of thousands of people have a statutory duty to report to the MTO, but they don't have a duty to inform the individual who is impacted or affected. Going back to the parliamentary assistant's comments about a public service commitment, that is a policy; it is not an obligation. It is not law. What this amendment does is it takes that public service commitment and makes it a statutory obligation that the MTO must—not may, but they must—then inform the person who is impacted.

If we're going to put that statutory obligation on hundreds of thousands of health care professionals, why is it not that the government also takes that statutory obligation seriously, and not just as a commitment? In this bill, we're not saying to these hundreds of thousands of health care professionals, “Well, maybe we want you to report—maybe, if you'd like, to report. We'd like to have 92% of the health care professionals report.” No. They want 100% of the health care professionals to report.

Why not have the same expectations of our government, in law, as we do of our health care professionals? There is an old adage and principle in law that ignorance is no defense. But when the law actually permits and creates ignorance because they do not have a duty to inform, then that is a travesty. I believe that old adage of “Neither prince nor pauper is above or below the law,” but here we can see that the government thinks the

paupers are subject to the law, but the princes will just have a public service commitment. Unfortunate.

The Chair (Mr. Grant Crack): Okay. Thank you very much.

There has been a request for a recorded vote. Mr. Hillier has moved motion number 32.1.

1610

Ayes

Harris, Hillier, Mantha.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

We shall move to the actual section. There are no amendments—

Mr. Michael Harris: Comments?

The Chair (Mr. Grant Crack): Comments: Mr. Harris, on section 56.

Mr. Michael Harris: I know that the Clerk will be passing out, for the educational purposes of the committee, for the members who don't know, but this section—the Progressive Conservative Party will be recommending that you vote against it.

I know my colleague spoke to it initially, but this is going to create an open-ended power to create longer lists of designated professionals who can report medically unfit drivers. We've talked about how the review system is the bane of many of our constituency offices, and there are long-standing concerns over issues where healthy, diligent drivers are having their licences stripped away from them for months at a time while they put their lives on hold. We question just what is being proposed to fix this broken system.

Clearly now, we've got the detail of a list, and I think it's important so that Ontarians—the motorists of Ontario—know who will actually be included in this list. I'm going to read it into the record—

Mr. Randy Hillier: Don't forget the massage therapist.

Mr. Michael Harris: Acupuncturist and traditional Chinese medicine practitioner, audiologist and speech-language pathologist, chiropract, chiropractor, dental hygienist, dental technologist, dentist, dentist, dietitian, kinesiologist, massage therapist, medical laboratory technologist, medical radiation technologist, midwife, naturopath, nurse, occupational therapist, optician, optometrist, pharmacist, pharmacy technician, physician and surgeon (doctor), physiotherapist, psychologist, respiratory therapist, veterinarian.

Conceivably, it also means that the minister will be able to empower a broader range of professionals to report drivers who they think could pose a road safety risk.

Obviously, there are also details that we need to see. That's why we can't support section 56, calling for

unnamed persons to be prescribed by regulation and required to report medically unfit motorists.

Without that service guarantee that this committee, or the government members, recently struck down, there are going to be more and more backlogs at the MTO for motorists who are medically fit, or not, and who simply are going to have their file put at the bottom. You've got 30 days—I guess now I understand why you voted against that, because you're now expanding the coverage of who can actually take your licence away, and the time that it's going to take for it to be reviewed, based on the current scenario, is going to be extremely lengthy.

When I get those phone calls, I'll be forwarding them to you to figure out, and you can explain to them why it's taking 90 days to review their file.

I don't know if we should ask the ministry who in fact that they feel would be covered under this so-called list, other than these people. But I'll leave it at that.

I think it's pretty obvious that we're not enthused about the additional coverage. And I know now—the changes recently—that these professionals are being paid to do this. They're being paid. So how much is this going to cost?

We heard reasons from the government side earlier, that they wouldn't be able to support our amendments because it was going to add costs to the bill. How much does this cost? Has it been costed out yet? I believe medical professionals get \$35 every time that they fill out the paperwork to do this—so times that by X amount.

Thank you.

The Chair (Mr. Grant Crack): Thank you, Mr. Harris.

Mr. Hillier?

Mr. Randy Hillier: Thank you, Chair. I'd like to just inform the committee of a discussion that I had with Ministry of Transportation staff. I think everybody here in this committee will recognize and understand that there's an MPP liaison individual from every ministry to assist members who have concerns, or have constituents who have raised concerns, and are seeking some sort of resolution. In the MTO, you have a specified individual who is in that role, but strictly for medical reviews. She has been with the MTO for a good long period of time. She's probably more knowledgeable about the law regarding medical reviews than anybody else in the province. I would strongly recommend to and urge the members on this committee to call her up and ask her her view of what is happening.

Her name is Elena—a fine, fine individual. I suggested to the Minister of Transportation—I asked him if he'd ever spoken with Elena and gotten a rundown about the difficulties and the troubles and the problematic application of these laws, and, of course, the minister hadn't. I suggested that it would be well worth his time, to get insight into the practical application of the law, to sit down and speak with the MPP liaison for the ministry who deals with medical reviews. He might be surprised and shocked at just how many troubles and at the hurtful consequences that good, law-abiding people in Ontario are facing.

That is before this expanded list. That's where much of that amendment comes from: just speaking with the employees of the MTO who have to deal with these problems and taking their advice that people need to be informed. I think we do a disservice when we don't listen and when we don't heed thoughtful advice and thoughtful recommendations, and we just move forward in a partisan fashion without consideration for the practical applications of the law.

The way section 56 stands right at the moment, we'll be voting against it. This committee really needs to reflect on its purpose and its value here. The member from Algoma-Manitoulin mentioned earlier how he has never seen an amendment passed; not many amendments are. I think I said that in eight years here at the Legislature, being involved with many, many committees and many, many bills, I've only ever seen two opposition amendments pass, and there are a lot of good amendments there.

We have a duty to ourselves and to our constituents to listen, to heed, to seek out fact, to seek out truth, to act on those and make our laws better, because at the end of the day, we are the lawmakers in this province. When we craft faulty law, we do a disservice to this institution as well as to our constituents.

The Chair (Mr. Grant Crack): Thank you very much. There being no further discussion, I shall call for the vote on section 56. Shall section 56 carry? It's a recorded vote.

Ayes

Colle, Dickson, Hoggarth, Kiwala, McGarry.

Nays

Harris, Hillier, Mantha.

The Chair (Mr. Grant Crack): Section 56 carries.
1620

We have two sections, 57 and 58, that have no amendments. Shall I bundle them? I'll call for the vote. Shall sections 57 and 58 carry?

Ayes

Colle, Dickson, Hoggarth, Kiwala, Mantha, McGarry.

The Chair (Mr. Grant Crack): Sections 57 and 58 carried.

There has been a proposal for a new section by the Progressive Conservatives, number 58.1. Mr. Harris, will you be introducing the new section under 33.1 in our binder or 33?

Mr. Michael Harris: Yes, 33.1, right?

The Chair (Mr. Grant Crack): Okay. Thank you very much. Would you like to read it into the record please?

Mr. Michael Harris: Yes, sure.

The Chair (Mr. Grant Crack): Enjoy.

Mr. Michael Harris: I know; it's a long one.

I move that the bill be amended by adding the following section:

"58.1 The act is amended by adding the following section:

"School bus camera system evidence

"210.2(1) Subject to subsection (2), a photograph obtained through the use of a school bus camera system shall be received in evidence in a proceeding under the Provincial Offences Act respecting an alleged offence under subsection 175(11) or (12) of the Highway Traffic Act.

"Conditions

"(2) The photograph must comply with the requirements of the regulations made under clause (7)(b).

"Certification of photograph

"(3) A photograph that purports to be certified by a provincial offences officer as having been obtained through the use of a school bus camera system shall be received in evidence as proof, in the absence of evidence to the contrary, that the photograph was obtained through the use of a school bus camera system.

"Use at trial

"(4) In the absence of evidence to the contrary, a photograph of a vehicle obtained through the use of a school bus camera system is proof that information shown or superimposed on the photograph that was authorized or required by a regulation made under clause (7)(b) is true, and that,

"(a) the vehicle and its driver did not stop before reaching the school bus and the vehicle and its driver proceeded before the bus moved or the overhead red signal lights stopped flashing, contrary to subsection 175(11); or

"(b) the vehicle and its driver did not stop at least 20 metres before reaching the school bus and the vehicle and its driver proceeded before the bus moved or the overhead red signal lights stopped flashing, contrary to subsection 175(12).

"Conviction

"(5) No person who has entered a plea of not guilty at trial shall be convicted of an offence on the basis of a photograph obtained through the use of a school bus camera system unless the photograph is tendered in evidence at trial.

"Procedure, rules of evidence

"(6) Sections 205.16 and 205.24 apply, with necessary modifications, to proceedings based on evidence obtained through the use of a school bus camera system, and, for that purpose, references to subsection 144(18) shall be read as references to subsections 175(11) and (12).

"Regulations

"(7) The Lieutenant Governor in Council may make regulations,

"(a) defining "photograph" for the purposes of this part;

“(b) governing the form and content of photographs for the purposes of subsection (2), including information that may be or must be shown or superimposed on the photographs, and prescribing a system of codes, symbols or abbreviations that may be used to convey the information;

“(c) prescribing what constitutes a school bus camera system;

“(d) governing the filing of photographs in court for the purposes of this part;

“(e) governing the service of offence notices issued in proceedings based on evidence obtained through the use of school bus camera systems, including deeming service to have been effected on a date determined in accordance with the regulations;

“(f) prescribing what constitutes evidence of ownership of a vehicle or evidence of the identity of a driver for purposes of this part;

“(g) prescribing the form of certificate that a conviction has been struck out.”

The Chair (Mr. Grant Crack): Thank you very much, Mr. Harris. If you could just, on the second page, under “Procedure, rules of evidence,” right in the middle, reread that first—

Mr. Michael Harris: “(6) Sections 205.16 to 205.24 apply....”

The Chair (Mr. Grant Crack): Perfect. Thank you very much. I believe, also, if you could just reread (e)—

Mr. Michael Harris: “(e) governing the service of offence notices issued in proceedings based on evidence obtained through the use of school bus camera systems, including deeming service to have been effected on a date determined in accordance with the regulations;”

The Chair (Mr. Grant Crack): Thank you very much, Mr. Harris. Any further discussion? Mr. Nicholls.

Mr. Rick Nicholls: Thank you very much, Chair. First of all, it’s a pleasure to be here today and have an opportunity to address this particular amendment.

I’m seeking co-operation from all sides in this committee with regard to amendment 33.1. Again, I would ask that all members on the committee look at this amendment. Let’s lay our partisanship aside and let’s look at this with an open mind and really and truly what it is this particular amendment needs to do.

As I look across, I see parents and I see grandparents of schoolchildren who are actually affected by this particular amendment. I think it’s absolutely critical and I don’t think anyone in this committee would disagree with the fact that we need to put the safety of our children first and foremost, so I’m asking that you give serious consideration to approving this particular amendment.

Back in the riding of Chatham–Kent–Essex, which is the riding that I represent, I had the opportunity to speak with many different stakeholders along the way. This became a very serious issue and concern. It still is a very serious concern of school bus operators and so on, simply because it is unfair for us to assume that a school bus driver, whose first and foremost obligation is to the safety of the children he or she is either picking up or

dropping off—as a result of that, for them to then also keep an eye on the road and vehicles that are approaching either from the front or from the rear; of course, the terminology “blow-bys” is very, very critical.

We had a situation back several years ago in my riding when in fact three children from a family were wiped out. It was unfortunate. I don’t blame the driver per se because the weather conditions were deplorable. What do you do? Suddenly, he came across the school bus when the lights were flashing and, in fact, the school arm was engaged with the stop sign out there. Suddenly he saw vehicles approaching him, so had he swerved, to avoid the bus, to the left of the bus, there would have been a head-on collision. Not seeing the children who were to the right of that bus, he chose to swerve to the right and unfortunately three children were killed.

Is that an avoidable accident? It could very well have been, but my concern is simply this: In speaking with the various school bus operators in the riding of Chatham–Kent–Essex, they are very, very concerned with the number of blow-bys that are occurring on a daily basis. It is with this amendment that we are hoping that we will in fact include it in the Highway Traffic Act—

Interjection.

Mr. Rick Nicholls: Exactly. We’ve got to make our roads safer. Being able to have video evidence used in a court of law will go a long way. It’s unfortunate that bus drivers themselves have to not only be concerned about children getting on and off the buses—and, of course, we had a serious incident back in my riding where a small child dropped a piece of clothing. The bus driver did not see that child go in front of the bus to get the piece of clothing that had fallen off, and, of course, the child was run over. That’s just awful. I knew that bus driver.

1630

But my point is with regard to this particular amendment with regard to using video evidence in a court of law for people who actually do blow-bys. Now, I’ve spoken with members of the Ottawa police as well. They have conducted pilot projects up in Ottawa. There have been pilot projects done here in Toronto. There needs to be a tremendous amount of public safety awareness being given to the public to let them know exactly what a blow-by is.

Unfortunately, we have a number of unreported blow-bys, simply because the drivers just don’t have time to ensure the students get on the buses or get off the buses safely and then still try to capture information where they have to write it down in terms of perhaps the colour of the vehicle, the make of the vehicle, the time when it occurred and so on.

The other challenge we have is that a lot of police forces are not in a position to actually go after them. Of course, they can go after them, once they obtain the information, but basically at that point in time all they do is knock on the door of the individual. It may or may not have been the owner of that vehicle who did the blow-by. It could have been a son or a daughter or another family member; the car might have been on loan. But they trace it down.

We need to support what I call the “I Stop, You Stop” campaigns throughout the province. It’s interesting, but just last year—almost a year ago now—from May 5 to May 9, they did an “I Stop, You Stop” campaign, and they received reports from 21 transportation consortia throughout the province. I’m here to tell you that the findings were absolutely shocking. In only five days, they reported 754 incidents. Now, that is with lights flashing, stop arm extended, bus fully stopped, children either getting on or getting off the buses, and, unfortunately, cars were still going by. It’s not good. Our children, our grandchildren—that’s putting them in danger.

We see a lot of things going on today where you talk about distracted drivers. I won’t get into the distracted drivers in detail, but there are many reasons why they blow by these buses. Part of it might very well have been the fact that they weren’t aware that the lights were flashing, or they didn’t think, because they were coming from a different direction and it was a four-lane highway—let’s say a bus is going north on a four-lane highway, therefore in the outside lane, and you have vehicles on the inside lane travelling south. They figure, “Well, that doesn’t apply to me. There’s three or four lanes of highway going across; it doesn’t apply.” It does. They just may not understand all of that.

I don’t know whether you’re aware, but the unsung heroes for our bus operators are the bus drivers themselves. They transport over 800,000 students every day. That’s 800,000 going to school and 800,000 coming back. Trying to maintain the safety of these children is a huge undertaking.

The reason for this amendment, and this is why I am asking: I want to appeal to your nobler motives. I am asking that you give consideration and will actually accept this particular amendment to only make this bill stronger—to make it stronger.

I look across, again, as I say, and I see members who have grandchildren. We want what’s best for our children as well.

Now, the question might come into being: “Well, Rick, you’re asking for cameras on all the school buses, and who’s going to pay for them?” and so on. The answer to both of those is, “No, I’m not.”

Bus drivers working with the Ministry of Transportation can in fact determine which buses will actually need and should have cameras attached to them and which buses do not. I’ve had those discussions with the operators, and they know the routes whereby cameras aren’t needed.

The next question I know you’re going to ask is, “Who’s going to pay for these?” Well, again, that’s not part of this amendment, and again, we’ll work through that with the Ministry of Transportation. I do know that, in some cases, local school boards or bus operators have appealed to the nobler motives of corporate citizens within their municipalities, whereby corporate citizens will in fact sponsor cameras on these buses that they deem necessary to have. I think that’s excellent. That’s not taking any money out of the ministry’s coffers at all,

and I think it gets the communities involved, and gets them behind the safety of children, as well. Again, I would ask that you consider that.

Again, please keep in mind that the bill is not dictating who is going to pay or what buses are going to have these cameras on them at all. It’s just simply that we need to have video evidence approved and accepted in a court of law so that we can, in fact—if someone needs to be prosecuted, then do you know what? They broke the law, and they need to be prosecuted for that.

It’s going to seem like a tough pill to swallow. It would be like swallowing a pill sideways, until the message gets out there. Once that message gets out there—“Whoa, wait a minute, it doesn’t apply to just two-lane highways; it applies to four-lane highways as well”—then we’re starting to make progress. To the government: I commend you again for approving this amendment, only to make your bill stronger. That’s the key.

Again, you may ask, “Has this ever been done elsewhere?” The answer is: Yes, it has, actually. As a matter of fact, it’s occurring in many jurisdictions in the United States, as well as in Canada. There have been numerous states that have already passed laws allowing the use of cameras on school buses to capture video images of motorists illegally passing and endangering our children. Some have even made them mandatory statewide. Of course, through this strengthening of your bill, it will be mandatory—not cameras on school buses, but mandatory prosecution. Providing video evidence: It’s, again, in your hands to have the video evidence captured and able to be used in a court of law.

Prince Edward Island has in fact passed specific legislation, and they’ve started many different pilot projects throughout the country. Manitoba also has school boards using cameras as well. I mentioned Ottawa earlier, and I’ve spoken with the police services group up in Ottawa. They’re working with an independent school bus operator on their pilot projects. Again, we need to find ways of reducing the number of blow-bys. I’m sure that everyone in this room on the committee themselves would agree that, over five days, 754 incidents is way too many.

Again, just as a point of reference for you, so that you’re aware—because you may not be aware, but perhaps you are—this particular amendment is in fact based on the section of the Highway Traffic Act that deals with red-light cameras. That evidence is acceptable in a court of law. As you know, if you’re caught running a red light—I could probably point out to you a few places in Toronto where, thank goodness, it says, “No right-hand turn on red lights.” It’s for a reason. That camera is looking right at me, so guess what? I don’t make that right-hand turn. But it’s all laid out in the act.

But again, please understand that if you accept this amendment into your bill, it would mean that a photograph of a vehicle obtained from a school bus camera system would be received as evidence in a proceeding under the Provincial Offences Act. Of course, this was asked for directly by people who were involved in the

initial stop-arm camera system pilot projects here in the province.

1640

Police have run into roadblocks, so this is where I need your help. This is where we can help make your bill even stronger by accepting and approving this amendment, because the police are running into roadblocks when trying to take offending drivers to court if there aren't any clear rules on the books for these new systems.

I want to encourage all members on the committee to take a proactive approach when it comes to this issue. These systems will continue to be installed on more buses. The Highway Traffic Act must be updated in order to reflect this trend.

School bus drivers I've met with are extremely supportive of this bill and of the amendment. They want to see this amendment put into the Highway Traffic Act. Police officers also strongly support getting this amendment into the Highway Traffic Act and so on.

As a matter of fact, I'd like to read into the record a letter of support that I received from the Ontario School Bus Association. It's not the entire letter, but this is what they had stated:

"The Ontario School Bus Association (OSBA) supports" this particular amendment, "which proposes the use of cameras on school buses to capture video images of motorists illegally passing school buses stopped with their red warning lights flashing. The video images can" also "be used by police as evidence to prosecute owners of offending vehicles rather than the driver. These cameras, commonly referred to as stop-arm cameras, have proven effective in other jurisdictions across North America by increasing the prosecution rate and raising awareness of the consequences of breaking the law."

To all members of the committee, again, we know that the consequences of this illegal behaviour, i.e., blow-bys, can be the injury or death of a child getting on or off a school bus. Stop-arm cameras would augment the on-road enforcement efforts by police in the areas of the province where illegal passing of school buses is, in fact, a problem.

I just want to give a shout-out, because the Independent School Bus Operators Association has been tremendously helpful in assisting us and, therefore, assisting you in amending this particular portion of your bill. The school bus operators share a strong focus on promoting the safety of children, and trust me, I am incredibly thankful for their ongoing support.

Lastly, to the members of the committee, I've also heard words of encouragement not only from members of my party, who have been supportive every step of the way, but also members on the government side as well. I hope again that you will give consideration to amending this particular bill at the appropriate time—hopefully in a few minutes, when a vote may be called.

I think we can all agree that the safety of our children is our number one priority. Every day, hundreds of children are needlessly put at risk as drivers speed by stopped school buses. Catching drivers who endanger our

children is critical. It will lead to greater awareness of the severity of this issue.

I've talked about incidents; 754—that's an incident, not necessarily an accident, but even one accident is one too many, because it's one that could have perhaps been avoided.

Again, this amendment's going to make it easier for school bus drivers to do their jobs. It's unrealistic to expect drivers to simultaneously operate a school bus, look after children who are getting on or off the bus, and also grab the licence plate number and the description of a car that blows by their stop sign. It's why so many offenders are never caught.

To all members of this committee, I would ask that we do the right thing. Let's make life a little easier for school bus operators, drivers, who have enough on their plate as it is. Most importantly, let's all work together to support the people in our lives whom we love and cherish the most, that being our children, our grandchildren and perhaps even great-grandchildren as well.

The Chair (Mr. Grant Crack): Further discussion? There being none, I shall call for the vote—a recorded vote. Those in favour of adding a new section, PC 58.1?

Ayes

Harris, Mantha.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

We shall move to sections 59 and 60. Can we lump them, members of the committee? I hear no opposition to that, so shall sections—

Mr. Rick Nicholls: Point of order?

The Chair (Mr. Grant Crack): Point of order, Mr. Nicholls.

Mr. Rick Nicholls: Thank you, Chair. Would it be appropriate for me to ask the reasons on the government side as to why they opposed this particular amendment? Would that be in order?

The Chair (Mr. Grant Crack): It is not a point of order. I believe the vote has already been taken and we've already moved on to sections 59 and 60, so perhaps that information could come after the process.

Mr. Rick Nicholls: Thank you very much.

The Chair (Mr. Grant Crack): Shall sections 59 and 60 carry?

Ayes

Colle, Dickson, Hoggarth, Kiwala, Mantha, McGarry.

The Chair (Mr. Grant Crack): Sections 59 and 60 carry.

New PC section 60.1, which is number 33.2, which is a new section of the Highway Traffic Act: I'm going to ask Mr. Harris to read it into the record, please.

Mr. Michael Harris: Sure—33.2, right?

The Chair (Mr. Grant Crack): It would be 33.2 in your binders, yes.

Mr. Michael Harris: Okay. I move that the bill be amended by adding the following section:

“60.1(1) Subsection 216.1(1) of the act is amended by striking out ‘Any officer’ at the beginning and substituting ‘Any officer or officer’.

“(2) Subsection 216.1(2) of the act is amended by striking out ‘Any officer’ at the beginning and substituting ‘Any police officer or officer.’”

Do I need to read back something?

The Chair (Mr. Grant Crack): You will. Would you like to start over?

Mr. Michael Harris: I suppose. I’m just curious: Is it just because I read it wrong? Is that why?

Mr. Grant Crack: On the first sentence, anyway, so yes. Take your time.

Mr. Michael Harris: All right. We’ll slow it down, then. I move that the bill be amended by adding the following section:

“60.1(1) Subsection 216.1(1) of the act is amended by striking out ‘Any officer’ at the beginning and substituting ‘Any police officer or officer’.

“(2) Subsection 216.1(2) of the act is amended by striking out ‘Any officer’ at the beginning and substituting ‘Any police officer or officer’.

“(3) Subsection 216.1(3) of the act is amended by striking out ‘the officer’ and substituting ‘the police officer or officer’.

“(4) Subsection 216.1(4) of the act is amended by striking out ‘An officer’ and substituting ‘A police officer or officer’.

“(5) The portion of subsection 216.1(6) of the act that is before clause (a) is amended by,

“(a) striking out ‘Where an officer’ at the beginning and substituting ‘Where a police officer or officer’; and

“(b) striking out ‘the officer may’ at the end and substituting ‘the police officer or officer may’.”

The Chair (Mr. Grant Crack): Thank you very much. Unfortunately, I will be determining that this motion is out of order. This amendment amends a section of the act that is not open in the bill, so it is therefore beyond the scope of the bill.

Mr. Harris.

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Mr. Michael Harris: Can I ask for the committee’s indulgence to at least hear the reasoning for it, understanding that the amendment will likely be ruled out of order, at least for the committee’s sake and the ministry’s sake—to understand why it’s important, and ask for unanimous consent to hear, or include, this amendment?

The Chair (Mr. Grant Crack): Members of the committee, Mr. Harris has requested unanimous consent in order for him to put forward his position with regard to the proposed amendment that I had just—

Interjections.

The Chair (Mr. Grant Crack): Okay, I’ve heard a no.

We shall continue with sections 61 and 62. Without opposition from the committee, I shall bundle them. There is no further discussion?

Shall sections 61 and 62 carry?

Ayes

Colle, Dickson, Hoggarth, Kiwala, Mantha.

The Chair (Mr. Grant Crack): Sections 61 and 62 are carried.

We shall move to section 63. We have a PC motion, and I believe, Mr. Harris, there are two options: 34.1 in your package—

Interjection.

The Chair (Mr. Grant Crack): So it’s 34.2. Would you be so kind as to read that into the record?

Mr. Michael Harris: I move that subsections 63(1) and (2) of the bill be struck out and the following substituted:

“Commencement

“(1) Subject to subsection (2), this act comes into force on the day it receives royal assent.

“Same

“(2) Sections 1 to 4 and 6 to 21, subsection 22(3), sections 23 to 36 and 38 to 40, subsections 41(1) and (3), sections 43, 48, 50, subsection 51(4) and sections 52 and 54 to 61 come into force on a day to be named by proclamation of the Lieutenant Governor.”

The Chair (Mr. Grant Crack): Further discussion? Mr. Harris.

Mr. Michael Harris: Okay. This motion amends subsection 63 of the bill to ensure that municipalities are able to move on powers to collect unpaid fines following royal assent, as opposed to on a day to be named by proclamation of the Lieutenant Governor. Basically, it would come into force the day it receives royal assent.

After years of waiting for government to grant municipalities the powers to withhold licence renewal pending the payment of unpaid fines, AMO, the Association of Municipalities of Ontario, and its municipalities will welcome the opportunity and added revenue this legislation allows.

For far too long, municipalities have been forced to wait for these powers to be granted while watching countless millions of dollars in fines go uncollected. This motion will ensure powers for fine collection immediately after royal assent.

Again, the reason we put this forward is that there’s talk—I guess I would like some clarity from the ministry or the parliamentary assistant as to when they feel, perhaps if this is unamended—when municipalities will actually be able to collect unpaid fines. Some suggest it could take months, if not years after this bill passes for municipalities to actually have the power to collect unpaid fines.

I think we can all agree, especially our partners at the municipal level who have been calling us for years and years and years—and it’s finally coming to fruition. However, let’s provide some clarity, in fine collection,

for municipalities and put an actual date on it to ensure that when this bill is proclaimed, municipalities will then have the power to collect those unpaid fines. I don't think that it is unreasonable to ask this committee to set a date on it.

I guess I would ask—and I believe it would be the ministry—the appropriate person as to when they expect the municipalities to be able to collect unpaid fines, to start actually collecting them, should this bill be un-amended.

The Chair (Mr. Grant Crack): Thank you very much, Mr. Harris, but after reviewing the motion, I'm going to have to call it out of order for the simple reason that it makes reference to section 4 of the bill, which was not passed by this committee previously.

Mr. Mike Colle: This is ironic.

The Chair (Mr. Grant Crack): Unfortunately, that will end debate on that particular amendment.

Mr. Michael Harris: Okay, so do I—

The Chair (Mr. Grant Crack): It's out of order now, so I'll continue to move on—

Interjection.

Mr. Michael Harris: You know what? Mike, you may not want to gloat too much about this one.

Interjection.

The Chair (Mr. Grant Crack): Gentlemen—

Mr. Michael Harris: Again, it's unfortunate that the government actually voted to remove section 4, so thereby—now municipalities won't have—

The Chair (Mr. Grant Crack): Okay, Mr. Harris. Thank you.

Mr. Michael Harris: —the ability to collect fines—

The Chair (Mr. Grant Crack): Mr. Harris, we're going to continue to move on. Thank you very much.

There are no amendments to section 63.

Shall section 63 carry? Recorded vote.

Ayes

Colle, Dickson, Hoggarth, Kiwala, Mantha, McGarry.

The Chair (Mr. Grant Crack): Section 63 is carried. Section 64: There are no amendments. Shall section 64 carry? Recorded vote.

Ayes

Colle, Dickson, Hoggarth, Kiwala, Mantha, McGarry.

The Chair (Mr. Grant Crack): Section 64 is carried. We shall move to the title.

Shall the title of the bill carry? Recorded vote.

Ayes

Colle, Dickson, Hoggarth, Kiwala, Mantha, McGarry.

The Chair (Mr. Grant Crack): The title of the bill is carried.

Shall Bill 31, as amended—

Mrs. Kathryn McGarry: Chair?

The Chair (Mr. Grant Crack): Okay, we have—

Mr. Mike Colle: We're in the middle of a vote. There are no questions.

Mrs. Kathryn McGarry: Sorry.

The Chair (Mr. Grant Crack): Is it a point of order?

Mr. Mike Colle: We're in the middle of a vote.

The Chair (Mr. Grant Crack): Shall Bill 31, as amended, carry? Recorded vote.

Ayes

Colle, Dickson, Hoggarth, Kiwala, Mantha, McGarry.

The Chair (Mr. Grant Crack): Bill 31 is carried, as amended.

Shall I report the bill, as amended, to the House? Recorded vote.

Ayes

Colle, Dickson, Hoggarth, Kiwala, Mantha, McGarry.

The Chair (Mr. Grant Crack): I shall report the bill, as amended, to the House. It is carried.

There being no further business of the committee on Bill 31, I'd like to thank all members of the committee for their excellent and hard work.

This meeting is adjourned.

The committee adjourned at 1659.

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