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(Hansard)**

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**Standing Committee on
General Government**

Safer School Zones Act, 2017

2nd Session
41st Parliament

Monday 1 May 2017

**Comité permanent des
affaires gouvernementales**

Loi de 2017 sur la sécurité
accrue des zones d'école

2^e session
41^e législature

Lundi 1^{er} mai 2017

Chair: Grant Crack
Clerk: Sylwia Przedziecki

Président : Grant Crack
Greffière : Sylwia Przedziecki

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE ON
GENERAL GOVERNMENT**

**COMITÉ PERMANENT DES
AFFAIRES GOUVERNEMENTALES**

Monday 1 May 2017

Lundi 1^{er} mai 2017

The committee met at 1402 in committee room 2.

SAFER SCHOOL ZONES ACT, 2017

**LOI DE 2017 SUR LA SÉCURITÉ ACCRUE
DES ZONES D'ÉCOLE**

Consideration of the following bill:

Bill 65, An Act to amend the Highway Traffic Act in respect of speed limits in municipalities and other matters / Projet de loi 65, Loi modifiant le Code de la route relativement aux limites de vitesse dans les municipalités et à d'autres questions.

The Chair (Mr. Grant Crack): Good afternoon, everyone. I'd like call the Standing Committee on General Government to order. I'd like to welcome all members here, the Clerk, legislative counsel, Hansard, as well as broadcasting. Welcome to members of the public and ministry staff.

Today we're here to go through the clause-by-clause consideration of Bill 65, An Act to amend the Highway Traffic Act in respect of speed limits in municipalities and other matters.

Before we get started on clause-by-clause, I'm going to ask if there are any members who would like to make some comments or ask some questions. Mr. Harris.

Mr. Michael Harris: Yes, a couple of things, I suppose. Are there lawyers present in the room?

The Chair (Mr. Grant Crack): I believe there is ministry staff. Is there any legal counsel from the ministry? Yes, we do have that and they are available.

Mr. Michael Harris: Secondly, I'd like to make the statement or comment, first and foremost, that there's no doubt you're aware that we've filed numerous amendments with regard to Bill 65.

I think it's important to note right off the bat that this morning our party put forward a motion, knowing that there is an important bill behind this particular bill, Bill 65, asking for unanimous consent to move ahead of this clause-by-clause debate; it was unfortunately declined. So I want to first get that on the record.

Secondly, throughout this debate on Bill 65, I want to make it clear that our caucus and our party is absolutely supportive of the safe school zone portion of the bill; it's the other, ambiguous portion of the community safety zones that are not defined in the Highway Traffic Act that is of concern.

By filing these amendments today, some 367 amendments, we'll go through many of them that I think will lead to some substantial debate, to help strengthen the bill. But in no way, shape or form is it our intent to try to filibuster or drag this discussion out. We will take out over 235 amendments that I have put forward, to make the case that, again, this is not about dragging the committee out. Hopefully, we'll have some great discussion on how to strengthen this particular bill. Again, the PC caucus will remove over 230 amendments from our submitted package, and we'll go from there.

I wanted to get that out and make it clear so that people can perhaps breathe a sigh of relief. Over 230 amendments will be withdrawn, to help move this along.

The Chair (Mr. Grant Crack): Any further questions or comments?

Perhaps, as Chair, I could just ask: Do you want to go through them one by one, or do you have a bulk of them that you would want to withdraw prior?

Mr. Michael Harris: I don't have the numbers. Some are sporadic, so what I'll do is I'll just read them in. The ones I read in will be read in; the ones I don't, assume that they're out.

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

Mr. Michael Harris: Chair, is that kind of—

The Chair (Mr. Grant Crack): Yes, that's fine.

Further questions or comments? Mr. Gates.

Mr. Wayne Gates: Just on his comments, I would still like him to go through and say that they're withdrawn, so I can keep a record that they actually put them forward and they're now withdrawing them. I want to make sure—

Interjections.

Mr. Wayne Gates: It's easier to do in the book, that's all.

Mr. Michael Harris: You're technically not—

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

Mr. Wayne Gates: I'll go through the Chair.

Mr. Michael Harris: He'll explain.

The Chair (Mr. Grant Crack): No, you go ahead. I'm giving you the floor.

Mr. Michael Harris: I'm not going to move the amendments. You can't withdraw an amendment that has not been moved. I'm just going to read the amendments I want to actually debate. I can get you a list—

Mr. Wayne Gates: I appreciate that. I misunderstood what you were saying.

Mr. Michael Harris: I'll get you a list of the numbers.

Mr. Wayne Gates: I've got them all here.

The Chair (Mr. Grant Crack): To the members of the committee: As we go through the 350-plus amendments, I will go through the preliminary aspect of putting them on the table. At that time, then the members have the privilege of reading them into the record and/or withdrawing.

Ms. Hoggarth.

Ms. Ann Hoggarth: I'd just like to make a statement too, before we start. I appreciate those being withdrawn. But I just want to make it very clear that from the introduction of this bill until now, the PCs have done everything that they can to delay its progress. They moved a motion for adjournment of the debate in the House, wasting 30 minutes of debating time. Then they voted against the bill at second reading. That's important, because it means they disagree with even the principle of the bill: to lower speeds in school zones and community safety zones. I just want to get that in the record, because we may disagree on the means, but how can you disagree with the principle of slowing speeders going through school and community safety zones?

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

Mr. Michael Harris: Yes, I'll respond to that comment. Obviously, you know, as a member, that the government is limiting debate down to now, basically, five-some hours. I don't have the exact hours of debate on this one.

If you actually look back and understand our Westminster system of governance, you would know that the official opposition's job is to inform the government of its shortcomings with regard to legislation. I know that you are often instructed—which you are being now—to say certain things, but I believe it's important to democracy to show shortcomings of a particular bill, which we have done.

We signalled our discontent with specific portions of the bill that go well beyond the scope of what a school safety zones act should consist of.

You'll see, in fact, if you have read through those amendments, that the government itself has acknowledged our criticism of the bill, and has moved an amendment forward to somewhat address our concerns. Had we not shared those concerns in debate with you, that amendment likely might never have seen the light of day.

The Chair (Mr. Grant Crack): Mr. Harris, I was entertaining opening remarks. We're not going to debate it here. What we can do is go through the clause-by-clause consideration and debate it. If it's not part of the debate, I'm going to allow the comment, but I'm here for questions and comments.

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Ms. Ann Hoggarth: I just want to say that there was over 10 hours of debate on this bill and that facts still matter. Thank you.

The Chair (Mr. Grant Crack): Thank you, Ms. Hoggarth. That could be said at any time as we proceed

through the motions and amendments that have been put forward. Having said that, I'm going to move right down to the bill.

We will deal with section 1 of the bill at this point. There are no amendments. Is there any discussion with regard to section 1? There being none, I shall call for the vote. Shall section 1 carry? Any opposed? I declare section 1 carried.

Mr. Michael Harris: Point of order.

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

Mr. Michael Harris: These binders: I guess they're not out with the bill?

The Chair (Mr. Grant Crack): Sorry?

Mr. Michael Harris: The binder? My colleague has never been here.

The Chair (Mr. Grant Crack): Mr. Harris is requesting a binder with the bill in it.

The Clerk of the Committee (Ms. Sylwia Przedziecki): There's a bill in front of you.

Ms. Lisa M. Thompson: Yes, I have the motions but—

The Chair (Mr. Grant Crack): She has the motions. But you don't have a copy of the bill?

Ms. Lisa M. Thompson: Yes, it's here. We're fine.

Mr. Michael Harris: Oh, okay, right here.

The Chair (Mr. Grant Crack): Everything's good?

Ms. Lisa M. Thompson: Yes.

The Chair (Mr. Grant Crack): Good. We shall continue.

We shall move to section 2. We have a PC motion number 1, which is an amendment to subsection 2(2), subsection 12(2.4) of the Highway Traffic Act.

Mr. Michael Harris: I move that subsection 12(2.4) of the Highway Traffic Act, as set out in subsection 2(2) of the bill, be amended by striking out "automated speed enforcement system" and substituting "photo radar system".

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

Mr. Michael Harris: Oh, I'll let her—

The Chair (Mr. Grant Crack): Well, Mr. Harris, I'll give you the opportunity to—

Mr. Michael Harris: Okay. This is very obvious, what we're attempting to do here. People understand and know what photo radar actually is. Obviously, the government was trying to mask the true intent of this bill by calling it an "automated speed enforcement system." We want to—

Ms. Lisa M. Thompson: Call it what it is.

Mr. Michael Harris: —call it exactly what it is. I think it's important to be clear with Ontarians that it's a photo radar system. When I think of enforcement, I obviously think of police officers out in our communities enforcing speed through various forms where they are actually giving the person who commits the offence the fine and possibly demerit points, which we feel are important, and not simply the owner of the vehicle. So we should call it what it actually is, and that's a photo radar system.

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

Ms. Ann Hoggarth: I recommend voting against this motion because not all speed enforcement technology is photo radar. Other types of effective speed measurement technologies, such as lidar, are available on the market now, and that is why we do not wish to change the name.

The Chair (Mr. Grant Crack): Thank you. Further discussion? There being none, I shall call for the vote on PC motion number 1. Those in favour? Those opposed? I declare PC motion number 1 defeated.

We shall move to PC motion number 2, which is an amendment to subsection 2(2), subsection 12(2.4), Highway Traffic Act.

Mr. Harris.

Mr. Michael Harris: I move that subsection 12(2.4) of the Highway Traffic Act, as set out in subsection 2(2) of the bill, be struck out.

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

Ms. Ann Hoggarth: I recommend voting against this motion because subsection 2(2) was included in Bill 65 to ensure that plates that are unreadable by automated enforcement cameras will be returned to the ministry in a prescribed amount of time. The provision included in Bill 65 merely strengthens those provisions and prescribes a time limit for compliance.

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

Mr. Michael Harris: I think Ontarians will no doubt be familiar with licence plates over the last few years crumbling, peeling, a variety of different—ineffective quality. Really, what it pertains to—it's basically now blaming Ontarians for, frankly, the fault of the government to oversee a vendor to ensure that licence plates actually withstand the conditions that we face here in Ontario. I don't need to tell you; you just go into a parking lot and you'll see them all bubbling and peeling. My neighbour's is all bubbling and peeling.

We feel that the onus should be on the government to fix this problem and not so much on the actual plate owner that has this poor-quality product.

Penalizing drivers for having paid their licensing fee, by attempting to force the return of their valid plate so they can pay for a new one, is a ridiculous overextension of this legislation and is not in line with its stated goals of improving safety.

I go back again to my points that I made originally in debate: The reason why we voted against second reading was to come into committee and prove to people that school safety zones—if we're talking about ensuring that our kids are safe, I'll ask the government this: Why in the world are we talking about sending your licence plate back if it's bubbling? Does this have anything to do with school safety whatsoever?

Until the government is prepared to bring forward a considered, actionable solution to plate-peeling, this legislation should not be allowed to punish drivers for a problem that they in fact did not create.

The Chair (Mr. Grant Crack): Thank you very much. Further discussion? There being none, I shall call for the vote on PC motion number 2. Those in favour of PC motion number 2? Those opposed? I declare PC motion number 2 defeated.

We shall move to PC motion number 3, which is an amendment to subsection 2(2), new subsection 12(2.5), Highway Traffic Act. Mr. Harris.

Mr. Michael Harris: I move that subsection 2(2) of the bill be amended by adding the following subsection to the Highway Traffic Act:

“No return

“(2.5) The holder of a number plate is not required to return a number plate under this section until the minister has filed a report with the Legislature indicating a ministry-directed solution to the peeling and bubbling of number plates.”

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

Mr. Michael Harris: This is obvious. Again, we believe that the government—I'd like to be talking about ensuring student safety in school zones, which is supposedly the premise of this bill. Yet we're talking about licence plates bubbling, and forcing owners, who paid their licensing fee and have no choice but to use the government-monopoly plate system, and had got a faulty plate, to now have to return that plate.

We feel this is a worthy amendment. You need to justify and fix the problem by having him or her file a report with the Legislature, indicating that this directed solution to the peeling and bubbling of number plates is solved and fixed. Once that is done, then we can move forward.

I think it's a worthy amendment. Again, it has nothing to do with ensuring that kids are safe in school communities, yet we're talking about it, because the government massively screwed up. Little to no oversight over their own vendors has led to peeling plates right across this province. It's obviously a shame.

The Chair (Mr. Grant Crack): Further discussion? Madame Des Rosiers.

M^{me} Nathalie Des Rosiers: ServiceOntario is already investigating the peeling of plates. It would make no sense to have an amendment in this bill that would prevent the future enforcement of all kinds of regulations that prescribe that you have to have a legible licence plate. I recommend voting against it.

The Chair (Mr. Grant Crack): Further discussion? There being none, I shall call for the vote on PC motion number 3.

Mr. Michael Harris: I guess I'd just ask for a recorded vote throughout, if you don't mind.

The Chair (Mr. Grant Crack): That is in order. I shall continue with the vote, a recorded vote.

Ayes

Harris, Thompson.

Nays

Anderson, Colle, Des Rosiers, Hoggarth.

The Chair (Mr. Grant Crack): I declare PC motion number 3 defeated.

There are no amendments to section 2. Is there any discussion on section 2? There being none, I shall call for the vote. Shall section 2 carry? Those opposed? Let's do it by hand. Those in favour?

Ms. Ann Hoggarth: Is this section 2?

The Chair (Mr. Grant Crack): Section 2. Those opposed? I declare section 2 carried.

We shall move to section 3. There are no amendments to section 3. Any discussion? There being none, I shall call for the vote. Shall section 3 carry?

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Mr. Mike Colle: Recorded vote.

The Chair (Mr. Grant Crack): The voting had already started, so I'm going to continue. If there's a request for a recorded vote, it has to be before I actually see some action on the result, so in the future—thank you. We'll continue.

Those in favour of section 3 carrying? Those opposed? I declare section 3 carried.

We shall move to section 4. There are no amendments.

Mr. Mike Colle: Recorded vote.

The Chair (Mr. Grant Crack): Thank you. That is in order. Is there any discussion on section 4? There being none, I shall call for the recorded vote. Those in favour of section 4 carrying?

Ayes

Anderson, Colle, Des Rosiers, Hoggarth.

The Chair (Mr. Grant Crack): I declare section 4 carried.

We shall move to PC motion number 4, which is proposing a new section 4.1, section 130, Highway Traffic Act. Mr. Harris.

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

“4.1(1) Section 130 of the act is amended by adding ‘Subject to subsection (2)’ at the beginning.

“(2) Section 130 of the act is amended by adding the following subsections:

“Penalty for careless driving causing death or bodily harm

“(2) If the commission of an offence under subsection (1) results in the death of or bodily harm to any person, the convicted person is liable instead to a fine of not less than \$2,000 and not more than \$50,000 or to imprisonment for a term of not more than two years, or to both, and in addition,

“(a) his or her licence or permit may be suspended for a period of not more than five years; and

“(b) he or she may be ordered to complete a road safety course or driver training course.

“Limitation period is two years

“(3) Despite section 76 of the Provincial Offences Act, a proceeding in respect of an offence described in subsection (2) may be commenced on or before the expiry of two years after the date on which the offence was, or is alleged to have been, committed.”

The Chair (Mr. Grant Crack): Thank you very much, Mr. Harris. I'm going to rule that this motion is out of order, as it seeks to amend a section, section 130 of the Highway Traffic Act, that is not open in this bill before us, and it is also beyond the scope of the bill. There will be no further discussion on it.

Mr. Michael Harris: Can I ask for unanimous consent for the committee to consider PC motion 4?

The Chair (Mr. Grant Crack): That is in order. Do we have unanimous consent? I hear a no, so it is out of order.

Mr. Michael Harris: Discussion on that?

The Chair (Mr. Grant Crack): There is no discussion. Thank you very much.

We shall move to section 5 of the bill and PC motion number 5, which is an amendment to section 5, part XIV.1 of the Highway Traffic Act. Mr. Harris.

Mr. Michael Harris: I move that part XIV.1 of the Highway Traffic Act, as set out in section 5 of the bill, be amended by striking out the part heading and substituting the following:

“Part XIV.1

“PHOTO RADAR SYSTEM EVIDENCE”

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

M^{me} Nathalie Des Rosiers: I recommend voting against this because that limits it to photo radar where there's lots of other technologies that are available to do automated speed enforcement, and this would unduly limit the ability of municipalities to progress.

The Chair (Mr. Grant Crack): Further discussion on PC motion number 5? There being none, I shall call for the vote on PC motion number 5. Those in favour of PC motion number 5? Those opposed? I declare PC motion number 5 defeated.

We shall move to PC motion number 6, which is an amendment to section 5, part XIV.1, Highway Traffic Act. Madam Thompson.

Ms. Lisa M. Thompson: I move that part XIV.1 of the Highway Traffic Act, as set out in section 5 of the bill, be amended by striking out the part heading and substituting the following:

“Part XIV.1

“RADAR SPEED SIGN SYSTEM”

The Chair (Mr. Grant Crack): Further discussion? There being none, I shall call for the vote on PC motion number 6. Those in favour of PC motion number 6? Those opposed? I declare PC motion number 6 defeated.

We shall move to PC motion number 7, which is an amendment to section 5, sections 205.1 and 205.2, Highway Traffic Act.

Mr. Michael Harris: I move that sections 205.1 and 205.2 of the Highway Traffic Act, as set out in section 5 of the bill, be amended by,

(a) striking out “an automated speed enforcement system” wherever it appears and substituting in each case “a photo radar system”; and

(b) striking out “automated speed enforcement systems” in clause 205.2(1)(h) and substituting “photo radar systems”.

The Chair (Mr. Grant Crack): Further discussion on PC motion number 7? Ms. Thompson.

Ms. Lisa M. Thompson: Thanks very much, Chair. I find it interesting. I’ve been observing and listening to the debate thus far on the amendments. We have the government and representatives of the government here this afternoon that say they’re all about transparency. If they really wanted to walk their talk in this regard, they would not have cute little phrases and play on words, but actually spell out each and every type of system that could be used so that people know full well what they intend in terms of the different models or systems that they’ve been referring to.

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

Mr. Michael Harris: We’re suggesting that we replace “automated speed enforcement system” with “photo radar system.” Renaming the bill puts it more in line with the technology used today as opposed to using a general, ambiguous term, open to interpretation. Photo radar is currently the terminology understood for automated speed enforcement, most widely known by Ontarians and most likely to facilitate broad understanding of the bill’s most visible change.

As the bill does not focus exclusively or even mostly on school zones, but rather a number of initiatives in school zones, community safety zones and general traffic provisions, amending the actual reference to what it is is an appropriate provision that I would encourage the committee to move forward with.

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

Mr. Granville Anderson: New technologies are developed every day, so each time a new technology is developed, we are not going to come for an amendment. That would be counterproductive. That’s why the bill is worded the way it is, to allow for the development of new and advanced technology.

On this side of the House, we believe in advanced technology, and that’s why the bill is worded that way.

The Chair (Mr. Grant Crack): Further discussion? There being none, I shall call for the vote on PC motion number 7.

Those in favour of PC motion number 7? Those opposed? I declare PC motion number 7 defeated.

We shall move to government motion number 8, which is an amendment to section 5, clause 205.1(1)(a) of the Highway Traffic Act. Ms. Hoggarth.

Ms. Ann Hoggarth: I move that clause 205.1(1)(a) of the Highway Traffic Act, as set out in section 5 of the bill, be struck out and the following substituted:

“(a) in a community safety zone designated by bylaw passed under subsection 214.1(1) where the prescribed rate of speed is less than 80 kilometres per hour; or”

The Chair (Mr. Grant Crack): Thank you very much. Further discussion? There being none—

Mr. Mike Colle: Recorded vote.

Mr. Michael Harris: I have a comment.

The Chair (Mr. Grant Crack): Okay, further discussion—and I will entertain the recorded vote, as requested. Mr. Harris.

Mr. Michael Harris: So here, I guess, is an opportunity to go back to Ms. Hoggarth’s comments initially as it pertains to this amendment put forward by the government. While the third party sat idle on this, we went through the bill thoroughly and, as everyone will know, school zones are clearly defined within the Highway Traffic Act—very, very clearly defined. But there is no definition as to what a community safety zone actually is. In essence, a council could pass a bylaw that blankets their entire community as a community safety zone in one fell swoop, using the powers of this bill.

I heard the Premier on the radio this morning talk about—“That’s not what’s happening here in this bill,” but it actually is. She has allowed, through Bill 65, the ability for a municipality to, through the passage of one bylaw, designate their entire community a community safety zone because community safety zones are not defined within the Highway Traffic Act.

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There are no specifics. It’s open-ended. That would allow for photo radar to be put on major roads, highways and expressways, until, perhaps, this government motion—which is an acknowledgement that the opposition was in fact doing its work, raising concerns with this bill. The government slightly met us—I wouldn’t say halfway on—and acknowledged that this, in its current form, was going to allow photo radar to be on expressways, major roads and highways right across the province: the DVP; the Gardiner; the Red Hill expressway in Hamilton; roads in Huron county that have a speed limit of over 80; and other major roads.

This again goes to the point that I was trying to make: This should be only about school safety and keeping kids safe. But the bill in its original form didn’t take that path. If they truly wanted to agree with this, on our criticism of this bill—and we’re going to have an opportunity to discuss and debate these motions—it would be on roads in excess of 50.

You’ve said 80, but you haven’t gone the full extent, because this can still allow for photo radar to be put on major roads, arterial roads, that are meant to carry traffic and that municipalities suggest no calming measures should in fact exist on, as it would defeat the purpose of speed enforcement and just simply push drivers onto smaller roads that, often, we find our kids playing on. So you’ll do yourselves a disservice.

There is an acknowledgement that they were wrong with the bill as it currently existed. Today, you’re moving an amendment that suggests that photo radar cannot be

put on these roads. Municipalities could still choose to reduce the speed limits on some of these major highways. That would then encompass these roads onto photo radar. But at the end of day, community safety zones—there's no definition. There are no criteria that a municipality has to be obeying, like they do in a school zone.

Mr. Colle has obviously talked about bringing more clarity to what these zones are in school areas. It's a great initiative. I think we need to do the same in the Highway Traffic Act, so that there is consistency right across the province; so that one community, through political purposes, in a bylaw, isn't creating a designation or definition of what they interpret a community safety zone to be that is very different from another municipality's.

We're moving in the right direction. We're happy to support you on this amendment. But we're hoping that you agree with us on other mechanisms to clearly define what that community safety zone is, so that the intent of this bill, in terms of keeping kids safe, does exactly that.

I'll probably save a few of my minutes to respond to the member. I'll defer to them for now.

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

Mr. Mike Colle: Yes, just on this point, I think it was made very clear in the deputations by many municipal councillors and school zone safety committees that deputed here that you can't have one-size-fits-all, like the Conservatives want, because every municipality is different.

The road configuration; the death traps that exist in local municipalities; the danger zones; the areas around municipalities, around parks or arenas—that shouldn't be left up to the discretion of just one massive provincial bill. That's why there is discretion for municipalities to make that decision. They're not going to be 100% right, but I think it's critical, in defining these safety zones, that we leave that discretion to the local transportation experts.

Mr. Chairman, you've sat on local council, and you know the long debates that go on even for one stop sign. I can remember being on local council myself, and the debates we had about one single stop sign. We'd go on for days on whether that stop sign was warranted or not. I remember the transportation officials at the time were against the stop signs. They didn't want them because they said they would impede traffic.

I remember the historical debate we had in Toronto for about 100 years about speed bumps—you couldn't get a speed bump in the city of Toronto for about 30 years. That's because the transportation authority said it basically makes life difficult for commuters, it makes life difficult for trucks. So they wouldn't allow speed bumps for years.

But then, eventually with the number of accidents that occurred, with the number of near-accidents that occurred, the public went to their local councillors and then, about 25 years ago, the whole policy at the city of Toronto changed, and now you have speed bumps. There used to be only one street in Toronto with speed bumps, near

Avenue Road. Farnham Avenue near De La Salle College, I remember, was about the only street in Toronto that had speed bumps, and everybody else was saying, "Why can't we have speed bumps?" People were saying, "We have to slow down traffic for the safety of our kids, for the safety of our seniors and for people who perhaps don't see that well." So those local decisions were made for the protection of people. They changed the policy about stop signs, and they changed the policy about speed bumps because there was input, and that's what's going to happen all across the province.

I have faith that municipalities, big and small, want to have a say in this because they know their local safety conditions best. By saying, "Well, you can't have it on a major arterial"—that's nonsense. I've got one of the most dangerous school zones in the province, on Avenue Road, a major arterial; we had the deputation here from the principal who almost brought everybody to tears with what's happened there. Am I going to deny that principal and that city councillor, tell her and tell the community group, "You can't have a safety zone on Avenue Road"—which is a major arterial, but it's under the city of Toronto roads jurisdiction—therefore, if the school community and the city council agree that there should be a safety zone around Allenby public school, I'm going to say, "No, you can't have it" because I've got some hang up with technology?

We heard it loud and clear that people know that you can put up all the signs you want—you saw Nancy Fish from York region here saying she's put up signs; she's had information—eventually people ignore the signs, the same people running the speed areas that are near schools. That's why they've said, "If we give this authority to local councils, they will have these discussions with the schools, with the local city councillors, and then it has to go through council." I can imagine the debates you're going to have. You're going to have some good debates, but we can't deny them the right to do that.

For us to prescribe that you can't put it here, you can put it here and then this fearmongering about saying, "Oh, well, they're going to do it all over the highways." That is an obvious ideological slant that you have, and if you're against the technology, that's fine. That's your position as a party, but oddly enough you were the party that introduced red light camera legislation. It was my private member's bill, after three years of educating the Mike Harris government—you brought in red light camera legislation. Great; that was a great move. I applaud Mike Harris to this day, and Tony Clement who was Minister of Transportation, for that because he saw the need to put in some technology because you can't have police officers babysitting every dangerous school zone. You talk to your local school principals and they say that they call the police and the police say that they can't come. They were busy because they had this other issue over in this other area. Even if you call the police, they can't be there, and then you don't have enough police officers to babysit every school, to be at every intersection. You need the help of technology. Plus, I

think the police do use radar guns. I think they still use those things.

Ms. Ann Hoggarth: They do.

Mr. Mike Colle: I don't know if the Tories are against those things, but I know they're there. I don't know if they're in Kitchener. I look for them, but I don't see them that often. But they're in certain places in all our communities; right? Who would deny the local police force of using photo radar guns? I certainly wouldn't do it because I know that behaviour's changed when you get that ticket. If you get that ticket and you're speeding, and you get stopped by the police with the photo radar gun, you'll learn your lesson.

1440

So it's a philosophical/ideological debate about using technology, but in terms of this bill or this amendment here, it's an attempt to basically make it reasonable. It is not going to stop all of the speeding and it's not going to be the magic bullet, but at least it's an attempt to deal with the reality of the fact.

You've got cars yourself—they've got 350-horsepower vehicles, 425-horsepower vehicles in this province. Those cars can go 280 kilometres an hour. Those muscle cars are everywhere. So there's quite a temptation to put your foot on the accelerator, isn't there? How are you going to stop those vehicles and those drivers that have 425 horses? I think there's one that came out this year, 525 horses. There are those big monster trucks that are everywhere. With Hemis—I don't want to go into car technology.

It's a point of view that we disagree with. We think we've got to try to do more to make our streets safer. Whether it's a designated community safety area or a school zone, we've got to try to do better. That's what this attempts to do

The Chair (Mr. Grant Crack): Thank you very much. We're going to go in order, in all fairness. So there would be: Ms. Hoggarth, Mr. Anderson, then I saw Mr. Gates and then Mr. Harris.

Ms. Ann Hoggarth: They can go ahead. No, let's just vote.

The Chair (Mr. Grant Crack): You're fine? Okay, Mr. Anderson.

Mr. Granville Anderson: I'd just like to make a comment because I don't know where the other member from that side is going.

I was a trustee for some 11 years. Courtice Road is a regional road. The speed limit there is 80 kilometres per hour. There is Holy Trinity on that road, there is Courtice secondary on that road, there is Monsignor Leo Cleary on that road, within seven kilometres. You know, those folks—I lobbied hard because it was a regional road, not a local road, and they changed the speed limit to 60 kilometres. What they did was they changed the speed limit for all seven kilometres. It wouldn't make sense to have 60 here, then 80, then 60. You can't have one size fits all.

I'll tell you that those folks with their kids in the community didn't care what mechanism was used as long as the speed limit was lowered. Whether it was photo

radar or enforcement, they wanted the safety of their kids. That's paramount.

I don't care about cash grabs or whatever the Tories want to say. Safety of kids is of paramount importance to me, and that's a hill I'll die on. If they want to go into communities and debate what speed limits should be, I know that of paramount importance to those parents—the ones I deal with, and I'm sure that's indicative of our communities—is the safety of their kids. It doesn't matter what the mechanism is. Whether it's photo radar, whether it's speed bumps, they just want traffic to slow down, and anything that does that I would fully support to the hilt.

That's all I have to say on this.

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

Mr. Wayne Gates: I'm not going to say a lot, but I'm going to say that I was an elected city councillor, like every other city councillor in the entire province of Ontario. I trust the city councillors who are elected. I respect the councillors who are elected, and I've always felt that when I sat around the table with my fellow councillors, we always did what's the best for our community and, certainly, they'll make decisions that are in the best interest of their kids and their grandkids. I just wanted to go on the record to say that.

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

Mr. Michael Harris: I need to ask a couple of questions of the government's lawyer on this particular amendment.

The Chair (Mr. Grant Crack): Okay, so could we have legal counsel from the ministry come forward and please introduce both of yourselves for Hansard and the historical record?

Mr. David Milner: David Milner, counsel with the Ministry of Transportation's legal branch.

Mr. Claudio De Rose: I'm Claudio De Rose, director of safety, policy and education branch.

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

Mr. Michael Harris: Thanks, guys, for being here.

In the act as it stands, prior to this amendment, would photo radar be allowed—if passed—under a bylaw, through a designation of a community safety zone—on expressways and roads, such as the DVP, the Gardiner or the Red Hill expressway? Would that be allowed?

Mr. David Milner: The existing 205.1(1)(a) would allow for the use of the automated speed enforcement cameras in a community zone that is designated by municipal bylaw for a municipal road. So if the road is a municipal road, and the area with that road in it has been designated as a community safety zone, then it would be open to the use of speed enforcement cameras.

Mr. Michael Harris: Under that section, photo radar could potentially have been placed on roads that saw speed limits posted at 90 kilometres an hour?

Mr. David Milner: The speed limit wouldn't have been a factor. It would have been just dependent on whether it was designated as a community safety zone.

Mr. Michael Harris: But if a council designated a stretch of highway as a community safety zone—under this section they could designate a community safety zone on a highway that had a posted speed limit of 90 kilometres. Correct?

Mr. David Milner: Yes. The current version of the bill, the first reading draft, would allow that.

Mr. Michael Harris: That's all I have.

I know the government got off of debating this motion—that they have moved forward. We're with you on school zones 100%. Often, you talk about Allenby school; I believe it is on Avenue Road. Of course, that road didn't meet the definition of a school zone, because the school resides within a certain distance. That road would fall into the school zone category.

The point I was trying to make was that on major expressways, roads and highways throughout Ontario where there was a speed limit of 90 kilometres, like the DVP, Lake Shore—I don't know what the posted speed limit on Lake Shore is—the Gardiner, or many of those highways out in Hamilton—we had a city councillor in Hamilton ask the province to designate—they wanted to designate that as a community safety zone and put photo radar on it. I'm just going with what current councillors out there have asked for. That doesn't, in our opinion, meet the definition of a school zone. It just doesn't. Again—

The Chair (Mr. Grant Crack): Mr. Harris, may I interrupt you for a second? I think I heard you indicate that you were done.

Mr. Michael Harris: Yes, I'm done with them.

The Chair (Mr. Grant Crack): Thank you, gentlemen, for coming forward. If you want to relax back there, that's fine.

Continue, Mr. Harris.

Mr. Michael Harris: We hope that the government will continue to move down the direction of where they've gone here, to help define what that community safety zone is, like they have in the Highway Traffic Act on the definition of a school safety zone. We don't believe that photo radar should be put on these expressways and roads for the sake of school safety.

We are absolutely going to support you on this motion. I think it was because of our debate and objection to what the consequences could have been with this bill, to allow for photo radar right across the province on major expressways, roads and highways that have posted speeds in excess of 50 kilometres. We'll ask to narrow that definition, perhaps.

This was the main point that I was driving home. That's why we said no to your bill initially. Had you made it just about school safety, we would have been with you 100%, but you didn't. You sneakily tried to add this section in, disguising it, in the name of school safety, to allow for photo radar right across the province.

The Premier at one time said that she was going to give the same revenue tools to municipalities for collecting tolls and then backtracked on that. These are

the same roads that we're talking about here. Now we're going to see photo radar.

I'll move on. I commend the government for listening to us. It was only through our objection throughout the course of debate, and saying no to second reading to get it into committee—to tell you guys that you have to narrow the definition of community safety zones. You've done it here. We hope that you'll support us on our call to narrow that term.

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

Mr. Mike Colle: I'm just wondering: Your party is on record as saying that you support the use of automated speed technology in school safety zones.

1450

Mr. Michael Harris: Yes. We would support you, absolutely, on the school safety measures. We believe there are a lot of other mechanisms that can keep kids safe—

Mr. Mike Colle: No, no, I'm saying in a school area, you have no problems with that technology.

Now, what happens if, down the street, there's a seniors' centre, an Alzheimer's daycare centre, and the city council comes and says, "We are worried that we have these seniors coming and going into this centre," which they do, all over the city? You would not be in support of using technology to make that area safer for seniors?

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

Mr. Michael Harris: Yes. I'll respond by saying that we feel that, like school safety zones, which are prescribed within the Highway Traffic Act, so, too, should community safety zones. There should be a criteria as to which a municipality has given guidance, because the overarching act that oversees our highways is the Highway Traffic Act. That is the tool that we use—

Mr. Mike Colle: So you would not respect the motion of a duly elected council? If your council said, "We want to slow down vehicles in front of this senior's centre," and Waterloo city council, Kitchener-Waterloo city council, or whatever it is, is unanimous—

Mr. Michael Harris: I won't have a say in that. This is where I have a say, right now, on this bill.

Mr. Mike Colle: But you wouldn't support the local council if they asked to—

Mr. Michael Harris: That wouldn't be my decision to make at the time. This amendment is what we're talking about here. You talked about—just a sec. You talked about being stopped by police and changing those behaviours. That's ultimately what we want to see here. We don't want to see less police enforcement in our school zones, because we know that distracted driving—the federal Liberals are going to legalize marijuana now, and we're going to see more impaired drivers on our roads due to the legalization of marijuana. Those behaviours are not caught on photo radar.

There are other measures that we'll talk about in this. But look, we are happy to support this motion to narrow the definition of where photo radar is going to be allowed, and we hope you'll do the same as we get more

specific to ensure that community safety zones, like school safety zones, are described clearly within the Highway Traffic Act. That's all we're asking for.

Mr. Mike Colle: And you would not respect the vote of a council—

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

Mr. Mike Colle: Okay.

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

Ms. Ann Hoggarth: That's fine.

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

Mr. Michael Harris: Recorded vote.

The Chair (Mr. Grant Crack): That is in order. There being no further discussion, I shall call for the vote, and it will be recorded.

Ayes

Anderson, Colle, Des Rosiers, Gates, Harris, Hoggarth, Thompson.

The Chair (Mr. Grant Crack): I declare government motion number 8 carried.

We shall move to PC motion number 9, which is an amendment to section 5, subsection 205.1(1), Highway Traffic Act. Mr. Harris.

Mr. Michael Harris: I move that subsection 205.1(1) of the Highway Traffic Act, as set out in section 5 of the bill, be struck out and the following substituted:

“Use of photo radar system authorized

“205.1(1) A photo radar system may be used in accordance with this part and the regulations made under it in a school zone designated by bylaw passed under clause 128(5)(a).”

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

Mr. Michael Harris: This is really where the rubber hits the road, guys. The Safer School Zones Act is just that. We're with you 100%, if we can keep the focus on school zones. That's the premise of the bill, supposedly. This motion asks for the use of this in school zones only. So you know what? This is where I think people see really what this is for. If this motion isn't accepted by the government and the third party, it's much more than—it's really not about school zones.

Ms. Lisa M. Thompson: That's right.

Mr. Michael Harris: It's about other things. I'll leave it at that.

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

Ms. Ann Hoggarth: Well, I'm going to vote against this motion because this amendment would limit the use of ASE devices to school zones exclusively, preventing the use of automated speed enforcement systems in community safety zones. For instance, we have a treatment centre for autistic children who very clearly have difficulty with directions and sometimes have difficulty finding their way. If the city council decides that that's a community safety zone where the cars need to be going

more slowly, then I believe it's within their right. They were elected by the people and they should have the right to declare that a community safety zone.

All the research that we heard about said very clearly that the slower the vehicle is going, the more chance people have to survive if they're hit. So I really think this is not a motion that we can support.

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

Mr. Michael Harris: Recorded vote.

The Chair (Mr. Grant Crack): That is in order. There being none, I shall call the recorded vote.

Ayes

Harris, Thompson.

Nays

Anderson, Colle, Des Rosiers, Gates, Hoggarth.

The Chair (Mr. Grant Crack): I declare PC motion number 9 defeated.

Mr. Michael Harris: We're moving to 11.

The Chair (Mr. Grant Crack): Well, I've got to do 10 here.

Mr. Michael Harris: Okay.

The Chair (Mr. Grant Crack): PC motion number 10, which is an amendment to section 5, new subsection 205.1(1.1), Highway Traffic Act. Mr. Harris.

Mr. Michael Harris: I'm not moving that one.

The Chair (Mr. Grant Crack): So it's withdrawn?

Mr. Michael Harris: Well, I'm not moving it.

Mr. Mike Colle: You've got to withdraw it.

Mr. Michael Harris: No, I don't.

The Chair (Mr. Grant Crack): No, if he doesn't move it, that's fine.

Mr. Mike Colle: Well, let us know what he's doing.

Mr. Michael Harris: I'll let you know.

The Chair (Mr. Grant Crack): Thank you very much. PC motion number 10 is not being moved.

We shall move to PC motion number 11, which is an amendment to section 5, new subsection 205.1(1.1), Highway Traffic Act. Mr. Harris.

Mr. Michael Harris: I move that section 205.1 of the Highway Traffic Act, as set out in section 5 of the bill, be amended by adding the following subsection:

“Limitations on use of photo-radar

“(1.1) The provincial government and municipal governments shall not use a photo radar system in areas other than school zones designated by bylaw passed under clause 128(5)(a) unless authorized by a binding referendum.”

The Chair (Mr. Grant Crack): Further discussion on PC motion 11? Mr. Harris.

Mr. Michael Harris: I think it's pretty self-explanatory.

The Chair (Mr. Grant Crack): Further discussion on PC motion number 11? There being none, I shall call for

the vote. Those in favour of PC motion 11? Those opposed? I declare PC motion number 11 defeated.

We shall move to PC motion number 12, which is an amendment to section 5, new subsection 205.1(1.1), Highway Traffic Act. Mr. Harris.

Mr. Michael Harris: I move that section 205.1 of the Highway Traffic Act, as set out in section 5 of the bill, be amended by adding the following subsection:

“Hours of implementation

“(1.1) A photo radar system shall be used in a school zone designated by bylaw passed under clause 128(5)(a) only from September to June and from 30 minutes before the earliest school opening in the school zone to 30 minutes after the latest school closing in the school zone.”

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

Mr. Mike Colle: I just think this is totally out to lunch—literally out to lunch, because, first of all, there are many summer programs in many schools, and if there are not summer programs, there’s summer school. There are also sports camps.

Schools are activity hubs. If you are going to try to install these school zones and then say that these laws are only in effect from September to June, and then 30 minutes before—schools start at different times. Then there’s school sports: They sometimes go to 6 o’clock.

I’m not sure where this comes from. I have no idea. Is there a school that would accept this as being the operational hours of a school, just those months of the year and 30 minutes before? Anyway, I just find this really unusual.

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

Mr. Michael Harris: I’m open to amending this motion. I think it sparks a discussion. Really, when photo radar should be operating within a school zone—there’s no doubt that schools are often used as hubs, but are we going to accept that photo radar should be used at 2, 3 and 4 in the morning, or will it be limited to practical, realistic school hours?

Again, I’m open to amending my motion to perhaps satisfy the government in expanding the hours of operation.

1500

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

Mr. Wayne Gates: I think the only way I can describe this particular PC motion is, “Wow.” With no disrespect to anybody, you can argue the 24/7 all you want, but it’s about driving habits. I said that the other day.

Our schools are used, quite frankly—and we want them to be used—for our kids after school. I want my kids and my grandkids to participate in after-school activities, whether that’s sports or arts and culture.

Then if you go even further, you talk about “only from September to June.” Most of the baseball leagues in my municipalities use the schools either for soccer—not necessarily for their games, but certainly for practices.

I don’t even know who would have written this, quite frankly. I certainly could never support it, but I’m just amazed that somebody would actually write a motion like this. I’m really, really surprised. Like I said, all I can say is, “Wow.”

I think we want to encourage our children to spend as much time as they can in the back of our schools, because we know where they are. They’re getting physical activity. They’re doing all the good things we want our kids to do.

I’m not going to vote for it anyway, but I just couldn’t believe it was here—that’s all.

Mr. Mike Colle: Recorded vote.

The Chair (Mr. Grant Crack): Thank you very much. There has been a request for a recorded vote. That’s in order. Further discussion on PC motion 12? There being none, I shall call for that recorded vote.

Nays

Anderson, Des Rosiers, Gates, Hoggarth.

The Chair (Mr. Grant Crack): I declare PC motion number 12 defeated.

We shall move to PC motion number 13, which is an amendment to section 5, new subsections 205.1(1.1) and (1.2), Highway Traffic Act. Mr. Harris.

Mr. Michael Harris: I move that section 205.1 of the Highway Traffic Act, as set out in section 5 of the bill, be amended by adding the following subsections:

“Hours of implementation

“(1.1) A photo radar system shall be used in a school zone designated by bylaw passed under clause 128(5)(a) only from September to June from 30 minutes before the earliest school opening in the school zone to 30 minutes after the latest school closing in the school zone.

“School zones—flashing lights required

“(1.2) If the posted speed limit in a school zone designated by bylaw passed under clause 128(5)(a) is lower than the during restricted hours for use of a photo radar system, flashing lights shall accompany the lower speed limit signs during these hours.”

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

Mr. Michael Harris: I think that the flashing lights are a tremendously important mechanism, or tool, to have in school safety zones. It’s something that we absolutely should make an investment in having. It just allows the motorists to know that they’re entering a school zone. Mr. Colle talked about signage that motorists routinely ignore, and I think this added measure of flashing lights when photo radar is in the area to notify folks that they’re entering a school zone is a good idea.

The Chair (Mr. Grant Crack): Mr. Colle, then Ms. Hoggarth.

Mr. Mike Colle: This is a continuation of the absurdity of the previous motion, motion 12, that they didn’t even vote for themselves. That is, it says again,

“only ... September to June ... 30 minutes before” and then “30 minutes after.”

As much as the flashing lights might be useful, to say that schools operate within those hours, within those months, is not the Ontario I know. Schools are operating all hours of the day and night. If you put that restriction on it, you’re making things inoperable, really.

The Chair (Mr. Grant Crack): Ms. Hoggarth, then Mr. Gates.

Ms. Ann Hoggarth: I was just going to say that at the school I was recently at, the VIP program may be there until 10:00 on their graduating night. The school patrollers have regular dances and they’re not out of there until 11:30, 12, by the time they clean up. The building beside it is a rec centre, where people come and go all day and all evening. The practical challenge of this amendment would be demonstrating through evidence whether or not a school was opened or closed when an offence occurred. Some schools may be open in the evenings and the weekends and during the summer. I know that mine was open all of those times. So I can’t support this motion any more than the one before.

Mr. Mike Colle: Recorded vote.

The Chair (Mr. Grant Crack): A recorded vote is in order.

Mr. Gates.

Mr. Wayne Gates: Two in a row. I’d just like to know who writes these things.

From September to June: I think I’ve already touched on that previously. I’m trying to educate my colleagues beside me here. Our kids use our schools in July and August. I don’t know who thought of this, but I can tell you, I spend a lot of time with my grandkids at schools in the summer. I take them to watch baseball; I take them to watch soccer. What are we thinking with this type of stuff?

To my colleagues here—I’m not trying to mock them, but when you don’t even vote for your own motion, that kind of does it for itself. Please, don’t be doing this. It’s really sad to see this. You just don’t understand schools if that’s what you’re coming up with.

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

Mr. Granville Anderson: Just a quick comment: I will assume that they’ve never heard of summer school. We do have summer school, at least in my jurisdiction. It goes for about a couple of months most of the time. I guess they’ve never heard of that either. It’s absurd.

The Chair (Mr. Grant Crack): Further discussion on PC motion number 13? There being none, I shall entertain the recorded vote.

Ayes

Harris, Thompson.

Nays

Anderson, Colle, Des Rosiers, Gates, Hoggarth.

The Chair (Mr. Grant Crack): I declare PC motion number 13 defeated.

We shall move to PC motion number 14, which is an amendment to section 5 on new subsection 205.1(1.1) of the Highway Traffic Act. Mr. Harris.

Mr. Michael Harris: I move that section 205.1 of the Highway Traffic Act, as set out in section 5 of the bill, be amended by adding the following subsection:

“(1.1) An automated speed enforcement system shall be used in a community safety zone designated by bylaw passed under subsection 214.1(1) only where the rate of motor vehicle accidents is at least 33% higher than the average for that class of roadway over the previous three-year period.”

The Chair (Mr. Grant Crack): I’m sure you would have wanted to add “Limitations on use of system” before the (1.1), Mr. Harris.

Mr. Michael Harris: Is that 15?

The Chair (Mr. Grant Crack): Fourteen.

Mr. Michael Harris: I don’t have it on mine, but sure.

The Chair (Mr. Grant Crack): Yes, you do. It’s in the highlighted area. You just omitted saying—

Mr. Michael Harris: Oh, yes. “Limitations on use of system.” Yes, sorry.

The Chair (Mr. Grant Crack): Okay. I just wanted clarification for Hansard.

Mr. Michael Harris: Yes, okay.

The Chair (Mr. Grant Crack): No problem. Further discussion? Mr. Harris?

Mr. Michael Harris: Yes. It’s pretty straightforward. This would require a motor vehicle accident rate 30% higher than the average for the roadway over a three-year period. What we’re trying to do here is set specific criteria to be met before a photo radar system can be used in a community safety zone declared by bylaw. There needs to be an attempt made to prove that there’s evidence that would suggest the need for a community safety zone designation.

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

Ms. Ann Hoggarth: Almost all of the presenters who came before us in the public hearings said the same thing: that this bill saves lives. We’re going to have to wait until someone is killed to let the municipalities designate it as a zone for speed enforcement. One of the presenters, Mr. Li, when he was asked if he felt this was a cash grab, as the PCs have consistently asserted, talked about the recent death of a six-year-old in Scarborough. He asked, “How much are you willing to pay for this six-year-old’s life?”

This is another ridiculous amendment.

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

Mr. Wayne Gates: Yes. This is another one that doesn’t make a lot of sense to me. If we can save one kid’s life, I think it’s worth it. It’s funny; I talked to all three of my mayors again today, and they talked about near misses.

What we heard during the presentations the other day tore my heart apart. It's not just our kids that are losing their lives; it's the teachers. It's the people right around the school who are risking their lives just to get our kids to school.

I don't understand this motion either. I just wanted to say that.

Mr. Mike Colle: Recorded vote.

1510

The Chair (Mr. Grant Crack): A recorded vote is in order. Further discussion? There being none, I shall call for the vote on PC motion number 14.

Ayes

Harris, Thompson.

Nays

Anderson, Colle, Des Rosiers, Gates, Hoggarth.

The Chair (Mr. Grant Crack): I declare PC motion number 14 defeated.

We shall move to PC motion number 15, which is an amendment to section 5 on new subsection 205.1(1.1) of the Highway Traffic Act. Mr. Harris.

Mr. Michael Harris: I move that section 205.1 of the Highway Traffic Act, as set out in section 5 of the bill, be amended by adding the following subsection:

“Limitations on use of system

“(1.1) An automated speed enforcement system shall be used in a community safety zone designated by bylaw passed under subsection 214.1(1) only where the posted speed limits are set within 10 kilometres per hour of the 85th percentile of actual speeds of traffic under standard road conditions.”

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

Mr. Michael Harris: This requires that photo radar can only be used where posted speed limits are set within 10 kilometres an hour of the 85th percentile of actual speeds. Therefore, a speed study needs to show that speeding actually is an issue and would be subject, then, to the designation of a community safety zone. We want to ensure that, in these areas, there's evidence to support the need, through evidence-based decision-making, not politics, that the community safety zone designation should apply and, therefore, photo radar would be subject.

The Chair (Mr. Grant Crack): Further discussion? There being none, I shall call for the vote on PC motion number 15. Those in favour of PC motion number 15? Those opposed? I declare PC motion number 15 defeated.

We shall move to PC motion number 16, which is an amendment to section 5 on new subsection 205.1(1.1) of the Highway Traffic Act. Mr. Harris.

Mr. Michael Harris: I move that section 205.1 of the Highway Traffic Act, as set out in section 5 of the bill, be amended by adding the following subsection:

“Limitations on use of photo radar

“(1.1) A photo radar system shall not be used on any highway within a community safety zone designated by bylaw passed under subsection 214.1(1) where the speed limit is greater than 50 kilometres per hour.”

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

Mr. Michael Harris: It's actually building on the government amendment that was put forward to limit photo radar on highways or roads under 80 kilometres. We believe, and I think the majority of Ontarians would believe, that roads that often are in our communities or within our communities where there is significant pedestrian traffic are in fact roads that are only 50 kilometres. Anything above that is in fact major arterial roads.

I'll just go on to say that a street network performs most efficiently and safely when roadways are designed to serve their intended purposes based on pedestrian and vehicular volumes and travel speeds. Imposing a broad definition on what municipalities can designate as a community safety zone is highly problematic because municipalities already have the judicial powers to employ any evidence-based approach to most efficiently and safely manage the roadways within their own communities.

According to the Transportation Association of Canada's Manual of Geometric Design Standards for Canadian Roads—1986, road classification is “the orderly grouping of roads into systems according to the type and degree of service they provide to the public.”

An appropriate categorization, classification and grouping of roadways enables a safe and efficient use of a roadway for all users and modes of travel. Municipalities already have the ability to designate their roadways and establish appropriate speed limits with the needs of the local community in mind.

I'll give you an example. The city of Toronto classifies its roadways as follows:

Local roadways are designed to provide access to properties, have a marked speed limit of 30 kilometres an hour to 50 kilometres an hour, and are fairly narrow. Traffic calming is suitable on this classification of roadways.

Collector roads are designed to carry a higher volume of traffic—2,500 to 8,000 vehicles per day—but they similarly function to provide access to properties and facilitate slower-moving traffic.

When it comes to arterials, their primary function is to move traffic. Minor arterials carry anywhere from 8,000 vehicles per day to over 20,000 for major arterials. These types of roadways are much wider in length and are not typical for traffic calming measures—I want to reiterate that: They are not typical for traffic calming measures—such as speed humps or other speed enforcements.

Along with a road classification system, the city of Toronto established technical criteria for traffic calming, and other municipalities could implement a similar, individual approach, instead of implementing a blanket speed reduction method that may not always lead to safety.

The absence of a hierarchy of roads, which is designed to categorize them into groups based on vehicle and pedestrian volumes and appropriate ranges of speed, results in less efficient routes for traffic, with associated increases in reckless and negligent driving.

By allowing municipalities to implement broadly defined community safety zones—and that’s why I’m putting forward this motion today, to narrow the focus of what a “community safety zone” is—the province enables a shortcut for municipalities which would discourage them from performing due diligence and establishing travel speeds in local communities vis-à-vis road safety audits and fact-based traffic solutions.

A simplified speed limit reduction measure could also be easily exploited for political purposes by local members who wish to seek re-election. There is a political element, of course, to this mechanism of allowing municipalities to simply designate their entire community as a community safety zone.

Of course, the consequences of exploiting this shortcut instead of resorting to the expert opinion of engineers—and we encourage our engineers to participate—could have numerous consequences for the local community, including negligent driving on adjacent local streets. We don’t want to push substantial volumes of traffic on our main arterials into our side streets, which is exactly what will happen. That could be used to avoid lower speed limits and traffic fines. Moreover, there is also a risk of neighbourhood traffic infiltration and congestion, which are known to pose a higher safety risk to local neighbours, and an overall decline of quality of life.

The definition of “community safety zone” needs to be more specific, with a prescribed set of criteria that must be satisfied by municipalities to meet the warrants for a community safety zone designation, for this to be an effective traffic solution.

Lowering speed is a means to an end, whereas reducing fatalities and improving the safety of our roads is an end in itself. Employing a blanket province-wide speed reduction measure will not necessarily result in safer streets.

Therefore, I really think that if this is truly about community safety zones and school zones, we will all agree to this limitation of use on roads of 50 kilometres and greater.

The Chair (Mr. Grant Crack): Thank you very much. Ms. Hoggarth, then Mr. Colle.

Ms. Ann Hoggarth: Wow. This amendment is overly prescriptive and it could leave out areas with large numbers of vulnerable road users.

Our approach: Restricting use on roads that are 80 kilometres per hour makes sure that this technology is used where it is needed most, without overly limiting municipalities.

Let’s get back to it again. The other party, the PCs, voted against the principles of the bill. They continue to delay this bill at every turn, and they are doing this right now. Let’s get on with this.

The Chair (Mr. Grant Crack): Thank you. Mr. Colle?

Mr. Mike Colle: I know that you read from some textbook version of traffic. The reality is that a lot of these main arterials—I know it’s not the same in your municipalities. Avenue Road was designated a major arterial back in about 1850. At that time, Toronto had a population of about a couple of hundred thousand people—Bathurst Street, the same. These are old roads that were designated in the old traffic patterns. Now you’ve got six million people coming through this city. Those textbooks are out of date.

That’s what the local council is faced with. All of a sudden, they see this old grid pattern, where you had major arterials like Eglinton, Avenue Road—and you’ve got them in your own municipalities—when there was one car per family and there weren’t six million people in this greater area. I’m sure it’s getting the same way in Kitchener and Niagara. There are a heck of a lot more cars. So that old road system is not the reality. Therefore, local councils have tried to come to grips with traffic calming measures, whether it’s reducing speed or whether, in some cases, they put in bicycle lanes.

Bloor Street is a perfect example. Bloor Street is supposed to be one of the major east-west thoroughfares, according to the old grid pattern in Toronto, but if you look at Bloor Street now, they’ve put in bicycle lanes. There’s all kinds of traffic calming measures, because the old system, when there were just cars on Bloor Street, didn’t take into account that there would be all these bicycles, thousands of them every morning and every night, all day long.

Therefore, local council has to be given the flexibility to deal with the reality of the fact that we now have how many millions of cars on our roads every day, all day long. You can’t just say, “Well, the system will work this way.” It’s true: Traffic has to get through town, and we all know that. Council’s trying to do the best they can to do that, but council should also have the power to find ways of dealing with speed, erratic driving etc.

If you just tell them, “You can’t do it,” and say this is 1920—it is not 1920. Just go up one of these streets. On Avenue Road, there are schools; there are new condos being built up and down our major arterials with thousands of people. If you go down to Liberty Village, to King Street there, there are thousands of people living in that area who weren’t living there 20 years ago. They have cars. There’s more traffic, more pedestrians. They go to city council and talk to Councillor Layton or Councillor Wong-Tam and say, “Hey, listen, we’ve got to do something about traffic.” They have the right to do that, and that’s why you’ve got to leave it up to local council to meet with the traffic department at the city and find ways of dealing with this reality, which is not an easy thing to do. You’ve got to move cars and, at the same time, you’ve got to protect people. You’ve got to give local council the flexibility to do that.

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

Mr. Michael Harris: I just want to call for a 10-minute recess before we vote, if you don’t mind.

The Chair (Mr. Grant Crack): A 10-minute recess is in order.

Mr. Wayne Gates: Can we just finish this one?

Ms. Ann Hoggarth: Yes.

The Chair (Mr. Grant Crack): It's in order, and we'll just continue the debate until such time as we get to the stage of voting.

Interjection.

The Chair (Mr. Grant Crack): You go ahead, Mr. Gates.

Mr. Wayne Gates: Again, I don't know why I'm being so helpful today, but I'm going to try and help my PC friends again. You have to trust your local councils.

Interjections: Yes.

Mr. Wayne Gates: When I take a look at this—I was a councillor. I'd be offended if I had spent the afternoon here. But I just want to let him know that actually—and this may surprise him—in my area we have a lot of people on our local councils who are Progressive Conservatives, and I would still think that they are going to do the right thing for that particular riding. I just wanted to say that, because I'm kind of surprised at the attack on local councils.

The Chair (Mr. Grant Crack): Further discussion on PC motion number 16? There being none—Ms. Thompson?

Ms. Lisa M. Thompson: Can we have a 10-minute recess, please?

The Chair (Mr. Grant Crack): That is in order. We are prepared to vote. If there's no further discussion, this meeting will be recessed for 10 minutes, effective right now.

Mr. Wayne Gates: Are we going to vote on this?

The Chair (Mr. Grant Crack): After the 10-minute recess.

The committee recessed from 1523 to 1533.

The Chair (Mr. Grant Crack): Thank you very much, everyone. I hope everyone enjoyed the health break.

We now have a recorded vote on PC motion number 16, which shall be entertained.

Ayes

Harris, Thompson.

Nays

Anderson, Colle, Des Rosiers, Hoggarth, Vernile.

The Chair (Mr. Grant Crack): I declare PC motion number 16 defeated.

We shall move to PC motion 17, which is an amendment to section 5, new subsection 205.1(1.1), Highway Traffic Act. Mr. Harris.

Mr. Michael Harris: I'm moving to 18.

The Chair (Mr. Grant Crack): So PC motion 17 is not being moved.

We shall move to PC motion number 18, which is an amendment to section 5, subsection 205.1(1.1) of the Highway Traffic Act. Mr. Harris.

Mr. Michael Harris: I move that section 205.1 of the Highway Traffic Act, as set out in section 5 of the bill, be amended by adding the following subsection:

“Limitations on use of photo radar

“(1.1) A photo radar system shall not be used on the first or last kilometre of a shared jurisdiction roadway.”

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

Mr. Michael Harris: There are many areas where a single roadway is shared between two municipalities. I have many of them in the region of Waterloo. King Street is shared by numerous—at least three. This amendment attempts to clear up any confusion when a motorist leaves one municipality where the road is not in a photo-radar-friendly community safety zone and into one that is photo radar ready. This amendment would ensure that there would be at least a two-kilometre buffer zone between one municipality to another.

I think this goes, again, to the original argument: that, like school safety zones, we need to properly define what a community safety zone is so that you don't get inconsistencies right across the province on their interpretation or their creation of a so-called community safety zone. That's the premise of this motion when it specifically relates to communities that share jurisdictional roadways.

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

Ms. Ann Hoggarth: I recommend voting against this as it is not clear what outcome this amendment is seeking to achieve as a shared jurisdiction. Municipalities are mature levels of government who have to respond to their constituents who elected them. They have been elected to make decisions in the best interests of their communities and they deserve the opportunity to do that. We shouldn't be doing it here.

This amendment also fails to define “shared jurisdiction,” a term that is not used in the Highway Traffic Act. So I'm voting against this.

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

Mr. Michael Harris: Just a comment: I always love when I hear that “mature” comment from the government, because it really just reminds me of the whole toll debate we just had, when the Premier allowed for municipalities to toll and then she took it away from them because she wanted to save her own political bacon. I just thought I'd throw that in there.

The Chair (Mr. Grant Crack): Further discussion? There being none, I shall call for the vote on PC motion number 18. Those in favour of PC motion 18? Those opposed? I declare PC motion 18 defeated.

We shall move to PC motion number 19, which is an amendment to section 5, new subsection 205.1(1.1) of the Highway Traffic Act. Mr. Harris.

Mr. Michael Harris: I move that section 205.1 of the Highway Traffic Act, as set out in section 5 of the bill, be amended by adding the following subsection:

“Limitations on use of photo radar

“(1.1) A photo radar system shall not be used on a roadway where the speed limit is 80 kilometres per hour or higher.”

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

Mr. Michael Harris: I think this is a substantial, solid, significant amendment that goes to attempt to set a definition of what a community safety zone is. I would hope that the government would agree with me on this one.

The Chair (Mr. Grant Crack): Madame Des Rosiers.

M^{me} Nathalie Des Rosiers: We already have an amendment that deals with the problem, and we don't want the use of the word “photo radar,” since in our view, it's too limiting for the range of technology that should be displayed.

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

Mr. Michael Harris: I just think this shows the injection of actual politics in this particular bill, when we are, in essence, saying the exact same thing: that photo radar shouldn't be on roads that are in excess of 80 kilometres, but the government will vote against it simply because it's an idea from the opposition.

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

Ms. Ann Hoggarth: This amendment does capture some school zones. The opposition has said that they believe in using it in school zones, so I do not support this at all.

The Chair (Mr. Grant Crack): Further discussion on PC motion number 19? There being none, I shall call for the vote. Those in favour of PC motion number 19?

Mr. Michael Harris: Recorded vote—oh, I guess I can't.

The Chair (Mr. Grant Crack): Yes—

Mr. Michael Harris: That's fine. It's defeated. They know who defeated it.

1540

The Chair (Mr. Grant Crack): Those opposed to PC motion number 19? I declare PC motion number 19 defeated.

We shall move to motion number 20, which is an amendment to section 5 on new subsection 205.1(1.1) of the Highway Traffic Act. Mr. Harris.

Mr. Michael Harris: I move that section 205.1 of the Highway Traffic Act, as set out in section 5 of the bill, be amended by adding the following subsection:

“Limitations on use of photo radar

“(1.1) A photo radar system shall not be used on a service road.”

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

Mr. Michael Harris: Again, we'll go back to trying to limit or clearly define what a community safety zone is. I think we all agree that service roads are just that. This sets specific criteria for photo radar to ensure that it is not used on major roads, service roads, major and minor arterials and expressways, where, of course, there is not a school safety zone.

The Chair (Mr. Grant Crack): Further discussion on PC motion number 20? There being none, I shall call for the vote on PC motion number 20. Those in favour of PC motion 20? Those opposed? I declare PC motion number 20 defeated.

We shall move to PC motion number 21, which is a motion amending section 5 on new subsection 205.1(1.1) of the Highway Traffic Act. Mr. Harris.

Mr. Michael Harris: I move that section 205.1 of the Highway Traffic Act, as set out in section 5 of the bill, be amended by adding the following subsection:

“Limitations on use of photo radar

“(1.1) A photo radar system shall not be used on a major arterial road.”

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

Mr. Michael Harris: I think that is self-explanatory.

Mr. Mike Colle: Recorded vote.

The Chair (Mr. Grant Crack): Further discussion? There being none, there has been a request for a recorded vote which—

Mr. Mike Colle: I withdraw that anyway. Can you withdraw a request?

The Chair (Mr. Grant Crack): Thank you for withdrawing, Mr. Colle. We shall move to the vote. Those in favour of PC motion number 21? Those opposed? I declare PC motion number 21 defeated.

We shall move to PC motion number 22, which is an amendment to section 5 on new subsection 205.1(1.1), Highway Traffic Act. Mr. Harris.

Mr. Michael Harris: I'm moving to amendment 23.

The Chair (Mr. Grant Crack): PC motion number 22 is not moved.

We shall move to PC motion number 23, which is an amendment to section 5 on new subsection 205.1(1.1) of the Highway Traffic Act. Mr. Harris.

Mr. Michael Harris: I move that section 205.1 of the Highway Traffic Act, as set out in section 5 of the bill, be amended by adding the following subsection:

“Limitations on use of photo radar

“(1.1) A photo radar system shall not be used on an expressway.”

The Chair (Mr. Grant Crack): Further discussion on PC motion number 23?

Mr. Michael Harris: This builds on a government amendment that was moved earlier that talked about excluding photo radar from highways that have a posted speed limit of in excess of 80 kilometres. Of course, we all know that that amendment we supported and we agree with, but it is at the discretion of a municipality to lower a speed limit.

We've already got that example of a council member out in Hamilton who had suggested they designate a community safety zone on a highway or an expressway that's 90 kilometres an hour. All they need to do here is, by bylaw, reduce the speed limit. That expressway then is and could be considered a community safety zone that would have photo radar.

So, for clarity purposes, let's just all agree that photo radar shouldn't be on expressways, period. That's why I'm moving forward this amendment.

The Chair (Mr. Grant Crack): Further discussion on PC motion 23? There being none, I shall call for the vote. Those in favour of PC motion 23? Those opposed? I declare PC motion 23 defeated.

We shall move to PC motion 24, which is an amendment to section 5, creating new subsection 205.1(1.1) of the Highway Traffic Act. Mr. Harris.

Mr. Michael Harris: I move that section 205.1 of the Highway Traffic Act, as set out in section 5 of the bill, be amended by adding the following subsection:

“School zones—penalty

“(1.1) All penalties under this act are doubled in a school zone designated by bylaw passed under clause 128(5)(a) from 30 minutes before the earliest school opening in the school zone to 30 minutes after the latest school closing in the school zone.”

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

Mr. Michael Harris: I hope that the government supports my amendment here. We are specifically talking about school zone penalties. As you're aware, currently, if ticketed by an officer, which we hope will still remain out in the school zones, where posted you're subject to doubling of the fine. Of course, and perhaps maybe this is a question for MTO lawyers—and I will ask that question, actually. As the bill stands currently, would people—I'll let you get sitting down. As the bill stands currently, if someone was to receive a ticket in the mail, say three or four weeks later, for an infraction of speeding in a school zone, would they receive the same fine as someone who is caught speeding in a school zone through police officer enforcement?

Mr. David Milner: Yes.

The Chair (Mr. Grant Crack): State your name again, Mr. Milner.

Mr. David Milner: David Milner.

Mr. Michael Harris: You're saying that the fines will actually be the same for traffic—

Mr. David Milner: If a part I certificate of offence is issued for the vehicle owner in a school zone, it should be the same as a ticket given to the driver at the same location.

Mr. Michael Harris: Are they not doubled—

Mr. David Milner: The community safety zone has a different fine allotted.

Mr. Michael Harris: Okay. That's my next question, then. If, as the bill stands currently, you are given a ticket by a police officer in a community safety zone where fines are doubled, will someone who receives a ticket via a photo radar infraction—will they receive the same fine?

Mr. David Milner: The two tickets, whether it's a driver or owner in the same place in a community safety zone, will get the same fine. That community safety zone fine is changed by section 214.1 of the HTA, I believe. The penalty for speeding in a community safety zone is set out in 214.1(6) of the HTA, and they have slightly

elevated penalties over what would otherwise be applicable in section 128 for speeding offences not in a community safety zone.

Mr. Michael Harris: So, in essence, you would receive a doubling of a fine in a community safety zone but not a doubling of a fine in a school zone?

Mr. David Milner: Correct.

Mr. Michael Harris: Well, this is what this amendment calls for. We believe that school zones, be it that they are areas where we want to keep our kids safe—if you were actually serious about that, you would agree with me that we need to ensure that fines for those who are speeding in school zones are as expensive as they are and doubled in a community safety zone.

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

Thank you, Mr. Milner. Are there any other questions for Mr. Milner? There being none: Thank you, sir.

We shall move to Madame Des Rosiers.

M^{me} Nathalie Des Rosiers: I think this amendment suffers from the same difficulty that we illustrated earlier about defining times where schools are open. We know that schools are open for longer periods, and that does not really capture the way in which the new school in the 21st century is operating. It suffers from the same problem.

The Chair (Mr. Grant Crack): Madame Vernile.

Ms. Daiene Vernile: There are many occasions where you might have a parent-teacher night; you might have a multicultural night; you may have something else going on in the school in the evening. There are often times that children will gather to play basketball after school around a school zone. For that reason, we need to be very vigilant at all times of the day.

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

Mr. Michael Harris: We agree, and that's why we're asking the government to make sure that people who are caught speeding in school zones receive a similar penalty as those who speed in a community safety zone.

The Chair (Mr. Grant Crack): Mr. Gates, then Ms. Hoggarth.

Mr. Wayne Gates: Well, that may be what he's saying, but that's not what the wording here says. You can say what you want, but if you're going to say something, you should put it in writing so it follows—

Mr. Michael Harris: It is in writing. It's the amendment right in front of you.

Mr. Wayne Gates: —so it follows the motion. This is very clear. I spoke on this a number of times already when I said: Wow. This is another “Wow.” I wanted to ask my good friends from the PC Party—because you called for a break, and I appreciated that at my age, I went back and phoned one of my schools in my riding. They actually have daycare. They're Y daycare, but they're operating in schools. She said that it goes to 6 o'clock, but a lot of times the parents are getting there at quarter after 6, 6:30 or 7 o'clock—so the half-hour one is very clear, to the other PC motions before it. So I just wanted to highlight the fact that we actually have day-

cares that run a lot later than a half an hour after the school closing.

1550

The Chair (Mr. Grant Crack): Ms. Hoggarth, and then Mr. Harris.

Ms. Ann Hoggarth: Again, it isn't the fact that we're doubling the fines. The problem with this motion is that it is giving the times when it can be enforced. That is not the reality, as my colleague said, of schools today. Many times the schools are open all year and also well into the late evening with activities.

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

Mr. Michael Harris: I just want to clarify to the folks who I believe have missed the intent of this: That would be captured, from the earliest opening to the latest closing, factoring in all kinds of different events and activities that happen at a school.

I will know, for one, as a parent—I believe one of the only parents at the table to actually have small children attending public schools right now. In fact, I'm a proud Y parent. Now, Mr. Gates, I can assure you that most parents will definitely be there to pick up their kids before 6 or they're going to get a significant look when they get there, knowing that the Ys are usually only open till 6 and there are substantial fines afterwards. But I get your point, and that's why I've embedded this amendment to include school operations to the fullest that they may be.

But penalizing people who actually speed in those areas to the most severe extent—similar to community safety zones.

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

Mr. Mike Colle: I think the other thing, as the member from Niagara Falls is saying, is that the reality of schools is now daycare. There's one daycare that is now operating 24 hours a day—I don't know what the PCs would do with that—24 hours a day, because that's the new reality. There's shift work. There are all kinds of split shifts. It's no longer a 9-to-5 world. Maybe in Kitchener, it is still that, but certainly not in Toronto. It's really all over the place.

What's in a school is not just the school now anymore. There are all kinds of programs. There are mothers and tots programs after school. We have a great program in our school—it's called Pathways—which is for kids who have some challenges. Those operate until 9 o'clock at night, but not every night.

So trying to figure out a schedule, the PC schedule, would be very interesting on this. I'd like to see their whiz who drew up these motions come up with a schedule for schools across Ontario.

The Chair (Mr. Grant Crack): Ms. Hoggarth, then Mr. Harris.

Ms. Ann Hoggarth: I'll pass.

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

Mr. Michael Harris: If there was a school that was 24/7, then that point would be moot, and we would then

be discussing just the fact that we should double the speed penalties, similar to community safety zones.

Mr. Mike Colle: I'd like to see a schedule that could go out across the province.

The Chair (Mr. Grant Crack): Further discussion on PC motion number 24?

Mr. Michael Harris: I'm happy to have this motion amended.

Mr. Mike Colle: You'd need a major amendment.

The Chair (Mr. Grant Crack): Further discussion? Further discussion? There being none, I shall call for the vote on PC motion number 24.

Those in favour of PC motion 24? Those opposed? I declare PC motion 24 defeated.

Interjections.

The Chair (Mr. Grant Crack): Okay, so we're just going to get some clarification on how to proceed here.

Interjections.

The Chair (Mr. Grant Crack): We're going to continue. We're going to move to PC motion 24.1 that was provided to you not in the bulk package, but I believe as a supplementary package. I hope all of you have those.

Mr. Mike Colle: I don't have it.

The Chair (Mr. Grant Crack): It's a separate package, 24.1. It's there.

Mr. Mike Colle: I have 24.2.

The Chair (Mr. Grant Crack): Then 24.1 would have been just before that one.

Mr. Mike Colle: Well, I don't have it.

Mr. Wayne Gates: It looks like a nine. That might be yours. Who wrote that, you? Your nine looks like a four.

The Chair (Mr. Grant Crack): Mr. Gates is correct; it looks like a nine.

Okay, everyone. We shall move to PC motion number 24.1, which is an amendment to section 5, creating new subsection 205.1(1.1). Mr. Harris.

Mr. Michael Harris: I move that section 205.1 of the Highway Traffic Act, as set out in section 5 of the bill, be amended by adding the following subsection:

"Sidewalk requirement

"(1.1) Despite subsection (1), an automated speed enforcement system shall not be used on a roadway unless one of the following requirements is met:

"1. The roadway is a collector road that has continuous sidewalks on both sides.

"2. The roadway is not a collector road and has a continuous sidewalk on at least one side.

"3. The roadway has no sidewalk, but the installation of a sidewalk on at least one side has been considered."

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

Mr. Michael Harris: I just think that it's important that roads have the proper infrastructure to ensure that pedestrians are as far away from motorists as possible.

The Chair (Mr. Grant Crack): Further discussion on PC motion 24.1? There being none, I shall call for the vote on PC motion 24.1. Those in favour? Those opposed? I declare PC motion 24.1 defeated.

We shall move to PC motion 24.2, which is an amendment to section 5, creating new subsection 205.1(1.1) of the Highway Traffic Act. Mr. Harris.

Mr. Michael Harris: I move that section 205.1 of the Highway Traffic Act, as set out in section 5 of the bill, be amended by adding the following subsection:

“Use of automated speed enforcement system not authorized

“(1.1) An automated speed enforcement system shall not be used on that part of the King’s Highway known as,

“(a) Highway 400;

“(b) Highway 401;

“(c) Highway 402;

“(d) Highway 403;

“(e) Highway 404;

“(f) Highway 405;

“(g) Highway 406;

“(h) Highway 407;

“(i) Highway 409;

“(j) Highway 410;

“(k) Highway 412;

“(l) Highway 416;

“(m) Highway 417;

“(n) Highway 418;

“(o) Highway 420;

“(p) Highway 427; or

“(q) Queen Elizabeth Way.”

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

1600

Ms. Ann Hoggarth: The only one right now that I can think of offhand—I wouldn’t be supporting this because Cookstown is right on Highway 400 and 427. I taught at Cookstown school. It’s right on the edge of the 427. It is definitely a school zone right outside the village, and I believe that there should be a school zone there and an enforcement there. So I couldn’t support this. There may be others; I don’t know. But this one definitely is—I object.

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

Ms. Daiene Vernile: In this particular motion, we see a number of provincial highways that are listed. Bill 65 very clearly has stated that we are not including provincial highways. I’m not certain where Mr. Harris was for the 10 hours that we were debating this in the House and said this over and over again, but in case it hasn’t registered in his head, let me repeat that we are not going to be including any provincial highways in Bill 65. So this is really unnecessary.

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

Mr. Michael Harris: Yes, well, my comment to Ms. Vernile would be that if that was the case, then they would show and reinforce that commitment by adopting my motion to signal just that—to agree with my amendment.

But I am confused, because your colleague from Barrie alluded to the fact that she couldn’t support this motion because on one of these particular 400-series highways, there may be a school that’s close by; that in

fact, she would like to see photo radar on a 400-series highway. So now I’m perhaps getting mixed messages from the government. One says they can’t support it because they actually feel that photo radar would be applicable on one of these highways, and then I have another one explain to me that their intent isn’t to put photo radar on a 400-series highway. In that case, there may be a divide on that side with regard to the vote, but I would hope that they would reinforce that commitment.

We all know that it’s difficult to take at face value commitments that are made by this particular government, and I think it should be reinforced by the acceptance of my motion to exclude photo radar from any 400-series highway, as listed in the motion.

The Chair (Mr. Grant Crack): Further discussion? Ms. Vernile and then Ms. Hoggarth.

Ms. Daiene Vernile: So, once again, Bill 65 will give municipalities the autonomy to impose photo radar, if that’s what we want to call it, on their roads.

These are not municipal roads. It will not apply to these provincial roads.

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

Ms. Ann Hoggarth: Highway 427 down near Toronto has a different speed limit than 427 in Cookstown. Highway 427 in Cookstown is 80 kilometres, so it would apply.

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

Mr. Michael Harris: Just that.

Ms. Ann Hoggarth: That may be the case in other highways on your—

Mr. Michael Harris: The member is actually speaking on behalf of my motion, to suggest that, in fact, the speed limits are at 80, which could be designated, perhaps, a community safety zone, and therefore we would see photo radar on these highways. Again, I just hope that the government recommit their position to this not being a slippery slope. As I have suggested, once we see it on municipal roads and highways, we are going to see it back on the 401. That’s exactly the slippery slope. In order to shut that door, they will agree with me on this amendment, and I would ask for a recorded vote.

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

Ms. Daiene Vernile: I think it’s really unfortunate that Mr. Harris continues to misinform people on this issue. I’m not certain why he’s doing that.

However, just to circle back, Bill 65 gives municipalities the ability to impose photo radar on their municipal roads, not on provincial highways. Again, I’m not certain why it is that he doesn’t seem to comprehend that.

The Chair (Mr. Grant Crack): Further discussion? There being none, I shall call for the recorded vote, as requested by Mr. Harris.

Ayes

Harris, Thompson.

Nays

Anderson, Colle, Des Rosiers, Hoggarth, Vernile.

The Chair (Mr. Grant Crack): I declare PC motion number 24.2 defeated.

Ms. Daiene Vernile: Chair, I have a point to make.

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

Ms. Daiene Vernile: A point of order.

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

Ms. Daiene Vernile: Pursuant to standing order 77(b), I ask that you exercise your discretion to bundle motions 25 to 193.136. These are all variations of the same motion and they should be voted on as one.

The Chair (Mr. Grant Crack): Thank you very much, Ms. Vernile, for your point of order. It is a request that, in my opinion, can be entertained at some point in the future. We are dealing with some motions that were forwarded after the package was put together, and the sequence of numbers has added 24.1 right to 24.13. It would be proper process for us to deal with 24.1 up to 24.13, inclusive. Then, once we get to 25, at that point I can ask the committee if they would entertain the bundling of motions 25 to—what was the number you had asked?

Ms. Daiene Vernile: That was 193.136.

The Chair (Mr. Grant Crack): Motions 25 to 193.6—

Ms. Daiene Vernile: It was 193.136.

The Chair (Mr. Grant Crack): Motion 193.136.

At this time, with all due respect, we'll continue, and then when we get to motion 25, I will make that request to the committee.

Mr. Harris.

Mr. Michael Harris: Chair, I would like to remove PC motions 24.3 through 24.10. I'll meet the member halfway.

The Chair (Mr. Grant Crack): Mr. Harris has indicated to committee that we will not be moving motions 24.3 to 24.10. That is in order, so we shall move to 24.11 at this point.

Mr. Michael Harris: I move that section 205.1 of the Highway Traffic Act, as set out in section 5 of the bill, be amended by adding the following subsection:

“Limitations on use of system

“(1.1) An automated speed enforcement system shall be used in a community safety zone designated by bylaw passed under subsection 214.1(1) or a school zone designated by bylaw passed under clause 128(5)(a) only if one of the following requirements is met:

“1. The traffic volume on the roadway is between 1,000 and 8,000 vehicles per day and the 85th percentile of actual speed of traffic under standard road conditions is at least 10 kilometres per hour but less than 15 kilometres per hour above the posted speed limit.

“2. The 85th percentile of actual speed of traffic on the roadway under standard road conditions is at least 15 kilometres per hour above the posted speed limit.”

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

Mr. Michael Harris: Yes, it just goes back again to our call to set out a well-defined area, both in school zones and in community safety zones that actually have a history, and that doesn't force, I guess, but requires municipal councils to lay out and to have done some due diligence and to have to have data that suggests that this particular area that they're designating as a community safety zone is problematic, and that engineering or a consultation with law enforcement is done ahead of time.

The Chair (Mr. Grant Crack): Further discussion on PC motion 24.11? There being none, I shall call for the vote on PC motion 24.11. Those in favour? Those opposed? I declare PC motion 24.11 defeated.

1610

We shall move to PC motion number 24.12, which is an amendment to section 5 on new subsection 205.1(1.1) of the Highway Traffic Act. Mr. Harris.

Mr. Michael Harris: I move that section 205.1 of the Highway Traffic Act, as set out in section 5 of the bill, be amended by adding the following subsection:

“Limitations on use of system

“(1.1) An automated speed enforcement system shall be used in a community safety zone designated by bylaw passed under subsection 214.1(1) or a school zone designated by bylaw passed under clause 128(5)(a) only if the municipality determines, in consultation with the local transit authority, that there will be no significant effect on regularly scheduled public transit services.”

The Chair (Mr. Grant Crack): Further discussion on PC motion number 24.12? Madame Des Rosiers.

M^{me} Nathalie Des Rosiers: I think the difference in vision is whether we can trust the municipalities to do their homework and actually do the work that they should be doing. I think that's the difference of philosophy.

The Chair (Mr. Grant Crack): Further discussion on PC motion 24.12? Mr. Harris.

Mr. Michael Harris: Again, I would just suggest that there needs to be some due diligence done ahead of time. As we know, unfortunately, we have seen, even in this own building, decisions made by politics. We had one recently: that municipalities, a partner of ours here, thought that they had a new revenue tool. Then, all of a sudden, they didn't, because it was politically expedient for the Premier to pull that carpet from underneath them and not give them that tool.

Politics, again, unfortunately, shouldn't guide where community safety zones are. Statistics, data, evidence, engineers and experts: That is what should be required. That's what we're asking: that that consultation be had.

The Chair (Mr. Grant Crack): Further discussion on PC motion 24.12? Madame Vernile.

Ms. Daiene Vernile: Well, this is very troubling, very puzzling, that they favour tolling yet they don't favour automated speed enforcement. One is just about grabbing money—tolling—whereas automated speed enforcement is about keeping our school zones and our community safety zones safe.

The Chair (Mr. Grant Crack): Further discussion on PC motion 24.12? There being none, I shall call for the vote on PC motion 24.12. Those in favour? Those opposed? I declare PC motion 24.12 defeated.

We shall move to PC motion number 24.13, which is an amendment to section 5 creating a new subsection, 205.1(1.1) of the Highway Traffic Act. Mr. Harris.

Mr. Michael Harris: I move that section 205.1 of the Highway Traffic Act, as set out in section 5 of the bill, be amended by adding the following subsection:

“Limitations on use of system

“(1.1) An automated speed enforcement system shall be used in a community safety zone designated by bylaw passed under subsection 214.1(1) or a school zone designated by bylaw passed under clause 128(5)(a) only once the local transportation authority managing traffic operations within the municipality has considered the effect the use of the automated speed enforcement system will have on traffic on adjacent streets.

“Same

“(1.2) If the local transportation authority managing traffic operations within the municipality determines that the use of an automated speed enforcement system will have a significant effect on traffic on adjacent streets, a review of the proposal to use an automated speed enforcement system shall be triggered to determine the extent of the effect.

“Same

“(1.3) Once a review under subsection (1.2) is completed, it will be reported to the municipal council for consideration.”

The Chair (Mr. Grant Crack): Further discussion on PC motion 24.13? Mr. Harris?

Mr. Michael Harris: Again, I think that this is a practical amendment that would be able to allow a municipality to study the impact that a speed enforcement system—or photo radar—would have on adjacent streets. I think that that is really important. There may hot spots or main roads that photo radar could now be placed on for political reasons that would push traffic onto adjacent streets, which is actually what we’re trying to avoid in its entirety here. I’m just asking that that study be done ahead of photo radar being placed on streets, that could push motorists onto side streets where our children are playing.

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

Ms. Daïene Vernile: The PCs have stated all along that they are emphatically against automated speed enforcement. That being the case, why do they need to study it? They’re against it.

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

Mr. Sam Oosterhoff: I think that MPP Harris brings a really good point to the table here. The reality is that if we’re pushing people onto these side streets where—if the stated goal is to protect schoolchildren, many of these schoolchildren, especially in that surrounding area of, let’s say, a kilometre or two, would in fact be walking back to their residence or would have a large amount of

foot traffic in that area. We have to see how this piece of legislation and putting in school cameras in those areas would impact that traffic flow. For all we know, it would be more dangerous in secondary streets if there wasn’t a proper and adequate look at what that impact would be.

I think we have to do due diligence. I think this is a very thoughtful amendment brought forward by the member, and I hope to see it pass. I think it’s one that will help save kids, and it’s something the government has stated very clearly that they—apparently—are focused on.

The Chair (Mr. Grant Crack): Further discussion on PC motion 24.13? There being none, I shall call for the vote. Those in favour of PC motion 24.13? Those opposed? I declare PC motion number 24.13 defeated.

We shall move to PC motion number 24.0.1, which was an amendment to a motion previously tabled by MPP Harris, which can be entertained at this point. Mr. Harris.

Mr. Michael Harris: I move that section 205.1 of the Highway Traffic Act, as set out in section 5 of the bill, be amended by adding the following subsection:

“School zones—penalty

“(1.1) All penalties under this act are doubled in a school zone designated by bylaw passed under clause 128(5)(a)”.

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

Mr. Michael Harris: Again, this pares back an original amendment that we talked about. I think that the committee was generally supportive of the doubling of fines in a school zone similar to that of a community safety zone, with just the deletion of the operating hours at a school. I think now we’ve put forward a new amendment to ensure that there is consistency. On one hand, an undefined community safety zone is subject to a doubling of the fine; we are asking that when offenders are caught in a school zone through a speeding infraction, they too receive a doubling of the fine.

I think this is an important discussion that we seriously want to have a consideration on. The premise of the bill: a safe schools act. We have said all along that we are with you when it comes to keeping our kids safe in our school communities. If you had have stayed there, we would have absolutely supported you on this. They didn’t, of course; they extended it to community safety zones, which are undefined. We’re hoping to have some sort of better definition as to what they are. But when it comes to penalties for motorists who are caught speeding, right now, as it stands, your fine is doubled in a community safety zone. This is our opportunity now to tell those same motorists—because this is what the bill is all about, the Safer School Zones Act—that we are going to place importance, if not equal importance, on school zones by doubling the fines.

If you don’t accept this amendment, you’re suggesting that community safety zones, which are not defined, are more important, by doubling the fine and not allowing for school zones to have that same measure, where, when in effect, they would be doubled. I’m hopeful that the government agrees with me and approves this motion.

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

1620

Ms. Ann Hoggarth: Chair, I'd like to ask some of the government ministry people to come forward and talk to us about this, please, before we vote.

The Chair (Mr. Grant Crack): Okay. That is within possibility.

Please, once again, state your name for the record.

Mr. Claudio De Rose: Claudio De Rose is my name.

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

Mr. Erik Thomsen: Erik Thomsen.

The Chair (Mr. Grant Crack): Welcome.

Mr. Claudio De Rose: Just in terms of the designation of roads as school zones or community safety zones, there is a small difference between the two, but essentially, if a municipality sees that, within a school zone, that area is of high risk and would require special attention, a municipality can designate a community safety zone in an area where a school is present. So it's a tool that municipalities can use to assess whatever is of special concern in an area. Whether it's part of a school zone—other things have been mentioned: hospitals, whatever they may be—then it's up to the municipality to designate that area where they have a concern around safety, around vulnerable road users, as a community safety zone.

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

Ms. Ann Hoggarth: So that means that if a municipality decided that they thought it was important enough, they could declare all school zones community safety zones, and the fines would be double, but it would be up to them.

Mr. Claudio De Rose: That's correct.

Ms. Ann Hoggarth: Thank you.

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

Mr. Michael Harris: But that's just that they would actually have to go into that next step to designate a school zone, in addition to that, a community safety zone—correct?

Mr. Claudio De Rose: Yes.

Mr. Michael Harris: Whereas I'm saying, let's just, by virtue of legislation now, right here, do that for them: suggest that, in the bill, we're going to treat community safety zones just like school safety zones, and where you are speeding, you're going to be subject to double the fine.

Let's remove that unnecessary step of having to deem a school safety zone then a community safety zone in order to get the doubling of the fine, because that is, in essence, the only way a doubling of the fine could exist. Again, in order for them to do that, the council would then have to designate a school safety zone, in addition to that, a community safety zone to get the doubling of the fine. Answer me this question: If they don't, the fines would not be doubled, correct?

Mr. Claudio De Rose: Yes, that's correct.

Mr. Michael Harris: There you go.

Ms. Lisa M. Thompson: He makes a good point on this one. This is one you might want to vote for—

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

Ms. Lisa M. Thompson: I just want to say, he makes a good point on this one, and it's maybe something to—I'm choking up; I don't know why. Anyway, it's maybe something you want to take a recess for and discuss, because it's a good idea.

The Chair (Mr. Grant Crack): We hope you get better. Ms. Hoggarth?

Ms. Ann Hoggarth: Again, in Barrie, we do have many school zones that are considered community safety zones. They have been designated, but not all are. I think that it's up to the municipality to make that designation, to make that choice. I would agree that, probably, we should double the fines, but I'm not a member of Barrie city council. They obviously have done it to certain schools already. They don't have the automated enforcement. But I think it's up to them to do that.

The Chair (Mr. Grant Crack): Ms. Thompson, then Mr. Oosterhoff.

Ms. Lisa M. Thompson: Thank you. I've got my voice back.

I just want to clarify: My colleague from Kitchener—Conestoga makes a very good point here. Seriously, let's take a step back from anything partisan and really do what's right. This would eliminate an unnecessary step. Let's get it right today. I'm okay if you guys would like to take a 10-minute recess to talk with your team to just mull this over. I think this is a good step. We've got clear direction from our legal team here. I really encourage you to do the right thing in this instance.

The Chair (Mr. Grant Crack): Mr. Oosterhoff?

Mr. Sam Oosterhoff: Yes. I don't mean to come across as snarky in any way, shape or form, but if you're hiding behind the excuse that, well, you know, the municipalities are the ones who have to make that decision, then, in reality, you're being disingenuous about the intent of that bill in the first place. If its first and primary intent is to keep children safe, to keep vulnerable populations safe, within the parameters of this safety zone, I would think that you would want to have that enforced across the province without the piecemeal patchwork that I think you could see from a situation where you had every Barrie councillor arguing about that prior to that.

I understand where you're coming from, but I do think that it doesn't reflect what your own stated purpose of this bill would be. I think it's a pretty common-sense recommendation. I would back my colleagues, if you wanted to take a couple of minutes to think about it or whatever. That's all I had.

The Chair (Mr. Grant Crack): Mr. Harris, then we'll move over here.

Mr. Michael Harris: I think that the government may struggle on this one, but if they are truly in it for school safety, similar to community safety zones, they will agree with me on this one: The fines should be doubled, like they are in community safety zones, in school zones. I think that the only reason why they're likely going to vote against this is sheer politics—sheer partisan politics that would be injected into this—to not take a worthy

amendment from an opposition member to strengthen this bill.

They're going to have two classes of zones here. They're going to have a community safety zone that's undefined, where they're going to double the fines for drivers who commit an offence; and on the other hand, they're going to have school zones—that's really the premise of the bill: providing safety to our students—where fines are going to be actually a lot less. That kind of goes against and counters the intent of this bill.

You're actually saying—and I know the member from the third party talks about being able to save just one life. You're actually putting a higher price tag on someone who, perhaps, has an accident in a community safety zone than in a school zone, which I'm offended by, if you don't support this motion.

Take the politics out of everything and pretend it was one of your own colleagues who moved this amendment. Let's pass it, so that both in school zones and in community safety zones, if you speed, you will receive the same fine—period.

The Chair (Mr. Grant Crack): Thank you very much to the members of the ministry—

Interjection.

Ms. Ann Hoggarth: I have another question for them.

The Chair (Mr. Grant Crack): To the ministry?

Interjection: Yes.

The Chair (Mr. Grant Crack): Okay, very good. We're going to go with Madame Des Rosiers and then—

M^{me} Nathalie Des Rosiers: No, no, ask the question first.

The Chair (Mr. Grant Crack): The way I chair is whoever puts up their hand first, I acknowledge first. Madame Des Rosiers, are you allowing Ms. Hoggarth prior—

M^{me} Nathalie Des Rosiers: Yes.

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

Ms. Ann Hoggarth: Could you tell us about how the implementation would take place for this, please? The school safety zone: What would the municipalities have to go through to do this?

Mr. Claudio De Rose: Sure. Essentially, to designate a community safety zone—and I'll ask Erik to jump in to help me—there are some criteria that a municipality would collect, whether there is a presence of a special concern. A school being there, a hospital, a park—that could be one factor.

In designating a community safety zone, they can look at other things, like the number of collisions that occur in a certain area or other types of things that, from an infrastructure point of view, deem that area of a special concern. There could be a very steep hill that collides with an intersection that makes that area a dangerous area to drive in.

There is data that a municipality works with to assess what they deem of a certain area within their community. If there is enough evidence and support from community groups, then they would bring that proposal to council, and council would make a resolution to designate an area as a community safety zone.

Ms. Ann Hoggarth: Okay, so—

Mr. Claudio De Rose: Did you have anything that you want to add there?

Mr. Erik Thomsen: Yes. It has to be signed as well. It's a specific segment of the roadway.

Ms. Ann Hoggarth: Very clearly, these areas would be different in every different municipality.

Mr. Claudio De Rose: Yes, there could be—absolutely, there could be differences, for sure.

Mr. Michael Harris: That's why we're asking for consistency across the province.

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

Ms. Ann Hoggarth: Do you agree with me that the municipalities should be consulted prior to applying it all over?

Mr. Claudio De Rose: Definitely, the legislation permits municipalities that are interested to use the tools, such as automated speed enforcement or lowering the default speed limit, in areas where they see fit, for sure.

1630

Ms. Ann Hoggarth: Where they see fit.

Mr. Claudio De Rose: Correct.

Ms. Ann Hoggarth: Not where we see fit.

Mr. Claudio De Rose: Right.

Ms. Ann Hoggarth: Okay. Thank you.

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

Ms. Daiene Vernile: I would have to agree that, sadly, partisan politics has crept into this. The focus of Bill 65 is road safety and yet for 10 hours the PCs have said over and over again that this is a cash grab. If they truly cared about road safety, they would have supported Bill 65 from the beginning. They've also said that we are threatening to bring this to provincial highways, which is misinformation. If they truly cared about this bill, they would have supported it from the start.

Mr. Harris has some explaining to do to his mayor, his regional chair and his police chief, whom I chatted with just in the past couple of days, who all strongly support Bill 65. I'd like to know what that conversation is going to be like when he explains to them why he has voted against it.

The Chair (Mr. Grant Crack): Further discussion? Mr. Oosterhoff and then Mr. Gates.

Mr. Sam Oosterhoff: I just wanted to be very briefly on the record. I find it absolutely fascinating coming from the government benches that they love to speak about—the tone, I assume, from the member from Barrie was regarding the provincial government or, in this case, the members opposite making a decision on municipal decisions and giving local decision-making to the municipalities. I love hearing that. It's just such a change in tone compared to a few weeks ago, when you voted against my wind turbine motion, which was exactly that. Your government has made the decision to force things on the municipalities that they didn't want, that they were strongly opposed to, that they were unwilling hosts of.

I think it's fascinating to hear this sense that you don't want to force any decision on, in your words, a municipality without first listening to and consulting with them.

I'm pleased to hear the change in tone. It just seems a bit disingenuous after the vote that was made a few weeks ago. I hope that the focus here in this bill, which is the safety of children, isn't being overlooked, if you're simply making this decision based on party affiliation. I really hope it's not that way, and I hope to see that this change in tone that speaks to more consultation with municipalities is actually more than lip service. I think I would be excited to see that.

The Chair (Mr. Grant Crack): Mr. Gates?

Mr. Wayne Gates: I have a couple of comments and then I'll make a suggestion. First of all, I've been watching this for the 10 or 12 hours now I've been here. Yes, some of the argument has been around "cash cow." I think that was one of your favourite words through your speech, "cash cow"—

Ms. Daiene Vernile: "Cash grab."

Mr. Wayne Gates: "Cash grab"; whatever. That was really one of your main arguments for a number of hours, and that's fair; you can argue whatever you like. But I'd like to make a suggestion. I'd actually like to talk to my municipalities, and maybe we can get some legal advice on this amendment.

I'd like to see this tabled till Wednesday. We're back here on Wednesday. We can talk to whoever we have to talk to and make a decision. This was thrown in front of us just a few minutes ago.

I'm honest and say—I probably shouldn't; my party will probably kill me—I don't have lawyers I can just call up and talk to. It's just not the way it works at Queen's Park. But I can certainly do that over the period of a couple of days and find out what my municipalities would think of it, just like I've done over the last couple of weeks on this bill.

My suggestion is that we table it till Wednesday.

The Chair (Mr. Grant Crack): Thank you for that suggestion. Further discussion? I missed Mr. Harris before Mr. Oosterhoff, so I'll return to him, and then Madame Des Rosiers.

Mr. Michael Harris: Can I ask you to rule and then I'll come back on that request?

The Chair (Mr. Grant Crack): The request from Mr. Gates to table this—we have to keep in mind, perhaps, depending on what happens with the request to bundle 25 to 193.136, inclusively—depending on that, we could actually finish today, in my opinion, based on the amount of time left. That's up to the members of the committee. I would have to have consent to have that tabled to a future date.

My recommendation would be that, if that is something that the committee wishes to consider, we table it without a timeline or a specific date. We'll see how far we get today because, depending on that, as I said earlier, we could be dealing with it today. We would need unanimous consent as well.

I'll ask for unanimous consent to postpone consideration of this particular amendment to later, without a specific date.

Ms. Daiene Vernile: Chair, may I make a point?

The Chair (Mr. Grant Crack): Okay, go ahead.

Ms. Daiene Vernile: Rather than moving it to any specific date or Wednesday, why don't we move it to the very end of all of the motions? If we get to it, we get to it.

The Chair (Mr. Grant Crack): That's what I was trying to get at, but you actually clarified where I was going.

If we could continue, if you'd just like to table it at this point—

Ms. Daiene Vernile: May I make a final point?

The Chair (Mr. Grant Crack): We can continue to have discussion. I'm not opposed to that. We can do that as well. Mr. Harris had the floor, and then we're going to go to Madame Des Rosiers.

Mr. Michael Harris: Just to get back to the member from Barrie: I know there were some questions asked about us dictating to municipalities or not. We're not telling municipalities where community safety zones need to be. That, ultimately, is their decision. We are just saying: Here are the criteria which need to be met in order for it to be defined as a community safety zone. I wanted to really make that clear, first off.

Obviously there is—not some confusion, but some, perhaps, greater clarity needed in this particular amendment. All along, we have said—and it's our job as the official opposition to critique and oppose. That's what our Westminster system is all about. I encourage you all to go home tonight and to read about the Westminster system of governance, to know exactly what the role of the official opposition party actually is. I actually hope that none of you get the opportunity to experience what that is, but maybe someday you will, and you'll know the importance of holding the government accountable. I'm not sure if Mike knows or not.

Anyway, we have said that we need to focus on school safety zones and not get carried away with this ambiguous clause of a community safety zone which could, in fact, be highways or expressways. I'm glad that we've now pared that back slightly today. But where there are offences made in both, you're now going to see two different types of classifications in terms of fines: one in a community safety zone, which will be doubled, and you're just going to get a basic fine in a school zone.

If you are truly interested and concerned about keeping kids safe, you will ensure that the penalties for these offences are, in fact, identical. If this bill proceeds without this amendment, there will be two classifications of fines for speed in a school zone and in a community safety zone. That will be because you have injected party politics into strengthening this bill, which we are actually trying to do here.

That's it for now, I think.

The Chair (Mr. Grant Crack): Madame Des Rosiers, then Ms. Vernile.

M^{me} Nathalie Des Rosiers: I think we have to also remember that the goal here is to empower municipalities to use a tool of enforcement that allows them to get at people who are speeding in both school zones and community safety zones. Pretty much all of the literature on

deterrence identifies that the likelihood of being caught is a greater indicator of compliance than the severity of the fine. It has to be severe enough to create a bit of an element of fear, but the likelihood of being caught is the key element in deterrence. That's why this bill is constructed this way: because it habituates the municipalities to use a tool that can help them deal with a particularly pernicious problem in their own locality.

1640

I think it's dangerous to presume where and how the municipalities want to deal with this problem in the different ways in which it manifests itself in the locality. It may decide that, indeed, it wants to designate a community safety zone in a particular place because it wants to both use the new tool and increase the penalty, but elsewhere, in a larger safety zone, it is satisfied. It has the possibility; It can use both tools.

That's where I am in my thinking now, to reflect on the greater flexibility to adapt both the tool of enforcement and the level of penalty as being empowering of municipalities to deal with their local constituencies—the way in which people feel about it—and the way in which the particular dangers that they see are identified in their local constituencies.

The Chair (Mr. Grant Crack): Ms. Vernile, then Ms. Hoggarth and then Mr. Harris.

Ms. Daiene Vernile: Mr. Harris encouraged us to go home and to read up on the Westminster system and how it works. I would encourage him and his colleagues to go home and to read up on how they voted on second reading of this bill. You voted against automated speed enforcement in school safety zones, and now you're submitting all of these amendments. You don't even support this, so we find it a bit rich that you're now entering into specifying and dictating various points on something you voted against.

The Chair (Mr. Grant Crack): Mr. Harris, then Ms. Hoggarth and then Ms. Thompson.

Mr. Michael Harris: Back to Ms. Des Rosiers—back to the amendment as it stands. The amendment suggests that we provide the same penalty for school zones—which, back to Bill 65, was its premise—to ensure that the penalties are identical to that of a community safety zone, because as it stands right now, they are not. That's what we're talking about here.

I just want to bring people back to the actual amendment, being that the safe schools act is what we're talking about. We voted against it on second reading because the bill needed substantial rework. It needed clarification on what a community safety zone is. It needed the exclusion of highways and expressways that are throughout Ontario, like the DVP, the Gardiner and other highways. In fact, you agreed to that, to suggest that photo radar shouldn't be on roads in excess of 80 kilometres. That's why we voted on second reading, and that's ultimately why you tabled the amendment today: because we forced your hand to do it. That's the process by which government works. We review a bill; we provide comments to it. If we had voted in favour of the bill, we wouldn't even be sitting here, perhaps, with this amendment.

We want to bring the focus back to what the bill is actually about. It's about keeping kids safe. To ensure that we do that, let's make sure that the fines for a penalty are identical to that of a community safety zone. Right now, as it stands, without this amendment, they're not. You're going to pay more in a community safety zone than you are in a school safety zone. But the premise of the bill is to keep kids safe, so you're actually saying that they're worth less than those in a community safety zone.

I really hope that we can defer this to the end, and you guys can go talk to whoever and make this happen.

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

Ms. Ann Hoggarth: Let's make something perfectly clear: There always has been a difference between a community safety zone and a school zone, and the municipalities have always declared them either a community safety zone or a school zone. In my school areas, there are a couple of schools where it's declared a community safety zone, so the fines are doubled because it's a much more dangerous area. That's not going to change. A school that's on a crescent with hardly any traffic is a school safety zone, and the blocks around it. That is not changing at all. The municipalities have already made those kinds of decisions. They may not even decide to do this speed enforcement, but they already have the ability to make that differentiation, so I don't know why we would change it.

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

Ms. Lisa M. Thompson: I just want to go on record because something was said a few moments ago that I find kind of rich. Committee work is about improving legislation. Whether one agrees with it in second reading or not, when it comes to committee it's about working together as a collective whole to make something better. Over the last year, we've seen a variety of bills come through this particular committee that saw government fixing their own mistakes. This is one amendment that my colleague from Kitchener–Conestoga has got right. I look forward to bringing this back at the end of our day today.

The Chair (Mr. Grant Crack): Further discussion on PC motion 24.0.1? Mr. Colle?

Mr. Mike Colle: After 10 hours of debate in the House and I don't know how many hours here, we've heard it: They don't like this bill. They've talked about "cash grab, cash grab, cash grab" non-stop. They don't talk about making communities safer or protecting school areas. They don't talk about that. All they've talked about—then, the next thing they come up with: "Oh, you're going to get this radar all over the province." That's all they've talked about. Then they say, "Oh, yes, by the way, we are going to try and do something for safety," but we know where they're at. They've been so clear. They voted against it. They didn't want this bill to come to committee. At second reading, you didn't want this to go forward here and to listen to the people and the experts.

The only kind of amendments they have are typical of amendment number 12, PC motion 12: They didn't even

vote in favour of their own amendment, it was so stupid. And talking about micromanaging what municipalities do with schools, they were trying to tell the schools that they couldn't have these safety devices in the summertime; they couldn't have them after school; they couldn't have them in the morning. This number 12 tells it all, that they were going to tell the schools you couldn't even have the technology to protect kids who were coming for child care, for sports, on Saturdays, Sundays—

Ms. Ann Hoggarth: Summer.

Mr. Mike Colle:—summer school, parent-teacher meetings. We heard the principal say that teachers were hit and almost killed. Look at number 12. They didn't even have the guts to vote for their own motion 12. That's where they're at.

The Chair (Mr. Grant Crack): Mr. Oosterhoff?

Mr. Sam Oosterhoff: I find the rhetoric coming from across the aisle fascinating. I know the Liberals don't like it when we call them out on their cash grabs, but the reality is, you need to—

Ms. Daiene Vernile: What cash grab? Explain "cash grab." Explain it.

Mr. Sam Oosterhoff: We're working here together—

Ms. Daiene Vernile: Explain "cash grab."

The Chair (Mr. Grant Crack): Order. Mr. Oosterhoff has the floor.

Mr. Sam Oosterhoff: The reality is, we're working here together to make sure that we're focusing on improving legislation and ensuring that we're helping kids wherever we can and keeping them safe, without turning it into a cash grab. That's why we've brought forward amendments. That's why we're having these discussions. I hope we can continue to have them also at third reading so that we hear things from all sides, that we hear all perspectives on this issue; that we don't rush something through and that we make sure we give due consideration to every amendment. I appreciate all the perspectives, and it's been enlightening being here for the last 40 minutes and hearing the tone from across the aisle.

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

Ms. Daiene Vernile: I'd like some clarity from Mr. Oosterhoff. Cash grab for whom? Can you please explain that?

The Chair (Mr. Grant Crack): You don't—

Ms. Lisa M. Thompson: You don't have to.

Ms. Daiene Vernile: No, because he can't. He can't explain it.

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

Ms. Daiene Vernile: They just throw it out there, and that's what they're standing behind.

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

Ms. Daiene Vernile: They're standing behind this threat that it's a cash grab. Are you aware of the fact that there are 444 municipalities in the province of Ontario—

Ms. Lisa M. Thompson: She's so condescending. Don't answer it.

Ms. Daiene Vernile: Pardon me, Ms. Thompson?

Ms. Lisa M. Thompson: I said he doesn't have to answer—

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

Interjection.

The Chair (Mr. Grant Crack): Ms. Vernile, I've got the floor for a second here.

Let's proceed with the business, as we have in the past, that when someone has the floor, we allow that individual to continue. At this point, Ms. Vernile has the floor. We'll continue to have some discussion back and forth, but through the Chair would be very much appreciated and respectful.

Ms. Vernile.

1650

Ms. Daiene Vernile: Thank you, Chair. You know what? I don't even want to hear the answer, because they keep throwing these threats out there that have no foundation in fact.

You should have been here day after day, listening to all of the people who appeared before us during public hearings, the heart-wrenching stories about children and teachers who were mowed down by speeding cars. This is what the intent of the bill is all about.

You say it's a cash grab. For whom? It is the municipalities that are going to install the equipment, that are going to maintain the equipment, that will issue the fines only to people who are breaking the law and that will reap the benefit from that. There is no cash grab for the province.

The Chair (Mr. Grant Crack): Thank you. Further discussion? No further discussion.

I want to thank ministry officials. I could have asked you to return, but I felt the chairs were probably quite comfortable as compared to those back there, so I hope you enjoyed them. Thank you for the input.

It appears that there is no further discussion. There has been a request made by the member from Niagara Falls to stand down and defer this particular—

Mr. Wayne Gates: I'll withdraw that. Let's just vote and get it done. It's fine.

The Chair (Mr. Grant Crack): The PC motion—that has been withdrawn?

Mr. Michael Harris: No, sorry. We're going to defer it, right?

The Chair (Mr. Grant Crack): Mr. Gates had made the request to the Chair to stand down 24.0.1, which is a PC motion. There seemed to be consensus in the past, prior to the final discussion. I would need unanimous consent for that to happen, but Mr. Gates has withdrawn that. What I will ask is, is there unanimous consent? Because it appeared previously that there was. Is there unanimous consent to stand down this particular motion? I hear a no, so we will continue.

Further discussion? Mr. Harris.

Mr. Michael Harris: Just to bring us back to the discussion of the actual amendment, what the amendment is asking is that the penalties for speeding, when they occur in a school safety zone, are enhanced to match what they would be in a community safety zone. That's what it is. If it truly is about a safe schools act, keeping kids safe, they

will agree to this amendment, take politics out of it and provide consistency so that, when caught in a school safety zone, those penalties will be identical to a community safety zone's. That's all.

The Chair (Mr. Grant Crack): Thank you very much. Further discussion? There being none, I shall call for the vote on 24.0.1.

Mr. Michael Harris: Recorded vote.

Ayes

Harris, Thompson.

Nays

Anderson, Colle, Des Rosiers, Hoggarth, Vernile.

The Chair (Mr. Grant Crack): I declare PC motion number 24.0.1 defeated.

Mr. Michael Harris: Chair?

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

Mr. Michael Harris: I believe we're now at PC motion 25.

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

Mr. Michael Harris: I would submit that we withdraw PC motions 25 to 74, 77 to 87 and 90 to 92.

The Chair (Mr. Grant Crack): And 90 to 92?

Mr. Michael Harris: Yes, 25 to 74, 77 to 87 and 90 to 92.

The Chair (Mr. Grant Crack): Are you proposing to withdraw those or—

Mr. Michael Harris: That's correct, yes.

The Chair (Mr. Grant Crack): Okay. Previously, Ms. Vernile had requested to bundle those, so this would supersede that request, in my opinion.

Numbers 25 to 74: I think I have to deal with those first—

Interjection.

The Chair (Mr. Grant Crack): Then I need to move to number 75. We can deal with those other ones after.

So 25 to 74, inclusively, are not being moved. I shall move now to PC motion number 75.

Mr. Michael Harris: It's 74.

The Chair (Mr. Grant Crack): You said 25 to 74.

Mr. Michael Harris: It's 73, I guess; 74 is in.

The Chair (Mr. Grant Crack): Okay, 73 is in, everyone.

Mr. Michael Harris: No, 74 is in.

The Chair (Mr. Grant Crack): Sorry, 74 is in and 73 is out—not moved.

That is fair, Mr. Harris, at this particular point. But having reviewed all of the motions that have been tabled—inclusively, 25 to 193.136—in my opinion, they are similar in nature, with the exception of some street name changes. It is my responsibility as Chair to move the business of the committee as responsibly as I can, so I'm going to request and suggest to the committee that we bundle 25 to 193.136, inclusive, and deal with those as one bundling of the motions. I don't necessarily need

to have unanimous consent for that, but I would like the committee to entertain that as, again, they're very, very similar in nature and as such, we could conduct our business as a committee more effectively and efficiently.

Can we proceed with the bundling of number 25 to number 193.136? I hear a no. I do have the authority, by the way, to do that, but we're going to entertain Mr. Harris's request.

Numbers 25 to 73 are not being moved. We will move to number 74. Mr. Harris.

Mr. Michael Harris: I move that section 205.1 of the Highway Traffic Act, as set out in section 5 of the bill, be amended by adding the following subsection:

“Exception

“(1.1) Despite subsection (1), an automated speed enforcement system shall not be used on Highway 27 North, Toronto unless it is part of a school zone designated by bylaw passed under clause 128(5)(a)”

The Chair (Mr. Grant Crack): Further discussion, Mr. Harris? None? Further discussion? There being none, I shall call for the vote on PC motion number 74. Those in favour? Those opposed? I declare PC motion 74 defeated.

We shall move to PC motion number 75.

Mr. Michael Harris: I move that section 205.1 of the Highway Traffic Act, as set out in section 5 of the bill, be amended by adding the following subsection:

“Exception

“(1.1) Despite subsection (1), an automated speed enforcement system shall not be used on Highway 27 South, Toronto unless it is part of a school zone designated by bylaw passed under clause 128(5)(a)”

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

Ms. Daiene Vernile: Chair, I appreciate that you recommended that we bundle this and move forward. The fact that we are not—and I see the member smirking over there, because he knows he's filibustering.

If you truly care about this bill, as you said previously as a parent of children who have to go to and from school, if you care about school safety and community zone safety, then why don't we move forward with this? Why are we dragging our heels, mentioning street after street? I can't imagine that every person in this room is familiar with all of these different roads that are listed in all of these motions.

Can we please bundle and move forward?

The Chair (Mr. Grant Crack): I have a request to bundle motions number 75 through 193.136. Do I have the consent of the committee to bundle? I heard a no. I see that Mr. Harris does want to deal with specific streets in here, and there has been some leeway in specifically withdrawing or not moving certain numbers. The ones that he had requested, which would be 77 to 78, to be withdrawn are not moved, and—sorry, 77 to 87. Those will not be moved, as well as 90 to 92. Once we get to 93, we'll see what happens.

Ms. Daiene Vernile: We'll try again, Chair. We can always try again.

The Chair (Mr. Grant Crack): Thank you. Further discussion on PC motion number 75? There being none, those in favour of PC motion 75? Those opposed? I declare PC motion number 75 defeated.

We shall move to PC motion number 76, which is an amendment to section 5, creating new section 205.1 of the Highway Traffic Act, Homer Watson Boulevard in Kitchener.

Mr. Michael Harris: I move that section 205.1 of the Highway Traffic Act, as set out in section 5 of the bill, be amended by adding the following subsection:

“Exception

“(1.1) Despite subsection (1), an automated speed enforcement system shall not be used on Homer Watson Boulevard, Kitchener unless it is part of a school zone designated by bylaw passed under clause 128(5)(a)”

1700

The Chair (Mr. Grant Crack): Further discussion on PC motion 76? Ms. Vernile.

Ms. Daiene Vernile: Once again, I’m stating that our mayor, Berry Vrbanovic, in the city of Kitchener, and our chief of police, Bryan Larkin, are both very much in favour of Bill 65. I can imagine that they’re going to be very disappointed that their local MPP, Mr. Harris, is against it.

The Chair (Mr. Grant Crack): Further discussion on PC motion number 76?

Ms. Daiene Vernile: Recorded vote, please.

The Chair (Mr. Grant Crack): There being none, I request a recorded vote on PC motion number 76.

Ayes

Harris, Thompson.

Nays

Anderson, Colle, Des Rosiers, Gates, Hoggarth, Vernile.

The Chair (Mr. Grant Crack): I declare PC motion number 76 defeated.

Mr. Michael Harris: Chair?

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

Mr. Michael Harris: I’d like to remove motions 77 through 87.

The Chair (Mr. Grant Crack): Mr. Harris has indicated that he will not be moving PC motions 77 to—and including 87?

Mr. Michael Harris: That’s correct.

The Chair (Mr. Grant Crack): So we shall move to number 88 at this particular point. PC motion 88, a motion to amend section 5, creating new subsection 205.1 of the Highway Traffic Act, Lakeshore Boulevard East, Toronto: Mr. Harris.

Mr. Michael Harris: I move that section 205.1 of the Highway Traffic Act, as set out in section 5 of the bill, be amended by adding the following subsection:

“Exception

“(1.1) Despite subsection (1), an automated speed enforcement system shall not be used on Lakeshore Boulevard East, Toronto unless it is part of a school zone designated by bylaw passed under clause 128(5)(a)”

The Chair (Mr. Grant Crack): Further discussion on PC motion number 88? There being none, I shall call for the vote.

Those in favour of PC motion 88? Those opposed? I declare PC motion number 88 defeated.

We shall move to PC motion 89, which is an amendment to section 5, creating new subsection 205.1 of the Highway Traffic Act, Lakeshore Boulevard West, Toronto. Mr. Harris.

Mr. Michael Harris: I move that section 205.1 of the Highway Traffic Act, as set out in section 5 of the bill, be amended by adding the following subsection:

“Exception

“(1.1) Despite subsection (1), an automated speed enforcement system shall not be used on Lakeshore Boulevard West, Toronto unless it is part of a school zone designated by bylaw passed under clause 128(5)(a)”

The Chair (Mr. Grant Crack): Further discussion on PC motion number 89? There being none, I shall call for the vote. Those in favour of PC motion number 89? Those opposed? I declare PC motion number 89 defeated.

Mr. Michael Harris: Chair?

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

Mr. Michael Harris: I would like to remove PC motions 90, 91 and 92.

The Chair (Mr. Grant Crack): Mr. Harris has indicated that he will not be moving motions 90 to 92, inclusive, which means we shall go to PC motion number 93, which is an amendment to section 5, creating new subsection 205.1 of the Highway Traffic Act, Lincoln M. Alexander Parkway in Hamilton.

Ms. Thompson.

Ms. Lisa M. Thompson: I move that section 205.1 of the Highway Traffic Act, as set out in section 5 of the bill, be amended by adding the following subsection:

“Exception

“(1.1) Despite subsection (1), an automated speed enforcement system shall not be used on Lincoln M. Alexander Parkway, Hamilton unless it is part of a school zone designated by bylaw passed under clause 128(5)(a)”

The Chair (Mr. Grant Crack): Further discussion on PC motion number 93? Mr. Harris.

Mr. Michael Harris: I just want for the committee—you know what? I’ll pass this to the Clerk. It’s an article to disseminate to my colleagues: “Photo Radar Poised for a Comeback in Hamilton: At least one councillor says provincial rules could stretch to include the Linc and Red Hill”.

Although we have moved in a positive direction of limiting this on roads 80 and below, there is that possibility that with this particular Red Hill Valley Parkway, via a bylaw in a municipality, they could lower the speed limit to 80 and therefore the Red Hill Valley Parkway

would then be fully eligible to be designated a community safety zone and photo radar would be on it.

I think a lot of people would agree with me that this is a perfect example of a road or highway in the province that doesn't fit this bill's characteristics whatsoever, and that's why we're asking for it to be excluded. Let's focus on student safety, school safety. Let's not include the Red Hill Valley Parkway to have photo radar on it.

Here's an article from a local councillor who has in fact asked for photo radar to be included on this highway via a community safety zone designation.

The Chair (Mr. Grant Crack): Thank you very much. Further discussion on PC motion 93? Ms. Vernile.

Ms. Daiene Vernile: Again, I'm going to suggest, looking at these different motions that are very similar, that we bundle inclusively from 93 to 193.136. It's wonderful, it's a joyous moment that the PCs have seen the light this afternoon, and suddenly they say that they support automated speed enforcement and they care about road safety. That being the case, we need to move forward on this. I'm going to suggest that we bundle from 93 to 193.136 and stop dragging our heels, stop ragging the puck on this.

The Chair (Mr. Grant Crack): Thank you very much. That I will take into consideration, following discussions on this particular motion that's on the table, so if you would like to reiterate or bring that up after.

Mr. Michael Harris: Chair—

The Chair (Mr. Grant Crack): Just a second, Mr. Harris. I see that you're eager.

We will continue the discussion on this. We'll go to Mr. Harris and then Ms. Hoggarth.

Mr. Michael Harris: Yes. I just want to make it clear that's the Lincoln M. Alexander Parkway. I'm going to get to the Red Hill next, but it's the Linc that was asked to be included as a highway that would be eligible as a community safety zone. Photo radar would then be on it. Of course, it has a 90-kilometre speed limit, which would not be encompassed now, as the bill stands, but there's always that possibility that the speed limit could be reduced and therefore be included.

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

Ms. Ann Hoggarth: I have a question: Are both Lincoln Alexander and Red Hill Valley Parkways above 100 kilometres or are they 100 kilometres?

The Chair (Mr. Grant Crack): I cannot answer that. Is there anyone in the ministry who would be able to answer that?

Mr. Wayne Gates: I think it's 90.

Ms. Ann Hoggarth: They're above 80, though, right?

Mr. Michael Harris: It's 90.

Ms. Ann Hoggarth: They're 90. They're both above 80, so they wouldn't be able to do that.

Mr. Michael Harris: As it stands currently—

Ms. Ann Hoggarth: Move on.

Mr. Michael Harris: —but a bylaw would easily bring it to 80.

The Chair (Mr. Grant Crack): Thank you very much. Further discussion? There being none, I shall call for the vote on PC motion number 93. Those in favour? Those opposed?

Ms. Daiene Vernile: Chair, I was going to suggest that we bundle, remember?

The Chair (Mr. Grant Crack): Ms. Vernile, I will remind committee members that when we're on a motion that has already been moved, we have to deal with that one first. Once we're done that, if you would like to bundle 94 to wherever you would like, I would certainly be happy to entertain that.

Mr. Michael Harris: Chair, I'd like to withdraw—

The Chair (Mr. Grant Crack): Wait a second, I've got to—those in favour of PC motion number 93? Those opposed to PC motion number 93? I declare PC motion number 93 defeated. Thank you very much, everyone.

Now we shall move to PC motion number 94. Mr. Harris.

Mr. Michael Harris: I would like to withdraw it, being that we're trying to meet the government halfway here; I know they're eager to pull these out. I am going to move that we withdraw motions 94 to 114.

The Chair (Mr. Grant Crack): So 94 to 114. Ms. Vernile had made a request previously which I will entertain—first-come, first-served—to bundle 94 to 193.136. Do we have consideration of that? I hear a no.

Mr. Harris has indicated that he would like to not move, on behalf of the PC Party, numbers 94 to 114. That is respectable and will be entertained.

We shall move to PC motion number 115, which is a motion amending section 5, creating a new subsection of 205.1 of the Highway Traffic Act, Red Hill Valley Parkway, Hamilton. Mr. Harris.

Ms. Lisa M. Thompson: Oh, it's me. Sorry, Chair.

The Chair (Mr. Grant Crack): Sorry. Madam Thompson.

Ms. Lisa M. Thompson: I move that section 205.1 of the Highway Traffic Act, as set out in section 5 of the bill, be amended by adding the following subsection:

“Exception

“(1.1) Despite subsection (1), an automated speed enforcement system shall not be used on Red Hill Valley Parkway, Hamilton unless it is part of a school zone designated by bylaw passed under clause 128(5)(a)”

The Chair (Mr. Grant Crack): Thank you very much. Further discussion on PC motion number 114?

Ms. Lisa M. Thompson: Five.

The Chair (Mr. Grant Crack): What? Sorry, 115.

1710

Ms. Lisa M. Thompson: That's all right.

The Chair (Mr. Grant Crack): Any further discussion? There being none, I shall call for the vote on PC motion number 115. Those in favour? Those opposed? I declare PC motion number 115 defeated.

Ms. Daiene Vernile: Chair?

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

Ms. Daiene Vernile: I would ask for you to consider a motion to bundle motions 116 to 193.136.

The Chair (Mr. Grant Crack): There is a request. Any discussion on the request?

Mr. Michael Harris: No.

The Chair (Mr. Grant Crack): There is no discussion. Would the committee consider moving forward with bundling numbers 116 to 193.136?

Interjections.

The Chair (Mr. Grant Crack): It looks like I have unanimous consent to bundle PC motions number 116 to 193.136, which will be entertained. Is there any discussion on PC motions numbers 116 to 193.136?

Mr. Mike Colle: No.

The Chair (Mr. Grant Crack): There being none, I shall call for the vote on PC motions 116 to—

Mr. Wayne Gates: No, no. I want to comment on some of them.

The Chair (Mr. Grant Crack): Okay, are there any questions and comments on PC motions 116 to 193.136? Mr. Gates.

Mr. Wayne Gates: I just want to—and you can put it down for the numbered ones that are here that pertain to my riding, the ones from Fort Erie to Niagara-on-the-Lake and Niagara Falls. Maybe unlike the PC Party, I actually talked and met with the mayors. I talked to them about Bill 65. They're in favour of Bill 65.

I wanted to get that on record: that I did go and talk to my municipalities, I did go and talk to the mayors, and I called them again this morning to make sure that something hasn't come up and changed their minds since the last time I raised it with them. They're all in favour of this bill. I want that on record.

I can give you, if you want, the ones that you could put those comments down to. I'm not sure how you guys do that, but I can do that if you'd like.

Mr. Mike Colle: The fact is that you got it on the record about anything in your riding of Niagara Falls.

The Chair (Mr. Grant Crack): Just before we go to Ms. Vernile, I just want to provide some clarification to the committee that there was a request to bundle those particular motions, which would allow for discussion.

Mr. Harris was under the opinion that he was withdrawing the moving of them, but that was not the case. I had asked to consider them from 116 to 193.136. That's what we're doing. I will entertain the discussion, and there will be a vote at the end of the discussion. Thank you very much.

We'll continue to Ms. Vernile.

Ms. Daiene Vernile: Mr. Gates, I'm curious to know who those municipal leaders are. Are they in favour of Bill 65, as it stands now, even before any amendments?

Mr. Wayne Gates: Through the Chair: I can answer that question?

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

Mr. Wayne Gates: Okay. The roads that are on this one here that are mentioned: Thompson Road, Stevensville Road, Central Avenue, Lyons Creek Road, Netherby Road, Bowen Road and Gilmore Road—the mayor of Fort Erie is Mr. Wayne Redekop, whom I've talked to a number of times. They're in support of the bill.

What's mentioned in these lines here are Four Mile Creek Road, Airport Road, Niagara Townline Road and Niagara Stone Road. This morning, again, I talked to the—they call him the “Lord Mayor” in Niagara-on-the-Lake; I always get a kick out of that. He's a good friend of mine. The lord mayor, Pat Darte—I talked to him this morning—is in favour of the bill.

In Niagara Falls, on Kalar Road—which is interesting, because on Kalar Road, there are actually four schools: Loretto, St. Vincent de Paul, Forestview and Kate S. Durdan, which my wife taught at. On Beaverdams Road, there's Cardinal Newman, and on McLeod Road, there's James Morden.

On Highway 20, which is actually Lundy's Lane, the old Highway 20—I talked to the mayor, Mr. Jim Diodati. I talked to him more than once, obviously, on this. But I did talk to him again this morning, and he's in favour of the bill.

They all said that anything that's going to save lives and improve the safety of the kids and the grandkids, they're in favour of.

I want to go on record, because they were mentioned in some of their documentation.

Ms. Daiene Vernile: That's great. Thank you.

The Chair (Mr. Grant Crack): Just let me do some more clarification: When there was a request to bundle, that was entertained. We normally do that with regard to specific sections. We were doing this with regard to specific motions put forward. Motions need to be tabled and moved. As such, they have not been, so I would ask for the opportunity for Mr. Harris—if you would like to move those motions, this would be your chance to do so.

Mr. Michael Harris: I don't know if there's any more discussion on these.

The Chair (Mr. Grant Crack): There can't be discussion unless they've been moved.

Mr. Michael Harris: Right. Well, I'll move them.

The Chair (Mr. Grant Crack): Okay. So you're moving—

Mr. Michael Harris: What was the exact wording that you'd like me to use? We're bundling them. We're agreeing to bundle.

The Chair (Mr. Grant Crack): You'll have to move them to put them into the record. In my opinion, you would read motion 116, read “Regional Road 1, Michener Road, Niagara Falls” and all other roads up until PC motion 193.136, inclusive, under that one motion.

Mr. Michael Harris: Can I just say, “What he said”?

The Chair (Mr. Grant Crack): Unless you want to take a five-minute break?

Mr. Michael Harris: We're happy to withdraw the motions if it would make it easier.

The Chair (Mr. Grant Crack): Okay. The motions have not been moved, so there will be no further discussion on them. That means that numbers 116 to 193.136 are not being moved.

Mr. Michael Harris: Correct.

The Chair (Mr. Grant Crack): Which allows us, then, to move forward. As such, we were in section 5. There was one amendment to section 5, Madam Clerk. I think it was a government motion, which was number 8.

Interjections.

The Chair (Mr. Grant Crack): Okay. So we're going to move to PC motion number 194. Does everyone have PC motion 194 in your packages, which is still in section 5? Are members of the committee prepared to proceed?

Mr. Michael Harris: I'm going to skip 194.

The Chair (Mr. Grant Crack): We are going to proceed, members of the committee. Is there anyone not comfortable with proceeding at this point, based on the information that you have before you? Then I'm going to proceed. We're going to move to PC motion 194.

Mr. Michael Harris: To 195.

The Chair (Mr. Grant Crack): Mr. Harris is indicating that he's not moving PC motion 194. We shall move to PC motion number 195, which is an amendment to section 5, creating new subsection 205.1(5) of the Highway Traffic Act. Mr. Harris.

Mr. Michael Harris: I move that section 205.1 of the Highway Traffic Act, as set out in section 5 of the bill, be amended by adding the following subsection:

“Signage

“(5) Signs indicating that a photo radar system is being used shall be posted on both sides of the road every 100 meters within a community safety zone designated by bylaw passed under subsection 214.1(1) or a school zone designated by bylaw passed under clause 128(5)(a) where a photo radar system is being used.”

The Chair (Mr. Grant Crack): Further discussion on PC motion 195? Mr. Harris.

Mr. Michael Harris: I think it's self-explanatory. I think it's important that at the end of the day, we're talking about issuing zero tickets, frankly, to keep people driving under the posted speed limits. But it is also important that that's exactly what it's about; not hiding the photo radar where it's in effect. I think it should be clearly posted for people to see that this is an area where a photo radar system is being used.

1720

The Chair (Mr. Grant Crack): Further discussion on PC motion 195? There being none, I shall call for the vote on PC motion 195. Those in favour? Those opposed? I declare PC motion number 195 defeated.

We shall move to PC motion 196, which is an amendment to section—

Mr. Michael Harris: I'll go to 197.

The Chair (Mr. Grant Crack): Mr. Harris is not moving number 196.

We shall move to PC motion 197, which is an amendment to section 5, creating new subsection 205.1(5) of the Highway Traffic Act.

Mr. Michael Harris: I move that section 205.1 of the Highway Traffic Act, as set out in section 5 of the bill, be amended by adding the following subsection:

“Signage

“(5) A sign bearing the following text shall be posted where a roadway enters a community safety zone designated by bylaw passed under subsection 214.1(1) or a school zone designated by bylaw passed under clause 128(5)(a) where a photo radar system is being used: You are entering a photo radar zone—all speed violators will be fined.”

The Chair (Mr. Grant Crack): Further discussion on PC motion 197? Mr. Harris.

Mr. Michael Harris: You know what? Again, I think we need to clearly communicate with people by posting a sign when you are entering a photo radar zone that if speeding, you will be fined. I have seen these signs elsewhere. I believe they are elsewhere throughout different jurisdictions right around the world. This is about community and school zone safety. It's not about collecting substantial forms of revenue; it's about keeping communities and school zones safe. By posting that sign, you're sending that exact message.

Mr. Grant Crack: Further discussion on PC motion 197? There being none, I shall call for the vote. Those in favour of PC motion 197? Those opposed? I declare PC motion 197 defeated.

We shall move to PC motion 198, which is an amendment to section 5, creating new subsection 205.1(5) of the Highway Traffic Act. Mr. Harris.

Mr. Michael Harris: I think I'm going to move to 199.

The Chair (Mr. Grant Crack): Motion 198 is not moved.

We shall move to PC motion 199, which is an amendment to section 5, creating a new subsection 205.1(5) of the Highway Traffic Act. Mr. Harris.

Mr. Michael Harris: I move that section 205.1 of the Highway Traffic Act, as set out in section 5 of the bill, be amended by adding the following subsection:

“Signage

“(5) Where a roadway enters a municipality in which a photo radar system is being used, a sign shall be posted informing drivers that they are entering such a municipality.”

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

Mr. Michael Harris: It's self-explanatory.

The Chair (Mr. Grant Crack): There being none, I shall call for the vote on PC motion 199. Those in favour? Those opposed? I declare PC motion 199 defeated.

We shall move to PC motion 200, which is an amendment to section 5, creating new subsection 205.1(5) of the Highway Traffic Act.

Mr. Michael Harris: This is for the third party.

I move that section 205.1 of the Highway Traffic Act, as set out in section 5 of the bill, be amended by adding the following subsection:

“Canadian equipment

“(5) All equipment for the automated speed enforcement system shall be manufactured by and purchased through a Canadian company.”

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

Ms. Lisa M. Thompson: No.

The Chair (Mr. Grant Crack): No?

Ms. Lisa M. Thompson: I'm in favour.

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

Mr. Michael Harris: You know, working together, I think it's important that we're buying Canadian products where we can.

Ms. Daiene Vernile: If we're working together, why did you vote against this on second reading?

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

Mr. Wayne Gates: First of all, I'm not going to let this pass and not say something. I think whenever possible, we should be supporting local workers. I'm talking about my hospital being built down in Niagara; I want local workers. I don't have a problem with saying that I think we should be looking at Canadian companies.

The only thing I don't know—and it doesn't say here—is if there are Canadian companies that do this kind of work. That's what I wouldn't know. I'll probably abstain on the vote just because I don't know, but I want to go on record saying any time we can put Canadians to work or Ontarians to work, my kids to work, my grandkids to work, everybody working in this economy, I'm happy. I'm going to take a look at that because it's something I can agree with.

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

Mr. Michael Harris: We can amend it, if you want.

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

Mr. Wayne Gates: I got my two cents in. I'm fine.

The Chair (Mr. Grant Crack): There being none, I shall call for the vote on PC motion number 200. Those in favour? Those opposed? I declare PC motion number 200 defeated.

We shall move to PC motion number 201, which is an amendment to section 5 creating new subsection 205.1(5) of the Highway Traffic Act. Mr. Harris.

Mr. Michael Harris: I move that section 205.1 of the Highway Traffic Act, as set out in section 5 of the bill, be amended by adding the following subsection:

“Camera calibration

“(5) The cameras used as part of the automated speed enforcement system shall be checked for accuracy and calibrated at least once a month by an entity that is not associated with the manufacturer or the government entity using the cameras.”

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

Mr. Michael Harris: Again, it's self-explanatory what we're asking for.

The Chair (Mr. Grant Crack): Further discussion?
There being none, I shall call for the vote on PC motion number 201. Those in favour? Those opposed? I declare PC motion 201 defeated.

We shall move to PC motion 202, which is an amendment to section 5 creating a new subsection 205.1(5) of the Highway Traffic Act. Mr. Harris.

Mr. Michael Harris: I move that section 205.1 of the Highway Traffic Act, as set out in section 5 of the bill, be amended by adding the following subsection:

“Fine revenue

“(5) All revenue collected from fines through the use of a photo radar system shall be directed to traffic safety measures.”

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

Mr. Michael Harris: You know what? I have heard a lot of the government committee members talk about the deputations that we heard throughout the discussion of Bill 65. One of those consistent themes by the delegations, including the municipalities, was that any and all revenue collected via speed enforcement through photo radar should be redirected to traffic safety measures. I think that's something we can all agree on.

Be it that this amendment was crafted post-delegations, be it that we heard broadly from stakeholders that they would wish to see the revenue collected from photo radar designated specifically to go into traffic safety measures, I think that if the committee heard what I heard they would agree with this motion. I think it's a very practical motion that would help strengthen this bill to truly show Ontarians that this bill is about safety. It's about keeping kids safe in school zones. It's about keeping community members safe in community safety zones. Any and all revenues derived from photo radar should be reinvested back into traffic safety measures.

The Chair (Mr. Grant Crack): Thank you very much. Further discussion? There being none, I shall call for the vote on PC motion 202.

Mr. Michael Harris: Recorded vote.

Ayes

Harris, Thompson.

Nays

Anderson, Colle, Des Rosiers, Hoggarth, Vernile.

The Chair (Mr. Grant Crack): I declare PC motion 202 defeated.

We shall move to PC motion 203, which is an amendment to section 5, creating new subsection 205.1(5) of the Highway Traffic Act. Mr. Harris.

Mr. Michael Harris: I move that section 205.1 of the Highway Traffic Act, as set out in section 5 of the bill, be amended by adding the following subsection:

“Restriction on fines

“(5) An offence for traveling less than one kilometre per hour over the speed limit identified through an automated speed enforcement system shall not be enforced through fines.”

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

Mr. Michael Harris: This is pretty straightforward. Obviously, we know there is significant discretion used

by law enforcement when enforcing speed on our roads. I think everyone will agree that one kilometre over the posted speed limit is likely not what the intent of this bill was all about, and that it shouldn't be what it's about. That's why I'm asking for those travelling one kilometre over the speed limit not to be subject to a fine.

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

Mr. Wayne Gates: I haven't gone through the whole thing, but I'm going to be honest. I'll say this to my friends here from the PC Party: This is not something that we should be mocking at all, quite frankly. This is very, very serious, and I think sometimes you have to use common sense as MPPs.

The fact that we can even read this out in good conscience: We've gone through some very—in my humble opinion; maybe not everybody, but certainly I have—to listen to what has transpired up at Allenby school and what's happened to the teachers. Whoever wrote this from the PC Party, just from my own personal opinion, I think it's uncalled for. I didn't realize it goes two, three, four, five, six and seven to 10.

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All I'm going to say is that it's not something that we should be mocking. This is very, very serious, what's going on on our roads right across every community in Ontario. I take my job seriously, and when I see something like this, I think it's out of line. I know you're going to disagree, and that's fair, but I think it's out of line.

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

Mr. Michael Harris: I was looking through, looking for NDP amendments that would help strengthen this particular bill, to make it stronger. I didn't see any. I think that our purpose here, for its entirety, was to strengthen the bill. Frankly, I would encourage you to actually vote on the amendments and to bring forward ideas.

We aren't always the ones to go along to get along, like the third party typically is. We're here on behalf of Ontarians to help strengthen this important road safety measure. We've done so. We're going to continue to debate them, and I hope that you'll support this amendment.

The Chair (Mr. Grant Crack): Further debate? Ms. Vernile and then Mr. Colle.

Ms. Daiene Vernile: I want to thank the NDP for taking this seriously, and for helping us to circle back to the intent and the purpose of the mandate of Bill 65. I'm going to have something more to say on the next amendment.

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

Mr. Mike Colle: It's unfortunate, really, because I think the member from Kitchener has a lot of—I don't agree with his points, but he made some good comments about the bill, which is, I think, productive. On the other hand, when he does this—or whoever did this, whether it came from his head office—this is really putting a cloud over this serious issue.

On top of it, not only this last series of motions about going from one kilometre to 10 kilometres, but the naming of all those streets—that was really juvenile. I just say that we could argue about their opposition, but when these kinds of disrespectful amendments come up, it really clouds a debate that should be had. That's all I want to say.

The Chair (Mr. Grant Crack): Further discussion on PC motion number 203? There being none, I shall call for the vote. Those in favour of PC motion 203? Those opposed? I declare PC motion 203 defeated.

Mr. Michael Harris: Chair?

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

Mr. Michael Harris: I'm happy to withdraw amendments 204 through 208.

The Chair (Mr. Grant Crack): Thank you. So PC motion 204, PC motion 205, PC motion 206, PC motion 207 and PC motion 208 are not moved.

We shall move to PC motion number 209, which is an amendment to section 5, creating a new subsection 205.1(5) of the Highway Traffic Act. Mr. Harris.

Mr. Michael Harris: I move that section 205.1 of the Highway Traffic Act, as set out in section 5 of the bill, be amended by adding the following subsection:

“Restriction on fines

“(5) In place of a fine, an educational mailing shall be sent to a person who commits a first offence identified through an automated speed enforcement system.”

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

Mr. Michael Harris: Again, back to the member from the third party: The last few, excluding the last one—the one before that was a motion put forward by suggestions made by multiple delegations to direct enforcement fines back into road safety measures. You didn't even vote on that actual amendment.

This amendment, like the one I just spoke of—to ensure that revenues are reinvested back into ensuring that our roads are safe—are thoughtful amendments that have been put forward by suggestions from our delegations. Our delegations can't move amendments. They can't do that; we can. And so our job is to listen to those delegations, take their advice, and add amendments to strengthen the bill. Hopefully that is, at the end of the day, how this works. None of the amendments, right now, that I have put forward to do just that have been adopted, let alone even voted on by the third party.

This here—we actually heard about it in one of the delegations, where there are actually notifications and mailings sent to people, as a first offence, who commit a speed infraction, so that they'll actually get a notice. That's all that I'm asking to be done here. I think it's a well-thought-out amendment that, frankly, was brought forward by the good folks who made their way to Queen's Park to comment on this bill.

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

Ms. Daiene Vernile: The views that many of us have that we have formed throughout this process are based on

the very compelling testimony that we heard from many of the people who appeared before us during public hearings. With all due respect, Mr. Harris, you weren't here for all of it. You were here for some of it, but you weren't here for a number of the other presentations, so perhaps you don't have the full picture that the rest of us have.

The Chair (Mr. Grant Crack): Further discussion? There being none, I shall call for a vote on PC motion number 209.

Mr. Michael Harris: Recorded vote.

The Chair (Mr. Grant Crack): There is a request for a recorded vote, which will be entertained.

Ayes

Harris, Thompson.

Nays

Anderson, Colle, Des Rosiers, Hoggarth, Vernile.

The Chair (Mr. Grant Crack): I declare PC motion 209 defeated.

We shall move to PC motion number 209.1, which is an amendment to section 5, creating new subsections 205.1(5) and (6), Highway Traffic Act. Mr. Harris.

Mr. Michael Harris: I move that section 205.1 of the Highway Traffic Act, as set out in section 5 of the bill, be amended by adding the following subsections:

“Driver may challenge evidence

“(5) A driver charged with an offence on the basis of evidence obtained through the use of an automated speed enforcement system may challenge the evidence in court, including challenging,

“(a) the validity of the camera’s images;

“(b) the evidence’s chain of custody; and

“(c) how the evidence was evaluated.

“Same

“(6) For the purposes of subsection (5), the following individuals shall be available for examination in court:

“1. A technical expert from the company that manufactured the camera equipment for the automated speed enforcement system.

“2. A representative from the police agency who reviewed the camera’s images before deciding to charge the driver.”

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

Mr. Michael Harris: This is a suggestion that was sent to my office about one’s ability to challenge the evidence, which, of course, in Ontario, we have the right to do.

M^{me} Nathalie Des Rosiers: I think it is implicit that people have the right to challenge evidence.

The Chair (Mr. Grant Crack): Further debate? There being none, I shall call for the vote on PC motion 209.1. Those in favour? Those opposed? I declare PC motion 209.1 defeated.

We shall move to PC motion 210, which is an amendment to section 5 on section 205.1 of the Highway Traffic Act. Mr. Harris.

Mr. Michael Harris: I move that section 205.1 of the Highway Traffic Act, as set out in section 5 of the bill, be struck out and the following substituted:

“Definition

“205.1(1) In this part,

“‘radar speed sign’ means an interactive sign, generally comprising a series of LEDs, that uses radar to detect and display the speed of an approaching vehicle in order to notify drivers if they are driving above the posted speed limit.

“Use of radar speed sign system authorized

“(2) A radar speed sign system may be used in accordance with this part and the regulations made under it,

“(a) in a community safety zone designated by bylaw passed under subsection 214.1(1); or

“(b) in a school zone designated by bylaw passed under clause 128(5)(a).”

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

Mr. Michael Harris: Any of those folks living in the city of Toronto will be familiar with these signs. I know that they’re being rolled out in my communities right across the region of Waterloo, including Woolwich and Wilmot, where there is actually an attempt to first use these radar speed signs that send a message to the driver instantly, right there at the very moment as they approach, exactly how fast they are going. I’ve heard that, in fact, it’s a program that has been rolled out throughout this city that has had significant benefits, and would be, perhaps, much more beneficial to roll out first than a ticket in your mail four weeks later.

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

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Ms. Daiene Vernile: We’ve heard from a number of experts, and I’m thinking back also to the mayor of Zorra township, Margaret Lupton, who has tried these signs. She has tried speed bumps. It doesn’t work. They’re a joke. They don’t work. What does work is when people are hit in the pocketbook. That’s what creates a true culture change: when you are fined. We can look to best practices around the world. Australia, the UK, Norway, Sweden and Hungary have all adopted automated speed enforcement. When you get a ticket in the mail and it’s substantial, that’s what’s going to get you to change your habits.

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

Mr. Michael Harris: You know what? I don’t know how the city of Toronto councillors would feel knowing that those speed signs, which a lot of them have asked for in their communities and a lot of them are rolled right out into their wards, would be called a joke. In fact, we heard a delegation that talked about these signs being stolen and used in their own areas. They provide instant notification to a motorist what their speed may be.

It has been a project that has been piloted here in Toronto. It has been very effective. There have been requests from more councillors to roll them out throughout their wards. I would disagree that they are a joke. That's why there are investments being made throughout municipalities, including Toronto, by local councils to have these signs in their communities.

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

Mr. Wayne Gates: I'm not going to say that anything is a "joke" for public safety, so I wouldn't use that word. In the delegations that I listened to—and I was here the whole time—they talked about speed bumps, they talked about the signs, and what they said very clearly, delegation after delegation, was that they do work short term; they don't work long term. I think that's what they said. I think that was very clear. Do speed bumps work for a while? Yes, and then it kind of disappears. Does a sign work for a while? We've all probably had them on our streets. Does it work for a while? Yes, it does, and then it kind of loses its effectiveness.

With the fines—in some cases, I don't know what the points are because I haven't looked at it that deeply, but with the fines or losing points, you get the message and it stays in the back of your head. One thing you have to do: You have to go home and tell your wife that you were speeding in a school zone. That's almost as bad as the fine, I'm just saying, with those situations.

I don't think any of those things are a joke. I think they all work hand in hand, but nothing works better than the fines, I think. That's my opinion. I'm not saying anything bad about the wording of what was said; I'm just saying that that's my opinion. I wasn't being mean.

The Chair (Mr. Grant Crack): Ms. Hoggarth and Ms. Vernile.

Ms. Ann Hoggarth: I think what my colleague meant was not that the signs are a joke but they don't have great success; people get used to them.

The councillor who was in here from Allenby school: Her signs were wonderful, and she did say that people took them. In Barrie, we have them. The councillors didn't want to put them and then all of a sudden they realized they could put their names on them and they became political signs. That's not at all what it should be.

I believe that everyone who came and talked to us made it very clear that those other methods are not working. Maybe it has to be a combination, but they want this automated speed enforcement.

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

Ms. Daiene Vernile: To Mr. Gates: Just to clarify, I'm quoting Margaret Lupton. Those are the words she used. She said, "Daiene, we are frustrated beyond belief," and the speed bumps did not work. She said, in fact, she had one truck driver come up to her in a coffee shop and laugh at her and say, "I can still take these speed bumps at 110 kilometres per hour in my truck." He said that they're a joke.

The Chair (Mr. Grant Crack): Further discussion on PC motion 210?

Mr. Michael Harris: I'd ask for a recorded vote, if you don't mind.

The Chair (Mr. Grant Crack): There is a request for a recorded vote, which shall be entertained.

Ayes

Harris, Thompson.

Nays

Anderson, Colle, Des Rosiers, Gates, Hoggarth, Vernile.

The Chair (Mr. Grant Crack): I declare PC motion number 210 defeated. We shall move to—

Mr. Michael Harris: Chair, is there a way I can have a five-minute or 10-minute recess, perhaps?

Interjections: No.

The Chair (Mr. Grant Crack): If I could have unanimous consent for—

Interjections.

The Chair (Mr. Grant Crack): Otherwise, before a vote—

Mr. Michael Harris: Come on. We're not filibustering.

Mr. Grant Crack: —before a vote is more than appropriate to request a recess.

We shall move to PC motion number 210.1, which is an amendment to section 5, part XIV.1, section 205.1.1 of the Highway Traffic Act. Mr. Harris.

Mr. Michael Harris: This is 211, right?

The Chair (Mr. Grant Crack): It's 210.1.

Mr. Michael Harris: Oh, 210. Okay. I don't have that one.

Interjection.

The Chair (Mr. Grant Crack): Does everyone have it?

Mr. Michael Harris: Yes. Well, I'd have to ask them all. Everybody is good?

The Chair (Mr. Grant Crack): I believe everyone is well.

Mr. Michael Harris: I move that part XIV.1 of the Highway Traffic Act, as set out in section 5 of the bill, be amended by adding the following section:

"Rules re roundabouts

"Definition

"205.1.1(1) In this section,

"'roundabout' means an intersection with one-way circulation counter-clockwise around a central island where entering traffic must yield the right-of-way to the traffic circulating within the intersection.

"Minister to establish rules re roundabouts

"(2) The minister may make regulations establishing rules of the road that apply to roundabouts within a community safety zone designed by bylaw passed under subsection 214.1(1).

"Minister to conduct study, consult with public

"(3) Before making a regulation under subsection (2), the minister shall,

“(a) conduct a study about the safe use of roundabouts; and

“(b) consult with members of the public about the use of roundabouts.

“Content of study

“(4) The study referred to in clause (3)(a) shall address the following matters:

“1. Use of crosswalks.

“2. Signs and markings.

“3. Lighting.

“4. Commercial vehicles.

“5. Speed limits.

“6. Signalling.

“7. Entering and exiting roundabouts.”

Ms. Daiene Vernile: Point of order, Chair.

The Chair (Mr. Grant Crack): We’ll let him finish before the point of order.

Mr. Michael Harris: “8. Uniformity of road design standards, including consistency in lane width.

“9. Compliance with accessibility standards established under the Accessibility for Ontarians with Disabilities Act, 2005.

“10. Any other matter that the minister considers appropriate.

“Application of subs. (3)

“(5) Subsection (3) does not apply to regulations that amend, remake or revoke the first regulation made under subsection (2).

“Tabling report in assembly

“(6) Unless a regulation is made under subsection (2), the minister shall, on every anniversary of the day this section comes into force, table a report in the Legislative Assembly that includes a detailed description of the required study and public consultations and of the progress that has been made in developing the regulation.”

The Chair (Mr. Grant Crack): Thank you very much, Mr. Harris. However, this amendment at hand introduces a provision that is not contemplated by the bill, and I’m not satisfied that this amendment is relevant to the parameters of the bill. It is therefore beyond the scope, so I therefore call it out of order.

Mr. Michael Harris: Chair, I do ask—

Ms. Daiene Vernile: Thank you, Chair. I couldn’t have said it better myself.

Mr. Michael Harris: Chair?

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

Mr. Michael Harris: I would, perhaps, challenge that decision—

The Chair (Mr. Grant Crack): No, it’s unchallengeable, but I will—

Mr. Michael Harris: I would ask for unanimous consent.

The Chair (Mr. Grant Crack): Okay. That’s fair.

Mr. Michael Harris: I would ask for unanimous consent to consider the inclusion of such an important road safety measure in and around community safety zones, and that includes roundabouts.

The Chair (Mr. Grant Crack): Number one, my ruling is not to be considered. However, if you would like to appeal my ruling, you certainly are welcome to, to the Speaker of the House.

However, the member has requested unanimous consent for the committee to consider this. Do we have unanimous consent? We do not have unanimous consent, so therefore it is—well, which it is—out of order.

We shall move to PC motion 210.2, which is an amendment to section 5, part XIV.1, section 205.1.1 of the Highway Traffic Act. Mr. Harris.

Mr. Michael Harris: I move that part XIV.1 of the Highway Traffic Act, as set out in section 5 of the bill, be amended by adding the following section:

“Rules re roundabouts

“Definition

“205.1.1(1) In this section,

“‘roundabout’ means an intersection with one-way circulation counter-clockwise around a central island where entering traffic must yield the right-of-way to the traffic circulating within the intersection.

“Minister to establish rules re roundabouts

“(2) The minister may make regulations establishing rules of the road that apply to roundabouts within a school zone designed by bylaw passed under clause 128(5)(a).

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“Minister to conduct study, consult with public

“(3) Before making a regulation under subsection (2), the minister shall,

“(a) conduct a study about the safe use of roundabouts; and

“(b) consult with members of the public about the use of roundabouts.

“Content of study

“(4) The study referred to in clause (3)(a) shall address the following matters:

“1. Use of crosswalks.

“2. Signs and markings.

“3. Lighting.

“4. Commercial vehicles.

“5. Speed limits.

“6. Signalling.

“7. Entering and exiting roundabouts.

“8. Uniformity of road design standards, including consistency in lane width.

“9. Compliance with accessibility standards established under the Accessibility for Ontarians with Disabilities Act, 2005.

“10. Any other matter that the minister considers appropriate.

“Application of subs. (3)

“(5) Subsection (3) does not apply to regulations that amend, remake or revoke the first regulation made under subsection (2).

“Tabling report in assembly

“(6) Unless a regulation is made under subsection (2), the minister shall, on every anniversary of the day this section comes into force, table a report in the Legislative

Assembly that includes a detailed description of the required study and public consultations and of the progress that has been made in developing the regulation.”

The Chair (Mr. Grant Crack): Thank you, Mr. Harris. However, this amendment at hand introduces a provision not contemplated in the bill, and I’m not satisfied that the amendment is relevant to the parameters of the bill. It’s beyond the scope, and I therefore also rule it out of order.

Mr. Michael Harris: Chair, I would ask for unanimous consent for the committee’s consideration of this amendment.

Interjections.

The Chair (Mr. Grant Crack): Members have the right to request unanimous consent once I have made the ruling. The ruling stands.

Do we have unanimous consent for the committee to consider—

Interjections.

The Chair (Mr. Grant Crack): I hear a no.

We shall continue forward. Therefore, we are at the end of section 5. I have no more proposed motions or amendments. There was one amendment that passed. Is there any discussion on section 5, as amended? There being none, I shall call for the vote on section 5, as amended. Those in favour? Those opposed? I declare section 5, as amended, carried.

We shall move to section 6. There are no amendments. Are there any comments?

Ms. Ann Hoggarth: Could we bundle them, Chair?

The Chair (Mr. Grant Crack): There is a request to bundle sections 6, 7 and 8. Is there anyone opposed to bundling them?

Mr. Michael Harris: I am right now, until I see what they are.

The Chair (Mr. Grant Crack): Sections 6, 7 and 8. They’re sections in the bill. There has been a request to bundle sections 6, 7 and 8. Are we in favour?

Mr. Michael Harris: Yes.

The Chair (Mr. Grant Crack): Is there any discussion on section 6, section 7 or section 8? There being none, I shall call for the vote. Shall section 6, section 7 and section 8 carry? Those in favour? Those opposed? I declare section 6 carried, I declare section 7 carried, and I declare section 8 carried.

We shall move to PC motion 211, which is an amendment creating new section 8.1, part XIV.3 of the Highway Traffic Act.

Ms. Ann Hoggarth: Point of order.

The Chair (Mr. Grant Crack): We do have a point of order.

Ms. Ann Hoggarth: This isn’t relevant to this bill. Is this out of order?

The Chair (Mr. Grant Crack): I’m not at liberty to make any comments until such time as a motion is read into the record. Mr. Harris.

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

“8.1 The act is amended by adding the following part:

“Part XIV.3

“SCHOOL BUS CAMERA SYSTEM EVIDENCE

“School bus camera system evidence

“205.26(1) Subject to subsection (2), a photograph or video 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 or video must comply with the requirements of the regulations made under clause (7)(b).

“Certification of photograph or video

“(3) A photograph or video 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 or video 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 or video of a vehicle obtained through the use of a school bus camera system is proof that information shown or superimposed on the photograph or video 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 or video obtained through the use of a school bus camera system unless the photograph or video is tendered in evidence at trial.

“Procedure, rules of evidence

“(6) Sections 205.16 to 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’ and ‘video’ for the purposes of this part;

“(b) governing the form and content of photographs and videos for the purposes of subsection (2), including information that may be or must be shown or superimposed on the photographs or videos, 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 and videos 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;...”

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

Mr. Michael Harris: I am so glad that we are able to discuss what I think is likely one of the most important amendments that we have put forward here to really enhance school safety zones. I want to thank my colleague Rick Nicholls from Chatham–Kent–Essex for his thorough work in responding to community concerns right across the province to ensure, truly, that our kids are safe in and around school safety zones.

As you are probably all aware, school buses are actually an extension of a school, and safety on school buses is imperative. We have all heard, absolutely, of the tragedies that have occurred right across our province, if not in fact our country, where motorists, because of—

Ms. Daiene Vernile: Point of order, Chair.

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

Ms. Daiene Vernile: What Mr. Harris is discussing, school bus cameras, is outside the mandate, outside the scope, of this piece of legislation. Therefore, I would recommend that we say that this motion should not be submitted.

The Chair (Mr. Grant Crack): Thank you for your point of order. I did look very, very closely at the scope of the bill, and I found that there are similarities in the technology that is being proposed in this particular bill—the technological advances that have been made. I believe that it’s worthy of being discussed here.

Therefore, I thank you for your point of order, but if there are any other questions or comments as to why it should be out of order, I would certainly entertain that.

Ms. Daiene Vernile: I think it’s shameful, the way that they’ve wasted time here today. Earlier they said that they care about safety, and it’s really unfortunate that they are playing these kinds of games. We want to move forward and see safer streets.

The Chair (Mr. Grant Crack): Thank you very much. It is 6 o’clock, so therefore I want to thank all members of this committee for the work that they have done. I thank everyone for their support here today, and this meeting is adjourned until Wednesday at 4 p.m.

The committee adjourned at 1800.

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Ms. Daiene Vernile (Kitchener Centre / Kitchener-Centre L)

Also taking part / Autres participants et participantes

Mr. Sam Oosterhoff (Niagara West–Glanbrook / Niagara-Ouest–Glanbrook PC)

Mr. Claudio De Rose, director, safety policy and education branch,
Ministry of Transportation

Mr. David Milner, counsel, legal services branch,
Ministry of Transportation

Mr. Erik Thomsen, team leader, special projects,
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