

Legislative  
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of Ontario



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**Official Report  
of Debates  
(Hansard)**

G-20

**Journal  
des débats  
(Hansard)**

G-20

**Standing Committee on  
General Government**

Safer School Zones Act, 2017

2<sup>nd</sup> Session  
41<sup>st</sup> Parliament

Wednesday 3 May 2017

**Comité permanent des  
affaires gouvernementales**

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

2<sup>e</sup> session  
41<sup>e</sup> législature

Mercredi 3 mai 2017

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Chair: Grant Crack  
Clerk: Sylwia Przewdziecki

Président : Grant Crack  
Greffière : Sylwia Przewdziecki

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE ON  
GENERAL GOVERNMENT**

**COMITÉ PERMANENT DES  
AFFAIRES GOUVERNEMENTALES**

Wednesday 3 May 2017

Mercredi 3 mai 2017

*The committee met at 1600 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, members of the committee, Clerk's office, legislative counsel, Hansard, broadcasting.

Ladies and gentlemen, I'd like to call the Standing Committee on General Government to order. This afternoon we are here to continue 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.

When we rose last Monday at 6 p.m., we were on PC motion number 211. I was entertaining debate at that particular time. So I'm going to call for further debate. Mr. Nicholls.

**Mr. Rick Nicholls:** First of all, I'm very appreciative of the fact that this particular amendment was allowed to be discussed in committee. As you know, and as the committee knows, it's actually Bill 94, which we believe is a very good bill. I don't think anybody in this room would disagree that it is a very good bill, because it's all about protecting our children.

We have some former schoolteachers who are present, and they know the dangers and the challenges that our children face.

I was very fortunate this afternoon. I met with Leo Heuvelmans, who is a former school bus driver. He's from my riding of Chatham-Kent-Essex. Leo and I were talking about Bill 94, which, as you know, was an amendment to the Highway Traffic Act. I said, "Leo, first-hand, what challenges did you have, if any, as a school bus driver?" He said, "Oh, Rick, you wouldn't believe it. First of all"—and I think there needs to be a greater appreciation for our school bus drivers, because when they stop that bus and flip on the yellow caution lights and they're flashing, and then the stop arm swings out, that should be a deterrent to motorists, not to pass.

He said, "I'm focused on making sure that even the smallest of children are able to get up on those steps and get on the bus very, very safely—and also when they get off the bus. But on top of that, I can see vehicles coming at a distance and they're getting closer and closer, and I'm wondering if they are going to stop or not. My lights are still flashing. That stop sign is still out there with the red lights flashing. Are they going to stop? It was very difficult for me to actually get the licence plate of that vehicle. Then I would have to call it in, the police would have to do a search on that licence plate, and then they would go to the home and issue a ticket." He's retired from a factory in Chatham, so he drove a bus for approximately three years. He still maintains his licence even today. He said it was very, very difficult. In those years, he said he was only able to get two convictions—two convictions.

Let's talk about convictions for just a moment. As it is right now, a police officer who observes a vehicle passing a school bus while the lights are flashing can pull that vehicle over and that driver is subject to the loss of six demerit points and a fine of \$490.

Again, I truly appreciate the committee allowing this amendment to the Highway Traffic Act to be discussed.

A motorist passing a school bus would not lose six demerit points. However, the owner of the vehicle would receive a ticket in the amount of \$490. Of course, being the optimistic person that I am, I would say, "Look on the bright side: You didn't lose six demerit points. And next time, don't even think about passing."

Of course, the question had come up: Why do these motorists pass? I think we've had a lot of discussion in the Legislature as to why motorists pass. The biggest reason is, of course, distracted driving. It could be distracted driving for numerous reasons.

We have been working with various companies and school bus companies who in fact have had a pilot project conducted in their area. In Ottawa—to the member from Ottawa-Vanier—you're very aware of the pilot program that has gone on there. In Kitchener—to the member from Kitchener Centre—you know that there have been pilot projects there. Of course, Mississauga has pilot projects there. Mayor Bonnie Crombie has gone on record and basically said that before an accident, an injury or fatality occurs, we need to do something, because after the fact is always too late.

That's one of the primary reasons why I introduced Bill 94 at the time, and that was to raise awareness about

school bus blow-bys. A blow-by, by definition, is when a vehicle passes a school bus with all the lights flashing, and with total disregard to the bus but, most importantly, the children that could be affected. There have been a number of near hits, near accidents.

The purpose for having a camera mounted on a stop arm of a school bus is simply to make it easier to get convictions for drivers who don't stop when those lights are flashing. Primarily, here is what it is: It is to allow video evidence that is captured by those cameras to be admissible in a court of law. It's plain and simple.

I think that there are some viable opportunities for municipalities to work with third-party companies to figure out how they would look after that, where possibilities that I have heard with regard to cost—although I don't want to get into costs. I have no idea what the costs would be in that sense, because that is the deal that the municipality and the third-party providers would have. Our recommendations have been very favourable in terms of what can come back to the municipalities, in terms of revenues collected as a result of fines being paid by people who violate that portion of the Highway Traffic Act.

I think it's really important that we include this particular amendment in Bill 65. We have had past attempts to stop drivers from passing stopped school buses. Those past attempts just haven't worked in the past. There have been thousands of close calls.

It's interesting to note that just in the Mississauga area, when they ran the pilot project, they determined that of the buses that were part of the pilot project, there were two and a half blow-bys per bus per day during that pilot program.

It's also important to note that in the Mississauga area, there are close to 900 school buses. So if we use just the math itself, that is close to 2,000 blow-bys a day in the Mississauga region. I'm sure that every one of us would say that one blow-by is too much, but 2,000 per day, and that's just in one area, and then compound that—I appreciate the fact that the government has concerns about safety for our children. As I've mentioned before, I think all of us have that same concern. We want to make sure that our children—for me, it's not so much my children now, but it is my grandchildren or my children's children, but it could be an aunt, it could be an uncle and it could be their children, and the list goes on.

**1610**

I think what we need to do is get up to speed with technology. New technology, in my opinion, requires new laws. This is just a simple change to give municipalities another tool to protect students. Again, municipalities—like I mentioned earlier, Mississauga—have asked the province to pass these measures so that they can in fact protect their children.

I've mentioned some of the areas—Ottawa is one; Kitchener is one; Mississauga is another pilot project area. Even in North Bay and Sudbury, they ran pilot projects—Brantford as well, and, when I said “Kitchener-Waterloo,” the Waterloo region. They know the import-

ance that this bill has, the weight that it carries, to keep their children safe, because no one wants to get that phone call—no one.

Again, I go to the government and I ask that you give very strong consideration and vote favourably for this particular amendment, which not only I would greatly appreciate, but I think the public would greatly appreciate, the school boards would appreciate, the school bus operators—even the drivers. I think that's really important.

One other thing that had come up was the issue of privacy with these cameras mounted on the stop arm—not inside the bus but on the outside. We touched base with Ontario's Information and Privacy Commissioner—and they've also met with some of these companies who have the technology, and the ruling came back that there are in fact no concerns over privacy in that matter.

Again, it's important to realize that the evidence captured from the cameras themselves is going to capture the licence plate, so the owner of the vehicle would in fact be handed out a ticket for that \$490. That's a start. If it's another offence, a secondary offence, it could be more. But I'm not here to discuss what the fines are; just that we need to stop the blow-bys.

I need you to help us help our children continue to be safe—and that you would show favour towards granting this particular amendment to the Highway Traffic Act to be accepted as part of Bill 65.

One other group of people, the Ontario School Bus Association, has come up and said—and I'm going to quote former president Leslie Cross: “Any school bus driver will tell you that illegal passing is a regular occurrence on Ontario's roads. Motorists who are either distracted, not paying attention, in a hurry or unaware of the law illegally pass school buses that are stopped with their red warning lights flashing. The consequences of this behaviour can be the injury or even the death of a child getting on or off a school bus. Stop-arm cameras would augment the on-road enforcement efforts by police in areas of the province where illegal passing of school buses is a problem.”

The Ontario School Bus Association have stated that they're very pleased to work with us and the government to move this positive initiative forward in the legislative process.

I'm going to turn it over now to my colleague for any final comments or—

**Mr. Michael Harris:** Further debate, I guess.

**Mr. Rick Nicholls:** Further debate? Okay.

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

**Ms. Daiene Vernile:** It's very encouraging to hear MPP Nicholls say that Bill 65 is a good bill—that's what you've called it—as it protects children. But you have to wonder, if that's the case, if they really feel that it was a good bill, why did they vote against it in second reading after hours and hours of debate? All through that debate, they kept coming back to the idea that it was just a cash grab, and they continued to misinform people in Ontario

by saying that it was going to extend automated speed enforcement to provincial highways.

It's wonderful to hear that you think it's a good bill now, but you have to wonder why it is that you've come to that now, whereas previously you were arguing against it.

Chair, in principle we're in favour of any measure that's going to keep our roads safer and keep our children safer as they are going to and from school. School bus cameras: Again, it's worth exploring. This motion arrived to us after many hours of debate, so we have not had a lot of time to consider it. It's outside of the scope and the mandate of the bill, as it stands now, which is looking at automated speed enforcement, lowering the speed limit on certain roads and red-light cameras.

We do have ministry staff here, and I wonder if I could invite one of our experts to come forward to talk to us about this technology.

**The Chair (Mr. Grant Crack):** That is in order. Is there anyone from the ministry who can come forward? Also, please state your names for the record. Welcome, gentlemen.

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

**Mr. Erik Thomsen:** Erik Thomsen, team leader, road safety policy office, MTO.

**Ms. Daiene Vernile:** One problematic aspect of the proposed amendment is that the current technology may not actually produce a photograph or videotape that's capable of depicting an actual offence. Can you speak to that, please?

**Mr. Claudio De Rose:** Sure. I think the requirements in legislation are that the photograph or the video that is produced needs to show that the school bus's lights are flashing and needs to depict the vehicle that is committing the offence clearly in order for a charge to be laid.

All of that evidentiary information that's required for a charge to be laid and to stick in court would require very clear setting of evidentiary rules, which we would work with the Ministry of the Attorney General to do. In terms of allowing cameras on school buses—they are allowed. The ministry does permit school bus drivers to have these cameras on the bus. As the member indicated, there are a number of pilots under way in Ontario. But for the charges to be able to stick, we need to ensure, working with the Ministry of the Attorney General, that the evidentiary rules around what the camera photograph or video shows—needs to be articulated clearly so that those elements that I described are clear for a POA officer or for a judge to determine that the offence was committed accurately.

**Ms. Daiene Vernile:** So as things stand now, we're not in that position?

**Mr. Claudio De Rose:** Did you want to speak to that, Erik?

**Mr. Erik Thomsen:** No, I don't believe we are. We want to ensure that, as Claudio mentioned, the evidentiary value is there. We want to ensure that if some-

body is caught blowing by a school bus, an offence can be laid and can stick and a conviction can be reached. As Claudio mentioned, right now, the video would show a driver passing a school bus, but the offence itself is from the overhead lights flashing. The video can't show the overhead lights. We need to work out some of those aspects in the legislation in order to be confident, I think, in the regime.

**Ms. Daiene Vernile:** So rather than pushing this through now, we should really give this more careful consideration.

**Mr. Claudio De Rose:** Certainly; yes.

**Mr. Erik Thomsen:** Yes.

**The Chair (Mr. Grant Crack):** Further debate?

**Mr. Michael Harris:** I have some questions, guys. Thanks for coming.

We have proposed this highway traffic amendment. I'm guess I'm a bit unclear. You're a bit vague there, perhaps, with some of your answers. Are you suggesting that this particular amendment would not allow photo evidence in courts to be admissible using those cameras that are mounted on the bus?

**Mr. Claudio De Rose:** What we're saying is that the evidentiary rules for supporting a charge to be laid are not clearly established at this point in time.

1620

**Mr. Michael Harris:** Are you guys familiar with Bill 102?

**Mr. Claudio De Rose:** Which one is that? Sorry.

**Mr. Michael Harris:** Bill 102 was the red-light cameras pilot project. Are you familiar with that?

**Mr. Claudio De Rose:** Yes.

**Mr. Michael Harris:** Right now, as it stands, on our books, we have red-light cameras, correct?

**Mr. Claudio De Rose:** Yes.

**Mr. Michael Harris:** Bill 102 allows for evidence used by red-light cameras in court, video and camera evidence, to convict people that blow by a red light, correct?

**Mr. Claudio De Rose:** Yes.

**Mr. Michael Harris:** Can you tell me what the difference is between the amendment proposed in Bill 94 and the actual law contained in Bill 102?

**Mr. Claudio De Rose:** Sure—

**Mr. Michael Harris:** It's actually identical. So on one hand, you're saying that we have laws on the books right now that when you blow a red light, you will get a ticket in the mail automatically and you're subject to the fine using that evidence. We're suggesting, through this amendment, mimicking exactly the contents of Bill 102. So I'm confused as to how you're suggesting that by mimicking Bill 102's exact legislation in Bill 94—how that evidence wouldn't be able to be used. That's what we're saying here. We're saying, through this amendment, a photograph or a video used would be admissible in a court of law, without any other evidence. Can you explain why you're suggesting one would allow a conviction and the other not, yet they're the same?

**Mr. Claudio De Rose:** I think the goal is the same as you've articulated it. The difference is that we would

need to do some supporting work with MAG and with municipalities to establish the same evidentiary body of work that would support the school bus camera charge to be as valid as the work supporting the administration of the red-light camera program.

**Mr. Michael Harris:** I thank you for commenting. But if you look at the amendment that we've proposed, it says, "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." Again, this is the content certification of evidence, similar to that of Bill 102, when we talk about red-light cameras. So this is a bit of a stretch. The amendment at hand, ultimately—and that's why we need to go back to our original argument that we are talking about school safety here, the school safety zones act.

We put a variety of amendments to strengthen this bill. We proposed, through debate, our concerns with this particular bill. We objected based on the premise that the government needed to listen to our objections and needed to fix this bill, to clarify the fact that this was truly about student safety in school zones and not putting photo radar on expressways—which, up until the amendment that they passed and we agreed with them on, would allow for photo radar on expressways, including the Lincoln Alexander.

We're now talking about an important amendment here, similar to the red-light camera evidence system that was passed unanimously back in 1998, in fact, by a Conservative government that felt we need to protect people who are blowing by red lights. It received unanimous support back on December 17, 1998. This particular amendment acts to modernize our Highway Traffic Act to allow for photo evidence used on a school bus to penalize people who blow by school buses.

As I had mentioned before—and the government agreed on our original amendment—this particular bill or amendment of the Highway Traffic Act was tabled back on November 27, 2014. That's well over two years ago. In fact, this amendment was proposed by my colleague from Chatham-Kent-Essex, first with Bill 50. It was debated in the Legislature. It was passed, sent to committee, but of course prorogation happened. Mr. Nicholls brought the bill back in the method of 94. We debated that bill, and it was passed again.

It is our prerogative that we work with the government and we shed light on areas of concern with a particular bill, like we did in 65. They amended it by adding that amendment—nothing over 80—and we agreed with them on that. But we feel we have an opportunity now. When we have the Highway Traffic Act opened up, and we're specifically talking about school safety, we felt this was an ideal opportunity to bring forward an idea of ours that we have debated twice now. We've had support from all political parties in the Legislature, like on similar bills, and I'll give you a couple of examples.

You remember the agricultural bill, I believe it was. My colleague Ernie Hardeman had the food donation amendment, where farmers would receive a tax credit if they donated their food to the food banks. That was an initiative that our member brought forward. The government then included it in their government bill, and it was passed.

Garfield Dunlop proposed an amendment to the Highway Traffic Act—"slow down and move over"—for tow truck operators. The government then adopted that in what was Bill 31.

Of course, the NDP have proposed many pieces of private members' legislation, which the government routinely steals. One major one included the PTSD legislation that Cheri DiNovo put forward. The government then turned that into a government bill, and it was moved forward.

My colleague Laurie Scott's Saving the Girl Next Door Act: again, a private member's bill that the government then took and made an initiative of their own.

I wanted to provide those examples of when members of all three political parties have substantial ideas that we'll put forward on the order paper. It's up to the government to—

**Ms. Daiene Vernile:** Point of order, Chair: Can we return to the issue at hand here? We're discussing with these gentlemen the expertise that they have, and they were speaking to implementing this technology and how it works. Thank you.

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

**Mr. Michael Harris:** It's my opportunity now to speak, and I'm speaking—

**The Chair (Mr. Grant Crack):** I think it's my opportunity, Mr. Harris. She had a point of order, and I would like to respond, if I may.

**Mr. Michael Harris:** It's not really a point of order, but carry on.

**The Chair (Mr. Grant Crack):** I'll make that determination.

Thank you very much for your point of order.

Are members of the committee satisfied with the responses, and the two gentlemen from the ministry can return to their chairs?

**Ms. Daiene Vernile:** Actually, they didn't get a chance to answer—because you interrupted.

Can we hear their answer?

**The Chair (Mr. Grant Crack):** Mr. Harris had the floor. I was allowing him to speak.

Are you asking them a specific question? If not—

**Mr. Michael Harris:** I had asked the question. I think I got somewhat of an answer. I wanted to move on, and now I'm bringing things back to the amendment at hand.

**Ms. Daiene Vernile:** You interrupted. You didn't let them answer.

**The Chair (Mr. Grant Crack):** Ms. Vernile, on the point of order, thank you very much. What we will do is, I will ask again, one more time: Are you going to have questions for the ministry officials? If that's the case, then perhaps they can stay until such time as Mr. Harris—

**Ms. Daiene Vernile:** I do.

**The Chair (Mr. Grant Crack):** Okay. Gentlemen, if you don't mind sitting tight, Mr. Harris has the floor. When we continue with further debate, I'll determine that order.

Mr. Harris, continue.

**Mr. Michael Harris:** Thank you. Back to the amendment at hand: I was talking about other initiatives that members have put forward, like we have today on this particular amendment where, when we have an opportunity—the Highway Traffic Act doesn't come before the Legislature that often. We wanted to amend this bill and strengthen it by including what I think is a widely known problem out on our streets involving schoolchildren, when it comes to school buses and people blowing by them.

This has now been piloted across Ontario. In fact, the Waterloo region Catholic school board rolled out a pilot program recently. Ten buses were involved. There were up to two blow-bys a day. I have video; I'd love to show it to you at perhaps another time. There was the need for this amendment to come forward. There were comments on the initial debate. I'll refer to a member.

Any tragedies that occur around school buses are things that are preventable. I think this proposal from the member from Chatham–Kent–Essex is something that we do need to support at this stage.

"I do want to draw a parallel to another piece of legislation that's before the House, because it's dealing with a similar issue. Bill 65, the Safer School Zones Act, which proposes to bring in photo radar to discourage speeding in school zones, is a similar measure to protect our children. I support the notion that photo evidence from a camera on a school bus is a legitimate form of evidence to use to convict somebody of an offence." That was your colleague Peter Milczyn, during debate, who had said that.

**1630**

In fact, our own colleague Sam Oosterhoff talked about how PEI, Alberta and Manitoba all have school bus cameras on buses, but of course Ontario school boards have yet to do this.

We feel, through this amendment from Bill 94—through Bill 65, it would allow, again, that critical photo evidence, similar to what we're talking about in photo radar in school zones to be used in court as a stand-alone item to convict the owner of the vehicle of such offence—a \$490 fine. I think the biggest testament to the fact that this amendment was in order was the ruling recently to be allowed as part of the scope of this bill. I think that's the most important thing that we need to take away today: that this amendment was ruled in order, that it met the scope of the current Bill 65—and it's our job to obviously convince the government of doing so.

I believe they've had that opportunity already to convince themselves. There were other members. I know Ms. Vernile spoke; Mr. Arthur Potts spoke in favour of both bills—Bill 50 and Bill 94. The NDP spoke: Ms. Sattler and Mrs. Gretzky. I know that Liberal MPP Fraser spoke—all in favour of the particular bill.

I know it was actually the government themselves that invited the CEO of Force Multiplier Solutions Canada Inc. to this actual committee hearing, the delegations, to present to this committee on Bill 65. He, of course, is one of the companies that is partnering with several school boards in this pilot program. The government obviously felt it was important to include this particular company at this discussion. He came to committee and presented his findings.

There was a question by Mr. Anderson to him. He asked: "How about cameras on the streets, in the areas around—in school zones?"

He said, "Our program is focused on a very specific school zone, which is the school bus itself. Our company is specialized in that. There are very specific evidence-continuity issues that we have to tackle, so we're not proposing or we're not entering in the photo radar market," but, of course, he's talking about school bus cameras on buses.

Ms. Vernile was here and had an opportunity to ask the presenter several questions, and I believe there was a videotape that was played.

You had said how the videotape "was very dramatic." You asked about which street that was in Waterloo region, and he answered that question. He said, "During our pilot in Waterloo, we found one stop that had 23 violations on it. That summer, the consortium moved that stop to a safer location," which was another great piece of evidence that will actually allow school boards and municipalities to perhaps monitor stops.

You said, "How old is the videotape? When was it shot?" He talked about how it was from last May and June, and you said, to conclude: "I think we all want the same thing, and that is safer streets. So thank you for being here."

I think that, again, is a testament that you, too, believe that evidence from school buses—those that blow by school buses when they're stopped—is an important inclusion, and that's why your government asked that particular company to come and present to this committee, knowing that this very much had relevance to it.

I want to go back again on my own to inform the committee of Bill 102. Bill 102 was the red-light camera system evidence. That was an issue back in 1998 when our government back then recognized the importance of people that were blowing through red lights. They brought forward a bill that was unanimously approved in the Legislature by all three political parties to allow that evidence, used by a red-light camera, to be admissible in court so the video and photographic evidence from a red-light camera for a vehicle passing through it would be subject to a fine in the court, solely using that video and camera evidence.

Bill 94 is an identical replica of Bill 102. It's the exact same thing. Contrary to what, perhaps, the ministry officials are saying, the law on the books as it stands today for red-light cameras is admissible, and people that blow a red light, that get a ticket, are convicted based on that evidence. We are only asking that the same

provisions in Bill 102 be applied through this amendment to Bill 65, to allow for that same video and photographic evidence when mounted on a school bus—identical. I have it here for those who want to know. It's identical. If it's working for red-light cameras, it will so too work for school buses.

To ensure that our kids are truly safe—I'm a father; I have a son in JK: Murphy. He just started riding the bus. He loves it. We live in the city, so JKs and SKs ride the bus; in rural Ontario, a lot of older kids. He's new to school and he's excited to get on the bus; he likes when he gets off it. We're usually there to greet him if we can be. At that age, he's not really concerned about—and I think he would just expect vehicles to stop.

Just two weeks ago there was an incident in my subdivision where our neighbour blew by the bus when it was stopped and turned into her driveway. All of the parents went up to her and said, "What the heck are you doing? Did you notice what you just did back there?" She was on the phone—clearly distracted. Those parents were startled. I watched the video today, and it would make your stomach sick watching it, knowing that—when a bus stops, its arm is out, its lights are on and kids are crossing the street.

In Mississauga, Mayor Bonnie Crombie talked a lot about this and was supportive of our initiative because there are multiple-lane highways, traffic coming from both directions, kids crossing the street—that's truly where they're going to engage in accidents.

All we are asking is that you recognize, and if Kathleen Wynne and you folks over there are truly concerned about student safety—because you've called this the Safer School Zones Act, and, of course, a school bus is an extension of a school—you will support this amendment based on and building off of Bill 102 from 1998 that would allow for the same evidence to be used in court—to subject those folks who run a bus each and every day. And it's happening right across the province.

In fact, I had a tweet when I was sitting here speaking. Toronto District School Board trustee Ken Lister said, "We definitely need cameras on some buses. Interested in learning more! #TDSB has pilot project with cameras."

This is an opportunity. Our leader, Patrick Brown, has talked a lot about, "Look, we will support initiatives no matter where they come from"—NDP, Liberal, whatever that may be. And we have supported members of all three political parties and their initiatives. This is an initiative of Mr. Nicholls's that was debated twice in the Legislature that proposes to actually keep our kids safe.

This is an opportunity that we have right now, folks, with the safe schools act to get this done. I'm pleading with you: If it's truly about student and school safety, the bus association, municipalities—the Ontario School Bus Association:

"Any school bus driver will tell you that illegal passing is a regular occurrence on Ontario's roads. Motorists who are either distracted, not paying attention, in a hurry, or unaware of the law, illegally pass school busses that are stopped....

"The OSBA is pleased to work with the bill's sponsor and the government to move this positive initiative forward in the legislative process."

Our own region did a 23-day pilot project—500 to 700 violations; a total of 97 occasions of violations that were registered. In fact, trustees in our region requested to send letters to school boards with endorsements and requests for the implementation of stop-arm cameras.

By allowing this amendment to proceed in Bill 65 we're simply allowing video and photo evidence to be admissible in court. That is what this specific amendment asks for.

Let's focus on the actual amendment. This amendment was drafted, debated twice in the Legislature, passed, and is before committee now. The amendment is simple: It asks that camera and video evidence be admissible in court as a stand-alone when people pass through a bus camera system. We consulted with legal counsel. It's mimicking Bill 102 that's already in place. It's working at red-light cameras; let's make it work for school buses.

I ask you, put partisan politics aside—

**Mr. Mike Colle:** Give me a break.

**Mr. Michael Harris:** —and pass our amendment. Make school zones safer; pass our amendment.

*Interjections.*

**The Chair (Mr. Grant Crack):** Order.

Further debate? Ms. Vernile.

1640

**Ms. Daiene Vernile:** Thank you. I'm sitting here—

**The Chair (Mr. Grant Crack):** Ms. Vernile, if I could just interrupt: If we could direct our questions to ministry staff to start, that would be much appreciated.

**Ms. Daiene Vernile:** I will.

What I want to ask you is, could you please finish what you were saying before you were interrupted—if you can remember. It was a while ago.

**Mr. Claudio De Rose:** Sure. Just in terms of how the red-light camera program works and how that relates to the amendment being proposed, the ministry worked with the Ministry of the Attorney General, municipalities and other stakeholders to be able to identify clear evidentiary rules—so, very clearly having a red light in a picture that shows a vehicle in an intersection when it shouldn't be there. To enforce the laying of a charge, and to validate that charge to stick in court, is an important process. We would need to define the similar attributes of evidentiary rules to support a charge from a school bus camera. We would also need to work with municipalities and other stakeholders to determine a process where municipalities would be responsible for the processing of the evidence and the issuing of the charge. It's not something the ministry would do.

I understand that the proposal is similar to what already exists, but the underlying support to enforce the law does not exist right now for the school bus cameras. So what we're saying is, we would need to work all of that out so it can be implemented in a way that successfully holds true to what the intent of the law would be. That's all we're saying.

**Ms. Daiene Vernile:** Thank you.

**Mr. Michael Harris:** We agree. That's the way the law stands as of now—

**Ms. Daiene Vernile:** You don't have the floor.

**Mr. Michael Harris:** But through this amendment—

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

**Mr. Wayne Gates:** Is Mr. Harris next?

**The Chair (Mr. Grant Crack):** No, it was Mr. Nicholls.

**Mr. Wayne Gates:** I can give him all the time he wants, if he wants to keep talking.

**The Chair (Mr. Grant Crack):** It was Mr. Nicholls.

**Mr. Michael Harris:** Do you mind, Rick?

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

**Mr. Michael Harris:** But, gentlemen, through this amendment, we would then be allowing those things you spoke about. The engagement with the municipality isn't required by law, correct?

**Mr. Claudio De Rose:** Right.

**Mr. Michael Harris:** So it has no bearing. It can happen with or without us today. You can proceed to do that through regulation and all kinds of things.

**Mr. Claudio De Rose:** Sure.

**Mr. Michael Harris:** As of right now, school bus camera evidence is not permissible or admissible in courts today. Correct?

**Mr. Erik Thomsen:** It requires a witness.

**Mr. Michael Harris:** A witness?

**Mr. Erik Thomsen:** Yes.

**Mr. Michael Harris:** If this amendment is passed—yes or no—would it allow for photo evidence from a bus camera to be used in a conviction—could it be used as evidence? As this amendment stands, would that photo then be allowed to be used in court? Yes or no?

**Mr. Erik Thomsen:** Go ahead.

**Mr. Claudio De Rose:** Go ahead.

**Mr. Michael Harris:** Guys, if this amendment passes, would a photograph of a licence plate provide a conviction in court? Yes or no?

**Mr. Erik Thomson:** It would need to be certified. But here's the difference between the red-light camera program and the "fail to stop for school bus"—

**Mr. Michael Harris:** Guys, have you read—

**Ms. Daiene Vernile:** Let him answer.

**Mr. Michael Harris:** But, gentlemen—

**Mr. Mike Colle:** Let him answer the question.

**The Chair (Mr. Grant Crack):** Okay, Mr. Harris—

**Mr. Michael Harris:** But I've asked a specific question.

*Interjections.*

**The Chair (Mr. Grant Crack):** Okay, order, please.

Mr. Harris, you've asked them a question, and I think they have the right to respond.

**Mr. Michael Harris:** Okay. Go ahead, then.

**Mr. Erik Thomsen:** With the red-light camera program, you can actually see, according to the video and photographic evidence, that somebody is committing an offence. With the "fail to stop for school bus" offence, as

the legislation is proposed, it doesn't necessarily do that because the offence is tied to the flashing overhead lights on the school bus, and the camera only catches the stop arm going out, which isn't the offence itself. That's essentially the difference, and that's a nuance that we would need to figure out.

I don't discount the value of the proposed amendment. I frankly think it has solid road safety benefits, as shown by other jurisdictions. However, there are issues that we need to work out.

**Mr. Michael Harris:** But those could be worked out through regulation and not required by law, correct?

**Mr. Erik Thomsen:** I'm not sure. I believe that's a legislative requirement.

**Mr. Michael Harris:** Then let's have a lawyer—is there a lawyer here who can answer that question?

**M<sup>me</sup> Nathalie Des Rosiers:** Yes, right here.

**Mr. Michael Harris:** I want an answer from a lawyer.

**The Chair (Mr. Grant Crack):** Please introduce yourself. Then Mr. Gates also has questions for the ministry officials.

**Mr. David Milner:** David Milner, from the MTO legal branch.

First of all, I don't know that we could work it out with regulations, unless the scope of the regulatory-making powers actually addressed whatever the issues are. But in terms of the design of the legislation in the motion, the red-light-camera system was our second version of automated enforcement. It followed the original photo radar version. We modified it considerably based on experience with that. This Bill 65 version of speed enforcement lays out, again, a sort of slightly separately designed regime for the legislation and anticipated regulations. If we were going to use school bus cameras, there are a series of problems that would need to be addressed that the original version of red-light cameras wouldn't necessarily do.

**Mr. Michael Harris:** Right, and how would that be addressed? Through law, or regulation?

**Mr. David Milner:** The single biggest problem is you need to know what the device is and how it's going to function before you draft the legislation—

**Mr. Michael Harris:** Through this amendment, we specifically prescribe that. We talk about certification of photograph or video—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 put to the contrary that the photograph or video was obtained through the use of a school bus camera system.

If this amendment was to pass in law, would a ticket that is picked up on a camera system on a school bus that goes to court—will it be upheld?

**Mr. David Milner:** I couldn't say. I think that the problem is that if the photograph is admitted into evidence, the question is: if the photograph doesn't show the thing that constitutes the offence—the flashing red lights are on at the time of the vehicle—

**Mr. Michael Harris:** Yes, but it's video. We're talking about still and video footage. So the video would in fact—

**Mr. David Milner:** I think the problem with these devices is that they capture a photo of the side of the bus looking forwards and backward, but they don't capture a picture of the flashing lights on the bus. My understanding is—

**Mr. Michael Harris:** But the video is at the back end. If I can indulge the committee, it's obviously an opportunity now that I have—if I can indulge the committee with an actual video so that we are on the same page—

**Mr. Mike Colle:** Are we on Bill 65?

**Mr. Michael Harris:** It's just providing—

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

**Mr. Mike Colle:** Are we dealing with Bill 65 that is before us? We are so off-track. We're dealing with a different bill altogether, Bill 94—and we've indulged this for the last 45 minutes on a different bill that we have allowed to discuss. Isn't it about time that we got back to Bill 65?

**Mr. Michael Harris:** That's what we're talking about here.

**Mr. Mike Colle:** You're talking about Bill 94.

**Mr. Rick Nicholls:** The amendment to Bill 65.

**The Chair (Mr. Grant Crack):** Thank you for your point of order, Mr. Colle. It's not a point of order. There is a motion on the table that I have previously ruled as pertinent, in my opinion, to Bill 65. I have the reasons for that, but I'm going to defer to Mr. Harris and make sure that this is a relevant piece of information that can benefit the decision-making of the committee regarding Bill 65.

**Mr. Michael Harris:** Sure, I don't know how, Clerk, you want me to do this, but—I am submitting for the committee's information a supporting document or video pertinent to the discussion on this particular amendment.

**The Chair (Mr. Grant Crack):** Mr. Harris is requesting that the committee agree to using an electronic device in order to further inform the committee. Are we in agreement? No. So, Mr. Harris, continue.

**Mr. Michael Harris:** Okay, well then, I'll continue—

**The Chair (Mr. Grant Crack):** If your questions are to the three individuals from the ministry, that would be great, because Mr. Gates also has some questions for them.

**Mr. Michael Harris:** Yes, they are. If you're looking at the video, it's capturing the stop sign out. We're not talking, guys, about a still photo that you're going to use with your photo radar in school zones. We're talking about photo and video evidence that is mounted behind the bus that clearly shows a stop sign that is out with its flashing lights. I really think the government has you convinced to stretch things here. We are applying the same principles in Bill 102 that now is law, from 1998 to today, to use video evidence of when a school bus is stopped to process tickets of people who blow by. I would be happy to have others speak and I'll come in

perhaps at another time. Mr. Gates—I guess I'll go back to the Chair and—

**The Chair (Mr. Grant Crack):** Thank you for that.

Mr. Gates, further discussion?

**Mr. Wayne Gates:** That was good. I enjoyed that. Thank you.

**1650**

I just want you guys to know—you guys might not know this; I'm not sure. I don't think you were here the other day. Patrick Brown and the PC Party voted against Bill 65. I just wanted to get that out so you guys would understand that.

But my question is really to the lawyer. In listening to my colleagues' questions—on the red-light system, the evidence that you get from a red-light system would provide a significant amount of evidence so that you can get a conviction. It went up once, you fixed it, and you've got it, so now when it goes to court, you know you're going to get a conviction.

In this here, because of the way this is set up—and you can correct me if I'm wrong—the camera that is shooting the car doesn't shoot the lights. Therefore, when you take that evidence to a court of law, I believe a good lawyer—which you probably are; that's why you're here today—would have a tough time getting that conviction because of the way that photo radar—and I'm glad they're automatic devices now. They're not called photo radar but automatic devices. I would think that if you're a lawyer—and you can tell me—and I was presenting the case and it was against me, I would say that the crime I supposedly did would show that you couldn't provide significant evidence to get a conviction, on the way this is set up today, on what you've explained for the last hour—periodically, because you didn't get to talk for the full hour. That's how I read what you guys are saying. Am I kind of correct on that, or am I missing something?

**Mr. David Milner:** I'd say that the primary problem with photographs taken from the side of the bus is that they don't show the overhead lights flashing. The offence is to pass the vehicle while the overhead lights are flashing. The stop arm may be out, ordinarily, when the overhead lights are on, but passing the stop arm isn't an offence.

Whether it's possible to use this type of technology by positioning more than one camera lens in more than one position—so that you do get an image of the flashing lights—I don't know. Whether you can build a device that only works when the overhead lights are actually flashing, I don't know.

Certainly with red-light camera photographs, the red light is visible in the photograph. So when you present a few photographs of the vehicle approaching the intersection, entering the intersection and passing through the intersection, all with the red light in the photograph, then people saying the light wasn't red—it doesn't get them very far.

But in the school bus situation, one of the problems with the technology, as we're aware of it, is that the device is built to work in jurisdictions where it's an

offence for the stop arm to be out and for you to go by. But for various safety-related reasons, the stop arm is perhaps less preferable than the overhead lights as the warning signal that vehicles are supposed to pay attention to and react to.

It should be possible to simply find out what types of school bus camera technologies are available and how they can be made to work, and then find some suitable solution. The only current problem with using them is that you require a witness in court to present the photos and talk about them, whereas with red-light cameras and the anticipated speed enforcement with cameras, you would simply use documentary and photographic evidence.

Currently, on the school bus situation, for the pilot projects that different municipalities and school boards have been doing, they wind up with the school bus drivers, or possibly some other person who dealt with operating the camera, as witnesses in court. That's an added burden for the cost and efficiency of using that type of enforcement for owner offences.

Again, all of these legislative schemes create essentially a rebuttable presumption. It says that the photograph or the documents or the certified statements are proving something, in the absence of evidence to the contrary. So if you have a photograph of the side of the school bus with the stop arm out, there's an implication that the overhead lights were probably flashing. But if there's evidence to the contrary, that they weren't, your photograph and the legislative design around it won't have closed the loop, so you ensure that that's a problem.

That's essentially the problem. The primary problem we see with putting this into effect now is that you can't get a photograph of the lights flashing while you get the photograph of the car passing the bus.

**Mr. Wayne Gates:** I understand what you're saying. I kind of figured out where—so I was right with my question. My line of questioning was right?

**Mr. David Milner:** Yes.

**Mr. Wayne Gates:** Because you answered it like a lawyer, so I was a little confused. I appreciate that. Thank you.

**Mr. David Milner:** You're welcome.

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

**Mr. Wayne Gates:** I have more discussion on the bill.

**The Chair (Mr. Grant Crack):** Are we done at this point with—

**Mr. Wayne Gates:** Oh, with these guys. I just wanted to ask them some questions.

*Interjections.*

**The Chair (Mr. Grant Crack):** Okay. Hang on.

Thank you very much, gentlemen, for—

**Mr. Michael Harris:** I still have more questions.

**The Chair (Mr. Grant Crack):** You have more questions for them. Very good.

Mr. Harris.

**Mr. Michael Harris:** I want to actually go back to the amendment. I want to use item number (4)(1). 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 light stopped flashing, contrary to subsection 175(11), or 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 light stopped flashing.

There are other mechanisms outside of the flashing lights where you can convict somebody simply by actually passing the bus; correct?

**Mr. David Milner:** No. If the bus is stopped but the overhead lights are not flashing, it's not an offence to pass the bus. So if the bus is stationary while the camera is taking pictures or video, even if the stop arm is out, it won't establish the claim that the overhead lights are flashing.

**Mr. Michael Harris:** You keep talking about photographic evidence. We're talking about video. A video would capture all of those things. That's what we're talking about. The cameras on the bus would have to be placed—that really isn't our job today, to figure out where that camera is placed. Assuming that they place it in a position where you would see all of these functioning things—again, that's not part of the legislation.

Assume that the manufacturer or the provider or the installer of this camera—that's their job to ensure that those cameras are installed in a position that would catch those lights. We're getting into the weeds when we don't really need to get into the weeds. We're just saying that whatever evidence is actually collected—so you're right. If a manufacturer or installer doesn't install that camera properly so that it does not capture the lights flashing, then it will not hold up in court. But assuming it does—assume that it does—then that evidence, through this amendment, would be admissible; correct?

If a video captured flashing lights, through this amendment, that conviction would stand; correct? Yes or no?

**Mr. David Milner:** If you had that type of system, the answer would be yes.

**Mr. Michael Harris:** There you go.

**Mr. David Milner:** But we're not aware of any systems like that. We've talked to the manufacturers—

**Mr. Michael Harris:** That's not our job to determine, though, guys. Our job is to legislate the ability for video evidence to be used. Right now, you're right, guys. There aren't a lot of pilot projects out there. There are only a few. But let's just assume we've got smart people out there who can actually ensure that—and that's obviously a requirement, guys. Why would you put a camera on a bus that doesn't capture its lights overhead? Why would you do that if it's not going to hold up in court?

**Mr. David Milner:** My understanding is that all of the pilot projects are using those types of cameras.

**Mr. Michael Harris:** Guys, again, our mandate here is not to prescribe through legislation where a camera goes on a bus. That's not our job. It's to give the courts the ability to use the video evidence if, in fact, the

flashing lights and the vehicle blowing the bus happen at the same time. And if that happens through this—

**Ms. Daiene Vernile:** Point of order.

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

**Ms. Daiene Vernile:** I just want to state that I think it's imperative for all of the MPPs who are here to be a little more respectful to the officials who are appearing before us and to refrain from shouting and to allow them to actually answer the questions.

**The Chair (Mr. Grant Crack):** That's not a point of order.

Mr. Harris, if we could just—

**Mr. Michael Harris:** I just think that—

**The Chair (Mr. Grant Crack):** —if you're asking a question—

**Mr. Michael Harris:** I understand the government is—

**The Chair (Mr. Grant Crack):** Mr. Harris, we're going to move on. Is there anyone else—

**Mr. Michael Harris:** I was talking—

**The Chair (Mr. Grant Crack):** But when I'm speaking as well, I expect a little bit of respect, which I have not received as of yet from you. Is there any further debate? Ms. Vernile?

**Ms. Daiene Vernile:** I'd like to suggest that we move on. We've now, for one hour, been talking about this particular motion. We've heard from the experts, we've had all parties weigh in, and I'm going to suggest that we move forward.

**The Chair (Mr. Grant Crack):** Are you requesting that the motion now be put?

**Ms. Daiene Vernile:** Let's do that.

**The Chair (Mr. Grant Crack):** At this particular time, I want to advise members that the threshold is very high in committee on discussion. I will allow debate to continue. We'll move to Mr. Nicholls.

**Mr. Rick Nicholls:** I have just a couple of things I'd like to reiterate. Gentlemen, you're absolutely right. Videos that I have seen show the blow-bys. They also show the stop arm extended. But the stop arm has two flashing lights on it as well, so to Mr. Harris's point and to yours as well, that could very well be, if things are set up properly, admissible in a court of law.

1700

I know that there has been a lot of discussion on this right now, and I think a lot of it has been good, but I want to point out something. Bill 94, as it stands right now, is a separate bill. We're asking that it be included in Bill 65, and let me explain to you why. There are a number of reasons why, but we've tried to get Bill 94, as a separate bill, into committee, to no avail. We saw this as an opportunity to bring Bill 94 as an amendment to—what's the word I'm searching for?

**Mr. Michael Harris:** To strengthen.

**Mr. Rick Nicholls:** To strengthen; thank you—to strengthen Bill 65. Let's look at a calendar of events right now. We only have about three weeks left before our session ends.

**Ms. Daiene Vernile:** Oh, no, we're happy to stay later.

**Mr. Rick Nicholls:** Wonderful. Well, keep that in mind.

**Ms. Daiene Vernile:** You, too.

**Mr. Rick Nicholls:** Don't get smart. My point is that the school year ends at the end of June. If we can get this amendment included into Bill 65, and Bill 65—if we are able to clear it all up and get it back for third reading—if it were to pass, then we'd have all summer to educate the public on the dangers of passing school buses while lights are flashing. That would then better prepare the public for our children when they go back to school in September. That is a big concern of mine, but at least we have two months to educate the public and to do whatever needs to be done to create an awareness and to educate the public.

That's what I wanted to say. Again, one last thing I wanted to mention is that the sequence is that when a school bus is slowing down, about to pick up or drop off children, the amber lights come on. To your point, gentlemen, it's still okay to pass that school bus, but once that stop arm comes out and the lights are flashing, to pass that school bus is a violation. When that stop arm goes out, that's when the camera is activated. It should capture flashing lights, whether it be on the stop arm or lights above—the amber lights. As my colleague has pointed out, we're not here to discuss that. Point well taken—we do need to have that evidence.

So again, I just want to encourage the committee that we do have a bit of a timeline here in terms of getting this amendment put into the bill so that education can continue with the public so that, come September and children are back at school again, we can ensure that our roads are going to be safer as it pertains to our children getting on and off school buses.

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

**Mr. Michael Harris:** Yes, I'll just wrap it up because I think everyone has had a good enough opportunity here, but I want to go back to the amendment at hand. We can get into discussing the nuances of where cameras should be located etc. I think, today, I want to refocus people's attention on the fact that we are simply modernizing the Highway Traffic Act to allow for video and photographic evidence to be used, like you're asking us to do in photo radar in school zones, for blow-bys on school buses.

By passing this amendment, as is, you will be giving the tools that can truly combat a major public safety and child safety problem that we are having out there—more of a problem, perhaps, some would say, than speeding on our roads. This is a major, major problem.

Yes, there will be nuances, perhaps, outside of legislation, but as lawmakers, we have to move forward with this amendment, similar to what we had done in 1998. The only way you will be able to accept this evidence, once they figure it out, is through legislation. We are legislators. We are going through clause-by-clause on the Safer School Zones Act. The committee has allowed for

this amendment to be discussed, and I ask and I beg for your support to give those tools. It could be years from now before we ever revisit this again. Here and now is our opportunity and I hope you will vote for this necessary amendment.

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

**Mr. Michael Harris:** I would—oh, sorry.

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

**Mr. Wayne Gates:** I'm okay? So I want—I don't need you guys. If you need them again?

**Mr. Michael Harris:** I don't.

**Mr. Wayne Gates:** You guys don't have to sit there if you don't want to, that's up to you. Or you can sit and listen to me; that's great too. I appreciate that. I won't be long.

I want to sum up what I've gone through for the last two days. A party here voted against Bill 65 because they said it was a cash grab, not ever talking about—or certainly not talking enough about it—the safety of our kids and our grandkids in school zones. Basically, in my humble opinion, they talked about the automatic speed enforcement systems, so I would like to know now whether they support those in the province of Ontario. I think that's important to say.

I have the utmost respect for both my colleagues here, but the reality is that you're coming here asking for a bill which probably isn't a bad idea in what you're trying to do, but how can you come here and say "I care about school safety," yet you didn't vote in favour of Bill 65? We still could have had this discussion on adding to the bill through amendments. Some of your amendments were—I don't even know what to say about some of your amendments. But at the end of the day, there were some amendments that I thought were well thought-out and could enhance the bill. I think that's fair.

I think this one here was well thought-out. I voted for Rick's bill, just so everybody is clear.

**Ms. Ann Hoggarth:** We all did.

**Ms. Daiene Vernile:** We all did.

**Mr. Wayne Gates:** I supported it. If we could have done this more in a different manner, that it was strictly about our kids and our grandkids and how do we make it better—because you're probably right, in a lot of cases, we might not get the same opportunity to do this again for a long time. It's usually the way the game works.

So, to my colleagues over here, I wish you would have supported the bill. I wish we could have done this a little different, because I think we could have enhanced the bill on a couple of things. Because at the end of the day, I don't think there's anybody, including PCs, Liberals, lawyers—everybody cares about their kids, their grandkids. They want to make sure that they get the opportunity—that when they leave the house in the morning, they're coming home at night. What we found in some of our school zones in Toronto, by the way, probably more so than Niagara, is that kids are dying going to school. Collectively, we have an obligation to make sure that we put a bill together that is going to make sure that we

protect them. That's my job. That's why I'm here. I just think we could have done this whole thing a lot better without the—I don't know how many amendments; there were lots—and maybe come to a different conclusion than what we're probably going to go today. But I have supported this in the past, Rick. I'll probably figure out what I'm going to do when we do the vote, but I just wish you would have done the whole thing from day one. It would have been a lot more credible.

**The Chair (Mr. Grant Crack):** Thank you very much. Thank you, gentlemen, for coming before committee.

Further debate? I'm going to remind all members to stay focused on the amendment at hand.

**Mr. Michael Harris:** I think it's important. Perhaps, again, we'll give members an opportunity to truly understand the parliamentary system that we are actually in. We raised objections to the bill as it was presented initially. We voted against to signal our intent that it needed to be changed in committee.

The third party failed to bring any actual thoughts and suggestions of their own to strengthen this bill through their zero amendments; we have. We actually got something out of this by doing so. We got the government to accept—and we've all along been supportive of school zone safety measures like photo radar in school zones. But where we weren't in agreement was on photo radar to be introduced in vague, undefined community safety zones that could have been placed on expressways, highways, major roads.

**The Chair (Mr. Grant Crack):** As I mentioned, Mr. Harris, can you just stay focused on that amendment at hand? There is time later throughout the process in order to make general statements.

**Mr. Michael Harris:** All right, I think that's it in a nutshell. We have again proposed this amendment that was truly sticking to the intent of where, I believe, the government was going, and that's to keep school zones safe. School bus safety is also part of a school zone. We really hope that you'll accept this amendment. That's all I have.

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

**Ms. Daiene Vernile:** I just want to conclude by saying that in principle, we do think it's a good idea, what you are suggesting. But based on the expert advice that we've had this afternoon from policy staffers at MTO and the lawyer who spoke to us—he's telling us that the technology may not actually produce videotape and pictures that can be admissible in court. However, I think that we need to give this further consideration at a later date.

We're getting conflicting messages over here. I agree with you, Mr. Gates. Suddenly, you've had a Jesus moment where you care about road safety and children, yet you voted against the Safer School Zones Act for 10 hours of debate. You did not once talk about keeping our streets safe. You were against the bill, and you were against community safety zones.

**The Chair (Mr. Grant Crack):** Ms. Vernile, I hate to interrupt—I never like doing that to the members—but

for the third time, I'm asking: Let's stay focused on the motion and the amendment at hand. There is further time later, in order to make general comments on the bill.

**Ms. Daiene Vernile:** I'm just reflecting that I'm finding it really confusing that they brought this forward and they are debating it so passionately, yet they did not seem to care about Bill 65. For that reason, based on what the expert told us this afternoon, I'm going to recommend that we vote against this.

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

**Ms. Ann Hoggarth:** Could we vote immediately, please?

**The Chair (Mr. Grant Crack):** I think we're getting close. Further debate? Mr. Harris.

**Mr. Michael Harris:** I would just like a recorded vote.

**The Chair (Mr. Grant Crack):** Okay, that's fair.

**Mr. Michael Harris:** And I'd like a 20-minute recess.

**The Chair (Mr. Grant Crack):** There has been a request, prior to the vote, to have a 20-minute recess, which is in order. As well, the recorded vote will follow as soon as we return.

Effective right now, 20 minutes.

*The committee recessed from 1711 to 1731.*

**The Chair (Mr. Grant Crack):** All right, back to order. We shall move to PC motion number 211. There has been a request for a recorded vote, which will be entertained at this time.

#### Ayes

Gates, Harris, Nicholls.

#### Nays

Anderson, Colle, Des Rosiers, Hoggarth, Vernile.

**The Chair (Mr. Grant Crack):** I declare PC motion number 211 defeated.

We shall move to section 9. We have an amendment, PC motion 212, which is an amendment to subsection 9(2), subsection 207(7) of the Highway Traffic Act. Mr. Harris.

**Mr. Michael Harris:** I'm moving to 214.1.

**The Chair (Mr. Grant Crack):** Motion 214.1—so you're not moving 212?

**Mr. Michael Harris:** And 213.

**The Chair (Mr. Grant Crack):** And 213. So now we'll deal with the section. Okay, therefore—

**Mr. Michael Harris:** I'm assuming you're going to tell me something about 214.

**The Chair (Mr. Grant Crack):** Therefore, we have to deal with section 9. There are no amendments. Any discussion on section 9?

**Mr. Mike Colle:** Recorded vote.

**Mr. Michael Harris:** I'm withdrawing them, actually.

**The Chair (Mr. Grant Crack):** No, this is the whole section that we're dealing with.

**Mr. Michael Harris:** Oh, I see. I'm sorry.

**The Chair (Mr. Grant Crack):** You did not move your amendments. We're still on section 9. There has been a request for a recorded vote, which will be entertained. Those in favour of section 9 carrying?

#### Ayes

Anderson, Colle, Des Rosiers, Hoggarth, Vernile.

**The Chair (Mr. Grant Crack):** I declare section 9 carried.

We shall move to section 10. There are no amendments to section 10.

**Ms. Daiene Vernile:** Recorded vote.

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

#### Ayes

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

**The Chair (Mr. Grant Crack):** I declare section 10 carried.

We shall move to new PC section 10.1—which is an amendment to section 10.1, subsection 214.1(7) of the Highway Traffic Act. PC motion number 214: Mr. Harris.

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

“10.1 Subsection 214.1(7) of the act is repealed and the following substituted:

“Penalty for careless driving or racing in community safety zone

“(7) Every person who commits an offence under section 130 or section 172 in a community safety zone designated by by-law passed under subsection 214.1(1) when it is in effect is liable, on conviction, not to the fine set out in the provision, but to a fine of not less than double the minimum fine and not more than the maximum fine set out in the provision, in addition to any other liability set out in the provision.”

**The Chair (Mr. Grant Crack):** I will make a ruling on PC motion 214. This motion seeks to amend section 214.1 of the Highway Traffic Act. That is not open in the bill before us. It is, therefore, beyond the scope of the bill.

We shall move to new PC section 10.1—which is an amendment to section 10.1, section 214.2 of the Highway Traffic Act. PC motion 214.1. Mr. Harris.

*Interjection.*

**The Chair (Mr. Grant Crack):** Members of the committee, there is a replacement to the original motion in your packages.

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

“10.1 The act is amended by adding the following section:

“Community safety zone requirement

“214.2 No part of a highway shall be designated as a community safety zone under subsection 214.1(1) unless the councillor for the ward in which the proposed community safety zone is located,

“(a) determines after a public meeting that there is widespread community support for the designation; or

“(b) receives a petition signed by individuals from at least 25 per cent of households within the proposed zone.”

**The Chair (Mr. Grant Crack):** I’m going to have to make a ruling on this one as well. This motion seeks to add a section, section 214.2 of the Highway Traffic Act, that proposes to introduce elements not contemplated in the bill. The motion could further be seen as an indirect amendment to section 214.1 of the act, which is not open in the bill before us. Therefore the motion is beyond the scope of the bill and I’m ruling it out of order.

We shall move to section 11. Is there any discussion on section 11? No discussion on section 11.

**Ms. Daiene Vernile:** Recorded vote.

**The Chair (Mr. Grant Crack):** There is a request for a recorded vote, which shall be entertained.

### Ayes

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

**The Chair (Mr. Grant Crack):** I declare section 11 carried.

We shall move to section 12, which is the short title. We have PC motion number 215. Mr. Harris.

**Mr. Michael Harris:** I move that section 12 of the bill be amended by striking out “Safer School Zones Act, 2016” and substituting “Ontario Photo-Radar Act, 2016”.

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

**Mr. Michael Harris:** Obviously we’re getting down to the last few amendments, if not the last one. I think it’s important to truly call this act what it really is.

In second reading debate we had concerns that we put forward clearly on the unfortunate naming of the bill, talking about safe school zones, truly extending the bill far more than what we felt it actually was, to the point where, as the bill stood at second reading, it would in fact allow for photo radar to be placed anywhere around the province on major expressways, roadways and other areas that had speed limits in the range of 90 and under. That encompasses a lot of different things.

We talked about a city councillor from Hamilton who asked for the designation of a community safety zone on the Red Hill expressway and the Lincoln Alexander. They had asked for that designation knowing that it is actually not defined. There is no definition of what a community safety zone is, so they asked for a road or an expressway to be designated a community safety zone simply for the fact that they wanted photo radar to be placed on it. This is a major expressway.

I talked about different roads throughout even the city of Toronto where it talked about advising against traffic-calming measures. These are major arterial roads. Of course, we understand and recognize that there are schools in and around some of these major arterial roads and we’ve actually talked about the fact that those roads would then be encompassed within a school zone designation.

We love the fact that schools zones are properly defined within the Highway Traffic Act. We had asked throughout debate—that’s why we objected to the bill as it stood, because we wanted it strengthened. We wanted it changed to actually prescribe what a community safety zone is. We’re going to have this hodgepodge of politics in perhaps local areas that, for political reasons, decide that a particular area—in fact, the entire municipality would be a community safety zone.

It obviously confused me why the government would craftily title the bill “safe school zone.” We saw, just in the last debate, that they’re not really concerned about student and school safety. It’s more about photo radar and revenue tools, albeit the one that a lot of municipalities had asked for, in road tolls—they had it promised and then revoked. They’re now allowing photo radar. We talked a lot about and we heard a lot about being crystal clear with Ontarians and being transparent. I remember the throne speech and the Premier talking about being the most transparent government in Ontario. I’m just asking that, through this amendment, we call this bill exactly what it is: It’s the photo radar act, 2016.

Of course, I think it’s important to understand and recognize that Ontarians are absolutely familiar with photo radar and what that means. It’s difficult to see a reason for this, other than that the government is trying to sneak around really calling a spade a spade. I think photo radar is the terminology most commonly understood by the majority of Ontarians and most likely to facilitate broad understanding of the bill and ensure Ontarians actually get what it entails. Changing the terminology in the act to “automated speed enforcement” may be ambiguous. Let’s stick to what, truly, this bill is about.

I would have agreed with them if they actually had signalled their intent to support us, like they have in the past on Bills 50 and 94, through our previous amendment that would truly strengthen school zones, because we all know that buses are an extension of schools. We’re seeing significant blow-bys currently in the province of Ontario. We’re talking about automated speed enforcement and photo and video footage being admissible in courts, and we were just asking that that measure be allowed.

Be it that we didn’t include that important amendment in this broader bill, it should be now renamed. This bill should now be renamed the Ontario photo radar act, 2016, because, although there was an attempt to make schools safe—albeit the first part of the bill does, and we recognize that and support that fact; it’s the second part, this ambiguous community safety zone that in fact could

be placed as a designation all over Ontario, that we have a problem with.

Do you know what the time is, by chance, Clerk?

*Interjection.*

**Mr. Michael Harris:** Pardon me?

**The Chair (Mr. Grant Crack):** It's about 5:42.

**Mr. Michael Harris:** That's why I think the bill should be called the Ontario photo radar act, 2016. I hope that you'll agree with me—because that's exactly what we're doing here.

I'll take a break. Perhaps others want to chime in with what they feel on this.

**The Chair (Mr. Grant Crack):** Any further debate on PC motion number 215?

**Mr. Wayne Gates:** I have a quick comment.

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

**Mr. Wayne Gates:** I find it interesting: What I heard is that the bill was a cash grab, yet the PC Party put a motion forward to double the fines. I found that interesting. That's all I've got to say.

**The Chair (Mr. Grant Crack):** Further discussion on PC motion 215?

**Ms. Daiene Vernile:** Chair?

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

**Ms. Daiene Vernile:** I think that we're to the point now that we can call this filibustering. We're ready to vote.

**The Chair (Mr. Grant Crack):** Further debate?

**Mr. Michael Harris:** I have some more discussion on this.

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

**Mr. Michael Harris:** Perhaps we all agree on this one, then, if there's not a whole lot of discussion, I guess—

**Mr. Mike Colle:** Let's vote and find out.

**Ms. Daiene Vernile:** Let's vote.

**Mr. Michael Harris:** Yes. Okay.

**The Chair (Mr. Grant Crack):** Further debate?

**Mr. Michael Harris:** Chair?

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

**Mr. Michael Harris:** I would like a recorded vote, and I do need another 20-minute recess.

**The Chair (Mr. Grant Crack):** That is in order. Further debate? There being none, the 20-minute recess shall be entertained. Due to the fact that there is not enough time, being 15 minutes late, I will adjourn this meeting. We will reconvene on Monday at 2 p.m. This meeting is adjourned.

*The committee adjourned at 1744.*



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Mr. Michael Harris (Kitchener–Conestoga PC)

Mr. Rick Nicholls (Chatham–Kent–Essex PC)

Ms. Daiene Vernile (Kitchener Centre / Kitchener-Centre L)

### **Also taking part / Autres participants et participantes**

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,  
road safety policy office, Ministry of Transportation

### **Clerk / Greffière**

Ms. Sylwia Przedziecki

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Mr. Ralph Armstrong, legislative counsel