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Official Report of Debates (Hansard)

Monday 11 June 2001

Journal des débats (Hansard)

Lundi 11 juin 2001

**Standing committee on
general government**

Subcommittee report

Highway Traffic
Amendment Act
(Outside Riders), 2001

**Comité permanent des
affaires gouvernementales**

Rapport du sous-comité

Loi de 2001 modifiant
le Code de la route
(passagers à l'extérieur
d'un véhicule)

Chair: Steve Gilchrist
Clerk: Anne Stokes

Président : Steve Gilchrist
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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
GENERAL GOVERNMENTCOMITÉ PERMANENT DES
AFFAIRES GOUVERNEMENTALES

Monday 11 June 2001

Lundi 11 juin 2001

The committee met at 1608 in committee room 1.

The Chair (Mr Steve Gilchrist): Good afternoon. I call the committee to order for consideration of Bill 33, An Act to amend the Highway Traffic Act to prohibit persons from riding on the outside of a motor vehicle. Thanks to everyone who has come to either make presentations or witness, and apologies that the proceedings in the House have delayed us from our normal start time.

SUBCOMMITTEE REPORT

The Chair: Our first order of business would be the report of the subcommittee. Mr Levac.

Mr Dave Levac (Brant): Your subcommittee met on Wednesday, June 6, 2001, to consider the method of proceeding on Bill 25, An Act to amend the Public Service Act and the Crown Employees Collective Bargaining Act, 1993; Bill 33, An Act to amend the Highway Traffic Act to prohibit persons from riding on the outside of a motor vehicle; and Bill 34, An Act to amend the Occupational Health and Safety Act to increase the penalties for contraventions of the act and regulations, and recommends the following:

On Bill 33:

(1) That the committee meet on Monday, June 11, 2001, to hold public hearings on Bill 33, An Act to amend the Highway Traffic Act to prohibit persons from riding on the outside of a motor vehicle;

(2) That clause-by-clause consideration of the bill be undertaken on Monday, June 11, 2001;

(3) That an advertisement be placed on the OntParl channel and the Legislative Assembly Web site and a press release be distributed to English and French papers across the province. The clerk of the committee is authorized to place the ads immediately;

(4) That the office of Mr Galt (Northumberland) provide the clerk of the committee with a list of witnesses to be scheduled for public hearings;

(5) That the deadline for written submissions be Monday, June 11, 2001, at 5:30 pm;

(6) That witnesses be given a deadline of Friday, June 8, 2001, at 5 pm to request to appear before the committee;

(7) That the time allotted to individual witnesses for each presentation, on consultation of the clerk with the Chair, be determined by dividing the available time by the number of witnesses;

(8) That, should a witness make a request prior to appearing before the committee for reimbursement for travel expenses, the committee authorize reasonable travel and meal expenses for witnesses travelling from outside the greater Toronto area based on mileage at the government rate or economy airfare or reserved seating train fare to be provided on submission of receipts or a statement of mileage travelled;

(9) That the clerk of the committee, in consultation with the Chair, be authorized prior to the passage of the report of the subcommittee to commence making any preliminary arrangements necessary to facilitate the committee's proceedings.

On Bill 25:

(10) That the committee meet on Wednesday, June 13, 2001, to hold public hearings on Bill 25, An Act to amend the Public Service Act and the Crown Employees Collective Bargaining Act, 1993;

(11) That clause-by-clause consideration of the bill be undertaken on Monday, June 18, 2001;

(12) That an advertisement be placed on the OntParl channel and the Legislative Assembly Web site and a press release be distributed to English and French papers across the province. The clerk of the committee is authorized to place the ads immediately;

(13) That witnesses be given a deadline of Monday, June 11, 2001, at 5 pm to request to appear before the committee;

(14) That the clerk of the committee, in consultation with the Chair, schedule witnesses on a first-come, first-served basis;

(15) That the deadline for written submissions be Friday, June 15, 2001, at 5 pm;

(16) That the time allotted to individual witnesses for each presentation, on consultation of the clerk with the Chair, be determined by dividing the available time by the number of witnesses;

(17) That amendments be received by the clerk of the committee by Friday, June 15, 2001, at 5 pm for distribution to the members of the committee by 12 noon on Monday, June 18, 2001;

(18) That, should a witness make a request prior to appearing before the committee for reimbursement for travel expenses, the committee authorize reasonable travel and meal expenses for witnesses travelling from outside the greater Toronto area based on mileage at the government rate, or economy airfare or reserved seating

train fare to be provided on submission of receipts or a statement of mileage travelled;

(19) That the clerk of the committee, in consultation with the Chair, be authorized prior to the passage of the report of the subcommittee to commence making any preliminary arrangements necessary to facilitate the committee's proceedings.

On Bill 34:

(20) That the committee meet on Wednesday, June 20, 2001, to hold public hearings on Bill 34, An Act to amend the Occupational Health and Safety Act to increase the penalties for contraventions of the act and regulations;

(21) That clause-by-clause consideration of the bill be undertaken on Wednesday, June 20, 2001;

(22) That an advertisement be placed on the OntParl channel and the Legislative Assembly Web site and a press release be distributed to English and French papers across the province. The clerk of the committee is authorized to place the ads immediately;

(23) That the office of Mr Agostino (Hamilton East) provide the clerk of the committee with a list of witnesses to be scheduled for public hearings;

(24) That the deadline for written submissions be Wednesday, June 20, 2001, at 5:30 pm;

(25) That witnesses be given a deadline of Friday, June 15, 2001, at 5 pm to request to appear before the committee;

(26) That the time allotted to individual witnesses for each presentation, on consultation of the clerk with the Chair, be determined by dividing the available time by the number of witnesses;

(27) That, should a witness make a request prior to appearing before the committee for reimbursement for travel expenses, the committee authorize reasonable travel and meal expenses for witnesses travelling from outside the greater Toronto area based on mileage at the government rate, or economy airfare or reserved seating train fare to be provided on submission of receipts or a statement of mileage travelled;

(28) That the clerk of the committee, in consultation with the Chair, be authorized prior to the passage of the report of the subcommittee to commence making any preliminary arrangements necessary to facilitate the committee's proceedings.

I offer an amendment, Mr Chair. We should vote on that first and then amend?

The Chair: We'll hear your amendment and vote on that first, yes.

Mr Levac: The amendment is back on page 1, Bill 33, section (2), that the clause now read: "That clause-by-clause consideration of the bill be undertaken on Monday, June 18, 2001, after consideration of Bill 25, time permitting."

The Chair: Thank you, Mr Levac. I should mention that that amendment is apparently with the support of Mr Galt.

Mr Doug Galt (Northumberland): I appreciate that, Mr Chair, very much. What bothers me just a little bit is the "time permitting." Basically if we can get agreement

today, then it's up to legislative counsel to write the amendments necessary and we can circulate those. If everybody is comfortable, it's a matter of a vote, which actually could be taken at the beginning of the meeting. We're talking about one or two minutes, max.

The Chair: Our only problem, Mr Galt, is that we're bound by the House time allocation motion, which directs us that the first order of business has to be Bill 25 that day. However, if debate collapses before 6 o'clock, we will do it then; otherwise, you'd have my undertaking that we could do it as the first order of business the next sitting day of the committee.

Mr Galt: No problem.

The Chair: But if we have even a few minutes at the close of business, I hope all the members will agree with you that it is a very quick task in front of them.

Mr Galt: It should require a very short period to get it through, and I appreciate the indulgence of recognizing the meeting for June 18 as well. Thank you.

The Chair: So, the first order of business is to vote on the amendment. Any further comment? Seeing none, all those in favour of the amendment? Opposed, if any? The amendment is carried.

All those in favour of the subcommittee report, as amended? Contrary, if any? It carries. Thank you very much.

HIGHWAY TRAFFIC
AMENDMENT ACT
(OUTSIDE RIDERS), 2001
LOI DE 2001 MODIFIANT
LE CODE DE LA ROUTE
(PASSAGERS À L'EXTÉRIEUR
D'UN VÉHICULE)

Consideration of Bill 33, An Act to amend the Highway Traffic Act to prohibit persons from riding on the outside of a motor vehicle / Projet de loi 33, Loi modifiant le Code de la route pour interdire à des personnes de circuler à l'extérieur d'un véhicule automobile.

DRIVING SCHOOL
ASSOCIATION OF ONTARIO

The Chair: I am told our colleague Ms Munro was actually required to be in two committee rooms at the same time. So, recognizing that fact and not wanting to hold up any other presenters, with the indulgence of the committee perhaps we could move on to our next presenter. That would be the Driving School Association of Ontario, Mr John Svensson. Good afternoon. Welcome to the committee. Just a reminder that we have 20 minutes for your presentation today.

Mr John Svensson: I'll be very brief. Good afternoon, ladies and gentlemen and guests.

The Driving School Association of Ontario certainly welcomes the opportunity to extend its wholehearted support for Bill 33.

Reducing the incidence of death, injury and property damage on Ontario's roads has always been a central focus of the Driving School Association of Ontario and its members. With approximately 375 schools operating close to 500 locations, DSAO-approved schools provide access to road safety services for virtually all of Ontario's communities, training over 100,000 new drivers annually through formal driver education courses.

Our sole recommendation is that the legislation consider clearly defining the criteria to be used in determining what constitutes riding "in" versus "outside" a motor vehicle. For example, are passengers considered to be outside the vehicle regardless of whether the bed of a pickup truck is capped, carrying an attached camper or open? Our primary concern is one of passenger protection. Passengers riding in an enclosed but otherwise external area do not typically have the protection afforded by structural rigidity or the availability of properly anchored seating and restraints.

We applaud this important legislative initiative and pledge to do our part, both through instruction and public education, to promote awareness about the hazards of riding on the outside of a motor vehicle.

Legislation, just so everyone is aware, doesn't equal compliance; nor does education. In our view, success ultimately is dependent upon clearly defined and enforceable legislation and clearly communicated information to the public in a manner that hopefully will motivate compliance.

The Chair: Thank you very much. That certainly leaves us time for plenty of questions, approximately five minutes per caucus. We'll start the rotation with the Liberals, Mr Levac.

Mr Levac: Thank you for your consideration and support. I have a couple of questions under the section where it describes the exceptions and the ways in which you wouldn't use the law to restrict people riding in the back of vehicles. It has been brought to my attention that agriculture requires some owners of pickup trucks to put employees in the back to go beyond the agricultural area in which they're working. Would you suggest this law would apply to them if they were driving on the road or a highway to get to another farm or anything like that?

Mr Svensson: Our position on this is that the inconvenience of having another car follow the vehicle is not an onerous requirement. One of our concerns was the 60 kilometres per hour and the fact that if people were allowed to travel between farms on public roadways, they may not be able to safely comply with that restriction of 60 kilometres per hour.

I think we have to be realistic in looking at the fact that this is also trying to prevent what we would term a high-consequence, low-probability event from ever happening. In terms of weighing that out, it doesn't pose a problem for us specifically.

Mr Levac: I'm not looking to try to find reasons why you shouldn't support the bill; I'm just looking for different ways in which people have approached me and said, "What about, what about, what about?"

Mr Svensson: Yes, and we've had the same experience.

1620

Mr Levac: The next "what about" they asked me was, some people modify their pickups by putting benches in the back and putting seat belts in them. Would that be open to your interpretation as being in compliance or not in compliance with the law?

Mr Svensson: As I've mentioned in my notes here, the issue of structural rigidity is an important one. We've seen people sitting on milk crates in the back, clamped down, but that certainly wouldn't qualify. I think the concern here is that if there's no way to communicate clearly with your passengers, if the vehicle wasn't originally designed to have that structural rigidity to withstand things like a tipover or a rollover, again there are enough exceptions out there already without having to create more.

Mr Levac: I'll make a statement and then my colleague will ask another question. I should defer some of this to the ministry people who probably have had some of these questions thrown at them. I'll defer to Mr Galt in terms of some of those clarifications more than anything else. All in all, your membership and the people you represent are saying, "Thank you very much. Proceed, and if there's anything else we can do to assist, we'll do so"?

Mr Svensson: In essence, yes.

Mr Levac: That's good.

Mrs Marie Bountrogiani (Hamilton Mountain): I have a question perhaps of Mr Galt or you, sir, on paragraph 5 under section 1: "A motor vehicle engaged in work, where the nature of the person's work requires the person to ride on the outside of the motor vehicle." This smacks of memories of the snowmobile act, of how you identify certain vehicles and the use of certain vehicles. For example, would a self-employed person using a truck for his work be considered the same? Would there be regulations defining the workplace and using the vehicle for the workplace? This could be a big exemption. I'm just thinking of the safety now, basically.

Mr Galt: If I can respond, Mr Chair. I've had some discussions with ministry staff here this afternoon. We were struggling with what's in here, which should perhaps be regulations, and I'd like to hear what the rest of the committee feels on that.

The other one we were struggling with was parades, when going at walking speed, whether to ride in the back of a half-ton truck is relatively safe compared to highway speeds. I'm very open to the committee. As long as a principle of "Don't ride in the back of half-ton trucks" is carried here, then I'm reasonably comfortable. Maybe we need a little more consultation as to what speeds, because there is some criticism as to these various items on the speed. Certainly the parents here feel that this speed—my concern when this was being drawn up with the agricultural community was that we might have a backlash with the agricultural community by not recognizing them. Maybe for regulation we need more consultation, and I don't necessarily disagree with that.

Mrs Bountrogianni: My concern as a parent is that a lot of summer students get jobs in rural areas. Would they then be exempted from this law? If their employer says, "Get on the back of the truck," they can't say no, those sorts of issues. I look forward to the regulations.

Mr Galt: Probably everyone in this room at some time or other has ridden in the back of a half-ton truck at speeds that probably were not really safe.

The Chair: Mr Martin?

Mr Tony Martin (Sault Ste Marie): No questions.

The Chair: Thank you. Any questions from the government benches?

Mr Galt: I basically support his concerns. I've had one person phone me about the riding in the back of a half-ton that has anchored seats and a cap on it. Your point is well taken, that if there are rollover bars in that cap, then that would be different than just a fibreglass cap.

Mr Svensson: Yes.

Mr Galt: I guess that would leave it to the opinion of an officer who might be laying the charges. You could put seats in the back of a half-ton that could be anchored, as well as seats in the cab, and also have rollover bars. That's a different situation than what we're discussing here.

Mr Norm Miller (Parry Sound-Muskoka): Your comment to do with "in" versus "outside" is what I was curious about. Would your membership be more in favour, for example, of a pickup truck with a camper on it, that people aren't able to ride in the back of the camper on a pickup truck?

Mr Svensson: Certainly. There's a bit of a dichotomy here. If you look at motorhomes and the way they're constructed and the lack of regulation that comes into that, in a lot of respects it's an issue of, at what point does it interfere with people's independent mobility? On the other side, where does this impact on safety and the serious consequences of even a minor collision?

To answer your question, certainly the perception from the consultations we've done to date is that the bed of a pickup truck is outside. Whether it's got a cap or whether it's got a cover or whether it's open, it's generally the same deal. The vehicle is not constructed to carry passengers in the back, and if it's modified, then you get into a whole series of other things. In terms of looking at the broad sense of the intent, what we perceive as the intent of this legislation, the problem that's obvious to all of us is when we see people in an open pickup truck being transported around and subject to serious injury on a minor mishap.

Ms Marilyn Mushinski (Scarborough Centre): I'm thinking of a specific circumstance in Toronto. Toronto, as you know, is referred to as "Hollywood North." If you drive in any part this city, you will always find there will be exemptions because of films that are being shot on Toronto streets. A well-known stuntman had a very unfortunate accident about 12 months ago. Would that particular circumstance be covered under this bill? Do you know?

Mr Svensson: I don't know that I can answer that, other than that I would think it's obviously part of the person's employment. Typically, they work on a closed-road system for the shoot. One of the major things, and I think it's related to the question you're asking, is that you can have an infinite number of exceptions. That's where, to us, clearly defining "inside" versus "outside" for purposes of employment becomes crucial. Then it gets deferred in terms of, shall we say, various interpretation bulletins, and quite rightly. The Ministry of Labour may be involved in terms of whether someone can be asked to ride on what they perceive is a hazardous circumstance. But we elected to stay away from getting into too tight a definition only because it becomes mired.

The simplest thing is to say that you can't carry more passengers than you have available seat belts. But we already did that process when seat belt legislation came in and people with six kids were saying, "I'm just not going to invest in a large enough vehicle to seat my whole family."

Mr Galt: If I may respond, Mr Chair. It's unfortunate that Ms Munro wasn't here to present along with staff from the ministry. Some of these problems might have been overcome with that presentation.

One of the thoughts we had on parades, and it could work the same with films, would be on approval of council, and then that kind of thing can take place. It may not protect the stuntman in this particular instance, but a stuntman is a very different kind of thing and would probably come under the Ministry of Labour or whatever.

The other is, the ministry has some thoughts on identification of what's an outside rider—we were in the hands of the lawyer when this was drawn up to begin with—what the thinking is. I think I'll present this later and be more specific about the box of a commercial vehicle, which includes the box of a half-ton truck, whether it be for farm use or whatever. If they have some thoughts, it'll be more specific, possibly, than in this legislation that we have before us right now.

Mr Svensson: Yes.

The Chair: If there are no other questions from the government, thank you very much, Mr Svensson. We appreciate your coming before us here today.

1630

JOHN AND JUDY LAWRENCE,
LAURIE AND LINDA MACKAY,
JENNIFER SHEPHERD,
BETH CARR, JAY BAMBRIDGE

The Chair: Our next presentation is a combined effort. I'm told the groups have decided they'd like to speak jointly. I would like to call forward John and Judy Lawrence, Laurie and Linda Mackay, Jennifer Shepherd and Beth Carr, if we can squeeze you all in at the witness table down there.

Mr Galt: If I may, Mr Chair: since it's a rather large group and different ones want to speak, maybe we could extend their time just a trifle.

The Chair: We've got them down for 40 minutes, in fact.

Mr Galt: OK. Sorry, I didn't notice that. Thank you.

Mrs Linda Mackey: Thank you very much for listening to us today.

The Chair: Just before you go on, I wonder, for the benefit of Hansard, if you could identify—

Mrs Mackey: Who we are?

The Chair: —which is which.

Mrs Mackey: This is my husband, Laurie Mackey. I'm Linda Mackey. John Lawrence and Judy Lawrence are back here. Jennifer Shepherd is right here.

The Chair: Welcome.

Mrs Mackey: We have one more speaker. He's back there, and he'll come forward after.

Honourable committee members, almost one year ago we both lost our sons, Bart and Jay, while riding in the back of a pickup truck. Our lives have been changed forever.

These two young men were fun-loving guys. Jay was good-natured, with a lively personality, a man who would tackle any project with enthusiasm and fun. He was finishing the course for his DZ licence the morning of his accident. Bart was a laid-back person with a dry sense of humour, always making everyone laugh and loved to have a project on the go. He'd just completed the restoration of a 1974 Jeep the day before his death.

They were good friends. They made many a trip to Jay's grandpa's camp together. They both loved sports. They played hockey together, volleyball, baseball, golf. But they left us with us with many wonderful memories. We can look back and laugh at their many antics. They also left behind a wonderful sister, two great brothers and a precious little nephew, not to mention grandparents, aunts, uncles, cousins and lots of friends who truly miss them. Jay also left his special gal Jennie, who will remember him in her speech today.

We will never forget the devastation of police and OPP showing up at our door early in the morning of July 30, 2000, to inform us of their deaths. No one should have to bear that kind of grief. We miss them with all our hearts.

We are astounded at how many people did not realize it was not illegal to ride in the back of a pickup. Our stringent laws today seem to make everyone more safety conscious, but there's nothing safe about the back of a pickup. It offers no protection for the rider. One quick foot on the brake and you are thrown around. No one is allowed by law to ride in their own vehicle without a seat belt, so for drivers to allow outside riders in the back of a pickup just doesn't make sense.

We are here today to try to have this very tragic loss of ours rectified by having a bill passed to make it illegal to ride in the back of a pickup. We only want to see that no other family or families have to go through the loss of any loved ones. Many provinces in Canada—I believe it's five—have passed this bill, and we feel Ontario is behind the times on a very big safety issue. Referring to the name of this bill as the Jay and Bart clause, we feel, is

a terrific honour in their memory and would perhaps bring this very important issue closer to the minds of people and prevent further deaths or accidents.

Before we close, we would like to bring your attention to the ribbons we are wearing. We are not overly religious families, but we do have a belief system and we chose these colours for a reason, white signifying the light and the love of God, which we know surrounds us, and green signifying a healing process which we all agree would be a great beginning with the passing of the outside riders act, accompanied by the Bart and Jay clause.

I thank you for your time and support.

The Chair: Thank you.

Mrs Mackey: John has a letter.

Mr John Lawrence: I received this letter from Sergeant Don Missen of the Cobourg Police Service. It states:

"Regarding the proposed new law with respect to passengers riding in the rear box of pickup trucks, which has been introduced to the [Legislature] by the Honourable Dr Doug Galt, MPP for the county of Northumberland.

"Dear Sir:

"By way of introducing myself, my name is Sergeant Donald Missen of the Cobourg Police Service. Part of my job is community services, which requires me to lecture on safety issues within our community.

"I would like to share my opinions with the committee pertaining to this new law. I am strongly in favour of this law passing, due to the tragic incident which cost the lives of Jason Lawrence and Bart Mackey of our community.

"This occurrence may have been preventable, had the law already been in place. The rear box of a pickup truck, I believe, was meant for the carrying of materials, not passengers. We have nothing in place presently that would stop unsafe passenger travel in the rear of pickup trucks. After speaking with other members of my service, they strongly support the passing of this law also.

"In closing, it is our duty to ensure the safety of those travelling on our roadways and to prevent further tragedies from affecting other families and communities. This law is long overdue. Your committee has the power to turn such a negative event into a life-saving law in memory of Jason and Bart.

"Respectfully submitted,

"D. Missen."

Ms Jennifer Shepherd: Good afternoon, everyone. My name is Jennifer Shepherd. I just want to share with you a letter I recently wrote in support of this:

"Recently I gave a speech to my fellow classmates on the danger of riding in the back of a pickup truck. In the opening of my speech, I asked my audience a couple of general questions regarding this topic. In my first question, I asked them to raise their hands if they thought it was illegal to ride in the back of a moving vehicle without a seat belt. The entire audience raised their hands in agreement. In my second question, I asked them to

raise their hands if they thought it was illegal to ride in the back of a pickup truck. The entire class sat with a puzzled look on their faces and half the class raised their hands with an unsure glance to the front of the class, where I was standing.

"In disbelief, through the lack of awareness surrounding this issue, I continued on with my speech, presenting to them the dangers of riding in the back of a pickup truck and the repercussions that can follow. Since I was the 15th speaker of the day, the attention span of the class was running thin, but in the last few minutes of my presentation I shared my personal story with my class, which immediately changed their level of interest.

"I asked my class who had ridden in the back of a pickup truck before? Nearly the entire class had raised their hands. I lowered my voice and pleaded to my classmates, 'After I share my tragic experience with you, I pray that no one will ever ride in the back of a pickup truck ever again.'

"On July 30, 2000, my world came crashing down when my boyfriend Jason Lawrence was instantly killed when he was ejected from the back of a pickup truck. Jason and I lived an incredible life together and had planned every minute of our future together. Little did I know on July 29, as I sat waiting for him to get home, he would never return. The accident also involved two other friends riding in the back of the truck, Bartley Mackey, who was also killed instantly, and Robert Toddish, who suffered serious head injuries.

"I did not share this story with my class or write this letter for any sympathy, but simply because I feel this issue needs to be addressed immediately. After receiving the only perfect mark in my class for my presentation and noticing the level of interest I obtained after I concluded my speech, I found comfort in believing I had changed the beliefs of so many impressionable people.

"Simply because I find it so hard to justify why it is illegal to ride in a closed vehicle without restraint, but it is legal to ride in an open vehicle without any restraints, I cannot think of a single, logical reason why this has never become law. I'm hoping this letter may even make a few people sit back and realize that something needs to be done to prevent anything similar to this happening in the future.

"I've witnessed the horrible grief that has surrounded the friends and families of these young men and I'm hoping that a law surrounding this can prevent accidents like this from happening in the future and the pain and grief that follows tragedies.

"In conclusion, please take my words seriously and make it illegal to ride in the back of a truck. This law will make anyone who chooses to ride in the back of a truck think twice about their decisions because laws are made for reasons, and I truly believe that my story is reason enough."

Thank you.

The Chair: Thank you. Does anyone else wish to make any comments?

Mr Jay Bambridge: I have a letter that I wrote on the day of the funeral. It just says,

"I don't know a lot of things for sure, but two things that I do know are: Jay Lawrence and Bart Mackey were two of my absolute best buddies in this entire world. They were two guys who would do anything for me at any time. I still haven't quite figured out why. I can only guess that maybe they loved me close to as much as I loved them.

"Jay was my buddy who would tell it to me like it was, no matter what the outcome; never to hurt my feelings or to make me look bad, but to show me another way of dealing with the situation and how not to let the situation deal with me.

"Bartley was my buddy who could always make me laugh, no matter how bad I felt. There was always something he'd come up with to turn a tense situation into a laugh.

"I just hope they know that even though I'm not exactly the one of their friends known for showing his sensitive side that in truth you guys were two of my heroes in the world and I'm one of the luckiest guys around who has been able to have a couple of buddies like you. Fellows, do one last thing for me. Save me a spot up top because one day I'm coming to see you again.

"Your buddy, Jay."

1640

The Chair: Thank you very much. Yes, ma'am.

Ms Beth Carr: Thank you. I'd like to thank the people for allowing me to speak today. I think, from those who have spoken before me, you can see the devastation in the families. Families, friends, of which I am very close, and the community in whole do not want to see this happen to anyone else's youngster.

It has been mentioned today about the speed perhaps of vehicles in agriculture, what it should be posted at. What would one consider a safe speed if people were driving or being driven in a vehicle where they weren't restricted by the restraints of a seat belt? In talking with the family and friends, we have fought for the safety of others and wanted honour for these boys.

If one bill can be passed, and secondly if the speed could be reduced, for their safety and their lives and their children's lives, to 20 to 25, I know it sounds a lot, but how much are we willing to pay for a life? Thank you for allowing me to address you.

The Chair: Thank you. Any further comments? Yes, sir.

Mr Laurie Mackey: I just made a trip up north to Thunder Bay, a fishing trip, and I stopped to visit a friend of mine in Terrace Bay at a GM dealership, Spadoni Motors, and we talked about losing my son. One of the salesmen there was travelling, I'm not sure exactly when it was, but they were travelling in a camper and their 7-year-old son was laying on the bunk, reading comics, and there was a rock slide on Highway 17 and he swerved to miss it and his son was ejected through the window, and they picked him up in the rock cut, dead. You were talking about campers, or something like that; there's another example.

On the way back, we stopped for lunch in Wawa and there were some American fellows there, going fishing with their sons. They had a Ford extended cab with a cap on the back and a trailer with all the gear in it. I sat and looked out the window, and two of the guys got in the truck and the two boys and one of the adults got in the cap of the truck. I had an awful time sitting there and not going to tell them our story, but I'm sure if they had a problem they wouldn't live to tell about it.

Our son used to go to Jay's grandma's all the time to help with cutting the wood in the fall and that. Jason's grandmother used to call him the funny boy. One time we were doing some work for their grandmother, and they were going to install a shed. We dug out all the topsoil and we had taken it to a dumpsite. I was always telling the boys, my son and my other sons, "Look around, keep your eyes open," but they'd never stop to pick up a nickel or a penny or something like that. I looked down and saw a five-dollar bill laying in the mud. I picked it up and said, "See, boys, it pays to look around once in a while."

I got back in the truck and said, "Well, if somebody lost \$5, they probably lost more than that." So I got back out and had another look before they got around out of the truck, and I found \$10. It was all covered with mud. I took it home and washed it off in the sink and hung it on the clothesline, and I said, "There's an example of looking around."

After a little while, my mother came to visit. I was telling my mother the story and I said, "Look." I looked up and there was a five-cent and a 10-cent Canadian Tire money bill left there. My \$5 and \$10 was gone. I guess that's why Jay's grandmother called him the funny boy: he was always up to something. But our funny boy now is gone.

I'd like to see this bill passed so that nobody else has to lose their children or grandchildren.

The Chair: Thank you very much. Any further comments? Seeing none, are there any questions? Mr Martin? No questions.

Mr Wayne Wettlaufer (Kitchener Centre): I would like to thank you and compliment you for coming here today, because I think it takes a tremendous amount of courage. Your story touched all of us, I'm sure. Looking across at Tony, I know it definitely affected Tony.

You heard a question earlier as to agricultural use. You mentioned that there were five provinces elsewhere in Canada that have adopted legislation similar to this. How did they deal with the agricultural use? Do any of you know?

Mr Mackey: The only thing I know is that I used to help a fellow who was in a bad accident with the bait business. I know that a lot of worm-pickers have vans or buses and they might take 10 or 15 people out. They've all got seat belts in them and so on and so forth.

Earlier, somebody mentioned something about firemen, for instance. My son has been captain of the volunteer fire department for six years now. He just took a course, and apparently it is now illegal to ride outside. All new trucks that are ordered have a space behind the

cab that's covered and seatbelted. I think the days of a guy holding on to the back of a fire truck are pretty much past with the new vehicles. I'm not positive of that, but I know the last time we were here in Toronto we saw a fire truck and there were two in the driving part of the cab, and in the enclosed cab behind it there were four more guys, but nobody was riding outside holding on or that type of thing.

Mr Wettlaufer: The reason I asked about the agricultural use is that that's a part of our global community, if you will, and they tend to think they need some exceptions for the transportation of multiple workers from place to place, especially where they have farms which are not adjacent to each other; they could be separated by several miles. Granted, many times they are not highways, but occasionally they will be highways. The difficulty from their standpoint will be that you can't drive too slowly with a vehicle and yet it's dangerous to drive too quickly.

Mrs Judy Lawrence: They have no time—

Mr Wettlaufer: Yes, I really appreciate that.

Mr Mackey: I don't know. I would think a farmer taking people in the back of a pickup and having an accident would be a good candidate for losing his farm.

Ms Carr: May I address that? I live rurally, and our children are taken by busloads to school. I grant you, there aren't seat belts in the buses, but at least it is safer with an enclosure, I feel personally, than it is riding in an open truck. So I don't understand why someone in the position of hiring people, and that's their livelihood, could not invest in a school bus rather than having the personnel they have hired, be it youth or adults, riding in an open truck. That's how I feel about it.

1650

Mr Galt: Thank you to all of you for just an excellent presentation. It was very effective and very thoughtful. I know it must have been very difficult. You may be interested to know that Mrs Munro, the parliamentary assistant to the Minister of Transportation, who is now here, was just in another hearing on another private member's bill having to do with a helmet law for children riding on horseback, at least in commercial establishments. An accident occurred; I remember the case, where a young child was killed, thrown off the horse. I just thought you might be interested in knowing that parallel legislation is being worked on, why she was out of the room at that time.

We're going to hear in a few minutes from her and a representative from the ministry. They have some views on describing, rather than an outside rider riding more in the box, a different kind of description. We were struggling with this, and legislative counsel assisted us with it. They have some other ideas to accomplish the same thing.

What you're driving for, regardless of the name of it, is that we make it illegal to ride in the box of a half-ton, bottom line. They have a little concern with some of what we have tried to put in here as exemptions that maybe should be regulations, and we'll be talking about that in a

few minutes. I think the bottom line again is something that's practical, something that will work. I just wanted to double-check with you while you were still here at the desk, that that's the general approach you're after and you're flexible how we get there, because there are different sections that can come in to the ministry. They're also looking at trailers. There are some trailers that are not covered that we could include in this, which would be every bit as dangerous, if not more dangerous, as riding in the back of a half-ton, like box trailers being towed behind a car. You will be here for the discussion.

There was a little misunderstanding prior to these hearings between the Minister of Transportation and the ministry. There was a drop or loss of communications, and they're not quite ready. That's why the amendments are not quite ready today, but we'll certainly discuss the content and, depending on agreement with the committee, where we take it from here. I think everybody is very much in support of what you're after. Any comments?

Mr Lawrence: I'd like to thank this committee.

Ms Mushinski: I shall be very brief. First of all, my very deepest sympathy to you all. As a mother of two daughters, 25 and 27 years old, I can't imagine what you've been through. I think you're very courageous to be here today. Hopefully this bill will make a difference and save lives.

I was particularly struck—I believe it was Mr Lawrence who suggested that there are a lot of hunters, of course, who have open pickup trucks up in the north. I don't know what other jurisdictions presently have this kind of restriction on riding in an open vehicle. Have you discussed such things as reciprocal agreements, for example, to make sure that the international traveller who comes to Ontario with vehicles for leisure and recreation like hunting would be aware of the new law, to make sure that what your intention is, which is to save lives, indeed happens for everyone who visits the province?

Mr Mackey: It's my understanding that some of the states do have the same law that doesn't permit it. But when I watched that group in Wawa get into that vehicle, and they had an extended cab, why didn't they all ride in the back? I have a truck. My sons have trucks. We put our gear in the back but we put our passengers in the truck. Probably most sales now are extended cabs, where you can ride six people and have seat belts for six people in trucks.

Mrs Lawrence: I feel, as a citizen living in Canada, that when I go to the United States, or wherever I go, it's my responsibility to know and learn the laws. I really feel that anybody coming here to experience our wonderful natural resources, whether it be fishing or canoeing or whatever it is they may want to do, it's their responsibility to know our laws.

Ms Mushinski: That really was my point. If we are changing the law, then there needs to be at least some way of communicating that and you would want us to consider that—

Mrs Lawrence: How would we communicate that? I don't know.

Ms Mushinski:—whether it would be either a posting at the borders or through some reciprocal agreement. I would assume that you would want to make sure that we broadcast as widely as possible the fact that there has been a change in the law and it's really to save lives.

Mrs Lawrence: It's like our seat belt signs that we see everywhere.

Ms Mushinski: Exactly.

Mrs Lawrence: And I think they're wonderful.

Ms Mushinski: Thank you. We'll work on it.

Mrs Bountrogianni: I'd like to take my turn in thanking you and congratulating you for coming here. I, too, am a mother of two, and even though you're not supposed to have cellphones, I have one in the house, and I have it here on vibrate mode because my kids call me when they get home from school. I worry about bikes. I worry about cars. You've lived, and are living, the worst nightmare of any parent, so to have the courage to come here, I really congratulate you.

I would also like to congratulate and encourage Jennifer in doing what you're doing, because for many adults, unless there's a law in place and it's heavily endorsed, it's almost too late; the habits are there. I still know a lot of people who don't buckle their seat belts, but if you can get people at a young age in this habit formation, that's key. I really congratulate you in your efforts. What a tribute to the man you lost. I would like to congratulate you.

Now, more than ever—and perhaps with the parliamentary assistant here, my question could be answered—I'm concerned with paragraph 5: "A motor vehicle engaged in work, where the nature of the person's work requires the person to ride on the outside of the motor vehicle" is an exemption.

I know in my neighbourhood, some very profitable companies have kids do lawn work and so forth all summer, and they're often in the back of trucks, hanging out like firemen. Again, they're young, they're free; they don't think anything will ever happen to them, because that is how young people, unfortunately, think.

I understand the concerns of the agricultural community, but there again I guess what I'm saying is, although I agree with the spirit of the law, if you have enough exemptions, it almost waters it down to what? I would like to honour not only these boys but also prevent others, in a meaningful way, not just in a symbolic way.

I look forward to the parliamentary assistant's presentation. Maybe she'll answer my questions.

Mr Levac: I'd like to start by offering my heartfelt gratitude and sympathies to you. To me, it's obvious you're here for a higher purpose, and that higher purpose is to make sure that others—and through your grief, it's amazing, and I will say that to you. It's amazing that you have risen above your grief and asked that we enact this to go beyond your children. That's just an amazing testimony to you.

What I find is that when we have these incidents come to our attention in a very slap-in-the-face way, it's a wake-up call; it's an award to us as human beings to make sure that we do what we're supposed to do and can do as legislators. So be assured that this will be done properly, and it will be done in a way that will do justice to your memories.

I want to compliment you and thank you for sharing your memories, because those are important as well. They make us laugh; they make us cry. They do the things that they're supposed to do for us, and we know that they'll never be lost to you. So I appreciate that very much, and I appreciate Mr Galt for bringing this forward as a legislator. To bring those issues to our attention is important.

So I tell you that I support this legislation, and I support its intent. As a reminder to the family, it may not be in the same form that you see it today, but it's going to be done—as Mr Galt pointed out so rightfully—so that the legislators and those that advise us, the legal departments and all of the different people that get a kick at this cat, will make sure that it's effective. That's probably more important than worrying about whether or not we get it done today. We look forward to those opportunities, and if you stay, you'll hear the parliamentary assistant give us their opinion as to where we need to go. My understanding is there will be some amendments offered to us, that we had to delay it a little bit, so be patient with us.

When we work at committee level—and I would compliment you, Mr Chairman, and the rest of us here—and I'm pretty new at this, my experience has been that it's an awful lot different from what you see over there. The fact is, when we get to this point, we roll up our sleeves and try to get the best possible legislation we can have for the people. This is stuff that protects people.

Thank you for sharing your memories, and keep them in your heart. You've shared them with me, so now they're in my heart and I thank you for that.

1700

The Chair: Thank you, Mr Levac. I appreciate your comments as well about the effectiveness and co-operation we have in committee. I share your beliefs wholeheartedly.

I want to thank all of you for the very poignant and courageous message you brought to us today. It's a shame that far too often laws are only implemented or changed as a result of something tragic happening, but unfortunately that's the balance you strike in a free society. You don't want to over-regulate, but in this case I applaud Dr Galt for recognizing the initiative. As a fellow Northumberlandian, I can confirm that the loss of the two young boys certainly touched the community. I want to thank you very much for coming and sharing your story with us here today.

In a way, reflecting my experience in committee, actually having another day or two for legislative counsel and the ministry, via the parliamentary assistant, to reflect on what they hear, instead of going right into

amendments, is usually more important than rushing something through.

Having said that, we'll next move to Ms Munro and hear from the ministry the nature of any amendments the ministry is considering right now. I want to thank you all very much for coming before us here today.

With that, Ms Munro, I turn it over to you.

MINISTRY OF TRANSPORTATION

Mrs Julia Munro (York North): I certainly want to convey to you my apologies for not being able to be here earlier. I appreciate the circumstances that have brought you here. It's certainly something that, as parents, none of us wishes.

I had the opportunity during the debate to speak in support of Dr Galt's bill and, in that process, had the opportunity to learn of the details and how important it is. I think a number of members have spoken about the opportunity we have with private members' legislation to bring forward issues such as this that affect people in our own communities and obviously have a very important message that we want to convey to the people of the province as a whole. I certainly was delighted that Dr Galt demonstrated this leadership in bringing forward this private member's bill.

In the opportunity I had to speak to this bill, of course I made it clear that the ministry certainly supports this bill in principle. I am going to ask that a representative from the ministry join me here, and we will go through the few amendments that will be presented. Through that process, I think you will be able to see that this is the direction in which the ministry is planning on going. If I can just ask for some help up here, please.

The Chair: Perhaps you could join us up in the front, please. Good afternoon. Perhaps you could introduce yourself for the purposes of Hansard.

Mr Frank D'Onofrio: Certainly, Mr Chairman. My name is Frank D'Onofrio. I'm director of road user safety at the Ontario Ministry of Transportation.

Good afternoon, ladies and gentlemen. If it is the pleasure of the committee, Mr Chairman, I have been listening to the comments on what other jurisdictions are doing, and I could speak to that first, if you wish.

The Chair: Please do.

Mr D'Onofrio: Various jurisdictions have taken this issue on, and they all seem to do it a little bit differently depending on their circumstances. When I say that, they are generally trying to remove the ability to ride in the back of a pickup truck, but they have exceptions according to their needs. Most recently, for example, in March of this year a new Michigan law prohibits an operator from allowing a person less than 18 years of age to ride in the open bed of a pickup truck travelling at a speed greater than 15 miles an hour on a roadway. The laws tend to be quite specific in terms of what can be done and what can't be done.

As someone mentioned, about five jurisdictions in Canada already have some form of rule on this: British

Columbia, New Brunswick, the Northwest Territories, Nova Scotia and Quebec. I know that Alberta, if it's not in place already, is looking into that as well. Again, it's a mix and match type of approach. We know that agricultural and construction sectors, as well as the parades that were mentioned, are typically the types of exemptions that are allowed to this type of law.

Mr Galt: Could I ask a quick question, please?

The Chair: Please do.

Mr Galt: I'm just curious about the agriculture exemptions that you're seeing in other areas. Do you have other speeds at your fingertips?

Mr D'Onofrio: I do not, Dr Galt.

Mr Galt: One of the reasons we'd set it where it was is just concern about trying to get it through and not having a big lobby from the agricultural community.

Mr D'Onofrio: A couple of other points really drive home what we've heard this afternoon. For example, the American Academy of Pediatrics believes the best way to reduce incidences of injuries to children riding in pickup trucks is to prohibit all passengers from riding in truck beds or in any area of a vehicle which does not have a seat and a seat belt. That's their view of it.

According to data also from the United States on fatalities by the National Highway Traffic Safety Administration, 127 children and youths aged 19 or less were killed in a single year, 1987, while riding in the back of pickup trucks, and about 1,000 more were injured annually in the US. I apologize that we don't have comparable statistics in Canada, but it gives you a sense of the scope of the problem. They also report that young people between the ages of 10 and 19 represent more than half of the deaths occurring to people travelling in truck beds. So it certainly is an issue.

The Chair: Could we move into the amendments you're considering as well?

Mr D'Onofrio: The first thing we looked at was what part of the Highway Traffic Act this new provision might best be attached to. Currently, it would be added to the section dealing with the use of seat belts. There is another section that we would recommend, and that is section 160. It has to do with towing of persons, bicycles, toboggans and so forth. There is already a prohibition on motor vehicles towing bicycles, toboggans and all of that, so it seems in the same spirit that if you're outside of the motor vehicle, you would prohibit this type of activity. That's the first adjustment.

Secondly—and I think it speaks directly to some of the discussion I've heard this afternoon regarding the scope—if in fact the interest and the concern is on pickup trucks, we would recommend really narrowing down the scope to prohibit riding in the truck bed of a commercial vehicle. A commercial vehicle includes pickup trucks, so the truck bed would be that open portion behind. What that does is get you away from issues around interpretation and what does it mean, “on the outside of a motor vehicle”? In our view, that adjustment would make it clear for police officers and others and to communicate through public education that we're talking about that

part of a truck that is on the outside in terms of the truck bed.

Thirdly, with respect to the exceptions, currently the bill has two sets of provisions. One is a list, as you know, that describes some of the exceptions that would be allowed, and it also has regulation-making power to allow for exceptions to be stated in the regulation. Our recommendation would be that all of the exceptions be dealt with in regulation so that we could have a time period where Dr Galt could have a focus consultation with the affected groups and really nail down exactly what exceptions are legitimate, let's say, which ones should be allowed, and put those in a regulation that would be under the legislation that we're talking about here. In addition, that would mean it would be best to move the effective date of the bill from “royal assent” to “upon proclamation” to allow for the focus consultation and for the filing of regulations to be put in place for the exceptions.

1710

The last adjustment that we would suggest has to do with police authority. We need in the law authority for a police officer to do three things. First is to charge the driver for the offence if the rider is less than 16 years of age. For example, you wouldn't charge a three-year-old who is in the back of a pickup truck, but you could certainly charge the driver. So you would make that explicit in the law. Secondly, obviously charge the rider if the rider is 16 years of age or over. We think that's a natural cut-off point which is consistent with the seat belt legislation. Thirdly, require a rider in the back of a truck to identify to the officer to allow for the laying of charges.

Those are the three elements of that last adjustment, and that's the series of adjustments that we would recommend.

Mr Levac: Thanks, Frank. You hit the last part that I wanted to come to first. Because you did that quickly, I'll come back to that one.

Regarding the enforcement, have the Solicitor General, the OPP or the OPPA, and I would assume any other groups that are affected by a change of the Highway Traffic Act—for instance, the chiefs of police etc—been consulted yet regarding the added duties that they are now going to receive as a result of this legislation?

Mr D'Onofrio: I know they are familiar with the bill. I can tell you that in our ongoing discussions with all of those groups in terms of protecting the occupants of motor vehicles, they are very interested in taking additional measures to restrain passengers through seat belts or child seats and all of that. I haven't seen a specific expression, written or otherwise, on this particular bill, but my understanding and our relationship with them would tell me that they would be very supportive of this.

Mr Levac: Can I assume that one of two things will happen, then: that your ministry directly will be doing that, or Mr Galt will be putting that as part of his consultation process?

Mr D'Onofrio: Certainly.

Mr Levac: When you say “narrowing the scope” and turning it from pickup trucks to commercial vehicles, does that broaden the scope or does that narrow the scope?

Mr D’Onofrio: Actually, in a way it does expand it. It narrows it in a certain way because, again, it takes you away from the concept and trying to define and interpret what is the outside of a motor vehicle. At the same time, it means any commercial vehicle, and that is certainly beyond pickup trucks.

Forgive me. I did have a corollary to that, actually, that Dr Galt alluded to earlier, which was that currently the prohibition on riding in trailers which are towed behind motor vehicles is very specific to boat trailers and house trailers, I believe. So it’s quite specific. This is an opportunity to expand the provision on restricting people who are riding in trailers that are being towed behind vehicles.

Mr Levac: When you mentioned section 160 and the towing, you caused me to have a flashback of memory, so I will tell the members on the other side that I wasn’t completely perfect when I was a kid. We used to do the old bus bumper rides. When the city buses would go by, you’d grab the bumper and go for a nice little skate in the wintertime. This would affect that as well, would it not?

Mr D’Onofrio: Currently, section 160 states that “No driver of a vehicle or street car shall permit any person riding upon a bicycle, coaster, roller skates, skis, toboggan, sled or toy vehicle to attach the same, himself or herself to the vehicle or street car.”

Mr Levac: So my shoes don’t count. Good. Maybe I can still bumper-hitch on buses.

Mr Mackey: Too hard on mitts as well.

Mr Levac: I mean, as a child we did those things, but obviously in this instance the—

Interjection: You hit your head a few times?

Mr Levac: Well, I did take a couple of tumbles. But in respect of the seriousness of it, I’m assuming that would probably be inclusive of this type of thing that you’re looking at regarding the section, that these types of activities that unfortunately cause us great grief at the wrong time can be applied to this legislation because of the broadness of it.

Mr D’Onofrio: Yes.

Mr Levac: I appreciate that, and I was trying to bring this to a serious point.

For me, when you said that the exceptions are now going to be looked at in your amendment, you’re recommending that we shift it to regulation completely. I personally may have some problem with that because as much as I know that the intention is not to dilute the importance of what’s being offered here—and I think talking to what Doug is saying about the farm community, there may be a little bit of resistance to that even though we may be able to roll it into a regulation. We always have this discussion at legislative levels about what should be a regulation and what should be in the meat of the bill to make sure that we drive home that this particular thing can’t get changed, can’t be interpreted in

any other way. Do you see any concerns with some of the exceptions that should actually stay where they are in order to appease or to satisfy the groups of people who may say, “Wait a minute,” or “I really need this exemption”?

Mr D’Onofrio: I think there are. I’ll give you an example. The Ministry of Labour, under their occupational health and safety legislation, has some very specific forums where they discuss with particular groups, firefighters and otherwise. Those tend to be evolving. We are always trying to improve the safety related to that. As you know, firefighters used to be allowed on the back of the truck, so that has been narrowed down. I think having these types of exceptions in regulation allows one to keep up with those types of positive developments in a much better way than entrenching something in the law. An example is the 60-kilometre-per-hour requirement. It’s our understanding that the Ministry of Labour is trying to move to a more stringent standard that the cut-off is 17 kilometres per hour for riding on the back of garbage trucks, which is a North American standard that’s developing.

That’s the type of tension you end up with if you try to put too many specifics in the legislation, as opposed to allowing it to evolve in the regulation.

Mr Galt: Just in the discussion, if I may, if we talk with the farm safety association or council—I may not have quite the right handle—they might ratchet this down much further than we would ever dream of. They would be the ones, along with maybe the Ontario Federation of Agriculture, that we should consult with, looking at a regulation. I’m quite comfortable with that. I believe the families’ feeling is that 60 is way too high.

I have had no objections from the agricultural community at all, and there has been a lot of publicity about this in my home area.

Mr Levac: I appreciate that.

Mr Galt: I think maybe the farm safety group would really ratchet this down for us and maybe we would get it down a lot further by consulting.

Mr Levac: I am assuming that the consultation process, along with the amendments being offered, is what we’re after, to find out whether or not they even want it there, and, if they do want it there, what those numbers should be. I appreciate that very much.

The question was basically if there is one that overridingly comes back to the surface, saying, “I’m sorry, I don’t want this in regulation. I want it to be a bill. I want it to be the law.” That’s the part I’m talking about, and if you could identify it or if you have identified it.

What I hear you saying is that you’d rather shift all of the exceptions and this type of wording to regulation to accommodate that discussion. But at the same time, I hope you’re open to the fact that somebody may come and present who says, “I’m sorry, I don’t want it in regulation, because it provides too much of an opportunity to change it. I want it entrenched in law, in the bill.” There might be examples of that, and I know there are. I’d have to look them up. There are people who say,

“Don’t give me regulations; give me the law.” That’s all I’m pointing out, that there might be that exception that comes to the table when the consultation takes place.

I’m finished, Mr Chair.

The Chair: Thank you. Mr Galt, you had a question?

Mr Galt: Depending on the committee’s support on this, I’m flexible in looking at these various amendments that have been suggested by the ministry. The one I’m concerned about and interested in, and I’m sure the families are, is how we would put this in to call or make reference to this as the Bart and Jay clause. Would you bring it forward? I think it would be a great healing process for the families.

Mr D’Onofrio: I will take that back, certainly, and work with our legal services on it.

Mr Galt: From a ministry point of view, do you see it as any kind of difficulty?

Mr D’Onofrio: We can work on that.

Mr Galt: We can have the act called that. Would it appear in the Highway Traffic Act as well?

Mr David Milner: The individual act would have a name, but we wouldn’t name a provision or a section of it.

Mr D’Onofrio: So it would be the act itself. Then it gets incorporated into the Highway Traffic Act.

1720

Mr Martin: Just on that point, I brought a bill forward on regulating franchising in the province. I believe we made the short title of the bill the Arthur Wishart Act, and there seemed to be no difficulty with that.

The Chair: It was the first time I think we had done that, and we’ve since done it one more time. But you’re quite correct, Mr Martin: it certainly established the precedent, in this committee in fact.

Ms Mushinski: I just have one question, and it has to do with the policing. Once the act is passed, upon proclamation, the exceptions are going to be considered. Does that mean that the act is not itself in full force and effect for policing purposes until those exemptions are passed by regulation?

Mr D’Onofrio: Yes, that would be the plan, upon proclamation, which would allow for the time to do the focus consultation and file the regulation.

Ms Mushinski: For the benefit of everyone here, can you give us some idea as to how quickly those regulations could come back in order to expedite the passing of the act?

Mrs Munro: Perhaps I could respond to that. It’s very difficult, insofar as obviously you’re also looking at doing some further consultation with Dr Galt. Then following on that would be the opportunity to look at what regulation should be put in place from there. To answer your question, it’s obviously difficult, because it’s dependent on those two processes taking place.

Ms Mushinski: OK. But you’ll take note of the need for dealing with it?

Mrs Munro: Absolutely, and I’m sure that Dr Galt would agree with me that in taking on further consultation in this specific area, he would want to have those

done as quickly and as timely as possible. Certainly the ministry would also want to respond in a timely way.

Ms Mushinski: I have just one more question. With respect to new police authorities, when acts like the Highway Traffic Act are amended, where there are reciprocal agreements with other jurisdictions, like the United States, certain states in the US and other provinces, would this automatically become a part of any reciprocal agreement?

Mr D’Onofrio: No. Generally the requirements of road safety in the province are such that when people from outside of Ontario come into Ontario, we would expect them to conform to our laws, and this would be one of them. That begs the issue of education and letting people know that in Ontario this is the law, that when you come into Ontario you can’t be riding in the back of pickup trucks, and that would be our approach in this regard.

If I could add, in terms of your earlier comment, getting the bill to royal assent is really important for us in terms of public education. Even though it’s not yet proclaimed, it allows us, through our marketing efforts, to work with our local partners to get the word out. When we know it’s going to be law, then we can be out there really pushing the educational aspect of it, and the police can do their educational enforcement as well.

Mr Levac: But not before.

Mr D’Onofrio: Not as easily before.

Mr Galt: If I could just comment on time frame, looking at time frame here, if we could get these amendments through, the committee meeting between now and the end of June, as we wind up the session, often it’s automatic third reading, like on the 28th, as we shut down, probably. Then it would be an official bill and receive royal assent. It would probably take most of the fall to bring various groups in, whether it be firemen, the agricultural group, construction and so on, and it will probably be the end of the year by the time the regulations would be in place. I’m looking at a realistic time frame to make all that happen. Does that seem in keeping with you, Mr D’Onofrio?

Mr D’Onofrio: That sounds reasonable, Dr Galt, yes.

Mr Galt: I like what you were saying a few minutes ago. If it gets passed on June 28 and royal assent shortly thereafter, then that gives the ministry the opportunity to promote and talk this up, which is a big half of what we’re after anyway.

The Chair: Mrs Bountrogianni.

Mrs Bountrogianni: First of all, Mr Chair, as women’s issues critic for the Liberal caucus, why does Doug get to keep his title of “Dr,” and I lose mine?

The Chair: He’s my seatmate, and he keeps reminding me.

Mrs Bountrogianni: Ah, OK. Well, I’ll put a card under your nose next time. We’re not supposed to be doing that.

The Chair: Ask the Speaker.

Mr Levac: Dr Bountrogianni?

Mrs Bountrogianni: No, “Mrs” is fine, but he should be “Mr” if I’m “Mrs,” right?

Ms Mushinski: Not to mention the fact it’s said by a man.

Mrs Bountrogianni: Good point.

I guess my question, to clarify, because I am concerned about the exemptions: you say you would like royal assent so you can educate the public. But what are you going to educate the public on if the regulations haven’t been set? In other words, will it be a general sort of education: “Don’t ride in the back of trucks”? Won’t there be a lot of confusion in the agricultural community, which is perhaps expecting an exemption, and in any work community that is expecting an exemption? Won’t there be that kind of confusion before the regulations are set, and are you not concerned about that?

Mr D’Onofrio: It’s a fair point, but I think just getting the message out generally, and if those persons within the affected industries that might end up with an exemption are willing not to practise this any further, obviously we are further ahead in terms of safety. Getting the general message out that riding in the back of pickup trucks is not a safe practice—it may need to be accommodated for industry, for specific purposes, but let’s get the message out there as much as possible and see what we can do in reducing the preponderance of this happening.

Mrs Bountrogianni: Fair point. Again for clarification, you listed the strengths—flexibility being one—of having the exemptions in the regulations. In your experience at the ministry, is there any downside to having exceptions or anything in regulations rather than in the bill itself?

Mr D’Onofrio: I think flexibility is the overriding feature we come back to. It allows you to keep up with standards as they evolve.

Mrs Bountrogianni: Just as a point of clarification on another bill, I was under the impression that kids were supposed to wear helmets when they are riding their bikes. Did that law actually get proclaimed?

The Chair: Yes, it did.

Mr Galt: There’s an age on that of 18.

Mr Levac: Sixteen.

Mr Galt: Sixteen. So adults can be silly, but children can’t.

Mrs Bountrogianni: So sixteen and under have to wear helmets.

The Chair: Any further questions?

Mr Miller: I have a question to do with the amendment, point 2, Mr D’Onofrio. You said you were going to

make an amendment to change it to the truck bed of commercial vehicles. Is that correct?

Mr D’Onofrio: Yes, sir.

Mr Miller: Does that mean private vehicles would not be affected by this law?

Mr D’Onofrio: It seems odd, but all pickup trucks are defined as commercial vehicles in the Highway Traffic Act, so they would all get captured in this.

Mr Mackey: Is there not now something that says that if you use a Slow Moving Vehicle sign, you’re not to exceed 40 kilometres per hour?

Mr D’Onofrio: That’s only allowed for self-propelled implements of husbandry, so it’s really on farm vehicles that the Slow Moving Vehicle sign is allowed. It wouldn’t be allowed on a regular pickup truck, for example.

Mr Galt: I think he has a good point. Would that be a way of dealing with this, possibly in regulation, if they are going to ride in a half-ton truck at slow speeds, to have the Slow Moving Vehicle sign on it?

Mr D’Onofrio: We could look at that. It would mean changing the law in terms of where a Slow Moving Vehicle sign is currently allowed.

The Chair: Any further questions? Seeing none, I want to thank everyone for their contributions here and remind everyone that we will try to deal with the amendments next Monday, after we have held clause-by-clause consideration of Bill 25.

Mr Galt: Just for clarification, Mr Chair, I believe that around the table there’s agreement on the suggested amendments. We’ll circulate them prior to them being at a meeting, but my understanding is there is general agreement with what MTO—Mr D’Onofrio—has presented.

Mr Levac: I’d like to see them before.

Mr Galt: I’m not nailing you down; just the general principle of what’s coming forward.

Mr Levac: You have to know that I have concerns about the regulations.

Mr Galt: Yes.

I would like to thank all the committee members for being so supportive on this particular private member’s bill that we’re putting through, as well as, again, all the presenters, particularly the family, for doing such an excellent job.

The Chair: Thank you, Mr Galt. Indeed, thanks to all the committee members and to everyone who came down to participate or to listen to our deliberations.

The committee stands adjourned until Wednesday at 3:30.

The committee adjourned at 1730.

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