



Legislative Assembly
of Ontario

Third Session, 37th Parliament

Assemblée législative
de l'Ontario

Troisième session, 37^e législature

**Official Report
of Debates
(Hansard)**

**Journal
des débats
(Hansard)**

Wednesday 20 November 2002

Mercredi 20 novembre 2002

Speaker
Honourable Gary Carr

Clerk
Claude L. DesRosiers

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LEGISLATIVE ASSEMBLY
OF ONTARIO

Wednesday 20 November 2002

ASSEMBLÉE LÉGISLATIVE
DE L'ONTARIO

Mercredi 20 novembre 2002

The House met at 1845.

ORDERS OF THE DAY

HIGHWAY TRAFFIC AMENDMENT ACT
(EMERGENCY VEHICLE SAFETY), 2002

LOI DE 2002 MODIFIANT LE CODE
DE LA ROUTE (SÉCURITÉ
DES VÉHICULES DE SECOURS)

Resuming the debate adjourned on October 30, 2002, on the motion for second reading of Bill 191, An Act to amend the Highway Traffic Act to ensure the safety of emergency vehicles stopped on a highway and people who are outside a stopped emergency vehicle / *Projet de loi 191, Loi modifiant le Code de la route afin de garantir la sécurité des véhicules de secours arrêtés sur une voie publique et celle des personnes qui se trouvent à l'extérieur de tels véhicules.*

Hon John R. Baird (Minister of Energy, minister responsible for francophone affairs): On a point of order, Mr Speaker: I seek unanimous consent with respect to today's debate on Bill 191, that one hour be divided equally among the recognized parties for the purpose of tonight's debate. At the end of that time, the motion for adjournment of the House will be deemed to have been made and carried, and the Speaker shall adjourn the House. For the purposes of standing order 46, tonight's debate will be considered one full sessional day.

The Deputy Speaker (Mr Bert Johnson): Mr Baird has asked for unanimous consent. Is there consent? Agreed? It is agreed.

In debate, I recognize the member for Timmins-Cochrane.

Mr Gilles Bisson (Timmins-James Bay): Timmins-James Bay.

The Deputy Speaker: Timmins-James Bay. I'll get that right one of these times.

Mr Bisson: First of all, I want to start out in saying that we generally support what we're trying to do by way of this bill. Interestingly, we have House time that we can be dealing with pretty substantive pieces of legislation. For example, the government introduced their budget bill a couple of weeks ago and they have, contained within that, changes to the pension regime in the province of Ontario where you would see employers getting a right to strip benefits out of pension surpluses. I would hope that

we could bring those particular bills into the House and have substantive debate by allowing that bill to be carved out of Bill 198 and brought into the House. But instead, we're here debating this particular bill in regard to emergency vehicles beside highways.

I just want to say at the beginning of this, for a government who says they've got a lot of really important business to deal with, I just say to myself, and I'm sure other people say it too, "Why aren't we dealing with more of the substantive issues?" If you take a look at this session, it's been rather interesting. The government has brought a whole bunch of bills like this that are OK—it's not that this is a bad bill; it's not that it won't do something positive, but you say to yourself, "Where's their priorities?" Is this more important than dealing with an issue such as the security of people's pensions in the province of Ontario? I would think we would want to deal with the latter rather than this one first, but we're here tonight to debate this one.

We'll support this bill. The Highway Traffic Amendment Act is, I think, to say in a very safe way, certainly a bill that's supported by a number of people in our province, especially people in the police departments who are going to be benefiting out of this. They understand that there's a danger, especially on the Highway 400 series, but it could also happen on two-lane highways, that if people don't take due regard when it comes to seeing an emergency vehicle parked on the side of the road giving assistance to some emergency or accident situation on the side of the highway, you need to make sure that there is some provision in order to deter people from speeding by and not taking due regard for safety of the emergency workers who are beside the highway.

We generally support what the bill does. I'm just going to read it out of the bill itself. Under part X of the Highway Traffic Act, 2002, by adding section 159.1, it says, "Upon approaching an emergency vehicle with its lamp producing intermittent flashes of red light that is stopped on a highway, the driver of a vehicle travelling on the same side of the highway shall slow down and proceed with caution..." I said the other day in debate, and I think it needs to be repeated again, a couple of points that we want to make. We think that this bill should be referred to committee—not for long; we don't believe that you have to have extensive public hearings on this—but we would like to get it into committee in order to make a couple of amendments by way of clause-by-clause. Under section 159.1, we would argue that we

should extend not just for red lights, but for all vehicles that are providing emergency assistance, or assistance of some type, on the side of highways.

I said the other day and I say again today, you don't just have police vehicles and fire trucks stopping beside situations where there's been an accident or an incident. You have ambulances, which are not necessarily red lights; they're orange lights. So what are we saying in this bill—"We're prepared to protect people who have red lights on their vehicles but we're not prepared to protect emergency workers in the ambulance sector because they happen to have orange lights"?

What about the volunteer firefighters that use the blue light? We passed a bill in this House not too long ago that says that if you're a volunteer firefighter you're allowed to carry a blue flashing light inside your car. If you're on your way to an emergency that you've been called to, the person can take the blue light, put it out on the dash or on top of the car, whatever type they have, and proceed with caution, within speed limits, to the area where they're giving assistance. I will argue, and as Madame Martel will know, in parts of the province that I come from, the people who do respond to emergencies are volunteer fire departments. They're not the police officers that give the primary care, as far as extracting the person out of the accident vehicle or dealing with putting down the Absorb All because there's been gas that's gone across the highway; they're volunteer firefighters. I would like to be able to include under section 159.1 the ability for volunteer firefighters to be protected by the same type of law.

1850

What about tow truck drivers? They're obviously the ones who are called on—I see the government saying no, that we shouldn't protect them. I say we should, because you have an accident or you have a situation happen and the first person on the scene normally is the Ontario Provincial Police or local police. The ambulance shows up shortly after, you've got the fire department that shows up to do the extrication, and then, on top of that, you've got the tow truck that comes, so the tow truck is there as well.

Are we saying we're not going to protect people in the tow truck industry? They probably could use protection under this legislation. We're saying whoever stops to give assistance when it comes to an emergency on the side of the road, or to give assistance to somebody on the side of the road, we should have a law that basically says that upon approaching an emergency vehicle with its lamps producing intermittent flashes—I would spell it out and say all types of lights—motorists must slow down and proceed with caution. That way we're able to protect all those people who come on the scene of an accident. I think it would only be a reasonable thing to do.

The other thing that we think is a bit odd in the bill is how this bill is going to work. Just think about this for a second. Let's say they don't amend the bill and we just have red lights covered under this legislation. On

Highway 11, somewhere in northern Ontario you have an Ontario Provincial Police officer who gives assistance to some driver who has pulled off on the side of the road because of a difficulty with his or her car. The police officer has pulled over and he puts on the flashing lights to indicate there is an emergency or there's a situation that you should be careful of. All of a sudden you get a car coming by that doesn't slow down. Zoom, the car goes by the OPP officer.

Hon Mr Baird: How does it go again?

Mr Bisson: I'll say it again. The car goes by, zoom. It goes by the OPP officer at 60 miles or 70 miles an hour. What's the OPP officer going to do if that person they're giving service to is actually in an emergency? Is that lone OPP officer going to jump back into his or her cruiser and go down Highway 11, trying to catch the person who went by? Of course not. They're going to provide assistance to the person who's in the emergency situation. They're not going to take off. There's no mechanism in this law that says, like other laws, that all the police officer has to do is take down the plate number and file a charge by way of the plate number. There's no provision for this in the legislation.

The only way you could lay a charge under section 159.1 of the Highway Traffic Act would be for the police officer to jump into the car, give pursuit, pull the person over and give the ticket. That's the only way you'll be able to do a charge under this section of the act. I say, why not give police officers the tools they need to do their job safely? First of all, we take a position in Ontario that high-speed pursuits should be in very limited circumstances. We should be doing all we can to protect citizens and police officers from being put in a position of danger by way of a high-speed pursuit.

One of the ways you can do that is by putting an amendment in the legislation that says, "If I'm a police officer, an ambulance worker, an emergency worker of some type, and I'm giving assistance on the side of the highway in a vehicle with intermittently flashing lights, and somebody endangers one of the parties giving assistance by zooming by the accident and almost hitting somebody, all that person has to do is take down the plate number and say, "Here's the plate number." They give it to the police officer and the police officer then can summarily charge the individual on the basis of the plate.

There are already provisions to do that in hit-and-runs. That's already in the legislation. There's already the provision to do it in a whole bunch of instances under the Highway Traffic Act, but it's odd that in this legislation we're not giving that provision to police officers.

We need to get this bill into committee and get into amendments because we've got to make sure we give our police officers the tools they need to properly apply this bill so that (a) it's really meaningful, and (b) they're not putting themselves or anybody else in danger in trying to apply this particular law. It's only right that we should give police officers, emergency workers and other parties involved in these types of situations the ability to say, "This person didn't slow down. They went by real quick.

They put somebody in danger.” You take down the plate number and you summarily charge the person by way of the plate number.

I see a couple of members in this assembly who were former police officers. I think they would agree with me on that, because police officers know the last thing they want to do is to give high-speed pursuit, especially in a city or town. Quite frankly, police are well trained. Police officers understand that it's only in rare circumstances that they should give high-speed pursuit. They have to have reason to believe that the person is going to be endangering somebody else in the public and that there's a good reason to pull them over.

Something like this: the way this law is written, let's say there's an accident in downtown Timmins or downtown Sudbury. The police officer has pulled over, is trying to give assistance at the accident, and all of a sudden you've got some moron going by who doesn't slow down and puts the police officer and others at the scene of the accident in danger. You potentially have a situation where the police officer may say, “Who was that?”, jump in the car, take off and give pursuit. Before you know it, he or she, the police officer, is chasing this person down the streets in the city of Sudbury or Azilda or Timmins or wherever it might be.

I'm saying we have one policy in the province that says we should limit those types of pursuits, and here's an opportunity to limit the pursuit by putting an amendment in the legislation that says, “We will give police officers the ability to charge by way of taking the plate number and charging the person summarily from there.”

There is already precedent for that in the legislation. In all other kinds of situations, you can give tickets in that way. I'm sure the minister responsible for safety and whatever—the Solicitor General, as it used to be called—would agree with me. Police officers are responsible individuals who want to do their job right and they need the tools from us, the legislators, that allow them to do their jobs properly. I would argue that not putting that provision in the legislation would put police officers in the position of having to make a judgment call on the side of the highway or road that they may regret later. Why put them in that position? Let's give them the right under the legislation to be able to charge that way.

I come back to the other point: we should not only be protecting emergency vehicles with red lights; there are ambulances; there are volunteer fire departments; there are tow truck drivers; there are green lights—the Ministry of Transportation often is on the scene, especially when it comes to truck accidents. What you'll often see on a highway, and I see it quite often on Highway 11 as I drive around my riding, is that you get a truck that goes off the side of the road because road conditions are such that it's kind of hard to hold them on the middle of the road in the wintertime and they end up going into the ditch. All of a sudden you've got a load that has been strewn along the side of the highway. You've got logs everywhere, chips, all kinds of stuff going on. You end up calling who? You call the Ministry of Transportation

often to come and deal with that issue that's applicable to MTO. So I'm saying, why don't we protect the MTO inspection officers who may have to be out there because of some condition that has happened in regard to trucking?

We're saying, “Good bill. Not a bad idea. Good step forward.” We're going to vote for it at second reading. We think this is a pretty good piece of legislation, but we make the point that it has to go to committee. We need to deal with those two particular issues I raised as a way of being able to make this bill better so that police officers are able to do their jobs properly. Those are two of the points we want to make.

Hon Robert W. Runciman (Minister of Public Safety and Security): More delaying tactics.

Mr Bisson: Now the minister—I'm so surprised, I'm so hurt that the minister responsible for safety is saying, “This is delaying tactics.” This is not delaying tactics. The reality is that this Legislature meets from time to time to deal with public business. As I understand it, this is a bill that will affect the public of Ontario.

Here we've got a bill that basically is going to do not a bad thing. All we're saying in the opposition is that we need some time to debate this bill so we can raise the issues. Through this debate, we have raised, and the Liberals have raised, points that I think are valid. In our particular case, in the NDP caucus, we are saying there are a couple of things we should do to make this bill better, to protect other emergency workers from being endangered by vehicles that don't slow down and proceed with care, by also giving police officers the tools, the ability to charge summarily by way of a licence plate, rather than jumping in their car and running away, and the minister responsible for safety says, “Oh, you're just delaying. This is delaying tactics.”

I've got a whole 20 minutes to make the point, and I say to the minister, my God, of all people, I would think he would support these useful amendments, because I know Mr Runciman. He's an honourable member and he has made a bit of badge for himself. We call him Top Cop around here—you, know, the sheriff walks into the room. We know Mr Runciman likes to support police officers, and good for him, as we do. All I'm saying is, here is an opportunity, Minister, to be able—

Mrs Margaret Marland (Mississauga South): If you do, you would have passed this by now.

Mr Bisson: Now we've got the former minister responsible for seniors saying we're delaying. Come on, be real.

All we're doing, Bob, is saying, “Let's give those police officers the tools they need to do their job.” That's not unreasonable.

Ms Shelley Martel (Nickel Belt): In northern Ontario, it's the paramedics on the side of the road.

Mr Bisson: There's the other issue. Exactly. My good colleague from Nickel Belt raises the point that the people on the scene in many of our communities up north are the paramedics. Often the police officers get there after the paramedics, quite frankly. Why aren't we

protecting them? They're all emergency workers and I think we all agree as members of the Legislature that this is not a partisan issue. I don't see the three parties' names all over this and lines divided all over the place.

1900

We're saying this is not a bad idea, but there's a way of improving on the idea. What's wrong with that? Don't draw a line in the sand, minister responsible for safety, public issues, former Solicitor General, whatever it is. Don't draw a line in the sand. Say, "I'm open-minded as a minister. I want to hear good suggestions." And I think you have to agree, these are good, positive suggestions. It gives the police officer the tools they need and we protect other emergency workers. What's wrong with that?

So we're saying, this is not delay. Send it off to committee; I'll agree to do committee in half a day. Send it off to committee for an hour. I just need an hour to table the amendments, to explain them and have the government vote for them. I would hope they want to protect other emergency workers and I would hope they want to give a police officer the tools, but if you refuse to go to committee, what are you saying to police officers and others? You're saying to all the other emergency workers, "I don't care, because only the police officers are worth protecting," and I know you don't want to say that. I would hope that you don't want to say that. If you don't go to committee, it means you don't want to give them the tools.

Who is here defending police officers and other emergency workers? In this case, it's the New Democratic Party of Ontario. We are standing here shoulder to shoulder with the brothers and sisters in the trenches who deal with emergency issues in the province of Ontario and we're saying, as New Democrats, give those people the support. What's wrong with that?

The other point is, to the government saying, "Oh, we're wasting time here debating. Boy, is democracy a lot of trouble, eh? Man, democracy just gets in the way of a government's ability to do what the heck it wants, and those pesky opposition members, they come into the Legislature and they say, 'I want an amendment on a piece of legislation.' Oh boy, you're pretty pesky over there," well, you know what? Last time I checked, this still is a democracy; at least I want to believe it is. It doesn't work as well as it used to, since you guys got the power, but that's for another debate. But I just say, somebody's got to come to this Legislature and raise these points, because all that happens on the government side of the benches is you guys come in with your prepared script that says, "I am a Conservative member. I am reading the script that's prepared by the Premier's office. I will tout the party line." It's like a bunch of automatons.

I'd like someone for once—Mr Mazzilli, for example, who is a former police officer—to stand up in a debate and say, "Yeah, I agree with Mr Bisson and the New Democratic Party. As a former police officer, I agree that other people are put in danger on the side of the highway when it comes to dealing with accidents. And it's not just

police officers that have to be protected, it's our paramedics, it's our firefighters, it's our volunteer firefighters, it's all of those workers, including tow truck drivers. And yes, I agree with Mr Bisson. Give us, the police officers, the tools that we need to protect, give us the opportunity to do that."

But no, I get the front bench of the Conservative caucus going, "Oh, you're coming in here and you're delaying this legislation. Oh, you're getting in the way. Pass the bill without debate."

I know my good friends across the way, like Mr Turnbull, would support reasoned amendments like this. I know they would, if they were only given the ability, if only the Premier's office would release the shackles around their legs, those big shackles they put around their ankles, and allow them to walk free within the caucus chamber and allow them to walk free in the Legislature. Just pull those chains and shackles off and stand up and say, "Yes, we are with the New Democratic Party. We want to support police officers, we want to support the paramedics, we want to support all those workers out there who are put in danger at the side of road. And Ernie, we throw away these prepared texts that you give us. We don't believe that. We want to support the New Democrats because you know what, Ernie? Like on Hydro, they're right, and when, God, the New Democrats are right, they're right, and we should support them."

We're just saying that's not an unreasonable thing to ask for. We take our responsibility very seriously here, as New Democrats. It wasn't popular coming in here six months ago, a year ago, and saying Hydro deregulation is a bad thing, market opening is a bad thing. We came in the House, we used every tactic we could in order to be able to make that point, and the government across the way said, "Ah, you're wrong, you're stalling, these are scare tactics. It ain't gonna happen."

Look what happens. Now the Liberals have flip-flopped and even they agree with us now. I saw them both this afternoon in the House. They supported the NDP resolution on hydro. We talked about how the Liberals took everything off their Web site when it comes to hydro policy and it's a big blank. Now they've put, "Press this link. Go to the NDP Web page and you'll get hydro policy for the Liberal Party," because they'll press a link from the Liberal page and it will bring them to Howard Hampton's page and into public power. So I say to the ministers across the way, throw off those shackles. Become the free spirits that you should be. Stand up for democracy. Assist the emergency workers in this province and support the New Democratic Party with its reasoned amendments to give all emergency workers the protection they need under this bill. Thank you.

The Acting Speaker: Further debate. The Chair recognizes the member for Halton.

Interjections.

Mr Ted Chudleigh (Halton): I'm sorry, Mr Speaker. Did you introduce me? I didn't hear you.

The Acting Speaker: Yes, and there's a reason you didn't hear me. It will not happen again. Take my word for it. The Chair recognizes the member for Halton.

Mr Chudleigh: I'm very pleased to enter this debate.

Mr Bisson: Throw the speech away. Throw off the shackles.

Mr Chudleigh: I'm going to throw a big part of it away, Mr Bisson, and I'll address some of your comments.

I will be sharing my time with Mr McDonald, the honourable member for Nipissing, this evening. What I don't cover I'm sure you'll find he will cover very well.

Now that we have finished with the member from Timmins-James Bay, the hyperbole, and some might say hypocritical—but that might be going a little too far.

The Acting Speaker: I would ask you to withdraw.

Mr Chudleigh: I apologize. I withdraw.

I'd like to thank Mr Frank Mazzilli and also the honourable David Turnbull for doing the background effort and bringing this important piece of legislation forward. My esteemed colleagues have already pointed out, as this is the second day of debate in this House, that the front-line police officers and firefighters in this great province of Ontario, and other emergency service personnel—and that's how it's defined in the Highway Traffic Act: "other emergency personnel." That covers ambulance workers, it covers paramedics, it covers all the people the member speaking before me would have included in amendments. They're already in. I appreciate that he hasn't had time. You may not have time to read every piece of legislation that comes before the House, and you can't really refer to Coles Notes. You really have to delve into the legislation to understand it.

Those people he was talking about are already in this piece of legislation and these people in Ontario, all of them, play a very important role in ensuring the safety of citizens in this province. Without them, life as we know it wouldn't exist. These people stand between the rule of law and total chaos in our province. We owe all of them a huge debt of gratitude. They go about their jobs with the full knowledge that the shift they are currently working could be the last. They accept that possibility as one of the hazards that comes with doing something they love to do and something that they do extremely well. But they shouldn't have to be put in a position of being killed or seriously injured while performing such everyday functions as handing out tickets or tending to minor fender benders.

I can assure you that the Eves government intends to do whatever it takes and whatever it can do to protect these dedicated men and women who deserve our thanks and support. Bill 191, the legislation before the House this evening, goes a long way to providing that support. I encourage every member of this legislation to vote yes when this bill comes for a vote. The men and women who are putting their lives on the line for us every day are watching, and we won't let them down.

It seems to me that when this legislation does come before this House for a vote eventually, everyone in this House will support it. We were talking earlier about the need to debate some bills in this House for longer periods of time than we currently do, and there are pieces of

legislation which we all agree to and which cover all of the appropriate clauses in the bill that we don't necessarily have to debate for long periods of time. But this bill will go on for three days of debate, we'll have one day of time allocation and then the bill will be passed for second reading.

1910

Before the House right now there is Bill 198, which is a very long and thick budget bill covering a myriad of subjects that really deserves a longer period of time in debate, as does Bill 180, a similar large bill. We would have time to debate those bills. We could debate them six days, eight days, 10 days. We could put them in committee. We could do all kinds of things in debating those bills if we could get the co-operation of the opposition on bills like this that don't deserve four days of debate. We all agree to them. We should pass them and get on with it.

The other bills—the budget bill, the consumers' act bill—could be debated more thoroughly by this House if we had that kind of co-operation. I would encourage the opposition parties to think about what they are doing to the democratic process when they refuse to move expeditiously on bills that we all agree on.

As my colleagues have indicated, the Eves government is very serious about this piece of legislation. I would like to take a moment or two to explain what the legislation is and how it works and how it could be enforced and then the penalties that are associated with it.

The legislation mandates that drivers that are approaching vehicles going in the same direction as the vehicle stopped by the side of the highway, and with their red emergency lights flashing, must slow down to a reasonable speed, a very slow speed. What is reasonable will be dictated by the traffic flow, the posted speed limit on the roadway and, naturally, the current weather conditions, the current light conditions and whether it's day or night and that sort of thing.

It also calls for the driver to move into an adjacent lane prior to passing the stopped vehicle if the adjacent lane is free of traffic. That can only occur where there are at least two existing lanes travelling in the same direction as the traffic passing the stopped vehicle, and that it is safe to do so.

The legislation will apply to all vehicles, excluding school buses, with flashing red lights—which motorists in Ontario know that they should not pass when the flashing red lights are activated.

Section 62 of the Highway Traffic Act authorizes ambulance, fire, police, public utility, emergency vehicles and the Ministries of Transportation, Natural Resources and Environment vehicles to carry the red flashing lights. If the member opposite had read that section he wouldn't have been railing on about his amendments. Sixteen American states and the province of Saskatchewan have enacted similar legislation as Ontario's proposed law. However, Ontario's proposed law is among the toughest in Canada.

I think we will do whatever it takes to protect the lives of our police officers, firefighters and other emergency

service personnel in Ontario. Over the past four years, with great sadness, it is unfortunate that we have seen four of these officers lose their lives while standing beside the road carrying out the laws of this province.

Those convicted of disobeying this new law, if it should pass, can expect to be dealt with very severely. For the first offence the fine will be not less than \$400 and not more than \$2,000. For the second or subsequent convictions, a fine of \$1,000 to \$4,000 would be assessed, and imprisonment for a maximum of six months, or both fine and imprisonment. It is a very serious situation. The court can also suspend the person's driver's licence for a maximum of two years.

These penalties are comparable to those assessed to drivers that fail to stop for school buses with their red lights flashing. We take extraordinary steps to protect our children. We should do no less for those that protect us and also those who protect our children.

The Ministers of Public Safety and Security and Transportation will work closely, once the legislation is passed, to ensure that the driving public is made aware of these new regulations. There will be a need for a phasing in of the law that gives the driving public an opportunity to adapt to these changes.

I can assure the House, however, that once the grace period is past, the government will see to it that the law is enforced. This province can't afford to lose even one more police officer, firefighter or other emergency service worker to a needless and somewhat avoidable accident.

Drivers who commit these crimes will pay the price, and they can count on it.

In closing, I'd like to once again encourage all members of the House to show their support for the front-line workers by passing this important piece of legislation unanimously—something that I'm very sure will happen eventually. In closing, I'd like to point out that it is the holiday season and I would like to encourage all the members of the House and those watching that they don't drink and drive, don't become a statistic or be the cause of a flashing light on the side of one of Ontario's roads.

Mr Pat Hoy (Chatham-Kent Essex): I am indeed pleased this evening to rise and speak on Bill 191. Of course, we will be supporting this bill. Dalton McGuinty and the Ontario Liberals agree with the government and all who believe that we should protect our emergency service workers and at the same time ensure the public is also provided with a degree of safety.

I want to comment on the fact that the member from Brant, when he read the title of this bill—An Act to amend the Highway Traffic Act to ensure the safety of emergency vehicles stopped on a highway and people who are outside a stopped emergency vehicle—noted in the title that the government has chosen to put the vehicles ahead of the people in the title. I would submit that if you want to ensure that they would move—

Interjection.

Mr Hoy: —to ensure, I say to the minister opposite, that you have vehicles ahead of the people. That's where

we come from: protecting the people, not the vehicles, first. I think it's a minor issue, of course, but one that has significance to those people who ride in those emergency vehicles. I put it to the minister that perhaps they could just simply reverse the title to a small degree to ensure that we put people ahead of the vehicles.

The act calls for persons to move to the left when coming in contact with an emergency vehicle that has a red light flashing. I think that currently many people do this. I think many people automatically move to the left. They recognize there is an activity going on in front of them. I think what the government's trying to do here is ensure that this happens in all cases. I'm certain they are trying to set a good example to promote the issue that one should move to the left when this activity is taking place with any emergency vehicle with the red light flashing.

The question of enforcement has been raised by others in this House, on our side of the House and by the third party. In particular, when, for example, a police officer has pulled over someone who has perhaps had a driving infraction or simply needs assistance, how would they capture someone who is blatantly breaking this law? That has been put to the government on numerous occasions. I think that is part of why even the minister, who in all sincerity is trying to protect those emergency workers, recognizes that this is a strong piece of legislation aimed at ensuring that people who currently move to the left—have that occur in all instances. One should be doing that on a regular basis.

The number of injuries and deaths to those who provide those services is tragic. We need to ensure that people understand that we in Ontario will not tolerate aggressive or simply very poor judgment and poor driving. By way of example, this bill helps to move along the attitude that we must be responsible on our highways.

The bill does not say to what speed these vehicles should slow down. It does not say how much one should slow down when passing an activity that involves emergency vehicles with the red lights flashing. There is a great deal of discretion, it would appear, within the bill as to how much one should slow down. Of course, as I mentioned, how would one apprehend a person if they are the only officer or there is no officer involved at all? It could be another emergency vehicle, such as fire or ambulance, as mentioned by others.

We have a situation in my particular part of the riding where we have a part of Highway 401 which, due to so much tragedy on that highway, had been commonly called Carnage Alley. There today exist only two lanes going eastbound and westbound. There is no third lane. There is no left-hand paved shoulder and there's no median barrier.

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I happened to be just recently near the site of an accident. According to press reports, no one was killed, thank goodness, but according to the press a tow truck crossed Highway 401 and hit oncoming cars in the eastbound lane—two vehicles. As the traffic stopped and backed down the 401 because of the accident in the

roadway—I was perhaps 10 transport lengths back from the accident—the police were called to assist. They could not cross the highway from the westbound side on to the east and get on to the right-hand paved shoulder because of all the traffic backed up. So the police officers were driving down the embankment, which is very, very steep in that particular section of 401, on a rakish angle on the passing-lane side.

I would say to the Minister of Transportation and the Minister of Public Safety that we need to have fully paved shoulders on both sides of the highway, not just one side of the highway. We need that extra lane. I think those officers were put at some risk driving down the left-hand median.

Hon David Turnbull (Associate Minister of Enterprise, Opportunity and Innovation): So why didn't your government spend any money on the roads?

Mr Hoy: The minister opposite has stated in the past, when he was Minister of Transportation, that he would look at this issue some 11 years from when he was Minister of Transportation; 11 years down the road he would look at that. So that's the commitment the government has given to date. "We'll look at it and maybe do something 11 years down the road." So we have no left-hand paved shoulder, we have no median barrier.

There's another section of Highway 401 between Woodstock and Cambridge that is nearly identical. It does not have a third lane. It does not have a paved shoulder on the left-hand side. It does not have a barrier. I've talked to police officers who say that every time they see black tire marks on that median they know that a life has been saved or at the very least injury has been put aside. Police officers tell me that.

The argument is this one: if we have three lanes, fully paved shoulders on both sides of the highway and a median barrier on some sections of the 401, therefore it must be a safety feature that can be enjoyed by all. However, we do not have continuity on the 401. We move from two lanes to three, back to two, and then of course in the GTA we have multiple lanes, beyond three.

In order to help our emergency workers—all of them: police, fire, emergency and others—we should have fully paved shoulders on both sides of our 400 series highways, allow for that room for people to get over, as this bill requires, and assist in a major way all the public who drive on the 401, and that includes our emergency service personnel.

I think the government should embark on a positive educational program in regard to this bill. Currently, we have a law that says that when an emergency vehicle approaches a vehicle you must move to the right-hand side of the road, get out of the way, let them go do their work, pull over to the right and stop. That's if an emergency vehicle is coming behind you and you hear the sirens, the bells perhaps, and of course the red lights flashing. You are to pull over to the right. Now we have a piece of legislation introduced here that requires vehicles in certain circumstances to pull to the left. So I think it

would be prudent of the government to do positive, non-partisan advertising and explain to the public the situations whereby one is required to pull to the right-hand side of the road for emergency vehicles and in other situations you must pull to the left-hand side. I think we should certainly have the driving public understand what is required in both cases, and in all cases.

It's also interesting to note anecdotally, talking to the public and with some police officers, that the current law whereby a vehicle must pull over to the right has a fine to it. Yes, it does. So does this piece of legislation, Bill 191, have fines attached to it. But they tell me that people cherish the points on their licences. They don't want to have demerit points. Neither one of these pieces of legislation allows for points to be taken away from those who have an infraction under either one of these two laws in Ontario, should Bill 191 be passed. I know that people cherish their driving licence points. I further state that that perhaps also has an effect on their insurance rate, and people want to make sure their insurance rate is kept at a reasonable level, so they drive with that in mind.

Also on our highways, as mentioned by many, we have police officers, fire, ambulance and other emergency vehicles, and volunteer firefighters are on the scene as well. I would hope that the Minister of Transportation and the Minister of Public Safety would look at Bill 153, the Safety in Highway Construction Zones Statute Law Amendment Act, introduced by myself as a private member's bill. This bill would ensure and enhance the safety of our construction workers. Bill 153, introduced December 12, 2001, implements the recommendations made by the coroner's jury as a result of the inquest into the death of Dick Van Rooyen. Mr Van Rooyen was a construction worker killed in the Ridgetown area on Highway 401. Mr Van Rooyen's accident, his untimely death, occurred on Carnage Alley, on the 401, which happens to be the section of the 401 that's in my riding.

If the government would just take this bill and run with it; call it your own. Take this bill and protect our construction workers as well. It would amend the Highway Traffic Act by increasing the penalties if convicted of a driving offence in a construction zone. It would permit municipalities to designate construction zones as community safety zones. It would double the fines for speeding through construction zones—we would double the fines through construction zones, a strong deterrent—and it provides for the doubling of demerit points on that offence. The demerit points I was just talking about under Bill 191 would not be affected, nor are they put in place for those who fail to pull to the right for an emergency vehicle.

It also provides that traffic should be diverted to the other side of the road, with the contractor supplying a written traffic protection plan. By "the other side of the road"—we're talking about the 400 series highways.

I have talked to construction workers who favour this bill. It is supported by the Construction Safety Association of Ontario, the Ontario Road Builders' Association

and the Transportation Health and Safety Association of Ontario. I say to the government, take this bill, take it upon yourselves, bring it in under the Ministry of Transportation or perhaps—the minister is here tonight—the Ministry of Public Safety and Security and have it passed so that we can protect our construction workers.

I have talked to construction persons who, while working, have had rakes and shovels taken right out of their hands by cars and other vehicles going by. That's very close. They were very fortunate they weren't injured or killed. Mr Van Rooyen was killed. Not only that, it's gotten to the point where the tolerance of people going through construction zones appears to be challenged. They will throw things at construction workers. Can you imagine a car or any other motorized vehicle moving at a high rate of speed and they're throwing pop cans at construction workers? At the very least, let's slow these vehicles down and ensure a degree of safety for construction workers, and let's do it in the name of Dick Van Rooyen. As a matter of fact, Mr Van Rooyen's name appears in the title of the bill, in his memory. I'm pleased that the family has worked along with me in this regard.

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So we have demerit points that will be doubled, we have fines that will be doubled, and where a court or judge has convicted a person for a contravention of subsection (14.1) and has determined that the person convicted was driving at a rate of speed of 50 or more kilometres per hour greater than the maximum speed limit, the court may suspend the driver's licence of that person for a period of not more than 60 days.

This is a strong bill. It contains at least three different deterrents, that being doubling the fines for speeding, doubling the demerit points, and also one could lose their licence. I think this House would agree with me that Bill 153 should have been passed into law immediately after being introduced on December 12, 2001, as a private member's bill.

I want to move on. The bill, as was pointed out by the members of the government opposite, does provide a section that says "'emergency vehicle' means a vehicle described in subsection 62," which does include other than just police vehicles. But it goes on to say that it does not include a school bus. It mentions right in the bill that we're discussing tonight, Bill 191, that it does not pertain to school buses. However, I have a private member's bill that deals with school buses. I think the government should allow it, after second reading has occurred in this House, to move to committee, be brought back for third reading and made into law.

Bill 112 would protect the 810,000 children who ride school buses each and every day. It would assist the over 16,000 buses that are out on our roads and streets each and every day. It would protect the children and provide a strong deterrent for those who recklessly pass school buses when the red lights are flashing. This occurs far too often. School bus owners, school bus drivers, tell me it happens two and three times per shift, and it must stop—it must stop.

I have introduced this bill five times. Successive Ministers of Transportation have spoken against it, or at the very least have not allowed it to go through the process of this House beyond second reading.

I have been very fortunate in the lottery we have here in terms of private member's bills. I have had the opportunity to introduce this five times with the support of 30,000 names on petitions, with the support of Larry and Colleen Marcuzzi, whose 16-year-old daughter Ryan was killed by someone who passed a school bus when the red lights were flashing. It's very difficult for the Marcuzzi family to talk about their young daughter Ryan. But over time, Mrs Marcuzzi has told me that every bone in her body was broken.

We have to ensure that the driving public knows that we will not allow in Ontario the blatant disregard for those red lights flashing on a school bus. They are there to protect the children. There is not in this province a strong deterrent. What we have is the lack of a conviction mechanism. By that I mean the school bus driver must identify the face of the offending driver. It's virtually impossible—blacked-out windows, time of day, speed of the vehicle. If the vehicle is passing from the back to the front of the bus they only see the back of one's head. My bill would allow for the identification of the licence number, better known as vehicle liability. The government allows vehicle liability on the 407 to collect money. They allow vehicle liability at red-light cameras. But they seem not to want to protect the children of Ontario, those 810,000 who ride school buses every day, with vehicle liability. School bus owners, operators and police have told me that this bill would certainly provide a conviction mechanism to those who witness a crime and could be cross-examined about it.

The Deputy Speaker: Further debate?

Mr AL McDonald (Nipissing): It's my pleasure to join in the debate regarding Bill 191, the Highway Traffic Amendment Act (Emergency Vehicle Safety), 2002, which is designed to enhance the safety of police officers, firefighters and other emergency personnel and to modify driver behaviour.

This legislation will apply to all vehicles, excluding school buses, with flashing red lights. Subsection 62(15.1) of the Highway Traffic Act authorizes ambulance, fire, police, public utility emergency vehicles, and Ministries of Transportation, Natural Resources, and Environment vehicles to carry a red light. So this bill covers all emergency personnel, all emergency vehicles.

The other day I had three police officers visit me here at Queen's Park from my riding of Nipissing: Sergeant Mike Tarini, Constable Noel Coulas, and Constable Shawn Devine. They all have children. They pleaded with us to put this bill through and pass it so that they could be protected, so that their kids wouldn't have to worry about some driver running them over while they are out there trying to protect us. The fact that we're looking after emergency personnel and we're looking after these individuals who are there to protect and serve us deserves consideration when we are reading this.

We talk about all the important bills that are before the Legislature, like safe, clean drinking water and consumer protection. This, to me, is a no-brainer. So if I could, I'd like to ask for unanimous consent for second and third reading of Bill 191, the emergency vehicle safety act, 2002.

The Deputy Speaker: Mr McDonald has requested unanimous consent to pass second and third reading of Bill 191. Agreed? It is not agreed.

The Chair recognizes the member for Nipissing.

Mr McDonald: Many of us don't recognize the high risk that front-line police officers can face during traffic stops. When an officer has pulled his or her cruiser off to the side of the highway to issue a speeding ticket or a warning, to provide help or investigate an accident, we don't necessarily think of this as a very dangerous part of their job. But this is a very dangerous part of their job. In the past five years, several police officers have lost their lives as a result of being involved in traffic accidents while stopped on the side of our provincial highways. Many others have narrowly missed being run over. Not only is this endangering the life of an officer; it also leads to the possibility of these trucks hitting other vehicles that might stop on the shoulder of the roadway.

This is the kind of driver behaviour this legislation is designed to eliminate. These officers and other emergency personnel are there to protect us. They understand that their job is, by its very nature, dangerous. However, they shouldn't have to worry about their life being at risk needlessly because of inappropriate action of irresponsible drivers.

This legislation will lessen the risk these hard-working men and women take in performing their duties of protecting the rest of us. Bill 191, if passed, will make the public more aware of emergency vehicles stopped on the shoulder of the highway, increase the safety of police and other emergency personnel, remind drivers of their responsibilities as drivers and deter driving recklessly.

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Many of these people who actually take these risks, who put their lives on the line as part of their job, are with us today. We're joined this evening by Mr Bruce Miller and Ed Kinnear. Together they represent over 20,000 front-line police officers in municipal police services in the Ontario Provincial Police across the province. So welcome to both these gentlemen here tonight.

I'd like to take this opportunity on behalf of the Honourable Bob Runciman, the Minister of Public Safety and Security, to thank the OPA and the OPPA and the various other organizations that contributed their comments and suggestions to help us draft this legislation. We appreciate their efforts, their commitment and their co-operation in fighting for what's right: the safety of the men and women who ably represent us, who keep us safe.

I think it's fair to say that the people who actually wear those shoes, the people who actually step out of

their cruisers in close proximity to the vehicles travelling at high speeds, support this legislation. They want this legislation. They believe it will improve their on-the-job safety, and this government agrees. We're confident that the citizens of Ontario will embrace this legislation as well.

Bill 191, if passed, will see Ontario in the forefront of jurisdictions that make officer safety a priority. Ontario has always been a leader in supporting our police officers, our firefighters and other emergency personnel, and we intend to continue that. Even one more death of an officer or an emergency worker as a result of this type of accident is unacceptable and can be avoided here in Ontario.

The Eves government is determined to protect the safety and well-being of our front-line officers and other emergency personnel. Everyone who uses our provincial highways will benefit from this legislation because we all benefit when these hard-working men and women are able to concentrate on the task at hand.

By forcing drivers to slow down to a reasonable speed or, where it's feasible and safe to do so, move to the adjacent lane, we are protecting those whose job it is to protect us. I encourage all members of this Legislature to support this legislation.

In closing, Mr Speaker—we're running out of time here tonight—I'd like to remind the members of this Legislature of a very sobering thought. Each year the Minister of Public Safety and Security and most of my colleagues here in the Legislature attend memorial services throughout the province to honour police officers and firefighters who have lost their lives in the line of duty. This legislation won't necessarily prevent additional names from being added to the memorials, but it will go a long way toward providing greater safety for these men and women. Even one death of this nature is unacceptable and can be avoided here in Ontario.

The Eves government is determined to protect the safety and well-being of our front-line officers and our emergency personnel. It needn't take the death of another police officer, firefighter or emergency personnel for this House to recognize the seriousness of this situation. These people are valuable resources; they are wives, husbands, mothers, fathers, sons and daughters.

Let us put a stop to these needless, avoidable deaths now by passing this legislation.

I would like to continue to speak, but I see my time is up, so I'd like to thank you for the opportunity to speak on Bill 191.

Hon Mr Baird: I'd like to indicate the strong support of my constituents in Nepean-Carleton and a lot of police officers in Ottawa-Carleton for this important piece of legislation.

The Deputy Speaker: In accordance with the agreement made earlier tonight, this House stands adjourned until 10 am tomorrow.

The House adjourned at 1947.

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