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**Journal  
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(Hansard)**

**Monday 14 November 2005**

**Lundi 14 novembre 2005**

Speaker  
Honourable Michael A. Brown

Président  
L'honorable Michael A. Brown

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LEGISLATIVE ASSEMBLY  
OF ONTARIO

Monday 14 November 2005

ASSEMBLÉE LÉGISLATIVE  
DE L'ONTARIO

Lundi 14 novembre 2005

*The House met at 1845.*

ORDERS OF THE DAY

TRANSPORTATION STATUTE LAW  
AMENDMENT ACT, 2005

LOI DE 2005 MODIFIANT DES LOIS  
EN CE QUI CONCERNE LE TRANSPORT

Resuming the debate adjourned on November 1, 2005, on the motion for third reading of Bill 169, An Act to amend the Highway Traffic Act and to amend and repeal various other statutes in respect of transportation-related matters / Projet de loi 169, Loi modifiant le Code de la route et modifiant et abrogeant diverses autres lois à l'égard de questions relatives au transport.

**The Acting Speaker (Mr. Michael Prue):** Further debate? I believe it was with the government. It's not. Then I recognize the member from Oak Ridges.

**Mr. Frank Klees (Oak Ridges):** Thank you, Speaker. I was quite certain that it was the official opposition that was next in line, and here we go.

I'm pleased to join the debate on Bill 169, An Act to amend the Highway Traffic Act and to amend and repeal various other statutes in respect of transportation-related matters. At the outset, I want to make it very clear that I will be supporting this bill. I'll be supporting this bill because I have somewhat of an affinity to this bill as the former Minister of Transportation. The staff at the Ministry of Transportation will know that during my time as minister, I worked with them very closely on most of the provisions of this bill, so I'm pleased to see it here. It's not very often that we, as members of the Legislature, have an opportunity, frankly, to be able to support a piece of legislation that is brought forward by this government, because quite often it lacks in good common sense, the legislation that's brought forward, and often there are areas of the legislation that we would take exception with or have exception to.

In this particular case, in large part this legislation I can support, and I believe you will hear from other members in our caucus in the official opposition who will also be supporting the legislation.

I want to, at the outset, congratulate the staff of the Ministry of Transportation on the good work they've done on this legislation. Mr. Bruce McCuaig, with whom I had the opportunity to work, is the assistant deputy

minister of policy, planning and standards—very conscientious in the work that he has done. Mr. Frank D'Onofrio, the acting deputy minister, again is someone for whom I have a great deal of respect. I know that they certainly provided the continuity in terms of the deliberations and discussions that took place. I want to compliment the Minister of Transportation for taking up the provisions of this legislation, notwithstanding the fact that, in large part, it is legislation that was tabled by the previous government. I think he shows his wisdom in terms of bringing forward legislation that will serve the people of Ontario very well.

In large part, it deals with safety measures that are important to have in place. It provides in some areas of the bill the authority and the appropriate regulatory support for our police services with regard to matters that they have been lobbying the government on for many years. That, for example, is the area of being able to clear traffic when there's an accident and ensure that there isn't liability on the part of police officers who take the initiative to ensure that debris and car crashes are removed from the highways. We have enough difficulty in this province, certainly in the greater Toronto area, with gridlock. We all know what happens the minute there is an accident on any of the major thoroughfares: Traffic is often backed up for hours simply because of one accident that takes place. Common sense would say, why leave the car and the debris in the middle of the highway? Why can't that be removed? That is a logical question that I put when I was the minister, and I was told, "Well, the reason you can't is because of liability issues and because the regulations don't allow for protection for police officers and emergency personnel." So the question I put was, "What is it that we have to change in legislation to provide that protection?"

**1850**

To the government's credit, they are bringing this forward. I think that that, in itself, is going to be a very significant measure to ensure that we can begin the very common sense process of clearing some of these gridlock issues that we face in Ontario.

I'm going to speak to a number of other areas that I think it's important, first of all, for the public to understand that this legislation is going to be dealing with; and also for stakeholders to understand the rationale as to why we're bringing this forward.

I drive back and forth from my constituency every day, along with literally thousands of people, and the route I take and am committed to take is the 404/Don

Valley Parkway. When I first moved into the York region area, it used to take me about 35 minutes to drive from York region down to the centre of the city. It now is an hour to an hour and a half, and if it's raining or snowing it can be a two-hour or two-and-a-half-hour trek.

The challenge of gridlock for people in the greater Toronto area is just huge. So one of the things that this bill will do, as part of the bigger picture in terms of supporting a move toward public transit, is to create high-occupancy lanes. The intention I had when I was Minister of Transportation was that we create additional net high-occupancy lanes so that with any new construction that takes place on a major thoroughfare—the 400 series of highways, for example—we keep in mind the importance of HOV lanes.

I support the provision in this legislation, therefore, that provides for HOV designation of high-occupancy lanes. I would have preferred if the legislation referred to “net new lanes.” In other words, I do have some concerns that by simply designating existing lanes as HOV lanes we potentially are going to be creating a greater problem in the short term than we are solving, because now, as we travel south or north on the Don Valley Parkway or the 404 extension, all lanes are plugged. It's true that many of those cars—I'm included—have one driver. The objective of this legislation, of course, is to encourage carpooling and have some people leave their cars at home, and I was hoping that the HOV designation would be targeted to new lanes that are built as we widen these highways. Nevertheless, I can live with what we have here.

I also support and believe that it's innovative of the government to move forward on the variable speed limit systems that the ministry is saying they are prepared to experiment with and to bring on. The idea here is that many of the accidents that occur, occur because of bad driving. It's not necessarily the speed limit, it's how one drives within those speed limits—and the weather conditions. I'm ever amazed when there is heavy rain or when it snows or when there's fog and you have people who will pass and will still think that because the speed limit says 100, somehow they have this God-given right to drive 100, when what the speed limit presumes is some common sense. Common sense says if it's pouring rain, you slow your speed down and the top speed at that point may well be 80; or if there's fog, that you're wise enough to slow down. Here's the problem: Some people do, but it's the odd person who doesn't, and that's where the major problems occur.

What is intended in this section—I'm well familiar because I was involved in those discussions—is that we have a system of variable speed limits where we can actually instantaneously change the speed limit on changeable signs on these major thoroughfares to facilitate the road conditions. So that if we have a heavy fog, or if it is raining or if there is a snow storm, we have interchangeable signs that can then provide that kind of speed limit guidance to people travelling on the roads. Again, I think it's forward thinking. I fully support it, I

think it's the right thing to do, and I look forward to the ministry moving forward with that technology.

There are other aspects of this legislation that I think are long overdue. I'm sorry, quite frankly, that this legislation wasn't introduced two years ago, that the government didn't just follow through with the legislation as we had passed it, because the next item I'm going to speak to should already be implemented, and that is enhancing construction zone safety. As we all know—we've all experienced it—when we drive down major highways and construction is going on, people don't have the good sense to change lanes and they don't have the good sense to slow down. This part of the legislation is going to provide for very strict penalties for people who don't exercise that kind of common sense. I believe that this is all about saving lives. There are far too many lives that have been lost in this province, road construction workers who have lost their lives because of carelessness, and I believe this is the appropriate measure to be taken on.

The issue of increasing the penalties for driver licence fraud: Again, I support that fully. At this point in time, I want to take the opportunity, however, to speak to another issue, and that is the fraud that's taking place in this province relating not just to drivers' licences, but to safety inspection certificates for automobiles, for reconstructed automobiles. I put a question to the minister relating to one of my constituents who recently purchased a car, his first car. A young man saved up \$7,000 to buy this car so that he could go to and from work. He bought the car from someone who held himself up as a car dealer. After driving that car—which had a safety certificate with the stamp of the Ministry of Transportation on it—for about a week, he found out that it was out of alignment, took it to another inspection station and it was found to be absolutely unsafe to drive.

Clearly, what happened was that whoever did that first safety inspection, did it fraudulently. It should never have had a Ministry of Transportation stamp on it. What I want to see the government do is to go after people like that, who are essentially robbing constituents, Ontario citizens, of hard-earned money. Because now we have a young man who doesn't have his \$7,000, he doesn't have a car to drive, and he's left to his own resources to go after the person who sold him the car. He now has to go through the court system, and unfortunately the Ministry of Transportation is essentially washing its hands of the entire affair. That's wrong.

What I believe should happen is that the Ministry of Transportation should be front and centre saying, “We will join with you and we will take that person to court,” because at the end of the day, there is a sense of responsibility that the Ministry of Transportation has.

#### 1900

The minister is going to hear much more about this file from me, because I'm not going to let it stand. It's my responsibility as a member of the Legislature to help this young man work his way through this. I'm hoping that the ministry will in fact see the wisdom of ensuring that these inspectors and this inspection station are

prosecuted to the nth degree. I also would want to see the Ministry of Transportation take whatever steps are necessary to help this young man recover his hard-earned money, and to ensure that things are made right.

I only have a few minutes left, but I want to speak to an area of the bill that I don't support, and there's only one. I raised this issue during the public hearings, I appealed to the minister, and I appealed to the members of the government who sit on that standing committee. The minister has refused to take this step, and I'm going to just say on behalf of many hard-working Ontarians who are taxicab drivers in the city of Toronto—who are being discriminated against because of existing legislation and regulations—that I think it's unfortunate that the minister is not prepared to come to their support.

The situation is this, as you well know: We have a situation in the greater Toronto area where limousine drivers who are licensed to pick up fares at the airport in Toronto also have the right to pick up fares, now, in the city of Toronto. That makes good, common sense. You pick a fare up at the airport; you drive them to the city. Does it not make sense that one should then be able to pick up a fare in the city of Toronto to go back to the airport? It just makes good, common sense.

Well, here is the problem: The minister is giving that kind of endorsement and right to limousine drivers who are licensed to do business in the Toronto airport. What cab drivers in the city of Toronto want is a level playing field. The way it is now, they can certainly pick up a fare in the city of Toronto and take that fare to the airport, but they cannot pick up a fare at the airport unless they go through a hoop of having a pre-arranged pickup with someone who knows exactly the time that they want to be picked up there, and then they can make accommodation through their offices to pick up that fare. I think that just makes no sense whatsoever.

We want and we encourage these businesses, and many of these people are small business people; they work very hard. They simply want the opportunity to pick up a fare at the airport if they have taken someone from downtown Toronto to the airport. Doesn't it make sense that they have the right to pick up a fare of someone who is wanting to go downtown from the airport so that they don't have to go back downtown with an empty car? They still have to pay for the gas and the insurance—they have all of the expenses—and yet this government is saying no to these people.

Now, the argument came forward from the government that this is something that should be negotiated with the city of Toronto through the new negotiations they're going through with the Municipal Act and so on. I put forward in committee a proposal that simply would have the government not proclaim that part of the bill that relates to this until the city of Toronto had an opportunity to negotiate that level playing field in their negotiations with the government of Ontario. That would simply allow that time frame for the fair thing to be done. This minister and this government have refused to do that. And it's disappointing, because for that period of

time it continues to leave Toronto taxi drivers in a very unfair situation and, quite frankly, a hardship situation.

In conclusion, I want to reaffirm my support for the bill in general. I've spoken to a number of components of the bill that I think are very positive going forward. I'm extremely disappointed that the government has not been willing to at least hold back on proclaiming that one section of the act relating to this until the matter can be dealt with. We will see what happens. There's still time for the government to change their mind on this, and I hope they will.

**The Acting Speaker:** Questions and comments?

**Mr. Marchese:** I congratulate the member for Oak Ridges for his remarks. I congratulate him for all of the work he did on this bill that the Liberals now have done, for which they are taking a great deal of credit. I congratulate him as a former minister for not adopting the Raminder Gill amendment by way of a bill that would have done exactly what this government has done. If you recall, I think Raminder Gill, a former Conservative member, had introduced in a private member's bill anti-scooping legislation that would have given preference to limousine drivers in the GTA over Toronto taxi drivers. To the credit of the Conservative Party at the time, to the credit of the minister, Monsieur Klees from Oak Ridges, they rejected those amendments. But lo and behold, the Liberals have adopted all of the positive things he spoke about, that the government is proud of, that I will be supporting in about 10 minutes as I speak to this bill.

But they have adopted that which the Tories rejected when they were in power, and that is, they have adopted Raminder Gill's bill that the Liberals are now proud to adopt as their own. I congratulate the Minister of Transportation for adopting it, for assuming it with pride. And not only he, but a lot of Liberal members who were part of that committee adopted this amendment with pride and glee and satisfaction—in fact can't get enough of it—and all attacking the Toronto taxi drivers with grave satisfaction, knowing fully well that they're pleasing their friends in the GTA. God bless you. I'll have an opportunity to speak to this.

Frank, congratulations on all your good work.

**Hon. James J. Bradley (Minister of Tourism, minister responsible for seniors, Government House Leader):** I was glad to hear the member say he's in favour of the bill. This is the third day of third reading on this bill. I listened to his leader, John Tory, say he was going to do politics differently in Ontario. I used to read about that in Ian Urquhart's column. I hope Ian Urquhart is watching tonight, to see the Conservative Party, which has allowed only one bill to be passed in this session—in four weeks, one bill to be passed—now delaying once again.

I thought the member's speech was quite appropriate tonight. I want to say that to him. I want to commend him on his speech. But I do want to say that this is the third day of third reading. It may have happened, but I can't recall a bill in which there were three days of third reading. I just hope that the leader of the Conservative

Party, John Tory, who was going to do things so differently in politics and looked upon this House as anachronistic because of some of the things that have been done in years gone by, takes note of what's happening on this particular bill when he speaks to his caucus tomorrow.

1910

**Mr. Bill Murdoch (Bruce-Grey-Owen Sound):** I also want to commend the member on his speech, because Frank drafted a lot of this when he was minister, and unfortunately, it wasn't passed at that time. But in the bill we do have this problem of the taxis.

I want to also comment on my good friend from St. Catharines mentioning that our leader said he would do things differently. Do you know something? In the last election, I remember a leader on that side saying that everything was going to be different. There were so many things that were going to change, and we were going to have more democracy here, and backbenchers were going to be asked what they thought—all these big promises. I think the guy's name was McGuinty; I believe I'm right. Mr. McGuinty mentioned that he was going to change the face of this place and everything would be so good and so wonderful.

My good friend from St. Catharines mentioned that this is the third day of debate on third reading. I believe he's the House leader, and I would hope that he's treating the House leaders from the other two parties somewhat nicely, because they can make deals on this. Maybe they could get us out of night sittings. As you know, Mr. Speaker, I always vote against those night sittings, because this is what happens, but all the government members certainly vote for them, and they do it right to a line. They're told by that guy who ran an election that things were going to change. The whip wasn't going to run everything; the whip wasn't going to tell everybody how to vote.

As you noticed, member from St. Catharines, we have free votes over here, but unfortunately that has not happened on the Liberal side yet. That's an unfortunate thing that has not happened over two years. I guess the leader of the Liberal Party has forgotten about those promises. I guess so many have been broken that it doesn't really matter.

**Mr. Dave Levac (Brant):** I remember vividly the leader of the official opposition continuing to vote for night sittings, so I think maybe the member opposite had better talk to him and see whether he can convince him not to do this. I also did some checking into his own voting record when he was in government. As much as he's this maverick that everybody wants to talk about, he never voted against his government. In terms of how easy it is to do things on that side, it's very difficult to make sure we have all of the cats lined up.

The member opposite from Oak Ridges made some good points. I want to ask him if he remembers the three private members' bills I brought in to deal with the safety issue when he was in government and Minister of Transportation. I was sent back a letter that said it was going to

be taken care of, and that was in 2001. I'm not sure whether those were addressed. The good news is that it's getting addressed now, and I like the thought that we want to move this bill forward. I really look forward to getting this thing passed.

**The Acting Speaker:** The member from Oak Ridges has two minutes in which to respond.

**Mr. Klees:** The member from Brant is absolutely right. That is why the measures he proposed were contained in this bill. Had we been re-elected as the government, it would have been dealt with two years ago, because it was in the bill I had tabled.

I thank the member from Bruce-Grey-Owen Sound for his encouraging remarks. He's absolutely right in terms of how we are doing things differently. What the leader of the official opposition has said, and what he meant about doing things differently, is that we would take this place seriously and we would take seriously the debate on the issues. So to be called down for having spent three days on third reading—I'm sure people who are watching this are saying, "Minister of Tourism, what's wrong with that, that members of the Legislature take time to articulate their concerns and recommendations—and support—for a piece of legislation?" That is exactly what John Tory meant when he said we're going to do things differently. We're going to take this place seriously, and we're going to articulate our concerns both for and against legislation. I think the member heard me say some very positive things about this legislation. It's not all negative, and I think we're true to our word.

To the member from Trinity-Spadina, I look forward to hearing his remarks because I think that, as a resident of the city of Toronto and someone who represents a riding in the city of Toronto, he fully understands the issue I was trying to bring forward with regard to Toronto taxi drivers who are simply asking this government for a level playing field, and the government has turned its back on them. He's right: We turned down a private member's bill because we wanted this matter to be done right. This legislation does not have it right.

**The Acting Speaker:** Further debate?

**Mr. Marchese:** I welcome the citizens of Ontario to this parliamentary channel. We are on live, and it's 7:15. Welcome to this political forum; it's one of the best shows we've got in town, and that is why people keep tuning in, day in and day out, catching their favourite MPPs talk about issues that citizens know so much about.

I am happy to speak to Bill 169, and I first of all want to go through a couple of items as a way of showing the Liberals that New Democrats can agree with them from time to time on a number of issues. Then I will attack the Liberals as best I can on matters of disagreement, and we have many of those we well.

Some of the positive elements of this bill: high occupancy vehicle lanes on 400-series highways and allowing for the use of paved shoulders for certain vehicles, which we presume to be buses or high-occupancy vehicles—a good thing, and God bless; we need it, and we need it fast. The minister needs to get on with this.

We need it to help reduce traffic gridlock and, hopefully, reduce the number of cars on the road. As you know, and as citizens know, we are well behind other North American jurisdictions in this regard. We agree with that.

It allows municipalities to lower speed limits to 30 kilometres per hour in traffic-calming areas and construction zones. We think this is a safety matter, and that's good. Many will argue that we can't crawl any slower than that, but as a safety issue, a whole lot of people say, "We can live with that," and we support this issue as well.

On vehicles registered in northern Ontario, light-weight studded tires will be allowed. We support that as well; we think it's a positive measure.

Provisions aimed at allowing police to clear roads more quickly following accidents in an attempt to reduce delays and gridlock is a positive thing. We support that as well.

It creates new offences for flying vehicle parts, not just truck wheels as at present. We think that's a good thing. It improves daily commercial vehicle inspection standards by requiring drivers to check over 70 itemized defects daily. Clearly, those are positive things that the Tories thought were good and that the Liberals have adopted as their own. We think those are positive measures.

But on some of these aspects we think that safety provisions are one thing but having the funds to ensure they are enforced is another. Where we fail in so many of the bills we present in this Legislature has to do with enforcement. If you don't have the people to monitor, to catch the problems when they happen and where they happen, it doesn't matter that you might have increased the fines from \$150 to a couple of hundred, or whatever the amount is. Without enforcement, it won't be much of a deterrent.

What this government doesn't do well is enforce the laws it passes. It claims it does, but we all know they're strapped for cash. We know they only broke one promise—not to increase taxes—and that was to raise a health tax with which they raised \$2.4 billion. But they need to spread that money around so it isn't just used for health; it's used for many other things, in spite of the claims they make. That \$2.4 billion can never recover the lost \$13 billion that has been taken away by the Tories in the form of income tax cuts and corporate tax cuts.

We are raising \$2.4 billion to cover all the broken promises the Liberals have made and to cover aspects of the health field that are incredibly expensive. That is why they have frozen and capped so much of the funds that would otherwise go to many of the ministries, 15 of which have been flatlined and/or taken a hit, meaning cuts have been sustained in those ministries, including francophone affairs, aboriginal issues, the Ministry of Culture and 12 other ministries. They don't have any money. They have to cut services. They don't have the money for enforcement. When they say, "We're going to hire 1,000 cops," they're not coming because they don't

have the money and because the cities don't have the money to match them.

So enforcement, each and every time, as it relates to anything this government does, is bound to fail. You're going to increase the fee to whatever amount you want—although they're not excessive for serious infractions—but without the cops to be there to catch the culprits, nothing will happen.

#### 1920

So I speak positively of some of the measures this government has introduced and speak poorly of them as it relates to the issue of enforcement. They won't do it because they can't do it. There's no new money coming into the provincial coffers to be able to deal with this. So in spite of all that they say, they will fail on the component of enforcement.

My serious attack on this government has to do with what 90% of the deputants had to say about Bill 169. The majority of people that came to our hearings were Toronto taxi drivers. We had very few deputants—except for the fire chiefs, to which I will allude in a moment—coming to speak to the elements that I've spoken of or others that I have not mentioned. In fact, one could probably count them on one hand. The majority of them were limousine drivers from the GTA and taxi drivers from Toronto. Rarely have you seen the sizable demonstrations that we have witnessed outside of this assembly in the time this government has been in power, where the number of people has been so great, as Toronto taxi drivers who have come to complain about one aspect of this bill that they believe, and quite correctly, infringes on them in a pecuniary way—and I'll explain in a couple of minutes. You will recall that when the Tories were here, we had thousands of people demonstrating outside. We didn't like it and the people out there didn't like it. That particular government, the Conservative government, was quite nasty. So when you see, on two occasions, hundreds and hundreds of taxi drivers come to this place to protest what you are about to do with this bill, it speaks to a serious concern that people have.

They have been, I argue, completely disregarded by this government, by this minister and by the committee members who I saw speaking and asking questions of the Toronto taxi drivers. They had no regard for the concerns that Toronto taxi drivers raised in that one-day hearing that we had to speak to this particular issue. Oh, yes, you had a Toronto member come for a short while—he's not here at the moment, but he sits right behind me—and he made it appear that he was very concerned about the Toronto taxi drivers and that they might, when they look at the Municipal Act, possibly look at that act with a view to changing it as a way of possibly satisfying the Toronto taxi drivers. He left after an hour and a half or two. Once he left, all the other committee members were disdainful of the concerns that were raised by the Toronto taxi drivers.

Toronto taxi drivers see section 4 as further entrenching unjust practices—practices established and governed by another piece of legislation, namely, the

Municipal Act. They rightly ask themselves, “Why are anti-scooping amendments being introduced to the Highway Traffic Act and not to the Municipal Act under which the taxi industry is licensed?” That’s the question they asked, and we asked it too. They believe, and rightly so, that this has been done to the favour of one taxi jurisdiction over another, benefiting the airport taxi and limousine drivers at the expense of Toronto taxi and limousine drivers.

The Toronto taxi industry sees section 4 of this bill as a way of strengthening the existing system that allows airport taxis and limos to pick up fares within the city of Toronto largely at will, while the city of Toronto licensed taxi and limousine drivers must pay a \$10 fee and line up at the airport in the hope of getting a return fare downtown. They said, and I agree with them, it’s a matter of fairness. We know taxi drivers hardly earn a gainful living. We know that what they earn is insufficient to make a good living. We know that limousine drivers outside of Toronto are doing marginally better. This is not to argue that they are wealthy men and women, but they are doing marginally better than Toronto taxi drivers.

I am not saying that limousine drivers in the GTA are well-to-do, wealthy and unwilling to give up a little bit of the extra. I am arguing, however, that the Toronto taxi driver is doing very, very poorly, can barely eke out a living. We say that fairness and justice must apply to them so that they both are able to earn a living, as poor as it is, so that one is not disadvantaged over the other.

The GTA drivers were not willing to be fair in this matter. The Liberal members were unwilling to be fair in this matter. I was there, and there was not one Liberal member sitting there who spoke with a sense of understanding, a sense and a willingness to perhaps change the Municipal Act, with a sense that perhaps they might not want to support section 4 of this act that speaks poorly and treats unjustly the Toronto taxi driver. They did not want to do that.

So I deduced in my simple way that the Liberal members on that committee were not keen on supporting them. They weren’t listening. They tried to make arguments to try to diminish those Toronto taxi drivers who brought forth good arguments. I recall—and I didn’t mean to make fun of one of the limousine drivers from the GTA. I said, “So you’re saying that when you come to Toronto, you sometimes spend two hours waiting for a pickup?” He said yes. I pursued it and I said, “I heard from you and others that sometimes you also wait two hours at the airport.” He said yes. So I said, “You wait two hours in Toronto for a pickup, you wait two hours at the airport for a pickup, which totals four hours. When do you work?” They made it appear as if they wait for two hours there and two hours here, and if that is the case, they’re not working. It’s impossible.

Of course they’re working and of course they’re picking up people in Toronto. In many cases, they have an arrangement with some hotels. In fact, one of them told us they have an arrangement with a downtown hotel, with them specifically—not with Toronto taxi drivers but

with them specifically, automatically causing an unjust one-way ticket with the limousine folks from the GTA. It was said publicly in committee. It didn’t matter what I asked, the limousine drivers from the GTA were unmoved. They too were disdainful of me and the Toronto taxi drivers. All that these Toronto people are looking for—as the member from Oak Ridges said—is a levelling of the playing field.

Instead of opening the Municipal Act to level the playing field between the airport drivers and the Toronto drivers, the government has opted to amend the Highway Traffic Act in such a way as to further entrench the existing system, which unfairly confers economic benefit on the airport taxi and limousine driver at the expense of the Toronto taxi driver.

This is why, my friends, Liberals and Tories, we’ve seen so many demonstrations by the Toronto taxi drivers at Queen’s Park, the most recent of which was on October 4. The current Speaker was there, and my colleague Michael Prue was there to lend a hand, to support them, to bring about some justice to the Toronto taxi driver. We were on hand because we believe that fairness ought to be the goal of any government, and it should be the goal of a Liberal government that often prides itself on being fair to the little guy and to the big guy. Why, they represent everybody equally all of the time, except in this particular instance they are not. You’re left to wonder why.

#### 1930

There was reference made to a fundraiser where people paid 200 bucks to attend a Liberal fundraising event, and they were all limousine drivers, as far as we could tell, as far as we know; 200 bucks—that’s a whole lot of pecunia. The Speaker will know that when you have an NDP event, if you have an event—

**Hon. Madeleine Meilleur (Minister of Culture, minister responsible for francophone affairs):** —five hundred dollars.

**M. Marchese:** Pardon, Madame la ministre?

**Hon. Mrs. Meilleur:** Five hundred dollars.

**M. Marchese:** Madame la ministre dit, « Cinquante dollars ». Pour aller où?

**Interjection:** Fifty dollars?

**Mr. Marchese:** No, no, you’ve got it all wrong, Madame la ministre. The Liberals and the Tories: \$700 events for the Tories, God bless you all, and the Liberals have \$600 events, God bless you all, and the competition between them is 100 bucks. Then they have \$200 events. I’ve got to tell you, if an NDP has an event of 200 bucks, it has to be extraordinary, and I don’t know who goes. A Michael Prue must be similar to a Marchese in Trinity–Spadina, but when we have an event, if you charge more than 50 bucks, good luck. We can’t raise that kind of money.

When you grease the Liberal wheel with 200 pecuniae to attend, that’s a whole lot of political favours that one could buy with that kind of money, God bless. How come, Mr. Prue, we’re not so lucky as to be able to bring these people with bucks? How come they don’t support



us the way they support the Liberals and the Tories? What is it about the NDP? Is it that we don't support those who have a high interest in what's called the greenback, the pecunia as I call it in Latin, the dinaro as we say in Italian? What do we say in Greek?

*Interjection.*

**Mr. Marchese:** Lima; a beautiful word.

**Hon. Marie Bountrogianni (Minister of Intergovernmental Affairs, minister responsible for democratic renewal):** Hrima.

**Mr. Marchese:** Hrima? You have to be careful with that one, because that could be dangerous.

It's all about hrima, it's about pecunia, and that's how you grease the Liberal wheels. They make no bones about it.

**Mr. Murdoch:** What about those unions?

**Mr. Marchese:** Well, the unions, Bill, give you as much money as they give us. You may not know this, but you've got a whole lot of friends in the union movement. Don't put them down. The Liberals have an equal number of union friends. Don't you put them down, although you don't defend them, ever.

**Hon. Mrs. Meilleur:** No.

**Mr. Marchese:** No. I know.

Madame la ministre dit qu'elle n'appuie pas le secteur—c'est quoi le secteur « unions »?

**L'hon. M<sup>me</sup> Meilleur:** Le secteur syndical.

**Mr. Marchese:** Le secteur syndical. C'est le mot que je cherchais mais ça ne me venait pas tout à coup. C'est pourquoi vous êtes là, pour m'aider. Merci pour être là quand on a besoin de vous.

**L'hon. M<sup>me</sup> Bountrogianni:** En grec, sindicata.

**Mr. Marchese:** In Greek it's the same. Speaker, don't you love the interaction? You see how we are able to interact in Greek, French—it's such a beautiful place.

What we ask the government is to sever the bill. Sever the bill so we can support the positive stuff in the beginning of my remarks and take this portion, section 4, that is deleterious to Toronto taxi drivers, out of the bill. If you do that, you have our support. You will have achieved the fairness that people are looking for, and that the New Democrats are looking for, for Toronto taxi drivers. You are unwilling to do that.

You accepted one amendment, which had to do with the fire chiefs. They felt that firefighters are often the first to respond to an accident scene, having legal authorization for traffic control. We moved an amendment that would allow them to do that, and the Liberals accepted that. We moved an amendment for them to sever this bill so section 4 would not be part of it; they didn't accept it. You do that, and you will have the support of New Democrats for both components of this bill. We hope you will consider it.

**The Acting Speaker:** Questions and comments?

**Mr. Pat Hoy (Chatham-Kent Essex):** I'm pleased to rise and make a few comments about Bill 169. It is really quite gratifying to hear, particularly from the opposition side, their support for this bill, and we appreciate that. There are some very good things in this bill. We seem to

have agreement on both sides of the aisle in that regard. Here at third reading, after the bill had gone to committee, we're very pleased that we're hearing this support from both opposition parties for Bill 169.

In 2001, I introduced a private member's bill that would double the fines in a construction zone. The former Minister of Transportation didn't see to do that, but he agrees with it tonight, and the other Minister of Transportation certainly must have been aware of this bill. They did not like it at the time they were in government, but they like it here tonight. It's passing strange, I find, that they have this great change of mind, but we welcome that.

The family of Dick Van Rooyen, who was killed in my riding while placing these cones, or barrels, as people have called them, on the highway, will appreciate this bill as well. Dick Van Rooyen was killed on Highway 401 near Ridgeway in my riding when someone slammed into the vehicle he was riding in the back of putting these cones on the highway. That's why I called for doubling the fines in construction zones. I'm very, very pleased that we have agreement on that part of this bill and the broad spectrum of the bill in total.

**Mr. John O'Toole (Durham):** I want to draw the members' attention to a letter that I know the Minister of Transportation has received. It's from Carolyn Forbes. It was actually sent to Cam Jackson, and as a dutiful member he passed it on to me as the critic for transportation. It's an e-mail. It says, "I've written to the Minister of Transportation and received a reply that says he will not answer the question. It was sent to legal services branch of MTO and I was refused an answer there as well. I was told that I had to hire a lawyer and go to court and have a judge tell us the answer. This is totally unacceptable." She goes on to outline several pieces under the Highway Traffic Act, not specific only to Bill 169. It shows the intransigence of this government to listen to constructive suggestions.

As the member from Trinity-Spadina mentioned—I should put on the record correspondence dated September 29 from Mayor David Miller's office. Mayor Miller is quite sympathetic to the NDP as well as the Liberals—I haven't quite figured out which party yet.

He says, "I am writing to express ... council's position on Bill 169 with respect to 'scooping' taxi fares. At its meeting on May 17-19, 2005, council adopted Planning and Transportation Report 4, clause 3, which included the following motion by Councillor Howard Moscoe: '...the city indicate its opposition to Bill 169 as it pertains to "scooping" fares at the airport, unless it is amended to remove the exemption that permits airport licensed vehicles from "scooping" fares within the city of Toronto, and the Minister of Transportation and opposition critics be so advised....'"

Mayor Miller signs this. He says, "I support council's position on this matter."

We've said to the minister that by and large—both Norm Sterling and Frank Klees were transportation ministers—most of the parts of Bill 169 we agree with.

Our leader, John Tory, has made it eminently clear: Simply do not proclaim section 4 of the bill and we will be supportive, as is David Miller.

**Hon. Mr. Bradley:** I just want to point out to members of the House and particularly those who might be watching that this bill has been debated thoroughly by the opposition and the government. It has had first reading, which is not a debate, but a very extensive second reading, and very extensive committee hearings; we wanted to make those available for people who wanted to comment on the bill, and those were made available. Ordinarily, what happens, for the edification of our new member of the Legislature, the leader of the official opposition, is that on third reading, for a number of years, it was essentially a nod. It was an automatic third reading, similar to first reading. From time to time there has been debate on third reading, but it has largely been limited to one day.

#### 1940

This bill is now on its third day of debate on third reading. Only one bill has passed this session of the Legislature in four weeks. The leader of the official opposition says that he is in favour of a new way of doing politics, that he thinks this House is anachronistic in many ways, that legislation should not be blocked simply for the sake of blocking it. And yet I keep hearing, having had an opportunity, as the government should have on second reading, to speak extensively and to have committee—he now wants to drag this out on third reading.

I cannot recall—perhaps a former House leader can recall for me—any instances where you had three days of third reading debate. So I know that the leader of the official opposition, who wants to change the way this House works and who has been commended by Ian Urquhart in his Toronto Star column for doing so, will want to ensure that this debate concludes with the official opposition voting for the bill.

**Mr. Norman W. Sterling (Lanark–Carleton):** I feel persuaded to stand, as a former House leader. When the Liberal government was in opposition, I was the House leader for three years. Day after day the Liberal opposition would stand up, make lengthy, meaningless speeches on bills of minor content, and hold this Legislature up for ransom night after night after night. They have absolutely nothing to complain about with regard to our debate on this bill.

We have acted reasonably on numerous pieces of legislation in front of this Legislature over the last two years. I think we have forced the government to go to time allocation once or twice. We were forced to go to time allocation on 60 or so different occasions because they acted without reason in their debate. So for them to stand up and say that we've been three days in debate over a bill on which we stand for a very important principle for the taxi drivers of Toronto, is absolutely ridiculous and outrageous. Look at the record. Go back and look at the record of the Liberals when they were in opposition. They held this place for days and days with-

out any kind of reasonable debate. They were talking about everything and anything.

This bill is good in many aspects, as other speakers have said, but there is one principle. The one thing that our leader, John Tory, has made clear to this Legislature is, when there is a principle in the bill that's worth fighting for, we will fight for it.

**The Acting Speaker:** The member for Trinity–Spadina has two minutes in which to comment.

**Mr. Marchese:** I listened to the member from Chatham–Kent Essex, with his selective hearing. He says, “We’re so happy the opposition parties are supporting us,” and he went on, blah, blah, blah, for two minutes, saying how we support them. He completely overlooks what I said in opposition to the bill. It’s fascinating. Then the Minister of Tourism stands up; another two minutes of blah, blah as well.

I’ve got to tell you, it gets to be painful after a while. I was critical of my own government when we were in power, because often, when I was in committee, I would say, “What’s wrong with what some of the opposition members are saying?” Because some of the things that opposition members have to say are useful and practical. After 15 years, you get tired. The Liberals get into power and they behave like Tories. Tories get into power—

#### *Interjections.*

**Mr. Marchese:** It’s a vicious, stupid, dumb political cycle. Everyone gets into power, they smile. They get into opposition and it’s like they forgot what they were doing in government. It’s just painful.

Minister of Tourism, when you say what you’re saying, the majority of people who came to that one-day hearing were taxi drivers from Toronto saying, “Please don’t do this.” I’m tired. I thought it was a reasonable request they made. Put this off. Deal with that particular issue under municipal affairs, under the Municipal Act, which you’re about to change. Deal with it then.

Toronto taxis are saying, “You’re treating us unfairly. We can’t go to the airport. We’ve got to pay a \$10 fee. We can’t line up, but you limousine drivers from the GTA can come to Toronto, pick up and go back: \$40 a pop or more each time you come to Toronto. Toronto taxis can’t do that.”

It was a fair request they made of you. Please listen. Don’t “blah, blah” and pretend you’re not hearing what we’re saying in opposition. It’s an easy amendment to make. You have time to make that change; you have time to listen.

**The Acting Speaker:** Further debate?

**Mr. John Yakabuski (Renfrew–Nipissing–Pembroke):** I too am pleased to join the debate here on Bill 169, An Act to amend the Highway Traffic Act and to amend and repeal various other statutes in respect of transportation-related matters.

I think we’re all in agreement here, with the exception of the Liberals. We’re in agreement on this side of the House that there are many components of this bill that we feel are important to get enacted into legislation. We’re articulating that support here on those particular sections

of the bill, such as the increased penalties for cars that ignore pedestrian crossings, doubling the speeding fines in construction zones—I'll speak on these a little later in a little more detail—enforcing the high-occupancy vehicle lanes to encourage car-pooling, giving police more power to clear accident scenes, creating new offences for vehicles with flying vehicle parts, improving daily commercial vehicle inspection standards, allowing for the use of studded tires in northern Ontario, and other provisions.

However, we are hung up on one serious disagreement. My colleague from Oak Ridges has articulated that; my colleague from Lanark–Carleton has, in a short address as of yet, articulated that it's on principle that we are standing and continuing this debate on this particular bill, and that is the wrongness, the absolute unfairness, of section 4, which would make two sets of rules, basically: one for limousine drivers servicing the Toronto airport, and another one for Toronto taxicabs.

I listened to some of the deputations at the committee hearings, and it is clear that the members of the government at that committee had simply put the cotton in their ears and said, "Let them say whatever they want to say. We're not going to pay any attention to them at all." These are human beings who are working hard in a very difficult career to make a living, to support their families, working absolutely ungodly hours under difficult conditions, night and day, seven days a week. They're asking for fairness on the part of this government when it comes to picking up fares and ferrying passengers from one location to another.

When I get into a cab in the city here, I ask them, "How are you guys feeling about this? How are you affected by this?" Well, that's all you've got to ask them, and they'll tell you the rest. They'll tell you how unfair it is and how difficult it is in this day and age, driving a taxi in the city of Toronto, to make a decent enough living to support your wife and children.

#### 1950

Most of these drivers in the city are visible minorities. It is not like they've got a lot of career choices: "Well, taxi driving is getting too difficult; we're going to take a job doing something else." Some of them have been doing this for a number of years; some are relatively new to it. But it's what they are doing because they have to do it to earn that kind of money to support their families. If they had other opportunities, I'm sure some of them would investigate them.

They tell me about the time it takes to pick up the fare, get them out to the airport—and, Mr. Speaker, you know what traffic can be like in this city. Then you're there and you've got to drive all the way back in the same traffic or maybe worse, depending upon the time of day, back to the city of Toronto, making absolutely nothing for that return trip, but your expenses are still there. We all know what it was like with gas prices after the hurricanes hit in the southern United States. That trip from the airport to downtown Toronto got a lot more expensive during those weeks. Thankfully, gas prices have receded somewhat.

They're not yet back to the levels they were at previously, but they are approaching that. We're thankful for that, and I'm sure that each and every one of those operators is thankful for that. However, they recognize the costs involved. Now they're going to be facing serious monetary fines if they pick up a fare at the airport.

The wrong side of it is that the limousine drivers and—listen: As my friend from Trinity–Spadina said, "God bless them." None of them is in an easy job, but they have a significant advantage. They all work long hours and difficult hours and sometimes have to put up with difficult people in those cabs. But they have the advantage of taking a fare from the airport to downtown and, on many occasions—in fact, most occasions—being able to take one back. They do have arrangements with many of the hotels that allow them to pick up that fare. I know there are restrictions that you've got to have an agreement, that you've got a prearranged deal that you're picking a fare up. That is easy to get around. It's like a lot of the other provisions in this bill. They're very important, but you've got to be able to enforce them. You've got to have the resources to enforce them.

That is, in a nutshell, the crux of the unfairness of section 4. If there was a commitment that that section would not be proclaimed, this bill would have the unanimous support of the House; I'm absolutely certain of it. There are still so many good things in this bill. I do give the government credit for bringing forward the legislation, but it was legislation that was basically, other than that provision that is going to change the world for taxi drivers in the city of Toronto and change their ability and terribly injure and harm their ability, infringe on their ability to make a living—other than that section, most of this bill was proposed by the previous government. So if we were to take that section out of the bill, we wouldn't have a problem with it at all. There would be no such issue as having this debate. But as my friend from Lanark–Carleton says, this is a matter of significant and grave principle; we must articulate our displeasure and our disagreement with this section of the bill, because it is wrong. It is categorically wrong.

I'll tell what you those taxi drivers also say. I understand that they are very, very busy, but they have told me that they are going to do what they can to extract a payment from this government for the wrongness that they are committing against them. So we will see, after this bill is passed—and it will be passed; we know that. The government House leader is going on about what he considers a lack of co-operation in the House. I guess he would be happy if we were just to shut down debate and stifle opposition to all government measures and let them have the day on everything. The fact is, they will have the day. They've got a significant and powerful majority in this chamber. But it is not only our privilege, it is our responsibility to speak out when we are absolutely convinced that there is a bill or a portion of said bill where we must, in the strongest terms possible, indicate

our displeasure, and that is what we're doing with regard to Bill 169.

I want to talk about some of the good things in this bill. Doubling the speeding fines in construction zones: Again, this is something that was proposed in a bill brought forth by the previous government. My friend from Oak Ridges and my friend across the way from Chatham-Kent Essex spoke about it. It is vital that we protect those men and women who are working in the construction industry to rebuild our vital highways. We must ensure that their safety is paramount when we're doing rehabilitative work on any of those highways. To protect those individuals, with this measure—if people are aware, and they will be aware—there will be a significant price to pay if you break the rules.

However, again, if we're going to bring in these measures, what are we going to do to ensure that we have the ability to enforce these provisions of this law? It is easy to pass laws when you have a government with 70 sitting members. It is not so easy to enforce the law if you don't give those people to whom you've given the charge to enforce that law the resources to do exactly that. As they say, "Show me the money." If the government is not going to ensure that the resources are there for those people who are entrusted and charged with enforcing that law, then the law will be meaningless. It will make for good politics, it will sell well—we have this law in place, and you can rest assured that this government will be out there telling everybody, "We passed this law to protect construction workers"—but if you don't have the resources to enforce that law, you have done nothing. It's like the parents who set all kinds of rules within the home—curfews and guidelines and whatever—and prescribe the punishments that will be meted out if those rules aren't followed, but if you cannot follow through on those, it's not long before the children realize you're a paper tiger, a toothless tiger, and nobody pays attention to your ranting or raving any more. So that's the concern about this government. They don't seem to be willing to put the resources where they're needed.

For example, look at the crime situation in this city. I understand that there were two more killings in the city today. The Attorney General—lots of this. He's starting to change his tune a little bit with regard to what he might propose to do to affect the terrible state of the situation here in the city, but if you go back only a few months, his position and that of the Premier was quite different. They were all subscribing to the group-hug theory, hoping that that would take care of everything. Now they seem to be getting the message that if you're going to have any effect on crime, you've got to be prepared to deal with the criminals who perpetrate the crime.

#### 2000

Enforce high-occupancy vehicle lanes to encourage carpooling and transit use: You know, when you drive down the 401—I don't know what the count is, I haven't done a survey, but as you're meeting or you're passing

vehicles or, more likely, being passed by vehicles, it's amazing the number of vehicles—if you were to count 25 vehicles and see how many vehicles have a single occupant, the driver alone. So that kind of initiative, again proposed by the previous government—this government is very good at stealing good ideas. There's no question about that.

I'm not suggesting they're thieves. I wouldn't want to say anything unparliamentary, because I got chastised very quickly today when our government House leader thought that I might have said something unparliamentary, but I'm not sure. He was probably buried in the Bob Rae book at the time and he wasn't really listening.

**Mr. Marchese:** He likes Bob Rae.

**Mr. Yakabuski:** Oh, yeah, he loves Bob Rae. I think that's the only book he's got. It's the only book I ever hear him quoting.

**Mr. Marchese:** He's always reading that book.

**Mr. Yakabuski:** Always reading that book, Rosie.

**Mr. Marchese:** Oh, look at that, Labour of Love. God bless.

**Mr. Yakabuski:** Anyway, where was I? Oh, yes, the vehicle lanes. So if there's something that we can do to increase—not increase; that's a bad way of putting it. If we can—

**Mr. Marchese:** Increase the number of passengers.

**Mr. Yakabuski:** Yes. If we can be more efficient in the way we move people on highways—highways are not just about moving vehicles; we understand we have commerce and trade—but they're about moving people. Vehicles are there to move people and highways move vehicles. They should have people in them, of course. You know where I'm getting to, Rosie.

**Mr. Marchese:** Oh, absolutely. I have a clear idea.

**Mr. Yakabuski:** So if we can increase that capacity by way of being more efficient in the way we move people, that would be certainly—

**Mr. Marchese:** That's an environmentally good idea.

**Mr. Yakabuski:** Absolutely. There's nothing we can say wrong about it in simple terms.

There are a number of things. Studded tires in the north: They've been calling for that for years.

New offences for flying vehicle parts and improving inspection standards: We need to do everything we can to ensure that the huge commercial vehicles on roads are held to the highest standards possible, because when something happens with one of those big rigs, that's a very dangerous situation. It's not like a smart car going out of control. So we've certainly got to do everything we can in that respect.

We're on transportation—

**Mr. Marchese:** You have no problem with that; right?

**Mr. Yakabuski:** No, no problem whatsoever. It's section 4. We're on the same page. Me and my paisano here are on the same page.

I want to talk for a moment about the transportation issue in general, and that is the four-laning of Highway 17. My colleague from Lanark-Carleton has worked extremely hard and has convinced the government that

Highway 7 from Carleton Place up to the 417 should be four-laned.

So, with that having been accomplished by my colleague, the next logical piece of highway in this province that should be four-laned is Highway 17 from Arnprior west. This is a TransCanada highway. It is absolutely without a doubt the next logical expansion of the 400 system. I would urge this minister to move as quickly as possible. This bill is about safety. This bill is all about safety. Bill 169—the minister will jump up and down. He even jumped up and down with the taxicab drivers and the airport limo drivers here at the \$200,000 event. They were really buddies there. But I want him to jump up and down about four-laning Highway 17 from Arnprior west, because of the safety issues involved and also because of the commercial enhancements to a riding like mine, Renfrew county, which is very economically depressed, and would certainly be assisted tremendously if we had an efficient transportation route.

But again, I want to point out that this is a TransCanada Highway. When people from other countries come to Canada and they get on a TransCanada Highway, they expect to see something that would be considered an excellent highway. I tell you, that's not the case when you have to go two-laning from Arnprior west, and at certain times of day and on the weekends, the traffic volume is absolutely horrendous. That's something that has to happen immediately, the extension of that four-laning.

Again, I say there are some good things in this bill—no question about it—but you've got to treat human beings fairly, and the taxis in Toronto are not being treated fairly by this bill.

**The Acting Speaker:** Questions and comments?

**Mr. Marchese:** People should know that Tories and New Democrats rarely agree with each other; it's a fact. So when we do, it says something.

We were in the same hearing, and I heard two things: One, during the committee hearings we heard from the fire chiefs of Ontario. They told us the firefighters are increasingly responding to motor vehicle accidents. The chiefs felt that because firefighters are often the first to respond to an accident scene, having legal authorization for traffic control duties would help ensure safety and control at accident scenes as well as the safety of firefighters. In many situations, firefighters are already directing traffic when asked to be police officers.

We moved an amendment as New Democrats, and the Liberals supported it, authorizing those who work for the fire department to behave as police in directing traffic, without which there would be some legal liability, and many of them might not respond to an accident if and when needed. We moved an amendment, the Liberals thought it was a good idea, and they passed it.

The only other people we heard from were Toronto taxi drivers, who feel they are unfairly treated by this bill. In this respect, Tories and New Democrats heard that message; Liberals refused to listen and refused to respond. It wouldn't take much to give some fairness to

Toronto taxi drivers. "It could easily be delayed and dealt with in the City of Toronto Act that they're about to pass next month," they argue. We urge and plead with them to listen to what the Toronto taxi drivers said and make that change so we can support the rest of the bill that is good.

**Mr. Hoy:** I'm pleased to rise and address some of the important parts of this legislation. The driving habits of people on our highways is a concern among many, and we need to instill upon people that they have to abide by the rules. Apparently, there are those who deem that they must be speeding, for example, as I mentioned some time ago, through construction zones. They don't heed that call. They wouldn't speed through some other person's work zone, but they seem to think that they can do this in construction zones, and it's very dangerous. We've had deaths and injuries.

I've talked to construction workers who, as they work beside the highways of this province—both urban and rural, small roads, large roads, 400-series highways—have had whatever they were working with, perhaps a shovel, a rake, some such tool, taken right out of their hand. That's how close the autos, the vehicles, are coming to them. It's very dangerous. They are taking things literally right out of their hands. We must watch for that. I think it's important that this bill doubles the fines in construction zones to bring about an awareness, and stiffen up the conviction mechanism when that does occur.

And, of course, we're talking about pedestrian crosswalks, allowing police to investigate and clean up accidents quicker. The police endorse this as well. Enforcing high-occupancy vehicle lanes, encouraging carpooling and transit use are not only good for the GTA and Toronto but other cities and metropolitan areas around the province as well.

**2010**

**Mr. Norm Miller (Parry Sound–Muskoka):** It's my pleasure to add some comments on the speech of the member from Renfrew–Nipissing–Pembroke this evening. Frankly, I was a little surprised to hear that he's in favour of doubling fines for speeding tickets in construction zones, knowing his past record for speed observance. I guess he's looking out for the greater good of the rest of us; however, I do have some concerns for him.

As many members have said, we're in favour of most of the parts of this bill. One of the things it would do is allow for the establishment of high-occupancy lanes to allow for more people to be transported more efficiently.

The part that we have a problem with in this bill, as has been mentioned, is section 4. Section 4 deals with taxis and limos, where the limo drivers can pick up at Pearson airport and come into Toronto and then pick up again and return with a full load. If you wanted to transport people more efficiently, you'd have the taxicabs going from Toronto to the airport with a full load and then returning with a full load. Otherwise, you'll have empty cars coming back, more pollution, more gridlock. In this legislation, in section 4, those taxicabs are subject to a fine up to \$20,000, if you can believe that.

The government House leader was complaining about debating this legislation this evening. We've made it very clear that we have a problem with section 4. We've been debating this in a very civil manner. Mr. Tory, our leader, is bringing to this place a more civil type of atmosphere. However, we have a problem with section 4, and we would like you to not proclaim it, or remove it from the bill, and then this bill will pass very quickly.

**Hon. Mr. Bradley:** I listened with great interest to the member for Oak Ridges, who was a transportation minister at one time, and he extolled the virtues of the bill. He did have some concerns about certain parts of the bill. He indicated that he was voting for it, just as the Conservative caucus voted for this bill on second reading. That's why I'm mystified by the fact that this bill is being dragged out in terms of the debate. There was very extensive debate at second reading, and I encouraged members to do so. I was glad to hear them make their points. People have done so and I commend them for it.

However, I did listen to the leader of the official opposition, the new, supposedly fresh, leader of the Conservative Party in Ontario, who was going to change things in this Legislature in terms of the way that it operates. I know he has expressed concern that this place isn't run as a corporate boardroom is; in other words, his experience is that it moves quickly and so on, and I understand that. But he has also expressed a concern about the Legislature itself. I don't think he's interested in going into past history the way my friend from Lanark-Carleton was predisposed to do, because you can't have it both ways. You can't say, "The leader of the official opposition, John Tory, is this new person with a new approach," and then play the same old tricks that have been played for years and years. If the Leader of the Opposition wants to say, "We're going to do things the same old way," that's fine, I accept that. But he can't say, "We're going to do things a brand new way," and then turn around and have his members unnecessarily drag out debate on the third reading of a piece of legislation before this House.

**The Acting Speaker:** The member for Renfrew-Nipissing-Pembroke has two minutes in which to respond.

**Mr. Yakabuski:** I'd like to thank the members for Trinity-Spadina, Chatham-Kent Essex, Parry Sound-Muskoka, and the Minister of Tourism and government House leader, the member from St. Catharines.

I'm kind of disappointed that the member for St. Catharines noted that he listened with great interest to the speech by my colleague from Oak Ridges, which clearly indicates that he listened with very little interest to my speech. So I'm somewhat hurt by that, but I will get over it.

What I might not get over and what the taxi drivers in Toronto might not get over is section 4 in this bill. The member for Chatham-Kent liked to talk about what we agreed with. He liked to talk about the speeding fines in construction zones. But what they're not talking about—and the member from St. Catharines, the government House leader, wants to talk about some idea he's got

about John Tory not doing what he said he was going to do or whatever. But what about the taxi drivers in the city of Toronto? What they're not going to get over is the absolute unconscionable damage that you are perpetrating on them if you proclaim section 4 in this bill.

It looks like the member for Chatham-Kent is going to be the designated speaker. You know, you have a designated hitter in baseball; tonight he's going to be the designated hitter. He's doing the two-minute hits. I would like you to respond to those taxi drivers. I would like you to tell those people that you don't care what happens to them, because that is what you've told them with this section of this bill: a pay-off to the limousine operators for attending the \$200,000 event on behalf—

**Mr. Levac:** On a point of order, Mr. Speaker: I think if you heard what I heard, you would probably assume that it was a little inappropriate.

**The Acting Speaker:** I think the member should withdraw the word.

**Mr. Yakabuski:** Am I going to lose my time to finish?

**The Acting Speaker:** I'll give you 10 seconds.

**Mr. Yakabuski:** Because otherwise I'm out of time, but within the time I will withdraw, and if I could just wrap up, I think I've got about a minute left.

**The Acting Speaker:** Ten seconds.

**Mr. Yakabuski:** Mr. Speaker, that was a bad choice of words, but something was fishy in Denmark with that deal.

**The Acting Speaker:** Further debate?

**Mr. Garfield Dunlop (Simcoe North):** I'm pleased to take part in the debate on Bill 169. I understand it's now the third day of debate on third reading of An Act to amend the Highway Traffic Act and to amend and repeal various other statutes in respect of transportation-related matters. I understand we are down to 10-minute rotations now, according to the Clerk's desk, so I want to put a few points on the record tonight.

We'll get to the taxicab/limousine issue in a couple of minutes, but first of all I want to congratulate at least three Ministers of Transportation—Mr. Takhar, Mr. Klees and of course Mr. Sterling—for their input on this bill, because we've come a long way. As Mr. Marchese mentioned, I think it's clear that we would really like to support this bill, except for this one problem with section 4, the licensing of the taxis and the airport limousines.

The member from Chatham-Kent-Essex brought up the concern about the doubling of fees in construction zones. Nobody would be opposed to that. I can't imagine anyone who would be disappointed in seeing that. We've seen lives lost in the construction area because of people who don't take enough caution around construction sites. We need to know that people who are building and maintaining our highways are well protected by our laws, the same as in our accident zones or policing zones where emergency vehicles are pulled over—exactly the same in those areas as well. We need to know and the general public needs to know that you can be severely penalized for speeding in those particular areas. For

things like that, there's no question that we would be very, very supportive of that, because of course it is a public safety issue.

**2020**

Another thing that I personally am in favour of, and I would like to put a couple of comments on the record, are the high-occupancy vehicle lanes. There's one thing I would like to see the government do on the high-occupancy vehicle lanes. I was at estimates a couple of weeks ago and I asked the Minister of Transportation and the staff who accompanied the minister—there were probably 12 or 14 people in the room at the time—how many people would be the minimum in a car in an HOV lane. I'm told that the ministry is going to start out with two people. I find that problematic, because I have travelled on HOV lanes in the United States, in Washington and areas like that, Baltimore a few times, and I know that the minimum is four passengers per vehicle. So if you carpool and four people are in the vehicle, you can use that HOV lane. My understanding from the ministry is that it's going to be two people per vehicle. I think we're missing a real opportunity there, because I think with carpooling and going to the expense of putting in these lanes, there will likely be not only a lot of media attention around it, but there will be a lot of propaganda around it. I would like to see the government and the Ministry of Transportation reconsider that. I think we should start out now with four passengers per vehicle, and then they would be eligible to use that HOV lane.

I know that it's very successful in some of the states in the United States. I particularly remember Washington, where all kinds of people carpooled with minivans and cube vans, those types of things, and they'd get eight, 10, 12 people per vehicle. It will take a lot of cars off the road as we carpool. So that is one area that I would hope that the ministry would very quickly reconsider.

At the estimates committee they gave me a report back saying that, no, it would be just two. But I think it's an area where, if we're going to pass important legislation like this, and we're trying to get rid of gridlock, it's a real opportunity to pull a lot more cars off the road so that the people who are using those lanes would feel more comfortable.

I also want to say that I agree with a lot of the comments made by the members of the third party and my colleagues here this evening when it comes to the whole idea around section 4. It just isn't fair. We as members of the opposition travel a lot in taxis in Toronto. We don't have any drivers or limousines or the fancy cars that the ministers have—

**Hon. Mr. Bradley:** Your leader has one.

**Mr. Dunlop:** Well, he's one person, OK? So if we have one vehicle—that's what we have in our caucus. But the rest of us travel by taxi, and we talk to the taxicab drivers. I've talked to the guys in some of the Co-op taxis and Beck, and the ones that come up to the doors here all the time, and I can tell you that they're extremely disappointed in the government for coming out with section 4 and for supporting the people in the limousine service. I

think they've got a good point. It does seem unfair to me. We're not talking about people who are earning huge sums of money to begin with; we're talking about people who have to rely on the busiest times of the year in the city of Toronto so that they can earn even a reasonable income. They've already had lots of problems in their industry with the high cost of fuel and just the competition in the industry itself. So to take away that right at the airports and give it to the limousine services does seem to be particularly unfair to small business operators, to small people who are trying desperately to earn a decent living in an area that is difficult to earn a living in.

I'm going to go along with my caucus members here. I will not be supporting this piece of legislation unless you withdraw section 4, or unless you do not proclaim it and we go back and do a little more debate on it. We have to refine it. But I do think that the people who were in committee, who clearly made their points known, should be listened to. There's more to it than just a fancy fundraiser where one group of people raised a lot of money for the government. In fact, when it's the Minister of Transportation, I would almost consider this to be a conflict of interest with that type of fundraiser taking place. It's just not right. It doesn't look good to the taxpayers of the province. We've already got a credibility problem with this government. I think if they wanted to save some face with this bill, if they withdrew section 4 at this point or if we would agree to not proclaim that section, then they would have basically all-party support for the remainder of the bill. I think we would all want to support that for the sake of public safety in the province of Ontario and for the sake of eliminating some gridlock here in the province as well.

With that, though, I do want to say—and I know that my colleague Mr. Yakabuski put on the record some comments he had made on the highways in his area—that I got a call today from the local TV station. It used to be called the New VR; it's now called the A-Channel. They have decided that Highway 12 between Coldwater and Orillia is the worst highway in Simcoe county. It's rough, it needs to be refurbished, and it needs to have traffic lanes. There's a public safety issue with it. There are more people living in that area, and that road needs to be updated as soon as possible.

In the estimates committee, I asked the question again to the minister. The response was that they were preparing to do it in 2006, but they wouldn't give me a firm commitment. There were maybe still a few budgetary problems surrounding it. But the contract will apparently be ready, according to MTO staff. I would urge the government to look at that highway. I said to the minister in the meeting that I'm very satisfied with all the highways in my riding—Highway 400, Highway 11, Highway 93—but I can't be happy with Highway 12. There's a public safety issue with the condition of the road and the volume of traffic that's flowing over it as well right now.

As I sum up in my 10 minutes here, I just want to say that I would urge the government once again to withdraw

section 4 or not proclaim it at this point, and I would be more than happy to support this bill and all the other sections that are there to support. With that, I appreciate the opportunity to speak tonight.

**The Acting Speaker:** Questions and comments?

**Mr. Marchese:** New Democrats agree with much of what has been said by the member from Simcoe North and remind the Liberal members of the following: In late September, we had a one-day hearing. In that one-day hearing, two groups of people came: fire chiefs and Toronto taxi drivers, including the limousine folks from the GTA. The chiefs felt that because firefighters are often the first to respond to an accident scene, having legal authorization for traffic control duties would help ensure safety and control at accident scenes as well as the safety of firefighters. Without the amendment we introduced that would allow firefighters to do this, there would have been serious liabilities if and when a firefighter intervened and played the role of a policeman or policewoman. The Liberals accepted that amendment. They must have felt it was a fair thing to do. Only three or four fire chiefs of Ontario came, and on that basis the Liberals must have thought that an amendment was appropriate.

The others were the taxi drivers of Toronto. They asked themselves, "Why are anti-scooping amendments being introduced to the Highway Traffic Act and not the Municipal Act under which the taxi industry is licensed?" These anti-scooping amendments give preference to limousine drivers from the GTA over the taxi drivers of Toronto. Quite rightly, the taxi drivers of Toronto are saying, "There is an unfairness being enforced here." You are entrenching an already biased procedure that allows limousine drivers from the airport to come into Toronto and scoop drivers back to the airport, but does not permit Toronto taxi drivers to do the same. This anti-scooping amendment is going to hit Toronto taxi drivers hard. They cannot drive there. It's unfair, and we hope Liberals are listening to this.

2030

**Mr. Lou Rinaldi (Northumberland):** I just wanted add something to this debate or make a couple of comments. I guess I'm somewhat surprised at the members of the opposition and the members of the third party who were in the general government committee that heard those deputations. I was there. Let me tell you, we did hear from the firefighters and, you're right, we did make an amendment, because it was the right thing to do. We heard from the taxi drivers, and the parliamentary assistant for municipal affairs, which had the lead in those committees, made a commitment from the Minister of Municipal Affairs, and I'm going to read that:

"Brad Duguid, parliamentary assistant to the Minister of Municipal Affairs and Housing, indicated that the ministry is in the process of reforming the Municipal Act. These reforms will address the concerns of the taxi industry in terms of an unlevel playing field. He indicated that amendments to the Transportation Statute Law alone will not fix the problem. The taxi industry

needs legislative tools to level the playing field across the province of Ontario.

"It is my understanding that the Ministry of Municipal Affairs and Housing will bring their legislation to amend the Municipal Act later on this year."

So that particular issue is going to be addressed. It was totally—

**Mr. Marchese:** So remove this amendment.

**Mr. Rinaldi:** They just weren't listening, Mr. Speaker. They're just looking for something to stall good legislation.

We heard from previous members that it's something we need to do. The Toronto taxi driver issue is going to be dealt with through another piece of legislation. It wasn't part of this structure whatsoever. Certainly we brought it forward, we listened and we made a commitment. So this is really not an issue to spend any more time on this bill. I think we should pay attention during the committee hearings.

**Mr. Cameron Jackson (Burlington):** I want to commend my colleague from Simcoe North for his presentation on this bill. Much has been said about a delay tactic that may be at play here, and just for the record, we've got a government which is deciding rather unilaterally that this Parliament needs to sit all afternoon and all evening, four days a week. Well, that's fine; that's the right of the government to do that. But a government that also espouses that it stands for a form of democratic renewal certainly wouldn't want to stand in its place and state—as the member for St. Catharines has suggested—that somehow we're interfering with the democratic process by participating in this debate.

Even if there are members of the official opposition who agree with most of the elements of this legislation, there are controversial sections where all members have the right to speak. I don't necessarily agree with all aspects of this bill, and I don't always agree with every aspect of a specific bill among my colleagues within my own caucus. But I do believe it's our right, if we're going to be forced by the government to sit here every evening four days a week, to at least stand up and raise issues of concern. I'll be speaking later this evening. I have some concerns that have been expressed by my community, and I wonder why the minister felt it appropriate to exclude them. I know that my friend from Trinity-Spadina is quite exercised about this issue of the inequity for Toronto cab drivers, and he makes a very valid point about why this isn't dealt with as a municipal issue when we know the government is planning some legislation to give greater power to the city of Toronto. If they'd get on with bringing in legislation, we wouldn't need to debate this for three days.

**Hon. Mr. Bradley:** I heard reference being made to the fact that the Legislature sits in the evenings. As you know, Mr. Speaker, there are discussions that go on between House leaders. In fact, there was a concern expressed by members of the opposition about sitting in the evenings, and I certainly made an attempt to accommodate them by limiting the number of sittings as much



as possible. But I want to remind the members of the House and the leader of the official opposition that only one bill has passed so far during this session, and that was a bill which was left over from the last session of the Ontario Legislature. While I understand the concerns that they may have from time to time, I note that the leader of the official opposition thinks that this House does not function appropriately. So there have been ongoing discussions which have tried to eliminate the evening House sittings, which are unpopular with some members of the opposition, who would like to be doing other things related to their jobs on this evening or perhaps even spending some quality time with people close to them. That's fine.

What I am very concerned about is that here we have a bill which the official opposition has agreed to, voted for on second reading—there were some hearings that took place, and I understand there's still a difference of view on this particular issue—that is being dragged out into the third day of debate on third reading. I know that's an inside-the-House note, and that most people out there might not know the difference, but I remember reading in Ian Urquhart's column in the *Toronto Star* that the leader of the official opposition wanted to do things differently. We've tried to accommodate the wishes of the opposition; we've had one bill passed and another bill that's being delayed almost indefinitely.

**The Acting Speaker:** The member for Simcoe North has two minutes in which to respond.

**Mr. Dunlop:** I'd like to thank the member from Northumberland, the member from Burlington and the member from St. Catharines, the government House leader, for their comments on—I guess it was on my speech, but most of it related to House leader business.

However, I just want to say that I believe in as much democratic renewal as we can probably have in this assembly, but when there is something fairly controversial like section 4, we as members of the opposition have to try to defend to the best of our ability what we consider to be inequalities within the legislation. We've been told clearly that's how this industry feels, and as a result of that, I think somebody has to defend the rights of these folks to earn a decent and proper living.

If it's going to be brought out in some other piece of legislation with the City of Toronto Act or with some other Municipal Affairs Act, so be it, but we certainly haven't been promised anything. We haven't signed anything. If it's your word of mouth that it's going to happen, we simply don't trust you. You've broken so many promises—over 60 to date—how could we possibly trust anything that you say in this House? We have to stay here, and if we're here four nights or five nights debating this bill, so be it. But we're going to be here to defend the rights of the people that are being affected under section 4.

**The Acting Speaker:** Further debate?

**Mr. Jackson:** I was waiting for one of the members of the government party to stand up, but I guess they're not going to participate in the debate this evening.

I have several issues that I'd like to raise with respect to this legislation. I made a point earlier in my comments in support of the member from Simcoe North about the process. I noticed that the member from St. Catharines raised the issue of legislation carried over that he passed, and that was the famous adoption bill, which fell into disrepute about the third day after it was tabled and had a very bumpy ride through one set of public hearings. Subsequent extension tried to turn the dial and change the public's focus on that legislation, but ultimately, it still lacked any support from any legal circle anywhere in Canada or any of the privacy commissioners.

So when the government House leader rises in his place to talk about it being the only piece of legislation that he seems to have passed in the time we've been back, I want to remind him that it should never have been passed, and he had all sorts of other legislation that they could have brought forward as a priority, including this one for that matter, because there are some key elements in it.

There have been some issues that have not been raised in this debate. This legislation, in section 128, will allow municipalities to pass an increased number of bylaws that will allow them to reduce the speed limit to 30 kilometres per hour. This has become a very clever opportunity for some municipalities to strategically place a rather abrupt adjustment in the speed rate in some of the most unlikely locations, which ultimately become high-yield locations for the municipal police forces to hand out tickets. To cite an example, those people from the Hamilton-Halton area will know that if you're travelling along Plains Road, travelling on the old Queen Elizabeth Highway, with the botanical gardens on both sides, the speed limit is 60, and all of a sudden—the only property around this location is a graveyard and passive space overlooking Hamilton harbour—the speed limit drops by 20 miles per hour. The police simply hide behind a couple of headstones in the graveyard, and on any given day you'll drive by there and they will have eight or nine cars lined up, each paying this fine, because of the poorly marked signage in that location. Members of the public need to know that this will allow municipalities to employ this clever tactic in an increased number of locations. Now, that's not to say that reducing speed limits is necessarily a bad thing. When it's applied inappropriately, I think it's questionable.

**2040**

Our government brought in safe school zones and caused reductions. To again cite a local example, on New Street in the city of Burlington, where we have three elementary schools and three high schools, five pedestrians were killed on that one stretch of road over about an eight- or nine-year period. So I lobbied long and hard for the Ministry of Transportation to bring in, with the support of municipalities, fluctuating speed limits at the time when students are in school or coming to and from school. I think that is an appropriate application. But to give municipalities that kind of authority simply lends itself to some of the potential abuse I referred to,

which, in my view, is what's going on in the city of Hamilton.

This legislation goes on with a new section that, "allows for the use of variable speed limits on designated highways or parts of highways. The ministry may set differential speed limits to apply at different times" of the day "to different highways or parts of highways and to different lanes." Now, these are rather new innovations for the province of Ontario and something that our drivers are going to have a hard time adjusting to. I'd kind of like to know in advance if the minister is thinking of three demerit points if you are 10 miles per hour over on a lane that has its speed limit adjusted at certain times of the day. This is part of the debate that we didn't have in this process, nor did we get the ministry to adequately explain that.

We have a new section that designates any lane as a high-occupancy vehicle lane and limits the use of that lane to prescribed classes or types of vehicles. Well, if it's for the purposes of making sure emergency vehicles can go through there, that's fine, or buses, in order to assist in rapid transit. But if it's unduly restrictive, then you're taking already cramped and congested and grid-locked highways and compounding it even more.

Now, are we responding here to the problem of gridlock? Are we treating the symptoms, or are we contributing to the problem by entering into these kind of programs? These have never been done in Ontario and we need to make sure that consumers are willing to participate in this. Also, as in all cases, we must ensure that the regulations don't impose such severe fines that Ontarians lose their licences with a high degree of regularity because that's the nature of the penalty under the Highway Traffic Act.

There is this whole section doing what Liberals are notorious for, and that is setting fees and increasing costs associated with doing business with your own government. They have had an abysmal record in the last two years of taking fees and increasing them. Here we have a section in this legislation that allows for the fact that the ministry may ask a person to show cause why that person's "licence should not be cancelled, suspended or changed in respect of its class," and that an Ontario taxpayer "may be required to attend an interview or group session with a ministry official or provide written information to the ministry, or both. The minister is authorized to set" new "fees for the interviews, group sessions or submission of written information."

We do not have any indication from the government about what these costs could be. I noticed that when the government was desperately attempting to reposition itself and its image with its throne speech earlier this fall, it talked about looking at something like birth certificates, which had clearly been a challenge for this government to manage properly, and that they're offering it free after a certain period. Taking one such program to marquee to present to the public can sometimes mask over the adding of additional red tape and a myriad of new fees and charges that may, as is suggested in this

legislation, lead to further suspensions of people's driver's licences.

There are many, many sections for this new legislation. There is a whole series of issues dealing with school crossings, with school busing. These are all very positive amendments. Quite frankly, any omnibus bill of this magnitude, this nature, is bound to have some very excellent things in it. Even some of the government members have admitted that these are ideas that the public has been asking for that previous ministers have worked on, so I'm pleased to see some of those elements.

The Minister of Labour was asking earlier what my constituent Carolyn Forbes was making an inquiry about. Essentially, she was making an inquiry to the ministry regarding the status of MTO's authority based on private land and public land. The response from the ministry was, "You hire a lawyer, you go to court, and you work it out within the court system and let the courts decide that question." We found that quite unacceptable, that the lawyers in the Ministry of Transportation couldn't give us a straight answer.

#### **The Acting Speaker:** Questions and comments?

**Mr. Marchese:** The member from Burlington raised some good questions, and if the government had not introduced these anti-scooping amendments in this bill but, rather, had dealt with it through the Municipal Act, we would have spent more time debating some of the questions the member from Burlington raised. But what has happened is that because of this anti-scooping amendment that favours limousine drivers in the GTA, we were forced to listen to numerous taxi drivers from Toronto who wanted to make their case and be heard. They got attention from New Democrats; they got attention from the Tories.

It's unfortunate. The government could have taken that out, but they didn't. The Minister of Tourism today is very composed, very passive, very pacified. It's interesting. I've never seen him so calm. It reminds me of some former ministers of the Conservative government—so controlled. But he fails to listen to some of the concerns the taxi drivers have raised. He doesn't even talk about it, as if he's oblivious to it, although the member from Northumberland was there. He's utterly disingenuous when he makes the comment that his parliamentary assistant, Mr. Duguid, from Scarborough somewhere, came for a little bit and then left, but at no time did he say, "I am committed to reviewing this on behalf of the Minister of Municipal Affairs." At no time did he ever do that. He left in a hurry, and left it to the others who are clearly anti-Toronto-taxi-driver. They supported this amendment that is clearly biased toward the limousines coming from the airport. It was very clear—it was clear in the statements they made, clear in the questions I was asking and clear in the questions they were asking—which side they were on.

The member from Northumberland is disingenuous, and so are his other Liberal caucus members in this regard.

2050

**Mr. Jeff Leal (Peterborough):** I have been listening intently to the debate on Bill 169. We have an old saying in Peterborough. It's called, "Re-sawing sawdust," and that's exactly what's been going on here. When I think of such key things as the school safety zones and lowering speeds in construction zones—my friend, the member from Chatham–Kent Essex has been talking about this for years. He was absolutely right when he brought it forward in his private member's bills. It has been incorporated here, and I think it's time to quit re-sawing sawdust and pass this bill.

**Mr. O'Toole:** Clearly, the member from Oak Ridges, Frank Klees, and Norm Sterling, the member from Lanark–Carleton, introduced Bill 241, which is substantively the same as this bill. All we're really saying—and the two prior ministers have done considerable consultations—and what John Tory is trying to say is that we have heard during the public hearings on Bill 169 that there's this section, section 4, that David Miller would like to see moved into the Municipal Act or the City of Toronto Act. The member from Trinity–Spadina would like the same thing.

In the spirit of democratic renewal, I would suggest that the government House leader and Minister of Tourism could, in his role as a senior minister here tonight, do the honourable thing, take the right step forward, try to reach consensus and end this needless debate, because we substantively agree with most of the bill.

I have the greatest respect for the minister, and know that he has the respect of the members here—that we would respond and this debate could be ended and this bill would become law, and we could start moving on to more important things for the province of Ontario.

There are a number of important initiatives in this bill that we are supportive of: The transportation critic incident management, for instance, is a case where we want to see the congestion and gridlock resolved as part of managing the incidents on our public highways. Encouraging public transit and the right of transit to intervene in traffic management and allowing them to change signals to ensure that they don't hold up traffic—that's a good thing.

You'll find agreement on most sections of this bill that deal with keeping our highways moving, keeping the economy moving and making Ontario a safe place to drive. But this is a small request: to look at section 4 and deal with it later. Don't proclaim it as law. If we had that in writing tonight, I could put it to you that John Tory and the opposition will support this bill.

**Mr. Levac:** Just a short comment on what we've been hearing. Since 2000, myself, Mr. Hoy, Mr. Bartolucci and a few other members, when we were in opposition, offered several different pieces of legislation for improvements to our Highway Traffic Act, and at that time, as was mentioned by somebody else on the other side, they actually had three years to deal with some of those issues, and we were told, "We couldn't do anything about it because we held an election in 2003." It's unfortunate

that we have to go back and forth about who said what, who did what, who's doing what.

I think what we really want to do is get on with getting these kids safe in the school zones; we want to make sure that construction workers are protected; we want to make sure that the goodness that this bill is going to be bringing to the people and to the safety of the people of the province of Ontario is adhered to. Quite frankly, at the end of the day, we're going to get a piece of legislation that's going to offer from everybody's mouth, including the previous government of the NDP, that we're looking for safety issues that are going to protect the people.

**The Acting Speaker:** The member from Burlington has two minutes in which to respond.

**Mr. Jackson:** There are several other sections in this legislation—I didn't mention the one about the construction zone. I recall, with reference to the QEW and an overpass at Walker's Line, that I convened a meeting with MTO staff to talk to local business people about the impact of this interchange. The senior supervisor who attended was extraordinarily helpful. We worked on ways we could make amendments to the configuration of the overpass, and access for local businesses. Two days later he was struck by a car and killed. I very much support that element in the legislation. It is a very true risk out there, not only for those in construction but also for MTO supervisory staff who find themselves on our highways in their line of public service.

I only had 10 minutes to comment. I had lots more I wanted to speak to, on the record. Again, issues that are not coming up in this debate: There is a subsection 9(1.1), which increases the penalty for an offence under the Highway Traffic Act from \$100 to not more than \$500. It is now \$5,000 under this legislation. We've got another one that now moves from a maximum of \$500 to \$50,000, and we've got another one that goes from \$60 to \$150.

It is always of concern that the government sees this as an opportunity to increase revenues. Again, the public has not participated in this debate fully, and that's truly unfortunate, but they do rely on us in Parliament to raise the issues on their behalf.

**The Acting Speaker:** Further debate?

**Mr. Sterling:** This is a bill which probably had its genesis back in the time when I was the Minister of Transportation, around 2001. We saw the need for legislation dealing with the construction zones, dealing with allowing municipalities to drop their speed limits, primarily because instead of municipalities using speed limits to control traffic, they were instituting speed bumps, and these islands that would appear out of nowhere on residential streets in order to cut down the speed of cars going down residential streets. Those particular hazards—the bumps and the islands, etc.—were real problems to emergency vehicles. In other words, it's OK as long as you're trying to slow the cars down, but if a fire engine is going up or an ambulance is on its way to the hospital, you want to allow those

particular vehicles to get from one place to the other as quickly as possible.

Now, we did actually—and I did as the Minister of Transportation—deal with this issue with regard to the scooper law when I was the minister. I rejected it at the time for a number of reasons. One of the reasons was this: It was traditionally in the hands of the municipalities to license taxicabs, limousines and those kinds of things, and I found it difficult to actually figure out why the Legislature should be involved in making it a provincial offence to break a municipal licensing regime. In other words, if the municipality is going to license these particular areas, then they should be responsible for creating the bylaws when somebody breaks those bylaws, and they should have bylaw enforcers there to enforce those bylaws—if they make a bylaw that says there's a fine if you break that bylaw.

I found it difficult to figure out exactly how the province would enforce this particular “scooper-duper” law at the Toronto International Airport. Are we going to send provincial police out to roam up and down the arrival area of the Toronto Pearson International Airport to find out if scoopers are or are not picking up people? To me, that would be a tremendous waste of very highly paid, specialized people to undertake what I thought was a municipal bylaw situation.

#### 2100

The other odd part of the situation we have here at the Toronto Pearson International Airport is that of course the city of Mississauga receives all of the grants from the federal government, or now from the Greater Toronto Airport Authority, and presumably they don't have the problem of enforcing this particular law we are putting forth here.

I have a great deal of problem with taxi licensing and limousine licensing and that kind of thing, because it seems that over the years the people who have benefited most from the licensing regime are not the drivers working the system; it's some other people who have purchased this monopoly or this right of monopoly for—I know a few years ago these licences were selling for \$100,000 each in order to rent the licence to someone to drive around in the city of Toronto. The poor driver who is trying to make a living, put bread on the table, would have to pay somebody \$40, \$50 a day to rent the licence. I thought, and I still think, that the system is rotten, because it's not generating any help for the taxi driver who is providing the service. At any rate, we have looked at this particular bill and have found that it is unfair to one group of people providing this service.

Now, I say to the government House leader—and I say this at some risk, because the government House leader can stand in his place, be the next speaker up, because it's in his rotation, and he can say to you, Mr. Speaker, “I move”—and I'm not moving it; I'm just telling what you he can say. He can say, “Mr. Speaker, I move that you now put the question.” That kind of motion is non-debatable, and the Speaker then would have to decide whether or not this debate should continue. If they

believe we've had enough debate and that this debate should end, then usually after seven or eight hours—and we've had eight or nine hours in this Legislature—any member of the Liberal caucus can stand up.

**Mr. Marchese:** You're saying they're not powerless.

**Mr. Sterling:** They're not powerless at all. They can stand up and in one sentence end this debate. You can end this debate tonight; you can end this debate—you can't do it in the two-minute response, so it will take about eight minutes before you can have the floor again, but you can end this debate now. So don't cry to us that we're dragging this thing out, because you have the rules to move closure. You can move closure right now. We're saying you shouldn't move closure, because we still have speakers here who want to speak on this, who feel very, very aggrieved about what you're doing to the taxicab drivers of Toronto. But you have the rules in place, and the Speaker would probably rule in your favour at this time because of the length of time this debate has gone on. So let's not hear about our dragging this debate out and your having no remedy. You have a remedy. You have it right in your pocket. If you wanted to end this debate 10 minutes from now, you probably have the power to do that.

I appreciate that we are going to have the opportunity to continue debating this. The odd part of this story is that most of this bill, save and except section 4, would have been brought into legislation two, three or four years ago save for the obstreperous, obstructionist Liberal opposition of the day. Even without section 4, and every member of this Legislature agreeing to it, you are forcing us to have five days of debate on a piece of legislation like this. And you talk about us being obstructionist, with section 4 in? Give us a break. I wouldn't have put section 4 in except to expect a down and right dirty fight, because it's talking about the bread of many people of this particular city and of this province.

Most of the bill is of my and Mr. Klees's making, with regard to all of this. The government can have this bill, either with or without section 4, as I mentioned, with regard to the rules of this Legislature. We hope that sanity will prevail, and that they will, even at this late date, discharge this bill and go back to the committee of the whole House. I guarantee that in five minutes in committee of the whole House, all our members would agree to yank out section 4 and we could pass the rest of the bill unanimously tonight—you wouldn't even need a division—and we could all go home very happy.

**The Acting Speaker:** Questions and comments?

**Mr. Marchese:** I agree with the member from Lanark–Carlton. I say with him and to the Liberals that they deliberately introduced this anti-scooping amendment in this Highway Traffic Act which unfairly, perhaps deliberately, has the intention of focusing all our energies on the taxi drivers of Toronto, who feel discriminated against because of this amendment. We could have talked about many other things contained in this bill, but they continue to force us, to the last moment, to talk about the

taxi drivers of Toronto because the Liberals are refusing to listen.

The member from Northumberland speaks about the fact that the member from Scarborough Centre made a commitment, he argues, that they want a level playing field. Not so. There was no such commitment. The taxi drivers of Toronto said, "Remove this amendment from the Highway Traffic Act and bring it for discussion in the Municipal Act as a way of levelling the playing field." They didn't argue, as the member from Northumberland did, that, "We want this amendment in the Highway Traffic Act and then we'll deal with fairness if and when it gets to any amendment in the Municipal Act."

This is not about fairness; this is deliberate. This is one-sided support for the limousine drivers of the airport and the GTA against the Toronto taxi drivers, clear and simple. So whenever you hear some member say, as the member from Northumberland did, that somehow they have a commitment to bring about fairness and a level playing field, there is no such commitment. The way to achieve it is to remove this amendment and then deal with that in the Municipal Act that you want to bring next month. That's the way to do it; there's no other way.

**The Acting Speaker:** Questions and comments?

**Mr. Peter Fonseca (Mississauga East):** Mr. Speaker, I think it's time to move on with it. I'll be sharing my time here with the member from Glengarry—Prescott—Russell. It's about—

**The Acting Speaker:** Questions and comments: Do you have a question and comment?

**Mr. Fonseca:** Yes.

**The Acting Speaker:** You can't share that time. Go ahead.

**Mr. Fonseca:** What I would like to share, Mr. Speaker, is that we've got so much gridlock on our streets, and we've got to deal with this. High-occupancy-vehicle lanes, making sure we can get more commuters in those lanes, making sure we can reduce that gridlock and get a lot of that pollution out of our air, making sure we can make our roads and construction zones more safe—this is what Bill 169 is all about. It is about bettering our transportation system, bettering our roads.

All I can say is, it is time to move on. It is time to get the people of Ontario moving, and this bill will help in doing that. It will help in making our transportation system that much better. All I can say is, I am in full support of this bill. It's time to move on. People want to get moving.

2110

**Mr. O'Toole:** Government members aren't listening, because as the member from Lanark—Carlton mentioned, we are in general support of this bill, with the exception of one small section—section 4. In fact, our former minister, Frank Klees, moved an amendment to section 4. This amendment proposed that the relevant section of the act not be proclaimed until the issue is dealt with either under the Municipal Act or the City of Toronto Act. When that amendment was put before the committee, Mr. Duguid from Scarborough Centre mentioned in a very

indirect way that they were supportive of that. It appears now that there is no one over there willing to call this motion. At the end of the day, the government is trying to terminate the democratic right of members to express their views. Mr. Sterling has mentioned—he's an expert, a lawyer, an engineer, and he knows full well the rules here—what is permissible, and you can do a motion right now to end the debate.

I think what's important here is the government's unwillingness to give time or even thought to the first initiative that would illustrate or demonstrate real willingness for democratic renewal. That's what is more disappointing here than the substance. We understand that you will ram this through without even listening to us. It's been said relentlessly by the member from Trinity—Spadina that you're simply not listening. I can just repeat for the record that under section 4 of the bill, section 39(1) of the act, a driver of a motor vehicle other than a bus is not to pick up a person, but here's the real kicker: This is about people's livelihoods; it's about the families of Ontario who make their living from providing this taxi or limousine service. Do you know what they have in this section here? Under subsection (8) it says "Every person who contravenes subsection (1), (2), (3), (4) ... is guilty of an offence and on conviction is liable to a fine" of up to \$20,000. Think of the family you're putting out of work, taking food from the children's mouths.

**Mr. Jean-Marc Lalonde (Glengarry—Prescott—Russell):** This bill is for the safety of visitors and travellers. Let me tell you, last night I went through the experience at the airport at 10:45. The scooping organization was standing there, and I went to every traveller there and told them it was illegal. They came to me twice. I said, "Don't take him. He hasn't got a licence. There is no insurance." Finally he got a passenger who was coming in from Vancouver.

We are here for the safety of all the people coming into Ontario, not only in Toronto but in Ottawa and all over Ontario. This is why I'm saying that this bill has to pass. As a former Minister of Transportation, the gentleman from Lanark—Carlton should know this: We have the licence plates of 191 of those guys. I went back in to see if the police officers were still there. They were gone. But they were so well organized last night, and that guy was here at the public hearing, and it was proved that he was illegal. I kept telling him, "You are illegal. You are illegal." He said, "You're full of sh—." Sorry; I didn't say it. So there were about 12 or 15 people waiting in line, and I stressed, "Don't take this guy. He's illegal." He knew this, and I was yelling this to the people. I thought he was going to come back and knock me out, but he didn't because there were some security people. They have no authority to stop them.

This is why this bill is very important, not only for Toronto but for the whole of Ontario. Also, those guys are not supposed to have those cookies at the hotels in Toronto. Anybody from Toronto who wants to pick up a passenger at the airport, all he has to do is go and see the

security guard and pay \$10, as long as it is prearranged. So it is level for both sides: the limousines and the Toronto taxis.

**The Acting Speaker:** The member from Lanark–Carlton has two minutes in which to respond.

**Mr. Sterling:** You know, to level the playing field costs some people \$10 and some people \$200,000. It just depends on how you level a playing field. It's strange how the Liberals look at these particular matters.

We've heard various members talk about the good parts of this bill, and no one on the opposition side in this Legislature is asking the government to withdraw or change any good parts. We're in favour of it. In fact, they were our ideas.

But section 4 is the problem in this bill. It would be really good if the government could turn over a new leaf and say, "Look, we can change our mind; we can listen to the debate. We can listen to the people who were in front of the committee who were against section 4, the people who work on the streets, in the streets, who drive in the streets, who were against section 4." They said, "Look, this isn't fair to us. It discriminates against us. It's in favour of another group who are competing for our business." These people are scratching for a living, so we've got to listen to them more than we would have to listen to people who are well-heeled and do well.

Let's rip out section 4 and get on with passing this bill.

**The Acting Speaker:** Further debate?

**Mr. Murdoch:** It looks like I may wrap up this debate for tonight. It may be here tomorrow night, but it is past a quarter after 9 o'clock and we're still here debating Bill 169, a bill that mostly everybody likes. I don't think there's the odd person here who doesn't like it, other than this section 4. I mean, who would be against more fines and the different speed limits?

I personally had a good friend who was killed some time ago, Ken Weller, working for the MTO. He was working with people who paint the lines on highways, and someone sped by and he was killed. We're all in favour of things like that.

I want to thank my good friend from Glengarry–Prescott–Russell, Jean-Marc Lalonde. He, along with Gilles Bisson, from Timmins–James Bay, had the amendment in there that I'd asked for over a year ago that would help our local firefighters in rural Ontario when a road is closed. Before, they would be breaking the law by going through that road when it was closed. It happens a lot in our area, especially in the wintertime, that the snow and the winds get up and they close roads. Now all there is is a sign that says, "This road is closed." There used to be an OPP officer there, but with fewer officers, with this government in power now, it happens that there's no officer. All there is is a sign, and the lights are lit. Right now, it still would be illegal for them to go through. That was an amendment put in, and I really want to thank them again for doing so.

There are many other things, like the studs for tires in the north, all kinds of things that are in this bill. But there's a problem: We have a government that was

elected on a promise to change things. This government got elected, and their leader, the Premier, said, "We're going to have democratic renewal. We're going to listen to the backbenchers in our own party plus in the other party." I remember that. Do you remember that? They said, "Oh, we're going to change how democracy is run at Queen's Park."

*Interjection.*

**Mr. Murdoch:** Yeah, wait—two years ago. That was two years ago.

Now we have a bill that has a section in it that I'm sure even some members on their own side don't like. You've got unanimous disapproval of this section by the Conservatives and the NDP, but do they want to listen? No. But they want to come here and blame us for holding the House up.

As the previous speaker just said, if they would like to debate it tonight—and I'm sure we'd be willing to stay for 10 minutes to take that out. If we want to go into committee of the whole House, we would be prepared to give unanimous consent. I'm sure that if the Liberals say tonight, "We'll take that section out of the bill and have it put into the Municipal Act or the Toronto act"—whichever way they want to do it—we would be here tonight and we could pass this bill. We could get all those wonderful things in this bill passed. Can we not do that? We can do that.

**2120**

The member from St. Catharines, the House leader, has the power to do that if he'd like to. That would be living up to the commitment they made in the election: "We're going to change things. We're going to listen to everybody." But what's happened again is that they haven't listened to anybody else but themselves—same old, same old.

The House leader, the member from St. Catharines, said, "We don't want to go back and look at what happened." I can remember when a Liberal sat in this House all night, held this House up all night, and that gentleman became the Speaker of this House, and now he's gone on to bigger and better things. Maybe that's what you're supposed to do.

**Interjection:** How did he last all night?

**Mr. Murdoch:** We don't know how he lasted all night.

*Interjection.*

**Mr. Murdoch:** John O'Toole says that maybe we can get approval tonight if I don't go too hard on the Liberals. But I remember that guy—some of you weren't here; you guys were over here—sat all night, sat for two weeks, 24 hours a day. Was it two weeks or one week? It was either two weeks or one. I was here. I did my stint in here. We had to come in and stay in here; we had to stay in this House. And who was holding it up? The Liberals—and then to come in and say that we're debating this for three days, that's all, when they could end the debate tonight if they would take that section out, a section that is unparliamentary.

I wonder—I see there are members here from Ottawa and London—are we going to make the same law in Ottawa and in London? Is that going to happen? Maybe you'd like to debate about that. Maybe you'd like to stand up in your time and say, "Yes, we're only going to let the limousine drivers pick people up in Ottawa," or "Yes, we're only going to let them do it in London."

*Interjection.*

**Mr. Murdoch:** I hear a voice coming from that side. Maybe somebody will stand up in their time and debate this bill. They seem to have a lot to say when somebody else is speaking. Maybe that person would like to get up and tell us her thoughts.

**Interjection:** I'd like to know—

**Mr. Murdoch:** I would like to know too. Are we going to do this in Ottawa? Maybe that's the next bill they'll bring through. I'm hoping that's what they'll do. You know they want to do that.

*Interjection.*

**Mr. Murdoch:** Yeah, with two minutes only.

They've had time to debate this. It's been around. Obviously, they didn't feel that it was worth debating. There's a section in there that will disallow hard-working people to pick people up at the airport.

It's hard to believe that this government would do something like that when they promised, "We are going to change things. We are going to bring in new laws that would give us more parliamentary freedom in here, more freedom to vote against things." I will be surprised when this does come to a vote, if it's recorded: Will anybody over there stand up for their own people and say, "No, we don't think this is right"?

**Mr. Marchese:** They'll stand up for themselves.

**Mr. Murdoch:** Yes. We can't get them to stand up and debate. We've had to pull this debate tonight. I don't know whether there are people left on our roster, but maybe tomorrow night we'll have to do it again so that everybody has a chance to have a say in this.

You can't have it both ways. You talk about us wanting it both ways; you can't have it both ways. You've got a good bill there but for one section, and all of us over here don't agree with that. You'd think they might listen to that. They might say, "Maybe they've got something to say." But, no, "We don't want to listen to anybody else. It's our way or no way." That was the old way. I thought we were going to have a new way. I thought your leaders said in the last election, "I am going to change; I'm going to have some democratic renewal," but it never happened; unfortunately, it didn't happen.

What happened to you guys over there? Can you not force something in caucus to say, "Hey, maybe we should be listening to the other side"? You can bring this through another bill. One of your members got up and said that. I would hope, then, that he'll probably vote against this bill. Now he's shaking his head, "No." There you are already. They can't do that.

*Interjection.*

**Mr. Murdoch:** Now I hear somebody else over there wanting to get into the debate. We may be here later tonight now if they want to get in on this debate, because I hear him talking away over there and I'm sure he's not talking to the House leader.

Here we have a government that wants to change things. They said they wanted to do that and promised it in the election. Now we get here tonight, and we have a bill that everybody pretty well agrees with but for one section, and that could be dealt with in another bill. It could be dealt with under the Toronto act; it could be dealt with under the Municipal Act. They don't want to deal with it there; they want to ram it through here. I'm saying that as far as I'm concerned, you will get consent from me to stay here tonight, and let's do it. Let's do it tonight and get on with life. But we'll take section 4 out of it, because then you've got total support.

I don't want to hear from the government that we're holding it up. No, we're not. We're just here doing the democratic right that we have. It comes from a government that, as I said, sat here for a whole night and held us up—that same bunch—when they were in opposition. There's something wrong when they can come and say that and try to think they're doing the right thing. All we want to do is get on, get that taken out of the bill and help out the taxi drivers. Let's put it in a different bill and have another look at it, and we'll support the rest of the bill. That can be done tonight. We can sit here for a little while longer. Let's take it out. Let's go into committee of the whole, remove that section and then get on with it. We're hearing from the third party, from the NDP, that they'll go along with this too.

I know the House leader is listening intently to what I have to say. I'm sure he's maybe prepared to do this, or he'll tell us in his two-minute why he couldn't do this, and we'll get on with this. Everybody can go home happy and we can look after this other little bill, unless there's something fishy about this other one, unless there's something fishy going on with these limousine drivers. If there's something fishy going on there, then we've got a problem, haven't we, folks? If a deal has been made and some money paid, something's fishy, and I'm wondering what it is if you can't go ahead with this.

**The Acting Speaker:** I believe the last statement should be withdrawn.

**Mr. Murdoch:** Fishy?

**The Acting Speaker:** No, the statement that something was fishy and some money was paid.

**Mr. Murdoch:** That's a hard one to withdraw. With only two minutes to go, rather than you getting into any trouble, I'll withdraw it.

**The Acting Speaker:** Thank you.

It being nearly 9:30 of the clock, this House stands adjourned until 1:30 tomorrow afternoon.

*The House adjourned at 2127.*

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