



ISSN 1180-5218

Legislative Assembly of Ontario

First Session, 41st Parliament

Assemblée législative de l'Ontario

Première session, 41^e législature

Official Report of Debates (Hansard)

Monday 23 March 2015

Journal des débats (Hansard)

Lundi 23 mars 2015

Standing Committee on General Government

Transportation Statute Law
Amendment Act (Making
Ontario's Roads Safer), 2015

Comité permanent des affaires gouvernementales

Loi de 2015 modifiant des lois
en ce qui concerne
le transport (accroître la
sécurité routière en Ontario)

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Room 500, West Wing, Legislative Building
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Toronto ON M7A 1A2
Telephone 416-325-7400; fax 416-325-7430
Published by the Legislative Assembly of Ontario



Service du Journal des débats et d'interprétation
Salle 500, aile ouest, Édifice du Parlement
111, rue Wellesley ouest, Queen's Park
Toronto ON M7A 1A2
Téléphone, 416-325-7400; télécopieur, 416-325-7430
Publié par l'Assemblée législative de l'Ontario

LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE ON
GENERAL GOVERNMENT**

**COMITÉ PERMANENT DES
AFFAIRES GOUVERNEMENTALES**

Monday 23 March 2015

Lundi 23 mars 2015

The committee met at 1404 in committee room 2.

TRANSPORTATION STATUTE LAW
AMENDMENT ACT (MAKING
ONTARIO'S ROADS SAFER), 2015
LOI DE 2015 MODIFIANT DES LOIS
EN CE QUI CONCERNE
LE TRANSPORT (ACCROÎTRE LA
SÉCURITÉ ROUTIÈRE EN ONTARIO)

Consideration of the following bill:

Bill 31, An Act to amend the Highway 407 East Act, 2012 and the Highway Traffic Act in respect of various matters and to make a consequential amendment to the Provincial Offences Act / Projet de loi 31, Loi modifiant la Loi de 2012 sur l'autoroute 407 Est et le Code de la route en ce qui concerne diverses questions et apportant une modification corrélative à la Loi sur les infractions provinciales.

The Chair (Mr. Grant Crack): Well, good afternoon, everyone. How's everyone today?

Interjection: Great.

The Chair (Mr. Grant Crack): Great. I'd like to call the meeting of the Standing Committee on General Government to order this afternoon. I'd like to welcome all members of the committee as well, and members of MTO, legislative counsel and Hansard, of course. We're here this afternoon to do clause-by-clause consideration of Bill 31, An Act to amend the Highway 407 East Act, 2012 and the Highway Traffic Act in respect of various matters and to make a consequential amendment to the Provincial Offences Act.

Before we get into the clause-by-clause, are there any members of the committee who may have a comment or a question that they'd like to put forward? Mrs. McGarry.

Mrs. Kathryn McGarry: Thank you, Chair. I just wanted to note that as PA for transportation, I've been quite impressed with the level of debate from the members of the opposition parties as well as from our Liberal government caucus. There has been a lot of debate on the bill. A lot of people in the House were able to join the debate.

Interestingly, we've seen quite a lot of support shown for Bill 31 in all its aspects from a number of our road safety partners, our road user partners and throughout. So I'm really looking forward to seeing this bill get on.

I think there has been a great deal of interest from AMO partners and at ROMA to make sure that this bill gets onwards and back into the House for third reading. We want to make sure that it's passed as soon as possible. There are a lot of safety-type provisions in it that we want to make sure go forward, and certainly a lot of the municipalities are looking forward to being able to collect on the fines that this bill deals with. So I'm really looking forward to the clause-by-clause. Thank you.

The Chair (Mr. Grant Crack): Thank you very much. Any other questions or comments? Mr. Mantha.

Mr. Michael Mantha: So am I. Actually, I'm looking forward as well to working on this clause-by-clause. Making a good bill comes from input from everyone, so I'm looking at making some amendments to this bill to make it that much better, and I'm hoping that all of us can work together collaboratively. I'm sure that my friends here from the Progressive Conservatives also have some ideas. I'm looking forward to the clause-by-clause discussions this afternoon.

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

Mr. Michael Harris: I may as well chime in now on behalf of the Ontario PC caucus with regard to Bill 31. I think you'll see today amendments put forward by our caucus that strengthen Bill 31 in a variety of different sections. Many of the amendments put forward have been bills that private members have put forward in the Legislature for debate and have been passed or they're in committee and have been put into amendments here.

I think we've gone through Bill 31 with a fine-tooth comb and today is an opportunity for all members of the Legislature to adopt those ideas of other private members. In fact, Bill 31 incorporates two bills from the Ontario PC caucus. I would just ask that members of the government consider those amendments that we've put forward in the interest of road safety. Thank you.

The Chair (Mr. Grant Crack): Thank you very much. I will, before we begin, just advise the committee that there are a number of amendments that I have reviewed, that have come forward and that will require a ruling from the Chair. I will be dealing with those once we get to those particular sections. So we're ready to go.

Section 1: There are no amendments. Shall section 1 carry? Those in favour? Those opposed? Carried.

Section 2: no amendments. Shall section 2 carry? Those in favour? Those opposed? Carried.

Section 3: no amendments. Shall section 3 carry? Those in favour? Those opposed? Carried.

Section 4: no amendments. Those in favour? Those opposed? Section 4 is lost. It does not carry.

New section: Progressive Conservative 4.1. Mr. Harris, would you like to read—

Mr. Michael Harris: I thought there was an NDP motion starting.

The Chair (Mr. Grant Crack): I don't see an NDP motion start.

Mrs. Kathryn McGarry: Excuse me, Chair. Do you mind if I call for a five-minute recess? I'm sorry.

The Chair (Mr. Grant Crack): Is there agreement for a five-minute recess?

Mr. Michael Harris: Sure.

The Chair (Mr. Grant Crack): There will be a five-minute recess commencing now.

The committee recessed from 1409 to 1417.

The Chair (Mr. Grant Crack): Okay, back to order. There was a request for a break, so we will continue.

Ms. McGarry?

Mrs. Kathryn McGarry: Thank you. I apologize. I actually voted against section 4 in error and I wanted to move to reintroduce section 4 of Bill 31. We'd ask for unanimous consent because of a misunderstanding of the way the bill was being asked to be voted on. I take responsibility for that. We'd like to correct the record and ask the committee to reconsider moving section 4.

Mr. Michael Mantha: Can I call for a five-minute recess before we have the vote?

The Chair (Mr. Grant Crack): That is acceptable; however, when we come back, we'll be taking the vote on whether or not we have unanimous consent.

Interjection.

The Chair (Mr. Grant Crack): A clarification: Do we have unanimous consent to reconsider and retake the vote prior to the five-minute break?

Mr. Michael Harris: Can we break first?

The Chair (Mr. Grant Crack): No. Once we get the request for unanimous consent, it has to be voted on.

Mr. Michael Harris: If we say no, can we revisit it?

The Chair (Mr. Grant Crack): No.

Mr. Michael Harris: I'm asking the Clerk that.

The Chair (Mr. Grant Crack): No. There has been a request for unanimous consent. A request for unanimous consent is different than a request to vote. We need to have the request—

Mr. Michael Harris: I want a clarification from the Clerk. If we say no to the UC, can we come back and revisit it another time?

Interjection.

Mr. Michael Harris: I want an answer on it.

The Clerk of the Committee (Ms. Sylwia Przewdziecki): If the committee does not grant unanimous consent at this point, we will move on. If there is a later request for unanimous consent with an intervening proceeding, then the committee can consider that at a later time.

Mr. Michael Harris: Okay, so no.

Mrs. Kathryn McGarry: A point of order.

The Chair (Mr. Grant Crack): We have a point of order. Ms. McGarry?

Mrs. Kathryn McGarry: I'm sorry. If section 4 doesn't carry, it will affect the rest of the amendments in the bill and we wouldn't be able to deal with them today.

Mr. Jeff Yurek: You shouldn't have voted against it.

The Chair (Mr. Grant Crack): Thank you for the point of order.

Mrs. Kathryn McGarry: I made a mistake. I did say so.

The Chair (Mr. Grant Crack): That's not a point of order, but thank you for clarifying that.

I have not yet asked, after discussion, is there unanimous consent to consider a revote on section 4?

Mr. Michael Harris: No.

The Chair (Mr. Grant Crack): Okay, I heard a no. So we will continue—

Mr. Michael Harris: Now we ask for a five-minute recess.

The Chair (Mr. Grant Crack): Mr. Mantha has requested a five-minute recess, so what we'll do—

Interjections.

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

Mr. Mantha, there are two ways to obtain a recess. One is prior to a vote request, and the other is similar to what Mr. Mantha has requested—a five-minute recess. We'd need unanimous consent for that. So is there unanimous consent for a five-minute recess? I don't hear any noes, so I'm going to grant a five-minute recess, starting now.

The committee recessed from 1420 to 1428.

The Chair (Mr. Grant Crack): Okay, so back to order. We will continue with the clause-by-clause that is before the members of this committee. We will move to the new amendment, PC section 4.1. I would ask the member from Kitchener–Conestoga, Mr. Harris, to read the motion.

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

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

““Advisory committee on highway incident management

““5.5(1) The minister, the Minister of Community Safety and Correctional Services and the commissioner of the Ontario Provincial Police shall, within 60 days after this act receives royal assent, establish an advisory committee to analyze highway incident management and to develop a comprehensive program for the improvement of highway incident management.

““Composition

““(2) The committee shall be composed of persons that the minister, the Minister of Community Safety and Correctional Services and the commissioner of the Ontario Provincial Police believe will make useful contributions to the committee's work, including

““(a) persons with knowledge and expertise in highway incident management; and

“(b) persons representing organizations or entities with an interest in highway incident management, including municipalities, police forces, emergency medical services and other road users.”

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

Mr. Michael Harris: Sure.

The Chair (Mr. Grant Crack): I’ve had the opportunity to look at a number of the amendments, as I had mentioned in my opening remarks. So that was the motion on page 1 in your packages that Mr. Harris just read. With regard to this particular amendment, I’m going to provide a ruling and there’s going to be a number of amendments throughout your package that are going to fall under the same ruling that I will be making to you. I’m going to read it to you so that it’s nice and clear for everyone.

I’m going to rule this particular amendment and motion out of order, the reason being that the amendment before us proposes to add a new section to the Highway Traffic Act, and I’m going to make a ruling on the admissibility of this amendment with respect to scope. The scope of a bill represents the reasonable limits of its collective purposes as defined by its existing clauses and schedules. In this amending legislation, the government chose which sections and subsections of the parent acts—in this case, the Highway Traffic Act—to amend through the bill before us, effectively setting the parameters of the bill. An amendment to the bill may not amend sections of the parent act that are not open in the bill. “Open” is the key word.

However, new sections such as the one that’s being proposed are not *prima facie* ruled out of order. The Chair must look at the content of the amendment and determine its admissibility with respect to scope. Where a bill has several purposes, such as this one, amendments directed to objects not specifically covered by the bill but broadly germane to its subject matter may be found to be within the scope. The Chair must keep in mind that an amendment may not seek to introduce new subject matter contrary to the principle of the bill as agreed to at second reading, and also that an amendment may not seek to accomplish indirectly what it cannot accomplish directly; for instance, to add a new section in lieu of amending a section of the parent act that is not open in the bill.

Therefore, I will be ruling this one out of order. As well, because the following motion, number 1.1, is a duplicate of the existing or the previous one that I just ruled out of order, that will be out of order as well.

Mr. Michael Harris: Chair, I request the committee’s unanimous consent to include this amendment in today’s proceedings.

The Chair (Mr. Grant Crack): Mr. Harris has asked for unanimous consent to consider this particular amendment. That is in order. Do we have unanimous consent?

Mrs. Kathryn McGarry: Can we have a five-minute recess, please?

Interjection.

The Chair (Mr. Grant Crack): The question has been put to us on unanimous consent. As I explained

earlier, if it was a vote on a particular issue, you are entitled to request the five-minute break. There was a question. Do we have unanimous consent to consider this? I heard a no.

We shall move to section 5. There are no amendments to section 5. Shall section 5 carry?

Interjection.

The Chair (Mr. Grant Crack): You’re proposing to add a new section, Mr. Mantha. So this is just the actual section 5 itself. You’re adding 5.1.

Mr. Michael Mantha: Yes.

The Chair (Mr. Grant Crack): So that will come next.

Mr. Michael Mantha: Okay.

The Chair (Mr. Grant Crack): Once again, section 5 is before you. Shall section 5 carry? Those in favour? Those opposed? It is carried.

The third party, the NDP, is proposing an amendment, section 5.1. I would ask Mr. Mantha to read it into the record.

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

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

““Driver examination services

““Agreements with providers

“32.0.1(1) This section applies with respect to any agreement between the minister and a person or entity in which the person or entity agrees to provide driver examination services to members of the public.

““Content

“(2) The agreement shall include, at a minimum,

“(a) a requirement that the provider of driver examination services prepare an annual summary of examination results on a pass or fail basis, for each class of driver’s licence and for each location at which examinations are administered by the provider;

“(b) a description of the performance standards that shall be met by the provider of driver examination services;

“(c) a description of the inspection service by which the minister shall verify that the performance standards are being met;

“(d) a requirement that the minister prepare an annual performance report relating to the provider of driver examination services, which shall include the results of compliance with the performance standards, including any penalties that may have been imposed on the provider; and

“(e) a requirement that the annual performance report be publicly posted by the minister on at least one government of Ontario website.

“Posting of agreement

“(3) The agreement shall be publicly posted by the minister on at least one government of Ontario website.”

The Chair (Mr. Grant Crack): Thank you very much, Mr. Mantha. I believe there was some confusion with (c). With all due respect, could you reread item (c)?

Mr. Michael Mantha: Reread (c)?

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

Mr. Michael Mantha: “A description of the inspection system by which the minister shall verify that the performance standards are being met.”

The Chair (Mr. Grant Crack): Thank you very much. Once again, referring back to my previous comments, the amendment that is being proposed by Mr. Mantha and the third party introduces a provision that’s not contemplated by the bill. Although this bill, as I’ve mentioned earlier, does have several purposes, I am of the opinion that the amendment is not relevant to the parameters of this bill and I find that it’s beyond the scope of the bill, so I therefore rule this particular amendment out of order.

Mr. Mantha?

Mr. Michael Mantha: Can I call for unanimous consent to keep it in?

The Chair (Mr. Grant Crack): You may call for unanimous consent. So the question being put forward right now: Do we have unanimous consent from the committee to—

Interjection: No.

The Chair (Mr. Grant Crack): I wasn’t able to finish, but I heard a no. So, again, the motion has been called out of order.

We shall move to section 6. Now, sections 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21 and 22: There are no amendments. Would the committee consider lumping those into one motion? Or individually? Numbers 6 to 22: There are no amendments to those particular sections. Is it the wish of the committee to proceed by lumping those amendments through one vote? Those in favour? Any opposed? There are none opposed, so we shall lump them together.

Sections 6 through to 22: Is there any discussion on sections 6 to 22?

Mrs. Kathryn McGarry: Can we have a recorded vote?

The Chair (Mr. Grant Crack): I have a request for a recorded vote. That is in order.

Mrs. Kathryn McGarry: And a 20-minute recess.

The Chair (Mr. Grant Crack): And there has been a request for a 20-minute recess. That is in order. So we shall reconvene in 20 minutes’ time. Recess granted.

The committee recessed from 1438 to 1458.

The Chair (Mr. Grant Crack): Okay. Back to order. Prior to the request for a 20-minute recess, we were in the process of dealing with sections 6 through 22, inclusive. I shall now ask for the vote, and there was a request for a recorded vote. Shall sections 6 to 22, inclusive, carry?

Ayes

Dickson, Hoggarth, Kiwala, Mantha, McGarry, McMahan, Yurek.

The Chair (Mr. Grant Crack): None opposed. Sections 6 through 22, inclusive, carry.

We shall deal now with a proposed new section 22.1 by the NDP. I shall ask Mr. Mantha to read that into the record. Mr. Mantha?

Mr. Michael Mantha: Thank you, Mr. Chair. I move that the bill be amended by adding the following section:

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

““Side guards

“67.1(1) Every vehicle with a gross vehicle weight greater than 3.5 tonnes shall be equipped with side guards.

“Exemption

“(2) Subsection (1) does not apply to any vehicle specified in a minister’s regulation made under subsection (4).

“Requirements and standards

“(3) The side guards required by subsection (1) shall comply with the requirements and standards prescribed in a minister’s regulation made under subsection (4).

“Regulations

“(4) The minister may make regulations,

“(a) exempting any class of vehicle from the application of subsection (1) and prescribing conditions for any such exemption;

“(b) prescribing requirements and standards for the purposes of subsection (3).

“Notice and comment re exempting regulation

“(5) The minister may not make a regulation under clause (4)(a) until at least 45 days after a notice has been published in the Ontario Gazette and a newspaper of general circulation in Ontario setting forth the substance of the proposed regulation and inviting comments to be submitted to the minister.

“Same

“(6) After the expiration of the 45-day period, the regulation with such changes as are considered advisable may be made without further notice.”

The Chair (Mr. Grant Crack): Thank you very much, Mr. Mantha. So this particular motion that you’re putting forward, I’m going to rule that it is in order. It’s kind of in a grey area, but I believe it’s worthy of consideration by the committee. So it is in order.

Is there further discussion on the motion? Mr. Dickson.

Mr. Joe Dickson: Mr. Chair, if I may, I’d like to request a 15-minute break.

The Chair (Mr. Grant Crack): Okay, that’s fine. Any further discussion on the motion? There being none, prior to the vote—you’re requesting prior to the vote the 15 minutes?

Mr. Joe Dickson: If prior to the vote is appropriate, Mr. Chair, thank you.

The Chair (Mr. Grant Crack): That is appropriate. What we shall do is take a 15-minute recess, at which time we will come back and vote on the amendment.

Is there any further debate prior to the recess? Because when we come back, we vote immediately.

So there will be a 15-minute recess starting now.

The committee recessed from 1502 to 1517.

The Chair (Mr. Grant Crack): I shall call the meeting back to order after a 15-minute recess at the request of Mr. Dickson.

We are dealing with NDP motion number 3, which deals with an addition of section 22.1. We shall vote at this particular point. Those in favour of the motion? Those opposed to the motion? The motion is lost.

Motion number—sorry, Mr. Dickson?

Mr. Joe Dickson: Mr. Chair, I request a 20-minute break.

The Chair (Mr. Grant Crack): There has been no request for a vote put forward at this particular point, so we will continue the business.

We are moving to section 22.2, an amendment by the NDP, motion number 4. Mr. Mantha, please read that into the record.

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

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

“Minimum light transmittance standard for windows

“73.1 No person shall drive a motor vehicle on a highway if there is less than 70% light transmittance through the windshield or any window of the vehicle.”

The Chair (Mr. Grant Crack): Mr. Mantha, could you just read the last sentence one more time? I believe there was a pronunciation error—not pronunciation, but I think you said “window” instead of “windshield.”

Mr. Michael Mantha: Okay. “73.1 No person shall drive a motor vehicle on a highway if there is less than 70% light transmittance through the windshield or any window of the vehicle.”

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

Mr. Michael Harris: What number is this again?

The Chair (Mr. Grant Crack): We are currently dealing with NDP motion number 4. It’s an addition of section 22.2. Mr. Mantha has read that into the record, and at this particular point I am going to provide you an opinion—

Mr. Michael Harris: I had a comment.

The Chair (Mr. Grant Crack): I will provide you with my opinion: I believe that this is out of order. I believe it could be seen as an indirect amendment to a section of the act that isn’t open in this bill, so there’s no requirement for further discussion. It’s out of order.

Mr. Michael Harris: Or ask for UC and we’ll talk about it.

Mr. Michael Mantha: Chair, you’ve—

The Chair (Mr. Grant Crack): I’ve ruled it out of order.

Mr. Michael Mantha: You’ve ruled it out of order?

The Chair (Mr. Grant Crack): Yes, sir.

Mr. Michael Mantha: I respect your views, Mr. Chair, but I believe that this pertains directly to safety and to the Highway Traffic Act, and I wanted to voice that. I would ask that you leave it up to this committee to determine if we’re going to have unanimous consent, going forward.

The Chair (Mr. Grant Crack): Okay, thank you. There’s been a request for unanimous consent. Do we have unanimous consent? We have no unanimous consent, so it is out of order. We’ll continue to move forward.

We shall move to section 23, PC motion number 5. Mr. Harris.

Mr. Michael Harris: Number 5?

The Chair (Mr. Grant Crack): It’s an amendment to section 23.

Mr. Michael Harris: I move that section 23 of the bill be amended by adding the following subsection—that’s not the right one, is it?

The Chair (Mr. Grant Crack): Yes, it is.

Mr. Michael Harris: She’s shaking her head. Hang on a second. Number 5.

The Chair (Mr. Grant Crack): It is up to you, as a member, to determine which one you’d like to put forward, but these are the ones that you put forward in sequence.

Interjection.

Mr. Michael Harris: No, it will be 6.1.

The Chair (Mr. Grant Crack): Okay, so we shall move to PC motion 6.1. Mr. Harris.

Interjections.

The Chair (Mr. Grant Crack): It appears at this particular point that PC motions 5 and 6 will not be moved at this time. We’re moving to 6.1. Mr. Harris.

Mr. Michael Harris: I move that section 23 of the bill be amended by adding the following subsection:

“(0.2) Subsection 78(2) of the act is amended by adding the following clause:

“(b. 1) a two-way radio used by a person operating a school bus, as defined in subsection 175(1);”

Can I comment on the motion before you comment?

The Chair (Mr. Grant Crack): Absolutely. There’s a motion on the floor. Further discussion? Mr. Harris.

Mr. Michael Harris: This motion would exempt drivers of school buses from section 23 of the bill. The rationale here is really that two-way radios in school buses are an important tool used for vehicle safety issues or student safety issues. Student safety can be enhanced by allowing, for example, a driver to call base, to have a dispatcher call a student’s home and ensure a parent or guardian is home to receive a child when there is no sign of anyone at home.

Most operators have definitive radio policies so that the radio does not become a social network but is used for the exact purpose it was designed for. When an emergency arises, the driver calls the dispatch, then hangs up the microphone and awaits the response from the dispatcher. Bus drivers require this tool to be able to better ensure the safety of their passengers. I hope that that motion is clear.

I would like to just inform the committee that we are discussing road safety. Although there have been some motions that have been ruled out of order and in order, I think it’s the onus on the committee to at least discuss those amendments or motions. By saying no to it, you see

that it immediately shuts down any potential discussion on an issue, like heavily tinting windows. Let's at least have a discussion. You do have a majority and, at the end of the day, you have outnumbered us on the votes. So even if you don't like the direction of an amendment, have a discussion on it at the very least, then vote yes or no. Instead of saying no to the UC right away, have a discussion. It's about road safety. We've proposed thoughtful amendments to increase and better road safety in Ontario. Have a discussion at the very least.

The Chair (Mr. Grant Crack): Okay, thank you. Ms. Hoggarth.

Ms. Ann Hoggarth: I agree with Mr. Harris; that won't happen often, however. I agree that it's very important that road safety for everyone be taken care of.

I've taught for many years and in many schools where buses come regularly. At my last school, there was only the special-ed van that came, but in most of the rural schools where a lot of buses came, they already used this. There are provisions. This amendment is unnecessary as provisions already exist. The school bus drivers already use them in our county, so there are provisions for this. Two-way radios are currently permitted for use by drivers, so I don't understand why we would put in something that's already allowed.

Mr. Michael Harris: The amendment, actually—

The Chair (Mr. Grant Crack): Okay, Mr. Harris— are you finished?

Ms. Ann Hoggarth: Yes, I am. Thank you.

The Chair (Mr. Grant Crack): We're just going to have some decorum here. So Ms. McGarry, and then you can respond after. Ms. McGarry?

Mrs. Kathryn McGarry: Great, thank you. Certainly, school bus safety is paramount. My children have always been bused to and from their rural schools and it's very important. Again, I would agree with Mr. Harris that this is ultimately important.

But currently, as my colleague the member from Barrie has pointed out, these provisions already exist in Ontario regulation 366/09. Although we all agree that two-way radios would be very important on the school buses, it already exists. It really means that this amendment is unnecessary and redundant.

I also did want to point out, in addition, that this motion suggests amendments to an incorrect section of the Highway Traffic Act. It's seeking to amend the provision related to display screen, section 78.

This provision already exists, so I'm happy with voting against this motion.

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

Mr. Michael Harris: Yes, it exists, but this amendment would exempt drivers from the section 23 on distracted driving. If a bus driver is on their two-way radio, they, in essence, could be charged under the distracted driving law. That's what we're talking about here. We're not talking about whether two-way radios are allowed on a bus or not, because they are. We're making it clear that if school bus drivers are having to use their two-way

radio for an emergency with children, they're not charged with being distracted while at the wheel, because, in essence, that's what they're doing.

The Chair (Mr. Grant Crack): Okay, thank you very much. Further discussion? Ms. McMahon.

Ms. Eleanor McMahon: Thank you, Mr. Harris. These are helpful clarifications.

I just had a question about officer discretion. I ask this quite honestly because I don't know the answer, but if an officer pulls over an operator of a bus and that person was deemed to be using their two-way radio, can there not a conversation ensue? It's the officer's discretion whether or not to lay the charge. I ask that quite honestly because I don't know the answer. I know a lot of these things are officer discretion, right? The officer could, in point of fact, decide not to lay a charge if the operator was found to be using it for an emergency or for a very good reason. I'm just asking that quite honestly.

Mr. Michael Harris: And vice versa. You're absolutely right: It is discretion. That's why, as lawmakers, we make things black and white so it's very clear, because it could go the other way. The officer could, in fact, fine the bus driver for being distracted while operating his two-way radio to see if Johnny's mom is home because Johnny is on the bus and there's nobody at the stop to pick him up, which usually happens, right?

This was something that the school bus association had put forward as an amendment, to ask us to add some clarity for. That's what this is about. It's about bringing clarity.

The Chair (Mr. Grant Crack): Thank you very much. Any further discussion? Ms. McGarry.

Mrs. Kathryn McGarry: I appreciate all the discussion on school bus safety. It has happened in my own home from time to time where a child has inappropriately gone to drop-off, and usually when the school bus driver—who I've known quite well—is either calling ourselves or calling to know what to do. She's usually stopped at the time at the end of the driveway or stopped safely so that she can make those calls without being distracted by the road. I think that period of discretion that my colleague from Burlington is talking about is that if a school bus operator needs to make a call, then most likely they're going to be stopped at the stop or pull over safely while they sort it out.

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

Mr. Michael Harris: A recorded vote.

The Chair (Mr. Grant Crack): There's been a request for a recorded vote.

Ayes

Harris, Mantha, Yurek.

Nays

Dickson, Hoggarth, Kiwala, McGarry, McMahon.

The Chair (Mr. Grant Crack): The motion is defeated.

1530

We shall move to PC motion number 7. Mr. Harris?

Mr. Michael Harris: It's 7.1.

The Chair (Mr. Grant Crack): Number 7 is not being dealt with. We shall move to 7.1. Mr. Harris.

Mr. Michael Harris: I move that section 23 of the bill be amended by adding the following subsection:

“(2) Section 78 of the act is amended by adding the following subsection:

“Demerit points

“(6) If a person is convicted of an offence under subsection (5), the registrar shall record three demerit points in respect of the person in accordance with Ontario regulation 339/94 (demerit point system) and the provisions of that regulation apply with necessary modifications to any demerit point recorded under this section as though it had been recorded under section 2 of that regulation.”

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

Mr. Michael Harris: This motion would ensure that three demerit points would be given to anyone convicted of an offence under section 78, subsection (5), of the act. The rationale here is that we support increased fines for infractions, but fines are not often enough to deter distracted or reckless driving. We believe that the threat of demerit points will not only act as a deterrent, but also as a suitable punishment for violations of this specific section of the act.

The minister has had a year since this legislation was last debated before the election to use his powers to create demerit points through regulation, and we are still waiting. We are simply taking what he has proposed and embedding it into the legislation.

The Chair (Mr. Grant Crack): Thank you. Ms. McGarry.

Mrs. Kathryn McGarry: Thank you very much. I think all members would agree that throughout the debate in the House, and through the public consultations when we had our road safety partners come and speak to this, certainly this has probably been the part of Bill 31 that I've spoken to the most in terms of groups like the insurance company etc.

I think it's good to hear support that we need to have these demerit points put onto a charge of distracted driving, and I really do appreciate the fact that you support that part of the bill. I think it's very necessary to get that into legislation.

Right now, the regulations will be forthcoming. The ministry has already intended to make the regulatory amendments to apply the three demerit points on conviction for distracted driving offences. So, therefore, the amendment right now, although I understand that it's in great spirit, is really unnecessary, because these regulations are coming.

The MTO really does plan to introduce the three demerit points upon a distracted driving conviction and

will fully prohibit distracted driving for novice drivers under the graduated licensing system. They are coming in the regulatory change that will be forthcoming, so I just think that this is unnecessary at this time.

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

Mr. Michael Harris: Well, I think you will have a difficult time explaining to people why this is unnecessary when you're saying it's necessary, but not necessary at this time. We have waited over a year for regulations to be enacted on demerit points, and it hasn't happened. The best way to ensure that demerit points are applied is to put it in the legislation, so that we absolutely know that it's going to happen.

Let's just agree with embedding it into the legislation and make it happen now. We've waited over a year. It could have been done by now. Why hasn't the minister enacted his powers to actually provide these demerit points through regulation? Let's get it into the legislation. We've had to wait over a year when we could have done it overnight.

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

Mrs. Kathryn McGarry: As the member is probably aware, Bill 31 is actually a compilation of two pieces of legislation that were brought forward in the House under two various bill numbers. Both of those died on the order paper when the election was called this past spring. Bill 31 is actually a compilation, as you're aware, of both of those pieces of legislation.

Now that we've got the distracted driving piece coming forward in Bill 31, that's why we're debating it now, and that's why we will be ensuring that it does pass, so we do have the ability—or the officer does—to actually lay a distracted driving charge and to be able to then apply the demerit points. So those demerit point regulatory changes are coming with the rollout of this bill.

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

Mr. Michael Harris: Just to clarify that, yes, you're right: These did die on the order paper. However, you're missing what I'm saying. The minister could have, at the stroke of a pen, brought in regulations introducing demerit points, but didn't. So I feel compelled to add it to the legislation so that it actually does happen, because you didn't need legislation for it to happen back then. But we've waited a year, so clearly we do.

The Chair (Mr. Grant Crack): Okay, thank you. Mr. Mantha.

Mr. Michael Mantha: Just sitting outside of this discussion, I want to make sure that I'm hearing both the government and the opposition parties. Is the government saying that they are going to be introducing legislation to enact exactly what the opposition party is proposing right now? That would be a question that I have for the government right now.

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

Mrs. Kathryn McGarry: If you recall, and both of these members were sitting in the House before, you will remember that on those previous two bills—I think it's

173 and I don't remember the other bill number—there was a lot of debate. There was a great number of hours devoted to debating this. We had a lot of members in the House, both pre-election and then post-election, be able to answer this sort of add-in to the debate on this current Bill 31.

But again, the demerit points are not the legislative piece; they're the regulatory piece. We would like to see this bill go forward so that we can get to that as soon as possible. These are the kinds of changes that our police forces and our road safety partners are trying to get forward. We have debated in the House at length. We have now had a great number of members during the fall and current session talking about it. We've had a lot of public consultation. We've had our partners come forward to this table and discuss it.

So again, the distracted driving piece is a very important piece. I would like to see this move as quickly as possible so that we can actually get the distracted driving piece of this bill passed and be able to make those regulatory changes as quickly as possible.

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

Mr. Michael Mantha: So let me try it this way: Is the government looking at implementing these changes under regulatory change later? From what I understand and from where I'm sitting, you're kind of agreeing to what the opposition parties are asking for. I'm just asking, if you're not agreeing with it now, are you agreeing to do it through a regulatory change in the future? Is that what I heard you say?

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

Mrs. Kathryn McGarry: Thank you for the ability to answer that. With the way that the bill is laid out right now, we're going to make this bill—write it into legislation, Bill 31. Then there are a number of regulatory changes, because of the bill and the legislation, that will be coming as quickly as possible.

The Chair (Mr. Grant Crack): Okay, thank you. Mr. Harris.

Mr. Michael Harris: Basically, what I've asked, Mr. Mantha, is—she's right: When we debated the former legislation, whatever number it was, we all agreed on increased fines for distracted driving, as well as demerit points. That was an agreement we all had. But you don't need legislation to enact demerit points. A minister can do that on a whim. But he didn't do it. He sat on the sidelines, talking a lot about road safety but not actually showing it.

So they're saying, "Trust us. We'll do it, when the bill is done and passed through regulation." We're saying, "Let's embed it into the legislation so that it actually gets done." That's what we're saying. They're saying, "Well, we agree with this. We're going to give the exact amount of points that I'm suggesting, but we don't want it in the legislation. We want to leave it up to regulation afterwards."

Mr. Michael Mantha: One last—

The Chair (Mr. Grant Crack): Mr. Mantha, and then we're going to Mr. Dickson.

Mr. Michael Mantha: I understand what my friend Mr. Harris has indicated to me; I do. I still didn't receive the kind of answer that I'm looking for. Is the government looking at doing this or not? That's as simple as I can put it.

The Chair (Mr. Grant Crack): Okay.

Mr. Michael Mantha: That's three times now. Are you going to do it or not?

The Chair (Mr. Grant Crack): Thank you very much. Mr. Mantha has posed a question. Prior to going to Mr. Dickson, could the parliamentary assistant reply prior to your comments?

Mr. Joe Dickson: It would be appropriate for the PA to respond to that question first and then I'll go forward. Thank you, Mr. Chair.

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

Ms. McGarry.

Mrs. Kathryn McGarry: Thank you very much. There are a lot of regulatory changes that will come out of Bill 31 once it's enacted into legislation and the regulations will be going forward en masse because it would otherwise be confusing for the different agencies that would be having to respond to each and every one. So the regulatory changes will move through that process as quickly as possible after this bill is passed, so that they will be able to get those changes out to the appropriate agencies.

If you look back at the regulations that are going to change with this bill on cycling safety, the pedestrian, the other pieces of this bill, the distracted driving, the drug impaired, all those pieces will go forward in one regulatory piece. Each agency needs to train and be educated on new changes in law, and it does have a component about how much time and effort it takes. Certainly we've heard from our partners that it's easier to get a number of changes at one time rather than in piecemeal fashion.

Interjection.

The Chair (Mr. Grant Crack): Okay. We'll have final comments and then Mr. Dickson.

Mr. Michael Mantha: I was just basically looking for a yes or no, but you've kind of answered my question—not really, but thank you.

The Chair (Mr. Grant Crack): We'll go to Mr. Dickson.

Mr. Joe Dickson: Thank you, Mr. Chair. You'll note that I still have a request in front of the Chair for a 15- to 20-minute break. However, I did want to comment that of course the parliamentary assistant has been very appropriately functional. She's pointed out that Bill 31 is something that should proceed with not being a further bureaucratic nightmare that's going on here. The legislation is going forward and, of course, the regulations, in fact, are going forward as well, and that's most appropriate. So we want to proceed, if we can stop talking about it, and get on with the job.

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

Mr. Michael Harris: Now, a quick question: Are you calling for a 15-minute recess?

Mr. Joe Dickson: I did.

Mr. Michael Harris: You did. Okay. So before we do that—I'm always confused with you, Joe, because you want a recess, then you're saying, "Let's get on with it," but you've called close to 60 minutes—

Interjection.

Mr. Michael Harris: You've called nearly 60 minutes of breaks today for whatever reason. So it's you who's actually slowing things up today.

For the record, our debate on this motion—by the sounds of it, they're going to vote against what they're actually going to do, if you can figure that one out.

So I'll leave it at that. I'd call the question, because I think that's as far as we're going to go with this one.

The Chair (Mr. Grant Crack): Mr. Harris has asked that I call the question.

Mr. Michael Harris: On a recorded vote.

The Chair (Mr. Grant Crack): There's been a request for a recorded vote. Before I do that, I just want to remind the members of the committee that the appropriate time to request a recess of up to 20 minutes would be once we have called the vote. So when you're ready to vote, then you ask for the recess at that particular time.

So there's been a request to call the vote. Those in favour?

Mr. Joe Dickson: Chair?

Mr. Michael Harris: Sorry. We're in favour of a recess?

The Chair (Mr. Grant Crack): No. Those in favour of the motion that you have put forward.

Mr. Michael Harris: And we've asked for a recorded vote.

The Chair (Mr. Grant Crack): There's a request for a recorded vote on the motion that you have put forward, number 7.1.

Mr. Michael Harris: Yes.

The Chair (Mr. Grant Crack): And I believe I have a request for a recess.

Mr. Joe Dickson: Thank you very much.

The Chair (Mr. Grant Crack): Which is how long?

Mrs. Kathryn McGarry: Fifteen minutes.

The Chair (Mr. Grant Crack): A 15-minute recess. That is granted. Once we return, we shall be voting on the motion. It's 3:44—at 3:59.

The committee recessed from 1544 to 1559.

The Chair (Mr. Grant Crack): Okay. Do you want me to wait for Mr. Harris, Mr. Yurek? I guess not.

We have a request, I believe, for a recorded vote, so I shall call the vote at this particular time, Madam Clerk. We're voting on PC motion 7.1, which is a new subsection, 23(2).

Ayes

Mantha, Yurek.

Nays

Hoggarth, Kiwala, McGarry, McMahan.

The Chair (Mr. Grant Crack): The motion is lost.

Section 23 is not amended, so I shall call the vote. Shall section 23 carry? Those in favour? Those opposed? Sorry, Mr. Mantha.

Mr. Michael Mantha: Section 23 is—

The Chair (Mr. Grant Crack): There are no amendments, so shall section 23 carry?

Mr. Michael Mantha: Don't they have amendments?

The Chair (Mr. Grant Crack): Both were defeated.

Mr. Jeff Yurek: We had one amendment.

Interjections.

The Chair (Mr. Grant Crack): I've already asked for those in favour. Those opposed?

Mr. Michael Harris: Just wait. What are we working on?

The Chair (Mr. Grant Crack): Section 23. Shall it carry, unamended? I've asked for those in favour. I'm well aware of who was in favour. Those opposed? Okay. Section 23 carries.

Mr. Michael Harris: What was the vote on?

The Chair (Mr. Grant Crack): Section 23.

Interjection.

The Chair (Mr. Grant Crack): It wasn't a recorded vote but, as Chair, when I had called the vote, I was able to recognize those who voted in favour and I've also recognized those who voted opposed. Section 23 carries.

We shall move to section 24. It is PC motion number 8. Mr. Harris.

Mr. Michael Harris: It's 8.1.

The Chair (Mr. Grant Crack): We shall move, then, to 8.1.

Mr. Michael Harris: I move that section 24 of the bill be amended by adding the following subsection:

"(0.1) Subsections 78.1(1), (2) and (3) of the act are amended by striking out 'motor vehicle' wherever it appears and substituting 'motor vehicle or bicycle'".

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

Mr. Michael Harris: This motion would add a subsection to section 23 to change the wording from "motor vehicle" to "motor vehicle or bicycle." The rationale here is that the current wording does not allow the Highway Traffic Act to be applied to those riding bicycles. Bicycles are road vehicles and the same laws that apply to drivers of motor vehicles should apply to bicyclists. There must be at least some acknowledgement of the shared responsibility that all vehicle operators, including cyclists, have when it comes to maintaining road safety. The tragedies that can ensue from distracted cycling need to be addressed in the law. Penalties must be in place to discourage this behaviour and recognize shared responsibility and safety.

I will draw your attention to a recent submission from the Ottawa Police Service dated March 9 to the members of the committee by Sergeant Mark Gatien of the Ottawa Police Service. He says here: "With this small change, it would encompass bicycles and implements of husbandry (mainly backhoes and front-end loaders). Our hands are presently tied with cell phone infractions being com-

mitted on bicycles and backhoes etc. using our roadways. There have been countless complaints to the police via social media about the use of phones with these methods of transportation, and with the present wordings our hands are tied for enforcement efforts.” He signed this “Respectfully submitted” on March 9.

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

Mrs. Kathryn McGarry: Thank you very much, Chair. Again, I really look to the members opposite to support road safety and that’s really the main reason why we’re here debating Bill 31. I certainly read through the correspondence with interest that MPP Harris has referenced. However, there are a couple of reasons why it’s not possible to take these forward as is written in the memo.

Number one, currently our cyclists are not required to have driver’s licences and they’re not required to have identification while they’re out cycling. An example that comes to mind is a 12-year-old who is out cycling and he happens to be on his cell phone—which some 12-year-olds do have—and the police officer pulls him over. Now, because the new distracted driving law will have the three demerit points, how is he to proceed? He doesn’t have a driver’s licence he’d be able to apply the demerit points to, and the child riding may not have identification on him.

So although it is something that is of concern, certainly there are other jurisdictions as well who are doing more investigation and more consultation into the area of distracted cyclists. At the moment, there are no provisions to be able to carry the demerit points onto a cyclist. So I am happy to look forward to further research into cycling safety.

The Chair (Mr. Grant Crack): Thank you very much. Mr. Harris—oh, sorry. Ms. McMahon and then Mr. Harris.

Ms. Eleanor McMahon: Thank you, Mr. Chair. I’d like to commend Mr. Harris for his concern for cycling safety—very, very admirable. Ottawa’s the most bicycle-friendly city in Ontario, as you know. I used to be at Share the Road and we designated them gold—the only gold in the province. Consequently, they have the most cyclists compared to Toronto, actually, which has more—137,000 people are riding their bikes every day in Toronto, which is admirable.

Certainly this is an issue of interest and concern to all of us, cycling safety, motorist safety. My colleague the MPP for Cambridge has already outlined some of the practical reasons why this change would be difficult. No one’s questioning the fact that when cyclists undertake a call, that can be problematic. What I would suggest is to build on what my colleague suggested, that we need more research into this area.

I had the pleasure of sitting in on the coroner’s review into cycling deaths in Ontario, where the OPP also sat, where the Ontario Association of Chiefs of Police also sat, as did CAA and a group of others from across Ontario—noted physicians etc. The recommendations

emanating from that cycling death review, which covered 126 souls in Ontario, did not include a recommendation such as this.

In summary, I think there’s an opportunity here to continue the conversation about just how we might address these kinds of issues. It’s certainly something that I have heard from the policing community, being a member of the police family, as an ongoing burgeoning issue. So I think some further conversations are required. I think we would all welcome ongoing, positive contributions, legislative ones included, that enhance the road for all road users, because cyclists recognize—because 87% of them are also motorists—that they have a responsibility to be safe.

I will thank the member opposite for his concern for the safety of cyclists, which is laudable. It’s one which we all share. I look forward to ongoing conversations. I’m just not sure this is the way to get us there.

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

Mr. Michael Harris: I guess I have a couple of questions. Is there a lawyer from the ministry here that I can ask the questions of?

The Chair (Mr. Grant Crack): Is there a lawyer from the ministry that perhaps could provide some clarification?

Interjection.

The Chair (Mr. Grant Crack): I would ask if there is someone from the ministry who could come forward. Thank you very much. Please, for the record, state your name and position, and I believe Mr. Harris will have a question for you.

Ms. Mary Merkowsky: My name’s Mary Merkowsky. I’m counsel with the Ministry of Transportation’s legal services branch.

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

Mr. Michael Harris: Hi. Good afternoon. I’ve got a question for you. One of the government members mentioned applying demerit points to someone on a bicycle who may not have a driver’s licence. Could they not, because demerit points are established in regulation, exclude or make exclusions in regulation on who would receive demerit points?

Ms. Mary Merkowsky: Demerit points are applicable to motor vehicle convictions only. A bicycle is considered to be a vehicle, not a motor vehicle, so they would not have demerit points applied on conviction.

Mr. Michael Harris: If we were to change, though—because we’re on, right now, the section where we’re striking out “motor vehicle” wherever it appears and substituting “motor vehicle or bicycle.” How would that then change enforcement?

Ms. Mary Merkowsky: Well, on conviction is when demerit points are typically applied. The demerit point scheme, as you probably know, is used as a way to assess driver behaviour. After an accumulation of a certain number of demerit points, the driver is asked to attend some kind of remediation to improve their behaviour. Obviously a cyclist would not fall within that scheme

because the demerit points would not apply to them upon conviction of this offence.

1610

Mr. Michael Harris: So, basically, you could actually include “motor vehicle or bicycle” in the act and give them the fine, but they wouldn’t be subject to the demerit points.

Ms. Mary Merkowsky: We typically look at the difference between a motor vehicle and a bicycle when we look at fines. We typically don’t have the same level of fine applied to someone on a bicycle committing the offence. Motor vehicles tend to cause more damage, more injuries, more fatalities, so typically you don’t have the same kind of fines that apply for both—

Mr. Michael Harris: I get that. You’re saying a cyclist wouldn’t be subject to any demerit points, only a fine. If we were to agree with this amendment, where we change “motor vehicle” to “motor vehicle or bicycle,” and they were caught on their phone, they’d be subject to the fine but not the demerit points. Correct?

Ms. Mary Merkowsky: They would fall outside of the scheme to monitor and change driver behaviour, yes.

Mr. Michael Harris: That basically answers the question and perhaps makes the argument moot for the government’s point on demerit points and cyclists.

This is a suggestion from law enforcement out of Ottawa, because there’s a significant problem with cyclists using their cellphones or devices when riding a bicycle. That’s dangerous to them and others, including motorists.

Those arguments are perhaps no longer valid based on what we’re hearing from the government lawyer, and I encourage the members to support the motion to include bicycles, as per the request of the Ottawa police.

The Chair (Mr. Grant Crack): Okay. Thank you for coming forward. We appreciate it.

Any further discussion? There being none, we do have before us motion 8.1.

Mr. Jeff Yurek: Recorded vote.

The Chair (Mr. Grant Crack): There has been a request for a recorded vote, so I shall call the vote.

Ayes

Harris, Mantha, Yurek.

Nays

Dickson, Hoggarth, Kiwala, McGarry, McMahan.

The Chair (Mr. Grant Crack): The motion is lost.

Now we shall move to the next motion. My records indicate 9, but I would suspect that you’re going to 9.1, Mr. Harris.

Mr. Michael Harris: Yes, 9.1.

I move that section 24 of the bill be amended by adding the following subsection:

“(0.2) Subsection 78.1(4) of the act is amended by adding the following clause:

“(b.1) a person operating a school bus, as defined in subsection 175(1), who is using a two-way radio;”

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

Mr. Michael Harris: This motion would exempt drivers of school buses from section 24 of the bill. Two-way radios in school buses are used for vehicle safety issues or student safety issues. An example of this would be a driver calling base to have a dispatcher call a student’s home to ensure that a parent or guardian is home to receive a child if there is no sign of anyone at home. Just last week, I believe, there was an example out of Brantford where a youngster didn’t get on the bus, of course, and walked home.

Anyway, most operators have definitive radio policies so the radio does not become a social network but is used for the exact purpose it was designed for. When an emergency arises, the driver calls dispatch, then hangs up the microphone and awaits the response from the dispatcher.

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

Ms. Ann Hoggarth: A point of order: I think this is out of order. We discussed this, and Mr. Harris used exactly the same speaking points. I believe we already went over this, and it was lost earlier. It was the same speaking points.

The Chair (Mr. Grant Crack): However, it is a different motion. So I will thank you for the point of order, but it’s not a point of order.

Ms. Ann Hoggarth: Okay.

The Chair (Mr. Grant Crack): Any further discussion? I shall call for the vote.

Mr. Jeff Yurek: Recorded vote.

The Chair (Mr. Grant Crack): There has been a request for a recorded vote. Shall motion 9.1 from the Progressive Conservatives carry?

Ayes

Harris, Mantha, Yurek.

Nays

Dickson, Hoggarth, Kiwala, McGarry, McMahan.

The Chair (Mr. Grant Crack): The motion is lost.

Next on the agenda is 9.2, but I believe that particular motion is consequential to 9.1 passing, so we shall move to PC motion number 10. Mr. Harris.

Mr. Michael Harris: I move that section 24 of the bill be amended by adding the following subsection:

“(2) Section 78.1 of the act is amended by adding the following subsection:

“Demerit points

“(6.2) If a person is convicted of an offence under subsection (6.1), the registrar shall record three demerit points in respect of the person in accordance with Ontario regulation 339/94 (demerit point system) and the provisions of that regulation apply with necessary modifica-

tions to any demerit point recorded under this section as though it had been recorded under section 2 of that regulation.”

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

Mr. Michael Harris: I think it’s pretty obvious that we are simply embedding the demerit point system into the legislation.

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

Mrs. Kathryn McGarry: Again, this is much the same motion as before. Right now we are talking about the legislation of Bill 31 moving through the process, and regulatory changes that come out of the passage of this bill—or potential passage of the legislation—will come at a later date. I’m satisfied that it will come in the regulatory changes.

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

Mr. Michael Harris: I guess I just have a question: If a ministry official could answer roughly when that regulation of demerit points would actually take effect or be brought in, assuming third reading of the bill? I’m just wondering about a timeline.

The Chair (Mr. Grant Crack): Ms. McGarry, would you like to respond to that?

Mrs. Kathryn McGarry: Could I have our legal counsel from MTO come forward and answer this question? Thank you very much.

The Chair (Mr. Grant Crack): Once again, state your name and position, please.

Ms. Mary Merkowsky: Mary Merkowsky, counsel for the Ministry of Transportation’s legal services branch.

The intent is to have the demerit point regulation amended for the addition of demerit points for conviction of these offences in conjunction with, when the bill passes, the increased fine amounts. Sanctions and penalties would come into force at the same time. It makes it easier when you’re communicating changes to policing services so that they understand that fine increases and demerit points all occur at the same time.

Mr. Michael Harris: Just to clarify: You’re saying that the regulation of demerit points would come into effect when the bill is given royal assent—at the exact same time?

Ms. Mary Merkowsky: When the increased fine amounts for the distracted driving—

Interruption.

Mr. Michael Harris: Sorry, the door shut—what was that?

Ms. Mary Merkowsky: The intent is, when the increased fine amounts come into effect for distracted driving offences, the demerit point regulation will be amended at the same time that those come into force.

Mr. Michael Harris: When would those increased fines come into effect?

The Chair (Mr. Grant Crack): If you could speak a little closer to the mike, that would be greatly appreciated.

Ms. Mary Merkowsky: My apologies. I don’t have a timeline. I understand that it will be shortly thereafter.

Mr. Michael Harris: How long, typically, after?

Ms. Mary Merkowsky: I do not know.

Mr. Michael Harris: Within six months, within three months, roughly?

Ms. Mary Merkowsky: I understand that they’re one of the first items that will be dealt with.

Mr. Michael Harris: What’s the difference between embedding it into the legislation and waiting for regulation?

Ms. Mary Merkowsky: The regulation sets out a totality of the scheme where all circumstances, rules and exceptions apply with the application of demerit points, depending on the circumstances of the conviction. If you stick the demerit points in the legislation itself, it’s outside that scheme. That’s why the regulatory framework is preferable to a legislative insertion of demerit points.

Mr. Michael Harris: One last point, though: The demerit points would come into effect sooner once this bill passes versus leaving it up to regulation.

Ms. Mary Merkowsky: No. They would come into effect at the same time because these sections come into force on proclamation, so you can time the regulation amendments to come into force at the same time you proclaim the increased fine amounts.

1620

Mr. Michael Harris: So why wouldn’t you simply embed it into the legislation? What is the downfall of doing so?

Ms. Mary Merkowsky: As I’ve explained, the demerit points scheme sets out the entirety of how demerit points are applied with exceptions and circumstances, whereas the legislation would not.

Mr. Michael Harris: Right. Thank you.

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

Mr. Jeff Yurek: Recorded vote.

The Chair (Mr. Grant Crack): There has been a request for a recorded vote.

Ayes

Harris, Yurek.

Nays

Dickson, Hoggarth, Kiwala, Mantha, McGarry, McMahan.

The Chair (Mr. Grant Crack): The motion is lost. We shall move to PC motion 10.1.

Mr. Michael Harris: No.

The Chair (Mr. Grant Crack): That was a replacement, so that is not going to move forward.

Section 24 has had some debate. There are no amendments. Shall section 24 carry, unamended?

Mr. Michael Harris: Recorded vote.

The Chair (Mr. Grant Crack): There has been a request for a recorded vote. Those in favour?

Mr. Joe Dickson: In favour of?

The Chair (Mr. Grant Crack): Section 24 carrying.

Mr. Joe Dickson: Got it. I want to make sure.

Ayes

Dickson, Hoggarth, Kiwala, Mantha, McGarry, McMahon.

Nays

Harris, Yurek.

The Chair (Mr. Grant Crack): The motion is carried, so section 24 carries.

We shall move to a new NDP section: 21.4. I am going to make a ruling on this particular motion.

Mr. Michael Mantha: Can we call it 24.1?

The Chair (Mr. Grant Crack): What did I say?

Mr. Michael Mantha: You said 21.4.

The Chair (Mr. Grant Crack): I meant 24.1. Thank you very much for clarifying that. I would ask that Mr. Mantha move the motion.

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

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

““Starter interrupters prohibited

“78.2(1) No person shall use a starter interrupter in connection with a financing or lease agreement relating to a motor vehicle.

““Exception

“(2) Subsection (1) does not apply to a prescribed starter interrupter that is installed in the prescribed manner and is used under the prescribed circumstances.

““Regulations

“(3) For the purposes of subsection (2), the minister may make regulations,

“(a) prescribing starter interrupters;

“(b) prescribing the manner of installing starter interrupters;

“(c) prescribing the circumstances under which starter interrupters may be used.

““Definition

“(4) In this section,

“““starter interrupter” means any after-market device that is installed in a motor vehicle and that is designed to track the location of the vehicle or to disable or disrupt the operation of the vehicle as a result of information the device receives or fails to receive.””

The Chair (Mr. Grant Crack): Thank you very much, Mr. Mantha. Unfortunately, I'll be calling this one out of order as well. I believe that this amendment is outside the scope of the bill, as set out by the parameters of the debate at second reading.

Mr. Mantha?

Mr. Michael Mantha: Mr. Chair, with all due respect, this amendment is being brought forward pertaining directly to highway safety, and I want that comment to be recorded. I would ask this committee unanimously to support it moving forward.

The Chair (Mr. Grant Crack): Mr. Mantha has asked for unanimous consent to put this motion on the table. Do we have unanimous consent? I heard a no. Thank you, Mr. Mantha.

We shall move to section 25. I may ask the committee: Sections 25 to 32 have no amendments. Would it be the wish of the committee to deal with 25 through 32 inclusively, in one vote? I hear a yes. Are there none opposed? So we shall do that.

Shall sections 25, 26, 27, 28, 29, 30, 31 and 32 carry? Those in favour? Those opposed? The motion is carried. Sections 25 through 32, inclusively, carry.

We shall move to section 33. We have an NDP motion, which is number 12. Mr. Mantha.

Mr. Michael Mantha: I move that subsection 100.2(2) of the Highway Traffic Act, as set out in section 33 of the bill, be struck out and the following substituted:

“Director of vehicle inspection standards

“(2) The minister may appoint an officer of the ministry as director of vehicle inspection standards to administer the program.”

The Chair (Mr. Grant Crack): Thank you very much, Mr. Mantha. Further discussion? There being none, I shall call for the vote. Those in favour of the motion? Those opposed? The motion is lost.

We shall move to NDP motion 13. Mr. Mantha.

Mr. Michael Mantha: I move that subsections 100.2(3) and (4) of the Highway Traffic Act, as set out in section 33 of the bill, be struck out and the following substituted:

“Agreements to operate vehicle inspection centres

“(3) The minister may enter into agreements that authorize persons to operate vehicle inspection centres under the program.”

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

Mr. Michael Mantha: Can I have a recorded vote?

The Chair (Mr. Grant Crack): Thank you, Mr. Mantha. Further discussion? Ms. McGarry?

Mrs. Kathryn McGarry: Thank you very much. I just wanted to add a bit to the discussion, that the modernization of Ontario's MVIS program will be dependent on the tools and expertise that are provided through a service provider. It's expected to significantly reduce inspection fraud and considerably improve program standards through automated and electronic delivery of inspection certificates and stock an enhanced sanctioning capacity.

The Chair (Mr. Grant Crack): Thank you very much. Further discussion? There has been a request for a recorded vote, so I shall call the vote.

Ayes

Mantha.

Nays

Dickson, Hoggarth, Kiwala, McGarry, McMahon.

The Chair (Mr. Grant Crack): The motion is lost.

We shall move to 14, NDP motion. Mr. Mantha.

Mr. Michael Mantha: I move that subsection 100.2(6) of the Highway Traffic Act, as set out in section 33 of the bill, be struck out.

The Chair (Mr. Grant Crack): Thank you. Further discussion? There being none, I shall call for the vote. Those in favour of the motion? Those opposed? The motion is lost.

We shall move to PC motion 15. Mr. Harris.

Mr. Michael Harris: I move that section 100.2(6) of the Highway Traffic Act, as set out in section 33 of the bill, be struck out.

The Chair (Mr. Grant Crack): Sorry. Is that number 15?

Mr. Michael Harris: Oh, sorry; that's NDP motion 14.

Mr. Michael Mantha: That's my motion.

Interjections.

The Chair (Mr. Grant Crack): Would you like to put that one forward or withdraw?

Mr. Michael Harris: No, I'm withdrawing that motion.

The Chair (Mr. Grant Crack): Okay. Mr. Harris has withdrawn the motion he's just read into record. So PC motion 15: Mr. Harris.

Mr. Michael Harris: Fifteen, yes; sorry.

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

Mrs. Kathryn McGarry: Anyone can make a mistake.

Mr. Michael Harris: I don't think that you can compare the two, actually.

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

1630

Mr. Michael Harris: Motion 15.1: section 33 of the bill, new section 100.2 of the act.

I move—

The Chair (Mr. Grant Crack): Sorry. So you're not moving 15? You're moving 15.1?

Mr. Michael Harris: Yes, 15.1.

The Chair (Mr. Grant Crack): Thank you very much for the clarification: 15.1.

Mr. Michael Harris: I move that section 100.2 of the act, as set out in section 33 of the bill, be amended by adding the following subsections:

“Advisory committee

“(6.1) There shall be a vehicle inspection standards advisory committee established in accordance with the regulations.

“Role of advisory committee

“(6.2) The vehicle inspection standards advisory committee shall advise the director of vehicle inspection standards with respect to such matters as may be prescribed by regulation or as may be required by the director.”

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

Mr. Michael Harris: This motion would create a vehicle inspection standards advisory committee to advise the director of vehicle inspection standards on regulatory issues.

We would prefer that the government did not create a director of vehicle inspection standards, given the government's record on automobile standards programs as it is. The biggest example of that would be Drive Clean.

Currently, there is very little information about the regulations that will be put into place by the director of vehicle inspection standards. We want to make sure that the regulatory framework for determining whether or not a car is roadworthy is developed with broad consultation that includes experts and the general public.

We understand that 40% of recommended light vehicle maintenance and repair is postponed.

We support incentivizing customers to encourage vehicle inspection, as opposed to enforcing a mandatory and costly inspection regime.

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

Mrs. Kathryn McGarry: Certainly, there has been a lot of discussion in the community and from our road-user partners regarding this. Just to reassure the member: MTO is seeking advice from industry and trade associations and will continue to do that in the future. Extensive consultation with ministry and industry and association working groups has proven to be very successful in the development of a new passenger vehicle safety standard. So it's anticipated that this model will continue to be leveraged during future consultations for this initiative.

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

Mr. Joe Dickson: Recorded vote.

The Chair (Mr. Grant Crack): There has been a request for a recorded vote.

Ayes

Harris, Yurek.

Nays

Dickson, Hoggarth, Kiwala, Mantha, McGarry, McMahon.

The Chair (Mr. Grant Crack): The motion is lost.

NDP motion number 16. Mr. Mantha.

Mr. Michael Mantha: I move that subsection 100.2(7) of the Highway Traffic Act, as set out in section 33 of the bill, be struck out.

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

Those in favour? Those opposed? The motion is lost.

NDP motion number 17. Mr. Mantha. Enjoy your read.

Mr. Michael Mantha: Enjoy your listening.

I move that section 100.2 of the Highway Traffic Act, as set out in section 33 of the bill, be amended by adding the following subsections—

The Chair (Mr. Grant Crack): I'm sorry, Mr. Mantha, but you have a motion 17 and a 17.1. Just for clarification, would you prefer 17.1, as opposed to 17? I'm just trying to avoid you reading that one into the record and then the other one was the preferred motion and having to read it again.

Mr. Michael Mantha: It's 17.

The Chair (Mr. Grant Crack): So 17 is fine? I apologize. Continue. Mr. Mantha?

Mr. Michael Mantha: One second. Good to go.

The Chair (Mr. Grant Crack): Very good. Thank you. The floor is yours, sir.

Mr. Michael Mantha: We'll go with 17.

The Chair (Mr. Grant Crack): Okay.

Mr. Michael Mantha: I move that section 100.2 of the Highway Traffic Act, as set out in section 33 of the bill, be amended by adding the following subsections:

“Agreements with operators

“(8) An agreement entered into under subsection (4)(a) in which the minister authorizes a person to operate a vehicle inspection centre under the program shall include, at a minimum,

“(a) a requirement that the person prepare an annual summary of inspection data for each vehicle inspection centre operated by the person, including the total number of vehicles that failed, passed or received a conditional pass as a result of a mandatory inspection;

“(b) a requirement that the person provide, on request, any document relating to the agreement to a person appointed by,

“(i) the Speaker of the Assembly, the Auditor General, the Environmental Commissioner, the Financial Accountability Officer, the Information and Privacy Commissioner, the Integrity Commissioner or the Ombudsman, or

“(ii) the minister;

“(c) a description of the performance standards that shall be met by the person;

“(d) a description of the inspection system by which the minister shall verify that the performance standards are being met;

“(e) a requirement that the minister prepare an annual performance report relating to the person, which shall include the results of compliance with the performance standards, including any penalties that may have been imposed on the person; and

“(f) a requirement that the annual performance report be publicly posted by the minister on at least one government of Ontario website.

“Agreements with service providers

“(9) An agreement entered into under subsection (4)(b) in which the minister authorizes a service provider to enter into agreements that authorize persons to operate vehicle inspection centres under the program shall include, at a minimum,

“(a) a requirement that the service provider prepare an annual summary of inspection data for each vehicle inspection centre operated by a person authorized by the service provider to operate a vehicle inspection centre, including the total number of vehicles that failed, passed or received a conditional pass as a result of a mandatory inspection;

“(b) a requirement that the service provider provide, on request, any document relating to the agreement with the minister, or any agreement with a person authorized by the service provider to operate a vehicle inspection centre, to a person appointed by,

“(i) the Speaker of the Assembly, the Auditor General, the Environmental Commissioner, the Financial Accountability Officer, the Information and Privacy Commissioner, the Integrity Commissioner or the Ombudsman, or

“(ii) the minister;

“(c) a description of the performance standards that shall be met by the service provider and persons authorized by the service provider to operate vehicle inspection centres;

“(d) a description of the inspection system by which the minister shall verify that the performance standards are being met;

“(e) a requirement that the minister prepare an annual performance report relating to the service provider and persons authorized by the service provider to operate vehicle inspections centres, which report shall include the results of compliance with the performance standards, including any penalties that may have been imposed on the service provider or those persons; and

“(f) a requirement that the annual performance report be publicly posted by the minister on at least one government of Ontario website.

“Posting of agreements

“(10) Every agreement that is entered into by the minister under clause (4)(a) or (b) shall be publicly posted by the minister on at least one government of Ontario website.

“Auditor General

“(11) The Auditor General may, at any time, audit any aspect of the operations of a party to any agreement referred to in subsection (8) or (9), but only in connection with those aspects of the operations that relate to the agreement.”

1640

The Chair (Mr. Grant Crack): Nicely done. Thank you very much. Any further discussion? Mr. Harris.

Mr. Michael Harris: We appreciate the NDP providing that amendment. We will be supporting it. We believe that oversight is important for the success of any government program. History has shown that a lack of oversight often leads to corruption and scandal, something all too familiar with this government. This motion would ensure that there is at least some oversight over the vehicle inspection program and give the Legislature some sense of the effectiveness of the program.

Interjections.

Mr. Michael Harris: I'm not sure if you caught the last part of it, so I will repeat it: This motion would ensure that there is at least some oversight over the vehicle inspection program and give the Legislature some sense of the effectiveness of the program. I think we can think of Ornge, Drive Clean—the list really goes on and on.

The Chair (Mr. Grant Crack): Speaking of oversight, if I may have the floor, I omitted to make a judgment on this particular motion. I'm going to call it out of order, the reason being that it's outside the scope of the bill, as set out by the bill's parameters and, of course, the debate at second reading. It does contemplate oversight by a parliamentary officer, so as such it's out of the scope. I've made the ruling.

Mr. Mantha.

Mr. Michael Mantha: With all due respect, Mr. Chair, I think this is absolutely needed under this particular act, making sure that we have that safety mechanism where we do have the opportunity to question the process, making sure that there is good oversight and that it is transparent, and that people are being held accountable.

This goes directly towards the aspect of highway safety. I would urge you to let us have this discussion. I would ask this committee, wholeheartedly, let's let this move forward and let's let it move forward unanimously. I would ask for your indulgence in continuing to have the discussion and UC on it.

The Chair (Mr. Grant Crack): Mr. Mantha has requested unanimous consent to continue debate.

Interjections.

The Chair (Mr. Grant Crack): I've heard a no. My apologies for my late intervention.

PC motion number 18: Mr. Harris.

Mr. Michael Harris: It's 18.1.

The Chair (Mr. Grant Crack): Okay, so 18 is off the table. We'll move to 18.1.

Mr. Michael Harris: I move that section 100.2 of the act, as set out in section 33 of the bill, be amended by adding the following subsection:

“Annual report

“(8) The director of vehicle inspection standards shall, within 90 days of the end of a calendar year, submit to the minister an annual report on the administration of the program and the minister shall lay the report before the Legislative Assembly at the earliest opportunity.”

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

Mr. Michael Harris: I get the intent of my colleague from the NDP's motion. That one not being able to be voted on, this one allows some sort of oversight by the members of the Legislative Assembly. Again, I think it's important, and this motion would make the director of vehicle inspection table an annual report to the Legislative Assembly within 90 days of the end of the year. Oversight is important for the success of any government program. History has shown that the lack of oversight leads to corruption and scandal. This motion would en-

sure that there is at least some oversight over the vehicle inspection program and give the Legislature some sense of the effectiveness of the program. I don't think it's too hard to ask for an annual report. Whether the minister reads it or not is up to them, but it gives the opportunity to the members of the Legislative Assembly to provide proper oversight, at least annually, through the submission of an annual report.

The Chair (Mr. Grant Crack): Ms. McGarry and then Mr. Mantha.

Mrs. Kathryn McGarry: Certainly, I appreciate the comments coming from all sides today. It's interesting: This motion would actually add red tape and costs to the program. The way that it is currently written would mean that the development of the service provider agreement will actually include consideration of reporting requirements and will establish an accountability and governance framework. I think it's already going to be included. I would be surprised if the member opposite would want to add more red tape and costs to a particular program when it's already going to be built in.

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

Mr. Michael Mantha: I'd just add to the discussions I've been having that I think any oversight on a potential project going forward is absolutely needed. Although I'm regretfully seeing that the NDP motion has not gone forward, I would support this amendment going forward because we absolutely do need oversight. I don't need to state some of the concerns that the individuals outside of this bubble actually see and the cost that it brings out to them. The minute cost that might come out of this is going to go a long way in order to save money, and I would support this amendment from my colleagues.

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

Mr. Michael Harris: Just to reply to a couple of points: One, I heard the government member refer to the fact that it's already included, so that will make it even easier for them to vote in favour of this report, be it that it is included. However, they call it red tape and bureaucracy; we call it government oversight so that taxpayers get value for their money.

Time and time again we've seen, in agencies of the government—I can list a few, whether it be Ornge; eHealth, or we just heard recently about the social housing agency—the lack of oversight. An annual report to members of the Legislative Assembly creates problems if it doesn't happen.

Again, if you're saying to me that there is this already, then you should have no problem supporting this annual report. But to call oversight “red tape”—taxpayers would be disappointed.

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

Mrs. Kathryn McGarry: I just want to clarify to the member opposite that I certainly agree that oversight needs to continue. Currently, the way that we are proposing Bill 31 is that we are going to outsource the administration part of the MVIS program only. MTO continues to provide oversight and has actually built in consideration of reporting requirements and will establish

that accountability and governance framework for the sectioned-out piece. But currently, MTO does provide oversight and will continue that oversight. The standards aren't changing. It's just outsourcing the administration part of the MVIS program that we're talking about.

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

Mr. Michael Harris: That sounds an awful lot like Ornge. Chris Mazza had the same ability to operate Ontario's air ambulance service with reporting mechanisms to the minister and cabinet, and look where that got us. Provide an annual report to members of the assembly and we'll all be happy.

The Chair (Mr. Grant Crack): I shall call the vote if there's no further discussion.

Mr. Jeff Yurek: Recorded vote.

The Chair (Mr. Grant Crack): We have a request for a recorded vote. That's on PC motion 18.1, a recorded vote.

Ayes

Harris, Mantha, Yurek.

Nays

Dickson, Hoggarth, Kiwala, McGarry, McMahon.

The Chair (Mr. Grant Crack): The motion is lost.

We shall move to NDP motion 19. Mr. Mantha.

Mr. Michael Mantha: I move that subsection 100.3(1) of the Highway Traffic Act, as set out in section 33 of the bill, be amended by striking out "for any act of a vehicle inspection centre or service provider, or an employee or agent of a vehicle inspection centre or service provider" and substituting "for any act of a vehicle inspection centre, or an employee or agent of a vehicle inspection centre".

The Chair (Mr. Grant Crack): Further discussion? There being none, I shall ask for the vote. Those in favour? Those opposed? The motion is lost.

Mr. Michael Harris: Just a point of order, Chair.

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

Mr. Michael Harris: I know we're going on to, what, 20? We're on 19 or whatever the number was. I just want the Clerk to clarify to the committee the process. If we don't get through all of the amendments today, by 6 o'clock, what happens?

The Chair (Mr. Grant Crack): We are scheduled to be meeting again on Wednesday. As such, I believe time has been set aside to deal with clause-by-clause at that particular point.

Mr. Michael Harris: That's the case? All right.

The Chair (Mr. Grant Crack): Go ahead.

The Clerk of the Committee (Ms. Sylwia Przewdzicki): If the committee doesn't complete its consideration today, then it can resume at its next meeting time, which will be Wednesday.

1650

Mr. Michael Harris: Wednesday at 4? Good enough.

The Chair (Mr. Grant Crack): There are no amendments to section 33. I shall put section 33 to a vote.

Those in favour—

Interjection.

The Chair (Mr. Grant Crack): Sorry. Was there a question, before I call?

Ms. Ann Hoggarth: We wondered if we couldn't do 33, 34 and 35, since there are no amendments.

The Chair (Mr. Grant Crack): We could potentially do that, but since we've had a lot of discussion on amendments for section 33, we'll deal with 33.

Ms. Ann Hoggarth: Oh, I see. Sorry.

Mr. Jeff Yurek: Could we have a recorded vote there?

The Chair (Mr. Grant Crack): There has been a request for a recorded vote on section 33.

Ayes

Dickson, Hoggarth, Kiwala, McGarry, McMahon.

Nays

Harris, Mantha, Yurek.

The Chair (Mr. Grant Crack): Section 33 carries.

There has been a request to bundle 34 and 35, but there is a motion on 36. So I think we'll do them one at a time, if that's preferable.

Mr. Michael Harris: Yes.

The Chair (Mr. Grant Crack): Okay. There are no amendments to section 34. Shall section 34 carry?

Those in favour—

Mr. Joe Dickson: Recorded vote.

The Chair (Mr. Grant Crack): Sorry. Did I hear a request for a recorded vote?

Mr. Joe Dickson: Yes, you did.

The Chair (Mr. Grant Crack): Okay. There has been a request for a recorded vote.

Ayes

Dickson, Hoggarth, Kiwala, McGarry, McMahon.

Nays

Harris, Mantha, Yurek.

The Chair (Mr. Grant Crack): Section 34 carries.

I apologize, Mr. Dickson. With your mild voice, I was not able to hear, so perhaps if you could just speak up a little bit.

Mr. Joe Dickson: Sorry. I was going to enter the priesthood. I have a very soft voice.

The Chair (Mr. Grant Crack): Very good.

There are no amendments to section 35. Shall section 35 carry? Those in favour? Those opposed? Section 35 carries.

Section 36: We have NDP motion 20. Mr. Mantha.

Mr. Michael Mantha: I move that subsection 100.7(1) of the Highway Traffic Act, as set out in section 36 of the bill, be amended by striking out “may make directives” at the end of the portion before clause (a) and substituting “may, with the approval of the minister, make directives”.

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

There being no discussion, those in favour of NDP motion 20? Those opposed? The motion is lost.

Shall section 36 carry? Those in favour? Those opposed? Section 36 is carried.

Mr. Joe Dickson: Sections 37, 38, 39—

The Chair (Mr. Grant Crack): Am I getting a request to bundle 37, 38, 39?

Mr. Joe Dickson: Yes, Mr. Chair.

The Chair (Mr. Grant Crack): Okay. There are no amendments to those particular sections, so I shall call for a vote on 37, 38 and 39. Those in favour of those sections carrying? Those opposed? Sections 37, 38 and 39 are carried.

Section 40: We have NDP motion 21. Mr. Mantha.

Mr. Michael Mantha: I move that subsection 40(1) of the bill be struck out and the following substituted:

“40.(1) Subsections 140(1) and (2) of the act are repealed and the following substituted:

““Pedestrian crossover

““Duties of driver

“(1) When a pedestrian is crossing on the roadway within a pedestrian crossover, the driver of a vehicle approaching the crossover,

“(a) shall stop before entering the crossover;

“(b) shall not overtake another vehicle already stopped at the crossover; and

“(c) shall not proceed into the crossover until the pedestrian is no longer on the roadway.

““Same

“(2) When a pedestrian is at the curb or other place of safety at a pedestrian crossover and signals, by pointing with an outstretched arm or otherwise, his or her intention to cross on the roadway within the crossover, the driver of a vehicle approaching the crossover,

“(a) shall stop before entering the crossover;

“(b) shall not overtake another vehicle already stopped at the crossover; and

“(c) shall not proceed into the crossover until the pedestrian has crossed the roadway.”

The Chair (Mr. Grant Crack): Any further discussion on the motion? Ms. McGarry.

Mrs. Kathryn McGarry: Certainly, ensuring that our pedestrians are safe is a big part of Bill 31. We have heard from our road safety partners and we have heard from many in the community that road safety is number one.

One of the issues that I would have with the way the amendment is written right now is, if I was emphasizing

a point while I was talking to somebody, let’s say, fairly near a crosswalk and waving my arms around, a driver could misinterpret that I’m trying to throw out an arm to cross the road when that wasn’t my intention. As you’re well aware, I have lots of children of my own. If I were carrying packages, a purse and my toddler across the road, I wouldn’t be able to free up an arm to point out there.

But I think the main issue that I would have with this particular amendment is that it actually risks contravention of the Accessibility for Ontarians with Disabilities Act, because the language of the proposed amendment is unclear. It could be interpreted as “somebody may point out a hand anywhere.” This would create major traffic and penalty issues and confusion for drivers who would be required to stop anywhere when a pedestrian points their hand toward the road.

But also, Bill 31 is already adding a subsection that would allow the minister to make regulations for pedestrian crossing facilities to add three new types of cross-overs to increase pedestrian safety. But certainly those who would go to try and cross at a pedestrian crosswalk who were using a motorized vehicle who maybe are unable to use their arms—through a stroke, quadriplegia or whatever—wouldn’t be able to actually point their finger out. That’s why I wouldn’t be supportive of the amendment as it’s written now.

The Chair (Mr. Grant Crack): Any further discussion? There being none, I shall call the vote.

Mrs. Kathryn McGarry: Recorded.

The Chair (Mr. Grant Crack): There has been a request for a recorded vote.

Ayes

Mantha.

Nays

Hoggarth, Kiwala, McGarry, McMahan.

The Chair (Mr. Grant Crack): The motion is lost.

We shall move to motion number 22. Mr. Mantha.

Mr. Michael Mantha: I move that subsection 40(3) of the bill be struck out and the following substituted:

“(3) Subsection 140(7) of the act is repealed and the following substituted:

““Offence

“(7) Every person who contravenes subsection (1) is guilty of an offence and on conviction is liable to a fine of not less than \$300 and not more than \$1,000.

““Same

“(7.1) Every person who contravenes subsection (2) or (3) is guilty of an offence and on conviction is liable to a fine of not less than \$150 and not more than \$500.”

The Chair (Mr. Grant Crack): Thank you very much, Mr. Mantha. This particular motion was dependent on a previous motion passing, which was not the case, so

technically it is out of order. I shall rule that, which provides you the opportunity to move number 23.

Mr. Michael Mantha: Just on that last motion: It's an NDP amendment, and it pertains directly to the safety and well-being of individuals. I want that put on the record, please.

The Chair (Mr. Grant Crack): Okay. Thank you. NDP motion number 23.

Mr. Michael Mantha: I move that subsection 40(3) of the bill be struck out and the following substituted:

“(3) Subsection 140(7) of the act is repealed and the following substituted:

““Offence

“(7) Every person who contravenes subsection (1) is guilty of an offence and on conviction is liable to a fine of not less than \$300 and not more than \$1,000.

““Same

“(7.1) Every person who contravenes subsection (3) is guilty of an offence and on conviction is liable to a fine of not less than \$150 and not more than \$500.”

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

Mrs. Kathryn McGarry: Recorded vote.

The Chair (Mr. Grant Crack): There has been a request for a recorded vote.

Ayes

Mantha.

Nays

Hogarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated, or lost.

There are no amendments to section 40, so I shall ask: Shall section 40 carry? Those in favour?

Mrs. Kathryn McGarry: A recorded vote, please.

The Chair (Mr. Grant Crack): It's a little too late for that. If we want recorded votes, we'll have to be a little more prompt; we were already counting.

Those in favour? Those opposed? Section 40 is carried.

Mr. Michael Harris: A point of order.

The Chair (Mr. Grant Crack): A point of order, Mr. Harris.

Mr. Michael Harris: Yes, I guess we're moving on to—24 would be next?

The Chair (Mr. Grant Crack): We're at section 41 at this particular point, Mr. Harris.

Mr. Michael Harris: Yes, I was wondering if we could—I know Joe is gone now for the day. Seeing that he left, I ask the committee that we adjourn and come back on Wednesday at 2 o'clock to finish this off—or Wednesday at 4 or whatever time it is. There are just a few outstanding items, and I think it would be best if we discuss and consult and come back on Wednesday to finish this up.

The Chair (Mr. Grant Crack): Are you asking for unanimous consent to adjourn until next Wednesday?

Mr. Michael Harris: Yes. It would save me talking for an hour.

Mrs. Kathryn McGarry: Can we have a five-minute recess?

The Chair (Mr. Grant Crack): Mr. Harris, are you moving adjournment of the committee for today?

Mr. Michael Harris: Yes.

The Chair (Mr. Grant Crack): That is a dilatory motion, so we will have to have a vote on that.

Mr. Michael Harris: Sure.

Mrs. Kathryn McGarry: Could we have a recess before the vote, please, Chair? Five minutes.

The Chair (Mr. Grant Crack): Okay. There has been a request for a five-minute recess. Consensus of the committee—

Mr. Michael Harris: Can we take 10? Five is pretty quick.

Mrs. Kathryn McGarry: Ten is all right.

Mr. Michael Harris: Ten?

The Chair (Mr. Grant Crack): There is consensus? A ten-minute recess, effective immediately.

The committee recessed from 1702 to 1712.

The Chair (Mr. Grant Crack): I trust everyone is well rested. Back to order.

Mr. Harris has requested that we adjourn. He has moved adjournment of the committee for the day.

Mr. Michael Harris: Yes.

The Chair (Mr. Grant Crack): So we'll have a vote on that. I would ask: Those in favour of adjourning for the day, please raise your hands. Those opposed? The motion to adjourn is carried.

We stand adjourned till Wednesday, 4 p.m. Thank you for your work today, everyone.

The committee adjourned at 1713.

CONTENTS

Monday 23 March 2015

Transportation Statute Law Amendment Act (Making Ontario's Roads Safer), 2015,
Bill 31, Mr. Del Duca / Loi de 2015 modifiant des lois en ce qui concerne le
transport (accroître la sécurité routière en Ontario), projet de loi 31, M. Del DucaG-337

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