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**Official Report
of Debates
(Hansard)**

Wednesday 12 May 2004

**Journal
des débats
(Hansard)**

Mercredi 12 mai 2004

**Standing committee on
finance and economic affairs**

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Loi de 2004 sur la protection
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sur les assurances)

Chair: Pat Hoy
Clerk: Katch Koch

Président : Pat Hoy
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LEGISLATIVE ASSEMBLY OF ONTARIO

**STANDING COMMITTEE ON
FINANCE AND ECONOMIC AFFAIRS**

Wednesday 12 May 2004

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**COMITÉ PERMANENT DES FINANCES
ET DES AFFAIRES ÉCONOMIQUES**

Mercredi 12 mai 2004

The committee met at 1002 in room 228.

SUBCOMMITTEE REPORT

The Chair (Mr Pat Hoy): The standing committee on finance and economic affairs will please come to order. Good morning, committee members. We will begin with the report of the subcommittee.

Mr Mike Colle (Eglinton-Lawrence): I'd like to read into the record the report of the subcommittee and move its adoption.

Your subcommittee met on Thursday, May 6, 2004, to consider the method of proceeding on Bill 40, An Act to amend the Insurance Act to protect emergency service providers from rate increases to their personal contracts of automobile insurance, and recommends the following, subject to the approval of the chosen date by the House:

(1) That the committee meet in Toronto on Wednesday, May 12, 2004, to hold public hearings on Bill 40.

(2) That the committee proceed with clause-by-clause consideration of Bill 40 on Wednesday, May 12, 2004, at the call of the Chair.

(3) That the committee meet from 10 am to 12 noon and following routine proceedings until 6 pm.

(4) That interested people who wish to be considered to make an oral presentation should contact the committee clerk by Monday, May 10, 2004, at 4 pm.

(5) That witnesses be allotted a maximum of 10 minutes in which to make their presentations and answer questions from the committee members.

(6) That the deadline for written submissions be Wednesday, May 12, 2004, at 9 am.

(7) That amendments should be filed with the clerk of the committee at the start of clause-by-clause consideration of the bill.

(8) That an advertisement be placed on the Ontario parliamentary channel and on the Internet.

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

I move the adoption of the subcommittee report as read.

The Chair: Any comment? Hearing none, carried.

EMERGENCY SERVICE PROVIDER'S
INSURANCE PROTECTION ACT
(INSURANCE AMENDMENT), 2004

LOI DE 2004 SUR LA PROTECTION
DES FOURNISSEURS DE SERVICES
D'URGENCE (MODIFICATION DE LA LOI
SUR LES ASSURANCES)

Consideration of Bill 40, An Act to amend the Insurance Act to protect emergency service providers from rate increases to their personal contracts of automobile insurance / Projet de loi 40, Loi modifiant la Loi sur les assurances visant à protéger les fournisseurs de services d'urgence contre l'augmentation des taux dans leurs contrats d'assurance-automobile personnels.

FIRE FIGHTERS ASSOCIATION
OF ONTARIO

The Chair: I call on the Fire Fighters Association of Ontario to come forward, please. Good morning. You have 10 minutes for your presentation. You may leave time within that 10 minutes for questions, if you so desire. I'd ask you to identify yourselves for the purposes of our recording Hansard.

Mr Dave Thomson: I'm Dave Thomson, past president of the Fire Fighters Association of Ontario. The Fire Fighters Association of Ontario is a provincial organization consisting of 300 member fire departments, fire companies, fire associations and ladies' auxiliaries actively engaged in fire safety and public education and emergency response across Ontario.

Our association's objectives: to develop a thorough understanding of firefighting requirements; to promote public fire education and safety; to interchange ideas and information concerning firefighters; to work with other stakeholders, being associations, the office of the fire marshal and other regulatory bodies, both provincial and federal; and to propose and support legislation which provides for the advancement and development of the fire service in general.

Our association celebrated its 100th anniversary in 2002. Since our inception, our goals have remained the same: to keep abreast of the ongoing changes and technology in the fire service.

An overview of the proposed act: It is our view that the proposed legislation contained in this bill is a positive

step for all emergency service providers in Ontario. Fire, police and ambulance personnel have an unrelenting challenge every time we answer an emergency call. Ontario citizens call 911 or the emergency number in their municipality when emergency services are required. They expect a prompt and efficient service to respond and to resolve their emergency. With the increase in call volume and the seemingly more aggressive drivers on our roads and highways today, emergency responders are under extreme pressure to arrive safely and in reasonable time to that emergency.

I believe that all emergency responders are responsible drivers. Many municipalities ensure that driver training is part of their training curriculum, and if not, it should be. This strengthens safety and places it in the forefront for all operators when responding.

In the past, there have been accidents involving responding emergency vehicles. At the end of the day, many times the operator is penalized personally. Insurance rates in Ontario are at the highest cost to the individual in history. Surely our personnel should not be forced to endure a rate increase on their personal insurance for serving our citizens in their time of need. This no doubt will create a financial burden and unnecessary stress on all emergency responders and their families.

Our association welcomes and supports this legislation and urges you, the committee members, to recommend the principles of the legislation and that all MPPs support this bill for royal assent at the earliest possible time. Thank you.

The Chair: Thank you. We have about six minutes, therefore two minutes for each party. We'll begin with the official opposition.

Mr Toby Barrett (Haldimand-Norfolk-Brant): Good morning, Dave.

Mr Thomson: Good morning, Toby.

Mr Barrett: As you've indicated, it's incumbent on your members and volunteers and firefighters to get there safely and in a reasonable time. As Mr Wilkinson has indicated, when there is a crisis, we as a society expect your people to be there as soon as possible, if not sooner.

You've indicated the insurance problem with accidents in the past involving emergency vehicles. We share the same home area, Haldimand-Norfolk-Brant. Many of the firefighters leave their home in their own pickup truck or personal vehicle. You've indicated that there have been accidents with emergency vehicles. I expect there have also been crashes involving personal vehicles. Can you indicate any way we can help out in a situation like that?

Mr Thomson: You're correct, Mr Barrett. At times there have been accidents involving personnel responding to incidents as volunteer firefighters. As I said earlier, I think that across the province we're all responsible. However, I think we have to look at each thing individually. I'm afraid, with the proposal put forth in this bill, personal vehicles that respond are beyond that scope.

Mr Barrett: Maybe I'll throw this out to the committee: Should we as legislators be looking beyond

that? We've lost a couple of barns on our farms, and the fellows do arrive in their own vehicles. That's part of their duty, to be there. I'm wondering if this committee should be looking at beefing up this proposed bill to cover that, where someone is using their own personal vehicle.

I'm not sure if your volunteers get any mileage or any other compensation for using their own vehicle.

The Chair: We'll move to Mr Colle.

Mr Michael Prue (Beaches-East York): That's Mr Colle.

The Chair: I've done that before. I apologize.

1010

Mr Prue: We went to an event the other night and a lady got us confused. We had to stand side by side. But I'm surprised—

Mr Colle: That's why I got rid of my moustache.

The Chair: I consider him to be good-looking, as are you.

Mr Prue: My question is specific. Obviously, you support this legislation—and I think everybody in the room supports the legislation—but you've not suggested any amendments.

I was just looking very briefly through the submission from the police, who are going to be up shortly. I'll read you their amendment. I just want to know your feeling on it. They're saying that the word "emergency" is not well defined, and they are suggesting that it should be "a vehicle while used by a person in the lawful performance of his or her duties as a police officer, in relation to a police incident or event." Would it help the firefighting service if we took out "emergency" and substituted "a vehicle while used by a person in the lawful performance of his or her duties as a firefighter, in relation to a firefighting incident or event"?

Mr Thomson: Yes, it would. That would assist firefighters across the province.

Mr Prue: The reason I ask that is that firefighters often go out, and while some may not be emergencies, some obviously are. You're the first response if someone stops breathing. You're the first response in a fire. You're usually the first response in a motor vehicle accident. But some events are more emergency-oriented than others.

Mr Thomson: That's right.

Mr Prue: But much of the same procedure is followed. I want to make sure that the act covers you more often—

Mr Thomson: Along the line of what Mr Barrett said, it would be nice if all the firefighters could be covered in their personal vehicles. I don't know whether that's too much to ask for. I agree with the police association on their terms. They could have police officers in personal vehicles. So, I mean, we'll take whatever we can get.

Mr John Wilkinson (Perth-Middlesex): Two points then: If the bill were to be amended so that instead of defining it with regard to an emergency but, rather, whether or not a person was on duty, so that they could

be responding to a fire or going back to the fire hall, in your opinion, would that strengthen the bill?

Mr Thomson: That would strengthen the bill, as far as us as individuals in rural Ontario.

Mr Wilkinson: Because right now, it's only talking about going to a fire, not returning from a fire.

Mr Thomson: That's right.

Mr Wilkinson: That's the one issue. Of course, it has been raised, and I think it will be in a further deputation, about the police officers who many times respond a situation where they're on duty, but it may or may not be an emergency, and we're kind of on a slippery slope.

The other question, though, is this: Is it your position that if a person is responding in their personal vehicle, particularly a volunteer, that somehow, if they're in an accident in their personal vehicle, it would go to their personal insurance company, that all of a sudden, that would not be taken into account? When you're driving the fire department's truck or an ambulance or a police cruiser, we know who's insuring it. You're on duty, you're driving somebody else's car; we're trying to prevent it from coming back on you personally. But, beyond that, if you were driving your personal car, what would prevent people from saying, "Well, I was responding; I got called"? I think that's the problem with using a personal car.

Mr Thomson: I realize that, but everything is documented, times are documented, and that way, if an incident happens, it would prove that you were on duty.

Mr Wilkinson: So the bill is fine. If we make it so it's not an emergency, but you're on duty in the department's truck, that's better, and if it would cover people all the time in personal cars, you would like that even more.

Mr Thomson: That's a wish list, but that would be—

Mr Wilkinson: Politics is about the art of the possible, Dave.

The Chair: Thank you for your presentation.

POLICE ASSOCIATION OF ONTARIO

The Chair: I would call on the Police Association of Ontario to come forward, please. You have 10 minutes for your presentation, and you may leave time for questions if you so desire. Please identify yourself for our recording Hansard.

Mr Bruce Miller: My name is Bruce Miller, and I'm the chief administrative officer for the Police Association of Ontario. I was a 22-year veteran with the London Police Service prior to taking over my current responsibilities, and I'm going to try and give you some of the perspective of front-line police in this province.

The PAO was founded in 1933 and is the official voice and representative body for Ontario's front-line police personnel. Our membership consists of over 21,000 members from 63 police associations across the province.

The PAO promotes the mutual interests of Ontario's police personnel in order to uphold the honour of the police profession and elevate the standards of police

services. Our unified voice has always been a key resource to government on all matters relating to policing. Building on our shared goal of making Ontario communities safer, we have worked with successive governments on a number of important policy files, sharing our experience and expertise. I have attached some further information on our organization in our brief.

I would like to start today by thanking the committee for allowing us to appear, and also thanking Mr Wilkinson for introducing this important piece of legislation.

Driving a police vehicle places many demands on a police officer. Officers receive extensive training, and public safety is always paramount. However, accidents, although infrequent, can occur. Policing is unique in that our members are always dealing with matters beyond their control. One never knows what the next call will bring or what is around the next corner.

Our members are highly trained professionals and know that they will be held accountable for their actions. They realize that they may be subject to internal discipline, Police Services Act charges, Highway Traffic Act charges, criminal charges or civil action. However, they should not be impacted by increases to their personal insurance rates as the result of on-duty motor vehicle accidents. Our members operate their police vehicles in a lawful and professional manner, but accidents, although infrequent, do occur.

Officers are on patrol in a multitude of road conditions. We advise the public to stay off the roads when the weather makes travel too dangerous, but our members remain on patrol and wait to answer the public's calls for assistance.

Police officers are not always able to use emergency lighting and sirens. The officer responding to a break-and-enter at 4 o'clock in the morning would be ill-advised to activate these devices as he or she got close to the scene.

Police officers operate vehicles that are equipped with laptop computers and screens, cellphones and two-way radios. Officers are expected to access these while responding to calls or while on patrol. Officers are also expected and trained to pay attention to their surroundings. The officer responding to an armed robbery may be tasked with looking for a suspect, operating communications equipment, receiving updates on his or her computer screen, while trying to drive the cruiser.

We believe that police officers should be protected from having their personal insurance rates impacted while on duty and operating a police vehicle. They should not be subject to double jeopardy. We realize that this legislation is targeted at the operation of an emergency vehicle during an emergency and that it may not be possible to amend this legislation to cover all on-duty accidents. As a result, we're putting forward a secondary position as well.

The word "emergency" is not clearly defined in policing, and varies from police service to police service. Some services specify when emergency lighting and sirens may be used, while others leave it to the officer's

discretion. Some police services use a tiered response system involving priority 1, 2 and 3 calls. The Ottawa Police Service may classify a domestic violence call, assault in progress, a disturbance or a bar fight as a priority 1 call, while the London Police Service may classify those calls as priority 2, but still dictate them as a call of urgent nature requiring immediate response, as per their policy. A holdup alarm to a store that has been robbed twice in the same week may take on added urgency from an alarm call to a store that has a history of false alarms. A motor vehicle pursuit may not be covered under this legislation with respect to responding to an emergency.

The different policies and realities across the province and in policing indicate the difficulty in defining an emergency. We suggest an amendment to section 2(b), that it should be changed from “a vehicle while used by a person in the lawful performance of his or her duties as a police officer, while responding to an emergency,” and taking out the last line and changing it to “in relation to a police incident or event.”

We believe that this change would reflect some of the unique conditions that police officers operate under. We strongly urge the members of the committee to support this change. We also hope that consideration will be given to expanding the legislation to cover all on-duty accidents, or if that is not possible, to recommend that new legislation be introduced. We would certainly be pleased to work with members of this committee toward that goal.

1020

Once again, I'd like to thank the committee for the opportunity to appear here before you today, and also to thank Mr Wilkinson for his support of emergency personnel. I'd be pleased to answer any questions, Mr Chair.

The Chair: We have about one minute per rotation. We'll begin this time with the NDP.

Mr Prue: I asked the question of the gentleman from the fire services. You made your point very clearly. I see it also contained in the OPPA report that they've adopted your same wording. Is this sufficient to make this legislation totally what you want?

Mr Miller: The best-case scenario would be to amend it to cover all on-duty accidents. If that's not possible, we're suggesting the amendment, and we've been in consultation with the Ontario Provincial Police Association as well as with our solicitors. That's the recommendation we're putting forward: to change the legislation to all on-duty, but if that's not possible, in the interim to adopt this clause.

The Chair: Thank you, and we'll move to the government.

Mr Wilkinson: Thank you for being here. Since we only have a minute, I will be proposing amendments, and we've given notice of that, but I just want to be clear: So if we covered on-duty situations, got rid of defining “emergencies,” which we have learned from your brief is a slippery slope, what about a police officer who is—do police officers use their personal vehicles while on duty?

Mr Miller: It would be a very rare occasion where that would happen. Sometimes, specialized squads may travel to a station, but in terms of any sort of priority response, the answer is no; it's very, very rare.

Mr Wilkinson: It's very, very rare. So if we were to amend the bill to make it on-duty and exclude personal vehicles, would that be acceptable?

Mr Miller: It wouldn't be problematic for our—

Mr Wilkinson: It wouldn't be problematic for your group. OK. Thank you.

The Chair: We'll move to the official opposition.

Mr John O'Toole (Durham): Thank you very much, Bruce, for the presentation and a very well-thought-out proposed amendment. I just want to ask your views on this. It's been mentioned in the broader section of trying to include or anticipate what may be described as an emergency or emergency response.

I believe the bill, as drafted, is a bit weak. In fact, I would like to say that in further discussions we do have a definitions section that can be amended through regulation as we advance the cause, because with or without the car becomes an issue between other volunteer kinds of emergency response organizations. So I am supportive of the bill for sure, and it's a matter of clarification in terms of whether or not the lights are on. I think that's really what Mr Wilkinson is trying to sort out here this morning.

I'm asking you a specific question, if I may. If, as has been mentioned, volunteer organizations—and I mention volunteer fire, because it's a large part of my riding. It's been mentioned by Mr Barrett that quite often they just show up at the scene, but they're dispatched through a pager or some device and that would mean they're officially on duty. I know it's hard to sort out some of the minutiae, because then you'd have the police organization saying, “Well I was responding because it was all points, a community emergency of some sort.” I think it needs a definition section to deal with this: Was the person paged, or was the person on notice, or was the individual engaged at some point? There are records of all this dispatch dialogue.

I just want to leave that clear impression and ask you if you would like—OVERT, the Ontario Volunteer Emergency Response Team, is an organization in my riding. These are all more or less off-duty emergency workers: police and fire and ambulance and the rest of it. They're trained and validated and all this kind of thing and they actually show up at scenes—it could be a lost person. Where I live, there are nuclear plants, and there could be other emergencies: electricity issues etc.

The Chair: Thank you, Mr O'Toole.

Mr Miller: I don't have the expertise with fire service but I can understand some of their concerns. I just want to point out quickly that with police services too it's not always responding to calls. We have surveillance squads that are out on the roads 24 hours a day, and we have individuals who are being followed who intentionally go through red lights and speed and things of this nature. It puts our members in a bad position. That's why we'd like

to see the legislation expanded, ideally, to cover all on-duty accidents.

The Chair: Thank you for your presentation this morning.

ONTARIO PROFESSIONAL FIRE FIGHTERS ASSOCIATION

The Chair: I'm advised that the Ontario Professional Fire Fighters Association is in the room. Would you come forward, please. Thank you for accommodating the committee this morning by appearing somewhat earlier than scheduled. You have 10 minutes for your presentation, and you may leave time for questions. I would ask you to identify yourself for the purposes of our recording Hansard.

Mr Brian George: Mr Chair, my name is Brian George. I'm the executive vice-president of the Ontario Professional Fire Fighters Association. I'd like to thank the committee first for the opportunity to address the finance and economic affairs committee.

Our objective today is to ensure that emergency service providers—firefighters, police officers and paramedics—are allowed a same level of protection for themselves while they're driving to emergencies. These providers and their families are sometimes subjected to unfair increases in their personal insurance rates as a result of a motor vehicle accident that occurs while responding to an emergency. The OPFFA supports the proposed legislation, Bill 40, as it is written. We appreciate Mr Wilkinson's efforts in addressing this issue.

In late 2003, the new Liberal government announced that it would be looking at making amendments to the insurance legislation and regulations in order to stabilize escalating insurance premiums. Several firefighters had made complaints to our organization that over the years they had been subjected to unfair rate increases as a result of being involved in a motor vehicle accident while responding to emergencies.

Our initial contact with Minister Sorbara was on November 4, 2003. There's a copy of that letter in appendix B. We went through our own process to research what was available in other jurisdictions. We were only able to find one other jurisdiction, in California, that actually had legislation protecting their emergency responders. This same subject was brought to the attention of MPP John Wilkinson by firefighters from his riding in Stratford.

When a citizen of one of our communities makes an emergency call to 911, they are looking for help. The help they need is emergent, and they have made that call because they need that help immediately. Emergency service providers respond to those calls to provide assistance in several different disciplines. They each use specialized vehicles to provide those services, and those vehicles are categorized in legislation to ensure that they are different from anything else on the road.

An emergency vehicle is described under the Highway Traffic Act as a vehicle from which a siren is continuously sounding and from which intermittent flashes of

red light are visible from all directions. These providers are expected by the community to get to an emergency in a timely fashion, that being as soon as possible. The Highway Traffic Act only allows a few exceptions to these rules of the road for the providers to get to those emergencies as quickly as possible, those being an exception to the regulated speed limits under the Highway Traffic Act, as well as being able to proceed through a controlled intersection when safe.

We first approached the Minister of Finance in regard to this issue in November. At that time several members of the Toronto Professional Fire Fighters' Association had had discussions with Toronto police officers about how they had been affected as a result of being involved in an accident while responding to an emergency, and that it was similar to several firefighters' own experiences.

When an emergency provider is responding "lights and siren" to an alarm, they are provided very few exceptions. We are looking to protect those members while they are responding to those emergencies.

When you see an emergency vehicle travelling on the opposite side of the yellow line into oncoming traffic or travelling around traffic islands, they are doing so at the peril of their own licence, jeopardizing their own demerit points and possibly their own insurance rates. There is no legislation that allows them to proceed in this manner. It is simply a way that allows emergency vehicles to proceed to their destinations in a quicker manner than they might if they had to wait for traffic to move to the right and stop.

In my own experiences of 20 years as a firefighter in London, it has become painfully obvious that a motorist will pull over more quickly when a large red truck is bearing down upon them from in front than it is from behind them. The increased pressures of traffic in today's society and the complexities of traffic-moving features and traffic calming features make it difficult for operators to manoeuvre in today's streets. Throw in rush-hour traffic, frustrated motorists, today's cars with exterior sound protection, new and improved sound systems and distractions such as cellular phones, and you can start to understand what an operator must contend with.

1030

In recent years, the problem has escalated to the point where legislation needed to be written to protect emergency responders on our highways by passing laws to ensure that motorists would pull over to the next lane and slow down when passing an emergency vehicle.

Our members started to bring this issue to our attention when several of them started to receive increased insurance premiums after being involved in motor vehicle accidents while responding to alarms. Several of our members have been directly affected by rate increases as a result of being involved in an accident.

Toronto fire and emergency services firefighter Ron McKelvey was involved in an accident when a motorist U-turned their vehicle in front of his pumper. The driver of that vehicle was charged in the accident, yet firefighter

McKelvey's personal rates were increased. He was responding to an alarm on January 9, 1999. He previously had a motor vehicle accident that was considered a forgivable accident by his insurance company, but they included his second accident in raising his rates.

Firefighter Kevin Hutchinson of the Kingston fire department was also involved in an accident after attempting to proceed through an intersection when he collided with another vehicle. He was charged with failing to yield to oncoming traffic. Unfortunately, Mr Hutchinson went immediately and paid his fine without attempting to fight the charge. His personal insurance rates have been increased since that accident.

Firefighter Paul Burns from London was responding to a code 3 alarm—that is, a non-life-threatening alarm—and was involved in a minor accident. Engine 10 brushed the front of a vehicle and scuffed the rubberized coating on the bumper. This accident was reported properly to the police and then, as well, to his insurance company, which did not adjust Mr Burns's insurance rates. That insurance broker went out of business approximately a year later. When he changed insurance companies, he was asked if he had any claims against his insurance, and he stated that he did not, based on the fact that the previous company did not have a concern about this accident and had stated that it was not a claim against his insurance. His file came back at a later date and his insurance rates were raised based on the decision that he did not disclose his claim. His rates went from under \$1,000 annually to over \$3,800 annually because of his indiscretion.

Firefighter Cory Mainprize of the Barrie Fire and Emergency Service was involved in a spectacular accident while responding to an emergency on October 4, 2002. A car coming toward the fire apparatus in the oncoming lanes crossed over the centre line to avoid a car that had stopped to let the fire truck proceed. Firefighter Mainprize moved on to the shoulder and lost control on the soft shoulder. He was able to avoid further collision but rolled the vehicle. Firefighter Mainprize was commended by police officers for his actions in not causing more injuries. Firefighter Mainprize has been indirectly affected by this incident as a result of the accident. He has not been able to change insurance companies and seek out the best rates for his personal insurance. When he declares the accident that he was involved in, which resulted in causing approximately \$750,000 damage, none of the insurance companies is interested in taking him on as a new client. The fire truck and aerial apparatus were a total write-off. As a result, he is not able to take advantage of any competitive price shopping.

These few examples are some of the reasons the Ontario Professional Fire Fighters Association approached the Minister of Finance to seek changes to the legislation or regulations.

Our members' main concern is to deliver emergency services to the residents of their communities in the most timely and safe manner possible. The last thing that any emergency provider should be thinking about when

trying to get to that alarm is, "How is this going to affect me?" There are potential dangers in our jobs. Being penalized financially should not be crossing anyone's mind while responding. The residents we protect expect us to respond quickly to assist them, and yet there is no protection for the emergency provider.

The OPFFA has had our legal counsel research existing legislation and regulations covering insurance premiums, and it was found that our concerns are not addressed under any legislation or regulation. Given those findings, we again wrote to the Minister of Finance and proposed language to the minister that would allow our members to properly perform their duties without fear of being personally penalized.

That language was as follows:

"No insurer shall, in issuing or renewing a private automobile insurance policy to a firefighter, with respect to his or her operation of a private motor vehicle, increase the premium directly or indirectly as a result of the insured or applicant for insurance having been involved in an occurrence while operating an authorized emergency vehicle arising out of the performance of his or her duties during the hours of his or her employment."

The OPFFA is simply seeking to protect emergency providers in any situation where they may be taking risks in order to respond to an emergency in a more timely manner. It is under emergency conditions that an operator may have occasion to operate a vehicle in a manner they would not normally if not responding to an alarm. Our operators receive many hours of training to assist them in responding to emergencies. They are skilled in their abilities, and they drive in a professional manner. Unfortunately, accidents still do happen, and if that operator was travelling as previously mentioned, it may have a negative impact on their personal insurance premiums, all in the effort of helping our citizens.

The Ontario Professional Fire Fighters Association supports Bill 40, An Act to amend the Insurance Act. It was originally requested for an amendment to protect any operator of an emergency vehicle while they are responding to an emergency.

This amendment to the Insurance Act will protect all emergency providers for responding to emergencies. We request that the committee accept Bill 40 in its entirety and hope that when it moves to the next stage, it will receive all-party support.

Thank you for your consideration on Bill 40. I'd be happy to answer any questions.

The Chair: Thank very much for your presentation. The time has expired, but the committee appreciates your participation this morning.

For the committee, we have had a number of cancellations. Our next presenter has not arrived yet. You have before you two presentations that were sent to the committee. One was addressed in error to the standing committee on general government, but it actually is for this committee. You can read those at your leisure.

We will take a recess until 10:50, when our next presenter is to be here. Please stay by the room on the possibility that they arrive before then.

The committee recessed from 1036 to 1051.

The Chair: The standing committee on finance and economic affairs will come to order once again.

INSURANCE BUREAU OF CANADA

The Chair: Our next deputant has arrived, the Insurance Bureau of Canada. Would you come forward, please.

Good morning, gentlemen. You have 10 minutes for your presentation. You may leave time within that 10 minutes for questions if you so desire. I would ask you to identify yourselves for the purposes of our recording Hansard. You may begin.

Mr Mark Yakabuski: Thank you, Mr Chairman. I'm Mark Yakabuski, the Ontario vice-president of the Insurance Bureau of Canada. We are delighted again to appear before this committee, in this instance as you study Bill 40. With me this morning is George Cooke, the president and CEO of the Dominion of Canada General Insurance Co and a director of the Insurance Bureau of Canada. Our remarks will be brief so that you can pose as many questions as possible afterwards.

We have reviewed the content of Bill 40, and I want to tell you this morning that the Insurance Bureau of Canada completely agrees with the principle of the legislation proposed by the member for Perth-Middlesex. As the national representative of property and casualty insurers in Canada, we know only too well the value of having emergency services do their job as quickly and as effectively as possible. Whether it be a fire truck responding to a fire alarm, an ambulance arriving rapidly on the scene of an accident, or a police car being dispatched to a burglary, insurers depend fundamentally on the quick conduct of emergency vehicles in order to mitigate the losses we pay for.

Over the past couple of days, since receiving an invitation to appear before this committee, we have had an opportunity to conduct a quick survey of over 60% of the auto insurance market in Ontario. Every one of the companies surveyed expressed support for the principle of this bill and agreed that it was critical that drivers of emergency service vehicles be unhindered in carrying out their vital responsibilities. Based on our survey, we are confident that the vast majority of auto insurers in Ontario strongly endorse the principle of this bill.

I should tell you that at IBC we run a consumer information centre that responds to nearly 40,000 calls a year in Ontario alone regarding home, auto and business insurance. The large majority of these calls relate to car insurance. Amongst all of these calls, we are not aware—and I can tell you that I have personally looked into this—of any inquiries from drivers of emergency service vehicles about their personal insurance. This is not to say that some examples may not have arisen, and I understand that the member for Perth-Middlesex has had some cases in his own riding.

However, I can tell you that the predominant industry practice is not to take into account someone's record

while driving an emergency service vehicle with respect to consequences for their personal insurance. As I mentioned, as an industry, we rely on the critical work of emergency service vehicles in responding to and mitigating the losses we otherwise pay for.

Given the very strong support for the principle of this proposed legislation, we would propose to this committee that auto insurers voluntarily agree to ensure that drivers of emergency service vehicles not be penalized in any way, by virtue of their professional driving record, when buying or renewing their personal auto insurance policy.

We would suggest that cases that arise where emergency service vehicles are, for whatever reason, penalized be brought to the attention of IBC's consumer information centre, and we would quite willingly commit to report such complaints to this committee or to the Financial Services Commission of Ontario.

Mr Cooke has some additional remarks that he will now make to you.

Mr George Cooke: I would simply like to add to the committee, as one of the representatives of one of the largest auto writers in the province, that I clearly support the principles outlined in this bill and would be more than prepared to voluntarily adhere to this practice.

To put that in a much broader context, insurers today are required to file underwriting rules with the Financial Services Commission of Ontario. Unfortunately, those rules have an obligatory aspect to them rather than a permissive one. I think frankly that rule-driven behaviour is where some of these problems arise. The well-founded intent was to protect consumers, but an unintended consequence of these rules is that they say you've got to treat everybody the same way. I'm sure there's an insurer out there someplace who is rigidly following this rule rather than using judgment, as would very clearly be consistent with the desired intent of the bill.

If you choose to pass this piece of legislation, the insurance industry will certainly support it, but what concerns me is that there's likely some other example of a circumstance like this that is practised by some that shouldn't be practised. One piece of legislation doesn't deal with the other three instances, or four or five. It seems to me that perhaps a better way of going about addressing this problem would be co-operation with this goal of voluntary compliance by the industry in this particular instance, and I'll undertake that today, but we need a circumstance where, each time we find one of these practices, we don't have to come back and pass a piece of legislation. We need to have an approach to the way these underwriting rules and guidelines are determined that allows common sense and consumer interest to dictate.

The simple way would be to make these underwriting rules permissive; in other words, they will permit you to behave this way, but if it's in the consumers' interest and the insurer's willing to do it, let them break away from the rule as opposed to an obligatory interpretation, which is one that says, "I have to take the driving record of Fred or Mary, who is driving an emergency vehicle, and apply

it to their personal use automobile,” which is very clearly what the case is today.

I wanted to come this morning to endorse the principles of the real, live insurer. I also wanted to try to make sure the committee is aware that, as a practical matter, other circumstances could arise. We need to solve them at the same time, I suggest to you, that we solve this problem.

The Chair: Thank you. We have time for one quick question in each rotation, about a minute only. We'll begin with the NDP and Mr Prue.

Mr Prue: Obviously the mover here, Mr Wilkinson, thought the problem was more widespread than you're saying. The Toronto firefighters have given us four case studies: one in Toronto, firefighter Ron McKelvey; one in Kingston, firefighter Kevin Hutchinson; firefighter Paul Burns; and firefighter Cory Mainprize of Barrie, all of whom have had difficulties. You said it should be voluntary, but I fail to see your argument.

Mr Cooke: I think in the circumstances for those individuals, Mr Prue, if we're aware of them and put in place a vehicle where they could be made aware of them, they can be fixed. Should any of those individuals you named be insured with my company, I'll fix it today. I am very confident that my industry colleagues would respond in the same fashion. If we were to build this into the regulatory system somehow, not only would we be able to take care of this circumstance, but we could take care of others that I'm sure are quite unintended and are likely happening in small numbers.

The Chair: We'll move to the government and Mr Wilkinson.

Mr Wilkinson: Thank you for coming today. There are two things. I take your point that we're always trying to legislate these problems away, and that's maybe not the best way to go. I would state, though, that I was told when I first met with FSCO that this did not happen. After I brought examples to FSCO, it was then acknowledged that, yes, it shouldn't happen but it is happening. The consumer is at a disadvantage only if they are willing to figure out six months after an accident while responding to an emergency and only if they were perhaps to meet somebody like me who's their MPP who happened to know that there is a mechanism.

Our concern is that this is happening. I agree it's only a few companies. I know what a difficult period the insurance industry has had in the last little bit, but I do take your point. My suggestion to you is that this committee would be more than happy to see a brief about how you would suggest we have a better working relationship in the future so that legislation is not always the answer.

But in regard to this situation, I think there's clear all-party support that we have to make sure that what the superintendent says should be happening is the law.

Mr Cooke: Mr Wilkinson, I have great empathy for those sentiments. One pragmatic way of dealing with this, I think, would be for a communication to go either from FSCO, this committee, the IBC or whatever you consider the appropriate body, to the various emergency

service outlets, whether they're fire departments, police, whatever they may be, and very clearly indicate to them the practice the industry has accepted and would adhere to.

Frankly, I'd be quite happy to have my company listed, and I'm sure others would as well, as a company that would abide by that practice. I think that is a way of informing that group of what a practice could be. It's an alternative. If your committee decides to pass this legislation, we certainly aren't going to be unhappy about it because I'm prepared to behave this way anyway. I would like to see us deal with the broader problem at the same time.

Mr Yakabuski: Mr Chairman, if I can just add: I'll give you an example of where I think we've been able to work productively on an issue that came forward a few months ago. A few months ago, it came to our attention that some volunteer firefighters were having some difficulties acquiring insurance, partly because there was a common misunderstanding, both on the part of volunteer firefighters and insurers, as to the use of the revolving green light that is now permitted under law for volunteer firefighters.

The way we resolved that was, first of all, we called up the Ontario fire marshal's office and we put a working group together made up of members of their office and some of our member insurer companies. We have been able to draft a very good guideline that is now being used by the Ontario fire marshal and auto insurers, and we have not heard any further difficulties with respect to volunteer firefighters.

This is an example of the kind of voluntary but I think very useful approach that we have been very happy to take to this and related issues.

The Chair: Thank you very much for your presentation before the committee today.

That concludes the presenters' list for this particular bill at this time. I am going to call a recess until 11:25 so that the preparation of the pending amendments arrive before we go into clause-by-clause. So we'll recess until 11:25. I've asked the committee to stand by the room, if you would, because we expect them momentarily.

The committee recessed from 1104 to 1137.

The Chair: The standing committee on finance and economic affairs will come to order once again. Thank you.

We are now moving to clause-by-clause consideration of Bill 40, An Act to amend the Insurance Act to protect emergency service providers from rate increases to their personal contracts of automobile insurance.

Are there any comments, questions or amendments to any section of the bill and, if so, to which section?

Mr Wilkinson: In regard to section 1 of the bill, which is section 417.0.1 of the Insurance Act:

I move that subsection 417.0.1(1) of the Insurance Act, as set out in section 1 of the bill, be amended by striking out “during an emergency as described in subsection (2)” and substituting “while on duty.”

The Chair: Any comment?

Mr Wilkinson: If I could speak to the amendment, Mr Chair, I believe we have agreement among all of us that a flaw of the bill as drafted, and I'm the author of the bill so I take responsibility for that, is that it attempted to define an emergency and appropriate response. By reviewing it with the people affected, and particularly with the Police Association of Ontario, it takes into account that really members are on duty and may respond to an emergency without their lights flashing, particularly police officers, and that what serves the public is making sure those people have discretion as they respond to an emergency. So what we're saying is that instead of trying to define an emergency, we believe it would be a stronger bill if we just say that it's when paramedics, firefighters and police officers are on duty. That's the intention of the amendment.

The Chair: Further comment?

Mr Barrett: I think this amendment is important. It's important to have that kind of flexibility, given that there are other circumstances. I think it's important, as well, to have an amendment like this that gets away from the previous wording, which may have been too restrictive.

The Chair: Further comment?

Mr O'Toole: I think what we're trying to find is a way to respect persons using their own automobile in remote areas where we don't have 911 response with all of the latest gadgets. I'm not trying to be smart there. In the second amendment we're going to discuss, it's moving us in that direction. This thing here will allow us to define what is duty. Do you understand? It allows us to add somebody who's being dispatched from their home to go to the forest fire, or whatever it is.

The Chair: Further comments? Hearing none, all in favour? Carried.

Mr Wilkinson: In regard to section 2, I move that subsection 417.0.1(2) of the Insurance Act, as set out in section 1 of the bill, be struck out and the following substituted:

"Meaning of emergency vehicle

"(2) Subsection (1) applies to the following emergency vehicles:

"1. A fire department vehicle.

"2. A police vehicle while used by a person in the lawful performance of his or her duties as a police officer.

"3. An emergency response vehicle."

The Chair: Any comment?

Mr O'Toole: That's exactly the point we were trying to make. If I was living in a very remote part of my riding and there was a very serious response to an emergency—it could be a forest fire, it could be anything—I may be dispatched to the scene using my own car. This definition here, "meaning of emergency vehicle," doesn't allow that to happen unless you want to add to paragraph 3 an emergency response vehicle "or a personal vehicle." This is the tricky part. You would then have to have some mechanism for ensuring the personal vehicle was indeed, at that time, engaged in an emergency response. That's the thing we'd seek legal advice, counsel advice for. That's really what we want to achieve.

We don't have, in parts of my riding, a full-time fire department. In fact, we are serviced by a remote regional police department. Quite often they are all responding to situations in an agricultural setting, from their home to the site. That site could be an emergency from personal assaults to fires to you-name-it. It's not like pressing a button here and you've got police, fire and ambulance in five minutes. It's not happening. So how do I get there? How do we clarify the definition here to include, but not give advantage to, my personal vehicle?

Pat, you're in a situation not much different from mine, I'm sure.

The Chair: Further comment?

Mr Barrett: Further to the discussion of this amendment to this particular part of the Insurance Act, I just wish to alert the members of the committee that there is a specific opposition motion on the next page that addresses the identical issue, the meaning of an emergency vehicle. I just wanted to make people aware of that. I know we do these in order, but we have a second amendment that addresses exactly the same issue, the meaning of an emergency vehicle.

Mr O'Toole: With your indulgence, Chair, perhaps we could pass this and add a small amendment to it—amend this amendment—and that would be as otherwise described in the definition section 4. Would that be satisfactory?

Mr Wilkinson: On a point of order, Mr Chair: The subcommittee report stated that amendments needed to be submitted to the committee prior to the beginning of clause-by-clause, which is why we waited for Mr Barrett's amendment, and my amendments were stated.

The Chair: That's correct. Mr Prue?

Mr Barrett: This amendment was submitted prior to clause-by-clause.

Mr Wilkinson: Yes, yours. Not John's amendment to mine, though.

Mr Prue: I have some considerable difficulty with the argument being put forward. I'm going to support the motion as it is. The reason I have difficulty is, if you're driving down a country road or a northern community road and you see somebody speeding at 100 kilometres per hour or 150 kilometres per hour, cutting in and out of traffic, with no markings on the vehicle, I want to tell you, that causes—they may be trying to get to a fire, they may be trying to save a life, but they may also be some kind of crackpot, crazy driver. Without markings on the vehicle, who is to know? I don't want to put something in here that is going to cause difficulty in insurance claims or if accidents are caused or if people get nervous around someone cutting in and out of traffic in an unmarked car. Quite frankly, I can't support it. So I'll be voting for the amendment as it is.

Mr Wilkinson: The genesis of this bill had to do with the issue—and I think we all spoke to it in the House—that a paramedic or a firefighter or a police officer, while performing their duties responding to an emergency—or what we've now said is "responding"—is not driving their personal car. They're doing their duty. They're driving somebody else's car. They get into an accident.

The person who owns the vehicle—the fire department or the police service or the ambulance service—their insurance company pays the claim. So somebody pays the claim.

What's happened, as we've discovered, particularly from the professional firefighters giving us case studies of four individuals, is that somehow that claim ended up coming back to them personally. They weren't driving their personal car; they were driving the company's car. And so the intention of my bill was not to deal with the issue of people driving their personal cars; it had to do with whether or not they were driving somebody else's car and how that claim somehow—I think unfairly—would migrate to their personal insurance at home. That is the intention of the bill. In regard to the amendment we're dealing with now, what we're doing is clarifying this bill so that we are not prescriptive.

I take this actually from Mr Tascona, our colleague in the official opposition, who had said that the problem with drafting a bill and saying that it covers A, B, C, D is, what happens if there's E, F, G? If you don't think of every type of emergency, then you've given carte blanche for people to actually increase the insurance rates of these fine public servants. So this amendment really comes from Mr Tascona, and I appreciate his wise legal counsel, since Mr Tascona is a lawyer of some repute.

Mr Barrett: Just further to Mr Prue's comments, the concern about an unmarked car travelling the roads at a high rate of speed, I want to address two vehicles. Obviously, there are a number of police cars that are unmarked cars, and they fool most people.

Mr Prue: They put the sirens on top.

Mr Barrett: No, there are a number of vehicles—I'm thinking of drug enforcement and what have you—where these are unmarked cars that are travelling. The issue I want to address—and you may have been directing it toward a volunteer firefighter, say, in northern Ontario, who gets the call on his pager and is heading to that particular building that is on fire. He's not going to go to the fire station and get on the back of a truck. He goes directly to the site to deal with it.

Again, I'm not a firefighter. These vehicles are marked, to my knowledge. There was legislation, as I recall, passed perhaps under the NDP government, for these vehicles to have a green light. I think it's on the dashboard. I don't know why they picked green, of all colours to pick. Anyway, that was another piece of legislation.

Many of the vehicles, I think depending on the municipality—I don't have the information—are marked by a green light; it may be a green flashing light. Many of these vehicles will have a firefighters' decal on the front of the vehicle. I think they have dedicated licence plates. I'm not sure. I don't have the information on this. Any of the firefighters I know have something on their vehicle that lets you know they are a volunteer firefighter. They're very proud of that marking on their vehicle.

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Mr O'Toole: Just a last comment, with the purpose here to support it; let's be clear. What I am supposing is

that my amendment to the amendment would be in order. That's how it actually works. To amend the bill, I adopt this amendment. The only thing is, I would add another clause, "as otherwise may be stated in regulation," or something like that, so they could deal with this and amend the bill without redrafting the whole bill. If we can accommodate that in legal language, I think we could accommodate what Toby and I are advocating for the rural constituents, whose voice we are trying to bring to this table.

The Chair: Further comment?

Interjection.

Mr O'Toole: Like, "or as otherwise defined in regulation."

Mr Wilkinson: I would say that our best thing is to deal with the amendment we have in front of us and then deal with the next amendment and have a substantive discussion then.

The Chair: Follow the normal progression; you're quite right. Any other comment?

Mrs Carol Mitchell (Huron-Bruce): I will hold my comment, if I can, Chair. I will comment on Mr Barrett's.

The Chair: Further comment? Shall the motion carry? Carried.

Mr Barrett.

Mr Barrett: An opposition amendment, Chair.

Section 1 of the bill, adding subsection 417.0.1(2) to the Insurance Act, is amended by adding the following clause:

"(e) the personal vehicle of a volunteer firefighter while proceeding to a fire or other volunteer while responding to an emergency call."

By way of explanation, again, it relates to the previous amendment where we are considering changes to the definition of an emergency vehicle. It very simply adds "personal vehicle" to the list, hence giving us that flexibility to a section of the legislation that we feel would be too restrictive.

Dealing with the issue of the disincentive for a volunteer firefighter or the disincentive for any other volunteer first responder, it's something that has relevance in much of rural and northern Ontario. They are at a much higher risk of getting an increase in insurance premiums or losing their insurance because of the actions they take while on duty.

I guess I define "duty" as once that pager on their belt goes off. They're not sitting in the fire station, as in perhaps the city of Toronto. They would perhaps be working in the bush or on a farm, in their shop or in their house. Once the pager goes off, in my definition of being on duty, they are on duty as a volunteer. They use their personal vehicle to get to the site of the emergency. Again, I don't have the information. I understand many of them are compensated for using their vehicle, whether it's an honorarium—I don't think they get paid mileage. But as soon as that pager goes off, they're on duty. They're not sitting in a fire station. They're in their shop or their home.

Mr O'Toole: We're talking about the same issue. I'm very interested in the government, because at the end of the day you'll carry this bill because you have the majority here.

What we're trying to do is recognize persons involved in an emergency activity who, for whatever reason, are using a personal vehicle. My sense is that the moment you write this in ink and it becomes law, then it becomes, "Who decides what is a personal vehicle?" We may have to put in something like "an identifiable personal vehicle," meaning with the label, with the light. In our area, there are people who do have the light that goes on the top of the car. It plugs into the cigarette lighter. That may be something. That's why I think it should be allowed to happen in regulation as opposed to our trying to draft it here, and say, "with a light," "with a sticker," "with a licence plate," with a whatever, to allow it to be defined in regulation. And if those organizations wish to amend the legislation for insurance purposes, they would be able to approach counsel for the ministry, whether it's the Attorney General, the Solicitor General, and amend it through regulation. That's all I'm trying to achieve.

Right now we have an emerging emergency response mechanism for terrorism, for Amber Alert, and this isn't going away. It's going to get bigger. Police, fire and ambulance will never, ever cover all the emergencies, especially the ones I'm alluding to, ie the very worst event you can imagine. We are all going to be engaged, and that's what you need to define legally in regulation here. Because I can see the circumstances of my having this special licence plate and having two insurance policies: one that's paid for by the town or community I'm the volunteer for and one that's for me in my personal use of my vehicle. How do you separate it? Or would they just say, "Oh, gee, O'Toole's now a volunteer fireman," or volunteer whatever, "and he's going to have a higher rate classification—always"? Do you understand? I don't know how you sort it out here, but I think you have to acknowledge it, Mr Wilkinson, that what we're trying to achieve is a reasonable expectation for some parts of this great province.

The Chair: Further comment?

Mrs Mitchell: I would just like to say that I too am from a very rural area, and we rely totally on volunteers. I will not be supporting this amendment, and the reason is that it's too inclusive. When you add a personal vehicle—and it's not just fire. There are also volunteers and police, fire and ambulance. I believe that it becomes very problematic, not only if I looked at only the cost factor and the shift to those departments that are already under a great deal of stress; it becomes very problematic as to how they administer it.

Just so that you understand—I was chair of the local fire department for over a decade—when the firemen sign in at the fire hall, that's when their duty begins. When they leave in their personal vehicles and their beepers go off, they are not on duty until they sign in again. This proposed bill meets that test, in my mind. Their time frame does not begin, they're not on the

payroll until they sign in; therefore, that, to me, simply states personal use of their vehicles is that—personal. And when they are in the emergency vehicles, this bill supports that. Then we can move forward.

I believe that by allowing this amendment, it just clouds the issue once more. The bill clarifies it, and therefore, I'm prepared to support it with the previous amendments.

Mr Barrett: Again, we're referring solely to those people who are not on a payroll, who are going directly to an emergency.

I just raise another issue as well. I think during the debate the issue of 9/11 was raised. We realize since 9/11 the ever-important role of first responders: again, police, fire and ambulance. I would add to that list those who serve in militia units in Ontario. Again, the people involved are called in. I hate to use the example of Mayor Mel Lastman calling the militia in to shoot the snow, or whatever was going on there. But on occasion, people who have joined militia units, perhaps even cadets, are called in to emergency situations. I've witnessed at least one situation where a deuce and a half, a two-and-a-half-tonne truck, ran into the back of a vehicle. The bumper is so high it doesn't hit the bumper of the car.

Again, are we being inclusive enough? Is the flexibility there to ensure that people in our local communities who have joined, in my case, the 56th Field Regiment, are also covered when they are called in to respond to a flood or some other kind of emergency? I just raise that as something for us to consider.

Mr Wilkinson: Like my colleague Ms Mitchell, I also come from a very large rural riding, and we rely heavily on volunteer firefighters in our riding. The issue of why I can't support Mr Barrett's amendment, though it's well considered, is because if insurance companies were to have this bill, with this amendment, they would be told that their contract holders, if they were a volunteer firefighter or a paramedic, would be able to get into an accident for which that insurance company would have to pay the claim, and there would be no mechanism whereby they could actually take that into consideration when they were setting their premiums. I think the effect of that bill would be to result in volunteer firefighters and paramedics being denied insurance coverage. That's why I can't support this amendment. I don't think that would be fair.

I suggest to Mr Barrett that the issue he is raising about volunteers and the great responsibility they take on should be dealt with in a separate bill. The intention of my bill is to ensure that claims against the fire department or the police service or the ambulance stay there and do not migrate, I would say unfairly, to the person on duty who is doing their job. This other issue, I think, should be dealt with in other legislation. I'm afraid if we were to pass this amendment, the people we're trying to help, particularly volunteers in this case, would actually be denied coverage. No insurer is going to take on a policy where they have claims and they don't have an

offset. Insurance is money in and money out. That's why I can't support it.

The Chair: Further comment?

Mr O'Toole: A final comment, because I'm not sure I'll be able to come back after lunch.

Mr Prue: Mr Chair, on a point of order: I do have an appointment.

Mr O'Toole: My final point on this is that I wish to support the bill. There has been no recognition of future considerations—

Mr Wilkinson: It's a different bill.

Mr O'Toole: —by allowing a section for regulation and definition. As such, we are in fact shifting the risk to the municipality. There will be cost implications. That's why, to the greatest extent, this bill is probably out of order.

Interjection.

Mr O'Toole: No. A private member's bill cannot require government to spend money. That's a fundamental requirement of a private member's bill.

Mr Colle: We're getting off topic here a bit.

Mr O'Toole: No, I'm not off topic. I'm just saying you're trying to remove democratic renewal. I am being supportive. You are not listening for the future—

The Chair: Speak to the motion, please.

Mr Colle: We're getting off topic.

Mr O'Toole: No. You're not listening to any possible considerations, because you're going to be taking the risk from my personal insurance—that's what you're doing with this bill—and putting it on the town's insurance. Now the town will have to—

Mr Colle: Vote against the bill, then. Vote against it.

Mr O'Toole: This is democracy in action.

There is no ability to look forward. As Ms Mitchell described it, it's completely inaccurate. I chaired the fire service. I was on municipal council from 1980, and I know how ours works. She knows how hers works. They don't work the same. If she presumes they do, it shows how little experience she really has. So I'm disappointed by the discussion.

Mr Colle: Mr Chair, on a point of order: I call the question on this amendment, the vote.

The Chair: The question has been called. All in favour that the question be put? Opposed? Carried.

The question is to the motion made by Mr Barrett. Shall the motion carry? All in favour? Opposed? It is defeated.

I will recess the committee until orders of the day are called on this date.

The committee recessed from 1204 to 1603.

The Chair: The standing committee on finance and economic affairs will come to order. We were in the midst of clause-by-clause this morning, and we had just completed what might be described as motion number 3.

Mr Wilkinson: So we've already dealt with the opposition motion? OK.

I move that section 417.0.1 of the Insurance Act, as set out in section 1 of the bill, be amended by adding the following subsection:

“Limitation

“(3.1) This section does not apply when a person is operating his or her personal automobile.”

I've consulted with the people that presented here today. They find that acceptable. And I might add that the volunteer firefighters did not ask that this not be in the bill, so I believe we have all-party support that this is acceptable. I'm also told by the ministry that this would be very important from a question of public policy, because the issue here is whether or not your insurance carrier for your vehicle at work somehow affects your personal insurance. We have to put this clause in here to ensure that it's good public policy.

The Chair: Further comment? All in favour? Carried.

Mr Wilkinson: I have two further amendments, points of clarification.

I move that subsection 417.0.1(4) of the Insurance Act, as set out in section 1 of the bill, be amended by striking out the definition of “ambulance.”

It's a technical motion, because there will be wording that will be replaced in the next motion.

The Chair: Further comment? All in favour? Carried.

Mr Wilkinson: I have a final government motion. I move that subsection 417.0.1(4) of the Insurance Act, as set out in section 1 of the bill, be amended by adding the following definitions, many of which are the same, and I'll point out the one that is different.

The same is: “‘automobile’ means an automobile within the meaning of part VI; (‘automobile’)” of the act.

Then “‘emergency response vehicle’ means a vehicle within the meaning of the Highway Traffic Act operated by an ambulance service, other than an ambulance, that is used to provide emergency response services, and that has been assigned an emergency response vehicle number by the director of the emergency health services branch of the Ministry of Health and Long-Term Care;

“‘Minister’ means the Minister of Community Safety and Correctional Services or such other member of the executive council as may be assigned the administration of this act under the Executive Council Act. (‘ministre’)”

That's a technical amendment to make sure that the definitions contained at the back of the bill are accurate and reflect the appropriate other sections of law in this province.

The Chair: Further comment?

Mr O'Toole: I appreciate the amendment I just heard and would like to be on the record as very supportive of it.

The Chair: Further comment? Hearing none, all in favour? Opposed? Carried.

Section 2: Any comment? Carried.

Section 3: Carried? Carried.

Shall the title of the bill carry? Carried.

Shall Bill 40, as amended, carry? Carried.

Shall I report the bill, as amended, to the House? Carried.

Mr Colle: I move adjournment.

The Chair: This committee is adjourned.

The committee adjourned at 1610.

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Mr Pat Hoy (Chatham-Kent Essex L)

Ms Judy Marsales (Hamilton West / Hamilton-Ouest L)

Mrs Carol Mitchell (Huron-Bruce L)

Mr David Oraziotti (Sault Ste Marie L)

Mr John O'Toole (Durham PC)

Mr Tim Peterson (Mississauga South / Mississauga-Sud L)

Mr Michael Prue (Beaches-East York / Beaches-York-Est ND)

Mr John Wilkinson (Perth-Middlesex L)

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