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Official Report of Debates (Hansard)

Wednesday 28 September 2005

Journal des débats (Hansard)

Mercredi 28 septembre 2005

**Standing committee on
general government**

Transportation Statute Law
Amendment Act, 2005

**Comité permanent des
affaires gouvernementales**

Loi de 2005 modifiant des lois
en ce qui concerne le transport

Chair: Linda Jeffrey
Clerk: Tonia Grannum

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ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE ON
GENERAL GOVERNMENT**

**COMITÉ PERMANENT DES
AFFAIRES GOUVERNEMENTALES**

Wednesday 28 September 2005

Mercredi 28 septembre 2005

The committee met at 1006 in room 228.

**TRANSPORTATION STATUTE LAW
AMENDMENT ACT, 2005**

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

Consideration of Bill 169, An Act to amend the Highway Traffic Act and to amend and repeal various other statutes in respect of transportation-related matters / Projet de loi 169, Loi modifiant le Code de la route et modifiant et abrogeant diverses autres lois à l'égard de questions relatives au transport.

The Chair (Mrs. Linda Jeffrey): Good morning. The standing committee on general government is called to order. We meet today for the purposes of clause-by-clause consideration of Bill 169, An Act to amend the Highway Traffic Act and to amend and repeal various other statutes in respect of transportation-related matters.

We will now commence clause-by-clause consideration of the bill. I request consent of the committee to stand down sections 1, 2 and 3 of Bill 169 to consider schedule A and schedule B first, as the bill is set out in these schedules. Once we have completed clause-by-clause on the schedules, we will return to sections 1, 2 and 3 of Bill 169. Is there consent? All in favour? It is carried.

Are there any comments or questions on section 1 of schedule A to the bill? Mr. Bisson.

Mr. Gilles Bisson (Timmins–James Bay): Well, you've heard the arguments, and I'm just curious to see whether the government has had a chance to have a bit of a change of heart, because I know that you guys are very caring people and you want to do what's right for everybody, not just for the people who work cabs out of the airport in Toronto.

You know what the argument is. The argument is that if you pass this bill, in effect what you're doing is allowing the GTAA cabs to scoop the city of Toronto. That's basically what you're doing. Currently, as you know, there is a situation where the GTAA cabs have an exemption in the Municipal Act that allows them to come in to the city of Toronto and to basically scoop fares from the city of Toronto taxis and then bring fares back to the airport. In fact, they probably can bring them anywhere they want. Currently, that's unfair, because, as you know, the cabbies pay a licence to the city of Toronto, and their

livelihood is affected by that. I just wonder, from the government side, why it is that you are in favour of some scooping some of the time, but not scooping all of the time. Could you tell me?

The Chair: Mr. Duguid.

Mr. Brad Duguid (Scarborough Centre): I expect the member would be aware of what this legislation does, and in fact it is anti-scooping legislation anywhere. It doesn't just apply to the airport, it applies all over the place. What the Toronto taxicab drivers are looking for is something quite different than just anti-scooping legislation. What they want to be able to do is, through legislation, maybe in the Municipal Act, ensure that they are in control of their own regime in Toronto and that no cabs from outside of Toronto—from the airport—can go in and pick up. That's a completely different issue from anti-scooping legislation.

This anti-scooping legislation will benefit the cabs in Toronto as much as it will everywhere else. It will ensure that those who have no licences at all cannot come in to an area uninsured, uninspected in terms of their vehicles, untrained in terms of their drivers, posing a threat to public safety and with the potential, as well, of price gouging, which is going to affect tourism and clients right across the city of Toronto and right across the province. So we're talking about an issue here that's been talked about for many years. This government cares about public safety, and that's why it's very important that we move forward with this.

Mr. Bisson: If we're talking about price gouging, we should be talking about the oil companies, but that's for another debate.

At the airport in Toronto—I travel there every week, being a member who doesn't live in the city of Toronto—you basically have an enforceable system currently. If a taxi in the downtown wants to go in and pick up a fare, they've got to pay the \$10 permit fee. You do have scoopers at the airport in Toronto but you're able to deal with those because it is a very contained area.

My point is this: Once you pass this legislation, you'll be making it easy for the GTAA to enforce this legislation, because it is a contained area. There's only one road to get to the arrivals level and one road to get out, so it's pretty easy to enforce that. The problem is in the city of Toronto. You know well, having sat on the city of Toronto council, how many police officers are going to be running around the city every time they see a scooper picking up a fare in the city of Toronto—virtually im-

possible to do. The argument is that you're really giving the upper hand to the limo drivers at the airport in passing such legislation. So I wonder why you didn't just come at it the other way and say, "What we'll do is amend the Municipal Act in order to take away the provision that allows cabs at the GTAA to come in and pick up the fares here in the city of Toronto."

On the record, I just want to say that we as New Democrats oppose this. We see this as not being fair to the city of Toronto cab drivers. We don't understand why you would take this particular position. You're going to be giving an upper hand to the limo drivers out at the GTAA, and the cabbies, on the other side, are just going to continually get squeezed. I don't understand it from a city of Toronto councillor, who should know this issue far more and not take such a defensive line on the Liberal policy.

Mr. Duguid: Just to be clear, I'm just trying to understand the NDP position here, and perhaps the member can be clear in this. So the NDP is in favour of amending the Municipal Act to allow municipalities the ability to not allow airport cabs to come in and pick up in their particular jurisdiction? Can the member be clear about that? Is that the NDP's position?

Mr. Bisson: What I'm saying is, and you very well heard what I said, if this bill is passed the way it is—and God knows when you're going to enact it, because that's up to cabinet. It may never be done. I've seen many bills get passed in this Legislature that never got enacted. But that's for another debate later on. My point is that the way this bill is written, it's easily enforced at the airport in Toronto because you have a contained geographic area. Here in the city of Toronto, it's virtually—I wouldn't say impossible, but it's pretty darn hard to enforce the legislation because police officers have far more things to do than watch out for scoopers in the city of Toronto.

All I'm saying is the issue, really, around all of this thing that we're not dealing with is the inequity we find between the Toronto city cab drivers, who pay licence fees to the city of Toronto, and the limo drivers at the airport in Toronto. You've got a situation where they're not allowed as taxi drivers in Toronto to go to the airport and pick up a fare because they're prohibited from doing that by virtue of the \$10 ticket that they've got to get from the airport. But we allow the limos to come in to Toronto to pick up the fares. All I'm saying is that if we're amending legislation, we should really make it the same for both sides. If we're going to take the position, rightfully so, that we're allowing the GTAA limos to come into the city of Toronto and pick up a fare without having to pay a licence fee to the city of Toronto, we should make it reciprocal in going back to the airport. That's my position. That's what I'm saying. That's what we should be dealing with.

As far as the scoopers, I agree with you. We shouldn't allow scoopers. That's not what I'm debating.

The Chair: Can I just remind the speakers that you're supposed to go through the Chair, so if you could at least—

Mr. Bisson: Pardon me, Madam Chair.

The Chair: Mr. Duguid, did you want to respond?

Mr. Duguid: Yes. Thank you, Madam Chair.

Obviously, as a Toronto member, I'm sympathetic to the concerns being raised by the member. I just want to make sure I'm clear on the NDP position. The NDP supports an amendment to the Municipal Act that would allow municipalities to do exactly what the member suggests, and that's to ensure that any Greater Toronto Airports Authority cab or limo is licensed under the local authority. Is that what the NDP position is? I mean, that's really what you're suggesting we do.

Interjection.

The Chair: Mr. Bisson, can I just let one person speak at a time? Is that the end of your question, Mr. Duguid?

Mr. Duguid: Well, if I get a clear answer, it is.

The Chair: Thank you. Mr. Bisson.

Mr. Bisson: What I'm asking, Madam Chair, through you to the committee member is this: that we have a reciprocal agreement between the city of Toronto and the GTAA. If the GTAA takes the position that they will charge a fee every time a cabbie from the city of Toronto goes to the airport, it is unfair to have that fee if the city of Toronto doesn't charge a reciprocal fee coming back.

My preferred option would be for the GTAA not to charge it. That would be my preferred position, but I know that's not going to happen. So we should, at the very least, amend the Municipal Act to have some sort of licensing regime for the limo drivers that are coming into the city of Toronto when picking up fares that are rightfully fares that should belong to the cabbies of the city of Toronto. That's what I'm saying.

Mr. Duguid: Likely my final comments to this would be the NDP is accurate in pointing out an issue. What I'm trying to discern, and haven't been able to, is whether in fact they have a solution to that particular issue, or whether they support a solution to that. The government is reviewing the Municipal Act as we speak, and it would be under the Municipal Act that that particular solution could possibly come forward. So we've made a commitment that we will listen very carefully, and that we're considering some of the concerns brought forward by the Toronto taxi industry as we review the Municipal Act and the City of Toronto Act.

That being said, these issues were going on when both opposition parties were in office. None of them saw fit to address the particular problem of scooping. This legislation does that. We're taking action to protect public safety, and any suggestion that we should delay that, I would suggest, is irresponsible.

The Chair: Mr. Bisson.

Mr. Bisson: I think Leslie Frost should have dealt with this in the 1930s; that ain't the point. It's a problem that we've got today, so it's a bit of a weak argument. Listen, I take you on face value—Madam Chair, through you—that you're going to be making amendments to the Municipal Act. I have an amendment later on to only enact this when you've gone through the Municipal Act, and that would be a way of dealing with this.

The Chair: Any further comments or questions on section 1 of schedule A of the bill?

Seeing none, shall section 1 of schedule A carry? All those in favour? All those opposed? That's carried.

Interjection.

The Chair: Sorry? I saw their hands up.

Mr. Duguid: The question was, shall it carry? Yes. Please repeat that.

The Chair: Shall section 1 of schedule A carry? All in favour? All those opposed? That's carried.

Section 2: Any debate? Mr. Bisson.

Mr. Bisson: You know, we're going to have the same debate over again, and I just say to my friends across the way that I want to be clear. The New Democratic caucus is not in any way, shape or form saying that we should allow scooping. I think that, quite frankly, people that are not licensed shouldn't be carrying passengers, for all kinds of reasons, as you can well understand, from insurance, safety and the rest.

But I want to get back to the issue, because it is one that has been raised with me a number of times by the city of Toronto cabbies, not only here in the city of Toronto but in other communities across the province. Airports tend to have a pretty closed shop when it comes to how they do business with the cab industry, and what you end up with is a very uneven playing field when it comes to those licensed cabbies in a city in which there is an airport. For example, it could be the city of Sudbury or Timmins.

I know that certainly here in the city of Toronto you have a licensing system at the airport itself that only gives exclusive rights to pick up fares at the airport to those with a license—fair enough—but they find themselves within the jurisdiction of the city, to which those people who are licensed at the airport can then go and pick up fares from those that are licensed in the city of Toronto.

I just think that's rather unfair, and I think there's an opportunity in this bill that is being missed to try to deal with it in a fairer way, so that a cabbie that works in the city of Toronto or the city of Timmins, wherever it might be, has a level playing field with those people that are basically operating out of airports. What you've got are airport limos or cabs being able to pick up fares in the jurisdiction to which the cab is licensed, but you don't have a reciprocal ability. It's very frustrating for the cab driver who sits there waiting for his or her fare, only to be scooped—technically, legally scooped—by somebody else who doesn't have a licence in that community. I just think that the government, quite frankly, missed a golden opportunity to deal with that issue to give fairness to cabbies across this province. I'm rather sad that we haven't dealt with that.

1020

Mr. Duguid: I have similar arguments to what I've made before. What I would suggest, rather than repeat them—they're already on record. I would also suggest that one of the advantages to ensuring that we move forward with this for all legitimate taxicab drivers across

the province, and in particular in Toronto, is the fact that this will put more teeth into the provisions with regard to scooping, not only for those who are scooping but for those who are arranging for scooping. That's very, very important, because that's the cookie issue that we talked about during the public hearings that many Toronto taxicab drivers have raised as a particular problem. It's something that this legislation will in fact ensure that there is teeth in. Again, that's going to benefit the entire industry. It's not something that I would suggest we delay in order to resolve another issue which has really nothing to do with this legislation, the \$10 fee that the Greater Toronto Airport Authority charges outside cab companies when they come in to pick up.

Mr. Bisson: In this particular section, from a personal point of view, as somebody who comes through the airport on a regular basis, sometimes a couple of times a week, often you'll find yourself in a situation where there are no cabs at the arrivals level, so you go up to the departures side to grab a cab to get back in the city. Monsieur Lalonde, I'm sure, learned that trick many years ago from travelling in from the city of Ottawa. What this basically does is that, if I go up to the departures level and jump into a cab from the city of Toronto that just dropped off a passenger, that cabdriver, he or she, can be charged \$5,000 or be thrown in jail for 30 days, or both.

I just think that it's rather unfortunate, because what you've basically got is me as a consumer making a decision that I don't want to stand in the lineup down below because the concierges don't have the GTAA's card and putting that cabbie in a heck of a position. I just think it's rather unfortunate. I go back to the point that we need to find some way to deal with this issue from a fairer perspective, from both those who are licensed at the GTAA and those who are licensed in the city of Toronto. I think one way to do that would have been to issue the GTAA guys some sort of licence that the GTAA people would have to pay in the city of Toronto in order to pick up fares in Toronto.

I'm not talking about the unlicensed scooper; I'm talking about the licensed GTAA limo who comes into the city of Toronto to pick up a fare which he has no licence to pick up. It's sort of a legalized form of scooping because they're protected under the Municipal Act. I would hope that the government, when they do the review of the Municipal Act, will make an amendment that makes it fairer for both sides when it comes to the issue of licensing. If the cab driver in the city of Toronto has to pay a \$10 licence fee to pick up a fare, there needs to be a reciprocal agreement with the limos coming back into the city of Toronto.

Mr. Duguid: Fairness is very important. The fact of the matter is, in order to achieve fairness, you have to recognize that whether it's taxicabs going into the airport and scooping from the limo drivers or the limo drivers going into, for instance, the city of Toronto and scooping from them, scooping is repugnant, no matter who's doing it. That's what this legislation is about, trying to decrease

the incidence of scooping to ensure that there's greater fairness in the system.

The member suggests that there's a \$10 fee that Toronto taxicab drivers and, I guess, others from outside have to pay to go into the airport. That's an issue altogether different from the legislation that's in front of us. The provisions for cab drivers coming into places like the city of Toronto and the licensing regime they face if they don't hold a licence to pick up there is something that will need to be dealt with, certainly, as we look at things like the Municipal Act and the City of Toronto Act. We've committed to looking at that. I think it's important that we take a good look at it.

The NDP appear to be in favour of us moving forward with those changes to allow municipalities the ability to license in their own area and enforce those licences, to ensure that any cab coming from outside Toronto, including limos, may not be able to pick up in Toronto or may have to be licensed to pick up in Toronto. I appreciate their position, and it's something that we'll consider as we move forward.

The Chair: Mr. Bisson, did you want to comment? No.

Any further comments or questions on section 2?

Mr. John O'Toole (Durham): I'm actually the transportation critic, new to the job, and as such, I apologize for not attending these hearings in person. I'm actually a member of the estimates committee, which is meeting in room 151, and have been. But I want to put on the record—and I do apologize profusely—that I believe there is a section; I think it's section 4 or section 2—dealing with the taxi issue. You're on section 2, right?

Interjection.

Mr. O'Toole: I have met with the industry, and I think we'll be moving an amendment here, obviously, if I'm not mistaken, and that would be to delete that section until we deal with the revised Municipal Act. Do I have a comment for the critic for that? I'm looking through our amendments here.

The Chair: I don't have a motion in front of me.

Mr. O'Toole: Yes, it's later on. I'm doing this sort of out of sequence, with the indulgence of the Chair, because we're short of people, if you will.

The Chair: Mr. O'Toole, are you talking about section 2 of schedule A right now? That's what we're on right now.

Mr. O'Toole: Yes, I understand that. I'm looking at it here. It doesn't really apply directly to the taxi issue.

The Chair: So would you like to make any comments on section 2 of schedule A?

Mr. O'Toole: I'm just using the time to get on the record.

Mr. Bisson: John, we have a similar amendment. We'd be glad to move it for you.

Mr. O'Toole: The amendment isn't—

The Chair: Mr. O'Toole, are you speaking to section 2, schedule A, right now?

Mr. O'Toole: Well, I'm not, no.

The Chair: OK. So would you like to stand down until we get to a section on an issue that you want to talk about?

Mr. O'Toole: I won't be here. Thank you for your indulgence, Chair. I'm actually going to be here for about five to eight minutes, and I just wanted to put on the record—

The Chair: Well, if we move quickly, we can probably get to a place where you might be able to get on the record.

Mr. O'Toole: Very good. I'll stand down my comment for a few minutes.

The Chair: Thank you. Any further questions or comments on section 2 of schedule A? If not, shall it carry? All those in favour? All those opposed? Carried.

Section 3: Any comments? Seeing none, shall section 3 of schedule A carry? All those in favour? All those opposed? Carried.

Section 4: Any comments?

Mr. Bisson: I'm not going to repeat it over again. I've already made the point. It doesn't appear that the government is prepared to move with it in this particular bill. But I'm going to take at face value the offer to deal with this in the Municipal Act, and I'm going to have a suggestion as to how we do that when we come to the end of clause-by-clause. I'll have a motion to deal with that.

The Chair: Thank you. Any further comments or questions? Seeing none, shall section 4 of schedule A carry? All those in favour? All those opposed? Carried.

Section 5: Any comments or questions? Seeing none, shall section 5 of schedule A carry? All those in favour? All those opposed? Carried.

Section 6 of schedule A: Any comments or questions? Seeing none, all those in favour? All those opposed? Carried.

Mr. Bisson: Can I make a suggestion? You can say sections 7 through to 16, and we'll be there.

The Chair: I could. Thank you, Mr. Bisson.

Shall sections 7 through 16 carry? All those in favour? All those opposed? Carried.

Mr. Bisson: It's actually 17. Sorry.

The Chair: It's OK.

Mr. Bisson: I don't know how to count today all of a sudden. I missed a section.

The Chair: On section 17 of schedule A, any comments or questions? Seeing none, all those in favour of section 17, schedule A? All those opposed? Carried.

Section 18 of schedule A: Any comments or questions?

Mr. Bisson: We're on 18, right?

The Chair: Yes.

Mr. Bisson: I just want to make sure we're at the right place. Let me flip my bill here to make sure I'm in the right spot here.

The Chair: Mr. Bisson, you're 18.1, I believe, and we're just on 18.

Mr. Bisson: Are you not at 18?

The Chair: Yours, I believe, is an amendment to 18.1.

Mr. Bisson: That's right, and that's where we're at, right?

The Chair: We're on section 18.

Mr. Bisson: Sorry. I was trying to flip my bill to keep up with all those sections we rapidly went through.

The Chair: I apologize. I know we're moving quickly.

Mr. Bisson: That's OK. Not a problem. You're doing a fine job.

1030

The Chair: On section 18, any comments or questions? Seeing none, shall section 18 of schedule A carry? All those in favour? All those opposed? Carried.

Section 18.1.

Mr. Bisson: I move that schedule A to the bill be amended by adding the following section:

"18.1 Subsection 134(4) of the act is repealed and the following substituted:

"Exception to subs. (3)

"(4) Subsection (3) does not apply to a road service vehicle, an ambulance, a fire department vehicle, a public utility emergency vehicle, a police vehicle or a motor vehicle driven by a firefighter, as defined in subsection 1(1) of the Fire Protection and Prevention Act, 1997, who is responding to an emergency."

It's similar to a government motion, so I imagine it will pass.

The Chair: Mr. Bisson, I'm going to rule this particular motion out of order because 134(4) is not opened in Bill 169.

Mr. Jean-Marc Lalonde (Glengarry–Prescott–Russell): Madam Chair, because we don't deal with section 134 of the act, and also we had support during the public hearings, I would ask that we get unanimous support to debate those amendments.

The Chair: A motion has been put on the floor for unanimous consent to debate the motion. Mr. Bisson, do you want to discuss the motion?

Mr. Bisson: Just to that point, I'm not hostile to doing this; in fact, we have amendments that we'd like to have passed too. It puts us in the awkward position of saying yes to this but maybe saying no to other sections we may or may not want to open. By order of the House, by a second reading vote, we determine what this committee can do as far as what acts we're able to deal with and what sections we're able to deal with under those acts. Although I'm really excited to try to pass some of these motions, it puts us in an odd position where, because it suits the government that they agree with the opposition on this one amendment, you'll do it. I want a pro quo back, Jean-Marc. I want you to owe me a favour. I want you to say yes when I come with an amendment the other way. Do I have your commitment?

Mr. Lalonde: At the present time—

The Chair: Could you please go through the Chair the next time you're making these deals?

Mr. Lalonde: At the present time, Madam Chair, we're just dealing with this section. As I said, the fact

that we're not dealing with section 134 of the act is why we need unanimous consent to deal with the amendment.

The Chair: I'm going to step in now. I have ruled this out of order. If you do not decide collectively that you're going to unanimously agree to discuss it, you don't get to debate it while you're debating it. You have to decide now whether or not you're going to unanimously consent to debate this issue.

Mr. Lalonde: Madam Chair, you've asked the two parties if we have unanimous consent to debate that.

The Chair: I have. So the question's been called: Do I have unanimous consent that we discuss this motion? Yes? Mr. O'Toole, do I have your consent?

Mr. O'Toole: I'm not subbed in.

The Chair: You're not subbed in. OK, we have unanimous consent. We will consider the motion. Mr. Bisson, you have the floor.

Mr. Bisson: I read the motion; do you want me to do it again?

The Chair: No. Do you want to discuss the motion?

Mr. Bisson: I think the motion is pretty straightforward. I think the government agrees with the NDP caucus that we need to give firefighters this ability.

To the earlier point I was making to Mr. Lalonde, we find ourselves in a bit of an odd situation that again, because the government agrees with us, they're going to let us open this section of the act. But God knows, I've got a shopping list of things I'd like to open that you're not going to give permission for, so I'm feeling rather uneasy here. I'm looking for the government's support on this NDP motion.

Mr. Lalonde: Madam Chair, the intent is well in place, but the last part of this amendment, "who is responding to an emergency"—we want to make sure that those people have access to come back to fire calls or an accident. At the present time, the amendment only allows the people to go to respond to an emergency call. That is why we have another amendment after this, which comes from the government, that specifies exactly the people who would have access and also are able to come back.

Mr. Bisson: That's an interesting argument. Listen, the difference between the two is that we're saying, "who is responding to an emergency" I think it's pretty clear. It means there's an emergency and the firefighter who is off duty, who is going to assist, is going to be able to drive on that roadway and presumably get off when the emergency is dealt with. Yours basically says "who is performing his or her duties." I can make an argument that they're not performing "his or her duties" because they're not on duty; they're on their time off. I don't quite understand why we're going there, but if the government wants to have an amendment under their name rather than an NDP motion, so be it. I knew I shouldn't have given you consent.

Mr. Lalonde: When Mr. Bisson said they're on duty, yes, they're on duty whenever they're called to a fire scene, up to when they go back home. Firefighters, when they're called, if they're off-duty firefighters, are covered

until they go back home. This is why we say that ours is spelled out a little differently.

Mr. Bisson: They wrote a song once that was called “You say tomayto, I say tomahto.” We’re both talking about the same thing here, so I’m not going to get into a huge argument over it. It’s fairly clear to me that both amendments basically do the same thing. If we’re going to get two lawyers standing before a judge trying to make an argument, I can make an argument, as Mr. Lalonde did on the NDP motion, saying the person was able to respond to the emergency but he can’t get off the roadway. I can go before a judge and make an argument on your amendment, saying the firefighter was off duty and was not on duty, and therefore shouldn’t have had access to the roadway. Lawyers are going to argue this both ways. I don’t know why we just don’t vote for the one, but I’m prepared to vote for the other. I’m pretty big about this stuff. I don’t care. It doesn’t have to say “NDP” on it. If it has to say “Liberal,” OK.

The Chair: Any further discussion? Shall the motion carry? All those in favour? All those opposed? That’s lost.

The next motion is a government motion. I also rule that this motion is out of order.

Mr. Lalonde: Again, Madam Chair, as I mentioned previously, the fact that we haven’t dealt with section 134 is why unanimous consent is required to proceed with this amendment, and we did get support during the public hearings.

The Chair: Do I have unanimous consent to deal with this motion?

Interjection.

The Chair: I hear reluctant agreement. Thank you, Mr. Bisson.

You have to move the motion, Mr. Lalonde.

Mr. Lalonde: I move that schedule A to the bill be amended by adding the following section:

“18.1 Subsection 134(4) of the act is repealed and the following substituted:

“Exception to subs. (3)

“(4) Subsection (3) does not apply to a road service vehicle, an ambulance, a fire department vehicle, a public utility emergency vehicle, a police vehicle or a motor vehicle driven by a firefighter, as defined in subsection 1(1) of the Fire Protection and Prevention Act, 1997, who is performing his or her duties.”

The Chair: Any discussion?

Mr. O’Toole: I have a question on this. I’ve had contact—I apologize again—with the slow-moving vehicle group, more like the electric cars.

Interjection.

Mr. O’Toole: No, these are innovative cars. There was a federal study done under Transport Canada, I gather, in Saint Jerome, Quebec, where they actually had these new, innovative vehicles that are more in the future, alternate vehicles somewhat like the Smart car, where the issue is whether they conform with the definition of vehicles. I understand that one of the sections is dealing with variable speed limits. You’re the parliamentary

assistant, Mr. Lalonde. Are you familiar—there’s a section in here that deals with slow-moving vehicles.

1040

The Chair: Mr. O’Toole, can we deal with the motion that is before the Chair at the moment?

Mr. O’Toole: Well, it is, with respect to whether or not I would get support for that. What section is that in? Is it in this section?

The Chair: Can you perhaps talk with ministry staff? They are here. They would be pleased to assist you. But right now—

Mr. O’Toole: I just want to put on the record that I have concerns that if there’s a pilot done—I have correspondence from the Minister of Transportation on this; if there’s a pilot done on slow-moving vehicles—there’s some acronym they use for them—that the groups that aren’t part of the kind of legitimate voice be consulted. I could provide the ministry with names and I’d ask to be consulted if there is to be a pilot done on slow-moving vehicles on public roadways.

The Chair: Thank you, Mr. O’Toole. That’s recorded.

Mr. Lalonde: I’d just like to say to Mr. O’Toole that this section really coincides, really supports, member Murdoch’s bill that was introduced in the House, passing second reading.

The Chair: Shall section 18.1 of schedule A to the bill, the amendment, be carried?

A recorded vote has been requested. All those in favour?

Ayes

Dhillon, Duguid, Lalonde, Matthews, Rinaldi.

The Chair: All those opposed? Are you opposing, Mr. Bisson? You asked for a recorded vote. No? OK. Thank you. That’s carried.

Section 19: Any comments or questions? Seeing none, shall section 19 of schedule A carry? All those in favour? All those opposed? That’s carried.

Section 20: Any comments or questions? Seeing none, shall section 20 of schedule A carry? All those in favour? All those opposed? That’s carried.

Section 21: Comments or questions? Seeing none, all those in favour? All those opposed? That’s carried.

Section 22: Mr. Bisson.

Mr. Bisson: I move that section 146.1 of the Highway Traffic Act, as set out in section 22 of schedule A to the bill, be struck out and the following substituted:

“Traffic control stop and slow signs

“146.1(1) A traffic control person on a roadway or adjacent to a roadway where construction or maintenance work is being carried out may display a traffic control stop or slow sign.

“Same—firefighters

“(2) A firefighter on a roadway or adjacent to a roadway where an accident has occurred may display a traffic control stop or slow sign.

“Driver required to stop

“(3) Where a traffic control person or firefighter displays a traffic control stop sign, the driver of any vehicle or street car approaching the person shall stop before reaching him or her and shall not proceed until the traffic control person or firefighter stops displaying the traffic control stop sign.

“Driver required to slow down

“(4) Where a traffic control person or firefighter displays a traffic control slow sign, the driver of any vehicle or street car approaching the person shall approach the person and proceed past him or her and past the construction or maintenance work or scene of an accident with caution and at a slow rate of speed”—not a slow rate of read—“so as not to endanger any person or vehicle on or adjacent to the roadway.

“Unauthorized use of sign

“(5) No person other than a traffic control person or firefighter shall display on a highway a traffic control stop or slow sign.

“Regulations

“(6) The Lieutenant Governor in Council may make regulations prescribing the type, design and specifications of traffic control stop and slow signs.

“Definitions

“(6) In this section,

“‘construction or maintenance work’ includes work by a utility, including a public utility within the meaning of the Public Utilities Act or the Municipal Act, 2001, or by a transmitter or distributor within the meaning of the Electricity Act, 1998; (‘travaux de construction ou d’entretien’)

“‘firefighter’ has the same meaning as in subsection 1(1) of the Fire Protection and Prevention Act, 1997; (‘pompiers’)

“‘traffic control person’ means a person who is directing traffic and who is employed by the road authority with jurisdiction over the highway, by a public utility within the meaning of the Public Utilities Act or the Municipal Act, 2001, by a transmitter or distributor within the meaning of the Electricity Act, 1998 or by a person under contract with the road authority, public utility, transmitter or distributor to do construction or maintenance work on or adjacent to the roadway. (‘agent de régulation de la circulation’)

The Chair: Thank you, Mr. Bisson. Any comments or questions?

Mr. Bisson: I think it’s pretty straightforward. They’re normally the first people on the scene, and it makes some sense to give the firefighters this ability, something they’ve asked for and something I know we’ve all seen at one time or another. I understand the government will probably be supportive of this section.

Mr. Lalonde: I recognize the rationale for this amendment to the act. At present, we know that firefighters in the rural area, for example, get to a fire and probably for half an hour or an hour, the police are not even getting there. Also, in the urban sector, just on Grosvenor, I was watching, and when the fire truck is backing up in the fire station, the traffic is controlled by

the firemen. So I recognize the importance of the amendment.

The Chair: Any further discussion or comment?

Mr. Lou Rinaldi (Northumberland): I think the motion the NDP brought forward is a good one. We have a motion following the one that was just read, and I’d be prepared to support the NDP motion if—I’m not sure we’re doing this in the right order; I look for direction. If you look at the next government motion, subsection (b), I would like an amendment to add that section to Mr. Bisson’s bill, if it’s possible.

The Chair: I’m sorry. What was the request?

Mr. Rinaldi: To add subsection (b) from the government motion coming up next.

The Chair: I guess what you have to do is make sure the mover is agreeable to that amendment.

Mr. Rinaldi: I guess that’s what I’m asking.

Mr. Bisson: Can you explain it a little bit? I think I understand, but—

Mr. Rinaldi: If you go to the very last paragraph of the government motion, Mr. Bisson—

Mr. Bisson: For (b)?

Mr. Rinaldi: Yes. I would like that included in your motion.

Mr. Bisson: The section that says “limiting the use of border approach lanes”? Is that what you’re talking about?

Mr. Rinaldi: No. Amendment 6.

The Chair: The last paragraph on page 6. He’s asking to add it to your motion.

Mr. Bisson: I am so sorry. I was one amendment ahead of you. I’m agreeable.

The Chair: Mr. Rinaldi, you made the request. You got an answer. Did you want to comment further on it?

Mr. Rinaldi: No, Madam Chair. I’m fine.

The Chair: The request is to amend the original motion. Is that what you’re asking?

Mr. Rinaldi: Correct.

The Chair: Can you just repeat that for Hansard, please?

Mr. Rinaldi: I would like to amend Mr. Bisson’s motion by adding subsection (b). I could read it, Madam Chair, if you’d like.

The Chair: Please.

Mr. Rinaldi: “(b) is employed by or under contract with a person who has been issued a permit or written authorization by the road authority with jurisdiction over the highway to occupy a lane or a portion of a highway in order to undertake work on or adjacent to the highway.”

Mr. Bisson: I allowed you to put it in, and it’s put me in a bit of an odd position. I’m being so darned cooperative this morning.

Mr. Rinaldi: So are we.

Mr. Bisson: I know. It goes both ways. But the initial idea of what we were trying to do here is to recognize that firefighters are normally the first people at the site of an accident and therefore we should get firefighters the ability to direct traffic, because they’re the first ones there. What you’re now trying to bring into this, if I

understand it correctly, is that if you've got a highway under construction, we would give the construction worker the same authority as a police officer.

Mr. Rinaldi: They already do that.

Mr. Bisson: Then explain to me why we need to do this.

The Chair: Can I ask if we can get some legal advice as to whether this is a reasonable change, that we do this while we're chatting?

Ms. Susan Klein: Yes. I think we just have to change the government motion a bit. There was also a number typo in the NDP motion. There are two subsections (6), so if you can make the second subsection (6) read sub (7).

Mr. Bisson: Wait till I talk to my researcher. Is he in trouble.

Ms. Klein: That was my fault. Talk to me.

Mr. Bisson: Oh, it's your fault? Wait till I talk to legislative counsel.

Ms. Klein: So that's subsection (7). The government would be asking to strike out the whole definition of "traffic control person" in subsection (7) of section 146.1, as set out in your motion. So they'll repeat the whole thing.

Mr. Bisson: That's fine. Just for the record, Madam Chair, I would move that under subsection (6) becomes (7).

The Chair: Any questions or comments about that correction? Seeing none, I think we've got agreement on that. Did you want to discuss this further, Mr. Bisson?

Mr. Bisson: Yes. I want an explanation on the logic of what (b) is going to do in the end, if somebody from the ministry can come and explain that.

The Chair: Could somebody from the ministry help? Or do you have the answer, Mr. Rinaldi?

Mr. Rinaldi: I don't have the answer. I was going to ask for some ministry staff to explain that, please.

Mr. Bisson: That's why you guys are all sitting here getting paid the big bucks today. Come on; front and centre.

Mr. Lalonde: Madam Chair, the main reason behind that is because on construction sites, crane operators sometimes need people to direct traffic while they're getting in place. At present, it is not authorized to have someone from the construction site direct traffic while the crane is going to the proper position.

The Chair: At this point, because there is some confusion about the ultimate wording of the motion, Mr. Rinaldi, I need the total motion with the changes read into the record—the corrected numbers, the corrected wording. Should we take a break?

Mr. Lalonde: Madam Chair, I have an answer. At present, municipalities' employees are covered, but when it is a commercial contractor coming in, the people employed by this contractor are not protected if they are directing traffic. That is the main reason behind it.

Mr. Bisson: Just so I understand correctly, this would be like a winter road maintenance contract worker. Is that what you're saying?

Mr. Lalonde: That is right, and also other construction site workers. A good example is a crane putting up an air conditioner in a high-rise building. They would require a crane, and the crane could be parked on the road. It would require somebody to direct the traffic, and this would protect them.

The Chair: Committee, I'm getting some conflicting advice here. Where I am right now is that we need the original motion to be withdrawn and the new one to be read into the record. Is that right?

The Clerk of the Committee (Ms. Tonia Grannum): The original amendment to Mr. Bisson's motion.

The Chair: The original amendment read into the record.

Mr. Bisson: Can I be very, very useful?

The Chair: I'd be very grateful.

Mr. Bisson: I'm going to withdraw the NDP motion on section 146.1. If the government wants to bring theirs in, we'll deal with theirs.

The Chair: So you're withdrawing page 5?

Mr. Rinaldi, would you like to begin with the motion you would like to introduce on this issue?

Mr. Rinaldi: Madam Chair, we need a couple of minutes for a recess, because there's real confusion here.

The Chair: Yes. We're going to take a five-minute recess.

The committee recessed from 1054 to 1104.

The Chair: Can everybody sit down? We're just about ready now. I think we have the new wording. We're at the point in our agenda that we're at section 22 of schedule A. Mr. Bisson, you have the floor.

Mr. Bisson: Well, Madam Speaker—my God, are you running? Madam Chair—you've got my vote. There we go.

The Chair: Many years from now, possibly.

Mr. Bisson: Madam Chair, I would make this really simple and say that everything I read into the record a little while ago as a motion to 146.1 be allowed to stand except that the second (6) turn into a (7). We'll bring that to a vote, and then we'll move to an amendment afterwards to allow the government to make an amendment to mine.

The Chair: Is there consent to what Mr. Bisson just stated? Can I just get nods? They're in favour.

Mr. Bisson, any comments on the motion that you've put forward?

Mr. Bisson: I just want to say that I think this is an example of where firefighters and others have come before this committee and made a very valid point as to one of the things they need in order to do their jobs and ensure the safety of the public. I think it makes ultimate sense, and I look forward to everybody voting in favour.

The Chair: Any further comments or questions?

Seeing none, shall the motion carry? All those in favour? All those opposed? That's carried.

Mr. Rinaldi: the government motion.

Mr. Rinaldi: Madam Chair, I move that the definition of "traffic control person"—

The Chair: Mr. Rinaldi, can I just stop you for a second? This is a new motion, right?

Mr. Rinaldi: Yes.

The Chair: Because if anybody's trying to follow along, they can't. So will we get a copy to everybody?

Mr. Rinaldi: We'll get you copies, yes. Sorry.

The Chair: Thank you. Please begin again.

Mr. Rinaldi: I move that the definition of "traffic control person" in subsection 146.1(7) of the Highway Traffic Act, as set out in section 22 of schedule A to the bill, as amended by Mr. Bisson's motion, be struck out and the following subsection included:

"Traffic control person" means a person who is directing traffic and,

"(a) is employed by,

"(i) the road authority with jurisdiction over the highway,

"(ii) a public utility within the meaning of the Public Utilities Act or the Municipal Act, 2001,

"(iii) a transmitter or distributor within the meaning of the Electricity Act, 1998, or

"(iv) a person under contract with the road authority, public utility, transmitter or distributor to do construction or maintenance work on or adjacent to the roadway, or

"(b) is employed by or under contract with a person who has been issued a permit or written authorization by the road authority with jurisdiction over the highway to occupy a lane or a portion of a highway in order to undertake work on or adjacent to the highway."

The Chair: Any further comments or questions?

Mr. Bisson: I just want to speak in opposition to that particular amendment, and let me tell you why very simply. I've been approached by some police officers—I won't say where; it might be better for their own protection. Basically, what often ends up happening is that it's off-duty police officers who are brought in to do this kind of traffic control work, and they see this as the jurisdiction of police officers. I've been spoken to about this particular item, and they would see this as contracting out. Therefore, New Democrats will vote in opposition to it.

The Chair: Any further comments or questions?

Seeing none, shall the amendment carry? All those in favour? All those opposed? That's carried.

Shall section 22 of schedule A, as amended, carry? That's carried.

Section 23: Any comments or questions?

Shall section 23 of schedule A carry? That's carried.

Section 24: Any comments or questions?

Seeing none, shall section 24 of schedule A carry? That's carried

Government motion 24.1.

1110

Mr. Duguid: I move that schedule A to the bill be amended by adding the following section:

"24.1 Part X of the act is amended by adding the following section:

"Restricted use of border approach lanes

"154.2 (1) Where a highway approaches the border between Canada and the United States of America and has been divided into clearly marked lanes for traffic, the minister or, if the highway is under municipal jurisdiction, the municipality with jurisdiction over the highway may erect signs marking any lane on the highway, or on any part of the highway, as a border approach lane.

"Offence

"(2) No person shall drive a vehicle in a border approach lane except in accordance with the regulations made under this section.

"Authority to stop vehicles

"(3) A police officer may require a driver of a vehicle in a border approach lane to stop and the police officer may demand that the driver and occupants of the vehicle produce for examination the identification or authorization, or both, required under this section.

"Same

"(4) The driver and occupants of a vehicle shall comply with any requirement or demand made by a police officer under subsection (3).

"Regulations

"(5) The Minister may make regulations,

"(a) limiting the use of border approach lanes to vehicles, or any class or type of vehicles, that are clearly authorized in accordance with the regulation;

"(b) limiting the use of border approach lanes to drivers or occupants of vehicles, or of any class or type of vehicles, or any class of drivers or occupants, who carry identification in accordance with the regulation;

"(c) prescribing conditions and circumstances for the use of border approach lanes by vehicles or persons described in clause (a) or (b), including limiting the use of border approach lanes to specified months or times of the year, days or time of day;

"(d) prescribing the authorization that is required for a vehicle, or a vehicle belonging to a prescribed class or type of vehicle, to be entitled to use border approach lanes;

"(e) prescribing the identification that is required for a person, or a prescribed class of person, to be entitled to use border approach lanes;

"(f) governing the erection of signs and the placing of markings to identify border approach lanes;

"(g) prescribing the types of the signs and markings referred to in clause (f), instructions to be contained on them and the location of each type of sign and marking;

"(h) exempting buses, ambulances, fire apparatus, commercial motor vehicles as defined in subsection 16(1) that are engaged in highway maintenance or construction and any other type or class of vehicle from any of the limitations in the regulation, and prescribing conditions and circumstances for such exemptions;

"(i) exempting any class of drivers or occupants from any of the limitations in the regulation, and prescribing conditions and circumstances for such exemptions;

"(j) prescribing the maximum length of a border approach lane.

"Regulation may be general or specific

“(6) A regulation made under subsection (5) may be general or specific in its application and may apply differently to different classes or types of vehicles or persons.”

The Chair: Any comments or questions?

Mr. Bisson: Can you explain to me why you need this? What’s the logic of it?

Mr. Duguid: Does the parliamentary assistant want to do that?

Mr. Lalonde: Yes. At the present time the minister doesn’t have the power to identify those lanes. This will give him the power to state which lane is reserved at border crossings for the trucking industry, for example.

Mr. Bisson: I just find it kind of surprising that the minister and the crown, who own the highways—not the minister, but the crown—don’t have that authority. I take it that this will allow you, in places like Windsor and others, to identify parts of the highway that would be border approach lanes for the trucking industry as a way of being able to deal with some of the traffic congestion at the border.

Mr. Lalonde: That is right.

The Chair: Mr. Ouellette.

Mr. Bisson: I had one other question.

The Chair: I’ll come back to you.

Mr. Jerry J. Ouellette (Oshawa): Just a quick question on that: During the consultation period, were the industries that have been calling for this, such as General Motors and the auto carriers, directly contacted?

Mr. Lalonde: We have been approached by the trucking industry about having identified lanes, yes.

Mr. Bisson: Again, it might be a very good idea—in fact, I was in Windsor just recently meeting with Brian Masse and Joe Comartin about this very issue. As you know, Windsor has got one heck of a problem with border crossings. I know that there has been quite a bit of work done in that area in order to try to deal with the congestion on the roads. I’m just wondering: Was there any consultation with the municipalities affected by this—Windsor, Sarnia and others?

Mr. Lalonde: Definitely the municipalities would love to see those lanes identified, which are not at the present time. Yes, definitely.

The Chair: Any further comments?

Mr. Bisson: Last question: Did you get Brian Masse’s approval?

Mr. Lalonde: I cannot answer that one.

The Chair: I think that was a trick question.

Any further questions or comments?

Shall the motion carry? All those in favour? All those opposed? That’s carried.

Mr. O’Toole: Maybe I’m a bit out of sequence because of my lack of familiarity with the bill, but section 24—this is why I may be out of order—dealt with the high-occupancy vehicle lanes. My question there is about the ability of the minister to set regulations for the type and class of vehicles in subsection (2), I think. I’m wondering if motorcycles would be considered as eligible to travel in high-occupancy vehicle, HOV, lanes.

Mr. Lalonde: Definitely not. Motorcycles would not be identified as one of those vehicles that would be allowed in those lanes.

Mr. O’Toole: So the decision has been made?

Mr. Lalonde: That’s right.

The Chair: Moving on to section 25: Any comments or questions? Seeing none, shall section 25 of schedule A carry? All those in favour? All those opposed? That’s carried.

Section 26: Any comments or questions? Seeing none, shall section 26 of schedule A carry? All those in favour? All those opposed? That’s carried.

Section 27, a government motion.

Ms. Deborah Matthews (London North Centre): I move that subsections 176(2) and (3) of the Highway Traffic Act, as set out in subsection 27(1) of schedule A to the bill, be struck out and the following substituted:

“School crossing guard shall display sign

“(2) A school crossing guard about to direct persons across a highway with a speed limit not in excess of 60 kilometres per hour shall, prior to entering the roadway, display a school crossing stop sign in an upright position so that it is visible to vehicles approaching from each direction and shall continue to so display the school crossing stop sign until all persons, including the school crossing guard, have cleared the roadway.

“Vehicles approaching guard displaying sign

“(3) Where a school crossing guard displays a school crossing stop sign as provided in subsection (2), the driver of any vehicle or streetcar approaching the school crossing guard shall stop before reaching the crossing and shall remain stopped until all persons, including the school crossing guard, have cleared the half of the roadway upon which the vehicle or streetcar is travelling and it is safe to proceed.”

The Chair: Any comments or questions on this motion? Ms. Matthews, did you want to speak about it?

Ms. Matthews: What this motion does is replaces the word “children” with “persons,” to allow crossing guards to protect all people crossing the street. This reflects Mr. Brown’s private member’s bill that was debated earlier in the House.

The Chair: Any further comments or questions? Shall the motion carry? All those in favour? All those opposed? That’s carried.

Shall section 27 of schedule A, as amended, carry? All those in favour? All those opposed? That’s carried.

Section 28: Any comments or questions? Shall section 28 of schedule A carry? All those in favour? All those opposed? That’s carried.

Mr. Bisson: Sections 29 through 31?

The Chair: We can do that. Are there any comments or questions on sections 29 through 31?

Mr. O’Toole: I have a question on that section.

The Chair: Any comments or questions on section 29 through 30? All those in favour? All those opposed? That’s carried.

Section 31: Mr. O’Toole.

Mr. O'Toole: This may not be the appropriate section, but the issue I want to bring is a letter sent by the minister on August 30, 2005, to a Trevor Parker, signed by the minister. The topic is low-speed vehicles. I said that it was slow-moving vehicles; it's LSVs, low-speed vehicles.

In the minister's letter, it says:

"The Ontario government recently introduced legislation to address this issue. If passed, this legislation would allow designated organizations to test new technologies, including new vehicle types such as LSVs, on Ontario roads."

I want to put that correspondence on the record. I also want to put on the record that there are persons who wish to be part of any pilot so that it's not an inside-the-house deal. Because of the changing and innovative technologies in automotive transportation, I've been urged to contact Probyn "Bunny" Gayle at Feel Good Cars in Toronto, as well as Trevor Parker, who is president of IClectric low-emission vehicles. I'm encouraged that if this pilot is allowed to happen in a creative way there would be a lot of opportunities to deal with gridlock, as well as innovation in terms of public and personal transit. That correspondence is on the record. I've done my duty and I would encourage you to work with the organizations that I've mentioned.

1120

I also refer to a study that was done in Quebec. I have the summary of the executive report. It talks about much of the work that's been done in Quebec on low-speed vehicles and how they may be part of the solution for urban transportation in the future.

So with that, thank you for your indulgence. I don't have any amendments, but it may be in that section.

The Chair: Any comments or questions on section 31? Seeing none, shall section 31 of schedule A carry? All those in favour? All those opposed? That's carried.

Section 32: a government motion.

Mr. Vic Dhillon (Brampton West–Mississauga): I move that section 32 of schedule A to the bill be struck out and the following substituted:

"Commencement

"32(1) Sections 5 to 8, 10 and 18.1, subsection 20(1), section 25, subsection 26(1), sections 28 and 29, subsection 31(1) and this section come into force on the day the Transportation Statute Law Amendment Act, 2005 receives royal assent.

"Same

"(2) Sections 1 to 4, 9, 11 to 18, 19, subsection 20(2), sections 21 to 24.1, subsection 26(2), sections 27 and 30 and subsection 31(2) come into force on a day to be named by proclamation of the Lieutenant Governor."

The Chair: Any comments or questions?

Mr. Bisson: It kind of comes back to the issue that we dealt with at the beginning in regard to the cab industry at the airport, in the city of Toronto and across this province. Effectively, what you're doing is giving the ability for cabinet to decide when this bill is going to come into

force. It may or it may never, depending, but it clearly puts that responsibility on cabinet.

We have an amendment later that would deal with this much more specifically to make sure that there actually is an amendment to the Municipal Act before we'd ever contemplate this. So I'd ask the government to vote against this and to support the NDP motions that you'll see under numbers 11, 12 and 13 that will make it a lot clearer that this act not come into effect, the sections dealing with the cab industry, until such time that we actually do a review of the Municipal Act that would guarantee that, rather than putting us at the whim of whatever cabinet decides to do or not to do. That would be the question. A little bit of Shakespeare in the morning; I thought it was good.

The Chair: It's good. Any further comments or questions? All those in favour of the motion? All those opposed? That motion is carried.

The next motion is a government motion. I believe it's Ms. Matthews again.

Ms. Matthews: I'm just a bit confused, because I thought this was to be used only if the fourth amendment was passed.

The Clerk of the Committee: You don't need to move it if you don't need it.

Ms. Matthews: I don't need it; that's what I thought. Excellent.

The Chair: So you're not going to move it?

Ms. Matthews: No.

The Chair: Number 10 is not being moved; it's withdrawn.

Number 11: Mr. Bisson.

Mr. Bisson: I move that section 32 of schedule A to the bill be amended by adding the following subsection:

"Same

"(3) A proclamation shall not be issued in respect of sections 1 and 4 until after the first review under subsection 3(2) of the Municipal Act, 2001 is completed and an act amending the Municipal Act, 2001 as a result of that review is enacted."

The Chair: Would you like to comment?

Mr. Bisson: It goes back to the comment I made earlier, which is, it seems to us that the government is saying, "Trust us. We're not going to do anything until we get to the Municipal Act," and we're just saying let's make sure that is done in some concrete way so that we're not at the whim of cabinet to do what it wants to do. This would make it very clear that those sections won't come into force until we've had an opportunity to look at the sections of the Municipal Act that are offending to the cab industry of the city of Toronto and other cities across the province.

The Chair: Any comments? Mr. Duguid.

Mr. Duguid: Just to start off, let's clarify that the member's interpretation of the government's position is not accurate. But let me also say that we've heard calls to clamp down on scoopers going on for years. When the opposition parties were in office, and frankly when our party was in office before, none of us at that time ad-

dressed the problem. For the first time, we're putting some teeth into the legislation to try to address this important problem. Why are we doing this? Because unlicensed scoopers have a greater ability to ply their illegal trade if we don't take some action. The result, if we allow them to continue the way they are, is potential for unsafe vehicles, untrained drivers, uninsured drivers and price gouging for both our local consumers and our tourists. How much longer, I would ask the opposition parties, do they want to place public safety at risk with regard to this particular situation?

This legislation provides more teeth to our efforts to clamp down on scoopers. It clamps down on arrangers of illegal bribes as well, which will help all taxi industries, those that are abiding by the rules. Delaying the enactment of a piece of legislation that protects the public, in my view, is irresponsible. So I don't believe you'll get any support from this side of the House toward delaying this. It makes sense for us to move forward with this. It's in the public interest and it's in the interest of the safety of the public that we do so. So any effort to delay this for any reason is not something that we'll be supporting.

Mr. Bisson: That's rather unfortunate. That's all I've got to say, Madam Chair. We've heard on this particular issue from Howard Moscoe, who knows something about this issue from the prospective of the city of Toronto. It just seems to me that what you're doing is making it very easy for the GTAA to block cabbies from being able to go and do business at the airport, but not giving the same kind of authority to—under the act, you're saying that scooping is scooping, no matter where it is. But the reality is it's a lot easier to enforce that at the Toronto airport than it is in the city of Toronto. So I don't think Mayor Miller and the new police chief are going to put a whole bunch of cops on the road to enforce the scooping—limo drivers are another issue—in the same way it's going to happen at the airport.

It just seems to me that this is a bit of a simplistic approach to what is a fairly complex problem. What we need is some sort of mechanism that basically recognizes the ability for both the GTAA limo drivers and the taxi drivers across this province to make a living in some regime that's fair and treats everybody in a way that makes some sense. I don't see this bill doing that.

The Chair: Any further comments or questions?

Mr. O'Toole: Yes. Our amendment, which will follow, basically addresses the same issue, which is the taxi issue. I know that a number of persons appeared before this committee on this ongoing challenge for the government. I feel I want to put it on the record that I did meet with some of what I'd call independent operators in that industry. We've agreed, as the opposition, to submit their request for what the industry sees as a solution. Their solution refers to a level playing field; that is, point-of-pickup is an old standby position in which you're only eligible to have a pickup where you're licensed and you complete the trip within that area where you're licensed to operate. What it means is that if you're only licensed at the operator out of the airport, then you should operate out of the airport. When you drop off your

passenger at a destination that's out of the jurisdiction, there's no return trip.

As it is today, the Toronto—

The Chair: Mr. O'Toole, are you speaking to this motion?

Mr. O'Toole: Yes, I am. I believe I am, from Mr. Duguid's comments.

So what the industry—and our amendment will probably say the same thing in here. The persons I met with—and I'm looking at the comments to the committee, the submissions, who appeared and when they appeared: Hillel Gudes, Andy Réti, Gerald Manley of the taxi industry and others who appeared before the committee. There were quite a few on this issue. I think it's worthy of trying to resolve.

1130

What they're suggesting here, the level playing field, would mean that if the limousines can pick up in Toronto, then the Toronto taxis should pick up at the airport, if they have a return fare. From the point of view of the environment and good business, it would make sense that they both have the ability to pick up, but how do you police it? There are more taxis in Toronto than there are limousines at the airport.

There's some conflict between the city of Mississauga and the city of Toronto. What they're recommending is that section 4 of schedule A, Bill 169, really be set aside and that this section be dealt with in subsection 155(2) of the Ontario Municipal Act. I tend to support that.

The other solution of the two options is to allow both to pick up at either one without undue restrictions. I don't know how you'd enforce it, because every taxi, if it didn't have a fare, would be at the airport picking people up. How do you know it's a return trip? The same thing can be said of Toronto. I suspect every trip, probably, is going into Toronto or Mississauga. How do you support taxis from other jurisdictions? So the point of pickup is really the easiest: If you're not licensed, you're not able to do what you—it would find its way into their fares, so that the gas and other inefficiencies of returning empty would work its way out. So the fare today might be \$45 to the airport; you might find yourself paying more.

I'd be interested in the government's position purely in allowing small business to operate. I'm pleased to be educated at the time and expense of this committee, but I think the licensing issue itself is even more a part of this. In part of the Municipal Act, they're able to license them. Apparently, they pay maybe 500 bucks for the actual license, and there aren't any being issued—that's my understanding—so the market value of those licenses is \$300,000 or \$400,000. If they have a license today, since there are no more being issued, it has greater value than what they actually paid to the city of Toronto or the city of Mississauga.

With the limited understanding that I have of this, I'm anxious to hear a response from the parliamentary assistant or Mr. Duguid, who has spent time on this topic, I'm certain, at the city of Toronto when he was on their council. I ask for some sort of response in support of your amendment to find a solution.

Mr. Duguid: I want to thank the critic for sharing with us the Conservative position on this particular issue. It's rare, but it's important for us to know that in fact the opposition party, the Conservatives, are in favour of amending the Municipal Act to accommodate the needs of the Toronto taxi drivers. I think that's important.

We've made a commitment to consider the views put forward by the Toronto taxi drivers during our review of the Municipal Act and the City of Toronto Act. As somebody from the city of Toronto who has met with the very same individuals, I think all of them, that Mr. O'Toole has met with, I will listen carefully to what they have to say. As we move forward with those reforms, certainly we'll take that into consideration. So I thank the critic for being up front about the Conservative position on this. Perhaps that can help us as we move forward.

The Chair: Mr. Ouellette.

Mr. Ouellette: Our concern is, obviously, that in the short term, while the Municipal Act's considerations are being brought forward, we're going to create an unlevel playing field. As presenters representing the groups from the airport came forward, they stated that the scooping was taking place both ways. We have some strong concerns that we need to move forward as quickly as possible with the Municipal Act changes so that we can create a level playing field on both sides.

The Chair: Mr. O'Toole.

Mr. O'Toole: I'm not adding very much, except I'd like to be on the record as mentioning Gilles Laviolette, who also, I believe, appeared before this committee as part of the Toronto taxi industry. We, of course, when we were government—I think it was a private member's bill; Raminder Gill actually introduced the bill. Today it's my understanding that if a Toronto taxi takes a fare to the airport, they have to wait in a compound and have a specifically arranged return trip. Today, from what I hear informally on this, I suspect that perhaps limousines could find themselves in a similar situation at certain hotels, with certain restrictions. That's all we really want: a level playing field. Really, it is about people who are working hard, working many hours, to make a living.

The industry, in a broad sense—I wouldn't like to stretch it beyond the GTA, but even Mississauga is part of this, because the airport itself is in Mississauga, Peel region, and a very small part is actually in the city of Toronto. Apparently, some are actually dual-licensed. I don't know how they actually operate. I guess they're familiar faces at the airport.

It is an issue, and I have the assurance of Mr. Duguid or Mr. Lalonde that you're prepared to set this aside before it receives royal assent as part of the review of the City of Toronto Act and, broadly, the Municipal Act. I think they're suggesting that section 155(2) of the Municipal Act—they've had meetings with Michael Bryant and the Premier, I believe, and on May 18 sent correspondence which gives a very well-developed history and sketch of the challenge to the industry. I don't think the members here really appreciate that it is sensitive. We're talking about huge sums of money that the informal value of those licences would be devalued by, and that could

create some challenges for members of government and/or opposition.

In the interest of doing the right thing for business and customer service, as well as the environment—because I just do not see returning empty. What's that about, just driving around with no passengers in the vehicle? We're already talking about high-occupancy vehicles.

The Chair: Mr. O'Toole, can I—

Mr. O'Toole: I think I've made my arguments as well as I understand them.

The Chair: Thank you. Any further questions or comments on the NDP motion put forward by Mr. Bisson? Seeing none, all those in favour? All those opposed? That's lost.

Mr. Bisson, you have the next motion.

Mr. Bisson: I move that section 32 of schedule A to the bill be amended by adding the following subsection:

“Same

“(3) A proclamation shall not be issued in respect of sections 1 and 4 until after a new public act governing the city of Toronto is enacted.”

Just quickly on that, we heard from Howard Moscoe, who was before this committee at one point. He basically said that the transportation committee of the city of Toronto is opposed to Bill 169 until such time that they're able to deal with it internally to figure out what recommendations to give to the government so that when the City of Toronto Act is actually proclaimed, there will be an ability to incorporate some fair regime into that act.

The Chair: Any comments or questions?

Mr. O'Toole: Yes. I propose that Mr. Bisson consider our motion, which is a little bit more developed, but the general principle is the same. I guess we'll have to deal with that. I'll be supporting this and I think anyone of good conscience here will support it, because it really still gives the power. All they're saying is to not proclaim it until the reviews of the City of Toronto or Municipal Act. I think that's the safe ground. At the end of the day, you're still the government. You can ram this thing through as it stands and not solve the problem, but I think that as good policy, you would be wise to deal with this issue where others have not. It has been around since 1978, as I understand. With the good will of some of the government members, we'd probably support Mr. Bisson's motion.

The Chair: Any comments or questions?

1140

Mr. Bisson: I don't want to take up more time than the government is willing to give, but I guess I'd just say two things.

One is that the government, during the last election and afterwards, said they wanted to develop a new relationship with cities, that they want to take their lead from what cities say about what they need to govern themselves and do their jobs. Clearly, we're getting some direction from the city of Toronto. This is basically a city of Toronto issue and not so much an issue in other parts of the province in terms of the problem that exists between the airport and the downtown cabs. It seems to me that since we're hearing from the city of Toronto that

“We’re just asking you not to enact this until such time as we have a review of the act,” it would only be doing what you promised in the last election, that is, to work with cities and help them develop the tools they need to resolve some of their problems. That would be my first point.

My next point is just to say again that the city of Toronto is closer to this than we are. As a former municipal alderman, you would know that, Mr. Duguid, and so would Monsieur Lalonde. That’s the level of government that’s closest to this, and in the end, they have to enforce this. If they are going to put traffic cops or police officers out to charge people under this act, they’re the ones who are going to have to make this decision. So we should give them the opportunity to figure out how they want to make this work, how it’s going to be administered from their point of view, and then we can do whatever we need to do with the City of Toronto Act, with their co-operation, when we bring that act before the Legislature.

Mr. Duguid: I appreciate both opposition parties and critics being clear that they would support extending the provisions, whether it be under the Municipal Act or the City of Toronto Act, to Toronto or potentially other cities to regulate licensing of taxicabs. It is helpful as we move forward in our reforms to the Municipal Act and the City of Toronto Act that their positions are clear, and from what the opposition parties have said today, I think they are in support of extending those provisions to municipalities.

We’re considering that now. We’ll take into consideration the views of all concerned as we move forward. I’ll give the commitment we gave at the previous meeting that the views of the taxi industry in Toronto are of interest to all of us and we will certainly take into consideration their views as we move forward.

The Chair: Any further comments or questions? Seeing none, shall the motion carry? All those in favour? All those opposed? That’s lost.

The next motion is a PC motion. Mr. O’Toole, are you the mover?

Mr. O’Toole: Sure. I’ll move this and read it—

The Chair: Sorry. You’re not subbed in. You haven’t been subbed in since? No? Mr. Ouellette.

Mr. Ouellette: I move that section 32 of schedule A to the bill be amended by adding the following subsection:

“Same

“(3) A proclamation shall not be issued in respect of sections 1 and 4 until after legislation is enacted respecting the operation of taxis at airports,

“(a) as an amendment to the Municipal Act, 2001 that incorporates the terms of an agreement among the affected municipalities and the associations that represent taxi operators; or

“(b) as an act respecting the city of Toronto that incorporates the terms of an agreement between the city of Toronto and the associations that represent taxi operators.”

The Chair: Did you want to make some comments about that?

Mr. Ouellette: I think we’ve had some discussions about this. It’s just a move forward to address that key issue of maintaining a level playing field in the long term, because in the short term we believe there is going to be some unlevel playing field in favour of the individuals working at the airports.

Mr. O’Toole: I do want to again thank Andy Réti for writing to Michael Bryant and the response to that. I’m very gratified to hear Mr. Duguid saying that he—as a person who probably understands this better than some.

I’m going to put on here:

“The following is the course of action we expect the provincial government to take:

“1. Amend the Municipal Act by eliminating section 155(2). This will re-establish a level playing field between the Toronto tax industry and Pearson airport taxis and limousines. To a great extent it will take care of most of the ‘scooping’ problems in both jurisdictions, so much so that part IV of Bill 169 will not be needed. Airport vehicles will not pick up in Toronto, and Toronto cabbies will stop ‘scooping’ at the airport, since most of them who ‘scoop’ do it because they are angry at the lack of a level playing field.

“It will also bring back to Toronto the point-of-pickup principle that has been working so successfully in the rest of Ontario. In short, it will give the airport vehicles what is rightfully theirs, namely, all the fares from the airport where they are licensed and where they pay their annual licence fees, and at the same time it will give Toronto cabbies what is rightfully theirs, namely, all the fares that originate from Toronto where they are licensed and where they pay their licence fees. We respectfully submit that with that change, the best interest of the travelling public will be better served.”

So they’re on the record, and I am convinced that Mr. Duguid and his good work of trying to do the right thing will convince the government and potentially even the parliamentary assistant that this is the right course.

The Chair: Any further comments or questions?

Mr. O’Toole: I’d ask for your support for this, even if it’s tokenistic. One or two of you should break with the pack.

The Chair: Thank you, Mr. O’Toole. Any further comments or questions on this motion?

All those in favour of the motion? All those opposed? That’s lost.

Shall section 32 of schedule A, as amended, carry? Any comments or questions?

Mr. O’Toole: Recorded vote.

Ayes

Dhillon, Duguid, Lalonde, Matthews.

Nays

Bisson, Ouellette.

The Chair: That's carried.

Shall schedule A, as amended, carry?

Mr. Bisson: Recorded vote.

The Chair: A recorded vote has been requested on schedule A, as amended.

Ayes

Dhillon, Duguid, Lalonde, Matthews.

Nays

Bisson, Ouellette.

The Chair: That's carried.

Moving on to schedule B, section 0.1, I believe there's a government motion.

Mr. Bisson: On a point of order, Madam Chair: Are we amending the GO Transit Act in this bill? Was that mentioned originally?

The Chair: I can't comment till I hear the motion being read, and then I will rule on it.

Mr. Bisson: Just fair warning.

The Chair: Thank you.

Mr. Dhillon: I move that schedule B to the bill be amended by adding the following section:

"Amendment to the GO Transit Act, 2001

"0.1 Clause 35(1.1)(b) of the GO Transit Act, 2001 is repealed and the following substituted:

"(b) December 31, 2006."

The Chair: I'm going to rule this motion out of order because it's an amending piece of legislation that's not opened in Bill 169.

Mr. Lalonde: Madam Chair, I would ask for unanimous consent to proceed with this amendment.

The Chair: Do I have unanimous consent to proceed? Apparently we don't have unanimous consent, so we have to move on.

Mr. Lalonde: Can I explain why?

The Chair: I don't think you can, no. We don't have unanimous consent.

Section 1: Any comments or questions on section 1? Seeing none, shall section 1 of schedule B carry? All those in favour? All those opposed? That's carried.

On section 2 of schedule B, are there any comments or questions? Seeing none, shall it carry? All those in favour? All those opposed? That's carried.

Any comments or questions on section 3? Seeing none, shall section 3 of schedule B carry? All those in favour? All those opposed? That's carried.

Section 3.1: There's a government motion; page 15.

Mr. Rinaldi: Section 3.1 of schedule B to the bill (clauses 34(2)(g) and (h) of the Public Transportation and Highway Improvement Act).

I move that schedule B to the bill be amended by adding the following section under the heading "Amendments to the Public Transportation and Highway Improvement Act:"

"3.1 Subsection 34(2) of the act is amended by striking out 'or' at the end of clause (e) and by adding the following clauses:

"(g) construct, dedicate or use, or allow another person to use, any highway or road allowance any part of which lies within 800 metres of any limit of the King's Highway; or

"(h) use any land, any part of which lies within 800 metres of any limit of the King's Highway, for the purposes of a residential development to which section 51 of the Planning Act or section 9 of the Condominium Act, 1998 applies or a building or development within the multi-residential property class prescribed under the Assessment Act."

1150

The Chair: Mr. Rinaldi, I'm going to also declare this motion out of order, because the amended clause is not opened up in Bill 169.

Mr. Rinaldi: Could we ask for unanimous consent, Madam Chair?

The Chair: Do we have unanimous consent?

Mr. Bisson: No.

The Chair: No, we don't.

Moving on to number 16.

Mr. Duguid: I move that schedule B to the bill be amended by adding the following section under the heading "Amendments to the Public Transportation and Highway Improvement Act":

"3.2 Subsection 38(2) of the act is amended by striking out 'or' at the end of clause (f) and by adding the following clauses:

"(h) construct, dedicate or use, or allow another person to use, any highway or road allowance any part of which lies within 800 metres of any limit of a controlled-access highway; or

"(i) use any land, any part of which lies within 800 metres of any limit of a controlled-access highway, for the purposes of a residential development to which section 51 of the Planning Act or section 9 of the Condominium Act, 1998 applies or a building or development within the multi-residential property class prescribed under the Assessment Act."

Madam Chair, I would just ask staff to explain why I've moved this.

The Chair: Mr. Duguid, before they do that, I am going to rule this out of order, for the reason that clauses (h) and (i) of subsection 38(2) are not in the act.

Mr. Duguid: Madam Chair, maybe I'll change my request. Could I ask staff to comment on why this may be worth considering to request unanimous consent for?

The Chair: I believe we have to have unanimous consent before that would happen. Do we have unanimous consent?

Mr. Ouellette: No.

The Chair: No, we don't have unanimous consent.

Mr. Duguid: On a point of order, Madam Chair: Could I perhaps call staff to the floor?

The Chair: On what motion would you be doing that?

Mr. Duguid: I want to ask them a few questions with regard to this particular section before us right now.

The Chair: Actually, not the one before us if I have declared it out of order.

Mr. Duguid: What section are we on right now in the act?

The Chair: We were on 16, but we have not had unanimous consent.

Mr. Duguid: So you have to move the section. When you move the section, I'll make the request.

The Chair: Thank you.

Page 17, which I believe is a government motion: Mr. Lalonde.

Mr. Lalonde: Madam Chair, I believe this amendment has to be withdrawn since amendments 15 and 16 have been.

The Chair: So it's not moved. I understand it's the same with numbers 18 and 19. Is that right?

Mr. Lalonde: That's right.

The Chair: So we're at section 4. Any comments or questions?

Mr. Duguid: On section 4, there were a number of amendments ruled out of order that the government side had put forward. I'd just like to ask staff to the floor. I have some questions on this particular section to ask them.

The Chair: Could staff come forward and please identify yourself for Hansard.

Ms. Mary Preiano: My name is Mary Preiano. I'm counsel with the Ministry of Transportation.

Mr. Duguid: You're familiar with the section. My question: There may be ways to improve this section and I just want to get your advice. Is this section as good as it could be or are there ways you would recommend that we improve it? If so, perhaps you could explain to us what amendments you might consider advising us to make, and as well why you would suggest that these amendments be brought forward.

The Chair: I'm going to allow the question and I'm going to allow the answer. Are you both going to be speaking, or just one?

Ms. Preiano: I'll be speaking.

These two amendments were proposed to clarify the minister's ability to control the activities within the permit control area of controlled access highways and King's highways to control; in addition to commercial activities, residential developments as well.

Mr. Duguid: Why do we want to do that?

Ms. Preiano: There was a court decision that came down that essentially restricted the minister's ability to regulate activities within the corridor area of the King's highways and controlled access highways to commercial activities. However, it's always been the ministry's policy that all developments and activities within the regulated permit area have to be subject to ministry regulations.

The Chair: Mr. Bisson has a question.

Mr. Bisson: If Mr. Duguid has another question, I'm prepared to let him finish his question.

The Chair: You can go back and forth.

Mr. Duguid: Either way; we can go back and forth.

Mr. Bisson: I take it that this became an issue after this particular bill had entered the House and passed second reading. Therefore, if this would have happened prior to second reading, this may have been included in the bill.

Ms. Preiano: That's correct.

Mr. Bisson: So the old saying, "You snooze, you lose"—the government will have to bring back another bill in order to deal with it. You just can't come late in the day and say, "Oops, we realize that maybe we should have done something else," without some kind of notice to the opposition parties. I saw that on the weekend as I was going through the stuff on my computer. I didn't quite understand why you were bringing it forward; there was no explanation. I would suggest to the government that if you're going to bring in late amendments that contemplate something else in the bill that wasn't thought of at first, we should be talking to the opposition critics way before we end up at committee, because you end up in this situation. I had no chance to caucus this with any of my members or what the implications would be with anybody. Not to be hostile to you, but it was kind of late in the game.

Mr. Duguid: I thought we were here to serve the public interest and do as a committee what we think is best for the public interest. My question would be, if we were to move forward with this particular section as it is, what are the implications of doing that, and would you recommend our moving forward with the section as it is? Actually, no; I'll take that back. What are the implications now if we move forward without amending this section?

Ms. Preiano: Without these amendments, the government will have limited ability to regulate residential developments within the corridor control area of the controlled-access highways and the King's highways.

Mr. Duguid: What is the implication of that in terms of public interest?

Ms. Preiano: The reason that there is an interest in regulating these residential developments is to be able to control flow of traffic and highway safety by minimizing distractions that are adjacent to the highways.

Mr. Duguid: So by not allowing these amendments to move forward, in essence what we're doing is putting roadblocks—pardon the pun—in the way of the opportunity here for this committee to improve gridlock in the province.

Ms. Preiano: Yes.

Mr. Duguid: That's a shame; it really is irresponsible.

The Chair: Mr. Ouellette.

Mr. Ouellette: I find it irresponsible if we don't get any information beforehand.

I would also recommend to the committee that the other presenters, who were in court on the other side of this issue, be invited to present their side of the case. The reason it was taken to court was that there are at least two sides on these issues, and when we receive these notices

in here, we don't have any opportunity to discuss it with municipalities to find out the impact on municipalities and on the developers themselves. We're hearing one side of an issue and that's it.

The reason we have the committee process is so we can hear all sides of the issue. I think it was unprofessional not to get some notice that this may be before the courts, and presented while the bill was being drafted, to say that we may have to deal with these issues as well, to take in that court consideration. Now we're hearing one side of an issue when there are always at least two in a court case.

The Chair: Mr. Bisson.

Mr. Bisson: I have much the same comment. I would just say to the ministry staff that there was an opportunity during the committee hearing process to have those people who are interested in this come before this committee and make the case, as the case was made for other issues that the committee agreed on, to amend this bill. For the ministry all of a sudden to come in and say, "Oh, my God, we can make Ontario so much safer only if we could, at the last minute, do whatever"—I'm sure I can come up with 10,000 things the ministry could have done to make our highways more safe and I find it objectionable that we didn't follow the process.

I understand what the government is trying to do and I understand what the ministry is trying to do. That's one side of the story. As Mr. Ouellette said, no opposition critic would allow that to happen, because we haven't had a chance to talk to anybody else about it. I saw that on the weekend, as I read through the material for clause-by-clause, and I was scratching my head, saying, "Why are we putting this in here?" I didn't find out until today, when I talked to our researcher, what some of the logic was. Further, we didn't have a chance to talk to the other side as to how they felt about this, so certainly we weren't allowing it to go through.

I say to my good friend Mr. Duguid, I take your comments in jest.

The Chair: Any further comments? Mr. Duguid, did you want to speak?

Mr. Duguid: I'll just close with this. I do think it's unfortunate. We have an opportunity to move forward here. It may not be the be-all and end-all in terms of tackling gridlock in this province, but certainly it's another tool that would be helpful in our doing that.

I think it's regrettable that gridlock is apparently not important enough to the opposition parties to move for-

ward on this basis, but they'll have to live with their position. The consequences are on the record that we're here to make amendments to legislation in the public interest, and I think these are responsible amendments that have been put forward in good faith—in the same good faith, quite frankly, that this committee has shown in dealing with some of the opposition motions that in the past would not have been supported by the previous governments as opposition motions. We've shown good faith in dealing and working through some of those concerns. I think it's unfortunate that it hasn't been reciprocated in this particular circumstance.

The Chair: Mr. Ouellette.

Mr. Ouellette: I think it's unfortunate that only one side of the case was brought forward, that the losers of the court case were brought here and that the other side wasn't given the opportunity to make a presentation before the committee to show us why it would or would not be necessary.

The Chair: Mr. Bisson.

Mr. Bisson: The point has been made.

The Chair: Any further questions or comments on section 4 of schedule B? Seeing none, shall it carry? All those in favour? All those opposed? That's carried.

Section 5: All the motions have been withdrawn. Shall section 5, as scheduled, be carried? Any comments or questions? Seeing none, all those in favour? All those opposed? That's carried.

We're on to sections 1, 2 and 3 of Bill 169. Any comments or questions on section 1? Seeing none, all those in favour? All those opposed? That's carried.

Section 2: Any comments or questions? Shall it carry? That's carried.

Section 3: Any comments or questions? Seeing none, shall section 3 carry? That's carried.

Shall the title of the bill carry? That's carried.

Shall Bill 169, as amended, carry? That's carried.

Shall I report the bill, as amended, to the House? That's carried.

This concludes this committee's consideration of Bill 169. I'd like to thank all my colleagues on the committee for their work on the bill. The committee also thanks the committee in the ministry staff and the members of the public who contributed to the committee's work.

This committee now stands adjourned until the call of the Chair.

The committee adjourned at 1204.

CONTENTS

Wednesday 28 September 2005

Transportation Statute Law Amendment Act, 2005, Bill 169, *Mr. Takhar* / **Loi de 2005
modifiant des lois en ce qui concerne le transport, projet de loi 169, *M. Takhar*..... G-1121**

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