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## **Official Report of Debates (Hansard)**

**Wednesday 26 October 2005**

## **Journal des débats (Hansard)**

**Mercredi 26 octobre 2005**

**Standing committee on  
estimates**

Ministry of Transportation

**Comité permanent des  
budgets des dépenses**

Ministère des Transports

Chair: Cameron Jackson  
Clerk: Trevor Day

Président : Cameron Jackson  
Greffier : Trevor Day

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## LEGISLATIVE ASSEMBLY OF ONTARIO

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON  
ESTIMATESCOMITÉ PERMANENT DES  
BUDGETS DES DÉPENSES

Wednesday 26 October 2005

Mercredi 26 octobre 2005

*The committee met at 1532 in room 228.*

## MINISTRY OF TRANSPORTATION

**The Chair (Mr. Cameron Jackson):** I call to order the standing committee on estimates. We're welcoming the Honourable Harinder Takhar. We have about three hours and 30 minutes remaining to complete the estimates of the Ministry of Transportation. When we last left off, we had a brief period of time to allocate to the government. I would like to recognize Mr. Milloy.

**Mr. John Milloy (Kitchener Centre):** Minister, I'm going to do as so many other members in this committee have: go to my home community and talk about some of the transportation needs there in terms of infrastructure and capital.

Earlier this year, the community was pleased when an announcement was made that we're proceeding with Highway 8—Highway 8 being the main artery between the 401 and the heart of Kitchener, and then through other connecting roadways on up until Waterloo. That's the main thoroughfare. What we've been seeing in the last little while is increasing congestion on the highway, and certainly more and more frustration on the part of users trying to get out to the 401. I just thought I'd start with the good news side of the equation, and ask how you foresee the progress going on the expansion of Highway 8 and the details of what was announced.

**Hon. Harinder S. Takhar (Minister of Transportation):** Thank you very much for asking the question. I am sure you know that roughly 90,000 vehicles pass per day on Highway 8 between Fairway Road and King Street. The current accident ratio is about one per cent. The government is very dedicated to a strong and efficient transportation infrastructure to keep our economy growing, and that's why we are putting roughly about \$1.2 billion into the highway construction and refurbishment. As was said, in the past, another ministry completed the reconstruction of Highway 8 and the Conestoga Parkway interchange, at an investment of about \$29 million at that time.

The ministry is also completing the design and property acquisition for the next phase of construction dividing Highway 8 from four to eight lanes from Fergus Avenue south to just north of the Grand River. This project will be prioritized early in 2005, and when the province unveils its 10-year plan, I think then it will

become clear when we can do it. But we are absolutely committed to moving ahead with that.

Did you ask on Highway 7 as well?

**Mr. Milloy:** No. I wanted to move numerically, I guess, to the other side of the community, and that would be the east link artery between Waterloo region and Guelph, Highway 7. There are two major issues with Highway 7, and the first is congestion. Although it's a relatively short distance between the two communities through Kitchener, sort of my riding, and on into Guelph, at the same time the congestion has been quite overwhelming.

Perhaps the bigger concern has been the safety issue, because you've seen a number of really horrific stories of accidents and individuals losing their lives on that highway. I realize it's a major investment by the government, and at the same time there has been some work done on the environmental side. So again, if you can update us on where Highway 7 is in terms of the work that's been done and how you see it moving in the future.

**Hon. Mr. Takhar:** I am sure you are aware that we had some public consultations, and after public consultation we have recommended a new route for Highway 7 to address the capacity operations and some of the safety concerns that you have raised.

This is how the recommended route looks: It provides a new road, Highway 7, from Kitchener to Guelph. It will be a four-lane divided freeway. It's located on the north of existing Highway 7. The proposed route avoids sensitive wetland areas and will not cause any change in access for local business.

The six area municipalities have passed resolutions supporting this proposed route, and we have submitted the environmental assessment amendment for approval to the Ministry of the Environment for this. We are looking forward to that. I think the total project is about \$150 million in scope. Once the environmental assessment is done, then we will know when we can move ahead with that.

**Mr. Milloy:** I take it at the moment your list of requests is far away from any of the resources you have. How do you foresee some of the highway projects unfolding over the next few years in terms of funding priorities?

**Hon. Mr. Takhar:** I think I have said this before too. I think typical highway construction takes about 10 years from when we identify exactly what the project should

look like, do the environmental study, do the design work, and then move ahead with the construction of the project. But projects like Highways 7 and 8, it seems to me, are already moving ahead on our priority list. Once we know exactly how much funding is available, we will assign the priority to this. Based on what we have seen so far—the priorities, the accident and safety issues involving these projects—we need to move ahead with those.

**Mr. Milloy:** Thank you. I'm going to move off highways for a second. Perhaps not a parochial issue, but one that's near and dear to my heart, is bicycle safety. As you know, I put forward a private member's bill last November, Bill 129, which dealt with the issue of mandatory helmet safety on our highways. As you know, a highway, under the Highway Traffic Act, is any public roadway, so obviously not just major thoroughfares but also city streets, in a sense, or community streets.

**1540**

What my bill did was address a number of things. First of all, it would have had the effect of removing the regulation which now exists in the Highway Traffic Act—well, just to start at the beginning, several years ago the government passed a bill, another private member's bill, which made it mandatory for all cyclists to wear helmets. The government of the day passed a regulation which exempted those over the age of 18. My bill would have taken away from the government the right to make that sort of regulation and made it mandatory for everyone, including those over the age of 18, to wear a helmet. At the same time, it would have extended it to skateboarders and also to rollerbladers. This bill, like so many private members' bills, although it received support in the Legislature, unfortunately died with the prorogation of the House.

I guess I'm just asking you about your views on bicycle safety and helmets—again, obviously, I'm a very strong advocate of it—and how you see the ministry addressing some of these concerns.

**Hon. Mr. Takhar:** Let me start by saying that I really appreciate your efforts on this front, especially to promote public safety for everyone.

The bill that you introduced last session we support in principle. In fact, what I really want to do is encourage all Ontarians to wear a helmet when they are riding bikes, scooters or even when they're using inline skates. Currently, as you are aware, cyclists under the age of 18 are required to wear a bicycle helmet when cycling on a public road, and parents are responsible for ensuring that children under 16 wear a helmet when cycling. This legislation came into effect October 1, 1995.

Whether wearing a helmet works: I think there's overwhelming research that indicates that it does. A 1989 study conducted by the Harvard Medical Center, frequently cited by helmet advocates, found that when you wear a helmet, it decreases the risk by about 85% for a head injury and 88% for a brain injury. Like many pieces of legislation, Bill 129, as it was introduced last session, would definitely benefit from some of the amendments.

In principle, we are in support of the bill that you introduced because it promotes safety, and anything to do with safety we want to support. I think maybe there are some issues with the wording of the bill, but we will work with you to change it so that it doesn't create confusion. We will move ahead and try to work with you to make this bill more workable.

**Mr. Milloy:** Thank you. Do I have—

**The Chair:** You've got about a minute.

**Mr. Milloy:** Do you want to pick up, Phil, or should we just—

**Mr. Phil McNeely (Ottawa–Orléans):** It may be our last opportunity. Would you clarify how much time we have before 6?

**The Chair:** If you need a little more time, you go ahead and take it, but I'm working on finishing today by 6.

**Mr. McNeely:** If I could just have three minutes, that would be fine.

**The Chair:** Please feel free.

**Mr. McNeely:** Minister, one of the issues that's going to be fairly huge for my riding of Ottawa–Orléans—it's been under discussion since probably the 1970s—is a bridge between Quebec and Ontario. The present makeup of the study team is basically coming out of NCC, and we're not hearing very much. NCC doesn't normally have an open-door policy to getting information out, and Mr. Baudry hasn't approached me or the people of Orléans about this. It's critical to us, because we have the problems of the split, as I've brought up with you before. We have 100,000 people, and most of our jobs are to the west. So this bridge, no matter where it goes—whether it goes at the Kettle Island location, which is Aviation Parkway, and the rate comes on at the split; whether it goes to McLaurin Bay, which is just in the greenbelt halfway to Jeanne d'Arc; or whether it goes below the beach at Petrie Island—is going to create a lot of problems for the people of Orléans, and it's going to be a big issue for me to deal with. Presently, I think it's being driven by the NCC, with the chair of the federal caucus. I am just concerned. Committees are being set up; I don't know what stage they're at. There's a steering committee, an administrative committee, a technical committee and a community committee, and I don't know what stage those are at.

I would just ask you or your staff today—I know it's early—to tell me, as the member for Ottawa–Orléans, so I can tell the 100,000 people in Orléans, what kind of interaction there will be with our community in the initial stages when these committees are being set up. I think it's fundamental, if we're going to be the most impacted—and we will—that proper information and dialogue is set up with our community. How will this be organized? It's just in the early stages—it may be too early to answer that—but I would like it in the record today. If the response has to come in two or three months, that's fine.

**Hon. Mr. Takhar:** Let me just start by saying that we absolutely support the environmental assessment study

for this project. That's why we have provided \$1 million, along with other funding partners like the government of Quebec and the NCC. But the NCC is really the one that is coordinating this project.

Let me tell you the information that I have. On September 29, the NCC posted the request for pre-qualification for the study. That's the information we have. So they are moving ahead with this.

I hear your concerns about what the committee structure is and how that will work. I will ask staff to work with the NCC to get that information for you and pass it on to you as soon as it's available. But from our point of view, we want to make sure that the environmental study is completed and there is good infrastructure available for us to move ahead with this project in the Ottawa area.

**Mr. McNeely:** I understand the environmental assessment process. I've been through many projects on this. I just don't know what stage it's at now. I have a commitment, then, from the ministry and staff that there will be consultation early on, at the stage the committees are being set up, with the community of Orléans?

**Hon. Mr. Takhar:** I think what I'm saying is that the stage the project is at is that the request for qualification has been asked for by the NCC. The NCC is basically the coordinator for this project, so I will ask the ministry to work with the NCC to get the information when the committees have to be organized so that we can keep you informed on this.

**Mr. McNeely:** Thank you very much. That's what I wanted.

**The Chair:** I would now like to recognize Mr. O'Toole for the next 30 minutes.

**Mr. John O'Toole (Durham):** Thank you, Minister. It's a pleasure to be here. I understand that this is estimates, which is a review of ministry spending. Certainly there are questions on the paper that you're responding to, but on the bill before the Legislature, which will be debated tonight on third reading, Bill 169, you understand that that bill was initially introduced when we were government so there is much of the bill that we agree with.

There are a couple of sections on the record officially that we have some difficulty with. One is the taxi and airport limousine issue. We will not be able to support the bill unless we go into committee of the whole and/or you indicate a willingness to set that section aside, with the hope that it's dealt with under the Municipal Act. That's our official position. As the critic, I'm telling you that. We are prepared to work with you on that. I want that to be a signal as well.

The other part that we're having some difficulty with—we'll have to trust that the independent audit is done with the driver training component of Bill 169. The long-standing struggle—conflict, if you will—with the Ontario Safety League—I know they're out of the equation now, but the Driving School Association of Ontario needs to be consulted. I have evidence here that I'd like to submit that the ministry was closely engaged in the operational part of ensuring high-quality training

and that results were being achieved. That memo is dated November 27, 2001. It's to the director of licensing from the Ontario Safety League. Basically, they were just taking their information and cancelling the licence for those many driving schools that are small businesses, as the gateway to proper education. The record states very clearly that in many cases the certificates that qualify them for insurance reductions are just basically being given away.

You might disagree. I understand. They're \$4.25 each to get some. I just want that on the record. It will be a thing we'll be pointing to. We're looking for results. Safety on our roads is extremely important.

**1550**

The second item I want to speak about for a moment, and some of this will surface as questions, is I'm really quite pleased to have the privilege of being the critic—not of you personally; it has nothing to do with that—on transportation. It's so important to our economy and to our standard of living. I think we all agree about the importance of transportation.

I've been holding discussions around the province. I was flattered to be picked up five times in the past two weeks on these consultations on gridlock. I received the editorial of the week in a widely circulated paper, which highlights—independently of me, this is the editor of the Metroland newspapers saying that the long-term goal of bringing GO Transit to Bowmanville will help ease traffic on the 401. "The stress on Hwy. 401 can also be relieved to a great extent by putting a push on" the 407 extension east "all the way to Hwy. 35-115. This means that 401-407 links are required at Lakeridge and Courtice roads"—I call it Hancock Road—and also an increase to the width of the 401 east to Oshawa. "Mr. O'Toole's committee will take these suggestions and others to Queen's Park. Let's hope the Minister of Transport and the Premier are listening." There you have it from the editor. It's not from me; I didn't write this. It's extremely important.

I appeared this week, minister, before the mayor and council of Scugog, as well as the mayor and council of Clarington, and asked them the same questions. I'm going to do that at as many councils as I can: solicit from them real, grassroots input. These people are the people who really work hard to make sure our economy in Ontario and their local communities fit together and work.

It's in that context that I put before you a correspondence from October 19 from Durham region council, and to you personally. It's a resolution on the record of October 19, of which you're well-copied, so it's independent. It's Roger Anderson, who's pretty much aware of Ontario in his role as the chair of the region of Durham, as well as AMO. I'll just read the concluding remark:

"Whereas the continual delays in ... the EA and the construction of the Highway 407 east extension continue to:

"Present barriers to achieving many of the region's growth objectives and planned development, especially

the development of essential employment lands and job opportunities dependent on the implementation of Highway 407 ... through Durham;...

“Now therefore be it resolved ... that the continual delay in the implementation of the Highway 407 east expansion and the north-south freeway links in Durham is of significant concern, given the implications on growth in the region; and

“That the Highway 407 east extension through Durham be expedited, without further delays, including the completion of the ongoing environmental assessment, detailed design and construction, with all necessary funding earmarked at an early stage.”

Therefore, copies have been sent to you.

All I’m saying is that I was on council in the early 1990s. This thing had a preliminary design, a preliminary EA that never really went through the whole process. Mr. Lumley in the ministry at that time was the head of that project. I participated and had some strong views on it. That’s almost 15 years ago. They say here that you’ve changed the terms of reference for the EA to be completed from 2003 to 2004, then it was changed from 2004 to 2006, and now the expected completion of the EA is 2008. This just simply is not acceptable.

In a contrite manner, I would say, respectfully—I know I don’t have the eloquence and thump that Hazel McCallion has—let’s listen to Durham for a change. We have one artery serving 518,000 people; one road, the 401. If it’s choked, the economy of Durham is choked. I’ve got to dramatize the real-life situations. It’s supported by each of the councils. I asked them for their top priority. Mayor Marilyn Pearce, top priority: 407 completion. They understand there would be troubles with flooding at the terminus point, wherever that happens to be—Lakeridge or somewhere. The mayor of Clarington, John Mutton, the same: the top priority was 407 completion. The regional chair, Roger Anderson, and the subordinate mayors of the region: there it is, if I could rant on here about the 407 east.

I’d be happy to lend you my work boots to get on with the job. I’m not sure; mine might be a little small for you, Minister. I could never fill your shoes, they’re that big.

Anyway, I don’t want to trivialize it. There it is. It’s not me saying it. We certainly do want to work with you, and I know the region is anxious, because they are looking for 401 interchange improvements and enhancements. There is work going on at Stevenson Road—good. Keep it going.

I know your officials have met with Mayor Mutton on issues with respect to the link on 407. I would give you here a bit of my own friendly, rural-type advice: Look at Holt Road. Look in that vicinity. That’s probably the best option. It’s where the transmission link from the Darlington plant is. It’s also going to be the link for the largest port in all the GTA. When the St. Marys Cement plant is exhausted, that will be the largest harbour. That’s where the container ships will be coming in to feed this economy that we’re talking of, of six to 10 million people. That’s where it’s going to be. That’s where you

need the link to end, right there. I’m telling you, whether we were government or not, I’ve lived there and been involved for 15 years.

The other thing is that there will be a nuclear plant, I believe, at Darlington. I hope it’s a Candu 6. I know there’s a big trip planned for China. I guess Dalton and Dwight are going. I hope they cut back on the dinners. It’ll certainly be some kind of expense cheque there, and we’ll get those FOIed, for sure.

So those I leave with you. I look for a response. All I’m saying here in terms of the question is, where is it on your capital priority? Quit spending money needlessly on the lawyers. Mr. Bisson did a very good job of asking for the legal and associated expenses. You know I have that question on the order paper. You made a promise—you didn’t make it, and I give you credit; at least, you didn’t have your name on it. You’re part of cabinet, so it’s part of a team sport. I understand that. But you know, that’s just wasting money. That’s to reduce volumes. You can increase the rates, reduce the volumes. But we do want the answer on the 407 and the links.

What I’d say is that a good monthly review would be a good leadership function for you to take on in terms of openness, transparency and accountability. These are the words you use. I don’t see any of it.

Talking about openness and accountability, now we’re getting into the not-so-pleasant function. I am the critic, so don’t take this personally. There are a couple of things here that I think are very public safety issues. One of them is not that big a deal, I suppose. It’s an article I happened to pick up in the Toronto Star dated October 17 with respect to the legal loopholes that U-Haul is using in returning unsafe vehicles, by their standard, to the roads. You are, I’m sure, with all of the people you have on your staff—this is only part of them; I understand that. But even your political staff scan this. This is a huge issue. What they’re saying here is that this constitutes a loophole that you can walk—you are in charge. You’ve got the golden pen to sign these things. I expect a response to that. This is a legal and public safety issue, and you’re in charge. I expect it will be solved probably after the weekend sometime.

I’m not being trivial. I’m putting it on the record, because if there’s nothing done and I see a U-Haul rammed into the side of a family car, that will be a different issue then. It’ll be in question period. You’d have to get that briefing book out.

There are a couple of things on a less pleasant side that I have to bring to your attention. There are long-sought-after, reasonable questions under an FOI request. The first one is FOI PPS-05-115. You’re probably familiar with it. You may have it with you. Do you want to check anything on that? And the other one is CSD-05-126.

The first one is dealing with your schedule. Now, you know there have been some shadows with respect to the outstanding career you had at Chalmers—and it was. By any measure, I think you were more successful before you were elected, technically. I think you’re doing a great

job. It's two years; who knows? On that, quite honestly, what's taken so long here? This is what I call—it verges on cover-up. It does, because it's all part of the integrity, openness, accountability, transparency, all of these classic words.

**Hon. Mr. Takhar:** Let me answer it.

1600

**Mr. O'Toole:** You've got the answer for both those? They've been on the books for almost a year. You've got the answer today on the cellphone calls back to the office, or whatever?

**Hon. Mr. Takhar:** Let me answer the question.

**Mr. O'Toole:** Good.

**Hon. Mr. Takhar:** When you're ready.

**Mr. O'Toole:** OK, I'll let you answer that here shortly, because I'm kind of nervous, actually, about getting these on the record accurately.

It appears to me that we have paid an extraordinary amount using taxpayers' money—we just reuse tax money. We don't actually build cars or suspension systems or anything else to create money; we just try to add value.

The delays on the cellphone bill are quite puzzling. On June 15, we asked for it. They came back and said it was going to cost us \$660. I get my own cellphone bills every month. I sign off on them. I know basically what's going on. Have you got them with you? They're delaying this thing. They've actually extended it 21 days—that was until August 30; now there's nothing on that one. That one is troubling; I would say probably more troubling than some. Your schedule is also something I want on the record.

These are integrity issues. It's not questioning the personal; it's when a government runs on this openness and accountable and transparent—it's almost like talking to David Dingwall. It's like trying to catch a spider or something; you're almost caught up in your own web there. That's what we're holding you to, to the standards you set.

We're not talking about Mr. Sorbara here, we're not talking about Dwight Duncan, and we're not impugning any motives with you. Release the information and it will just go away, unless, of course, there are culpable kinds of information that surface in that review.

I won't bring up the literature that you had as part of your campaign—which was appropriate. You were a very, very well-respected and recognized CEO of a very successful group. You were the 2001 recipient of the New Pioneers entrepreneur of the year award. I say these things complementarily. You are to be commended, and that company which you were a head of is to be commended. I just expect you to bring the same discipline to the ministry. It's a very complex and important ministry.

I'd see a very bright future if you'd just break with the Dalton tradition of not answering the questions. That question is out there. I'm not linking this thing to the \$200,000 fundraiser, but when you link all the pieces together, the picture of the puzzle—individually, the pieces mean nothing; collectively, it's the Mona Lisa, it's the big picture.

There are three little things that I think you could ease the tension, the log-jam, on the freedom of information request, which is an appropriate method of trying to hold accountable and all that. We did it, and certainly the Chair of estimates has been subject to that and did the honourable thing. He stepped aside. We're not calling for that here today, yet, but there are a few things that are on the horizon, one of which is Bill 169.

I'd be happy to say right here publicly that if you withdrew that section on the taxi scooper thing, I won't mention the fundraiser one more time. But if not, it may become even more problematic. It's not a threat. Information has a way of working to your advantage and to your disadvantage. Your advantage is to pull that section from the bill in the House tomorrow. Just stand up. It's going to take a lot of nerve and the confidence that you're doing the right thing.

I think your theme was called "Time for a Change," or whatever. I'm looking at your brochure here, which is actually quite a good one. You might get a copy of it. "Choose Change." We would like you to change the way it works. There are two FOI requests that are being stalled; there's the whole taxi issue, which is kind of aside from that a bit. Just stand up tomorrow: "On a point of order, Mr. Speaker: Do you mind if I amend Bill 169 by withdrawing that section?" I'll actually stand and applaud as the critic. John Tory is a marvellous leader. I'm sure I could convince him—well, probably I'd do what he said, but I can convince him to support Bill 169. There you are in a public forum, admitting that to be the case.

I've brought up most of the issues and I'm going to give the minister a couple of minutes. I'd like most of the time—

**The Chair:** Mr. O'Toole, I'm just advising you that you have about 14 minutes left. If you wish to have the minister respond, I wanted to give you fair notice.

**Mr. O'Toole:** Yes, I would just say that that's appropriate. Again, I have a couple of very specific questions. I'd like to file these questions, then I get it in writing. Reading Hansard is hard. You know what I mean? You have to dig out the information. But when you ask specifically—for instance, one of them that's been asked to me in my gridlock meetings is, "With the investment of the gas tax and the other capital investment improvements for public transit, what is the minister's stated goal in policy for the increase in ridership?" It's fine to spend money, but what am I getting for the taxpayers' money? Because whatever you call those—tolls, fees, tickets for transit—it's all taxes. It's just different names. It's like electricity. We're going to be paying double. That's taxes. They say, "Well, you subsidized it." Well, you know, the economy was still operating. Now it's almost crippled. But that is one question very specifically. I'm sure you have experts here who could just sort of say, "We're going to increase ridership by 15%."

I can give you one good idea: Bill 137, the transit tax credit. There's evidence. I have evidence. I have stated evidence from the Canadian Urban Transit Association.

It says increase ridership by 20% by giving people a smart card—get rid of the administrative burden of all those receipts; I understand that—and increase ridership, actually at very little cost to the government. The lost revenue? Very small. It could be implemented over five years, 50% over five years—small, incremental. Ridership goes up, use of highways goes down, maintenance costs go down. So there's actually a payback.

The other question is, we agree with the high-occupancy vehicle lanes. On the high-occupancy, how many new and additional lanes are you actually going to build, or is this just sort of a diversion that we're actually doing something? It's like Michael Bryant announcing they're going to have more cops. There will be nothing happening. It's disheartening. After being here almost 11 years—it seems like 20—it is discouraging.

There's a couple of very simple, straightforward questions.

Now, on your estimates book itself—and I had the privilege to have read it—on the administrative things, the estimates in 2005-06 are up 30% from the previous year. That's page 22 of your book. The briefing book states that this is due to the reallocation of internal functions. Nice turn of phrase there. What services are now under business support that were accounted for elsewhere in previous years? I think that over the next while, most of the auditor's questions—we'll be feeding the auditor questions after he gets finished with MPAC.

Policy and planning on page 30: a reduction of \$4.7 million to policy and planning. This \$4.7 million could help to complete 407 more expeditiously. It's being attributed to an in-year reduction measure and a transfer of funds from operating to capital. That's almost illegal in accounting terms, moving between operation and capital funding.

Page 37: urban and regional transportation, operating. GO Transit operating subsidies are increasing by \$2.2 million. That's 5%. At the same time, the municipal tax allocation is being increased in 2005-06 by one cent per litre and 1.5 cents per litre. However, the increases recorded in the 2005-06 estimates do not appear to align with these amounts. There's a bit of a question, and we had to ask that question. The 2004-05 allocation was \$78 million, which means that a 50% increase would be equivalent to approximately \$39 million. So the numbers don't add up here. However, the budget for the municipal gas tax allocation is being increased by \$117 million. So you can see on that section that there needs to be a written answer here so that we can ask questions in the Legislature on this. This is just too important to use here, because it ends up in Hansard and probably ignored from the end of time.

The other thing is this whole issue of increasing the number of on-road inspectors. This is the safety inspection issue that is here as well. Where the heck is it? It's one of my key issues. Page 48: While the overall operating budget for the road safety program is being decreased, there's an additional \$4 million being invested in the transformation of the carrier safety and enforce-

ment program. What does this transformation entail? What value are motorists getting for the \$4 million? You know, we're reducing road safety, and certainly you'd be very familiar with that. There are these large and oversized load issues, which Chalmers company was very heavily involved in, in consultations, actually.

**1610**

Page 57, provincial highways management: The budget for operation and maintaining the provincial highways management program has only increased slightly. The increase is driven by a \$7.3-million jump in the services budget. What additional services are being provided for the \$7.3 million?

I'm going to stop there. But the last one, and this probably sums it up: If you look at the integration of all the transit—I mean fixed transit, meaning roadways—the big bottleneck, of course, is at the borders. Eighty per cent of our product actually has to go over a border somewhere, and most of it's in Windsor. What are we doing, and when are we doing any improvements there? I know there's a commitment for the gateway investment of \$17 million, but it's kind of a messed-up thing, with three jurisdictions there—municipal, provincial and federal. With the seven minutes you have left, maybe you could answer, or respond.

Thank you, Minister, for allowing me to rant on.

**Hon. Mr. Takhar:** Thanks for the speech that my critic made there, mostly a political speech, at any rate, with very little substance in it. But let me just start by saying that he said he supports most of the things in Bill 169, and I agree with him. I think the bill makes our roads safer. It will increase the fines for people who speed, and there are a lot of other good things in this bill.

Let me just talk especially about the issues that he raised with regard to taxi scoopers, and also about beginner driver's education. I don't know how somebody can sit and say to me that I should let illegal activity continue. Maybe you did it for nine years, but I'm not going to do that. It's about scooping, which means the people who don't have a licence shouldn't be able to pick up passengers from the people who have valid taxi licences. What you're really telling me is, "Let it continue. It's an illegal activity, but let it continue. It's OK in this province." It's not OK in this province. Maybe it was OK when you were in power, but it's not OK now. It's an illegal activity, it must stop, and we are going to stop it. We are not only going to—

**Mr. O'Toole:** But David Miller disagrees with you.

**The Chair:** Mr. O'Toole, please.

**Hon. Mr. Takhar:** Let me answer the question. We are going to make this activity illegal. Scoopers who pick up passengers illegally anywhere in this province, whether it's the airport or Toronto or Ottawa or Niagara Falls, will be illegal. Not only will it be illegal, but anybody who arranges for scooping—that will also become illegal in this province. There's no way we're going to separate this bill. This bill is going ahead as it is because illegal activity needs to stop in this province. We are not going to back off from stopping illegal activities in this province.

Let me say about the beginner driver's licences that the proposed legislation will strengthen our oversight of driving schools by ensuring clear, enforceable standards. We are going to formally sanction processes to deal with non-compliant schools. That's what we're going to do. We will make the tools available for more effective auditing of parties within schools. I have done more consultations to make sure that we have good driving schools providing a good education so that the safety of our roads is maintained. Maybe those issues were left undone before, but they're not going to be left undone now. They're going to be done. It's the same thing as with the taxi scooping: Illegal activity in this province is going to stop.

I am just going to go in the same order that you asked the questions. On the 407 extension, we are absolutely committed to moving ahead with the Durham 407. I have met with the municipal partners on that front as well. This is a complex project. It's not an easy project. If it was an easy project, I wish you would have done it before. The environmental assessment would have been done, complete, so we could have moved ahead with construction. Everybody knows that in order to do a project, it takes 10 years, which means an environmental assessment, design work, moving ahead with the construction of the project. If this project was that important, the previous government should have finished the environmental assessment for it. But we are going to do that, and we're going to complete that as well. But I'm telling you that this is a complex project and we are going to move ahead with it in a reasonable fashion.

Durham is as important to us as Mississauga, Brampton or any other community in this province. This is all about the economic development of this province, and we are going to move in a reasonable, planned way to do all that.

You talked about the U-Haul public safety issue as well. We are the only province which has actually moved ahead with this, took some actions, in fact. This is not an issue that just emerged; this issue has been outstanding in this province for a very long time. Tell me one thing that you did. Anything that I did is 100% more than what the previous government ever did on this front—anything you've done. What we did is, as soon as I found out about this issue, we moved ahead and ordered the inspection in this province. I wanted to find out if this issue was just for one company or was industry-wide, so we inspected the trucks. We found out a few of the other companies were doing this too. So we worked with them, and we basically brought them to the standard. We're going to work with this company as well, inspect the maintenance standard and bring them to the standard. We are closing all the loopholes. I don't know which loophole you are talking about, but they are registered in Arizona, so I have talked to the ministry of transportation in Arizona. We told them that if replacement plates are required, they should check with us first and there will be flags put on that as well. We have done more than anybody has ever done, or any province has done, in this regard.

You talked about the increase in ridership. We have very clear targets for increasing ridership in this province. But the ridership can't be the same for every municipality. It depends upon what level they have been—how many buses they have, how long they have been in existence. So different targets have been established for different municipalities to make sure that the ridership in fact is tied to the gas taxes. They are a clear target. We have a clear target for GO Transit. It was 1%. We exceeded that target. The same thing with the TTC: They have a clear target, and they are exceeding that target. Every municipality is almost exceeding their target. Tell me one thing that the previous government did to increase ridership in this province. Tell me one thing that you did. In fact, what you did is reduce the payments that you were making to the transit systems.

Then you talked about some of the issues about the cellphone and the openness, accountability. It's a laugh almost, really, you talking about openness and accountability. You will get all the information about cellphones, you will get all the information about schedules, and there is nothing you're ever going to find. I am proud of my record before joining the public service. I am proud of my record after joining the public service. I have written notes from you telling me that my ministry is performing A+ service in customer service. We have moved ahead in almost every area. In transit, in the construction of highways, in promoting safety, we have progressed in every area. I don't know how you even have the guts to raise those issues here.

For the other areas I'm going to ask my comptroller to talk about the numbers that you have raised. In terms of GO Transit, for the first time ever in this province a minister sat with the board of GO Transit, actually sat with them and gave them very clear guidelines about what the expectations were. And GO Transit is exceeding all those expectations. It was news to them—the minister never, ever even sat with the GO Transit board.

The on-road inspectors: This is our plan. At the end of the day, the objective here is this: to make sure that our roads are safer. There is never one plan that makes roads safer. We need to look at what works and what doesn't work. What we are doing is, we are saying that we need to look at: Is it more effective to do inspections on-road, or is it more effective to do inspections on the front-end side? We are going to start doing some audits before the trucks even go on the roads. To me, and to all staff, it makes sense that if we can go to the sites and do the inspection of all trucks on-site, we can actually take those trucks off the road or take the plates off if they are not meeting safety standards. There is no idea of getting them on the roads and then doing the inspection standards. That's why the transformation project is there.

#### 1620

So whatever makes sense, based on the research that is available out there, that's what we're going to do. At the end of the day, the objective is to improve safety. I am proud of the safety record that we have. We are one of the best in North America. So I don't know where you're

coming from, unless you just want to make political statements for the sake of making political statements. You want to get on the record; that's fine. But just making accusations makes no sense. I think that's where the integrity comes in. You say what is right, but don't just keep on saying it for the sake of saying it.

*Interjection.*

**Hon. Mr. Takhar:** So are you.

**The Chair:** Mr. O'Toole, you have some additional time. Please proceed.

**Mr. O'Toole:** I will take that as somewhat of a scolding. We have different jobs. If you were here—

**Hon. Mr. Takhar:** Different jobs—but that's where integrity comes in.

**Mr. O'Toole:** Well, integrity—it's difficult for me to ask these difficult questions, because—

**Mr. Tim Hudak (Erie–Lincoln):** Who's under investigation with the Integrity Commissioner, by the way? Are you still under investigation by the Integrity Commissioner, Minister?

**Hon. Mr. Takhar:** I offered that myself.

**Mr. Hudak:** You're making accusations—

**Hon. Mr. Takhar:** I offered that myself.

**Mr. Hudak:** You're still under investigation—

**Hon. Mr. Takhar:** You ask me a question, then I will answer the question.

**The Chair:** Mr. Minister, would you like a few minutes to compose yourself?

**Hon. Mr. Takhar:** I'm composed.

**The Chair:** Would you like a few moments to compose yourself, sir?

**Hon. Mr. Takhar:** I'm fine.

**The Chair:** Would you?

**Hon. Mr. Takhar:** No, I'm fine.

**The Chair:** Thank you.

Go through the Chair.

*Interjection.*

**The Chair:** No. I recognize Mr. O'Toole.

**Mr. O'Toole:** Yes, OK. We'll just keep it at that level.

In a perfectly ideal world, I would just walk away and be quite content that there's some way of actually measuring these increases. Whether it's on drivers' licences or road inspections or increased ridership in transit, they're all laudable goals and I commend you for setting them and, indeed, publishing them. I expect to read them in Hansard.

What it comes down to is, it's much like the suggestions being made with the driving school lack of accountability. And it's the same thing with ridership in transit. I challenge members today to ensure that there's some method of accountability there. They give you numbers and I'm sure they look at numbers. I've been on council long enough to know, whether it's library circulation or whatever it is, that the numbers usually justify what it is they're trying to justify. I don't accuse anyone. They make sure the numbers fit the equation.

I'm happy to say that the response you gave here today, in all honesty, unedited, will be sent word-for-

word to the regional council, because it is—outside of all the politics, this thing has been studied to death. I believe that some of this consulting and all the stuff that goes on here is just a stall mechanism. I don't blame you. You can't possibly do everything from run the ministry to drive the truck—or drive the process, for that matter. But it is a stall mechanism. Until you resolve the 407 toll issue, you're not going to make a commitment. I see it a little more through somewhat shaded glasses about further contracts until you've resolved the current dilemma—an election promise, which I think, by the way, was reckless and irresponsible and one which you didn't make.

You're actually wasting public taxpayers' money in court for a reason that, to me—you've made up the problem. What I'm saying to you is that, if I'm suspicious, it is part of my job. But I believe the 407 is important to the economy of Durham. I represent the Durham riding and, as such, I'm putting on the record what they think is the number one issue. I've told you I was on the committee at the local and regional level as early as the early 1990s. This thing has been talked to death, studied to death. I can almost draw the line for you myself.

I haven't got an answer on the connecting link on Lakeridge. I've been in meetings with deputy ministers when we were government. I know the difficulties around Hancock Road and the corridor links, and I'm saying publicly things that, to me, are helpful, because wherever you build it you're going to upset somebody, on one side of the road or the other; it doesn't matter. I don't want it to go much north of Winchester Road. There's the issue of the golf course and the present dairy farm. There are huge land acquisition issues with the Simcoe Street interchange. I'm quite aware of almost every property acquisition and heritage building.

I do this with a great deal of commitment and passion, and it's nothing opposed to you. I know it's been there longer than you have, and when the cat is out—do you understand? I think the ministry people have their own bosses and it's sometimes to do with the contract with 407 and who owns the land and who has the money tied up and who is going to buy the link. They've bought half the land already.

I'll ask another question, for the record. I want a list of all the properties that have already been purchased on the technically preferred route and the EA study areas. The reason I say that, Minister, is that there will be pockets of land throughout all our ridings that are in public ownership that we guess it's going there. There are certain environmentally sensitive areas that need to be addressed, but that's just one area. To some extent, I'm doing the same as you: just kind of reacting to your anxiety level.

**Hon. Mr. Takhar:** Can I just answer that? I want to be on the record to say that the 407 extension is very important to us, but we have to go through the due process to make sure of where this highway should go. I, for one, will agree with you. I think there have been delays in this project. Most probably the EA should have

been a long time ago and we should have moved ahead with the construction. But I want to assure you of this: The 407 dispute has nothing to do with this. The 407 dispute is a separate issue. We feel there are 93 years left in this contract and, basically, whether you agree with this or not, it's a long-term contract which has not been in the best interests of the drivers who take this highway. So we needed to take a stand on that and negotiate or renegotiate or at least try to get the best we could get out of the 407. Everybody knows that 99 years is not a good lease. We didn't get a good price. If you read the books that are done on the 407, they basically say that the difference between a 35-year price and a 99-year price is maybe \$100 million or \$200 million. But for \$100 million or \$200 million we give them 69 years. It doesn't make any sense.

I'm saying that this 407 east extension is in no way being held up because of the 407 dispute, and that will never happen. We will be more than pleased to give you whatever properties were purchased based on the original guidelines for the 407 east extension; that's not a problem. But from my point of view, Durham is a priority for us. We want to make sure that Durham's economy doesn't suffer because the highways are not extended. So we are moving ahead as quickly as possible. I have even spoken to the Minister of the Environment, that we need to come up with a different, speedy process so that some of these issues can be addressed.

**Mr. O'Toole:** I commend you for that response, Minister. It's the tone, that these things, whether in question period or review of ministry in estimates or public accounts, should happen in that forum. There are times when we're looking for content.

One of the other things I do, and this needs to be public: When persons lose their licence for medical reasons—I know this has come up before—I write quite a few letters, probably a few a month, to you on the medical review process, prioritizing them, doctors' letters, the reviews and the hearing times. This usually affects in my riding—and I think I said it last time; I'm repeating myself. For instance, for someone living north of Port Perry, there's no transit; they're in the boonies. Pardon my language. If their spouse has a stroke or something and they have to go to the Oshawa hospital or Sunnybrook, they're finished; they're completely finished.

If you look at it, urban areas could be treated differently than rural areas. If there's no public means of getting there outside of your child, who might live in Calgary—in the case I'm speaking of now, that is the case; their only child lives in another province. Community care can't help them. That's an issue that I think needs to be looked at in respect to what options the citizens of Ontario have in certain areas.

I'm in Toronto; I have other options. If I'm in Seagrave, I don't have any other options; I need to get this licence back. If indeed my doctor has sent a letter to say that it's OK, what's this review panel doing? A doctor can write the letter and your licence is gone. Try

to get it back. Do you understand? That's the whole deal. I know Mr. Kular is a doctor, so he has probably done a few of these things. It's quite problematic to get it back. When a doctor has said, "Take it away," it's done; when they say, "Give it back," the process kicks in.

1630

**Hon. Mr. Takhar:** You want me to answer this question?

**The Chair:** Yes.

**Hon. Mr. Takhar:** We had a discussion on this topic yesterday and last week. I am prepared to ask my staff to answer this question, but what I undertook to do yesterday was that I said we would look at the process. If we thought any changes needed to be made, we would make them. We understand the inconvenience it sometimes causes if the licence is cancelled for non-legitimate reasons, although we feel that it's the doctor's or dentist's responsibility to make sure that they use proper judgment before they recommend that a licence should be cancelled. But if you need more information, the staff is here. They're more than prepared to give you that information.

**Mr. O'Toole:** I guess in each case I do write a letter. I'm sure it gets looked at; it doesn't get treated differently. I appreciate that response as well.

I also want to put on the record that after meeting with the mayor of Clarington, John Mutton, I know that they are meeting with ministry people; they are looking at future interchange improvements. One of them would be one I use every single day as I drive back and forth: Waverley Road and the 401. Don't do it for me; do it for all the other constituents who use it, along with me, even if I'm going to pick up the GO Transit in Oshawa.

With that, I would ask some of my colleagues if they have any further questions.

**Hon. Mr. Takhar:** Some of your questions are outstanding—

**The Chair:** Minister, could you just wait until I get the microphone on. You're going to defer to Mr. Bartucci?

**Hon. Mr. Takhar:** No. Actually, I'm going to defer to the comptroller here, Steve.

**The Chair:** I'd rather listen to Ernie, to be honest with you. Please proceed.

**Mr. Steve Naylor:** Mr. O'Toole, you've raised several questions in regard to our estimates. I greatly appreciate the interest you took in our estimates. It takes us a long time to prepare them. You did pick out several interesting components, so I do appreciate your taking time to read them.

On page 19, you referred to a change in the corporate services division ministry administration program. Last year, in 2003-04, the government made a decision to bring together all our human resources functions. The Ministry of Transportation at that time had a number of HR people who were in our provincial highways management program. As you are probably aware from your time in government, during different years there are quite often movements of funds and different types of pro-

grams between the different votes and items. What we've done in this item is to show that we've moved approximately 45 people who were in the provincial highways management function over into the corporate services division or business support program. That constitutes a significant portion of the increase in the expenditures. This was done purely at the direction of the Ministry of Government Services, and we're just complying with their requirements to consolidate into one position. I trust that answers the question on page 19.

Moving then to the GO Transit question that you raised, as the minister has talked about, we're trying to develop an extensive transit culture in the ministry. Over the last number of years, we have put into our estimates an extensive amount of money to expand GO Transit, and the minister has worked with the board to ensure that they work efficiently and effectively, and make the best use of taxpayers' dollars.

As you expand the network and increase the number of trains and everything else, even if you maintain the same recovery ratio of 85%, the costs are going to go up. As we bring on new lines and new facilities, it takes a while before they hit that cost recovery ratio. The ministry shows in its appropriation requirements and in its estimates a commitment to fund those needs and help GO Transit meet them, and make sure that as many people as possible have transit opportunities.

Last year, the expansion amount in our public accounts was about \$80 million. That additional \$2-million subsidy helps to make sure that we can deliver on that item.

Moving to the gas tax, when the gas tax announcement was made in the budget, it was set up on an October 1 to September 30 year end. Obviously it doesn't quite reconcile, because we move the half-cent every October 1; so it doesn't reconcile with our fiscal year. On that item, I would suggest that we would provide the committee a detailed report showing how we meet the government's commitment of the half-cent adjustment each year and how it ties in to the estimates at a later date, if that's OK.

**Mr. O'Toole:** Sure. That's perfect.

**Mr. Naylor:** On road user safety—bear with me for a minute; I've got to change pages—I'm not 100% sure I understand your question. I think the minister has addressed the one on the \$4-million adjustment for the carrier enforcement program. I think the question that was left outstanding for me was to deal with the change in expenditures. Is that correct?

**Mr. O'Toole:** Yes, that's the question that I had presented.

**Mr. Taylor:** Mr. O'Toole, in 2003-04, the Ministry of Transportation transferred the driver examination services function from the Ministry of Transportation to a private sector provider. In the 2003-04 actuals, there are two components that increase the cost structures significantly over a "normal" year. Those two components were that we had full salary and wages for the driver examiners in our appropriations, as well as all the costs of the different types of activities they have to do—travel, uni-

forms etc. Also, when we did the transfer, there was a requirement to pay enhanced severances and legislated severances. Those two components basically comprise the majority of the increased year-over-year budget.

If you went back and you were to look at our public accounts information for the fiscal year 2002-03, you'd see that on road user safety we spent about \$149 million, but when you look at that and compare that to the current year's estimates of \$160 million, you'll see that the spending actually increased on that program item.

Then moving to PHM, provincial highways management—my apologies for using an acronym—since 1996, the Ministry of Transportation has changed its cost structures dramatically. The change occurred in that time when the government decided to proceed with having the private sector provide a significant amount more of the day-to-day highway maintenance. The way we record those types of expenditures in both our estimates and our actuals is through our services line.

You very appropriately identified that our services line has increased 4.2% last year over the previous year's estimates. Those maintenance contracts and managed outsourcing contracts come up periodically for renewal. When they do come up for renewal, there are some adjustments between work that's done within the ministry and work that's done on contract, and that sometimes adjusts the price. Last year we had a significant number of contracts that came up for renewal, and that constitutes why the services line went up.

If I understood you correctly, you had some concerns or questions on why that line went up so much and the overall didn't go up as much. Part of that is a realignment of activities. We found some ways to do some things better. We also got rid of some properties that reduced our payment in lieu of taxes, so we were able to re-allocate those expenditures to the services line to reduce the total fiscal impact on the province. That's how we made that work.

**Mr. O'Toole:** The last one, briefly, if there is any time, is the gateway investment project, just a quick sketch on that. You've got \$17 million. That's a big issue for auto and the just-in-time economy. It's absolutely critical. To me, it's the whole ribbon of the economy, the 401 and its various border issues in the new climate.

Is there some way that we could be helpful there? I mean that sincerely. I see the federal relationship, and sometimes, in Windsor specifically, there are some municipal issues that nobody wants to give up what might be a collector or arterial road in those areas. I understand that; it's very important.

**Hon. Mr. Takhar:** Let me just answer this. Billions of dollars worth of transactions go through all our borders, but we have made it a priority to impact all of our border crossing points, starting with Windsor-Essex especially. What we have committed to doing is, we have basically said that we agree with the recommendation made by the Schwartz report. We have agreed to invest about \$500 million, along with our partners. We have tried to move through phase one of those projects fairly

quickly. We are committed to making an investment in the environmental assessment. I think it is important for us to identify quickly, at the end of the day, another crossing in the Windsor area; otherwise, in a couple of years, it's going to be very tough for the economy and for the trade to move through our borders. That's why we are making a significant investment in our all of our border points, including Niagara Falls and Sarnia. We are also trying to make extensive use of the technology as well.

**1640**

**Mr. O'Toole:** There's some of that radio technology or whatever you call it for trucks—pre-clearance. I think that's pretty critical.

**Hon. Mr. Takhar:** And also the signs on the highways.

**Mr. O'Toole:** Yes. I don't want to get into the operational issues. I just know that it's important and, as opposition, we could track that to the high pressure on the auto sector; as an example, the new Toyota plant, which you're so proud of, as I would be, from Durham. I think there are probably about 5,000 trucks per day that service both the direct auto sector and the indirect—Mackie and automotive systems as well as other supplier groups. It's huge.

Having worked at General Motors for some time, I have recently spoken to people about just how important it is. It really is an economic issue because the more inventory they have to have in-house, the more it costs them. Do you know what I mean? The way it works now is they basically never own the inventory—it's in the dealer's showroom—before 30 days. That's what this is about. It's really important for the efficient movement of goods and services and the finished product out of the thing. I'm sure you're well aware of it. You work very closely with that sector.

I could probably just give up my time. I surrender. No, Mr. Hudak had a question.

**The Chair:** Yes, there's some time.

**Mr. O'Toole:** I was going to surrender, Minister, but—

**Mr. Hudak:** I can wait for rotation, Chair, if that's your preference.

**The Chair:** Are there any more questions from the government members?

**Mr. Milloy:** Just to continue the rotation?

**The Chair:** Just trust that the Chair is offering you an opportunity to ask some questions.

**Mr. Milloy:** I'm very happy to take that up.

**The Chair:** Please, Mr. Milloy, we'd love to hear from you.

**Mr. Milloy:** Thank you very much.

Minister, I wanted to talk a little bit about public transit. As you know, I come from a growing community that has been investing significantly in public transit, and also doing planning and looking not only at a few years down the line, but really over the coming decades, how we're going to move forward.

One of the big highlights of the last year or so was the announcement of the gas tax money. I remember you

came to my community as part of your tour of the various regions to talk about the gas tax money that was going to go to Waterloo region and, obviously, to various regions across the province. Now that we're several months into the program, I just wondered, now that the money has started to flow, what the impact has been in terms of public transit in various communities, the type of feedback you've gotten and how the program is going to develop in the coming months and years.

**Hon. Mr. Takhar:** We have put a lot of emphasis on our transit funding to the municipalities. We feel that transit funding is absolutely essential if we're going to address the congestion problems of this province. The highway capacity, as I said several times in this forum, cannot be increased overnight. Where we need to make maximum use of the capacity that we have on the highways, we are doing it with HOV lanes and all that. At the same time, we need to encourage public transit.

Let me just give you a little bit of information on what we are doing on the transit side. We are making about a \$900-million investment in public transit this year, which is about 60% more than the previous year. We have also, as you know, given one cent of the gasoline tax, which comes to about \$156 million, to the municipalities. This is the first time we have been able to give stable, sustainable funding to the municipalities, and the reaction from the municipalities has been very positive. In your municipality alone, the reaction has been quite positive, and they will be able to use this money to add new routes, new buses and hire new drivers.

It's been the same thing in almost every community. I was in Brampton at a function, and they were very pleased with what we have done. I was in Durham at a function, and they were very pleased with what is being done. They are using this money to add new routes, to refurbish old buses and add new buses, and the results are showing up. If you look at the results, in GO Transit alone, ridership is up; on the TTC, ridership is up; in Brampton, ridership is up; in Mississauga, ridership is also up. It's up everywhere.

In addition to the \$900 million that I talked about, we are putting \$1 billion into GO capital expansion. We will be adding new engines, which will be able to pull more people. We'll be able to add more capacity to the trains so they can carry more people. It's the same thing for the TTC. We have given them \$1 billion in funding, along with the federal government and the provincial government. We also have the OTRP program, which also gives funding to municipalities to buy new buses.

If you combine all these things together, I think we are making a considerable investment in transit, and it has started showing results and improving ridership. As I said before, we have given very clear targets to each municipality to improve ridership, and actually, most of the municipalities have been exceeding those targets.

**Mr. Milloy:** Can I ask you a bit about GO? In one of your earlier comments, you talked about establishing a new, closer relationship with GO, as minister. What's been the history so far, what efforts have you made to put

GO on a better footing and what is your vision as minister for GO Transit? Obviously, I know there is some expansion in the works. How do you see it unfolding over the coming years?

**Hon. Mr. Takhar:** I see GO Transit as a very integral part of our total plan in the GTA. It is really a hub that carries passengers anywhere, at least on the GO train side, from Hamilton to Durham. But we also have quite a network of buses. What we have done over the last few years is try to increase that service.

Let me just give you what we are doing on the GO Transit side. In the long term, my vision is that GO Transit has to play an integral part in this province in the GTA, but GO Transit has been neglected for a long time. It's downloaded one time, then it's uploaded another time, and nobody has really paid a lot of attention to GO Transit, except that it has performed really well over the years. But GO Transit has a lot of potential, so we are paying a lot of attention to GO Transit. I have sat with the board of directors, and I have basically given them a very clear target to increase ridership in this province and improve service.

Some of the things we are doing is adding approximately 4,500 new parking spaces. We have already added 4,500 new parking spaces since October 2003. We are purchasing 27 new, more powerful, fuel-efficient locomotives that can pull two additional cars, with 300 more passengers per train, starting in May 2007. We are introducing 20 more bi-level rail coaches, increasing the fleet up to 395. We are providing a customer e-mail alert service, so that whenever there's a delay in service, people can actually find out without going to the station; they can find out right at their computer stations if the service is delayed. We are lengthening train platforms to accommodate longer GO trains and more passengers.

In addition to that—this is what we have already done—we are opening a new East Gwillimbury station along the Bradford line. It's a \$7-million project. This station will serve approximately 1,500 commuters daily over the next decade. We're opening the new Mount Pleasant station to serve the Brampton west area—close to \$11 million. That has already happened. This station will serve more than 1,600 riders daily over the next decade. The Kennedy station is a \$3-million project. That will be very good for GO train and TTC passengers. We are also proceeding with the design phase of the new Lisgar GO station in Mississauga.

What we're really doing is making the service more easily available to people so that more people take it. If more people take it, it means less congestion on the highways, and less congestion means that people can travel from one place to another quickly and effectively and so on.

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In addition to that, security issues have been at the forefront. We are initiating a system of security awareness whereby all staff are trained to identify and report suspicious activities. This was adopted for GO's needs from existing programs that were developed in other

jurisdictions. We're routinely conducting emergency drills with the police, fire and emergency medical services and incorporating security in the planning and design of construction and operations.

We are moving GO Transit to world-class operations, using the best practices that we can find out there. I also want to tell you that GO Transit's fare recovery is around 85%, which is probably the best in the world.

**Mr. Milloy:** Thank you for that. If I can follow up with a related question that's probably near and dear to the hearts of most MPPs, certainly the ones from Niagara and southwestern Ontario—actually, probably for every MPP—and that's the whole issue of gridlock around Toronto. As my colleague Mr. O'Toole said, I ask not for me personally—even though sometimes I spend two or three hours trying to do that one-hour drive—but I ask on behalf of all of my constituents who are also commuting more or coming to Toronto for business. Just over the past few years, it seems we've gotten to the point where it is sometimes taking two or three times the amount of normal time to get here during those peak hours. Again, obviously GO Transit and public transit is part of it, but beyond that, what is the government doing to address some of these gridlock issues?

**Hon. Mr. Takhar:** I think this is an interesting question. I think that gridlock is a serious issue in the GTA and the surrounding suburbs, even going toward Kitchener-Waterloo and those areas. The government is trying to do two things: One is to make maximum use of the capacity that's available on the highways; the other is to make sure that we create a transit culture in this province.

On the highway side, we are making a record investment of \$1.2 billion in highway infrastructure programs. But as I indicated before, some of those highway projects can't go ahead unless you have gone through the environmental assessment process and you have gone through the design phase. Then you can start making some real differences. Some of that planning maybe should have started a long time ago, but we have moved ahead with these projects.

The other is increasing transit funding. As I said, we have increased the funding by 60%. We are investing \$900 million in transit this year. We are putting \$100 million into the HOV lanes on Highways 403 and 404. Then the other is we are honouring our commitment of giving two cents of the gasoline tax to the municipalities as well, so they can have stable, predictable funding so they can make investment decisions based on that predictable funding.

In addition to that, we are also maximizing our use of technology. If you look at our highway structure right now in the GTA, there are chips on the highway that can basically tell you at what speed the cars or trucks are going and then it will convert that to the changeable signs that warn people where there is congestion so they can start taking alternative routes. Some of those things can really help people out.

I also want to tell you that we have a great Web site, the ministry Web site, with the help of the COMPASS

system. If you're trying to take any highway at any given time, at least in the GTA, there are cameras on the highways and you can click on them and it will actually tell you how the highways are moving. It will actually show the movement of the cars on those highways.

We are working on all of those things to relieve some of the congestion issues, but this is a longer-term issue and there still needs to be work. That's why we are proposing the creation of the Greater Toronto Transportation Authority as well, moving forward. This authority will take the total planning process into account in the GTTA area and see what needs to be done in what areas and so on. We are in the middle of consultations with the area mayors to do this right, so we don't repeat the same kind of organization that was previously in place, to address some of these long-term needs in this province.

**The Chair:** Mr. Hudak?

**Mr. Hudak:** Thank you, Chair, and thank you, Minister and staff from the Ministry of Transportation. I'm not sure of the proper staff person to ask, but I'm curious about the expenses in the minister's office. Am I on the right page, page 19?

**Mr. Naylor:** Yes, Mr. Hudak. Page 19 has the minister's expenditures on that line.

**Mr. Hudak:** Who's responsible in the ministry for the software, the computer programming that would be on the computers in the minister's offices? Who makes those decisions? Is it corporate? Does the minister make that decision?

**Mr. Naylor:** Let me make sure I understand the question. Are you talking about what's in the minister's office?

**Mr. Hudak:** Yes. Is it Microsoft Office, or what do they have actually as their main set-up there?

**Hon. Mr. Takhar:** Can you ask the question again, please?

**Mr. Hudak:** Just in terms of the computers that your staff uses, do they use a Microsoft Office format, or what kind of format do they use for their computers?

**Hon. Mr. Takhar:** It's the Microsoft format, I think.

**Mr. Hudak:** So there's a pretty straight scheduling program on there?

**Hon. Mr. Takhar:** I think it should be a pretty straight scheduling program.

**Mr. Hudak:** The scheduler in the office is?

**Hon. Mr. Takhar:** Every minister has a scheduler.

**Mr. Hudak:** I'm sorry?

**Hon. Mr. Takhar:** Every minister has a scheduler.

**Mr. Hudak:** Yes. Could you just give the name of the person in your office who's the scheduler?

**Hon. Mr. Takhar:** It's Muriel Alvares.

**Mr. Hudak:** Muriel Alvares. Do you see Ms. Alvares on a pretty regular basis? Do you see her in the office, converse about the schedule?

**Hon. Mr. Takhar:** I see her all the time.

**Mr. Hudak:** Minister, I think you know that your personal schedule has been requested from PC research services from January 1, 2004, onward. You have failed

to yet bring those forward after an extraordinary amount of time. Why is it taking you so long?

**Hon. Mr. Takhar:** I actually don't even know. The staff might be aware of this request. Everything must be done according to the policy.

**Mr. Hudak:** I'm sorry; you're not aware of this request?

**Hon. Mr. Takhar:** I'm not aware of this request.

**Mr. Hudak:** I'm sorry?

**Hon. Mr. Takhar:** I'm not aware of this request. Nobody made this request directly to me.

**Mr. Hudak:** So nobody in your office has let you know that your schedule has been requested?

**Hon. Mr. Takhar:** If it's requested, it's normal course of business, and it will be given whenever they will get the information to give it to you.

**Mr. Hudak:** Even if you're not aware that there's an FOI request for your schedule?

**Hon. Mr. Takhar:** I don't get into those things. I have better things to do.

**Mr. Hudak:** Minister, it is important. I mean, let's be frank here. You are under investigation by the Integrity Commissioner on some very serious charges. Earlier on this afternoon, you lost your temper, to an extent. I'm glad that you've calmed down now, but it is a serious fact for members of the committee to consider. You've been chastised by your own leader and the Premier of the province for serious lapses of judgment.

I think pertaining to this is the nature of your schedule, to see if what you, in fact, have told the public meets with the facts. Your schedule has been requested, beginning, I think, now six months ago. Why have you not made it public?

**Hon. Mr. Takhar:** I said if the schedule is requested, you will get the schedule. I have no problem with any schedule, any cellphones or anything that is requested being requested, but just throwing garbage out there and making allegations has become the nature of the opposition party. Well, that doesn't mean it has any basis.

**Mr. Hudak:** Minister, I don't think I've made any particular allegations with respect to that.

**Hon. Mr. Takhar:** You are.

**Mr. Hudak:** I just mentioned that you were under—are you still under investigation by the Integrity Commissioner?

**Hon. Mr. Takhar:** I have requested the Integrity Commissioner to review it. If you have requested anything more, then you should know that.

**Mr. Hudak:** I'm sorry; I don't know if I follow that answer, but the Integrity Commissioner is currently investigating you.

**Hon. Mr. Takhar:** If you can hear the answer, maybe you will get it. I said I have asked the Integrity Commissioner to review if there's anything that I have done that is not according to the integrity rules. As far as I am concerned, everything that I have done has followed the rules. If you have requested anything else, then you should know about it.

**Mr. Hudak:** Oh, I do, in fact, know about it, sir. That's why I've asked you that very direct question, that your schedule, that is I guess run by Muriel Alvares in your office, has been requested now for six months' time. You yourself said it's a very basic Microsoft Office scheduling program. I can run to my office right now and print off my schedule for the last six months. Will you do the same?

**Hon. Mr. Takhar:** I have got a note here from the staff. It says that proper extensions were asked for giving this information, and the extensions were allowed. So you will get it within the time frames.

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**Mr. Hudak:** What time frame, Minister?

**Hon. Mr. Takhar:** I don't know. I don't even know the request. I haven't seen the request; I don't know the request, who you requested it from.

**Mr. Hudak:** I'm sorry. I thought I said that at the very beginning of my line of questions. On May 26, 2005, we submitted a request for your schedule from January 1, 2004, onwards. It is now October 26. A considerable amount of time has passed, Minister. If you have a Microsoft Office scheduling program, why couldn't you print it off right now and bring it to the committee?

**Hon. Mr. Takhar:** I think what I'm telling you is this: I don't know who you requested it from. Did you give it to me?

**Mr. Hudak:** We would have gone through the regular FOI.

**Hon. Mr. Takhar:** If you went through the regular FOI, then follow it through the regular process.

**Mr. Hudak:** As we have, Minister. It's taken an extraordinary amount of time. Anybody who would be reading this Hansard who is familiar—and most people are—with Microsoft Office scheduling would know that it's really just hitting a button and you can print off that schedule. I find it hard to believe—and I'm sure Ms. Alvares is a very talented individual—that it would take six months' time to print off a simple schedule. Minister, can you help us rectify this? Will you just direct Ms. Alvares to give us that schedule for the last six months?

**Hon. Mr. Takhar:** I'm not sure whether you're hard-of-hearing or you don't want to listen. What I said is, if you requested it through proper channels then ask for the response through proper channels.

**Mr. Hudak:** We did request through proper channels. It has taken now I think about 100 days. It's actually an incredible amount of time to do something that should be extremely simple to do. Minister, you say you speak to Ms. Alvares on a regular basis. Why couldn't you just give a call to the office or produce to this committee, within 24 hours, that copy dating from January 1, 2004?

**Hon. Mr. Takhar:** Did you make that request from me?

**Mr. Hudak:** It's just a simple question, Minister.

**Hon. Mr. Takhar:** I'm saying if you didn't make that request from me, there's no use asking this from me.

**Mr. Hudak:** I'm sorry; I'm having trouble following you. Just a very basic question—

**Hon. Mr. Takhar:** I think you're following quite well. You don't want to follow it, really.

**Mr. Hudak:** What we need is your assistance.

**Hon. Mr. Takhar:** I am saying, you followed proper protocol to ask for this information. Go through the same protocol to get the information because I do not get involved in these kinds of issues.

**Mr. Hudak:** I think somebody is involved, Minister, to be quite frank. I just find it absolutely extraordinary that on a very basic Microsoft Office scheduling program, that I'm sure all members here at the committee have on their computers, it's simply a touch of the button to produce a schedule for any known period of time. You would send it through the printer and then produce that schedule in quite a timely manner. If it has taken this extraordinary amount of time to produce something as simple as a schedule, what else can we believe but you're trying to cover something up?

**The Chair:** Mr. Hudak, I will just simply say that you've asked this question three times. The minister has said that to the best of their ability, they will respond. Beyond that, I'd like to move the line of questioning further, or if there are no further questions, we can—in all fairness, we need to move on to some additional questions.

**Mr. Hudak:** Fair enough, Chair. I was hoping to get—

**The Chair:** You have made your point very well, and the minister has responded, but I'd like to move on to the next point.

**Mr. Hudak:** I'm ready to move on; I just want to make sure. I'll phrase this one last question on this particular topic in a slightly different way. Minister, will you personally intervene to ensure that your schedule gets produced for our request as soon as possible?

**Hon. Mr. Takhar:** I have answered all the questions that I need to answer and I am not answering it any more. You have followed the process; follow the same process to ask the question and to get the answer.

**Mr. Hudak:** It's obviously very disappointing. You'd think that a minister who was under investigation by the Integrity Commissioner, a minister who's been chastised by his own Premier, would go to all possible means to try to come clean and make sure that he cleared his name. Instead, we seem to be seeing a five- or six-month delay—

**The Chair:** Gentlemen—the point you're making, Mr. Hudak, has been well put on the record. The minister has answered it. I'm going to say one more time, I'd like to move on to the next line of questions. My responsibility as Chair is to tie this to the estimates in the ministry, and you have asked a question that is appropriate; it comes from the estimates. But nothing is served in this Parliament to continue with the same question for a long time. I have an obligation to make sure that all questions are satisfied, given the response by the time allocated to the committee, which will be over in less than one hour. Anything beyond that would be the use of our time, which we would like to have focused on direct questions. Could we please move on to the next point?

**Mr. Hudak:** Sure. Fair enough. Thank you, Chair.

Maybe the staff could direct me to the proper place in the estimates where cellphone bills would be located.

**Mr. Naylor:** The cellphone bills are located by the division that the employee works in.

**Mr. Hudak:** OK. How about if the employee worked in the minister's office, or the minister himself?

**Mr. Naylor:** That would be on page 19.

**Mr. Hudak:** Minister, on June 15, the PCs submitted an FOI request for a copy of a detailed cellphone bill and telephone bills related to the minister and all of his staff, including the driver, for the period of October 23, 2003, until June 15, 2005. On June 8, we received a letter from the MTO stating that the fee for these records would be \$660, and we submitted the proper, requested payment for the telephone records. Then we received another letter extending a delay, saying it would be extended until August 30, 2005.

Minister, August 30, 2005, was a couple of months ago; a considerable amount of time has passed. What's the status of those cellphone bills and why have they not been produced?

**Hon. Mr. Takhar:** Mr. Hudak, my answer is not going to be different. I do not interfere in the FOI requests. You made the FOI request through a proper channel. Follow through the proper channel.

**Mr. Hudak:** We have, Minister. Maybe I wasn't clear. You responded, from the FOI request, that it would be extended by 21 days, which made it until August 30, 2005. The 21-day period expired August 30, 2005. It is now October 26, 2005. Almost two months have passed since that deadline for the FOI request. Why has it not been processed?

**Hon. Mr. Takhar:** I don't know whether you're getting it or whether you don't hear things. Maybe you need medical attention or something. I said I don't interfere in FOI requests. Am I clear?

**Mr. Hudak:** Minister, I don't know if you need to ask if I've had medical attention. I don't know if that's an appropriate comment from a minister.

**Hon. Mr. Takhar:** I am saying, you keep asking the same question and I'm telling you that I do not interfere with FOI requests and I don't intend to interfere. You have followed the process. Follow the same process to get the status of it, not me.

**Mr. Hudak:** What do you do, as minister, if deadlines are routinely missed by staff or by ministry staff?

**Hon. Mr. Takhar:** I take whatever proper action that needs to take place, depending upon what kind of deadlines they are.

**Mr. Hudak:** I've given you two examples of deadlines that have been significantly missed. What kind of follow-up would you do in the ministry in those circumstances?

**Hon. Mr. Takhar:** I said I do not interfere. I don't know whether deadlines are missed or not. Most probably, the extensions have been asked for and given. I don't know what the deadlines are. What I'm telling you is, I do not interfere with those kinds of matters, I have

no intentions to interfere with those kinds of matters, and if you follow the process, keep following the process.

**Mr. Hudak:** Do you have any intention of investigating what the problem is with the FOI side?

**Hon. Mr. Takhar:** Absolutely not. I have no intention of intervening in any way in the FOI requests.

**Mr. Hudak:** Do you think that the FOI process is an important way to keep government officials honest?

**Hon. Mr. Takhar:** FOI requests are made to do that, and that's what should happen.

**Mr. Hudak:** Do you think FOI time frames should be followed on a regular and consistent basis?

**Hon. Mr. Takhar:** I don't know what the FOI requests are and what times are required to deliver that information. That is a determination that the staff or the people who have to provide you with that information make. I wouldn't be able to comment on that.

**The Chair:** Mr. Hudak, if I might, I think you may want to reconsider your reference to the bureaucrats being honest. The purpose of the time frame, as I understand it, according to the rules, is to give sufficient time to staff to perform the request, and if that's been breached, the custom is to give an extension in order to accommodate that, but you may wish to rethink the reference to honesty on the part of the bureaucrats who are charged with the responsibility of answering those. I just want to put that on the record. You have every right to use the words you choose, but these FOI requests, as you and I both know as former ministers, are also managed by the civil service, and there is an FOI officer in this ministry. If you wish to pursue the FOI, as Chair I can advise you that you can request the presence of individuals who work within this ministry, and to the ability of the ministry they will present that individual. I just wanted to bring that to the record's attention.

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**Mr. Hudak:** I appreciate that, and actually that was the next step of where I wanted to go. But I fear the Chair misunderstood my comments. The process of the FOI is to make sure that elected officials, I should be clear, are maintaining the highest level of integrity and standards. I mean no disrespect to the civil service, who I think make every effort to ensure that requests are answered on a timely basis.

Minister, who is responsible for the FOI requests in the Ministry of Transportation?

**Hon. Mr. Takhar:** I don't know that person. Maybe the deputy can answer that.

**Mr. Frank D'Onofrio:** The person's name is Ms. Jamie Forrest.

**Mr. Hudak:** Is Ms. Forrest available?

**Mr. D'Onofrio:** She's not with us today.

**Mr. Hudak:** Chair, is it possible to have Ms. Forrest come forward to discuss these issues?

**The Chair:** It's highly unlikely that she'll be here in 44 minutes, given that any staff requests are usually done early in the process and then the minister can accommodate that. Given the hour is 10 after 5, staff might be

willing to make a phone call, but it would not be my ruling that it's mandatory at this point.

**Mr. Hudak:** Minister, would you be so kind as to see if Ms. Forrest is available?

**The Chair:** I'm sure one staff member won't mind making a phone call. Thank you.

Will you continue with your questioning?

**Mr. Hudak:** Whom does Ms. Forrest report to?

**Mr. D'Onofrio:** The ADM responsible is Mr. Bruce McCuaig.

**The Chair:** It would be appropriate then—I think the record needs to be clarified how FOIs work, because it's not something that is managed by the political staff of a minister; it is managed by civil servants in this province. I painfully know that better than any. If you wish to call forward one of your staff who can explain the process to Mr. Hudak—I think that's what his request is—it would be helpful to have that clarified.

**Mr. Hudak:** Basically, what I'm asking is if there's a problem in the FOI office. These FOI requests seem to be missed by significant time frames, and they are sensitive, so I do want to ensure that we have everything. The minister has not indicated any interest in pursuing how efficiently the FOI office is operating, and I just want to be assured that the finances set aside for the FOI office are being well invested.

**Hon. Mr. Takhar:** I think the Chair just said that the political staff doesn't manage this. The minister does not interfere in this. It's a political process. I am wondering if you are really hearing these things.

**Mr. Hudak:** I'm sorry? If I'm really—

**Hon. Mr. Takhar:** I'm wondering if you really hear what we have to say or just pursue political lines.

**Mr. Hudak:** Oh, no, I'm—

**The Chair:** Minister, I'm sorry we're testing your patience, but this is a process that is required. We're trying to be as fair and as balanced as we can here. However, if you want to direct your questions to the office of the FOI, which is responsible for these staff who are appointed to each of the ministries, as I understand how the system works, we'd be pleased to pursue that.

Welcome. Please identify yourself.

**Mr. David Ward:** I'm David Ward, director of the strategic policy branch at the Ministry of Transportation.

**The Chair:** Welcome, David.

**Mr. Ward:** I'd just let the committee know that Jamie Forrest, as folks know, is the manager of the freedom of information and protection of privacy office. That position does report to me. I am well aware of a number of the requests that Mr. Hudak has raised. I know we've been working very hard to assemble material. I will commit to this committee to report back on the timelines that we're working to.

**The Chair:** Thank you, Mr. Ward. Any more questions?

**Mr. Hudak:** Mr. Ward, thank you very much for taking the time and responding to my questions.

The first one I brought up related to an FOI request to the minister's schedule from January 1, 2004, that

appears to be about five months overdue. Is that common in the FOI office or is that out of the ordinary?

**Mr. Ward:** I would suggest that over the course of the past 12 months we've received an inordinate amount of requests from a number of different requesters. I am aware of this one and of a number of others that we're working very hard to try to assemble. I hope you can appreciate that a lot of time and effort go into trying to go back through records. Exhaustive work is put into it. I'm aware of this particular one. I know that we're working hard to piece some material together, as we do with all of our requests. I can tell you that we will get that information as soon as possible.

**Mr. Hudak:** Despite the amount of inordinate requests—and I can understand that, and no doubt you're doing your best—are you hitting the time frames under the FOI legislation or are you missing them regularly?

**Mr. Ward:** I'm pleased to tell you that the Ministry of Transportation is one of the top performers in terms of FOI requests, traditionally. But I can also tell you that this year, as I mentioned before, over the course of the last 12 months we have received an inordinate number of requests and we're working hard to keep our performance up in that regard.

**Mr. Hudak:** Are you still hitting the time frames? Are you still maintaining your reputation?

**Mr. Ward:** I have not checked this year's numbers. I'm reporting to you based on last year's numbers. As I said, over the past 12 months we have received an awful lot of requests that we're working hard to fulfill.

**Mr. Hudak:** The second one I brought to the minister's attention was a request for the cellphone bills for himself and his staff, including his driver. Cellphone bills tend to be just a list by month, or whatever period the cellphone bill is on, and they're usually together. They're not that hard to put together. Any idea on the status of that particular FOI request?

**Mr. Ward:** I am aware of it, and I do know that we're working to assemble the information. We will get that to you as quickly as possible, Mr. Hudak.

**Mr. Hudak:** Minister, the other area I wanted to pursue was the ongoing cost of the litigation with the 407 ETR. I understood from the conversation earlier that Mr. Bisson may have spoken a bit about this, if I followed. Have you discerned exactly how much the province of Ontario has spent under your time as Minister of Transportation on the 407 ETR in terms of legal costs?

**Hon. Mr. Takhar:** The 407 legal costs are subject to solicitor-client privilege. I don't have that information.

**The Chair:** Minister, I think the question was, how much of your ministry's time? You don't have a client privilege before the committee on the expenditure of in-house legal counsel, and I think that's the question. You have been asked the question about external legal advice. In case you didn't catch the question, it was about the legal counsel within your ministry and the amount that you've budgeted.

**Hon. Mr. Takhar:** I will let the deputy minister answer that.

**Mr. D'Onofrio:** The legal fees paid in respect of particular matters are subject to solicitor-client privilege. We don't have any specifics, and our counsel can't answer that right now, so we would be glad to take that question away and provide any response that might be forthcoming in that regard.

**The Chair:** I'm sorry to intercede, but I don't wish this line of questioning to be frustrating the committee either. Do you have lawyers currently employed in your ministry?

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**Mr. D'Onofrio:** The lawyers are employed by the Ministry of the Attorney General.

**The Chair:** Very well. So you have a transfer payment cost that accrues to your ministry for the amount of legal services that you require from time to time. Is that not correct?

**Mr. D'Onofrio:** That is true.

**The Chair:** So what is the amount that you transferred last year and are projecting for this year as your transfer to the Attorney General?

**Mr. D'Onofrio:** With due respect, Mr. Chairman, I'm told that in-house legal costs are subject to solicitor-client privilege.

**The Chair:** In-house?

**Mr. D'Onofrio:** Yes.

**The Chair:** That's the first time I've heard that, and I've been Chair of this committee for eight years.

**Mr. D'Onofrio:** That's what I'm advised by legal counsel.

**The Chair:** And you're required to tell us what you're advised.

Mr. Hudak?

**Mr. Hudak:** I see there's further advice coming in, Chair.

**Mr. D'Onofrio:** Mr. Chair, I can certainly provide to you, as stated in the estimates materials, the total amount that is expended in legal services for the Ministry of Transportation.

**The Chair:** I asked you that question earlier, yes.

**Mr. D'Onofrio:** That's on page 21. For legal services, the amount was \$2,541,600 as a total.

**The Chair:** And the previous year?

**Mr. D'Onofrio:** We can find that. I don't have that in front of me, Mr. Chair.

**The Chair:** Thank you.

Mr. Hudak.

**Mr. Hudak:** The \$2.5 million in legal services—please help me understand what that represents. Is that in-house? Is that services purchased from the AG's ministry? What is the \$2.5 million actually billed from?

**Mr. D'Onofrio:** That would be the internal legal services provided.

**Mr. Hudak:** So that's internal to the Ministry of Transportation. That would not include Ministry of the Attorney General legal costs.

**Mr. D'Onofrio:** That's the amount from the Ministry of the Attorney General that Mr. Chair was referring to—

**The Chair:** That's billed back.

**Mr. D'Onofrio:**—that is billed back to us, correct.

**Mr. Hudak:** The entire amount, the \$2.5 million.

**Mr. D'Onofrio:** Yes.

**Mr. Hudak:** When you do go to court or have your legal disputes with the 407, are you represented by lawyers from the AG or are you represented by private lawyers?

**Mr. D'Onofrio:** We're represented by both internal and external legal counsel.

**Mr. Hudak:** So typically, if a case is going before a judge or an arbitrator, is it the AG staff who are there, private law firms or a combination of both?

**Mr. D'Onofrio:** It is potentially a combination of both. For example, when we have litigation relating to the Highway Traffic Act, sometimes we rely on external services that we would engage in a certain area to augment the Ministry of the Attorney General lawyers that we have.

**Mr. Hudak:** Is there somebody from legal branch here?

**Mr. D'Onofrio:** Yes.

**Mr. Hudak:** Could we call them forward, Chair?

**The Chair:** Please.

Welcome, and please identify yourself.

**Mr. Colin Douglas:** Colin Douglas.

**Mr. Hudak:** Thank you, Mr. Douglas. What I'm trying to determine is an understanding of the dispute between the Ministry of Transportation and the 407 ETR and the process that has been involved to date. Can you give us a quick synopsis of the status of the 407-versus-MTO dispute?

**Mr. Douglas:** Sure. Most of those matters are currently before the courts. The advice we've provided to MTO is that since they're before the courts, these specific subjects shouldn't be discussed.

I think the press releases were made available earlier.

**Mr. Hudak:** The press releases were made available earlier? So there is information on the press releases?

**Mr. Douglas:** Yes, sir.

**Mr. Hudak:** OK. I do apologize. I stepped in to ask some questions. I don't have the press releases available. What is currently before the courts?

**Mr. Douglas:** It would be better, I think, if we could just get back to you maybe with some response. There's quite a list of items, and they're set out in the press releases.

As I said, most of them are before the courts, so it wouldn't be appropriate to comment on the specific details or state that they're in right now.

**Mr. Hudak:** I'm not really asking, Mr. Douglas, for details; I'm trying to understand what is currently before the courts in the general sense, what issues are currently being disputed between the Ministry of Transportation and the 407 ETR before the courts, and where they are in the court system exactly.

**The Chair:** Can I rephrase that? Is there someone from the ministry who can briefly articulate before this committee what has already appeared in the media to date as to what the question is before the courts that the

government's reacting to? I think that's a simple way of putting it, and I'd be satisfied as the Chair if you just gave us a short synopsis of what you've told the public of Ontario.

**Hon. Mr. Takhar:** I would like our ADM, who's responsible for this, to give you some—

**The Chair:** Thank you very much.

**Mr. Bruce McCuaig:** Good afternoon. Bruce McCuaig, assistant deputy minister of policy, planning and standards division.

In terms of the various matters that are before litigation or arbitration processes, they can relate to a decision with whether or not a change request under the terms of the contract is required in advance of a change in a toll rate. There are proceedings related to the judicial review of plate denial, which is another matter that's before the courts. There are a variety of disputes related to information that's provided through annual reports that are provided by the company to the province. There are appeals associated with decisions made by both arbitrators and judges in terms of—sorry, I've already repeated that one. Those would be the main items that are before the courts or before arbitration at this time.

**The Chair:** Do you have something to add to that, Minister?

**Hon. Mr. Takhar:** I have copies of all the news releases that we already gave, and I'm more than pleased to pass them.

**The Chair:** Thank you very much, Minister. The clerk will take that, and we'll get extra copies.

**Mr. Hudak:** Just back to Mr. McCuaig, there's been a dispute about when the base year is—the base-year decision. Is that in some of those that you mentioned, or is that in addition to that?

**Mr. McCuaig:** That's correct. There is a further dispute related to the timing of the base year.

**Mr. Hudak:** What's the status of the base-year decision dispute?

**Mr. McCuaig:** The base-year dispute is under appeal right now to the courts.

**Mr. Hudak:** There was recently a decision with respect to the base year that you're appealing.

**Mr. McCuaig:** That is correct.

**Mr. Hudak:** What was that decision?

**Mr. McCuaig:** The decision found in favour, in the majority of decision, of 407 ETR.

**Mr. Hudak:** Just a quick synopsis, if I could, Mr. McCuaig, on what the essence was of that.

**Mr. McCuaig:** The matters are before the courts in terms of an active appeal at this point, so I don't think it would be appropriate to talk about the details of the case.

**Mr. Hudak:** What does the term base year mean, then, to make sure I understand what that means? What is the base year?

**Mr. McCuaig:** The base year is the year in which the highway is substantially complete. Certain rights are bestowed to parties from that point on.

**Mr. Hudak:** So there's a dispute as to when the highway was substantially complete, and then various things would happen after that as a result of that.

**Mr. McCuaig:** That is correct.

**Mr. Hudak:** So it's currently being appealed. What was the level of court, or what was the most recent decision where that emanated from? Was it an arbitrator, a divisional court? Help me. I don't understand that.

**Mr. McCuaig:** The decision that's been appealed was an arbitrator's decision.

**Mr. Hudak:** Minister, have you had a chance to read the arbitrator's decision?

**Hon. Mr. Takhar:** I'm aware of it.

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**Mr. Hudak:** Did you have a chance to read it?

**Hon. Mr. Takhar:** I said I am aware of it.

**Mr. Hudak:** I'm aware of the arbitrator's decision too, but I haven't had a chance to read it nor do I understand much of the detail. I'm aware there is an arbitrator's decision.

**Hon. Mr. Takhar:** I said my answer is, I'm aware of this.

**Mr. Hudak:** I'm sorry, Minister. This is a very simple yes or no question. Have you had a chance to read the arbitrator's decision?

**Hon. Mr. Takhar:** I said I am aware of the decision.

**The Chair:** Mr. Hudak, the minister has answered the question.

**Mr. Hudak:** The minister has given an answer to the question. I'm not sure it's clear what the minister's answer means.

Minister, have you read a summary of the arbitrator's decision?

**Hon. Mr. Takhar:** I said I am aware of the arbitrator's decision.

**Mr. Hudak:** What direction did you give after having read the arbitrator's decision on how to proceed?

**Hon. Mr. Takhar:** Let me just talk a little bit about the 407.

**Mr. Hudak:** Minister, it's a very simple question, with respect.

**Hon. Mr. Takhar:** Let me answer.

**The Chair:** Mr. Hudak, you've asked the minister a question. It was general in nature about his thoughts after he was aware of the report. He's about—

**Mr. Hudak:** His direction, Chair.

**The Chair:** Fine. I wish to give the minister time to respond. If he's not answering your question, I will cut him off, but I'm not going to be the one to cut him off when he hasn't started answering.

**Mr. Hudak:** OK.

**Hon. Mr. Takhar:** Let me say this. I think the 407 issue is a very complicated issue. As I said before, it's a long-term lease and we need to protect our consumers and our drivers on the road. We are not going to leave them the way you left them in the lurch, being taken for granted and being abused for 99 years. So the base year issue is a critical issue for us. I am very much aware of the issue regarding the base year. Our feeling is that we

need to fight the 407 on every ground that we possibly can so that we can get the best deal that we possibly can secure for our consumers, our drivers, so that they don't pay tolls that are way out of range or unaffordable. If this highway had not been sold for the price it was sold for—it was basically given away—if it had not been done for a 99-year lease, and for 69 years almost for nothing, then we would not be fighting these kinds of things. The legal cost issue that you have been raising I think is a very small fee to pay for fighting in the interests of the consumers and the drivers in this province. So my instructions to my staff are that we need to fight and we need to keep fighting till we get the best deal for our consumers.

**Mr. Hudak:** Minister, you just said the legal costs represent a small fee to pay. Do you have a ballpark estimate as to what those fees would be?

**Hon. Mr. Takhar:** I think that question was already answered.

**Mr. Hudak:** With respect, it wasn't. I don't think I've directed it to yourself.

**Hon. Mr. Takhar:** I think the question was answered. The answer was that it's solicitor-client privilege and we will not be going into that detail.

**Mr. Hudak:** Are you willing to waive that privilege and release the cost of legal bills?

**Hon. Mr. Takhar:** What I'm prepared to do is fight for consumers and drivers in this province, and I will continue to do that.

**Mr. Hudak:** Thank you, Minister, but with respect, I've heard the speaking points a couple of times. It's a simple question: Are you prepared to waive the client-solicitor privilege and release the costs of legal bills on the 407 ETR?

**Hon. Mr. Takhar:** I think I gave you a simple answer: I'll continue to fight for the consumers and drivers in this province.

**Mr. Hudak:** I'm not sure exactly why they are exogenous, why one would mean that you wouldn't do the other. You've made your point, that you want to continue to fight, but you also made another comment that was a bit extraneous to that, saying it was a small fee to pay. I'd simply ask you if you're willing to waive privilege to allow those legal bills to be released.

**Hon. Mr. Takhar:** Let me say this again. I think disclosing even ballpark figures for legal fees could be construed as a waiver of the privilege. Accordingly, this information also cannot be disclosed without the real risk of losing the privilege. I hope you've got that now.

**Mr. Hudak:** No—

**The Chair:** Mr. Hudak, the Chair accepts that ruling and the minister has responded in writing to that. It's the position of the Chair that the minister's answer is no, he's not willing to release that.

**Mr. Hudak:** Or to waive the privilege?

**The Chair:** Whatever his reason, the answer is no. You have an answer. Can we move on?

**Mr. Hudak:** Minister, you said earlier on with respect to the arbitrator's decision on the base year decision that

we need to fight. Was it you who gave direction to appeal that case?

**Hon. Mr. Takhar:** I think we need to protect our consumers, we need to protect our drivers. So it's not one issue; it's all the issues considered together that forms the case. The driving force behind here is that there are 93 years left in this lease. It's not in the best interest of our drivers; it's not in the best interest of the consumer. It was not a good contract, and we need to keep fighting until we secure a good, reasonable deal for our consumers and drivers.

**Mr. Hudak:** Minister, I mean this with respect. You haven't been entirely helpful in responding to a number of my questions. You've just avoided my most recent question, which I will repeat. It's a very simple question: When you received the arbitrator's decision, who was it who made the decision to appeal it?

**Hon. Mr. Takhar:** I think I will repeat the same answer I gave to you before. We need to protect consumers and drivers in this province. It's not a good deal that you signed, or that the previous government signed, with the 407. There are 93 years left. We have an obligation to protect our consumers and our drivers, and we will continue to do that.

**The Chair:** Minister, could I ask this question this way? Is it fair to understand that this matter had to go before cabinet before you proceeded with the suit? That's a very simple, safe question.

**Hon. Mr. Takhar:** Our opinion basically said that this is not a fair deal and we need to protect it. We are all unified behind this. This decision has the support of the Premier's office and everyone else.

**Mr. Hudak:** I appreciate that, Minister, because that's a concern. I actually think it's probably Don Guy who's making these decisions and not yourself, in terms of how to fight. Have you had a conversation with Mr. Guy about this particular arbitrator's decision?

**The Chair:** Mr. Hudak, we're not here to impugn motive. This is a legal undertaking by the government of Ontario through this ministry. That's a matter of public record. If we can bring this back to the estimates, that's perfectly in order. But we're not here to discuss who made the decision. It's on the record that the cabinet, the Premier's office and the minister were involved.

I want to complete these estimates in a few minutes, and I would ask you to move into a new line of questioning, please.

**Mr. Hudak:** OK. Thank you, Chair.

With respect to the base year decision that was recently lost in arbitration, will that decision be released to the public?

**Hon. Mr. Takhar:** I think we have given you all the information that we have released to the public. I just handed it over to the Chair, and it was given to all the members before.

**Mr. Hudak:** The arbitrator's decision?

**Hon. Mr. Takhar:** All the news releases we did in public have already been given to you.

**Mr. Hudak:** But the arbitrator doesn't deal in news releases; the arbitrators would write an actual decision, which it sounds like you have reviewed. I'm just asking, Minister, before the estimates committee, to ensure that the money given to the Ministry of Transportation is invested wisely, will you release the arbitrator's decision?

**Hon. Mr. Takhar:** We have given you all the information that we have released publicly. I just gave it to you, and you should look at that first before asking that. The particular decision is a confidential decision, and we will not release that.

**Mr. Hudak:** Getting back to Mr. McCuaig, the lawyers who were used in the base year decision arbitration decision by the Ministry of Transportation, was it the AG's office? Was it a private law firm?

**Mr. McCuaig:** I think it would have been a combination of lawyers, both internal and external counsel, who contributed to that particular case.

**Mr. Hudak:** Do we know which external counsel was used?

**Mr. McCuaig:** No, I don't have that information. I couldn't tell you.

**Mr. Hudak:** Maybe, through the Chair, if I could request the external counsel that's been used in all of the cases that Mr. McCuaig referred to.

**The Chair:** That's in order.

**Mr. Hudak:** Thank you.

**The Chair:** You're requesting the list from which the ministries choose counsel, correct?

**Mr. Hudak:** I would request that, certainly. Mr. McCuaig also outlined four different proceedings that are taking place: one with respect to the change request, the judicial review of plate denial, the information contained in the annual reports, and the base year decision. I'm also asking for the outside counsel that was utilized in those four proceedings.

Let's move on to a different line of questions.

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**The Chair:** You have about seven minutes left, Mr. Hudak.

**Mr. Hudak:** Thank you, Chair.

The communication side of the Ministry of Transportation: Under whom would that fall?

**Hon. Mr. Takhar:** I have one person on my staff who does communications for me and there is a communications department under the ministry.

**Mr. D'Onofrio:** The director of communications at the Ministry of Transportation currently is Ms. Kimberley Bates.

**Mr. Hudak:** Is Ms. Bates currently available?

**Mr. D'Onofrio:** I don't believe she's here with us today.

**Mr. Hudak:** If a communications contract is being hired by the Ministry of Transportation, are they always competitive? What's the procedure for a communications contract with an outside consultant?

**Mr. D'Onofrio:** As with any procurement, the communications area is subject to competitive processes.

**The Chair:** Is it safe to say that it follows the Management Board guidelines and therefore the minister has latitude under \$20,000, and over \$20,000 it must be a competitive process, as I understand it?

**Mr. D'Onofrio:** There would be those thresholds, and I would add that there is also the vendor of record, the pre-approved listing of companies and firms available for those purposes.

**Mr. Hudak:** And that's government-wide; that's not just by the ministry?

**Mr. D'Onofrio:** Correct.

**Mr. Hudak:** Right. The Edelman consultancy was hired to do a communications program with respect to the 407 ETR contract. Was that a competitive contract?

**Mr. D'Onofrio:** I'm sorry; I don't currently have information about that.

**Mr. Hudak:** Is there somebody here whom the communications individual would report to directly?

**The Chair:** I'm not seeing anyone, so we will accept that as a request from the committee for information.

**Mr. Hudak:** To be clear, Chair, on the Edelman contract: whether it was awarded competitively or whether it was sourced as a sole-source contract with respect to the 407 dispute, and the value of that contract.

**Mr. D'Onofrio:** I don't have that information with me.

**The Chair:** It's on record that it's been requested. Our researcher has it recorded. You can proceed, Mr. Hudak.

**Mr. Hudak:** Edelman Spain also did some work in Spain, sending out some rather inflammatory press releases against the Cintra group, one of the owners of the 407 ETR. Minister, do you care to explain why government money was used to embarrass a company in a foreign jurisdiction?

**Hon. Mr. Takhar:** I think I have already made it clear to you that the 407 contract that your government signed was not a good contract. It basically gave away the rights to control the tolls in this province. We are fighting to bring that contract under control. As I said before, it is our duty and obligation to make sure that we protect consumers and drivers in this province. All those measures are taken in that context.

**Mr. Hudak:** Christina Blizzard wrote a column that I think you're quite familiar with, because she was trying to speak to you about it for some time: "Hwy 407: Que Pasa?; Christina Blizzard Asks, Why is the Government Spending our Money to Criticize the Highway's Owners in Spain?" I asked you a pretty direct question there: What is your knowledge of your ministry hiring Edelman in Spain to conduct this campaign in a foreign jurisdiction?

**Hon. Mr. Takhar:** Let me tell you what my objective is. My objective is very clear, and that is to defend the interests of the drivers and consumers in this province. That means we have to do whatever it takes, and we will do that.

But I also want to go on record to tell you that our working relationship with the 407 is very good. We constantly discuss issues with them and try to resolve

them in an amicable manner, and not in any tone, way, shape or form that you are trying to portray here today.

**Mr. Hudak:** Minister, in a recent press release you said that the 407 ownership was contemptuous of the government, customers and people of Ontario, and that they had failed to live up to their contractual obligations. Would you describe that as an amicable relationship, when you use that kind of inflammatory language?

**Hon. Mr. Takhar:** Let me repeat it again: Our relationship with the 407 is very constructive and very good. Your government may have liked to push everything under the rug and try to cover things up. We are not going to do that. We are going to call them to account wherever they need to be called to account, and we are going to give them the carrot wherever the carrot needs to be given, and we will continue to do that.

Our relationship with the 407 is very good. We work together well, but wherever there are deficiencies we need to bring it to their attention. Customer service was one of those issues, in addition to the tolls in this province. We are not afraid to pinpoint that to them. I think that's the only way to really improve customer service and give the drivers and the consumers what they really deserve. We're not going to leave them behind. The previous government sold this highway for almost nothing, for 99 years in this province, without putting any controls on this. If you had done your due diligence, we would not be in this shape today and spending any taxpayers' money on anything like that. All we're trying to do is protect consumers. If you had done your job and not given this away, just because you needed money to balance the deficit in a given year, we wouldn't be in this shape.

**Mr. Hudak:** Minister, you just spoke about the importance of protecting taxpayers' dollars. Did any taxpayer dollars flow to Edelman Spain?

**Hon. Mr. Takhar:** I think you should have asked that question when you sold this highway, and you didn't.

**Mr. Hudak:** Minister, with respect—

**Hon. Mr. Takhar:** Hold on. Let me answer the question.

**Mr. Hudak:** Edelman Spain was engaged—

**Hon. Mr. Takhar:** I will answer this question. Hold on a second.

**The Chair:** Minister, please. The question was a specific question; it wasn't an open-ended question. I recognize Mr. Hudak, who is asking a question. If you would like to answer the question—

**Hon. Mr. Takhar:** I'm going to answer the question. I'm saying that we need to protect consumers and we need to protect our drivers. That means that sometimes you have to spend some money in order to do that. We are very frugal with any taxpayer dollars we ever spend. But there are 93 years left in this bad deal that your government signed, giving this highway away without putting any adequate controls on tolls. This is unbelievable; it's unimaginable. I don't know how you even have the guts to ask these kinds of questions in this committee after giving away the 407 like this.

**Mr. Hudak:** So it sounds like the answer is yes, Minister, on Edelman Spain.

**Hon. Mr. Takhar:** You can interpret it the way you want.

**The Chair:** Mr. Hudak, you have one minute.

**Mr. Hudak:** Thank you, Chair.

Minister, you just said the previous government was sweeping things under the rug and that you would not operate in that manner. Today, I've asked you a series of questions with respect to your cellphone bills and those of your office. You've decided to not assist us in getting those out publicly, sweeping them under the rug. You have declined to put forward your schedule, despite a five-month delay. You seem quite keen on sweeping your personal schedule under the rug.

Let me ask you some very direct questions about the legal costs that you have incurred on behalf of the taxpayer in your political battle with the 407 ETR. You've refused to release those or even give a ballpark figure, sweeping them under the rug. As well, with respect to the Edelman contract in Spain, you've avoided my question. The legal decisions and the arbitrator's decisions that you've ceded that you have read and have acted on upon appeal, you refuse to release and are sweeping them under the rug.

Minister, can we expect in the time ahead that you will correct this behaviour and make these things public for members of the committee?

**Hon. Mr. Takhar:** Let me answer this question. I think, if you hadn't made the kinds of mistakes you made on the 407, you wouldn't even be asking these questions. You gave this highway away. You gave it away for \$100 million for 99 years—for 99 years for 100 million bucks. What do you expect, not to protect the consumers? We are going to protect the consumers and we are going to protect the drivers.

Let me also be very clear to you on this issue. I do not interfere in FOI requests. You have followed the process. Keep following that process. You will get that information and you're going to be sorely disappointed that you even asked for that information.

**The Chair:** Thank you very much, Minister. If you'd like just a couple of minutes to sum up; then I would like to proceed to the vote. I want to thank your staff for their attendance here and for the completion of these estimates. If you'd just quickly like to say a few closing comments, Minister.

**Hon. Mr. Takhar:** Mr. Chair, I want to thank you for giving me this opportunity to highlight some of the achievements of our ministry. The Ministry of Transportation is working very hard to provide customer service and safety in this province. I have enjoyed the opportunity to provide some insight into the priorities and the work of the Ministry of Transportation. I'm quite proud of the work we have done.

I'm also pleased to thank the members of this committee, who have constantly been changed to suit the purpose of some of the parties, but that's OK. We can all agree that transportation is an important matter for all of

our constituents. The opposition members here today, like me, are hopefully striving for the best possible transportation network.

As I said in my opening remarks, that means safe and efficient transportation. That is what people care about: When we're stuck in traffic, we are not out enjoying life; no one wants that. Our government is creating a transit culture in Ontario, and we are making progress toward that. We are also planning ahead to meet the growth needs of our province and, in my ministry, safety is our top concern.

Chair, with those remarks, I want to thank each and every one for giving me the opportunity to do that.

**The Chair:** Thank you very much, Minister, and your staff.

As per our agreement, we're prepared to proceed at this point.

Shall vote 2701 carry? All those in favour? Opposed, if any? That is carried.

Shall vote 2702 carry? All those in favour? Opposed, if any? That is carried.

Shall vote 2703 carry? All those in favour? Opposed, if any? It is deemed carried.

Shall vote 2704 carry? All those in favour? Opposed, if any? Then it is carried.

Shall vote 2705 carry? All those in favour? Opposed, if any? Then it is carried.

Shall the estimates of the Ministry of Transportation carry?

**Mr. O'Toole:** A recorded vote on this, please.

#### Ayes

Arthurs, Kular, Lalonde, McNeely, Milloy.

#### Nays

O'Toole.

**The Chair:** Then it is carried.

Shall I report the estimates of the Ministry of Transportation to the House? All those in favour? Opposed, if any? That is carried.

This meeting stands adjourned until next Tuesday, immediately following House proceedings, at approximately 3:30, at which time we will begin the estimates for the Ministry of Education.

*The committee adjourned at 1751.*







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