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Official Report of Debates (Hansard)

Monday 23 October 2006

Journal des débats (Hansard)

Lundi 23 octobre 2006

**Standing committee on
general government**

Highway Traffic Amendment Act
(Seat Belts), 2006

**Comité permanent des
affaires gouvernementales**

Loi de 2006 modifiant le Code de
la route (ceintures de sécurité)

Chair: Linda Jeffrey
Clerk: Susan Sourial

Présidente : Linda Jeffrey
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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE ON
GENERAL GOVERNMENT**

**COMITÉ PERMANENT DES
AFFAIRES GOUVERNEMENTALES**

Monday 23 October 2006

Lundi 23 octobre 2006

The committee met at 1559 in room 151.

SUBCOMMITTEE REPORT

The Chair (Mrs. Linda Jeffrey): Good afternoon. The standing committee on general government is called to order. We're here today to commence public hearings on Bill 148, An Act to amend the Highway Traffic Act respecting the use of seat belts.

Our first order of business is the adoption of the subcommittee report. Could I have somebody move and read the report, please?

Mr. Phil McNeely (Ottawa–Orléans): Your subcommittee on committee business met on Wednesday, October 18, 2006, and recommends the following with respect to Bill 148, An Act to amend the Highway Traffic Act respecting the use of seat belts.

(1) That the committee hold two days of public hearings in Toronto on Monday, October 23 (invitees) and Wednesday, October 25, 2006, (members of the public) from 3:30 to 6:00 p.m.

(2) That representatives from the following groups be invited to appear for 15-minute presentations on Monday, October 23, 2006: United Senior Citizens of Ontario, CAA, Ontario Provincial Police, Insurance Bureau of Canada, Ontario Motor Coach Association, Canadian Vehicle Manufacturers' Association, POINTTS, Ontario Safety League, plus possible other groups suggested by the government.

(3) That the committee clerk, with the authority of the Chair, post information regarding the committee's business on the Ontario parliamentary channel and the committee's website.

(4) That interested people who wish to be considered to make an oral presentation on Bill 148 contact the committee clerk by 4 p.m., Friday, October 20, 2006.

(5) That on Friday, October 20, 2006, the committee clerk supply the subcommittee members with a list of requests to appear received (to be sent electronically).

(6) That, if all requests cannot be scheduled, the subcommittee members shall decide whether to ask the House for additional time or whether to provide the committee clerk with a prioritized list of the names of witnesses they would like to hear from. These witnesses must be selected from the original list distributed by the committee clerk to the subcommittee members.

(7) That, if all groups can be scheduled, the committee clerk, in consultation with the Chair, be authorized to schedule all interested parties and no party lists/additional time will be required.

(8) That the groups and individuals be offered 15 minutes in which to make presentations.

(9) That the deadline (for administrative purposes) for filing amendments be Friday, October 27, 12 noon.

(10) That the deadline for written submissions be 12 noon, Monday, October 30, 2006.

(11) That the committee hold one day of clause-by-clause consideration on Monday, October 30, 2006 (3:30 p.m. to 6 p.m.).

(12) That the research officer provide the committee members with a final summary of the recommendations.

(13) That the research officer provide the committee members with information regarding what other provincial jurisdictions have done in respect to what is being proposed in Bill 148, as well as government and industry standards regarding seat belts. (How does industry determine the maximum load for a vehicle?)

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

The Chair: Any debate? All those in favour? That's carried.

**HIGHWAY TRAFFIC AMENDMENT ACT
(SEAT BELTS), 2006**

**LOI DE 2006 MODIFIANT LE CODE DE LA
ROUTE (CEINTURES DE SÉCURITÉ)**

Consideration of Bill 148, An Act to amend the Highway Traffic Act respecting the use of seat belts /
Projet de loi 148, Loi modifiant le Code de la route en ce qui concerne le port de la ceinture de sécurité.

UNITED SENIOR CITIZENS OF ONTARIO

The Chair: Our first witness today is Marie Smith, from the United Senior Citizens of Ontario. Is she here?

Could you come forward? Welcome. Please state your name and the organization you speak for. You'll have 15 minutes to present. If you leave some time at the end, it will be distributed equally amongst all three parties to ask

questions of your deputation. When you're ready, you can begin.

Ms. Marie Smith: Good afternoon. I am Marie Smith, president of the United Senior Citizens of Ontario. Thank you for giving the United Senior Citizens of Ontario the opportunity to speak to the standing committee on general government concerning seat belts.

I am a retired elementary and secondary school-teacher. Approximately 80% or more of our students were bused into rural schools. We continually heard from our bus drivers that students were unruly and often out of their seats. It was a major distraction for the bus drivers to try and keep the disruptive students in their seats and operate the bus while trying to drive safely. They often complained that they had to stop the bus and deal with these students. Occasionally, teachers were asked to ride on the bus to observe the students but, of course, as you know, kids being kids, they were usually little angels when a teacher was present. This was back even before seat belts were mandatory in cars. I remember drivers saying, "I wish I could tie them in their seats so I can concentrate on the road and drive safely."

I know there are many pros and cons for seat belts in school buses and tour buses. If we go back to the reasons mandatory seat belts were put in cars, then is it not just as important to use them on our buses? Do children and people on buses have charmed lives? We are sending mixed messages to our students that you don't need to use seat belts on a bus, but when you get into a car, you need a seat belt. No wonder our students are mixed up and often defiant of the law.

Talking to a firefighter and an ambulance driver who have used the jaws of life many times, they were very disappointed that seat belts on buses weren't mandatory long ago. Two police officers were also of the same opinion, and all the parents I spoke to wanted the law to become mandatory.

School administrators said that most of their minor accidents happen because the children are up and moving around. We used to have about two a week, I would say, that were brought in with either cuts or bruises or something from moving around in the bus.

Up north, due to road conditions, buses occasionally slip off the road, causing a lot of minor injuries. All the parents I spoke to said, "Please get the government working on a seat belt law." Moose and deer are another problem in the northern area. These animals can cause serious damage to any vehicle. It was only a year or so ago that one of our police officers was killed when he hit a moose.

At the age of four years old, my grandchildren, nieces and nephews, and of course all my neighbours' children too, were able to unbuckle and buckle up as they were brought up to use car seats and buckle up before the car moved. I would like to know what makes a bus different than a car. Why does a bus driver have to wear a seat belt and no one else? This is a question I've always wondered about, why he had one on and none of the rest of us did.

According to the newspapers this week, Transportation Minister Donna Cansfield will no longer allow

people to crowd into vehicles that have too few seat belts. This legal loophole will be closed because of the horrific accident that killed four people. That was out at Caledon; I'm sure you're all aware of it. What about people on buses? Aren't they as important?

I talked to a recently retired teacher, and she told me that school bus operators were putting three small children in a seat. This is one of the reasons they didn't want the seat belt law. Three children should not be put into a seat where there is only room for two seat belts. If it's not going to be legal in a vehicle such as a car, then why should it be legal on a bus?

I know it is going to take time to retrofit all buses, but it can be implemented, as you did with cars, over a five-year period, or however long you think it would take. All new buses can be outfitted in the factory. In fact, I think buses have a lifetime that they can be on the road, and then they must be taken off and another bus put on.

Yes, it is going to cost us money, but even if one child's life is saved, isn't it worth it? Children are our future generation and need our protection. Children aren't careless, they are just carefree.

One gentleman I was talking to stated that there is a company that can make seat belts that can be released from one button at the front of the bus, or wherever the best position is. Of course, that is something that would have to be decided by the companies, and it would only be in case of an accident.

I know that you're very aware of how many seniors today travel by bus. They are the backbone of our country and have worked very hard to bring Ontario to the prosperous province that we have today. Let's keep our seniors safe also.

In many European countries, seat belts in buses are mandatory. They did a lot of study before they implemented their laws, and I know you will do the same.

United Senior Citizens of Ontario are depending on all governments, provincial and federal, to change the seat belt law on buses to protect our most precious assets: our children, seniors and the people of Ontario.

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Please give careful consideration to all aspects of Bill 148. Remember, if we save one life, we have succeeded in doing what is best for Ontarians. I haven't been able to find out if other provinces have seat belt laws, but it would be great if Ontario took the lead and set an example for Canada.

Thank you for giving the United Senior Citizens of Ontario the opportunity to speak on Bill 148.

The Chair: Thank you. You've left about three minutes for each party to ask questions, beginning with Mr. O'Toole.

Mr. John O'Toole (Durham): Thank you very much, Marie, for taking the time to come forward in your volunteer capacity as the president of the United Senior Citizens of Ontario. I commend you for bringing a voice—an active voice, I might say—to issues.

I should put on the record that earlier this year, in September, I met with two very strong, very qualified

advocates on this issue, Sam Wolerstein and Ray Sawowsky, who were standing in your stead, as I'm the critic for the opposition on transportation issues. They brought forward very much the same argument you've brought forward on the importance of considering the expansion of a seat belt application to school buses as well as motor coaches. As a result, you're here, as well as other stakeholders, who will probably be bringing forward contradictory arguments legitimizing that maybe they shouldn't have them in school buses and areas like that.

You mentioned that they are in force in Europe. I think that we are always looking to best practices. If you could put on the record what jurisdictions in Europe—or I could ask our legislative research to look into specific countries.

Ms. Smith: I would ask them to look into it, please. I was told it was England and I believe the other one was Switzerland, but there may be a lot more than that. I didn't go on the Internet to find that.

Mr. O'Toole: One of my daughters is married and lives and teaches in England, so I guess I could call and ask her. But I'd like to put on the record as a formal research question as to what jurisdictions, in either North America or Europe, this comes into play, because it is something that I'm sure the government wants to get correct and get right. I think we're pretty well in agreement, and I can only speak for John Tory and the opposition party. Bill Davis was the founder, and Ontario was the first jurisdiction in the world that had mandatory seat belt legislation some 30 years ago. That was just celebrated.

In fairness, you should be aware as well that this unfortunate incident—I'm sure we all express our sympathy for the four people and the families who were affected by the event that transpired on October 14 in Caledon—

The Chair: Mr. O'Toole, you have about 30 seconds.

Mr. O'Toole: I just want to put on the record that there was a correspondence from the president of the Canada Safety Council, Emile Therien, to Dalton McGuinty, the Premier, and the minister, dated November 15, 2005, almost two years ago, pointing out exactly this exemption provision that allowed this to happen. I just want to put that on the record. That's why they were able to draft this bill rather hastily, because they were already aware of the exemption and the risk it posed for people in Ontario.

The Chair: Thank you, Mr. O'Toole. Mr. Tabuns.

Mr. Peter Tabuns (Toronto–Danforth): Ms. Smith, thanks for taking the time to come down to see us today. I think Mr. O'Toole has asked the questions around bus seat belts that I would have asked.

The intent of the bill as written is to require there to be a seat belt for every person in the vehicle. Is that one that your organization is in support of as well?

Ms. Smith: Yes, we are.

Mr. Tabuns: Do you think that drivers should be responsible for ensuring that everyone is wearing their seat belt?

Ms. Smith: I think that is a question I would leave up to the administration of the schools. They used to bring the students in if they wouldn't do what they were told, and then they were not allowed to ride on the buses. So now it will be up to them to make that decision.

The Chair: Mr. Lalonde.

Mr. Jean-Marc Lalonde (Glengarry–Prescott–Russell): Thank you very much for your presentation, and also for the fact that you are concerned about the future of our kids.

Two points: I believe Minister Cansfield mentioned that it would probably be too early to look at school buses at the present time. We want to act immediately on vans, on the number of passengers in little vans. But I believe the concern at the present time is not the fact of how much it would cost to add up the seat belts in the buses, because it's true that with kids of four or five years old they do have three per seat. It is the cost, I believe—have you investigated that?—of having adults in the school buses to undo the seat belts when it's time for them to get out of the bus.

Ms. Smith: No, I haven't looked at that, but most children are quite able to undo their own at four years of age, because they're quite used to it in their own cars at home. But I haven't looked into the cost of having somebody on a bus, no.

Mr. Lalonde: That was my question.

The Chair: Thank you very much for being here today. We appreciate your coming today to delegate.

CANADIAN AUTOMOBILE ASSOCIATION OF ONTARIO

The Chair: Our next delegation is the Canadian Automobile Association of Ontario. Kris Barnier?

I believe we have your presentation here in front of us. Thank you for coming today. You'll have 15 minutes. Should you leave time at the end, there will be an opportunity for everybody to ask you a question. If you could state your name and the organization just before you begin, for Hansard—whenever you're ready.

Mr. Kris Barnier: Thank you, Madam Chair. My name is Kris Barnier and I'm the provincial affairs specialist with CAA Ontario. Collectively, we represent three CAA member clubs and have about 2.2 million members in the province.

I'd like to start by thanking the committee for the opportunity to present here today. I'd also like to congratulate and commend Minister Cansfield for taking action on this legislation. I think what also needs to be done is that the committee and all parties need to be commended for their collective efforts to get this legislation through.

Ontario has the safest roads in North America. That's something that we should all take a lot of pride in. I think we have those safest roads for a number of reasons. It's because of the actions of successive governments and because of stakeholders to do things like implement and strengthen graduated licensing systems, something like

Mr. Flynn's bill proposes to do and Mr. O'Toole's bill proposes to do; things like increasing penalties for speeders and aggressive drivers; increased social marketing campaigns designed to curb not only impaired drivers but drivers who are now using other substances and whatnot. But we've also had a lot of impact on that social marketing side on seat belts. We are making a lot of progress, but clearly there is more that we can do.

Like on many different issues that relate to road safety, I think it's fair to say that CAA has been a leader on the seat belt issue. In fact, CAA was one of the leading organizations, if not the leading organization, that pushed for seat belt legislation that resulted in Ontario becoming the first jurisdiction in North America to have seat belt legislation. In fact, in 1962, prior to that, motorists didn't use seat belts. They didn't have them. That's because cars didn't come equipped with seat belts. CAA Ontario, when we were formerly known as the Ontario Motor League, provided seat belts to our members and made sure that they met with Canadian safety association standards. Years later—well, actually not that much later—in 1963, we went to Queen's Park and were able to get a resolution that prohibited auto dealers from selling seat belts in cars that weren't meeting specific safety standards. We went so far as to actually sit down and work with the auto manufacturers to make sure that they were providing properly workable seat belts.

As mentioned, with our persistence through the 1970s, we were able to get seat belt legislation here in the province of Ontario. It's great that Ontario is a leader on this issue.

Most recently, one of the things that we were very happy to see is that new booster seat legislation. We definitely think that that was a step in the right direction and we were pleased to again work with the government to communicate that message to our members through our electronic communications with members and through our website.

Today, we continue our role on the seat belt issue. We partner with police forces across Ontario and we provide rollover vehicles. What these vehicles demonstrate is—basically they put a vehicle on the back of a mount and the vehicle spins around, and it simulates the impact of a rollover accident. You can see the dummies in the vehicle being thrown around. It creates a very scary, very real image of the sort of impact that not wearing a seat belt can have.

Now, while Ontario should take a lot of pride in knowing that we have the safest roads in North America, clearly there's more that we can continue to do. According to the latest released Ontario Road Safety Annual Report, in 2004, 799 people died on Ontario's roads, 3,565 suffered major injuries and just shy of 30,000 people suffered minor injuries. Of those, nine fatalities and 96 seriously injured were children under the age of 9.

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We also know that unbelted drivers involved in fatal or personal injury collisions are 34 times more likely to be killed and 10 times more likely to be seriously injured than belted drivers.

While it seems like we're making great progress, for some reason there are still, according to the Ontario Ministry of Transportation, about 680,000 Ontarians who don't regularly wear their seat belts. The study also notes that roughly one third of all drivers and passengers killed in motor collisions were not wearing their seat belts at the time of collision, so if you do the math on that one, 266 motorists died not wearing their seat belts, and based on the other numbers, probably as many as 250 of those deaths could have been prevented. Again, while we have seen a lot of improvements, with more people wearing seat belts over the last few years, we think these numbers are still alarmingly high.

When we have 800 people being killed on our roads each year, it means that we still have more work to do. We have to remember that those people are people's children, parents, friends, hockey coaches and whatnot, and we have to remember that any death of any kind is always tragic in the lives of people who have lost loved ones. That's why we have to take this issue very seriously, and that's why we're very glad to see the government taking action on this issue. It's showing that it does believe that this is a serious issue that does warrant immediate attention.

We believe that this new legislation, coupled with public education and enforcement efforts and other efforts, will go a long way toward preventing injuries and, hopefully, unnecessary deaths.

It's clear that police blitzes do make a difference, and CAA commends all the police forces who do get involved in those sorts of things, as we commend all the stakeholders who do get involved in sending out the message that we have to get more people to wear seat belts regularly.

We're pleased to support this legislation as a positive step in absolutely the right direction. Again, we do commend Minister Cansfield for introducing this legislation, as we commend all members of the Legislature who are helping to move this issue along quickly.

While we think that the legislation provides a solid basis for improvement, there are a few points that we think could be implemented that would strengthen the bill and some other issues that we think should be raised for further study.

First, we strongly recommend that the legislation be clear in prohibiting passengers from travelling in the backs of pickup trucks, in the bed portion. Passengers travelling in that section of the vehicle are at an even greater risk of being thrown from the vehicle or being seriously hurt or killed.

On a personal note, when I was university, I got a call from my parents to tell me that my brother had been involved in a very serious car accident because he was an unrestrained passenger riding in the back of a pickup truck. That pickup truck was travelling at an exceptionally high rate of speed when the driver lost control and slammed into a light standard. My brother spent a lot of time in the hospital and had a lot of pain for a long period of time. What he's still going through has a serious impact on what he's able to do for a living and what-

not. When you get a call from your parents, absolutely horrified, telling you that they had to look at your little brother being strapped down to a spinal board and being taken into the back of an ambulance—that's a pretty horrifying thing for a parent, and even to hear it as a brother on the other end of the phone is a pretty awful thing. For me, it's exceptionally clear why the legislation has to be clear on not letting people ride in the backs of pickup trucks while not wearing seat belts.

A couple of other things that we had—and I'll blend these two, because they are very similar and on the same front. One part of the legislation notes that sometimes there are going to be drivers who are driving at about 40 kilometres an hour or under or they'll be getting in and out of their vehicles frequently, and the legislation, I think, as it currently exists and will exist in the future, has some provisions that let people continue to not wear seat belts. While there are certain times when it may sound like it's going to make sense to have those sorts of provisions, we'd encourage the government to take a serious look at those provisions that allow people to not wear a seat belt and maybe reconsider its position on those things.

Along the same notes, again, there are a number of exemptions in the legislation and a lot of regulatory powers there to exempt people on the basis of medical issues or on the basis of what they do for a living. Before the government moves forward with any significant changes in that regard, we strongly encourage it to go out and consult, do its homework, and make sure it's coming up with the right things, because we all know that you don't need to be going at over 40 kilometres an hour to have a seat belt be enough to save your life in an accident. You never know what sort of speed other vehicles are going to be travelling when you're into that kind of a collision. So for that reason, again, we do encourage a lot more study and a lot more work in terms of future exemptions and in terms of who this would apply to.

With that, I'm going to close, and I thank the committee for the opportunity to present today. I'll turn it back over to the Chair and be happy to answer any questions.

The Chair: You've left a little less than two minutes for each party, beginning with Mr. Tabuns.

Mr. Tabuns: Thanks for your presentation, Mr. Barnier. Our previous deputants suggested requiring seat belts in school and tour buses. Does your organization have a position on that, a particular recommendation?

Mr. Barnier: Specific to seat belts, no, we don't, but what I can tell you is that we have a number of programs that, when we put patrollers in the backs of school buses, they do a great job in terms of ensuring safety there. Certainly, it would be an issue where there would be a lot of value in further study, considering the difference in how seat belts are designed, the size of children and whatnot. I think there are conflicting arguments on that.

Mr. McNeely: I'd just like to thank you very much for coming in today and supporting the legislation. The minister's aware of the issue around pickup trucks and

that it is a serious one. There will be consultation with the farming community, I believe. It's a big issue, and we want to make sure that we get it right on that. So we realize that that is an issue. Again, thanks for the support on the legislation.

The Chair: Mr. O'Toole.

Mr. O'Toole: Thank you very much, Kris, for your ongoing commentary with respect to issues involving the Ministry of Transportation. It's quite useful to have a professional group. Your personal experience and your comments are valuable, and we do listen. I know, on a lighter-hearted note, that Mr. Flynn listens to you as well.

Anyway, Mr. Tabuns has asked the appropriate questions, because the stakeholder issue is the expansion of that "one seat belt, one passenger" sort of rule. There's a lot of implementation, and you've answered that question on a personal level.

The other one I've heard from is Vintage Vehicles. These are the collector people. They're quite concerned. What's your position on that?

Mr. Barnier: I know that is another important issue. You do have collectors who, for the sake of the integrity of their vehicle, might have the original lap belt or no belt at all. Our thought is, we respect where they're coming from, but for the sake of saving people's lives and preventing injuries, we would support the retrofit.

Mr. O'Toole: Would you make it mandatory, is the question.

Mr. Barnier: Yes.

Mr. O'Toole: You would?

Mr. Barnier: Yes.

Mr. O'Toole: I'll make sure I send them a copy of that, because I don't think some of them believe that's your position. They're very opposed to it, quite frankly.

There are some other issues that have come to my attention, not from a formal organization. This past week, I was at a celebration of the end of the apple harvest. In the horticultural business, they use a lot of migrant workers who are being moved from location to location, often in the back of a truck, often under 40 miles, often between fields. You're quite adamant that you would require everyone—they'd have to make 19 trips with the pickup truck. You know what I mean? There's some practical commentary that's necessary here.

The Chair: Thank you, Mr. O'Toole.

Mr. O'Toole: Everyone wants to be safe, but we should be also watching out for the environment, you know?

Mr. Barnier: Sir, I'd be happy to follow up with you on that.

Mr. O'Toole: Thanks for giving me an extra 14 seconds, Chair.

The Chair: Just for you, Mr. O'Toole.

Thank you very much for coming today.

Mr. O'Toole, you're one of the first people who notice when we go over time. So I'm really trying to follow the rules you set for me. Thank you so much.

1630

INSURANCE BUREAU OF CANADA

The Chair: Our next deputant is the Insurance Bureau of Canada, Mr. Yakabuski. Welcome. As you get yourself settled, I'm sure you've heard my spiel at the beginning. You have 15 minutes. If you leave some time at the end, there will be an opportunity for everybody to ask you questions. We do have your presentation in front of us so that we'll be able to follow along with what you speak about today. Thank you for coming.

Mr. Mark Yakabuski: Thank you very much, Madam Chair. It is a delight for me to come before this committee this afternoon to discuss what in my opinion is a very, very important matter. The recent tragedy near Caledon highlights the need to strengthen Ontario's current seat belt legislation. The most pressing matter is to ensure that it will no longer be possible in Ontario to have more passengers than the number of seat belts in a vehicle.

The Insurance Bureau of Canada is the national industry association representing Canada's home, car and business insurers. We are very proud to have been one of the earliest proponents and supporters of mandatory seat belt legislation when it was introduced into Ontario 30 years ago. Ontario was at that time leading all jurisdictions in North America with the introduction of seat belt laws.

The current amendment that you are considering in Bill 148 is overdue. As you know, there is already a restriction imposed on novice drivers in Ontario through the graduated licensing program, so what you are discussing today is not entirely new to the province of Ontario. You will not be surprised to know that, again, the Insurance Bureau of Canada was the very first stakeholder in Canada to advocate a graduated licensing program for new drivers.

Part of our original proposal with respect to graduated licensing was that there could be no more passengers in a car than the number of seat belts. Once again, Ontario was the leading Canadian jurisdiction in April 1994 when the new graduated licensing scheme was first introduced, and it made seat belt restriction a key component of that safety initiative. Since that time, each year we have had the pleasure at IBC of working with police forces and the Ministry of Transportation to promote the use of seat belts in order to reach the highest possible usage levels. Today—and you've heard this before, but it deserves repeating—over 92% of Ontarians use their seat belts, an impressive statistic which we can all be proud of, but one which still leaves some room for improvement.

Then, as today, we knew that seat belts reduce injury levels and, most importantly, save lives. The facts are simply undeniable. Approximately 30% of fatally injured drivers and passengers in Canada were not wearing their seat belts. Unbelted passengers are 14 times more likely to be killed and eight times more likely to be hospitalized for their injuries. Indeed, between 1989 and 1995 alone, Transport Canada estimated that 6,200 lives had been

saved and 120,000 injuries prevented as a result of the use of seat belts.

Change is always challenging. Thirty years ago, we were facing the challenge of introducing more than just a law; we were facing the challenge of changing people's behaviour. Today, we are facing exactly the same challenge, and we must respond to it, reminded as we are by the terrible tragedy that happened outside of Caledon not that many days ago.

I remind you of a study that was published in 2002 in the renowned medical journal *The Lancet* which confirms that the step that you are considering today is vital to saving more lives. Its research showed that a rear seat passenger who does not have their seat belt attached becomes a dangerous flying object in the case of a collision and increases the risk of death for those occupants in the front seat who have their seat belts on by five times. Moreover, the same study demonstrated that 80% of fatalities of front-belted occupants would have been avoided.

Madam Chair, as you can see from my brief remarks today, the Insurance Bureau of Canada strongly endorses Bill 148 and its amendments to the Highway Traffic Act. This bill will assuredly save lives on Ontario's roads, and I urge the Legislature to pass it as quickly as possible.

Thank you for your time today. I would be happy to answer any questions you may have.

The Chair: Thank you. You've left just over three minutes for each party to ask a question, beginning with Mr. Lalonde.

Mr. Lalonde: Thank you very much, Mr. Yakabuski, for your presentation. I know you are a strong believer in safety. I've known you for quite a few years. We appreciate the fact that you're supporting the minister's role in this issue.

As I mentioned to a previous presenter, Minister Cansfield will do some consultation on school buses. This is why at the present time it doesn't include school buses. To your knowledge, being an advocate in safety, do you feel that we should proceed immediately with the school bus seat belts?

Mr. Yakabuski: No, I do not believe that you should proceed immediately in requiring seat belts in school buses. I also happen to be the vice-chair of the Canada Safety Council, and we have looked at this issue thoroughly for many years, because it has been on the safety agenda for a good period of time. All of the research that we have been able to amass, both here in Canada and abroad, suggests that the construction of school buses is substantially different from that of other vehicles and that they are indeed constructed to be able to allow for more free movement in the case of an impact or a rollover or something of the sort. So I think we need to be very, very careful in perhaps moving too quickly to require that all vehicles have seat belts of this sort, because school buses are of a very particular design.

Mr. Lalonde: Thank you very much.

The Chair: Mr. Ouellette.

Mr. Jerry J. Ouellette (Oshawa): I would expect stats very similar, just to continue on that talk about

school buses. Statistically speaking, in the past they were 10 times safer than other vehicles on the road. I think that's one of the key reasons, which needs to be brought up, which I haven't heard at this committee.

I'm quite surprised that in the wording of the legislation it doesn't address some key issues as relates to the HTA and regulation 411, as I understand it.

Under subsection 106(1), it specifically states, "at the time that the vehicle was manufactured." I'll go on and get to the point and you'll understand it very clearly, I hope. Subsection (2) deals with every person in a vehicle "in which a seat belt assembly is provided." And then if you go down to 4(a)(i), it specifically states, "occupies a seating position for which a seat belt assembly has been provided."

Part of the problem is that in the Highway Traffic Act, it specifically states that you have to have a seat belt required at the time of manufacture. Transport trucks typically are ordered with one seat in them. They only carry one: the driver's seat. Passenger seats are added afterwards. There is no requirement to have that seat belt, or that seat belt put in afterwards. Don't you think that this legislation should reflect the requirement to retrofit or upgrade any additional seats after manufacture to ensure that those new vehicles that are coming along are addressed as well?

Mr. Yakabuski: There's absolutely no doubt that people have to be belted. There should be virtually no exceptions to that whatsoever. That has proven to be the case in vehicles that are designed to have seat belts, and we should permit as few exceptions as possible.

Mr. Ouellette: Lastly, time permitting, Madam Chair, the analysis of the statute brought forward, I think, statistically speaking, that the number one injury that occurred—and this is going to be a little bit facetious, and we'll take you on along this line. The number one injury that occurs that causes death is head injuries. Where is the next step you're going with? Are we going to have to wear helmets inside cars?

Mr. Yakabuski: I guess that's partly what some of our bag technology is all about. Airbags have been a tremendous safety addition to cars and vehicles and have saved many, many lives over the past bit.

One of the things that we did a couple of years ago at the Insurance Bureau of Canada was mount a national campaign to ensure that people adjusted their headrests appropriately. There are needless injuries to the head and to neck muscles and so on because people don't pay attention to the height of their headrest. It should be adjusted to the driver's own particular situation. Again, many, many injuries could be avoided if people paid closer attention to that. So that is something that we would strongly encourage as well.

Mr. Ouellette: Thanks very much for your presentation.

Mr. Yakabuski: My pleasure.

1640

The Chair: Mr. Tabuns.

Mr. Tabuns: Thanks for the presentation. An earlier speaker suggested that people not be allowed to ride in

the cargo area of pickup trucks. Does your organization have a position on that?

Mr. Yakabuski: We don't have a formal position. You always have to be a bit careful. There may well be circumstances where this is unavoidable, and I do think of some of our agricultural industries and such. It is hard to legislate good common sense, but it's a fundamental ingredient of life, as we know. So I think we have to restrict the opportunities where that might be permitted, but practically speaking we can't discount them either.

The Chair: Thank you very much for being here today.

POLICE ASSOCIATION OF ONTARIO

The Chair: Our next delegation is the Police Association of Ontario.

Welcome, Mr. Miller. After you get yourself settled, you will have 15 minutes. If you could identify yourself and the organization you speak for prior to speaking, you will have 15 minutes. If you leave time at the end of your presentation, which we have in front of us, we will be able to ask you questions. Whenever you're ready.

Mr. Bruce Miller: Thank you very much. My name is Bruce Miller, and I'm the chief administrative officer for the Police Association of Ontario. I was also a front-line police officer for over 20 years prior to taking on my current responsibilities.

We'd like to thank you for the opportunity to appear before you today and we appreciate the chance to provide input into this important process.

The Police Association of Ontario is a professional organization representing over 30,000 police and civilian members from every municipal police association and the Ontario Provincial Police Association. The PAO is committed to promoting the interests of front-line police personnel, to upholding the honour of the police profession, and to elevating the standards of Ontario's police services. We have included further information on our organization in our brief.

We are here today to speak in support of Bill 148. We think that everybody realizes that seat belts save lives. One seat belt for every passenger makes sense and will help to prevent needless injuries and deaths.

As you know, Ontario was the first jurisdiction to introduce mandatory seat belt usage in North America in 1976, and in 1982 it was one of the first provinces in Canada to legally require the use of child car seats in motor vehicles.

I'd just like to bring your attention to some interesting facts:

In 2003, Transport Canada reported that, since 1989, increased use of seat belts in Canada has resulted in an estimated 6,200 lives saved, prevented 120,000 injuries and resulted in savings of \$9.6 billion in social and health care costs.

Child and Family Canada reported that seat belt use reduces the likelihood of deaths and injuries by 55%.

Transport Canada claims that for every 1% increase in seat belt use, five lives are saved.

Finally, the Infant and Toddler Safety Association claims that a correctly used child safety seat can reduce the likelihood of death or serious injury by as much as 75%.

According to Transport Canada, approximately 92% of Ontarians are buckling up. Failure to wear a seat belt has deadly consequences. The 2004 Ontario Road Safety Annual Report stated that approximately one third of fatally injured drivers and passengers were not wearing seat belts. Overall, unbelted vehicle occupants involved in fatal or personal injury collisions are more than 24 times likely to be killed than belted drivers.

On a personal note, I don't need statistics to understand the needless loss of life and injury that can be prevented by wearing a seat belt. I saw it first-hand far too often as a police officer. I think every police officer has certain calls in their career that they would like to forget, but can't. For me, it was responding to a serious car accident early in my career. There was a young boy trapped in one of those cars, and he died in my arms.

Far too often police officers see the tragic loss resulting from failing to wear a seat belt or not having them available for the occupants. Unfortunately, staffing levels and resources do not allow police services to do the amount of enforcement that they would like to in this area. We hope that this legislation will also help to create awareness of the need for wearing seat belts.

In closing, we'd like to thank all the members of the Legislature for their support for the principles in Bill 148. We believe that the legislation will help to save lives and would urge its speedy passage. We'd like to thank the members of the standing committee for the opportunity to appear before you once again and for your continued support for safe communities. We'd be pleased to answer any questions that you may have. Thank you.

The Chair: You've left about three and a half minutes for each party to ask a question, beginning with Mr. O'Toole.

Mr. O'Toole: Thank you very much, Mr. Miller, for your presentation and consistent reporting of statistics and their importance. Just to be on the record clearly, John Tory and the opposition caucus are clearly in support of this legislation.

There are these nagging questions at the time you open up any legislative vehicle. You look at the four areas that basically I've heard from: school bus, motor coach, farm vehicles and vintage vehicles. Do you have any strong positions, specifically on the vintage vehicle one? Because I think that's the one that's less clear, whether they should be mandatorily retrofitted. They're becoming very popular. There are organizations all across the province on—historic vehicles, and there's an argument on authenticity. Do you have any view on making it mandatory for vintage vehicles?

Mr. Miller: First of all, I know there are some issues that have come up. I just heard the discussions on school

buses. But I think that needs to be part of a more lengthy consultation process, looking at the ramifications involved. The one great thing about this legislation—we really do appreciate the fact that all parties, as we understand it, have spoken in favour of the principles in the Legislature—is that it's got an important educational value to the public. We need to get the message out that everybody should be wearing a seat belt.

Some of those more complicated questions I think are something that need to be studied, but it's important, having said that, that this legislation move forward, and then we take a look at those other areas.

Mr. O'Toole: Including the vintage vehicles—

The Chair: Mr. O'Toole, can you just speak a little closer into the microphone? They can't hear your questions.

Mr. O'Toole: That's fine. Thank you very much for your time.

The Chair: No, I'm not trying to stop you. I'm just saying they can't hear your questions.

Mr. O'Toole: I understood his generalized response.

The Chair: Mr. Tabuns.

Mr. Tabuns: Thank you very much for coming and making a presentation. Are there any changes or additions to what we've been presented with that you think should be addressed in this legislation?

Mr. Miller: Certainly, our organization is happy with what's been covered off in the legislation. We'd certainly like to see proclamation of subsection (2) moved forward quickly after the bill receives royal assent. But in terms of the legislation, it's been reviewed by our membership and we've had no concerns raised about it other than general support for the bill.

Mr. Tabuns: Okay, thank you.

Mr. McNeely: I have no questions.

The Chair: Does anybody else? Mr. Lalonde.

Mr. Lalonde: Yes, one brief question. I know in cars at the present time the back seat only has three seat belts. I've never done any research, but there are times when people have four children, and they're over 80 pounds, so they don't fit in a booster seat. Is it possible that the seat belt could be added to the car after it's built? Have you ever gone through this experience before?

Mr. Miller: No. Not having the technical knowledge, I don't think I can answer that question.

Mr. Lalonde: That was a question I had, even last week again. The booster seats are for 40 to 80 pounds, but there are people at, say, 85 or 90 pounds, and you could sit four in the back. Even four adults are sitting in the back seat sometimes. We've seen that with taxi drivers here sometimes. They're not allowed to do that, but they are doing it.

The Chair: Any other questions? Seeing none, thank you very much for being here today. We appreciate your delegation.

Mr. Miller: Thank you. Congratulations on moving forward so quickly today, compared to my last couple of appearances here.

The Chair: Thank you very much.

1650

ONTARIO MOTOR COACH ASSOCIATION

The Chair: Our next delegation is the Ontario Motor Coach Association. Are they here?

Welcome. Come on forward. Mr. Crow, make yourself at home there. As you settle yourself, if you need to pour yourself a glass of water. If you have a handout, you can give it to the clerk. Do you have anything to hand out for us today?

Mr. Brian Crow: I don't have a handout.

The Chair: All right. You'll have 15 minutes, and if you leave time at the end, there will be an opportunity for us to ask questions. If you could introduce yourself and the organization you speak for. After you begin, you'll have 15 minutes.

Mr. Crow: Thank you, Madam Chair. I'm Brian Crow, president of the Ontario Motor Coach Association. We understand that the proposed changes you're dealing with to the HTA will not include buses and motor coaches. There have been some media reports about seat belts on motor coaches, and we thought we would take this opportunity to leave you with some information.

As noted in section 106 of the Highway Traffic Act, the federal government, through the Canadian Motor Vehicle Safety Act, determines which classes of motor vehicles require occupant restraints or seat belts. Motor coaches, school buses, transit buses, streetcars, subways, inner-city rail, and GO Transit trains are not required to have seat belts.

Federal vehicle manufacturing laws in both Canada and the United States do not require our coaches to have seat belts. This is because government studies in crash testing have determined that coach passengers are afforded an effective level of protection and are adequately restrained in most crash scenarios through a passive restraint system called "compartmentalization."

Instead of belts, motor coach passengers are passively restrained in most crash sites by closely spaced, high-backed, energy-absorbing seating and soft-covered interior elements. The seats are actually manufactured to absorb the shock. In fact, government regulators and road safety researchers in Canada and the US have concluded that seat belts may pose additional hazards to motor coach passengers as they would interfere with this proven-effective passenger protection system.

In the most common form of motor coach crash—the head-on or the side-swipe crash—passengers remain in the seated position, striking the energy-absorbing seat ahead of them. This spreads the force of the crash over the entire upper body, something that a seat belt alone could not accomplish. In addition, motor coaches, by virtue of their size, weight and impact-absorbing monocoque construction, are subject to much lower G-forces in a crash than an automobile. Government has concluded that seat belts could actually diminish the existing passenger protection by being a potential cause of injury in a severe impact, for which the present passive passenger protection was designed and is effective.

Bus travel is the safest form of passenger transportation, and OMCA will support any government measure to increase safety, including the amendments you're addressing today. As such, we are not opposed in principle to seat belts on coaches. However, we would only support a requirement for bus passengers to wear seat belts if Transport Canada determines through studies and crash testing that the overall passenger safety would be enhanced and not diminished by seat belts.

Thank you, Madam Chair. That's a little less than 15 minutes.

The Chair: Well, yes. That's really short. Almost four minutes for every party to ask a question, beginning with Mr. Tabuns.

Mr. Tabuns: I wanted to say thank you, first of all, for coming and making the presentation. Do you have any commentary on the bill as written? Do you support the proposal from the government?

Mr. Crow: Yes, we do. Vans that carry too many passengers, more than they have seat belts for, are not built like a motor coach or a bus, and we believe they should have a seat belt for each passenger.

Mr. Tabuns: Thank you.

The Chair: The government side, Mr. McNeely.

Mr. McNeely: Thank you again for your presentation. I think this is our position: that Transport Canada is looking at the issue of tour buses generally, the seat belts on them. So that is not being addressed in this legislation because it is being addressed nationally and internationally and, to date, there's no direction from Transport Canada that we should go in the direction of seat belts.

Mr. Crow: We understand that, and maybe I should say that we understand the public perception. As soon as we can learn to speak, we are told that we should be in a seat belt, a car seat or baby seat. There is a public perception that if they're good enough for cars, maybe there is an advantage for them in buses. We'd like to take this opportunity to say that there are differences. There are differences between a ferry, for example, and a train, where we don't require seat belts. So we'd just like to take this opportunity to keep that message in front of people, that if there are going to be seat belts, let's do it for the right reasons, not for perception.

Mr. McNeely: No further questions.

The Chair: Mr. Ouellette?

Mr. Ouellette: Mr. O'Toole can go first.

Mr. O'Toole: Thank you very much. My pleasure, Mr. Crow, to meet you, as the transportation critic. The issue has been brought up a number of times and I feel it's only my duty, not necessarily my own opinion—I met with the United Senior Citizens today. They have a campaign on that. It's their formal position. They have written to the Premier, as well as our leader John Tory and others to stake out that position as sort of—

The Chair: Mr. O'Toole, could I ask you again just to move to the microphone, please?

Mr. O'Toole: Yes. It's important to make sure that your industry responds accordingly. I appreciate your input today, as well as the assumption that the federal

government defines the vehicles that require it, whether it's a bus or an airplane or whatever.

I'm just going to put on the record the report of the August 3 incident on Dixie Road, where people were injured and there was an inquest. Also, in October 2002, in Saint John, there was an expert witness called Emile Therrien, head of the Canada Safety Council, says, "Seat belts should be mandatory on tour buses." He stopped short of demanding they be installed in school buses. You're aware of that report, I'm sure.

Mr. Crow: I'm not familiar in detail with it—

Mr. O'Toole: Well, I'm quoting here for you. That's not my opinion; I have a different job than you. It's October 2, and this is from Saint John; the inquest was held there. This was reported by the CBC, and I'm surprised Emile Therrien said that, but that's what he said. I'll repeat it here. He's the head of the Canada Safety Council. He says, "Seat belts should be mandatory on tour buses." He stopped short of demanding them on school buses.

This has been brought up as a petition, as well, in the Legislature by Mario Sergio, petitioning the government to make them mandatory. The sessional paper, piece 95, responds that they are not supportive. That's the provincial government's position. We're discussing seat belts, and it's in that context only that your expert opinion here today is important. You feel the industry is adequately protected today because of design and other kinds of integrity?

Mr. Crow: With all due respect to Mr. Therrien, we don't base our position on an opinion. We base it on some engineering, some Transport Canada studies, statistics and everything else. That's what we base our opinion on: those studies, and research. If he has that opinion, that's entirely up to him. I respect his opinion but I disagree, based on the information that we have in front of us.

I reiterate a sentence in my last paragraph: that if those studies show that seat belts have a net benefit, we want them. But we are not convinced yet that there's a net benefit, based on the studies and on what the government's positions have been in the past.

Mr. O'Toole: I would encourage you to have correspondence with the United Senior Citizens. I'm happy to meet you afterwards to give you contacts. As politicians, we're really the conduit between those who are in the industry—yourself—and the science that you've just disclosed, as well as those who are advocating based on some opinion in an inquest or whatever.

Mr. Crow: I think we have a meeting in a few days. I'll get that information from you then.

Mr. O'Toole: Great. Thank you very much.

The Chair: Mr. Ouellette, you have about 30 seconds.

Mr. Ouellette: No, that's fine, then. Thank you.

The Chair: Thank you very much for being here today.

Mr. Crow: You're welcome. Thank you for your time.

ONTARIO PROVINCIAL POLICE

The Chair: The next delegation is the Ontario Provincial Police. Good afternoon and welcome. As you get yourself settled, you'll have 15 minutes to do your presentation. If you could state your name and the organization you speak for so that Hansard has the record. If you leave time at the end, there'll be an opportunity for us to ask questions.

Mr. Brent Mikstas: Thank you, Madam Chair, committee members. My name is Brent Mikstas. I'm an inspector with the Ontario Provincial Police. I've been with the OPP for over 31 years, the last 19 of which I've spent as a commander—it's now referred to as the east area command—for all the provincial highways in Toronto, Durham and Peel regions. Presently, I'm acting superintendent up at the Aurora headquarters for the highway safety division.

1700

The OPP applauds the government for bringing forward a bill intended to strengthen current seat belt legislation. The OPP believes "one person, one seat belt" legislation will improve road safety in Ontario. Enhancing road safety is a key policing priority for the Ontario Provincial Police.

In spite of a reported 90% plus Ontario seat belt compliance rate in urban areas, the OPP laid 35,418 seat belt charges in 2005. In 2004, the Ministry of Transportation reported that there were 55,758 seat belt convictions provincially. Recorded convictions are kept by the MTO for driver violations only, not passengers'.

Seat belts help keep all vehicle occupants safe. The Lancet journal in 2002 noted the fatality risk to restrained front seat passengers by unrestrained rear seat passengers, who often acted as projectiles. A passenger who does not use a seat belt not only risks their own safety, but jeopardizes the safety of others.

In 2005, 426 persons who were fatally or seriously injured in OPP-investigated collisions did not use seat belts. Approximately 27% of OPP fatal motor vehicle collisions involve the non-use of seat belts. However, less than 10% of Ontario drivers do not use seat belts.

To date, in 2006, about 80% of fatal collisions involving three or more victims investigated by the OPP also involved the non-use of seat belts. The number of passengers versus actual seat belt availability is difficult to extract from collision information sources.

Some recent collisions:

—August 2006, a single-vehicle collision with 11 occupants in an SUV: nine were unbelted, four were ejected, two died;

—June 2006, a four-vehicle collision: three fatalities, five injuries, two were unbelted and one had no available seat belt;

—November 2005, a single-vehicle rollover: eight occupants with five available seat belts, one deceased, seven injured.

We put forward the following recommendations to this committee for its consideration:

Recommendation 1: The requirement for a passenger contravening seat belt requirements to identify themselves to police should be effective upon royal assent, at the same time as the rest of the bill. The current wording would have the passenger identification provisions come into force on proclamation, which means that these provisions would come into force at some undetermined future date. The police cannot enforce passenger seat belt infractions unless the passenger identification provisions are in force. It makes sense for all of the provisions of this bill to come into force at the same time.

The requirement for passengers to identify themselves originally received royal assent in 1996 as part of an earlier bill, but these provisions have never been proclaimed in force, adversely impacting on seat belt enforcement activity by the police. There is existing precedent in the HTA for passengers to have to identify themselves to the police in certain situations; i.e. passengers accompanying novice drivers.

Recommendation 2: New driver offence. The OPP supports a driver offence for carrying more passengers than available seat belts. The OPP believes that drivers should be responsible for providing for the safety of all passengers by ensuring the availability of a seat belt restraint for their use. Carrying more passengers than available seat belts is a risky driving choice that may compromise the ability of the driver to operate a vehicle safely. An offence would be included on the driver record, along with any points assigned.

Related HTA legislation supports such an offence. The prohibition against driving with more passengers than seat belt assemblies is both a G1 and a G2 licensing requirement. Section 106 of the HTA prohibits a driver from operating a vehicle with modified or altered seat belt systems. Section 162 prohibits a driver from operating a vehicle where either persons or property in the front seat may interfere with their control of the vehicle.

Thank you very much.

The Chair: Thank you. You've left about three minutes for each party to ask a question, beginning with the government. Mr. McNeely.

Mr. McNeely: Thank you, Inspector, for coming in.

It is, I think, worth repeating, and you probably have some personal experience with it, but the idea of someone in the rear seat not being buckled up and being referred to as a "projectile"—I just wonder if you want to expand on that.

Mr. Mikstas: I have personally witnessed and investigated in 31 years of policing, 19 years involved primarily in traffic—I've seen these tragic events unfold time and time again. The striking of somebody in the front seat by a human projectile—100, 150 or 200 pounds striking somebody in the back of the head or in the back has severe consequences. I've seen that many, many times.

Mr. McNeely: Any other questions from this side? I think that's all, Chair.

The Chair: Thank you. Mr. Ouellette.

Mr. Ouellette: Thank you very much for your presentation.

Just to continue on, you had mentioned about the projectile and being struck. Mr. Yakabuski mentioned earlier on about the proper headrest adjustments.

I wanted to address a couple of different issues. One is, you spoke about the identification factor, that that should be required at the time of royal assent. What's an acceptable identification for a 16- or 17-year-old?

Mr. Mikstas: The police officer would make that determination based on what is presented to them and the circumstances.

Mr. Ouellette: At this age, my kids aren't old enough to know what kind of ID they would be expected to carry on their person on a regular basis in order to provide that to make sure it's enforceable. I'm sure the government may be able to have some answers for those questions.

Another one was, how many booster seat charges and convictions have been laid since the legislation has come forward? Do you have any idea?

Mr. Mikstas: I don't have that in front of me.

Mr. Ouellette: The point I'm getting to is the enforcement of this particular act. When the staff's doing the morning briefing about their going out, I don't know that they are going to be able to identify—I mean, right now, Thursday morning, I'll be doing the Kiss 'N' Ride at the school, and if it's raining out, I tell you, I'm going to slide that van door open and there are going to be 10 kids coming out with two seats in the back. It's going to happen all the time. There's just no enforcement taking place with the booster seat aspect right now.

So how do you envision, for example, if the enforcement of the busing issue—if we can't get the booster seat issue being enforced to the point where it's level, how we can present statistics to say it's working or not working?

Mr. Mikstas: Those could be gathered, but a lot of this onus falls upon the operator of the vehicle, and that's what we're looking at.

Mr. O'Toole: If I may, just following up on that, probably the most controversial issue is the liability issue. In your view as an enforcement officer for over 30 years, and I'm the driver, whatever happens in the vehicle, who's ultimately liable for the negligence?

Mr. Mikstas: It depends on what actions have taken place.

Mr. O'Toole: No. I'm the driver of the vehicle; I'm the parent or I'm the most senior, oldest, whatever. The insurance issue—as Mr. Yakabuski would like to find out, who can they pin this on? Do you understand? That's ultimately what they want. They want to say—and with the school bus issue, that's the issue. You've got all of these kinds of shenanigans potentially going on that were outlined by the United Senior Citizens of Ontario. School bus drivers: They aren't giving them enough money now. Quite frankly, this is a separate issue, but they don't fund education appropriately. I just want to get that on the record.

Interjections.

Mr. O'Toole: No, no. I've met with the three boards of my area, and they aren't.

The Chair: Can I stop the cross-chatter? You have about 30 seconds left, Mr. O'Toole.

Mr. O'Toole: They aren't funding the school busing, is what I meant. They would be expected to be liable to ensure that every child had the seat belt on. Do you see what I'm saying? That's the issue, in a nutshell.

Mr. Mikstas: With respect to school buses, I understand that there are certain complex issues here that need to be looked at a little more carefully.

Mr. O'Toole: Yes, I know.

Mr. Mikstas: But I fully understand that, tempered with common sense, that has to be looked at. I don't have all the answers with respect to school buses.

Mr. O'Toole: Because they would have to get the seat belts—

The Chair: Mr. O'Toole, your time for questioning is up. I'm just letting the witness answer the question—

Mr. O'Toole: —the booster seats, the whole thing.

The Chair: —so let the witness answer. Your time is up.

Mr. O'Toole: Oh, I know. We've had a very good conversation. Thank you very much, Chair.

The Chair: Have you finished your answer?

Mr. Mikstas: Yes, I have.

The Chair: Thank you. Mr. Tabuns.

Mr. Tabuns: Thanks for the presentation. In your recommendation 2, you recommend a new driver offence making the driver responsible for ensuring everyone in the vehicle has a seat belt on. How effective do you think that will be in increasing the percentage of people wearing seat belts?

1710

Mr. Mikstas: I think it'll be very effective. I stand on the ramps myself. It's not my primary job, but I go out on the ramps myself. That's quite a frequent occurrence, to stop a vehicle and the passengers aren't wearing their seat belts. However, if the driver is subject to a charge and then demerit points are assigned to that, I think it'll be prompting a lot of people—certainly, as a driver, I make sure people wear the seat belts in my vehicle because I'm responsible for them. That's how I look at it. I'm operating the vehicle. I'm quite sure a lot of people would get the message, especially if there are points assigned to said offence.

Mr. Tabuns: Okay. Thank you.

The Chair: Thank you very much for being here today.

ONTARIO SAFETY LEAGUE

The Chair: Our next delegation is the Ontario Safety League, Mr. Patterson.

We have your handout, just so you know. Thank you very much for being here. As you know, you have 15 minutes. If you could identify yourself for Hansard and the organization you speak for, you'll have 15 minutes. Whenever you're ready.

Mr. Brian Patterson: Thank you, Madam Chair. It's Brian Patterson. I'm the president and general manager of the Ontario Safety League. As most members of the Legislature know, the Ontario Safety League has been Ontario's chief public safety advocate since 1913. It's a pleasure to be here today with many of the partners that the Ontario Safety League worked with to bring seat belt legislation into this province, principally the CAA, the Insurance Bureau of Canada and all of the police services.

The Ontario Safety League supports the direction and substance of the new bill. We believe that it will save lives and make our roads safer. We commend the speed at which the Legislature has moved to address this serious issue. Although we see strength in this bill, we would propose the following amendments to ensure that the responsibility remains with the driver of the vehicle for those occupying the vehicle. We believe that there should be consequences for the driver, regardless of the age of the occupants, if he or she chooses to operate a vehicle with unrestrained passengers. We have proposed amendments and wording that may be of assistance to your committee. I don't want to draw your attention to that at the moment.

I'd like to tell you that one of the reasons I'm a strong advocate for seat belts is that in 1980, I lost a cousin, along with six other young men, in Manitoba. The vehicle rolled and all six were killed. They were young men in their teens and twenties. It has had a profound impact on Flin Flon, Manitoba, my aunt and my family. So any move by this Legislature to move quickly to improve seat belt use is a lifesaver that most people who have been touched by this tragedy would certainly commend.

I know, from my involvement in many of the safety programs that everyone here has taken part in, that we know that education, enforcement and engineering are the keys. With respect to school buses, we're going to defer to engineering at the moment. We see that there's strong engineering evidence that we have safely designed and constructed school buses. We're going to work very closely with Transport Canada to ensure that the questions that are brought by our members and the public are brought to their attention.

But education and enforcement is very much the key to saving lives under this legislation. I know that every day on the roads, police officers are faced with some ludicrous responses to failing to wear seat belts. People quite happily remind them that they don't have to wear them in the back seat, they don't have to wear them if they're going less than 40 kilometres an hour, they don't have to wear them if they're wearing a new suit or a nice dress, and they don't have to wear them while the sun is shining because they can see far enough ahead to protect themselves.

As ludicrous as those responses are, they're heard every day in this province. This bill will allow almost no exemptions under the Highway Traffic Act for not wearing seat belts. It will clarify every one of those

issues where people have any doubt in their mind. There ought to be no situation in which anyone gets into a motor vehicle in this province without having properly affixed a seat belt and wearing it adequately. The language that's used in our proposed amendments will cover a number of issues that have arisen in the "what if" category. It's startling how often safety issues under the Highway Traffic Act get "what-iffed" to death.

What if we don't adopt these amendments? We still believe this is a very strong bill as presented. It will make a difference in this province. We think it will be stronger with these amendments, but we want to commend the Legislature and the members present and all of those who worked long hours after this tragedy to bring this both to the forefront and to the Legislature for amendment.

I'm going to end there because I believe that you should speak up and stop when it's time. Thank you very much.

The Chair: A good philosophy. You've given us three minutes each to ask questions, beginning with Mr. O'Toole.

Mr. O'Toole: Thank you very much, Mr. Patterson. I appreciate the work that you do professionally and, in a very neutral position, speaking as passionately as you have on important policy decisions put before the government.

Most of the stakeholders today have a long history, whether it's the CAA or the insurance bureau or yourself, of advising governments on the right policy and the right balance, quite frankly. I just wanted to make sure I put on the record that comment with respect to the work you do and the advice you give.

I'm a little concerned—you're pretty clear on who's responsible in the case of a violation—when you get into demerit points, like if I'm the parent and we've got four children and I don't have the money for a van with more passenger seats. This new law doesn't give me too much flexibility. I am concerned about the implications of that nature. That being said, I want to be very clear that we're the same, passionately, as you are here about making sure that everyone wears a seat belt. Everyone should buckle up; there's no question about it. But what if you had four children and you're of modest means and the seat belts, the booster seats and all the stuff that's going on now, all of which are important—the driver, ultimately, the working parent, could almost find themselves in jail.

Mr. Patterson: This isn't proposing that anyone to go jail, but what it really requires is that you take active consideration that everyone's belted. I'm a parent myself and I don't know how I would pick between—I come from a family of five kids. I don't know whether my mom or dad would pick which of us wouldn't be belted so that in the event of a crash we'd be playing Russian roulette with the family.

Mr. O'Toole: They'd just leave you home. No, it's tough.

Mr. Patterson: So it's a tough—and I think we've clarified it: If you're in a vehicle, you're in a seat belt. That's the direction we'd like to go, and we hold the

driver responsible. That's the next step that we think you should consider as legislation.

Mr. O'Toole: Well, we're in support of the bill. I appreciate you coming forward today and stating very clearly the position of the Ontario Safety League.

The Chair: Mr. Tabuns?

Mr. Tabuns: Yes. Thanks for the presentation today. It was much appreciated. How much more effective do you think it will be to ensure that the driver is responsible for seeing that everyone is belted in?

Mr. Patterson: I think, again, it clarifies who's responsible: the captain of the ship, the conductor of the train and the driver of the vehicle. The driver has the ultimate ability to turn the key off or not go forward and to ask people to get out of the vehicle while it's still safe to do so.

I think somebody has to be responsible and it ought to be the driver. I don't see the reasons for exemption. If you're operating a motor vehicle, I don't think people can opt out and select to take a high risk of riding without a seat belt and potentially killing other riders. The first responders that we deal with—in fire, emergency and police—tell us that it's a daily occurrence that someone is injured significantly because of a flying body within the cavity of the vehicle, or that that person's injuries are significantly enhanced. So I think the driver can take that responsibility. We pass that onus on to a lot of people, and any commercial driver has significant responsibilities to be on the road. I guess I refer back to my dad, when I wanted to borrow the car: It's a privilege to drive in Ontario, and that's one of the conditions that you're going to have to live by.

The Chair: Thank you. Mr. Lalonde.

Mr. Lalonde: Just quickly, on your second amendment that you have proposed there, it reads this way: "... and that every person shall wear the complete seat belt assembly in a properly adjusted and securely fastened manner." I asked the question a little while ago if cars now would have to build in more than three seat belts for the back seat, because according to this, we will force a family of more than three children to buy a van.

1720

Mr. Patterson: I think the wording comes from the Highway Traffic Act. We've mirrored the wording in the Highway Traffic Act with regard to the assemblies. I think the retrofitting of seats etc. is something that may be best answered by the manufacturers, but we've been actively involved in seat belts and seat belt installation etc., and it's surprising how quickly the manufacturers will provide those kits or adjustments, as required.

Mr. Lalonde: In other words, we'll have to make sure that our ministry, MTO, does consult with the manufacturers at the present time. My colleague here says he has seen before that two people were tied up with the same seat belt.

Mr. Patterson: That's not the intention of the seat belt assembly, and that's not the engineering design

under which it was built. We're back to possibly exacerbating the problem by doing that.

The Chair: Thank you, Mr. Patterson. We appreciate your being here today.

POINTTS ADVISORY LTD.

The Chair: Committee, you're way ahead of schedule, and we have saved the best for last: POINTTS Advisory Ltd., if they could come forward. Mr. Lawrie.

Welcome, and thank you for coming early. That allows us to move our schedule along. We appreciate your being here.

Mr. Brian Lawrie: I was just lucky, Madam Chair, I believe.

The Chair: It's our luck; otherwise, we would have had to recess. So thank you very much for being here. If you could state your name and the organization you speak for, you'll have 15 minutes. If there's time left at the end, we'll be able to ask questions.

Mr. Lawrie: My name is Brian Lawrie. I'm president of POINTTS Advisory Ltd. Thank you for the invitation to come here today to speak on this.

With respect to Bill 148 and its intent to ensure that every driver and passenger in a motor vehicle is and can be secured by an approved seat belt, I would like to make two suggestions.

The first relates to the requirement for, and the manner in which, a passenger who is not secured by a seat belt shall identify themselves. Based on my 15 years as a police officer, 10 of which were in Toronto, it is not uncommon to be dealing with intoxicated and belligerent passengers, particularly after the bars close. If the act requires only verbal identification, as it appears now, I can foresee all sorts of difficulties arising from false information being given. If it is obviously false information or, indeed, a passenger refuses to identify themselves at all, the situation may escalate rapidly to the point of an arrest for the Criminal Code offence of obstructing a police officer in the execution of his or her duty, since that is the only option available to the police officer in order to establish the identification. A lengthy and costly criminal prosecution ensues, with judges understandably loath to impose a criminal conviction for what began as a minor offence.

If it is false information which is not apparent to the police officer, a costly provincial offences procedure is commenced against a non-existent person. This has been the case with such things as pedestrian and bicycle offences where the same standard of identification was required.

I feel that the requirements of section 106(4), which deals with a driver's obligation to ensure passengers under 16 years of age are properly secured, should be expanded to place the same obligation on the driver for all passengers in the vehicle, together with an increase in penalty for non-compliance.

The other option—departing from my speaker's notes—is to include in the act a similar power of arrest to the police officer for this particular matter, similar to the one which already applies to drivers who fail to identify themselves.

My second suggestion deals with another section of the act, and it's section 106(1) of the act to amend, which deals with the removal or alteration of seat belts. I feel that the words contained in that subsection, "so as to reduce its effectiveness," should be removed. The reason for that is that, increasingly now, certain drivers known as street racers are installing five- or six-point harnesses similar to those found in a professional racing car or in a fighter plane. This is done, apparently, to enhance the race car or the look of the vehicle and to give the driver a competitive advantage in a race, together with an increased sense of security at high speed. I feel that this practice would be discouraged and even prevented by removing these words from the act and allowing the police to prosecute without the onus of having to prove the degree of effectiveness of the modified seat belt assembly.

These are my short and respectful suggestions. I will attempt to answer any questions you may have.

The Chair: Thank you. You've left about three and a half minutes for each party, beginning with Mr. Tabuns.

Mr. Tabuns: You had quite a lot of good points there; thank you.

The one question that I want to go back to is this question of making the driver responsible for ensuring that everyone in the vehicle has their seat belt on. What difference in effectiveness do you think will be made by having or not having that requirement in place?

Mr. Lawrie: There would be greater pressure on a driver to actually ensure that, because not wearing a seat belt, for the driver, carries demerit points. In this particular case here with the passenger, of course, if there's no driver's licence, then there won't be any demerit points. It doesn't even call for demerit points for the passenger not wearing the seat belt. So there's a greater incentive for the driver to ensure that everybody has a seat belt on, quite apart from the obvious one, which is that you want people to be safe.

Mr. Tabuns: Okay. Thank you very much.

The Chair: To the government side. Mr. McNeely.

Mr. McNeely: Thank you, Mr. Lawrie, for coming in and giving us your comments.

We had someone from the Ontario Provincial Police, Inspector Brent Mikstas, in earlier. He said there is a precedent in the Highway Traffic Act for passengers to have to identify themselves to the police in certain situations; i.e. passengers accompanying novice drivers. He felt, I think, from what he said—that's certainly the implication I got—that that was sufficient. Any comments on that?

Mr. Lawrie: It's my understanding—and I defer to the OPP, as I always do—that the requirement is that the person who accompanies a novice driver must be a licensed driver; therefore, they must have a driver's

licence. A passenger isn't necessarily required to have a driver's licence.

Mr. McNeely: I have no other questions.

The Chair: Any other questions from the government side? No? Okay. Mr. Ouellette.

Mr. Ouellette: Once upon a time ago—it didn't seem that long ago, but actually it was—we used to participate in some other activities: four-wheeling and four-wheeling activities, whereby five- and six-point harnesses were in place at that time, because part of the off-road activity was ensuring that during rollovers the drivers were safe and the individuals had no problems; the same with rally car drivers etc. These vehicles, even rally cars, can be modified street cars that are used in a rally that use these seat belts as well. Don't you think it's a bit restrictive just to try to reduce it in order to stop street racing, as opposed to ensuring the safety of those individuals participating in other activities that might utilize a five- or six-point hitch?

Mr. Lawrie: Yes, now that you mention it—because I haven't considered that at all. I considered the family car or the street racing car only. Whether there are exceptions that could be made for people who actually engage in that, who can show they engage in that type of activity, I don't know. I know that we have people coming in to the POINTTS office regularly who are stopped by the police, who are basically trying to discourage the modifications that are placed on these vehicles, and these have been seized because they don't correspond to the CSA.

Mr. Ouellette: I understand the direction you're trying to go in. It's just that when we bring legislation forward, it has a tendency to impact other groups that haven't been considered. I know that rally car drivers or typically a lot of the smaller groups in the small rallies use normal street cars that are modified at certain times to be used in that, and that's one of the modifications.

I'm not sure if Mr. O'Toole has any questions.

Mr. O'Toole: Thank you very much. It was a very insightful submission.

I'm quite interested in your amendments, as they're repeating what was mentioned by the Ontario Safety League: the clarity of the age and disclosure under section 8.1. I think that's extremely important. I hope the government takes that under advisement, to get that administratively.

I'm wondering, though, in your opinion, why they would have left it that way, for people 16 to disclose—they might give them demerit points, do you think, if they're licensed, and give them an additional fine? Maybe it's just a revenue—it's sort of a tax thing.

1730

Mr. Lawrie: The ministry, actually, as I understand it—

Mr. O'Toole: They like to raise the taxes, is the point I'm making.

Mr. Lawrie: Say a young offender was driving a vehicle at 14 years old and they're charged and convicted of careless driving or whatever, as well as driving without a licence. It's my understanding that what the ministry does is issue a driver's licence number to that person when they're convicted and then sets the demerit points there. But when it comes down to false and misleading identifications, that's where the difficulty comes in. It's a very difficult situation for a police officer to be faced with that, especially when you've got to deal with somebody talking overtop three other people and—

Mr. O'Toole: I'd like to support your idea.

The Chair: Mr. O'Toole, I'm sorry, but your time has expired.

Mr. O'Toole: It's a simple administrative—thanks very much, Chair.

The Chair: Thank you, Mr. Lawrie. We appreciate your very interesting discussion at the end of the day. You've got us to think about this in a different way. Thank you very much.

Mr. Lawrie: Thank you, Madam Chair.

The Chair: I'd like to thank all of our witnesses, committee and staff for their participation in the hearing.

This committee now stands adjourned and will reconvene at 4 p.m. on Wednesday, October 25, 2006.

The committee adjourned at 1731.

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