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Official Report of Debates (Hansard)

Wednesday 25 March 2015

Journal des débats (Hansard)

Mercredi 25 mars 2015

Standing Committee on General Government

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

Comité permanent des affaires gouvernementales

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

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE ON
GENERAL GOVERNMENT**

**COMITÉ PERMANENT DES
AFFAIRES GOUVERNEMENTALES**

Wednesday 25 March 2015

Mercredi 25 mars 2015

The committee met at 1607 in committee room 2.

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

Consideration of the following bill:

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

The Vice-Chair (Mr. Joe Dickson): Yes, Ms. McGarry?

Mrs. Kathryn McGarry: Thank you, Chair. I seek unanimous consent to—

The Vice-Chair (Mr. Joe Dickson): Just give me two seconds. I wanted to say hello to everybody, but I want to make sure, as I do at any meeting, that I'm using the proper name that you would like to see used. So I could say "PC," I could say "Conservative," I can say "Progressive Conservative"—

Interjections.

Mr. Michael Mantha: We can't hear you.

The Vice-Chair (Mr. Joe Dickson): They're going to turn the microphone up because I'm a soft-spoken person.

Do you have any preference? What would you like?

Mr. Michael Harris: Official opposition.

The Vice-Chair (Mr. Joe Dickson): Official opposition? Okay.

Mr. Mantha, do you have a preference how I would call the New Democrats? "The New Democratic Party," the "NDP"?

Interjections.

Mr. Michael Mantha: No, I'll just go with the third party or the NDP.

The Vice-Chair (Mr. Joe Dickson): It's up to you, sir.

Mr. Michael Mantha: Oh, it's fine. Sorry, Chair. You weren't here when we had this discussion a little bit earlier. In prior discussions, we were a little bit lighthearted then, which we should still be now.

The Vice-Chair (Mr. Joe Dickson): Through to the parliamentary assistant, then, for your party, ma'am? Which name would you like used?

Mrs. Kathryn McGarry: "Government side."

The Vice-Chair (Mr. Joe Dickson): The—

Mrs. Kathryn McGarry: Liberal government.

The Vice-Chair (Mr. Joe Dickson): The government side? The Liberal side? One or both?

Mrs. Kathryn McGarry: The government.

The Vice-Chair (Mr. Joe Dickson): The government.

Thank you.

You had your hand up?

Mrs. Kathryn McGarry: I did. Thank you, Chair. I seek unanimous consent to reintroduce section 4 of Bill 31, Making Ontario's Roads Safer. There was a misunderstanding on Monday, and I ask, in the spirit of co-operation and collaboration, that we introduce this section. I think we can all agree that this is an important road safety bill. Thank you.

The Vice-Chair (Mr. Joe Dickson): Now, she has an opportunity to read it into the—

Mr. Randy Hillier: No.

The Vice-Chair (Mr. Joe Dickson): Okay.

Mr. Mike Colle: Recorded vote.

The Vice-Chair (Mr. Joe Dickson): It has to be unanimous consent, right?

Interjection.

The Vice-Chair (Mr. Joe Dickson): So we will call a vote. Do we have—

The Clerk of the Committee (Ms. Sylwia Przewdziecki): No vote; unanimous consent.

Mr. Randy Hillier: No.

The Vice-Chair (Mr. Joe Dickson): That means it's not unanimous consent. That answers everybody's question. Clear? Okay.

The next item we have is—I believe you had indicated, sir, item—

Mr. Michael Harris: It's 24.1.

The Vice-Chair (Mr. Joe Dickson): Yes, 24.1.

Mr. Michael Harris: So, new section 41—

The Vice-Chair (Mr. Joe Dickson): My apologies.

Mr. Michael Harris: Oh, I'm sorry.

The Vice-Chair (Mr. Joe Dickson): We want to clear one little housekeeping item first. Section 41 is actually before 24.1, if that's okay? We'll just take a moment.

Mr. Michael Harris: Oh—

The Vice-Chair (Mr. Joe Dickson): Forty-one; my apologies. We seem to have a challenge with any number that has the number four in it.

Mr. Michael Harris: Hang on. I've got to flip back.

The Vice-Chair (Mr. Joe Dickson): Yes. Sorry, Michael.

Mr. Michael Harris: It's the section we're voting on, right?

The Vice-Chair (Mr. Joe Dickson): Section 41, yes.

The question is, shall section 41 carry?

Mr. Michael Harris: No.

The Vice-Chair (Mr. Joe Dickson): Do I hear a no?

Mr. Michael Harris: Against.

Interjections.

The Vice-Chair (Mr. Joe Dickson): Okay. I'm just going to—sorry, MPP Baker. Did you want to comment? We're going to take the vote on this.

Interjections.

The Vice-Chair (Mr. Joe Dickson): Yes, we're having a vote. All those—

Mr. Randy Hillier: Section 41, amended.

Mr. Michael Harris: It wasn't amended.

The Vice-Chair (Mr. Joe Dickson): It was not amended. It's just—

Mr. Randy Hillier: Oh, okay.

Mr. Yvan Baker: Chair, I just want to clarify what we're voting on, just being new to the committee.

The Vice-Chair (Mr. Joe Dickson): It is section 41, and it is a vote. Those in favour?

Mr. Yvan Baker: Is the section amended or unamended?

The Vice-Chair (Mr. Joe Dickson): Sorry?

Mr. Yvan Baker: Are we voting on an amended section or an unamended section?

The Vice-Chair (Mr. Joe Dickson): There is absolutely no amendment. This is just a straight motion.

Mr. Yvan Baker: Okay. Just a clarification.

The Vice-Chair (Mr. Joe Dickson): No. I'm glad you asked. Thank you.

Section 41: Those in favour? Those opposed? Carried. Thank you.

Moving right along, sir, we go to 24.1, which is the one you mentioned. Thanks, Michael.

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

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

““Rules re: roundabouts

““146.2(1) In this section,

“““roundabout” means an intersection with one-way circulation counter-clockwise around a central island where entering traffic must yield the right-of-way to the traffic circulating within the intersection.

““Minister””—oh, shoot. I've got to go to 24.1, don't I? Yes.

Interjections.

The Vice-Chair (Mr. Joe Dickson): I'm sorry. I—

Mr. Michael Harris: It's identical. You guys can just follow along. It doesn't matter. It's 24.1.

Mr. Mike Colle: Mr. Chairman, where are we here—

The Vice-Chair (Mr. Joe Dickson): We are on 24.1.

Mr. Michael Harris: There's no difference, right? No difference. So I'm going to continue reading. I'm going to continue reading.

Mr. Michael Mantha: Chair, a question?

The Vice-Chair (Mr. Joe Dickson): We have a question there. Yes, sir?

Mr. Michael Mantha: I thought it was clear. I had heard the Chair make the indication that we're reading 24.1.

The Vice-Chair (Mr. Joe Dickson): Yes.

Mr. Michael Harris: We are.

Mr. Michael Mantha: The error was made as you started reading 24.

Mr. Michael Harris: Yes.

Mr. Michael Mantha: So the actual motion that we're reading is 24.1.

Mr. Michael Harris: Correct. It's just PC motion 24.1, but it doesn't—there's no 24.1 in the actual amendment.

Where did I stop reading? Can anybody tell me—

The Vice-Chair (Mr. Joe Dickson): Now, can I interrupt? You have a question, ma'am?

Ms. Ann Hoggarth: Yes, I do, just a clarification for me, please. We passed section 41?

The Vice-Chair (Mr. Joe Dickson): Yes.

Ms. Ann Hoggarth: We just passed it, correct?

The Vice-Chair (Mr. Joe Dickson): Yes. That's correct.

Ms. Ann Hoggarth: So we're going back now and doing section 41.1?

The Vice-Chair (Mr. Joe Dickson): It's 24.1.

Mr. Michael Harris: Amendment.

Mr. Michael Mantha: An amendment.

Mr. Michael Harris: A new section.

Ms. Ann Hoggarth: It's a new section.

Mr. Michael Harris: Motion 41 was voted on.

Ms. Ann Hoggarth: So 41.1 is a new section?

Mr. Michael Harris: That's correct.

Ms. Ann Hoggarth: Thank you.

Mr. Michael Harris: Do you want me to read it over?

The Vice-Chair (Mr. Joe Dickson): Sure. Go ahead, Mike. Start at the beginning. Read it in.

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

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

““Rules re: roundabouts

““146.2(1) In this section,

“““Roundabout” means an intersection with one way circulation counter-clockwise around a central island where entering traffic must yield the right-of-way to the traffic circulating within the intersection.

““Minister to establish rules

“(2) The minister may make regulations establishing rules of the road that apply to roundabouts.

“Minister to conduct study, consult with public

“(3) Before making a regulation under subsection (2), the minister shall,

“(a) conduct a study about the safe use of roundabouts; and

“(b) consult with members of the public about use of roundabouts.

“Content of study

“(4) The study referred to in clause (3)(a) shall address the following matters:

“1. Use of crosswalks.

“2. Signs and markings.

“3. Lighting.

“4. Commercial vehicles.

“5. Speed limits.

“6. Signalling.

“7. Entering and exiting roundabouts.

“8. Uniformity of road design standards, including consistency in lane width.

“9. Compliance with accessibility standards established under the Accessibility for Ontarians with Disabilities Act, 2005.

“10. Any other matter that the minister considers appropriate.”

The Vice-Chair (Mr. Joe Dickson): Thank you for that. Any debate on that?

Mr. Michael Harris: Sure. Thank you for the opportunity to speak to this important amendment to have roundabout rules written into the Highway Traffic Act. I recently debated this private member's bill in the House, and it passed with the support of all three parties. I'm happy about that. Today, getting into committee is where we can proceed with the intent of the House during second reading and move forward with this.

Over the last two years, I have made numerous attempts to bring this government's attention to the fact that with more than 40 roundabouts across Waterloo region in my area, and more being constructed in communities across the province, it's our responsibility as legislators to move forward on enhancing roundabout safety throughout Ontario. To date, this call has not been heeded, and I hope that, together, we can change that situation today.

Let me say off the top that of course I'm supportive of roundabouts. Again, with 40 in my area, I've come to understand many well-established operational benefits they can provide to traffic flow, speed and severity of collisions. That said, I've also come to understand that while roundabouts have their advantages, whether it's in my region of Waterloo, in Hamilton, Ottawa or Windsor, concerns over consistency of rules for pedestrians, cyclists and motorists continue to grow as roundabout construction increases.

Quite simply, as the Highway Traffic Act currently fails to address roundabouts whatsoever, these amendments seek to remedy that omission by both (1) defining roundabouts and (2) giving the Minister of Transporta-

tion the ability to establish clear, uniform rules throughout Ontario—specifically, if MPPs in this committee join me in the effort, the amendment that I've put forward today to include the definition of a roundabout as an intersection with one-way circulation counter-clockwise around a central island, where entering traffic must yield the right of way to the traffic circulating within the intersection.

Further, these amendments would require the minister to consult. The minister must conduct a study and consult with the public about the safe use of roundabouts, something pretty straightforward. He would then have to report; the minister is required to table a progress report every year until a regulation to address the safe use of roundabouts is made.

Then third, of course, act: Following consultation, the minister is to make regulations establishing rules of the road that apply to roundabouts. This consultation requirement would address a series of factors, including the use of crosswalks; signs and markings; lighting; commercial vehicles; speed limits; signalling; entering and exiting roundabouts; uniformity of road design standards, including consistency in lane width; and compliance with accessibility standards, something extremely important. This would not only raise awareness on how to manoeuvre through a roundabout, but increase pedestrian, cyclist and motorist safety, helping to reduce accidents across Ontario.

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As I noted off the top, it's been two years since I first introduced that PMB to enhance safety at roundabouts across the province. In fact, it's been three years since I first got to work on the concern. It was actually one of the first issues I faced as an MPP. It was early in the morning, just days before first being elected, when a 16-year-old St. Mary's High School student in Kitchener crossing the southbound lanes near the Homer Watson-Block Line Road roundabout was struck by a bus exiting the roundabout, causing serious injuries. When I looked into the matter, I was shocked to find out that not only are roundabout rules not included in the HTA, or Highway Traffic Act; they're not even defined. It's as if, legislatively, roundabouts don't even exist. So that's why, through this amendment, we are clearly defining what a roundabout is.

I think it's important also to note that that definition comes from the transport—it's an organization that consistently agrees with what a roundabout actually is. Since then, every day, I've actually used many tools at my disposal, like petitions, letters, meetings and, of course, recently the PMB, to get the government's attention and have this clear safety concern addressed in the act. That's why we've moved these amendments today.

To bolster the work and to follow up on a major effort the region of Waterloo has already undertaken to educate all members of the public on roundabouts, I also call on the government to require new drivers to take a roundabout road test for the G1 and G2 licence to prove they're actually able to navigate traffic circles in the province.

Time and time again, I've met with ministerial rejection, and I do have a letter that I'll likely read in later on with regard to this. It's obviously a bit of a head-scratcher; it's a clear issue of safety. There are no partisan politics here, and there's a relatively easy fix. Yet, it's a fix that, for some reason, the government has so far refused to endorse. I'm hoping today the members opposite, be it that we just debated this bill in the House, will proceed with these important road safety amendments.

It was first Minister Chiarelli responding that he would not add roundabouts to driver exams in communities with roundabouts. Then, there was the bizarre characterization from Glen Murray that he wasn't interested in smaller issues like roundabouts and that I was disconnected from the real issues. I remind the members here today that there are 42 roundabouts of varying size in Waterloo region. That's up 17 circles to be added by 2016; more than 20 in Ottawa. I'm not sure if we have any Ottawa members here today. Last Monday, we did. So Ottawa has a lot of them as well, and easily more than 100 across the province and municipalities. I believe the province, in fact, has almost nine roundabouts throughout the province, and likely more to come. So there's no doubt this is a real, and not a small, issue.

That's not just me saying it. I want to read into the record folks that endorse these particular road safety amendments.

Take Brian Patterson of the Ontario Safety League. He noted that "by implementing this bill we will increase safety, expand public education and reduce crashes in the community."

Doug Switzer, the president and CEO of the Ontario Motor Coach Association, indicates, "With the increasing use of roundabouts by municipalities it's imperative that the MTO establish standards for their safe design and construction."

The CAA of South Central Ontario tells us, "The Safe Roundabouts Act ... is designed to make roundabout intersections safer for all road users. CAA is pleased to support" this "initiative in making Ontario's roads safer."

Recently, at a meeting of the Waterloo region council, the region passed a motion, and I think it's important to read into the record that motion by Waterloo regional council. They go on to say here:

"Whereas there is an increase in the building of roundabouts by the province and municipalities across Ontario; and

"Whereas the Safe Roundabouts Act, 2015"—the Bill 65 that I initially debated—"is scheduled for debate in the Ontario Legislature;

"Therefore be it resolved that the regional municipality of Waterloo endorse the principles proposed in Bill 65, the Safe Roundabouts Act, 2015, and request the province of Ontario to review and amend the Highway Traffic Act to clarify legislation and/or regulations relating to roundabouts in order to enhance public safety, driver awareness and education, and enforcement mechanisms." Those are clearly outlined in the amendments that I've proposed today.

Of course, several weeks ago, I was joined in Kitchen-er at one of the largest roundabouts, Homer Watson and Block Line, by the CAA and by Waterloo Regional Police Service Chief Bryan Larkin, who supported my efforts to ensure the safety enhancements within the Safe Roundabouts Act, also proposed as amendments to Bill 31.

Bottom line: This is not any small issue. This is not a solitary community issue. This isn't blue, orange or red; it's just simply smart policy, based on road safety. Yet, much as the previous Ministers of Transportation chose to ignore my calls and tie on the blinders, my renewed efforts to get the attention of the current minister in letter, at committee, and in the weeks leading up to the debate in the House and today in committee have been met with, really, a similar lack of urgency.

He tells us that the HTA already covers the actions a driver must take in a roundabout. I want to draw to the committee's attention that the word "roundabout" is never actually mentioned once in the existing legislation or the HTA. In the meantime, the silence of the Highway Traffic Act gives way to differing interpretations, with the provincial government and municipalities calling for different practices for signalling and yielding to pedestrians. That's why I've outlined the points in this amendment.

I'll give you an example. Right now, we have a situation in the region of Waterloo where the Ministry of Transportation tells drivers to "slow down and watch for pedestrians," whereas the region says, "Pedestrians go first. When entering or exiting the roundabout, drivers should yield the crosswalk to pedestrians." It's the same for signalling. While both the region and the province agree that drivers should signal right when exiting a roundabout, the region directs drivers planning a left turn, driving all or most of the way around the circle, to signal left, while the province is mute on left signalling. That's, again, why one of the points that we've added in here is item 6, signalling.

Over in Ottawa, they're going through the same discussions and confusions. In fact, Ottawa's manager of traffic management, Greg Kent, has expressed his frustration with the city's inability to give pedestrians the right of way at roundabouts under provincial law. He, too, has highlighted the fact that the act doesn't define roundabouts yet, and he, too, has called for the Ministry of Transportation to update the law, something that I encourage the government members today to do. They have the opportunity right here and now to proceed with that.

Without the guidance of one provincial law for all, the road is open for different areas to establish varying directions, leaving both drivers and pedestrians unsure as to how they are expected to navigate a roundabout. A motorist who follows the local rules, say, in Waterloo region, may not necessarily be heeding the protocols of other areas.

It's a problem across the board. In my years working on this issue, I've met with motorists of all types. Whether it's truck, bus or automobiles, the only consist-

ency when it comes to roundabouts is the consistent concern for the lack of consistency. Hopefully Hansard picked that one up.

Truckers and other large vehicle operators I've spoken to, for instance, are faced with different challenges as they enter different municipalities across the province: varied lane widths, multiple lanes, varying locations for pedestrian crossings and conflicting rules for right of way. A little consistency would go a long way in enhancing safety right across Ontario. That's why, again, I've listed signs and markings, how commercial vehicles would deal with roundabouts, speed limits etc.

The fact that there's a lack of any mention whatsoever in the HTA leaves everyone—motorists, truckers, bus drivers, pedestrians and cyclists alike—with questions. When can I enter? How do I exit? Where do pedestrians cross? And ultimately, who has the right of way? The answers we've received to date, even offered up recently by the current minister, amount to little more than updated drivers' handbooks and a ministry website page with frequently asked questions, a brochure and video.

The province can update the traffic manuals, drivers' handbooks and websites all they want, but the fact is, without established rules under the HTA, the guidelines provide little in the way of enforceable, concrete direction. Just one look at the ministry website page on roundabouts underlines both the lack of and the need for rules and consistency. In fact, the varied questions on the FAQ page speak to the absent clarity we are seeking today: What is a roundabout? Are roundabouts safe for pedestrians? Are roundabouts safe for the visually impaired—another important section that I have as item number 9, to comply with accessibility standards established under the Accessibility for Ontarians with Disabilities Act, 2005. Are roundabouts safe for cyclists? I know we had the member for Burlington here on Monday, who is an advocate for cyclists. Can older drivers adjust to roundabouts? Can a roundabout accommodate large trucks and farm equipment?

All valid questions listed on the government website, given the lack of consistent rules. All the questions whose answers would be better understood, if only we could move forward on the steps called for here in the amendments I propose today.

It also bears noting that, while the FAQ page for roundabouts is filled with a lengthy list of queries, there is actually no FAQ page for more traditional intersections—no questions as to safety, no questions as to definition. That's because, if you check the HTA and search the word "intersection," you will find it 66 times—again, not one mention of roundabouts.

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The HTA defines "intersection" as "the area embraced within the prolongation or connection of the lateral curb lines or, if none, then of the lateral boundary lines of two or more highways that join one another at an angle, whether or not one highway crosses the other." So there it is, right in the HTA. It's well past time that roundabouts were defined as well. I know that several of the

sections are actually just clarifying definitions, including pedestrian crossovers. So I don't see why we can't include a definition of a roundabout.

Again, without any action we run the risk of further questions, further confusion and further preventable accidents. I think it's important to note that the media has picked up on this as well. In fact, the Waterloo Region Record's Jeff Outhit reported recently the region's 17 busiest roundabouts have shown a doubling of collisions and injuries over five years, with increased accidents beginning to undermine safety benefits.

Mr. Outhit rightly points out that injury-causing collisions in my area are now almost as common at circles as at traffic signals. If the need wasn't blatantly obvious before, surely Mr. Outhit's findings speak to that obvious need to address the roundabout rules in Waterloo region and throughout the province.

For committee members' interest, roundabouts in Ontario are a reality. They're here to stay. The need for rules is obvious and the fix is easy and easily supportable by representatives of all stripes, which in fact just recently occurred in the House. I do look forward to it continuing today in committee. I think we can take a stand together—a united stand—for enhanced road safety that will result in the passage of this important amendment. As Mr. Outhit first put it when I first introduced the legislation for roundabout safety, "It's time to end the runaround on roundabouts." Let's rewrite the law.

It was just recently in the Record, dated Saturday March 7:

"Ontario Needs Roundabout Law.

"Ontario motorists and pedestrians are nearer—and yet still too far—from a new roundabout law that would make them and the province's roadways safer.

"This week, Kitchener-Conestoga MPP Michael Harris's eminently sensible Safe Roundabouts Act passed second reading in the provincial Legislature, thanks in part to the generous support from Kitchener-Waterloo MPP Catherine Fife"—I'm not sure if you were there to vote; it says you were.

But, anyway, "But this is a private member's bill—most often a short-lived creature that doesn't survive to third reading. The Liberal government enjoys a majority, which gives it the power of life or death over the bill. At the moment, it's thumbs down from the Liberals. They oppose the legislation. And that opposition includes both current transportation minister Steven Del Duca and his predecessor, Glen Murray. Harris won a little battle this week. The odds of his winning the war are slim.

"But the defeat of Harris's Safe Roundabouts Act would be a loss for this province. Ontarians need this law because more roundabouts are being built in more communities each year. Ontarians need the law because the Highway Traffic Act, the definitive piece of legislation governing our roads"—which we're discussing today—"and highways, makes no mention whatsoever of roundabouts. Ontarians need the law because the rules that the provincial government says apply differ from the rules in some municipalities.

“In Waterloo region, which has 42 roundabouts now and will have up to 17 more by next year, the regional government’s signs tell drivers to yield”—

Mr. Mike Colle: On a point of order, Mr. Chair: I just wonder, are we not charged with Bill 31 and not this private member’s bill that the member is speaking to? Could the Chair rule on that? I thought we were talking about eliminating drugged driving and distracted driving—the four private members’ bills that are incorporated already in this bill—paved shoulders—

The Vice-Chair (Mr. Joe Dickson): Thank you for the—

Mr. Mike Colle: No; again, he’s talking about his private member’s bill, but this is not the place to talk about his private member’s bill. He has to go through the proper process.

Mr. Michael Harris: We’re talking about an amendment.

The Vice-Chair (Mr. Joe Dickson): He’s talking about—

Mr. Mike Colle: I have the floor. So I think we’re dealing with Bill 31 and not with his private member’s bill. As good as it might be, this is not the place for a private member’s bill discussion. I think you better have a discussion with the Clerk to see if we are not to be seized with discussing Bill 31 and not his private member’s bill.

The Vice-Chair (Mr. Joe Dickson): Thank you for the question, Mr. Colle. I think what you’ll see there, under this section 41.1 on page 24.1, is that what he’s actually doing is referencing his private member’s bill, PMB, for what he’s dealing with now on the amendment. We’ve allowed 20 minutes and we’re relatively close now—

Mr. Michael Harris: No.

The Vice-Chair (Mr. Joe Dickson): For 20 minutes? I’m just going to ask you to be in abeyance for a moment. I’m going to go around the table.

I know, Ms. McGarry, you had your hand up ahead of—

Mr. Michael Harris: I do want to finish. Do I get a new 20 minutes now?

The Vice-Chair (Mr. Joe Dickson): No.

Mr. Michael Harris: I still get to do 20 minutes.

Mr. Randy Hillier: He does have 20 minutes to speak. Is he—

The Vice-Chair (Mr. Joe Dickson): I generously gave him 20 minutes. I thought that’s what’s been done in the past—

Mr. Michael Harris: I have not used—

Mr. Randy Hillier: No, no, that’s in the standing orders to have 20 minutes—

The Vice-Chair (Mr. Joe Dickson): Sorry?

Mr. Randy Hillier: It’s in the standing orders: 20 minutes uninterrupted.

The Vice-Chair (Mr. Joe Dickson): That’s what he got.

Mr. Randy Hillier: It’s in the standing orders.

Mr. Michael Harris: Point of order here: I did not get 20 minutes.

The Vice-Chair (Mr. Joe Dickson): Excuse me. How is your time?

Interjection.

Mr. Randy Hillier: Twenty.

Interjection.

Mr. Randy Hillier: No, 20 minutes.

Mr. Michael Harris: Hey, Mike, thanks for the extra 20.

The Vice-Chair (Mr. Joe Dickson): Okay. You’re pretty close.

Mr. Michael Harris: But uninterrupted.

The Vice-Chair (Mr. Joe Dickson): No. Wait a minute. I’m here. I’m the one that’s talking.

You’re about three and a half minutes shy. What I’d like to do is extend those three and a half minutes to you now, and then I will answer the point of order and then I will go around the table, except if a woman advises me otherwise.

We have to deal with a point of order immediately, and I did deal with it.

Mr. Michael Harris: Yes.

The Vice-Chair (Mr. Joe Dickson): That’s why it’s back to you and then it’s going across the floor, Michael.

Mr. Mike Colle: Have we dealt with the point of order or do we wait for the Clerk to make a ruling on it?

Mr. Randy Hillier: The Chair makes a ruling.

The Vice-Chair (Mr. Joe Dickson): I thought the Chair did make a ruling on it.

Mr. Randy Hillier: You did.

Mr. Mike Colle: What was your ruling? That he can talk about a private member’s bill here during Bill 31?

The Vice-Chair (Mr. Joe Dickson): He was referencing that as part of—he was really talking on—do you want me to read the whole thing?

Mr. Mike Colle: Yes.

The Vice-Chair (Mr. Joe Dickson): Michael, you’re going to take more time, if that’s your wish.

I’ll read this, if it’s in order. According to Erskine May, “where a bill has several purposes, amendments directed to objects not specifically covered by the bill but broadly germane to its subject matter may be found within its scope.” That’s 564, and that’s within the scope, in my opinion.

Mr. Michael Harris: All right. I’ll finish up with the remainder of the time for this round, I suppose.

In our region, “which has 42 roundabouts now and will have up to 17 more by next year, the regional government’s signs tell drivers to yield to pedestrians at the curbside. Ontario law doesn’t require this. What should drivers do? Pedestrians have been hit by vehicles and seriously hurt in this region. A clear, consistent rule could prevent similar mishaps and even save lives.”

That’s what we’re discussing today with regard to this amendment.

“This region also instructs drivers to signal left when turning left at a roundabout. Provincial law is silent on the matter. Again, what should drivers do? When people

from other communities where there are no roundabouts come here, how do they know how to navigate a circular intersection without traffic lights? Do we want confusion and chaos on our roadways?

“The governing Liberals insist the updated driver handbook tells people what to do in roundabouts. But that approach isn’t working in Waterloo region, where more problems are happening in roundabouts, not fewer. A Record traffic analysis of this region’s 17 busiest roundabouts discovered that between 2009 and 2013 collisions and injuries doubled. In 2014, a motorcyclist lost control and died in a local roundabout.

“This is not a partisan issue. It is a matter of common sense. This week Catherine Fife, a New Democrat, spoke eloquently in support of Progressive Conservative Harris’ initiative. Good for her. Waterloo Regional Police, the regional government, the Canadian Automobile Association and the Ontario Safety League back” this bill too.

“We hope our two local Liberal MPPs—Kitchener Centre’s Daiene Vernile and Cambridge’s Kathryn McGarry, parliamentary assistant to the transport minister—can represent this region’s perspective to the government. And get action with a new law.”

I will also say that I got this report on roundabout rules for the road—and this is TAC, Traffic Operations and Management Standing Committee. These are the folks who actually clearly define what a roundabout is.

Ms. Ann Hoggarth: Is that from the States?

Mr. Michael Harris: So it is. That’s why we’ve moved, in this amendment, a clear definition actually using a consistent language on defining what a roundabout is. So that’s why it’s included.

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Again, police and the CAA support these important amendments to enhance road safety. I think it’s important to note that recently there has been a lot of discussion on this. It was passed in the Legislature by all three parties. The amendment sits before members of the committee. We’re talking about road safety. It’s an important matter in Waterloo region and across the province, and I encourage all members of the committee today to pass this amendment, as they did in the House several weeks ago.

I know there are others who want to speak to this amendment, so I’ll give them some time.

The Vice-Chair (Mr. Joe Dickson): All clear, Michael?

Mr. Michael Harris: For now.

The Vice-Chair (Mr. Joe Dickson): Thank you. We did allow an extra half-minute because of the interruption there. Thank you.

Ms. McGarry did have her hand up. I have you up next.

Mr. Randy Hillier: Chair, I’ll speak as well.

The Vice-Chair (Mr. Joe Dickson): We have to go around. Ms. McGarry.

Mrs. Kathryn McGarry: Thank you, Chair. I think that those of us around the table are all proud that Ontario’s roads continue to be amongst the safest in North

America, but there is always more that we can do to make them safer, which is really the spirit behind Bill 31. It has a lot of amendments to address road safety.

I do appreciate Mr. Harris’s concern to make sure that safety is paramount and the work that he has done on the roundabout issue. I just might remind the member that I spoke to his private member’s bill for 10 minutes during the debate and supported the principle behind bringing this bill in to pass second reading.

There are a number of different things. Certainly, I also live in Waterloo region. We are the roundabout capital of Ontario, I often quip. Certainly there are a lot of issues that the member has raised that I wanted to address.

First and foremost, the Highway Traffic Act references the type of traffic control devices used at intersections, such as stop signs, yield signs or traffic signals, rather than the specific type of intersection, such as T intersections, Y intersections, cross intersections and roundabouts. Drivers follow traffic rules based on the intersection’s traffic control. Roundabouts are controlled by yield signs, which means they’re already covered under the Highway Traffic Act’s definition of an intersection.

There is a section on how to safely drive through roundabouts, and it appears in the official Driver’s Handbook as an essential part of public education on roundabouts.

I have mentioned in the House that my 21-year-old son has just completed his driver’s education. As of yesterday, for his driver’s exam, he drove through a roundabout and passed his G2. While he was practising, leading up to his exam yesterday, not once did the driving instructor have to instruct him on how to approach a roundabout, how to negotiate through it, how to read the traffic signals or how to safely navigate through it. He had learned online. He had learned in the Driver’s Handbook, and passed his G2. So look out Waterloo region, there’s an extra driver now on the road.

In saying that, though, the key piece is really drivers’ education. We have certainly heard from our road safety partners through public consultation that there can be a lack of education amongst those who are facing roundabouts for the first time, and that’s where we have had some assistance from our road safety partners such as CAA and other organizations in recognizing that laws aren’t enough. Public education on how to safely navigate these intersections are key, and they continue on.

In terms of the design of roundabouts, policies and guidelines for the design of the roundabouts on provincial highways are available in the MTO roundabout resources document. Municipalities considering roundabouts on their roadways may reference this document in order to design their own in their municipality.

I wanted to just quickly address Waterloo region. Waterloo region, during their council meeting that the member referenced, as I understand it, didn’t necessarily support Harris’s private member’s Bill 65, but instead

passed their own recommendation that urges the ministry to look at roundabouts. They want the signage to be clear and consistent and they want to “endorse the principles proposed in Bill 65 and ask government to enact appropriate legislation.” They acknowledge that whatever rules the province brings in, the region will have to adhere to.

In saying that, certainly that’s why I think Bill 65 did pass in second reading to take a second look, but at this time, it’s imperative that we get Bill 31 passed and that we continue to look at issues regarding roundabouts.

I did want to say, though: On the municipalities’ viewpoint, Waterloo region council last night passed a motion on their own, with no MPPs there, that the regional municipality of Waterloo request the province of Ontario to pass Bill 31, the Transportation Statute Law Amendment Act (Making Ontario’s Road Safer), 2015, to require defaulted Provincial Offences Act fines to be paid prior to the renewal of vehicle licence plates and that the regional municipality of Waterloo requests the province of Ontario to immediately begin to make the necessary improvements to its database systems and information-sharing process to effectively support the implementation of Bill 31. They and many other municipalities across Ontario are asking us to pass Bill 31 as quickly as possible and to get that forward into legislation.

The Vice-Chair (Mr. Joe Dickson): I will go to Mr. Mantha of the third party.

Mr. Michael Mantha: Thank you, Chair. Basically, passing this bill as quickly as possible—if I had my way, we would already have been discussing the next stage and we would have been done with this on Tuesday.

I do want to commend the member from Kitchener, who put in quite a bit of work bringing in his private member’s bill and his amendment. It just shows that if you put your mind to something and you work in a non-partisan way, you can actually do some great work. I enjoyed all of the discussion during his presentation during the debate we had on his private member’s bill.

This is a non-partisan issue. If there is absolutely a way that we can amend this to make this safer—again, keeping in mind that this will make our highways safer and it is going to provide us an avenue to provide the proper education to individuals.

I’m glad to hear that your son passed his G2—

Mrs. Kathryn McGarry: So were we.

Mr. Michael Mantha: Thanks for the warning. I’ll stay up north. No, no; I’m kidding.

This is something that we can all work on. Again, it goes out to making this bill that much better. I don’t think this is reaching too far. Again, recognizing the work and the dedication that the member put into this, I think we should be supporting this. I would hope to see everybody supporting this when we have the opportunity to show our support for it.

Again, I want to congratulate the member. Let’s move on.

The Vice-Chair (Mr. Joe Dickson): What I’ll do now is go to Mr. Hillier, who had a request to speak. I think what everyone knows is that we’re looking for new

information pertaining to the bill. I think Mr. Harris did that.

Mr. Randy Hillier: Thank you, Chair. Just a few comments in response to what I’ve heard from the parliamentary assistant regarding this amendment and on what my colleague from Kitchener–Conestoga mentioned in his remarks.

We know that a number of municipalities have put forth good, sensible arguments on why they would like to see roundabouts studied and improvements made to the Highway Traffic Act after that study. Indeed, the parliamentary assistant did mention that in her remarks: that Waterloo has adopted a resolution that calls for essentially what this amendment is.

The meat and the content and the substance of this amendment put an onus and an obligation on the minister to study roundabouts and put those 10 different points of what the study will encapsulate or capture, so it’s very consistent with the remarks and the comments from municipalities around the province.

1650

It also doesn’t put an obligation on the ministry to actually do anything other than to study and to consult. I know that that is the hallmark of a democracy: to consult and to study before you act. I’m very pleased to support Mr. Harris’s amendment.

I guess I’ll just finish off by stating the obvious. I know that when Bill 65 was being debated under private members’ business, the parliamentary assistant spoke in favour of this consultation process and this study process. But then I was somewhat confused because, during her comments back about the amendment, many points were raised about how this was not necessary. It’s either important, invaluable, justified and reasonable to consult and to study—and we now have this opportunity to include this amendment in this bill, put an obligation upon the ministry to consult and study, but no other obligation, so it doesn’t detract from the bill in any fashion; it just enhances the bill without putting any further statutory obligations forward.

The benefit of that would be: Bill 65 would then not have to be dealt with in committee. It would just be dealt with here in this amendment and the process would be expedited and more efficient.

It’s a pleasure to support this amendment.

The Vice-Chair (Mr. Joe Dickson): Thank you, Mr. Hillier. I have a request from PA McGarry.

Mrs. Kathryn McGarry: Thank you, Chair. Thank you for your thoughtful comments. You’re right on the money there. It does take more consultation. It’s going to take more study and a harder look at some of the issues that have been brought forward, not only in Mr. Harris’s bill but during the debate that we had in the House after that.

What worries me is the timing. In order to be able to investigate, look at, and properly consult about what’s needed, it will delay the passage of this bill. We have the municipalities wanting to ensure that this bill goes forward. So as I said at the beginning of my comments, it’s not the right vehicle at this time.

I actually do look forward to continuing work, now that the member's bill has gone into second reading and gone into committee. I will look forward to further consultation, and we have been having those conversations. My point is that it's not the right vehicle at this time. Without further consultations that would hold up the bill, I think we should move forward to a vote and then continue this debate and this fine work further in committee.

The Vice-Chair (Mr. Joe Dickson): Mr. Harris?

Mr. Michael Harris: Yes, obviously just to respond, the parliamentary assistant is clearly reaching for any and every excuse not to proceed, putting partisanship ahead of partnership, unfortunately. She is absolutely false to suggest that this amendment would slow the passage of Bill 31 down. I want to make sure that's clear for everyone, including the members of the government and the parliamentary assistant: There is absolutely no mechanism in this amendment that would slow down the passage of the bill whatsoever. This is simply an amendment that would ask the minister to start a consultation. It does not set any timelines for completion; it doesn't set a timeline to start. He doesn't even have to do it. He would just have to report back to the House every year as to why he hasn't. So you're absolutely false in your comments to suggest that this amendment would in any way slow the passage down. The only way it will slow the passage of the bill down is if you continue to bring far-reaching excuses as to why this isn't the proper time.

Mr. Mike Colle: On a point of order, Mr. Chair: Can we call the vote on this?

The Chair (Mr. Joe Dickson): I'm about to do that, Mr. Colle.

Mr. Mike Colle: Huh?

The Chair (Mr. Joe Dickson): I'm about to do that, Mr. Colle.

Mr. Mike Colle: Call the question?

The Chair (Mr. Joe Dickson): Thank you for trying to expedite the meeting. He's asking a question, and I think we'll—

Mr. Michael Harris: I think it's fair that I have an opportunity to respond to the misguided advice that she is getting from staff perhaps on this one and reading, again, talking points that don't even address the actual amendment. You know what? I encourage the members to properly read these amendments. It's very clear. We're simply asking for a study on the different items surrounding roundabouts—there are no deadlines and no timelines—and then make regulations that can be done at any time.

So I just want to make that you're well aware: that you said that comment and it's absolutely false.

The Chair (Mr. Joe Dickson): Thank you, sir. As to your point of order, I'm going to Mr. Hillier and then I'll be asking the question, "Are we ready to vote?"

You had a question, sir?

Mr. Randy Hillier: Yes. I would just like to have the parliamentary assistant explain. The comment was that this amendment would delay the passage of the bill. I would like to hear how. What are the mechanics here?

What exactly would this amendment do to slow down the passage of the bill?

The Chair (Mr. Joe Dickson): Ms. McGarry, did you want to respond to that in 60 seconds or less?

Mrs. Kathryn McGarry: I've said all I needed to in my previous debate, thank you.

Mr. Randy Hillier: So, am I to take that it will not delay the passage of the bill?

Mrs. Kathryn McGarry: I said all I needed to in my previous comments, thank you.

Ms. Ann Hoggarth: On a point of order, Chair, sorry: Did someone not ask to take the vote?

Mr. Michael Harris: We're not done.

Mr. Randy Hillier: As long as there's discussion—

The Chair (Mr. Joe Dickson): I gave explicit instruction on what I'm going to do, but thank you for bringing it to my attention.

Mr. Michael Harris: Just one comment, Chair?

The Chair (Mr. Joe Dickson): Just one moment, please.

Interjection.

The Chair (Mr. Joe Dickson): Mr. Hillier, the floor is yours.

Mr. Randy Hillier: I've completed my—

The Chair (Mr. Joe Dickson): You've completed yours?

Mr. Randy Hillier: Yes.

The Chair (Mr. Joe Dickson): Okay—

Mr. Randy Hillier: I will just say that when it comes for a vote I would like a recorded vote.

The Chair (Mr. Joe Dickson): Absolutely, sir. Mr. Harris, did you have further—

Mr. Michael Harris: Yes, just to clarify, I guess. As per my colleague Mr. Hillier's question to the parliamentary assistant, do you stand by your comments that you made, or will you retract the comment that this in fact will slow the passage of the bill? Which one is it? Do you stand by your words that this is the case or do you retract what you said?

The Chair (Mr. Joe Dickson): I'll have to object at this time. She made it quite clear that she's standing on what she said previously. With that in mind, are we ready to vote? Is there anyone not ready to vote? We'll call the question. We've been asked for a recorded vote.

Ayes

Harris, Hillier, Mantha.

Nays

Anderson, Baker, Colle, Hoggarth, McGarry.

The Chair (Mr. Joe Dickson): The motion is lost. The next item is section 42, page 25. We should have that.

Interjection.

The Chair (Mr. Joe Dickson): Could I have clarification? There are two of them listed. One of them has the amendment—

Mr. Michael Harris: It's 25.1.

The Chair (Mr. Joe Dickson): It's 25.1?

Mr. Michael Harris: It's 25.1.

The Chair (Mr. Joe Dickson): Okay, thank you.

Mr. Michael Harris: I move that section 42 of the bill be amended by adding the following subsection:

“(0.1) Subsection 147(1) of the act is repealed and the following substituted:

“Slow vehicles to travel on right side

1700

“(1) Any vehicle travelling on a roadway shall, where practicable, be driven in the right-hand lane then available for traffic or as close as practicable to the right-hand curb or edge of the roadway if,

“(a) the vehicle is travelling at 10 kilometres per hour or more below the applicable maximum speed limit; or

“(b) where existing traffic, road or weather conditions reasonably require a speed below that of the applicable maximum speed limit, the vehicle is travelling at less than the normal speed of traffic for these conditions.”

The Vice-Chair (Mr. Joe Dickson): Mr. Harris, do you wish to speak to that?

Mr. Michael Harris: Yes, I do. This is better known as left-lane hogs. We all know, especially in the GTA, about gridlock on significant highways, 400-series highways. We have folks who want to continue to drive in the passing lane at a slower speed than that at which traffic flows, therefore making it a substantial road safety issue. Oftentimes drivers have to then pull out and pass, making it an extremely dangerous situation.

In fact, the BC government has moved to bring forward legislation similar to this amendment to actually provide some clarity but give the act some teeth. I'll just read into the record why they're doing so:

“Province to Introduce Legislation Giving Police More Power to Ticket Drivers Who Don't Move Over.

“The BC government is planning a crackdown this spring on drivers who hog the left lane, preventing other vehicles from passing.

“Transportation minister Todd Stone said Monday he plans legislation to give more power to police to ticket drivers who aren't using the lane to pass.

“Drivers who clog up the fast lane aren't just a nuisance, said Stone. They also cause some serious problems on the road.

“‘Whether it's ICBC, collision information or RCMP traffic reports, failure to keep right except to pass is a cause of many collisions across British Columbia,’ he said.” That, of course, could be easily translatable here in Ontario.

“Stone said police already ticket drivers who don't move into the right lane to let other drivers pass, but those tickets are often overturned in court.

“The way that the legislation is currently written, it does not provide them with the tools that give them the

high degree of confidence that actually pulling someone over and giving them the ticket will stand up in court.”

I think, again, this is very similar in Ontario. The act doesn't provide clarity and doesn't give law enforcement the teeth it needs so that when and if they do lay a charge in court, the ticket will actually hold up.

We know that our courts are already clogged as it is. This would allow police to lay a charge. A likely conviction would take place if this amendment is passed. So that's the justification, perhaps, for that—better known as left-lane hogs.

Mr. John Yakabuski: Makes sense to me.

The Vice-Chair (Mr. Joe Dickson): Thank you, Mr. Harris. Mr. Mantha?

Mr. Michael Mantha: I just wanted to ask the Chair that if anybody has got their phone on, could you ask them maybe to put it on silent instead of vibrate? I'm getting some feedback. It would just be a courtesy to everybody around the table.

Mr. Mike Colle: What's happening?

Mr. Michael Harris: Exactly.

Mr. Michael Mantha: Somebody's phone is vibrating while we're talking, and it just interrupts the flow. I'm just asking that everybody put their phones on silent. It's just respectful.

Mr. Mike Colle: Yeah, turn your phones off, Joe.

The Vice-Chair (Mr. Joe Dickson): I can't. The Sergeant-at-Arms took them this morning.

Mr. Mantha?

Mr. Michael Mantha: No, that's all I wanted to say.

The Vice-Chair (Mr. Joe Dickson): Thank you very much. I appreciate it, sir. Ms. McGarry?

Mrs. Kathryn McGarry: Thank you, Chair. Mine is on silent, just for the record.

I appreciate the member's comments about this section, but this section of the act was actually not open for the purposes of this bill, so it's a redundant provision. The Highway Traffic Act already requires that all drivers travelling at less than the listed speed of traffic should drive in the right-hand lane. The motion applies to all vehicles, not just motor vehicles, which poses problems for vehicles like farm tractors, horses and buggies, and bicycles, which operate below the speed limit.

Just to play devil's advocate, why just 10 kilometres per hour? It's arbitrary. We would need further consultation with municipalities and road safety partners. So at this time, because this section of the act wasn't open, I would vote against it.

The Vice-Chair (Mr. Joe Dickson): Mr. Hillier.

Mr. Randy Hillier: I think those comments really justify what this amendment is all about. Right now in the Highway Traffic Act, there's a ticket possible—or should be ticketed—if they are travelling below the speed of other traffic. But that is one of those subjective elements. This amendment adds clarity and a concise element to the law. The law is always more effective and more practical when it is clearly understood and when it is not subjective.

I'll be supporting this amendment. I think it's a reasonable and thoughtful amendment. It tells people, "If you're doing 90 kilometres on the 401 in the left lane, that's wrong." That's pretty simple to understand.

I don't see how we would not want to ensure greater clarity in our law and have it easily understood by drivers not only what is expected but what is an offence and what is not an offence and not allow it to just be determined in a subjective manner.

The Vice-Chair (Mr. Joe Dickson): Yes, Ms. McGarry.

Mrs. Kathryn McGarry: Sorry; I just wanted to say that I appreciate the spirit behind this amendment, but again, we already have provisions to address this issue.

The Vice-Chair (Mr. Joe Dickson): Mr. Harris.

Mr. Michael Harris: Again, to be clear, yes, you do, but it doesn't provide the clarity, the specifics, that are needed for a conviction. That's why we're bringing this amendment forward. We wouldn't be bringing it forward if we already had it. This is a new amendment that says specifically that if the vehicle is travelling at 10 kilometres per hour or more below the maximum speed limit—

Interjection.

Mr. Michael Harris: No, we don't. We're putting it in to set a target, a 10-kilometre target. If you're travelling at 10 kilometres per hour or more below, you're going to get a ticket. That allows the authorities, the police, to not be subjective. How, when they go to court, can they say, "The traffic was flowing at this, but I don't know what speed the traffic was flowing. I don't know how fast the vehicle was flowing"? With this, if he's caught on a radar gun and he's travelling 10 kilometres below the speed limit, he's going to get a ticket, and it's likely going to follow through in court. Now we're just wasting our time in courts issuing tickets because they're so subjective.

Again, you're wrong, and that's why we're adding this amendment.

The Vice-Chair (Mr. Joe Dickson): Thank you. I just need clarification on one point.

Interjection.

The Vice-Chair (Mr. Joe Dickson): I have a member of provincial Parliament with her hand in the air.

Ms. Ann Hoggarth: You do. Point of order: Can we vote, please?

The Vice-Chair (Mr. Joe Dickson): If you would just bear with me, I asked for clarification. I've taken that. The question now is: Are we ready to vote? We are.

Mr. Michael Harris: A recorded vote, please.

The Vice-Chair (Mr. Joe Dickson): A recorded vote has been requested.

Ayes

Harris, Hillier, Mantha.

Nays

Anderson, Baker, Colle, Hoggarth, McGarry.

The Vice-Chair (Mr. Joe Dickson): The amendment was defeated.

1710

According to my records, we will now go to section 43.

Interjection.

The Vice-Chair (Mr. Joe Dickson): Just on a triple technicality, shall section 42 carry? It was a recorded vote.

Interjections.

The Vice-Chair (Mr. Joe Dickson): Discussion? Shall the section carry? Carried.

Mr. Michael Mantha: Chair?

The Vice-Chair (Mr. Joe Dickson): Yes, Mr. Mantha.

Mr. Michael Mantha: Just for my ongoing learning process of this, I'd like you to indulge me. I thought that we had made a vote on 42. We all expressed our views, and then we went to the amendment, which was suggested by my colleagues here from the Conservative Party. The amendment failed. Do we not go to 43 now?

The Vice-Chair (Mr. Joe Dickson): It kind of feels like getting a quadruple heart—

The Clerk of the Committee (Ms. Sylwia Przedzicki): Just to clarify for the members—

Interjection.

The Vice-Chair (Mr. Joe Dickson): Could we have clarification, please? Mr. Hillier, Mr. Mantha, a clarification for you.

The Clerk of the Committee (Ms. Sylwia Przedzicki): Just for clarification, section 42 is currently open. The amendment to section 42 was lost. Now the Chair is about to put the question on the section.

The Vice-Chair (Mr. Joe Dickson): So the question now is on the section. Those opposed? Those in favour?

The next item is section 43 on page 26.

Mrs. Kathryn McGarry: So section 42 carried?

The Vice-Chair (Mr. Joe Dickson): Yes. It was carried, yes.

Interjections.

The Vice-Chair (Mr. Joe Dickson): We're still on page 26, section 43. Mr. Mantha, that is an NDP motion on the traffic act.

Mr. Mike Colle: Mr. Chairman, where are we now?

The Vice-Chair (Mr. Joe Dickson): We are on section 43, page 26. This is the traffic act, NDP motion.

Mr. Michael Mantha: Thank you, Mr. Chair, and thank you for indulging me. I'm always one who is eager to learn. As much as you have patience with me, I'll give you the same patience from my end. So thank you for indulging me.

Anyway, I move that subsection 148(6.1) of the Highway Traffic Act, as set out in section 43 of the bill, be struck out and the following substituted:

"Same

"(6.1) Every person in charge of a motor vehicle on a highway who is overtaking a person travelling on a bicycle shall leave a distance of not less than one metre

between the bicycle and the motor vehicle and shall maintain that distance until safely past the bicycle.

“Same

“(6.1.1) Despite subsection (6.1), in cases where it is not practicable to leave the one-metre distance required by that subsection, a person in charge of a motor vehicle on a highway may overtake a person travelling on a bicycle by leaving a lesser distance, if it is safer to pass the bicycle and if the person in charge of the motor vehicle leaves as much distance as practicable between the motor vehicle and the bicycle and maintains that distance until safely past the bicycle.”

The Vice-Chair (Mr. Joe Dickson): Mr. Mantha, I wonder if you could do a—

Mr. Michael Mantha: A friendly amendment there?

The Vice-Chair (Mr. Joe Dickson): Yes. You have: On line 4, the first word is “safe,” and I believe that you interpreted it as “safer.” Just to have the record correct, would you make that notation for us, please? At the very bottom of the page.

Mr. Michael Mantha: Yes. There are two paragraphs there that I had—there seems to be a little bit of a friendly typo that could be in order. The first paragraph, last sentence—and if anybody wants to make a suggestion, I’d be open to that suggestion. But it says—and I’ll just read after the “and” of the last sentence—“shall”—

The Vice-Chair (Mr. Joe Dickson): Could I get you to go back to the comma before and read from that point on?

Mr. Michael Mantha: The comma before?

The Vice-Chair (Mr. Joe Dickson): Yes, “if it is.”

Mr. Michael Mantha: I’m looking at the paragraph, the first “same,” the (6.1) paragraph.

The Vice-Chair (Mr. Joe Dickson): No, no. We’re at the very last one, sir.

Mr. Michael Mantha: You’re at the last one?

The Vice-Chair (Mr. Joe Dickson): Yes, sir.

Mr. Michael Mantha: All right. So you want me to read from the last comma on?

The Vice-Chair (Mr. Joe Dickson): That’s correct.

Mr. Michael Mantha: Okay, we’ve got it straight, Mr. Chair. So after the last comma, under the last paragraph, “Same

“(6.1.1) ... ,” it reads, “ ... if it is safe to pass the bicycle and if the person in charge of the motor vehicle leaves as much distance as practicable between the motor vehicle and the bicycle and maintains that distance until safely past the bicycle.”

C’est bon?

The Vice-Chair (Mr. Joe Dickson): Thank you very much, Mr. Mantha.

Mr. Michael Mantha: You’re very welcome.

The Vice-Chair (Mr. Joe Dickson): Ms. McGarry had a question.

Mr. Michael Mantha: I’d like to add a couple of comments, if I may.

The Vice-Chair (Mr. Joe Dickson): Absolutely. Go ahead.

Mr. Michael Mantha: I think, through the individuals who came here, we heard it quite clearly that we have a very good opportunity to really make this bill that much safer for individuals who are operating bicycles by making the amendment and putting in the one-metre rule.

I’d like to read from one of the presenters that came in, which was Mr. Jared Kolb, the executive director of Cycle Toronto. One of his—he had five amendments, but I’ll just read the one that he wanted to highlight. “There are, however, five areas of Bill 31 that we recommend should be amended....” The one that he highlighted is, “We propose language to strengthen the new one-metre passing rule (section 43),” which is what we’re dealing with right now.

This is something that is being done in other jurisdictions, if we look across this country. We have this opportunity to strengthen and make the roads that much more safer for our cyclists and our cycling enthusiasts. I would hope that in the co-operation of strengthening this bill, everyone around the table supports this amendment and we can move it going forward.

1720

The language that is presently there leaves too much to interpretation. I believe that this would set what the parameters are and encourage and specifically direct individuals who are operating vehicles to give that distance between them and the cyclists, and it would clear up a lot of the unknowns. So I would encourage everybody to support this motion, enhance and make this bill that much stronger.

The Vice-Chair (Mr. Joe Dickson): Thank you very much. Ms. McGarry, you had your hand up?

Mrs. Kathryn McGarry: Yes. Thank you very much. I certainly appreciate the member’s comments. As you’re aware, in the spirit of collaboration, we’ve actually incorporated four private members’ bills into Bill 31 from all parties so that we would have all-party support across the House. I understand that the proposed changes acknowledge the private member’s bill brought forward by your colleague, MPP DiNovo. I’m really pleased to see the co-operation across the way.

Certainly the point of this section is to protect cyclists. We really appreciate the comments we’ve had from stakeholders, cyclists themselves and a number of folks across the province who are quite supportive of the one-metre rule as written as being an agreeable distance between a vehicle and a bicycle. The only caution I’d have with some of the proposed amendments is that the motion would put a greater onus on the cyclist in unpredictable circumstances like suddenly coming upon a pothole or a roadblock. From my point of view, I’m happy with leaving the section as unamended, as we’ve already incorporated the private member’s bill from your colleague.

The Vice-Chair (Mr. Joe Dickson): Mr. Hillier?

Mr. Randy Hillier: Thank you, Mr. Chair. Yes, we’ll be supporting the NDP amendment. Thank you very much.

The Vice-Chair (Mr. Joe Dickson): All clear?

Mr. John Yakabuski: Vote?

Mr. Michael Mantha: Can I get a recorded vote, please?

The Vice-Chair (Mr. Joe Dickson): A recorded vote has been requested.

Interjection.

The Vice-Chair (Mr. Joe Dickson): Question: In favour? A recorded vote has been requested.

Ayes

Harris, Hillier, Mantha.

Nays

Anderson, Baker, Colle, Hoggarth, McGarry.

The Vice-Chair (Mr. Joe Dickson): The motion is lost.

The next sections are—oh, shall section 43 carry? Yes. Gotcha.

Mr. Michael Harris: Twenty-seven point one—

The Vice-Chair (Mr. Joe Dickson): No, no, no.

Interjections.

Mr. Michael Harris: This is amendment number—
Interjection.

The Vice-Chair (Mr. Joe Dickson): I said it. I'll say it again: Shall section 43 carry? I heard "yes." Carried.

The next sections are sections 44 to 47, inclusive. There are no amendments, and I wonder if we would vote on that as a unit.

Mr. Yvan Baker: Can I ask for a recorded vote?

The Vice-Chair (Mr. Joe Dickson): A recorded vote has been requested. Shall the section carry?

Mr. Mike Colle: Which section, please?

The Vice-Chair (Mr. Joe Dickson): Sections 44 to 47, inclusive. We were going to do one vote.

Mr. Mike Colle: Thank you.

The Vice-Chair (Mr. Joe Dickson): Unless you want to split them.

Interjections.

The Vice-Chair (Mr. Joe Dickson): We are doing sections 44 to 47, inclusive. They have no amendments. A possible recommendation could be to vote as a unit. Do you wish to carry that? Carried.

Now I'm going to get further instructions, so bear with me.

Interjection.

The Vice-Chair (Mr. Joe Dickson): Shall sections 44 to 47, inclusive, carry? You had asked for a recorded vote on that.

Ayes

Anderson, Baker, Colle, Hoggarth, Mantha, McGarry.

The Vice-Chair (Mr. Joe Dickson): I'm sure there's something else I have to say.

Shall section—

Interjection.

The Vice-Chair (Mr. Joe Dickson): These two gentlemen—as opposed.

Mr. John Yakabuski: They didn't vote.

The Vice-Chair (Mr. Joe Dickson): I'm asking the question, "As opposed?" and the answer was no.

Let me do it again. I thought I asked if you were opposed, and I think you said that you're not voting.

Mr. Michael Harris: You didn't say, "Those opposed?"

The Vice-Chair (Mr. Joe Dickson): But you're not voting?

Mr. Michael Harris: We are not.

The Vice-Chair (Mr. Joe Dickson): That's right.

Mr. John Yakabuski: There's no requirement to vote.

The Vice-Chair (Mr. Joe Dickson): The next one is section 48. That is the traffic act, and that is the PC subsection, both 27 and 27.1—

Mr. Michael Harris: Just 27.1.

The Vice-Chair (Mr. Joe Dickson): Okay, 27.1.

Mr. Michael Harris: I move that section 159 of the act, as amended by section 48 of the bill, be further amended by adding the following subsections:

"Slow down for vehicle removing snow or ice

"(3.1) Upon approaching a road service vehicle that is used to plow, salt or de-ice a highway or to apply chemicals or abrasives to the highway for snow or ice control and that has a lamp producing intermittent flashes of blue light, whether the road service vehicle is stopped on the side of the highway or proceeding along the highway, the driver of a vehicle travelling on the same side of the highway,

"(a) shall slow down and proceed with caution, having due regard for traffic on and the conditions of the highway and the weather, to ensure that the driver does not collide with the road service vehicle or endanger any person outside of the road service vehicle; and

"(b) if the road service vehicle is proceeding along the highway, shall follow the road service vehicle at a distance that is reasonable in the circumstances and shall only pass the road service vehicle if passing can be done in safety.

"Same, other road service vehicle

"(3.2) Upon approaching a road service vehicle, other than a road service vehicle described in subsection (3.1), with its lamp producing intermittent flashes of amber light that is stopped on the side of the highway, the driver of a vehicle travelling on the same side of the highway shall slow down and proceed with caution, having due regard for traffic on and the conditions of the highway and weather, to ensure that the driver does not collide with the road service vehicle or endanger any person outside of the road service vehicle."

The Vice-Chair (Mr. Joe Dickson): Mr. Harris, would you be good enough to read the last sentence just for clarification?

Mr. Michael Harris: The last sentence—just a second here.

The Vice-Chair (Mr. Joe Dickson): Or the very last line.

Mr. Michael Harris: The last paragraph? It's all one sentence. Do you want the whole paragraph? It's all one sentence. "Not collide with the road service vehicle or endanger any person outside of the road service vehicle"—that's what you wanted? Is there a problem with that?

Interjections.

1730

Mr. Michael Harris: I can continue?

The Vice-Chair (Mr. Joe Dickson): Yes.

Mr. Michael Harris: Okay. This is, I think, a very important amendment. You know what? My colleague Garfield Dunlop really initiated this through a private member's bill earlier on. I guess it goes back even further. We all know that the legislation was brought in to pull over or move over when a police officer is at the side of the road. We've enacted legislation for tow truck drivers who are at the side of the road. Now we're simply asking that the same sort of concept, perhaps, is applied to our snow-removing vehicles.

Mr. John Yakubuski: Consideration.

Mr. Michael Harris: Yes, or consideration, rather.

For those members who were not here for the deputations, it was in fact a suggestion brought forward by the Ontario Road Builders' Association. They're the voice of the road-building sector in Ontario. Their members build the majority of provincial and municipal roads, bridges and transportation infrastructure across the province and employ in excess of 30,000 workers at peak season.

They wanted to comment in response to the MTO's proposed amendments to the Highway 407 East Act, 2012, and the Highway Traffic Act. They wanted to comment specifically around efforts to amend sections 159(2) and 159(3) of the Highway Traffic Act to include tow trucks as vehicles which require slowing down by motorists.

Their association is constantly looking for ways to improve the health and safety of their workers, and continues to look for ways to collaborate with the MTO to ensure that our highways continue to consistently rank among the safest in North America. One important step that can be taken to protect the health and safety of their workers is to expand the scope of this legislative amendment to include all highway maintenance vehicles—i.e. crash trucks, patrol vehicles and snowplows—on the list of vehicles that require slowing down by motorists.

Highway maintenance vehicles such as crash trucks and patrol vehicles are vital to the safety of their workers and the general motoring public, acting as first responders to accidents, closing lanes when safety hazards are present, and creating security barriers to allow for vital maintenance work to be undertaken on busy thoroughfares, among many other duties. Workers in their industry perform work on Ontario highway networks daily and, similarly to tow trucks, their vehicles utilize amber flashing lights when performing this work. ORBA members are asking for equal consideration under the Highway Traffic Act, to ensure the safety of their workers.

Additionally, Ontario Road Builders' Association members would like to see snowplows included in the list of highway maintenance vehicles which require slowing down by motorists. Snowplows are equipped with blue flashing lights when performing work and represent an essential component on Ontario roads, especially in the last few seasons, which saw a record amount of snowfall in Ontario.

We won't get into further discussion on the actual road maintenance that has taken place, but we do want to thank them for their efforts on the roads at all times of the day and night.

Special consideration is warranted for snowplows, as statistics note that the majority of incidents involving snowplows are a result of motorists driving too close behind snowplows or attempting to pass snowplows. Following too close behind a snowplow can cause a driver to be blinded by the snow cloud ahead. Passing a snowplow can result in a collision, oftentimes fatal, with the side-mounted wing blade, a large blade mounted on the front which can swing to either side of the vehicle.

On average, every winter, there are 132 collisions involving snowplows, a trend that is increasing every year, from 105 collisions involving snowplows in 2010 to 189 collisions involving snowplows in 2011. These statistics clearly reflect the fact that more consideration needs to be given to snowplows and the way they are regarded by the motorist public of Ontario.

Of course, they wanted to thank the Standing Committee on General Government for the opportunity for their feedback. We want to thank them for their suggestion to make our roads even safer.

Clearly, the numbers speak for themselves, and that's why we have proceeded with this important road safety amendment: to simply include road service vehicles like snowplows in this important road safety initiative.

I ask the government for their consideration to support this worthy amendment, again, to make Ontario roads safer.

The Vice-Chair (Mr. Joe Dickson): Thank you. Ms. McGarry, you had your hand up?

Mrs. Kathryn McGarry: No, I didn't.

The Vice-Chair (Mr. Joe Dickson): You put it down? Thank you.

No questions? The motion to amend: Everyone ready to vote?

Mr. Michael Harris: A recorded vote.

The Vice-Chair (Mr. Joe Dickson): Recorded vote is requested. Shall the amendment carry?

Ayes

Harris, Hillier, Mantha.

Nays

Anderson, Baker, Colle, Hoggarth, McGarry.

The Vice-Chair (Mr. Joe Dickson): Shall we vote to approve the section? In favour?

Mr. Yvan Baker: Could I call a recorded vote?

The Vice-Chair (Mr. Joe Dickson): Recorded vote?

Mr. Yvan Baker: I'd like to ask for a recorded vote on all future sections.

The Vice-Chair (Mr. Joe Dickson): Sorry?

Mr. Yvan Baker: I'd like to ask for a recorded vote for all sections—when those votes are held, that a recorded vote be held.

The Vice-Chair (Mr. Joe Dickson): Done. Opposed?

Mrs. Kathryn McGarry: Could you repeat what we're voting on, please?

Mr. Michael Harris: How many voted in favour?

The Vice-Chair (Mr. Joe Dickson): A recorded vote was requested—

Mr. Michael Harris: How many voted in favour? Because you're on "opposed."

The Vice-Chair (Mr. Joe Dickson): In favour?

Mr. Yvan Baker: Of section what?

The Vice-Chair (Mr. Joe Dickson): This is the section. This is the section we're voting on.

Mr. Randy Hillier: Section 48?

Mrs. Kathryn McGarry: I'm listening to the Chair, thank you, Mr. Hillier.

Mr. Randy Hillier: I'm trying to find out what we're voting on.

The Vice-Chair (Mr. Joe Dickson): We're still on section 48. We're still on section 48. How many times do you want to do it? Recorded vote.

Mr. Mike Colle: All in favour?

The Vice-Chair (Mr. Joe Dickson): We've done that, and we'll do it again.

Interjections.

Mr. Michael Harris: No, no, no.

The Vice-Chair (Mr. Joe Dickson): Mr. Harris, when you want to take the Chair, you let me know.

All in favour?

Ayes

Anderson, Baker, Colle, Hoggarth, McGarry.

Mr. John Yakabuski: Whoa, whoa, whoa.

Mr. Randy Hillier: You already had the vote.

The Vice-Chair (Mr. Joe Dickson): I know we did. Opposed?

Mr. Randy Hillier: Chair, point of order: Listen, once a vote has been taken, it's not taken again.

Mr. Michael Harris: We want clarification on how many initially voted in favour, because you were on "opposed." You were starting to ask, "How many opposed?" So who voted in favour initially? We want Hansard or somebody to answer this.

Mr. Randy Hillier: Read back from Hansard.

Mr. Michael Harris: We want it read back from Hansard.

Interjections.

The Vice-Chair (Mr. Joe Dickson): We're in the middle of the vote, so let's finish the vote.

Mr. Michael Harris: How many were—

Mr. Randy Hillier: I've seen a number of votes.

The Vice-Chair (Mr. Joe Dickson): All in favour?

Mr. Michael Harris: No, now we're in the middle of the vote.

Interjections.

The Vice-Chair (Mr. Joe Dickson): I did read out all the names.

Mr. Michael Harris: Yes, the second time around, after he was already on "opposed." That's the fact. We have to get clarity on this. You know that was the case.

Mr. Mike Colle: Come on. Let's just vote.

Mr. John Yakabuski: On what?

Mr. Michael Harris: Nobody voted in favour; then he came to "opposed."

Interjection.

Mr. John Yakabuski: That's what he has to say: "Will section 48 carry? All those in favour?" This is not that complicated.

Mr. Michael Harris: If you guys aren't paying attention, that's your own fault.

The Vice-Chair (Mr. Joe Dickson): At this time, we're going to finish the vote.

1740

Mr. Randy Hillier: On?

The Vice-Chair (Mr. Joe Dickson): We have read out the names that voted—

Mr. Randy Hillier: On what?

The Vice-Chair (Mr. Joe Dickson): On the section.

Mr. Randy Hillier: Section number?

The Vice-Chair (Mr. Joe Dickson): Section 48, on page 27.1.

We've done all that, so: Opposed?

Mr. Randy Hillier: I will ask for clarification from the Clerk. How many times did you record the vote for section 48?

The Clerk of the Committee (Ms. Sylwia Przedziecki): One time. We are in the middle of the vote. I read out the names of those in favour, and now the Chair is putting the other side to the question.

Mr. Randy Hillier: Okay.

Interjection.

The Vice-Chair (Mr. Joe Dickson): The Clerk would like me to make sure that we're triply clear. On section 48—

Mr. John Yakabuski: Could you speak up, Joe?

The Vice-Chair (Mr. Joe Dickson): On section 48: Opposed? Anyone opposed? Yes or no.

Mr. Randy Hillier: We didn't put our hand up. We're not voting.

The Vice-Chair (Mr. Joe Dickson): The motion is carried.

Mr. Randy Hillier: The amendment on 48: Just for my own clarification, was the amendment carried or lost, according to the Clerk?

The Vice-Chair (Mr. Joe Dickson): That was lost.

Mr. John Yakabuski: Okay. Let's move on, then.

The Vice-Chair (Mr. Joe Dickson): Now what we have is sections 49 to 53, inclusive—

Mr. Granville Anderson: To 52.

Mr. John Yakabuski: It can't be 53; there's an amendment for 53.

The Vice-Chair (Mr. Joe Dickson): I'm only telling you what's written in front of me, but we will certainly check that.

Interjection.

The Vice-Chair (Mr. Joe Dickson): It is 53; that's what the Clerk says. If you want to deal with the Clerk, go ahead.

Question?

Mr. Yvan Baker: Point of clarity: What happened on section 48? Could you just clarify?

The Vice-Chair (Mr. Joe Dickson): What happened on it?

Mr. Yvan Baker: On section 48.

The Vice-Chair (Mr. Joe Dickson): Well, the amendment did not pass. The motion passed.

Mr. Yvan Baker: Okay, thank you. I just wanted to check. Thanks.

The Vice-Chair (Mr. Joe Dickson): There was a question: 52; the Clerk says it's 53. Do you want to check that?

The Clerk of the Committee (Ms. Sylwia Przewdziecki): Just to clarify, there are no amendments to sections 49 to 53, inclusive.

Mr. Randy Hillier: Chair, I call for a 20-minute recess.

The Vice-Chair (Mr. Joe Dickson): I haven't put the question yet, Randy. I have to put the question first. Okay?

Mr. Randy Hillier: You called for a vote.

The Vice-Chair (Mr. Joe Dickson): I haven't put the question. I do have to put it first, okay? The question, which I was reading—I'll start over again—was on sections 49 to 53, inclusive—

Mr. Randy Hillier: There was an amendment in section 53.

Interjections.

The Vice-Chair (Mr. Joe Dickson): For clarification, it is again sections 49 to 53, inclusive. There is no amendment.

Mr. Randy Hillier: Amendment 28.1 is under section—oh, no, that's—

Interjections.

Mr. Randy Hillier: But that's a new section, under 53—53.1.

The Vice-Chair (Mr. Joe Dickson): Section 53.1 is new, yes. Okay? So the—

Mr. Randy Hillier: I'll call for a 20-minute recess on that vote.

The Vice-Chair (Mr. Joe Dickson): The question is, do you want to vote as a unit? The concern now is the time. Is that your concern?

Mrs. Kathryn McGarry: Yes.

The Vice-Chair (Mr. Joe Dickson): I'm talking to the Clerk. Sorry.

Interjections.

The Vice-Chair (Mr. Joe Dickson): So 20 minutes is fine for Mr. Hillier. That means this meeting, in essence, is finished, and you will take the vote on this resolution when you come back on Monday.

The committee adjourned at 1748.

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