



Legislative Assembly
of Ontario
Second Session, 38th Parliament

Assemblée législative
de l'Ontario
Deuxième session, 38^e législature

**Official Report
of Debates
(Hansard)**

**Journal
des débats
(Hansard)**

Thursday 30 March 2006

Jeudi 30 mars 2006

Speaker
Honourable Michael A. Brown

Président
L'honorable Michael A. Brown

Clerk
Claude L. DesRosiers

Greffier
Claude L. DesRosiers

Hansard on the Internet

Hansard and other documents of the Legislative Assembly can be on your personal computer within hours after each sitting. The address is:

<http://www.ontla.on.ca/>

Index inquiries

Reference to a cumulative index of previous issues may be obtained by calling the Hansard Reporting Service indexing staff at 416-325-7410 or 325-3708.

Copies of Hansard

Copies of Hansard can be purchased from Publications Ontario: 880 Bay Street, Toronto, Ontario, M7A 1N8. e-mail: webpubont@gov.on.ca

Le Journal des débats sur Internet

L'adresse pour faire paraître sur votre ordinateur personnel le Journal et d'autres documents de l'Assemblée législative en quelques heures seulement après la séance est :

Renseignements sur l'index

Adressez vos questions portant sur des numéros précédents du Journal des débats au personnel de l'index, qui vous fourniront des références aux pages dans l'index cumulatif, en composant le 416-325-7410 ou le 325-3708.

Exemplaires du Journal

Des exemplaires du Journal sont en vente à Publications Ontario : 880, rue Bay Toronto (Ontario), M7A 1N8 courriel : webpubont@gov.on.ca

Hansard Reporting and Interpretation Services
Room 500, West Wing, Legislative Building
111 Wellesley Street West, Queen's Park
Toronto ON M7A 1A2
Telephone 416-325-7400; fax 416-325-7430
Published by the Legislative Assembly of Ontario



Service du Journal des débats et d'interprétation
Salle 500, aile ouest, Édifice du Parlement
111, rue Wellesley ouest, Queen's Park
Toronto ON M7A 1A2
Téléphone, 416-325-7400; télécopieur, 416-325-7430
Publié par l'Assemblée législative de l'Ontario

LEGISLATIVE ASSEMBLY
OF ONTARIO

Thursday 30 March 2006

ASSEMBLÉE LÉGISLATIVE
DE L'ONTARIO

Jeudi 30 mars 2006

*The House met at 1000.
Prayers.*

**PRIVATE MEMBERS'
PUBLIC BUSINESS**

ORGAN AND TISSUE DONATION
MANDATORY DECLARATION ACT, 2006

LOI DE 2006 EXIGEANT
UNE DÉCLARATION AU SUJET
DU DON D'ORGANES ET DE TISSU

Mr. Klees moved second reading of the following bill:

Bill 67, An Act to amend various Acts to require a declaration with respect to the donation of organs and tissue on death / Projet de loi 67, Loi modifiant diverses lois pour exiger que soit faite une déclaration au sujet du don d'organes et de tissu au moment du décès.

The Deputy Speaker (Mr. Bruce Crozier): Mr. Klees, pursuant to standing order 96, you have up to 10 minutes.

Mr. Frank Klees (Oak Ridges): I'm proud to rise today to discuss an issue that I believe, and am very hopeful, will find common ground in this place. It's not often, I think, that all three parties can see an issue from the perspective of the good that it can do and the lives that it can save. I believe we have before us today a bill that should have the confidence of every member of this House.

Before I go into the details of this bill, I want to recognize individuals in the galleries today who are with us and who are playing a very important role in ensuring that the issue before us is implemented. There are those who have benefited from organ transplant, tissue transplant. I want to first of all recognize Dr. Frank Markel from the Trillium Gift of Life Network, who is here with us today, along with Jennifer Tracey. In that context, I want to recognize my colleague Elizabeth Witmer, who, then the Minister of Health, had the privilege of introducing the legislation that gave life to the Trillium Gift of Life Network.

I also want to recognize today Ms. Janet Bick, the Kidney Foundation's director of government and professional relations; Ms. Riva Grinshpan, president of the central branch of the Kidney Foundation; and Mr. Wayne Sampson, who is a transplant recipient and volunteer for the Kidney Foundation. The Kidney Foundation is here in the Legislature today to give focus to the important work of that foundation and, obviously, to the application

of the very subject that we're speaking to today to individuals in this province.

The origin of this bill is with my constituents. When I introduced this bill initially, I did so in honour of a good friend, Don Cousens, who is a former member of this Legislature and the current mayor of Markham. He himself is a recipient of a kidney transplant and, as we speak today, is again on a waiting list, this time for a double transplant.

I also want to recognize in the gallery today Mr. Geoffrey Risen and his wife, Sandra. Mr. Risen is also a recipient of a kidney; Mr. Glenn Wood as well. These are folks who sat across from me in my constituency office and spoke to me about their challenges, their anxiety, their frustration with a system in this province that, quite frankly, is unconscionable, given the nature of our province, the wealth of our province and the boasting that we do about one of the best health care systems in the world. Yet every three days one person dies on a waiting list awaiting a transplant in this province. It is not because people in this province don't want to be organ donors, because an Environics poll tells us that 96% of people, when asked, support organ donation, yet only 40% or so actually ever sign a donor card. So I suggest to you, Speaker, and I ask members of this Legislature to consider why it is that we are falling far behind many other jurisdictions in the availability of organ donations. I suggest that this bill before us goes in some direction to alleviating that concern.

The bill before us will require, when implemented, that every person 16 years of age and older in the province of Ontario, as a matter of course of making application for or renewing a driver's licence or a provincial health card, make a declaration regarding their intentions concerning organ donation. That declaration will be a standard part of the application form for the driver's licence or the provincial health card.

I want to make it very clear that what this legislation does not do is force anyone to make a decision to be an organ donor, and it doesn't force anyone to say no. In fact, what the application allows for is a yes, a no or an undecided. It should be of no offence to anyone. It's simply a declaration that, "I have given thought to this." I believe it's important that we have a built-in mechanism in those two important provincial documents that actually forces people to confront this very important issue periodically in the course of their life, to give consideration to this life-giving issue.

Every person in this province has the ability to give life and to sustain life. I believe we, as legislators, have

an opportunity here, through this legislation, to make that a possibility and ensure that people don't miss that important opportunity to give life and to sustain life. I believe that it's very important that individuals have the right to make that very personal decision. I do not believe that anyone should be presuming that that is a decision that people make.

I want to, at this point in time, thank my colleague Peter Kormos for his initiative through his private member's bill. I also want to recognize that there are other bills in this place. Mr. Levac has introduced, I believe, a very important bill as well that relates to introducing an education program beginning in the elementary school level to ensure that young people understand the importance and the implications of organ donation, and I would support that.

I'm not suggesting that this legislation before us holds all of the answers, but I do believe it's a very important part of ensuring that we take the important step to ensure that people in our province have the opportunity to have their lives saved, have the quality of their life improved. If we can do that, why not?

I want to recognize as well in the gallery a constituent, Gerri Seely, and her husband Dennis. Gerri is a recipient of a transplant, a living transplant. This is an incredible story of a friend who came forward to offer herself as a donor. I believe that in all of this we have an example that life is a miracle, and we can pass that miracle on to others if we just have an open mind to it.

1010

In the gallery as well is Heather Dunlop. I want to welcome her in a special way, because her husband, just a week ago, I believe, received a lung transplant. Mr. Dunlop wrote me not too long ago, about two weeks before his transplant: "My name is Dave Dunlop. I have been waiting for a lung transplant since January 2004. I am on oxygen 24/7. I attend the hospital four times weekly for physiotherapy." He appeals and he says this: "Please keep us all in mind. These legislative changes are urgent. People are dying on the waiting list. You have the power to help."

I say to my colleagues in the Legislature today that you have the power to help. If there's anything we get elected for, if there is any opportunity we have to improve the quality of life of the people we represent, then this is an opportunity to do that. I appeal to you for your support. I appeal to the government that, should this legislation pass as a private member's bill, we have the support of the government as we move through the committee stage and that the government will see this indeed as a non-partisan issue, that this is not something we should have political debates about, but because it's the right thing to do, they would move quickly to implementation because it is practical, it is doable and it will save lives.

I thank you, Speaker. I thank members of the Legislature. I look forward to hearing from you, I look forward to hearing any advice you may have for improvement to this bill and I ask for your support.

The Deputy Speaker: Further debate?

Mr. Jean-Marc Lalonde (Glengarry–Prescott–Russell): I'm delighted to take part in this debate. Organ donation is certainly a serious issue in this province. Close to 2,000 people are waiting for an organ donation in Ontario. While this waiting list has nearly doubled in the past 10 years, the number of volunteer donors has remained virtually the same.

According to the information received from the Trillium Gift of Life Network, every three days a person dies waiting for an organ transplant. In fact, while the majority of Ontarians support the idea of organ donation, less than 45% of those who have already signed their organ donor card got their families to agree to the transplant issue.

This bill does not go far enough to improve the situation for organ transplants in this province. This is why, on March 2, I introduced Bill 79, the Trillium Gift of Life Network Statute Law Amendment Act, 2006. My bill would create an organ donor registry that will be operated by the Trillium Gift of Life Network. This registry will allow Trillium to quickly and easily access organ donor information once an individual has died. My bill proposes that a consent form be distributed with every application for or renewal of a person's health card or driver's licence. Upon the death of a person, the consent is binding and is full authority for the use of the body's organs or tissue unless the person has explicitly withdrawn the consent in writing or has orally withdrawn the consent in the presence of and attested to by two witnesses. A registry containing the consent information will be created and maintained by the Trillium Gift of Life Network.

Encourager les Ontariennes et les Ontariens à déclarer leur consentement à donner leurs organes, et à en discuter avec leur famille, n'est qu'une première étape. Il est impératif que les consentements soient cueillis et qu'un registre soit créé afin que les donneurs potentiels puissent être facilement identifiés. Ce registre faciliterait le processus pour ceux et celles en attente d'organes.

I am pleased to support Bill 67 today because it is a positive step towards educating Ontarians about organ donation. I encourage the members of this Legislature to look beyond party lines and vote in favour of this bill today.

Mr. John Yakabuski (Renfrew–Nipissing–Pembroke): It's my pleasure to join in here this morning to support my colleague Mr. Frank Klees from Oak Ridges on his private member's bill, Bill 67.

I think that Mr. Klees's bill strikes the right balance. It covers all of the salient points that I think are necessary in this bill. Mr. Klees's bill allows people to make that choice. It allows people to take into consideration all of the things that they might be concerned about. It certainly allows people to take into consideration their personal or religious concerns with regard to organ donation or anything else, because it leaves those options. It's a yes, a no or an undecided. I think Mr. Klees has been very, very thorough in preparing this bill.

I think it's appropriate that today, Kidney Health Day here at Queen's Park, we are debating this bill.

I want to talk a little bit about some personal stuff. When my brother passed away suddenly in 1997, several of his organs, including both his kidneys, were donated, and five or six lives were continued and saved because of his organ donation.

I must say that in my personal situation, the current circumstances that force you to make a decision to say you're going to donate your organs—for many years, while I was a person who believed in the importance of organ donation, I didn't have my card signed. I didn't have that decision down pat. I would hope that if something had happened to me, my family would have made the decision, but that's not a guarantee. Today I have that card signed, but I think the situation that Mr. Klees is working on is much better. It would compel me, at the renewal or issuance of a driver's licence or OHIP card, to make that decision at that time.

I want to say I greatly respect the members for Niagara Centre, Glengarry–Prescott–Russell and Brant for their passion on these causes. I was very pleased to support the member for Brant's private member's bill last year, which is now law, with regard to anaphylactic students and children. I understand the passion that they have, and I do believe that Mr. Klees's bill strikes the right balance and is the optimum choice to make in this particular circumstance.

When I go throughout my riding, I can't count the number of people whose lives have been saved and prolonged by being the recipient of an organ, yet we see the waiting lists. The kidney waiting list, of course, is the longest by far: some 1,346 people on the 2005 waiting list for kidneys in this province, and a total of 1,920 people on a waiting list.

1020

We have to do what we can in our power to alleviate and to shrink that list. I think the choice we make today with regard to the member from Oak Ridge's bill will go a long way to ensuring that the wishes of the 96%, as you've heard, who believe in organ donation will actually be carried out. Through the process of elimination, if you want to call it that, they will not have to make that conscious choice. They will be making the choice when they renew those licences or when people over the age of 16 get licences; they will make that decision then and there. And it does leave the option. Anyone who believes that for their personal reasons they cannot support organ donation has that option, but for the rest of us who do believe in organ donation and have not made that choice, this will come compel us to make a choice. If we're unsure at that time, we can make that choice and fill in the undecided portion of that card.

As I say, it covers the bases, it strikes the balance, and I think it gives us and our families every opportunity to ensure that our wishes have been carried out in the event that we are in a position to donate our organs to save someone's else's life. I just can't believe there's a greater gift we can offer to the rest of mankind.

Mr. Dave Levac (Brant): My opportunity today is to tell something to Mr. Klees that I made a commitment to do, and I'm going to do that right now. I think it's a good bill. I'm going to be supporting the bill, and I think it's taking us in the right direction in the province of Ontario. That said, I want to make some other points.

The first one is that I do have my organ donor card. I would suggest every single person in the province take a look for this card, and if it's not in your wallet, find a way to put it in there. Sign it and have the discussion with your family to ensure that those organs get where they belong.

Number two, there's another little sticker that you can put on other cards that acknowledges that the organ donor card is signed. That's another indication to those people in the hospitals who know what's going on. That's the second thing I want to bring up and make sure that everybody understands.

We want to talk about the bill. What has it done? It has done one thing that I think all the bills that are presented before us do to take the momentum and move forward, and that is to spark the debate. We've had that debate, we're having that debate and we're going to continue to have the debate to find a way in which all of us can make sure the gift of life is provided.

Right now there are four bills, but we've had bills since 1999 that I'm aware of, since I've been here. I want to make sure that everyone is aware of those, so let's go through them: Bill 17, a private member's bill, May 5, 2003, by Mr. Gilchrist; Bill 156, December 2, 2004, by Mr. Kormos; Bill 33, mine, November 21, 2005—I'll review that for two seconds; Bill 61, February 16, 2006, by Mr. Kormos; Bill 79, March 2, 2006, by Mr. Lalonde. There seems to be a theme here. People understand that there's something going on about organ donation, but guess what? None of these bills has been passed. It's time for us to start passing some bills to make sure that we tighten, improve and correct laws.

Another thing has happened recently that I'm very happy about—and I report to the House that we have continued to move forward—is that the Minister of Health enabled a section of the Trillium Gift of Life Network Act which notifies the network of the 16 A hospitals that have been identified so that, upon death, the Trillium Gift of Life Network is notified that that death has taken place. It has tripled donations. So there are steps being taken even now. But you know what? It's not good enough. I agree with the member opposite; I agree with Mr. Klees that we need to do more.

In my own riding, I support on a regular basis—and I know our community does. Some private enterprise, along with public institutions, get together to do curling bonspiels for the Gift of Life. That's supported across our riding, and I know it's supported across the province. Those are other things that are happening. Not only are we getting those recipients—and we celebrate them at lunchtime. We celebrate them to say how many years it has been since they've had their organ donations. We've had some people with amazing anniversaries, and quite

frankly, those anniversaries would not have been celebrated without organ donation. Sadly, I have to present this piece of information that makes us act even more: Every three days someone dies waiting for an organ—every three days. So three days from now, know this: Someone is going to die waiting for an organ.

Science has moved us further and further into the realm of unbelievable reality. Almost every single organ is now able to be transplanted. Multiple organs are being transplanted, and we're extending our lives. That is truly remarkable. That, to me, is why we should be moving forward.

Getting back to Bill 33 for just a moment, as I do support the bill, I think we need to change the culture. How do we change the culture of organ donation? I don't believe, personally, that we radically force that cultural change down somebody's throat. What I honestly believe in is the example that MADD, Mothers Against Drunk Driving, gave us. A bunch of mothers got together and said, "Enough is enough with drinking and driving." So they formed an organization, a group that put in front of the decision-makers the horrible face of drinking and driving. Before MADD came along, people did those horrendous things, drinking—they couldn't even walk. They got into a car and drove and killed somebody, and they weren't getting convicted by the juries because that was them on Saturday night. But Mothers Against Drunk Driving said, "Enough of this." We've changed the culture. Talk to anyone out there who says that drinking and driving is okay now. We changed a culture of behaviour.

Seat belts: a 97% use rate. There was a furor about forcing people to wear seat belts. Now, it's a culture change.

I believe this is what we need to do here. Bill 33 basically says that in the school system across the province of Ontario we must have an educational program that makes it clear what organ donation is about before the 16th birthday comes when you sign that card. I fully believe in this bill. I fully believe that the dialogue needs to continue, but we need to take action. I want to tell the member that I will be supporting his bill. I will be working alongside him and the others who have bills of the same nature to improve and to change the culture, because it's a disgrace that Ontario has the record it has for organ donation. It's time to act. I will be supporting the bill, and I encourage each and every one of us to support the type of legislation we see before us today. Get that organ donor card signed and the tickets on the other cards for notification, and speak to your family about that organ donation that you so desperately give, because the people are wanting to us do this.

Thank you to the Kidney Foundation, and thank you to the Trillium Gift of Life Network and to all of the other organizations that are giving the gift of life.

Mr. Peter Kormos (Niagara Centre): I'm pleased to participate. I've been looking forward to this opportunity. I'm going to make it very clear right off the bat that New Democrats support this legislation, support the Klees bill,

and indeed expect that it's going to go to committee, not for some phoney one-day hearing so that it can be sloughed off and thrown out into legislative orbit, into that big black hole, that repository of so many private members' bills, and even more than a few flawed government bills, but for a meaningful committee process so that the bill has a good chance of—because what happens, folks, is that once today is over, the bill is no longer the property, regrettably, of the private member. It becomes the property of the government. The government controls when it's called for third reading. I anticipate that this bill will pass today, so I say to you folks, don't bug Mr. Klees from today forward; put the pressure on Mr. McGuinty, because it's him and his office that are going to decide that this bill gets called for third reading.

The Klees proposal is what's referred to as the mandated choice model and it's one that's recognized as being capable of improving and enhancing the number of organs available. We've got such a short amount of time for private members' public business. I've got to tell folks, because I've had no personal experience with organ transplants—nobody in my family, none of my friends, nobody who has been close to me. But I've got to tell you again, it's something that, all of my adult life, I've been thinking, "Well, of course you use organs after somebody is dead." But I've got to tell you, it was George Marcello—all of you will remember this—and young Kristopher's Wish campaign that provoked my interest in, yes, my friends, radical approaches to increasing the number of organs available for transplant. I want to thank him and I want to acknowledge his tremendous work. George Marcello, as a lay advocate, is as passionate and as effective an advocate as we have seen in this province and in this country for organ donation and organ donation reform. Young Kristopher was and is a delightful and courageous young man.

1030

I also want to indicate that none of us sit down at our personal computers at night—I almost said "typewriters," Mr. Levac—and write these bills; we rely upon legislative counsel. We also rely upon legislative research and library research. I have got to tell you, there's a pile of material available there: debates amongst ethicists, debates within the medical community, statisticians, legal debates around this matter, focused not just in Canada and the United States but of course internationally, because of the radical reforms that have taken place in Europe. So I want to thank the Legislative Assembly staff who helped me acquire this huge package of material: Lorraine Luski, who is the research officer, assisted by June Pae, research librarian, and by Andrew Reid, legislative learner.

Mr. Klees and I did one of those talking head shows the other day down at CTS; *On The Line*, a good show, quite frankly, a very good topical, lively debate around public affairs issues. Of course, every time he and I—either individually or, more often than not recently, together—do one of those or a radio show, we get the e-mails.

I got a delightful e-mail from a woman I'm just going to call Yvette, who complimented all of us on this debate, on provoking thought around the issue. She didn't appreciate my—see, I talk about organ donation as basically a waste diversion system. I'm sorry to be crude, but when you're dead, you have no use for the liver, the kidneys, the heart, the lungs—no use whatsoever. All they are is dead weight for the pallbearers; all they do is get in the way of the embalmer. We have gone to great lengths to discourage people from taking recyclable bottles to landfill sites. What a crime, in terms of scarce landfill sites. It's similarly a crime, in my view, to bury or burn good organs that the owner no longer has any use for. The owner isn't even there. Yvette, in her e-mail, said that she wished I wouldn't refer to organs as being selfish.

I don't know. I came from down in Niagara region. I remember when I was 16 years old, my first vehicle was a 1946 Chev pickup; I bought it for \$85. I went to O'Bireck's every day for—we called them quarts then—recycled oil, because it used more oil than gasoline. Where I come from, when you needed a new alternator or a new starter motor, you went to O'Bireck's scrapyard and salvaged a used one. The vehicle was dead, rusted out and the motor was gone, but the alternator, the starter motor, was perfectly usable.

Mr. Tony Ruprecht (Davenport): And the generator, too.

Mr. Kormos: Look, Mr. Ruprecht, if you want to join me, we'll go to the tattoo parlour, line up the belly and write, "Upon death, cut here. Take what you need." I have no qualms whatsoever. The liver may have some bad spots that are going to need cutting out, but maybe one or the other of the kidneys can be used.

I apologize to Yvette for being perhaps somewhat coarse about these things, but I also remark on what Yvette had to say. Again, I'm not critical of her. This is so typical of so many people I've heard from. She said that, "Donating organs and tissue is a selfless act." I understand what she is saying, and so many others have said it, but I profoundly disagree. You see, a live donor of a kidney, that's a selfless act. I just bought one of those \$100 CNIB lottery tickets. That wasn't a selfless act. I was looking at the picture of the Porsche Boxster that I was capable of winning. Giving somebody \$100 without expecting anything back, that's the selfless act. You see, it doesn't cost anything to be an organ donor. It costs you nothing. They open you up and then they sew you up, neat as a bow, and nobody knows it's gone. It's true.

I know there are folks watching this who are going to be e-mailing my office saying, "How dare you talk about organs that way?" And I say this: How dare we let 2,000 people a year languish on waiting lists in Ontario alone when good organs are being buried and burned on a daily basis? Mr. Klees will remember that one of the callers to this phone-in show said I was trying to bully people into giving up their organs after their death, and I admitted readily, "You bet your boots." When we've got 1,800 to 2,000 people a year languishing—some of them kids. We

met some of them two weeks ago, over at Sick Kids Hospital, during Smitherman's press conference. When you see these kids flirting with death on a daily basis, desperately waiting for that pager to buzz, and good organs are being buried and burned, I say, hell's bells, you bet your boots I'm trying to bully people into giving up their organs when they no longer have any use for them.

There's a wealth of information available. The mandated-choice model has not been successful in some jurisdictions. One of the examples in the research material is the state of Texas. But I insist that that has as much to do with the cultural attitude and the values of that community, that it has more to do with that than does the mandated-choice proposal. That's why, while we have to adopt the mandated-choice proposal of Mr. Klees—look, I'm old enough to remember the first heart transplant and so are most of the people in this chamber. The recipient didn't live that long, but it was still considered—it was a miracle. In those days, not that long ago, well within the lifetime of anybody in this chamber who was born in at least the 1950s, in that period, at the very beginning of this phenomenon, donating an organ was an exceptional thing because receiving one was an exceptional thing. Since then, however, organ transplant technology has become as mundane in many cases as appendectomies and tonsillectomies. It's simply a matter of supply.

I say, why should we then consider the donation of the organ to be the exceptional thing? I say the denial of the organ should be the exceptional thing. Only half-jokingly, in response to Mr. Klees's proposal around using the driver's licence renewal—because you do that publicly, right? You line up. As a matter of fact, one of the Texas observations is that people are cranky when they're lined up for their driver's licence renewal. Maybe that's not the best possible time in the world to make them check off on a mandated choice, but that doesn't mean it shouldn't be done.

1040

You know what? The person who checks "no" should feel as self-conscious as the guy who's caught in the adult section of Blockbuster video by his neighbour. There should be red lights flashing, sirens, bells ringing. Somebody should announce, "At aisle 3 there is an Ontarian who just said no to somebody getting his or her organs when he or she dies and has no use for them whatsoever." I believe we should stigmatize the denial of the provision of an organ.

What is this sense of, "It's my right to decide whether or not my organ is used by somebody—my right"? It's your right to decide whether or not somebody lives or dies because you want to bury or burn something that's of no use to you whatsoever, that has no value whatsoever, that in no way adds to the dignity of your funeral process, of the burial? I fundamentally disagree.

I believe it's imperative. If people are offended and shocked—well, I'll let you in on something: It won't be the first time I've offended or shocked people—so be it. I

think we've got to talk radically about this stuff. We've got to support the Klees bill. The government's got to make it law, because the mandated-choice model adds to the status quo. It certainly does. But if we're going to make more than dents in the waiting lists of people who desperately need organs, we've got to fundamentally change the culture around organ donation.

Donation implies everything that it implies. It implies that you're making a sacrifice of something. You donate money. You donate time. You donate furniture. A donation implies that you're sacrificing something for the betterment of somebody else. Letting somebody use or salvage an organ that is merely the content of a cadaver—because that person is no longer there; their soul has gone off to whatever his or her heaven happens to be—to somehow suggest that there should be post-death control over a liver or a kidney to the point of denying it, I say is morally wrong and does not reflect the kinds of values and value system that we ought to be embracing, encouraging and promoting in Ontario and Canada.

Thanks, folks, for letting me participate in this debate.

Mr. Bob Delaney (Mississauga West): It's a pleasure to join in this debate and to speak to the bill by my colleague and friend from Oak Ridges. We've had the opportunity to get to know one another, and very often, while we can occasionally tease the other about being ideologically misguided, neither of us, I'm sure, questions the other's commitment to Ontario nor his sincerity in representing his constituents. In this case, I should say at the very start that I intend to vote for this bill. I certainly support the cause advocated by the member from Oak Ridges.

Very much like the member from Niagara Centre, who himself has a bill on much the same subject before this Legislature, I'd like to discuss some of the implications of this and perhaps the member from Niagara Centre's bill and another to be debated from the member from Glengarry–Prescott–Russell.

There are some issues with this bill that deserve some discussion. Referring to Bill 67 from the member from Oak Ridges, the forced choice at the time one registers for a health card or a driver's licence does create an artificial environment for perhaps an unwarranted number of “no” or “undecided” responses. This may not be what the member intends, but it may indeed be the outcome. Perhaps the person hasn't had time to fully consider the implication of organ donation or time to fully reconcile the decision with his or her upbringing at home or with what they've learned at work or, in fact, with what peer pressure from friends or family may impose upon the person. This should be a personal, and it should be an informed, choice. As the member from Niagara Centre has said, with his tongue in cheek but very powerfully, it should be a choice in favour of organ donation. We'd like to create the climate for all Ontarians to voluntarily make that choice.

Staff in the Ministry of Transportation offices or staff who handle health card registration may perhaps not be

the best people to get involved in a discussion about the personal, legal, moral or ethical implications of organ donation. As the member for Niagara Centre has said, this may not be the kind of discussion you want from the person ahead of you while you've been standing in line to renew your driver's licence and waited for the last hour while this person says, “I'm here to renew my driver's licence; I'm not here to discuss organ donation.” Again, it's not a criticism of the intent of the bill, with which I think every member here agrees; merely of an unintended impact of requiring this choice at the time that you renew your driver's licence.

We ask, for example, what the implications would be under the Canada Health Act if a person was denied a health card or, similarly, a driver's licence, for refusing to make a declaration, as the member from Oak Ridges would require in Bill 67. The member himself was once the Minister of Transportation and highways, and he knows that organ donation is not part of the mandate of the Ministry of Transportation and highways, and especially not the contentious issue of the personal, ethical or religious implications of organ donation made at the time that one tries to renew a driver's licence. So it's questionable, as well, requiring someone who may be new to Canada and whose first language is neither English nor French to make that choice, perhaps without a great deal of advance notice and perhaps without the ability to consult, to discuss or to reconcile it with the donor's personal beliefs. It may require a little bit of study.

To that end, while I am supporting Bill 67, I'm urging the member to send his bill to the same committee that the other two private bills are referred to, so that one comprehensive set of public hearings in one committee can be held to discuss this one very important issue to Ontarians and, in so doing, can come up with a proposal from whichever committee that is that will help this government come up with a piece of legislation that can start saving lives in Ontario and that can educate Ontarians in what a great gift of life a donated organ can be.

I thank you for the time to speak to the bill.

Mr. Norm Miller (Parry Sound–Muskoka): I want, in the short time I have available, to make it clear that I fully support this bill. I'm very pleased the member from Oak Ridges has brought it forward.

I also think it's important to know that the medical community supports this bill, so I wanted to read into the record parts of three letters that indicate that support. They're addressed to Mr. Klees. The first is from the London Health Sciences Centre. It states, “I fully support your bill that would require individuals getting health cards or driver's licences to declare their wish to donate organs at the time of death. If this bill is passed, and if the vast majority of Ontarians declare that they wish to donate, that will be a major step forward in raising the organ donation rate in this province. Lives will be saved as a result....”

“I also view it as being complementary to the educational bill (Bill 33) that is currently being put forward by David Levac. He wishes to have a course on organ

donation implemented in all of Ontario's secondary schools. A well-educated public will recognize the need for donation and respond positively to the bill proposed by you."

That's from William Wall, MD, director, multi-organ transplant program, London Health Sciences Centre.

From the Ontario Medical Association—just one paragraph in the time I have available: "The OMA advocates for a strong health policy supported by all provincial parties. We believe such a bill would go a long way to improving and saving the lives of so many that need organ and tissue donations in Ontario." That's signed by Greg Flynn, president of the Ontario Medical Association.

From Jeff Zaltzman, director, renal transplant, St. Michael's Hospital:

"Dear Mr. Klees:

"I want to congratulate you on your vision and determination in the introduction of mandated choice legislation for the people of Ontario. As director of the transplant program at St. Michael's Hospital, I deal in a daily basis with those who face waiting times of seven to 11 years for a kidney transplant....

"While mandated choice has been put forward by others before I believe that this is a great opportunity to educate the public, allow donor decisions to be registered and increase the organ donation rate.

"The ability to provide education in advance and mandate a choice of yes, no or undecided is key to the success of the program."

I wanted to get that on the record. I believe this bill makes a lot of sense. It can save lives and make a real difference here in Ontario. I would hope that it is non-partisan and supported by all parties and that the government actually uses their power and brings this logical idea into effect.

1050

Ms. Laurie Scott (Haliburton–Victoria–Brock): I'm pleased to rise today to lend support to my colleague from Oak Ridges, Frank Klees, for a very worthwhile bill. He has explained the background of how the bill came about and has worked closely with all the groups. I appreciate the Kidney Foundation group being here today, it being Kidney Health Day here.

There have been many bills that have been introduced about organ donations in the past. I want to commend the member in front of me here, Elizabeth Witmer, who was Minister of Health in 2000, who brought in the Trillium Gift of Life Network Act. There have been several private members' bills, as we know, since then.

Ontario has certainly been the world leader in successful transplants, with the world's first heart valves being transplanted in Toronto in 1956. I had the opportunity of nursing at Toronto General. I nursed on the cardiovascular, where we used organ donations for some of the heart valves, and then went down to surgical intensive care, where I saw heart transplants, lung transplants and kidney transplants. Thinking back, it's been 16 years since I worked in nursing in the transplant field, and

changes have increased very positively. There are more transplants being done, but there is still that void, with only 40% of people signing their driver's licence cards. People aren't thinking enough about it. The member from Oak Ridges has seen that void and has introduced this bill, which sounds like it's getting support from all sides of the House. We need to encourage people to sign their donor cards and discuss organ donation with their families. The demand for organs is certainly outstripping the growth in donors.

Science, as I said, has come a long way in the 16 years since I worked with transplants. I remember receiving a friend, when I worked in surgical intensive care at Toronto General, who ended up being an organ donor, and watching the family. If they discussed among themselves, in the family, what happens if certain circumstances occur, I think all the family members would feel better. By being able to sign a card and having a discussion with the family, I think that's a lot less pressure on the families. I don't even need to say it's a very difficult and strenuous time when incidents occur and donation questions are asked.

I think, overall, this is going to improve donations and improve the awareness of why we need to donate and why transplants need to occur more. When you say they improve the quality of life, it's interesting to read the statistics. These are the success rates in Canada at one year after transplantation: kidney at 82% to 92%, depending on how closely related the donor is; heart at 83%; liver transplants at 77%; single-lung at 58%; double-lung at 72%; and heart-lung combination is at 72%. Those are just amazing statistics of success that I think we need to promote out there.

There's been a lot of discussion. I know Mr. Kormos has brought in legislation too, but this private member's bill gives the choice. It's the yes, the no or undecided. I think people have to have the right to choose. If it just gets them thinking about it, more people, in this day and age, with the promotion of the success rates, are going to say, "Yes. We want to make a difference in someone else's life if something tragic happens to us."

In the past few days, the Toronto Sun has been running feature stories focusing on organ and tissue donation. They introduce you to individuals: Jo-Ann Robinson, a single mother in Mississauga who is awaiting a kidney transplant and is worried that she will not live long enough to receive a kidney. Jo-Ann says, "The chances of me getting a kidney on the list is extremely slim, as the waiting list is close to 10 years." It's just unbelievable that the waiting list for kidneys can be 10 years. A few days later we learned about Ron Giles, an auto worker who donated his bone marrow to a stranger in 2003. Last year, Ron got to meet the young man who received his life-saving gift. Since then, he has been working to encourage people to join the bone marrow registry.

I know that in the Cavan area of my own riding of Haliburton–Victoria–Brock, there's a young man who is 14, and from somewhere else in Ontario—I believe it's

southwestern Ontario—he got a bone marrow donor, so that he could have a chance of fighting his illness. We've all been following his case and fundraising. That's the type of example of a person not related to the family who saw the need and donated his bone marrow.

I want to compliment the member from Oak Ridges on the fine job he has done in the preparation and introduction of the bill, a much-needed bill, and I encourage everyone in the legislature to support this bill today.

Mrs. Elizabeth Witmer (Kitchener–Waterloo): I want to congratulate my colleague Frank Klees, the member for Oak Ridges, for bringing forward this bill, Bill 67, the Organ and Tissue Donation Mandatory Declaration Act, 2006. As you have heard, it was our government that first introduced legislation, the Trillium Gift of Life Network Act, which regulates the donation of organs and tissues in the province of Ontario. However, we know there are over 1,900 people in this province who are waiting for organ donations. We know that many hundreds die waiting.

Certainly the time has come when we need to raise public awareness of organ donation, the benefits we can give to others in order that they can live healthy lives. This bill, I can tell you, is very strongly supported by the constituents in my riding, who have indicated their support. It gives everybody the opportunity, each and every time they renew their driver's licence, to thoughtfully consider and raise their awareness, and they can make a choice. I think that is important, that individuals have the opportunity to personally make that decision. So this is important. I know that my own daughter, when she got her driver's licence, made the decision. I think that with Mr. Levac's bill, which will introduce a course into our schools, we have the opportunity, certainly in the future, as result of the initiative undertaken by Mr. Klees, to see many more people make the decision, and I congratulate him.

The Deputy Speaker: Mr. Klees, you have two minutes to respond.

Mr. Klees: I want to thank my colleagues in the House for their encouragement, and I also want to thank the many constituents who led me to this place to bring this bill forward. I want to recognize, among those, Sue Good from Aurora who is here with us today; also Mr. Mark Gregory who is in the gallery—he's a Toronto resident and someone who is on the waiting list; we wish you well—as well, Mr. Jeremy Beaty who is a transplant recipient who is here; and Mr. George Marcello, who is in the gallery as well, for all his activism and good work on this important issue.

We have before us, I heard from members, some of the potential complications in terms of implementation. There are always issues that have to be worked out, and that is why I look forward to this bill going to committee. I believe this is such a practical piece of legislation. As a former Minister of Transportation, as my colleague said, I'm well aware that the Ministry of Transportation has nothing to do with organ transplants. I'm also aware that everyone in Ontario who drives a car has to fill in an

application to do so. What a tremendous opportunity for us to bring these people face-to-face with this important issue of organ donation. So it is doable.

I will be imploring the government to support this. It appears from the speeches we've heard that when the vote is put—I will be asking for a recorded vote on this so that people can see where everyone stands. I look forward to the implementation of this bill.

1100

SWIMMING POOL SAFETY ACT, 2006

LOI DE 2006

SUR LA SÉCURITÉ DES PISCINES

Mr. Rinaldi moved second reading of the following bill:

Bill 74, An Act respecting safety around swimming pools / Projet de loi 74, Loi traitant de la sécurité autour des piscines.

The Deputy Speaker (Mr. Bruce Crozier): Pursuant to standing order 96, Mr. Rinaldi, you have up to 10 minutes. The floor is yours.

Mr. Lou Rinaldi (Northumberland): It gives me great pleasure to debate second reading of Bill 74. Before I get into that, though, I must tell you that it's a real honour to sit in this place and be able to do something your community asks. I'm going to guess that probably a year ago I had a call in one of my offices from a constituent. Truly, I'm not even sure this constituent is in my riding. But I felt so interested in what she wanted to talk to me about that riding boundaries really don't matter when it comes to helping Ontarians. She came to my office. She wanted to talk about protection around swimming pools or, better still, the lack of protection around swimming pools. We had a good discussion. It certainly got my attention. It's something we take for granted many times. In today's society, we see swimming pools go in backyards more frequently. So we started working on the process that led us here today to debate this.

I want to thank Mrs. Kelly Shields, her husband, William, and their daughter, Kaitlyn, who are here with us in the east gallery. They believe in this so strongly that they made the trip from Frankford in the city of Quinte West to be here today to lend me some support on what Mrs. Shields initiated over a year ago.

I refer to things best as personal experiences. Some 30 years ago—I know that shows my age a little bit—when we lived in Pickering with four little kids, we had a swimming pool in the backyard. It was fenced off, but we had some neighbours' kids who knew how to get in through the fence, who participated, along with my kids, when my wife was out there watching them. One day after I came home from work, my wife came to me and said, "I should be going to work." I said, "Why is that?" She said, "It's a full-time job trying to keep an eye on the backyard for kids. We don't want to deprive them of swimming, but somebody has to look after them because you just can't leave them back there on their own." So it

becomes a burden; it becomes a responsibility. Of course, it's all to do with keeping these kids safe.

I am bringing this bill forward today. I'm hoping that all members from all sides of the House will support this through the process. I'm certainly prepared to listen to recommendations. I know there are some concerns, especially in rural Ontario, with ponds that some farmers use and those types of things. But I'm sure that once the wheels get in motion, we should be able to address some of those concerns.

Just to give you some sense of the magnitude of the lack of protection around swimming pools, I'm going to read some information for the record. According to data from the Canadian Institute for Health Information, drowning is the second leading cause of accidental death among Ontario children under the age of five. In 2002-03, for every child who drowned in Ontario, there were six to 10 more who almost drowned and required hospitalization; 42 children in total were involved in drowning or near-drowning swimming pool accidents in our province during that year.

The organization Safe Kids Canada, which is the national injury prevention program of the Toronto Hospital for Sick Children, shares those concerns. These folks contacted me to congratulate me on this legislation. They've also recognized that it's a lack of protection that we need to address.

From June to August, at least one child will drown every two weeks in Canada, and each day there will be a near-drowning incident. More than half of all drownings or near-drownings happen to children under five. They are at risk because they're attracted to water but don't understand the dangers. Toddlers and preschoolers can drown quickly and silently. These tragedies often happen during a brief lapse of adult supervision. You know what it's like. I think we've all done it. We're just going to sneak away for a few seconds.

Pool fencing offers a proven method to reduce the incidence of children drowning. Safe Kids Canada recommends four-sided fencing around backyards with self-latching gates, accompanied by bylaws and provincial legislation.

Some facts that come from Safe Kids Canada—and this is a group that's really committed to the safety of children—32 children will drown this summer alone, 52 deaths in a full year; 83 will be hospitalized for near drownings. There were 145 hospital admissions in a full year that dealt with either drowning or near drowning. For every child that drowns, there will be three hospitalizations for near-drownings. Children who survive a near-drowning frequently have long-term effects from brain injury due to the period of time without breathing. Drowning at public pools and lifeguarded beaches is rare in Canada. That just proves that the more protection we introduce, the less the risk.

Drowning is the second leading cause of death for kids under five, and that's just behind motor vehicle crashes, so you can see the importance. More than half of drowning deaths and non-fatal drownings happen to children under five—approximately 16 deaths and 42 hospital ad-

missions each summer. Thirty-three per cent of toddler drownings happen in backyard pools. Most toddler drownings occur when the child is walking or playing near water, not swimming or intending to swim, just by mere accident.

Some people will lead you to believe that possibly this type of legislation will create some hardships for some municipalities that already have bylaws to prevent access to swimming pools, but this legislation, if passed, will only complement the bylaws that those municipalities have in place already. We're really asking municipalities that don't have that type of bylaw in place to look to the examples of municipalities that have already done a lot of work. There are a lot of municipalities and cities—London, Ottawa and many more across the province of Ontario—that have taken a leading role.

The Canadian Institute of Health Information released a statement in July 2005—that's just this past summer—noting that seven people per day visit Ontario emergency departments with water-related injuries in the summer months and that children under the age of five are involved in more drowning and near-drowning incidents than those in any other age group, at a rate of 5.24% for every 100,000 population—more than four times the rate for those over the age of 19. The second most-at-risk age group is that of children aged five to nine. As you can see, younger kids are at more risk. They're the ones we need to try to provide some extra protection.

1110

Overall, more than 1,000 people—to be specific, 1,166—visited an Ontario emergency department in 2002-03 because of injuries sustained in a water-related accident, and 68% of those were from drownings or near drownings.

In the very short time that I've had the opportunity to bring some light to the subject in this House, you can see how important this is. I'm not suggesting that my bill, if passed, would cure all those deficiencies that I've talked about, but how can we ignore any potential to alleviate some of these circumstances? I look forward to hearing what my colleagues have to say from all sides of the House, and if they can help me improve this and get it through this House, I will certainly appreciate it.

The Deputy Speaker: Further debate?

Mr. Ernie Hardeman (Oxford): I'm happy to rise and speak to the bill, An Act respecting safety around swimming pools. I think it's a motherhood issue. I don't think anyone would be opposed to providing more safety and more security around swimming pools to protect our young people.

I have here a little pamphlet that gets passed out every time someone in Oxford county gets a permit to build a swimming pool. First of all, there are some facts they put in here—and this was printed in 1998:

“—13 toddlers, (1-4), drowned in home swimming pools in Canada. Seven of these were in Ontario.

“—34% of all toddler drownings occurred in home pools.

“—34% were in-ground pools, 38% above-ground pools and 31% unspecified.

“—75% of the children who drowned in home pools were alone at the time of the incident.

“—19% were under supervision of a minor.

“—6% were with an adult.

“All toddler home pool drownings in 1996, 1997 and 1998 were in pools without self-latching gates.”

I think “without self-latching gates” is rather important because the present legislation before us does not include the self-latching definition of the lock on a gate. I think it’s very critical that that be put in place.

In the same pamphlet, they also provide steps to prevent a tragedy before it occurs. I think that’s so important, and we’ll get back to that when we get back to the legislation. “Install a fence completely around the pool. Check with your local municipality”—I think that’s important, because this is a municipal jurisdiction under the Municipal Act—“for pool-fencing standards.” Again, that’s important because in my opinion this bill does not have any standards. It just says it must be a fence, and I have some problems with that.

“Maintain the gate to ensure that it closes and latches easily and spontaneously.

“Place latch release three inches below the top of the gate, on the side facing the pool. To prevent a child from reaching between the gate and the barrier the gap should be no larger than half an inch.

“If the house forms one side of the barrier around the pool, then doors leading from the house to the pool should have alarms, which produce a loud sound when the door is unexpectedly opened.

“For above-ground pools, steps and ladders should be secured and locked, or removed when the pool is not in use.”

The reason I bring this up—as I said, it’s kind of hard not to speak in favour of anything that will improve the safety of our pools or the safety of our backyards, particularly for our children, but I think it’s also very important to make sure that we don’t present false security for the parents, who now think we have a provincial law that says, “All pools must be fenced,” and now all yards will be equally safe.

I have some comparisons here and I’ll just go through them very quickly. The only thing this bill does—and I stand to be corrected, but in my estimation, as I look through it—is, “The owner of the swimming pool shall ensure that the fence surrounding the swimming pool is constructed and maintained in a manner”—and I don’t know what the manner is—“that is sufficient to keep children away from the area immediately around the pool and is equipped with a gate that locks.” Then of course, it realizes further down that in fact it is a municipal jurisdiction and that a lot of municipalities already have it. I would suggest that what we should be doing is making sure that all municipalities have their municipal bylaw, as opposed to having one that’s different for some in the province than it is for others.

Using that paragraph, I also don’t know how you would have any municipal bylaw that would not be at least as strict as that. We have to remember that this

bylaw only applies to swimming pools, and this is in the definition: “‘swimming pool’ means an in-ground swimming pool.” If you look at the statistics I read when I started, 38% of the drownings of toddlers occurs in pools that are not in-ground pools. They are not covered by this bylaw. In areas where they are dependent on this law, a provincial law, we would immediately assume that this provincial law is more stringent than the municipal bylaw. We’re going to find that they’re not covered in anything except for in-ground pools.

The other part that gives me some problem is, “Every person who contravenes or fails to comply with section 2”—which is that fencing of the pool—“is guilty of an offence and on conviction is liable to a fine of not more than \$500.” I see nothing in this bill about when this is going to happen. As I interpret the bill, this is going to happen when there has been a drowning. Under the municipal bylaw, we have the municipal bylaw enforcement officer who goes around and checks the swimming pools in the area, in the municipality for which they are responsible, to make sure they’re all fenced. This law will have no enforcement. I don’t envision the Ontario Provincial Police going into people’s backyards to see if they have a fence around their pool. So this implies that when we have a problem, that someone didn’t do it, we will fine them \$500, but this law does not make anyone do it, because in fact we have put nothing in place to even notify the people who are going to build a swimming pool that the fence is required.

Again, I think if we’re going to have some provincial connection to it, we should include it in the building code. Every person constructing a swimming pool in Ontario has to apply for a building permit. If it said in the building code that you have to apply for the permit, then the building official will tell you the fence that you have to build or what fence is required or not required, and then it would be enforced by the municipal bylaw enforcement officer. I think that would deal with having equality across the province, and we would be trying to solve the problem before the accident occurred.

With that, I think it’s a good bylaw. Yesterday, as I was looking at the schedule and realizing I had the opportunity to speak to this, I did get a number of bylaws that presently apply. I was somewhat surprised to see this legislation before us, because, having remembered my days as a municipal politician—I became a municipal politician in 1980, and at that time there was a fencing bylaw for our swimming pools in place in our municipality, and there’s been one there ever since. So I took the opportunity to get a copy of it for the debate this morning from the municipal clerk.

This bylaw was put in place on April 6, 1976, so this isn’t something that they’ve just done. I presume that, although I live in a very progressive municipality, a lot of people had one before this, and I expect there have been a lot of other ones, including some of the other ones that I have here that have been implemented since that time. There are a couple of things that I think are very important when you look at the difference between the law

that we're debating here this morning and the municipal bylaws. They're reasonably consistent as we go through all the different ones that are there.

We'll start with the definition. As I said in the law before us today, the definition is any "in-ground swimming pool." A definition of "swimming pool" in the township of South-West Oxford bylaws is "privately owned outdoor swimming pool means any body of water located or to be located outdoors on privately owned property, contained by artificial means and of a depth at any point in excess of one (1) foot, which is intended or used for the purpose of swimming, diving or bathing." Again, putting that in this law would in fact make it all swimming pools in backyards.

Instead of saying that it must be fenced in satisfactorily, to keep people out, and not being able to identify whether that is satisfactory until somebody has gotten in, and then the answer is, "No, it wasn't," the enclosure is defined as, "The owner of a privately owned outdoor swimming pool shall erect and maintain an adequate enclosure surrounding the entire swimming pool area and sufficient to make such body of water not readily accessible to small children."

And "... notwithstanding, where a privately owned outdoor swimming pool is above ground, four (4) or more feet in height, and entrance to the pool is by a ladder or steps, only the ladder or steps must be enclosed." Again, you can just fence the steps going in.

1120

"In cases where only the ladder or steps providing entrance to an above-ground privately owned outdoor swimming pool is enclosed, the enclosure shall be a square with sides of not less than six (6) feet in length.

"All above-ground privately owned outdoor swimming pools less than four (4) feet in height and containing water to a depth of more than one (1) foot must be enclosed." Again, it's just as easy for a small child to be walking in the dark in the backyard and fall over an 18-inch pool and drown in that water as it is to fall over the edge of a pool. It's very important that that's in there. It goes on with the different descriptions for the enclosures, from (a) to (g).

It does the same for the type of fencing. We can say that we have a fence to keep children out of a pool, but if you put all the six-inch pine boards horizontally, it's like a ladder for a child, and over they go. It's very important that you make sure that all the fences that are being constructed are going to be constructed in such a way that makes it difficult for toddlers to get into the pool. It goes on to describe the type of fencing that's required.

At the end of it, the last item in the bylaw, 6, says, "A building permit may be refused if the fences or gates do not comply with any bylaw." It becomes the responsibility of the chief building official to make sure that all the requirements in the bylaw are complied with before they can get a permit to put the pool in the yard. That's so important, because it seems to me that if we pass this bylaw and it becomes the law of the land, everyone is going to assume that it's all looked after now and we

don't need to worry. But no one is checking on the pools that don't have a fence because the municipalities don't have a bylaw. The municipalities that have bylaws will keep enforcing their bylaws, but the other ones, if that happens to be one of those that a member is the member for, if they don't have a bylaw, they will now deem that they don't need one because we have a provincial law that requires it, but we have absolutely no one out there to enforce it. In fact, they're only going to enforce it when the disaster occurs and someone falls in the pool and drowns.

That's why I really think that we're going to do more harm than good in passing this law and building a false sense of security for the population who are not presently covered by the municipal bylaws. I think we would be better served if we were encouraging, if not mandating, that all municipalities have the bylaw to protect the children in their backyards in their swimming pools.

With that, I think we should not pass this, but we should encourage the member to work towards getting municipal bylaws in place so that everyone is covered for that safety.

Mr. Jeff Leal (Peterborough): Indeed, I'm pleased to have the opportunity this morning to take a few minutes to comment on Bill 74, An Act respecting safety around swimming pools.

First of all, I want to compliment my colleague from Northumberland. This is the second bill, I believe, that he has brought forward targeted at safety measures for our children in this province of Ontario. I believe that his previous bill was dealing with children riding in the back of pickup trucks. That was an issue that was brought forward by his constituents regarding the safety of children on that particular occasion. Again, today, he has brought forward a bill dealing with the safety of children around swimming pools.

I also know, just again complimenting the member from Northumberland, that he is excited and he will be sharing some information with us in the not-too-distant future about the new owners of World's Finest Chocolate in Campbellford, Ontario, in his riding. We'll also be pleased to hear about that, as I know the member very ably represents his constituents on a variety of issues.

Getting back to Bill 74, I recall a number of years ago, former Premier David Peterson and his wife, Shelley, had a farm just south of London, Ontario. At that particular time, the Petersons were absent from their house, and a young child had got into their backyard, went under the cover of a pool and drowned. It was a very serious tragedy that happened on the Peterson farm, and I think it highlights the issue of fencing around pools in the province of Ontario. I know that this has some implications for municipalities across the province, but it's my feeling that the thrust of this bill is for this legislation to complement the municipal bylaws across the province. Indeed, I think the member from Northumberland's bill this morning will start a debate across the province perhaps to have a common standard for fencing bylaws across the province. So I see this as a very complementary piece of

legislation. Having spent some time in the municipal field and having gone through a fences bylaw review in the city of Peterborough, it's interesting—and I think the member from Oxford talked about it today on his bylaw, brought in in 1976. It shows perhaps the need to refresh some of these bylaws in the province of Ontario, because circumstances clearly have changed. No doubt if it goes to committee—a chance to have a discussion—we'll also deal with above-ground pools and in-ground pools.

I quite recall when we went through the fences review in the city of Peterborough. You get information from other jurisdictions. Certainly there's a hodgepodge right across the province. In some jurisdictions, some municipalities, there may be a bylaw that requires a fence of four feet; others, five feet; others, six feet; and some, three feet. I think the thrust today is an opportunity to bring together all the existing bylaws across Ontario and have a look at them. This legislation today, as it moves forward, can be a real catalyst to bring that about.

Fences are always very sensitive issues within the municipal framework. When you start the discussion of fences, it certainly brings out some very interesting opinions from people who may be ultimately impacted. But at the end of the day, this is about the protection of our children. I know, as the parent of an eight-year-old and a six-year-old, you're always on red alert when you take a child or children to a swimming pool because in a moment's notice something very tragic can happen. I think this legislation certainly highlights the need for parents, caregivers and others to be very sensitive with regard to safety issues around swimming pools.

We all know that if one is fortunate enough to have a swimming pool in one's backyard, it really becomes a magnet for the whole neighbourhood. People, in those hot days of June, July, August and even September, often know where their neighbourhood pool is, and they simply drop the kids off and often it's left to the pool owner to provide a significant amount of supervision for a whole number of children. It's something that we need to be very constantly aware of.

I want to commend the member for bringing this forward. As I've indicated, I think it will bring about a thorough discussion in the province of Ontario. He has provided a background sheet to us, and when you look at the very sobering statistics about the number of young people who have had tragic accidents in pools right across the province—this legislation is timely and it will lead to further discussions. I'm very pleased to support my good friend the member from Northumberland.

Ms. Laurie Scott (Haliburton–Victoria–Brock): I'm pleased to rise today to speak to the bill that the member from Northumberland has brought in, An Act respecting safety around swimming pools. I'm certainly saying that we support the bill in principle. Many thoughtful and effective safety initiatives have found their way into our laws that had started as private members' bills here. I think that the member from Northumberland has brought this bill in today in respect to that: increasing the laws and safety. Children under the age of 16 in Ontario, for

example, are required to wear bike helmets. That was because of a private member's bill initiated by Dianne Cunningham, a former Conservative member from London.

When we think of children falling into pools, we tend to divide the incidents into two categories: Did the child die or did the child survive? Thanks to advances in CPR training, children often survive. I know of an incident in the Oakwood area of my riding last summer where, if it wasn't for the quick response of CPR to a young child who had fallen into a swimming pool, that child would not have survived.

We forget that in cases where a child survives there is often severe permanent brain damage that could affect the child and the family for the rest of their lives. There is no question that drowning is a risk, especially for small children. According to the Red Cross report released in 2003, the highest rates of hospitalization for near-drowning are for toddlers and infants up to age four.

1130

When we think of bills that are brought in—a lot has been mentioned by the member from Oxford and the member from Peterborough about the bylaws that are in place municipally and the fencing laws that are there. I see that in the city of Toronto it's six pages long for the municipal fencing codes. The purpose here is to provide more safety to the swimming pool aspects, but we maybe need to look at the Ontario building code and the requirement for fencing that could be implemented through the building permit process. My colleague from Oxford has extensive experience in the municipal sector and brought some good examples of what occurred in Oxford and how we can maybe implement this bill. By making it clear to municipalities that they must pass bylaws with regard to pool fencing, it could ensure that all municipalities have such laws. It would also encourage the expertise that already exists at the municipal level with respect to such bylaws to be shared by other municipalities—safer bylaws, more public education—to ensure that people are aware of the law and obey it.

I'm pleased to support this bill today in the Legislature.

Mr. Peter Kormos (Niagara Centre): Clearly the author of this bill has a legitimate and sincere concern around public safety, especially when it comes to kids, children, young people and swimming pools. His bill, I understand, or at the very least I infer, is designed to create a minimum provincial standard. There are any number of ways to give effect to that: suggestions that the provincial building code be the guide. Clearly the author of the bill contemplates that municipalities that have higher standards than what the bill imposes should be able to enforce those higher standards.

But let me take a little bit of a different tack, because down where I come from we don't have a whole lot of private swimming pools, because we have a history of public swimming pools in places like Welland. When I was a kid we went down to the old lock in the Welland Canal, which had been converted into a swimming pool.

Mind you, if your folks weren't paying attention or weren't looking, you used the Welland Canal itself; you used the old railway bridge down by Broadway Avenue.

But one of the most fundamental ways to protect young people from the tragedy of drowning deaths is to ensure that kids know how to swim. It's so fundamental. When I was, I think, three years old—I don't know if any of you remember, but for the first round, if you didn't pass your swimming test, you got a little sinker painted green with a ribbon tied to it. That was your consolation prize. But you went back on those cold summer mornings, because the youngest kids were the earliest kids in the pool doing the swimming lessons, and hopefully you learned how to swim.

My concern is that communities like where I come from are having a more and more difficult time operating these summer recreational programs, these educational programs for kids; I'm convinced they are. The insurance issues for municipalities have become an incredible hurdle. The cost of staffing and insuring swimming programs, starting with pre-schoolers, has become phenomenal. If we're really going to talk sincerely and seriously about water safety—because, unlike some other parts of Canada, there isn't a part of Ontario that doesn't have access to water, one way or another. Swimming is a part of the culture of at least young people in the province of Ontario. It seems to me that if we're going to discuss this in a meaningful way, we've got to talk about this government's failure to address the downloading crisis on municipalities and the inability of municipalities to fund those programs that so many of us used to take for granted—the increasing load on property taxpayers. City councils and their mayors have to make some tough decisions this budget round. You and I both know that the cuts occur around summer programs along with a whole lot of other things.

So while I encourage and applaud the author of this bill for his interest in the welfare of young people when it comes to the prospect of drownings in swimming pools—and I stand with him on the issue—I want him to stand up with New Democrats on their call for this government—this government had a \$3-billion windfall in terms of new revenues last fiscal year. Did they invest it in municipalities so that the downloading could be unloaded? No, \$1.2 billion in tax cuts for banks and insurance companies—as if they needed it—\$1.2 billion of accelerated tax cuts for banks and insurance companies. And municipalities across Ontario continue to suffer, and their property taxpayers continue to suffer—the arrogance of a government that persists and builds on the eight years of downloading of Mike Harris and his Tory gang.

We're really interested in kids and kids' safety around the water. As I say, it seems to me that one of the most fundamental things you'd want to do—and I support the proposition of a province-wide standard for enclosures around pools, both in-ground and above-ground, and recognizing of course that kids drown in those little wading pools, the inflatable ones. You can drown in just

a few inches of water. It happens—and this is a tragedy—despite the best effort of parents. But it seems to me as well that if—again, Mr. Rinaldi, I stand with you in your advocacy for a province-wide standard around fence enclosures and pools. Will you stand with the New Democrats in their call for this government to end the national child benefit clawback, the poorest families in this province having, oh, 1,500 bucks a year picked out of their pockets and, if two kids or more, almost three grand a year picked out of their pockets by the provincial government? Because it promised before it got itself elected that it was going to end the national child benefit clawback. Dalton McGuinty's Liberals promised they were going to end that clawback so that the poorest families in Ontario, those very families with those very kids you say you're talking about, Mr. Rinaldi, could have a few extra bucks in their pocket. But Dalton McGuinty and the Liberals continue to pick their pockets, starting with almost 1,500 bucks a year when it comes to one kid and, for a family with two children, maybe \$2,700 or more.

What about those kids—

The Deputy Speaker: Member for Niagara Centre, I know you said you were going to take a different tack, but I didn't know how far off course you were going to go, so I would remind you it is private members' business and we're dealing with Bill 74.

Mr. Kormos: Thank you kindly, Speaker. But I'll bet you dollars to doughnuts you anticipated it, Speaker. Because we're talking about the welfare of kids here. We're talking about making the community safer for kids. We're talking about the tragedy of kids drowning. In the instance of Mr. Rinaldi, he's talking about privately owned swimming pools.

1140

I'm saying to you—this is what I'm saying to you, Speaker—that we can't talk about that in isolation. If we're going to talk about kids, let's talk about the one in six kids in this province that live in poverty in Dalton McGuinty's Ontario. Let's talk about the kids whose moms can't afford to send them to swimming lessons in the summertime. Let's talk about the families that can't afford private swimming pools. Let's talk about any one of those 80,000, 90,000 or 100,000 industrial workers, manufacturing sector workers who lost their jobs in Dalton McGuinty's Ontario in the last 13 months. I'll tell you this: They don't have to worry about what kind of fence to put up around their swimming pool because they can't build swimming pools, because they lost their jobs in Dalton McGuinty's Ontario. The McJobs they got in replacement, the \$8.50- and \$9- and \$9.50-an-hour jobs—again, you don't build swimming pools in the backyard.

As a matter of fact, I say to Mr. Rinaldi, you're hard-pressed to do one of those two-ring inflatable numbers that you put kiddies in, that you put the toddlers in to splash around, and that you, on perhaps the hottest of days with a bottle of Niagara Dry in your hand, may well have felt tempted to plop yourself down in.

I tell you, we're with you, Mr. Rinaldi, when it comes to the safety of kids. I say, why aren't you with us when it comes to the welfare of children and your government's promise to end the national child benefit clawback? Why aren't you with us when it comes to uploading the download, so that property taxpayers aren't continually hit with more and more burden of provincially mandated programs that property tax payers have to pay for, including senior citizens, who have paid for their homes at least once—maybe twice or thrice, if they put kids through university—who in their senior years are at risk of no longer being able to live in those homes because of ever-increasing property taxes in Dalton McGuinty's Ontario.

We're with you, Mr. Rinaldi. Are you with us?

Mrs. Linda Jeffrey (Brampton Centre): I'm pleased to join this debate and to talk about Bill 74, a piece of legislation put forward by the member from Northumberland that I support with regard to building fences around pools.

I actually wanted to speak about this issue primarily because I've had experience with this issue. As a former municipal politician, I had experience working with bylaws, which in Brampton are considerably younger than those of the member for Oxford. Ours were done in the 1990s, so they're about 20 years younger and they're also out of date. I would encourage all municipalities to have a look their pool fence bylaws and look at a way to update them and make them more current.

About 10 years ago I had the good fortune of going to the Toronto Home Show. I put a ballot in a drum and a few weeks later I had a phone call: "You've won a swimming pool"—an in-ground swimming pool. How wonderful, but oh my goodness, what a headache it was.

Mr. Kormos: Careful what you wish for.

Mrs. Jeffrey: Yes, you have to be careful what you wish for, because you have to fence the whole property. You have to have a self-latching gate, you have to make sure whatever you build is not climbable by any young person.

At the beginning of the adventure, I thought how lucky I was. I can tell you that it became a nightmare. I had an unscrupulous contractor coming in to build my free pool, who did not fence the area properly during construction, who was cavalier in his management of the safety around the project—

Mr. Kormos: Who was this gangster?

Mrs. Jeffrey: I will not name the gangster, but I certainly dealt with him a few years later when I dealt with it as a municipal councillor. I can tell you, there are a lot of fly-by-night organizations out there that install pools. Municipal officials work very hard to try to have people comply with the existing bylaws. But once they've dealt with you the first time, they never help you enforce it ever again.

As a homeowner, I had children showing up at my front door with a towel around their neck, children I didn't know. I had young people who were non-swimmers who showed up at my front door and stayed

for the afternoon. I can tell you, any effort that you can put in place that that will provide the homeowner with some guidance—and certainly a fence is one of the first steps. I agree with the previous member who spoke about education, but there are some things that you cannot prevent by education. One of the issues I would like to just briefly touch on is that Barbara Underhill, who is a champion figure skater, spoke very eloquently on this issue a few years ago in Brampton, and speaks quite regularly on the issue of safety in the family swimming pool. She left her gate open for a minute while she fetched a wheelbarrow to do some gardening, and her eight-month-old crawled out of the house, clambered down the gate and into the pool. She lost her daughter, one of a set of twins, and it happened, I think, 12 years or more ago. That was in 2005, and I know that every time I hear her speak about this, she's very, very emotional about it, and there can't be a parent out there that this fear doesn't strike.

I congratulate the member from Northumberland. I think it is the responsibility of provincial legislators to provide guidance, to set standards to municipalities for the safety of all residents in Ontario, just like my residential fire sprinklers act. I think it is the responsibility of us in this Legislature to provide guidance to municipalities, and I am happy to support this piece of legislation and to endorse it. I would do anything in my power, here or as a former municipal councillor, to prevent and reduce injuries and accidental deaths of all residents of Ontario. I think this is a very proactive bill, I think it's the right thing to do and I am happy to support it. I congratulate the member from Northumberland for his vision, because this is a great piece of legislation.

Mr. Khalil Ramal (London-Fanshawe): I'm privileged and honoured to stand up and speak in support of Bill 74. I want to congratulate my seatmate, the member for Northumberland, for bringing in such a bill to protect the children in this province of Ontario. I have no doubt in my mind that the member from Northumberland is a great advocate on behalf of his constituents. I listened to him many different times in the caucus and in this place, talking about his constituents and their voice in this place and also bringing some issues to us in this place in order to fix them and solve them. Now I listen to him and listen to many speakers in this House speaking about the importance of creating some kind of protection mechanism for the youth and the children in this province, and I think it's very important.

When I was a little boy, I was walking by a swimming pool. I saw all the kids swimming. I said to myself, "Why don't I do it?" I jumped in the water. I didn't know how to swim and I almost drowned. In a couple of hours' time I found myself in the hospital, people around me; I didn't know what happened to me. But I know I went into the water and I almost drowned because it was wide open. I think it's very important to put some kind of fence around the swimming pool to protect the children, especially in a place which is open for many kids. As you know, water is very attractive to the kids, trying to swim

when they see other kids around them, and then what happens? Tragedy happens. So I think this bill creates some kind of mechanism and tool to protect our children in this province.

Also, I was listening to the member from Niagara Centre talking about downloading to municipalities, and I disagree with his opinion because our job in this bill would never do that because we believe in the partnership between the province and the municipalities. That's why our government gave, in this last budget, billions of dollars in order to create some kind of partnership to help municipalities build bridges, roads, etc. In the past, also, we paid many billions of dollars in order to share costs with municipalities. This bill is not, in any shape or form, some kind of download to the municipalities; as a matter of fact, it's a very important element to help our kids to be protected. As the member from Northumberland spoke half an hour ago, he was talking to us on his bill about what percentage of kids under five walk by a pool, jump in it and drown or else get taken to the hospital; and some of them get a brain injury. I think, for the safety of the children in this province, we have to create a mechanism for protecting the children.

1150

As you know, it's part of our government's mandate. We believe in the future of this province and in the kids, the future of our province. That's why we've created so many different programs, like Best Start.

I wish the member from Niagara Centre was here. I wish he would convince his party not to pull down the Liberal government that created a great national daycare program, that created 25,000 spots across the province of Ontario and was going to invest \$1.9 billion, all for the safety of the children, to protect the children. This is what we are talking about.

As part of our theme as a government, as part of our direction to protect the children of this province, from child care to creating fences, to bringing in many different programs in order to protect our children, I think the member from Northumberland, by bringing this bill forward, has created such an atmosphere and continues the same theme as the government, in order to protect the kids and in order to invest more in the protection of our youth in this province, because we believe strongly that we have no future if we don't invest in our youth.

I want to congratulate my seatmate, the member from Northumberland, for bringing such an important bill up. I wish and I hope that all the members from all the different parties will support this bill.

I wish the member from Niagara Centre was here to listen to what I said about national child care. I wish he would be able to convince his party not to put down or bring down the government and—

The Deputy Speaker: Thank you. Further debate?

Mr. Rinaldi, you have two minutes to respond.

Mr. Rinaldi: First of all, let me thank all the folks who spoke to this bill: the members from Oxford, Peterborough, Haliburton–Victoria–Brock, Niagara Centre,

Brampton Centre, and my good friend from London–Fanshawe.

As I said at the beginning, this bill that's in second reading debate today has a lot of things that we have to improve. I really look forward to working with all the members. Some excellent suggestions have been brought forward this morning that I think need to be in this bill. So I look forward, during committee hearings, to incorporating some of those good points that have been brought forward today, and I thank them for their help.

I just need to quickly comment on some of the comments that the member from Niagara Centre brought forward when he talked about child care benefits and the lack of, the better of or the whatever of. I guess we can talk about whatever child benefits are out there, but I would ask the member, do we want to put that against the safety of a child, to prevent a child from drowning? Are we talking about dollars and cents? Are we talking about building something that we're trying to do all around the House? Although he wanted to go down that road, I really don't think it's related because, at the end of the day, we're talking about the safety of children, the safety of our future. I want to focus on that, and we'll deal with those other issues as we move forward.

To wrap up in this very short time, I want to thank the folks who helped me to bring this legislation to the House today. I think this is a good example of when all sides are working together, when good information comes from the ground up. I'm delighted and look forward to going through the process.

The Deputy Speaker: The time provided for private members' public business has expired.

ORGAN AND TISSUE DONATION MANDATORY DECLARATION ACT, 2006

LOI DE 2006 EXIGEANT UNE DÉCLARATION AU SUJET DU DON D'ORGANES ET DE TISSU

The Deputy Speaker (Mr. Bruce Crozier): We'll deal first with Bill 67, standing in the name of Mr. Klees. Mr. Klees has moved An Act to amend various Acts to require a declaration with respect to the donation of organs and tissue on death. Is it the pleasure of the House that the motion carry?

All those in favour, say "aye."

All those opposed, say "nay."

In my opinion, the ayes have it.

We will have a vote on this, but after we have dealt with ballot item 24.

SWIMMING POOL SAFETY ACT, 2006

LOI DE 2006 SUR LA SÉCURITÉ DES PISCINES

The Deputy Speaker (Mr. Bruce Crozier): We'll now deal with Bill 74, standing in the name of Mr. Rinaldi, An Act respecting safety around swimming pools.

Is it the pleasure of the House that the motion carry?
 All those in favour, say "aye."
 All those opposed, say "nay."
 In my opinion, the ayes have it.
 We will deal with this in due course.
 Call in the members. This will be a five-minute bell.
The division bells rang from 1155 to 1200.

ORGAN AND TISSUE DONATION
 MANDATORY DECLARATION ACT, 2006

LOI DE 2006 EXIGEANT
 UNE DÉCLARATION AU SUJET
 DU DON D'ORGANES ET DE TISSU

The Deputy Speaker (Mr. Bruce Crozier): Mr. Klees has moved second reading of Bill 67. All those in favour, please rise.

Ayes

Arnott, Ted	Kormos, Peter	Ramal, Khalil
Berardinetti, Lorenzo	Kwinter, Monte	Rinaldi, Lou
Brownell, Jim	Lalonde, Jean-Marc	Runciman, Robert W.
Craitor, Kim	Leal, Jeff	Ruprecht, Tony
Delaney, Bob	Levac, Dave	Scott, Laurie
Dhillon, Vic	McNeely, Phil	Smitherman, George
Fonseca, Peter	Miller, Norm	Sterling, Norman W.
Hardeman, Ernie	Milloy, John	Van Bommel, Maria
Jackson, Cameron	Mossop, Jennifer F.	Witmer, Elizabeth
Jeffrey, Linda	Munro, Julia	Yakabuski, John
Klees, Frank	Prue, Michael	Zimmer, David

The Deputy Speaker: All those opposed, please rise.

The Clerk of the Assembly (Mr. Claude L. DesRosiers): The ayes are 33; the nays are 0.

The Deputy Speaker: I declare the motion carried.

Mr. Frank Klees (Oak Ridges): I'd ask that the bill be referred to the standing committee on social policy.

The Deputy Speaker: Shall the bill be referred to the standing committee on social policy? Agreed.

Before the next order of business, we will have the doors unlocked for 30 seconds.

SWIMMING POOL SAFETY ACT, 2006

LOI DE 2006
 SUR LA SÉCURITÉ DES PISCINES

The Deputy Speaker (Mr. Bruce Crozier): Mr. Rinaldi has moved second reading of Bill 74. All those in favour, please rise.

Ayes

Arnott, Ted	Kwinter, Monte	Prue, Michael
Berardinetti, Lorenzo	Lalonde, Jean-Marc	Ramal, Khalil
Brownell, Jim	Leal, Jeff	Rinaldi, Lou
Craitor, Kim	Levac, Dave	Runciman, Robert W.
Delaney, Bob	McNeely, Phil	Ruprecht, Tony
Dhillon, Vic	Miller, Norm	Scott, Laurie
Fonseca, Peter	Milloy, John	Smitherman, George
Jackson, Cameron	Mossop, Jennifer F.	Van Bommel, Maria
Jeffrey, Linda	Munro, Julia	Zimmer, David
Klees, Frank	Patten, Richard	

The Deputy Speaker: All those opposed, please rise.

The Clerk of the Assembly (Mr. Claude L. DesRosiers): The ayes are 29; the nays are 0.

The Deputy Speaker: I declare the motion carried.

Mr. Lou Rinaldi (Northumberland): I would like to refer it to the standing committee on finance and economic affairs.

The Deputy Speaker: Shall the bill be referred to the standing committee on finance and economic affairs? Agreed.

All matters relating to private members' public business having now been dealt with, I do leave the chair, and the House will resume at 1:30 of the clock.

The House recessed from 1205 to 1330.

MEMBERS' STATEMENTS

AGRICULTURE FUNDING

Ms. Laurie Scott (Haliburton–Victoria–Brock): A week after this government's pay more/get less budget, Ontario farmers continue to be outraged that they are not just getting less, they are getting nothing. At the time when farmers are deciding whether they can afford to plant for another year, the Liberal government is dealing a \$244-million cut to the agricultural industry.

When Dalton McGuinty asked for farmers' votes in 2003, this is what the Liberal platform promised them: "We will make agriculture a lead ministry in a Liberal government." The only way the agriculture ministry has led is in cuts and disappointments. Instead of standing up for farmers, the Liberal government is passing the buck. When asked to account for their Scrooge-like behaviour, they blame the federal government or the ghosts of governments past. Farmers in my riding and across Ontario don't have the luxury of scapegoats. What they have are empty fields that they can't afford to put their crops in.

Farmers are proud people, so we rarely hear about the personal toll that is being visited on families whose incomes have collapsed. Imagine the strain on a marriage when both partners are working off the farm and they still can't make ends meet. Imagine parents having to tell their children that they can't go to hockey or baseball this year because there isn't enough money to sign them up or they need to stay home and work on the farm because there's no money to hire extra farm help. As one farmer told a Toronto newspaper, "A lot of guys I know are on anti-depressants."

Our farmers deserve better than empty Liberal promises and a prescription for Prozac. They deserve a government that understands the structural challenges of farming and delivers on its commitments.

HATE CRIMES

Mr. Mario G. Racco (Thornhill): Last week, a constituent of mine, Bernie Farber, CEO of the Canadian Jewish Congress, launched a pamphlet to combat hate on

the Internet. CJC, in conjunction with the Centre for Research Action on Race Relations, sponsored a hate crimes information flyer to aid in the fight against hate.

On the CJC website, www.cjc.ca, the people of Ontario and Canada can anonymously report Internet hate. Today, I wear the badge produced by CJC to promote this initiative. It says, "Stop Internet Hate."

Canadians are protected by the Canadian Human Rights Act and the Criminal Code. While these laws are effective for residents of Canada or websites hosted in Canada, they do not protect us from those hosted outside of this country.

Residents of Thornhill were recently shocked when an elderly Holocaust survivor opened her door to find a swastika spray-painted there, and some unfriendly words. By raising awareness of one's rights and responsibilities when it comes to hate crimes, the CJC hopes to stop Internet hate. This initiative encourages us to stand up for our freedoms and rights while protecting one of the most treasured features of our province and country: diversity.

I commend the CJC for launching this initiative and look forward to continuing to work with them to eliminate racism, discrimination and intolerance.

MINISTER OF TRANSPORTATION

Mr. Tim Hudak (Erie–Lincoln): The members saw yesterday probably the beginning of the closing remarks of the current Minister of Education here in the province of Ontario, moving on to the federal level, and of course wish him well. I did want to note, though, that a couple of people weren't clapping. I think their Bob Rae buttons were getting in the way, which I found a bit curious. But all the best to the minister.

As finance critic, I am always willing and able to give suggestions every time to the Premier and cabinet on how to save money. My suggestion is, instead of doing a cabinet shuffle for education, simply appoint the Minister of Transportation to both ministries, transportation and education. After all, if you listen to the Integrity Commissioner's report, he's the hardest-working man in cabinet, running a ministry and maintaining a full-time job. In fact, he could probably make the offices of both the Ministry of Education and the Ministry of Transportation at the Chalmers Group and save a lot of time and expenses.

After all, we haven't seen progress on some major transportation issues. The GTTA has been announced and re-announced, I think three times, without progress. The rollback promise on the 407 tolls—well, they've actually rolled up even higher. The mid-peninsula corridor seems to be dead, and the extension of the 407 east through Durham region—we have not heard about that in a long, long time from this government.

Another suggestion—school closings—well, he could pay the Edelman group to run a campaign against the school boards in Spain and then close more schools.

This might not be like research on the sex lives of squirrels, but it might just be nuts enough to get Dalton McGuinty's approval.

PROPERTY TAXATION

Mr. Peter Kormos (Niagara Centre): Yesterday, just prior to the House beginning, the three House leaders—the government, opposition and New Democratic Party House leaders—agreed that the order of today would be the amendment to the Assessment Act, and I hope the government lives up to its promise.

This is what the Canadian Press story by Steve Erwin had to say about it yesterday:

"Duncan has promised to extend the deadline to the end of June to give homeowners time to review an Ombudsman's report that recommends changes to the crown corporation that conducts property evaluations.

"But while Duncan insists he wanted to pass the bill on Wednesday, he claims the New Democrats, which along with the Conservatives must consent to its speedy passage, are stalling.

"NDP critic Peter Kormos, however, charged back that three parties had already agreed to debate and pass the bill Thursday and that Duncan is trying to get the bill done a day early so he can get pro-Liberal newspaper coverage Thursday morning—just before voters head to the polls in three Ontario by-elections.

"Clearly Dwight Duncan is eager to get himself a headline in the morning of the provincial by-elections,' a fired-up Kormos told reporters at the Ontario Legislature.

"It similarly indicates to me that the Liberals are increasingly worried about any one of those three by-elections."

"Kormos and Conservative House leader Bob Runciman say they had agreed earlier Wednesday with ... Deputy House Leader ... Caplan to debate and pass second and third readings of the bill on Thursday."

He carried on, and he looked sincere, for the purposes of Hansard:

"Mr. Duncan has inserted a level of cynicism into this Parliament that is disgusting and disgraceful," Kormos said.

"I'm not convinced that he's the brightest bulb in the box. But it seems to me that he somehow thinks so; otherwise he wouldn't have overridden the decision that his House leader made on behalf of the Liberals."

REGENT PARK

Mr. David Zimmer (Willowdale): On February 14, 2006, I attended phase one of the Regent Park community housing revitalization project. As a former chair of the Toronto Community Housing Corp., this project has special significance to me. The project began under my tenure, and less than three years later, I'm deeply pleased to see a historic new beginning for Regent Park, home for over 7,500 Torontonians.

I would like to congratulate the residents of Regent Park and the dedicated staff of the Toronto Community Housing Corp. for their courageous efforts in making the revitalization of Canada's first and largest social housing property a reality.

I would also like to applaud Minister Smitherman, Regent Park's dedicated MPP, for his support of the Regent Park community and for all his hard work over the years in making this dream of revitalization a reality.

This \$1-billion revitalization project will transform the Regent Park community into a modern, mixed-income neighbourhood with attractive new retail space, daycare facilities, beautiful parks and 5,100 new homes.

In the 2006 budget, we promised to create approximately 15,000 new and improved affordable housing units for Ontarians. Thanks to the inspiring efforts of 7,500 residents of Regent Park, the local community, Minister Smitherman, Minister Gerretsen and the Toronto Community Housing Corp., we are now one step closer to achieving that goal.

ONTARIO BUDGET

Mr. Robert W. Runciman (Leeds–Grenville): Mr. Speaker, as I'm sure you know, many communities, sectors and regions of our great province feel left behind, neglected and ignored by the recent McGuinty Liberal budget.

Mr. McGuinty and his Toronto-centric Liberal government have clearly decided that good politics for them is to focus resources on one municipality to the detriment of many others, especially small towns in rural Ontario. This strategy is not only cynical, it is in the short and long term harmful to the social fabric of Ontario.

What the Premier and his yes-men and -women in the Liberal backbenches are doing is driving harmful wedges between Toronto and much of the rest of Ontario. Liberal backbenchers representing regions outside of Toronto are keeping quiet, but what's even worse, defending this harmful strategy and attacking those who express concern.

The McGuinty Liberal budget is not province-building. It is potentially very damaging. I urge Liberal backbenchers to do the job they were elected to do and stand up for the people who elected them, the people depending on them. Don't turn your back on your friends and neighbours. Don't do it.

1340

KIDNEY DISEASE

Mr. John Wilkinson (Perth–Middlesex): Today I'm honoured to welcome to Queen's Park the Kidney Foundation of Canada volunteers, staff, health professionals and especially people affected by kidney disease for Kidney Health Day. Today's events are designed to raise awareness of the risk factors for kidney disease and to talk about strategies for prevention. I want to thank the Minister of Health Promotion and his parliamentary assistant for their participation today.

The month of March holds a special significance for those affected by kidney disease. Each year, the Kidney Foundation of Canada and its thousands of dedicated volunteers in Ontario head out, door to door, to raise

funds for research, education and to support the people affected by kidney disease.

Thanks to over \$73 million in research grants since 1964, people living with kidney disease have access to better therapies and expanded treatment options, leading to improved outcomes and quality of life. Yet the numbers affected are growing steadily.

An aging population and an increasing incidence of diabetes and cardiovascular disease are among the factors contributing to the rising demand for treatment. There are an estimated 15,000 Ontarians on dialysis or living with a kidney transplant. Over 1,300 people are waiting for a kidney transplant, some for as long as 10 years. The number of patients is increasing at an annual rate of 10%, with no end in sight.

Early detection and management of kidney disease can improve patient outcomes and save health care costs. As well, increasing the number of organs available for transplant will save the lives of many Ontarians.

I would ask my colleagues to have a special welcome for our guests from my riding, Dr. Rena Orr and her son Jamie Cottle, who are here visiting with us today.

PUBLIC TRANSIT

Mrs. Linda Jeffrey (Brampton Centre): Last week, Minister Duncan announced Move Ontario, a new \$1.2-billion investment in public transit and municipal roads and bridges.

As part of Move Ontario, I am delighted that Brampton is receiving \$95 million to support the AcceleRide program. AcceleRide buses will better link Brampton to Mississauga, York region, the TTC and GO Transit by enhancing transit along the east-west Queen Street corridor and the north-south Hurontario-Main Street route. This investment will put more buses on the road at key intersections and on routes that will have queue-jump lanes and signal priority. As well, Brampton will be equipping bus stops with real-time information displays, letting passengers know how long they will have to wait until the next bus comes long.

This multi-million dollar funding means that AcceleRide can move forward immediately, and rapid transit buses will be rolling along Queen and Main Streets by 2008-09.

This announcement is historic. It is the largest amount of funding that has ever been given to the city of Brampton. Our government recognized the need to invest in transportation infrastructure and is committed to relieving traffic congestion. We're working with communities to seamlessly move people and goods across this great province.

Congratulations to Brampton city council and Mayor Fennell for doing their homework and putting forward a strong proposal. This investment will transform my community and expand public transportation, not only in Brampton but across Ontario.

ONTARIO BUDGET

Mr. Phil McNeely (Ottawa–Orléans): I rise in the House today to congratulate Premier McGuinty and Minister Duncan on an excellent, successful budget this past week. Ontarians should be proud of this government's investment in the province's infrastructure, education and health care.

Like everyone here, I believe that investing in our people is the one and only way to contribute to the prosperity of our province. That is why I was happy to see the investments in Ottawa's education infrastructure. This budget allocated funds for Algonquin College, Carleton University, La Cité Collégiale and the University of Ottawa.

In Orléans, we were also very happy to see funding for cultural and tourism infrastructure in the city of Ottawa. The Ministry of Culture has allocated \$11 million for cultural infrastructure for Ottawa, and of that funding, \$2.5 million will go toward the East End Arts Facility in my riding of Orléans.

Finally, the McGuinty government is investing in the health of Ontarians by providing more than \$123 million for health care and over \$500 million for health care infrastructure in the Ottawa area. This will extend the Montfort and Queensway Carleton Hospitals, as well as the cancer centres at the Ottawa and Queensway Carleton Hospitals. It will also provide the funding for a new, publicly owned Royal Ottawa Hospital.

This year's budget holds nothing but good news for the people of Ontario and of Ottawa. We are continuing to invest in the areas that matter most to Ontarians. We are protecting our health, improving access to post-secondary education, safeguarding our at-risk youth and expanding training and employment services. We can now look forward to a prosperous future because we are investing in the people of Ontario.

INTRODUCTION OF BILLS

ONTARIO WORKERS' MEMORIAL ACT, 2006

LOI DE 2006 SUR LE MONUMENT COMMÉMORATIF DES TRAVAILLEURS DE L'ONTARIO

Mr. Ramal moved first reading of the following bill:

Bill 86, An Act to establish the Ontario Workers' Memorial / Projet de loi 86, Loi visant à ériger le monument commémoratif en hommage aux travailleurs de l'Ontario.

The Speaker (Hon. Michael A. Brown): Is it the pleasure of the House that the motion carry? Carried.

The member may wish to make a brief statement.

Mr. Khalil Ramal (London–Fanshawe): Ontario workers are the lifeblood of this province's economy. Their talents and skills have made Ontario the most

important economy in this country, thus contributing to Canada's becoming one of the best-performing economies in the world. Our day-to-day lives are touched by Ontario's workers, whether it be by the cars we drive, the food we consume, the buildings that house us or the streets and roads that pave our province's way to success.

Unfortunately, many of this province's workers have been lost to accidents while on the job. Ontario has become strong based largely on their efforts; therefore we should recognize those whose lives were lost in making this province great.

I'm looking forward, when this bill comes back to the House for debate, to getting the support of all members of this House.

MOTIONS

PRIVATE MEMBERS' PUBLIC BUSINESS

Hon. Christopher Bentley (Minister of Training, Colleges and Universities): I seek unanimous consent to put forward a motion without notice regarding private members' public business.

The Speaker (Hon. Michael A. Brown): Agreed? Agreed.

Hon. Mr. Bentley: I move that, notwithstanding standing order 96(d), the following change be made to the ballot list of private members' public business: Mr. Murdoch and Mr. Hudak exchange places in order of precedence such that Mr. Murdoch assumes ballot item 48 and Mr. Hudak assumes ballot item 28.

The Speaker: Is it the pleasure of the House that the motion carry? Carried.

1350

ORAL QUESTIONS

ONTARIO BUDGET

Mr. John Tory (Leader of the Opposition): My question is to the Premier. Premier, you have said recently that a Canadian is a Canadian when it comes to our finances in Canada. I will assume that, by the same reasoning, that means that an Ontarian is an Ontarian.

We support investing in the GTA, although we do oppose your bogus bookkeeping. If an Ontarian is an Ontarian, can you tell me why so many ridings outside of the GTA, many represented by your side, by McGuinty Liberals, are left out of your budget entirely?

Hon. Dalton McGuinty (Premier, Minister of Research and Innovation): I can only conclude from that question that the leader of the official opposition can't be talking about the budget that we presented in this Legislature just a short time ago, because it is a budget that continues to invest in opportunity for the people of Ontario. It adds to the first budget, which invested heavily in health care for Ontarians, and the second

budget, which committed us to Reaching Higher, which is all about investing not only in elementary and secondary education but beyond that, to post-secondary education—again, something which benefits all Ontarians.

In this last budget, we're investing heavily in infrastructure, particularly in public transit, roads and bridges. The people of Hamilton are getting some \$20 million; Ottawa, \$33 million; Sudbury, \$10 million; Thunder Bay, over \$8 million; Windsor, over \$8 million; London, over \$14 million; Kitchener-Waterloo, over \$22 million. So I'm not sure where the leader of the official opposition is coming from when he says that people outside of the GTA are somehow not benefiting from this budget.

Mr. Tory: The fact is that many of your own members and their ridings have been left out of this budget. Don't take it from me; let's take it from the London Free Press. The London Free Press represents the interests of many of your MPPs and the constituents in the London area. You referred to an amount there. What they said was this: "Finance Minister Dwight Duncan's Toronto-centric budget yesterday offered little to the London region and kept the province in a deficit position despite revenues \$2.25 billion higher than expected." That's what the London Free Press had to say.

Clearly, there is a problem here, Premier, if an Ontarian really is an Ontarian. Either your members aren't speaking up or you're not listening to them. Which is it? Because you have not delivered for the people of London in terms of doing the kinds of substantial things for that area of this province that they require. Which is it? Are you not listening, or are they not speaking up, or both?

Hon. Mr. McGuinty: I guess it really didn't take that long for the true colours of the Ontario so-called Progressive Conservative Party to reveal themselves to Ontarians once again. This is a party that is firmly dedicated to sowing division and discord, pitting one group of Ontarians against another group of Ontarians.

When we invest in health care, we invest in health care for all Ontarians. When we reduce class sizes in the early grades in our public schools, we do that for all Ontarians. When we fund insulin pumps, we're doing that for all Ontario children. When we invest in 60,000 grants for young people who are going to college and university, we are doing that for all Ontarians. That's the approach we bring on this side of the House. They may be interested in sowing discord and division; we're all about bringing people together and moving forward together.

Mr. Tory: The Premier seems very sensitive about this. All I was doing was actually quoting the London Free Press. It wasn't me who said this, so you should phone them up and perhaps tell them they're trying to sow division by simply speaking up on behalf of the people of London, Ontario, which is what your members should be doing. When it comes time for 2007, we'll put some people in the Legislature who will speak up for London.

Let's move on, then, to the Stratford Beacon Herald headline from March 24, the day after the budget, where it said, "Farmers Fuming." I guess they're people who

are divisive agents in Ontario as well. The article goes on to state that farmers in the Perth–Middlesex riding "used a post-budget breakfast hosted by MPP John Wilkinson this morning to slam the budget." We've not heard a member's statement on that one from the member for Perth–Middlesex. We hear from him on many other things.

What is your government doing for the farmers in Perth–Middlesex and, for that matter, farmers across Ontario, other than cutting \$244 million from the spending proposed for the Ministry of Agriculture?

Hon. Mr. McGuinty: A few facts are always helpful when it comes to consideration of these matters. I want to remind the leader of the official opposition that we are proud to have invested \$800 million in income support for farmers during the course of the past three years. Just recently, he will know that we put forward another \$125 million to help the farmers who are in desperate straits.

I want to remind him as well that when it comes to the city of London—again, just so we have the facts before us, because they are not entirely irrelevant in this House—we're investing \$14.3 million for road costs, \$13 million for municipal assistance—that was assistance, by the way, that was not there under the previous Conservative program—and \$6 million for the gas tax.

I guess the other thing I would want to say to the leader of the official opposition is that it's really hard to figure out where he's coming from on this. In his reaction to the budget, he said, "We should balance the budget. We should cut taxes. We should upload programs. We should put more money into agriculture, more money for rural Ontario, more money for transit and more money for roads and bridges." That's how you end up with a \$5.5-billion deficit.

The Speaker (Hon. Michael A. Brown): New question.

Mr. Tory: My question is for the Premier. In terms of magic, the only guy who has created a deficit around here of billions of dollars, when you could have balanced the budget and should have, is you.

To the Premier again: You've basically left Sarnia out of your budget plans too. Your member for Sarnia should be up in arms and red-faced over what the Sarnia Observer had to say: "Sarnia–Lambton received scant attention but that's nothing new." How could you and the local McGuinty Liberal member allow this to happen, and what are you going to do to fix this for the people of Sarnia–Lambton?

Hon. Mr. McGuinty: Again, the leader of the official opposition cannot possibly be referencing the budget that we introduced in this House, because there is all kinds of good news in there for the people of Sarnia, as there are for people throughout.

The member opposite will want to know that in this budget we're investing another \$4.5 million for roads and bridges in that community. Of course, our investments in schools will benefit the people of Sarnia. Our investments in health care will benefit the people of Sarnia. Our investments in our post-secondary institutions will benefit the people of Sarnia. The investments

in infrastructure—you know, one of the other things that we're doing is uploading. Actually, what we're doing is we're going to participate in a true and genuine partnership when it comes to sharing land ambulance costs. That will benefit the people of Sarnia as well as uploading some of the public health costs.

I've said it before: In an ideal world, we would be able to undo the downloading damage done by the previous government instantly, but we can't. We're going to take our time, but we're certainly moving in the right direction.

Mr. Tory: No one has talked more about fixing downloading and done less than you, and that's the truth.

Let's move on to Kitchener. Did the member from Kitchener Centre tell you at all about the wait times that are through the roof in Kitchener? Did he confront you with these statistics for Grand River: cancer surgery wait times, up 23%; hip replacements, up 124%? Or for St. Marys: angiography, up 10%; angioplasty, up 4%?

The Waterloo–Wellington LHIN: Did the member for Guelph–Wellington talk about that: angiography, up 34%; angioplasty, up 4%; hip replacements, up 107%; knee replacements, up 9%?

Have your members from Kitchener Centre and Guelph–Wellington asked you to explain to them and, better still, to their constituents why they are paying hundreds of dollars more in McGuinty health tax and the waiting times are going through the roof on your watch? Can you explain that?

Hon. Mr. McGuinty: I can understand why the people of Ontario are confused when it comes to the host of positions taken by the leader of the official opposition. He, over the previous five questions, keeps making reference to the fact that we're apparently not spending enough in a variety of communities. We have made some choices. The leader of the official opposition is saying that we should balance the budget and we should cut taxes and we should be spending more money. I gather that, overall, he's just not supportive of a budget, which tells me that he's not supportive of our determination to invest more in smaller classes; he's not supportive of our initiative to improve student assistance with 60,000 grants this year; he's not in favour of this new subway line that we're going to put in place to connect the 416 and the 905. We've taken a stand. We've made some choices and we're proud of those.

Mr. Tory: Of course, as we all know, one of those choices includes creating a false deficit that's going to cost the taxpayers of this province \$50 million a year of their hard-earned money just so you can play political games with their finances.

Now let's move on to Chatham. You know, I keep quoting these newspapers, these agents of division that are sowing the seeds of revolution in Ontario. The Chatham Daily News, that subversive publication: "There's nothing to directly stimulate small business, which is the core of Chatham. There's almost more to talk about with what's not there than what is there." That's from a local business leader. Your budget did nothing to help the people of Chatham and help them

avoid a massive tax increase next year. You want us to believe that an Ontarian is an Ontarian, and yet the people of Chatham, because of your policies, are going to face a massive tax increase next year. Why have you and your local member left the community of Chatham to twist in the wind next year, and then their taxes are going to skyrocket?

1400

Hon. Mr. McGuinty: I just don't understand how the leader of the official opposition can wake up every day and be so negative about this great province. He must be living in a different province from the one in which I'm living, because I'm very optimistic about our future. I'm proud of the work that we are privileged to be doing on behalf of the people of Ontario. I'm proud of the investments that we continue to make in the kinds of public services were so deeply and so badly eroded by the previous government.

The leader of the official opposition may not agree that it's important for us to invest in public schools; it may be his principal priority when it comes to education to put public dollars into private schools, but we see things differently. We will continue to improve the quality of education in all our schools, for all our children. We will continue to invest in health care and put forward new programs, like insulin pumps for children who are affected by type 1 diabetes, and yes, we will as well continue to invest in our infrastructure so we can both improve our competitiveness and our quality of life.

TUITION

Mr. Rosario Marchese (Trinity–Spadina): Premier, Ontario had a \$3-billion revenue windfall last year. Can you explain why you chose to raise tuition fees at Ontario colleges and universities?

Hon. Dalton McGuinty (Premier, Minister of Research and Innovation): To the Minister of Training, Colleges and Universities.

Hon. Christopher Bentley (Minister of Training, Colleges and Universities): One of the things we had to address was 15 years of legacy left by his party and the party opposite in terms of underfunding and not addressing student aid needs. What we established was a plan based on the Rae report and the Rae recommendation, a plan that called for an increased provincial contribution to post-secondary education to improve quality and increased financial assistance. That's why last year we introduced the Reaching Higher budget—\$6.2 billion extra; that's every year in increments—\$6.2 billion extra for post-secondary education and skills training, of which a quarter, \$1.5 billion, is to improve student financial assistance. It was the right course and it was the five-year course. In fact, the member opposite has criticized the fact that we outlined spending increases for five years. He doesn't like long—

The Speaker (Hon. Michael A. Brown): Thank you. Supplementary.

Mr. Marchese: I would just remind the minister that of the \$6.2 billion that he is promising, \$4.3 billion will

come after 2007, when they may or may not be here. Ontario has some of the highest tuition fees in the country and they're climbing higher. You told students and their parents that you couldn't afford to extend the tuition freeze. Then, on budget day, they learned that you a \$3-billion windfall. Banks and insurance companies get a capital tax cut. Why didn't you offer relief to students and their parents?

Hon. Mr. Bentley: Another example of why the NDP suffered through some of the biggest budget deficits in history: They don't understand the difference between one-time money and continuing expenditure.

I think one of the questions students all across the province are asking is, why is that member so passionate about tuition today? When he was a member of the government, a 50% increase over five years. Where was the fire? Where was the passion? Where was the caring? Why did they cut out the up-front tuition grants for the poorest students in the province? Last year we introduced it for families up to \$36,000. This year we extended that for families up to \$75,000. That's 60,000 extra students getting upfront tuition grants. That's real accessibility for the poorest, most vulnerable students in the province. That's where our compassion lies.

Mr. Marchese: Perhaps, Minister, you can afford to be so smug when you have a ministerial salary, but most middle-class families do not have that same luxury. Now we see how things work in Dalton's little world here in Ontario. If you're a bank that needs capital tax cuts, you get results, but if you're a working family, a middle-class family, struggling to educate your kids, you get empty promises—the same empty promises you made to parents with autistic kids, parents suffering under the clawback and parents waiting for ESL.

The NDP has made a simple proposal: Extend the tuition freeze until the next election. You have the money. Why are you refusing to do it?

Hon. Mr. Bentley: Under our student financial assistance proposal, 180,000 students are going to receive assistance of some sort. The amount of assistance is up by 27% from the time we took office but the repayable portion has not increased one penny, so every extra dollar above \$7,000 in assistance is a grant. Sixty thousand students are getting upfront tuition grants. A total of 120,000 students will get a grant of some description: \$1.5 billion into student financial assistance and additional dollars into the access committees to help first-generation students, aboriginal students, francophone students and persons with disabilities.

The member talks often about his freeze bill, but students and families across this province should remember that when he had the chance, tuition increased 50%. When the member talks freeze, the rest of Ontario is going to catch cold.

PROPERTY TAXATION

Mr. Michael Prue (Beaches–East York): My question is to the Premier. In his report, Ontario's Ombudsman said that a taxpayer appealing an MPAC decision

was like a "David versus Goliath" mismatch. Yesterday, the leader of the third party asked you about two recommendations Mr. Marin directed to your government. They are two very simple recommendations: (1) to make it mandatory for MPAC to tell taxpayers how it comes up with the assessed value of their properties—pretty simple—and (2) for MPAC to fully justify its assessment on appeal, i.e. reversing the onus. Why are you delaying on doing this?

Hon. Dalton McGuinty (Premier, Minister of Research and Innovation): To the Minister of Finance.

Hon. Dwight Duncan (Minister of Finance, Chair of the Management Board of Cabinet): The member has quite properly identified the two recommendations that the Ombudsman referenced to the provincial government. We will be bringing in legislation once we've done a consultation. I'm sure we'd want to hear from the municipalities, which are the major shareholders of MPAC. I'm sure we'd like to determine the cost of implementation so that taxpayers who will pay for this will have a sense of it. I'm sure we would all like to hear from the Information and Privacy Commissioner with respect to how this information is held.

Where we've been able to move quickly, we've moved quickly. For instance, there is a bill that I understand will be passed in the Legislature today with respect to extending appeals on property tax.

We will be consulting. We will be responding in due course. My hope is that we'll hear from the third party and others on their views as to how to make the system work better.

Mr. Prue: The problem with taking too long to study this matter, which you've known about for a long time—a member in your cabinet prepared a report two years ago, which we've never seen, talking about the difficulties with MPAC and with property assessment—is that there are tens of thousands of individuals and families who are in the process of appealing. They don't have the information, because it's denied, and right now the onus is upon them. What about the tens of thousands of people who are in the process now? Do they have to wait until next year?

Hon. Mr. Duncan: First of all, we have already implemented a number of the changes that came out of the Colle report—I refer all members to a press release dated March 10, 2004—which has been referenced a couple times. It was a very good piece of work. The changes were actually debated and discussed in the House, and they made a lot of sense. Perhaps the members were asleep when the discussions were going on, but the fact is that the discussions occurred in this House.

The previous government attempted to reform property taxes seven times. They messed it up seven times. We are going to move prudently but with haste to address the concerns. I remind members that of the 22 recommendations, 17 have already been—

The Speaker (Hon. Michael A. Brown): Thank you. Final supplementary.

1410

Mr. Prue: The Ombudsman was clear in his report that there were two things you could do. He made very concrete proposals, and I don't believe anyone we've heard from—the public, the mayors, anyone at all—is saying that they cannot or should not be done. My question to you is, how long will the people of Ontario have to wait to have a system that is balanced, that is fair, that is going to give them an opportunity to have a justifiable appeal in which the onus is not upon them and in which they have all the facts? Clearly, if you believe in justice, you would do it right away.

Hon. Mr. Duncan: This government is going to act in the best interest of taxpayers.

Let me quote what this member said on October 15, I think in Ottawa. He said, referring to the NDP, that the party “is in the gestation of looking at some kind of official policy,” and the party will definitely have a position on property taxes in time for the 2007 election. The NDP doesn't want to share its ideas too early. Well, let me share our ideas: We're cleaning up MPAC in a way that no one thought we would and we're cleaning up a mess left by Mr. Tory and his party. We have addressed 17 of 22 recommendations that were contained in the report. There are two that require legislative change, and we do believe, frankly, that it does take a little time to talk to people, including taxpayers, assessors and the Information and Privacy Commissioner. That's the right way to do it.

EMERGENCY ASSISTANCE TO BUSINESSES

Mr. John Tory (Leader of the Opposition): A question for the Premier. The finance minister is hallucinating again today. The Premier will know that as a result of an act of nature, a huge sinkhole opened up at Highway 7 and Jane Street. This is not a question about your budget, by the way, but it could be. This has caused, as the Premier will know, traffic chaos, but it has also caused a lot of heartache for local businesses. Customers can't get to their stores and their offices. We have now learned there are people who are on the brink of losing their homes and their businesses and of course the jobs that go with them. You have been asked by the local member whether there is something your government could do to help these people, who are affected by an emergency, by an act of nature, so they won't lose their businesses over the next couple of months until the road is fixed. Are you prepared to do something to help these people, to make sure these businesses are not lost and don't go under while the road is being fixed? Are you going to help them?

Hon. Dalton McGuinty (Premier, Minister of Research and Innovation): This is a municipal issue, but having said that, I appreciate the leader of the official opposition bringing this to my attention. I've heard about it before. In fact, I've heard about it from a number of people who raised the issue.

Let me say this: We stand at the ready. I know Minister Kwinter, who has the principal responsibility for emergency-related issues, stands at the ready to lend whatever support we might to assist the city in any way they feel we might be helpful.

Mr. Tory: I appreciate the Premier's willingness to look at it. We want to just maybe firm that up a touch. These people are on the brink. It's been a long time now, and it's nobody's fault. It's an act of nature, and they are trying to get it fixed. Mother Nature continues to erode the sinkhole and so forth. But these people are out of money. There was a story published recently saying that one of these people actually mortgaged their house to pay their employees so they could keep their business going.

My question is this: Would you be willing to come back to this House on Monday—because tomorrow is Friday and that gives us the whole weekend and Friday to look at it—and have someone report to this House on specifically what you're going to do to help these businesses get through this period of time while the construction is completed so they don't go out of business? Are you prepared to report back on Monday?

Hon. Mr. McGuinty: I appreciate the sincerity behind this request. What I will do is undertake to have Minister Kwinter look into the matter and see what specifically, if anything, we might do to lend assistance.

HEALTH SERVICES

Mr. Peter Kormos (Niagara Centre): To the Premier: You have insisted that communities aren't going to lose health services as a result of your health integration scheme. Can you explain, then, why Scarborough General Hospital is planning to remove services?

Hon. Dalton McGuinty (Premier, Minister of Research and Innovation): The Minister of Government Services can speak to this.

Hon. Gerry Phillips (Minister of Government Services): There's no decision on that. One of the hospitals is in the area I represent; it's called Scarborough Grace. The other is called Scarborough General. At one time I was chair of Scarborough General. What that hospital is doing is what I think we would ask every single hospital in the province of Ontario to do: How can we deliver quality services in the most effective way? I am proud of that board looking at how we can improve the quality of the service in Scarborough in the most cost-effective way. They're looking at those options. I think we should be applauding boards in Ontario.

There's no intention of diminishing services. The commitment is that the Scarborough Grace Hospital will stay open forever, that the emergency will stay open 24/7 and that obstetrics will stay there. But apart from that, the board is looking at how we can improve the quality of care for the people of Scarborough in the most cost-effective way, and I think that's a good idea.

Mr. Kormos: Sir, you keep insisting that we've reached some sort of glorious new age in health care, but out there on the ground across Ontario all that folks are seeing is cuts. Can you explain why the F.J. Davey home

in Sault Ste. Marie is going to be firing half of its registered nurses in June of this year?

Hon. Mr. Phillips: Again I'd say to the member, if you look at the health care budget in Ontario, it has gone up dramatically. I think the increased investment over a five-year period is about \$34 billion. Our Premier recognized the need to enhance health care. He called on the people of Ontario to help with that. The opposition say that they don't want to do that. They do not want the \$2.4 billion of health money that we've asked of the people of Ontario to help with health care.

That's \$34 billion over a five-year period in health care. We are making a major commitment to ensuring that the quality of health care in Ontario is second to none. I'm very proud of that record, very proud of the record across the province of Ontario.

HIGHWAY CONSTRUCTION

Mr. Jean-Marc Lalonde (Glengarry-Prescott-Russell): My question is to the Minister of Transportation. Yesterday, the member for Lanark-Carleton addressed a question to the Premier. In his question he referred to last week's budget. I was stunned to hear a member from the Ottawa area coming up with that sort of question. Being a former PA for transportation, I was overjoyed with the amount of money Ottawa is getting, especially the riding of Lanark-Carleton. Either the member for Lanark-Carleton has not read the budget correctly or he just wants to play politics on the day before a by-election is to take place in Nepean-Carleton. The people of Nepean-Carleton are smart people.

Minister, can you tell us, beside the amount referred to yesterday, how much more money is going to be allocated to Ottawa and to the riding of Lanark-Carleton for the widening of Highways 7 and 417?

Hon. Harinder S. Takhar (Minister of Transportation): I would like to thank the member for asking this question. I'm sure the member opposite already knows the answer to this question, but let me repeat it for him again. On July 29, 2005, my colleague the MPP from Ottawa-West Nepean, Minister Jim Watson, announced the construction of Highway 7 from Highway 417 to Carleton Place. It's a 22-kilometre project, about \$108 million in cost. This project will be constructed in different phases.

In addition to that, there are other investments we are making in the Ottawa area. For example, on Highway 401, we are investing \$19.7 million in construction from County Road 34 to the Quebec boundary; on Highway 60, we're investing about \$11.9 million in resurfacing between Douglas and Eganville; and then again on Highway 60, we are investing another \$5.6 million in reconstructing truck climbing lanes for the road. So the—

The Speaker (Hon. Michael A. Brown): Thank you. There may be a supplementary.

Mr. Lalonde: Minister, listen to this. Yesterday a constituent from the riding of Lanark-Carleton expressed his concern to me about his MPP's question. Being aware

of the extra money announced last year by the McGuinty government for the widening of Highways 7 and 417, the constituent went as far as asking me if his member was misleading his constituents.

1420

Interjections.

The Speaker: You can't do indirectly what you can't do directly. So I'd ask you to change the phrasing of that question.

Mr. Lalonde: I am ready to withdraw it, but it's not me who said that, it's his constituent.

Minister, since the member doesn't seem to want that money—

Interjections.

The Speaker: Order. Just withdraw the word.

Mr. Lalonde: I withdraw, Mr. Speaker.

Minister, since the member doesn't want this money for the widening of Highways 7 and 417, should this money be allocated to another sector in the province? Is that what—

The Speaker: Thank you. The question has been asked.

Hon. Mr. Takhar: I think the Leader of the Opposition has already indicated that we make our investments on a needs basis. That's how we make our investments. We don't consider it on a partisan basis.

But let me tell you what else we have done in the Ottawa area. Out of the \$400 million we announced for roads and bridges, Ottawa will be getting \$33 million in gas taxes. They got \$27.4 million this year. In other transit investment, they got about \$22.9 million. So there is a lot of money that Ottawa has been getting. In addition to that, we have approved their transit project, which is a \$200-million investment by the province, but it's a \$600-million investment in total.

ONTARIO BUDGET

Mr. Robert W. Runciman (Leeds-Grenville): I have a question for the Premier. Following last week's provincial budget, it became readily apparent that many residents of communities outside Toronto, especially in small towns and rural areas, were shocked and disappointed by your government's failure to address their needs. One of those areas was the provincial riding of Northumberland. Premier, can you advise the House and the good people of Northumberland if the MPP for that area has made you aware of his constituents' widespread concerns over your budget?

Hon. Dalton McGuinty (Premier, Minister of Research and Innovation): To the Minister of Finance.

Hon. Dwight Duncan (Minister of Finance, Chair of the Management Board of Cabinet): The member for Northumberland is a tireless advocate for the people of his constituency. You could learn something from him, I say to Mr. Runciman. If only every member worked as hard as the member for Northumberland. All the members on this side do; they certainly do.

Let me tell you what the reaction is. The people of Northumberland know that we've invested \$800 million in three years for income support for our farmers. They know that the \$400 million in roads and bridges money is aimed at rural and northern municipalities, and it's helping many of the them in ways that they never anticipated.

This government is undoing the downloading of that government. We're uploading land ambulance costs to a full 50%, thanks to the lobbying efforts of the member from Northumberland. That member and his government downloaded the cost of public—

The Speaker (Hon. Michael A. Brown): Thank you. Supplementary.

Mr. Runciman: That response just confirms that the Minister of Finance is out of touch with reality.

In the Northumberland Today newspaper, the headline is, "Local Farmers Fry Rinaldi with Budget Accusations." In the Independent newspaper, Gene Brahaney, a beef farmer and lifelong Liberal, says he is "greatly disappointed and very angry." He goes on to say, "It looks like the Premier is buying the vote of Toronto and to the rest of Ontario, he's just saying goodbye." That's from a lifelong Liberal.

Does that sound like contentment? Does that sound like your MPP is doing his job? I ask the Premier, why are you muzzling Liberal MPPs representing small-town, rural Ontario? Why won't you let them represent their constituents?

Hon. Mr. Duncan: The people of Northumberland have 7.5 million reasons to re-elect the member: That county got \$7.5 million in roads and bridges. That member has helped ensure that more young children in JK through grade 3 are in class sizes of less than 20. It's because of the work of men like Mr. Rinaldi and many others on this side of the House that our health care wait times are coming down.

That party and that government left a deficit—a number of deficits. A health care deficit: The people of Northumberland, because of Mr. Rinaldi, are having that deficit reduced. On skills and education, that party took money out of schools. Because of members like Mr. Rinaldi, we're putting money into schools. On the infrastructure road issue, again, \$7.5 million this year alone. Mr. Rinaldi should be congratulated for the work that he does on behalf—

The Speaker: Thank you. New question.

AGRICULTURE FUNDING

Mr. Peter Kormos (Niagara Centre): A question to the Minister of Agriculture: Twenty-four days ago, Stephen Webster parked his car at Queen's Park and said he wasn't going to leave until Dalton McGuinty did something to help Ontario's farmers. Why is Mr. Webster still parked outside Queen's Park?

Hon. Leona Dombrowsky (Minister of Agriculture, Food and Rural Affairs): I would offer that the best person to answer that question would be Mr. Webster. What I would offer, though, is that what the Premier has

done through the most recent budget that was presented in this House was to very clearly identify that our government is aware of the very serious, urgent and pressing need in the agriculture community in the province. That is why, two weeks before the budget, we announced \$125 million to support the grains and oilseeds sector. That includes \$80 million for grains and oilseeds, \$35 million for fruit and vegetable growers and \$10 million for traceability.

In addition to that, there is a commitment in the budget document that says very clearly, "We are responding to the requests that we have received from farmers across Ontario for a multi-year partnership with the federal government."

The Premier has made it very clear: We are at the table; we are ready to roll up our sleeves, get to work and do what the farmers in Ontario need us to do.

Mr. Kormos: Mr. Webster is parked outside because you have done next to nothing for Ontario's farmers. A farmer I talked to said that for every \$100 he has lost, he is only getting 12 bucks back from you. What about the dairy heifer operators decimated by the BSE crisis? You've done nothing for them. That's not farm assistance; that's an insult. How much longer is Stephen Webster going to have to camp out in his car before you deliver the multi-year farm assistance plan that farmers need to stay in business?

Hon. Mrs. Dombrowsky: I would offer that the wait will continue until Ottawa comes to the table. That's what we're waiting for. We have been ready for months to sit down with the federal government and establish a partnership that will better support the agriculture industry in this province. We are ready. We have listened to farmers and we are prepared to work on their behalf.

I would offer that Mr. Webster might better spend his time in Ottawa and make his issues known to the federal MP's, and everyone else on that side of the House should do the very same thing. This is an urgent issue. We have been pressing the federal government and we will continue to do so for the farmers of Ontario.

ONTARIO FILM AND TELEVISION INDUSTRY

Mr. Tony Ruprecht (Davenport): I have a question for the Minister of Culture. Minister, you recently announced the extension of the enhanced 18% tax credit rate for film production services to March 2007. We know that a strong and sustainable film and television industry is a major contributor to Ontario's economic prosperity and quality of life, and that film and TV production generates almost \$2 billion annually for our provincial economy and accounts for thousands upon thousands of people working, usually through small businesses. But some of the critics are saying that this is still not enough. Minister, what are you doing to ensure the continuing growth of film and television industry in Ontario?

Hon. Madeleine Meilleur (Minister of Culture, minister responsible for francophone affairs): I would like to thank the member from Davenport. I know he's a great supporter of culture.

It is important to point out the progress and the success experienced in Ontario film and television industry. We should be proud of the quality productions created here in Ontario. We believe we have the right combination of people, expertise, facilities, sites and now the financial incentives to protect Ontario's position as the number one film and television production centre in Canada.

An increase in our tax credits allows Ontario to remain competitive internationally. As the vice-president of Cinespace Film Studios put it, "The current boom is absolutely a result of the tax credit increases. All the producers we talk with tell us the new incentives are what is turning heads in LA."

1430

Mr. Ruprecht: These are very strong measures, and I would hope that the opposition would also clap for it. I didn't see any of them clap for this kind of a measure.

These initiatives are strong examples of our belief in and recognition of the important role of the film and television industry in Ontario. More and more domestic and foreign productions are choosing Ontario to make their films and television series. Shows like ReGenesis, filmed in Hamilton, Slings and Arrows and many others are doing great here.

This is very good news indeed, but with spring here and summer around the corner, and film crews cropping up all over the place, concretely what do all these announcements really mean for Ontario and for Toronto specifically?

Hon. Mrs. Meilleur: Let me give you other examples of the success in Ontario. In 2004 and 2005, Ontario experienced the highest level of production activity, with an increase of 5%, to reach \$1.85 billion. Ontario represents 41% of Canada's total production sector.

After we took government, foreign location production in Ontario rose by 53% in 2004 and 2005. This sharp increase demonstrates that Ontario's service producers were able to manage the effect of the increase in the Canadian dollar, as well as compete with other jurisdictions for Hollywood productions, thanks to the tax credit increase introduced by this government.

In the last budget, we gave \$7.5 million to help our entertainment and creative cluster, plus \$23 million to OMDC to help the sector. So I'm sure that this summer you will see more and more film crews around Queen's Park.

ONTARIO BUDGET

Mr. Tim Hudak (Erie-Lincoln): The question is for the Premier. I'll call your attention to the Niagara Falls Review editorial of March 24 this year entitled, "Liberal Budget Focuses on Toronto, Ignores the Rest of us." The editorial says, "Jokes referring to Toronto as the centre of

the universe have been around for years, but Thursday's budget should worry Ontario residents outside Cabbagetown that the provincial Liberals think it's true." Niagara Falls Mayor Ted Salci goes further and says, "I don't think the province has responded strongly enough to the needs of municipalities outside the GTA."

Premier, I wonder if, when you cross the Burlington Skyway leaving Toronto, you think you've entered New York state. Why did you turn your back on the people of Niagara?

Hon. Dalton McGuinty (Premier, Minister of Research and Innovation): To the Minister of Finance.

Hon. Dwight Duncan (Minister of Finance, Chair of the Management Board of Cabinet): Let me just read what some mayors from outside the GTA have said about this budget. Hamilton Mayor Larry Di Ianni: "We have a lot to be thankful for," said an excited Mayor Di Ianni. "This is really a communities budget."

Let me read you what the mayor of Peterborough said: "Toronto's needs are greater than the rest of the province. They've recognized that there's something beyond the GTA."

Let me read to you what the mayor of Timmins has said: "Certainly, this budget sounds excellent for Timmins."

The mayor of Windsor, my hometown: "The announcement in Thursday's budget that the municipalities will now be given more leeway in how they spend their share of the \$1.4 billion in transit funding from provincial gas tax rebates was ... welcomed," said Mayor Eddie Francis.

The mayor of Leamington: "It's certainly going to help the municipality. We've got a lot of roads and bridges we certainly want to work on."

The mayor of Waterloo, Ken Seiling: "We made it into the budget. That's a good thing."

The mayor of—

The Speaker (Hon. Michael A. Brown): Thank you. Supplementary.

Mr. Hudak: Rather interesting. I asked a question about Niagara, and the minister talks about everything but. I think it must be true that when you cross the Burlington Skyway, you think you end up in New York state.

Poor Kim Craiton is doing his best to defend Dalton McGuinty, but trying to defend Dalton McGuinty's budget in Niagara is like trying to swim up Niagara Falls. You just can't do it because there's too much weight of evidence coming down hard on you.

Port Colborne Mayor Ron Bodner said, "Niagara did not show up on the radar screen. Our job as politicians is to remind" these guys "there is life south of Lake Ontario."

Albert Witteveen from the Niagara North Federation of Agriculture says that farmers got nothing in your budget.

Minister, when did you decide to write off Niagara? Why did you decide to do it? And did you tell Kim Craiton that you made that decision?

Hon. Mr. Duncan: Because of Kim Craiton, we're investing \$1 billion in the Niagara tunnel, something you didn't do in eight long, painful years; \$300 million between Sarnia and Niagara for their border crossings and infrastructure, something you didn't do in eight long, painful years; and in this year's budget, \$3 million in additional OMPF funding, \$1.6 million for roads and bridges and \$894,000 in gas tax.

Kim Craiton has stood up for Niagara in a way you never have, sir—never. You should listen to him. You can learn from him. With good members like Kim Craiton, the region of Niagara—I know Kim Craiton. Kim Craiton is a friend of mine, and he's a darn better member of this Legislature than you'll ever be.

DEMOCRATIC RENEWAL

Mr. Michael Prue (Beaches–East York): My question is to the minister responsible for democratic renewal. Madam Minister, yesterday I asked you a very simple question: Why should Ontarians believe you will honour a referendum, and the referendum result, should Ontarians decide to change the way in which people are elected to this Legislature? You sent the question to the Minister of Municipal Affairs, and what he said I think sent shivers down the spines of anyone who believes in democracy. He admitted that he ignored the ballot results, he admitted that the people's vote meant nothing at all and he said that there was now a new criterion that it had to be made up of the elected representatives and that they were going to have to set brand new criteria before anything would happen. Is this your plan too?

Hon. Marie Bountrogianni (Minister of Intergovernmental Affairs, minister responsible for democratic renewal): What a ridiculous comparison. He just can't take the good news that we are having a citizens' assembly to examine our electoral system. The honourable member was on the select committee. He knows how serious this government is. He knows how serious the Premier is. If the citizens' assembly recommends a change, it will go to referendum. We have promised this. We will do it. We will deliver this.

Mr. Prue: The word that's been left out and that I keep looking for is "binding," a binding referendum; that this government, this Legislature, will be bound by the results, not in the way that you and the Premier committed to be bound by the results in Kawartha Lakes, but a real binding, so that if the people speak, what they vote for actually happens. That's what we want to know. So I'll just go right to that. Will you put it in the legislation to bind the government on the results of the referendum, or will you end up playing the same game you played with the people of Kawartha Lakes?

1440

Hon. Mrs. Bountrogianni: In fact, we don't even have referendum legislation in Ontario. Your government didn't do it; their government didn't do it. We are going to introduce legislation for referendums in the province of Ontario in the event that the citizens' assembly does

recommend a referendum for a change in electoral systems. I'm very proud that our Premier has taken this political risk, has put the partisan politics behind him to give the people a choice to possibly change the system that got us here and that got you here at one point, because it's the citizens' choice, not the politicians' choice, with respect to how we should vote for our politicians. I'm very proud of our Premier for his courage and of our government for standing by him.

PUBLIC TRANSIT

Mr. Lorenzo Berardinetti (Scarborough Southwest): My question is to the Minister of Finance. Minister, Scarborough is one of the fastest growing regions in the province. As you know, previous to 1997, it wasn't a part of the megacity of Toronto; it was a city on its own. But as all the members of the House are aware, you tabled the McGuinty government's budget, its third budget, last week. Residents in my riding have for a long time had an interest in public transportation. I wanted to know what the city of Scarborough will be receiving and, in particular, what kind of new funding will it be receiving as a result of your budget.

Hon. Dwight Duncan (Minister of Finance, Chair of the Management Board of Cabinet): To the member opposite, due to his efforts and the efforts of all of our members from Scarborough, we've included \$1 million for the next step of environmental assessment for the Scarborough rapid transit. We think that's an important step, something that was missing for far too long in this province.

In addition, we believe very strongly that all the people of Ontario will benefit from our investments in infrastructure, whether they live in Scarborough, Durham region, Windsor, North Bay, you name it. Those investments are important. They're important because improved public transit, improved roads and bridges and services will mean a stronger economy, a more efficient economy. Because of members like the member opposite and his colleagues from the Scarborough area, we were pleased to include \$1 million to Scarborough to move to the next phase of extending public transit through Scarborough in a better fashion.

Mr. Berardinetti: Thank you for that, Minister. A supplementary question: Many residents in my riding have asked me questions as well about the transportation budget. They've indicated to me that they were concerned that perhaps the subway line should not have gone westward but perhaps should have gone eastward, and were looking at some of the funding issues there. Could you please tell the House what steps you and your ministry have taken or that the government has taken in general with regard to funding announced for environmental assessment on the subway and, in particular, other initiatives taken for the citizens of Scarborough that are included in this budget?

Hon. Mr. Duncan: The Minister of Transportation.

Hon. Harinder S. Takhar (Minister of Transportation): First of all, I would like to thank the member for Scarborough Southwest for this question. Our government is very much committed to making sure that we can keep our people and goods moving, because we feel the quality of life and of the economy depends on it. Let me tell you that since October 2003, we have given over \$700 million to the city of Toronto for public transit. This is in addition to \$670 million for the Spadina subway that will go up to the Vaughan Corporate Centre. A couple of examples: the \$1 million that the Minister of Finance talked about for the environmental assessment; we have this year also given \$200 million to Toronto for TTC subway operations. We have given \$33 million, one-time funding, which can be used by the TTC transit vehicles; \$52 million last year under the OTVP program to the city, and \$20 million again for subway improvements—

The Speaker: Thank you. New question.

ONTARIO BUDGET

Mr. Norm Miller (Parry Sound–Muskoka): I have a question for the Premier: Tomorrow, March 31, is the day that the doors will close at the paper mill in Cornwall. Five hundred people will lose their jobs; \$50 million in lost wages will be the result, \$1.3 million in lost taxes for the city of Cornwall. The local newspaper, the Seaway News, says, “Will Cornwall Survive Domtar’s Closure?”

The Seaway News, in another article, states, “The Domtar closure will certainly be causing a butterfly effect directly or indirectly for a great majority of people in this community, personally and professionally.”

Premier, what was in your budget for 500 people who will lose their jobs tomorrow in Cornwall?

Hon. Dalton McGuinty (Premier, Minister of Research and Innovation): To the Minister of Natural Resources.

Hon. David Ramsay (Minister of Natural Resources, minister responsible for aboriginal affairs): I’d like to say to the honourable member, as I’ve said to many people in northern and eastern Ontario where they have felt the direct impact of the restructuring of the forestry sector, that in dealing with that sector and the restructuring that’s going on, it was so important to the McGuinty government that we couldn’t even wait for this budget. We made an announcement last year, as you know, of \$680 million. Again, the Premier made an announcement five weeks ago of another \$220 million. We couldn’t even wait for this budget to get that news out, because we have to help that industry. We’re working with Domtar—they have many sites across this province—and of course we’re working with the local member also in regard to restructuring the industrial base of the city of Cornwall.

Mr. Miller: The truth is that the budget did precious little for the people of Cornwall. In fact, looking at some of the newspaper articles, the Sudbury Star says, “Budget a Slap in the Face to Rural Ontario.” Its says, “This is

pandering to the urban majority and virtually ignoring the breadbasket of the province. It is an insult, a slap in the face for small-town Ontario.” Farmers in the Cornwall area are also suffering. The Standard-Freeholder in Cornwall states: “‘Obviously, we’re not a priority to our provincial government,’ said Newington area dairy farmer Tammy Hart. ‘We are on a breaking point right now. I don’t know what more we can do. You’re going to see farmers disappear. They’re disappearing as we speak, even around here.’”

Why isn’t the member from Stormont–Dundas–Charlottenburgh speaking up for the 500 people who lost their jobs at Domtar, who are going to see their final paycheck tomorrow? Why isn’t he speaking up for these farmers who are just barely hanging on?

Hon. Mr. Ramsay: To the Minister of Finance.

Hon. Dwight Duncan (Minister of Finance, Chair of the Management Board of Cabinet): The member has, in fact, done just that.

Let me read you what the mayor of Cornwall had to say about this government’s efforts, and I hope you’ll pay attention: “All those meetings, all those proposals, finally paid off,” Poirier said. “I knew all along we were going to get something. They, the province, owned up to their promise to help.” Yes, the mayor’s absolutely right. We did that: \$5 million directly to Cornwall.

In addition, we created something called the jobs and skills renewal strategy, which takes \$2.1 billion, money that was negotiated with the federal government by our Premier, money that would not have been available, and that money is being used to assist individuals, not only people on social assistance to help get them off, but to help get the underemployed, the unemployed, more and better work, to help them participate in the economy that’s blossoming in this province, the economy that has produced 85,000 new jobs in the last year. I say to the member opposite, you ought to speak to the mayor of Cornwall—

The Speaker (Hon. Michael A. Brown): Thank you. New question.

Mr. Michael Prue (Beaches–East York): My question is to the Premier. During the budget, while the budget was being read out by the finance minister, we all noticed that your colleagues, your caucus, clapped long and hard on your plan to reduce corporate taxes by \$1.2 billion in the year 2007. At the same time, there was no money for poor children, there was no money for the clawback, there was no money for children with autism. The Minister of Finance subsequently said that maybe next year he might be able to find a few pennies for these poor individuals. You have already committed \$1.2 billion in 2007-08 for big banks and big insurance companies that have never had such profitable years. Why have you not committed \$220 million to end the clawback? Why have you not committed the millions it will take to end autism and to actually give autistic kids a chance?

Hon. Mr. McGuinty: To the Minister of Finance.

Hon. Mr. Duncan: First of all, let's set the facts straight: There's not a \$1.2-billion tax cut in 2007. That's patently false. This year, it's more like \$60 million, and even when it's fully rolled up, it will be a lot less than the figure you've quoted. Unfortunately, the member opposite simply doesn't want to deal in fact.

Number two, Mr Speaker, I'll remind you that that member voted against rolling back all the Tory tax cuts. He's trying to have it both ways. All the corporate tax cuts the Tories did—

Interjections.

Hon. Mr. Duncan: You voted against them. I think that member ought to tell the thousands of his constituents who are employed in the financial services sector in Toronto, who have made it one of the most competitive, why he wants to undermine the future sustainability of their jobs.

Banks and insurance companies employ people in your riding, sir. You ought to be ashamed. You ought to speak in favour of them, and you ought to work with us to help ensure that Toronto remains the most competitive place for the financial service sector in the world.

1450

PETITIONS

ORGAN DONATION

Mr. Frank Klees (Oak Ridges): I have literally thousands of signatures on a petition which reads as follows:

“To the Legislative Assembly of Ontario:

“Whereas 1,920 Ontarians are currently on a waiting list for an organ transplant; and

“Whereas the number of Ontarians waiting for an organ transplant has virtually doubled since 1994; and

“Whereas hundreds die every year waiting for an organ transplant; and

“Whereas greater public education and awareness will increase the number of people who sign their organ donor cards and increase the availability of organ transplants for Ontarians; and

“Whereas the private member's bill proposed by Oak Ridges MPP Frank Klees will require every resident 16 years of age and older to complete an organ donation question when applying for or renewing a driver's licence or provincial health card, thereby increasing public awareness of the importance of organ donation while respecting the right of every person to make a personal decision regarding the important issue of organ donation;

“We, the undersigned, petition the Legislative Assembly of Ontario to pass Bill 67, the Organ and Tissue Donation Mandatory Declaration Act, 2006.”

I am pleased to affix my signature to this petition and also to confirm that this Legislature passed second reading of this bill today.

MUNICIPAL RESTRUCTURING

Mr. Michael Prue (Beaches–East York): I have a petition signed by hundreds of people and it reads as follows:

“To the Legislative Assembly of Ontario:

“Whereas Dalton McGuinty, MPP, as leader of the official opposition, made the following commitment: ‘I have committed that a Liberal government will ensure a binding referendum is held to allow local citizens to determine whether or not to dismantle the amalgamated city’; and

“Whereas, in the interest of true democracy, the Minister of Municipal Affairs put the following question to the voters of the city of Kawartha Lakes: ‘Are you in favour of a return to the previous municipal model of government with an upper-tier and 16 lower-tier municipalities?’; and

“Whereas the voters, by a clear majority on a provincially mandated ballot, answered in the affirmative; and

“Whereas the council of the city of Kawartha Lakes has demanded that the province of Ontario honour the results of the 2003 election as it pertains to the minister's question;

“The undersigned demand that the Legislative Assembly of Ontario act to honour the commitment made by Dalton McGuinty and to respect the will of the people as expressed in a democratic vote, and restore the former municipal structure as stated in the minister's question.”

I am in agreement and would affix my signature thereto.

MACULAR DEGENERATION

Mr. Kim Craiton (Niagara Falls): I'm pleased to introduce this petition on behalf of my riding of Niagara Falls, and thank Gladys Plato and Grace Weaver for signing it, as well as many others. The petition reads as follows:

“To the Legislative Assembly of Ontario:

“Whereas the government of Ontario's health insurance plan covers treatments for one form of macular degeneration (wet), there are other forms of macular degeneration (dry) that are not covered,

“We, the undersigned, petition the Legislative Assembly of Ontario as follows:

“There are thousands of Ontarians who suffer from macular degeneration, resulting in loss of sight if treatment is not pursued. Treatment costs for this disease are astronomical for” many individuals “and add a financial burden to their lives. Their only alternative is loss of sight. We believe the government of Ontario should cover treatment for all forms of macular degeneration through the Ontario health insurance program.”

I am pleased to sign my signature in support of this petition.

ORGAN DONATION

Ms. Laurie Scott (Haliburton–Victoria–Brock):

“To the Legislative Assembly of Ontario:

“Whereas 1,920 Ontarians are currently on a waiting list for an organ transplant; and

“Whereas the number of Ontarians waiting for an organ transplant has virtually doubled since 1994; and

“Whereas hundreds die every year waiting for an organ transplant; and

“Whereas greater public education and awareness will increase the number of people who sign their organ donor cards and increase the availability of organ transplants for Ontarians; and

“Whereas the private member’s bill proposed by Oak Ridges MPP Frank Klees will require every resident 16 years of age and older to complete an organ donation question when applying for or renewing a driver’s licence or provincial health card, thereby increasing public awareness of the importance of organ donation while respecting the right of every person to make a personal decision regarding the important issue of organ donation;

“We, the undersigned, petition the Legislative Assembly of Ontario to pass Bill 67, the Organ and Tissue Donation Mandatory Declaration Act, 2006.”

IDENTITY THEFT

Mr. Tony Ruprecht (Davenport): I have a petition to the Parliament of Ontario and the Minister of Government Services. It reads as follows:

“Whereas identity theft is the fastest-growing crime in North America;

“Whereas confidential and private information is being stolen on a regular basis, affecting literally thousands of people;

“Whereas the cost of this crime exceeds billions of dollars;

“Whereas countless hours are wasted to restore one’s good credit rating;

“Therefore we, the undersigned, demand that Bill 38, which passed the second reading unanimously in the Ontario Legislature on December 8, 2005, be brought before committee and that the following issues be included for consideration and debate:

“(1) All consumer reports should be provided in a truncated ... form, protecting our vital private information, such as SIN and loan account numbers.

“(2) Should a consumer reporting agency discover that there has been an unlawful disclosure of consumer information,” or a breach, “the agency should immediately inform the affected consumer.

“(3) The consumer reporting agency shall only report credit-inquiry records resulting from actual applications for credit or increase of credit, except in a report given to the consumer.

“(4) The consumer reporting agency shall investigate disputed information within 30 days and correct, supple-

ment or automatically delete any information found unconfirmed, incomplete or inaccurate.”

Since I agree, I’m delighted to sign this petition.

GASOLINE PRICES

Mr. Joseph N. Tascona (Barrie–Simcoe–Bradford):

I’m pleased to present a petition to the Legislative Assembly, which reads as follows:

“Whereas the price of gas is reaching historic price levels; and

“Whereas provincial and federal governments have done nothing to protect consumers from high gas prices; and

“Whereas provincial tax on gas is 14 cents per litre and federal tax is 10 cents per litre, plus 8% GST; and

“Whereas these taxes have a detrimental impact on the economy and are unfair to commuters who rely on vehicles to travel to work; and

“Whereas the province has the power to set the price of gas and has taken responsibility for energy prices in other areas, such as hydro and natural gas; and

“Whereas we call on the province to remove the 14.7-cents-per-litre gas tax and on the federal government to eliminate the 10-cent gas tax, plus 8% GST, which amounts to 30% or more” of the price of gasoline at the pump;

“We, the undersigned, petition the Legislative Assembly of Ontario and urge the Premier to take action and to also persuade the federal government to remove its gas taxes.”

I support this and affix my signature.

SOCIAL SERVICES FUNDING

Mr. Tim Peterson (Mississauga South): It’s a pleasure to read another petition on fair share spending.

“Whereas the spending on most social services has been frozen since the early 1990s under both the Rae and Harris governments; and

“Whereas the population of the region of Peel has approximately tripled in that time period and the social risks have increased;...

“It is now noted that the people of the region of Peel receive 50% less funding on a per capita basis than the average provincial per capita funding for social programs and that other high-growth regions in the province such as York region are similarly affected;

“We, the undersigned, petition the Legislative Assembly of Ontario as follows:

“That the Ministry of Community and Social Services correct this imbalance in their new programs and through the reform of the funding formulae for its old programs within a three-year time frame;

“That the Ministry of Children and Youth Services continue to correct this imbalance in their new programs and introduce fundamental reform of their funding policies to correct this imbalance within the next three years as well.”

I affix my signature to this petition and give it to page Justin.

1500

LONG-TERM CARE

Mr. Ernie Hardeman (Oxford): I have a petition signed by a great number of my constituents, including a number living almost next door to me. It's a petition to the Legislative Assembly of Ontario:

"We, the undersigned, who are members of family councils, residents' councils and/or supporters of long-term care in Ontario, petition the Legislative Assembly of Ontario to increase operating funding to long-term-care homes by \$306.6 million, which will allow the hiring of more staff to provide an additional 20 minutes of care per resident per day over the next two years (2006 and 2007)."

I affix my signature as I agree with the petition.

SOCIAL SERVICES FUNDING

Mr. Bob Delaney (Mississauga West): It's a pleasure to read a petition on this very special day in Legislature, which is Kidney Health Day. We've got some exhibits in room 247, along with free checks of your blood pressure.

I have a petition from the Dixie Bloor Neighbourhood Centre. I want to thank Hazel Henry for gathering signatures from a group of residents at 3439 Fieldgate Drive. It reads as follows:

"Whereas the population of the region of Peel has approximately tripled over the past decade and a half, and the social risks have increased;

"Whereas demand for services has exploded as a result of population and other changes;

"Whereas the people of the region of Peel receive 50% less funding on a per capita basis than the average provincial per capita funding for social programs and that other high-growth regions in the province such as York region are similarly affected;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That the Ministry of Community and Social Services correct this imbalance in their new programs and through the reform of the funding formulae for its old programs within a three-year time frame;

"That the Ministry of Children and Youth Services continue to correct this imbalance in their new programs and introduce fundamental reform of their funding policies to correct this imbalance within the next three years as well."

I have signed this petition and ask page Olga to carry it for me.

HIGHWAY 35

Ms. Laurie Scott (Haliburton–Victoria–Brock): "To the Legislative Assembly of Ontario:

"Whereas modern highways are economic lifelines to communities across Ontario and crucial to the growth of Ontario's economy; and

"Whereas the Ministry of Transportation has been planning the expansion of Highway 35, and that expansion has been put on hold by the McGuinty government; and

"Whereas Highway 35 provides an important economic link in the overall transportation system—carrying commuter, commercial and high tourist volumes to and from the Kawartha Lakes area and Haliburton; and

"Whereas the final round of public consultation has just been rescheduled;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That the Liberal government move swiftly to complete the four-laning of Highway 35 after the completion of the final public consultation."

I appreciate the city of Kawartha Lakes Chamber of Commerce collecting the petitions.

CHILD CARE

Mr. Lorenzo Berardinetti (Scarborough Southwest): I have a petition that's addressed to the Legislative Assembly of Ontario, and it reads as follows:

"Whereas the people of Ontario expect the government of Canada to honour existing agreements with the government of Ontario;

"Whereas provinces and territories negotiated agreements with the federal government to ensure Canadians would have access to early learning and child care programs that are high quality, affordable, universally inclusive and developmental;

"Whereas parents in Ontario have demonstrated a high demand for greater access to high-quality early learning and child care programs;

"Whereas Ontario's early learning and child care agreement with the government of Canada would provide Ontario families with at least 25,000 new high-quality, regulated child care spaces in the first three years;

"Whereas Ontario's early learning and child care agreement represents a \$1.9-billion investment over five years in high-quality early learning and child care;

"We, the undersigned, petition the Legislative Assembly of Ontario to support the government of Ontario in calling on the government of Canada to honour Ontario's early learning and child care agreement, for the sake of the thousands of Ontario families who would benefit from it."

I agree with this petition, affix my signature to it and give it to page Leah, who's with me today.

CURRICULUM

Mr. Norm Miller (Parry Sound–Muskoka): I have a petition from students in the Bracebridge area. It's to do with grade 12 mathematics curriculum changes. It says,

"To the Legislative Assembly of Ontario:

“Whereas the Ministry of Education plans to remove the study of derivatives from the grade 12 mathematics curriculum; and

“Whereas the grade 12 university preparation course Advanced Functions and Introductory Calculus is designed for students intending to study university programs that will involve calculus; and

“Whereas the course currently provides an introduction to the fundamental concepts of calculus, which are also required in grade 12 physics; and

“Whereas it contains three strands: advanced functions, in which students explore the properties and applications of polynomial, exponential and logarithmic functions; underlying concepts of calculus, in which students develop an understanding of the basic concepts of calculus by analyzing the rates of change involved in applications; and derivatives and applications, in which students develop, consolidate and apply to graphing and problem-solving the rules and properties of differentiation; and

“Whereas all of these strands are requirements for most university programs, and to remove any of them from the high school curriculum will leave the students of Ontario at a disadvantage when compared to the students from other provinces;

“We, the undersigned, petition the Legislative Assembly of Ontario as follows:

“To ensure that the Ministry of Education continues to retain all parts of the current grade 12 mathematics curriculum and stop making changes that put the future careers of Ontario students at risk.”

I support this petition.

The Speaker (Hon. Michael A. Brown): This completes the time allocated for petitions.

BUSINESS OF THE HOUSE

Hon. Gerry Phillips (Minister of Government Services): Pursuant to standing order 55, I rise to give the Legislature the business of the House for next week.

On Monday, April 3, 2006, in the afternoon, second reading of Bill 78, student achievement; in the evening, government motion 82.

On Tuesday, April 4, 2006, in the afternoon, second reading of Bill 53, City of Toronto Act; in the evening, second reading of Bill 190, Good Government Act.

On Wednesday, April 5, 2006, in the afternoon, second reading, Bill 14, Access to Justice Act, 2006; in the evening, second reading, Bill 78, student achievement.

On Thursday, April 6, 2006, in the afternoon, second reading of Bill 56, emergency management.

ORDERS OF THE DAY

ORDER OF BUSINESS

Hon. Gerry Phillips (Minister of Government Services): I seek unanimous consent to move a motion respecting consideration of Bill 85, An Act to amend the Assessment Act.

The Speaker (Hon. Michael A. Brown): Is there consent? Yes; agreed.

Hon. Mr. Phillips: I move that, notwithstanding standing orders 69(a) and 79(b), the orders for second and third reading of Bill 85, An Act to amend the Assessment Act, may be called today.

The Speaker: Is it the pleasure of the House that the motion carry? Carried.

MORE TIME TO APPEAL ACT, 2006 LOI DE 2006 PORTANT PROROGATION DU DÉLAI D'APPEL

Mr. Phillips, on behalf of Mr. Duncan, moved second reading of the following bill:

Bill 85, An Act to amend the Assessment Act / Projet de loi 85, Loi modifiant la Loi sur l'évaluation foncière.

Hon. Gerry Phillips (Minister of Government Services): I'm proud today to rise to speak on Bill 85, the More Time to Appeal Act. I will be splitting my time with the parliamentary assistant to the Minister of Finance, the member from Pickering–Ajax–Uxbridge.

This is an important bill. As members of the House are aware, the Ombudsman released a report earlier this week on MPAC and the property assessment system. Given that the deadline to appeal assessments is this Friday—tomorrow—the Minister of Finance yesterday introduced the More Time to Appeal Act. This bill proposes to extend the deadline to appeal assessments for the 2006 year from the March 31 deadline to June 30, providing property owners with more time to appeal.

I urge all members of the House to support the bill and support property owners in Ontario. This will give them more time to appeal.

I'd like to leave it now to the member from Pickering–Ajax–Uxbridge to elaborate more on the bill.

1510

Mr. Wayne Arthurs (Pickering–Ajax–Uxbridge): I'm equally pleased today to rise in support of Bill 85, An Act to amend the Assessment Act. As Minister Phillips just indicated, this is an important bill and one that I would strongly urge all members of the House to support.

This bill is about fairness. This is a bill that will help property owners in the province of Ontario. This bill is going to help property owners in my riding of Pickering–Ajax–Uxbridge. It's going to help homeowners in the ridings of Erie–Lincoln and Beaches–East York, and business owners in communities such as Welland and Leeds–Grenville. If passed, for the 2006 taxation year,

the current taxation year, this bill will extend the March 31 deadline to appeal property assessments to June 30 this year. That's a 90-day extension on the appeal period.

I'd like to take just a moment or two to elaborate on how we've gotten to the point we're at today. This process began some several months ago when André Marin, the Ombudsman, stated he would be conducting an examination into MPAC, the Municipal Property Assessment Corp. He said, "I'll have to look at two specific areas, the first being a lack of transparency in the property assessment system"—this item referred to property owners' complaints that they were not made aware of the criteria upon which their assessments are based—"and secondly, efficiencies in the process by which assessment appeal decisions are handled." This item essentially referred to the fact that property owners who received assessment reductions from the Assessment Review Board did not have those reductions applied by MPAC from one year to the next. In effect, a reduction in their assessment may have garnered them some reduction in their tax bill in the given year, but immediately the assessment went back up to where it had been in previous years.

Earlier this week, after thoroughly examining these issues, Monsieur Marin released his report. If I may, I'd like to take this particular opportunity to reiterate what the Premier and the Minister of Finance have said repeatedly in these past few days.

First, we thank the Ombudsman for his report and his recommendations, and as a government we always welcome suggestions for improvement. But I'd like to point out that most of the issues in this report deal with internal processes and procedures of MPAC, which is an arm's-length organization of this government; 20 of the 22 recommendations made in the report are directed to MPAC regarding disclosure and accuracy of information and procedural fairness in the appeals process.

MPAC is an organization that strongly believes in transparency and openness. Recognizing how fundamental that is to building trust in the property assessment system, MPAC has said that they can implement 17 of the 20 recommendations that apply to them. Recognizing the importance of these issues, the Minister of Finance immediately wrote to MPAC to request their analysis of the cost and operational requirements for implementing these recommendations. Let me assure the House that these 17 recommendations will be implemented. That is because they are significant and because we as a government, and MPAC as an organization of government, want to address this issue and move forward and make progress in this particular area.

Some of the recommendations that will be acted on will increase transparency. For example, MPAC will be standardizing its inspection audit reports and providing the Ombudsman with the results of inspection audits and quality reviews for 2006 as they become available. I know the minister will be watching closely as that recommendation and the other 17 are costed out and, more particularly, implemented.

Furthermore, MPAC has said they will report back to the Ombudsman within six months on the progress being made. Let there be no mistake: This is an ongoing process of improvement. We remain committed to maintaining a fair property tax system that's transparent and accountable for the taxpayers in Ontario.

When the Ombudsman released his report on Tuesday, the minister also asked that input be sought from the municipal sector through both the Association of Municipalities of Ontario and the city of Toronto. That input will be used to further advise MPAC as they move forward on implementing the Ombudsman's recommendations. But our response to the report, quite frankly, doesn't end just there. We've taken careful note of the two recommendations that the Ombudsman directed to the province of Ontario directly; namely, (1) the scope of assessment information that is made available to the public, and (2) the onus of proof of assessment on those appeals. These recommendations would require legislative change. They'll be given serious consideration. We will be consulting with stakeholders as we deliberate over these important issues in the coming weeks.

But again, our response to the release of the report doesn't end there. Yesterday Minister Duncan introduced this particular bill that we're debating here today in an attempt to provide more time to property owners who wish to appeal their assessment, particularly recognizing the deadlines that they're facing. Given the fact that the Ombudsman's report has just come out, we feel that this is the fair and appropriate thing to be doing. This bill, as I said earlier, will extend the current deadline for appeals from tomorrow to June 30th of this year.

I hope, as I'm sure all of us do in this Legislature, that this will provide a real opportunity for taxpayers in the province to get the relief that they might be entitled to. I very much hope that all members will be supporting this bill today. I already know—that's our belief—that the member from Beaches–East York will be supporting the bill. The member, two days ago in the House, proposed we put forward this very piece of legislation, except the member suggested the extension be for 30 days.

Mr. Michael Prue (Beaches–East York): At least.

Mr. Arthurs: At least 30 days. We're going a step further and extending the deadline by 90 days. I hope that the member will urge his fellow caucus members and the members of the official opposition to vote in favour of this bill. I hope that members of the opposition will give this bill very serious consideration today.

Members from the official opposition know that they created a problem and left our government to deal with it. I'd like to remind everyone that it was a Tory government that created MPAC, and as recently as this month the member from Erie–Lincoln has acknowledged the problems with MPAC today. Those problems, pointed out by the Ombudsman, were created by his party.

We recognize that we inherited a system that isn't perfect, but that's why we're acting on this report. And that's why we're hoping this particular piece of legislation will get passed today. I urge every member of the

Assembly to support this legislation today and allow homeowners, should they feel a need to appeal, an opportunity to do so in an effective way for an extended 90-day period.

The Acting Speaker (Mr. Joseph N. Tascona): Time for questions and comments.

Mrs. Liz Sandals (Guelph–Wellington): I just wanted to respond briefly to the comments from the Minister of Government Services and the parliamentary assistant to the Minister of Finance. I think it's important to emphasize to the viewers the speed with which we have acted on this particular issue. The Ombudsman released his reports on Tuesday and made a number of recommendations, which are really internal investigations for MPAC, the assessment corporation. The normal deadline for appealing would be March 31. That's tomorrow.

What we have done is that, in that time period between Tuesday and now, we have tabled a bill, and it is being debated today. We certainly encourage everyone in this Parliament to get together and unanimously give this bill consent so that it can be passed today, so that the deadline can be extended for three months to give people an opportunity to appeal.

I certainly know that there were some chords that the Ombudsman struck and put in his reports that had some resonance with me. For example, the Ombudsman raised the issue of the frustration that people feel when they appeal their assessment and win and have their assessment reduced, only to find that when their notice comes from MPAC the next year, that increase has been re-introduced, and their win at appeal ignored. That's one of the issues that the Ombudsman has asked MPAC to have a look at and see what they can do to address that particular problem.

So it's certainly good news that we are giving citizens of the province additional time to appeal, and I encourage all members here this afternoon to expedite passage both at second and third reading.

1520

Mr. Tim Hudak (Erie–Lincoln): I'll have a chance to speak further about this bill and the issues surrounding it momentarily, but the member from Guelph had talked about how quickly, as she characterized it, the government has responded. I would hardly consider that a government that's in the third year of its mandate has responded quickly to a thing that I think members know has been an issue for some time. In fact, I'll read some quotes to this effect.

Just a few months ago, Premier Dalton McGuinty was basically doing a bit of an Alice in Wonderland routine, saying he had no intention of addressing this issue. I mean, let's, at the very least—the member from Northumberland is shaking his head. Well, I'll give you the quote and if you think the Ottawa Citizen is inaccurate—it's a quote in the Citizen.

The reality is that it was angry taxpayers, whether in Northumberland or Guelph or Niagara; it was the work of both opposition parties, who kept bringing this up in the

House; and the Ombudsman's report that we saw just a few days ago that finally lit a fire under Dalton McGuinty with that red-hot, scathing report by André Marin. That's what provoked action. So please don't say that there's been some quick reaction by the government—quite the opposite—because you're in the third year of your mandate. Even if you contain it to the debate surrounding Mr. Marin's report only, I think members know that the finance minister received this back in February. He had a bit of a sneak preview. In fact, I'm sure members heard—there was a lot of rumours about how hot the report was going to be, and there was a lot of back-and-forth. I think you'll see on page 61 of the Ombudsman's report, number 174, he says, "Some will react harshly to the Minister of Finance's response"—the initial response—"and see it as unresponsive and dismissive." That's what it was. Finally, you have been provoked into action, two and a half years later.

Mr. Prue: I didn't think I was going to stand to respond to this but I think I need to, first of all, commend the member for what he had to say and, secondly, make sure that the record is absolutely clear, because I've seen it in print and I've seen it in other places that it's not as clear as I think it should be. The request that I made in this House the other day was for at least 30 days—not 30 days; at least 30 days—and that the 90 days certainly accommodated the request I had to make at that time.

I would also be amiss if I did not tell this Legislature that I was very pleased to have heard that. I was very pleased, and I tried to say that, except I was shouted down by the very government that should have been very happy to hear that. I was pleased and, quite frankly, nonplussed, because in my four years in this Legislature I have asked hundreds of questions of members—first of all, of the Conservative government and now of the Liberal government—and I think this is perhaps the only one that was directly answered. You know, when people come to this Legislature, especially kids, and they ask me about question period, I tell them the same thing that probably all of you have said: "We call this question period; we don't call it answer period, because although the questions might be direct, the answers very often are not." This one was very direct, it was succinct, it was to the point. It was everything and more that I had requested, and I would like to thank the Premier and the minister responsible for that.

Having said that, we took the opportunity, and we're taking it today, to debate this bill. As small as it is, we believe that every bill should have debate, that all of the opinion should be canvassed and, when a bill passes, the citizens of this province know that the people who were here in charge of making the bill happen and come in to law gave it due consideration. Hence the debate today and why it was not simply passed yesterday.

Mr. Lou Rinaldi (Northumberland): It gives me pleasure to join this debate and make comments about this particular bill. There's no question about it, in the two and a half years I've been here, I've heard about the challenges facing MPAC. There are a couple of organ-

izations in my own riding that meet with me on a regular basis, suggesting ideas.

But I need to go beyond that, during my days of municipal life, when MPAC was formed. Being a self-employed person for pretty well all my life and dealing with taxation issues, when this came out, it was certainly a mess, and the more people tinkered with it, the more it was a mess. I experienced that, both as a politician and as a business person. I hear that every day from my constituents. I tell you, when Mr. Marin jumped into the fray, not only did it make me happy, but all the other people in my riding—indeed, all the people of Ontario.

As we released the report—talk about expediency. We wanted to deal with this yesterday, to give the people of Ontario the opportunity to appeal it, because time is running out. That's the question they're asking me. They couldn't get into the queue. We wanted to act the day this report came out, or the next day, but some folks wanted to play politics. So we're delighted that it's here and we're debating it. We want to pass it today so those people can get out there and appeal their properties and get the right message out. Let's deal with it. Let's get it done and get it over with.

The Acting Speaker: The Chair recognizes, in response, the member from Pickering–Ajax–Uxbridge.

Mr. Arthurs: I'm pleased to have further comments from the members from Guelph–Wellington, Northumberland, Erie–Lincoln and Beaches–East York.

I appreciate the comments from the member for Beaches–East York, particularly in the context of acknowledging that the government was preparing to act as he was asking the question, to ensure it was before this Legislature, and the importance. There's no question that debate is important. There are times, as we all know, when we need to expedite that in the public interest. This is clearly one of those times, to provide that 90-day extension of the opportunity to appeal one's assessment, and, given the sense of urgency, to wrap it up. In fact, we don't sit on Fridays, and tomorrow is the last day, so we are faced with some urgency in that regard.

The public will be the beneficiaries of this legislation. I respect and am interested to hear the debate from both the official opposition and the third party in regard to their take on the legislation, but most importantly, ideally, to see this have the unanimous support of the Legislature in the interest of the public. They have a small window left for those who are entitled to an appeal and a process by which they can get better valuation on their property. They should have that opportunity, and this is going to provide exactly that opportunity.

The Acting Speaker: Further debate?

Mr. Hudak: I'm pleased to rise in debate on Bill 85, An Act to amend the Assessment Act. I'll just finish off with the point I was making a few moments ago, before getting into the context and the contents of my more formal remarks.

I find it a bit disconcerting to see members of the government wrapping themselves in some cloak of immediacy. In fact, it's the furthest thing from being accurate. I think we recognize, unless my calendar is

wrong, that we are in the third year of the Dalton McGuinty government. If you look through the Ombudsman's report in detail, there were a number of studies that were undertaken by MPAC internally that I would assume had landed on the Minister of Finance's desk—it may have been Finance Minister Sorbara, it may have been Finance Minister Duncan—and no action was taken.

Similarly, the then parliamentary assistant, Mike Colle, apparently had done some sort of study on MPAC and had boasted in this very House that he was going to fix the system. But that report seems to have disappeared into the ether somewhere, because we made a lot of requests for it and have yet to actually see this report that was done some time ago. It was in 2004, if members look back in Hansard, where the boasting took place.

Thirdly, the Ministry of Finance, and the minister specifically, did receive an advance copy of the Ombudsman's report and responded with a letter that, at best, would be called flaccid in terms of showing any strength in standing up for taxpayers in Ontario.

I have no doubt that the media interest in this, the strength of the Ombudsman's report, the outcry of taxpayers across the province, frustrated with the lack of Dalton McGuinty's action on this file, and a number of questions brought forward by the member for Beaches–East York, myself, other members of the opposition, finally, as I said, lit a bit of a fire under Premier McGuinty and finally provoked some action.

1530

I'll call the members' attention to page 60 of the Ombudsman's report, where he publishes the original response by the Minister of Finance, which was brief. The Ombudsman describes it as such: "Some will no doubt react harshly to the Minister of Finance's response and see it as unresponsive and dismissive. First, there is no position taken on any of the recommendations made to the Ontario government. It bears mentioning that given the nature of the issues covered in the report and the scope of its recommendations, the preliminary report was served on the Premier who wrote that the government's 'response' to our request for comments would come from the Minister of Finance. Second, the letter," referring to the Minister of Finance's letter, "contains little apart from pleasantries such as an 'acknowledgement' of our work, an iteration of a 'belief' in sharing a common goal and finally, a word of appreciation to receiving our 'suggestions.'" So a rather timid response by the Ministry of Finance, who sounded basically like they wanted to take this report and put it on the shelf, just like that review of the LCBO; you remember, where hundreds of thousands of dollars were spent by the government to review beverage alcohol in Ontario, and then-Minister of Finance Greg Sorbara I think could have beaten Donovan Bailey in a sprint to get that on the shelf as quickly as possible, seeing the equivalent of hundreds of thousands of cases of beer, if you will, down the drain.

This report looked like it was heading for that mythical shelf until this really caught on with the media and taxpayer outrage. I would suspect that some mem-

bers on the government benches as well who haven't raised it in the House yet, I would assume—hopefully—did behind closed doors and gave a little kick in the behind to the Minister of Finance and the Premier to get moving on this issue. I'd ask you kindly not to proceed under some illusion, or try to spin some illusion, that there was a quick reaction by the government; quite the contrary.

Before I get into the contents of my speech, I also want to raise the unfortunate—how could I describe it, I say to my friend from Wellington—attitude, the stunt played by the Minister of Finance yesterday. There was an agreement between House leaders—the deputy House leader for the government, Minister Caplan; our House leader, the member for Leeds–Grenville, Bob Runciman; and the member from Niagara Centre on behalf of the NDP, Mr. Kormos—that a vote would take place today. The Progressive Conservatives will be supporting this legislation. We're anxious to see it pass so that a 90-day extension can take place for appeals as we get near the end of the month. But I'll remind members that an agreement was made by all House leaders to have the debate today because there are issues that I want to put out on behalf of the PC caucus; maybe other members do as well. I know that Mr. Prue has worked hard on this very issue and has important, weighty comments to make as well. I appreciate that Minister Caplan, whom I have a great deal of respect for, understood that the opposition had some points to make as part of the debate and therefore was party to an agreement to allow this debate to take place today and to have a vote this afternoon.

Unfortunately, in a fit of bravado, the Minister of Finance got up on his high horse, if you will, and demanded that all three readings take place immediately yesterday, without even a minute of debate on the topic. I find that kind of gamesmanship highly regrettable and unprofessional. I know it can be a—

Mr. Ted Arnott (Waterloo–Wellington): Especially from a former government House leader.

Mr. Hudak: Especially, the member from Wellington says, from a former government House leader. I agree. I don't know if when you move into the finance minister's office, there's an expansion of the ego, but it was rather unfortunate. I know this can be a partisan place from time to time, there's no doubt, but there has to be some level of agreement on how the rules are written, how the game is played, if you will, some degree of collegiality that exists to make sure we have adequate debate on legislation and then proceed with a timely vote, if the vote, in passing legislation in a timely way, is of essence. I do regret that and, as Mr. Kormos brought some of this up today in members' statements, about the conduct of the finance minister. I'll give you some quotes from the article that was part of CP.

“NDP critic Peter Kormos”—of course, the NDP House leader—“however, charged back that three parties had already agreed to debate and pass the bill Thursday and that Duncan is trying to get the bill done a day early so he can get pro-Liberal newspaper coverage Thursday

morning, just before voters head to the polls in three Ontario by-elections.”

Mr. Ted McMeekin (Ancaster–Dundas–Flamborough–Aldershot): You don't believe that.

Mr. Hudak: Well, it's what the CP story had to say.

Mr. McMeekin: But you don't believe it.

Mr. Hudak: Well, I know and trust Minister Caplan. I respect Minister Caplan. I know he had been party to the agreement and then his good word was betrayed by a finance minister who is more interested in pulling a stunt for short-term gain and, I think, injuring some of the relationships between the three parties in the Legislature.

Mr. Kormos goes on to say, “‘Mr. Duncan has inserted a level of cynicism into this Parliament that is disgusting and disgraceful,’ Kormos said.

“‘I'm not convinced that he's the brightest bulb in the box. But it seems to me that he somehow thinks so, otherwise he wouldn't have overridden the decision that his House leader made on behalf of the Liberals.’”

Mr. Kormos is one whom we know uses colourful language from time to time that others may not always use. But certainly, in these particular circumstances, I think we would all agree that the finance minister's behaviour was regrettable and I think has hurt relationships between House leaders, which are important to ensure that the rules of the House and decorum are maintained as best as possible.

Well, enough of that. I'll get on with my opening comments.

I do again want to set some background on this legislation. The government members are trying to have people believe that there has been some lightning-like action on the MPAC file. In reality, if you read the bill in detail—and it certainly won't take you very long; it's quite a limited bill in its action—it does extend, if passed, the deadline for appeals by 90 days for this particular taxation year. But that's all it does.

The Ombudsman made a very powerful case in his report that the deck is stacked against the taxpayer relative to the corporation of MPAC. He gives, in great detail, examples of how the weight of information is in MPAC's hands and not enough information is in the taxpayer's hands. Furthermore, he talks about ideas like reversing the onus, that it should be up to the association, MPAC, to prove that it is right, instead of the current system where the taxpayer has to prove that MPAC is incorrect.

I'll get into the contents a bit later. But this notion that the 90-day extension is some sort of fix is the furthest thing from the truth. It does extend the appeal deadline. I think that will be helpful to some taxpayers, but what would be most helpful is if there is clear direction given to MPAC to adopt the recommendations of the Ombudsman that apply to MPAC. The Ombudsman characterized it quite well, I think. He used the expression a “David versus Goliath” battle; of course, David being the taxpayer defending his or her assessment of their own property's value. If the 90-day extension continues on this David versus Goliath characterization, I don't think

that's going to do much in addressing the problems if it's a continuation of existing problems for just 90 more days.

Instead, what I think the finance minister should be doing—and the Premier, if he showed some leadership on this issue—is to clearly direct MPAC to adopt the recommendations of the privacy commissioner, which I think are 20 out of the 22, if I read it correctly. The Premier and the finance minister said, “MPAC is reviewing that.” MPAC wrote a letter back. MPAC, to their credit, wrote back a substantial response on the issue, indicated which areas they would be following through with and how they attempted to do so. But I would have a lot more comfort if the Premier—if not he, then the finance minister—had directed MPAC to adopt those recommendations and to do so within the 90-day time frame, in that way shifting the balance more in favour of the taxpayer and away from MPAC. But I've heard no such direction. The parliamentary assistant didn't talk about it either. Maybe we will hear that during debate, or maybe when we come back into session on Monday, there will be some sort of direction given. But I think a taxpayer at home will be very cynical about a government that's already broken all kinds of promises simply extending a 90-day deadline, if the rules haven't changed. I think, at the very least, clear direction to MPAC from the government would be extremely helpful.

1540

Secondly, it would be nice to see some movement by the government on the two issues that are directed toward them. The government has indicated they'll consult on those two issues; a look at reverse onus, for example, that exists in Manitoba. But certainly, I think taxpayers would see more sincerity in the government's response if they had indicated that the rules would change and bring in some balance for taxpayers rather than by a simple extension of that existing legislation.

Let's be careful not to say that this is a speedy move—it's quite the opposite—and let's be careful not to say that this solves the problem; it doesn't in the least. Unless the government directs MPAC to adopt the recommendations within the 90 days and unless the government itself reacts—I'll have some more thoughts on that—to level the playing field and help out taxpayers, then I don't think this bill will accomplish much other than extending the same rules that are lopsided against taxpayers, as shown by the Ombudsman.

We should look back. It's not like this issue appeared out of nowhere. I think members will know full well that the then parliamentary assistant, Mike Colle, appeared to be in charge of reviewing MPAC as far back as 2004.

There was an article in the *Globe and Mail* by Jane Gadd, Friday, May 6, 2005, entitled, “Cottages: Finances. Big Tax Bite Making Waves on the Lakes. Escalating Property Assessments are Hitting Waterfront Cottage Owners Hard.” Here's some of the transcript:

“Ontario MPP Mike Colle, who is overseeing the property tax issue in his capacity as parliamentary assistant to Finance Minister Greg Sorbara, told the Leg-

islature almost a year ago”—this is last year's article, referring to a year before that, so almost a year ago, which the article cites as “May 31, 2004, that the government was committed to reforming property tax assessments.

“‘Next year, we're saying let's fix MPAC,’ Mr. Colle said” at the time.

“But this week, Mr. Colle's press secretary Sean Hamilton would say only that the minister has met with WRAFT”—that's a ratepayer group defending taxpayers from the accelerating assessments—“and has listened to their concerns and is reviewing the issues.”

“Asked if any change in the system could be expected by this fall, when new tax bills will be going out, he said, ‘I really wouldn't like to speculate on timing.’”

Sean Hamilton's obviously a smart fella. He didn't want to speculate on timing because I think he knew that report was going nowhere. Despite many requests from the opposition, we have yet to see a copy of what I have no recourse other than to call Mr. Colle's secret report. He did the study, he did consultations and meetings, and good for him in doing that. I know it's an issue Mr. Colle has cared about. You'll see back in Hansard he's talked about it in the Legislature as a government member and as an opposition member. But when push came to shove—his opportunity to put a report on the table and to make changes—he must have been shot down by somebody, because that report never saw the light of day.

Previous Finance Minister Greg Sorbara, in the Legislature on June 7, 2004, during question period, said:

“The piece of really good news that I have for my friend”—that would be referring to a question from an opposition member; I forget who the particular friend was at the time, but that's not the point—“is that my parliamentary assistant, the member from Eglinton-Lawrence, Mike Colle, is taking on the next phase of reforms in property tax and the problems with MPAC which we've heard about in this House. I'm sure that under his direction we're going to be able to solve this problem in a timely fashion.”

I don't know what timely meant specifically; maybe he meant it facetiously, but “timely fashion” surely would mean less than two years later.

We had a commitment by the finance minister and the parliamentary assistant at finance to investigate and make changes at MPAC, but nothing transpired. Mr. Colle talks about it on May 31, 2004, in the Legislature as well. So there we go. Now we know Mike Colle was reviewing MPAC, had been given that responsibility by the Minister of Finance, and unless members know something I don't know—and I know there are some very bright members like the one I'm looking at now who works hard for his constituents. Maybe he got the report.

Mr. Dave Levac (Brant): I've got it memorized.

Mr. Hudak: Maybe he has it memorized. Maybe you were allowed to go into a back room with a locked door somewhere, you could see the report and you could memorize it.

Mr. Levac: And then leave.

Mr. Hudak: And then you had to leave without copies. But I didn't see anything, and no report has been made public as far as I know. The minister made some reference today and held up a sheet of paper or something like that. So we'll see what he was talking about specifically. But no report, as far as I know, has been made public.

We had the finance minister and the parliamentary assistant—I'm belabouring this point—reviewing it. Nothing happened. Then here we go—the member for Northumberland, I think, was questioning me—the Ottawa Citizen of October 1, 2005, Lee Greenberg's article. It was titled, "No New Tax Powers for Ottawa: McGuinty—Premier Says No to Property Assessment Review after Double-Digit Increase." Maybe you didn't see this particular version of the Citizen, but I'll read the title again: "Premier Says No to Property Assessment Review after Double-Digit Increase." That was October 2005, not so long ago.

The member for Northumberland was getting all kinds of calls in his office. The member from Mississauga was getting all kinds in his office. The Premier said, "No, we're not going to do a review."

I'll read some more from Mr. Greenberg's article:

"In the last round of assessments, in June 2003, values increased close to 24%. The increase in condominiums was closer to 35%. In trendier parts of the city, the increases were even higher. Angry residents, confused at the volatility of the system, called for a review. Yesterday, Mr. McGuinty turned that request down." A quote from the Premier on October 1, 2005, as reported by the Ottawa Citizen: "'Are there challenges connected with that area? Yes, there are,' he said." It's a good start. Then comes the big but: "But, the Premier went on, 'we didn't run on that.'"

I don't remember the Premier running on a pit bull ban particularly. I certainly don't remember the Premier running on increasing taxes. I don't remember the Premier running on increasing hydro rates. I don't know whether that's been an excuse in the past, but apparently the Premier in October 2005 said that he was not going to pursue assessment reform because he did not run on that.

Well, there was outrage. I think we brought it up in the House probably around that period of time, and then the Ombudsman Act; like a clap of thunder, it got some attention, and then the Premier said, "Okay, we'll see what the Ombudsman has to say and we will react to that," which effectively gave him, what, another five or six months of delay, of inaction. But at least, finally, a sustained attack by taxpayers, opposition members, I hope Liberal members behind closed doors at the very least, and the Ombudsman provoked Dalton McGuinty into action.

So let's be careful in saying that the government was quick to respond. If they had acted on Mike Colle's report back in 2004, I think you could have said that with some legitimacy. At least within the first year of being in office you would have reacted with substance to this issue. But you failed to do so. In fact, many would argue

that the one bill that you did bring forward that impacted on MPAC, a finance bill—I forget the number off the top of my head—effectively either cancelled or delayed for some time the concept of assessment averaging. Certainly, if assessment averaging had been in place instead of the Liberals delaying, postponing or cancelling it, at least that would have smoothed out some of these increases. The outcry would have been there, but not as loud as it had been. So, in fact, the one bill that you brought forward that did something about MPAC, many would argue, made the situation worse because you cancelled or postponed indefinitely assessment averaging.

Let me also bring up some further points. On page 22 of his report, Getting it Right, the Ombudsman talks about three different studies that were conducted by MPAC themselves:

"In 2003 MPAC produced a draft report entitled, 2003 Assessment Update Post Project Review setting out the results of a 'high level review of the fourth province-wide assessment update.' The review's executive summary notes many problems with values 'rooted in the fact that data is incorrect or missing.' In a number of specific areas, the report noted that values were suspect and that properties had therefore received incorrect values." That's certainly not good.

To their credit, MPAC conducted the review. It was good to see them checking the numbers, and they deserve credit for that. Whether they acted on it enough is a question the Ombudsman brings up, and what I'll bring up, as the opposition finance critic, is, what did the Minister of Finance do about it? MPAC is under the leadership of the Minister of Finance. He makes the appointments. He has the responsibility. That's why we had this legislation brought forward by the Minister of Finance today. So what did then-Minister of Finance Greg Sorbara do about it? And what did Mike Colle, who was conducting a review around this time, do about it when confronted with this MPAC report? Or did they just sit on it?

1550

The Ombudsman goes on, on the same page, page 22: "MPAC also produced a report dated October 4, 2005, entitled Post Project Review of Quality Assurance in Residential Multiple Regression Analysis for the 2005 Base Year Reassessment, which addressed the residential multiple regression analysis for the 2005 base year re-assessment."

I said a bit earlier—I think my friend from Parry Sound–Muskoka will recall—that Mike Colle was already reviewing MPAC at this point in time and in fact in May 2004 was boasting about all the good work that was going to happen. This report, as I said, was produced October 4, 2005, so some months later. "This review leaves a shadow over the integrity of the models that had been developed. It found that 7 of 29 or 24% of the models reviewed did not meet at least one of MPAC's corporate quality standards." Almost one in four were incorrect. Again I ask, when presented with this infor-

mation, when presented with this report, what did then-Finance Minister Greg Sorbara do? And certainly, what did now immigration minister and then parliamentary assistant to the Minister of Finance, Mike Colle, who was conducting a review, do with those reports?

On page 26, the Ombudsman says, "It reflects well on MPAC that it conducted these reviews," and I agree. Good for them for doing that and trying to stay on top of their models. It becomes a bit critical, though. He says, "Yet we found that MPAC management was not always as receptive to the recommended changes as we think it should be." The Ombudsman then delves into that issue in considerable detail, about the response he received from MPAC management.

The question that I bring up in the Legislature is the oversight of Ministry of Finance, the oversight of the Minister of Finance, or a special designation for the parliamentary assistant, now the Minister of Citizenship and Immigration, who either ignored this, were derelict in their duties or simply chose not to act. So please don't tell me you're acting fast, because you sat on these reports.

I want to say, too, while I do have the opportunity, that I appreciate the meetings I've had with MPAC individuals. My contacts and those of my office have been very professional and very helpful in the information they've brought forward. Peter Craig from MPAC is one; Colleen Vercourteren; Rosemary Phillips as well, who works in government relations; Jason Moore is another one. I want to say that the MPAC staff whom my office has worked with have been very professional, very helpful. I believe those I've met with are fully committed to reform, and to assuring that the suggestions—actually, "suggestions" is too soft a word—the recommendations that I hope the minister will direct MPAC to enforce—I would expect that the MPAC staff I've met with are anxious to get moving and to bring some balance to taxpayers within the system.

That's enough of the history, but I think I've demonstrated my point that the government, the Minister of Finance—both Ministers of Finance—and now the Minister of Citizenship and Immigration at the very least are culpable for having ignored this issue for so long, for having sat on these damning reports and for reacting quite poorly when they first received the Ombudsman's report.

The other thing I would suggest to the government as well is that if they truly have had a change in attitude and want to address the issue that has been ignored for the last two and a half years, if that were truly the case, then I would suggest not only extending the 90-day deadline but also why not waive the \$75 fee? Taxpayers have to pay a \$75 fee as they go through the ARB process. So I'd ask the government to consider, in these circumstances particularly, waiving that \$75 fee. It only seems sensible, and I hope they will take up that advice to help make up for the lack of action that we've seen on this file.

I think members will recall there was a precedent September 21, 1998. The Ministry of Finance, under the

headline, "Some Property Owners Eligible for Assessment Appeal Refunds"—

Mr. Arthurs: Who was the finance minister?

Mr. Hudak: The finance minister then was Ernie Eves. Finance Minister Ernie Eves is quoted here—

Interjection.

Mr. Hudak: No, no, no. This is 1998: "If a taxpayer requested a reconsideration of assessment and also filed an assessment appeal and the dispute is settled through the reconsideration process, we will refund the taxpayer's appeal fee. We only think that's fair." He talks about 1998 being an unusual year for property taxpayers because all properties are reassessed based on current value, so therefore the government announced that "some property owners will be eligible for a refund."

Are those the exact same circumstances? No. But I think it's a helpful precedent so that the Minister of Finance can go to cabinet, argue for the same, and waive the \$75 fee in light of the Ombudsman's report and the government's slow movement to act in this area.

The Ombudsman actually makes some very important points about what he characterizes as a superiority complex and clash of cultures when he talks about the divergent cultures between the ARB and MPAC. The Ombudsman comes down strongly on the side of the ARB, which uses real estate data, recent sales and the individual property, whereas MPAC is heavily reliant on its computer model. I know the Ombudsman has looked into this quite closely.

The issue I wanted to bring up the Ombudsman addresses on page 30. Connecting this report with the government, page 30, he's talking about that clash of cultures between the ARB and MPAC. "The lack of enthusiasm for ARB decisions in some MPAC circles extends beyond the MPAC's commitment to its equality-achieving model and the different levels of trust between the two institutions in the particular sales achieved for the subject property." This is the important line: "There is also the belief within MPAC that ARB's board members perform poorly and are often too solicitous of taxpayers. This attitude is most evident in the disturbing May 2005 letter that MPAC's president wrote to Mr. John Wilkinson, an MPP—from Perth—Middlesex, I believe—"and vice-chair of MPAC's board of directors, identifying some of the issues that MPAC has with the ARB. The letter ends with Mr. Isenburg suggesting that the situations he lists 'bring into question the judgment and decision-making practices of some of the ARB members in the handing down of the rulings and/or decisions.'"

I think it does illustrate the difference in cultures between the two institutions. The point I wanted to bring forward is, what did Mr. Wilkinson do with that letter? He's there as the government appointment. He's the vice-chair. The chair is Debbie Zimmerman, a former Liberal candidate, you'll remember, in the 2004 federal election. He writes to the vice-chair, which I think is interesting, who is the MPP. I think Mr. Wilkinson would do the right thing here. He must have brought that immediately to the Minister of Finance's attention, and probably to the

Attorney General, who appoints ARB members. But again, another example, another warning sign, and no action seemed to transpire from either the Minister of Finance or the Attorney General. We'll see what kind of alacrity the government moves with on things like the reverse-onus recommendations by the Ombudsman.

They say they're going to be consulting on these issues, but again, the 90-day time frame calls into question the government's willingness to do so. We'll see if there's actual activity on this file if the government thinks that by passing this bill, and this bill only, they'll somehow dodge a bullet on this issue. I don't think that they will. I'll raise this in debate, because I think it's important, and we'll see where the government goes from here.

1600

On page 49 the Ombudsman says, "The province of Manitoba puts the onus on the assessor, and its system has not broken down, nor has it caused a glut of appeals...."

"The Municipal Assessment Act, the Manitoba statute that places the onus on the assessor, is not insensitive to the issues raised" by MPAC. "The approach taken is a pragmatic one, recognizing that on issues of exemption from tax or classification the burden of proof should be on the taxpayer who is most aware of the use made of the property. It also provides that if a property owner resists inspection or disclosure, the burden should shift back to the property owner."

I think that's fair enough. It's an important point. I guess the history of assessment, and the Ombudsman talks about it, compares with the Income Tax Act. We, as individuals, would probably know far more than government about our level of income that we declare, and so the burden is on the taxpayer in those circumstances.

In the model as MPAC has evolved it to the point where it is today, MPAC has the superiority of information on the property; the taxpayer doesn't. As the Ombudsman points out, the taxpayers have been burdened to get as much information as they could use at the ARB hearings or the request for reconsideration. So the analogy to the Income Tax Act, the Ombudsman says, is a false analogy. Manitoba turns it in the opposite direction and says that, in the analogy, MPAC would have to prove it is right instead of the current circumstances where the taxpayer has to prove it's incorrect. We'll see where the government goes on this issue, but I think the Ombudsman makes a very powerful argument that, in these circumstances, with the dominance of information on the side of MPAC, it would be suitable for Ontario's assessment system.

He recognizes there may be an increase in appeals, particularly in the short term, but it also might restore some trust to the system. If there's greater trust in the results that you receive in your envelope when you get your now annual assessment, there is a greater trust in their accuracy that at the end of the day will probably reduce appeals. It may take some time, but it probably would reduce appeals because there would be greater confidence.

So we have a bill before us. The bill will extend the 90-day deadline. Conservative members will be supporting that when we vote later this afternoon. But I would say that at the very least I would hope there would be an acknowledgment by the government members that this is not quick action, that they have repeatedly ignored signals or reports Mike Colle was working on to change the system.

Second, I would hope that they would waive the \$75 fee that currently exists in light of these circumstances with the Ombudsman's report.

Third, I would suggest that they direct MPAC to actually adopt the recommendations by the Ombudsman. Right now, it's a bit nebulous in terms of study and review. MPAC did give a quality response, much greater than the quality that came from the Minister of Finance's office initially, but I think this is a time when the Minister of Finance could actually direct MPAC to adopt those recommendations.

Fourth, go with great speed. I think the opposition would be willing to help in the consultations with respect to the notion of reverse onus that they have in Manitoba and consider adopting that as part of our process.

Let me say this, though: I think it is an important point to bring forward as I pause for a slug of water. The Ombudsman's report, and he acknowledges it himself, deals with the current system as presented to him in the year 2006. In his appendix, though, he talks about—if we get everything that's been suggested and the opposition is successful, and I know Mr. Prue will have some suggestions, some similar and some unique, I'm sure, and if we get our way, I would still argue that fixes an existing system but doesn't address the fundamental problem of current value assessment in an environment of rapidly increasing home values.

The Ombudsman in his appendix 2, on page 64, talks about how his role as Ombudsman confines him to the system as it exists today. He makes some very powerful, well-researched and well-presented conclusions, but his mandate does restrict him from advocating fundamental reform to the system. But if you look at appendix 2, there's a bit of a hint there, maybe a bit of a wink and a nod—he can't say so directly—but I see between the lines that the Ombudsman is calling on legislators to go even further.

Page 64: "A number of individuals and organizations urged wholesale reform of the market value assessment system. They emphasized the volatility and unpredictability of market value assessments. 'Hot' real estate markets result in property owners of modest homes and waterfront properties finding themselves being taxed on substantial unrealized capital gains. This is particularly challenging for those with little ability to pay. A common theme addressed by a multitude of complainants was the immense burden the current system imposes on those on fixed incomes, such as seniors. Some individuals say they may have to sell their homes because of increased taxation. It is not an answer to say to these valued citizens that in their later years, they will have to adjust,

leave the homes they have lived in for decades, and 'downsize.' It has also been suggested that the province's 5% cap on reassessment-related increases for businesses results in inequitable distribution among the commercial class with some businesses"—another issue that hopefully will be addressed, but we'll confine it for now to residential.

He goes on to say in point 180 on page 64, "Some have suggested that one way to stabilize the system would be to introduce a cap on assessment increases, for instance by creating a base year, and limiting future increases to the rate of inflation or to a level that parallels the historic long-term Ontario real estate price index. For instance, in some jurisdictions properties are reappraised at current fair market value only when there is a change of ownership or upon completion of new construction. Some jurisdictions provide that annual assessments only increase up to a set percentage."

The Ombudsman obviously has come forward with a powerful report, cogent in its arguments, very well presented, very well researched and no doubt finally provoking action. I'd argue, I say to my friend from Ancaster, let's not forget about the appendices. Often appendices are dismissed, or you get to them when you get to them. Maybe I've always underestimated the benefit of reading the appendix. Appendix 2, if you read those two paragraphs particularly, I think is a little bit of a signal by the Ombudsman to consider other alternatives, particularly at a time of hot real estate values.

The other thing that I know many members here will be concerned about, and this may be part of another debate, is point 182 on page 65: "We also heard from those in the agricultural field who expressed concerns about the current classification and valuation of farm and related land in the province." It's certainly something that many of my colleagues have brought up and I've brought up in the Legislature and in my discussions with MPAC as well. I know that Toby Barrett, our critic for agriculture, has been a very strong proponent of change in this area. When you see bunkhouses, for example, for migrant workers being reclassified into the residential class of land beneath, that can be a substantial property tax increase for the farmer for something that's not a year-round residence.

We certainly went through this just a year and a half ago with maple syrup producers in parts of Ontario who saw themselves classified as industrial in a prohibitive tax increase.

Mr. McMeekin: We changed that.

Mr. Hudak: The government did respond to that. I'm pleased that they did respond to that.

There is a horse farm issue as well, where the horse farms were classified into the commercial class as opposed to being in the previous class. Let's be straightforward about it. There was an outcry and members on the Liberal side, the PC side and the NDP side brought these issues forward. The taxpayers revolted and we did see—

Mr. McMeekin: We fixed it.

Mr. Hudak: Well, we did see change.

The trailer park issue is an ongoing concern as well, in how they are assessed. We have an ongoing issue with the taxation of wineries in the Niagara Peninsula, and I've said the classification is at too high a level. If you truly want to keep the greenbelt green, you need to invest in value-added agriculture. The benefits are there. So I've argued that for value-added agriculture we should have a lower tax rate than the industrial or commercial class in the circumstances.

Mr. McMeekin: You're right on.

Mr. Hudak: I appreciate the member saying that I'm right on.

The problem we've seen, though, is a piecemeal approach. It raises up, and if it gets enough momentum behind it, it may provoke change by the Minister of Finance that day by a regulation change.

Mr. McMeekin: I'm with you, Tim. Here's my number; call me when the revolution starts.

Mr. Hudak: Well, good.

My suggestion has been a more comprehensive approach on this issue in finding out where to draw that line between agriculture and when it becomes value-added.

We also have an issue in Grimsby. I know that my colleague from Stoney Creek has also met with the individual with respect to a pottery operation. She has a small pottery operation, Forks Road Pottery. As a result, it's in the industrial class, which is prohibitive for her business. She has written as well to government officials. Marcel Beaubien brought this up in his report on the definition of industrial. I think there are other things that have to be examined in great detail, and hopefully in this 90-day period we may be able to do so as well, and a response to cries from members to look particularly at value-added agriculture.

1610

The point I was getting to, though, is back to 179 and 180. The Ombudsman said, "Some have suggested that one way to stabilize the system would be to introduce a cap on assessment increases, for instance by creating a base year, and limiting future increases to the rate of inflation or to a level that parallels the historic long-term Ontario real estate price index." He talks about reassessments that would occur when ownership changes or new construction. "Some jurisdictions," the Ombudsman says, "provide that annual assessments only increase up to a set percentage."

I think this is instructive. I do hope that the government will pursue the details, which I really think are a bit of a hint, because the Ombudsman only has so much of a mandate—will pursue these types of suggestions in addition to the Ombudsman's report.

By way of example, a bill exists on the order paper today: Bill 75, the Homestead Act. The Homestead Act, which I introduced a couple of months ago, and do appreciate the great advice I received from colleagues: the members from Wellington and Renfrew and Oak Ridges and Haliburton and Simcoe, among others. I do

remember a meeting in Port Colborne, in Sherkston, where many people had faced about a 60% increase in their assessments this past year. Cathy Diplock and Councillor Barb Butters and Councillor Rand had organized this meeting, driving down there in a snowstorm. One fellow said, “Why don’t you look at what they do in Michigan?” So I looked at what they do in Michigan. We examined what other states do, and we examined what other provinces do. In a number of states and provinces—Nova Scotia is the province; it does, in fact, have a cap of 10% on assessment increases. Michigan, Florida, California, Oregon, Maryland and parts of New York state, among others, have some form of caps, rebates, tax relief. Some call their legislation the Homestead Act as well. We try to borrow names.

Interjection.

Mr. Hudak: Then I hope I can count on the member’s support when this bill comes up for debate on April 13 for second reading. I hope the member will bring the letter he mentions forward and join with me in calling for the Homestead Act to become law or at least the principles to be adopted by the current government.

The Homestead Act, if passed—and it builds on the advice I received from caucus members, from taxpayers and from investigating other states and provinces; WRAFT, one of the property tax groups, has also given me advice in this respect—would cap assessment increases at 5% per year on residential as long as home ownership was maintained.

In fact, one aspect of that Homestead Act that people may or may not like is, it also allows the transference of the property to family members—children or spouse, specifically—and that cap would be maintained as long as that ownership continues. If the assessment increase is less than 5%, it doesn’t go up by 5%, but it would cap out at 5%.

Second, the Homestead Act creates an incentive for home improvements. Currently, homeowners are concerned that repairs and improvements to their homes will result in higher assessments and therefore higher property taxes. Under the Homestead Act, Bill 75, if passed, Ontario homeowners could make up to \$25,000 in home repairs, alterations or improvements or additions without triggering the increase in assessment. This protection basically acts as a deductible for improvements greater than \$25,000, and that’s per annum.

Third, it would create a property tax reduction for seniors and the disabled. Under the Homestead Act, seniors and the disabled would not pay property taxes on the first \$10,000 on the principal residence. No municipal, county or provincial education taxes would be set on the first \$10,000 of their home—a modest break if you’re wealthy, but I think for seniors on fixed incomes, disabled individuals or families on a fixed income, it’ll be helpful to put some more money back in their pockets.

Fourth important point: The Homestead Act would require MPAC to maintain a record of the current assessed value of the land and provide a copy to landowners within 24 hours, free of charge. The Ombudsman

has, I think, even stronger recommendations for sharing information in a timely manner, which could be adopted as part of the Homestead Act.

I do hope that we will receive all-party support when this comes up for debate—within the 90-day time frame, coincidentally, with the help of my colleague from Bruce–Grey–Owen Sound, Mr. Murdoch, who switched places with me on the order paper very generously, because this will allow members of the assembly to debate this bill during the 90-day extension that we’re contemplating tonight.

I know members opposite have said, “Well, you know”—

Mr. McMeekin: He’s a big fan of yours. That’s why he did it.

Mr. Hudak: Seemingly.

They would say, “Well, Hudak, it was your party that brought MPAC in, so therefore, you have no right to recommend changes,” I suppose is the tail end of the argument. Those who were here will remember—I know colleagues who were municipal leaders as well remember—that up until 1997, there really was no provincial assessment system per se. It was a broken system, and no government had the courage to take it on.

We had, for example, in Toronto, land values based in the 1940s. I don’t know what they were in the Flamborough area. Niagara had recently been updated; it was the 1990s. Markham, Whitby: 1970s. We were in a bizarre assessment world where people in mansions had lower assessments than young families trying to make it in modest homes. Previous governments balked at fixing the problem. I’m proud to say we took it on, brought forward a system to restore some fairness by ensuring that it was based on current values, and we had a province-wide basis in 1997. The notion of living in mansions with the 1940s values just didn’t sit well with taxpayers living in modest homes in Niagara with 1990s values that may have faced higher taxes.

Certainly today, in an environment of rapidly increasing property values, it makes sense to bring caps on how far up an assessment can go annually.

We’ll look at some of the values. The average residential price increase in Ontario in 2004 over 2003 was 7.5%—7.5% for the province of Ontario; 7% in the city of Toronto. In 2003: 7.1% in the province of Ontario; 6% in Toronto, Toronto going in 2003 from \$293,308 to \$315,266. I know now, if I had more up-to-date information at hand, for 2005-06 you’d see a continuing pattern of increasing values. It’s a hot real estate market. But there are restrictions that the government has brought in on growth and housing that I would say will exacerbate that problem. The Greenbelt Act is one. Whether you like it or not, there is an agreement that if you limit supply, you’ll see an increase in residential property values.

Interjection.

Mr. Hudak: You’re saying Flamborough’s prices are going up.

Mr. McMeekin: And everyone wants to live there.

Mr. Hudak: There you go. Lovely community, no doubt, Flamborough. The member has reason to be proud of it. But I think he'd agree with me that taxpayers in Flamborough or Beamsville or Glanbrook or Toronto are seeing increases in the value of the real estate market that are driving up assessments. That's why we've seen the rapidly increasing assessments. I think the last two assessments, on average: a 30% increase on somebody's home. That's the average, and it's skewed. We have people writing in to us, e-mailing us, who have had double-digit increases or more in the last couple of assessments. So I would argue that it's time for caps to come forward.

Members will remember that in the early 1990s it was the opposite. We actually were in an era in the early 1990s of declining property values. Take 1992, for example: Toronto, minus 9%; 1993, minus 4.0%. Ontario as a whole: minus 6% in 1992; minus 3.2% in 1993. It stayed that way: negatives in 1995 and 1996. It started to grow a bit in 1997, and in 1998 it slowed down again: 1.6% in Ontario; 2.5%, my chart tells me, in Toronto as a whole.

But we're in a different environment today, and I think you have to address legislation to meet the realities of the environment of the day. In an environment of rapidly increasing values resulting in rapidly increasing assessments, I think it makes a lot of sense to bring forward an act like the Homestead Act, as exists in other states and in the province of Nova Scotia, to put caps. I hope the government will smile favourably upon private member's Bill 75, which will be brought forward on April 13.

There has been some favourable coverage, as well. In fact, I'm pleased, I'll say to my colleague from Nipissing, that the council of North Bay, just two nights ago, I believe—it was in the paper, anyway, just yesterday—unanimously endorsed the Homestead Act and called for caps in assessment increases as part of that, and I appreciate what they've said. We've had councillors in Niagara that have been supportive. I mentioned those in Port Colborne as some.

1620

My colleague Norm Miller sent me a letter from Jane MacKinnon and Sally Skinner. Mr. Miller has been advocating very powerfully on behalf of these constituents. He passed on an example of some of the realities his constituents are facing. They say: "Our understanding is that the average increase in the township is 32.42%. Our assessment increased by 177.6%. This is not only ludicrous, as there are no properties like ours that have been sold in the last year, but from where we sit it looks like a smash-and-grab attempt on the part of the government. It is difficult not to be cynical when the last time we had to appeal our assessments on the same property, the island had miraculously increased in size by 50%."

I thank Mr. Miller for bringing this forward. I think Mr. Miller probably sent me about 100 or more pages of concerns on behalf of his constituents.

An e-mail I received just two weeks ago: "Mr. Hudak, I'm an 80-year-old senior with no prospects of increased

income, yet year after year my property tax assessment goes higher and higher with no improvements to my house. In fact, I can't afford improvements or even proper maintenance. I'm sure many senior citizens are in the same boat. We are afraid of losing our homes. Something has to be done to get this out-of-control MPA program under control. I applaud your efforts and hope you will be successful in your efforts to get your Homestead Act passed." I think that senior for sending in his comments.

Another one, from the city of Toronto:

"Dear Mr. Hudak:

"Property assessments and municipal taxes are out of control. As a real estate professional for the past 25 years, I can assure you that in many instances, my own cottage included, MPAC hasn't a clue what it is doing and is picking assessments using wrong or irrelevant information. Your private member's bill would go a long way towards rectifying the situation and I fully support it."

The Osbornes wrote in on March 12: "Mr. Hudak, kudos to you on your efforts to introduce your Homestead Act bill. My wife and I are in our 70s and on fixed incomes, and the assessment procedure will probably eventually drive us out of our home due to the increasing tax burden. With increased assessment and increasing municipal tax levels occurring every year, we are very fearful of losing our current standard of living just to stay in our own home."

There are many more. I won't dwell on those today. We'll have a chance later in debate, and hopefully we'll see action by the government.

To summarize my comments, we'd be pleased to support this bill, this extension. We're pleased with the agreement among the House leaders that has been honoured to allow debate and a vote to happen this evening. We want to express again our disappointment in the conduct of the finance minister who, in a fit of pique, decided that he wanted to set his own rules in the assembly, despite those that were agreed upon by the three House leaders.

I would ask, though, further, as part of this 90-day review, to waive the \$75 appeal fee, given the circumstances. I would also ask the Minister of Finance or the Premier to direct MPAC to adopt the recommendations of the Ombudsman.

Thirdly, I hope there will be some speed. I think you can do thorough consultations, but you can also do them in a time-sensitive manner with respect to the reverse onus provisions from Manitoba and the issues with proprietary interest between Teranet and MPAC, and I can assure the minister that, as finance critic, I will assist in those consultations to the best of my ability.

Most importantly, I ask the members of the assembly—the government members, the third party and members of my own caucus—to get behind the Homestead Act, which I view as a more permanent approach to ensuring that there is some control on how far assessments can go in an era of rapidly increasing property values. I would say again that the share of taxes would

still go up for those individuals who live in the higher-valued homes. It would do so, however, in a more predictable, more stable, and certainly much slower level of ascent that we've seen in the last two assessments.

That concludes my comments for this evening, and I do hope we'll see action by the government on the recommendations of the PC caucus.

The Acting Speaker: It is now time for questions and comments.

Mr. Prue: I thought if I made my two-minute comment, I could omit these things from my own speech, and I'm next.

I'd just like to talk about three things that the member from Erie–Lincoln had to say. The first is to concur with him in his assessment of what happened yesterday in terms of when there was an attempt for this bill to be called. Quite frankly, on behalf of the third party, we had a signed letter and an understanding of what was going to happen. I will tell you, it caused some considerable angst to have a minister of the crown stand up and go contrary to what the deputy House leader had agreed to with all three parties.

We all know the necessity of passing this bill and we all agreed that it would be passed today after one scant day of debate. What was done by the Minister of Finance around this issue was not parliamentary. I praised him in my last two-minute; I think he should be ashamed of what he attempted to do yesterday. The caucus should tell him that when we have made arrangements so that this House can work properly, when the House leaders sit down and make arrangements so that this place, which is often chaotic, can work better, we need to do that. We cannot have one-upmanship. We cannot have someone like him standing up and trying to make the rules on his own. I hope he never does it again. I hope the members of the caucus explain that this House works best when we have all-party agreement on how debates are going to go. It always works best and it's not nearly so rancorous as it has been in the past. I would hope he has learned a valuable lesson.

The second—I'm only going to get two in—is to agree with my honourable friend about the whole history of this. When these questions were first asked, the Premier said he was not going to deal with it, as did the finance minister at the time. That has caused some of the difficulties and some of where we are at today, because when it was raised and broached in this House before, there was simply no government action at that time.

Mr. Tim Peterson (Mississauga South): It's a pleasure to rise to speak to this bill.

One of the unforeseen effects of MPAC is that the municipalities, in areas of inflation, have received a windfall. They blame us, the province, for the hardship it imposes upon the residents. That was never intended to be any part of any legislation.

We in this House try to achieve accountability. If we're going to increase taxes or if we're going to have revenue, we want to show the people how it's being spent. We, the province, are being blamed for the benefit

being given to the municipality. I think we can look forward to keeping that discussion going.

I would like to thank the member from Erie–Lincoln, a namesake of mine, for being so reasonable on a Thursday afternoon. I'm not sure if he's worn down on a Thursday, but I thought his presentation was excellent, I thought his reasonableness was sound and I looked forward to what he had to say.

There are solutions to this—

Mr. McMeekin: It's an unusual afternoon all around.

Mr. Peterson: I think he holds me in good stead to follow him.

There are solutions to this hardship caused by rapid inflation. In Florida, they fix the cost at time of sale and they don't re-evaluate the property until the next sale. Other people are recommending this 5% increase per year.

I think as we go forward, it behooves us all who are for this, because all of us know many people who are caused hardship and angst by this, because it's very hard to plan their budgets, especially for those on limited incomes.

I look forward to working with the other members on this.

Mr. Arnott: The member for Erie–Lincoln has offered the House this afternoon a very insightful and interesting presentation about Bill 85 on behalf of our caucus. Of course, as finance critic, he does a good job representing our views.

This is an important issue. This bill will allow for a 90-day extension for assessment appeals. I'm pleased that the government is bringing forward this bill as well, but I must say that, to some degree, the political purpose of this bill on the part of the government is to attempt to be appearing to achieve fairness for property taxpayers. They would like the public to believe that they are trying to move in that direction.

1630

I'm pleased that the member for Erie–Lincoln talked about his private member's bill. I think it's an important bill that needs to be discussed in the context of Bill 85. Certainly, if there was a 5% cap on assessment-related property tax increases, that would provide a great deal of relief to people who are experiencing skyrocketing increases in property taxes in the absence of his private member's bill.

I think it's also fair to look back a couple of years in the context of this discussion. The member for Erie–Lincoln will recall that when our party was in government, we brought forward legislation which would provide for a significant property tax reduction for seniors. Our seniors' property tax rebate would have eliminated the provincial portion of property taxes for seniors: about 25% of the average property tax bill. We passed that legislation before the government changed, and one of the first acts of the new government was of course to repeal that, which resulted in a massive property tax increase for some of our most vulnerable taxpayers, our seniors.

So far, that hasn't come up in debate. I'm sure most of the government members are rather ashamed of that step that their government took right off the bat. But I would hope that over the course of this debate, that point will be made, and perhaps consideration will be given to do more to help the property tax ratepayers who are also senior citizens and who are on fixed incomes.

The Acting Speaker: Further questions and comments? Seeing none, the Chair recognizes the member from Erie–Lincoln for a response.

Mr. Hudak: I appreciate the kind comments by Beaches–East York, Mississauga South, my namesake—the middle names are different, though, I think.

Ms. Jennifer F. Mossop (Stoney Creek): Your last names are different too.

Mr. Hudak: It is a common last name, though. He has a bit more of a common last name.

I thank Mississauga South for his kind comments, and I listened with interest to his discussion of the Florida Homestead Act. I find it very encouraging that members opposite have also obviously been doing homework on this issue. I commend the member for Mississauga South for the research he's obviously put into the issue of assessment increases.

Waterloo–Wellington: of course a very strong advocate for taxpayers in his riding and a very strong advocate for the welfare of seniors particularly. He raises an important point about the seniors' tax credit being rescinded as part of Dalton McGuinty's tax increase budget. They would have had the education property taxes forgiven in significant part by the legislation that had been passed under the Ernie Eves government, and that was taken away by one of Dalton McGuinty's first bills. I thank him for entering that into debate as well.

Beaches–East York I know has done a great deal of work on this issue as well with his own task force. He has raised this issue a number of times in question period. I look forward to his presentation as we are concluding debate on this bill this evening.

I do hope the government members who are listening, and I'm pleased that they have had the courtesy to do so, will join with me in pushing for changes like those in the homestead act, and as well bringing forward the advice of the official opposition with respect to the filing fee. An actual direction from the Minister of Finance or the Premier to MPAC will do—I do give MPAC credit for a very well researched and weighty response—to direct them to implement the changes.

The Acting Speaker: Further debate?

Mr. Prue: I'd like to start by commending the Ombudsman for the province of Ontario, Mr. Marin. He has done an absolutely masterful job, in some 65 short pages, of outlining the difficulties with property assessment and with MPAC. He has detailed I think the frustrations of the citizenry of this province.

I don't think I can do any better than quote what he had to say in his press release: “Never in the 30-year history of this office have so many complaints been received in so short a period about a single public

agency,” he said. “Our office was inundated with protests from disaffected citizens—more than 3,700 of them.”

We know from his 22 recommendations that he has set out, quite clearly, to fix the system. The first question all of us need to ask ourselves—the first question he I think posed in his very last paragraph, in the appendices, his very last couple of sentences, set out the problem: “It is clear that the current assessment system is far from perfect, and I urge the government to engage in a process of review to consider the many concerns and options available with respect to the property assessment system in Ontario.”

So even his 22 recommendations, he acknowledges, are not finite. Even he acknowledges that there is a lot more that needs to be done, and can be done, to make the property assessment system, or a variant of it, fairer to ordinary taxpayers.

Last fall in this House, when the complaints were starting and were getting very strong, and the Premier had already been quoted in newspapers as saying that he was going to take no action on property assessment, I asked the Premier and the finance minister precisely what the Liberal platform, the Liberal agenda, on this very item was going to be. I have to tell you that, on the day I asked what I thought was a very poignant question to the taxpayers of this province, I was ridiculed. I was ridiculed by the minister, who said he wasn't going to do anything about the problems they were enunciating. I was ridiculed and laughed at by many of the caucus members, with the catcalls that go on here every day. Quite frankly, there seemed to be no government appetite whatsoever to look at the horrendous problem that ordinary citizens were facing in this province.

I am glad that the Ombudsman has come forward with this report because we are starting, for the first time, to see some forms of action into either fixing or potentially I hope changing the system that for so many simply does not work.

When the minister said that he was not going to do anything about the tax system, I took it upon my own volition, with the help of my caucus and some members of the New Democratic Party, to set up a small task force to go around the province and try to ask ordinary citizens how they thought the system could be made better. I was ridiculed by the minister for doing that in this very House. In fact, he said, “Who are your experts? What kind of people are these? What kind of economists are they?” They are ordinary and very good citizens. We have been working together with these ordinary and good citizens to try to find out from ordinary Ontarians how we can fix the system.

Much of what we have been told—as a matter of fact, everything we have been told—has been contained within the body of Mr. Marin's report: all of the horror stories, all of the suggestions, all the things that may or may not be done and how it will impact upon the treasury. We've talked to ordinary citizens and groups and we continue to do so.

I'd like to take a moment to thank the members of my committee who have been going around. We have been

to Ottawa and we will be going back there again. We have been to Toronto and we will be coming back here again. There will be future meetings in London, in Sudbury and in cottage country, probably in Peterborough, to talk to citizens about how MPAC has impacted upon them and how the property assessment system might be fixed, or cancelled in favour of some other system.

The members of the task force include myself; Mr. Jeff Atkinson from Ottawa; Ethel Birkett-LaValley from Lake Saint Peter, and she is the reeve there; Chris Charlton, who at the time was an ordinary citizen but now is a Member of Parliament for the Hamilton area; Alex Cullen, who was a member of this Legislature and who is now a councillor in the city of Ottawa; and Tam Goossen, who was a member of the school board, formerly, in the city of Toronto.

We have spent a lot of time talking to people. What I'm going to suggest today is not only what the Ombudsman had to say but in fact what we have heard ourselves in these many, many meetings and discussions.

When we set up the task force and the minister refused to listen, I did get contacted by a newspaper. The minister likes to wave that little article around, that I wasn't going to discuss anything with his party. Well, of course I wasn't. I made concrete suggestions in this House as part of a government, and I made that as part of my legislative duty. He said the government wasn't going to take any action at all and had no desire to change any part of the MPAC process or of property value assessment. If he has changed his mind and wants input, I would be very glad to give it to him today. If he wants to simply say this and continue to ridicule my group, I have no desire whatsoever to participate in what he is requesting.

1640

We have, as I said, gone to all those places. We have also set up a website. I don't know whether we're into the thousands yet, but we're certainly into many hundreds of thoughtful responses on our website called www.ouchassessment.ca. We set it up and people send in their horror stories. They send in their suggestions on how the system can be improved. We will continue to work on those and hope to be able to report to the people of Ontario some time later in the spring.

Also, if you wish, I would be more than willing to release our findings to this House, something I wish had happened with Mike Colle's report, because I will not be ashamed of what I am going to write. What I am going to write, although it has been prepared by members of the New Democratic Party, is for public consumption, something that I think the honourable minister—he wasn't the minister then—should have done, and something that should have been released by the finance minister. If what was said was cogent and pertinent to what we are discussing, then surely all of us should have seen it, not just the finance minister, to bury it.

I want to tell you the solutions. What is different, I think, in our report and what is different perhaps that this Legislature can do, is that we can make and we should be

making alternative suggestions. The Ombudsman, as I said, did a brilliant job. He did a very good job based on the circumstances as he found them, on how to make a bad situation—on how to bring an organization which I believe he thought was out of control, into control, to make it more democratic, to make it a public institution. But he left it virtually unscathed in terms of its *raison d'être*, in terms of what it was going to do and how it was going to act, although he certainly did give ways for them to act more appropriately. But he did not say that it should be scrapped or that market value assessment or CVA should be scrapped in favour of another system. He didn't go as far as I think many citizens might wish, and I'm going to deal with that in a moment.

Let's deal with some editorial opinion, because today two major newspapers have talked about where we need to go with this.

Mr. Peterson: Michael, it's Thursday afternoon.

Mr. Prue: I know it's Thursday afternoon. I've only been up for 10 minutes, and I promise I will be finished well within the hour—

Mr. David Zimmer (Willowdale): Finish in the next two or three minutes.

Mr. Prue: No, contrary to what the member from Willowdale is requesting, I will not finish in two or three minutes because these things need to be said. They need to be said because every time I ask questions the finance minister belittles what is being said. I have my time to elaborate, and if he did not ridicule me, I would not have the necessity to elaborate. So I'm going to elaborate. If you are upset about that, please speak to that man.

The Ottawa Citizen today has said:

"MPAC's deep problem is that it treasures corporate imperatives (revenues, protecting the brand name, resisting criticism) over public ones (service, openness, accountability).

"If Ontario must use property taxes to keep funding its municipalities, instead of switching to a more rational income tax system, it needs a property assessment agency citizens can rely on." I think that's a mistake; I think that should be "upon." "Without a culture change that will be very difficult to create, MPAC is not that agency."

So what the Ottawa Citizen is saying is that we should scrap MPAC, that it's beyond salvageability.

The Toronto Star has said much the same thing. Just to quote the last couple of lines of its editorial of today: "What is needed is leadership to ensure sweeping changes are made by the Municipal Property Assessment Corp. And if the agency fails to agree to all of the recommendations, then Queen's Park should consider hiring another outside firm to do the work."

These are pretty damning editorials, because what they are saying is that the agency that was set up some seven or eight years ago has failed, that it may be beyond repair, that it may have to be replaced, that the system itself may have to be replaced. I would tell you that the editorial opinion surprises me, because I've not seen this kind of angst before, I have not seen this kind of anger

before, and the Ombudsman's report has brought that all through.

I also look to what other kinds of discussions are taking place. There was a story in yesterday's paper, again from the *Ottawa Citizen*, which quotes the mayor of Ottawa, who was previously a member in this House and is the mayor of the second-largest city in this province. The mayor did a couple of things, and I'm going to read again from this newspaper report. Chiarelli urged the province to freeze the property tax assessment for two years to allow a public review. Councillor Alex Cullen went on to talk—I'm going to talk about him later, but what the mayor said is that the Ombudsman's report missed a major issue, and that major issue was, in fact, whether or not the property assessment corporation should be scrapped.

In today's *Toronto Sun*, there is a letter from Lionel Miskin, VP and chairman of the property tax committee of the Toronto Association of Business Improvement Areas, and we all know how important they are. He says, "There is something inherently wrong in a tax system which forces people out of their properties, and it is that aspect of CVA which really needs to be addressed." A very wise man.

I'd like to go back to some of the solutions that we've heard from ordinary people, solutions that could work and work very quickly if this province had a mind to do it.

The first thing we need to do is consider reducing the property taxes that people pay. Some \$3.3 billion of the property taxes paid in this province that come from the taxpayer go to provincial coffers for provincially mandated programs. Those programs are child care, which is laudable; assisted housing, which is laudable; welfare, which is necessary and laudable; ambulance services, which are necessary and laudable; and public health. No one would say that we should not be spending the \$3.3 billion that is raised from property taxes on those necessary and laudable goals, but what ordinary citizens are telling us is that they do not have the capacity within their property to pay for that. They do not have the wherewithal in many cases, if they are on a fixed income, elderly or unemployed, to pay property taxes for provincially mandated programs. What they are telling us, to a person, if they understand this, is that they believe the province has to take control of its own duties and its own expenses. They are telling us, to a person, that we need to upload the download, that they can no longer and should no longer be expected to pay that from their property taxes.

They are telling us as well that they are puzzled as to why the province continues to take some \$5 billion or \$6 billion every year to pay for education from the property tax, because all the key decisions on how the education money is spent are not within the confines of the local municipal council or the school board, be it separate or public, French-speaking or English-speaking; they are made by the Minister of Education. If the minister is to control the purse strings and tell the teachers and school boards how the money is to be spent, then the money

should come from provincial and not from municipal coffers. If those were uploaded, more than half of the money that people spend for their municipal taxes would be gone. Their property taxes would be halved. You can imagine how people would react to that. People would think that was a very good thing. The people who would be most affected—because the money, of course, would have to be found from corporate taxes, income taxes, sales taxes or other sources—the people who would benefit the most are those who are least able to afford it.

1650

I met an older woman today of Italian ancestry who did not speak very good English. She came to me this morning and asked if I could help her. She had a property tax assessment form in her hand. She could not understand why her property tax had been re-evaluated some 15.5% on the basis of her house. I looked at her house. I went there and had a look at it. Her house is a semi on a quiet little street in the East York area. To my mind, I was shocked that the assessors thought it was worth \$450,000. She will not be able to afford the property tax increase that comes with that. She will not be able to afford the 3% that Toronto is going to pass in their budget, plus the additional 4.5% she is going to be hit with because someone somewhere on a computer model thinks that her house is worth that much. That is just one case in this province, and there are tens of thousands or hundreds of thousands just like it.

I go on to think about what we can do. I've talked about the upload, the download. The second thing this government should do, and carefully look at, is to pass into legislation immediately what the Ombudsman has talked about: Once an appeal is made and launched and won, that appeal has to carry weight. I know and you all know, if you've ever done property tax appeals, that you can win a case and have to go back to fight the same case the next year.

In fact, I went back three years in a row to fight a case on Mortimer Avenue for a Greek-speaking gentleman who asked me as his local councillor to assist him. I went there three years in a row, I argued the same points three years in a row, and we won his case three years in a row. Every year, the same thing would happen. He would win, and the next year MPAC would reassess his property at the old rate, plus whatever percentage they thought it went up. The arguments we made were always the same. We compared his property to the other properties on the street; we used the same ones. We compared his street, which is a busy avenue, close to Toronto East General Hospital and the fire station, so he was constantly interrupted by that stuff. We compared his one-and-a-half-storey home to two-storey homes, which the assessor said MPAC was completely wrong in doing, and we continued to win that. But every year that poor man, who was a pensioner, had to fork out the \$75, had to go to the appeal, had to win, knowing full well that the following year he would have to do it all over again.

Mr. Marin is correct. That needs to be changed, and changed now. When I asked the questions today about this very item—it has to be reviewed.

“We’re worried about privacy,” the finance minister says. “We want to hear from the municipalities that are going to be affected. We want this, we want that, we want this.” Well, I’ll tell you, the taxpayers out there who are going to appeals want justice and they want a fair opportunity. They want to know that when they win, they win not just once, that they’re not going to be stuck again, with glee, the following year.

The third point I want to talk about is changing the rules and not divulging them. I’ve done appeals too. I did an appeal for a gentleman who owned a commercial property on Danforth Avenue near Main. They changed the rules. They wouldn’t tell him with whom they were comparing his property or on what property it was being compared. When he showed how much money he had spent for the property, they told him that didn’t count, because their assessment and their computer model was the right one. When I argued with the adjudicator before the ARB, the adjudicator refused to see that, because, you see, the computer model is sacrosanct. Mr. Marin has it right: It cannot be sacrosanct, because no one can gain access to it.

Fourthly, he says to reverse the onus. This is something that this minister and this government can do immediately. This is not going to change any part of the legislation except to affect Canadian law to recognize that this is, in fact, not an appeal. It is not an appeal against a decision, because there was no original decision to which the individual taxpayer was a party. This is a simple one-off day in court to argue whether or not an assessment was proper. It is the first opportunity a property owner has to make sure that he or she is being treated fairly.

Mr. Marin described it, and I’m going to find it because he has used brilliant words. Mr. Marin described the current system this way: “At a hearing in Ontario, the onus is not on MPAC to explain its assessment and show why it is right; it is on the taxpayer to show that MPAC’s assessment is wrong. Even though this is the practice in all provinces other than Manitoba, it is an ossified or antiquated practice that can no longer be justified. First, at an ARB hearing the taxpayers are not alleging a wrongdoing by MPAC, are simply saying MPAC got the assessment wrong. An ARB hearing is not, in other words, like a civil suit where the party making an allegation of wrongdoing should have to prove it.” I think the minister should act on this sooner rather than later. “There are tens of thousands of appeals and there will be tens of thousands more when this is extended for 90 days. I am asking that this recommendation be implemented almost immediately.”

I want to tell you that there has been some argument that we can’t do it that fast. Well, pretty fast to get this legislation here today following my question, but I’m not that naive, because I know, and the public should know, that the minister had the Ombudsman’s report for the better part of a month. We got it the day before yesterday, but the minister had it for the better part of a month, so one ought not to be too surprised when he was

able to react to my question in question period the way he did, because he had already sent back a letter a week before this was made public, telling Mr. Marin that he was going to study a number of issues.

I’d just like to talk about what the member from Erie—Lincoln is talking about, the Homestead Act. I would agree that is a partial answer to what is going on. Are caps the answer? I don’t know, because, you see, in the United States where caps have been used, yes, they save the taxpayers money whose properties go up, but they also take away from the treasuries of those states, so that some of the treasuries, like California, which is the classic example, have seen that they no longer have the money to carry out the necessary goals and objectives of the state legislature.

California has slipped from the top 10 in terms of the money spent per capita on students to the bottom five. They’ve done that because when you cap that, as they do at 2%, it means that properties that would otherwise be assessed to a larger amount no longer pay the increased property tax, and each and every year since the capping took place, revenues in California from property tax have declined to the extent that California now has a worse road system, and certainly has a worse education system. If we are going to cap, then we also have to cap the decreases as well as the increases.

That was done at the time of the initial market value assessment in all cities, and I can speak most clearly about the city of Toronto. There was a cap on how fast your increased taxes could go up, but there was also a cap on the decrease. It was phased in over a number of years to make sure that the actual revenues that were collected were neutral to the municipality and that the many wonderful works municipalities do were not compromised, and at the same time to make sure the municipalities did not get a windfall. That’s what my friend from Mississauga South had to say, that the cities get a windfall. In fact, they do not. Cities did not get a windfall from this, provided there was a cap on both ends.

1700

I want to say as well that we need to look at other options. I have not heard anyone else speak of other options, and there are many that work very, very well.

To quote my colleague, who was quoted in yesterday’s *Ottawa Citizen*—he talked at great length about the Ombudsman’s report. It’s only one paragraph long:

“Bay Ward councillor Alex Cullen also warned that the Ombudsman’s report was only part of the solution. He said the real problem lies in the principle of using value-based assessment to determine a homeowner’s tax liability. ‘Market value has nothing to do with the cost of municipal services or the ability to pay, and quite frankly, this whole system needs to be reformed,’ he said. Cullen argued there are other assessment models, including income bracket, square footage and replacement value, that would be more rational.”

I have to tell you, I think that all of these need to be studied. We have heard much about capping, we’ve seen some discussion of it in the *Globe and Mail* newspaper

and we've heard the Homestead Act. But there are options that will work equally as well or probably better in the long term than simply capping increases.

I want to say, though, that capping did work for the city of Toronto and for other locations. When the previous government saw that there was a firestorm of protests by people—ordinary citizens—who were in commercial and industrial structures, who thought their taxes were going through the roof, those taxes were all capped, and remain capped. By and large, that has worked. What did not happen at that time was, the citizens were not afforded the same consideration, probably because they were not as noisy. If capping works for one and continues for one, certainly it should be included for others. But as I earlier said, there are certainly other methods and methodology by which it could be done.

The minister has responded speedily with the 90 days, and we will be supporting the bill in about five minutes, if any of you are wondering. However, I just want to conclude by saying that the speed of response on this issue, for a 90-day period in which to appeal assessments, should be met with equally speedy responses on all of the other aspects of Marin's position and what needs to be done.

We need to speedily, before the appeals are heard, change the onus. I've talked of that: The onus needs to be changed so that an ordinary citizen is not fighting the David and Goliath battle that the Ombudsman spoke about here. If the citizen has an opportunity to present an appeal, to show that the assessment made by the Municipal Property Assessment Corp. is unreasonable, the Municipal Property Assessment Corp. must be able to justify it; they have to produce the necessary papers to justify it, rather than the reverse. If Manitoba can do it, and if all it takes is a couple of wording changes, I don't see how that cannot be done.

Full disclosure: The minister has talked about privacy. I cannot, for the life of me, see how privacy is involved, because any citizen, resident, any person in this room, any person in Canada can go to the real estate multiple listings and look at any property that's been sold. You can look at it; any property. There are full details inside about the hundreds of thousands of properties that are sold every year. It tells you how big the rooms are, whether the kitchen has been upgraded, whether there's a broadloom on the floors. It tells you whether there's a gravity furnace or a new, high-energy-efficiency furnace. It tells you how-many-car garage; it tells you whether there is a mother-in-law suite. It tells you everything. I don't know where the privacy is, because any one of us can find out those details.

You know, the sad thing is, when you go to the ARB, they refuse to take that evidence; they refuse it.

Mr. Bas Balkissoon (Scarborough–Rouge River): Right.

Mr. Prue: My colleague here from Scarborough–Rouge River is indicating, "Right." They refuse to take

that information. But we can all find that out, and I fail to understand how privacy is involved.

I fail to understand, too, the \$4.6 million that MPAC makes from farming out this information to insurance companies—\$4.6 million. There are almost 4.6 million properties in this province. So if every property owner paid an extra dollar, everything could be released. I'm not going to advocate that you increase everybody's taxes by a dollar, but I'm just telling you that this is the amount of money that is involved: \$4.6 million they make from the insurance companies by hoarding that little secret, or have a completely open and accessible unit so that everybody knows what's going on. If they can't sell it to the insurance companies, well, then I guess that's tough. If they need to find \$4.6 million from treasury, maybe we should find it.

I also think we need to upload the download; I've talked about that. If you can take \$3.3 million in the short term and maybe \$10 million off the downloaded services, off the municipal property tax, and put it where it more rightly belongs, then the people screaming about the evaluations of their house and the constant evaluations upward will not have quite the same volume or resonance. We have to look as well at optional forms of financing; of course, that goes along with that.

Just to close, Ontario has the second-highest property assessment taxation in the world. The only place that has a higher one is Great Britain. We are the worst in Canada. We are worse than every single state in the United States. We are worse than all the OECD countries. We are worse than Japan. We rely on an antiquated form of taxation for municipalities—an antiquated form of taxation that is meted unfairly to tenants, to property owners, to small businesses. We need to start looking at refinancing our cities and refinancing how we get the money.

The fairest forms of taxation are on the ability to pay, not on the inability to pay. The fairest forms of taxation will understand that a new business owner who doesn't make any profit cannot afford to pay usurious taxes on a property when he's not making any profit. The fairest form of taxation understands that people on fixed income, like the lady I saw today of Italian ancestry, cannot afford to pay that. Those who earn money, either through working or through investments or however they do it, can rightly afford to pay it if they have it.

We need as a society to get away from taxation which is wrong-headed and mean-spirited and towards progressive taxation. As a government, that's what I'm asking the minister to do. We will be supporting the 90 days, but I will tell him that within the 90 days, and before the 90 days are up, I will be on my feet asking for the balance of Mr. Marin's recommendations to be implemented, and for the minister to be going farther and much beyond that to change a system of taxation that we all know needs to be improved.

The Acting Speaker: It's time for questions and comments.

Ms. Laurie Scott (Haliburton–Victoria–Brock): It's a pleasure today to come and address Bill 85, municipal property assessment reform, and the extension of the original appeal deadline by 90 days, from March 31 to June 30.

Being elected in 2003, and looking back in Hansard, one of the very first statements that I did make in the Legislature was on MPAC, at that point on trailer park assessments. I know that we appealed to the Minister of Finance at that time to make changes, and worked with the industry closely. The industry was told to back off demonstrations. They had a demonstration planned for Queen's Park, and they were told to back off, that they would be working behind the scenes with the Ministry of Finance. Fair enough. But to date, we still have not got reform to the trailer park assessments that the industry was promised. I think this is a good time for the Minister of Finance to look at that reassessment and to fix those problems.

I know that members on all sides—and I commend the member for Erie–Lincoln and the member from Beaches–East York today for their comments. The member from Beaches–East York has done a lot of work on the MPAC issue.

The opposition parties did get some changes that the government did make on the sugar bush, the maple syrup industry, on managed forest tax incentive programs and on equestrian centres. We were able to get some relief, and I'm hoping that they are going to continue this with the extension of the appeal, because they know there's a big problem. In Haliburton county, which had the largest single increase in assessments in the province of Ontario—I know many of the members opposite have cottages up in Haliburton and they understand what I'm saying in the fact that the assessments went skyrocketing this year on waterfronts. So they're concerned. I'm concerned. I have people on fixed incomes, and suddenly their assessments have gone up and they're not able to stay in their homes.

We welcome the extension that's presented, and we hope there's more work to be done.

The Acting Speaker: Further questions and comments? Seeing none, response from the member from Beaches–East York.

Mr. Prue: I thank the member for Haliburton–Victoria–Brock, and just to let her know, I think this House may at last have seized upon an issue that we can all agree upon. All of us must be getting the calls and letters and e-mails from our constituents. All of us in the last few days must have had renewed activity around people who have read the report. All of us need to know that we have citizens who are very vulnerable on this issue. If we can work together, perhaps—I hope—something can come of all of this.

I hope the Minister of Finance will not drag his feet. I can only hope that he will bring forward the necessary legislation to change the onus, to make sure that everything is released and releasable to those who need it to do their appeals, and in the longer term can look at alternatives for financing that will benefit all the citizens of Ontario.

The Acting Speaker: Mr. Phillips has moved second reading of Bill 85. Is it the pleasure of the House that the motion carry? Carried.

The bill is therefore ordered for third reading.

MORE TIME TO APPEAL ACT, 2006
LOI DE 2006 PORTANT PROROGATION
DU DÉLAI D'APPEL

Mr. Phillips, on behalf of Mr. Duncan, moved third reading of the following bill:

Bill 85, An Act to amend the Assessment Act / Projet de loi 85, Loi modifiant la Loi sur l'évaluation foncière.

The Acting Speaker (Mr. Joseph N. Tascona): Debate? Seeing none, is it the pleasure of the House that the motion carry? Carried.

Be it resolved that the bill do now pass and be entitled as in the motion.

Hon. Gerry Phillips (Minister of Government Services): I move adjournment of the House.

The Acting Speaker: Is it the pleasure of the House that the motion carry? Carried.

This House now stands adjourned until 1:30 p.m. on Monday, April 3, 2006.

The House adjourned at 1713.

LEGISLATIVE ASSEMBLY OF ONTARIO
ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Lieutenant Governor / Lieutenant-gouverneur: Hon. / L'hon. James K. Bartleman

Speaker / Président: Hon. / L'hon. Michael A. Brown

Clerk / Greffier: Claude L. DesRosiers

Deputy Clerk / Sous-greffière: Deborah Deller

Clerks-at-the-Table / Greffiers parlementaires: Todd Decker, Lisa Freedman

Sergeant-at-Arms / Sergent d'armes: Dennis Clark

Constituency Circonscription	Member/Party Député(e) / Parti	Constituency Circonscription	Member/Party Député(e) / Parti
Algoma-Manitoulin	Brown, Hon. / L'hon. Michael A. (L) Speaker / Président	Haldimand-Norfolk-Brant	Barrett, Toby (PC)
Ancaster-Dundas- Flamborough-Aldershot	McMeekin, Ted (L)	Haliburton-Victoria-Brock	Scott, Laurie (PC)
Barrie-Simcoe-Bradford	Tascona, Joseph N. (PC) Second Deputy Chair of the Committee of the Whole House / Deuxième Vice-Président du Comité plénier de l'Assemblée législative	Halton	Chudleigh, Ted (PC)
Beaches-East York / Beaches-York-Est	Prue, Michael (ND)	Hamilton East / Hamilton-Est	Horwath, Andrea (ND)
Bramalea-Gore-Malton- Springdale	Kular, Kuldip (L)	Hamilton Mountain	Bountrogianni, Hon. / L'hon. Marie (L) Minister of Intergovernmental Affairs, minister responsible for democratic renewal / ministre des Affaires intergouvernementales, ministre responsable du Renouveau démocratique
Brampton Centre / Brampton-Centre	Jeffrey, Linda (L)	Hamilton West / Hamilton-Ouest	Marsales, Judy (L)
Brampton West-Mississauga / Brampton-Ouest-Mississauga	Dhillon, Vic (L)	Hastings-Frontenac-Lennox and Addington	Dombrowsky, Hon. / L'hon. Leona (L) Minister of Agriculture, Food and Rural Affairs / ministre de l'Agriculture, de l'Alimentation et des Affaires rurales
Brant	Levac, Dave (L)	Huron-Bruce	Mitchell, Carol (L)
Bruce-Grey-Owen Sound	Murdoch, Bill (PC)	Kenora-Rainy River	Hampton, Howard (ND) Leader of the New Democratic Party / chef du Nouveau Parti démocratique
Burlington	Jackson, Cameron (PC)	Kingston and the Islands / Kingston et les îles	Gerretsen, Hon. / L'hon. John (L) Minister of Municipal Affairs and Housing / ministre des Affaires municipales et du Logement
Cambridge	Martiniuk, Gerry (PC)	Kitchener Centre / Kitchener-Centre	Milloy, John (L)
Chatham-Kent Essex	Hoy, Pat (L)	Kitchener-Waterloo	Witmer, Elizabeth (PC)
Davenport	Ruprecht, Tony (L)	Lambton-Kent-Middlesex	Van Bommel, Maria (L)
Don Valley East / Don Valley-Est	Caplan, Hon. / L'hon. David (L) Minister of Public Infrastructure Renewal, Deputy government House leader / ministre du Renouvellement de l'infrastructure publique, leader parlementaire adjoint du gouvernement t	Lanark-Carleton	Sterling, Norman W. (PC)
Don Valley West / Don Valley-Ouest	Wynne, Kathleen O. (L)	Leeds-Grenville	Runciman, Robert W. (PC)
Dufferin-Peel- Wellington-Grey	Tory, John (PC) Leader of the Opposition / chef de l'opposition	London North Centre / London-Centre-Nord	Matthews, Deborah (L)
Durham	O'Toole, John (PC)	London West / London-Ouest	Bentley, Hon. / L'hon. Christopher (L) Minister of Training, Colleges and Universities / ministre de la Formation et des Collèges et Universités
Eglington-Lawrence	Colle, Hon. / L'hon. Mike (L) Minister of Citizenship and Immigration / ministre des Affaires civiques et de l'Immigration	London-Fanshawe	Ramal, Khalil (L)
Elgin-Middlesex-London	Peters, Hon. / L'hon. Steve (L) Minister of Labour / ministre du Travail	Markham	Wong, Tony C. (L)
Erie-Lincoln Essex	Hudak, Tim (PC)	Mississauga Centre / Mississauga-Centre	Takhar, Hon. / L'hon. Harinder S. (L) Minister of Transportation / ministre des Transports
Etobicoke Centre / Etobicoke-Centre	Crozier, Bruce (L) Deputy Speaker, Chair of the Committee of the Whole House / Vice-Président, Président du Comité plénier de l'Assemblée législative	Mississauga East / Mississauga-Est	Fonseca, Peter (L)
Etobicoke North / Etobicoke-Nord	Cansfield, Hon. / L'hon. Donna H. (L) Minister of Energy / ministre de l'Énergie	Mississauga South / Mississauga-Sud	Peterson, Tim (L)
Etobicoke-Lakeshore	Qaadri, Shafiq (L)	Mississauga West / Mississauga-Ouest	Delaney, Bob (L)
	Broten, Hon. / L'hon. Laurel C. (L) Minister of the Environment / ministre de l'Environnement	Niagara Centre / Niagara-Centre	Kormos, Peter (ND)
Glengarry-Prescott-Russell	Lalonde, Jean-Marc (L)	Niagara Falls	Craitor, Kim (L)
Guelph-Wellington	Sandals, Liz (L)	Nickel Belt	Martel, Shelley (ND)

Constituency Circonscription	Member/Party Député(e) / Parti	Constituency Circonscription	Member/Party Député(e) / Parti
Nipissing	Smith, Monique M. (L)	Stormont–Dundas– Charlottenburgh	Brownell, Jim (L)
Northumberland	Rinaldi, Lou (L)	Sudbury	Bartolucci, Hon. / L'hon. Rick (L) Minister of Northern Development and Mines / ministre du Développement du Nord et des Mines
Oak Ridges	Klees, Frank (PC)	Thornhill	Racco, Mario G. (L)
Oakville	Flynn, Kevin Daniel (L)	Thunder Bay–Atikokan	Mauro, Bill (L)
Oshawa	Ouellette, Jerry J. (PC)	Thunder Bay–Superior	Gravelle, Michael (L)
Ottawa Centre / Ottawa-Centre	Patten, Richard (L)	North / Thunder Bay–Superior- Nord	
Ottawa South / Ottawa-Sud	McGuinty, Hon. / L'hon. Dalton (L) Premier and President of the Executive Council, Minister of Research and Innovation / premier ministre et président du Conseil exécutif, ministre de la Recherche et de l'Innovation	Timiskaming–Cochrane	Ramsay, Hon. / L'hon. David (L) Minister of Natural Resources, minister responsible for Aboriginal Affairs / ministre des Richesses naturelles, ministre délégué aux Affaires autochtones
Ottawa West–Nepean / Ottawa-Ouest–Nepean	Watson, Hon. / L'hon. Jim (L) Minister of Health Promotion / ministre de la Promotion de la santé	Timmins–James Bay / Timmins-Baie James	Bisson, Gilles (ND)
Ottawa–Orléans	McNeely, Phil (L)	Toronto Centre–Rosedale / Toronto-Centre–Rosedale	Smitherman, Hon. / L'hon. George (L) Minister of Health and Long-Term Care / ministre de la Santé et des Soins de longue durée
Ottawa–Vanier	Meilleur, Hon. / L'hon. Madeleine (L) Minister of Culture, minister responsible for francophone affairs / ministre de la Culture, ministre déléguée aux Affaires francophones	Trinity–Spadina	Marchese, Rosario (ND)
Oxford	Hardeman, Ernie (PC)	Vaughan–King–Aurora	Sorbara, Greg (L)
Parkdale–High Park	Kennedy, Hon. / L'hon. Gerard (L) Minister of Education / ministre de l'Éducation	Waterloo–Wellington	Arnott, Ted (PC) First Deputy Chair of the Committee of the Whole House / Premier Vice-Président du Comité plénier de l'Assemblée législative
Parry Sound–Muskoka	Miller, Norm (PC)	Willowdale	Zimmer, David (L)
Perth–Middlesex	Wilkinson, John (L)	Windsor West / Windsor-Ouest	Pupatello, Hon. / L'hon. Sandra (L) Minister of Community and Social Services, minister responsible for women's issues / ministre des Services sociaux et communautaires, ministre déléguée à la Condition féminine
Peterborough	Leal, Jeff (L)	Windsor–St. Clair	Duncan, Hon. / L'hon. Dwight (L) Minister of Finance, Chair of the Management Board of Cabinet / ministre des Finances, président du Conseil de gestion du gouvernement
Pickering–Ajax–Uxbridge	Arthurs, Wayne (L)	York Centre / York-Centre	Kwinter, Hon. / L'hon. Monte (L) Minister of Community Safety and Correctional Services / ministre de la Sécurité communautaire et des Services correctionnels
Prince Edward–Hastings	Parsons, Ernie (L)	York North / York-Nord	Munro, Julia (PC)
Renfrew–Nipissing–Pembroke	Yakabuski, John (PC)	York South–Weston / York-Sud–Weston	Cordiano, Hon. / L'hon. Joseph (L) Minister of Economic Development and Trade / ministre du Développement économique et du Commerce
Sarnia–Lambton	Di Cocco, Caroline (L)	York West / York-Ouest	Sergio, Mario (L)
Sault Ste. Marie	Oraziotti, David (L)	Nepean–Carleton	Vacant
Scarborough Centre / Scarborough-Centre	Duguid, Brad (L)	Toronto–Danforth	Vacant
Scarborough East / Scarborough-Est	Chambers, Hon. / L'hon. Mary Anne V. (L) Minister of Children and Youth Services / ministre des Services à l'enfance et à la jeunesse	Whitby–Ajax	Vacant
Scarborough Southwest / Scarborough-Sud-Ouest	Berardinetti, Lorenzo (L)		
Scarborough–Agincourt	Phillips, Hon. / L'hon. Gerry (L) Minister of Government Services / ministre des Services gouvernementaux		
Scarborough–Rouge River	Balkissoon, Bas (L)		
Simcoe North / Simcoe-Nord	Dunlop, Garfield (PC)		
Simcoe–Grey	Wilson, Jim (PC)		
St. Catharines	Bradley, Hon. / L'hon. James J. (L) Minister of Tourism, minister responsible for seniors, Government House Leader / ministre du Tourisme, ministre délégué aux Affaires des personnes âgées, leader parlementaire du gouvernement		
St. Paul's	Bryant, Hon. / L'hon. Michael (L) Attorney General / procureur général		
Stoney Creek	Mossop, Jennifer F. (L)		

A list arranged by members' surnames and including all responsibilities of each member appears in the first and last issues of each session and on the first Monday of each month.

Une liste alphabétique des noms des députés, comprenant toutes les responsabilités de chaque député, figure dans les premier et dernier numéros de chaque session et le premier lundi de chaque mois.

TABLE DES MATIÈRES

Jeudi 30 mars 2006

AFFAIRES D'INTÉRÊT PUBLIC ÉMANANT DES DÉPUTÉS

Loi de 2006 exigeant une déclaration au sujet du don d'organes et de tissu, projet de loi 67, <i>M. Klees</i>	
M. Lalonde	2538
Adoptée.....	2552
Loi de 2006 sur la sécurité des piscines, projet de loi 74, <i>M. Rinaldi</i>	
Adoptée.....	2552

PREMIÈRE LECTURE

Loi de 2006 sur le monument commémoratif des travailleurs de l'Ontario, projet de loi 86, <i>M. Ramal</i>	
Adoptée.....	2555

DEUXIÈME LECTURE

Loi de 2006 portant prorogation du délai d'appel, projet de loi 85, <i>M. Duncan</i>	
Adoptée.....	2586

TROISIÈME LECTURE

Loi de 2006 portant prorogation du délai d'appel, projet de loi 85, <i>M. Duncan</i>	
Adoptée.....	2586

CONTENTS

Thursday 30 March 2006

PRIVATE MEMBERS' PUBLIC BUSINESS

Organ and Tissue Donation	
Mandatory Declaration Act, 2006, Bill 67, Mr. Klees	
Mr. Klees	2537, 2544
Mr. Lalonde	2538
Mr. Yakabuski	2538
Mr. Levac	2539
Mr. Kormos	2540
Mr. Delaney	2542
Mr. Miller	2542
Ms. Scott	2543
Mrs. Witmer	2544
Agreed to	2552
Swimming Pool Safety Act, 2006, Bill 74, Mr. Rinaldi	
Mr. Rinaldi	2544, 2551
Mr. Hardeman	2545
Mr. Leal	2547
Ms. Scott	2548
Mr. Kormos	2548
Mrs. Jeffrey	2550
Mr. Ramal	2550
Agreed to	2552

MEMBERS' STATEMENTS

Agriculture funding	
Ms. Scott	2552
Hate crimes	
Mr. Racco	2552
Minister of Transportation	
Mr. Hudak	2553
Property taxation	
Mr. Kormos	2553
Regent Park	
Mr. Zimmer	2553
Ontario budget	
Mr. Runciman	2554
Mr. McNeely	2555
Kidney disease	
Mr. Wilkinson	2554
Public transit	
Mrs. Jeffrey	2554

FIRST READINGS

Ontario Workers' Memorial Act, 2006, Bill 86, Mr. Ramal	
Agreed to	2555
Mr. Ramal	2555

MOTIONS

Private members' public business	
Mr. Bentley	2555
Agreed to	2555

ORAL QUESTIONS

Ontario budget	
Mr. Tory	2555, 2556
Mr. McGuinty	2555, 2556
Mr. Runciman	2560
Mr. Duncan	2560, 2562, 2564, 2565
Mr. Hudak	2562
Mr. Miller	2564
Mr. Ramsay	2564
Mr. Prue	2564

Tuition

Mr. Marchese	2557
Mr. Bentley	2557

Property taxation

Mr. Prue	2558
Mr. Duncan	2558

Emergency assistance to businesses

Mr. Tory	2559
Mr. McGuinty	2559

Health services

Mr. Kormos	2559
Mr. Phillips	2559

Highway construction

Mr. Lalonde	2560
Mr. Takhar	2560

Agriculture funding

Mr. Kormos	2561
Mrs. Dombrowsky	2561

Ontario film and television industry

Mr. Ruprecht	2561
Mrs. Meilleur	2562

Democratic renewal

Mr. Prue	2563
Mrs. Bountrogianni	2563

Public transit

Mr. Berardinetti	2563
Mr. Duncan	2563
Mr. Takhar	2564

PETITIONS

Organ donation	
Mr. Klees	2565
Ms. Scott	2566
Municipal restructuring	
Mr. Prue	2565

Macular degeneration

Mr. Craitor	2565
-------------------	------

Identity theft

Mr. Ruprecht	2566
--------------------	------

Gasoline prices

Mr. Tascona	2566
-------------------	------

Social services funding

Mr. Peterson	2566
Mr. Delaney	2567

Long-term care

Mr. Hardeman	2567
--------------------	------

Highway 35

Ms. Scott	2567
-----------------	------

Child care

Mr. Berardinetti	2567
------------------------	------

Curriculum

Mr. Miller	2567
------------------	------

SECOND READINGS

More Time to Appeal Act, 2006,

Bill 85, Mr. Duncan	
Mr. Phillips	2568
Mr. Arthurs	2568, 2571
Mrs. Sandals	2570
Mr. Hudak	2570, 2571, 2581
Mr. Prue	2570, 2580, 2581, 2586
Mr. Rinaldi	2570
Mr. Peterson	2580
Mr. Arnott	2580
Ms. Scott	2586
Agreed to	2586

THIRD READINGS

More Time to Appeal Act, 2006,

Bill 85, Mr. Duncan	
Agreed to	2586

OTHER BUSINESS

Business of the House

Mr. Phillips	2568
--------------------	------

Order of business

Mr. Phillips	2568
--------------------	------

Continued overleaf