



No. 5B

N° 5B

ISSN 1180-2987

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)**

Tuesday 18 October 2005

Mardi 18 octobre 2005

Speaker
Honourable Michael A. Brown

Président
L'honorable Michael A. Brown

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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**

Tuesday 18 October 2005

**ASSEMBLÉE LÉGISLATIVE
DE L'ONTARIO**

Mardi 18 octobre 2005

The House met at 1845.

ORDERS OF THE DAY

**LAW ENFORCEMENT AND FORFEITED
PROPERTY MANAGEMENT STATUTE
LAW AMENDMENT ACT, 2005**

**LOI DE 2005 MODIFIANT DES LOIS
EN CE QUI CONCERNE L'EXÉCUTION
DE LA LOI ET L'ADMINISTRATION
DES BIENS CONFISQUÉS**

Mr. Kwinter moved third reading of the following bill:

Bill 128, An Act to amend various Acts with respect to enforcement powers, penalties and the management of property forfeited, or that may be forfeited, to the Crown in right of Ontario as a result of organized crime, marijuana growing and other unlawful activities / *Projet de loi 128, Loi modifiant diverses lois en ce qui concerne les pouvoirs d'exécution, les pénalités et l'administration des biens confisqués ou pouvant être confisqués au profit de la Couronne du chef de l'Ontario par suite d'activités de crime organisé et de culture de marijuana ainsi que d'autres activités illégales.*

Hon. Monte Kwinter (Minister of Community Safety and Correctional Services): I'm pleased to rise today in support of this important legislation that is intended to combat the threat posed by marijuana grow operations to the safety of our communities. These illegal operations threaten the health, safety and economy of Ontario's communities.

The Ontario government has a plan to strengthen our province by strengthening our most important advantage—our people. Fighting marijuana grow-ops and the hazards they pose to our communities helps strengthen Ontario. We are committed to giving its partners in the fight against marijuana grow-ops the tools and resources they need to fight this increasing problem.

This legislation is the first step in our fight against grow-ops. We're taking action because we all know that the danger keeps growing. The negative impact of these illegal operations is felt in the economic area.

Documents prepared for the Green Tide Summit of 2004 indicate that the estimated total retail value of marijuana grown in Ontario each year could be as high as \$5 billion. That's not "million" but "billion." This underground illegal economy undermines many sectors of the

legitimate economy by adding costs to ordinary Ontarians and businesses. Insurance and electric costs, for example, are all impacted by marijuana grow-ops. The Green Tide report published by the Ontario Association of Chiefs of Police, the OACP—I'm delighted to say that today was their lobby day and we just came from a reception hosted by them. They do a wonderful job for the citizens of Ontario. This report, which was commissioned in the fall of 2003, states that about \$80 million in electricity is stolen by illegal grow operators every year. That represents between \$50 and \$200 added to every Ontario homeowner's electricity bill each year. These statistics show that we need to take the fight to those who profit from this illegal activity.

The threat to our communities and first responders is also very real. Organized crime uses intimidation and violence to protect this illegal industry. Emergency personnel, firefighters and police officers, have had to deal with booby traps, the danger of electrocution and other hazards when entering illegal grow-ops.

Our proposed legislation, Bill 128, amends the Electricity Act to give electricity distribution companies the authority to cut power without notice to any property where they believe power usage threatens public or the integrity of the distribution grid.

1850

We need to hit those who operate grow-ops where it hurts, and that's in their pockets. Marijuana grow-ops are a profitable business and therefore are attractive to gangs and organized crime. We know the activities of those who operate and benefit from marijuana grow-ops are not limited to basements and cellars but also to industrial buildings. They are in every part of our cities and rural areas. The threat they pose affects nearly everyone. In 2002, 17% of schools in York, Peel and Waterloo were located within 500 metres of a marijuana grow-op.

This threat has many aspects. Law enforcement officials indicate that a majority of the marijuana harvested in Canada is exported to the United States in exchange for guns and other drugs such as cocaine. Events in Toronto in the last few months indicate the need for the government to take action to limit the flow of illegal guns into our province. Any measure we take to restrict this flow of illegal firearms will have a positive result.

We have worked closely with our municipal, police and other partners to take action against marijuana grow-ops and have come up with Bill 128. We want to give our partners all necessary support in their ongoing war

against those who operate grow-ops. In 2001, officers from the Toronto Police Service dismantled 33 indoor marijuana grow operations. That was in 2001. In 2003, that number rose to 140. In 2004, they dismantled more than 250 indoor operations, with the seized marijuana plants having a street value of more than \$83.2 million. That's a lot of money taken out of the hands of criminals, but we need to pursue this war with all our might. To win this fight we will need the help of all of our partners.

I'm pleased to say we have reached a broad consensus on the positive impact of Bill 128 in this battle against grow-ops. The bill is a result of extensive consultation with police, municipalities, fire prevention officials, electrical utilities and representatives from the banking and real estate sectors. The Green Tide Summit and the Green Tide action group that followed indicate our willingness to listen to our partners.

Here is what Roger Anderson, the president of the Association of Municipalities of Ontario, said: "The bill and its amendments will help municipal governments, their inspectors, law enforcement and others better tackle grow operations in our communities."

The McGuinty government is committed to a sustained and coordinated campaign to combat grow-ops, and this legislation is a first step. The Ontario Association of Chiefs of Police, the Police Association of Ontario and the Association of Municipalities of Ontario are just a few of the groups that support this bill and the larger campaign to dismantle grow-ops.

The Ontario Association of Chiefs of Police is a key ally in this fight. The association played a very important role in helping us put together the Green Tide Summit of 2004. Here's what its former president, Chief Paul Hamelin, who is in the building tonight, said when we introduced Bill 128: "The Green Tide Summit succeeded in raising public awareness to the serious threats posed by grow-ops, which are largely controlled by organized crime. We are pleased that progress is being made in controlling this menace to our communities."

The same spirit of co-operation was reflected by the comments of the senior Ontario Provincial Police officer at the same time. Here's what Detective Chief Superintendent Frank Ryder said: "This is a fight the police can't battle alone. With a concerted effort by all our stakeholders, our neighbourhoods and communities will be safer places to live."

We've answered this call for a common front. I was heartened to see this House unanimously pass this bill at second reading. It shows the commitment of members on both sides of the House to protecting our communities from the threats posed by marijuana grow operations. The McGuinty government takes these threats very seriously. I ask this House to continue its support for this important piece of legislation as a step in the fight against marijuana grow operations and as another step to ensure safer, stronger and more prosperous communities for all Ontarians.

The Acting Speaker (Mr. Ted Arnott): Questions and comments. I'm sorry, I would ask the Minister of

Community Safety if he intended to share his time with another member, because I didn't hear him say that. Perhaps I missed it.

Hon. Mr. Kwinter: My parliamentary assistant will be joining me in this presentation.

The Acting Speaker: Now that that's clear, I recognize the member for Guelph-Wellington.

Mrs. Liz Sandals (Guelph-Wellington): I would like to thank Minister Kwinter for giving us an overview of the problem created by marijuana grow operations in our province. I think it's also important to note the broad coalition that is being put together to combat this public safety hazard.

I'd like to take a few moments to talk about some of the key aspects of our proposed legislation. When proclaimed, the Law Enforcement and Forfeited Property Management Statute Law Amendment Act, 2005, will help us deal with the marijuana grow operations that often put entire neighbourhoods at risk. The act is the first step in a comprehensive province-wide strategy to combat the threat to community safety posed by illegal marijuana grow operations. Each measure of Bill 128 targets a specific threat and provides our policing, municipal and other partners with a concrete remedy.

Property damage caused by marijuana grow-ops threatens residents and potential buyers. First is the need for increased building inspections of dwellings where a grow-op was located. Properties used for marijuana grow-ops often suffer significant damage caused by illegal structural modifications and by dangerous wiring that bypasses electrical panels. These modifications represent a serious risk of fire to the building where there's a grow-op, and the entire neighbourhood as well. Furthermore, the humidity created by the way marijuana is grown leads to mould—a serious health threat to residents and other building users. In some cases building owners have made cosmetic repairs, and purchasers are unaware of the health and safety risks associated with former grow-ops in buildings they have just purchased.

These risks to human health and buildings must be addressed. Our proposed legislation would require municipal officials to inspect a property after being notified by police that it had been used as a marijuana grow operation. If municipal officials determine the property to be unsafe, they would order remedial work to make the building safe. This is one way we can help ensure the safety and health of Ontario residents.

I briefly alluded to the risk of potential fire that could result from marijuana grow-ops. Because of illegal modifications to the structure and wiring, the likelihood of fire in a dwelling used to grow marijuana can be 40 times greater than the likelihood of fire in a typical private house in Ontario. And it's not just the residents of the grow-op who are at risk; other residents in the building and in nearby dwellings are also at risk. This legislation would amend the Fire Protection and Prevention Act, 1997, doubling the penalties for violation of the act or its regulations, including the Ontario fire code.

With this new legislation we are also protecting the power supply with changes to the Electricity Act, 1998. The amendments will give electricity distribution companies the authority to cut the supply of electricity without notice to any property when they believe there is a threat to public safety or to the reliability of the distribution system. These amendments will give us more tools in the war against grow-ops. But we also need the help of our federal counterparts.

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I join the policing community in calling for tougher sentences as a deterrent for those who may consider operating a grow-op. This activity is a high-profit, low-risk proposition right now. Only one third of sentences involve incarceration, and for those who do go to jail, the average sentence is only 145 days—less than five months. Clearly, our federal colleagues must do their part and provide for tougher sentences. The existing sentences are not a strong enough deterrent when we know the average grow-op can bring in \$600,000 a year. The grow-ops located in many of our communities operate as industries with three or four annual harvests, where each mature plant brings in a profit of \$1,000.

Crime should not pay. So we included amendments to the Fire Protection and Prevention Act, 1997, doubling the penalties for violations of the act or its regulations, including the Ontario fire code. Violators can now be punished, if the act is passed, with fines of up to \$50,000—\$100,000 for corporations—or one year in jail, or both.

In the same vein, there are amendments to three different acts to allow the government to manage and dispose of assets forfeited to the crown as a result of court proceedings—assets such as real estate, cars and other equipment. The legislation also provides for a director of asset management to manage and dispose of assets held by or forfeited to the crown. The money forfeited under the Criminal Code could then be used for crime prevention, law enforcement and the administration of criminal justice.

Bill 128 would raise the cost of doing business for criminals by also enabling the provincial government to better manage and dispose of assets seized under a civil order. This legislation will make it easier for police and the justice community to turn seized assets and proceeds of crime into tools to help them fight marijuana grow-ops and other criminal activities. Our proposed legislation tackles many of the issues created by marijuana grow-ops. We will continue to work with our police and municipal partners to find new ways to stop the spread of this hazard to public safety.

Bill 128 represents a strong weapon in the campaign against grow-ops. We should also look at this bill in terms of protecting many children and families in our community. Grow-ops are not benign operations. The potential for abuse of children exists in many of the grow-ops. Organized crime often uses children and families as crop-sitters to make it appear to the neighbours that it is just another family residence. I consider this to

be a form of child abuse because of the medical risks caused by the presence of mould, chemicals, carbon dioxide and carbon monoxide.

Bill 128 addresses many of the issues raised at the Green Tide Summit last year. The summit brought together, for the first time ever, representatives from the various levels of government, police services, public utilities and the private sector to seek solutions to the problem of grow-ops. The summit recommended forming the Green Tide action group to ensure that we are continually working to find ways to solve the problem by developing new protocols for interaction between the police and municipal building departments. Bill 128 is one of the accomplishments of this collaboration.

I call on my colleagues in the House to support this legislation and help us lead this fight to keep our communities safe and prosperous.

The Acting Speaker: Questions and comments?

Mr. Norm Miller (Parry Sound–Muskoka): I have listened carefully to the minister and the member for Guelph–Wellington speaking about Bill 128. I think it's safe to say that the official opposition will be supporting this bill when it comes to a vote after third reading, although of course we'll be listening to hear what our critic, Mr. Dunlop, will be saying when he has an opportunity to speak for a full hour on this bill.

I think it's a baby step forward, but there are some big holes in terms of getting tougher on crime. What about crystal meth? What about crack? Today, we had the chiefs of police here lobbying at Queen's Park. They wouldn't be here lobbying if everything was just fine in this area.

I have to remind the government that in the 2003 election, part of their election platform was dealing with hiring more police officers.

Interjection.

Mr. Miller: Yes, but how long ago was that? That was October 2003. That's over two years ago. How long does it take you to start hiring police officers? You said, 1,000 police officers. How many have you hired now? I heard our leader asking you, "How many have you hired?" None, as far as I know, is the correct number for how many new police officers you've hired. You said you were going to hire 1,000. You've hired zero to this point. We've had, with all seriousness, a very bad year here, particularly in the Toronto area. It's time this government got serious and started hiring those new police officers and getting them into uniform and doing their job to make our city of Toronto and the province of Ontario a safer place.

We'll be listening carefully to hear what Mr. Dunlop says in the next hour, when he has time to speak, but I think we will probably be supporting this bill.

Mr. Peter Kormos (Niagara Centre): I'm going to save my comments about the parliamentary assistant for around an hour and 10 minutes from now, when I have the opportunity on behalf of the New Democratic Party here at Queen's Park to do the so-called leadoff comments. Here we are on third reading of this Bill 128.

I will similarly save my observations about Mr. Bradley until I have that one-hour time slot available to me to address Bill 128.

I'm going to be listening very carefully to the member from Simcoe North, Mr. Dunlop. If folks are watching up around Penetanguishene way, I would hope that you would call Mr. Dunlop's home, call his family members, call his folks, his in-laws, and encourage them—not encourage them; exhort them, and not just exhort them, but demand that they tune their television sets to the legislative channel, because Garfield Dunlop's going to be on for an hour on Bill 128 and he's going to tear a strip off this government, let me tell you. There is going to be a scathing attack on the minister and the Liberal government and its lack of leadership, the fact that as of today, in the year 2005, there are fewer police officers per capita in the province of Ontario than there were 10 years ago. That is a shame. Ms. Sandals talks about busting grow-ops, a fine idea. Where are the cops—

The Acting Speaker: Thank you. Questions and comments?

Mr. Bob Delaney (Mississauga West): It's always a pleasure to follow the member from Niagara Centre.

I come from the safest part of the safest city in the safest country on earth. I will say about the member for Simcoe North that I can't imagine him taking a strip off of us. He's voting for this bill. This is a great bill. This bill is about leadership. This bill shows leadership. The hazards posed by grow-ops were those posed by hazardous chemicals or industrial wastes. We'd have been active years ago. That's why we're here now. This bill shows the government's leadership, shows that we're serious about eradicating marijuana grow-ops that support organized crime, shows that we're serious in continuing to work with our police forces and all of the other partners and stakeholders in law enforcement to make this a safer province to work in.

This is a good bill. This is about fighting crime in our communities. This is a bill to keep houses from burning down because people have been rewiring them.

In my closing moments here, I also would like to stretch this two-minuter and recognize in the east members' gallery four guests from the Ontario Dental Hygienists' Association. I'd like the members present to join me in welcoming Michele Carrick, Penny White, Catherine Grater and Gina Vasiliadis. They've been holding a reception downstairs. We welcome them here at Queen's Park. They join us in expressing our support for the leadership this government is showing.

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Mr. Garfield Dunlop (Simcoe North): I appreciate the comments that have been made so far this evening on this bill, and I look forward to my opportunity to do our leadoff on third reading debate in the next few minutes. I can tell you that, as my colleague Norm Miller, the member from Parry Sound—Muskoka, has mentioned, our party will be supporting this piece of legislation. However, we do have some issues around community safety and where the government stands on community

safety. I will bring, I think, a number of fairly aggressive points forward tonight as we try to debate this bill. I'm not going to spend my whole comment period on this, but I want to say at the outset that our caucus will be supporting this legislation. I look forward to my opportunity to speak in just a couple of minutes.

The Acting Speaker: That concludes the time available for questions and comments. One of the government members has two minutes to reply.

Mrs. Sandals: I'm very pleased to hear that our colleagues in the Conservative caucus will be supporting our bill to deal with grow-ops. That is indeed appreciated. We appreciate your support because we believe this is something where all of us have to work together. This is not just a policing issue; it's a community issue. As we've heard, this can have an impact on families who are hired to be house-sitters; it can have an impact on neighbourhoods; it can have an impact on home buyers. The mould creates tremendous health issues. Grow-ops are not a benign activity. As such, we need to deal with them.

What we hear from our police forces is that the proceeds of crime, the proceeds from grow-ops are most normally used for importation of guns, because most of the marijuana that is grown in Ontario is exported to the US. Payment often comes in the form of illegal guns being imported into Ontario. So dealing with grow-ops is not just an issue of the negative effects of the grow-ops in and of themselves; it is also related to the tremendous problems of guns in the community. If we can shut down the importation of illegal guns, we can have an impact on the issue of violence in the community, as well as simply the issue of houses that are potential fire traps, potential health traps.

I hope that all three parties will, in the end, vote for this, and I thank all my colleagues for their comments.

The Acting Speaker: Further debate?

Mr. Dunlop: I'm very pleased tonight to be able to lead off our party's third reading debate on Bill 128, An Act to amend various Acts with respect to enforcement powers, penalties and the management of property forfeited, or that may be forfeited, to the Crown in right of Ontario as a result of organized crime, marijuana growing and other unlawful activities.

First of all, I want to congratulate the government for bringing this forward. It's a bill because of the Green Tide Summit, of course.

There are a number of people I want to acknowledge in the House tonight. I also want to congratulate the Ontario Dental Hygienists' Association for their reception here this evening. I know it's their lobby day as well. Penny, Michele, Catherine and Gina, it's good to see you in the House this evening. I know that Mr. Delaney is up there telling you what a great guy he is in his riding. I can tell you that we were pleased to meet you downstairs and hope that you've had a rewarding day.

As you know, the hygienists are here today and they want a particular piece of legislation passed. They have done a remarkable job over the last few years of bringing

their concerns forward. I congratulate the Ontario Dental Hygienists' Association. I have told them up front and I'm telling you in the House tonight that if that bill comes forward again and if we ever get a chance to actually debate it in the House, I will be supporting that bill. I just want to let you know that. I'm not sure what everybody else in the House is going to do, but I do want you to know that.

I also want to acknowledge in the House tonight a friend of mine, a person who has worked here in the House before. This young lady's name is Georgina Blanas. She has political ambitions. She is a business lady. I asked her to come in this evening to meet a few people in the provincial Legislature, to meet some of the police officers, some of the dental hygienists, and just get an overall feeling for the kind of people we represent here in the province of Ontario through our lobbying day. So Georgina, congratulations. It's been a pleasure to have you here this evening.

She also is a young entrepreneur. She has a business in my riding. It's called Neptune's Bistro, up in Lagoon City. She's doing very well at a remarkable business on the beautiful shores of the best riding in Ontario, the riding of Simcoe North, at Lagoon City. I know that will probably upset our chief opposition whip. He believes he has the best riding in Ontario, but we can fight about that at another time because we both represent beautiful parts of this wonderful province.

I also want to say it's been a remarkable day in the provincial Legislature today, having the Ontario Association of Chiefs of Police on hand for their annual lobby day. We heard some good comments. I counted up and I think something like 20 elected members here have met with the Ontario Association of Chiefs of Police. We've received some fine comment. I just want to thank them once again for the great work they do here in Ontario.

Many times in this House we sit and complain about what we have in Ontario, whether it's our health care, our education, our roads or whatever, but the bottom line is that we do live in one wonderful part of the world. We are so fortunate here. When you look at some of the tragedies that have happened throughout the world, particularly in the last year, we are so fortunate here. Yes, we do complain, we do find fault with a lot of different areas of government, no matter what level of government we're at, but in the end, we live in a beautiful part of the province, and our job as politicians and parliamentarians is to make it even better for future generations.

Bill 128: Mr. Kormos led everyone to believe that this was going to be an exciting debate tonight, when in fact we have a time of one hour in our leadoffs to debate this. There are a number of things I wanted to put on the record that may not be on the record with the government but certainly are in the bill. For example, I wanted to read into the record the explanatory notes and some of the amendments we've made to the bill, and then make comments on a lot of the other issues that we as politicians, we as the opposition, criticize the government for on behalf of community safety.

The explanatory notes: If I'm reading in any of the particular pieces of legislation, I like to read in the explanatory notes, to know that I have at least put those all on the record in Hansard. On Bill 128, it actually says as follows:

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"The bill amends seven different acts in relation to law enforcement matters. It increases enforcement powers in respect of building, electrical and fire safety matters and confirms municipal enforcement powers. It increases the penalties for building, electrical and fire safety offences. It expands the crown's powers to deal with property that is forfeited to it, as a result of unlawful activities, by court order. It also expands the powers of the crown, or another person assigned by the court, to deal with property that may be forfeited pending a final determination by the court.

"A more detailed description of the amendments to each act is set out below."

Mr. Speaker, the one thing about this act is that it has impacted a number of other existing acts in the Legislature.

First of all, the Building Code Act, 1992:

"Under the current act, an inspector may inspect a building to determine if it is unsafe and, if he or she finds that it is unsafe, may issue an order setting out the remedial steps to be taken in order to make it safe. The act is amended to require an inspector to inspect a building if advised by police that the building contains a marijuana grow operation and, if the inspector finds that the building is unsafe, to require the inspector to issue an order setting out the remedial steps needed to make it safe.

"The maximum penalties for offences under the act are doubled."

The second act that the bill affects is the Crown Attorneys Act:

"The amendments provide for the appointment of a director of asset management—criminal. The director will be responsible for holding, managing or disposing of property restrained by or forfeited to the crown in right of Ontario under the Criminal Code (Canada). The management of this property will now be governed by the Crown Attorneys Act rather than the Escheats Act.

"The director is given broad powers to enable him or her to manage and dispose of the property.

"Money forfeited to the crown, proceeds from the sale or disposition of property forfeited to the crown and money paid to the Attorney General or the government as a fine in lieu of forfeiture of property that is proceeds of crime under criminal law are to be credited to existing special purpose accounts, known as the Ministry of the Attorney General forfeited proceeds of crime account and the Ministry of Community Safety and Correctional Services forfeited proceeds of crime account. The money standing to the credit of the accounts may be used to comply with a court order respecting property forfeited to the crown and for crime prevention, law enforcement and the administration of criminal justice."

The third act that it affects is the Electricity Act, 1998:

“The act is amended to allow distributors to shut off electricity to a property without prior notice if they have reason to believe that there is a condition in respect of the property that threatens or is likely to threaten the safety of any person or the reliability of the distribution system. An owner or occupier of the property may ask the Ontario Energy Board to review the shut-off and the board may order the distributor to restore electricity to the property if it finds that the distributor acted unreasonably in shutting off or failing to restore the electricity.

“The maximum penalties for individuals for offences under the act are increased to \$50,000, and \$5,000 for each day the offence continues. Individuals are also made liable to a maximum jail term of one year. A maximum fine of \$1,000,000 is added for corporations.”

The next bill that is affected is the Fire Protection and Prevention Act, 1997:

“The maximum penalties for offences under the act are doubled.”

The next act is the Municipal Act, 2001:

“The act is amended to confirm municipalities’ powers to coordinate their law enforcement activities with persons and bodies with mutual interests.”

Next are the Prohibiting Profiting from Recounting Crimes Act, 2002, and Remedies for Organized Crime and Other Unlawful Activities Act, 2001:

“Currently, under both these acts, property may be forfeited to the crown in right of Ontario by court order. The court may make interlocutory orders to preserve any property that is the subject of an ongoing proceeding under either act.

“The acts are amended to expand the powers to deal both with property that is the subject of an interlocutory order and property after it is forfeited to the crown.

“With respect to property that is the subject of an interlocutory order, the acts are amended so that an interlocutory order may authorize not only preserving, but also managing or disposing of the property. In addition, an interlocutory order may provide that proceeds of disposition of the property disposed of pursuant to the order may be paid to the crown to reimburse it for the costs incurred in conducting the interlocutory proceeding and in managing or disposing of the property.

“With respect to property after it is forfeited or paid as damages to the crown under the acts, the acts are amended to provide that the property is to be managed by the director of asset management—civil, and not as provided by the Escheats Act. The director is to be appointed by the Attorney General and is given broad powers to deal with property. The crown is entitled to deduct the costs incurred in conducting a proceeding and in dealing with property from the special purpose accounts established under these acts. Payment of the crown’s costs is given priority over other payments from the special purpose accounts, except where there would be insufficient funds to satisfy victims’ claims after paying the crown’s costs and the director elects to give up that priority.

“The Attorney General is permitted to collect personal information under these acts for limited purposes. Additional purposes are added to those already set out.

“Further amendments are made to the provisions respecting personal information in the Remedies for Organized Crime and Other Unlawful Activities Act, 2001. In that act, certain personal information may only be provided to the Attorney General if its disclosure is first approved by a reviewing authority designated under the act. This is amended so that the person who provides personal information to the Attorney General may provide additional personal information directly to the Attorney General, without prior approval of the reviewing authority, if the information meets the other criteria for disclosure in the act and if its existence is itself disclosed by the information approved by the reviewing authority. The provisions respecting personal health information are amended to conform to the Personal Health Information Protection Act, 2004.”

Mr. Speaker, I appreciate the opportunity you’ve allowed me to read these into the record because I think the explanatory notes are a very important part of the legislation. In fact, we talked about it last night. I compared two bills: one that I presented, Bill 88, and then Bill 159. Actually, Bill 88 had a very long explanatory note and Bill 159, of course, had a very brief note. I wanted to put that on the record, because we do actually have the time.

It’s good to see I’m joined tonight by my colleagues Mr. Murdoch and Mr. Barrett, two very hard-working members, very, very supportive of all the rural activities in our province. It’s good to see the new Minister of Agriculture, Food and Rural Affairs here this evening as well. Again, we were at estimates today and the minister was there and I do appreciate the fact that she answered the questions very professionally. I look forward to hearing your comments and your answers in the provincial Legislature in the months ahead.

As I said earlier, our caucus will be supporting this piece of legislation. Look, we’ve got problems with drug-related crimes in the province of Ontario. We all have to join together in this type of legislation. No matter how strong or weak the legislation is, I think it’s imperative, if we believe in community safety, that we get behind it. I also want to pass on to the minister that after our long debate last night, we discussed in caucus today that we will be supporting Bill 159; very reluctantly in some cases, but we will be supporting it.

Why there is some disappointment in Bill 128 is that our party made a number of amendments that dealt with adding other illegal drug operations to the bill. I think we all realize that there are a number of other illegal drug operations that are prevalent today in the province of Ontario even stronger than the marijuana grow-ops. The one that comes to everybody’s mind today is the crystal meth labs that have been set up across the province. The fact of the matter is, that is why we tried to make a number of amendments. With or without the amendments, though, we will be supporting the legislation,

although we really do hope that something can be done immediately with crystal meth labs here in Ontario.

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I want to put on the record, I want to show the members in the House and the people in Hansard, anyone who would read Hansard—is there a ball game on tonight, Mr. Murdoch? Maybe our audience won't be that strong tonight. I leave that up to the member from Niagara Centre to determine, because he is kind of an expert on how many people watch the parliamentary proceedings in the evening. But with a ball game on, if it's an important game, we may not get huge attendance on this. But I do want to say that we in the Progressive Conservative caucus made a number of amendments to the legislation. There were a couple that were partially received, but we were disappointed that in this time of democratic renewal—we expected that we would act together as one big happy family here at work for the rights of all the citizens of Ontario, that the government would get behind the bill, the regulations and the amendments, and we thought maybe they would support it. Anyhow, I am going to put the amendments on record. This is not the most exciting time of the debate, but I can certainly say that I want to put them on record and I will read them in as we speak. These are the PC motions that I'm going to read in now.

“Section 1 of the bill

“The Progressive Conservative Party recommends voting against section 1.

“Reason for notice rather than motion”—these are the motions we put in—“This notice, which recommends voting against the section, is provided instead of a motion to delete it. The reason for this approach is that parliamentary procedure requires that the committee vote against the section, rather than pass a motion to delete it from the bill, if the committee wishes to have it removed from the bill.” That is kind of a housekeeping type of motion, which of course was not supported.

“Section 2 of the bill

“The Progressive Conservative Party recommends voting against section 2.

“Reason for notice rather than motion: This notice, which recommends voting against the section, is provided instead of a motion to delete it. The reason for this approach is that parliamentary procedure requires that the committee vote against the section, rather than pass a motion to delete it from the bill, if the committee wishes to have it removed from the bill.” That was the second motion that wasn't passed.

Then we get right into the actual motions that we wanted to see passed and debated, and of course they were all turned down.

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

“Separate account for money from marijuana grow and other illegal drug production operations

“14.7(1) Despite section 14.6, money described in paragraph 1 or 2 of subsection 14.6(1) that is forfeited or paid as a fine pursuant to a conviction in relation to a

marijuana grow operation or other illegal drug production operation or that is the proceeds of the sale or other disposition of property of or related to a marijuana grow operation or other illegal drug production operation shall be deposited in a separate interest-bearing account in the consolidated revenue fund.”

“Same

“(2) For the purpose of the Financial Administration Act, money deposited under subsection (1) shall be deemed to be money paid to Ontario for a special purpose.

“Same

“(3) The Minister of Finance may make payments out of the account described in subsection (1) for the purpose of law enforcement and the administration of criminal justice in relation to marijuana grow operations and other illegal drug production operations, including payment to municipalities of compensation for the costs, including the costs of specialized training and equipment, incurred by them in relation to marijuana grow operations and other illegal drug production operations.

“Definitions

“(4) In this section,

“‘illegal drug production operation’ means a lab for the illegal production of methamphetamine, ecstasy or marijuana or for the extraction of cannabis resin;

“‘marijuana grow operation’ means an operation for the illegal growing of marijuana.”

That too was turned down. We're dealing with the fact that we've asked for other illegal drug operations.

Section 12.1 of the bill (section 30.1 of the Fire Protection and Prevention Act, 1997):

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

“Proceeds of fines

“30.1 If an offence under section 28, 29 or 30 has been committed within a municipality, the proceeds of a fine imposed under that section shall be paid to the treasurer of that municipality, and section 2 of the Administration of Justice Act and section 4 of the Fines and Forfeitures Act do not apply in respect of the fine.”

Apparently these were turned down because they relate to the fact that the minister has to determine whether there are any monetary gains or issues or amendments made. It should be done through the minister's office, and that's what we tried to provide to the justice policy committee.

Section 12.2 of the bill (section 431.1 of the Municipal Act, 2001):

“12.2 The Municipal Act, 2001 is amended by adding the following section:

“Marijuana grow and other illegal drug production operations

“431.1(1) An official designated by a municipality may enter upon land and into a building at any reasonable time without a warrant for the purpose of inspecting a building if the municipality has been notified by a police force that the building contains a marijuana

grow operation or other illegal drug production operation.

“Inspection

“(2) The inspection authorized by subsection (1) must be carried out within a reasonable time after the municipality has been notified as described in that subsection.

“Same

“(3) The municipality may designate, for the purposes of carrying out an inspection under this section, any municipal official who is appointed for the purpose of enforcing municipal bylaws, acts or regulations under acts.

“Training

“(4) Every municipality shall provide training and equipment to its officials who may be required to enter and inspect a building that contains a marijuana grow operation or other illegal drug production operation.

“Lien

“(5) If a marijuana grow operation or other illegal drug production operation is in a municipality, the municipality shall have a lien on the land for the costs described in subsection (5) and the amount shall have priority lien status as described in section 1 of the Municipal Act, 2001.

“Where operation is in lower-tier municipality

“(6) If the marijuana grow operation or other illegal drug production operation is located in a lower-tier municipality and both the lower-tier and upper-tier municipalities appoint officials for the purpose of enforcing municipal bylaws, acts or regulations under acts, the notice referred to in subsection (1) shall be given in writing to the head of both the upper-tier and local-tier municipalities.

“Rental property, landlord registries

“(7) A municipality may establish and maintain a rental property registry or a landlord registry, or both, that,

“(a) lists every property that contained a marijuana grow operation or other illegal drug production operation; and

“(b) includes such other information that the municipality specifies in the bylaw establishing the registry.

“Owner, landlord has duty of due diligence

“(8) Every owner and lessor of real property shall make reasonable efforts to ensure that the property does not contain a marijuana grow operation or other illegal drug production operation.

“Duty to inform prospective tenants, purchasers

“(9) The owner of property that contained a marijuana grow operation or other illegal drug production operation must not sell or lease the property without advising the prospective purchaser or lessee that the property contained such an operation.

“Limitation

“(10) Subsection (9) applies only to the first sale or lease of the property after it ceased to contain a marijuana grow operation or other illegal drug production operation.

“Protection from personal liability

“(11) No action or other proceeding for damages shall be instituted against a municipality or any employee or official of a municipality for any act done in good faith in the performance or intended performance of any duty under this section or in the exercise or in the intended exercise of any power under this section or for any neglect or default in the performance or exercise in good faith of any such duty or power.”

I’m getting to the end of these, Mr. Speaker.

“Regulations

“(12) The Lieutenant Governor in Council may make regulations,

“(a) prescribing the training and equipment to be provided to municipal officials under subsection (4);

“(b) prescribing safety standards to be observed by municipal officials who enter buildings containing a marijuana grow operation or other illegal drug production operation; and

“(c) governing the sharing of information with police forces about marijuana grow operations and other illegal drug production operations.

“Application

“(13) This section applies to marijuana grow operations and other illegal drug production operations that are located on any class of property prescribed under section 7 of the Assessment Act.

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“Definitions

“(14) In this section,

““illegal drug production operation” means a lab for the illegal production of methamphetamine, ecstasy or marijuana or for the extraction of cannabis resin;

““marijuana grow operation” means an operation for the illegal growing of marijuana;

““police force” means a municipal police force, the Ontario Provincial Police or the Royal Canadian Mounted Police.”

I continue down the path of dealing with these amendments because in our debates here, in the questions we’ve brought forward to the House and in the amendments we’ve brought forward, I’m trying to point out that we tried diligently to add other illegal drug operations to this bill. I can tell you, we weren’t alone on that. Many of the organizations, the stakeholders who took part in the committee hearings, also asked for that. That was the major disappointment with this bill.

I move along to other motions we presented. Section 17.1 of the bill (subsection 9.0.1 of the Prohibiting Profiting from Recounting Crimes Act, 2002):

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

“Separate account for money from marijuana grow and other illegal drug production operations

“9.0.1(1) Despite section 9, money described in subsection 9(1) that is forfeited or paid to the crown in right of Ontario that is related to a marijuana grow operation or other illegal drug production operation shall

be deposited in a separate interest-bearing account in the consolidated revenue fund.

“Same

“(2) For the purpose of the Financial Administration Act, money deposited under subsection (1) shall be deemed to be money paid to Ontario for a special purpose.

“Same

“(3) The Minister of Finance may make payments out of the account described in subsection (1) for the purpose of law enforcement and the administration of criminal justice in relation to marijuana grow operations and other illegal drug production operations, including payment to municipalities of compensation for the costs, including the costs of specialized training and equipment, incurred by them in relation to marijuana grow operations and other illegal drug production operations.

“Definitions

“(4) In this section,

“‘illegal drug production operation’ means a lab for the illegal production of methamphetamine, ecstasy or marijuana or for the extraction of cannabis resin;

“‘marijuana grow operation’ means an operation for the illegal growing of marijuana.”

That wasn't supported because we talked about some financial responsibilities that apparently only the minister can bring forward, but they never brought those forward. Again, it was just strictly left with the marijuana grow operations.

This is the next PC motion.

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

“Separate account for money from marijuana grow and other illegal drug production operations

“6.1(1) Despite section 6, money described in subsection 6(1) that is forfeited to the crown in right of Ontario that is related to a marijuana grow operation or other illegal drug production operation shall be deposited in a separate interest-bearing account in the consolidated revenue fund.

“Same

“(2) For the purpose of the Financial Administration Act, money deposited under subsection (1) shall be deemed to be money paid to Ontario for a special purpose.

“Same

“(3) The Minister of Finance may make payments out of the account described in subsection (1) for the purpose of law enforcement and the administration of criminal justice in relation to marijuana grow operations and other illegal drug production operations, including payment to municipalities of compensation for the costs, including the costs of specialized training and equipment, incurred by them in relation to marijuana grow operations and other illegal drug production operations.”

I'm not going to repeat this, but this section again just deals with the other drugs we're talking about and the marijuana grow operation itself.

Our next amendment dealt with section 25.1.

“Separate account for money from marijuana grow and other illegal drug production operations

“11.1(1) Despite section 11, money described in subsection 11(1) that is forfeited to the crown in right of Ontario that is related to a marijuana grow operation or other illegal drug production operation shall be deposited in a separate interest-bearing account in the consolidated revenue fund.”

Again, this is a repeat of the last one. These amendments all deal with opening up separate accounts for the proceeds of crime, basically. We were told we were not allowed to bring those forward, that those had to be dealt with strictly by the minister. That was the reason used by the parliamentary assistant at the time for not having the Liberal Party support these bills.

We dealt with three other bills, which all dealt with the Minister of Finance. The final one I wanted to add was on the long title of the bill. I wanted to deal with this tonight because it's part of the reason why we were questioning the bill. It was the final PC motion: “that the long title of the bill be amended by striking out ‘as a result of organized crime, marijuana growing and other unlawful activities’ at the end and substituting ‘as a result of organized crime, marijuana growing and other illegal drug production and other unlawful activities.’” We dealt with that and were asking for that support because we do feel there is a serious problem in Ontario with other illegal drug operations, in particular the crystal meth labs.

There are a couple of severe weaknesses in the bill that we have to discuss. Although it was a result of the Green Tide Summit, one thing that is amazing about this bill is that it does not talk at all about the outdoor marijuana grow operations. If you had watched your TV screen at all this summer, you would have seen that the Ontario Provincial Police in particular have uncovered a number of outdoor grow operations. In fact, they have charged folks across the province who had literally hundreds of thousands of plants in their outdoor grow operations.

What comes to mind more than anything else is the fact that we have a real issue around crystal meth labs here in Ontario. I know the minister has had some problems in dealing with this, because it's something that has come at all police forces and police services across our country very quickly. I am not entirely pleased that the government allocated \$230,000 toward crystal meth labs at the Ontario Police College. I think we may have been able to deal with that in some different areas. As we know, there have been a lot of stories this year in particular around the crystal meth labs that the police are trying to uncover in the province. It's my understanding, from talking to police in drug enforcement agencies like the Ontario Provincial Police and some of the folks I've met at the Toronto Police Service in particular, that the crystal meth labs have become a very, very serious problem.

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I want to put a case on record tonight. I called the father today, a gentlemen by the name of Michael Roth-

well. He came to see me a few weeks ago and brought me some information regarding the death of his son and the access that young people have to drug paraphernalia in some retail stores in Ontario. I'm going to read a letter that Michael Rothwell wrote to Dr. Sheela Basrur, the medical officer of health. This is a very sad story and I want to put it on the record. I want to try to help Mr. Rothwell, if I can, in future months. It says:

"Dear Dr. Basrur:

"I am writing to inform you of a major public health issue affecting 10- to 18-year-old youth in Ontario.

"While the province of Ontario is doing an outstanding job on dealing with access to tobacco with youth and the marketing of tobacco products to youth, it has not adequately addressed the very serious public health problem of youth access to stores specializing in 'smoking accessories,' or what is really drug paraphernalia."

Mr. Rothwell goes on to say:

"My 16-year-old son, Ben, died a month ago and his death was drug-related. As early as the age of 13 he had accessed several stores in the Kitchener-Waterloo area which sell drug-smoking accessories and illegal-drug-use literature. He was a gifted child and we began to see symptoms of depression after he began smoking pot in grade 8. Pot was his main drug of choice for the last two years but he bought a gram of crystal meth for the first time the night before he died." This is a very sad story. "He drowned in the Grand River in Kitchener."

Mr. Rothwell goes on to say:

"My position is that right now there are thousands of children in Ontario who are at an increased risk of trying or accelerating drug use because of the unrestricted access to the stores I've described. Our society is currently failing to take the necessary steps to at least restrict access to those stores to people of the age of 19 or older. I do not believe that placing an age restriction on accessing these stores would 'solve' the drug problem, but rather view it as an obvious or no-brainer restriction, just one small part of an overall youth drug risk strategy.

"I am hoping that in your position as Chief Medical Officer of Health you can help convey this as a public health issue in Ontario. Children deserve protection from business people who will profit from promoting and selling products that harm them. Surely as adults we are failing our children when we cannot help them in this way.

"As you are more aware than me, the drug problem with youth is becoming a serious crisis. Please help. Drug paraphernalia stores should be restricted and marijuana should never be legalized.

"Thank you very much for the good work you do."

That's signed by Michael Rothwell, who has now moved up to my riding. He lives in Orillia. He came to see me because he wants to be an advocate to try to stop retail stores from selling drug paraphernalia. That is why I wanted to bring that forward tonight. We're talking about Bill 128 and it's strictly on the marijuana grow-ops, but we should have added other things in this bill. We have an opportunity here in this House, when we're

dealing with a drug, to improve that bill, and that's why I wanted to add some other bills.

Now I find letters like this come in, where we have an opportunity to help in somebody's life. He makes a great point: Someone who is 16 years old can't go into a convenience store and buy a package of cigarettes; he can't go to the liquor store and buy a bottle of alcohol or a case of beer at the Brewer's Retail; he can't go into a bar. But you know what? He can go into a drug paraphernalia store and buy all the ingredients he needs.

Mr. Kormos: To make marijuana?

Mr. Dunlop: To make crystal meth, in this case.

This gentleman, to the member for Niagara Centre, lost his son. It's a very, very serious case here and I wanted to put that on the record because I told him I was going to try to help him in any way I can. Whether we can do anything in this House, I'm not sure. But surely, if we can prohibit someone from buying a package of cigarettes, we can stop someone from buying drug paraphernalia.

I wanted to wind up here in the last few minutes I have on what I consider to be the weaknesses of this government. We were talking about the lobbying today from the Ontario Association of Chiefs of Police.

I see my leader is here tonight, and I welcome him to the night sitting.

Mr. Kormos: He's been here all day.

Mr. Dunlop: I'm not going to go there.

He's a very hard-working leader and I hope he's the Premier in two years' time from now. I think a lot of people in Ontario are hoping he'll be the Premier in two years' time from now.

Interjection.

Mr. Dunlop: I don't know if I want that or not.

I believe, as the critic for community safety and corrections, that there are a number of weaknesses that the government has. My first comment will be that the comments I'm going to make are saying nothing negative about the minister himself because, of all the cabinet ministers in the Liberal government, one of the people I admire the most is Minister Kwinter. But I can tell you that as we look at potential cuts to the justice ministries, it's our understanding from the people that we talk to, my contacts in community safety, that this government is looking for upwards of \$300 million in savings out of those two ministries. I want to pass on that I don't know how we can possibly improve community safety if we're trying to eliminate \$300 million from it, but I can say that that will be my top priority as we look at the next two years in this House and what the government will do to try to find those savings, and how they will not have a negative impact on community safety.

We have passed the mandatory reporting of gunshot wounds. I know the government has made a special attempt to try to promote that any time they get an opportunity. A couple of photo ops, a couple of press conferences—I just want to go back and say that although I'm glad that we have come into the 21st century on this particular piece of legislation, it is something

that I believe Bob Runciman made the first motion for, back in December 2003. Bob Runciman at that time, the former Minister of Community Safety, had asked that we include knife wounds in the mandatory reporting. That was not done. We made some amendments on that in the committees as well, and as we proceed forward, only the mandatory reporting of gunshot wounds are included at this point.

The police helicopter in Toronto: I've got to go back to that because this has become an issue again. A couple of the radio stations have been doing a media blitz on this particular piece of legislation. I think that the mayor was opposed to a helicopter. We, in fact, as a government in the budget of 2003 had allocated \$1 million for a police helicopter for the Toronto Police Service. The government turned it down flat, but now I understand the government is making a strong point of using airplanes as a surveillance method for the 400 series of highways. It seems that a helicopter's no good for Toronto, but if we're going to keep police officers off the highway for traffic patrol, the surveillance of an airplane is fine. That's something that I wish the government would come back to. I wish they'd revisit that. I've talked to a number of police officers, a number of people who support the Toronto Police Service having a helicopter. I would hope that in the next provincial budget they would revisit that particular issue.

We've talked a number of times about the 1,000 cops. We've announced it five times, if you include the throne speech last week.

Mr. Kormos: We've talked a lot about the 1,000 cops.

Mr. Dunlop: We've talked a lot about the 1,000 cops—over and over. But I can tell you, we haven't seen any new officers yet. We understand that as municipalities discuss their budgets and put their budgets forward this coming winter, they may hire some of them. It was my hope that by now, two years into the mandate, we would have had at least 333 of those officers on the streets and highways etc. and in their communities across the province. That has not happened. What's even more of a concern is the fact that none of the 1,000 police officers that Dalton McGuinty's government has announced will go to the OPP unless they are under contract to a municipality. So, any of the special projects that the OPP have, and any of the growth that we've seen in our communities, like in the 400 series of highways, or Internet luring, or child pornography, we will not see any additional police officers in those areas.

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The same as the cuts to Criminal Intelligence Service Ontario. It's my understanding, as we stand here tonight, that the CISO budget has been cut by \$1.76 million. This is something that the government is not coming forward with, and I can tell you that a lot of the stakeholders are a little reluctant to talk about CISO cuts right now, but if I'm wrong on this and CISO has not been cut by \$1.76 million, I'd ask that the ministry respond somehow in comments or questions and possibly clarify that. But our

informants and the people we've talked to tell us that CISO has been cut by that amount.

Cuts to Taser: The Prime Minister apparently has made some commitment to police services about supporting Tasers for our police services, and now we understand that they're not available.

Something that's very near and dear to my heart and our new leader John Tory—and he has been a very strong advocate this summer. He's trying to correct what's going on in the province of Ontario with gun violence. This has become a serious problem for the citizens of our province, but particularly here in the city of Toronto. We need to take action on this issue. I met this morning with our leader and over 30 police chiefs in the province. I can tell you, it's a key issue. I think that the chiefs of police of Ontario are disappointed that there has not been more forward thinking and more aggressive attack made on this very, very serious problem. I do want to thank our leader for holding a symposium this summer on gun violence and youth crime. It was very well attended, and we found some very positive comments coming out of that.

Something that came up in the House today was the parole board. There's going to be a lot of questions asked on the parole board in the next few days. I know the minister did make a commitment today that it's a done deal. It's our understanding that we've gone a long way down that path and that it probably is a done deal, but I would hope that the government would review the whole thought of eliminating the Ontario Parole and Earned Release Board. We think it's a step in the wrong direction.

One of the things I wanted to deal with in the few minutes I have left is some of the closures of some of the large institutions for people who are mentally challenged. All three parties have had some responsibility for this over the last 25 years. What we're hearing from some of our community safety partners is that there has been some mental health issues on the streets of our cities. I can tell you that we have a serious case up in my community, the riding of Simcoe North, with the closure of the Huronia Regional Centre, where over 300 people will be moved out of that facility. I can tell you that apparently what we're told by family members, by some doctors and some professional people, is that, as we speak today, there are, right in the city of Toronto alone, something like 2,200 people requiring those specialized services in a group home setting, through community living, whatever.

Hon. James J. Bradley (Minister of Tourism, minister responsible for seniors, Government House Leader): That's not grow-ops.

Mr. Dunlop: I'm talking about community safety here, and I'm talking about mental health.

Hon. Mr. Bradley: But the bill is on grow-ops.

Mr. Dunlop: Yes, I know. We've talked a lot about grow-ops, but I'm telling you, I have a real problem with the closing of those facilities. I'm not trying to say that all three parties haven't done it in the past, but the people

who remain in those facilities today are very, very severely challenged, mentally and physically. I can tell you that it will create—and I'm getting around to the community safety aspect again—a problem, because if they take up spaces in the group home setting, we do not have the spaces in the group homes for the 2,200 people who are on the list today, which will create a community safety problem. That is what we heard today from the Ontario Association of Chiefs of Police a number of times during their conversations.

I do want to say to everyone here tonight that I have been a very strong advocate for keeping them open. I know that everyone doesn't share my view on that. I can say that in my community in the city of Orillia at the Huronia Regional Centre, we have an organization called the Huronia Helpers, who are fighting hard. They're using legal methods, they're using fundraising methods and they're using the media to try to promote the fact that they should keep these facilities open.

I'm coming to the end of my comments on Bill 128. I know it's a bill that we would like to see passed, but we would like to have seen it passed with some additional amendments made in it. With that, I'd ask that all members of this House in our own caucus support the bill.

I want to see this bill implemented, but I also hope that the government is not very far behind on crystal meth. And I hope they will pay attention to some of the things that I've brought up tonight, things like the Huronia Regional Centre and the weaknesses that the government has on community safety. We heard it over and over again today. I don't know how many of you folks in the House met with the OACP, and in a few weeks' time we'll have the Police Association of Ontario here, but I can tell you that these are very important issues to our police stakeholders. We as parliamentarians have to do the best we can to support the people who keep our communities safe.

Mr. Speaker, I'm going to wind it up here now at this point. I thank you so much for the opportunity to speak to you this evening. I hope that for the remainder of this session you enjoy your seat as Deputy Speaker. I can tell you that I supported you in your quest for Speaker. I have to say that out loud.

Mr. Dave Levac (Brant): It's a secret ballot.

Mr. Dunlop: It's not secret to me. I think that Ted Arnot is a phenomenal member of Parliament and speaks well in this House. I wish you well in your future, if you decide to challenge that position somewhere down the road. So, Mr. Speaker, thank you very much for this opportunity. I look forward to all the debate—

Mr. Kormos: No, Garfield, no.

Mr. Dunlop: At the last second here, as I'm about to close down, I'm getting the voice from Niagara Centre, who can talk for 22 hours straight. I can tell you that he wants me to continue on for the last six minutes. At these kinds of times I could share my time with some of the other members or I could continue on.

Mr. Levac: You've got six more minutes.

Mr. Dunlop: I know, and I've been here for 54 of them. This is not an easy task.

Hon. Mr. Bradley: Talk about Christian Island.

Mr. Dunlop: We're talking about community safety, and I'm so pleased that the Minister of Tourism has brought up the topic of Christian Island. If people won't rule me out of order, I was out on Christian Island on Sunday to the Remembrance Day service. I have to report back to the Minister of Tourism that the community centre that we both did a sod-turning at almost two years ago is coming along extremely well. I hope we can be joined again for the official ribbon-cutting at some point. It's a beautiful facility on one of the most beautiful First Nations in the province of Ontario.

Mr. John Yakabuski (Renfrew–Nipissing–Pembroke): It must have been approved by the previous government.

Mr. Dunlop: Actually, both the Liberal government and the Conservative government can take credit for the community centre at Christian Island. It was done under the SuperBuild program, under the sports, culture and recreation program. That was done by Tim Hudak. But I was joined on Christian Island by Minister Bradley. We have a responsibility in this province to support community safety and a good-quality life for everyone, and I do thank everyone responsible for the new community centre in Christian Island.

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I also want to make a comment on the police service on the Beausoleil First Nation on Christian Island. Just the other day at the Remembrance Day service the chief of police was there, along with the officers and the fire department. Sadly to say, at a Remembrance Day service in this, the Year of the Veteran, the Beausoleil First Nation lost their last remaining veteran, this past year. That was one of the topics of the service. I can tell you that it's very important that we acknowledge our veterans. It's very important that our First Nations veterans get equal treatment or better, because I can tell you, if you look across this province and you look at all the First Nations, they played a phenomenal role in helping our armed forces fight for the democracy and the freedom that we have in this country today.

I thank you so much for this opportunity tonight. I will leave three minutes for further debate for someone else at a later point, but I do thank you for this opportunity and thank the members for not heckling me too badly. I do appreciate this opportunity.

The Acting Speaker: Questions and comments?

Mr. Kormos: I am sure I'm joined by everybody in this chamber in expressing gratitude to the member from Simcoe North for his exhaustive analysis of Bill 128, for his thorough review of the history of that legislation and, according to him, its import—which he suggests isn't a great deal, and I'm inclined to agree in that regard—to making our community safer. I'm looking forward to the chance to address this bill now as it is on third reading.

You've got to take a look at the reprinted bill, because you have never seen—take a look, Mr. Tascona—so many sections stroked out. This bill has been through the

meat grinder and, heck, it darned near got rewritten. Thank goodness Ms. Sandals was in committee because, heck, if it had not been for her eagle eyes and her throwing up her hands and saying, "Look at that section. That's a piece of useless stuff. Let's withdraw that. That's another section that's a useless piece of useless stuff"—Ms. Sandals was just vicious when it came to eviscerating this bill. She was in there with a pickaxe and a jackhammer, and just tossing things out left and right until there was nothing left but a shell. Then, of course, the task came to the committee—and I was proud to serve on the committee; Mr. Dunlop was on the committee. The task came to the committee to write the bill as it might—and that's not to criticize the people who drafted the bill. They were just following orders. You've got to understand. That defence is in the context of legislative draftspeople: They were simply following orders from their political masters. I'm going to have a chance to speak to this in my hour in a few minutes' time.

Mrs. Sandals: I'd like to respond to the comments from the member for Simcoe North. Actually, the member from Niagara Centre gave me an excellent opportunity to mention one of the things which I wanted to do. When we went to public hearings with this bill, we listened very carefully to what people had to say, and where we thought there was an opportunity to amend the bill and accommodate some of those suggestions, we did.

I just wanted to correct the record, because I believe that what the member from Simcoe North was reading into the record was the unamended bill, and we do want to make reference to the bill as amended. In fact, the bill no longer amends the building code. We listened to the people representing municipalities, who said, "Don't put this specifically on the building inspector position; we want you to give more flexibility to municipalities to use other inspectors." In some municipalities it would be a building inspector and in some it would be some other inspector, so in fact we changed that. But what does remain in the bill is the requirement that once a grow-op is dismantled, the municipality will be notified and is required to make sure that the building is inspected, and if any damage has been done to the structure by the grow operation, that damage will be remedied, be it electrical, structural or mould issues around health and safety.

I wanted to correct the record so that viewers will understand that it is not the building code we have amended but the Municipal Act, because we listened and we wanted to give municipalities maximum flexibility.

Mr. Joseph N. Tascona (Barrie-Simcoe-Bradford): I'm pleased to provide my comments on Bill 128. This is a serious issue, quite confusing in terms of what they're trying to accomplish here. They're focusing on the grow-op, but this bill is a little short on enforcement. As you see, they stroked out the building code entirely. In terms of giving powers to the municipalities to actually enforce this bill, it really doesn't measure up. As we know, there was a recent Supreme Court of Canada case dealing with helicopters and the use of heat-detecting equipment, thermography. At the initial court level, that was ruled to

be intrusive and against the charter, if you can believe that, in dealing with grow-ops, but that was overturned later at the higher court levels. But you can see the challenges we're going to have with respect to enforcement, and they're not giving the tools to the municipalities to deal with this issue the way it should be dealt with.

One thing they're not dealing with is the gang violence that's going to result from this measure in terms of trying to shut down the grow-op industry. Gang violence, which has been all through Toronto this year in terms of the shootings and whatever, has been going up into my area, Barrie, and even as far as the riding of the member for Simcoe North, in terms of people going there because they don't have gang warfare and they see it as a fertile area in being able to do their work.

The bottom line is that this grow-op issue, in terms of gang violence and dealing with the groups that have a vested stake in this, is not going to be dealt with by this government, because they've never dealt with the gang violence issue, and they continue to fail miserably.

Ms. Andrea Horwath (Hamilton East): It's my pleasure to make some comments on the debate brought forward by Garfield Dunlop earlier this evening.

I have to say, part of my thrill of being here tonight is because I know that our leadoff speech on third reading is coming very shortly from the member from Niagara Centre, Mr. Peter Kormos, who has shown, time after time after time, his unique breadth of knowledge and understanding about pieces of legislation such as this. If you recall, on second reading he had significant input into the problems with this particular bill. He in fact reinforced that understanding and that relevancy in his comments a few moments ago when he noted, when you look at the rewritten bill, the extent to which it was required to be amended because it just wasn't up to snuff when it was first introduced by the government.

Notwithstanding that, we're going into the process now of third reading. Mr. Kormos is going to give quite an extensive critique and review of the bill as it stands now. Part of that, I'm sure, will include his vast understanding not only of the details of the bill specifically but also about the very pieces of input that bear on the debate and that bear on the way we view this particular type of legislation. Certainly Bill 128, the grow-ops bill, has been a work in progress over the last several months, but is now to the point where the government is bringing it for third reading. Although I'm sure there are still more pieces of fine-tuning that need to be done, my understanding is that a number of issues have been resolved.

But having said that, the bottom line is that when it comes to charging municipalities with the responsibility and giving them the tools to deal with these kinds of situations, we'll also require the recognition that those municipalities will need the resources to attend to these kinds of problems. Unfortunately, this government is not going down that road.

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The Acting Speaker: That concludes the time for questions and comments. The member for Simcoe North has two minutes to reply.

Mr. Dunlop: I appreciate the fact that the members for Niagara Centre, Guelph–Wellington—Mrs. Sandals, the parliamentary assistant—Barrie—Simcoe—Bradford and Hamilton East all made comments on this bill.

It has been my pleasure to be here to make comments. For two nights in a row now—we had Bill 159 and now Bill 128 this evening—we have tried to stress the fact that, as I mentioned earlier, we'll be supporting both the bills, fairly reluctantly in some cases, but we do believe in community safety, and these are, in both cases, steps toward improved community safety in Ontario.

As I said earlier, I would have liked to have seen some amendments made to cover other drugs. With that being said, if we're going to pass the vote on this bill without that, I'm hoping we can help our police services and particularly the young people of our province deal with things like crystal meth as quickly as possible so we can avoid some of the loss of life, like the case of Ben Rothwell, the person I mentioned. His father had come to see me and presented me with that letter. I think it's important. We have that responsibility here.

Who knew, even three or four years ago, that we would need a marijuana grow-op bill for residential and commercial indoor grow-ops in Ontario, or a crystal meth bill? But these things come upon us in the field of community safety and we have to try to find the resources and the help for our police services so we can combat crime and make our streets and our communities safer for everyone.

I do appreciate the opportunity to speak to the Legislative Assembly tonight, and I look forward to further debate.

The Acting Speaker: Further debate?

Mr. Kormos: It's my pleasure to address this bill on the occasion now of third reading. I'm especially pleased that I have the chance to do it here this evening in the chamber while Bill Murdoch, the member for Bruce–Grey–Owen Sound, is present in the House. People should know that here we are at 8:30 in the evening—8:25 p.m., to be precise—and Bill Murdoch, as one of the senior members of that caucus, certainly is not compelled to be here after working a full 12-hour day. Night duty is oftentimes left to more junior members of caucus who don't have seniority. But Bill Murdoch is as hard-working and committed a member of this Legislative Assembly as the chamber has ever witnessed. As I say, it's a real pleasure to be able to make my comments with Mr. Murdoch in the House. I look forward to his participation in this debate in view of what I know is a progressive, albeit conservative, perspective around the whole issue of marijuana and the problem, the plague, of dangerous marijuana grow-ops.

One of the problems we had during the course of the committee—and we challenged the government over and over again to please define “marijuana grow-op.” Mr.

Tascona's community of Barrie was home to the largest indoor marijuana grow-op that this country has ever witnessed: the old Molson building on Highway 400. We understand that a grow operation of that scale is a grow-op that justifiably ought to be regarded as a grow-op for the purpose of this legislation. My concern—again, not that I condone these things, but it's the reality of life in 2005—is the college kid with a couple of pot plants on his or her windowsill. Is that a grow-op—well, think about it—for the purpose of invoking some extraordinary powers on the part of officials?

That observation simply illustrates this point: that this bill has absolutely nothing to do with facilitating cops busting grow operations—nothing whatsoever. It doesn't make it easier, it doesn't make it harder, for municipal police, for OPP, for RCMP to bust a grow-op. Don't try to pretend that it does.

Mr. Tascona, learned in the law, made reference to the litigation around the use of airplane or helicopter—I can't recall—

Mr. Tascona: Thermography.

Mr. Kormos: Thermography. This indoor grow-op, of course, generates heat in and of its own right, I presume. The plants produce heat, but also the heat and the lighting and the humidity that's used to create a climate to grow this stuff in. This is detectable from overhead by a plane or a helicopter, I guess, using this thermography technology. It's a photographic type of technology.

As I recall, and there will be those in this chamber who will correct me if I'm wrong—and there will be some who will even correct me if I'm right; it's their nature—at the trial level the accused, who had been busted for marijuana, argued that the search was unlawful, unreasonable, contrary to the charter, as Mr. Tascona indicated. Subsequent appellate courts said, “No. This is a perfectly legal, constitutional form of surveillance.” What that means is that for all intents and purposes there's no such thing as a clandestine grow-op anywhere in the 10 provinces and three territories. It's a simple matter of a drug team getting up there with the plane with the thermographic technology, which isn't that expensive—don't forget, firefighters are using it, aren't they?; sure they are—and identifying grow-ops wherever and whenever they may happen to be.

There are no secrets any more. There's no hidden pot-growing operation. Why are they a plague, then? Why do they continue to be a problem? Why will they continue to be a plague and a problem even after the government—I trust that its members will pass Bill 128. It's not that we need Bill 128 to facilitate busting grow-ops. In fact, the Supreme Court of Canada upheld the Ontario Court of Appeal, Mr. Tascona tells me, and has provided this easy access. It's like opening the door, wide open, of every grow-op in town.

Why aren't the police busting them? It's not going to be because of or in spite of or notwithstanding Bill 128; it's because the police don't have the resources. If the Minister of Community Safety and Correctional Services—no, I shouldn't do that, because I do not blame

Mr. Kwinter for the shortcomings and inadequacies of the McGuinty government.

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If Mr. McGuinty and his government were really serious about the plague of grow-ops, they'd be giving the cops the tools to bust them. They'd be giving them the resources. We had the Ontario Association of Chiefs of Police visiting Queen's Park today, and to the final one, the first and primary concern was the inadequacy of resources to do their job, including staffing. A thousand new cops—once 1,000 new cops, twice 1,000 new cops, three times. What's that old line? "Fool me once, shame on you. Fool me twice, shame on me." That long-time, three-time promise still hasn't resulted in a single new cop anywhere in the province of Ontario. Chiefs of police told us today that the bottom-line need is far in excess of 1,000, but it doesn't matter anyway, because they haven't got any one of the 1,000.

I want to thank Elliott Anderson from legislative research in the NDP caucus for his assistance in researching so much of the background on marijuana and grow-ops. He brought a special expertise to this work, and we're grateful to him. But you might have read Rosie DiManno, who did some participatory research of her own. Rosie DiManno's a writer, a very good writer, a very capable writer. I've been reading her for a long, long time in the Toronto Star.

On October 17, 2005, in her column, where she talks about the city of Toronto's consideration or contemplation of the provision of crack pipes to crack addicts and so-called safe smoking areas—it drives folks down where we're from, in Niagara, crazy when they read stuff like that, doesn't it, Mr. Bradley? They shake their heads. Again, that's not to say that there isn't some sound social policy behind this, although some really smart, hard-working people down where I come from have a hard time understanding what that might mean.

Ms. DiManno acknowledges: "It is not that I wish to see drug addicts busted, because the last thing a crackhead needs is the burden of a criminal record, or incarceration in penal institutions where drugs are so easily obtained."

Then she speaks of marijuana, and this, I've got to tell you—I read it just a few days ago—particularly impressed me after things that had been said during the summit that was organized by the Solicitor General and the various discussions around marijuana grow-ops.

Ms. DiManno writes: "But I was taken aback, on my last trip to Amsterdam—where soft drugs are legal, marijuana and hash for sale in drug cafés—at how very stupid much of the mellowed-out adult populace had become, so sluggish, slack, slothful. The potency of these 'soft drugs' has increased dramatically, as laced as they are with THC.

"This is not your father's ganja, as I discovered while on assignment for a story about legalizing drugs. (It took me three days to recover from my 'research'"—can I help it if she was a glutton?—"and I may very well be the

only Canadian reporter who has charged spliffs and hash brownies to her expense account.)"

Mr. Levac: Don't Bogart, my friend.

Mr. Kormos: Mr. Levac says, "Don't Bogart, my friend."

Mr. Levac: Three days?

Mr. Kormos: Mr. Levac says, "Three days." He expresses an amazement, Mr. Levac does, the member from Brant.

That was one of the things that was indicated to us over and over again during the various background things that occurred to the introduction of Bill 128, and that is that the marijuana—look, Ms. DiManno could certainly be getting old.

Mr. Yakabuski: How old would she be, Peter?

Mr. Kormos: She's not as old as I am.

Mr. Yakabuski: How old are you, Peter?

Mr. Kormos: I'm not very old, but I'm not as young as I used to be. Our perspectives change, and what might have been, when we were younger, contemplative insight could, when we're older, turn into observations of slack and sloth, as Ms. DiManno made while in Amsterdam.

Mr. Yakabuski: So you're saying that she may be getting cynical?

Mr. Kormos: There seems to be some universality to the observation that the stuff being grown now, the pot being grown, presumably in these grow-ops like the one in Mr. Tascona's riding, the largest indoor grow-op operation in Canadian history, has enhanced levels of THC and that the effect of the drug is far greater than in your father's time.

Having noted that—because that's one of the arguments made about the need to shut down these grow-ops: They're growing heavy-duty weed. Last week, as well, came the results of a University of Saskatchewan research project conducted by a professor in the University of Saskatchewan's neuropsychiatry research unit, one Xia Zhang, who found that marijuana stimulates cell growth in regions of the brain associated with anxiety and depression and that this effect is the opposite of most legal and illicit drugs, such as alcohol, nicotine, heroin and cocaine. "Most drugs of abuse ... suppress neurogenesis," Zhang says. Marijuana promotes neurogenesis.

I have no doubt—

Mr. David Zimmer (Willowdale): That makes you smarter?

Mr. Kormos: Yes, Mr. Zimmer. Mr. Zimmer said, "That makes you smarter?" I said, "Yes, Mr. Zimmer." He got himself into Hansard. A successful interjection, because I responded. You want to try again, Dave?

Mr. Zimmer: OK, we'll work it.

Mr. Kormos: Mr. Zimmer responds, "OK, we'll work it." Mr. Zimmer, I'm pleased to say, has an intense interest in this debate around marijuana grow-ops, the research from the University of Saskatchewan, the observations by Rosie DiManno as she smoked herself silly in seedy taverns and cafés in Amsterdam on the tab of the poor shareholders of the Toronto Star. No wonder

they've got to sell off Harlequin Romance: Ms. DiManno smoked all of the profits.

I don't hesitate to agree that the marijuana grow-ops that the police have been busting are places that deserve to be busted. Now Mr. Tascona's Molson brewery grow-op has been eclipsed by the largest outdoor grow operation in Ontario history. And I hope the MPP for that riding will fess up and express the same pride about the superlative that Mr. Tascona has indicated about his community being number one.

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The problem is, this bill does nothing to assist the police to bust these operations. This bill does nothing to assist the police in busting up outlaw gangs. And, quite frankly, if we were going to focus on organized crime, other than starting with the Senate, we should perhaps be taking a look at why guys like John Roth from Nortel aren't doing serious jail time; why a guy like John Hunkin from CIBC isn't his cellmate.

Think about it, Mr. Zimmer. Those two people took more money from more people in a shorter period of time than any biker gang I've ever been aware of. Roth not only took their money; he took away their jobs.

Conrad Black, who probably won't even face criminal charges and never hear the clang of a cell door behind him—

Mr. Jeff Leal (Peterborough): Who? Who are we talking about here?

Mr. Kormos: Conrad "Tubby" Black.

The Acting Speaker: I would ask the member for Niagara Centre to bring his comments back to Bill 128, please.

Mr. Kormos: We're talking about organized crime. We're talking about organized crime and grow-ops. And how is it possible to talk about organized crime without talking about Conrad, Lord Black, and Barbara Amiel? There are a lot of Louis Vuitton purses involved here.

We heard concerns from the Ontario Association of Chiefs of Police today about the incredible delays taking place in our courts, delays which are resulting in orgies of plea bargaining so that serious charges are being withdrawn in exchange for lesser criminal offences, and people are doing either modest levels of jail time or no jail time at all.

I regret having to tell the government, but telling the local hydroelectricity authority that Bill 128 allows that hydroelectricity authority to shut off the hydro to a property if it "has reason to believe that" there is "a condition ... in respect of the property that threatens or is likely to threaten ... the safety of any person" is not much comfort to the police who are trying to bust organized criminals and their grow operations.

Mr. Leal: Peter, we'll send in Jim Karygiannis.

Mr. Kormos: Yes. The member from Peterborough says, "We'll send in Jim Karygiannis."

Mr. Zimmer: What does he have to do with it?

Mr. Kormos: It was an interjection by Mr. Leal, the member from Peterborough.

Mr. Leal: Wasn't he sniffing out marijuana or something—Jim from Scarborough?

Mr. Kormos: Yes, he was. I respond to the interjection. Go ahead, Mr. Leal.

Mr. Leal: No, keep going.

Mr. Kormos: No, no. You're speaking of Jim who?

Mr. Leal: Karygiannis.

Mr. Kormos: Yes. The federal member of Parliament, I trust you mean.

I've never known of an electricity authority anywhere in Ontario or Canada that wouldn't shut off the electricity if it believed that there were an imminent danger, obviously as a result of—never mind the obvious illegality of using the jumper cables to bypass the meter, but the mere risk of it. I apologize for being cynical about this legislation, but for the life of me I don't understand why the amendment in Bill 128 to the Electricity Act is necessary for local electricity authorities to disconnect illegally connected electricity setups.

The Ontario Association of Chiefs of Police told us about these backlogs in the courts, while criminals are being set free because of the plea bargaining that necessarily flows from the backlogs. The Ontario Association of Chiefs of Police expressed concern about the two-for-one/three-for-one deals with respect to dead time when it came time to sentencing being given to serious criminals. Why are courts being increasingly generous with the trade-off of three to one for dead time? Because the dead time, the pre-sentence custody, is being served in overcrowded, understaffed correctional facilities which, in and of themselves impose, in the view of some pretty hardened judges—let's not kid ourselves; these judges aren't a bunch of bleeding-heart liberal namby-pambies. They're pretty jaded. They don't do a lot of weeping when it comes time to sentencing. They've seen and heard it all. So when you've got a judge who is going to give a three-to-one for dead time because of the incredible hardship of the circumstances in the pre-trial pre-sentence custody, you're talking about some pretty sordid conditions. The Ontario Association of Chiefs of Police was concerned about that. They were concerned that what this meant was that an increasingly larger number of increasingly more dangerous offenders end up doing their time in provincial institutions; they should have been grabbing pen time, but because of the trade-off, the three-to-one ratio, ended up in provincial reformatories—which will lead me up to the Ontario parole and probation board in short order.

The Ontario Association of Chiefs of Police was concerned about remand after remand—and apparently not just remand but adjournment after adjournment—delays in matters going to trial. I know that this, from time to time, can be the result of a defence lawyer who simply hasn't got a clear calendar, but as often as not it's because of the clogged courts, the shortage of judges. You see, what happens is a judge, for instance—we're increasingly seeing trials split up: a day at a time, a day at a time, a day at a time, because with the shortage of provincial judges, we've got a judge who hears one day

of a trial and then isn't available because he has been booked already for a whole pile of other things for a month and a half, two months down the road.

The Ontario Association of Chiefs of Police told us today that in community after community after community there are, as often as not, more cops sitting in municipal courtrooms waiting to give evidence than there are out on the street catching criminals and protecting the public. That should be of concern to a government that says it wants to shut down marijuana grow ops. When I heard the parliamentary assistant express concern about the, in her mind, overly short sentences for people busted in marijuana grow-ops, I'd ask her to reflect on the observations made by the Ontario Association of Chiefs of Police about plea bargaining, and plea bargaining down to lesser offences, which necessarily draw a lesser sentence to ratios of two to one and three to one for pre-sentence custody. I suggest to her that a crowded court system and a taxed police service is incredibly hard-pressed to hear evidence on sentencing, for instance, around the impact of the crime, not just on the immediate parties but on a broader cross-section of the community.

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Nobody is disputing that crime should be detected and dealt with and prosecuted, but surely this government's Reefer Madness approach isn't at all helpful. If one is concerned, as one should be, about higher and higher levels of THC in street marijuana and the fact that smoking it or eating it may just knock somebody like Ms. DiManno flat on her butt, then we should be interested in controlling and regulating the substance, shouldn't we? The federal government, Paul Martin and the Liberals, have all but decriminalized it, all but legalized it. The police admit that they don't lay charges for small amounts of marijuana in people's possession. Again, whether you like it or not, that's the reality of it.

Mr. Dunlop made some remarkably shocking observations about the ability of a 16-year-old to access, as he explained it, the paraphernalia to manufacture or concoct crystal meth. I was in committee when the offer was made to the government to include crystal meth labs in the types of premises that would be the subject matter of Bill 128. It seems to me, in what I've read about crystal meth, that it doesn't come anywhere close to the category of a so-called soft drug or recreational drug.

But just as a kid can buy the paraphernalia—and I presume that means the machinery, the components, the vats and the beakers and so on; I'm not sure that means the actual chemicals. I don't know what those consist of or where they come from. It's trite to observe that people are buying marijuana on a daily basis. I mean, tonnes of it are being manufactured. If we witnessed tonnes of it being seized from Molson's in Joe Tascona's riding in his community of Barrie—was it tonnes, Mr. Tascona? If tonnes of it were seized from Molson's, and if the argument is valid—and I suspect that it is—that the seizures that are taking place so far are only the tip of the iceberg, that means that 10 times as many tonnes are being processed and being sold and being smoked. That should

be of concern, especially if there's legitimacy to the argument that there are exceptionally high levels of THC—dare I say, dangerously high levels of THC—although Xia Zhang, a researcher at the University of Saskatchewan's neuropsychiatry research unit, might suggest that the more THC there is, the more neurogenesis will flow. I don't know whether he is an advocate of higher levels of THC or not.

But it seems to me that if there is a concern, and a legitimate concern, about stronger and stronger marijuana—not your father's ganja, as Ms. DiManno states—then we should be all that much more interested in making sure that people accessing it are accessing marijuana that has a stable and consistent level of THC so that there are—what would I say?—no surprises. There are members of this chamber, of all parties, who have remarked to me about the incredible revenue potential that would flow from the taxation of a regulated and controlled marijuana. I suppose you could take the easy way out and just tax rolling papers. You could call it the Zig-Zag tax. The legislation would be called the Zig-Zag tax bill. But that doesn't even begin to address the reality that, as members of all three political parties have commented to me, Prohibition didn't work in the 1920s and it's not working now.

Remember what the Ontario Association of Chiefs of Police said? On any given day there are more cops in any given community sitting in a courtroom waiting to give evidence than there are out on the street. I am amazed at what must be the thousands of police hours involved in the surveillance and apprehension of a marijuana grow-op and then the prosecution of it: lengthier and lengthier trials, conspiracy charges, jury trials, police officers sitting in courtrooms. It seems to me that there surely should be some setting of priorities here and that the shutting down of crystal meth labs—Ms. Horwath is in the Legislature, and we're told that Hamilton is one of the hot spots. This is a devastating drug. Niagara is a neighbour to Hamilton and is a border community, and is a location of perhaps a higher-than-usual presence of crystal meth. This stuff, we're told and have no reason to disbelieve, is incredibly addictive, instantly addictive, and is being manufactured in labs across Ontario. It's far, far more compact. We're not talking about bales of marijuana here; we're talking about relatively small amounts worth hundreds of thousands of dollars.

The suggestion is that somehow Canadians aren't smoking all this pot because it's being smuggled across the border and traded for guns. Now, I don't know, but it seems to me that every report is that marijuana stinks to high heaven and a bale of it is even stinkier, so I'm hard-pressed to understand how, down at the Niagara Falls Rainbow Bridge or the Peace Bridge in Fort Erie or down at the Ambassador Bridge in Windsor—because you're talking about tonnes, you're talking about bales of marijuana. You've got these trucks stinking to high heaven of pot, and Granny can't get across with a couple of tea towels she bought in Buffalo without being apprehended. She is overpaying duty and double taxation

as a fine for not reporting. Young Bad Boy Lastman—you read about it—couldn't smuggle a couple of pieces of jewellery into the country. We're not talking about bales of marijuana; we're talking about a couple of gold bracelets or something that young Bad Boy Lastman got popped at the airport for not declaring. He got whacked good, Lastman did. He was smuggling the stuff, Lastman was. It just boggles the mind to hear the suggestion that this stuff is being exported somehow, that Canadians are not smoking it. I've got a feeling that Canadians are smoking tonnes of marijuana every year. I've been told, and I don't know whether this is apocryphal or simply a myth, that marijuana is British Columbia's largest cash crop. I don't know.

2100

I'm not disputing that the police should be given the tools to detect, identify and apprehend crimes and arrest wrongdoers, but for this government to suggest that Bill 128 is about shutting down marijuana grow-ops is far from accurate. Giving the local electricity commission the power to disconnect an illegal connection does not shut down illegal grow-ops. Far from it. Increasing the fines—oh, my. You're going to increase the fines for people who use a building to grow pot. They don't expect to get caught. They don't expect to get busted. At the end of the day, apparently the huge amount of money that can be made more than compensates you for the fine, even the enhanced fines in Bill 128. Heck, people are prepared to risk going to jail for the amount of money being made.

I would ask for this government to take a more effective stance when it comes to dealing with illicit drug trafficking. It seems to a whole lot of people that one of the most effective ways of getting the biker gangs and organized crime out of the production of illicit pot is to take the profits out of it. If there's no profit to be made in it, they're not going to do it any more. Al Capone was busted by the repeal of Prohibition—a few income tax problems as well, and once again he had that much in common with members of the federal Parliament and the Canadian Senate. Think about it. Wait till the Gomery inquiry is over. Talk about organized crime. Marijuana grow-ops have got nothing on Adscam. Man, brown envelopes of thousands upon thousands of dollars being slipped across the tables of upscale, bourgeois Montreal bistros. There were very liberal amounts of money being exchanged among some very liberal people. Some of them probably even belonged to the Liberal Party. Some of them are said to be intimates of Liberal leaders, the Chrétien's of the world. Who knows, at the end of the day, whether the Minister of Finance in Mr. Chrétien's government will find himself caught in the net?

Here is a government that wants to pretend its Bill 128 is all about shutting down grow-ops when, on the same hand, it wants to shut down Ontario probation and parole. I pulled the annual report from 2003-04 for Ontario parole. There was a grant rate for parole applications of but 22.3%.

Ontario probation and parole officers and our parole board—you see, we have control over the standards and

policies implemented by the Ontario parole board in its consideration of parole requests, and we know that it's not just people doing time for unpaid fines. We know, because of the inappropriately low sentences that are resulting from the two-to-one, three-to-one trade-offs for pre-sentence custody, that some pretty serious offenders are serving time in provincial reformatories, provincial institutions; as well as everything from convicted murderers, convicted rapists, convicted child molesters who may be doing time for a subsequent offence, actually doing their pen time for that first offence. Well, the fact that their subsequent offence is a break and enter doesn't change the fact that they're a murderer, a child molester or a rapist, does it?

So the government that says it wants to shut down marijuana grow-ops by telling local electricity authorities that they can disconnect illegal connections also wants to shut down Ontario probation and parole. If that's not—

Hon. Mr. Kwinter: On a point of order, Mr. Speaker: I'm sure the members would want me to correct this, just because you want the record to reflect what it really is. The organization that looks after parole is called OPERB, the Ontario Parole and Earned Release Board. It is totally separate from probation. Probation is a separate organization that looks after it. We're talking about parole and early release.

The Acting Speaker: I'm afraid that wasn't a point of order, but it was a point of information.

Mr. Kormos: That's why I've got the annual report right here, and, by God, the minister got this right. The board that he wants to shut down is the Ontario Parole and Earned Release Board. But, you see, when you go to the government's own Web sites on probation and parole and you see the ads, the promotions, calling upon people to join the probation and parole service—because you see, Mr. Kwinter, there's a difference between the board and the people who do the supervision. I think our board has done a darned good job, and that's why I'm concerned that you want to shut it down. I think our probation and parole officers have done a darned good job, and that's why I'm concerned that you want to shut them down. Even worse, as if that wasn't enough, to add insult to injury, to whom do you want to transfer supervision of rapists and murderers, amongst others? To the National Parole Board, to the feds, to Ottawa, to the roller-coaster crew, the cotton-candy parole board.

People across the province are outraged and scared out of their wits at the proposition that Ontario is going to surrender its authority over parole to the feds. Their track record is dismal. Their track record is pathetic. Their track record is the result of good people being murdered. Ontario's probation and parole officers have told you not to do it; you don't care what they say. Well, today, the Ontario Association of Chiefs of Police told you not to do it and you don't seem to care what they say either, but then again, they've been asking you for even a handful of those 1,000 police officers that have been promised over and over again. They haven't got any of those.

Mr. Tony Ruprecht (Davenport): Coming.

Mr. Kormos: Mr. Ruprecht is now on Hansard because his interjection was acknowledged. He says, "Coming." That's the whole problem, Mr. Ruprecht: It's always just around the corner. How many times has the announcement been made? We discovered today that 1,000 doesn't even come close, that police services that have scraped and saved to find the matching funds are up to around 1,600, 1,700 cops that they want and need.

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Police chiefs told us today that they can't even perform core police duties, never mind bust marijuana grow-ops, never mind shut down crystal meth labs. Police chiefs told us they can't perform core policing duties. They told us today that in a whole lot of police services, frauds under \$5,000 aren't even investigated—not a snowball's chance in Hades of the fraud artists getting busted. Break and enters? Not attended to. Auto thefts? So what? Call your insurance agent. Talk about carte blanche for criminals. And the government gets tough by telling grow operators that if they get caught using illegal electrical hookups, they're going to cut off the juice. Oh, for Pete's sake.

These guys are laughing. I'm talking about the bad guys. I'm talking about the grow operators. They're laughing up their sleeves. They're making millions of dollars off this stuff, which the feds have decriminalized. Police acknowledge they don't charge people for simple possession of small amounts of marijuana, and we know that Canadians are smoking tonnes of it every year. Good, bad or indifferent, that's the reality.

So the province of Ontario is going to get tough on crime, but police forces can't investigate serious frauds. The province of Ontario will get tough on crime, but police forces can't investigate break and enters. The province of Ontario, Dalton McGuinty and the Liberals are going to get tough on crime, but police forces candidly admit that car thefts are a matter between you and your insurance agent. To boot, the province embarks on the most significant contribution to the development of private policing that any jurisdiction has ever witnessed with its Bill 159.

Remember when we were afraid of privatized firefighting services? Remember when we were afraid of the privatization of health services and the inherent dangers in that? The police chiefs I talked to today agreed with me that the proliferation of private police services has everything to do with the undermining of public police services.

I mentioned at the beginning of my comments that there isn't a grow-op in the province that can't be known to the police in a matter of 30 minutes by flying overhead. Why aren't the police busting them? They don't have the resources. You are telling local hydro authorities to cut off your illegal electricity hookups. You're telling organized criminals running grow-ops that if they get caught and fined in your provincial offences court—which, mind you, don't have enough JPs to oversee the trials and don't have enough prosecutors to prosecute the trials—because, let's understand, that's

where this is going to be prosecuted, Mr. Tascona: the provincial offences courts. Come on. This is in provincial offences court, these offences. Tough on crime? We'll give you a ticket.

Mr. Yakabuski: To Wonderland.

Mr. Kormos: "To Wonderland," he says.

Tough on crime? Here's an offence known as "show up in front of the JP and cut a deal," because of the lineup of people around the block waiting for their trials to be heard, and the prosecutor has to plea-bargain away 80% of the cases.

So we're told today—

Mr. Tascona: True.

Mr. Kormos: Mr. Tascona says, "True."

It's offensive. Nobody in this chamber wants to see crime proliferate. The problem is that Bill 128 does nothing to facilitate the prosecution of criminal activity.

Let's understand what the bill tried to do. First, it tried to use building inspectors as shock troops. The provisions of the bill, as they were drafted, actually sent building inspectors in before the cops; they were going to be sent into booby-trapped grow operations on warrantless searches. Well, the building inspectors said, "No way, pal, not in a month of Sundays," and similar words to that effect.

To be fair, what the government has done now is say, "Well, when there's been a marijuana grow operation and the police so advise a building inspector," give or take, "the building inspector shall inspect the building." Well, the building inspector can inspect the building now, I put to you, and what's that got to do with shutting down grow-ops anyway? After the grow-op has been there, after the grow operators have rotted the insulation and the drywall with the humidity—what happened over at the Molson building?

Mr. Tascona: Methanol.

Mr. Kormos: So it's a useful, productive building?

Mr. Tascona: Corn.

Mr. Kormos: What happened with the grow-op? Didn't it destroy the building for any other useful purpose?

Mr. Tascona: No.

Mr. Kormos: "No," Mr. Tascona says.

Mr. Tascona: They're burning corn.

Mr. Kormos: The building inspector can inspect buildings that are unsafe already. That's their job. There was some nutty stuff about a registry: "Let's have a registry so we know which buildings had grow-ops in them." What you do is have a lawyer who asks the right questions on closing—or rather, before closing. You have a real estate broker or agent—Mr. Tascona knows about that—a lawyer who hopefully has error and omission insurance to cover him in the event that he or she neglects to ask about the use of the building.

You'll recall last night that there was the surprise amendment in Bill 159 that made it illegal for private investigators to seek out people in the Ontario witness protection program. It boggled the mind as to why the government would want that in Bill 159, because all it

did was signal for me that the Ontario witness protection program can't consist of very much if a private investigator with a laptop can track down people in a witness protection program. If anything, that observation should put us in fear of the well-being in those so-called protection programs. Then I realized the section was there so that it could be added to the list of the things the government has done—you know, the speaking notes, the Coles notes they pass out to my friends here in the rump.

Interjection: We speak for ourselves.

Mr. Kormos: Yes, they speak for themselves, as they read the Coles notes, the cheat sheet, the script: "This is what McGuinty's Liberals have done to make Ontario a safer place. We promise to put 1,000 cops on the street." That promise will make you safe all right. "If it will make you safer for us to promise it again, well, what the heck, we'll promise it again, and if you still don't feel safe, well, we'll promise it again. We're going to shut down marijuana grow-ops by letting local hydro authorities disconnect illegal hook-ups." Hot damn. That's a big one. We're really making progress with the underworld growing pot and making huge amounts of money. You know what? There was even the suggestion during some of the discussion around marijuana grow-ops that if we shut down marijuana grow-ops, we'll shut down the flow of handguns into Canada.

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Mr. Dunlop: That's true. That's what I'm told.

Mr. Kormos: That's what Dunlop was told. Of course, he didn't believe it. You don't believe in the Easter bunny any more, do you, Garfield?

Mr. Tascona: Don't go that far.

Mr. Kormos: Tascona says. The problem is that this government has been missing in action when it comes to people being shot on a daily basis in Toronto. There are things that can and should be done now, not promises, not speeches, not the Dalton McGuinty, "I wring my hands. Oh, I feel your pain." Another dead Ontarian, "I feel your pain."

We're told from any number of sources that there are young people sporting handguns, showing them off, walking around.

Mr. Bill Murdoch (Bruce-Grey-Owen Sound): Register them.

Mr. Kormos: Oh, please, Murdoch, you know darn well criminals don't register their guns. The kinds of people who register their guns are not likely to be engaged in drive-by shootings, but farmers working too hard to be out at 2 in the morning whacking people in SUVs. His gun is registered. The gangster's isn't.

A little less by way of, "We feel your pain," and a little more real action, because the good advice has been there. People from community after community have identified things this government can do now to deal with the issue of the proliferation of handguns and their lethal use, especially by young people.

I'm going to vote against Bill 128. It's a relatively benign, harmless bit of legislation, but we're also not going to pretend that it's going to help the police shut

down or prosecute a single grow-op in the province of Ontario. It's going to do nothing to help the cops shut down crystal meth labs and cocaine dealers and the likes of the organized crime that is making huge bucks getting people addicted to those drugs.

The Acting Speaker: Questions and comments? The member for Brant was up first.

Mr. Levac: Thank you, Mr. Speaker—not that I would ever get in the way of the senior member here.

If it weren't for the fact that there was an awful lot of consultation that happened, resulting in some serious changes that were offered, consultations about what has been happening with grow-ops in our province, the characterization that has being made, that our entire province has gone to hell in a handbasket, would almost be laughable. It's unfortunate that the good work of previous governments, including the NDP, the Tories and ourselves, to evolve a system that is trusted in our province is being maligned in the way it has been. It's unfortunate that the work that is being done by all members in this place to try to co-operate with the citizens in each of our municipalities is being maligned the way it is. It's unfortunate, because this is a problem not just in the big centres; this is a problem that has existed for a long time, in many small communities.

My first task when I was elected in 1999 was to meet, as the critic, with several law officials in cities across the province, and I met with my own. Some of the city councillors asked for resolutions to deal with grow-op operations. I commend the minister for the work he's doing. In two short years, we've got a grow-ops opportunity here to send a message, and it's not just provincial. We've got all levels of government firing on the same pistons now to deal with this issue. We are signalling to the criminals out there that it's not going to be accepted in this province, in this country, in the municipalities where this problem is proliferated, not just in a whole municipality but in tiny little boroughs and communities where they've never had to face this before. Now that they are, we're signalling loud and clear that grow-ops are not acceptable in Ontario.

Mr. Robert W. Runciman (Leeds-Grenville): I'm surprised to hear that kind of commentary from the member for Brant, for whom I have a great deal of respect. I know he's interested in these kinds of issues, but he knows that what he was just saying doesn't really stand up to scrutiny. We will support this legislation, but to suggest that it's going to have an impact on grow-ops in the province of Ontario is deceiving the public, really. Essentially, that's the bottom line here. This is not going to have a real impact.

We know that there's an epidemic with respect to grow operations in the province of Ontario. The problem, in my view, lies with federal legislation and the courts. I see it in my own riding, where we have people who are caught operating these kinds of facilities getting off with a slap on the wrist. That's the approach of the bench, and that's not going to solve the problem.

If you talk to US officials, Canada is the primary source of marijuana going into the United States, and Ontario has become the biggest supplier. We're outstripping British Columbia. To suggest that this is going to resolve the problem is sad, really. I don't want to laugh at it, because it's a very serious problem, because organized crime is playing a significant role with respect to grow-ops in this province.

I didn't have the opportunity to respond to the member for Brant earlier. I know he was an outstanding critic for corrections. But we heard the minister here today talking about the parole board and saying that there are no dangerous offenders in the Ontario corrections system. He would know, as a former critic—and I would suggest to the minister that perhaps he should spend a couple of nights in the Don Jail. To suggest to the people of Ontario that we do not have any dangerous offenders in our corrections system in Ontario is truly unfortunate.

Ms. Horwath: I also want to rise tonight and indicate my significant disappointment with this piece of legislation. Again, it's not about what's here; it's about what's not here. I think that's what members tonight are expressing: their disappointment that this government once again had an opportunity to do something significant in this regard in the province of Ontario but instead decided to do something quite flimsy and quite unsubstantial, quite nondescript.

Instead of doing some of the things that the police chiefs of Ontario talked to our caucus about today, some of the real, substantive things that need to be done to change the way our communities are looking in regard to crime, including grow-ops and other kinds of criminal activities, instead of doing those kinds of things, making those kinds of changes, the government has once again decided to put out this bill, which, as you've heard, neither of the opposition parties is particularly concerned about opposing. Why? Because there's nothing really substantive there to oppose.

Unfortunately, the other side of the picture is that there's nothing there to substantially agree with or to support either, and that's the crux of the problem with this particular waste of time in terms of this legislation and its time through the House. We're in the situation where we're probably going to say, "Yes, fine. Have your Bill 128." The unfortunate thing is that the government is going to spin it out as some major opportunity to take all the photo ops in the world, to pretend they're really doing something about the significant problems that exist in community after community across this province in regard to marijuana grow operations, not only in terms of what they do to communities and to families and to neighbourhoods, but also in terms of the broader impact of those kinds of operations on crime and the drug trade. It's a sad, sad situation.

Hon. Mr. Bradley: As I now have the responsibility of being the House leader for the government, I have to ask this question. I know my friend from Barrie must be wondering and I know my friend who frequents Owen

Sound must be wondering. If the Conservative Party is going to vote for the bill and if the New Democratic Party is going to vote for the bill, and if we've had first reading, a full debate on second reading, committee hearings, and now we're on third reading, I'm wondering how it is that they would want to continue this debate. We're all in agreement. Let's be friends tonight.

Interjections.

Hon. Mr. Bradley: I'd say to my friends Mr. Yakabuski and Mr. Miller—by the way, I had the pleasure of serving with both of their fathers in this House. It's nice to see both of them here. Good people. I can't put words in other people's mouths, but in those days there wasn't even a third reading of a bill of this kind. It was kind of on a nod back in those days.

I'm thinking now, in a sense of congeniality and of cooperation, that both the opposition parties—I know my friend Bill Murdoch would be saying this—should probably bring this to a vote at an appropriate time, which is soon, and that this should probably conclude the debate, that, having heard the eloquent member for Niagara Centre put forward his many interesting arguments, having heard Garfield Dunlop, my good friend, put forward his information, and the government members, we're now ready for a vote on this. I would think it would be absolutely great to have that.

I should tell the member as well, because he doesn't like cable TV, that John Tory is on Rogers Cable TV right now. I've got to ask your opinion on cable TV.

The Acting Speaker: The member for Niagara Centre has two minutes to reply.

Mr. Kormos: To the very learned government House leader, who is the most senior member of this chamber, I tell you that I'm proud of being as collaborative and cooperative an opposition House leader as you've ever witnessed in your 30 to 40 years here. Look, I have feelings too. It pains me for you to speak of me with that kind of innuendo. I hope that by tomorrow, I'm going to overcome these feelings, but for the moment, I want you to know that you've cut to the core.

You also, as a senior member of this chamber, recall that more legislation got passed when there were not rigid time limits on the length of debate and when statutory or standing order time allocation didn't exist, than gets passed in a chamber that has time limits on speeches, that has time allocation provided for in the standing orders, and where the government is heavy-handed around committees and participation by members in the debate. I look forward to the time when you, as government House leader, can convince your caucus to restore some of that period of civility.

Insofar as cable television goes, I just say: satellite, satellite, satellite. The cable companies have ripped you off long enough with bad enough quality television that it's not worth another minute of your time.

The Acting Speaker: Thank you very much. It being almost 9:35 p.m., this House stands adjourned until tomorrow at 1:30 p.m.

The House adjourned at 2132.

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