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of Ontario
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**Official Report
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**Journal
des débats
(Hansard)**

Monday 1 October 2001

Lundi 1^{er} octobre 2001

Speaker
Honourable Gary Carr

Président
L'honorable Gary Carr

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LEGISLATIVE ASSEMBLY
OF ONTARIO

Monday 1 October 2001

ASSEMBLÉE LÉGISLATIVE
DE L'ONTARIO

Lundi 1^{er} octobre 2001

The House met at 1845.

ORDERS OF THE DAY

Hon David Young (Attorney General, minister responsible for native affairs): Mr Speaker, I seek consent to move a motion with regard to tonight's House business, of which members of the opposition have been provided a copy.

The Acting Speaker (Mr Bert Johnson): Is there consent? It is agreed.

Hon Mr Young: I have the pleasure of moving:

That G86 be called as the first order of the day;

That the Speaker will be recognizing no further speakers from the government caucus or from the official opposition;

That the Speaker shall recognize up to two members of the third party to speak to the second reading stage of the bill;

That, at the conclusion of the second reading stage of the bill, the bill shall be referred to the standing committee on justice and social policy;

That the standing committee on justice and social policy shall be authorized to meet in Toronto for up to two days of clause-by-clause consideration of the bill in question;

That G30 be called next at orders of the day;

That the Speaker will recognize no further speakers from the government caucus or from the official opposition in relation to that matter;

That the Speaker shall recognize members of the third party to speak to the second reading stage of that bill;

That, at the conclusion of the second reading stage of the bill, the bill shall be referred to the standing committee on justice and social policy;

That the standing committee on justice and social policy shall be authorized to meet in Toronto for one day of clause-by-clause consideration of that bill; and

That, if time permits, G60 will be called next at orders of the day.

The Acting Speaker: Mr Young moves that—dispense? It has to be unanimous.

Mr Young has moved:

That G86 be called as the first order of the day;

That the Speaker will recognize no further speakers from the government caucus or from the official opposition;

That the Speaker shall recognize up to two members of the third party to speak to the second reading stage of the bill;

That, at the conclusion of the second reading stage of the bill, the bill shall be referred to the standing committee on justice and social policy;

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That G30 be called next at orders of the day;

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That the Speaker shall recognize members of the third party to speak to the second reading stage of the bill;

That, at the conclusion of the second reading stage of the bill, the bill shall be referred to the standing committee on justice and social policy;

That the standing committee on justice and social policy shall be authorized to meet in Toronto for one day of clause-by-clause consideration of the bill; and

That, if time permits, G60 will be called next at orders of the day.

Is it the pleasure of the House that the motion carry? It is carried.

1850

RESCUING CHILDREN FROM SEXUAL
EXPLOITATION ACT, 2001

LOI DE 2001

SUR LA DÉLIVRANCE DES ENFANTS
DE L'EXPLOITATION SEXUELLE

Resuming the debate adjourned on September 26, 2001, on the motion for second reading of Bill 86, An Act to rescue children trapped in the misery of prostitution and other forms of sexual exploitation and to amend the Highway Traffic Act / Projet de loi 86, Loi visant à délivrer les enfants prisonniers de la prostitution et d'autres formes d'exploitation sexuelle et modifiant le Code de la route.

The Acting Speaker (Mr Bert Johnson): I think we are at leadoff for the—

Interjection.

The Acting Speaker: My apology. The Chair recognizes the member for Niagara Centre, and he is deferring to the member for Toronto-Danforth.

Ms Marilyn Churley (Toronto-Danforth): Thank you very much, Mr Speaker, although if people are

willing to give me an hour, I'd be happy to take it. Could I have unanimous consent? Agreed? No.

I am pleased to be able to spend a few minutes tonight talking about this bill before us because, as the critic for the New Democratic Party pointed out in his leadoff, we take this bill extremely seriously, have read it very carefully and want very much to support some measures to try to deal with the tragedy of the abuse of children, the sexual abuse of children and child prostitution.

We have some concerns about the bill. We're pleased that it's going to committee, although I understand not for public input but at least for some clause-by-clause, at which time our concerns hopefully can be addressed, when our member for Niagara Centre will be at the committee. He will be able to make some amendments and have on the record our concerns about the bill.

When I was the Minister of Consumer and Commercial Relations, one of the many areas that I was responsible for was what's known as the Ontario Film Review Board. Under that film review board, as everybody here I believe is aware, there is a board that literally looks at every film that comes through Ontario and determines what age group can see it or whether certain pieces have to be cut out and, in particular, views pornography. Of course, one of the obvious things that was a no-go, out of the question, was anything to do with not only using children in these films for pornographic purposes, but even having an older person dressed up to look like an underaged child; that was not permitted. I think we all agree in this House that that was essential.

One of the things that I did was I got to know I believe a hero in our midst, and that's an OPP officer named Bob Matthews, who heads up Project P. Bob Matthews came to talk to me on several occasions, and I worked very closely with him. I call him a hero in our midst because what Project P does is try to track down and arrest mostly men who take advantage of children and use them for pornographic purposes. At one time Mr Matthews invited me to visit the offices of Project P to give me some idea of the kind of material they were dealing with. I only saw a little of this material, and what I saw was beyond words: little children in pornographic positions. It was heartbreaking, and I will never forget. I still see the faces of these children today and their dead eyes. It was such a shock.

Most of us in this chamber haven't had any reason to view such material. But when you do see it, head on, face to face, it is so alarming and so upsetting that you have to dedicate yourself, as I have, and I think everybody in this chamber and most people who are watching this, to wiping out the sexual abuse of children and child prostitution. That is why I have, since that time, had zero tolerance—I mean zero tolerance—for anybody, for any man in any situation who sexually abuses children or fantasizes about having sex with underaged children. So when something comes to my attention that has anything to do with the abuse of children, I speak up and will continue to do so, and I expect all members of this House to do the same thing.

There is a lot we have to do. I understand the motivation behind this bill completely. Something has to be done to help these very troubled children before these children end up, in many cases, in a situation where they are selling their bodies and being abused in unspeakable ways. Most of us here have children, and it's painful to even think about or consider how these children are drugged and abused and used. So I understand the motivation for the bill. I want to point out that I want very much to be able to support the bill, if I can be convinced this bill is actually going to make a difference, to not only get these young prostitutes, troubled youth, off the streets, but to get them into treatment programs.

That is what is lacking in this bill. It's all very well to say we'll go out and give the police the ability—and God knows they need the tools—to help these kids, to go and yank them off the street; they're victims of all kinds of abuse. And then, in trying to help, to lock them up for 30 days but without any specific treatment ordered, as happens under the Child and Family Services Act—as my colleague from Niagara Centre pointed out, we're not talking about young kids, who do come under the Child and Family Services Act; we're talking about 16- and 17-year-olds. And this bill is not as progressive and helpful to society, the social workers and counsellors and the institutions that are there to help these kids. The 16- and 17-year-olds do not come under the Child and Family Services Act.

So what it means is that the police can come and take these children off the street and lock them up. What's going to happen to them in those 30 days? There is nothing in this bill that tells us what's going to happen to them. Let's get real here. These are very troubled children who have had all kinds of experiences at young ages that we can't even imagine and don't want to. To lock them up for 30 days without proper resources and programs, proper housing and assistance in place—do we really believe they're not going to be on the street again on day 31? Do we really believe that? I don't think so.

I think we are all really serious about doing something to help these kids, to help the parents who are desperately trying to get their kids back. I know there are some parents out there who end up in a situation where their kids are attracted to the bright lights and the nightlife out there and end up on the street, and they're desperate to get them back in the fold, to get help for them.

Then there are really bad parents out there. There are children who are running away from abusive situations where they've already learned how to turn a trick in their own home. That's the reality—let's call it what it is—of what we're talking about here.

So we have a situation where the programs and services we need in place to help the kids are no longer there. That is the reality we have to face, and I want to see attached to this bill a very clear analysis of what happens to children, what kinds of programs they need and a commitment from the government that those programs that have been cut and slashed will be

reinstated. Without that, all we're doing is locking up children without the supports there to really help them.

Taking away the licences of the johns—excuse me, but that isn't good enough. We need to see a serious crackdown on these people. We need to see a serious crackdown on these middle-aged men and young men who are out there, the johns who are using them, the pimps who are using them. It's despicable. It's absolutely despicable. I need to see a bill before us that actually deals in a much tougher way with the johns and the pimps. Sure we want to help these kids; that has to be the first priority. But we're not going to help them unless we go after the johns and the pimps and unless we find the resources to put into the programs they need.

I want to talk for a moment about what's happening around the world, because what's called sex tourism is becoming a worse and worse problem. There are some articles that have been written in both the Toronto Star and the Globe and Mail over the last year or so that will, again, break your heart if you read them. We're sheltered most of the time from what's going on. We think it's bad here, and it is. But if you look at what's going on with child prostitution and what's called the sex tourism trade, you will be shocked.

1900

I have an article here from the Globe and Mail called "Trafficking in Children," written by Murray Campbell. That's 4/28/2001. He says, "In south Asia, a controversy is raging over the number of children who work in bondage. Bangladesh estimates it has 500,000 enslaved children while the US State Department said child kidnapping, trafficking for labour and prostitution continue to be 'a serious and widespread problem.'"

It goes on to say, "In India, as many as 10 million children could be working in bondage with an estimated 300,000 in the carpet industry alone. By some estimates, half the 100,000 prostitutes 10 to 14 years old in Bombay are from Nepal and are kept against their will."

That's what's happening in some parts of the world.

Again, an article that was written for the Toronto Star editorial, Sunday, July 29, 2001, by Ed Butts. I'm going to quote you a few things from that article. He says, "Girls as young as 12, invariably from impoverished families, are being brought into the trade to meet the demands of tourists who think they can do whatever they want in a ... Third World country." He goes on in that article to talk about the terrible problem with AIDS among young children, among women, among men, and to talk about the intense poverty that drives many of these children into prostitution in order that they can eat and so that they can feed their families.

This, I think, is an issue that doesn't just affect us here in Ontario. When we look at the incredible numbers of children across the world who are being forced into prostitution, we have to, as a civil society, look at what is going on with children around the world, and work harder to enforce laws that lock up the men who take advantage of these children because they think they can in a developing nation.

Coming back to Ontario and this legislation before us today, the issue before us is a complicated one. That's why I said I wanted to find a way to support this bill. I do hope the government will pay attention to the issues that will be brought up in the committee by the member for Niagara Centre, Peter Kormos, our critic in the area.

Let's come back again to the 30-day lock-up and the implications of that. We're talking about 16- and 17-year-olds. Think about that young person being on the street, being plucked off the street and put in what?—that's so vague—in some kind of halfway house, some kind of treatment perhaps? The judge doesn't have the power, as I understand it, as he or she does under the Child and Family Services Act, to actually order specific treatment for that specific child after taking a look at what this child's life history, life story, is. That is what is needed here.

It's all very well to say, "Yeah, we can clean up the streets, we can get these kids off the street for a while and lock them up for a while," but what I would like to know, and I wonder if the government has these statistics—they talk about a similar law in Alberta and talk about it in glowing terms, about all of these young people who have been taken off the streets and locked up for 30 days. But what we don't have before us and what is really essential and critical is that we must have some understanding about what happens to these children when they get back on the street. Do they end up, the very next day, back on the street selling their bodies again? Do they end up dealing drugs, taking drugs, shooting up, doing all of the things they were doing before?

With the troubles they have, their problems and their issues, the very things that got them into this situation—because, as you know, many of these children come from very troubled backgrounds and very troubled families—it takes more than 30 days to deal with those kinds of issues. That's documented. We know from kids who have been locked up for a short period of time, drug users, that the very same day they're out, they're back on the street and using drugs again.

If we truly want to help these kids, there are a couple of things that we absolutely have to do, and let me outline them again. We need to have a law that comes after the johns and the pimps much more effectively than we do now. It's kind of ironic, because prostitution is not illegal. The johns and the pimps, the ones who should be punished for taking advantage of these children and using them, all we see in this bill is that their licence could be taken away. That's not going to stop them. I understand why the government is proposing that, because it is something that can be done, and can be fairly easily done. But I don't think that is going to stop them, and I don't believe anybody in this building believes that this is going to stop them. So, that's one issue I am very concerned about.

Second, we need to have much more concrete remedies in this bill. We need to see that proper assessments, and then treatment measures, are given so that these children can actually go through counselling and what-

ever else they need to come out the other side. We need to see that they're not in a situation where going home is an option, that they have decent housing, enough food to eat and the kind of counselling that will help them avoid getting back to the old life.

We need to see the waiting lists that have gotten longer and longer over the past few years for mental health beds in hospitals and for family counselling and counselling for children. The line and the wait for those kinds of services are so long now that when a family in crisis, a family who is trying to save their kid, to get their kid off the street, to do what they can for their child, is trying to get some kind of counselling, the waiting list is so long now that you can forget it. The time frame is too long for any meaningful intervention.

That has to be reversed. If we truly are committed to helping these children, these young adults who are in big trouble in their lives, who are being used and abused, we have to say that these kids are worth spending the resources. We have to say that children in our communities are probably more important than anything else we can invest in—keeping them safe, keeping them away from harm, keeping them from being abused.

Our caucus will be supporting this on second reading, but we do want to see, at the committee level, meaningful amendments and meaningful interventions by the government so that these children can get the kind of services that they need to get them off the street and into a healthy lifestyle.

The Acting Speaker: Comments and questions?

1910

Hon Brian Coburn (Minister of Agriculture, Food and Rural Affairs): It is a pleasure for me to speak to Bill 86. This particular piece of legislation provides better protection for the rights and interests of those young victims and provides a stronger foundation, with meaningful intervention. It targets specifically the people who exploit them.

The children in our society are the little folk who instill in all of us a desire to make sure they have the best opportunities in life and that they're not exploited in any fashion, and this bill goes a long way in addressing that.

This bill also allows the police and child welfare workers to apprehend children who are in situations of sexual exploitation. That intervention ensures that to the best of our ability our children are not exploited by those who would scar them for life.

It also empowers only the police to act. We know from Alberta's experience that both the police and child welfare workers are actively involved in these types of cases and it's necessary to provide both these agencies, both these groups, with the tools they need to assist the children in these very dangerous situations. That's why I think this bill is something that goes a long way to addressing it.

Mr Mario Sergio (York West): My compliments to the member for Toronto-Danforth, the wonderful location of the Danforth community.

It's very sad that we have to talk about rescuing our children from sexual exploitation, but unfortunately it's a reality and it's one of those things we have to deal with, especially when it comes to our children. For whatever reason, they are in those particular situations, perhaps not necessarily by their own fault. It could be a family situation. It could be they are being pushed into certain situations. But I think the sexual exploitation of our children is a very important issue that we have to look at.

I can appreciate that this is going to be debated at the committee level. I hope the government will allow sufficient time to debate this particular matter and to hear a lot of people, especially our own police forces, so we could hopefully get enough direction on how to deal with this important issue. I hope we can find some good solutions, long-lasting solutions, on how to not only, if you will, retrieve, as the title says here, our children from sexual exploitation, but eliminate the possibility that other children fall into the same situation—it doesn't matter where they come from; it doesn't matter why they happen to be there. I think the government—everybody in the House—must be doing their utmost, working together with agencies outside this House for the best for our children. So I hope that when this goes to committee, good recommendations can come forward and be presented and approved in the House.

Mr Gilles Bisson (Timmins-James Bay): I want to congratulate the member for Toronto-Danforth. I've noted in this House, as I've noted in a number of other debates outside this House, that the member for Toronto-Danforth is never afraid to talk about issues that for some are sometimes uncomfortable. Sometimes it takes a certain amount of courage to do that, and I just want to commend her on that.

I also want to say she's perfectly right when she says that although this bill is a step in the right direction, it really doesn't deal with the issue. The issue is the root causes of what is putting young people out on the streets and engaging in the act of prostitution and what we can do as a society. I, as a New Democrat, would argue that we have a responsibility as a society and a responsibility as legislators of that society to find the root causes, so we can try to get to those in order to assist in eliminating this problem from our society.

I will argue that I don't think this bill, when put into force of law, is really going to have a large effect on dealing with child prostitution, because if you look at the bill and how it works, all it basically does is say we can pick up the child and bring them before a JP within 24 hours in order to find out if there's cause to bring them to trial. Then, if we bring them to trial, the court can give them 30 days in a secured facility to deal with their problem.

You can counsel all you want, but the big issue is that they're probably in prostitution because they're runaways from home, because possibly there was abuse at home when they were there, either physical or sexual. Second, it's often because they've got nowhere else to go. They have no marketable skills to get work in what we con-

sider the conventional economy, and so they end up gravitating to that seedier side of our society. I would argue that I, as a New Democrat, would much rather try to put into this bill the type of things we need to do to deal with the root causes, what causes children to engage in the act of prostitution. I think taking a driver's licence away from a john is not going to do a heck of a lot to do that.

Hon David Young (Attorney General, minister responsible for native affairs): I'm pleased to comment on the remarks by my friend opposite from Toronto-Danforth.

I will say at the outset how pleased I am and indeed how gratifying it is that in this instance we have all three political parties co-operating. Their co-operation, hopefully, will allow this bill to move through the Legislative Assembly in a timely fashion. My hope is that that level of co-operation will continue at the committee stage and as we get to third reading.

I anticipate what it is that has motivated the members opposite. I suspect that they, like the members of the Mike Harris government, are motivated by the fact that we must, at this point in time, do everything we can to help some of the most vulnerable members of our community. Of course, I'm talking about children who are trapped in the misery of prostitution and related activities. I say "trapped," and I think that's important to remember throughout this debate, because in fact they are trapped. They are victims who are desperately in need of some assistance that will allow for the cycle of dependency and victimization to be broken. In order to do that, they have to be physically removed from the predators who have been exploiting them for one purpose alone, and that is to make money.

What this bill will do, if it is passed, is allow for these young people to be removed from those predators and placed in a safe atmosphere where they will be able to have the medical services, the therapy, the counselling and the training they will need to get their lives back on track and allow them to have the dignity everyone in this society deserves.

The Acting Speaker: The member for Toronto-Danforth has two minutes to respond.

Ms Churley: I want to thank the members for Ottawa something—

Hon Mr Coburn: Orléans.

Ms Churley: York West, Timmins-James Bay and the Attorney General. I want to say a special thank you to the member for Sudbury as well. He's here tonight, and I know he made at least three attempts, I believe—

Mr Rick Bartolucci (Sudbury): Four.

Ms Churley:—four attempts, he tells me, to get a similar bill through the House. He should feel it an honour that the government took his bill and turned it into a government bill, because that way it has a much better chance of passing.

I would say that I understand as well why the member for Sudbury wrote the bill the way he did, because we in opposition can't write bills, we can't put bills on the

floor, debate anything that has to do with resources. So I'm sure the member for Sudbury would agree with me that although he couldn't write it into his bill because we're not allowed, the government can. The government are the only ones here who can talk about resources in a bill that goes through this House.

So again I urge the government to pay attention to what the opposition members and, I'm sure, many in your caucus are saying as well. I understand what the Attorney General said about the need to get these children, these young people, away from this terrible exploitation, this terrible life they're living. But let's bear in mind, as I said, that it's got to be more than 30 days. They're going to need more assistance than that.

Also let's bear in mind that the predators are still on the street, so more young people are going to come for these johns and pimps to take advantage of. I know it's tough; I've been in government. I know it's tough, in terms of dealing with the legal parameters, but we have to find more powerful measures and instruments to deal with these predators, these evil people who should be locked up.

1920

The Acting Speaker: Further debate?

Mr Bisson: I always find it interesting when we rise to debate in this House that often it seems, starting in the last session and again in this session, we find ourselves as New Democrats the only ones getting up and debating bills. I sometimes say to myself, "Thank God we're here." We're here in small numbers—we're only nine—but if it wasn't for that, much of the thoughtful debate that has to go into these types of bills wouldn't get on the floor.

Let me point out where I'm going with this. I generally support what the government is trying to do by way of this bill. I don't think anybody in this House will say the government should do nothing and pooh all over the bill because, as a government, you are trying to have some sort of response to how you deal with child prostitution. But I don't think that by having limited debate in this Legislature we're going to get at the issues of trying to deal with how you really curb child prostitution. Let's call it what it is. I don't believe in the end that taking away the driver's licence of a pimp or a john is going to deal with stopping this, because those people face far more severe consequences if they're caught. They can be charged under the Criminal Code, and that doesn't scare them. So why should a criminal—because that's what these people are—who is engaging in the business of promoting child prostitution be afraid of engaging in that activity if all they have to fear from the provincial government is the loss of their driver's licence? They're going to keep on driving, and I will say they'll keep on pimping.

As for the johns, they don't think about consequences as they get in their car and drive down the street looking for their next victim; in this case a child, either a boy or a girl. They don't think of that as they are walking down the street looking for their next victim. They are only

looking at trying to fulfill what is their fantasy. Again, I don't think that losing their driver's licence is going to be the thing that's going to say to the person, "I shouldn't do this, because I'm going to lose my driver's licence." I think we need to recognize that this is a very serious problem. Yes, removing a person's driver's licence has some effect—I'm not going to argue it has none—but may I say, my Lord, it's not going to move anybody from stopping and engaging in the act of child prostitution.

So the first point is, I think the punitive measures that we're putting on the johns and the pimps don't mount up to a hill of beans, because at the end of the day it's not going to deter anybody from engaging in child prostitution, either the pimp or the john. I would argue that we need to talk to our federal cousins—not our federal cousins, but the Liberal government in Ottawa. We've got to get them to move on the Criminal Code. We have to find a way to say, "Mr Jean Chrétien and the Liberal government, take your responsibilities and beef up the Criminal Code so that we make this a severe offence."

We should not stand in our nation and we should not stand in our province for people engaging in the act of child prostitution. First of all, we should see prostitution in general as an act that we shouldn't tolerate in our society, but I would argue, especially when it comes to those engaged in this institution—because that's how they see it, these people—we should not be supporting that in any way at all. So we should be saying to the federal government, "Beef up the Criminal Code." We need stronger penalties when it comes to dealing with the johns and the pimps. We have to be able to send a message that if you're caught in that activity, you will not only get prosecuted under what we have now under the Criminal Code of Canada, but you will have a much higher punishment that will come your way if you're caught. That's the first thing.

The second thing is, if we want to find the pimps and the johns, to curtail those people from engaging in that activity, we need to give the police forces in our province the means by which to get out there to patrol in a meaningful way so that we're able to identify them, because we can identify those children who are engaged in prostitution, so we can tail them and get at the pimps and the johns and prosecute them under the full weight of the law. Again, it has to do with the Criminal Code. So that was my first argument. I'm not going to argue that the punitive measures in this bill aren't going to do anything, because they will have some effect, but I would argue that in the grand scheme of things they're not going to do a heck of a lot.

The other part of this is, as I said in response to the member for Toronto-Danforth, we have to look at what are the root causes. If we're saying on the one hand that we're prepared as a province to go to our federal government and say, "We want to beef up the Criminal Code so that we prosecute at a very severe level," that once we prosecute and we've actually convicted somebody, the sentence or punishment is stiff, that's the one

side. We can say, "You're going to get the full weight of the law on you."

Now we've got to look at the children. We have to ask, "What are the root causes? What causes a 10-year-old boy or girl, or a 14-year-old or whatever they might be, to engage in child prostitution?" I think most of us in this assembly—I would argue all—understand some of those reasons. It might be drugs. It might be a young person who needs his or her next fix, and in order to get that fix is prepared to do anything. They're prepared to steal, they're prepared to engage in all kinds of activities that will get them money or access to drugs and, yes, prepared to sell their bodies. So I argue that we need to look at the root causes and we need to beef up our programs that we have in the province that deal with addiction.

We've gone through this whole restructuring in 1995 when the government took power where we—we ended up not doing it because we were able to beat it back, but the reaction of the government was to downsize the addiction programs. They were going to do a huge restructuring which would have meant that at the end of the day we would have less beds in the system to deal with people with addictions. They did reduce it to an extent—not as much as they initially planned—but I would argue it's not a reduction we need. We need to increase the number of counsellors. We need to increase the number of beds that we have to deal with people who have drug addictions, or alcohol addictions for that matter. I would argue that we need to give the people the support they need within those particular agencies to be able to deal with the young people.

I know from dealing with the people involved in the treatment side of the children's aid society, who get the referrals of those who are in treatment, that they're frustrated by the inability to refer a young person who they've identified as being hooked on drugs and suspect may be involved in the act of prostitution. They have nowhere to refer them. The waiting lists are too long because we here in the province of Ontario, namely the Conservative government, have reduced the amount of money that we have for people who are trying to deal with addictions. So when I argue for the issue of root cause, one of the things that we can do very directly—and it means putting your money where your mouth is—is support those agencies out there that deal with addictions.

There's another thing that we're able to do that I think would not be a bad idea, something that we have to take a look at. Another reason kids end up in prostitution is that often they are running away from abuse they may have had at home. Not in all cases but certainly in some cases they've been sexually assaulted by an uncle or a father or a brother, and in some cases by a woman as well. What happens is that they run away from that situation and they've got nowhere to go. They've got no safe house like you're trying to create under this legislation to say, "I'm 12 years old. I'm confused. My uncle"—father, brother, whatever—"has sexually assaulted me and I

need to go somewhere.” They have no idea where to go. They don’t see a shining 1-800 number, like Mike Harris likes to put up for everything else, that says, “If you’re sexually assaulted, here’s where you can call. Here’s where you can come. This is a safe house you can come to so that we can deal with (a) the trauma that you’re going through now”—rape crisis centres are very limited in what they can do because in some cases, if they’re boys, it’s not even in their mandate—“and (b) be able to deal to the full extent of the law to punish those people who caused the sexual assault in the first place.”

I would say, let’s look at a way of being able to, first of all, let kids know it’s OK to report these kinds of activities if it happens to them, because they’re confused. They are 11, 10, 12 years old. In some cases they don’t even know what happened to them, and all of a sudden they don’t know what to do. We should go to our schools and we should go to the popular mainstream media and have public education, public awareness campaigns to say, “This is a wrong activity. If it happens to you, this is what you can do, this is where you can go, this is who you can call,” to deal with the trauma at the time the child—boy or girl—is going through it, and at the same time deal with prosecuting those people who perpetrated that act against that innocent young victim.

I think that’s a couple of things we can do, but I don’t see any of this in the legislation. So as a New Democrat, I’m glad that at least we’re prepared to stand up today and speak to this bill. I don’t know what motivates and I’m not going to guess what motivates either the Tories or the Liberals not to get up on this bill, but I think it’s important as New Democrats to put that on the record so that when this bill goes off to the committee for the two days we have of clause-by-clause, we’re able to look at some of those issues and ask, “How can we incorporate that into the bill?” I think that would be one way of dealing with this.

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The other thing that we’re able to do—again, it’s a question of political will and I’m going to say it: the whole issue of welfare. We are limiting the ability for young people under the age of 16 to go on to welfare. That’s something this government has engaged in with no humility at all. They have been so happy to hammer away on people on welfare in their zeal to get at the politics of the welfare system that we basically have made it very difficult for kids under the age of 16 to access welfare and public housing.

As all the members of the assembly have in their constituency offices, I have a number of kids who come to my office and say, “I’ve applied for welfare and I can’t get it because I need to have my parents’ signature before age 18 to get on welfare unless I’m able to prove something like sexual assault might have happened.” And lots of times the kids aren’t prepared to say what the problem is.

I remember about a year and a half ago a particular kid came into the office who seemed to me was crying out for help. The young girl was about 17 years old and she

had run away from what were not her natural birth parents. She was living with foster parents at the time and had applied for welfare to get out. I could never get it out of her straight. I said, “If you’re telling me as your MPP the reason you want welfare is because you’ve been sexually assaulted while being at home, please tell me; I can deal with that. I can get to the welfare department and assist you. But more importantly, you need to be referred to the women’s centre up in Timmins on Wilson Avenue so that they can deal with the trauma of what’s happened to you as a young woman.”

But we all know what the problem is: she doesn’t feel confident that she will be taken seriously once she hits the legal system. She doesn’t feel, as a young rape victim—because she knows by an experience maybe that unfortunately she’s suffered before or by stories she’s heard from her friends or by what she has read or seen in the popular mainstream media that women who report instances of rape are not taken seriously by the police in many cases. It’s an ugly issue to deal with. The police would rather, “Ugh, that’s kind of yucky. Unless you’re prepared to really give us the evidence in detail so it will stick when it comes to a charge, shall we take it seriously?”

So I say part of the issue is—and I’ll get back to the welfare one in a second—we need to take those cries of help seriously when a young person—a young woman or a man—comes before police or any authority and says, “I have been raped.” That should sound the alarm bells and we should have a mechanism to make sure that those people are taken seriously when it comes to their charge.

Now, I have been told by others, “What do you do about people who say that and it really hasn’t happened? How do you deal with that?” The problem is that’s the default in the system. We’re so darned cautious about dealing with this issue that unfortunately a lot of cases of rape get reported but nothing is done about them. Because, again, it’s a subject that a lot of people don’t want to talk about.

That’s why I said a little while ago that I was proud when Marilyn Churley, my colleague from Toronto-Danforth, got up and talked about this issue, because she was the only member of the Legislature tonight who was prepared to do that, other than myself as a New Democrat. I’m proud to say that I stand in a party that’s not afraid to talk about these issues, not afraid to say there’s a bias in our legal system that says if you’re a woman and you say you’re raped, they don’t take you seriously. There’s a bias when young people go before our police or before their teachers or the children’s aid and say, “Daddy” or “Mommy” or “Uncle” or “Brother” or whoever “has done whatever to me”; they’re not taken seriously. And until we talk about that issue out in the open and we’re able to, as mature adults in this Legislature—and I would then argue within our police departments, our children’s aids and all other agencies—discuss how we deal with that, how do we set up the system in a way that we get rid of that bias?

I've had the opportunity and the pleasure of working for a number of years with the women-in-crisis centre in the city of Timmins. You wouldn't believe the fight that we had to open up a rape crisis centre in the city of Timmins, and a lot of it not only by men but by women who said, "Oh no, geez, we don't need one of those in our community. That don't happen here."

I remember in 1991-92 when our government, the NDP government, was in the process of trying to reopen a rape crisis centre in the city of Timmins, I had people coming to my office, petitioning that we shouldn't do it. Why? For a whole bunch of reasons, like, "We don't have that kind of stuff happen in Timmins." I'm sorry. It happens everywhere. It happens in our families; it happens in every community across this province. It's an unfortunate thing, but it does happen.

I've had the pleasure of working with the people at the Timmins Women in Crisis centre, the professionals they are, because they have been, at least to me, a great help in being able to refer people who come into my constituency office who say, "I've been raped," to get them over to the Women in Crisis centre. Often I've walked them over myself. As a matter of fact, this summer, it was the month of July or August, I had a young woman in her 20s who walked to my office on a day that we were closed. She was banging at the window, crying. I go open the door and say, "What's the matter?" She says, "I've been raped and the police won't do anything about it." I had to walk her down to the Women in Crisis centre, which is a couple of blocks away from my office, and even they had difficulty. They dealt with the counselling fine, but even they are having difficulty today trying to get the police to take that issue seriously, because it's not a comfortable issue to deal with.

I say to the Attorney General, who is present, you need to tune up the legal system—I have no other way of saying it—so that we take those allegations seriously. We must remove the bias from the system that says the onus is always on the victim to prove that it happened to them. We have to listen to the cries for help from the victim and say, "Let's go out and investigate."

You know what? At the end of the day, if the perpetrator of the assault, either the pimp or the actual john, feels they're going to get caught, feels that they will be publicly—that's the one point I didn't make. We should publicly say who these people are in the first place so that they are held up in the communities as the perverts they are. Send them out there and then prosecute them to the full extent of a stronger Criminal Code, or you're not going to have a chance to be able to curb what's happening when it comes to the victims.

I want to take the three or so minutes that I have left just to make one other point, and that's the one that I wanted to make a little while ago about welfare. Again I want to say that as New Democrats, we're the only ones coming in here talking about this. Let's talk welfare. "Welfare" is not a bad word. The government has tried to make it so, but it is not a bad word. One of the things we need to do is to say to our welfare system that if we have

children out there who we suspect—and I'm not saying "have proven," because that's what we now do—are victims of sexual assault, we should be putting them into the welfare system in order to stabilize the situation for now. We should then, through the various community agencies, provide the type of counselling that young person needs to deal with his or her trauma. We should deal with the police to make sure that it's investigated and prosecuted to the full extent of the law, and we should provide financial and housing assistance to the person who's the victim.

Now what happens if the child is under the age of 16, if they don't have the permission of the parent—in other words, the parent says, "If you go to the welfare office say 'Mom and Dad kicked me out and I'm 16 years old,'" and the parents aren't willing to take the child back in, that's the only way the child can get welfare. The other way is to say the system believes that they have actually been a victim of a sexual crime. In that case the welfare will pay, but the onus is again—the child really has to prove it, and it's very much up to the local welfare authorities.

I know, for example, the district service board for Timmins that deals with these issues are people who have gotten fairly good over the years at being able to try to respond as best they can. I know Joe Torlone personally, the director of the DSSAB, and Joanne and others who run the system. They have taken the time to tell their staff, "When that happens and a young person comes in, let's give them welfare and let's at least try to stabilize the situation and investigate later. Let's not investigate, take a month, and then give them welfare," because by that time it's too late and the kid has run off and probably gone into prostitution on the streets of Toronto.

That's the point I wanted to make at the end. Unfortunately that's where a lot of our kids show up. From all across Ontario and across Canada they end up here, because this is where the highest concentration of johns is because of the size of the city. If they're not able to get help in their home communities to stabilize the situation by giving them, yes, welfare, where do you think they're going to go? If the welfare department turns them down, there's no community agency willing to deal with their trauma, the police aren't willing to do due diligence when it comes to investigating, those kids take off and they end up not only here but in many cases in the city of Toronto and they seek out an existence any way they can. Eventually, unfortunately, some of them end up in child prostitution. I say that's a sad reflection on us as a society, because it says we in this Legislature have failed to find the solutions that help us deal in a real way with the issue of child prostitution.

So I support the legislation in a general form, but I really want the committee to deal with the issues as laid out in the debate by both Marilyn Churley and me and other New Democrats, in order to deal with this issue so we get to the root of what causes children to go into prostitution.

The Acting Speaker: Comments and questions?

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Hon Brenda Elliott (Minister of Intergovernmental Affairs): As I listen to the very serious debate tonight, I'm reminded of all the initiatives our government has undertaken to take care of children, whether you look to the education portfolio, where we have undertaken so many different programs in everything from standardized testing to curriculum reform, with an eye to making the very best possible education system for our children; or whether you look into the children's portfolio, where we have looked at establishing the very best science from Fraser Mustard to give children the very best early start. Our infants' and preschool programs are being recognized as leadership programs across the country.

The other piece that comes to mind as I listen to the debate tonight is the victims' programs we have set as a priority for this government. We established a Victims' Bill of Rights, and we've spent a great deal of time in this government since 1995 enacting and putting in place various pieces of legislation and policies that look to protecting those most vulnerable in our society.

Tonight, as we listen to this debate on Bill 86—the title of the bill, again, is An Act to rescue children trapped in the misery of prostitution and other forms of sexual exploitation and to amend the Highway Traffic Act—it's very clear this is the bill that looks to protect and rescue children who find themselves being exploited in the worst possible situations, the kind of experiences that will ruin them for life if someone doesn't step in to help them.

I'm very pleased to be part of a government that has taken the initiative to step forward, to not only be able, through this act, to take them away from the most horrendous situations, but also to punish those who have put those children in these kinds of situations, to make them responsible to pay for rehabilitation, to punish them by way of suspending their drivers' licences. We are taking action to protect Ontario's children.

Mr Bartolucci: This will be the last time I'll be able to speak on this bill at second reading, as it will be referred to committee for, certainly, alteration and modification and improvement. But I do want to agree with the member for Timmins-James Bay that indeed it is the responsibility of all levels of government, in fact of society in general. In the past, certainly the federal government has done its share. The municipal governments, certainly in my city and I know in the areas the member for Timmins-James Bay represents, have done their share. But this government hasn't come to the table.

Over the course of the last several years, they've refused to come to the table. I am happy to say that at last the government has responded to the requests of members from the Liberal caucus. This was—there's no doubt about it—a Liberal initiative. Dalton McGuinty believes the children of working families should be protected. I think now that everyone in the House is concurring in that, and I say it is very, very good that this thing is going to committee.

I want to leave the people of Ontario with the knowledge that Mallory—and the people who have watched this will know that Mallory was the teenage prostitute who went before the committee when the hearings were in Sudbury and in essence gave her life story—phoned my office last week and said, "I want you to know that I'm turning my life around. I'm at Cambrian College and I'm going to graduate. I'm going to work to graduate and hopefully someday I'll be able to go into social work." I think, here's someone who had to do it basically on her own and with the love and support of a wonderful mother and a wonderful father. It would have been so nice had the provincial government come to the table a little earlier for her. But do you know what? Better late than never.

Ms Churley: I want as well to congratulate the member for Timmins-James Bay for talking about what's going on in his riding and the issues there, and particularly for bringing up, as he put it, "'Welfare' is not a dirty word. We should be talking about it." It is important that when we talk about these kids—and I do want to take this opportunity as well; I don't know Mallory, but I've heard a lot about her, and it sounds like she's a wonderful young woman who is putting her life back together, and I want to congratulate her.

I do want to say, though, coming back to the young people we're talking about here and what my colleague from Timmins-James Bay said and what I said earlier and what others in this House have said, these are young people with severe problems. These are young people who need a leg up once they get out of that 30 days' confinement. These are victims we're talking about. I understand the government's talking about locking them up to help them, and I also understand there's a lot of sympathy for that. But these are very troubled young people who are going to need all kinds of supports.

In fact, there might be a way to do this under the Child and Family Services Act that doesn't necessarily lock them up. They're younger kids; put them before a judge. The judge looks at their situation and their life history and actually suggests or orders a particular treatment. I think that's far more effective in dealing with these young people who have been beaten up and abused, perhaps all of their lives. It may take years for them to get back on their feet. They need to have welfare in place; they need decent, affordable housing; they need a chance for counselling. They need these things. If we truly want to save them, that has to be put in place.

Hon David H. Tsubouchi (Chair of the Management Board of Cabinet): I want to thank the Attorney General for the opportunity to speak out on what I believe is a very important bill. I want to acknowledge first of all the leadership of the Attorney General in taking another step further, I believe, in the protection of children in this province. It's very important for all of us. I'd also like to acknowledge the member for Sudbury and the role that he has played in advocating in this area. It's a very important role he has had.

This is another step in many that this government has taken forward in the protection of children. I can only think back to the time when Jim and Anna Stephenson visited me several years ago when I was Solicitor General in this province and talked about the disastrous and appalling situation which their son Christopher Stephenson had gone through in terms of being murdered and also being sexually abused as well. That, because of a lot of the actions of ordinary people across this province and the support of the policing community and in fact the support of all of the members of this House, resulted in Christopher's Law, a very important law which created the very first sex offender registry across this province.

This only underlines the importance of our moving forward in many initiatives to protect children. It's also a very great shame that we don't have protection beyond the borders of Ontario for children against pedophiles and dangerous sexual predators out there.

I want to say that this is an important measure because it's another step, that we can in fact play a very important role in protecting young people in this province. I don't think there's enough we can do in this area. I think all of us here feel very strongly about that, whatever our individual political views are. But at the end of the day it's very important for the government, under the leadership of the Attorney General, to bring forward this measure, because we need someone who is going to show the leadership to bring this particular measure forward.

I look forward to the support from all members of this House of what will be a very important measure for this province.

The Acting Speaker: The member for Timmins-James Bay has two minutes to respond.

Mr Bisson: I'd like to thank the members for Guelph, Sudbury, Toronto-Danforth and Markham. I guess I'd start with the comments from the members for Guelph-Wellington and Markham. You talk about all the wonderful things that you've done in order to deal with this issue. The problem has gotten worse under your watch. It's not all your fault, because this is an issue that has been around for a long time, and it has been an issue that all governments up to this point have not adequately dealt with. I take part responsibility for that as a New Democrat. I think we tried by way of a number of measures, but obviously we didn't go to the extent that we really needed to to be able to curb this. To stand there and say, "Look at all the wonderful things we did," and somehow the world is better and we've got this problem fixed doesn't cut it. The reality is that under your watch it has gotten worse.

The other thing I want to say, and I want to repeat it again, is that it's only New Democrats who are getting up in the Legislature tonight to speak about this. That's why it's important to have New Democrats in this Legislature, because it's important sometimes to stand up and talk about societal issues that are somewhat uncomfortable to speak about but none the less we need to have these kinds of debate to talk about what some of the root causes are.

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I just come back to my original point: at the end of the day we'll support this legislation, but I don't believe this is going to amount to a heck of a lot to deal with taking the johns and the pimps off the street. Removing somebody's driver's licence is not going to be a sufficient deterrent to take them off the street and stop engaging in child prostitution; what will be severe penalties under the Criminal Code, and we've got to go to Ottawa for that. Provincially, we have to have the treatment programs in place, which you're not putting in this legislation; we have to support rape crisis centres; we have to support our police, to make sure that they take the allegation of sexual abuse seriously; and we have to take the gender out of our courts so they recognize that indeed these things do happen. We have to take them seriously, and not always have the onus on the victim to prove, but actually try to turn it around somewhat.

The Acting Speaker: Mr Young has moved second reading of Bill 86, An Act to rescue children trapped in the misery of prostitution and other forms of sexual exploitation and to amend the Highway Traffic Act. Is it the pleasure of the House that the motion carry? It is carried.

Pursuant to an order of the House earlier this evening, this bill is ordered referred to the standing committee on justice and social policy.

REMEDIES FOR ORGANIZED CRIME AND OTHER UNLAWFUL ACTIVITIES ACT, 2001

LOI DE 2001 SUR LES RECOURS POUR CRIME ORGANISÉ ET AUTRES ACTIVITÉS ILLÉGALES

Resuming the debate adjourned on May 28, 2001, on the motion for second reading of Bill 30, An Act to provide civil remedies for organized crime and other unlawful activities / Projet de loi 30, Loi prévoyant des recours civils pour crime organisé et autres activités illégales.

The Acting Speaker (Mr Bert Johnson): Further debate?

Ms Marilyn Churley (Toronto-Danforth): Thank you, Mr Speaker. I guess I'm out of the loop now; I didn't realize that other people from other parties weren't speaking tonight. That's because I'm not the whip any more.

I'm not sure why. I actually haven't had an opportunity to—

Mr Dominic Agostino (Hamilton East): Speak to your House leader.

Ms Churley: Well, I think we should be debating this tonight. It's up for second reading. I know we've debated it before, but here we are back in the House and, after all, that's what we're here for: to have discussions and debates about this.

I'm not sure why the Liberals and the Tories aren't speaking about this tonight. I'm glad that I have an opportunity, because I haven't had an opportunity to speak to this bill yet.

I think it's important to get my thoughts on the record about why we're not supporting this bill. This is another one in the whole litany of so-called law-and-order bills that the government is trying to rush through.

There's no pretence here that this one is sending out a signal. But it's really problematic and I'm going to spend a few minutes telling you why. I know the member for Niagara Centre, our critic in this area, and others in our caucus have spoken to this bill, and I believe my leader is coming in later to speak to it again, because we want to knock some sense into your heads on this bill. It doesn't make any sense.

Let me say from the outset that no one, including the New Democrat caucus and I, is suggesting that those who commit crimes for profit should be let off the hook, particularly in light of what we were just talking about in this House: pimps who make money off the abuse of children. We're not suggesting that for a moment. But there's a real problem with this bill. To use it to justify civil forfeiture is outrageous. The government is saying that it should have the right—and I'm going to explain what this is about—to seize property and money when there hasn't even been a conviction.

I know to anybody listening out there it sounds like, "Well, if people are making money committing crimes, then we should take the money away." But mistakes can be made and will be made. You can't be going out there grabbing money because you think you've got enough proof, without any kind of conviction seizing their property. I just find it outrageous.

The government is saying that it should have the right to seize property and money where there hasn't even been a conviction, or where an individual has not been found guilty. This is a democracy we're talking about; I don't think we do that in a democracy.

Government needs to adequately fund our police forces. I think that's the real problem here. There are fewer police on the street now than when the NDP was in government. What we need to do is make that force strong enough so that they're not reliant on the seizure of property and assets. All we have to do is look at what happened in the States to understand the road we are headed down. I'm going to tell you a bit about what happened there. It's important that we pay attention to this. I know people feel, "We've heard all this before. We don't need to be having this debate tonight and we're just going to carry on and support it." I believe the Liberals are supporting this bill as well. I think it's important to pay attention to what we're saying about the very serious problems with this.

This legislation for drug cases was introduced in the United States in the 1970s. What they did there was that, instead of proceeding against a person by a criminal process in which the usual protections applied, the government could move directly against the person's

property, which had no constitutional rights, without the need to charge the individual with any offence. The standard of proof was lowered from criminal—and this is a really important point here—that is, beyond reasonable doubt—which is what we depend on in a civil society and a democracy—to civil, with a balance of probabilities. This is key to what we're doing here.

In the 1980s, when the drug war frenzy was going on and the introduction—I think this was 1984—of legislation that gave police the right to keep what they seize, the right to apply civil law became more attractive. But here's what happened, here's some of the fallout and here's what we should be paying attention to before we pass this bill. I'm talking again about what happened in the States. Because police are sometimes given performance bonuses and salary hikes on how much they are able to grab, resources were shifted away from the violent criminals towards the wealthy ones. This actually happened in the United States; we're not making this up. There's been a reduction in charges filed under laws where there would be imposition of fines in favour of actions, civil and criminal, under laws where indeterminate amounts of assets can be seized.

Another thing: some critics argue that this practice skews the choice of who gets prison time and who walks. A wealthier person can bargain their way out by offering police part of their property, while the poor get the hard time.

Hon David H. Tsubouchi (Chair of the Management Board of Cabinet): Oh, come on, Marilyn. That's not the case.

Ms Churley: There are numerous examples. I'm talking about what happened in the United States.

Mr John Hastings (Etobicoke North): Well, this is Canada.

Ms Churley: We have to pay attention. What are they getting so excited about? I'm telling you what happened in the United States. I'm going to give you an example of what happened, a particularly abhorrent example, in Florida where a sheriff—and this is one of the worst examples, true, but it did happen—set up a trap on Interstate 95 to wave down cars at gunpoint and seize any cash he found. Do you know what the result was? The result was an average of \$5,000 per day for the law enforcement budget. When people noted that most of those whose money was seized were black or Hispanic, the sheriff actually replied that most drug dealers were black or Hispanic. When asked how he was so sure the money came from crime, he pointed out that few people whose cars were stopped at gunpoint asked for a receipt.

The members don't want to hear this. They're thinking I'm insulting, I believe, the police here. That's not what I'm doing. I'm giving concrete examples when similar legislation was passed in the United States. Pay attention to that. We do not want that to happen here.

Despite these many abuses and repeated congressional investigations, the law enforcement community did manage to block modest reforms for years. In spring 2000, a few changes were finally pushed through so that they did

slightly strengthen innocent owner protection, and they did provide owners with counsel and oblige the government to pay compensation if the claimant prevails. The government, after the changes were made, actually had to make a case on civil grounds before the property was taken, although police can still seize on probable grounds.

But these reforms came at a price. There's an expanded list of crimes for which civil law applies. Police were given the right to demand total proceeds instead of net earnings of alleged crimes and the right to seize an entire bank account, even if the funds were totally innocent, provided that some supposedly criminal funds, no matter how small the sum, once ran through that account.

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There is some debate—I'm sure the government is aware; this has been pointed out before—about how effective this is. It is a matter of debate, but many independent researchers "have analyzed the structure of drug or other networks involved in profit-driven crime, and come up with consistent results." Look at the research. I know you don't want to believe me, but look at the research. Tom Naylor of the Nathanson Centre says that organized crime is mostly made up of "small-time operators with short career life-expectancies whose earnings are generally modest and almost always blown on fast living, leaving little or nothing left to seize. Forfeiture will, at best, fill the coffers with the trailer homes, cars and motor-boats of ordinary citizens with no sign of the narco-barons'" mansions, "yachts or gold-plated bathtubs."

Interjections.

Ms Churley: He wrote that in the fall of 2000. You should take a look at that. He's an independent researcher. You haven't done the research. You haven't done the study. It's your job, as government legislators, to look at the research before you pass this kind of legislation.

Mr Hastings: Did you do yours when you were over here? No.

Mr Gilles Bisson (Timmins-James Bay): That's his excuse?

Ms Churley: What did he say?

Mr Bisson: Never mind.

Ms Churley: It doesn't matter.

Again, some of the main critiques of this legislation were summed up by Tom Naylor from the Nathanson Centre for the Study of Organized Crime and Corruption. He wrote in an op-ed piece in the *Globe and Mail*, August 29, 2000: "The legislation will destroy the distinction—"

Interjections.

Ms Churley: I don't think you understand over there what I'm trying to explain to you.

"The legislation will destroy the distinction between civil and criminal processes, reverse the burden of proof, smear perhaps innocent citizens with the taint of criminality without benefit of trial, and turn police forces into self-financing bounty-hunting organizations."

Interjections.

The Acting Speaker: Order.

Ms Churley: I'm just trying to point out—the government is determined to pass this legislation—that some research has been done where this legislation has already been put into practice, and these are some of the things that happened. That has to be taken into account.

It's my understanding that the government has spent about \$4 million on consultation on this in the crime summit. The government will now have to spend more money to fund their strike force. The Attorney General has said they're willing to find the money to put into this, but we still don't know how much it will cost.

I want to talk a bit about the federal jurisdiction and what they're doing. There are such provisions in the Criminal Code of Canada. Again, if people had been paying attention while this bill was being developed and debated in the House, they would know that. But the Attorney General has said to us—and I believe I'm quoting him; he can tell me if I'm wrong—that they are not really effective. According to the OPP, the problem with the federal legislation is that you have to have a criminal offence and conviction. The federal government is claiming they have used existing proceeds-of-crime laws to seize about \$230 million in assets since 1993.

I know that our colleagues in the federal NDP caucus have been focusing a lot of their response to the lack of action by the federal government on organized crime around the cancellation of the Ports Canada police force several years ago, and that is a real issue. I come back again to the fact that we should have a strong police force so they can go out, find the proof, arrest these people and have them charged and convicted. I would think every member in the House would agree with me that the cancellation of the Ports Canada police force was a problem and should not have happened.

The criminal lawyer John Rosen has said the new act is "totally ridiculous" because Queen's Park is trying to supersede Ottawa. He claims this is criminal legislation and beyond the jurisdiction of the provincial government to pass.

I want to come back to the premise that nobody in this caucus is suggesting that people should gain profits from crime and be let off the hook. They have to be rooted out. I have no objection whatsoever, and nobody in this House does, once these people have been rooted out—and in a democratic system that's what we have to do. The idea that people, perhaps innocent people, and we've had some examples—my leader and the member from Niagara Centre have pointed out a particular case in this House, somebody who would be the victim of this legislation, who claims she is totally innocent in a situation, but under this legislation she would not have the opportunity to prove that. That's our concern about this legislation.

We do want ways to make sure that when people are making money from crime, whether it be a small amount of money or a lot of money, that money is seized. I like the idea of it being given back to the victims. I know there is a clause in this bill that says the money doesn't

necessarily have to be used for this purpose. I can't find the section here, but it doesn't spell out specifically what other purpose it might be used for. Perhaps the AG, in his two-minute response to what I'm saying, can give us an example of this; I can't find it here. I wanted to read the specific section to you, but I don't have it here.

Particularly in regard to the issue we were talking about before, I want to make it abundantly clear that I and the NDP caucus support legislation—strong legislation—and support enough resources for the police force so these people are rooted out, arrested and end up getting the justice they deserve, that they end up having to give all the proceeds from their crimes and have that money go to the victims of crime. It is particularly abhorrent that there are in fact people out there making money off the abuse of children, the abuse of young people, and that money ending up in their hands after they so obviously abuse children and make money off it.

So what we're asking the government to do is take another look at this bill and to look at some of the independent research that has been done on this particular bill. The summit they held, I believe in August 2000 in Toronto, did bring together national and international experts. I understand there were people from the US Department of Justice, the Attorneys General of other provinces, federal justice officials, police representatives and prosecutors, and I understand there were delegates from a number of countries, from all over the world, including England, Wales and Ireland. This summit focused on emerging trends and a wide range of activities such as money laundering, drug trafficking, telemarketing scams and credit card fraud. The stated intention of the government at the time was to use the summit as a platform to formulate initiatives contributing to a multi-pronged legal strategy to fight corrupt organizations.

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It seems to me that all we've seen as a result of this conference which had experts from all over the world looking at the emerging trends and multifaceted ways to deal with it, all the government came up with as a result of that, was Bill 30, the Remedies for Organized Crime and Other Unlawful Activities Act. It looks good on paper. It sounds good, I'm sure, to a lot of the public if they don't understand the implications of this. You just go grab people if the police believe they probably received the money from crime and take their money away. They have no recourse before the courts. There's real concern, and there has to be real concern in a democracy, that innocent people could get caught up in this and have their lives completely destroyed. That's something that I don't think anybody in this Legislature wants to see happen.

So when I speak about my concerns about this bill and the concerns my caucus has about this particular bill, those are the reasons why: the concern that innocent people will end up having their lives ruined. I don't think anybody in this Legislature wants to see that happen.

The Acting Speaker: Comments and questions?

Mr Garfield Dunlop (Simcoe North): I'm pleased to rise this evening to make a few comments on the second reading of Bill 30, the Remedies for Organized Crime and Other Unlawful Activities Act, 2001. I'd like to thank my friend and colleague the Attorney General for bringing forth this legislation.

The intent of Bill 30 is to assist victims of organized crime and other unlawful activities, particularly organized activities that have a financial motive and that financially victimize innocent people. Bill 30, as it is currently drafted, would give us one tool to go after unlawful profits, including those made by terrorists. If passed, our government would use Bill 30, where it is warranted, to protect victims and prevent further victimization.

To the extent that terrorists engage in unlawful activity to make profits, Bill 30 would give us the means to seize, freeze and ultimately forfeit the proceeds of unlawful activity. The proposed legislation would allow civil courts, first of all, to seize, freeze and forfeit to the crown the proceeds of unlawful activity; seize, freeze and forfeit property or instruments likely to be used in the future commission of unlawful activity; grant remedies such as injunctions against unlawful conspiracies of two or more people; and, finally, assist the victims of unlawful activities.

Since September 11, our government has begun to explore all available options to help victims. We've provided the services of the chief coroner in identifying the bodies of victims. We're providing up to \$3 million to help Ontario families whose loved ones were victims. A victims' response team has been established and is drawing on the skills and expertise of staff of the Office for Victims of Crime to coordinate the efforts to assist families and victims. We'll be working with the families to help them navigate the legal process as they work to settle victims' estates. The victims' response team has set up a seven-day toll-free helpline available 24 hours a day, seven days a week as a point of contact.

Ms Caroline Di Cocco (Sarnia-Lambton): It's a pleasure to stand up to provide some comments on this organized crime bill. We do need to strike a balance: to be tough on criminals and at the same time protect the rights of the innocent. This bill lowers the level of that protection of those people who are innocent and is problematic for me because of that.

This legislation, in my view, also appears to be encroaching within the jurisdiction of the federal government. This law could possibly be struck down by the courts anyway because it is outside the provincial jurisdiction. This legislation may also violate the Charter of Rights and Freedoms, as it would allow the seizure of property of an individual without having established guilt beyond a reasonable doubt; instead on the civil standard of proof on a balance of probabilities, and the crown would be able to seize an individual's assets.

There are already significant powers of seizure in this province, and yet Ontario, according to Margaret Beare of Osgoode Hall, is one of those provinces that tends to use this significant power of seizure less than some of the

other provinces. I guess it's important. Author Yves Lavigne, the foremost civilian expert on the Hells Angels, called this organized crime bill a joke during one of his TV appearances. In response to the question, "What's it going to affect?" Lavigne said, "Nothing."

Mr Bisson: First, I want to congratulate my good friend Marilyn Churley, the member for Toronto-Danforth; again, New Democrats standing up and speaking on issues that are important, making sure that we put on the record those comments and those suggestions that we think would be useful for the legislation.

Again, it's somewhat like the other bill. We understand what the government is trying to do. They're saying, "We want to make it not profitable for organized crime to exist." I think most people would agree with that. But I think there lies the strategy, and the strategy by the government is a very simple one: "We have a great photo op. We say we're doing something." But in the end there's nothing there, it's like a marshmallow: you punch it and there's no substance.

It's like you come out with your victims' rights bill. Somebody tried to go to the courts under one of your previous bills dealing with victims' rights and the court said, "It's not worth the paper it's written on. There are no rights here. Nobody's being protected." All this was a photo op for the Premier, the Attorney General and the Solicitor General to stand up and say they've done something for victims.

I suspect, as was said earlier, that this particular law will have some difficulty surviving past the challenge, because really there is a concern that what this does, by moving it from criminal law to civil law as far as the proceeding, it's a way of the government trying to get around its restrictions in this domain by virtue of the authority of the federal government through the Criminal Code.

We understand why they're doing it. I think the member for Toronto-Danforth made the point that this is nothing more than another "make me feel kind of good inside" piece of legislation that, when you really look at it in detail, doesn't really measure up to anything, because all this bill is—let's admit it, government members—is an opportunity for the government to say nice things about how you're fighting crime, but when you look at the interior there's nothing here for victims, nothing here to protect the public, really nothing to deal with the issue over the longer term.

Hon David Young (Attorney General, minister responsible for native affairs): I appreciate having an opportunity to comment on the remarks made earlier this evening by the member for Toronto-Danforth. I want to say this at the outset, if I may: I heard the New Democrats and the Liberals listing all sorts of reasons, fanciful most of them, as to why it is that they had difficulty embracing this bill. I will tell you, though, that when I spoke to the federal Minister of Justice—

Mr Bisson: What did he say?

Hon Mr Young: No, it's "she" actually—it was quite clear that Minister McLellan was of the opinion that this

was a necessary additional tool, one that would help us combat organized crime in this country. I will tell you that I view it in very much the same way. It is not instead of criminal law; it is as well as criminal law. No one tool in a tool chest is going to be sufficient to combat what is a growing problem across this country, and that is organized crime. We're not just talking about drugs and thugs the way we once were. These are very sophisticated individuals who can stockpile money and channel it through our system in ways that were never dreamed of years before.

That brings me to another point. Given the tragic events of September 11, we are looking for ways in which to alter our society while making sure that rights are still protected. But at the same time it is incumbent upon us as legislators to consider how best to prevent those tragic events from happening again. Bill 30, as it is currently drafted, would give us one tool to go after unlawful profits made by terrorist organizations. If passed, our government would use Bill 30, where it is warranted, to protect victims and prevent further victimization. To the extent that terrorists engage in unlawful activity to make profits, Bill 30 would give us the means to seize, freeze and ultimately forfeit, in some cases, the proceeds of that unlawful activity and prevent those funds from being used in this country or elsewhere.

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The Acting Speaker: The member for Toronto-Danforth has two minutes to respond.

Ms Churley: I want to thank all those who took the time to comment.

The Attorney General mentioned that what they're trying to do is find a balance here. Well, I'm submitting to you that this isn't a balance, that you've stepped over a line. You have turned around a democratic way of dealing with criminals, so that you get the real bad guys and don't convict the innocent without a trial—you've stepped over a line. There isn't a balance here any more.

If you're serious about seeking justice for victims of crime, you would make good on your promise to introduce a real Victims' Bill of Rights, not the pile of fluff that has been called empty and meaningless by the court. It seems to me that when you talk about this bill you keep coming back to the fact that this is all about victims of crime, when you've got a bill that's been called empty and meaningless by the courts. Once again, what you're doing here is you're big on rhetoric and really short on substance, and I think deep down you know that. That's why there's all the rumbling and complaining and people walking out and being upset by the comments from over here. You know there's some truth and reality to what we're talking about here, otherwise you wouldn't react the way you do.

I would suggest, once again, that the purpose of this Legislature is for all of us to debate the issues. The opposition has an opportunity to critique a minister's and a government's bill better than the backbenchers do because you're given your speaking notes, you're given

your walking orders and you say what you have to say. That's the reality of what you do.

The Acting Speaker: Further debate?

Mr Bisson: The sad part in following up on the comments from my good friend and colleague from Toronto-Danforth, Marilyn Churley, is that the government is not getting up and saying anything. The government has decided they're going to sit down and not participate in this debate. When it comes to actual debate, they're going to limit to one day the amount of time this bill goes to committee.

What's really interesting is that complicit in all this are the Liberals. Both of you are the same—the Liberals and the Tories. One has a really hard time trying to make a distinction here in the House, because more times than not the Liberals are trying to facilitate the agenda of the Tories. Again tonight, on two important bills for the province of Ontario, one dealing with the prostitution of children and this one dealing with the proceeds of crime, you've got the Liberals and the Tories sort of snuggling up and trying to pass their agenda together. They're not prepared to have the real kind of debate we have to have here, but more importantly, the ability of the public to come before us at committee and to try to give these bills some teeth.

I ask what I asked on the other bill: is the intent of the bill good? Yes, I agree with the government that the intent is good. If we were trying to financially penalize people who are engaged in criminal activities by being able to get at their assets in some way—be it a car, a house or money in a bank account—I think the intent is good. I know it's good; I have no argument with that. The problem is, we already have those provisions in the Criminal Code. It seems to me that about 20 years ago—and somebody would have to give me the exact date—the federal government, I think under Brian Mulroney, brought in legislation that said that when you're going forward and prosecuting somebody under the Criminal Code, the authorities—the police and courts in that case—have the ability to go after the assets. But you have to do that under the provision of the Criminal Code. Why? Because the burden of proof is much stronger when it comes to the Criminal Code than it is for civil law. So we already have that provision. It already exists.

Is the Mike Harris government creating a brand new idea, something that's new, exciting and that is somehow going to work better? No. We already have the idea of doing this under the Criminal Code with the federal government, where it belongs, because at least there you have to have a charge, there has to be a trial and there has to be a conviction. Do you remember democracy? The whole idea is that nobody goes to jail unless they've gone through the procedure of a trial by their peers. Well, it should be the same when it comes to these issues. There's a possibility—I see the Solicitor General going, "Nah, nah, nah, nah." I know you're taught to do that. That's the mantra you've been told to say when it comes to this, but there is a reality.

Hon David Turnbull (Solicitor General): You're the expert. You did such a good job when you were in government.

Mr Bisson: Yes, I am somewhat of an expert on this. At least I'm getting up and raising the issue. You're not. You're the Solicitor General. You should. You, as the Solicitor General, should be worried.

The Acting Speaker: I'd ask you to direct your remarks through me to anyone else.

Mr Bisson: I agree, Speaker. I will direct my comments to you.

I simply say that under the federal jurisdiction, if somebody is to have their assets seized, there at least has to be a trial. The problem with what you're doing here under the civil code is that the burden of proof is not the same. All you have to have is probability, belief that the person is engaged in the crime he or she has been told they've been involved in. That's open to all kinds of abuse.

I know government members are going to say, "Oh, yeah, really. Yeah, abuse. Give me a break." Let me give you a little something I read over the summer. I was reading an interesting book that had to do with capital punishment. Every now and then that issue comes back and rears its ugly head as a way of being able to fight back against those people who unfortunately take somebody else's life.

In the book—it was interesting—there was a section on a study that was done in the United States on cases of capital punishment. This is directly related to this, and you'll see why. They went back and looked at the cases where they carried out the sentence; in other words, they've electrocuted, gassed or hanged the person who was tried and convicted. In those cases where they were able to go back and take a look at the DNA evidence or other evidence, there's a whole bunch of them that could have been overturned, because it turns out that a number of those people, a great number of them, were basically tried, found guilty and sentenced when they were actually innocent.

Here is the real interesting point. Do you know what percentage—

Hon Mr Tsubouchi: That's why we need to expand the DNA data bank.

Mr Bisson: No, here's the point. It's got to come back to this. Who were the biggest victims of those who were improperly prosecuted and found guilty when they were innocent? It wasn't people who had money, like O.J. Simpson, who was able to go to court, hire the best lawyers and get away, or not get away, with whatever he was accused of. In fact, it was those people who were the poor: the Hispanics, the blacks, the working class and the unemployed. When they looked at it—

Hon Mr Turnbull: Let's expand the DNA data bank.

Mr Bisson: Then I hear government members saying, "Well, they're the ones who create most of these kinds of crimes." Poppycock. Come on.

Hon Mr Turnbull: That's not what we said.

Mr Bisson: I didn't say you said that. I've heard that argument before. I'm saying the argument is that there has to be the burden of proof under criminal law. At least there is the process of a trial, and at least the person has an opportunity to defend himself at trial, albeit how difficult that can be if you don't have the money to go out and hire the type of lawyers O.J. got when he got away, or didn't get away, with whatever he was accused of.

So I say to the government that there is already a process under the federal jurisdiction that deals with this particular issue. I would argue that what we've got is a government that wants a photo op. They want to say to the public of Ontario: "We want to be seen as the government that has the toughest approach when it comes to dealing with issues of crime." That's all this is; it's a photo op.

In the same way, Mr Speaker, you will know well that in the last Parliament, I believe, we passed a law in this Legislature that dealt with victims of crime. The government, I remember, got up and said, "This is going to do wonders to give victims the kind of redress they deserve when they become victims of crime." People tried to go to court with that. They took the legislation and said, "I want to go to court, and I want to use what's in this law so I can get justice as a victim." Do you know what the court said, Mr Speaker? "That isn't worth the piece of paper it's printed on." The government engaged yet again in an exercise where they wrote a piece of legislation that allowed them to have a whole bunch of press conferences to say how wonderful they were at protecting victims. But when victims went out to try to use that as a mechanism to get justice, they couldn't.

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I'll give you a good example. I have a constituent in my riding, M. Gagnon, whom I've been dealing with for some time. I've known him a lot of years. He's an honest individual, a hardworking person. He was a victim of crime. He was a victim of something that happened to him when he was on holiday at some point and unfortunately suffered as a result of those actions that were against him. He goes to the Criminal Injuries Compensation Board to try to get some measure of compensation for what happened to him as a result of those actions against him. I forget what he got, but it was a measly amount of money. I don't remember the exact number and I don't know if I should say it here, because he probably would feel embarrassed if I said publicly how little he got.

My point is this: if the government is serious about dealing with victims of crime, why not beef up the amount of dollars that are at the Criminal Injuries Compensation Board so that people like Mr Gagnon can be properly compensated for what has happened to them? For example, if you're going to do this type of legislation, I would argue at the very least you should have the burden of proof that you only seize the assets after the person has been tried and convicted by a jury of his or her peers. I don't think it would stand up in court,

because it is a federal responsibility. But if you made that argument, then at least in your legislation say that the money is going to go to support things like the Criminal Injuries Compensation Board.

Instead what we've got is the government who says, "My Lord, the legislation says we are going to give the police officers an opportunity to tap into"—the police department; it's not the officers. The officers are hard-working individuals, as we all know. "We're going to give police departments the ability to apply to get some of this money so they can beef up their programs." The problem with that is, boy, can that be open for abuse. Instead, I want the money to go directly to the victims and go to people like Mr Gagnon and Mrs Last and a whole bunch of other people I have dealt with in the constituency who come to me over problems with the Criminal Injuries Compensation Board.

It takes forever to get your case heard, and when you do finally get it heard, you get very little in the way of real compensation. So I say to the government, you want to do something that's concrete? You want something that allows you to get a good press opportunity to say how you're trying to help the victims? You help Mr Gagnon. You tell Mr Gagnon that when he tries to get his appeal before the Criminal Injuries Compensation Board, you're going to put in legislation something that's going to give him an opportunity to get what is justly his as far as some type of compensation and that you're not going to insult him, or Mrs Last or a whole bunch of other people that I've dealt with, with the measly amounts of money that you're giving by way of the Criminal Injuries Compensation Board.

I argue that's something positive you can do. If you're trying to figure out how to fund that, get into some kind of an agreement with the federal government that says, "When we do seize assets from those who have been tried and convicted of a criminal offence, when we re-direct money away from those individuals, in other words, we seize their assets, the money doesn't go to anything else but the victims themselves; that we support the Criminal Injuries Compensation Board and others to be able to give the victims the just due they deserve." Then what you can do as a government and what I would do as a New Democrat—in fact, we did this—is properly support our police departments around the province so that they have the wherewithal and the means to be able to go out and do their jobs.

It's a shameful thing that the number of police officers in this province has diminished by some 1,000 officers in the time that the Tories have come to power. We've done hardly anything to be able to replace those police officers who are retiring and the natural attrition that happens on our police forces with an ever-growing population in our province. We as a society have to be able to deal with making sure that we have adequate police to protect us in cases where there is criminal activity going on or other activities.

So I say to the government, it's shameful that you're not doing more in order to be able to fund the police

forces across this province, both the OPP and the municipal forces, so that they can go out and do their job; so that they have the type of divisions or the type of departments within their police forces that allows them to deal with the issues of gambling, allows them to deal with issues such as child prostitution, allows them to deal with the issues of trying to get at some of the biker gangs and others who are involved in the type of activities that you're trying to deal with in this legislation.

That's something that you could do. That's something that's directly in your control. But no, no. You bring in another piece of legislation that allows you to get yet another press opportunity but does very, very little in order to be able to deal with the root cause again.

I want to read something into the record that came from Tom Naylor, of the Nathanson Centre for the Study of Organized Crime and Corruption, who wrote an op-ed piece in the *Globe and Mail* in August 2000. It's an interesting argument—and again, it's an argument. The government can get up and say, "We disagree with that." I understand that, but it's an interesting argument. He says the legislation will, "destroy the distinction between civil and criminal processes, reverse the burden of proof, smear citizens with the taint of criminality without benefit of trial, and turn police forces into self-financing bounty-hunting organizations."

I dealt with one of them, but I just want to come back to the thing. It really comes down to this whole issue of burden of proof. If you're charged under the Criminal Code, there has to be, in order for this type of thing, a trial. A person has to be charged and convicted. There has to be a trial; there has to be a conviction. What you're trying to do here is say, "We have reason to believe that John Doe, who lives down at 123 Main Street, has been involved with some sort of illegal activity. We're going to bring him to civil court and we're going to basically seize his or her assets at 123 Main Street."

Here's the problem: once you go to civil court, it's a totally different ball game, because police would be empowered to go to civil court, where there's a lower standard of proof than criminal courts, and the government says that charges need not be laid before assets are seized. So under civil court there's a lesser burden of proof as compared to criminal court. But what really is troubling here is you're saying we're going to allow this to happen if there is no conviction. I say, as is pointed out in this op-ed piece by Mr Naylor, that basically you could end up in a situation where people can be smeared and then be innocent.

I remember reading a few years ago a tragic story about a person who had been charged, but not found guilty, of a sexual offence in a community, I think in around the Guelph area. I don't want to say the community, because I'm probably wrong. The point is, the person had been charged and had not been convicted, but just in the charge had become a huge story. This person, I believe, was a real estate agent in the community, and basically his career was destroyed by even the charge being laid, for the terrible actions that he was said to have

been involved in. The person, after he was not convicted, picked up roots, moved to another community and tried to start all over again so that hopefully he could get on with his life. The story followed him and a couple of years later was raised again, and as a result the person committed suicide. It turned out after the suicide that the person who was actually responsible for the actions that the person who committed suicide was charged with came forward and said, "It wasn't him; it was me." So the danger is we could end up with those kinds of situations. It already can happen under criminal law, but at least there's a higher burden of proof that the crown has to have in order to go forward and summarily charge somebody and then get a conviction, contrary to what happens in civil law.

The other thing I want to point out is something I read that I thought was absolutely amazing. I read this and I actually started to laugh, because I thought, this can't be for real; this has to be a joke that somebody put into a briefing note. So I went back and I actually found this in the media and it had to do with something that happened in Florida. Let me just read this. It's absolutely amazing. It talks here in the briefing note about, "There are a number of examples of the abuse of these laws by police," meaning to say being able to seize assets without the burden of proof and without actually having somebody convicted. It says, "A particular bad example is the Florida sheriff who set up a forfeiture trap on Interstate 95 in Florida to wave down cars at gunpoint and seize any cash he found." Can you imagine this? This is where they have these types of laws. They've done this in Florida, and a sheriff goes out with his gun on an interstate and says, "Stop your car." The guy says, "I'm stopped. I'm stopped, officer. What do you want?" Then they did a search and the result was that an average of \$5,000 a day for law enforcement was added to their budget. In other words, they searched the car, and if they found large sums of money in the car or on the person, they seized those assets. Here's the really amazing part. When the media and others noted that most of those whose money was seized were blacks or Hispanics, the sheriff replied that most drug dealers were black or Hispanic.

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When he was asked how he was so sure the money came from crime, he pointed out that two people whose cars were stopped at gunpoint asked for a receipt. If somebody points a gun at me, I ain't asking for a receipt. I'll say, "Have my wallet. Let me go. I don't know if you're a real cop. Just get the hell out of my life." Do you think I'm going to be asking for a receipt of somebody? I don't know if this guy is a real cop or not. Is this a scam? I would think it is. If I'm driving down I-95 in Florida, or anywhere else for that matter, and some guy comes up in a police cruiser, stops me, points a gun at me, finds my cash and walks away with it, I'm going to say to myself, "This can't be the real police. This must be somebody else." So of course I'm not going to ask for a receipt.

But the biggest point was what they assumed. They found, because most of the money that was seized was from blacks and Hispanics, the bias within the system was that because they're Blacks or Hispanics, obviously they've got to be criminals and, "Of course we're justified to take their money." Wow. Give me a break. Talk about systemic discrimination within the system.

In wrapping up, I make this simple point to the government: if you're trying to do something in order to help victims of crime, if you say that we want to be able to seize assets from those people who have been charged under criminal law and convicted and you want to get at their money, I agree with that. Good thing; not a problem. But then take the money and put it into things like criminal injuries compensation so people like Mr Gagnon in Timmins and Mrs Last, and many other constituents across this province who are trying to get justice through the Criminal Injuries Compensation Board, can go there and get some money as compensation for what has happened to them.

I suspect that what's going to happen to this money is going to be very simple. General revenue, that's where it's going to go. When times get tough, the tough get going, and the tough guy is the Minister of Finance, who is going to say, "I need all the bucks I can get and the heck with the victims." There are no assurances in this legislation that victims are going to benefit out of any of this in the end. So therefore I've got to conclude that this is yet another photo op. That's all it is.

If you really want to do something to help victims, Peter Kormos, our justice critic, and our leader, Howard Hampton, and the rest of the New Democrats will be with you in order to make that happen. But don't come in with these fluff things.

The last point I want to make is simply this: again, it's only New Democrats raising these issues in the House. Where are the Liberals and Tories? It proves that you need New Democrats to raise these issues. Otherwise they would never get raised at all.

The Acting Speaker: The member's time has expired. Comments and questions?

Hon Mr Tsubouchi: I'm a little confused, after listening to that long ramble and long anecdote, whether he's concerned with not so much the seizure but the use of the money after the seizure. I assume that's part of what he's saying.

Listen, the fact of the matter is this: we're looking for more tools to combat organized crime, plain and simple. If you had an opportunity to speak to some of the people who actually enforce the law and talk to them about what their needs are, they're looking for additional tools. We did have under the Attorney General, who is now the Minister of Finance, Jim Flaherty, a summit and we brought together police leaders and other leaders from right across the world. Within our own country we had Zack Zaccardelli, who is the commissioner of the RCMP, and other great police leaders in this province like Julian Fantino of the Toronto police and Gwen Boniface of the OPP, and I could go down a whole raft of them,

including Alex McCauley, who took a great lead in this as well. We brought in leaders from across the world and many Commonwealth countries; the United States came with the FBI. We had people from South Africa. We had people from Scotland Yard, from England, and from Ireland as well. All these people together, these experts from across the world, were clearly saying to us that we need additional tools to combat organized crime.

I suppose you can always say, "When do we have enough tools to combat organized crime?" What we intend to do, and clearly the intent of this legislation, is to try to cut off the source of those funds, so that they can't finance themselves to continue down this path in organized crime. The simple philosophy is that if you cut off the head of the serpent, hopefully the rest of the serpent will die. This is what this is all about.

When we start talking about resources, the fact of the matter now is that the seizures of some of the proceeds of crime which occur today have been used for an awful lot of good things within this fight against crime, whether it's police helicopters or other types of resources that we can assist police with right across this province. So I would suggest that there is going to be some very good use of the monies when that happens, but the whole point of this is to combat organized crime. Clearly, we have the leadership here to do that.

Mr Peter Kormos (Niagara Centre): The member for Timmins-James Bay, Mr Bisson, made it very clear, in what was a very capable analysis of Bill 30, that New Democrats are sympathetic, let's say, to the Attorney General's motives, no quarrel with that. But we participated in the committee hearings last time around, and it was very clear that there are some distinct dangers in legislation like this Bill 30 that, when it is applied to criminal conduct, uses the civil standard of proof, uses the mere balance of probability, the 51%-49% balance, as compared to the criminal standard of proof beyond a reasonable doubt.

The Criminal Code already contains provisions. Do they create some hurdles for prosecutors attempting to seize personal property? Of course they do, as they should in a free and democratic society, because you want to ensure that while on the one hand you're prosecuting criminals and, yes, you're seizing the proceeds of crime, on the other hand you want to make sure that no innocent person becomes victimized by the application of that law. That is the essence, I tell you, of our opposition to Bill 30. We opposed it last time around; we're going to oppose it this time around. Howard Hampton is going to be speaking to the bill; Rosario Marchese from Trinity-Spadina is going to be speaking to the bill. Rosario was not on House duty this evening but he insisted on the opportunity to address this bill because New Democrats are concerned about the rights and the welfare of those innocent people who can be all too readily victimized by this very loosey-goosey legislation.

Hon Mr Young: I appreciate having an opportunity to comment on the remarks made earlier this evening by the member for Timmins-James Bay. Let us not forget what

our motive is in bringing forward this bill. It is designed to essentially take away the lifeblood of organized crime. I appreciate that some members of the opposition would be quite content to have organized crime carry on and not have any serious attempt made to change the status quo and, frankly, the status quo is not working.

Let me tell you, my friends opposite go on and on about how this bill really does nothing more than does the Criminal Code. I tell you that anyone who has read this bill and is familiar with the provisions of the Criminal Code would say that is not the case. They are two different things. In this case, we are talking about the return of property. Property can be returned in various instances—yes, sometimes at the conclusion of a criminal trial upon conviction, but sometimes there is no one to charge. Sometimes a victim knows their property is elsewhere, knows it was taken as a result of unlawful activity, but there is no one to charge because, as an example, the person may have died; the person who engaged in that unlawful activity may have died. There is no one to charge, there is no one to convict and there is no way of returning the property to the victim. Another instance that happens with some regularity, when talking about organized criminals, is a situation where people leave the country. They commit a crime, they get property, they get that property as a result of unlawful activity, take it away from innocent victims, but there's no one to charge. So there is no criminal process that one can turn to in order to allow for the return of the property.

A great deal has been said about the standard of proof that is used. The standard is a balance of probabilities, and that is the standard that has been used in this province for 140 years. I suspect that if the members opposite stopped and thought about it, they would realize that is the appropriate standard.

Mr Agostino: I had the opportunity to read this bill in its previous life, in the fall, when it was before the House. Again, the concerns that were expressed before still stand. We believe that this bill has too wide an approach, that often, as we try to get the bad guys, we end up nailing innocent people as well through the powers this bill has. When you look at the reality, if this government is as sincere about fighting crime as they say they are, I really find it interesting to see the life of this bill. It was announced in the Toronto Sun in May 2000 that they were going to do this. Then they hosted all these conferences. The Attorney General at the time travelled around the world hosting summits. Then there was a summit here. Then the bill, with all the fanfare, was introduced in the fall. This is a government with a majority in the House that can pass the bill if it wants to. They decided they were going to let it die. It wasn't that much of a priority. It wasn't that big a deal for this government. Now, they reintroduce it again. So this is the third or fourth photo op they're going to get off of this bill.

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The reality is that there are powers already within the Criminal Code. Let me relate something that was at the committee. Professor Margaret Beare of Osgoode Hall

said Ontario is the province that uses the existing power of seizure less than some of the other provinces. Again, the get-tough-guys on organized crime and criminals across the province tend to use the legislation already there less than many other provinces.

If you're serious, you give the police more resources. You give the police more money. You allow the hiring of more police officers. The reality is there are fewer police officers in Ontario today than there were when this government came to power. That is how you can attack this, not by some feel-good opportunity here to stand up and have a photo op and pretend you're getting tough on crime. The reality is, you've delayed this bill, you've delayed the passage of this bill. You could have passed it in the fall; you could have passed it last spring. Why haven't you done it? You talk the talk, but you don't walk the walk once again. These guys talk like they're tough on crime. They're soft; they're wussies on crime.

The Acting Speaker: The member for Timmins-James Bay has two minutes to respond.

Mr Bisson: Thank you very much to the members from Welland-Thorold, Hamilton, the Attorney General and others.

I just want to say that I'm somewhat troubled now after hearing from the Attorney General, because I would think most members in this Legislature would know—and certainly someone in the legal profession would know—that the Attorney General has a dual role. He is a member of cabinet by right of being appointed by Mike Harris to cabinet, so we understand he's a politician and he will engage in political sport. But he also, in that dual role, has to be somewhat independent over how law is applied and how the court proceedings in the province go. For the Attorney General to stand up, as he did earlier, and say, "We're not interested in being able to deal with these issues," I think he should say it outside.

It's amazing that an Attorney General would get up and actually say that, because the reality is—I would hope as a citizen, never mind as a legislator—that the Attorney General believes and understands and holds dear the value in our democracy, which is that there has to be a burden of proof.

Mr Kormos: They don't want that.

Mr Bisson: No. My good friend, Mr Kormos, says they don't want to because they don't like criticism, and that's exactly the point.

I would hope that the Attorney General understands that you don't go out and seize people's assets unless they've been not only charged but convicted. I want to see a conviction, and then it's fair game. Of course, go out and get the money. As I said in my speech, go out and get the money, then direct it to the victims. Don't put it in the general revenue fund, as you suggest it is going to, or allow the police to apply for grants under this fund, because at the end of the day it really does nothing to help the innocent victims. If you're serious about helping the victims and curbing crime, I would say beef up those provisions that allow you to get to the assets once somebody has been charged and convicted. Then after

that, make sure the monies are directed to the victims of crime so that they can get justice in the end. That's what this should be all about.

The Acting Speaker: Further debate?

Mr Howard Hampton (Kenora-Rainy River): I'm pleased to be able to take part in this debate because I think it's necessary to first of all penetrate the government's announcement and re-announcement and the spin around this legislation and then get down to the reality of what happens under this legislation.

When the government announced this legislation, they did it in such a way that would have the people of Ontario believe that suddenly the government is going to go out there and anybody who has ever engaged in the drug trade is immediately going to have their property seized and the government's going to be able to seize millions, if not tens of millions, of dollars in bank accounts and the government is going to seize mansions and this government is really going to do a number on organized crime. That's what they would have people believe. That's the spin that this government has generated around this legislation.

If that were true, if that were really the case, one would have thought that the government then would have proceeded with the bill through first and second reading and out to committee and third reading and would have passed the legislation. But the people of Ontario deserve to know that's not what happened. In fact, what the government did was announce the legislation, held a big press conference with all the photo ops and everything—but first they announced it not as this bill, Bill 30, but as another bill. I believe when it was first announced it was called Bill 155, and this is going back over a year ago. So they announced it, with lots of media spin, the cameras, the backdrop, and the bill went nowhere. This bill, that was supposedly going to handcuff organized crime and result in the assets of organized crime being seized overnight, went nowhere.

What did they do after announcing it, after bringing it in the House here and doing nothing with it? They waited a few months and they announced it again. So they got lots of hoopla, lots of television cameras, big backdrop, lots of tinsel, lots of glitz, lots of gleam, but still no law.

That should tip people across Ontario off immediately. When the government introduces a piece of legislation and then does nothing with it—doesn't take it through second reading, doesn't take it to committee, doesn't take it through third reading and implement it—and instead lets it die on the order paper, and then a few months later reintroduces it with all the hoopla, it should tell people there is not a lot of substance here. This is a government that's trying to tell you once again, trying to spin you the line that they're going to do something serious about crime, when in fact the number of police officers in the province is down, the number of cases in our criminal courts that are being plea-bargained is going up, and in fact this government's record in terms of dealing with crime is quite deplorable. It is a government that is starving the criminal justice system of the resources that

it needs in order to deal with and address and convict criminals in a way which the public has every right to expect.

This is another case of the government spinning an announcement, spinning an announcement again, but when you look under the cover there's not much there.

I want to deal with the substance of what the government has been saying. I want to deal with what they've said in their press conferences, the impression they've tried to create that suddenly, if this legislation is passed, they'll be able to scoop in and grab this \$10-million bank account that was somehow the proceeds of the drug trade, or they'll be able to scoop in and grab this account. I want people to have a sober second thought about this.

If this is going to work, at the very least the Attorney General will have to go to court in a civil case. He will have to go to court and he will have to present the argument, and organized crime—the big organized criminals that this government says have money in their pockets—do you think they're simply going to fold their tent? No, they're going to go out and hire the best lawyers they can get. They're going to spend as much time as they can on all kinds of procedural motions. They're going to spend as much time as they can in terms of showing that the government doesn't have a case.

I want people across Ontario to understand that there is a civil case in our courts right now where the George family is suing the Premier of Ontario and the former Attorney General and the former Solicitor General and the former Minister of Natural Resources in a wrongful death trial. The Premier, by all accounts now, has spent over \$1 million—in this case it's taxpayers' money—on procedural motions to delay that wrongful death civil trial, on procedural motions to slow it down, on procedural motions to keep documents from being public.

So even this impression that the government has tried to create that suddenly, quickly, they will be able to reach in and scoop the money, million-dollar bank accounts, mansions, even the fact that they have tried to create that impression is false. If this government thinks they're going to use this legislation to go after the people who get the big money from organized crime, the people who get the big benefit and the big bank accounts from organized crime, this government will be in court not for many months but for many years, and the cost in terms of mounting one of the investigations and then the cost of bringing the civil trial will be literally several hundred thousand dollars, potentially millions of dollars.

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At the very least, those people who might be linked to organized crime out there, those people who might be the kingpins of organized crime, are simply not going to fold their tents and say, "Here, take my bank account." They're going to fight this, just as the Premier has spent over \$1 million defending himself in a civil trial. That's exactly what's going to happen.

I bet you might find that some small-time operators out there, some people who are sort of at the bottom end of a criminal gang or at the bottom end of somebody

who's dealing in drugs, who don't have a lot of money, will be susceptible to this. They might have their trailer home seized or they might have their car seized, but that's small potatoes. This government is not in any way going to be able to use this legislation to touch those people who are at the top of the drug chain or those people who are at the top of other organized criminal activities. You know what? The evidence from other jurisdictions shows that is the case.

I want to quote from somebody who knows something about this. This is again Tom Naylor, who is at the Nathanson Centre for the Study of Organized Crime and Corruption. This is somebody who spends his time looking at what organized crime does, how organized crime organizes itself, where the money goes. He says that organized crime is mostly made up of "small-time operators with short career life expectancies, whose earnings are generally modest and almost always blown on fast living, leaving little or nothing left to seize. Forfeiture will, at best, fill the coffers with the trailer homes, cars and motorboats of ordinary citizens with no sign of the narco-barons' mansions, yachts or gold-plated bathtubs." People who work in this field, people who have studied other jurisdictions, know that this is a bunch of fluff, that this will do nothing to attach the bank accounts of people who really profit from organized crime. They know that, and that's why this government is yapping and yipping here tonight, because they don't want the public to hear that. They don't want the public to know what people who are knowledgeable in this field really know about.

But I want the ordinary citizens of Ontario to realize something else about this legislation, because while the government says they're going to go after the big guys and they're going to attach the bank accounts of the big guys, and the people who are knowledgeable in the field say, "Nonsense; it doesn't work that way," ordinary people do have something to fear from this legislation. I'll tell you why. I want people who might be watching to get a copy of part V of the act, specifically subsection 17(1). It says, "In proceedings under this act, proof that a person was convicted, found guilty or found not criminally responsible on account of mental disorder in respect of an offence is proof that the person committed the offence." Fair enough. But then it says in subsection (2):

"In proceedings under this act, an offence may be found to have been committed even if,

"(a) no person has been charged with the offence; or

"(b) a person was charged with the offence but the charge was withdrawn or stayed or the person was acquitted of the charge."

In our system of justice, we have always believed at the very least that before someone is to suffer a penalty at the hands of the state, at the hands of the government, they should at some point have been found guilty of a crime. But in this legislation it says very clearly, "... an offence may be found to have been committed even if,

"(a) no person has been charged with the offence; or

"(b) a person was charged with the offence but the charge was withdrawn or stayed or the person was acquitted of the charge" by a jury.

Those ordinary people in Ontario who maybe don't have the bank account of one of the drug barons so that they can go out and hire themselves the best lawyers on Bay Street, those ordinary people who, as far as they know, have never been charged with an offence, who have never been convicted of an offence or who were acquitted of an offence, ought to worry about this section. They ought to worry about a government that wants to have the power to come after them, notwithstanding the fact they have either never been charged with anything or have never been convicted of anything.

It's really quite something to see this kind of legislation, to see these kinds of words, these kinds of clauses, in legislation which could come and take your house away tomorrow, or could come and take away your bank account. You don't need to have been convicted of an offence, you don't even need to have been charged with an offence, or you could have been acquitted of an offence, and yet this government wants to have the power to come and say, "We think your property was somehow obtained in some nefarious way and we're going to take your property away." It's quite incredible.

There are some other points I want to make. This legislation is not new. This legislation actually started in the United States in the late 1950s and the early 1960s. It was called the RICO legislation or the RICO statute, RICO standing for "racketeer influenced and corrupt organizations." So this legislation has been around in the United States since the late 1950s and the early 1960s. It was brought in in the United States in the late 1950s and early 1960s so that the drug trade in the United States could be dealt with, so that the people who run the illegal gambling operations in the United States could be dealt with, so that the people who run the illegal prostitution rings in the United States could be dealt with.

This government, through their press releases, would have you believe that once you have this legislation, boy, you can really go out there and do something; this is really going to shut down organized crime. I ask any reasonable person who might be watching tonight to reflect upon the results and the history in the United States. The legislation has been around for 40 years now in the United States. The drug trade in the United States is making more money than ever. The drug trade is now a more serious problem in the United States than ever. Organized crime in the United States, in terms of what it is doing and the amount of money it has, is a more serious problem than at any time in the history of the United States.

How do you square this government's public relations announcements with the reality that's happened in the United States? How could it be that despite this legislation in the United States, organized crime has grown, and the drug trade has grown more than anything else? That seems to belie everything this government has been saying in their press releases. It seems to belie the two

trumped-up, glitzy, glossy announcements this government made, and it still hasn't passed the legislation. If this government's claims were correct, then the drug trade in the United States would be a thing of the past. If this government's claims were correct, then the FBI in the United States and the Drug Enforcement Administration in the United States would have seized the millions and the tens of millions of organized drug trade barons in the United States. But that hasn't happened. It hasn't happened in any shape or form.

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In fact, the history in the United States has been, just as Mr Nathanson said, that the big-time criminal operators who have the money to defend themselves, who can spend \$1 million defending a civil suit—and this government ought to know about spending \$1 million to defend someone in a civil suit, because you're spending \$1 million of public money right now defending the Premier in a civil suit—in the United States have been able to get around this legislation with no trouble whatsoever. Who have been captured or caught by this legislation in the United States? The very people Mr Nathanson refers to: small-time people, people who are at the bottom of organized crime, people who think, "Maybe I can make a few bucks this way," people who get lured into peddling drugs, who get none of the money but they get lured into it, are who this government is going to catch. It's going to be very similar to what has happened in the United States.

But people need to know that something else has happened in the United States. In fact, there have been widespread abuses of this legislation in the United States. There has been example after example where innocent people, who have had no connection to organized crime, have either had their property seized or tied up in such a way that they're financially ruined and their reputations are ruined. That is what has happened and that is on the record.

Not only that, but what has tended to happen is that in the case of many police forces the police, rather than going after violent criminals, criminals who commit assault with a weapon or criminals who brutally beat someone, instead of going after brutal crimes like that where there is no money, tend to leave the brutal and violent crimes alone and go after places where they think they can get money.

What an undermining of the criminal justice system, when the police start deciding what case they'll go after, what case they investigate, not on the basis of how seriously someone has been injured or how badly someone has been beaten up or how violent the attack was, but on the basis of, "How much money do you think we can seize if we go after this person civilly?" What a perversion of the criminal justice process.

In fact, the American legislation, the civil process under the RICO statute, has been brought back before a number of congressional committees in the United States because Congress, the lawmakers in the United States, have become worried about the abuse of this legislation

in the United States. They have become concerned with, in effect, the police going after someone who they think has money and ignoring the other serious crimes where money might not be involved.

I would hope the Attorney General, who ought to be interested in the proper administration of justice, not just in promoting the government's propaganda, sits down and looks at what has been given in testimony before those congressional committees in the United States.

The Acting Speaker: Comments and questions?

Mr Dunlop: It's a pleasure to make a few comments on the second reading of the Remedies for Organized Crime and Other Unlawful Activities Act. It's interesting to hear the comments coming from the member for Kenora-Rainy River.

The intent of this bill, as we see it, is to use civil law to disrupt and disable corrupt organizations by taking away their illicit profits and to help the victims. This legislation is necessary because organized crime is here in Ontario, just as it is in other countries around the world. Organized crime does not stand still; it changes with the times. The old stereotypes are just that: out-of-date stereotypes. Organized crime is more sophisticated today, using new technologies and forming strategic alliances among many different groups.

The cost to our economy is very high, but there are other, non-economic costs as well. The value of the illicit drug market here in Canada is between \$7 billion and \$10 billion a year. Illicit drugs are readily available in our communities and reduce our quality of life. Contraband goods of inferior quality can threaten our safety. Our credit card information can be illegally copied and used to create counterfeit cards, costing Canadians \$127 million a year. Car theft is also organized. Many stolen vehicles are sent overseas and sold in other markets. According to the Insurance Bureau of Canada, this activity costs the insurance industry \$600 million per year. It costs each of us an average of \$48 added to our insurance premiums. That's a high cost to our economy. Fraud has a very high cost. Telemarketing scams alone cost Canadians \$4 billion a year. The personal misery that fraud imposes on individuals and families is incalculable.

I support this second reading and Bill 30 wholly and I've appreciated the opportunity to make a few comments.

Mr Kormos: The leader of the New Democratic Party has presented, in the brief time permitted, a very thoughtful critique of this bill. I understand, as all of us do, that this Legislature is partisan. I am amazed and disturbed by an Attorney General who, in an incredibly petulant way, in response to what is meaningful debate—quite frankly, it hasn't been offered by the Liberals. They've chosen not to participate in the debate. They said, "No, we don't want to participate in the debate. We are going to facilitate the speedy passage of this legislation. We are not prepared to engage in a critique or an analysis of it." That's fine; that's their choice.

But we New Democrats aren't going to abandon or abdicate our responsibility to our constituents and to the people of this province. Our job is to engage in the debate, to assist in the analysis and to provide critiques. For the Attorney General to suggest that somehow opposition members who provide a legitimate critique of this legislation with concern about the welfare of innocent people and with concern about the real need to effectively combat crime, New Democrats then, as suggested by the Attorney General, are somehow on the side of organized crime—what rubbish; what foolishness; what sad, regrettable talk from an Attorney General.

I've witnessed a succession of Attorneys General in this Legislature over my time here. I have never seen conduct from an Attorney General that the Attorneys General of this Conservative government have displayed, ever, in my time here in this Legislature.

Hon Mr Young: I thank the previous speaker from Welland-Thorold, the former Attorney General—no, I guess he was never Attorney General. I'm sorry. But I thank him for his comments and the leader of the third party as well for his comments this evening in the Legislature. Unfortunately they appear to be comments that have little or nothing to do with the bill in front of us and the events leading up to the introduction of the bill here today. There was no press conference today. They went on and on about a press conference. They went on and on about photo ops. There were none; not one. Today we proceeded to the Legislature and we asked the Legislature to expedite the passage of this very important piece of legislation, a piece of legislation that, if passed, would give us yet another tool, in addition to the criminal law, to combat organized crime.

The problem, as the member from Simcoe North so eloquently indicated, is growing in this province and throughout Canada. Many countries around the world have indeed resorted to similar measures: Ireland, where they've achieved great success; South Africa, where they have achieved some level of success; and indeed the United States is another country that has attempted to utilize civil forfeiture, in certain cases with success. It is true that the RICO laws, when introduced in the United States, did pose some problems, and there were some examples of abuse. One of the few things the leader of the third party said that I wholeheartedly agree with is that the congressional hearings that took place were important and that they caused the civil forfeiture laws in the United States of America to change.

Our bill is not like the original RICO laws. It does reflect many of those changes, but it is different. It is different and reflects the best of legislation from throughout the world. Probably it's most similar to that in Ireland, but it's a unique bill that is appropriate for Canada and for Ontario.

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Mr Bisson: I just want to say to the leader of our party that the points made by him are exactly what we've been trying to put forward to the government. We, as New Democrats, are not saying we don't have to find mech-

anisms to deal with how you get assets away from people who have been charged and convicted of a crime. Nobody argues that. All of us understand there is some measure of good in being able to do that. However, the point is that in my view, and I think in the points the leader raised as well, there are a couple of problems in this legislation. First of all, you're doing this in such a way that in some cases you won't have to have a conviction to get the assets. We, as New Democrats, worry that that is not in keeping with the idea of just law and presumed innocence within a society. You can go out and smear somebody and say, "We accuse you of having done whatever," go through the civil proceeding and strip their assets, and they could be innocent and not even have gone to trial. We're saying that's not the way things should operate. I wonder if that would stand up under the charter.

The other point we made, and I think it is the important distinction we make on this, is that if you're really trying to help the victims, and if you're going to do this in a way that allows you to get at the assets when the person has been charged, then make sure the legislation says the money doesn't go to general revenue but instead is diverted directly to victims of crime programs such as the Criminal Injuries Compensation Board, so victims can get some measure of compensation if they're entitled to it. Instead, what you've got here is a mechanism for the money basically to go back to general revenue and powers for the Minister of Finance to do whatever he wants with it. If that's not your intent, take it out of the legislation and make the money go directly to those victims of crime. Then maybe we can support a bill like this. Certainly something has to be done, but this is not going to do it.

The Acting Speaker: The leader of the New Democratic Party, from Kenora-Rainy River, has two minutes to respond.

Mr Hampton: I want to thank everyone for their comments, but I want to repeat again, and it's interesting that no one from the government side has any information to offer to refute this: if you believe the bombastic statements this government made when they first announced this legislation, you would believe that after the government has this legislation they'll be able to sweep in and literally wipe out the drug trade in Canada. If you believe that, then reflect upon the fact that since this civil forfeiture legislation has been in place in the United States, organized crime and the drug trade have flourished. They have grown virtually exponentially. All this legislation has done in the United States is allow governments to go after the small-time operators: not the people who make the money, not the people who do the planning, but the little guys at the bottom who are often put out as cannon fodder should there ever be any kind of police investigation.

The other reality people had better recognize—and this is the history in the United States—is that those people who are criminals, who are part of criminal gangs, criminal organizations that have money, get to bargain

their property so they don't do jail time as a result of this kind of legislation. Meanwhile, a poor person who is charged with a crime, who doesn't have any money to bargain, does jail time. In other words, what's happened in the United States, either directly or indirectly as a result of this legislation, is that people who have money buy themselves out of jail time and people who don't have money go to jail because they don't have money. Where's the justice in that?

The Acting Speaker: Further debate?

Mr Rosario Marchese (Trinity-Spadina): It's good to have this opportunity to speak to Bill 30 tonight. It's 9:25. I've got five minutes this evening but will continue another time, another evening when this government calls this bill.

It's important to debate these bills, because this government, under the guise of being tough on crime, would love to have speedy passage of this bill, would love the Liberals and New Democrats to simply say, "Yes, go right ahead." You see, I understand the politics. All they want to do is accomplish one thing with the public: that this is the government that's tough on crime. It doesn't want to hear from New Democrats when they say, "We've got some concerns."

The Attorney General would rather that we stand here, not deal with any concerns we might have that could jeopardize some people, that could, under this sweeping law, bring in some innocent people to be charged with a potential crime. They don't want us to raise those questions. They simply want us to go along with any law they introduce under the assumption that whatever they introduce is OK, is almost perfect. Yes, perhaps down the line they might have to clear up some glitches, but at the moment it's a perfect law.

The member for Niagara Centre and our leader, Howard Hampton, both know these things very well because they're lawyers. But do you recall, both of you—

Interjection.

Mr Marchese: Well, you are. Some lawyers are good, and some are not so good. But the two of you are good, in my opinion.

Do you remember when this government introduced the Victims' Bill of Rights? You remember that, right? The Conservative government introduced a bill that said victims had rights, and that's why they called it the Victims' Bill of Rights. It was supposed to confer rights on victims. Wasn't that the case? That's what the bill said.

Mr Kormos: That's what Charlie Harnick said.

Mr Marchese: Charlie Harnick, the former Attorney General, said that. I remember Charlie.

Mr Kormos: Fondly?

Mr Marchese: He was a nice guy, really, from time to time.

We were led to believe that victims had rights. But Judge Day ruled that victims do not have rights; in fact, that the Victims' Bill of Rights does not confer any rights on victims. This is a judge; it's not Rosario Marchese, a former teacher of English and French. This is a judge ruling on this bill and saying there are no rights contained in the bill. But the Attorney General and others would insist that's what the bill says.

If we believe them, this bill, the Victims' Bill of Rights, confers rights. But mercifully, thankfully, we had Judge Day saying, "No, it doesn't." So they had to go back to the drawing board, but in a hushed sort of way so they wouldn't be noticed.

Mr Kormos: And that's what New Democrats have been telling them.

Mr Marchese: New Democrats, through Peter Kormos and our leader—and Marion Boyd at the time—had been telling them the bill had no rights contained in it for victims. We told them that. But no, they had to insist. Why did they insist? Because the politics of perception is what matters. You as a government have to be seen to be doing something, irrespective of whether the bill will actually do anything to deal with issues of crime.

Do you remember as well the Parental Responsibility Act? Do you remember that? I have to sort of probe this little mind of mine to recollect what that bill said. Do you remember that it would allow people to take to court and sue the parents of young men or women who presumably had committed some crime or other, and there would be a fine—I think it was 6,000 bucks or so? But Peter Kormos, our critic, said at the time, "We already have a law that deals with this. Why would you introduce a bill that gives less powers to the government to do what the law already allows?" Under the current law then, you could in fact sue a parent for a higher amount than \$6,000 for damages. But no, this government introduced that bill as if it introduced a new law.

Speaker, are you watching the clock? If it's all right with you, I will sit down and come back to this quite happily.

The Acting Speaker: Every member having had his just due, this House stands adjourned until 1:30 tomorrow.

The House adjourned at 2130.

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