

No. 126B



N° 126B

ISSN 1180-2987

Legislative Assembly
of Ontario

First Session, 38th Parliament

Assemblée législative
de l'Ontario

Première session, 38^e législature

**Official Report
of Debates
(Hansard)**

**Journal
des débats
(Hansard)**

Monday 11 April 2005

Lundi 11 avril 2005

Speaker
Honourable Alvin Curling

Président
L'honorable Alvin Curling

Clerk
Claude L. DesRosiers

Greffier
Claude L. DesRosiers

Hansard on the Internet

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

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

Index inquiries

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

Copies of Hansard

Information regarding purchase of copies of Hansard may be obtained from Publications Ontario, Management Board Secretariat, 50 Grosvenor Street, Toronto, Ontario, M7A 1N8. Phone 416-326-5310, 326-5311 or toll-free 1-800-668-9938.

Le Journal des débats sur Internet

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

Renseignements sur l'index

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

Exemplaires du Journal

Pour des exemplaires, veuillez prendre contact avec Publications Ontario, Secrétariat du Conseil de gestion, 50 rue Grosvenor, Toronto (Ontario) M7A 1N8. Par téléphone : 416-326-5310, 326-5311, ou sans frais : 1-800-668-9938.

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



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

LEGISLATIVE ASSEMBLY
OF ONTARIO

Monday 11 April 2005

ASSEMBLÉE LÉGISLATIVE
DE L'ONTARIO

Lundi 11 avril 2005

The House met at 1845.

ORDERS OF THE DAY

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

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

Resuming the debate adjourned on April 7, 2005, on the motion for second reading of Bill 128, An Act to amend various Acts with respect to enforcement powers, penalties and the management of property forfeited, or that may be forfeited, to the Crown in right of Ontario as a result of organized crime, marijuana growing and other unlawful activities / Projet de loi 128, Loi modifiant diverses lois en ce qui concerne les pouvoirs d'exécution, les pénalités et l'administration des biens confisqués ou pouvant être confisqués au profit de la Couronne du chef de l'Ontario par suite d'activités de crime organisé et de culture de marijuana ainsi que d'autres activités illégales.

The Acting Speaker (Mr. Michael Prue): It's my understanding that we are to resume debate, and I recognize the speaker from—

Mr. Ted Chudleigh (Halton): The "member" from.

The Acting Speaker: Excuse me—the member from Erie–Lincoln.

Applause.

Mr. Tim Hudak (Erie–Lincoln): I'm pleased to join in, with that thunderous applause from the member from Halton. He's a tough critic. I appreciate that. That applause is not easy to earn. I notice the member from Lanark–Carleton just sort of sitting there, staring at me blankly. So I'll have to win him over.

Mr. Norman W. Sterling (Lanark–Carleton): You'll probably be doing that after the speech.

Mr. Hudak: And during.

I'm pleased to offer some comments on Bill 128, the so-called marijuana grow-operators bill. I think, as we've heard in this chamber, all members would agree that marijuana growing is now, unfortunately, big business in the province of Ontario. It's also an illegal business, it is a harmful business, and it is a leading way for criminal elements to bring revenue into their criminal operations.

I want to bring a bit of perspective as well from the good people of Erie–Lincoln riding and talk about a couple of grow-op operations that were recently busted or discovered in the Niagara Peninsula, one famous one that members of this House probably recall from just a short time ago, about a month or so ago.

Mr. Chudleigh: Does Molson's have a brewery there?

Mr. Hudak: It's not quite the Molson's case—I'll talk about that—but it was a cucumber greenhouse that I would drive by. I think it was M&K Cucumbers, or something like that, in Wainfleet.

Mr. Chudleigh: I read about that.

Mr. Hudak: Exactly. It had widespread media coverage because of the size of the operation and the surprise that it was contained in a greenhouse in a small, relatively quiet community like Wainfleet, Ontario.

The other part I want to bring in too is the perspective coming from the border area and the ongoing problems we have in border communities with the extent to which the border is increasingly becoming a fortress. We often boast about the free and open border, the longest open border in the world, a great history since the War of 1812 of friendship with the United States of America, and the dual recognition of that border. Sadly, increasingly the border is becoming a fortress, having a major detrimental impact on communities like Fort Erie, like Niagara Falls, and throughout the Niagara Peninsula and other border areas that I fear is going to get worse.

A contributing factor to that, I think, is the Americans' fear of the marijuana rules in Canada, the legislation that is before federal Parliament and a concern that provinces need to do a better job in closing down these grow operations. In fact, I now send stakeholders to my colleague from Simcoe North, our hard-working and effective critic for community safety issues. Garfield Dunlop, the member for Simcoe North, has told me that about 80% of marijuana grown in the province of Ontario is destined for the United States. I fear that this is a contributing factor that will cause our border to close even more tightly, having a major impact on the economy of Ontario and the country of Canada.

1850

Certainly, Bill 128 is a positive step in curtailing marijuana grow operations. We in the opposition feel it should go further and be a stronger bill. We'd also like to see stronger remedies and punishments at the federal level for criminals involved in grow operations. We will devote some time to those improvements, but I'm glad to

see time in the Legislature being used to combat grow operations.

I mentioned the operation in Wainfleet. In fact, it was on March 15 that police discovered a major grow operation in Wainfleet; actually, in the community of Winger in Wainfleet. I think the member from Halton, who has spent a lot of time in the agriculture business, is familiar with Winger. To confess, it's probably less than a 10-minute drive from my home in Wellandport. It's just across the river and to the west, so southwest of my home. I know the place. I would drive by it on a regular basis. It's a greenhouse operation, boldly on Highway 3, a major thoroughfare. Neighbours on both sides expected that this was a cucumber operation as the sign out front had indicated for years.

Ironically, it was firefighters who responded to a fire at one of the greenhouses who, when trying to put out the fire, stumbled upon one of the largest marijuana grow operations to this day in Ontario. It was certainly not the size of the Molson factory, but it was equally notable. This place had about 6,000 marijuana plants, with an estimated street value of some \$4 million. It was under everybody's nose, under the glass of the greenhouse in Wainfleet, Ontario.

Greenhouses are certainly common in the Niagara area. Along with my colleague from Essex, we have some of the top greenhouse areas in the province. Greenhouses are a common sight: great access to highways, great access to the border. But beneath that greenhouse were not cucumbers or cut flowers, but marijuana plants.

Mr. Bruce Crozier (Essex): Oh, not in Essex.

Mr. Hudak: Maybe not in Essex, but you never know.

These greenhouse operations are not something of curiosity that you'd find covered occasionally in a newspaper under the "did you hear about this" section. They are increasingly prevalent across the province of Ontario. They are getting to be larger, more professional criminal operations. This one was in a humble greenhouse, average perhaps in size, in Wainfleet, Ontario; not particularly remarkable, is what I'm trying to say, but remarkable in that beneath that glass were some 5,000 or 6,000 marijuana plants with an estimated street value of \$4 million.

Mr. Chudleigh: Much more return.

Mr. Hudak: Farmers in the area will make the joke, I say to the member from Halton, that things are very tough for the grain and oilseeds, for agriculture across the board, and the only farmer who was making any money in Wainfleet was this grow house operator. That's what they'll usually say down at the Donut Diner in Wainfleet. They'll make that joke.

Mr. Chudleigh: I think a greenhouse makes about 20 bucks a square foot.

Mr. Hudak: This one was definitely making a lot per square foot, unfortunately.

Commenting on the fire in the Hamilton Spectator, Tom Cartwright, who is fire chief for Port Colborne and also for Wainfleet, expressed concern about the exposure

of his firefighters to toxic chemicals and any potential booby-traps that criminals may have set for trespassers into their operation.

That was March 15. I can see by some of the nods in the Legislature that most of the members here had heard about this seemingly innocuous greenhouse in Wainfleet, Ontario, a township of 6,000 people, housing one of the largest grow operations busted to date.

Just two weeks later, on March 31, Niagara regional police searched a house on King Street in Fort Erie, the town in which I was born and raised. King Street is an average residential neighbourhood.

Mr. Chudleigh: Your home town.

Mr. Hudak: I was born and raised in Fort Erie, the border city.

This operation certainly wasn't of the size or scope of the greenhouse, but they found marijuana plants valued at over a quarter of a million dollars in an average residence on an average street in Fort Erie, a town of 30,000, as well as grow-op equipment for increasing the size of the plant, or maybe for other operations, valued at \$25,000.

These events are chilling reminders of the dangers our firefighters, police officers and even neighbours to the greenhouse or to the home have to deal with every time they go for a call, or simply if a neighbourhood child had stumbled across the wrong type of character working at one of these grow house operations.

I'll give you a few quotes of what local residents have said. Liz Stryker, a resident next door to the grow operation, said, "We're concerned about the lax marijuana laws. What is the government doing for people in our situation? ... It's getting far too close to home."

I said at the beginning that the marijuana grow operation unfortunately has become a big business and a major profitable enterprise for criminal operators. They say that the most important thing about starting up a business is location, location, location. Ironically, my riding and the entire Niagara region could be a tempting place for grow operations because of their proximity to major centres in Toronto and the greater Toronto area, and also, very importantly, easy access to the border into the United States—from Fort Erie probably only five or 10 minutes away, and from Wainfleet about 40 minutes. So in less than an hour, criminals could easily unload their products with quick and easy access to New York state or the greater Toronto area.

I want to express this concern. I know my colleagues on the opposition side, and maybe others in the House have it as well—what's a good word for it, Mr Speaker? Maybe you could help with this. The glib attitude that the federal Liberal government has taken toward marijuana issues I think is alarming, particularly in light of the dangers and the criminal activity behind grow operations. I remember Jean Chrétien boasting about his retirement. He said in jest, of course, that he was looking forward to having a beer in one hand and a joint in the other. But I worry that even in jest, that sends the inappropriate signal. I think it signals an administration that was far too

lax, far too hands-off the seriousness of the criminal enterprise surrounding grow operations.

In fact colleagues across the border, whether it's at the state level, the congressional level, even the former ambassador to Canada, had talked about Canada's lax marijuana laws—those that were before Parliament—and the lack of enforcement, and the reaction that would be likely from the federal government of the United States in terms of closing up the border to try to turn back these grow operators and their delivery agents. I'm not saying that we should obey the laws of the United States. We are our own separate, sovereign country. But I believe that as legislators we need to take this issue far more seriously and think of the well-being and welfare of Canada and the impact that closed borders have, particularly on our province.

First and foremost, we have an obligation to protect our citizens from substances that are illegal and harmful. Marijuana is one of those substances. Canadian and American customs and immigration agents need to work more closely together. We need to put more resources into our borders to combat smuggling of contraband back and forth between our two great countries. We need to create greater efficiencies, pool our resources, share information with our American friends and colleagues in shutting down these operations that supply the drugs. Quite frankly, we also need to get tougher on crime. We must not send the wrong signal across the border. We can't say, "Hey, we can't fight marijuana grow-ops," and throw up our hands and make jokes about possession. I believe that lax marijuana laws will make a bad situation even worse at the Peace Bridge.

I was in Fort Erie on Friday. A couple of long-time businesses—Keystone Kelly's was one of my favourite stops in Fort Erie, having been in operation since the early 1980s. It catered significantly to an American customer base that would come across to enjoy Fort Erie. They were going to bingo or to the racetrack or to visit friends or family across the river. I believe they are seeing a precipitous drop in the number of casual customers coming across the border. Keystone Kelly's, an institution in Fort Erie, recently closed its doors. Other restaurants are talking about a 20% or greater dip in their business. I know Fort Erie Racetrack and Slots have seen their business dip significantly. Sure, there's increased competition across the border and there's a stronger Canadian dollar, but no doubt people's fears about crossing the border, being trapped in another country, having to line up in a long line of traffic for an hour or more to cross the border, have caused them to hesitate. Certainly this new ruling that Canadians will have to have a passport to enter the United States beginning in 2007, and vice versa, will be another factor in the decline of border traffic. So that major American market across the border from Fort Erie and Niagara Falls, of one million-plus people, will have yet another reason not to cross into Canada and spend money or invest in our country.

1900

If you see countries like France and Germany, I say to my colleague from Northumberland, that just 60 years ago were trying to rub each other out, that were at war to conquer the other's country, and you can drive freely between France and Germany, why are we going in the opposite direction between Canada and the United States? That feeds into why I believe we need to strengthen this legislation, to strengthen our approach both here in Ontario and in Parliament in Ottawa.

Just a while ago, my colleague from Simcoe North was railing against the government to hurry up and hire the 1,000 new police officers, as had been promised by Dalton McGuinty during the election campaign. Still, a year and a half later, I don't think a single officer of the 1,000 has been hired. When we see marijuana grow operations in Wainfleet, Fort Erie and spread throughout Ontario, we could certainly use more police officers on the streets fighting crime; not behind desks—not at the administration level but on the streets fighting crime and doing investigation.

Mr. Chudleigh: This act doesn't call for one penny.

Mr. Hudak: Certainly one way to strengthen this act, as my colleague from Halton said, is to compel the government to spend money on enforcement, on coordination of services, on hiring those officers to root out the grow operations.

Mr. Wayne Arthurs (Pickering–Ajax–Uxbridge): Spend, spend, spend.

Mr. Hudak: But you promised, I say to my colleague from Pickering–Ajax–Uxbridge. You guys said you were to spend the money on 1,000 new police officers. Instead, you prioritized—

Mr. Arthurs: Didn't he say October 7 or 8?

Mr. Hudak: What did the asterisks say? When are they coming?

Mr. Arthurs: Within the mandate.

Mr. Hudak: Within the mandate. I'm not holding my breath. I think he's an honest fellow but I'm not holding my breath that we will see the 1,000 police officers before the end of the one and only mandate. I don't think we'll see it.

Under the previous program, 55 officers to the region of Niagara—very helpful, and that is actually greater than our share of the provincial population. I would fully expect that this new 1,000-police-officers program, which the member guarantees me is going to happen, will see at least 55 officers going to the region of Niagara. I want to see them do equal or better.

Mr. Lou Rinaldi (Northumberland): Who paid for them?

Mr. Hudak: The member for Northumberland asks me who pays for them. We promised that we would share the costs for municipal officers. We campaigned and delivered on our promise that we would pay half the funding for municipal officers and municipalities would pay half.

Mrs. Carol Mitchell (Huron–Bruce): You never paid half.

Mr. Hudak: We did. They are telling me as they heckle me—I hope it will turn out that you will better that, that you will deliver more than 50% to the municipalities. Some of the Liberal members seem amused or hint or wink or give the elbow—nudge, nudge—that it might be 100% funding. We'll wait and see. But I would hope, when it comes to the region of Niagara, that you will equal or better the previous government's record of 55 officers, because we need them. I talked a bit about the grow operations that we are seeing popping up in the Niagara Peninsula.

Let me give you some other advice, aside from my own. The Canadian Professional Police Association said that the federal government should set a two-year minimum sentence, to be served in federal prison, for growing sizable amounts of marijuana. I think that makes sense. I would agree with the Canadian Professional Police Association.

Sadly—I can't remember the details off the top of my head—I have seen in newspaper articles recently grow operators who really got a slap on the wrist: cases that were tossed out of court or that did not even serve a two-year minimum sentence. When you consider the scale of these operations and the criminal enterprises that they fund, a minimum two-year sentence—at a very minimum, and hopefully longer sentences—as a base, a guaranteed two-year sentence, is excellent advice from the Canadian Professional Police Association.

Right now—and hopefully we'll get the 1,000 police officers—if you run a grow-op, chances are that you might not get caught; you might not get caught for a while. If you are one of those unfortunate enough to be charged with a marijuana-related crime, you can rest easily: According to an article I read recently in the media, the average sentence is either four months in jail or a fine of \$1,500.

Mr. Chudleigh: A \$1-million cash crop and a \$1,500 fine.

Mr. Hudak: The member for Halton says a \$1-million cash crop, and you would face a fine of \$1,500. That's a pretty good gamble. We need to reverse that. We need to shift the odds and put these places that threaten neighbourhoods and individuals out of business.

I believe that the McGuinty Liberal government needs to back up not only this bill, but their initiatives in general, with real investments. I've talked a bit about the 1,000 police officers. We need to support them and the municipalities that have very difficult tasks under this bill and other provincial statutes.

Roger Anderson from Durham region, the chair and also president of AMO, had this to say when the minister introduced legislation last fall: "The authority to break up a grow-op must be backed up by the resources needed to fund effective investigation, training and safety measures. The proceeds of grow-op crime should be directed to recovering the high costs that municipalities incur as a result of them." I agree with what Chair Anderson had to say. We would like to see the funds funnelled into a

special account to help police take on these grow operations.

It's a good start. We need to get tougher, we need to back it up with resources, and let's not forget the big-picture issue: Let's work with the provinces, with our friends and colleagues across the border. If we continue to shut down that border, it'll have a major detrimental impact on the province of Ontario and the families we represent.

The Acting Speaker: Questions and comments?

Ms. Andrea Horwath (Hamilton East): It certainly is my pleasure to have a few comments on the debate thus far this evening on Bill 128, An Act to amend various Acts with respect to enforcement powers etc., basically the regulation or the grow-op investigation procedures.

I think generally I would agree with the member from Erie-Lincoln in that there are problems with this bill. That's probably as far as it goes. We would probably disagree on the details as to why there are problems with this bill. But I have to say overall I'm looking forward to, a few minutes from now, entering the debate myself in regard to what I see as being perhaps some improvements that could be made to this bill, some different perspectives in regard to the grow operation situation.

It's pretty basic. I think we all recognize that this is a situation that is occurring in community across community in this province. Certainly, the community of Hamilton is not without its grow operations. In fact, they're significant, and they go not only in the downtown area that I used to represent on city council, but also suburban and rural areas have all, at one time or the other, been locations where grow-ops have been undertaken.

The thing we need to look at is not only the Liberal broken promises around police—because my police force was just as perturbed as some others by the lack of 100% dollars there—but really who benefits in the grow operation situation. It is the criminal who benefits; it's the biker gangs, the organized crime that benefits from grow-ops. But when you look at what's happening on our federal scene, when you look at what the federal government is looking to do, we need to start looking at, instead of the cost to taxpayers of the current regime, how taxpayers can perhaps benefit when you look at this picture from a broader perspective.

Mrs. Mitchell: I'm very pleased to rise this evening to speak in support of Bill 128. This will go a long way in reinforcing our commitment to building strong communities.

I can speak to the residential indoor marijuana grow-ops personally, as one was found just around the corner from where I live. I just want to talk about how it affected—when you live so close to what you did not know was a grow-op for over six months, until the police move in and you find out what it is. The windows are all darkened. You don't see many people around. The meter had been circumvented by the lines being drawn. They had dug right into the main hydro lines on the road, and they had hooked up their own wires and were receiving

hydro directly into the main building. It was what I would call a very suburban neighbourhood, with lots of children around. In a rural area, it's not something we are used to dealing with. So this legislation will begin to address those concerns.

I can tell you from the community's shock at what happened, how it happened and how it went on for so long that we just simply weren't aware of this type of operation going on. So anything that we can do to move forward the agenda to make our communities stronger, to give them the tools they need to become stronger—but from the Green Tide report, \$85 million is stolen in electricity, so it is also about ensuring that the consumers pay the appropriate price for electricity.

1910

Mr. John Yakabuski (Renfrew–Nipissing–Pembroke):

I am pleased to comment on Bill 128, specifically on the address by my colleague from Erie–Lincoln. I also want to comment on the comments from the member from Huron–Bruce. She used the words, “This bill goes a long way,” but that is where she should have changed course. This bill goes a long way toward trying to reinforce the impression that this Liberal government is actually doing something to combat the problem with regard to grow-ops. But every piece of legislation they seem to bring out is long on words and short on action, short on real substance. I am inclined to support the bill, because it is a first step. We don't want to go backwards. But if you're not going to increase the number of police officers out there doing surveillance and enforcement, how do you make these new laws work? You've got to give police departments across the province the resources to work with in order to combat this growing—and that is no pun intended—problem throughout this province and throughout the country.

Some statistics here: The Toronto police dismantled 33 indoor marijuana operations in 2001. As of September 2004, for the calendar year 2004, they had already dealt with 248 at a street value of \$83.2 million. So it is a growing problem. Organized crime is involved, and you are not going to combat organized crime if you don't have the police officers on the street. So there is one of the key things. The government talks about making our communities safer, making our streets safer, but the number one thing they need to do in order to make those streets safer is to put more police officers on the streets. Until they do that, we're just going to be treading water.

Mr. Gilles Bisson (Timmins–James Bay): I couldn't agree more. This is like that bow-wow legislation we had in this place not too long ago. Remember that legislation on pit bulls? The bow-wow one. The government is really famous for bringing in legislation that, in the title, says they are doing something that may have some support from the public out there. But when you look at the details of the actual legislation, it turns out that the legislation doesn't quite make it.

In the case of this particular legislation, they are trying to get at the issue of grow-ops. First of all, the federal government at one point is going to deal with this pretty

effectively because I know that our good friend, Mr. Martin—you know that federal Liberal Prime Minister in Ottawa—is talking about decriminalizing marijuana possession. Imagine if that happens. This legislation doesn't mean anything. What you would have is akin to prohibition being lifted, as it was in the 1930s, but leaving the distribution with Al Capone. That's basically what would happen, right? That is for another debate someday, but that is basically what it would come down to. This legislation—and my good friend Mr. Yakabuski raises it—purports to do something about grow-ops; OK, it doubles the fines. But who is really going to be worried about that? When was the last time you saw Al Capone worry about what kind of fine he was going to get for selling bootlegged booze? You think that scared Al Capone? What scared Al Capone, and what scared those people when it came to the Prohibition years, was the number of people Eliot Ness could put out on the road to make sure they went out and got the bootleggers. That's how you deal with this issue. I am not saying this legislation is bad, I'm not saying it's a terrible thing, but don't try to make it out to be something it is not. This particular legislation doubles the fines. If you're in the criminal element, growing marijuana—oh, yes, you're going to pick up the legislation and say, “Oh, God, we've got to take down the grow-op now.” I don't think so. It ain't going to happen.

The Acting Speaker: The member from Erie–Lincoln has two minutes in which to respond.

Mr. Hudak: To my colleagues from Hamilton East, Huron–Bruce, Renfrew–Nipissing–Pembroke and Timmins–James Bay, thank you, one and all, for your comments on the bill and my remarks.

I'm going to side with three out of the four members, which is a significant majority; they have it right. This is another, “In reality, the emperor has no clothes” piece of legislation. It sounds good in the press release, but when you open up the pages, you see quite quickly the emperor indeed has no clothes.

I enjoyed the reference made by the member from Timmins–James Bay. I'm concerned about that, too. If they decriminalize marijuana, not only does it send an inappropriate signal about these marijuana grow operations, but it is like leaving distribution in the hands of Al Capone. I will note that came from the member from Timmins–James Bay, and from now on I will just steal that and call it my own.

Let me say a couple of quick facts just to reiterate my main points. Some 80% of the marijuana grown in these criminal operations is exported to the United States. I fear, as the member for Erie–Lincoln, next to Windsor, the second-busiest border operation in the entire country, that more and more of these grow operations may call Niagara home. If we see it in a small, relatively quiet community like Wainfleet, I fear what that will mean for your Wellandports, your Grimsbys, your Pelhams or your Beamsvilles.

Certainly, investing in police officers, as has been promised by the Dalton McGuinty government, will help

in actually enforcing this legislation and other criminal prosecutions at the local level.

I do worry, again, about the increasing fortress at our border. I think that unless the federal Liberal government and the provincial Liberal government reverse course on this laxness on crime, we're going to see even more obstructions harming business and tourist traffic crossing into our two countries.

The Acting Speaker: Further debate?

Ms. Horwath: I should start my remarks by welcoming those people at home who have decided to tune in and hear about what's happening at their provincial level of government.

Tonight we're debating Bill 128, which is An Act to amend various acts with respect to enforcement powers, penalties and the management of property forfeited etc., etc. The short form of the bill, quite frankly, is grow-op legislation that the government has tabled, and we're dealing with that tonight.

I have to start off by saying that this bill purports to be dealing with the dismantling and the prosecution of marijuana grow operations across the province. However, as we'll see through not only my comments this evening, but if people are interested they can go back to see some of the comments that others have made about this particular piece of legislation, it doesn't really do a heck of a lot. It doesn't really make any huge change in terms of the regime that currently exists. In fact, what it does most of all is it increases fines. It acts as an attempt, I think, to create a greater deterrent for those who might be in the business of grow operations. But, quite frankly, anybody who has been in any way involved at the municipal level and talked to their local police force will know that the deterrent factor is one that would have to be probably 800,000 times greater than what's in this bill to really affect grow operations, because the money that is in these operations boggles the mind. The amount of money that biker gangs or organized crime pull out of a grow operation is absolutely mind-boggling for the regular, ordinary person.

My experience on city council—I represented the downtown area. I dealt with the police on a regular basis, and I know that they had many concerns in the city of Hamilton; not only in the downtown area, certainly, but all over the amalgamated city of Hamilton. I'm talking about Stoney Creek, I'm talking about Hamilton Mountain, I'm talking about Flamborough, Ancaster, Glanbrook. All of the various components in the city of Hamilton, in one way or another, were touched by grow operations and have been touched, and continue to be locations where this kind of enterprise takes place.

1920

What is supposed to be happening, as you know, is that because it's an illegal enterprise, the police are the ones who are supposed to be going in and investigating these situations and shutting down these grow-ops. But there is some problem with their ability to do so. Why is that? Quite frankly, because they don't have enough staff; they don't have enough resources.

If you talk to many police forces across this province, they had thought that the government would be supporting them in their desire to beef up their forces to get at these very kinds of operations we are debating tonight. But unfortunately, after a great celebration, a great relief that the funding was coming, no sooner was the promise made than, guess what, the promise was broken. When they turned around and read the fine print, lo and behold, the McGuinty Liberals weren't prepared to put 100-cent dollars into municipal police forces. They were only going to be putting 50-cent dollars in or, in some cases, less. That's one of the things that many police forces across the province have been very disappointed with.

I have to say that what this particular piece of legislation does is to ignore the promise of the 1,000 police officers and ignore the reality that in order to get at this particular problem, this particular difficulty in communities—and it is one; there's no doubt that there's a difficulty there. The \$30 million in funding that was supposed to cover off the costs to municipalities wasn't what it looked to be at first blush. Unfortunately, municipalities across the province are now in a situation where not all of them are able to take advantage of that funding, because it wasn't what they expected it to be.

I have a number of examples. When the announcement first came that the dollars weren't going to be what was expected, that the dollars were only going to be a fraction of what municipalities were hoping to rely on for their police officers, these very police officers whom they had hoped would be helping with the investigation and shutting down of these grow operations—for example, Sarnia mayor Mike Bradley said that the program would be too costly to participate in, since the province is asking civic governments to ante up half the cash for new officers. Bradley said the plan would require the city to spend \$50,000 per officer, money that municipalities, as we all know in this day and age, simply don't have. They don't have it because of the downloading that occurred with the previous government. I know in my own municipality, the city of Hamilton, this government has refused to recognize the impact of that downloading, and then continues to download these kinds of services, like policing, which they promise they're going to fund and then they turn around and backtrack. That would be called a broken promise, I think.

In fact, it was said very well by Mississauga mayor Hazel McCallion, who described the plan as “a form of downloading” if the province doesn't fully fund the officers. Of course we all know that the province didn't fund the new officers.

The Hamilton Spectator noted that, “Perhaps the Liberal promise book should have come with a disclaimer: ‘Objects may not appear exactly as shown.’” I got a good chuckle out of that one when I read it in my own kitchen, because the Hamilton Spectator was right on, not only in regard to the broken promise around police officers but, really, I think that's a refrain we could use pretty much every day in this Legislature, as

the Liberals continue to break promises and mislead—well, perhaps “mislead” is not the right word. Let’s say they put a veil of subterfuge around some of the things they’re bringing forward. Some would even call some of the language in some of the legislation a little bit Orwellian in regard to what it purports to do as opposed to what it actually does.

This is one of those pieces of legislation, unfortunately, like so many others. It places responsibility for the policing of marijuana grow operations—not totally, but in some respects—on enforcement agencies other than the police. An onus is now put on hydro inspectors, for example; electricity distributors are in some ways in the game of inspecting and identifying these kinds of grow operations.

There’s no doubt that the debate we’re having around this bill is one that needs to have the broader context, and I think if there is one major failing this bill has, it’s that it doesn’t take into consideration the broader context and debate that this nation is having around the situation of marijuana altogether.

I think it was raised a little bit earlier today, or perhaps in one of the other speeches on this particular bill, that even the ultra-right-wing Fraser Institute has something to say about marijuana. It’s their opinion—and it shocked me because they are very right wing. In fact, I’m sure many of the members of the official opposition probably have the Fraser Institute on their reading list or on the list of magazines they subscribe to regularly. But it was that institution, that organization, that said, “Let’s legalize it.” That’s the debate. When I say, “What is the debate that is happening? What is the context in which this bill is being discussed in this Legislature?” the broader context is of course the national context around the decriminalization or legalization issue.

And why is it? In his paper, *Marijuana Growth in BC*, a professor named Stephen Easton argues:

“This paper raises several issues that have the cumulative effect of suggesting that in the long term, the prohibition on marijuana cannot be sustained with the present technology of production and enforcement. To anyone with even a passing acquaintance with modern history, it is apparent that we are reliving the experience of alcohol prohibition of the early years of the last century.

“... the broader social question becomes less about whether we approve or disapprove of local production, but rather who shall enjoy the spoils. As it stands now, growers and distributors pay some of the costs and reap all of the benefits of the multi-billion dollar marijuana industry, while the non-marijuana-smoking taxpayer sees only costs.”

In fact, that’s what this bill continues to do: drive up the cost while not looking at the broader debate, as was raised in the paper Mr. Easton produced, *Marijuana Growth in BC*.

The Canadian Association of Chiefs of Police has repeatedly stated that marijuana is far from their highest enforcement priority. Most people watching this will

know that when you go to an emergency room in a hospital and they assess you initially to see how bad your injury is—it’s a triage system. If you are in a very bad way, if you’re bleeding profusely or having a heart attack, you get bumped to the front of the line and seen first, or you receive treatment first. For example, I recently broke my arm, as you know. I was able to sit and wait patiently. They put some ice on it for me and I waited, while people who had greater injuries than I went ahead of me.

A similar thing happens in policing. People who have had a car stolen or a minor fender-bender accident—well, police don’t even come to fender-benders any more. You just go to an accident reporting centre and fill out the forms. But if there is theft, for example, or break-and-enter, those kinds of things, people will recognize that the police are not rushing to those situations. They get triaged. They get placed in order of priority. The Canadian Association of Chiefs of Police is saying that marijuana is not their top priority when it comes to enforcement. They are interested in spending their resources on combating more lethal and dangerous crimes. They have concluded that marijuana offences don’t even rate high enough to make their list.

I am talking about the simple marijuana offences. I’m not talking about the grow-ops particularly, because we know that policing includes the observation and the desire to dismantle or to have an effect on organized crime. Of course, in many cases grow-ops are one of the instruments that organized crime uses to generate funds. The point is, if you want to stop the crime, which criminal will you be going after? If you are a member of the police service, will you be going after murder or the growing of a marijuana plant; sexual assault or growing of a marijuana plant; assault causing bodily harm or growing of a marijuana plant; auto theft or marijuana growing; fraud or marijuana growing; crimes against children, abduction, sexual assault, kidnapping or growing pot? We all know that when it comes to the police deciding which of these things they’re going to go after, of course they’re going to go after some of the more heinous crimes against people, as opposed to the growing of marijuana, particularly when you’re looking at volumes of marijuana.

1930

Again, this goes back to the national debate around what is currently legal and illegal, what is currently allowed and not allowed in regard to growing or possession or those kinds of issues. The whole point is that we need to keep our heads level and concentrate our limited resources in the places where they do the most for the most number of people. It’s making the best out of the resources we have and achieving the optimum results that we always have to strive to be doing.

In the context of that synopsis of what’s happening in the policing world, Bill 128, as we see it before us, is primarily a public relations exercise for the government. Why is that? Because it really doesn’t make a heck of a lot of change in terms of the current regime. Premier

McGuinty and Minister Kwinter wanted to be able to claim that they're being tough on crime, while really they're not doing a heck of a lot in that regard.

There are a few parts of the bill that at this point could be considered overly broad, and in a few minutes I'm going to go over very briefly what some of the problems are. But I have to ask, am I vehemently against this bill? Do I vehemently think it doesn't need to be here or shouldn't be passed? No. Quite frankly, it's a fluffy bill. It's a bill that doesn't have a lot of merit one way or the other. Is it extremely harmful? No. Is it extremely helpful? No. What is it? It's a Liberal public relations exercise. I have to say they want to be able to tout it at some point and say, "See? We did this," but the problem is, "this" is not very much at all.

Unfortunately, it's probably going to end up being a bit of a tax grab. It will increase the fines. Is that a good thing? I guess. Do increased fines have a major effect on this particular industry and this particular criminal activity? I would submit to you, no, they do not. Why is that? Because when you think about, when you read about, when you understand true grow-ops and the reams of dollars that are involved in those operations, you'll know that a doubling of the fines doesn't even scratch the surface when it comes to a deterrent in these kinds of operations.

There are some critics who claim that perhaps this particular bill is going to have difficulties when it comes to legal challenges, and that's around issues of whether this is a bylaw in disguise, whether it doesn't even belong at this level. Some say it's not only a useless piece of legislation, but it contains nothing new.

When I say that, again, I know I sometimes refer to my municipal experience in this House when I'm in debate, but I certainly have worked over the years with municipal bylaw enforcement people. They have worked in co-operation with police time and time again in my community. This bill doesn't change their ability to do that one way or the other. In fact, my experience has been that whether it's police, fire, property standards or public health, when there's a problem in our community in the city of Hamilton, all of those organizations, including the Alcohol and Gaming Commission, get involved, get together and work on dealing with those problems as they come up. This bill doesn't really change their ability to do that. It doesn't really change the fact they've been doing that historically anyway in the city Hamilton. They coordinate with each other currently, they work with each other, and this bill is simply reinforcing their ability to do so. But it's something they can currently do—make no mistake.

I'm running out of time, and I'm surprised because I'm not even halfway through my notes.

I think one of the things it's important to recognize is that there are parts of the legislation that are redundant, certainly, but there are other parts that I think don't take into consideration what's happening across this country. I think it's important to note that millions of Canadians are currently marijuana users, in Ontario certainly, but across

the country apparently there is a significant amount of marijuana use currently being undertaken. The reality is that it's not only medicinal use. There is medicinal use, but there is also recreational use of marijuana that occurs in this country, and that is why the federal government is looking at whether or not decriminalization needs to occur.

But when you look at that question, you have to look at who benefits right now from the use of marijuana that exists in Canada. When you look at who is benefiting, we all know that it's organized crime that is benefiting. Why? Because it is a substance that is not in any way controlled, regulated—the distribution is not anything that is involved with government. So, as I said at the beginning of my speech, what we have is an illegal substance that is looking to be perhaps decriminalized. I think there is an opportunity, if the federal government does go down that road, that, instead of it being a drain on the taxpayers' purse, it might be a money-maker. Why? Because when the substance becomes regulated, when the substance becomes controlled, when government takes over or at least is involved in the distribution, then the lucrateness—is that a word?—the lucrateness of this particular substance, the amount of money that it can generate in illegal circles, the amount of money that will go to finance biker gangs and organized crime, will no longer be there. That money will no longer be there. Taxpayers will not be paying out of their pockets for policing and for all the different pieces of the justice system that are required to prosecute these grow-ops. Rather, the taxpayers will be benefiting because they will be receiving taxes on the substance that is now part of a system that is regulated, a system that is controlled, a system that has distribution managed by the provincial or the federal government, depending on how things go with that broader debate.

So I would put to you that this bill is not a horrendous bill, but it is certainly not the big law-and-order bill the Liberals would like to tout it to be.

The Acting Speaker: Questions and comments?

Mr. Arthurs: In effect, this is a law-and-order bill. It's not going to resolve the issue, by any means, in its entirety, but it adds to the tool box.

I'm really surprised—how does one get from grow-ops and the theft of 80-odd million dollars in hydro in 2002, to biker gangs to a tax grab, and that the best way to fix it is to legalize it so it will be a new revenue stream? I don't know whether that's NDP policy at this point in time, but I'd be interested in hearing if that's the position that the party is going to take: that the best way is to consider legalizing the drug so that it will be a new revenue stream for us and thus we won't be having a tax grab by virtue of increased fines and the like and/or the possession of illegal property for the benefit of the crown. I find that intriguing, to say the least.

I can appreciate the Canadian Association of Chiefs of Police saying that this might not be their highest priority. I would expect that murders would be very high on their list of priorities. We do have to have, though, so that the

police forces that are there, whether they be the OPP or each of the police forces in the province of Ontario, additional capacity, additional resources to deal with these crimes, and one can maximize the use of those resources if you give them the appropriate means by which to deal with the crimes. You don't just spend—and I'm surprised that both opposition parties seem to be on a spending spree with this, "How fast can we spend money to hire additional officers? How quickly can we take over the full responsibility of the municipalities for hiring police?"—on the basis that somehow that's going to be a resolution to this issue. I think the police forces have to obviously use their resources in the most effective way possible, as is also their responsibility.

1940

Mr. Chudleigh: The speaker from Hamilton was eloquent, as always. Although she has reservations about the bill, those reservations are on the opposite end of the scale from my reservations about the bill. She touched on the subject of whether or not marijuana should be legalized. She never actually suggested that it should be, to her credit. That, of course, is as far from where I want to go as you can possibly get in this debate.

Interjection: It's a federal Liberal policy.

Mr. Chudleigh: Yes, it's a federal Liberal policy, as the member for Ottawa—somewhere points out.

Interjections.

Mr. Chudleigh: Sorry, Norm. I've lost my train of thought completely. You people have to stop heckling me. You're too close.

The whole debate around this bill is what it proposes to do, which I think most people in this House support, but how it does it, of course, causes great consternation on both sides of the equation. For some it doesn't go far enough; for some it goes too far. It's a problem, because grow-ops are an increasingly difficult problem in our society. Some people will ask, "Who is hurt? Where's the victim in this crime?"

There are a tremendous number of victims in this crime. If you look at home invasions for instance, I understand there are a number of home invasions that occur because people get the wrong address. They've just harvested their grow-op operation and there's either money or drugs in that house and when they rush through the door, maybe they've got the wrong address and a couple or a family is in great jeopardy. This is not a victimless crime. It's a very serious condition, and the government of the day should take that very seriously.

Mr. Bisson: I agree with the previous speaker. We are having difficulty with this legislation for exactly opposite reasons, which is kind of interesting. The Conservatives on one hand want to be the party of law and order and just close all these places down and run in with the cops and shut 'er down. That's where they're at. We're saying this bill is a little bit like the pit bull bill. It's much to-do about nothing. Wasn't that Shakespeare who wrote that? I think it was one of those famous books written in the past.

I just say to the government across the way, listen, I made the comments before and I'll get an opportunity to speak a little bit more fully on this later tonight, but there are a couple of things—

Mr. Crozier: Is that a promise or a threat?

Mr. Bisson: It's a threat and a promise, and I'm going to keep that promise, my friend.

I'd just say a couple of things. One is, we know that the federal government eventually is going to deal with this particular issue. I think the larger issue facing us in this country is the whole issue of decriminalization. Do we want to stay as we are now or do we want to move forward and decriminalize marijuana? There are people who fall on different sides of the issue on that one, I think even in this Legislature, as there are within society overall. But it's pretty clear that's where the government wants to go. The government has actually said that. The opposition parties in Ottawa are on side. If you do that, what's this bill all about?

I just want to say to the government across the way, don't get people all excited about this. The reality is probably going to be nothing. Madame Horvath, the member for Hamilton East, made a very good point, which is, at the end of the day, the reason people don't break the law is the fear of getting caught. I ask you the question: Al Capone was in the business of selling booze during Prohibition. It's a bit like this right now when it comes to marijuana growers. Was he afraid of being caught because of fines? No. The only thing he ever feared was getting caught if he had the cops out on the road, something this bill doesn't do. I thought that was a very good point.

Mr. Rinaldi: It's a pleasure to join this debate and make a few comments on the debate by the member for Hamilton East. Listening to the debate from both the member for Hamilton East and the member for Erie-Lincoln prior to her, it makes you wonder what this is all about. On one hand they say they're going to support the bill, then it doesn't go far enough, and we don't have enough police. To expand a little bit on the police debate, if one were not aware of the circumstances around the province in the different towns and communities and cities we live in, you would think we have absolutely no police around. It sounds like, because we are going to give them the tools to enforce some legislation to protect the public, all of a sudden everything else is going to collapse. You might think we have only one officer in the city of Toronto and, my God, if we give him this other piece of legislation or law to deal with, what is he going to do?

To focus a little bit more on the policing issue, the time it's going to involve and on our commitment for 1,000 police officers, I was in municipal government when we were given from the previous government—so-called "given"—extra police officers. I can tell you what I hear from my colleagues in the municipal field today. Their so-called 50-50 is now about 25% or 30%. So as we move down the road, we want to come up with a proper formula to make sure it addresses their needs.

In my final comments, I think this is a good start. Will it fix everything? Of course it won't fix all the problems with the grow-ops. But it's something that's on the rise, and we're taking some action before it gets even worse.

I urge everybody to support this and let's get the ball moving.

The Acting Speaker: The member from Hamilton East has two minutes in which to respond.

Ms. Horwath: It's quite interesting when the responses that come from my speech really don't have much to do with what I had to say, but that's OK. I think the points I made are clear. They actually are going to remain on the record, and that's what is important to me. The government is undertaking this legislation as a bit of a showpiece, as a way to purport to be doing something when they're not really doing very much.

Again, is it a great big problem? No. Is it anything particularly effective? No. So the bill itself is a bit mealy-mouthed in that way. It's not really a great bill; it's not really a terrible bill. Do grow-ops continue to exist? Will they continue to exist? Yes, they will. Why? Because this bill will do nothing in terms of being a deterrent. What would be a deterrent? Having more police officers on the streets would be a deterrent.

Is that the direction we're going, generally, in terms of marijuana in this country? It doesn't seem to be. It seems that the federal government is taking us down another track when it comes to marijuana regulation, whether you want to call it decriminalization or legalization—whatever you want to call it—but what this bill will simply do is, in the interim, give the McGuinty Liberals an opportunity to beat their chests and say they are being tough on crime. What would really be tough on crime is if they gave local police forces the true dollars that they promised or the true 1,000 cops on the streets so municipalities could take advantage of them, and then look at the broader context when it comes to marijuana generally in the federal debate or the nationwide debate, if you will. What we're talking about there is whether or not simple possession and the small medicinal use—it's nothing to get your knickers in a knot over.

The Acting Speaker: Further debate?

Mr. Khalil Ramal (London-Fanshawe): I've had the privilege and honour to speak on many different issues before, and today I'm honoured to speak on Bill 128. This is a very important bill.

Mr. Yakabuski: How important?

Mr. Ramal: Very important, because it addresses safety in this province.

Mr. Yakabuski: On a scale of 1 to 10?

Mr. Ramal: Ten from 10.

I've been here a lot since this evening session started on the bill. Some people are very negative. It doesn't matter what we do, it doesn't matter what the government does; they always have negative things to say. They don't believe in the cause. They always find some kind of obstacle to put in front of any issue we propose. Despite that, we believe this bill is a very good step toward addressing the safety issues in this province.

I was reading some notes. I was surprised when I read that the cost of grow-ops in Ontario in 2002 was estimated to be almost \$100 million and that 85% of this loss goes to hydro, because so many grow operators steal hydro and many other things.

1950

I believe this bill addresses a very important issue: All of us in this province are concerned about protecting our children, our health, our environment, and also our finances.

I was also surprised when I read that most operations were almost 500 metres away from the schools in this province, because, as you know, most customers for marijuana are basically high school students or university students. They target our young generation. That's why this bill is very important to put an end to this and to control this operation, because we want to save the future of our children. We want to protect the future of our generation.

Besides that, I believe this will eliminate the crime, because grow operations open up a lot of abuse. I was listening to the member from Hamilton East when she was talking about the cause of the grow-ops and the cause of the people who operate those operations. They will open up a lot of abuse: women abuse, child abuse, crime, theft, breaking, so many different issues.

I believe this bill is a very important step to put an end to those obstacles we are facing in this province. This bill will allow the electricity distributors to, without notice, cut the hydro if they see any illegal activities going around or the consumption of hydro going up without reason. Also, it will allow building inspectors to go in to inspect the houses. There are so many things that are important in this bill. There's a doubling of the fine. Whoever gets caught in a grow operation will get a heavy fine, and I think that fine is very important to stop many people from thinking about doing those kinds of things in the future.

I am proud of our government. I commend the government for bringing forward such a bill. I think it's very important for all the people in this province—rural, cities, small municipalities or large municipalities. Also, I'm proud of our government that is going to work hard to make sure to protect the people of this province, not just by talking, but by acting, in order to ensure and to enforce this bill.

I think the 1,000 police officers, the initiative, in conjunction with municipalities, means a lot to help us have a safe environment, a safe society and also to implement and make sure this bill goes a long way to protecting the people and making sure that we have a safe and constructive environment and society.

The Acting Speaker: Questions and comments? The member from Halton appears to be rushing to his seat.

Mr. Chudleigh: That's a wonderful speech. I think the member did very well, although he's on the wrong side of the issue.

The Acting Speaker: Further questions and comments?

Ms. Horwath: I'm pleased to make a few remarks on the debate by the member from London–Fanshawe. I have to say that I was a little concerned, because I think that a part of the comments I brought forward in regard to the triaging or the prioritization of policing calls was misinterpreted by the member. I just wanted to repeat that when the police are called and they have many calls on their resources, many issues coming in at one time, they triage them. They prioritize them. So my point was not that the grow-ops are necessarily leading to one or other of these crimes—though I'm sure that in some cases they are—but rather that the police will attack crimes of personal injury first: things like assault, sexual assault and crimes in progress, especially those that involve young people or children. Those are the ones the police will prioritize. That was my point when raising those other crimes that the police also have to be in touch with.

I have to say—we've seen it all night tonight—that when the Liberals get up, they're doing exactly what we knew they were going to around this legislation: beating their chests and talking about how great it is to have this law-and-order bill that's going to completely change the face of crime in our communities. It's a bit of dreaming in Technicolor if we think that's really going to happen.

The deterrent effect will come with more resources on the street. If that's what they're really getting at, then that's what's going to have an effect on the grow operations. The doubling of fines and the ability of inspectors to work together with police and other agencies—well, this bill might include those things, but it's nothing that hasn't been done already. The bill is really not much of anything.

Mr. Jim Brownell (Stormont–Dundas–Charlottenburgh): It's my pleasure to have a few minutes this evening to speak on Bill 128. I jotted down a few comments that were made by the member from Hamilton East, for instance, that we're all talk and no action. I'd like to start with that. We are certainly talk, and we are action. We're action because we brought in a bill that will have impacts on at least seven other pieces of legislation that have gone through this House. That's action.

A comment was made by the member from Timmins–James Bay that this is much ado about nothing. Well, this has much to do about what's going on here. I look at Toronto, for example: In 2001, the Toronto Police Service dismantled 33 indoor grow-ops; in 2003, the number rose to 140; and preliminary figures for 2004 show that they dismantled 248 indoor operations, with a street value of more than \$83 million. This has much to do about making our communities safe, making our rural and urban—this is not just an urban issue. It's an across-the-province issue. It's certainly in our rural areas.

This is to build strong communities, which was part of our mandate. That was part of what I campaigned on, that's what I brought into this House and that's what I'll continue to speak about: building strong rural and urban communities.

Mr. Bisson: I was in my office listening intently to the comments made by my good friend the member from London–Fanshawe, for whom I have a lot of respect. I think he's an honourable gentleman and truly believes what he believes. But I want to say to him that I'm going to put this in the context of Prohibition. We had Prohibition in Canada in the 1930s, as they did in the United States. I ask you this: What would have scared Al Capone? If we were looking at this as a means of stopping the people making bathtub gin back during the Depression, would this kind of legislation have done anything to discourage Al Capone? I say not.

Here are a couple of examples. This bill does one thing: It says that if you are suspected of operating a grow-op, they can turn off the electricity. Would Al Capone really have cared? Would Al Capone have said, "Oh my Lord, they're going to turn off my hydro, so I'm not making any more bathtub gin"? I don't think so.

The next provision in the bill says that we're going to double the fines. Do you think Al Capone, during Prohibition—making bathtub gin, selling booze, along with Mr. Kennedy and others—would really have worried about being caught because of doubled fines? Those guys would have said, "We don't care. There's lots of money to be made" selling bathtub gin and beer during the Prohibition years of the late 1920s and the 1930s.

2000

When you get into the other provisions of the bill, it's much the same. The point I'm making is that this bill is about nothing. You purport to do something about dealing with grow-ops, but the real issue is that if you want to scare Al Capone out of the business of selling booze and bathtub gin, how do you do it? You hire Eliot Ness. You give him and the police department the money to go out and do the kinds of things they have to do to shut these guys down. That's how they got Al Capone. You're not going to get anybody with this legislation. Al Capone will live.

The Acting Speaker: The member from London–Fanshawe has two minutes to respond.

Mr. Ramal: I was surprised when listening to my colleagues from Timmins–James Bay and from Hamilton East. I know this bill is not going to solve the whole problem, but it's a good step toward it. He talked about Al Capone for many hours and many times. But the issue is that so many people care about their hydro, care about the price of their property, care about the social network. Those issues are very important for many, many people. That's why we believe that it's a very important step to fix this issue. We cannot keep ignoring it and not talking about it. They would say, "Nobody cares about this issue. Nobody cares about the bill." I know this is a very important step toward ending these operations. I believe that by working together, the community leaders, the inspectors, the police and all the people in the neighbourhood might strike a good, important step toward eliminating this problem.

My colleague from Timmins–James Bay doesn't believe in this bill. He wants to talk just for the sake of

talking. My apologies, but they're always negative. What's the next step? What are we supposed to do? Kill the people? Put them in jail right away? Destroy their houses? Well, this is a step. It's a democratic society; we have to go through bills, through laws, through legislation to establish some kind of mechanism. That's what we are all facing in this province: eliminating crime, eliminating grow-op operations, not just in Toronto but in many spots in this province. By working together as legislators and as the people of this province, I think we're going to achieve it, by having good faith in the government, by working together to achieve our goal: the safety and protection of our communities and a prosperous future for our province.

Mr. Bisson: On a point of order, Mr. Speaker: I want to make it clear that I was talking about Joe Kennedy, not Gerard Kennedy, when it came to bathtub gin.

The Acting Speaker: That's not a point of order, but you've made your point.

Further debate?

Mr. Chudleigh: This is a marvellous debate we're having tonight. This is better than most of the debates.

We all generally agree on the direction, but we have a lot of difficulty with how the direction is proceeding. The member from London–Fanshawe wants us to have faith. It is a little amusing when a Liberal in Canada today asks us to have faith, with what's going on in the press. It's asking a lot to have a little bit of faith.

Mr. Hudak: If you put the envelope down, you have faith that you might get the contract.

Mr. Chudleigh: Yes, if you make a donation to the party that's large enough, perhaps you can have a little faith that you might get a little business out of it. A \$1,000 donor is a piker. Your dinner, member from St. Catharines, I say with respect, was \$10,000—not yours, no, but your party's dinner. I don't think on our best day we ever had the nerve to charge \$10,000 for a dinner, but then, maybe you've raised the standard. Maybe next time, if there is a next time, there will be a higher stipend for dinners. However, perhaps the Liberals have a corner on that one; I don't think we want to go there. The average person in Ontario—I always like to have a \$2 breakfast, because that gets the people who are involved in our society involved in politics, and I think that's a very good thing to have happen.

Mr. Hudak: What do you get for two bucks?

Mr. Chudleigh: You get bacon and eggs. We have to subsidize it a little bit, but not much.

Hon. Steve Peters (Minister of Agriculture and Food): The best I can get is \$2.99.

Mr. Chudleigh: So \$2.99? Are those Ontario eggs you're serving, I say to the Minister of Agriculture?

Hon. Mr. Peters: Ontario eggs, Ontario pork.

Mr. Chudleigh: Ontario pork, Ontario eggs? Well, under your ministry, we're still producing those products in Ontario, and that's probably a good thing, for the time being. I hope you get some money into the hands of Ontario farmers, or there won't be much agricultural production in the future. If I were a farmer, which I've

always considered myself to be, and I was looking at producing crops in this province in the coming season and I looked at the price of corn and I looked at the cost of producing that corn, I might leave my farm fallow this year because I don't want to lose 50 cents a bushel on every bushel of corn I produce. And that falls in the lap of the Minister of Agriculture, who, I might say, is doing precious little to solve that problem.

However, we are discussing the grow-ops legislation. What's the name of this act? Bill 128, an interesting bill. As I mentioned when I first stood up, it's creating a lot of good debate in this House, perhaps better debate than we normally have on most bills, because people are putting forward positions that the government should listen to.

Something else I would note is that the Minister of Correctional Services has spent an inordinate amount of time in this House during this debate listening to what people are saying in this debate, and that says a lot about a minister. It says that he is interested in making this bill better than it is. And this bill, I think he recognizes, has to be a little better than it is if we're going to do anything to correct the problem that faces us in Ontario today.

Of course, the Liberal government is the one that brought in the legislation to increase the number of police officers in Ontario by 1,000; 1,000 new police officers in the province of Ontario. They made that announcement to some fanfare. It appeared in many of the publications and in much of the press across Ontario, and yet now we find that there is no funding for those 1,000 new police officers. Well, that's a bit of a sham, isn't it? You make a big announcement that there's going to be 1,000 new police officers, and yet there's no money to support that announcement. Now, the members opposite say that money will be coming before the end of the mandate—all well and good, and maybe there will be and maybe there won't be. This government does have a little credibility problem, so it would be nice to see that money flow. But maybe you should have waited for the announcement until you had the money. Building expectations is not necessarily a positive thing to do in Ontario when you pull back the purse strings.

This bill revolves around that problem as well, because although many people in Ontario are concerned about grow houses, many people in Ontario understand the problems that grow houses create in our society. They ruin houses. They create dangerous situations. People try to break in and steal the marijuana that's being grown, or they break in and try to steal the money that has been raised from selling the crop. Sometimes when they break in, they get the wrong house. Innocent citizens are being threatened or murdered when people are looking for money.

The member from Leeds–Grenville last week talked about the amount of money that comes from a grow house operation being in the millions of dollars—\$1 million for a reasonably sized grow-op operation, and that of course is cash money. You don't take that down to the bank and deposit it; you keep it someplace where the authorities can't find it. But the crime world knows that

money is around, and \$1 million is a lot of money in any world, especially the crime world, and they will go to some lengths to try to find it. Home invasions are one of the lengths they go to. If they get the wrong address, because all these things are passed by word of mouth and innuendo, an innocent citizen could be murdered, could be killed, when the money isn't forthcoming. Or if there's gunfire involved, an innocent citizen may be in the way of one of those bullets, which has perhaps happened in Toronto over the last few years.

2010

Grow-ops are a huge danger to our society and should not be treated lightly. If this government were serious about shutting down these grow-ops, they would put some money behind this problem, they would put some money behind the 1,000 police officers they've said they're going to hire and they'd put some money behind turning off the electricity. As the member for Timmins-James Bay mentioned, it ain't going to scare Al Capone. It's not going to scare Al Capone and it's not going to scare the operators of these grow-ops.

I don't know what percentage of these grow-ops are being busted. We read all the time about grow-ops being busted. What we don't know is what percentage are being busted. Is it 50% of the grow-ops being busted? I don't think so. Is it more like 10%? Maybe. But I think it's probably closer to 2% that are being busted.

The identification of these grow-ops—if the government was really serious about this. Anybody who has any experience in a greenhouse operation or in the business of growing things would understand that marijuana will grow best at 80 to 85 degrees Fahrenheit. I'm of that generation where Fahrenheit still means something to me. I don't use Celsius. What would Celsius be? That would be about 30 to 35 degrees Celsius. That's the best temperature to grow marijuana at. When that happens—

Mr. Jean-Marc Lalonde (Glengarry-Prescott-Russell): I wouldn't know. I've never grown any.

Mr. Chudleigh: If you had any experience in the greenhouse business, if you had any general knowledge about the greenhouse business and the production of food and the production of plants, you would understand that. You say, "How would I know?" like I'm a big marijuana producer. Innuendo from the Liberals; they're great at that. But if you had any knowledge about the subject, you would know that a temperature that high would create certain facilities around the house that it was operating in that are easily identifiable by technological means. In fact, from a satellite in the sky orbiting the earth right now, through NASA, you can have a heat sensory photograph taken. Any house that is above the average, that is radiating more heat from its roof or windows, can be considered a grow-op. If you really wanted to shut down the grow-ops in Ontario, you could avail yourself of that information and also hire the police officers to go in and bust those operations. You could shut down 100%, or very close to that, in Ontario if you were really serious about this business.

I suggest to the members in the House and the people watching that this government is not really serious about busting the grow-ops. I think this bill is fluff. It's not costing this government one cent. It's not putting any money behind this bill. It's just throwing it out there, saying, "Yes, we're concerned about it, but we're not going to spend any money on it." When that happens, that's too bad, because, as I pointed out earlier, this is a very serious business and it does affect the average citizen in Ontario.

Over the weekend, there was a shooting at Yonge and Dundas. This is an area that we all frequent. This isn't one of the high-crime areas of Ontario; this is right downtown where we all walk along the street, or our families might. This is a dangerous situation. Who's to say that that shooting didn't involve funds or money that came from a grow operation? Some of the characters involved in that shooting, by reputation or by innuendo—and it's just rumoured—might lead one to the conclusion that it did involve something of a grow-op operation.

It's time that the government of the day took this crime, this operation, very seriously, much more seriously than they are doing in this particular bill.

This bill amends the Crown Attorneys Act, which is another interesting part of this bill. The current act that they're changing is the Escheats Act. I'm not sure if you're aware of what the Escheats Act is—it's not something I was aware of myself until this debate—but apparently, when the government takes possession of a citizen's wealth or property, they dispose of that property through the Escheats Act. Until this bill is passed into law, that's how the province disposes of property. After this bill is passed, that property will be disposed of under the Crown Attorneys Act rather than the Escheats Act. I'm not sure I'm pronouncing that word correctly, but I think it's close. The lawyers in the room tell me it's close to the pronunciation.

Mr. Bill Murdoch (Bruce-Grey-Owen Sound): You don't want to believe that, then.

Mr. Chudleigh: The member from Bruce-Grey-Owen Sound points out that you may not want to believe what the lawyers tell you it is.

It goes into special accounts. In today's Canada, most Ontario citizens are very concerned about money that goes into special accounts. How is that money spent, and why would they change it from the Escheats Act to the Crown Attorneys Act to dispose of that property when it's going to be deposited into special accounts? Well, that's a question that I think the auditor of Ontario should pay close attention to. In his next report, I would certainly like to see the Auditor General of Ontario refer to how that money was spent and why it was changed from one act to the other to purportedly do exactly the same thing as before. Why change it? Perhaps the auditor, in his next report, will look into that.

As we heard earlier tonight, we're also going to change the Electricity Act of 1998. This is almost humorous. We're going to change the Electricity Act so that after we find a grow-op, the police can turn off the

electricity, thereby shutting down the grow-op. Well, if you've found a grow-op, what's wrong with raiding the place and shutting it down that way? Why would we have the hydro people come in and shut off the electricity coming into the house? I guess the plants would die if it were wintertime; if it were summertime, it probably wouldn't make much difference. Why would they do that? Why not have the police go in and raid it? Well, maybe there aren't enough police to do that. Of course, if they supplied the 1,000 police officers on the streets that they said they were going to provide and funded them, then maybe that would work, and that would be a good thing.

The other thing about shutting off the electricity that concerns me is that the government is asking for permission to go in and shut off the electricity of a house that they determine is a grow-op. They don't need a warrant for that procedure. That's in the bill. When you don't need a warrant in this province, that's a very serious thing. That should raise your tentacles, as an MPP in this province. When you don't need a warrant to do something, that's an invasion of civil rights that is a very, very major thing to do. There are only a couple of things in the province of Ontario that the police are allowed to do without a warrant. One of them is our RIDE program, where a police officer can pull you over without cause, with no cause whatsoever—just pull you over and check you. That's an invasion of our civil rights, and you don't need a warrant for that.

2020

You don't need a warrant to shut off these people's electricity either. That's in the bill. Do you suppose the police will ever make a mistake? After they've shut off the electricity, if they have made a mistake, there is a clause in the bill that says you can go to the commission and ask them to reverse it—and you might actually get an appointment with the commission within 30 days or maybe 60 days. Can you imagine how hard your pipes will have frozen after 30 or 60 days in January, in Ontario, if somebody made a mistake and went in without a warrant?

Whenever somebody wants to do something in this province without a warrant, take issue with it, understand what's going to happen, because, by and large, it's wrong. This bill wants to do just that, and I say that's a very dangerous thing to do in this province. And it's not going to solve the problem, because if you're going to shut off the electricity, you've already determined that this is a grow house. You don't have to shut off the electricity—raid it. Take the police officers in and destroy the marijuana that's in there.

Mr. Bisson: Whoa, whoa, whoa.

Mr. Chudleigh: Of course, the NDP are in conflict with this one. They want to legalize the marijuana that's in there; they don't want to destroy it.

I say the government should get serious. If they are concerned about this problem—I pointed out this is a huge problem in Ontario and it puts the safety of citizens in this province in jeopardy—if they really want to solve

this problem, they can do so with existing technology, and they can do it very quickly and directly: heat detection units, flying the province with infrared cameras for outdoor marijuana production. You could shut this down if you had the will to do so. But I say to the people of Ontario, I say to the people in this Legislature, this government does not have the will to do that. This government is playing politics with a very serious problem in Ontario. Until you get serious about this, it's going to continue and build, and eventually people will die. After people die, then this government will get serious, and it will be too late.

The Acting Speaker: Questions and comments?

Mr. Bisson: I want to say those were some interesting comments. I just want to point out to the member that where I come from, if you were to turn off the electricity, the water would freeze in quicker than 30 days—maybe in 30 minutes. I just want to make sure you understand it's a little bit more critical in some of the other areas.

I think, yes, the Conservative member is right. The general sense of people as we look at this legislation is, "At the end of the day, am I going to vote against this?" Of course not. You're not really doing anything bad, you're not really doing anything good, but the issue is, are you really doing anything to deal with the issue of shutting down grow-ops?

The first point is—and I think we spoke to this earlier—that the federal government at this point is talking about decriminalization. If they are serious about decriminalization, then I think we should know that. It's incumbent upon the Attorney General to have some pretty serious discussions with his counterpart in the federal government to find out where they're going. If they're going to decriminalize a year down the road, what is this bill really going to do? It's going to do nothing. It's a little bit like repealing Prohibition and having a law on the books that says, "We can do something to go after the bootleggers." It won't mean anything. So, first of all, let's find out what the federal government is about.

I'm going to get an opportunity. Stay tuned to the same channel. About 10 minutes from now, I'll get to speak about what this bill would be like if you lived in the 1930s, during Prohibition; if your name was Al Capone and you made bathtub gin and sold bootleg beer. How would this legislation stack up in those days? I also talked about my good friend Mr. Joseph Kennedy, who was also in the business of making bathtub gin and selling beer, and how Mr. Kennedy—Joseph Kennedy, that is—probably would not have been too fearful of being caught if this legislation was applied to the whole issue of prohibition.

Mr. Crozier: To the member from Halton, I just want to clarify something, and that is that the local distributors already have the authority to shut off power. What we're doing is moving it from the Ontario Energy Board regulations into legislation so that it reinforces the power of companies to be able to shut it off. Rather than having to barge into the house, it can be identified sometimes from

outside the house that there is an illegal hook-up, and all they have to do is flick a switch. That takes away the threat of fire and the threat to neighbours, and then the police, through their warrant process, can come and raid the residence.

I was kind of with the member from Halton for some time, until he started to talk about how if you do things without a warrant, you're tramping on people's civil rights. I say to those who may not have been here a year or so ago that they were the guys who wanted to fingerprint social services recipients, for no criminal deeds that they had done. If there was ever an example of taking away someone's human rights, that would be it. So when you sang on one side that you were concerned about civil rights and on the other side that you might not be so concerned about civil rights, that's when I started to lose the member from Halton, and that's when I wasn't so sure that I was in agreement with what it was he had to say.

Mr. Yakabuski: I'm pleased to comment on my colleague from Halton, who raised many interesting points and issues with regard to Bill 128, which is commonly referred to as the grow-ops bill. The Minister of Community Safety and Correctional Services is very proud of this bill but, again, I say that it's more about appearance than it is about substance. The government is on a kick, if you want to call it, about trying to make sure they convince the public out there that they're doing something about all of the problems that ail us in society and are going to fix them all up by some wonderful piece of legislation. But in order to correct problems—and we all concede that grow-ops are a major problem in our society. The 248 that were dismantled in the city of Toronto in 2004 up till September only represent a small portion of the ones actually operating out there, so we all know that it is a serious problem.

But how are you going to correct that problem if you don't have the personnel on the street to determine effectively where these places are operating, and thereby have the tools to shut them down? Having the right to shut off power is fine if you're confident that you've got the right location in the first place. In order to do that, you've got to have the proper police surveillance techniques and tactics and the time invested to ensure that you're making the right call, so to speak.

Again, I think the government is on the right track with this bill. It's a good start, but we've so much to do. They've got to stop fluffing it out and really get some meat into the matter.

The Acting Speaker: Before I recognize the next speaker, I wanted to ask the honourable member that if he wishes to speak, could he sit down? It's a little distracting having him stand. I think he's trying to raise a point of order something.

Further questions and comments?

Ms. Horwath: It's my pleasure to make some comments on the debate that was presented by the member from Halton. I have to say that there are a couple things on which I agree with him wholeheartedly, and

one is that if this bill is meant to get tough on marijuana grow-ops or to get tough on crime in some way, it misses the mark enormously. Why does it do that? It does that because all it really does is reinforce existing procedures, existing powers, and increase fines in some small way. Anybody who is reasonably aware of what happens in these situations, anybody who has talked to their local police chief who's been dealing with these kinds of problems in communities, will know that this bill as it's written, Bill 128, will have very little effect on their ability to close down grow operations wholesale.

2030

Again, I would agree with the member from Halton that if that is the goal, then the government needs to reassess its broken promise around the 1,000 police officers in the province of Ontario, because that is where success will come from: those officers on the street identifying and bringing the resources to bear on the grow-ops to successfully close them down.

At this point in time, hydro can already be shut down, because what happens in the situation is the wiring gets rejigged, and that's a health and safety problem. That's a fire safety issue, and hydro can already be shut down in those cases. The idea of a deterrent factor of fines just doesn't make any sense. We know hundreds of millions of dollars is being generated in these grow operations, so the fine deterrent simply doesn't wash. What would make a huge difference is, again, the commitment of police on the street. Otherwise, it's really not much of a bill.

The Acting Speaker: The member from Halton has two minutes in which to respond.

Mr. Chudleigh: I thank the members for their comments. The member for Essex seemed to be defending the fact that no warrant was necessary in this case because, "We would always do the right thing; you can always trust us to do the right thing." As trustworthy as this government might be—there's only been two or three dozen broken promises—we could be very concerned about the next government that comes in, and how trustworthy they might be. No, when no warrant is required for police action, all Ontarians should be very concerned about that action.

The member from Timmins–James Bay, of course, was eloquent. He asked you to stay tuned; he will be speaking on it. I'm sure it'll be an entertaining speech, talking about how Al Capone would have commented on the shutting off of his electricity when he was making brew. And, of course, he's going to refer to Joe Kennedy making bathtub gin. I should point out to the member that Joe Kennedy never made bathtub gin.

Mr. Bisson: He sold beer.

Mr. Chudleigh: No, Joe Kennedy imported scotch from Scotland and ran it through the Mafia in the United States. He got it into the country. He never made the booze; he imported the good stuff. The brand name that he imported, I believe, was Cutty Sark. It was what his son, who became president of the United States, always drank. He always drank Cutty Sark because his father had become rich on importing it illegally into the States. I

don't know if I'll hear from the lawyers or not, but that's the word that I understand. We wouldn't like that same kind of thing to happen in Ontario with this government's very weak legislation on grow-ops in Ontario.

Mr. Bisson: Mr. Speaker, could I have unanimous consent to get 20 minutes for my speech?

The Acting Speaker: We have a request for unanimous consent. Is there unanimous consent? I didn't hear a no. Go ahead.

Mr. Bisson: Thank you. I wanted to have 20 minutes because I have a lot to say on this particular issue. I first of all want to say, for those of you watching, that this is really an interesting bill. I promise that this is not a prop, Mr. Speaker. I want you to look at it. It is the legislation. It is entitled An Act to amend various Acts with respect to enforcement powers, penalties and the management of property forfeited, or that may be forfeited, to the Crown in right of Ontario as a result of organized crime, marijuana growing and other unlawful activities. This is all about those people out there who decide to make a living at basically growing marijuana inside their own homes, or somebody else's home if they happen to be renting, or let's say Molson Breweries or Labatt's. Which one was it?

Mr. Hudak: It was Molson.

Mr. Bisson: It was Molson Breweries.

I want to point out that illegal growing of marijuana in Ontario and across Canada is a big business, but I wouldn't argue it's as big as the business that developed under Prohibition in the 1930s, when we made alcohol illegal to be consumed in both Canada and the United States. That's what I want to talk about as I compare this particular bill to where we would be under Prohibition.

Imagine. I want you to set this as a scenario: Here we are today in the year 2005. The Liberal government has legislation before us that says we are going to do a number of things to put the grow-ops, those people who grow marijuana illegally, out of business. It's akin to what used to happen under Prohibition. Now, remember, there were people like Al Capone and—who was the guy in Hamilton?

Ms. Horwath: Johnny Pops.

Mr. Bisson: —Johnny Pops in Hamilton and a whole bunch of other people who basically made millions of dollars selling alcohol to working men and women across Canada and the United States during the Prohibition years. It was big money.

The Temperance League came together and said, "We're going to put an end to alcohol. We're going to make it an illegal substance within Canada and the United States." Out of that grew a very large business. Organized crime became organized under Prohibition, if you remember. The Mafia, as it's called today, the Cosa Nostra, and other gangs under Bugsy Siegel and—who was the other Jewish family in New York? I'm trying to remember the name. It'll come to me a little bit later. Hansard would know this. All those big bosses inside the organized crime syndicate family got big, got rich, out of Prohibition.

I want to ask members of this assembly and those people watching this debate tonight—I know there are many. I know my mother is watching. My mom always watches question period. She always watches this Legislature, especially when sonny's on. Sonny's on, so I've got to believe she's watching.

Anyway, imagine we're in Prohibition days and the government of the day comes forward and says, "We have legislation, ladies and gentlemen of this great land, to put the bootleggers out of business. Here's what we plan to do: The first thing we have in our legislation is that we're going to give building inspectors the authority to go in and inspect buildings if they're unsafe." Whoa. Al Capone is shaking in his boots. The mob is going, "Oh, my Lord. They can't do that. Those building inspectors in cities and towns across Canada and the United States are going to have the right to come in and inspect the building. My Lord, we're going to be out of business."

When they come inside the building, the inspectors are going to have the right to do the following: They're going to have the right to inspect the building to determine if it is unsafe, and if it's found to be unsafe—here's the kicker in the legislation—"to require the inspector to issue an order setting out the remedial steps needed to make it safe."

So Al Capone is running a brewery, brewing booze somewhere in Chicago, and all of a sudden the city of Chicago sends out the building department. The building department goes knock, knock, knock, "Al Capone, open your door. We're coming in." So the inspector walks into the building: "Oh, look at that. That is an unsafe door. That is an unsafe window. That electrical outlet has to be changed," and writes up an order. Al Capone has to fix the building because it's unsafe to the workers who are making the booze and the beer inside that building.

I'm telling you, Al Capone is flipping in his grave. He's thinking, "My Lord, if Eliot Ness had done that, he would never have had to do anything else." Well, do you think Al Capone would have been afraid of some legislation that says we're going to give building inspectors the right to inspect a building and see if it's unsafe, and if it's unsafe, the building inspector has the authority to issue an order to fix the building so those workers inside the building—who, by the way, are making illegal booze—are safe when they're doing it? It's laughable. I really have to laugh at it. Al Capone and all those people during the Prohibition years who were in the organized crime syndicate family would not have been too afraid of this particular piece of legislation if that was put forward.

2040

There are really three things this legislation does. So far, as they say in baseball, strike one. So now here comes Mr. Bryant. He's up at the plate. It is his bill, I imagine, right? Oh, it's Monte Kwinter; the relief pitcher is in for the Dalton McGuinty Liberals. He puts out the first pitch and it's strike one. Here we are. So Mr. Kwinter comes back and he has a second baseball to pitch. Here is what he is pitching to Al Capone and those

people in Prohibition who are selling booze illegally: They're going to increase the penalties if you get caught. Do you think that Al Capone, as my good friend from Hamilton East says, really would have been afraid of increased fines? You can double the fines. The issue was that they made millions of dollars. It wasn't fines that, in the end, shut down Al Capone and a whole bunch of other people; it was putting cops on the street. It was giving Eliot Ness and the FBI and the local police authorities the bodies they needed to do the investigations that need to be done to catch these people. The lawmen of those days were clever, and they used income tax law to get Al Capone in the end. In many other cases, it was by investigating other criminal acts that they caught some of the people and put them behind bars. It was never always just because they were selling illegal booze.

So to the government across the way, if you're pitching this as your second pitch, your baseball team is in a lot of trouble. I've got to tell you, Al Capone is not worried about the second pitch. He says: "Come on, throw it by." A swing and a miss; here we go on the second one. So Al Capone is not out of business yet.

Then we come up with the kicker of all kickers: We're going to say to Al Capone, under the section of this act if it had been applied to the Prohibition years, the following, under the Electricity Act, 1998: "to allow distributors to shut off electricity to a property without prior notice if they have reason to believe that there is a condition in respect to the property that threatens, or is likely to threaten, the safety of any person or the reliability of distribution systems."

It's a little bit like the building inspector. They have the right to turn off the power if they think there's something unsafe about the operation, in other words, if there are electrical cords that are dangerous and somebody might get zapped, or light bulbs hanging by a thread or some unsafe condition in the building in which the grow-op is operating, or in our case, with Al Capone, in the brewery. There's something unsafe about the wires. It gives the authority to the people selling the hydro the threat to turn off the electricity. Do you think Al Capone would have been worried about that? He would have been worried not a bit. He would have said: "Listen, at the end of the day, this doesn't scare me too much. All I have to do is pick up and go somewhere else"—which they did. How many bathtub gin places did they bust and how many breweries did they smash and how many kegs of beer did they smash, and what effect did that have overall? It didn't have any. Consumption increased over the years of Prohibition and we were no further ahead as a result of those activities. But Al Capone would have been told, "If we find there is an unsafe wire inside your brewery, we can shut you down."

The second part basically says—and this is the one that I thought was interesting—if it affects and makes unsafe the distribution system. That means if you're drawing so much juice in the house that you might end up blowing the transformer outside on the pole, then that's another condition by which they can shut down the

electricity to the grow-op. I say Al Capone wouldn't have been too worried about that. Al Capone was a clever guy. The police tried to lock this guy up and charge him. How many years did they try to get this guy? They just couldn't do it until finally the government made it a priority. What did the government of the day do? They went out and hired some cops. They said, "Let's put some cops on the street and let's observe what this guy is doing. Let's keep an eye on him, find out who he is talking to and develop the networks necessary to get the information we need to figure out how we can catch this guy." Do you think Eliot Ness thought he was going to catch him on income tax evasion? He never thought that at the beginning. He thought, "We'll catch him as a partner in some kind of crime." This guy was pretty brutal; he was known to have done a lot of brutal things. They figured they'd get him on that. But because they had the amount of police officers on the street working with Eliot Ness—do you remember that show? Eliot Ness in the 1950s and early 1960s. I remember that show real well. I used to watch that all the time. Eliot Ness was quite the law guy. Anyway, what was a young Canadian kid watching that kind of show for in the first place, is my question. But that's another story.

Mr. Hudak: Was it on CBC?

Mr. Bisson: Yes, it ran on CBC, actually. It was about the only channel I had back home, so it had to be on CBC. CFCL television, that's what it ran on. Anyway, I'm digressing.

My point is they put the cops out on the street and they said, "We're going to go out and investigate." As a result of a long and very expensive investigation—we're talking about spending, at that time, comparable to today, millions of dollars—in order to find out that they had the grounds to convict this guy for income tax fraud. That's how they got Al Capone in the end. My point is, you're not going to do a heck of a lot to shut down grow operations by saying, "We're giving building inspectors the authority to go in and inspect unsafe buildings. We're giving hydro inspectors the right to go in and inspect unsafe buildings and then to shut off the power, because it's either unsafe to the distribution system or to the house, or doubling the fine." The way you're going to shut off grow-op operations is to do what Eliot Ness did: Go out and investigate. Give the resources to the police officers to do what it is that they have to do so they can observe, they can figure out who's doing what and then they can go at the proper time and bust these people. But your legislation doesn't do that.

Here's another one that I thought was rather interesting in this legislation. In one of the sections of the legislation, we're making amendments to the Municipal Act. I understand why the government is doing that. They're saying, "If we seize something under this act, we want to be able to use the money and dispose of it within special accounts of the Ministry of the Attorney General or the Solicitor General so it goes back into law enforcement." That's not a bad idea, not a bad concept. But I thought this particular section of the bill was rather

interesting because it says, “The Attorney General is permitted to collect personal information under these acts for limited purposes.” I just want to ask, is that necessary? Probably. I would argue that it’s probably not a bad thing. But I find it highly interesting that the government now introduces this in their legislation, when they were opposed to such concepts when the Tories did it in their legislation, the Remedies for Organized Crime and Other Unlawful Activities Act, back in 2001. I remember; I was here. There were great speeches by members on the other side, who are now in government. I remember quite well the now Attorney General, for one, getting up and saying that what the Conservative government was doing was unconscionable and that it was taking away people’s civil rights. I thought I was going to believe you. I said, like a whole bunch of other Ontarians, “The Liberals are on to something here. They’re making a little bit of sense on some issues, for a change.”

We find out, like on all other issues that Dalton McGuinty has had since he’s come to office, that he’s broken another promise. They said prior to the election that they wouldn’t do this kind of thing, but here it is in this legislation. They’re prepared to do exactly what the Conservatives did in their legislation by giving the police the ability to investigate people—and I can understand why they want to do that—but it’s a different position from one side of the aisle to the other. I say to the members across the way, my good friends in the Liberal Party—and some of them are really friends and some of them are really good friends—this particular bill is really not going to do a heck of a lot.

The last part of what I want to talk about in this particular speech is this: The government, since it’s come to power, has introduced all kinds of legislation in this House. Being the whip for the New Democratic Party, I have the opportunity to attend House leaders’ meetings where we decide every week how legislation is going to come through this House. I just want to say that the order paper, since the fall of 2004, has not had a lot of real, substantial legislation on it. These are the kinds of bills we’re dealing with: bills that purport to say something and do something but, at the end of the day, don’t mean a heck of a lot.

It’s a little bit like this: Imagine you go out and buy a can of peaches. They’re not really good peaches. They’re not peaches from Ontario; they’re peaches from somewhere else. The juice is not very sweet and the peaches aren’t very good. You’ve got this empty silver can and you want to put a label on it. This government is saying, “Here’s a nice label. We’ll put a nice label around the can and everybody is going to like our peaches.” The problem is, as you open the can and you get past the label, you start finding out that the peaches aren’t very good.

It’s kind of the same thing with their legislation. We’ve had legislation that deals with very important issues like pit bulls. My Lord, how much time did we spend in this House and in committees dealing with pit bulls? I don’t disagree that we have to deal with dan-

gerous dogs. I think it’s a pretty simple issue. We already have laws on the books that deal with dangerous dogs. What we have to get our minds around is, what kinds of things can we do as a Legislature to make owners more responsible? Are there things we could have done in order to say how we deal with dangerous dogs? No; instead, what we said was, “My Lord. We’re going to ban pit bulls in the province of Ontario.” There’s a pit bull that lives next door to my place at the office, and I’ve never seen that poor little pit bull do anything but what every other little puppy does. I’m not saying that they’re all safe dogs, but my point is, why just ban one breed of dog? There are other dangerous dogs out there, and what we need to do is make the owners of the dogs liable.

2050

We look at other legislation that this government has brought forward, and it’s much of the same. It’s like this grow-ops bill where we say that we’re going to do something in order to give people the feeling that the government is doing something really great. When you look at the bill, as we have tonight in this debate, the bill doesn’t do much of anything. Instead, quite frankly, what we ended up with was a government that purported to do one thing on the opposition benches, continued saying they would do those things once they were elected, and then, after they got elected, started breaking all their promises. They’re saying, “How are we able to communicate with voters in a positive way?” and so they bring bills like this that have great titles on them, that speak to an issue that’s probably, for some people, important enough but when, in the final analysis, you look at the bill, it doesn’t do a heck of a lot. As I said, I don’t think the legislation, at the end, is really going to do what this government purports to do.

I’ll end on this note. I started my—

Mr. Hudak: You’re finished already?

Mr. Bisson: It’s already at the end of the 20 minutes. Can you believe that? But I just want to end on this note.

Mr. Norm Miller (Parry Sound–Muskoka): Maybe they should give you another 20.

Mr. Bisson: I could ask, but that’d be pushing. That would be pushing it.

I said at the beginning of this speech, “Let’s look at this legislation from the perspective of the time of Prohibition.” Looking at this legislation, I think that most fair-minded people would say this: If Al Capone, who set out in the business of making beer and selling beer and alcohol during Prohibition years, had had to look at this legislation at the beginning of his career selling beer and booze, I don’t think it would have done an iota of anything in order to say that Al Capone was deterred from being in the business of selling alcohol and beer to the thirsty people of the 1930s. So I say to the government, this bill is basically the same thing. Al Capone wouldn’t have been too worried. I don’t think those people out there who are operating grow-ops today are going to be terribly excited when it comes to this particular legislation. In fact, if you look at two of the provisions in this bill, the one about the right to turn off electricity and the

other one to inspect, by and large, we already have those rights now. Electricity regulations are now under the OMB; all we're doing is putting them in legislation. The police already have that tool, so we know it hasn't worked and it hasn't done anything because it already exists.

On the issue of being able to go in and inspect buildings, yes, there's a higher test. As my good friend from Hamilton East, a former municipal councillor, has told me, we have that right now for building inspectors, but there's a fairly high threshold about when you can enter a building. You can argue that they're getting a little bit more authority but, at the end of the day, that in itself is not going to deter people from growing marijuana inside their particular grow-op operations.

Mr. Speaker, I want to thank you for this time. I want to tell you that it was a pleasure and an honour to speak for 19½ minutes on this particular piece of legislation. I want to tell you that when this legislation comes forward for a vote, I look forward to seeing how members are going to vote on this legislation, but particularly I'm interested in what happens when this bill gets to committee, because I would guess that when it gets to committee, there will probably be some fairly interesting recommendations from the officers and police forces who are out there doing the work about what we can really do in order to deal with this issue if we were really serious.

On the last point, the federal government's going to be dealing with this by way of decriminalization, so we'll be right back where we started from. Imagine, back in Prohibition days, saying, "We're lifting Prohibition but we're allowing Al Capone to keep on selling the booze." That's basically what this legislation does. It says, "We're making it a prohibition for people to sell marijuana." If the government decriminalizes, we're still going to have the same people selling this stuff, so what does it give you in the end? I don't know.

The Acting Speaker: Questions and comments?

Mr. Lalonde: I was listening to the member from Timmins—James Bay's comments right after I listened to the member from Halton and also the member from Pickering—Ajax—Uxbridge. Let me tell you, the member from Pickering—Ajax—Uxbridge was right, but both of you missed that when we say we will amend the Electricity Act, this would give the power to a building inspector to enter a building. It's very clear on page 2: Clause 2(2)(1.1) will permit an inspector to "enter upon land and into a building at any reasonable time without a warrant for the purpose of inspecting the building." We know that up to now we didn't have the proper tools to have an inspector or a municipal electrical commission go and inspect a building.

If you look at your electricity bill, you've got the number of kilowatt hours multiplied by, sometimes, 1,092. That 92 is loss of electricity. At the present time, there are a lot of marijuana growers who are bypassing the meter, and there's nothing we can do. It's true that it's sometimes costing millions of dollars to get the police to investigate, but this bill would give us the pow-

er to go into a building and find out why the lights are on all night. These are, most of the time, marijuana growers, and all the households within the sector are paying for the electricity used by those marijuana growers.

I have to congratulate the minister on having the initiative to come up with the bill.

The Acting Speaker: Further questions and comments? The member from Grey—Bruce—Owen Sound.

Mr. Murdoch: We put "B" first—Bruce—Grey—Owen Sound—but that's OK.

I'm glad to have a couple of minutes to talk on the eloquent speech by my friend from Timmins. You have it right on: There's something wrong when you've got a government that wants to just come charging in without a warrant. They've got a hidden agenda in this whole thing. There's obviously got to be something.

It's just strange that the Liberals of all people would come up with this. They might want to blame us or something like that, but for the Liberals to do this—I mean, they're spinning around. They got elected—or maybe they're trying to find out whether they really got elected, because every time I listen to them, it sounds like it's still our fault and we're still running the government. This is something that maybe they're trying on their own. But I think it might backfire on them a little bit.

After listening to the member from Timmins—it's unfortunate you only got to watch that one movie, but I can understand that. I come from Owen Sound. We didn't have a lot of channels either, back when you and I were a little younger, and we'd have to watch movies like that also.

Mr. Yakabuski: How old are you, Bill?

Mr. Murdoch: Well, we won't get into that—they want to know how old I am—that might take a long time. We'll talk about this bill a little bit, though.

Mr. Jeff Leal (Peterborough): Did you have rabbit ears on the TV?

Mr. Murdoch: Yes, I remember the rabbit ears, and maybe that's when Al Capone was doing his thing.

We have a concern about this bill. You're going to allow the inspector to go in, but why would an inspector go in if he thought it was a bad place anyway? Why are we making a bill that will allow the building inspector to go in if he thinks the house is falling down? What was he doing? He should have been doing his job anyway.

The same with electricity: They shut power off all the time. If somebody doesn't pay their bill, it doesn't take them long. The problem is getting it back on.

This is like window dressing. The only thing I can say is that it's something they're doing, for a change, and they can't blame us, for a change. We'll have to just see how this turns out.

Ms. Horwath: It's certainly my pleasure to make some comments on the excellent speech by my friend from the riding of Timmins—James Bay. I have to say, the whole time he was talking about Al Capone in the context of Prohibition reminded me of some of the famous people in my own community during that time; namely, Johnny "Pops" Papalia, a very famous rum-

runner and a member of the organized crime families in Hamilton. In fact, he is quite well renowned for the illegal work he was doing in terms of shipping rum, particularly to the United States, across Lake Ontario from Hamilton harbour.

2100

Interestingly enough, though, I would agree with the member from Timmins–James Bay that if, in Bill 128, the government is purporting to address the grow-op situation, what they're not looking at is the fact that fines will largely be ineffective, and that inspectors are currently able to inspect and so any extra powers in regard to inspection really don't amount to much in terms of helping with this particular problem.

I was a little bit nervous about the comments from the member for Glengarry–Prescott–Russell, because he made it sound like, instead of using police to do police work, we're now going to be using hydro inspectors to do police work. That makes me a little bit nervous. Nonetheless, the issue around cutting off hydro—we know that can happen currently. As soon as there is a suspicion that hydro is being stolen or inappropriately utilized by any particular user, Hydro can shut them down. So that's currently not a problem. This bill will really not do much to change the existing situation. Really, if you're going to go after the grow-ops, you need the resources within the policing realm. I think my colleague from Timmins–James Bay made that clear. If the government was serious, they would do that. But really, we need to look at the context, and that's what the federal government is doing.

Mr. Leal: It's indeed a pleasure to listen very intently to my colleague the member for Timmins–James Bay talking about Bill 128.

I'll certainly say hello to Chief Terry McLaren, the chief of the police force in Peterborough, and his deputy Ken Jackman, both very good and close friends of mine. They're certainly interested in Bill 128, and I'll tell you why. It's not just a question of talking about 1,000 police officers and personnel. This is about getting to the cause of the crime and deterring it before it happens. I think this is a component of this bill that really hasn't had an opportunity to be discussed at length. It's one of the essential components of this bill that I think is very important: to get to the heart of the matter before it happens.

I know the Minister of Community Safety and Correctional Services, the member for York Centre, has certainly taken it to heart—he is listening—because we see the scourge of marijuana grow-ops. I come from a riding that's 60% urban and 40% rural. These marijuana grow-ops have cropped up on some of these quiet back roads in rural Ontario. Indeed, when you talk to police forces, I think this bill is a very important start in trying to deter this kind of crime that's at work here. To the member for Essex, I know from my experience with the electrical distribution situation in Ontario that indeed they have the power to effectively cut off electricity to make sure these things don't occur. I thought the member for Halton raised a reasonable point with regard to sat-

ellite tracking. But this bill is a great start in closing down marijuana grow-ops in Ontario.

The Acting Speaker: The member for Timmins–James Bay has two minutes in which to respond.

Mr. Bisson: I want to thank all my good colleagues here who had an opportunity to respond. I just want to remind you that if it comes to fines as a deterrent to doing something, why are there still people speeding on our highways? The reason people don't speed is the fear of getting caught, and the only way you're going to do that is to put additional police officers or photo radar out on the roads so people get caught. That's why people stop—

Interjection.

Mr. Bisson: I'm just saying that it comes down to the issue of getting caught. In order to make fines a deterrent, you'd have to have fines so big that you'd bankrupt somebody; then maybe they'll think of not doing it. But doubling the fines isn't going to do it.

I just want to come back to what I've been saying all night on this particular debate, as it relates to our good friend Mr. Al Capone back in the Prohibition years. Al would not have been too afraid of this legislation if you had introduced it. Our good friend and not-esteemed colleague Mr. Al Capone went into the business of selling alcohol. Why? Because he was able to do it and was able to make a profit, and he was not too worried about getting caught. That's why he went into the business. If you look at this particular piece of legislation, I'll tell you, at the end of the day, Al Capone or anybody else in the Prohibition days who was selling alcohol to people who wanted to buy it would not have stopped selling alcohol on the basis of legislation like this. At the end of the day, the lawmakers got it right. They said, "Let's lift Prohibition." At the end of the day, you can't control people's behaviour when it comes to the consumption of alcohol. The alcohol sellers, the bootleggers, can triple the price for alcohol and people will still buy it. You can double and triple the price for the fines or do whatever you want, but at the end of the day it's still going to happen, which brings us to the debate on decriminalization. I have not made up my mind on that issue, but I understand that it's akin to Prohibition and the lifting of Prohibition. I just say to the members across the way that this legislation does not do very much to deal with the actual issue of closing illegal grow-ops.

The Acting Speaker: Further debate?

Mr. Miller: It's my pleasure to join in the debate this evening on Bill 128, An Act to amend various Acts with respect to enforcement powers, penalties and the management of property forfeited, or that may be forfeited, to the Crown in right of Ontario as a result of organized crime, marijuana growing and other unlawful activities. We're probably all in favour of controlling marijuana grow operations, particularly, as mentioned on the cover of this bill, because organized crime is involved with marijuana grow operations.

I note that our critic in this area, the member from Simcoe North, Garfield Dunlop, has commented on this

bill. He's happy to see that the government is finally introducing a community safety bill after 18 months. This is the first community safety bill we're seeing from the government. But what's really needed to deal with crime issues and with marijuana grow operations is for the government to come through on their election campaign promise of 1,000 new police officers. I happen to have a copy of the campaign document from 2003 on safe communities, Growing Strong Communities, at www.ontarioliberal.com. In the "Getting Tough on Crime" section, it says, "We will put 1,000 new officers on the street for community policing." Maybe I can ask my colleagues: Do you know how many new officers are on the street?

Mr. Hudak: None in Niagara.

Mr. Chudleigh: Zero.

Mr. Miller: I think I'm hearing a big zero from around me. That is the case, that there have been no new police officers of the 1,000 that were promised during the October 2003 election. I know there have been some announcements about some funding.

Mr. Yakubuski: Are you saying they've broken a promise?

Mr. Miller: Until we see it's completed, I think it's safe to say it's broken.

They have announced \$30 million toward part of the cost of new police officers, but the fact of the matter is that the real cost is something like \$100 million, not \$30 million, and it requires municipalities to participate. I'm the critic for northern Ontario. In northern Ontario the municipalities tend to have shrinking tax bases and are just not able to afford to put their share of the money required toward these new police officers, so we haven't seen any of these new police officers. That's the most effective way to deal with criminal activities, particularly activities that involve organized crime.

This bill requires allows some municipal officers—the electrical inspector and the building inspector—to go into homes where they see extra electricity being consumed or a building violation, but that may be putting those municipal officials at great risk, and I am worried about that. It also doubles fines under the Fire Protection and Prevention Act, under the Ontario fire code.

This bill is a small step, but it's really about appearance, not substance. It's not very practical and I doubt it's going to accomplish that much. As the member from Timmins—James Bay mentioned, it's like many of the bills that have been debated in the Legislature: It's not really going to accomplish a heck of a lot. A lot of the bills are fluff bills, really. They look good on paper and from a distance, but when you really start getting into them, they are either bad bills or they don't accomplish anything. He mentioned the case of the pit bull ban. I would have to say that's just poor legislation. It doesn't deal with the issue of dangerous dogs. The shame with that one is that we went through a process of four days of public hearings, we had hundreds of expert witnesses—veterinarians, humane society people; experts from the United States flew up to testify before the legislative

committee—and unfortunately the government didn't listen to any of that expert-witness testimony that came before the committee. They just went ahead with a bad bill, a flawed bill. That's the case with many of the bills the government has been putting forward.

2110

Grow-ops are a serious business. They're often tied to organized crime. That's why I think the best way to deal with them is really to hire more police officers.

Some of the dangers with grow-ops: The likelihood of a fire is 40 times more than for the average home. Last year it was estimated that in York, Peel and Waterloo regions combined, 17% of grow-ops were located within 500 metres of a primary or secondary school. There are a number of children residing in grow-ops. In 2000-03, 995 children were reported residing in dismantled grow-ops. There is violence and there are homicides related to grow-ops. We just have to look to Alberta on March 3, 2005, when four RCMP officers were killed. That's why I say the idea of sending in a municipal electrical inspector to shut off the power could be putting that municipal official in a very dangerous situation. There certainly are financial ramifications with grow-house operators using large amounts of electricity, routinely stealing that from Ontario's electrical utilities.

The RCMP has been doing a lot of work on grow-ops. There was the Green Tide report from the Ontario Association of Chiefs of Police, which referenced a 253% increase in the number of dismantled grow-ops between 2000 and 2002. In 2001, the Toronto Police Service dismantled 33 indoor grow-ops, and in 2003 that number rose to 140. So the police have been achieving some success in shutting down grow-ops. That's why the point I made earlier, to increase the number of police officers, would probably be the most effective way you could deal with this problem.

Mr. Hudak: How many police officers?

Mr. Miller: As I mentioned, the government promised 1,000 police officers, of which I don't believe any have been hired. I'd love to hear one of the Liberal members tell me I'm wrong, but as far as I know, none have been hired so far.

By 2004, the police dismantled 248 operations with a street value of more than \$83.2 million. So they are having some success, but despite their best efforts, grow-ops do remain a real problem. So we have Bill 128, and I certainly recognize there is a problem with grow-ops.

Bill 128 amends various acts in order to allow a local hydro distributor to disconnect hydro without notice in accordance with a court order for emergency, safety or system reliability reasons. I would say it would be safer to send a police officer in first, versus sending the local hydro distribution representative.

It requires building inspections of all homes that police confirm contain a grow operation. Once again, I think it makes more sense to send the police in first to shut down the operation.

It doubles the maximum penalties under the Fire Protection and Prevention Act, 1997, for any contraventions

of the Ontario fire code, such as tampering with wiring that would cause excessive heating and possibly lead to a fire.

It would set up a special-purpose account so that the proceeds of grow-ops and criminal activities can be spent on enforcement, crime prevention and compensating victims. I agree with that part of the bill. That is something that makes sense. The proceeds from this criminal activity should go to benefit victims and those who have been affected by crime.

Interjection.

Mr. Miller: I hear one of my colleagues commenting from the side that it goes into a special account. When we see what's going on in Ottawa these days with the Gomery inquiry, special accounts and Liberals make me very nervous. What is going to happen with that money? Is it going to end up being funnelled back into the Liberal Party of Ontario?

In the last minute I have left, I think the best thing we can do to try to combat grow operations is to hire more police officers. We need tougher federal rules. We need to learn from the 2003 Ontario Association of Chiefs of Police report, *Green Tide: Indoor Marijuana Cultivation and its Impact on Ontario*. They recommend that the severity of the punishment should reflect the impact of the crime. There's a definite link between organized crime and grow-ops. This also shows that these grow-ops fund things like cocaine and Ecstasy trafficking as well.

So, in conclusion, hire more police officers. That would be the most effective way to deal with this problem of grow-ops. Follow through on your campaign promise and hire those 1,000 new police officers.

The Acting Speaker: Questions and comments?

Ms. Horwath: I think the comments from the member for Parry Sound–Muskoka were right on the mark, and I say that particularly when he described the bill as being not much more than a piece of fluff. Why is that? That's because when you look at the bill and all the pieces to it, it really doesn't do much more than what currently exists, except for perhaps the doubling of fines, which we all have indicated quite clearly and I'm sure we believe is not going to be an effective deterrent to grow operations, particularly because there's so much money in these illegal activities. It's just so lucrative for the people who are undertaking this criminal activity that the doubling of fines really will have no effect.

I think it's really important once again to reiterate that within the context of what's happening at the federal level around the discussions of decriminalization of marijuana, this bill at this time simply confuses the issue. If the federal government continues on this path that it's on right now in regard to decriminalization, Bill 128 will in effect be moot. Why will it be moot? Because the government will, de facto, become involved in the regulation, control and distribution of marijuana. They will be decreasing, as a result, the profit motive that currently exists within the illegal industry. Then exactly what happened after Prohibition ended will happen within the realm of marijuana; the sale and production of

marijuana will be like the sale and production of alcohol was. In other words, it will be something that no longer creates tons of profits for an illegal underground economy and for organized crime and biker gangs. It will become something that is controlled by government, and thereby Bill 128 will be moot.

So at this point in time, Mr. Speaker, I thank you for the opportunity.

Mr. Phil McNeely (Ottawa–Orléans): Running a grow-op is a criminal activity, plain and simple. Often it's the most vulnerable who are forced to live and work in them, sometimes with their children, in unhealthy and dangerous conditions. We recently had a major grow-op discovery in a residential community in Orléans. If a grow-op can exist in a vibrant and family-oriented community like Orléans, it can exist anywhere. When the police raided the house, nearly 1,500 marijuana plants and \$10,000 worth of equipment were found. The street value of this marijuana is estimated at \$1.4 million. That was just a few weeks ago.

That's why the McGuinty government is moving to take action against those responsible. I'm confident that Bill 128 is a good first step in a comprehensive strategy that will protect Orléans and all of Ontario. This bill would move us in the right direction, keeping our neighbourhoods safe and protecting the innocent from becoming the victims of illicit drug networks.

I'd like to respond to the member for Parry Sound–Muskoka. This government is doing the right thing. The legislation is a first step. Green Tide, government, the private sector and police are meeting regularly to discuss what more can be done and to provide advice to government. We're committed to funding enforcement. Marijuana grow-ops and organized crime is one of the targeted special areas identified by the Premier at the OACP Vision Conference when he announced the 1,000 officers. Education is a big step, the first step in a series of government actions. It's a complex issue involving a number of different stakeholders. The problem grew out of control under the Tories and they did nothing in eight years. That's what we're facing now, and we're going to get control of it. It won't be solved overnight, but we're the first government to take action.

I know that this bill is not the ultimate solution to the problem of grow-ops, but I do know that supporting this bill is the right thing to do to start fighting back against growers and start protecting communities and victims. I urge everyone to support this bill.

2120

Mr. Yakabuski: I think we've made it clear on this side that in principle we do support the bill, but it's so weak in some of its responses to the problem.

The member for Ottawa–Orléans just talked about a major raid resulting in the seizure of some millions of dollars of illegal drugs. Of course, who made that raid but our police forces?

Mr. Murdoch: Not the building inspector?

Mr. Yakabuski: No, it wasn't the building inspector. You see, when those police forces go in and make that

raid, they are armed. They're not armed with a linesman's pliers or a screwdriver to shut off some switch at the hydro pole or at the transformer. I'll tell you, this is organized crime operating some of these grow-ops. If they see some linesman up on the hydro pole, he'd better be well protected with a flak jacket or something, because these people are going to protect those resources; they're going to protect their millions of dollars' worth of illegal drugs. If you're going to be fighting crime in this country and in this province, you fight crime with police. You don't fight crime with a pair of pliers.

The government seems to think that if they have the electrical people shutting off power, they're going to solve the problem. The way you solve the problem is having the proper police resources in the right places at the right time doing the right kind of police work to determine where these illegal operations are going on and shutting them down. You shut them down and you get these drugs off the street, but you don't put the onus on a hydro worker to go shut off the power when the guy inside the house might be packing a 7mm or more, some kind of submachine gun or something. This seems like a pretty dangerous way to be dealing with it. We've got to put the police on the street and get them shutting down these illegal operations, and thereby make our streets safer.

Mr. Lalonde: This is exactly the confusion that everybody was going through in the past. Today, with this bill, it would give the power to the building inspector to enter any building where the chief building official has identified that there is something going on which is not too catholic, as we always say. This way, it will authorize the building inspector to call in the police, instead of having the police stand by for weeks and weeks watching the operation. They will have the power to go in and tell the municipality and the police that there's something illegal going on. We will have the necessary tools and it will be an economy. We won't need any additional police.

The fact that we haven't hired those police they're referring to is because you left us with a beautiful gift of \$5.6 billion in the red, when you were saying you had balanced your books. You never did. When they say that we haven't told the truth, I think somebody else didn't tell the truth to the people of this province. We took over with a \$5.6-billion deficit, but we said that we'll make sure we do have at least 1,000 more policemen on the

road by the end of our mandate, and this is exactly what we are going to do. Again, Bill 128 will give us the necessary tools to proceed without exaggerating expenses.

The Acting Speaker: The member for Parry Sound–Muskoka has two minutes in which to respond.

Mr. Miller: I'm trying to imagine the building inspector trying to get into the building while the linesman is up the pole. Hopefully, they are going to have their SWAT training before they attempt this.

Seriously, we've seen what happened out west, where the four police officers were killed. There's a lot of value in terms of the crops they're growing in these places and there's a strong likelihood that the criminals who are growing these crops are going to protect their crops. There's a good chance they may booby-trap the place they're growing this crop. There's also the possibility for toxic chemicals. So I would suggest that the police would be the first people who should be entering the building, not the building inspector or the electrical people.

I'd like to thank the member for Hamilton East for talking about this bill and how it's a fluff bill; the member for Ottawa–Orléans for adding comment; the member for Renfrew–Nipissing–Pembroke; and as well, the member for Glengarry–Prescott–Russell.

The member for Glengarry–Prescott–Russell talked about the \$5.6-billion deficit. I have to say that you've been the government for 18 months now. In the past year there's been a \$7-billion increase in revenues to the province. We aren't really sure what the deficit is for the year that just ended, March 31, but I don't think it went down. I think you knew about it before you ran in October 2003, because I heard Gerry Phillips in June 2003 talking about what he thought the deficit was. The fact of the matter is, you've been the government for 18 months. You had a \$7-billion increase in revenues, and the deficit has gone up. So stop blaming the past government and just run the province of Ontario.

This is a fluff bill. It's a small step. We'll probably support it, but what you should really do is keep your election promise, hire the 1,000 police officers, and deal with this straightforwardly.

The Acting Speaker: It being nearly 9:30 of the clock, this House stands adjourned until tomorrow, Tuesday, April 12, at 1:30 p.m.

The House adjourned at 2126.

LEGISLATIVE ASSEMBLY OF ONTARIO
ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Lieutenant Governor / Lieutenant-gouverneur: Hon. / L'hon. James K. Bartleman

Speaker / Président: Hon. / L'hon. Alvin Curling

Clerk / Greffier: Claude L. DesRosiers

Deputy Clerk / Sous-greffière: Deborah Deller

Clerks-at-the-Table / Greffiers parlementaires: Todd Decker, Lisa Freedman

Sergeant-at-Arms / Sergent d'armes: Dennis Clark

Constituency Circonscription	Member/Party Député(e) / Parti	Constituency Circonscription	Member/Party Député(e) / Parti
Algoma–Manitoulin	Brown, Michael A. (L)	Hamilton East /	Horwath, Andrea (ND)
Ancaster–Dundas– Flamborough–Aldershot	McMeekin, Ted (L)	Hamilton-Est	
Barrie–Simcoe–Bradford	Tascona, Joseph N. (PC) First Deputy Chair of the Committee of the Whole House / Premier Vice-Président du Comité plénier de l'Assemblée législative	Hamilton Mountain	Bountrogianni, Hon. / L'hon. Marie (L) Minister of Children and Youth Services, Minister of Citizenship and Immigration / ministre des Services à l'enfance et à la jeunesse, ministre des Affaires civiques et de l'Immigration
Beaches–East York / Beaches–York-Est	Prue, Michael (ND)	Hamilton West / Hamilton-Ouest	Marsales, Judy (L)
Bramalea–Gore–Malton– Springdale	Kular, Kuldip (L)	Hastings–Frontenac–Lennox and Addington	Dombrowsky, Hon. / L'hon. Leona (L) Minister of the Environment / ministre de l'Environnement
Brampton Centre / Brampton-Centre	Jeffrey, Linda (L)	Huron–Bruce	Mitchell, Carol (L)
Brampton West–Mississauga / Brampton-Ouest–Mississauga	Dhillon, Vic (L)	Kenora–Rainy River	Hampton, Howard (ND) Leader of the New Democratic Party / chef du Nouveau Parti démocratique
Brant	Levac, Dave (L)	Kingston and the Islands / Kingston et les îles	Gerretsen, Hon. / L'hon. John (L) Minister of Municipal Affairs and Housing, minister responsible for seniors / ministre des Affaires municipales et du Logement, ministre délégué aux Affaires des personnes âgées
Bruce–Grey–Owen Sound	Murdoch, Bill (PC)	Kitchener Centre / Kitchener-Centre	Milloy, John (L)
Burlington	Jackson, Cameron (PC)	Kitchener–Waterloo	Witmer, Elizabeth (PC)
Cambridge	Martiniuk, Gerry (PC)	Lambton–Kent–Middlesex	Van Bommel, Maria (L)
Chatham–Kent Essex	Hoy, Pat (L)	Lanark–Carleton	Sterling, Norman W. (PC)
Davenport	Ruprecht, Tony (L)	Leeds–Grenville	Runciman, Robert W. (PC)
Don Valley East / Don Valley-Est	Caplan, Hon. / L'hon. David (L) Minister of Public Infrastructure Renewal, Deputy House Leader / ministre du Renouvellement de l'infrastructure publique, leader parlementaire adjoint	London North Centre / London-Centre-Nord	Matthews, Deborah (L)
Don Valley West / Don Valley-Ouest	Wynne, Kathleen O. (L)	London West / London-Ouest	Bentley, Hon. / L'hon. Christopher (L) Minister of Labour / ministre du Travail
Dufferin–Peel– Wellington–Grey	Tory, John (PC) Leader of the Opposition / chef de l'opposition	London–Fanshawe	Ramal, Khalil (L)
Durham	O'Toole, John (PC)	Markham	Wong, Tony C. (L)
Eglinton–Lawrence	Colle, Mike (L)	Mississauga Centre / Mississauga-Centre	Takhar, Hon. / L'hon. Harinder S. (L) Minister of Transportation / ministre des Transports
Elgin–Middlesex–London	Peters, Hon. / L'hon. Steve (L) Minister of Agriculture and Food / ministre de l'Agriculture et de l'Alimentation	Mississauga East / Mississauga-Est	Fonseca, Peter (L)
Erie–Lincoln	Hudak, Tim (PC)	Mississauga South / Mississauga-Sud	Peterson, Tim (L)
Essex	Crozier, Bruce (L) Deputy Speaker, Chair of the Committee of the Whole House / Vice-Président, Président du Comité plénier de l'Assemblée législative	Mississauga West / Mississauga-Ouest	Delaney, Bob (L)
Etobicoke Centre / Etobicoke-Centre	Cansfield, Donna H. (L)	Nepean–Carleton	Baird, John R. (PC)
Etobicoke North / Etobicoke-Nord	Qaadri, Shafiq (L)	Niagara Centre / Niagara-Centre	Kormos, Peter (ND)
Etobicoke–Lakeshore	Broten, Laurel C. (L)	Niagara Falls	Craiton, Kim (L)
Glengarry–Prescott–Russell	Lalonde, Jean-Marc (L)	Nickel Belt	Martel, Shelley (ND)
Guelph–Wellington	Sandals, Liz (L)	Nipissing	Smith, Monique M. (L)
Haldimand–Norfolk–Brant	Barrett, Toby (PC)	Northumberland	Rinaldi, Lou (L)
Haliburton–Victoria–Brook	Scott, Laurie (PC)	Oak Ridges	Klees, Frank (PC)
Halton	Chudleigh, Ted (PC)		

Constituency Circonscription	Member/Party Député(e) / Parti	Constituency Circonscription	Member/Party Député(e) / Parti
Oakville	Flynn, Kevin Daniel (L)	Stormont–Dundas– Charlottenburgh	Brownell, Jim (L)
Oshawa	Ouellette, Jerry J. (PC)	Sudbury	Bartolucci, Hon. / L'hon. Rick (L) Minister of Northern Development and Mines / ministre du Développement du Nord et des Mines
Ottawa Centre / Ottawa-Centre	Patten, Richard (L)	Thornhill	Racco, Mario G. (L)
Ottawa South / Ottawa-Sud	McGuinty, Hon. / L'hon. Dalton (L) Premier and President of the Executive Council, Minister of Intergovernmental Affairs / premier ministre et président du Conseil exécutif, ministre des Affaires intergouvernementales	Thunder Bay–Atikokan	Mauro, Bill (L)
Ottawa West–Nepean / Ottawa-Ouest–Nepean	Watson, Hon. / L'hon. Jim (L) Minister of Consumer and Business Services / ministre des Services aux consommateurs et aux entreprises	Thunder Bay–Superior North / Thunder Bay–Superior- Nord	Gravelle, Michael (L)
Ottawa–Orléans	McNeely, Phil (L)	Timiskaming–Cochrane	Ramsay, Hon. / L'hon. David (L) Minister of Natural Resources / ministre des Richesses naturelles
Ottawa–Vanier	Meilleur, Hon. / L'hon. Madeleine (L) Minister of Culture, minister responsible for francophone affairs / ministre de la Culture, ministre déléguée aux Affaires francophones	Timmins–James Bay / Timmins-Baie James	Bisson, Gilles (ND)
Oxford	Hardeman, Ernie (PC)	Toronto Centre–Rosedale / Toronto-Centre–Rosedale	Smitherman, Hon. / L'hon. George (L) Minister of Health and Long-Term Care / ministre de la Santé et des Soins de longue durée
Parkdale–High Park	Kennedy, Hon. / L'hon. Gerard (L) Minister of Education / ministre de l'Éducation	Toronto–Danforth	Churley, Marilyn (ND)
Parry Sound–Muskoka	Miller, Norm (PC)	Trinity–Spadina	Marchese, Rosario (ND)
Perth–Middlesex	Wilkinson, John (L)	Vaughan–King–Aurora	Sorbara, Hon. / L'hon. Greg (L) Minister of Finance / ministre des Finances
Peterborough	Leal, Jeff (L)	Waterloo–Wellington	Arnott, Ted (PC) First Deputy Chair of the Committee of the Whole House / Premier Vice-Président du Comité plénier de l'Assemblée législative
Pickering–Ajax–Uxbridge	Arthurs, Wayne (L)	Whitby–Ajax	Flaherty, Jim (PC)
Prince Edward–Hastings	Parsons, Ernie (L)	Willowdale	Zimmer, David (L)
Renfrew–Nipissing–Pembroke	Yakubski, John (PC)	Windsor West / Windsor-Ouest	Pupatello, Hon. / L'hon. Sandra (L) Minister of Community and Social Services, minister responsible for women's issues / ministre des Services sociaux et communautaires, ministre déléguée à la Condition féminine
Sarnia–Lambton	Di Cocco, Caroline (L)	Windsor–St. Clair	Duncan, Hon. / L'hon. Dwight (L) Minister of Energy, Chair of Cabinet, Government House Leader / ministre de l'Énergie, président du Conseil des ministres, leader parlementaire du gouvernement
Sault Ste. Marie	Oraziotti, David (L)	York Centre / York-Centre	Kwinter, Hon. / L'hon. Monte (L) Minister of Community Safety and Correctional Services / ministre de la Sécurité communautaire et des Services correctionnels
Scarborough Centre / Scarborough-Centre	Duguid, Brad (L)	York North / York-Nord	Munro, Julia (PC)
Scarborough East / Scarborough-Est	Chambers, Hon. / L'hon. Mary Anne V. (L) Minister of Training, Colleges and Universities / ministre de la Formation et des Collèges et Universités	York South–Weston / York-Sud–Weston	Cordiano, Hon. / L'hon. Joseph (L) Minister of Economic Development and Trade / ministre du Développement économique et du Commerce
Scarborough Southwest / Scarborough-Sud-Ouest	Berardinetti, Lorenzo (L)	York West / York-Ouest	Sergio, Mario (L)
Scarborough–Agincourt	Phillips, Hon. / L'hon. Gerry (L) Chair of the Management Board of Cabinet / président du Conseil de gestion du gouvernement		
Scarborough–Rouge River	Curling, Hon. / L'hon. Alvin (L) Speaker / Président		
Simcoe North / Simcoe-Nord	Dunlop, Garfield (PC)		
Simcoe–Grey	Wilson, Jim (PC)		
St. Catharines	Bradley, Hon. / L'hon. James J. (L) Minister of Tourism and Recreation / ministre du Tourisme et des Loisirs		
St. Paul's	Bryant, Hon. / L'hon. Michael (L) Attorney General, minister responsible for native affairs, minister responsible for democratic renewal / procureur général, ministre délégué aux Affaires autochtones, ministre responsable du Renouveau démocratique		
Stoney Creek	Mossop, Jennifer F. (L)		

A list arranged by members' surnames and including all responsibilities of each member appears in the first and last issues of each session and on the first Monday of each month.

Une liste alphabétique des noms des députés, comprenant toutes les responsabilités de chaque député, figure dans les premier et dernier numéros de chaque session et le premier lundi de chaque mois.

CONTENTS

Monday 11 April 2005

SECOND READINGS

Law Enforcement and Forfeited

Property Management Statute Law Amendment Act, 2005, Bill 128,

Mr. Kwinter

Mr. Hudak	6123, 6127
Ms. Horwath.....	6126, 6128, 6132 6133, 6137, 6142, 6144
Mrs. Mitchell.....	6126
Mr. Yakabuski.....	6127, 6137, 6144
Mr. Bisson.....	6127, 6131, 6133, 6136 6138, 6142
Mr. Arthurs.....	6130
Mr. Chudleigh	6131, 6134, 6137
Mr. Rinaldi	6131
Mr. Ramal	6132, 6133
Mr. Brownell.....	6133
Mr. Crozier.....	6136
Mr. Lalonde.....	6141, 6145
Mr. Murdoch	6141
Mr. Leal.....	6142
Mr. Miller.....	6142, 6145
Mr. McNeely	6144
Debate deemed adjourned	6145

TABLE DES MATIÈRES

Lundi 11 avril 2005

DEUXIÈME LECTURE

Loi de 2005 modifiant des lois en ce qui concerne l'exécution de la loi et l'administration des biens confisqués, projet de loi 128,

M. Kwinter

Débat présumé ajourné.....	6145
----------------------------	------