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of Ontario**

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**Official Report
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Mardi 28 novembre 2000

Speaker
Honourable Gary Carr

Président
L'honorable Gary Carr

Clerk
Claude L. DesRosiers

Greffier
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LEGISLATIVE ASSEMBLY
OF ONTARIO

Tuesday 28 November 2000

ASSEMBLÉE LÉGISLATIVE
DE L'ONTARIO

Mardi 28 novembre 2000

The House met at 1845.

ORDERS OF THE DAY

CORRECTIONS
ACCOUNTABILITY ACT, 2000
LOI DE 2000 SUR
LA RESPONSABILISATION
EN MATIÈRE DE SERVICES
CORRECTIONNELS

Resuming the debate adjourned on November 27, 2000, on the motion for second reading of Bill 144, An Act to establish accountability in correctional services, to make offenders demonstrate that they are drug-free, to set rules for offenders to earn their release, to give the Board of Parole a say in earned release decisions, and to change the name of the Board of Parole / Projet de loi 144, Loi visant à instituer la responsabilisation au sein des services correctionnels, à obliger les délinquants à démontrer qu'ils ne font pas usage de substances intoxicantes, à fixer les règles que doivent suivre les délinquants pour mériter leur libération, à permettre à la Commission des libérations conditionnelles d'intervenir dans les décisions en matière de libération méritée et à changer le nom de la Commission des libérations conditionnelles.

The Acting Speaker (Mr Tony Martin): None of the members from the Liberal side who spoke are here, so we don't do questions and comments. We're going to move to the member for Timmins-James Bay in the rotation.

Mr Gilles Bisson (Timmins-James Bay): Always ready and willing to go. I just want the minister to know.

First of all, I was looking forward to some of the questions and comments on previous speeches. It would also give me an opportunity to figure out what they wanted me to do with this piece of paper they just handed me. But anyway, that's for the next hour.

I want to, first of all, start this particular debate by pointing out the obvious. I understand what the minister is trying to do here. I think in a lot of ways he's trying to do—

Applause.

Mr Bisson: It's pretty bad when you applaud yourselves.

He's trying to do basically what a lot of the ministers of the government have been doing as of late, and that is to try to find some way to respond to an issue which is

perceived by the public to be sometimes greater than what it actually is. Some people would refer to that in politics as the politics of placebos.

What the government is doing here is turning around and saying that in the jails in the province of Ontario there's a huge drug problem and that we, the government of Ontario, are going to do something by way of a law that's going to make sure that we deal with making sure that anybody who's in those jails undergoes mandatory drug testing because obviously people in jail shouldn't be doing that kind of activity and that's something the public would like its government to operate on. I think the government does this not so much as an ideological step as far as being able to deal with what is the real issue but to try to deflect the attention of the public off what are other issues in our society that I think we should be dealing with. Not to say that this isn't a problem, and I'll come to that in a minute, but to deflect—

Hon Chris Stockwell (Minister of Labour): On a point of order, Mr Speaker: I don't think there's a quorum in here.

The Acting Speaker: Is there a quorum?

Clerk at the Table (Mr Todd Decker): A quorum is not present, Speaker.

The Acting Speaker ordered the bells rung.

Clerk at the Table: A quorum is now present, Speaker.

Hon Mr Stockwell: On a point of order, Mr Speaker: I'm seeking unanimous consent to move a motion about a standing committee. I think I have agreement.

1850

The Acting Speaker: Agreement? Agreed.

Hon Mr Stockwell: I move that notwithstanding the standing orders or any other order of the House relating to Bill 128, for the purpose of this evening's clause-by-clause consideration, at 7 pm all amendments shall be deemed to be moved except where specifically requested to be moved by any member of the committee.

The Acting Speaker: Is there unanimous consent? Is that agreed? Agreed.

The member for Timmins-James Bay.

Mr Bisson: It would have been even more amusing if the government didn't get its quorum, and it was the government who called it. That would have been really funny. Good try anyway.

As I was saying, as we start this particular debate, Bill 144 is a bill that has been brought in by the minister responsible for corrections to supposedly deal with what is a problem within our jail system with regard to

prisoners who are using drugs. If you ask most people out in society, I think most people would agree with the minister that the government should try to do something to make sure people in institutions are not doing drugs. On that fact, I would argue the government should try to do everything they can. Generally within society we try to find ways to curb the utilization of drugs, because we know that drugs themselves, when used by anybody in our society, be they in a prison or not in prison, are quite frankly something that can lead to a lot of societal problems, as well as problems for the individuals themselves.

The problem, however, is that the government is coming at this from a funny perspective. If I was minister of corrections and I wanted to try to deal with lessening the usage of drugs within prisons, I'm not sure I would come at it from the perspective the minister is, which is to say, "I will go out and randomly test all of my inmates, all of the people out on parole," as I understand the way the legislation is written, "all people out on conditional passes, randomly test them for drugs as a way of dealing with stopping the use of drugs." I think at the end of the day drug users will use drugs as long as they're able to get control and able to find drugs. I don't think we're going to be effective in trying to deter the amount of drugs that are utilized within the prison system by testing them at the end, when they've taken the drugs.

I would argue, rather, that the government should come at it from the opposite perspective, and that is, if we accept there's a problem within our jails, if we accept there's a problem with drug use within our jails, we should look at doing two things, in my view; one is trying to curb the amount of drugs going into the jails, and I would argue trying to eliminate them, because obviously the drugs are getting in there somehow. You have to imagine that people who want to utilize drugs have some sort of mechanism to smuggle them into the jails. I don't know the way that's done. Is it done because family members bring them in? Are there organized crime rings that bring them in? I don't know. I've never been in jail. Are they throwing them over the side of the prison walls, as somebody from across the way was saying? Who knows? The point is, if you want to stop the utilization in jail, one of the first things you want to do is try to stop access to drugs within the institution. Doing that is probably the most effective way of getting people to stop using them.

I find this a funny way that the government is intending doing this. They're saying we're going to randomly test people within the jail system and all those people out on conditional discharges. All those people who have done their sentences and are now out on parole are going to be randomly tested for drugs as a way to stop the utilization of drugs by the inmate population. First of all, I think there are going to be some challenges under the Constitution on this particular one, because I don't know how any government can get away with the idea of randomly testing people for drugs on the basis of them having been an inmate within a correctional institution.

What happens to the person who has been released? They've done their time, they're out on parole and all of a sudden, without cause, we're going to tell that person we're going to test them for drugs? I don't know.

It's much the same argument we had when the Minister of Community and Social Services came into the House and introduced legislation and said, "We're going to do that to people on welfare." I guess where I'm going with this is that it's really a sexy kind of politics the government is trying to play. They're trying to build a picture where people who are on welfare and people who are in institutions are a different class of people and we should have different kinds of rights for those people on the basis of them not being, somehow or other, full citizens. I think that's a really dangerous path for this province to be walking down, because it sets up, in incremental portions, a sense of different levels of citizenship within Ontario.

Don't misunderstand me, Minister of Correctional Services. This is not meant as a personal attack. But what I find is, once we start going down that road of saying different classes of people have different kinds of rights—there were all kinds of societies in the past that have done that. What happened at first was that people were comfortable taking away a few rights, then they went out and took away a few more rights, and before you knew it you had a state basically which told people what they could and couldn't do on the basis of what language they spoke, what religion they believed in and, yes, what race they came from. We saw that under the Nazi regime of the 1930s.

I'm not saying the government members across the way are a bunch of Nazis. That's not my point. But what I am saying is that once we go down the road of saying different classes of people have different levels of rights within our society, we are really walking down a road that is very dangerous. At first it's, "I'm a little bit uncomfortable as a citizen, but I understand. People on welfare shouldn't be taking drugs, shouldn't be using my hard-earned money. I'm the taxpayer. I'm the one who pays the bill. Oh, no, I don't want them using drugs, so I feel justified in taking away people's rights and saying, 'The state, the government, under the authority it has through this Legislature, can go in and stop somebody who is on welfare and test them for drugs randomly.' OK, I'm willing to accept that."

Then a little bit later the government comes in and says, "Oh, we've got a better idea. It shouldn't be only for people on welfare. No, no, no, we think everybody who has committed a crime in Ontario who has gone into a provincial institution should be randomly tested for drugs."

"Oh, well, I'm the taxpayer. I'm the one who's paying the way and making sure those people in jail get three square meals a day, have a warm room to sleep in at night and the proper facilities. I'm paying, and I want to make sure," say the Tories and people who think like them. "I have the say, and they shouldn't have the right to do drugs. I feel a little bit more comfortable. Yes, that's fine. It's an incremental thing, but I can accept it."

You also want to test people for drugs randomly once they've served their sentence. This is pretty dangerous stuff, I think. Now we're saying that people who have served their sentences within a jail in Ontario, who did the crime and paid their debt to society—now we're going to give the state the authority to go out and randomly test them for drug usage without just cause, anybody who's out on probation or on a conditional discharge. Again, the taxpayer says, "Well, yeah, I can accept that. Yeah, it only makes sense because, after all, we know that person did something wrong to our society, and taking away that person's right to a certain extent by a little bit, I can live with that. That's OK. OK, fine, Mr Government, Mr Harris, I can live with that."

Eventually we start trying to outdo each other in how we treat different classes of citizens within our province. I think most of you in this Legislature and those of you watching back home understand where I'm going. We start going down this road and before you know it, where do we stop? Whose rights do we violate?

I remember the story I was told—and I think everybody else has heard it—that had to do with the Second World War. Somebody wrote a poem or a saying which said, "At first they came for the Jews. I wasn't Jewish, so I said nothing. Then they came for the trade unionists. I was no trade unionist, so I said nothing. Then they came for whomever else, and I said nothing. Eventually when they came for me, there was nobody there to help me and I was gone."

That's a little bit like how this thing is going. I know members across the way are going to say, "Oh, Gilles, you're just being alarmist. This is not as bad a thing as you make it out to be. The public demands to have some sort of accountability when it comes to public dollars being spent on welfare and public dollars being spent on inmates. We want to make sure they're not taking drugs, and we're perfectly justified."

You know what? I bet you if we did a poll tomorrow, better than 50% of the public would agree with the position the government is taking, because most people don't stop and think for a second what it really means at the end of the day. I would argue most fair-minded people, and people who know more about this than myself and you, Mr Clerk, once they sit down and look at this thing, are really going to have a problem trying to accept the premise, because the premise is that we are going to go out and randomly test people for the utilization of drugs on the basis of their status in society. I think that's a really dangerous thing to be doing in Ontario.

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I say to the government on that particular point, if we want to deal with the issue of drug usage within our province, I'm all for that. I, like many people in this Legislature, grew up through the 1960s and 1970s. I have friends who died because of the use of drugs. I have a lot of friends who didn't quite make it. They are still "fried," as we used to say, from utilization of drugs. I understand how devastating drugs can be, but I don't think that by

randomly testing people for drugs we're going to stop the usage.

At the end of the day, you stop the usage by doing two things. One thing is to try to change the culture so people understand that taking drugs is a bad thing, and we try to find ways of doing that, and I'll speak to that in a minute. The other way is by trying to lessen the utilization of drugs by curtailing the supply.

Hon Robert W. Runciman (Minister of Consumer and Commercial Relations): What about legalization?

Mr Bisson: I personally don't have a problem with the legalization of marijuana. I don't see marijuana as a hard drug; I never have. Publicly I have supported, as every party in this House supports, the legalization of marijuana. That's not something that any party has really opposed in its party platform. Go take a look at your own platform, Mr—I was going to say Solicitor General, but you're not there any more.

I would say the issue is that if we go out and start trying to do this by saying we're going to deal with the drug problem by testing, I think that at the end of the day we'll get to find out who is taking drugs, but they're going to keep on taking them, because what are you going to do once you've found out that somebody is taking drugs? Are you going to cut their welfare? That sounds fine. That's really sexy. You'll get a headline over that. I can see the headlines in a month or two when they're doing the testing. They're going to say, "Six People in Downtown Timmins Cut from Welfare Because They Took Drugs." Some of the people in my community are going to get up and applaud and say, "Great." But what are you doing with the problem? Do you think that person is going to stop taking drugs? They're going to try to find the money. They're going to find some way to do drugs anyway.

So what are we doing? We are forcing them off the system. Where are they going to get the money? We understand that people who are users of drugs will do anything in order to get access. If they've got to break into a neighbour's home, if they've got to steal from their father or their mother, if they've got to commit crimes in order to get money, they're going to go out and do it. I don't think that testing people and identifying them and penalizing them by taking away welfare benefits, or taking away rights by way of sentencing, is going to be the way we curtail the problem.

I would argue that you come at it from the other perspective, and that's what I would like to speak to. I would say to the government that if we want to deal with the issue of the utilization of drugs within our jails, there are good, positive ways to do that. Pardon the pun, but we have a captive audience. Once somebody has done a crime and has ended up in a provincial institution, we know that if somebody is there for at least a period of nine months, there is enough time for proper programs to deal with people's problems; unfortunately, not something that is done in our jurisdiction under any government.

I'm not going to say that when we were the government nobody who was in a provincial institution in the

province of Ontario took drugs. The problem existed then, and it existed before that when the Tories were the government. It exists across the province and across the country. But I would argue that what we do is try to find ways of putting in place programs that deal with the problem. I think one of the ways we can do that is that once we know—either by the persons themselves coming forward within the prison institution into programs or by way of referral—that people have drug problems, if we are able to put the kind of dollars necessary into treatment programs, that's the best way to deal with the problem.

I'm just going to digress for a second. We know, for example, with alcoholics that you can do whatever you want to an alcoholic, and at the end of the day they will keep on drinking until such time that they decide they want to quit drinking. In my dealings—and this touches me personally, within my own family—when you have somebody who is an alcoholic, they will keep on drinking no matter what. If you call them an alcoholic, they are just going to keep on drinking. You can blood test them all you want, and the next morning they're going to go out and get another bottle. The person will stop drinking and will stay off the booze when they admit they've got a problem and go into treatment. That's the way it works, and it is no different when it comes to drugs.

I would say to the government that within the correctional institutions what we need to do, if we are serious about trying to deal with the drug issue within jails, is say, "Let's put in place programs within our jails that give inmates the ability to deal with their problems." When we've got them in a captive situation, as we do in a jail, we know by history and we know also by taking a look at other programs that have been in place that when somebody is in for at least a nine-month period in a jail and you're able to put them into some kind of program, you have a fairly good chance of being able to deal with the problem.

I say to the government across the way, I would have no problem trying to support the government in dealing with the drug problem in jails if we were to come at it from the other way and say, "Let's deal with the issue by trying to deal with putting in place the kinds of programs that we need." I would argue you don't only do that in jail; I would argue, quite frankly, once you've started the process within the jail, where you have somebody who either has an alcohol dependency problem or a chemical dependency problem, that we keep the progress going when those people are released and provide the proper types of programs out there so they're able to have somewhere to go to deal with their problem, because it's a heck of a demon for people to live with.

We all know in our families somebody who was an alcoholic. Unfortunately, many of us have people in our families who were drug users. The reality is that it is a heck of an addiction. We have to understand it for what it is. It's not something that people just go out and do for the fun of it. They eventually become dependent on the alcohol or on the chemicals, and then it becomes a way of life and they can't get off it.

Within our family structures, we, as family, should be doing everything we can to support those people, to keep them off the habit. Number two, we as a society, through our government, should be providing the kinds of programs necessary in our communities so that people are able to go into programs in order to dry out and get their lives together so they can get off the drug usage and get back on with their lives.

I don't think by going at it the other way and saying, "We're going to find out by way of drug testing who takes drugs, and then we'll penalize them some way," that we're going to really deal with the problem of drug usage. I don't believe, and I say today, November 28, it ain't going to work. It's not something that works, and you only have to look in your own families. I say to all members in this Legislature—and I see some of you nodding your heads—we all know people in our family who are alcoholics, and the only time they've dealt with their problem successfully is when there has been proper support and they made the decision themselves to go sober. That's when it works. The only way they can make that decision and the only way they can take that first step to sobriety is by us basically providing them with the opportunity to go there, giving them the types of programs they need and the comfort level so they can do it and the kind of support they need at home to go through that process, because it's a very difficult process for them to go through.

So I say to the government, there are a lot of good programs out there that we can build on. I've had the opportunity to visit a number of different programs that offer detoxification across the province. I've visited many institutions, many clinics and many different programs as parliamentary assistant when we were in government and again afterwards, and there are some successful programs we can build on.

I would say to the Minister of Corrections, whom I know quite well, that is something I would be more than prepared to give support to, to participate in some kind of process that allows us to build the kinds of programs we need within our institutions to allow people to deal with their drug habits.

I say again, just by way of trying to explain this in a bit of a graphic way, that if you had an inmate population of, let's say, 100 inmates in a particular facility and we drug test those people randomly for a period of a year and then we penalize at the end those who we find have taken drugs, I will argue that after a two-year period you're not going to have any different drug usage than you have now. Because at the end of the day, OK, the person tested positive. Then what? We penalize them; we lengthen their sentence. OK. They can still get the drugs. In fact, maybe they don't want to leave.

I know at Monteith correctional centre there are a number of inmates I've talked to who go there for whom it has become a way of life. I don't like to say that, but that, unfortunately, is what it becomes, because they get to a point where they have a hard time trying to cope in society. They're not able to find work. They have a

stigma. They normally have a problem themselves; often it is alcohol- or drug-related. I know at Monteith for sure the inmates I've dealt with over my many years as the member for Cochrane South, when Iroquois Falls and Monteith were in my riding, and even now, with Timmins—because a lot of the people from the Timmins area and the James Bay coast are referred to the Monteith correctional centre. Many times the reason they end up there has to do with a chemical or an alcohol dependency. Once we get them out of jail and they've done their sentence, they end up repeating and going back into the system. The reason is that we do not have the proper types of programs to deal with the issue of chemical and alcohol dependency.

We can test them all we want, and I'm going to say this today: at the end of two years—I'll give you two years; I'll be very generous. If we start testing today, at the end of two years, usage will be no different. People will continue using unless you give them some kind of hope and some kind of assistance and support, both within the facility and within the family, for being able to deal with that issue.

I want to give you one good example of that. I was talking to my good friend Gilbert Cheechoo from Moose Factory the other day. Gilbert is probably one of the wisest people I've met—and I insult other of my Cree friends within the Cree culture. He has made me understand more about the Cree and Mushkegowuk people than probably most other people. He has a way of being able to describe things to me that is very clear and very understanding as far as how native people deal with their problem within the context of a white society. One of the things Gilbert and I were talking about the other day was just this issue. We were sitting down having a discussion about the whole issue of what you do with people who have an alcohol dependency, and how you stop them from using alcohol when it comes to people who go into correctional institutions. Gilbert made the point: "Gilles, within our Cree culture, what ends up happening is that when somebody comes to the point where they've become alcohol-dependent or drug-dependent, to a certain extent they are ostracized by the community."

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What happens is they find it a very scary place to be, so to support their dependency they go out and break the law to get the money to support the dependency. They steal to be able to buy the booze or the drugs. Once they are under the influence of the booze or the drugs, they do something that is illegal and end up being charged. They're charged, put in jail and they're in for two years less a day. He said, "Once they're in there, many times they're still using"—sometimes, not always.

At one point he worked in a particular program at Monteith correctional centre where they dealt with the spirituality of the Cree people, which is for another debate. The point he was making was that once they come out of jail, they haven't dealt with their problem. They went in because of an alcohol-related problem. They broke a law and got sentenced, under whatever law,

because of what they did wrong. They did that while under the influence. They end up inside the jail, we don't deal with the problem for the year or two they are there, because we don't deal with actual treatment, and when the person comes out after sentence, they still have the same problem.

Now they've been withheld from alcohol or drugs for a long time and they have the urge. They want to go back. For the first couple of days they say, "I'd like to reintegrate into my community." They're ostracized, they're back into the drugs and the alcohol and the whole thing starts over. His argument was that if you look at the population within Monteith correctional, the reality is that most of the people who are inmates there from the James Bay coast are the same people, coming in and out all the time, because we don't deal with the issue of dependency.

I say in all seriousness to the minister across the way that I have great respect for Rob Sampson as an individual. I think we get along quite well. I understand what you are trying to do. Some people may get up and say nasty things about you; I can't understand why. I'm sure you're not doing this on the basis that you don't believe it's going to work in the end, but I really have a bit of a hard time believing that a person with your understanding would actually be going down this road, because at the end of the day, if you don't deal with the dependency problem within the facility, once the person comes out, he is still going to be the same as when he went in. It's not by testing them that we're going to deal with the problem.

I would argue to the minister across the way, let's work together as political parties, let's work as communities, let's talk to the Mushkegowuk people, let's talk to the people who go into institutions across this province, let's talk to the drug rehabilitation people in this province, and let's talk about how we put together programs that deal with the issue of usage once the inmate is in the jail.

I will argue that we're going to get back tenfold the money we spend in that program if we're able to get them off the drugs and the booze by the time they get out. The reality is that we know, and the minister knows by looking at the figures, the same people are going in and out of our institutions. I see the minister across the way shaking his head. He knows his numbers.

Hon Rob Sampson (Minister of Correctional Services): They don't say that, though.

Mr Bisson: I know, but they're different.

I would say it's the same people who go into and come out of those institutions on a revolving-door basis. If we went out and spent money up front trying to identify under sentencing why this person got sentenced, and if the judge—in the case of the Mushkegowuk people or any other First Nations people, what we need to do is make sure the First Nations people are part of the legal or court process. I would argue that they should be aboriginal courts, that we should give them the right to run their own legal system, so that at the end of the day they are in

a position to deal with their issues of law within the context of their culture.

If we can identify why the person created the crime, more times than not the police officer who charged them, or the family member or the person who has been vandalized or whoever, will say, "He was trying to get a bottle," or, "He was trying to get some drugs," or, "She was trying to support her habit." Once we know that, we can go to the inmate by way of sentencing and say, "Part of the sentence condition is that not only do you serve time while you are in the institution, two years less a day, but you have to go into treatment as well," and we do that as part of sentencing. Yes, there is going to be some problem at first with that individual trying to reject being forced into a program, and that is a pretty touchy subject, as you know, Minister across the way—

Mr Michael Gravelle (Thunder Bay-Superior North): On a point of order, Mr Speaker: I don't believe we have a quorum.

The Acting Speaker: Is there a quorum?

Clerk at the Table: A quorum is not present, Speaker.

The Acting Speaker ordered the bells rung.

Clerk at the Table: A quorum is now present, Speaker.

The Acting Speaker: The member for Timmins-James Bay.

Mr Bisson: As I was saying before the quorum call, the government is saying that what they want to do is go out and test inmates for drugs as a way of being able to deal with trying to curb the use of drugs within the institutions. I argue, as a New Democrat, that this is trying to close the barn door once the horses have run out. It's not going to do anything to stop the problem. The way you stop the problem is at the very beginning.

What I was arguing was that once a person has been charged and brought before the court, there has to be a bit of investigation done by the court to find out why the person did what they did. If we find that they broke the law as a result of being under the influence of a substance, either chemical or alcohol, or we find that they went out and stole or did whatever to raise illegal funds to pay to support their substance abuse habits, we need to know that when we do the sentencing. Then part of the sentencing should deal with the issue of trying to provide treatment within the institution.

I will suggest to the minister that we can do two things: we can try your way in one institution for two years and try my way in an institution for two years, and I will argue—I know I will be proven right—that those who get treatment within the institution will fare better than those who are tested at the end. Is it politically more sexy to do treatment while in the institution? The answer is no. The public would probably much rather see you do testing because we know the public tends to be reactionary when it comes to these issues.

I believe the reason we elect politicians to come to this House is to get beyond the rhetoric at times and try to look at practical solutions to what are very difficult

problems. I will argue that, yes, it might be more politically sexy to stand up and say, "We will make drug testing of inmates mandatory," and the government will get its political hit. But at the end of the day it's going to do nothing to solve the problem. I would argue that if it does anything, it would be very little. We're going to get somewhere by doing one of two things, and the first thing I talked about was the issue of going out and dealing with the issue of treatment.

The other thing you're able to do, if you want to deal with the usage of drugs while inside the institution, is you should not only deal with the issue of treatment while in the institution, but you should also deal with the issue of how the drugs get into the facility because that's clearly the other issue.

We know that in our institutions across the province, as everywhere else—this is not an Ontario-alone problem; Ontario probably fares better than most—people do get access to drugs and alcohol in jails. How do they do that? I don't know per se and I don't think anybody in this House probably knows per se, but I think we've got a fairly good idea. It's being brought in in a number of different ways: by people chucking it over the prison wall, by people bringing it in on their person and not being found during the search, and by an inmate's friends and family. It could be brought in by—who knows?—all kinds of other means.

One of the things we need to do, if we're serious about dealing with the issue of drug use within the prisons and by inmates, is not only to deal with the issue of proper treatment when somebody goes into an institution as a result of drug usage, but we should also deal with how we make sure the drugs don't go into the jail in the first place. You do that by beefing up the security and beefing up the staffing complements within the jails. That's the only way to really do it.

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The government across the way is not going to get a political hit if it does either one of those two things; hence the problem. What I've been speaking to and where I've been wanting to go with this debate for the past little while is to say to the government, to say those in the Legislature and to those watching, what this bill is really all about is politics. It's about saying that a government is going to do something about what is perceived as a real problem within our society, so the government comes forward with what I tend to call a placebo piece of legislation. It's a placebo because it looks like it's the right pill for the diagnosis of the disease, but it doesn't do anything. It's just sugar candy. At the end of the day, there is nothing in this legislation that's really going to make the kind of effect that we've got to make on drug usage within the institutions in the province of Ontario.

I say to the government across the way, if you're serious about the issue of drug usage, let's talk about how we deal with that. I think that members of the government, members of the opposition and the public are prepared to hear what we have to say and what others have to say about how you deal with the issue of drug

usage within our institutions. I would hope that we don't end there. I would hope that we also look at the issue of alcohol and drug usage across our society, because clearly one of the biggest problems we have in families across the province and across this country is, unfortunately, the use of alcohol and drugs. Many families are suffering today because of it. Children are being put in situations that are very harmful as far as both physical and mental abuse are concerned. What it does to the individuals themselves who are under the influence of alcohol or drugs: it busts families, it busts people's lives, it breaks careers. It does all kinds of things to our society.

If we want to get into a debate in this Legislature on how we deal with trying to lessen the usage of illegal drugs and trying to lessen the usage of alcohol to the point of trying to deal with the issue of alcoholism, I think that's a fair debate to get into. I think that at the end of the day, most people would want to see us go that way. Again, this is a government that stands up and says, "We're going to do something about a problem," but when you examine the bill, you find out that nothing at all is being done to bring us in that direction.

The other part of this that is interesting in regard to corrections is what the auditor had to say about correctional facilities. I was dumbfounded—last week, I think it was, or the week before—when the auditor released his report. We know the auditor has been the auditor in the province of Ontario for at least some eight years, and he also had a fairly long, distinguished career I believe within the federal government structure. It was interesting to note the report the auditor brought down. What he said was that this was the worst mismanagement of any government that he had seen in his career when it came to both how they've managed their policies and how they've managed government overall.

There is less accountability now with the changes that the government has done across ministries. There was bad usage of money. He cited examples where people were being paid in the private sector more money than what it was worth for them to manage a service that was being privatized. Where we paid X amount of money for a service while it was under public sector control, we are now moving things over to the private sector by way of privatization and it's costing us more money and we're getting less service. The auditor was very damning of the government in his report when it came to how it managed its jails by way of the move now toward privatization.

As the other part of this legislation, the government wants to give itself the ability to control private jails and make sure they're able to fire and hire to a certain extent those responsible for managing the new private jails. That's a pretty dangerous road to be going down again.

Mr David Tilson (Dufferin-Peel-Wellington-Grey): Why?

Mr Bisson: The member across the way asks why. You can take a look at the history of what has happened in the privatized jails across the US, where that has been done. The government's argument is that if you privatize jails you're going to save money. On the basis of saving

money in itself, according to the Conservative ideology, it's worth the price of privatizing because they're not wedded to the idea of public control. Take aside the issue of public versus private; if you're only doing it for the sake of saving money, you shouldn't be doing it. In no case have we found, where privatization has been done within corrections—and I would argue in no case in the province of Ontario where we've privatized a service—have we found that it's any cheaper.

Mr Speaker, you will know, as a fellow member from northern Ontario from the great city of Sault Ste Marie, that the province of Ontario used to be responsible for plowing our roads. The Ontario highway system was being monitored and maintained by the Ministry of Transportation; 50% of those people who plowed roads were from the private sector and 50% were from the public sector. The idea was to create a bit of competition within the system, allow the private sector to come in and offer its expertise, and at the same time the public sector being able to do the same with the private sector. The point was, we were managing our highways in a way that was fairly efficient. We were spending X amount of money and the roads were cleared. You knew that after a snowstorm in northern Ontario, or while in a snowstorm, you could literally still drive on highways like Highway 129 and Highway 101 and know that if you left Thessalon and you were trying to get to Chapleau in a snowstorm, you would get there.

Now, since we've privatized, you can't. We are seeing highway closures across the province in northern Ontario during the winter months two days after a snowstorm. Why? Because the private sector has not been able to rise to the challenge of maintaining our highways in the winter to any degree close to what it was under the public sector.

My point is this, as it comes back to corrections: the government says it wants to privatize because it's going to save money. I use the Ministry of Transportation as the example. We are now paying more money to maintain our highways—I repeat, we are spending more money to maintain our highways—than we did when it was in the public sector. And you know what? We're doing a worse job of it. Those are not my words. That's the Provincial Auditor, a non-partisan individual who is appointed by the Legislature to oversee the spending and the policy aspects of the government. The auditor has said two or three years running that it is costing us more money to maintain this private system of maintaining our highways and we're getting less bang for our buck. So I say to the government across the way, if you're doing this to save money and privatization is a way of saving taxpayers' money, you'd better stop because it's not saving us anything, and at the end we're spending a heck of a lot more money.

In the issue of corrections, where the minister says he wants to go the way of private jails, if you're doing it on the basis of saving money, I've got to say you're going down the wrong way. If you want to enter into partnerships with communities, for them to be able to run

their community jails in some way, I'm prepared to listen to that debate, but if it comes to the idea of privatizing for the sake of privatizing, whoa. I say to you it's not working, it ain't gonna work, and at the end we're not going to end up with a safer system and we're not going to end up with a system that costs us less money. It is in the end going to cost us more.

I want to return to the point I made at the beginning of this debate because I think it's important to say. There is a real danger we face with legislation such as this. We saw last week or the week before the Minister of Community and Social Services, with great fanfare, come into this House and introduce a bill that says they are going to go out and randomly test those people on welfare for the use of drugs. We now see the Minister of Corrections come in some week or two after and say, "Well, you know, if you think that was something, look what I'm doing."

Mr Dominic Agostino (Hamilton East): "Me too."

Mr Bisson: "Me too," as the member said. "I'm going to go out and I'm going to randomly test all those people who are in institutions, all those bad people that went to jail. All those bad people, once they've served their sentences and are out on conditional discharge, we're going to go out and make sure they're not using drugs. We're going to randomly test them." I say to the government, that is a really dangerous road to be going, because what we're talking about now is setting different types of rights for different classes of citizens. In a democratic society such as Canada, I am really surprised that we're going in this direction and, quite frankly, very upset that you are going in that direction, because there are all kinds of examples in our history where societies have gone down that road by curtailing certain classes of citizens, curtailing their rights as a response to what they see as a political problem or what they see as an opportunity to advance themselves politically.

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We saw in Germany during the 1930s the Nazi party. I'm not calling the government Nazis; I want to make sure you understand where I'm going. We saw during the Hitler regime and the regime of others where they basically started going after certain individuals within society because it was politically expedient to do so. We saw different organizations, groups and individuals, based on their political affiliation, based on their religious beliefs, based on their ethnic background, having their rights curtailed, to the fact that we put them in extermination camps at one point and killed many millions of them.

We didn't go from nowhere to the concentration camps overnight. It started by taking away people's rights. They said to the Jews that they didn't have the right to run a business. They said to trade unions that they didn't have the right to organize. They said to intellectuals, "You shouldn't be reading those bad books that talk about all those leftist ideas." And they started curtailing individual rights within those societies to the point that at first the public went, "I'm not sure, but yeah, I don't like those Jews, so it's probably a good thing," and—

Mr Tilson: On a point of order, Mr Speaker: Surely this line of comparison is most inappropriate in this House. I would submit that the member is out of order.

The Acting Speaker: I haven't found him to be out of order. Continue.

Mr Bisson: I was being very clear at the beginning of all of this. I am not saying the government across the way is the same as the regime of the 1930 Nazi movement. That's not what I'm saying. My point that I'm getting at is that in all societies—

Hon Jim Wilson (Minister of Energy, Science and Technology): That's BS.

Mr Bisson: No, listen. You guys are feeling sore over there. Listen, I'm in this debate and I'm trying to be—

Hon Mr Wilson: Go back under the rock you came from.

Mr Bisson: I must have hit them on a nerve because, I'll tell you, they're not feeling too comfortable at this point and, quite frankly, I'm a bit surprised that you're taking this as personally as you are. I'm being very upfront with you. I'm not trying to compare you to the 1930 Nazi movement. That's not what this is about. All I'm trying to say is, and I'm using history as an example, that once we start curtailing people's individual rights, we do so for whatever reason, for political expedience or because it seems to deal with some kind of problem within our society, at first—I'm saying to you it is a dangerous road to be going down. That's all I'm saying, because what happens is that we first of all say, "Well, we're only going to do a little bit. We'll do this much." Everybody feels a little bit uncomfortable, but we say, "But it's worth the price because those welfare people, you know, they're a different class of citizen and they shouldn't take drugs." And then we say, "Oh, well, you know, we're going to do this to inmates. I don't feel too comfortable, but they're inmates and they deserve to be treated in that way." And then a little bit later we're going to go down what other path?

All I'm saying is that by way of history, huge radicalism as far as policies such as what we saw in the 1930s through Germany and other examples across the world through history always started with small incremental steps, where the public sort of got used to the idea of curtailing rights, to the point that they found themselves within a society where it was quite normal not to give people rights. That's what my argument is here. I'm just saying as a legislator and I'm saying as a member of this society, I am uncomfortable going down this road.

I don't believe for one second that all of you across the way in the Conservative Party want to go down the road that Adolf Hitler did in the 1930s. I'm not asserting that. All I'm saying is that once we start going down the road of taking away individual rights, it becomes a little bit more easy to do every time.

I will say something. I know darned well I'm going to get some letters tomorrow being written to me by e-mail and I'm going to get some phone calls where they're going to say, "Gilles, it's only right that we do this to inmates because, after all, they broke the law, and it's

only right that we do that to people on welfare because, after all, they're on the public dole." I understand that. But as a member of this society, and not only as a member of this Legislature, I find at times you've got to have the courage to stand up and speak out about what you believe. On this one I think it is a very dangerous precedent. I think once you start to take away individual rights based on what class of society you come from, you end up at the end putting society down a path, and who knows where it's going to lead? All I'm saying is that at the beginning you start with a very small step, and eventually they become bigger ones, and eventually people get used to taking away rights from individuals.

I say to the members in this assembly, I am not going to vote for this legislation on a number of reasons, one of them being, as I just pointed out, I am opposed to the idea of curtailing individual rights based on what class of society you come from or what sector of society you come from. I'm also not going to support this legislation on the basis that in the end, even if you want to deal with the issue of drugs, I don't think you're going to be successful in your attempt doing it by way of this legislation. I think you will be more successful if you find ways of providing programs and treatment within facilities and ways of dealing with stopping the usage of drugs by being able to curtail how drugs get into the facility. That is the warning I give to the government across the way.

On a l'opportunité, de temps en temps, de participer dans un débat comme ça qui touche, je pense, au cœur de beaucoup des problèmes qu'on voit dans notre société. Je veux dire au gouvernement, très carrément et d'une manière très directe, que je ne suis pas confortable du tout, du tout faisant affaire avec la direction que le gouvernement prend avec ce projet de loi. Je trouve que, quand une société commence à enlever les droits d'un individu basé sur la classe de laquelle vient cette personne, c'est très dangereux pour ces individus et c'est très dangereux pour la société en général.

Le gouvernement nous dit aujourd'hui, « On va prendre les droits des individus qui sont dans des institutions provinciales » quand ça vient à quelqu'un qui a été chargé parce qu'il a brisé une loi, « et on va mandater par loi, on va vérifier s'ils prennent des drogues en faisant certains tests sur leur personne. » On fait encore ça avec des personnes sur le bien-être social.

C'est un principe qui est très dangereux dans notre société. Le Canada est supposé être une société qui croit à la liberté de la personne. Quand on commence à aller dans la direction que ce gouvernement prend où on est en train d'enlever les droits de la personne, on commence à ôter certaines libertés, et je dis au gouvernement que c'est très dangereux d'aller dans cette direction. On le voit dans l'histoire du monde où on a commencé à enlever des droits par petites mesures chaque fois. Au commencement, les individus de la société n'ont pas été terriblement confortables mais on se dit que la mesure est nécessaire parce qu'il y a un problème. Éventuellement, quand ils ont réalisé ce qui est arrivé, les droits en entier ont été ôtés de leur société. Je pense que c'est un danger quand on commence à traiter ces lois.

Le gouvernement dit, « On veut mettre cette loi parce qu'on voit un problème avec ceux qui utilisent des drogues dans nos prisons et avec ceux qui utilisent des drogues sur le bien-être social. On a raison, comme gouvernement, de s'assurer qu'ils ne prennent pas des drogues et on va les pénaliser quand on les trouve à avoir pris des drogues en faisant des tests sur eux autres directement. » C'est un principe qui est pas mal dangereux.

Deuxièmement, je dis au gouvernement directement qu'on ne peut pas, dans mon opinion, vraiment avoir un effet positif quand ça vient à l'utilisation des drogues dans nos prisons en faisant les mesures que le gouvernement est en train de nous proposer aujourd'hui. En d'autres mots, je voudrais mieux voir le gouvernement aller dans la direction de dire, « On va mandater des programmes dans nos prisons afin de s'assurer que nous donnons à ceux et celles qui utilisent des drogues ou l'alcool dans les prisons l'opportunité de faire un traitement afin de combattre leur problème, le fléau qu'ils ont, directement. »

La manière dont on commence ce processus, c'est de demander, une fois que la personne est chargée et est amenée devant les cours, « Pourquoi la personne a-t-elle brisé la loi ? Pourquoi se trouve-t-elle aujourd'hui ici devant la cour ? » Si la famille ou le policier ou les personnes qui ont participé dans l'événement disent, « Écoute, cette personne-là, c'est parce qu'elle voulait avoir de l'argent pour acheter de la drogue » ou « La personne était sous l'influence quand elle a brisé la loi », là on suggère à travers le jugement de s'assurer qu'il y a un traitement, une fois que la personne est rentrée dans la prison.

On sait, si une personne a un traitement pour au moins d'un mois—on a besoin d'une période d'au moins un mois, deux mois, pour avoir un effet. Il y a une bonne possibilité que vous pouvez briser le problème en donnant à la personne le traitement une fois rendue dans la prison.

So again I say to the government, if what you're trying to do is to deal with the issue of drug utilization, you are not going in the right direction. I would argue you have to go by way of treatment once inside the institution.

I also raise within the context of this debate the whole issue of privatization. I just want to say again to the government across the way that if what you're trying to do by way of privatization is to save the taxpayers some money, I would argue that there has not been a case shown yet in anything you've done that demonstrates to me, or anybody else for that matter, that privatization is going to save us money. The auditor has made it very clear in his reports that in all cases where you've privatized it's cost us more money and we've had less service, so therefore your privatization is not working. I would encourage you not to go down that road. It is not somewhere that you need to go.

With that, Mr Speaker, I'd like to thank you for this time in debate.

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The Acting Speaker: Comments or questions?

Mr Tilson: Mr Speaker, I did rise on a point of order and I respect your ruling, although I am concerned with the tone of his direction, that he's comparing—

Mr Bisson: You should be concerned.

Mr Tilson: Well, he says I should be concerned. I am concerned with respect to his remarks in this House that compare this legislation to the things that went on in Nazi Germany. I think that's a most unfortunate comparison. This legislation isn't about taking away rights. That's the difference between you people and the people on this side.

You go to jail because you've done some bad things. It takes a lot to go to jail. To go to jail, to lose your rights, it takes a lot. You have to have committed very serious crimes, and that's what it's all about. It's all about that you must earn your right to leave early. You don't automatically get the right to get out. You have to earn it, and one of the ways in which you earn that right is that you don't take drugs. That's what it's all about. It's not about Nazi Germany. That's a lot of bunk. So it's unfortunate that you've made the statement that we're going down the road of taking away individual rights.

I've always thought that when you go to jail you lose your rights. You don't have your rights when you go to jail, otherwise you wouldn't have committed these crimes against individuals, against the state. You've lost your rights. But you on that side would take the position that we're taking away individual rights.

So, Mr Speaker, I am very, very concerned with the comments that this member has made with respect to his comparing this legislation to what went on in Nazi Germany. That's most unfortunate that he's taken that line of debate. This is all about the protection of the public. It's all about the rehabilitation of those people who have been incarcerated—

The Acting Speaker: Sorry. You're way beyond your time.

Mr Agostino: I listened to the comments made by my colleague from Timmins-James Bay and I think it's not a point about—what's the rationale? Really, one of the key points is, what is driving this? Outside of simply hot-button politics that this government likes to play, there is nothing else driving this. Right now we have serious problems in our jails in regard to understaffing, overcrowding, difficult conditions for people to be working in, and what does this government do? They just push the closest hot button they can find and say, "Drug testing, you know how well that'll sell to the public. It works great in the focus groups. Our polls tell us it's good. Our polls tell us it's going to get us political cheap points." It's the same thing they did when they decided to cut welfare benefits, when they decided to bring in workfare. They now are floating this trial balloon to bring in drug testing for welfare recipients because somehow being poor equates you with being a drug user, equates you with losing all your human rights in this province, equates you with losing the basic dignity we afford all Ontarians. Because you happen to be poor and rely on assistance, you lose all those rights. And this government

is taking the same hot-button approach to what to do with the jails.

The interesting part is, what happens when someone tests positive in jail? This just keeps them in there longer. It doesn't deal with treatment. It doesn't deal with help. It doesn't deal with trying to get this person off that addiction. Sooner or later, despite this government's best efforts to lock these people up and throw the key away, they're going to have walk out that door someday and go back into society and be reintegrated and hopefully not reoffend. But let me tell you that the policies of this government encourage reoffending. As much as they talk about protecting victims, their treatment and lack of treatment for people in jail, their lack of rehabilitation, their lack of help, guarantee that someone comes out, a year and a half or two years later, a better-trained criminal from the point of view of not getting any help from this government. Everything they're doing is simply letting people out the door and then ensuring they're going to come back in again the next day or a month later because they got no help when they were in there.

Hon Mr Sampson: I'm not quite sure what the member for Hamilton East just babbled on about for the last minute and a half, but I want to talk about a couple of points the member for Timmins-James Bay spoke to. One was the concept of the institutions becoming revolving doors. I was nodding my head because I am pleased to hear that at least he has recognized that. It's a serious problem for a lot of reasons, the least of which is that if indeed that's the case, and it is, it means that people are leaving the correctional institutions in this province and going out and reoffending. That means there are more victims created because the programs in the institutions weren't effective.

I say to my colleagues from the Liberal benches, I really can't one day or another understand what exactly your party's position is on this, but I certainly understand where the member from the NDP bench is coming from. He has identified the same problems we have, and that is that you need to make sure you have effective programming in institutions to deal with what is a very serious level of reoffending rates by those who leave institutions.

How do you do that? You offer effective programming. How do you make the programming effective? You make sure that there are consequences to not participating in the programming, which is what we're doing with the earned remission that my colleague previously spoke to; and, second, you say that there are consequences to participating in illegal activities in jail. Because unless they learn inside the institution—

Mr Agostino: Name one program you're running right now.

Hon Mr Sampson: I say to the member from Hamilton East, unless they learn inside the institution that continuing illegal behaviour is wrong, then how can you expect them to have learned that when they leave?

The Acting Speaker: Further questions and comments?

Mr Gravelle: There is no question that what this bill is all about is to set the legislative framework for private

prisons in Ontario and the fact that this government has an absolute mania for privatization. I will have a chance to speak later; perhaps I'll go into some more details about how that is simply not working.

Certainly the auditor has made it extremely clear that there are some real problems in terms of what this minister has been administering in the corrections system for some time. In fact, an extraordinary example is how the privately run Camp Turnaround in Barrie was paid an extra \$400,000 by this minister when they literally went above and beyond the contract. It is just absolutely extraordinary. This is called the Corrections Accountability Act. I don't know why for one second you would think the people of the province would accept that this is about accountability when with this particular project—one of your pet projects—they poured out \$400,000 in extra money to the contractor, when indeed that makes no sense at all. The auditor was very concerned about it, as well as other aspects of it.

The truth as well is that there is an extraordinarily strong groundswell opposed to the movement toward privately run prisons. Again, when I have more time I will look forward to giving some examples of how privately run correctional systems have been abject, horrific, disastrous failures in many other jurisdictions. The minister I think knows that. I continue to be startled that they carry on.

In the province of Ontario we have hundreds of municipalities that took the time to pass resolutions to make it clear to the government and to this minister that they wanted to have publicly run corrections systems in their communities, many in my riding, but certainly many others all across the province. I can tell you that this move toward privatization is not going to work. It's going to cost the taxpayers more money. The auditor has confirmed that for us in last week's report.

The Acting Speaker: Response?

Mr Bisson: I thank the members for their comments. I say to both the minister and the government member, first of all, on the reason people ending up in jail being because they did something wrong, of course. They broke a law and that's why they ended up in jail in the first place. I think we all recognize that. The argument you're trying to make is that people in jail have to feel there's a consequence for their actions if they do something in jail that contravenes what they're supposed to be doing.

One of the issues that you're dealing with in this legislation is the utilization of drugs. You already have the power, Minister. Your superintendents have the power. If somebody is in a jail and is caught using drugs, the superintendents presently have the ability to extend their sentence. That's something they've already got under law. We already have that. All I argue is that if what we're trying to do is to get at the issue of trying to curb drug usage within our jails, it's not by going down the road of drug testing that we're going to have a big effect. I think you have an effect by doing two things: identifying in sentencing why the person offended and then

making it part of the sentence brought down by the judge to ensure there's proper treatment. That means putting in place programs once they're there and making sure there are follow-up programs once they leave the institution. I would argue, if we do that, that the numbers of people returning to jail will drop to a large extent, because we know that is part of the problem we have today.

I also say to the member across the way who took offence to my talking about the experiences of Nazi Germany during the 1930s, I was not, in all honesty, trying to compare your government or the actions of your government directly to the Nazis. The point I'm making is that once you go down the road of taking away individual rights by ratcheting down those rights, people get more and more comfortable with that idea, and who knows where that will take us? That's what I'm warning you about.

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The Acting Speaker: Further debate?

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

I'm pleased to join in the debate on Bill 144, corrections accountability. The first area I want to deal with is the creation of a drug and alcohol testing program for offenders, which is part of the Ontario government's Blueprint commitment to increase public safety, create more secure and efficient institutions and lower reoffending rates. Substance abuse is a known factor contributing to criminal behaviour. In Ontario, approximately 80% of adult inmates sentenced to incarceration in provincial correctional institutions and 60% of adult offenders serving sentences in the community are found to have some degree of alcohol or drug dependency.

This government believes that drug and alcohol testing for offenders in both adult institutions and under community supervision will enhance the ability of the Ministry of Correctional Services to monitor offenders' compliance with court and release orders.

The drug and alcohol testing program would comprise three separate components: (1) institution-based for incarcerated offenders involving sentenced, remanded and intermittent offenders; (2) community-based for offenders released under parole or temporary absence conditions; and (3) community-based for offenders under court-ordered community supervision, be it probation or conditional sentences.

All of the drug and alcohol testing components would make use of advanced testing technologies and resources through partnering with the private sector.

Mr Agostino: On a point of order, Mr Speaker: Would you check for a quorum, please?

The Acting Speaker: Is there a quorum?

Clerk at the Table: A quorum is not present, Speaker.

The Acting Speaker ordered the bells rung.

Clerk at the Table: A quorum is now present, Speaker.

The Acting Speaker: The member for Barrie-Simcoe-Bradford.

Mr Tascona: All of the drug and alcohol testing components would make use of advanced testing technologies and resources through partnering with the private sector. Offenders would be tested for alcohol, cocaine, amphetamines, marijuana and angel dust. As new drug technologies are developed, additional substances would be added to the list for testing. Inmates who fail to demonstrate that they are drug-free would lose the ability to earn any remission credits toward early release and would lose remission credits already earned. Criminal offences will continue to be reported to the police.

Probationers or offenders under conditional sentences who fail to report for testing, refuse to submit to testing or test positive could face a variety of consequences. In cases where parolees refuse to submit to testing or test positive for drugs or alcohol, the proposed changes to the mandate of the Ontario Board of Parole would allow the board to begin proceedings to suspend parole. Offenders who have been assessed with substance abuse problems would have rehabilitative programs made available to them as part of a court order or as condition of probation.

The statute also involves reconstituting the Ontario Board of Parole. As part of the Budget 2000 commitment to transform Ontario's correctional system into one that is safer, more effective, more efficient and more accountable, the government is proposing to reconstitute the Ontario Board of Parole into a single release authority called the Ontario Parole and Earned Release Board. Public safety is a number one priority for the Ministry of Correctional Services. To further enhance the safety of Ontario's communities, the government intends to expand the role of the Ontario Board of Parole. The legislation would create a single agency that would be responsible for all inmate release decisions other than certain temporary absence programs.

The Ontario Parole and Earned Release Board would streamline the release decision-making process into one highly effective and efficient organization. Duplications and overlaps between the parole and temporary absence programs would be eliminated. The board would be responsible not only for parole decisions but also for making decisions for early releases, except administrative releases or for short-term treatment and work programs. The board would also be responsible for making earned remission decisions for certain offenders as well as having the authority to audit and review earned remission decisions made by correctional institutions for other offenders. The board would have full responsibility for making consistent, accountable and fair decisions about the conditional release of inmates for provincial correctional institutions. The board's mandate would be to act in the interests of public safety and in a manner consistent with a tougher, more effective, more efficient correctional system.

The board would continue to operate as an arm's-length agency from the Ministry of Correctional Services and would be accountable to the public and to the Minister of Correctional Services.

I want to speak now about earned remission. The government is transforming correctional services in Ontario

into a tougher, more accountable and more effective correctional system that meets the public's expectations for increased safety. As part of this strategy, the government is introducing legislation to implement a new earned remission program for offenders serving sentences in Ontario's jails. The federal discount law for inmates must be stopped. Jail should mean jail. Currently, federal law gives inmates an automatic one third off their sentences. The government's proposed earned remission system would make offenders earn the privilege of early release by actively participating in rehabilitation programs and demonstrating positive behaviour.

Under this proposed system, sentenced inmates will no longer have early release automatically but rather credited each month as it is earned. An inmate could earn remission by (1) actively participating in work, skills trades, education, community service, rehabilitative and treatment programs and other purposeful activities; and (2) abiding by institutional rules and standards for positive behaviour, zero tolerance for acts of violence, and alcohol and drug-testing programs.

2000

An inmate would fail to earn remission and/or lose remission already earned by (1) failing or refusing to actively participate in treatment and/or work programs; (2) violating the zero tolerance policy for violence against correctional staff; (3) failing to demonstrate they are drug-free and alcohol-free; or (4) failing to meet standards for positive behaviour.

Sentenced inmates entering Ontario correctional institutions would be advised of the earned remission rules, standards and regulations. Inmate case plans would be developed and inmates would be assigned or referred to appropriate programs. Earned remission committees would be established in each correctional institution as the program is implemented throughout the system and would be responsible for reviewing, verifying and approving inmates' earned remission.

The proposed Ontario Parole and Earned Release Board would have the authority to audit, review and reverse earned remission decisions made by correctional institutions for offenders and make all early release decisions for offenders serving 18 to 24 months. As always, public safety would be the most important consideration in all of the board's release decisions.

Interjection.

Mr Tascona: I know that is of paramount interest to the member from Durham.

Mr John O'Toole (Durham): Of course, and thank you very much.

Mr Tascona: I want to speak on the local board of monitors. The government will begin establishing local boards of monitors in Ontario correctional facilities. The government intends to appoint volunteers to act as independent observers of the day-to-day operations of Ontario correctional facilities. The boards will consist of community members drawn from the area in which the correctional institution is located.

The boards would strengthen the links between Ontario correctional institutions and the communities that

host them. Board members would provide a balanced perspective concerning the care, supervision and programs for offenders. Their primary responsibilities would include public scrutiny of the institution premises, the administration of the institution and the welfare of the inmates.

As a link between the community and the institution, they will provide a balanced perspective on safety decisions and offer insight into any problems. Members of the boards would have access to inmates and would be allowed to inspect their local facility.

The recommendations of the boards would be publicly reported annually. They will also report concerns to the on-site ministry representative, as well as the institution's superintendent.

The ministry is committed to ensuring that the highest performance standards are met in the operation of Ontario's correctional facilities. The boards of monitors, in their advisory capacity, will provide additional public scrutiny. These boards will first be established at the new correctional facilities that are being built in the Penetanguishene and Lindsay areas. The boards will be phased in at all other correctional institutions.

The next thing I want to comment on, Mr Speaker, which I know you're interested in, is the governance authority for public-private partnerships for the delivery of correctional services. As the government continues to build on its successful public-private partnerships in corrections, it is important to ensure that the appropriate measures are in place for close monitoring of the delivery of services.

The establishment of the government's framework for the management and monitoring of all public-private partnerships would ensure that the Ontario government maintains consistent overall authority and accountability for services provided by partners. The Ministry of Correctional Services would be able to monitor 24 hours a day, seven days a week, and also retain step-in rights to immediately take over the delivery of correctional services in an emergency or if public safety were at risk.

As part of the proposed legislation, provisions would be in place to ensure accountability of all partners in the delivery of correctional services. Operators would be required to (1) comply with tough, ministry-set standards of operation and performance; (2) provide the ministry with unrestricted access to facilities, offenders and facility records; (3) comply with information disclosure and privacy legislation; and, finally, provide for inmate access to the Ombudsman.

The Ministry of Correctional Services would maintain overall responsibility for all Ontario correctional facilities and set and enforce results based on performance standards. All operators, whether public or private, would be required to meet the same high performance standards for safety, security, effectiveness, efficiency and accountability.

What we're dealing with here under Bill 144, as its title indicates, is to ensure that "offenders demonstrate that they are drug-free, to set rules for offenders to earn

their release, to give the Board of Parole a say in earned release decisions" and a reconstitution of the Board of Parole.

In this particular area, I want to comment a little bit more on earned remission. In the current correctional system, sentenced inmates are automatically credited with a reduction in the length of sentence in accordance with the federal Prisons and Reformatories Act, also known as PRA. Under the PRA, an inmate is given a half-day of remission for each full day served. This means inmates can have their sentences reduced by up to one third of their total. For example, an inmate serving a 90-day sentence could have his or her sentence reduced by a maximum of 30 days—15 days for each of the first two months served.

Currently there are no means by which the provincial prison authorities can hold inmates who have earned remission in custody until the full completion of their sentences except if they lose their earned remission through bad behaviour. Since the Ontario government cannot repeal the federal discount law, we should be making inmates actually earn any remission in their sentence instead of handing it to them automatically. Earned remission should be a privilege given to those who earn it, not a right.

We should ensure that inmates not only have to behave themselves when in jail but they should also have to actively participate in programs which address their criminal attitudes and behaviours. These programs should include things like education and training, doing work in the institution, as well as treatment programs to address the causes of the criminal actions. Inmates should also have to behave appropriately when in the institutions, treat officers with respect, keep free of drug and alcohol use and obey the rules and regulations of the prison.

If they misbehave or refuse to participate in programs, then they have not earned their remission and should not be let out early. They should serve their full sentence. Making prisoners earn their remission would make them more accountable for their actions and their impacts on society.

Decision-making as to which inmates have or have not earned their remission should be done in a fair and consistent manner so that individual biases are eliminated.

2010

Because giving inmates remission means letting criminals out of jail before they have served their full sentence, these decisions should be made with great care by an independent body, such as the parole board, especially in the case of high-risk offenders. The parole board already undertakes a very similar decision-making process when determining which offenders should be allowed to get their parole. Their mandate should be expanded to include earned remission decisions.

One other aspect of this piece of legislation deals with drug and alcohol testing in adult institutions for the Ministry of Correctional Services. Approximately 83% of adult inmates in correctional institutions are found to have some degree of drug and alcohol dependency. The

presence of illegal substances in the institution increases the danger to and compromises the safety and security of staff and the inmates. Intermittent offenders are often used as carrier pigeons, bringing illicit substances into the institutions.

Having drugs inside institutions also makes it more difficult for offenders undergoing treatment programs to successfully overcome their addictions. Inmates who fail to stop using alcohol and/or drugs in the institution are likely to continue using them when they leave the institution, and often fall back into criminal patterns to support their addictions. Therefore, we should be doing drug tests on a random basis on all inmates in Ontario correctional facilities.

We should have a truck—with respect to this area, when we are dealing with correctional staff specifically, they should not need to worry about all the administration in having to collect samples for drug tests. Instead, this is a perfect opportunity for the province to partner with the private sector. A private operator can worry about the collection and administration of the drug tests.

If an inmate refuses to undergo testing or tests positive, the inmate should face penalties such as losing privileges, including earned remission, and also facing criminal charges. Programs to address drug and alcohol addictions should be available to the institutions to help treat inmates' addictions.

The Deputy Speaker (Mr Michael A. Brown): Questions and comments? The member for Thunder Bay-Atikokan—no, Thunder Bay-Superior North.

Mr Gravelle: Thank you very much, Mr Speaker—a much bigger riding, Thunder Bay-Superior North, much like your riding.

I listened very carefully to the remarks by the member for Barrie-Simcoe-Bradford. I thought it was interesting, from the point of view that it was well over 10 minutes into his remarks before he even made any reference at all to public safety. He only made reference to it, I think, because of a prodding remark from a colleague of his on his side of the House.

That is one of the things that concerns me so much. He certainly was very happy to talk about the drug testing of inmates, and I have some concerns about that as well, but I'm not going to focus on that for the purpose of these remarks. He wanted to focus on the issues they consider to be the issues for which they want to be known, but the fact is that what people should be concerned about is the whole aspect of public safety. One thing that is very clear about privately run correctional institutions is that there's a much higher incidence of escapes from privately run institutions. There is a much higher level of assaults on guards, on the staff. There is a much higher incidence of assaults on inmates. There is overwhelming evidence that that's the case. If you want to talk about public safety, and you should talk about public safety, they seem much less keen to talk about it.

Also, when he finally began to talk about the whole question of public-private partnerships, the one thing

they don't want to talk about, because they haven't got the evidence for it, is that strangely enough one would think the reason you are moving to a privately run situation is because it's going to save the taxpayers money. It's overwhelmingly clear, as in so many instances with this government, that their privatization ultimately is costing taxpayers more money. That may very well be the case in terms of privately run institutions. We've seen that with Camp Turnaround in Barrie; we've seen them throw out 400,000 more dollars in that regard.

The fact is, public safety clearly isn't one of their priorities, privately run institutions are more dangerous and have more escapes, and this is not going to save any money.

Mr Bisson: I have a question to the member across the way. As you were reading your notes you said it's important that the government have trucks, and I'm trying to figure out what that had to do with the debate.

Hon Mr Stockwell: He didn't say "trucks."

Mr Bisson: That's what we heard on this side. It was the word "trucks." We wonder, when reading through your speech, if maybe there was a typo or maybe you didn't pay attention to the word, or whatever it is. But I'd like to know what that particular part of the speech was all about, because you certainly had us baffled on this side.

I say again to the government members across the way that you're trying to send a message that you want to deal with the issue of drug utilization within the jails, and you argue the only way to do that is by mandatory drug testing within the jails. I say at the end of the day you're not going to be any closer to dealing with the problem by going at it that way. You have to deal with the problem at the very beginning. You have to deal with it at sentencing. Why did somebody go out and break the law? More often than not you're going to find out that it is alcohol- or drug-related. If that could be part of the court proceeding and that could be part of what is taken into consideration when it comes to sentencing, I think that's how you get people into treatment. You give the judge by way of law the ability to prescribe treatment once the person goes into the institution.

We know as legislators what ends up happening. Many of the people who go into our institutions end up coming back in again. One of the reasons they come back in again is because of drug and alcohol utilization. If we want to deal with that issue as a societal issue, I say to the government that as a New Democrat I am more than prepared to deal with you on that. But where I fundamentally disagree is how we get about to the issue of treatment. I say deal with it at sentencing. It's sexy to stand up in the House and say we're going to give mandatory drug testing to inmates. It's going to be sexy to the public, but I think in the end you're not getting any closer to dealing with the problem. Deal with the issue at sentencing, put in place the treatment and make sure we've curbed the utilization of drugs in our jails. That's the way you're going to have to do it.

Mr Garfield Dunlop (Simcoe North): I'd like to take part in the second reading debate on Bill 144, the Correc-

tions Accountability Act. I'd like to thank my colleague from Barrie-Simcoe-Bradford and also the members from Timmins-James Bay and Thunder Bay-Superior North. I'm learning these areas. It has taken a year and a half.

You keep mentioning Project Turnaround. I'd like to make some clarifications on that. That's another private sector partnership in my riding. Project Turnaround, first of all, is not in Barrie; it's 20 miles away from Barrie, out in the countryside between a community called Hillsdale and a community called Coldwater. For years and years it was called Camp Hillsdale, and it was a correctional facility until the government of Bob Rae closed it down because basically the grounds had deteriorated and they didn't feel it was effective any more. But there was a lot of public outcry at that time because that camp had a farm and they actually grew crops and vegetables for a lot of facilities and jails in the area.

The \$400,000 you keep referring to was never part of the contract with the operators of Project Turnaround. They're a company called Encourage Youth Corp of Canada. The \$400,000 was money that was put into the facility to make it safe and secure so there wouldn't be problems within the communities. Very simply, the \$400,000 was not part of the operating costs of the operators of Project Turnaround. I think we should make that clear. The auditor didn't make it clear in his report, but that's a fact of life we have to live with. I wanted to make that clear and put it in Hansard tonight, that the \$400,000 was part of the government's responsibility.

Mr Agostino: I just want to join in with the comments that have been made. When you look at this bill, there's nothing in it that addresses the issue of how these drugs get into jails. Is it a lack of property security? Is it underfunding? Is it a lack of procedure? The reality is that, once again, the government tries to address a problem after it occurs rather than trying to prevent it. It's not as politically attractive and it's not as hot-button to try to prevent the problem as it is to try to do the tough talk after you know there's a problem there. Again, is it your understaffing? Is it the cuts you've made? Is it the fact that your jails are overcrowded? Is it the fact that you're risking the guards' lives, literally, and their safety by having regulations that have two jail guards for 72 inmates, totally unreasonable numbers?

2020

But you don't want to deal with that, because that takes some real thinking, some real solutions and some investment, so that particularly, at the end of it, we're going to have more guards available, more jail guards who can be there to help and deal with situations.

Earlier—the minister didn't answer—it was the whole issue of what you do when you find a problem. OK, great, so we find someone who tests positive, so instead of two months, they'll get out in three months. How does this solve the problem of drug or alcohol abuse? I'm just trying to understand now. Isn't it a better investment to start looking at addiction and treatment programs across the board in this province, rather than simply saying, "You know what? We're going to be tough. We're going

to throw the key away for another month, and then we're going to throw you back out on the street. And you know what? You're fixed. There's no problem. We tested you. You tested positive for drugs, and you spent an extra month in jail. Problem solved?" When you walk out that door a month later, what happens? What happens at that point?

These guys like to just throw away the key and think that solves the problems of dealing with offenders and with criminals in this province. Frankly, as I said in my earlier comments, this government is contributing to re-offending by putting in those kinds of programs that do not encourage people to get help and treatment when they go to jail.

The Deputy Speaker: Response?

Mr Tascona: I'm very pleased to respond to the well-thought-out comments by the members opposite and definitely the member from Simcoe North. I think I spoke first to the member from Thunder Bay-Superior North. I said first that the creation of drug and alcohol testing programs for offenders is part of the Ontario government's Blueprint commitment to increase public safety. The theme throughout what I have said about this bill was public safety. When you talk about—the member from Timmins-James Bay—drug and alcohol testing, I said approximately 83% of adult inmates in correctional institutions are found to have some degree of drug and alcohol dependency.

This is a safety issue for the public, for the inmates and for the correctional guards. This is a safety issue. The member from Simcoe North hits the nail on the head, especially when he says that Project Turnaround isn't in Barrie. But beside the point is that the investment that was put in that facility was for the safety and security of the community. That's what this is all about. The member for Hamilton East is very typical of the opposition party across the way: soft on crime and not in favour of public safety. Anything to get away from public safety.

So I say this bill is about a lot more than the dynamics and whatever is being said across the way. They don't understand the bill. The bill is about public safety. It's about drug and alcohol testing. It's about earned remissions. It's about reconstituting the Ontario parole board. It's unfortunate, but the member opposite, from Hamilton East, is soft on crime and very weak in his position.

The Deputy Speaker: Further debate?

Mr Gravelle: I will be sharing my time with the member for Hamilton East. I'm glad that I was able to persuade the member for Barrie-Simcoe-Bradford to truly focus on public safety as being one of the key issues, because indeed, if he looks back at the Hansard afterwards in terms of his former remarks, he'll recognize that he by no means focused on it as one of the concerns.

I appreciate the clarification from the member for Simcoe North, although I think the facts are clear. The auditor had real concern because the contract was very clear about stating there were no extra costs above and beyond. The ministry signed that. If this extra money was going to be part of the contract, it should have been

understood in advance that it was going to be there. So I think the auditor continues to have those concerns. He dealt with the ministry about these concerns and they still exist.

But I'm glad to have a few moments to speak on Bill 144, as I do have some grave concerns about it. I think probably not a bad way to start would be to talk about the fact that this government does seem to have an absolute obsession with privatization. We see it in so many areas. The one that has concerned me the most in my former role as critic for transportation was the privatization of road maintenance in this province. I continue to have those concerns that indeed the privatization of road maintenance is certainly going to have a dramatic impact on public safety potentially. But the auditor himself has made it clear that what is most odd about this process is, first of all, that the so-called savings of 5% that the ministry said were guaranteed as part of privatizing road maintenance have not happened. In fact, in the auditor's report last year, he made it clear that of the four pilot projects that were put in place for road maintenance, costs were going to be higher. He feared the costs could be considerably higher. We know there are lots of examples of road maintenance—

Mr Steve Gilchrist (Scarborough East): On a point of order, Mr Speaker: You were correct the other day to draw to my attention that one must keep on topic. So far the member hasn't spoken to the subject at hand today.

The Deputy Speaker: I'm sure the remarks will be brought to bear on the bill.

Mr Gravelle: I'm sure the member recognizes there's a real connection, in that we will be talking about the privatization of our correctional system. What I'm trying to point out, and I'm glad he drew attention to it, is that the privatization costs more money. This is the oddest thing I find about this entire process.

We have the privatization of road maintenance, which the auditor says has not had any savings and may cost more money. We have examples of cost overruns in terms of the correctional system, as identified by the auditor in his report of last week. The point is, if the intention is to try and save the taxpayers money, it is an abysmal failure on those terms. But that shouldn't be the number one priority regardless; it should be the question of public safety. There are so many clear examples of how privatizing our correctional system is very bad in terms of public safety.

We look at the driver testing facilities the Ministry of Transportation is going to put forward and at the fact that it looks like they're going to privatize our truck inspection stations. That's a great concern. Obviously the government has the philosophy that they can privatize anything. They believe it is the right way to go. If they believe it is the right way to go because it is saving money, it sure hasn't been proved at all by the auditor. It's a real concern.

My starting that way was to make the point that the privatization of all these systems, if it isn't going to save money, makes no sense. More specifically, if we look at

Bill 144, at the whole question of accountability, at what the purpose of this bill is, you can't help but have extraordinary concerns.

If the issue is one of accountability, we know that there are so many examples all around the world of where the privatization of the correctional system has proved to be a real problem. There are examples in Scotland. There are examples in New Mexico. We've got example upon example of states in the United States that have made it very clear that privatization of the correctional system is a disaster.

Let me give some examples. I don't even know where to begin. Maybe I'll start at the very beginning and then we will see how much time I have left. I'll make sure I leave some time for my colleague.

Scotland on Sunday, a magazine there, reported that a recent private prison project cost over £160 million—ie about \$400 million—more than previously claimed. It was an example of a private prison that was hailed as a cheap way of running corrections in Scotland. It is going to be run at £290 million—at about \$2.50 a pound, that's about \$700 million—over 25 years instead of the £130 million as agreed to in the contract. There's a whole concern about the cost going up over there.

In New Mexico, they report that Cornell Corrections so regularly inflates the numbers for the administration of the Santa Fe jail that the city has been forced to hire someone whose full-time job it is to review and oversee the billing. The whole question of billing is another issue altogether. The fact is, this is another great concern.

Also in New Mexico, Governor Gary Johnson's privatization bid has failed to deliver on its promised cost savings. The failure is apparent because he has recently asked for additional funds to finish the current fiscal year, plus an additional 7.8% for next year.

The Oklahoma Department of Corrections has levied a large fine against Great Plains Correctional Facilities for failing to meet contractual obligations regarding medical care for state prisoners.

In Utah, Cornell Corrections and the state Department of Corrections are prepared to complete a contract for the state's first privatized medium security prison at a cost of \$62.84 a day. The problem is that the state already houses inmates at a cost of \$43 a day. This mad rush to privatize essentially has forced Utah's sheriffs' association to announce its opposition to the plan, arguing the plan is purely ideologically driven.

I would love to have any one of the government members, particularly the minister, explain to us (1) how this can save money, and certainly (2) how it could be safer.

2030

There has been a great focus tonight on mandatory drug treatment in the jails. I'm very concerned about mandatory drug treatment being forced on welfare recipients in this province, which is being done by the Ministry of Community and Social Services. The work I've done on that has made it very clear to me that not only is that going to be a contravention of the Ontario Human Rights Code, not only is it likely to be illegal, as I'm sure the

Attorney General will be pleased to talk about at some point—I'm sure he has concerns that it may not be legal or allowed under the charter—but there are great concerns about just how this process could be done. That's another issue altogether.

In the short time I have left, let's focus on the issue of public safety, something that my colleague across the floor did not seem to want to spend a great deal of time on.

There are some quite alarming facts about private prisons. In earlier remarks I made reference to the fact that literally hundreds of municipalities in this province debated it, discussed resolutions and passed resolutions over the past year, making it very clear that they were not in support of privately run correctional institutions and wanted publicly run ones, several of them in my riding, such as the town of Nakina, the town of Beardmore, I believe the township of Nipigon, and many others in northwestern Ontario, and many across the province.

The city of Thunder Bay in my community passed a resolution and then I think backed down when they were told they wouldn't get the improvements to their correctional institution unless they actually pulled that resolution off the books. I can't prove that, so I've got to be a little bit careful but it was unfortunate how that happened.

Let's focus on the issue of safety. The facts are that escape rates in private prisons are 32% higher than in public facilities. This is according to a Florida case study. Assaults on correctional officers—

Mr Gilchrist: That's in the States.

Mr Gravelle: No, listen, these are legitimate studies that have been done in every jurisdiction that has gone to private institutions. Assaults on correctional officers are 50% more common in private prisons than in public facilities. This is according to the National Council on Crime and Delinquency. These are statistical realities, things we should be concerned about.

It alarms me that the minister and the government members never want to discuss these issues for some reason. They will talk about the aspects they think are hot-button points that will be somewhat appealing, that will get them headlines, but they won't deal with the legitimate concerns we all have, which is our job here as legislators. We have concerns about whether or not privately run institutions can be run as efficiently. We certainly have concerns about whether they can be run as safely. The facts are really quite clear in all regards, that this is something that must be ideologically driven rather than practically driven, simply because they're not safer institutions. They're not safer for the correctional officers who work in the institutions, they're not safer for the public, as there are more people escaping from private institutions, and they cost a lot more.

The evidence is overwhelming and I think the minister would do well, as would the government members who are speaking on the bill, to look at these facts more carefully. Because the government is so driven to privatize so many aspects, I don't think they're taking a

realistic look at what is going to happen as a result. Whether it's road maintenance or driver testing or private universities or this situation, this is something the government should not be going ahead with.

I will now happily pass off to my colleague from Hamilton East.

Mr Agostino: I'm very pleased to join the debate along with my colleague from Thunder Bay. One of the previous speakers on the government side talked about the fact it's a safety issue and I agree with him. It is a safety issue. It is a safety issue, for the community, and what would endanger that safety of the community is the move to privatize the jails.

The history is there. My colleague spoke about the awful stories in the United States and the lack of success: increased escapes and increased assaults on jail guards in correctional facilities. States that had moved in that direction are moving away from that direction. I think the former minister, Bob Runciman, had it right before the election when he said, "There are too many unanswered questions about safety"—they're his own words—"to proceed with private prisons." I think those questions are still unanswered. They don't save money. The American experience has shown that.

The police association was here a week ago and the government put on a dog and pony show, trying to impress them and show that they're on their side. But here we go: the police association is opposed to this. Why don't you listen to them? They're experts. They deal with this type of issue every day. Jail guards, correctional officers, who deal with inmates every day are opposed to this. Again, you're ignoring them. You find it convenient to tout the police association line and use that, but you also find it convenient when they disagree with you to ignore their advice and to somehow discard it as being from a special interest group.

Look at the American experience. In the Cincinnati Enquirer in 1998, "A history of violence coupled with last week's escape of six inmates prompted Governor George Voinovich on Monday to search for ways to close down Ohio's only private prison."

What is it going to take in Ontario for this government to get the message that private prisons don't work? They compromise the safety of our community, they compromise the public, they compromise the safety of correctional officers and jail guards—and frankly you're doing that already. You're doing that.

I had an opportunity about a month and a half or two months ago to visit the Hamilton-Wentworth Detention Centre and see first-hand the conditions the guards were dealing with in that facility every single day. Overcrowding: three inmates in a cell that was initially built for one, then a second and now we have a third mattress on the floor. You have 72 inmates and two jail guards on duty to look after those 72 inmates. You have jail guards who, because of your cuts and lack of nursing and medical staff, are now playing the role of nurses and are forced to hand out prescription drugs to inmates as part of the routine, something they've opposed, something

they've spoken out against and something you don't seem to have any rationale for, except that it's part of your cost-cutting measures.

They are the issues that compromise safety. They compromise safety to the officers, to the men and women who are in there protecting a community, ensuring there is protection inside the jail and ensuring that people don't escape. Those are the people you are already compromising by the cuts and the changes you've made. Now, with this move to privatization, you are really putting their communities at risk, you're putting the jail guards at risk and you're not enhancing public safety.

With that whole experience, I don't understand why you're still obsessed with that. Look at "camp run amok," a great experience. The first day, someone walks out the door because it's unlocked, and you leave a van with the keys, full of gas, sitting in the front waiting for them. It's a perfect scenario of how this government's experience with privatization is working and is going to work. It's unfortunate that it's going to take tragedies, as it has in the States, for you to get the message that private jails do not work.

When you look at the issue of drug testing—we talked about that earlier, another great hot button—no one on the government side of the House in their comments or in rebuttal has addressed the issue of how you deal with drugs getting into the jail. Why don't you address that issue? If the inmates are using drugs, then somehow these drugs are getting from the outside to the inside of the jail. I don't think it takes a rocket scientist to figure that out. Why isn't this government looking at that and addressing that issue? Why are you silent on it? Why are you refusing to deal with that problem instead of, again, trying to deal with a quick fix later?

Now you're going to privatize the testing facility or the company that's going to test for these drugs. You've got inmates who are serving anywhere from weeks up to two years in these facilities. You're now going to set up this mechanism to randomly test all of them. Then you get the results and you're going to keep them in jail for another month or two or three, or a week more depending on the situation. Again, I ask the government members, are you concerned about reoffending? Are you concerned about these folks getting out again, or do we simply believe that once they've committed a crime you write them off for life? Is that what you're doing?

Do you believe that is the right way to deal with problems in this province, that once they've committed a crime and they're convicted, this government should write them off? "Forget it. You're gone. We'll lock you away for as long as we can. We're going to make things as difficult as we can. Then, when you're back on the outside we expect you to be model citizens, because the experience you've had when we locked you away has toughened you up, it's made you understand how bad you are." And they go out there the next day and all of a sudden the world unfolds as it should for this government.

The reality is, how do you deal with the real problem? What do you do? Again I say to you, if you test someone

and they test positive for drugs, what programs are available that are going to help these people, or do you care about that? The tough on crime and pounding your chest—"Well, lock them up, they're bad, they're evil, throw the key away, to hell with them." Sooner or later, folks, they're back in society, back among us, they're walking the streets of our communities, and sooner or later, if we don't do something to help they're going to reoffend, and then the cycle starts over again.

You don't seem to understand that. It's just like with the squeegee kids: don't deal with what's causing kids to be on the street in the middle of winter trying to earn a buck or two on a corner, don't deal with that, that's too difficult. That's too difficult for you. You don't want to do that. My God, you might be helping some people. It doesn't get you the headlines, it doesn't let you pound your chest and tell them how tough you are. But the reality is, you don't deal with the real issue.

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The same thing has happened here. You don't seem to care about how these drugs get into the jail. In fact, you don't seem to care about what happens when these people get out of jail. There's a much better way to deal with this problem.

Right now there is a shortage of facilities, there is a shortage of treatment programs, not just for inmates but for people who have addiction problems across this province, whether it's drugs and alcohol or gambling, that are destroying families. If you try to get someone into a treatment facility in this province, good luck, unless you have the money to get them into a private facility.

If you're concerned about dealing with addictions, whether it's welfare recipients, whether it's people who are in jail, whether it's people who have a gambling addiction, whether it's people who work in the public or private sectors, or anyone else in our society, that would suggest that you've got to invest and ensure that there are programs available and in place to help people.

People don't get addicted to drugs because they wake up one morning and say, "Hey, this is great. Today I'm going to try and get addicted to drugs," and the next morning they'll try to get addicted to alcohol. Maybe a week later they'll try gambling as their addiction, just for the heck of it. There are problems there. There are issues that have to be dealt with. There is support that is needed. But that doesn't fit into your philosophy. That doesn't fit into your whole tough-love approach to dealing with people and problems.

I would ask this government to go out and talk to some of the jail guards who deal every day in these real, dangerous, difficult situations. Ask them for some answers. Ask them to tell you what the real situation is inside the jails in our province because of what this government has done. You're not concerned about protecting public safety, you're not concerned about protecting jail guards; you're concerned about protecting your public opinion polls. That's what this is all about.

What is driving this government to do this right now? You'll notice they have slipped in the polls. Things are

not going quite as well as they expected. So first they pick on welfare recipients. They do what I think is the most disgraceful, disgusting performance by a minister yet when he rolls out a box of needles on a table and suggests that because you're poor, you're automatically on drugs in this province and we have to test you. What a disgraceful performance by a government in the year 2000 in the province of Ontario. It is embarrassing, but you roll that out because you need a plug, you need a bit of a push in the polls. I know your focus groups have told you that sells out there, but there's a time for government to do what is right, not simply what is politically expedient.

That was your first one, "Let's push welfare," and now, "If we think we can demonize welfare recipients, think how much we can demonize people who are in jail. My God, we can make welfare recipients look like choir-boys compared to people who are in jail, so let's pick on them next," instead of saying, "Yes, you committed a crime, you serve your time. You should be sentenced, you should be punished for the crime you've committed." The difference is that you write them off at that point. We don't. We believe once they've served their sentence and once they're out there, we've got the responsibility to give them help and the resources necessary to make sure they don't reoffend. That means that if they have a drug and alcohol addiction, we have programs and services for them out there, because if we don't, they're going to end up back in jail again.

You talk about victims. How are you protecting victims by letting someone out without giving them the help and support they need? You're almost ensuring they're going to reoffend. Is that protecting victims? This is not about protecting victims; this is about trying to protect a third term for this government.

The Deputy Speaker: Questions or comments?

Mr Bisson: Thank you very much to both the member from Kenora-Superior and the member from Hamilton. I agree with the points they brought forward.

I say again what I said at the beginning of this debate: if the government is serious about dealing with the issue of alcohol and drug utilization in our jails, I applaud that. I think that's a good thing, because we know we have a problem. We also know that many of the people who are in our jail system are people who reoffend and come back in, and often it's associated with alcohol or drugs. I say to the government across the way, if you want to deal with that issue, I as a New Democrat am prepared to give you my support and do what is necessary to pass legislation or put in place programs that deal with the problem and not the politics of the issue. What you're doing in this bill is trying to get the photo op, trying to get the politics, trying to get your numbers up in the polls by saying, "We're tough on crime. Look at us. We're going to test inmates and those people who are on parole for utilization of drugs." At the end of the day, is it going to do anything to lessen the utilization of drugs within our jails? No.

The way you're going to do that is to look at the root causes for the offence being committed at the very begin-

ning, when you do the sentencing. More times than not, we're going to find out it's related to drugs or alcohol, and as part of the sentencing, you give the judge the ability to order treatment once they're in the facility. That's the first step.

The second step you've got to deal with is how we import drugs and alcohol into our jails. I don't see the government coming forward with the necessary money and staffing to be tough on trying to prevent the utilization of drugs by curbing the supply of drugs and alcohol in our jails. Rather, it's whatever you can get when it comes to a media hit. That's where I fundamentally disagree with you. We have the same position when it comes to trying to deal with what is a problem, but you're not going to fix this by getting the photo op; you're going to fix this by putting in place real programs that cost real money.

Mr Dunlop: I'd like to respond to some of the comments by the previous speakers, particularly the member from Hamilton East. I found it really curious when he talked about squeegee kids. I remember that about this time last year, maybe a little earlier in the winter, there was a lot of fear-mongering about the squeegee bill and all the terrible things that bill would do to young people. Well, the funny thing I've noticed in this time—and I'm happy to see that the Attorney General is in the House tonight—is that I don't see any squeegee kids in the streets of Toronto any more.

Mr Bisson: Yeah, they're all breaking laws now.

Mr Dunlop: Before they were harassing the people of the province.

What's really interesting is that they also fearmongered on how any event that was held by a local service club would no longer be allowed on public property. I can tell you about the muscular dystrophy fundraising put on by the fire departments just recently. I gave over \$25 in one weekend to firemen fundraising on public streets in different areas of my riding. I didn't see any problem with that; I was happy to pay the money to the fire departments. But I thought they weren't going to be allowed to do it, according to the fear-mongering I heard last fall from the members opposite.

My time is running out here. These commentaries of two minutes are not very long. I just wanted to say very briefly that as the time goes on tonight I would like to make further comments on the comparison between a publicly run facility and a privately run facility as far as the 1,200-unit jails which we are building in Penetang and Lindsay are concerned. I want to compare those in a comment further on.

Mrs Leona Dombrowsky (Hastings-Frontenac-Lennox and Addington): I'm very pleased to stand in the House tonight and speak in support of the comments made by my colleagues from Thunder Bay-Superior North and Hamilton East. I think they've raised many valid issues about the bill.

I have to say that when I read the bill I looked at it from the perspective of what I think is necessary or valid. There are parts of the bill that I think have merit and are

worthy of consideration and possibly even support. But what is so typical of legislation that comes from this government is that there is always an element of the bill that for me is more than I can accept. It crosses a line. For me, that part of this bill is the random drug testing. What has not been demonstrated, or has not been demonstrated to me, by the members of the government with regard to random drug testing is how you know this will be a deterrent. Perhaps the best example the world knows of random drug tests is the Olympics. They randomly test athletes for the use of illegal drugs. Does it stop athletes from using illegal drugs? No, it doesn't. It only proves they are there.

We know that drugs are in the prisons. I think it would be more responsible to make a concerted effort to rehabilitate prisoners so they don't have to resort to drugs in prison, to assist them to kick a habit they may have when they arrive in prison. But I would suggest there is ample evidence today that random tests do not deter people from drug abuse.

Mr O'Toole: It's my pleasure to be on the record. This is why I am here, not just to respond to the member from Hastings-Frontenac-Lennox and Addington, but to respond really on behalf of the people from Durham.

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It's sort of like giving a person a hand up, an opportunity. When you think of someone serving time, they've got to serve the time if they do the crime. That's an old line, but it's making offenders earn the privilege of early release through a new earned remission program. It's respecting people who comply with the system. The expectation of society is that people contribute to society, not just take from society.

Implementing random drug and alcohol testing for offenders in both institutions and the community I think is the right thing to do. For the 10 lost years, we've often said, we haven't set standards, not just for offenders but for young people and for other people in this province.

Reconstituting the Ontario parole board into the Ontario Parole and Earned Release Board is putting some authority and some responsibility, relating the two pieces as not just rights but responsibilities; establishing a clear and accountable framework for all public-private partnerships for the delivery of correctional services; and creating a local monitoring board for Ontario's correctional institutions.

I've heard Minister Sampson, the minister of corrections, say on a number of occasions when referring to the federal system that it's Club Fed. I know that the Liberal government won the election yesterday and we'll get to endure another four years of broken promises, I understand that, but it's this government standing up for victims and doing the right thing. That's really why I'm standing here tonight, to try to put on the record—

The Deputy Speaker: Thank you. Response?

Mr Gravelle: I certainly want to thank the members for Timmins-James Bay, Simcoe North, Hastings-Frontenac-Lennox and Addington, and Durham for their comments on our remarks today. If I may just refer

quickly to the member for Simcoe North making reference to squeegee kids, the fact is that we know that food bank use in this province, for example, is up remarkably. We know that food costs more; we know that shelter costs more. We know that people who are living on the border, essentially, and people who are living on social assistance, people who are without jobs themselves, people who are living on low incomes, are in big trouble, and this is a government that doesn't seem to care about that. What they care about is basically getting rid of the problem in terms of the sight—sight unseen. I don't think for one second that they should think the problem is solved because they feel they may have dealt with it in this rather harsh manner.

There's no question that this is a government that likes to pride itself on its accountability, which ultimately is a pretty remarkable joke, in light of the fact that enormous amounts of money are being spent inappropriately by this government. The auditor himself made it clear. If I may just quote from the auditor in terms of his report just last Tuesday, a week ago, in terms of the correctional system, he said, "The ministry's decision to finance and construct two 1,200-bed correctional institutions that cost \$180 million was not supported by a sound business case assessing the risks, costs and benefits of all feasible alternatives." He gives other examples of bizarre and strange levels of overspending. Other examples are given of how ministry staff overtime is being used in a manner because they have no choice but to do it.

This piece of legislation is a huge mistake, but I suppose not a mistake for the government; they are quite clearly doing this for the optics. They want to talk about what harsh measures they're taking. What they don't want to talk about is that they're going to impact public safety negatively and it's going to cost a lot more.

The Deputy Speaker: Further debate?

Mr Gilchrist: It's indeed my pleasure to add some comments to the debate before us here today on what is a very important bill. People watching at home could be excused if they didn't understand that it was a bill that went far beyond some of the comments made by the opposition members. As is typically the case, they have dwelt on one small section of an act that is very comprehensive, because, quite frankly, they're afraid to raise the issues of 90% of this bill. They are afraid to talk about them because they know that when they damn the public opinion polls, as Mr Agostino did, that is indicative of the true public will. In fact, in response to my colleague from Durham, the member for Hamilton East yelled out, "The electorate is always right," and I appreciate that endorsement, Mr Agostino, for the 58 of us on this side who will continue to keep the promises we made during the Blueprint.

This bill does a number of things and goes far beyond the issue of privatization of prisons, as the members opposite would have you believe. First and foremost, it is going to make sure that to get out of a provincial prison now, if you've been sentenced to any term up to two years less a day, you're going to have to earn your way out.

Back in 1992, after coming home very late from work at Canadian Tire one night, I was surprised at a mess just inside my front door. On further investigation, I had made it as far as the kitchen, at which point I came across two gentlemen in the midst of relieving me of many of my worldly goods. A knife fight ensued, and quite an extensive chase through the community subsequently. About six months later, thanks to the diligent efforts of the Toronto police, both of those individuals were apprehended. You can imagine my dismay to learn that one of them was on parole and the other one had recently been released from a federal prison with a tremendous reduction in the sentence that some judge had assessed against him for a previous crime. They had, as is euphemistically—

Mr Gravelle: On a point of order, Mr Speaker: I don't believe we have a quorum.

The Deputy Speaker: Is there a quorum present?

Clerk at the Table: A quorum is not present, Speaker.

The Deputy Speaker ordered the bells rung.

Clerk at the Table: A quorum is now present, Speaker.

The Deputy Speaker: Member for Scarborough East.

Mr Gilchrist: Thank you, Mr Speaker. Indeed, I know I have the rapt attention of my colleagues who have now joined us.

I was extraordinarily dismayed to discover that both of these individuals had, as is euphemistically known, a rap sheet as long as your arm and had been treated with quite a cavalier attitude by the prison system at that time. These were hardened criminals. These were people quite prepared to pick up a weapon and use it on me and on a number of their previous victims, and despite that aspect of their character, the parole board of the day, under the then NDP government—and, to be fair, federally under the PCs in Ottawa—had adopted an attitude that it was appropriate to let these people back out into the community well before the end of their sentence.

Let me stand here and tell you it was not appropriate to have those people standing in my kitchen wielding a knife. It was not appropriate that those people had been let out of prison one minute before the end of their sentence, because clearly there had been no rehabilitation. They had not changed their ways. It was totally inappropriate for some unelected bureaucrat to have let them out.

This bill is going to change that approach. I'm proud to say, thanks to the efforts of a series of Solicitors General and Ministers of Correctional Services we've had since 1995, we have already made tremendous strides in changing the perspective within our parole system. You may not know that in the five years since we were elected the rate of parole in Ontario prisons has dropped from 59% to 28%. Barely one quarter of the people are getting any time off their sentence. But at the same time Ottawa's correction system—that's where you go if you've been sentenced for two years or longer—has seen parole increase from 34% to 43%. We're talking the worst criminals. These are the people who have graduated from

provincial offences and they're doing the hard-core federal time. The fact of the matter is the Liberal government thinks that 9% more of them should have been let out of prison, presumably to save a few dollars, because I can think of no other compelling reason.

We're going beyond that 59% to 28% reduction we can already claim, because this bill would bring about a process that would guarantee that an inmate would have to earn remission from their sentence. How do you do that? There are a number of ways. All of them I think every member in this House, if they dealt with this section of the bill, would have to admit are productive experiences for anyone who's been sentenced to a prison. You're going to have to actively participate in work, in skills or trades training, get an education upgrade, work in community service, rehabilitative treatment programs and any other purposeful activity. You've got to abide by the institution's rules and standards for positive behaviour, zero tolerance for acts of violence while you're in the prison and absolute pass rate on any alcohol and drug testing program.

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I would think that all the members opposite would see that, for the first time, as being a demonstrable way in which you could prove there has been rehabilitation, in which you could prove that while sentenced to pay for their crimes, at least they've applied themselves productively, they have learned something, they are better people and, presumably, some of them will prove that they can be trusted back into the community earlier than the judge had originally envisaged. I suspect you'll see that percentage continue to drop from 28%. My hope is that over time you would see it grow again as prisoners understand that when you're sentenced to an Ontario jail, we mean business, that if you're not prepared to upgrade your skills, if you're not prepared to improve your level of education, if you're not prepared to work at community service, whether it's cleaning up garbage at the side of the highway or eliminating graffiti, then you're not going to get back on the street one minute before that judge believed it was appropriate. That's a section I have not heard one word about in terms of criticism from either the Liberal or the NDP.

At the same time, the parole board will see their responsibilities changed, because they will be responsible for administering this new earned release program. In fact, we're going to change the title to the Ontario Parole and Earned Release Board to better demonstrate its new dual role.

Let me tell you the comments we've been made about resources—I have every confidence that hand in hand with this new requirement will come all the investments that have to be made in those skills programs, in those education programs, in the community service programs and, quite frankly, in any drug or alcohol rehabilitation program. That's in another section of this bill, and I would be disgusted if any member opposite is suggesting that we should write off someone who's been sentenced to prison because they have a drug or alcohol problem.

We hear comments from the other side that this is outrageous, that it's a violation of civil rights. Let me remind you, Mr Speaker, and the members opposite that you're not allowed to have drugs in prison. The mere fact of discovering them is prima facie evidence that another crime has been committed. The members opposite would have us turn a blind eye to the obvious violation of any number of Criminal Code statutes. They think it's OK to smuggle drugs into prisons. That is what we've heard so far here in the debate and I am absolutely dumbfounded at the suggestion that they find that acceptable.

The bottom line is that that mealy-mouthed, namby-pamby approach to the treatment of crime and the treatment of criminals is unacceptable in this province. The voters have said that time and time again. We are not going to tolerate the smuggling of drugs or alcohol, or the manufacture of alcohol on premises in some cases, in some of the facilities. I would have every reason to expect that when the administration of the prison discovers that a particular criminal has failed a drug test, the first thing they would do is to check and see who has visited that prisoner in the recent past and then involve the police force to make sure the appropriate course of action is followed to root out all the people involved in the smuggling.

But to suggest that we turn a blind eye to this long-standing problem, this far too prevalent problem in our prisons, is an absolute dereliction of duty by the members on the opposite side who have sworn the same oath that I have: to stand up for the people in this province, to uphold the laws. They want us to ignore drug use in prisons. We're not going to. Through new random drug testing we are going to get to the bottom of this, and the prisoners are going to know that we are serious about this and they will know the consequences. The consequences in the minimum will be that you get no parole at all; in the maximum it would be another charge and presumably a successful prosecution in the courts.

I have also not heard about the third important section of this act—I guess, arguably, the fourth—and that's the creation of local boards of monitors. For the first time we're going to be able to provide a link between Ontario's correctional institutions and the communities that host them. For the first time we're going to be able to have volunteers in the community serve as a bridge to make sure the prison itself operates in a way that's compatible with the surrounding community but that at the same time, hopefully, will break down the stereotypes that are attached to those prisoners who may go out into the community after the successful service of all their sentence or after earning remission.

The members of these boards would be drawn from the community. It is our intention that they would have full access to the prison whenever they want, 24 hours a day, seven days a week. They would receive the appropriate training in order to meet the demands of this task and to ensure the safety and security of the public, the offenders and themselves to the highest order.

The boards would also be able to provide impartial advice to the minister and make recommendations to the

minister on any of the findings when they do their tours of prisons and discuss issues with the prison administration. I think that's a very progressive aspect of this bill. It is long overdue.

I tutored in the women's prison in Kingston when I was a student at Queen's University over a quarter of a century ago, and I can tell you that it was a real eye-opener to walk into that prison. In many ways stereotypes were reinforced, but in other ways I saw things I have never mentioned in the press. Part of that was in the Club Fed environment even back then. There were more colour TVs in that prison than there probably were in the entire student population of Queen's University. They had a choice of very fine meals every day and all the recreational facilities you can imagine. I'm proud to say that such is not the case in provincial institutions, but even back then in the early 1970s I'm sure Kingston would have benefited tremendously by having a link between the women's prison and the Kingston Penitentiary or Millhaven or Collins Bay, any of the institutions in that area, so the public would be assured that the prisons were running in a safe and secure fashion, and the prisons would know that the community is better apprised of what actually takes place in those facilities. The community would know they have a group they can turn to who have the ear of the minister if they have problems in getting a message across in the community.

In the time left I would like to deal with the one issue that seems to have caught the attention of the members opposite: that this bill will now give the government the authority for public-private partnerships. At the outset, I find it intriguing that the members opposite would not want the government to experiment, to try and apply business practices to this particular service no different than are done in a myriad of businesses across this province day in and day out by thousands, indeed tens of thousands, of entrepreneurs and tens of thousands of boards of directors. They think it's inappropriate that we commission a pilot project that would have two prisons, one which may very well continue to operate under exactly the same procedures as is the case right now and another that may operate under a private management, and be able to have an opportunity to compare the results during that five-year pilot project.

We've heard all the fear-mongering. We've heard no substantive offers on how the bill could be improved. Their suggestion is that you simply throw everything out, and presumably we would have no reason to have the Legislature sit because, to listen to the Liberal and NDP members, there is no reason to bring forward any bill to correct any problem in our society.

We're concerned not only that there has never been the ability to have that objective appraisal of the way in which prisons are operated in this province but, more important, that we would be ignoring the case studies and the very, very detailed examples that have been offered to us from jurisdictions all around the world. There have been very successful implementations of public-private partnerships, and this bill does not presume any particular

outcome. It merely gives the government the authority to commission the sort of pilot project I am talking about here today.

Let me tell you what the bill also makes very clear, though. If in fact there was such a partnership developed, it would have to comply with very tough ministry-set standards of operation and procedure. It would have to provide the ministry at all times with unrestricted access to facilities, the offenders and facility records.

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The private management would have to comply with information disclosure and privacy legislation and provide for inmate access to the Ombudsman. The Ministry of Correctional Services would continue to maintain an on-site monitor 24 hours a day, seven days a week and retain step-in rights to make sure that if there was ever a problem—an emergency or a public safety issue—they could take over instantly.

As guardians of the taxpayers and as the group responsible for the application of Ontario's laws, we would not be giving away any rights. We would not be diluting any of our powers. What we would be doing is seeing if we can bring in new creativity; if we can bring in a new way of operating prisons; then hopefully, out of that, the inspiration for even improved rehabilitation programs, the inspiration for greater cost efficiencies than has ever been the case in the operation of our prisons to date. Such are the opportunities that this aspect of the bill would afford us.

The members opposite love to throw out quotes. I admit I yelled across the floor at one point. The member from Thunder Bay-Superior North suggested that Florida said something. Let me just say that I'm prepared to cite a far more specific source, because we have page after page of endorsements for the idea of a public-private partnership in the operation of prisons.

Regarding that same Florida the member from Thunder Bay suggested has a problem, in the Florida Correctional Privatization Commission report, they cited, "A comparison of recidivism rates for inmates of private correctional facilities to the recidivism rates for inmates of comparable facilities managed by the Florida Department of Corrections" showed that "17% of the private facility releasees had an indication of recidivism as compared to 24% of the public prison releasees." That's the same state the member opposite would have us believe has suggested that public-private partnerships aren't working. In addition, they go on to say, "A large majority of private prison releasees, 87%, participated in one or more programs during their confinement in the private prisons, which speaks well of the access to programming in the private prisons."

The members opposite would, I'm sure, find any number of cases. There is, no doubt, no shortage of prisoners in the United States in its various facilities. I'm sure, no less so than in public prisons, there have been problems with jailbreaks, riots and other problems in private facilities. The members opposite are being somewhat myopic in focusing on one country, because many

other countries around the world have pursued exactly the course we are talking about. So far, in our research, the evidence is overwhelming on the positive aspects.

In Scotland they cite that the potential to set performance levels for the remainder of the Scottish prison system and a benchmark against which others can be measured will be set by Kilmarnock, what they call the "model prison."

In England, a quote from A Report on a Full Inspection of HM Prison The Wolds by the Chief Inspector of Prisons in November 1998 said, "The prison service could learn from prisons such as Wolds, and apply any lessons learned right across the service.... In our view a points system to monitor the performance of prisons run by the public sector should be considered.... There was much to be learnt from this prison"—which is privatized—"and equally there could be benefit from closer contact with other establishments."

I think the best quote, though, might be that, "HMP"—Her Majesty's Prison—"Altcourse is, by some way, the best local prison that we have inspected during my time as HM Chief Inspector of Prisons.... I believe that if they can be achieved at Altcourse, a core local, with a most complex range of prisoners ... they can be achieved anywhere." The fact of the matter is that Altcourse is a private prison.

We've seen success in Australia. We've seen successes all around the world. Privatization or public-private partnership is just one very small aspect of a bill that deals with a lot of longstanding problems in our prison system. This bill will go a long way to correct those problems.

Mr Gravelle: What the member for Scarborough East needs to understand is that the aspect of privatization is probably the most alarming part of this legislation. The fact is that the evidence is absolutely overwhelming in terms of many jurisdictions, and we can go on and on; I can read more and more quotes from people in senior positions who had great concerns about the fact that privately run institutions simply were not as safe. Simply, there were more escapes from them.

The member for Scarborough East made reference to a personal and rather frightening situation that happened to him, and it just strikes me that what you should be focusing on is the actual public safety aspect. You made reference to the people who attacked you, and the fact is I think you need to recognize that under privately run institutions the odds increase that there will be more people escaping and these situations can reoccur.

The facts are that assault rates are much higher in private institutions, let alone the fact that the cost implications are there as well. We've gone on about that at some length. There's a tendency for you very much to focus on the aspects of the bill that you think are important, and you make rather scurrilous accusations about us not caring about the fact that there are drugs in prisons, which is not true. We've come up with some very positive and constructive suggestions as to how you can deal with that issue in advance rather than dealing

with it the way that you're planning on doing it. But no matter what, you need to recognize that the facts are overwhelmingly clear that privately run institutions have a much higher escape rate. In privately run institutions, there are more attacks on correctional officers. Privately run institutions have more battles between inmates; there's less of a controlled situation. It's not a good situation; it's not one that's going to certainly save the taxpayers any money ultimately. It's one you really truly need to reconsider. We ask you to do that.

Hon Mr Runciman: I want to respond to some of the comments made by the Liberal members. I think it was the member for Hamilton East who was talking about the strict discipline facility that was implemented a few years ago by the Harris government, which has turned out to be a very significant success in terms of reducing recidivism rates for young offenders. I know the member talked about the escape the night before the official opening, and that's something the Liberal Party continues to hang its hat on, but I would suggest they might want to go up to a graduation ceremony at that camp.

I was up there and I had parents of young offenders coming up to me, mothers and fathers literally hugging me and saying, "Thank you, thank you for saving our son." It was one of the most emotional experiences I had during my time as the Minister of Correctional Services. This is a real-life experience in terms of this facility.

Prior to that we had the Liberal government and the NDP government giving young offenders in this province courses in rock climbing, for example, video games, pool tables; no real discipline in their lives. This school has provided that. It is operated by the private sector, and very effectively. We've seen a dramatic reduction in recidivism rates.

The Liberal Party, both provincially and federally, is a party that supports country club prisons. They support facilities where Karla Homolka can parade around in an evening gown; where cop killers can provide community service and then escape. What kind of message does that send out to police officers across this country, let alone victims? This is the kind of approach, the mindset, of the Liberal Party in Ontario and the Liberal Party of Canada. Canadians do not want that approach to corrections. They want corrections to deal effectively in rehabilitation and in terms of penalties.

Mrs Dombrowsky: I'm very happy that the member made some reference to the police officers and what they think. I believe it was a week ago I had an opportunity to attend a reception in this building that was hosted by the police officers' association of Ontario. I did take that opportunity to speak with some officers about their opinion of this bill. I think that it's important for me, if I'm going to consider it as an elected representative, to have some appreciation of what the law-and-order sector of our province thinks of it.

With respect to drug testing, I asked the police officers what they thought about that particular part of the legislation. In one conversation, the officer indicated, "Well, you know, I think it's not a bad idea." My response was,

"What is it going to do? What is it going to change? What is it going to prove? We already know there are drugs in jail. Do you, as an officer, believe it will be a deterrent to that?" The police officer's response to me was, "No, I don't think it will deter drugs in jail."

Then we went on to another conversation about, would it not be better to bring in legislation or introduce programs where there is a concerted effort to prevent drugs from reaching the inmates? What are we proving when inmates test positive for drugs? We're proving that our prison system is not as secure as it should be. Let's put some resources to making them more secure. If you're talking about public safety, that's an issue for me. But I don't believe random drug testing is going to deter the use of drugs in jails.

2120

Mr O'Toole: It's almost impossible to follow the member for Leeds-Grenville, the honourable Minister for Consumer and Commercial Relations. His passion for doing the right thing is a milestone, actually a benchmark for doing the right thing.

There are four substantive, important aspects to the bill that I think need to be put on the record. The earned remission program hasn't been talked about enough. I think the member from Scarborough East will, in his summary remarks, define once and for all the Liberal position, which will be on both sides of the issue.

If you look at the bill, you'll find there are new responsibilities for the Ontario Parole Board. It's not just about who runs the jails but about local boards and monitoring. For instance, I was looking at this and was impressed to find that earned remission has such things in it as "activities to participate in skilled trades and training." It's re-engaging in society. That's really what's substantively important here. I have to commend the Minister of Correctional Services, the Honourable Rob Sampson, for trying to set a new clear direction in the corrections institutes by saying, "This earned remission program is that you are an important member of society, but you have to reconnect with society."

The member from Leeds-Grenville, my minister—in fact I'm his PA. I'm not sucking up here. He was such a strong Solicitor General when he was in that office that he's known far and wide for standing up to be tough on crime and supportive of victims. I can tell you, the members here were well represented by the remarks from the Minister of Consumer and Commercial Relations. We'll be supporting this bill.

The Deputy Speaker: Response?

Mr Gilchrist: Thank you to the comments from the members on both sides. Mr Speaker, you can't say I didn't give the Liberals another chance. They made reference to the fact that I commented on their unwillingness or inability or oversight in failing to recognize four of the five important aspects of this bill.

Responses is the perfect time to point out that I'm wrong, that really you do care about drug testing, or you do care about the earned remission program, or you do care about the change in the Ontario Parole Board and its

mandate, or that you do care about the creation of the local board of monitors. You didn't say it. Either you agree with those sections, in which case you are doing a tremendous disservice to your own voters, your own taxpayers, to not tell them where you stand on that issue—to continue to harp about the one thing in the bill that you seem to have a problem with, albeit on some pretty flaky evidence, is a non-starter. Mathematically, four fifths of this bill you haven't even commented on.

So I look forward to hearing the ongoing debate. I desperately would love to hear the Liberals finally say that they do think drug use in prisons is wrong and we should do everything in our power to stop it, to hear them say that they do think building a bridge to the local community by creating a local board of monitors is a

good thing, to hear them say that they do think that having to earn your way out of prison—earn your way out—one day before the end of your sentence is a good thing. They talk about public safety but they totally avoid those very progressive steps the government has announced that will do just that, that will protect people in our communities. I am living proof of the hazards of early parole—or the incident I had in my kitchen is proof. I corrected myself.

The bottom line is that this is a great bill and it deserves the support of all three parties.

The Deputy Speaker: It being 9:30 of the clock, this House stands adjourned until 1:30 of the clock tomorrow afternoon.

The House adjourned at 2126.

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